Syar Napa Quarry Expansion Surface Mining Permit #P08-00337

Napa County Department of Planning, Building & Environmental Services

Final Environmental Impact Report

State Clearinghouse #2009062054

November 2014

SYAR NAPA QUARRY EXPANSION
SURFACE MINING PERMIT #P08-00337
FINAL ENVIRONMENTAL IMPACT REPORT

State Clearinghouse #2009062054

Prepared for:

Napa County Department of Planning,

Building & Environmental Services, Lead Agency

1195 Third Street, Suite 210

Napa, CA 94559

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Eureka, CA 95501

November 2014

Project Ref#:02304-09-001

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Acronyms & Abbreviations

AQHRA	Air Quality Health Risk Assessment
BAAQMD	Bay Area Air Quality Management District
BAT/BCT	Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology
BMP	Best Management Practice
CARB	California Air Resources Board
CARD	Citizens Advocating Rational Development
CESA	California Endangered Species Act
CGS	California Geological Survey
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CPUC	California Public Utilities Commission
CTR	California Toxics Rule
dBA	A-weighted decibel
DPM	diesel particulate matter
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Impact Report
FONR	Friends of the Napa River
GHG	greenhouse gas
HARP	Hotspost Analysis Reporting Program
H.I.	hazard index
Hp	horsepower
HRA	health risk assessment
IARC	International Agency for Research on Cancer
Lbs	pounds
MRP	Mining and Reclamation Plan
MST	Milliken-Sarco-Tulocay
NAAQS	National Ambient Air Quality Standards
NOP	Notice of Preparation
NOx	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
OEHHA	Office of Environmental Health Hazard Assessment
OMR	Office of Mine Reclamation
PCC	Portland Concrete Cement
PG&E	Pacific Gas and Electric Company
PM	particulate matter
RELs	reference exposure levels
RWQCB	Regional Water Quality Control Board
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board
SWPPP	Stormwater Pollution Prevention Plan
TAC	Toxic Air Contaminant
UP	Use Permit
USFWS	U.S. Fish and Wildlife Service
Water Board	San Francisco Bay Regional Water Quality Control Board

1. Introduction

1.1 Purpose of the Final Environmental Impact Report

This document provides responses to comments received on the 2013 Draft Environmental Impact Report (2013 Draft EIR) for the proposed Syar Napa Quarry Project (project), and includes necessary revisions to the text and analysis in the 2013 Draft EIR. The 2013 Draft EIR identified the likely environmental consequences associated with the project, and recommended mitigation measures to reduce potentially significant impacts.

This document, together with the 2013 Draft EIR, constitutes the Final EIR if the Napa County Board of Supervisors certifies it as complete and adequate under the California Environmental Quality Act (CEQA).

1.2 Environmental Review Process

CEQA requires lead agencies to consult with public agencies having jurisdiction over a proposed project, and to provide the general public and project applicant with an opportunity to comment on the Draft EIR. This Final EIR has been prepared to respond to those oral and written comments received on the 2013 Draft EIR and to clarify findings in the 2013 Draft EIR.

The 2013 Draft EIR was made available for public review on September 6, 2013. The document was made available for review at the following locations: 1) Napa County Main Library, 580 Coombs Street, Napa, CA 94559; 2) Napa County Department of Planning, Building and Environmental Services, 1195 Third St., Suite 210, Napa, CA 94559; and 3) Napa County website at: www.countyofnapa.org/PBES/CurrentProjects/. The Draft EIR was distributed to local and State responsible and trustee agencies and the general public was advised of the Draft EIR through public notice posted by the County Clerk as required by law. Two public hearings to receive comments on the 2013 Draft EIR were held by the Napa County Planning, Building & Environmental Services and Planning Commission on October 2, 2013. The original 45-day public comment period was scheduled to end on October 21, 2013 at 4:45 p.m.; however, the close of the comment period was extended from October 21, 2013 to December 5, 2013.

Copies of all oral and written comments received on the 2013 Draft EIR are contained in this document. Responses to each comment follow the comment letter.

This Final EIR will be provided to the Napa County Planning Commission for their review prior to their consideration of a resolution recommending the proposed project and associated actions to the Board of Supervisors. The Commission will be asked to make a recommendation to the Board of Supervisors on certification of the EIR as a full disclosure of potential impacts, mitigation measures and alternatives. However, the Planning Commission will not take final action on the EIR or the proposed project. Instead, the Board of Supervisors will consider the Planning Commission's recommendations on the Final EIR and the proposed project during a noticed public hearing, and make the final action in regards to certification of the Final EIR and approval of the project. If the project is approved, recommended mitigation measures will be adopted and implemented as specified in the Board's resolution and an accompanying mitigation monitoring and reporting program unless the Board finds the measures infeasible as specified in CEQA Guidelines Section 15091 (Findings). Given the presence of significant and unavoidable impacts, the

Board's resolution will also contain a statement of overriding consideration pursuant to CEQA Guidelines Section 15093.

1.3 Document Organization of the Final EIR

The Final EIR is organized into the following chapters:

Chapter 1 – Introduction. This chapter discusses the use and organization of this Final EIR, and environmental review process.

Chapter 2 – Revisions to the 2013 Draft EIR. Corrections to the text and graphics of the 2013 Draft EIR are contained in this chapter.

Chapter 3 – List of Commenters. This chapter includes the names of agencies and individuals who commented on the Draft EIR, both written and oral.

Chapter 4 – Comments and Responses. This chapter contains reproductions of the letters received from agencies and the public on the 2013 Draft EIR. The responses are keyed to the comments which precede them.

Chapter 5 – References. This chapter includes new references that were used in preparation of the Final EIR.

Chapter 6 – Appendices. This chapter includes new appendices that were used in preparation of the Final EIR.

2. Revisions to the 2013 Draft EIR

This chapter includes revisions to the 2013 Draft EIR. When changes to the Draft EIR are necessitated, the change is indicated by indented text. Text that has been added to the Draft EIR is indicated in underline font, while text that has been deleted is indicated with ~~double strikethrough~~ font.

1. The following text is added to **Mitigation Measure 4.3-2A: Reduce NOx**

   4. The county will either hire a consultant or enlist the BAAQMD to assess initial compliance and determine whether the complexity of the task requires further outside assistance in future years.

2. **Mitigation Measure 4.3-2B** has been modified as follows:

Any time production of 810,363 tons has been achieved in the previous 12-month period the Applicant shall demonstrate emissions reductions necessary to ensure PM10 and PM2.5 emissions from the project (i.e. expansion of the Quarry) are less than 15 tons per year for PM10 and 10 tons per year for PM2.5. If the County finds that operations have not achieved the required reductions, production shall be scaled back as necessary until reductions are achieved. Reduction of fugitive dust shall be achieved through application of Item 1, and one or more of the methods listed in 2 through 5, below:

1. Clean internal paved roads daily using a particulate matter efficient street sweeper.
2. Maintain chemical dust suppressant, equivalent dust suppressant that achieves similar control, on the unpaved road surfaces as described in the manufacturer's specifications. Materials used for chemical dust suppressant shall not violate State Water Quality Control Board standards. Materials accepted by the California Air Resources Board and the US EPA, and which meet State water quality standards shall be considered acceptable.
3. Apply water to blast sites prior to detonation.
4. Limit speeds on unpaved areas to less than 15 MPH.
5. Reduce on-site emissions by some other means (e.g. surface moisture content performance standard, watering frequency).
6. Blasting is prohibited within 1,000 feet of vineyards during high wind conditions. High wind conditions means when instantaneous wind speed exceeds 25 miles per hour as measured using the methods described by South Coast Air Quality Management District Rule 403 and the Rule 403 Handbook.

3. **Impact** and **Mitigation Measure 4.4-1** have been modified as follows:

Impact 4.4-1:The proposed project would have the potential to directly and indirectly impact populations of ~~holly-leaved ceanothus, a~~ CRPR List 1~~B~~ and/or List 2 plant species within the project site. This is a potentially significant impact.

Approximately 55 individual holly-leaved ceanothus plants (a CRPR List 1B plant species) are mapped on the project site in patches scattered within a matrix of predominantly chamise chaparral (some small areas mapped as coast live oak) that have the potential to be disturbed by the proposed mining activities. Areas of potentially significant impact to this species are shown on Figure 4.4-3.

Seasonally-appropriate plant surveys were conducted and no other special-status plant species (List 1 and/or 2) were observed. Federal and/or State listed plant species are not expected to occur at the project site. For precautionary purposes, however, it should be noted that due to the implementation timeline, the proposed project could have the potential to directly or indirectly impact populations of special-status plant species (CRPR) if such species become established or a change in extent of existing population occurs at the project site during the implementation period.

Mitigation Measure 4.4-1a:

(Note: **Mitigation Measure 4.4-1** text remains as presented in Draft EIR, other than denoted with "a" at the end)

Mitigation Measure 4.4-1b:

Implementation of Mitigation Measure 4.4-1b would ensure that potential for impacts to changing populations of special-status plants (CRPR) are reduced to a less-than-significant level by requiring updated seasonally-appropriate plant surveys prior to vegetation removal and/or grading/mining activities in undisturbed areas that contain potential habitat for special-status plant species. Since plant surveys are typically considered valid for a two- to three-year period, updated plant surveys will be conducted on a phased basis within areas anticipated for expansion/disturbance within three years prior to planned ground-disturbing activities.

If new or expanded CRPR sensitive-listed plant species populations (List 1 or 2) are identified within areas planned for project ground vegetation-disturbing activities within three years, a plant replacement plan will be prepared by a qualified biologist. The plant replacement plan will specify a 3:1 replacement ratio, methods of plant propagation/procurement (i.e., plant salvage if feasible, propagation plan, etc.), habitat enhancement of replanted area, planting densities, watering protocol (duration/quantity/schedule), planting schedule, protective measures such as mesh shelters or other equally effective measures (and/or fencing) to protect plant establishment from rodent damage or deer browsing, maintenance requirements, success criteria, and monitoring to ensure success criteria are achieved. The plant replacement plan will be prepared for and submitted for approval by CDFW and the county prior to conducting expansion activities within the area of identified plant population(s).

A qualified biologist shall monitor the enhanced habitat and plantings on an annual basis to ensure the replantings achieve a minimum of 80 percent success/survival rate after three years, and to ensure habitat conditions remain adequate to support target species. If the success criterion has not been met after three years, supplemental plantings shall be made at the direction of a qualified biologist, and the plant establishment period shall be extended for an additional two-year period, with additional annual monitoring events. The Applicant shall submit documentation of monitoring to the county and CDFW on an annual basis for a minimum of three years or until success criteria are achieved, including survival rates, photographs, and description of any maintenance or other pertinent issues identified by the monitoring biologist. The monitoring report shall also include information to illustrate the condition and location of any failed plantings.

After Mitigation Significance 4.4-1: Less-than-significant with mitigation.

Implementation of Mitigation Measure 4.4-1 ensures that potential for impacts to evolving populations of CRPR special-status plant species (List 1 and/or 2) are reduced to a less-than-significant level, with oversight provided by CDFW, by providing for replacement of individual plants at ratios that address temporal loss as required by Napa County General Plan policy (3:1), establishment of success criteria, and monitoring to ensure criteria are met.

4. **Mitigation Measure 4.4-3** has been modified as follows:

Mitigation Measure 4.4-3: Prior to commencement of quarrying activities within any undisturbed areas, a qualified biologist shall conduct pre-construction surveys for raptors and passerine birds prior to vegetation removal conducted during potential nesting season (February 1st through August 31st).

Consistent with and pursuant to California Department of Fish and Game Code Sections 3503 and 3503.5, active bird nests shall not be disturbed without a permit or other authorization from U.S. Fish and Wildlife Service (USFWS) and/or CDFW.

(a) For earth-disturbing activities within previously undisturbed areas (including areas of grassland, shrubs, and trees) occurring between February 1st through August 31st, a qualified wildlife biologist shall conduct preconstruction surveys for passerine bird and raptor nests (including off-site areas with public access, excluding off-site private property) as follows: i) for areas that are not adjacent to lands within the Skyline Wilderness Park Combining District (NCC Chapter 18.90) surveys will be conducted within a 300 foot radius of earth-disturbing activities; and, ii) for areas that are adjacent to Skyline Wilderness Park designated lands surveys will be conducted within a ~~300-foot~~ 0.25 mile radius of earth-disturbing activities ~~(including off-site areas with public access, excluding off-site private property)~~. Because raptor nests may be difficult to identify during the egg laying, incubation, or chick brooding periods (late April to early June), an early season survey is recommended if project activity areas are known prior to late April. The biologist shall conduct the preconstruction surveys within the 14-day period prior to vegetation removal and ground-disturbing activities (it is recommended that a minimum of three separate days of surveys occur within that 14-day period).

(b) In the event that nesting passerine birds and/or raptors are found, the biologist shall consult with CDFW and obtain approval for specific nest-protection buffers as appropriate based on species found prior to commencement of ground and vegetation disturbing activities. Generally, a minimum 150-foot buffer is required around active passerine bird nests and a minimum 300-foot buffer is required around active raptor nests during the breeding and nesting season, or until it is determined by a qualified biologist that all young have fledged. Nest protection measures shall apply to both on-site and off-site active nests that are located within 300 feet of project activities. These buffer zones may be modified in coordination with CDFW based on existing conditions at the project site. Buffer zones shall be fenced with temporary construction fencing, which will remain in place until the end of the breeding season or until young have fledged.

(c) If project-related work lapses for 15 days or longer during the breeding season, a qualified biologist shall conduct another bird and raptor preconstruction survey and consult with CDFW as set forth above in sections (a) and (b) before project work may be reinitiated.

3. List of Commenters

3.1 Comments Received

During the 91-day public comment period, the County received 25 comment letters/emails, which included more than 300 comments on the Draft EIR. Every comment was counted regardless of whether it duplicated a comment made in a previous comment letter. A list of the comment letters and oral comments received is shown below in Table 3-1 (either by agency/organization or last name of the individual). Comment letters received are numbered alphabetically starting with "A" through "Z" and ending with "GG."

Table 3-1 Comments Received

Letter	Agency/Organization	Last Name	First Name	Letter Date
Written Comments Received				
A	Adkins Felch LLP	Felch	Kathy	December 5, 2013
B	Bay Area Ridge Trail Council	Swanhuyser	Dee	December 4, 2013
C	Local Resident	Booth	Steven	December 3, 2013
D	California Department of Fish and Wildlife	Wilson	Scott	December 5, 2013
E	California Department of Transportation	Alm	Erik	December 5, 2013
F	Cakebread Cellars	Cakebread	Bruce	November 30, 2013
G	Citizens Advocating Rational Development	Green	Nick R.	Undated (received by County on 10/21/13)
H	City of Napa	MacNab	Ken	December 5, 2013
I	State of California Governor's Office of Planning and Research, State Clearinghouse	Morgan	Scott	October 8, 2013
J	California Native Plant Society	Ruygt	Jake	November 21, 2013
K	Local Resident	Ervin	George A., Janice E.	Undated (received by County on 9/19/13)
L	Friends of the Napa River	Krevet	Bernhard	December 4, 2013
M	Napa County Regional Park and Open Space District	Norris	Tony	November 14, 2013
N	North Bay Mitigation	Carter	Kent	December 2, 2013

Table 3-1 Comments Received

Letter	Agency/Organization	Last Name	First Name	Letter Date
Written Comments Received				
	Bank			
O	Department of Conservation Office of Mine Reclamation	Hendrickson	Beth	October 15, 2013
P	Local Resident	Perez	Claudia	October 12, 2013
Q	Local Resident	Perez	Daniel H.	October 12, 2013
R	State of California Public Utilities Commission	Chiang	Ken	October 8, 2013
S	San Francisco Baykeeper	Kopecky, Torgun	Andrea George	December 3, 2013
T	Sierra Club Napa Group	Blake	Phillip	December 3, 2013
U	Skyline Park Citizens Association	Glaros	Dorothy	December 4, 2013
V	Local Resident	Von Rosenberg	Susanne	December 5, 2013
W	Local Resident	Vulk	Marjorie	September 23, 2013
X	San Francisco Bay Regional Water Quality Control Board	Hurley	William	October 2, 2013
Y	Local Resident	Wilson	Kathy	October 21, 2013
Z	Local Resident	Nelson	Aaron	December 20, 2013
Oral Comments Received at Planning Commission Hearing				
AA	Local Vintner, Winemaker	Cakebread	Bruce	October 2, 2013
BB	Local Resident	Von Rosenberg	Susanne	October 2, 2013
Oral Comments Received at Community Meeting				
CC	Local Resident	Calvin	Debby	October 2, 2013
DD	Local Resident	Felch	Kathy	October 2, 2013
EE	Local Resident	Moody	Lisa	October 2, 2013
FF	Local Resident	Moody	Tracy	October 2, 2013
GG	Local Resident	Von Rosenberg	Susanne	October 2, 2013

4. Comments and Responses

4.1 Comment Letters and Responses

This chapter includes responses to specific comments received during the comment period. Included are copies of the written comments received by the County through December 5, 2013, including oral comments (summarized) received at the community meeting and public hearing both held on October 2, 2013. Comment letters are listed alphabetically from “A” to “Z,” then “AA” through “GG,” and each comment within each comment letter is numbered (e.g., A-1 is comment letter A, comment 1). Responses to each comment follow the comment letter, with the letter and number corresponding with the comment letter and number.

ADKINS FELCH LLP
ATTORNEYS AT LAW

FRANK NELSON ADKINS
fnadkins@adkinsfelch.com

KATHY FELCH
kfelch@adkinsfelch.com

RECEIVED
DEC - 5 2013
Napa County Planning, Building
& Environmental Services

VIA EMAIL ONLY TO donald.barrella@countyofnapa.org

5 December 2013

Napa County Planning, Building, and Environmental Services Department
1195 Third Street, 2nd Floor
Napa, CA 94559
Attention: Donald Barrella, Planner III

Re: Public comment - Syar Quarry Expansion DEIR

Dear Mr. Barrella:

Below are comments on the draft environmental impact report on the proposed Syar quarry expansion:

1. The DEIR does not address the impact of continued and increased blasting on underground utilities along Imola Avenue and down Penny Lane to the north of the proposed project. The DEIR should address the affect of the proposed blasting on gas, sewer, water, potable and recycled sewer water lines in the residential areas to the north and northwest of the project. There have been at least two water line failures on Penny Lane within the past year, for example, and gas lines in that area are old, suggesting they may not withstand 35 years of vibration as proposed. A-1

2. Much of the study data is upon which the conclusions reached in the DEIR are outdated and do not describe current conditions. A-2

3. Mitigation measures are ineffective to address the environmental impact of the project. For example, increased truck traffic is addressed by SYAR self-reporting the number of loads only upon request of the county. Tallying the increased truck traffic does nothing to mitigate the reality of increased traffic when the project is actually authorized to conduct a 24/7/365 operation. This is but one example of the A-3

DEIR's ineffective mitigation measures. The mitigation should be related to the actual environmental impact.

4. The DEIR does not adequately address the increased draw on area groundwater and does not address the impact it will have when coupled with the recently approved Napa Pipe project, which will also draw on area groundwater. The MST Groundwater Deficient Area is immediately adjacent to the project; large expenditures of public funds are being made and have been made to transport recycled sewer water into the MST GDA to alleviate the groundwater deficiency. The proposed project's increased use of groundwater right across the street from the Napa Pipe is counterintuitive in light of the project's proximity to the MST GDA. This must be addressed in the final EIR. A-4

5. The proposed project is incompatible with the other uses contiguous and close to it. The Napa Pipe project, approved after the SYAR application was submitted, brings residential use even closer to the mining operation than it has been. The increased encroachment of residential use is incompatible with the proposed mining, quarrying and asphalt manufacturing that is proposed by SYAR. This is particularly true in light of close residential areas already existing north and northwest of the project, the public wilderness park adjacent to the project, the proximity of schools and the Napa State Hospital. This is not the kind of project that can be mitigated to be compatible with these uses so close to it. A-5

Please address my comments in the final document. And, thank you, Don, for your courtesy to all involved in this difficult project.

Very truly yours,

Kathy Felch

AFLLP/KF/msm

Letter A Response to Comments

Response to Comment A-1

The Draft EIR addresses potential impacts attributable to blasting in Impact 4.11-2. Vibration levels at the nearest residential structures would be similar to the vibration levels expected on underground utility lines that serve these same residential structures. Vibration levels at the nearest residences are calculated under worst-case conditions to reach 0.33 in/sec PPV. Worst-case vibration levels from blasting would exceed the 0.20 in/sec PPV threshold for cosmetic damage to normal dwellings (e.g., loosening of paint, small cracks in plastered walls or ceilings). Mitigation Measure 4.11-2 requires vibration monitoring and blast modification procedures to ensure that vibration levels do not exceed the 0.20 in/sec PPV threshold. With the implementation of this measure, cosmetic damage to normal dwellings would not be expected. Buried pipelines can withstand much higher vibration levels because they are constrained by the materials and soil surrounding them. As such, blasting would not result in a significant impact to underground utility lines.

Response to Comment A-2

Special studies and information upon which conclusions are reached in the Draft EIR are based on data available at the time the Notice of Preparation was submitted. Many of the special studies prepared for the EIR (or used for analysis in the EIR) are even more recent such as the Water Supply Assessment (2013), Napa Quarry Proposed Expansion Preliminary Surface Hydrology and Sub-Surface Hydrogeologic Study (2012), Napa Quarry Surface Mining and Reclamation Plan (2012), and Traffic Impact Study (2013).

Response to Comment A-3

The comment expresses concern regarding the effectiveness of the mitigation measures in addressing the environmental impacts. A specific concern was only provided for the mitigation in Section 4.15 Transportation. In determining the increase in project traffic, hours of operation were considered and truck trips were distributed accordingly. The standard of significance used to determine if an impact would occur was developed by Napa County and the City of Napa. The standard looks at peak-hour increases in traffic. Adding more than 50 truck trips during the AM or PM peak to an intersection currently operating at LOS E would be considered an impact. This exceedance was found to occur during the AM peak at Intersection 3 (the project would contribute 51 truck trips). Mitigation Measure 4.15-1, therefore, would require monitoring sales during the AM peak to limit the number of trucks entering and exiting the quarry during this time. With implementation of the identified mitigation measure, the impact is considered less than significant.

Response to Comment A-4

The proposed project and the analysis summarized in Appendix J, evaluates the hydrology, hydrogeology and groundwater extractions under the existing conditions and proposed project. The increases in industrial water demand were estimated and presented in Appendix J and K. Increased demand will not

be served by increased groundwater pumping, and groundwater extractions under the proposed project will not increase. The increased water demand under the proposed project will be met through a combination of water saving and/or the import of additional water supply, likely recycled water. A monitoring program (Mitigation Measure 4.8-4) ensures that in the event such supplies are unavailable, production under the proposed project will be reduced or further water savings through best management practices (BMPs) must be demonstrated.

In recent conversations with the Napa Sanitation District (NSD), the NSD has indicated that recycled water is available to Syar and that Syar could acquire recycled water to support the project through the following methods: 1) As a Standard User, however, the availability of water to Standard Users is limited to "Winter Water" (i.e. available for acquisition from November 1 through April 30), at a price per 1,000 gallon that is adjusted annually; 2) Through connection to the MST Community Facilities District (CFD), which includes "Summer" water availability, however, CFD connection requires payment into an assessment district in addition to the cost of the water (water for CFD users is priced less than that of Standard Users). The costs described above do not include construction costs of facilities necessary to acquire recycled water (such as but not limited to delivery pipe lines, pump/fill stations, or storage facilities), and availability of water may change in the future as new users sign up. More information about the program can be found at http://www.napasan.com/Default.aspx?pageid=31.

Response to Comment A-5

The Syar Napa Quarry, or Basalt Rock Quarry as it was originally called when the quarry first opened in the early 1900's, has been in existence for over a century. Residential, educational, agricultural, and public uses described in Comment A-5 as "incompatible" with the quarry have been developed within close proximity to the quarry knowing that the quarry has been there since the early 1900's. The quarry's boundary is not expanding; only the areas mined within that boundary are proposed for expansion (124-acre expansion of the existing 497 acres presently disturbed by mining at the 870-acre project site). The Draft EIR comprehensively analyzes potential impacts associated with the proposed expansion and identifies mitigation measures to lessen or avoid impacts to the extent feasible.

Furthermore, as discussed in Section 4.9 (Land Use) of the Draft EIR a majority of the project site has also been designated as a Mineral Resource (MR) Area. The County MR designation is applied to known mineral resource areas and recognizes the presence of mineral resources while maintaining the validity of the underlying land use designations.

Bay Area Ridge Trail Council

RECEIVED
DEC - 5 2013
Napa County Planning, Building & Environmental Services

December 4, 2013

Donald Barrella, Planner III
Planning, Building and Environmental Services
County of Napa
1195 Third Street, second floor
Napa, CA 94559

RE: Draft Environmental Impact Report for the Syar Napa Quarry Expansion and Surfacing Mining Permit

Mr. Barrella:

The Bay Area Ridge Trail Council (Ridge Trail Council) appreciates the opportunity to provide comments on the Draft EIR for the Syar Napa Quarry Expansion and Surfacing Mining Permit.

The Council is a 501(c)(3) non-profit organization dedicated to completing the Ridge Trail, a continuous public trail on the ridgelines surrounding the San Francisco Bay. As planned, the Ridge Trail will connect public open spaces and parklands in the nine Bay Area counties on a 550-mile trail for hikers, equestrians, mountain bicyclists, trail runners, and outdoor enthusiasts of all ages, abilities and incomes. Today over 340 miles are dedicated and we are working to connect up the rest. In Napa County, about 9 miles are complete and another 72 miles are being planned. A 3.5 mile Ridge Trail segment in Skyline Park is adjacent to the proposed quarry expansion area (see map on page 4). B-1

The proposal to expand quarry operations onto the Pasini property has the potential to have adverse impacts on the quality and value of the public recreational trails in Skyline Wilderness Park and, specifically, the Bay Area Ridge Trail segment within the park. With this letter, the Council requests the project's Final EIR thoroughly address potential adverse impacts of the quarry expansion on the quality and value of the public recreation provided and specifically respond to the following comments:

1. The proposed removal of a ridge located along the northern boundary of the Pasini property. This ridge provides an effective barrier between the quarry and the park. Its removal would expose Skyline Wilderness Park and the segment of the Bay Area Ridge Trail, adjacent to the Pasini property, to potential adverse B-2

impacts from mining operations such as quarry noise, dust and odor. The FEIR should either find noise, dust and odor to be significant impacts, especially in the wilderness areas of the park, or justify the DEIR's findings. Additionally, the Pasini property is not designated by the county as a mineral resource area.

B-2 (cont.)

2. The existing visual barrier between the park and the Pasini property is proposed for removal along the Pasini/Skyline Wilderness Park boundary, which would diminish the quality of the recreational experience. The DEIR analysis of visual impacts shows the proposed project will be highly visible from some of the trails, including the Bay Area Ridge Trail; yet the DEIR concludes this is not a significant impact. How is this conclusion consistent with County General Plan policies referred to in the DEIR?

B-3

3. Several areas along the border between the quarry and the park are proposed as exclusion areas where no mining will take place which would provide important buffers between the quarry and the park. However, there appears to be no permanent protection mechanism. The FEIR should consider adding a requirement that the exclusion areas be permanently protected through a conservation easement held by an independent third party.

B-4

4. The DEIR states that other than the lower Skyline Trail, trails that encroach onto the applicant's property would not interfere with the proposed quarry expansion and Skyline Wilderness Park would be granted a temporary easement or license to retain those trails but the easement or license could be revoked at any time. These trails include the Bay Area Ridge Trail segment. These trails are located in designated "Exclusion Areas", which the project description says will not be developed. Therefore, requiring the grant of a permanent trail easement should have no impact on the quarry, but would provide more protection for Skyline Wilderness Park and the Bay Area Ridge Trail from the effects of the proposed expansion. This option should be considered in the FEIR.

B-5

5. The proposed mitigation measure requiring the applicant to permanently preserve 111 acres of Oak Woodland off-site allows the acreage to be located anywhere in Napa County. It is our understanding that there are several potential opportunities to acquire fee title or easements for Oak Woodlands in the immediate vicinity (privately-owned parcels to the east and south of Skyline Wilderness Park including the Pasini property). The FEIR should indicate that priority would be given to Oak Woodland habitat on nearby parcels before considering more remote locations. This approach would also provide protections from the potential noise, dust, odor and visual impacts referred to above.

B-6

6. Trail Relocation. The applicant has proposed to pay for the relocation of a short section of the Skyline Trail (also a Ridge Trail segment), so that it would no longer encroach on applicant's property. The Skyline Wilderness Park Citizens Association believes that the new alignment proposed in the DEIR is not workable, and earlier this year proposed a new realignment. In addition to the

B-7

section affected by the proposed quarry expansion, the Association identified an improved route for the next section of the trail to the south. However, this reroute of this next section of the Skyline Trail is not connected to the quarry expansion project. The realignment proposed by the Association for the northern section of the trail appears to be far superior to the alignment shown in the DEIR, and should be analyzed in the FEIR.

B-7 (cont.)

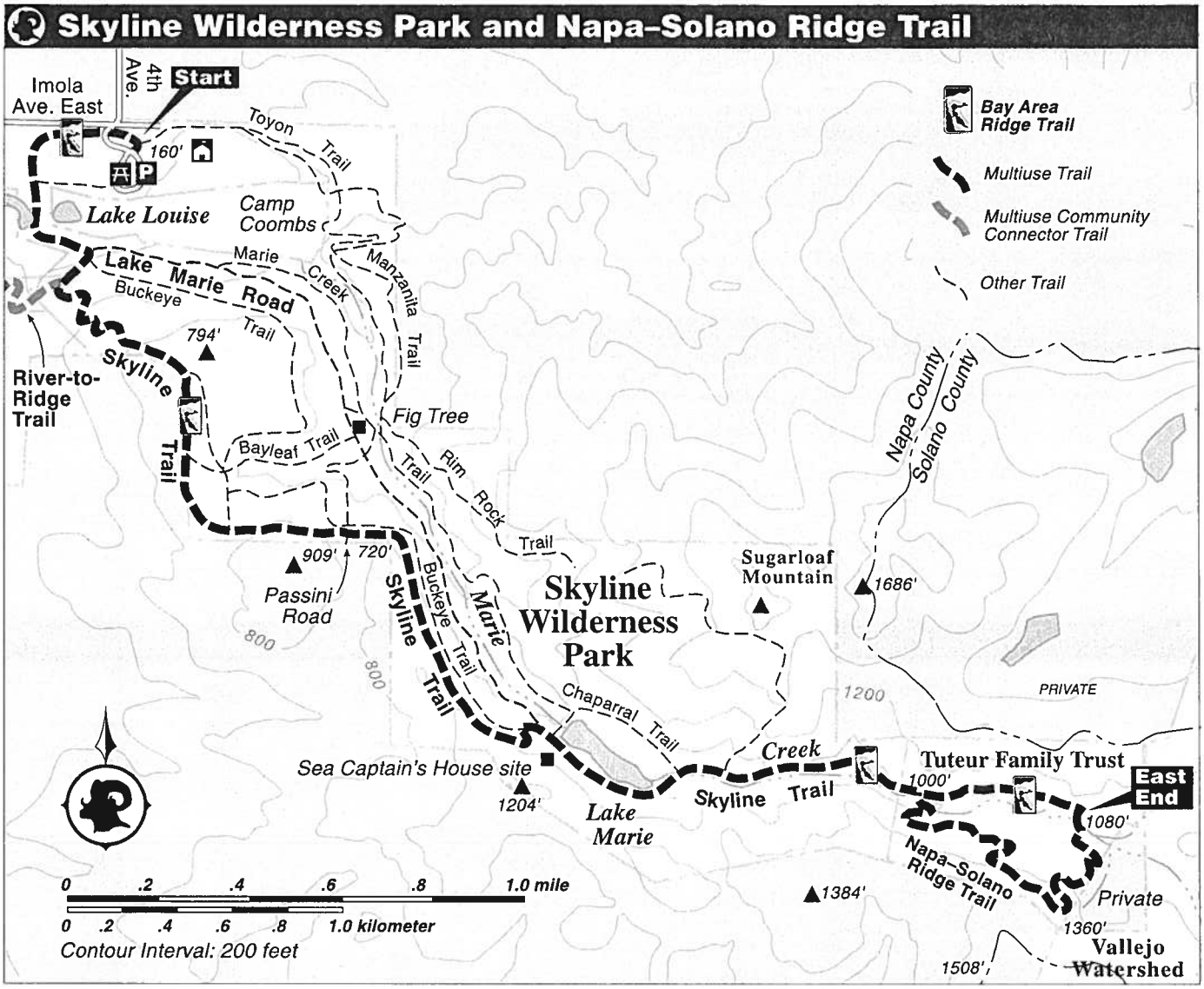
Thank you for your consideration of these comments. Please direct any questions and responses to this letter to Dee Swanhuyser, North Bay Trail Director, 1800 Jonive Rd, Sebastopol, CA 95472; ridgetrailnorth@comcast.net; 707.823.3236.

B-8

Sincerely,

Dee Swanhuyser

Dee Swanhuyser
North Bay Trail Director


Skyline Wilderness Park and Napa-Solano Ridge Trail
Imola Ave. East
4th Ave.
Start
160'
Toyon Trail
Lake Louise
Camp Coombs
Marie Creek
Manzanita Trail
Lake Marie Road
Buckeye Trail
794'
River-to-Ridge Trail
Skyline Trail
Bayleaf Trail
Fig Tree
Rim Rock Trail
909'
720'
Passini Road
Buckeye Trail
Skyline Trail
Marie
Skyline Wilderness Park
Sugarloaf Mountain
1686'
Napa County
Solano County
PRIVATE
1200
800
800
Chaparral Trail
Sea Captain's House site
1204'
Lake Marie
Creek
Skyline Trail
Tuteur Family Trust
1000'
East End
1080'
Napa-Solano Ridge Trail
1384'
Private
1360'
1508'
Vallejo Watershed
Bay Area Ridge Trail
Multiuse Trail
Multiuse Community Connector Trail
Other Trail
0 .2 .4 .6 .8 1.0 mile
0 .2 .4 .6 .8 1.0 kilometer
Contour Interval: 200 feet

Letter B Response to Comments

Response to Comment B-1

Comment B-1 provides general information regarding the project and does not comment on the adequacy of the Draft EIR. No further response is necessary. The commenter's general concerns will be forwarded to the decision-makers, via this document, for their consideration.

Response to Comment B-2

In compliance with CEQA, potential impacts from project operations on noise, dust and odor have been addressed in detail in chapter 4.11 of the Draft EIR. Where appropriate, mitigation measures have been identified to lessen or avoid potentially significant impacts. The commenter's general concerns will be forwarded to the decision-makers, via this document, for their consideration.

Response to Comment B-3

As page 4.1-28 of the Draft EIR explains, "it is important to note that the current excavation areas are visible under existing conditions and the visual character of the project site and its surroundings would not be substantially changed by implementation of the proposed project." Substantial change to the specific viewshed area of this project is an alteration of the viewshed as compared to existing conditions that would result in a view that is substantially altered in context with the existing setting and surrounding area. As detailed in *Response to Comment A-5* the quarry and surrounding area have developed hand in hand over the years and into the future which has also altered and will continue to alter the visual character of the area. Such examples include the new performing arts building, Napa Valley College, and recently developed vineyards to the immediate south. Future projects that will contribute to the evolution of this viewshed include the Napa Pipe project located approximately one mile to the west that will convert an industrial area to a mixed-use residential area, the Suscol Mountain vineyard conversion project (#P09-00176-ECPA) located immediately to the southeast, and the County Jail Project fronting the Syar facility along Highway 221. Additionally, the proposed project would be required to meet all applicable requirements of SMARA, including approval and implementation of a Mining and Reclamation Plan (MRP), and will be consistent with Policy CC-6 of the Napa County General Plan.

Response to Comment B-4

Comment noted regarding the statement that the "Final EIR should consider adding a requirement that the exclusion areas be permanently protected through a conservation easement held by an independent third party." The commenter's general concerns will be forwarded to the decision-makers, via this document, for their consideration.

Response to Comment B-5

Please see Responses to Comments B-4, L-3 and L-8.

Response to Comment B-6

The commenter states that protection of oak woodlands in the vicinity of the project site should be made a higher priority than at more distant locations within the county and further states that this prioritization might provide reduction in potential noise, dust, odor, and aesthetic impacts. Potential impacts from noise, dust, odor, and/or aesthetic impacts have been addressed in those resource categories and mitigation measures provided that would reduce impacts to a less than significant level, and the specific location for oak preservation would not change these potential impacts that are already reduced to less than significant level. Additionally, it is an opinion that areas closer to the project site should be prioritized and this comment does not address a potential significant environmental impact. The project proponent is interested in opportunities in proximity to the project site for oak woodland preservation, and will consider those sites with willing land owners, yet may consider other sites in Napa depending on other factors such as timeline, feasibility, and ownership. Also, the project will take into consideration requirements of Mitigation Measure 4.4-9 which states that oak preservation sites should be of like quality and habitat value as those being removed, to be determined by a biologist, unless the mitigation ratio is further increased.

Response to Comment B-7

The applicant's adaptive mining strategy and related planning issues make it preferable to refine and finalize the proposed trail alignment at a later date. Because these details are speculative and uncertain at this time, the final alignment would require subsequent CEQA analysis and would be subject to the County's review and approval. Mitigation Measures which could be implemented include, but are not limited to, preconstruction surveys, avoidance, and regulatory agency permit compliance. Also see Response to Comment M-10.

Response to Comment B-8

Comment noted.

Steven Booth
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RECEIVED
DEC - 5 2013
Napa County Planning, Building & Environmental Services

December 3, 2013

Attn: Donald Barella
Napa County Conservation, Planning & Development
1195 Third Street, Suite 210
Napa, CA 94559
T. 707.299.1338
E-mail: dbarrell@co.napa.ca.us

Re: The proposed extension of the current Syar Napa quarrying and processing use permits (UP-128182 and UP-27374) and the proposed permit to allow the Syar Napa Quarry Expansion - #P08-00337-SMP

Dear Mr. Barella,

I am a Napa city resident, living in an area directly affected by Syar Industries, Inc.'s quarrying and processing activity in southern Napa County. I have taken the opportunity to review the Syar Draft EIR at the Napa County Library.

When Syar Napa Quarry began operation in 1938, land use planning, EIRs and use permitting did not exist in any meaningful way. Without question, an application to operate a surface mining operation of that size in that location, today, would be denied. It would not be permitted. C-1

So, at best, it is an unfortunate situation to have a surface mining operation in such close proximity to children's' schools, Napa Valley College, businesses, the State Hospital and residential neighborhoods. To permit the mine to continue in its present location puts a heavy regulatory burden on the County and a heavy compliance burden on Syar.

Of the 17 topics in the Draft EIR identified as having significant adverse impacts to human health and the environment, Air Quality is the topic of most concern to me. As a captive victim in a residential neighborhood, I am being exposed to Syar's continual release of fugitive, respirable, crystalline, silicone dust, a Class I carcinogen, along with other equally toxic, fugitive emissions from the operation of their equipment and asphalt plants. C-2

The Syar Napa Quarry is a surface mining operation. When the mine is operating, fugitive dust is released into the air. The dust is composed of the minerals that make up the rocks being mined. A large proportion of the mineral content of the dust, released C-3

into the air as a result of crushing and processing the rock, is respirable, crystalline, silicon dioxide, a Class I carcinogen. C-3 (cont.)

This fugitive dust forms a plume that rises often thousands of feet vertically and horizontally, shaped by the contour of the land and the prevailing winds. Typically, the air mass containing the toxic, fugitive dust spreads out and moves northward over schools, businesses, a hospital and large residential areas nearby. The most damaging particles of dust are too small to be visible, can remain suspended in the air for weeks and can travel 5-20 miles depending on air movement. C-4

The plume of fugitive dust is easily visible from any unobstructed vantage point, especially from a vantage point where the hills provide a backdrop to the view, such as the River Trail or the Maxwell Bridge. None of the photographs of Syar Napa Quarry, used in the Draft EIR prepared by the consulting firm Winzler & Kelly, showed the plume of dust typically present. The photos were either taken just after a rain or when the Quarry was not operating. Although the photos used did not fairly represent how the Quarry actually appears when operating, they do depict how the Quarry should look when operating. Today, Dec. 3, 2013, the Syar Quarry was in operation and was releasing, as typical and predictable, a plume of fugitive dust. C-5

The plumes of respirable, crystalline, silicon dioxide, fugitive dust continuously produced by Syar Napa Quarry released into the air and dispersed over Napa Valley are particularly insidious. When inhaled, the fine silicon dioxide dust particles embed themselves deeply in the lungs where they remain and cannot be removed or expelled. The lung damage is progressive, even after exposure stops, permanent and non-reversible. Respirable dust containing newly broken particles from mining is more hazardous. Low-doses over a long period of time are most damaging. From first exposure, damage in many cases remains undetectable and sub-clinical for 10-30 years. C-6

Some of the undisputed symptoms and pathology resulting from exposure to respirable, crystalline, silicon dioxide dust are listed as follows: Diminished lung capacity, coughing, difficulty breathing, fatigue, chest pain, fever, susceptibility to tuberculosis, bronchitis, fungal lung infection, autoimmune disease, progressive fibrosis of the lungs, scaring of lung tissue, damage to the heart and kidneys, lung cancer. C-7

For the past 85 years, since 1938 until today, the Syar Napa Quarry has been releasing toxic, fugitive dust and other toxic emissions into the air and environment. Syar has not prevented or contained fugitive dust in any meaningful way to date. The machines turn on and the plumes of toxic, fugitive emissions are released, visible to all who care to look. The source of the emissions is known. The toxicity of the emissions is known. The population exposed to the toxic emissions is known. Damage to the health of those exposed to the toxic emissions is known and progressing. To pretend otherwise is disingenuous and both morally and ethically corrupt. C-8

Whereas ignorance of the adverse health effects of exposure to fugitive dust on residents downwind from Syar Napa Quarry mining operation may have been excusable in the C-9

past, today, it is not. And, the County would be both irresponsible and negligent to allow this mining operation to continue releasing plumes of fugitive dust into the air. Equally toxic, fugitive emissions from vehicles and the asphalt plants should be prevented as well. All of these emissions add to toxic load of particulate matter and chemicals in the air we breathe. These emissions belong to Syar and should be controlled by Syar. C-9 (cont.)

County officials occupy a position of special public trust. County officials' first and foremost sworn duty is to protect public health, safety and welfare. In order to honor and perform that sworn duty, the County has been given, by the public, the jurisdiction and authority to oversee the land use permit process and to act on behalf of the public to insure that an applicant's current or planned land use activities will not compromise public health, safety and welfare. C-10

As the lead agency with jurisdiction over the land use permit process, on the behalf of the public, the time is long past due for Napa County to assert its authority over the Syar surface mining operation. It is time to put grandfather and history aside, they've caused their damage, and concentrate on improving the present and future. First and foremost, the approval of any land use permit for Syar's present operation or proposed future expansion must be made contingent upon the specific requirements. I propose the following outline: C-11

a. Syar must agree to improve their equipment and processing operations to prevent or capture their fugitive emissions, starting immediately, without delay. C-12

b. Upon signing this agreement, a 1-year provisional permit will be approved to allow Syar to continue operating at its present output while making improvements. C-13

c. Before starting to operate under this 1-year provisional permit, Syar must submit specific plans for improvement of its operations for public review and allow input from the public with final input and approval by the County. The public can help. C-14

d. Syar must implement the approved plans for improvements and demonstrate it can prevent or contain its fugitive emissions on all equipment and processes. C-15

d. Web cams will be placed where needed to visually monitor all operational processes and to provide surveillance of the property to monitor any fugitive dust emissions released into the air. The web cams will be connected to the Internet so the public, at risk from the emissions, can visually verify in real time Syar's compliance with emissions containment. C-16

e. Test equipment will be placed on any equipment to verify no fugitive emissions are escaping into the air. C-17

f. A full-time employee appointed by the County and approved by a citizens watchdog group, will be onsite at Syar to monitor compliance and report back on a regular basis to the County and the citizens watchdog group. C-18

g. If, after a year's time, Syar demonstrates their improvements prevent or contain fugitive emissions and comply with all monitoring protocols, the County can proceed with consideration and permitting of Syar's continued operation and expansion. C-19

h. Monitoring protocols will continue on any and all mine operations. C-20

i. If, after a year's time, Syar cannot demonstrate their improvements are adequate, the County can extend the provisional permit but reduce the size of the operation to such a level that Syar can comply and can prevent or contain fugitive emissions. C-21

j. All permit approvals will be contingent on proof the fugitive emissions are prevented or contained. C-21 (cont.)

In the Draft EIR for Syar Napa Quarry prepared by Winzler & Kelly, the consulting firm, a lot is written about mitigation to make significant air quality violations become less-than-significant, virtually disappear as it were. In open and just opposition, neither Truth nor Fact agrees with the Draft (Daft) EIR Air Quality conclusions. Where human health is concerned, it is not possible to mitigate a Class I Carcinogen like respirable, crystalline, silicon dioxide dust. Class I Carcinogens must be prevented or contained. Work backward from there, find the source and either eliminate it or control it, but don't try to minimize it or mollify it. To believe a Class I Carcinogen can be mitigated is unethical and is the attitude and mind set that undermines and discredits the entire purpose of an EIR and ultimately protects no one, neither the applicant nor the County nor the public. C-22

On their website, Syar Industries, Inc.'s Mission Statement concludes with the following paragraph, "We have been a family owned business for over seventy years who values personal relationships with fellow employees, customers and the residents and officials in the communities where our facilities are located. ***We actively pursue these good neighbor relationships while maintaining a safe and environmentally conscious environment for our employees, our customers, and our local communities.***" (My emphasis on the last sentence.) So, let us build on this stated goal and help Syar Napa Quarry become a model of environmental and social responsibility. Let's help them make their words become a reality. C-23

The alternative scenario: If Napa, or any other city in the Bay Area, needs a supply of aggregate and rock for infrastructure, construction projects or home land security, enclosed transfer stations can be built at various strategic points serviced by train transport from out of the area. If it is a critical need, the Federal, State and Local governments can work together to make it happen. This will take truck traffic off the roads and improve air quality. Make a plan, set a price and put out the call to suppliers. When demand calls, supply answers. It's known as capitalism. The idea that Napa or the Bay Area is dependent on Syar Napa Quarry is a straw man argument. Welcome Syar to produce their products but only if they make improvements to prevent or capture their fugitive, toxic emissions. They have the funds to make the improvements. Their Mission Statement confirms their desire to comply. Now, all the County must do is assert its authority and fulfill its duty to the public. We're all in this together. I'll continue to do my part. C-24

Sincerely,

Steven Booth
Napa City Resident

As the lead agency with jurisdiction over this permit process, the time is long past due for Napa County to assert its authority over the Syar surface mining operation. The Draft EIR gives few details on how Syar plans to prevent or capture the fugitive dust and emissions released at the Quarry. The details of the plan must be made available for the public to review and comment on prior to the Final EIR. In addition, prior to a Final EIR a plan detailing site monitoring and compliance must be made available for public review and comment. In the Draft EIR there is a lot written about mitigation to make significant air quality violations become less-than-significant but the how to is left very vague . C-25 C-26

On their website, Syar Industries, Inc.'s Mission Statement concludes with the following paragraph, "We have been a family owned business for over seventy years who values personal relationships with fellow employees, customers and the residents and officials in the communities where our facilities are located. ***We actively pursue these good neighbor relationships while maintaining a safe and environmentally conscious environment for our employees, our customers, and our local communities.***" (My emphasis on the last sentence.) So, let us build on this stated goal and help Syar Napa Quarry become a model of environmental and social responsibility. C-27

Letter C Response to Comments

Response to Comment C-1

Please see Response to Comment A-5.

Response to Comment C-2

The commentator asserts that the Draft EIR identified air quality as having significant adverse impacts. While this is true for the unmitigated project impact, with mitigation measures incorporated the Mitigated Project would have a less than significant adverse impact on human health and the environment.

The commentator asserts that respirable crystalline silica is a carcinogen which is true at concentrations that occur in the workplace but untrue for ambient concentrations at which the public may be exposed. The non-carcinogenic status of respirable crystalline silica for purposes of environmental health risk assessments was determined by the Office of Environmental Health Hazard Assessment which is the agency in California that is responsible for developing health hazard assessment risk factors and methodologies. Additional discussion on the toxicity of crystalline silica is provided below.

Lastly, the commentator expresses concern about other toxic air emissions from the operating of equipment and asphalt plants. Emissions increases of toxic air contaminants from each source on-site is included in the health risk assessment which shows that after mitigation, the impact on health risk is less than significant.

The county intends to avoid significant air quality impacts on receptors surrounding the facility and to that end performed a detailed quantitative analysis for the Draft EIR. Releases of air emissions from the facility are regulated by the BAAQMD and must comply with rules that are in place to protect the public from adverse air quality impacts.

Crystalline silica is widely used in industry and has long been recognized as a major occupational hazard, causing disability and deaths among workers in several industries. In 1997, the International Agency for Research on Cancer (IARC) rated respirable crystalline silica a Class 1 Carcinogen based exclusively on worker exposure levels and epidemiology (http://monographs.iarc.fr/ENG/Monographs/vol100C/mono100C-14.pdf). In 2005, Office of Environmental Health Hazard Assessment (OEHHA) adopted the Toxicity Summary for respirable crystalline silica (http://oehha.ca.gov/air/chronic_rels/**silica**_final.html) which states: “In 1997, IARC classified respirable crystalline silica in Class 1, a Known Human Carcinogen, based on occupational epidemiologic studies. However, chronic reference exposure levels (RELs) are not based on cancer endpoints. Further, there is no approved cancer potency factor for silica.” In other words, adverse health effects or endpoints that are not cancer were used by OEHHA to determine the chronic non-cancer REL for respirable crystalline silica. For purposes of health risk assessment using State of California AB2588 Air Toxics Hot Spot Program methods, respirable crystalline silica is a chronic, non-cancer hazard. Review of the Air Quality and Health Risk Impact Assessment (AQHRA) (Draft EIR Appendix I) showed that discussion of crystalline silica health effects was inadvertently omitted from Appendix E of that

document and so it is presented briefly here and in more detail in Attachment 4 (Appendix A). Inhalation of crystalline silica initially causes respiratory irritation and an inflammatory reaction in the lungs. Silicosis results from chronic exposure; it is characterized by the presence of histologically unique silicotic nodules and by fibrotic scarring of the lung. Lung diseases other than cancer associated with silica exposure include silicosis, tuberculosis/silicotuberculosis, chronic bronchitis, small airways disease, and emphysema.

In summary, respirable, crystalline, silica (i.e. silicon dioxide with aerodynamic diameter less than four microns) is a carcinogen for worker exposure. Concentrations to which the public may be exposed are not expected to give rise to cancer at rates that would be considered significant. Accordingly, OEHHA has developed a chronic, non-cancer risk factor that is used to assess public health risk from respirable crystalline silica and which was used in the health risk assessment (HRA) for this project. Other toxic constituents that are emitted from equipment and activities on-site also have risk factors developed by OEHHA that were used in evaluating the health risk impacts for the project. After mitigation, the project results in non-cancer chronic health risk of 0.05 hazard index (H.I.) which is much less than the 1.0 H.I. threshold of significance. The acute non-cancer risk after mitigation is 0.085 H.I. which is much less than the 1.0 H.I. threshold of significance. Lastly, cancer risk after mitigation was determined for the Project to be a maximum of 8.8 excess cancer cases per million individuals exposed and cumulatively to be a maximum of 94.3 excess cancer cases per million individuals exposed. These are each less than the 10 in one million and 100 in one million significance thresholds used by the county.

Response to Comment C-3

The county does not disagree that quarry mining and processing result in fugitive dust emissions. However, the commenter incorrectly states “a large proportion of the … dust… is respirable, crystalline, silicon dioxide.” A majority of the dust is amorphous silicon dioxide and a majority of the dust is also too large to be respirable. Only a small portion of the dust is both respirable and crystalline silicon dioxide. Evidence of this is presented in Appendix L of the AQHRA (Draft EIR Appendix I) which contains an article from the Journal of the Air and Waste Management Association reporting on test results for ambient concentrations of respirable crystalline silica at aggregates producing sources in California. Evidence of the size of the dust can also be observed in the ratios of PM to PM_{10} and $PM_{2.5}$ emissions factors in AP-42 (i.e., Section 11.19.2 applies to aggregate processing equipment). For instance, controlled tertiary crushing emits 0.0012 lbs PM/ton processed, 0.00054 lbs PM_{10}/ton, and 0.00010 lbs $PM_{2.5}$/ton. Thus, PM_{10} represents approximately 45 percent of the dust and $PM_{2.5}$ represents approximately 8.3 percent of the dust emitted by tertiary crushing. These emissions were analyzed in the Draft EIR in Section 4.3.3. Please also see Response to Comment C-2 and Attachment 4 (Appendix A) for further discussion on the health effects of respirable crystalline silica.

Response to Comment C-4

Commenter states that visible plumes that rise thousands of feet are unacceptable and would likely violate existing air quality regulations. The county’s investigation of project impacts identified no evidence of such an event and finds it unlikely that such an event occurs “often” as the commenter suggests. Further, the county’s investigation of project impacts identified no evidence and no reason to expect that

the frequency of such an event would increase due to the project. Nevertheless, the BAAQMD provided meteorological data file that was used in dispersion modeling confirms that winds are predominantly out of the south. It is true that the most damaging particulates are too small to be visible and can remain suspended in the air for long periods of time during which great distances may be traveled. However, the concentration of pollutants decreases rapidly with increased distance from the source (e.g. exponential decay). Although the smallest particles may travel great distances, their concentration is diluted exponentially by lateral spreading and vertical mixing that occurs along the journey. These very low concentrations of project particulates at great distances contribute to regional, cumulative impacts that are assessed in the Draft EIR by the evaluation of the BAAQMD tons per year significance thresholds (pp. 4.3-21 & 4.3-35, Draft EIR).

Response to Comment C-5

The photographs taken at the project site that form the basis of the visual simulations were taken on multiple dates over the course of several months, all during normal operations. Dust as a visual disturbance is subject to high levels of variability (such as wind, temperature, ambient light, reflectivity of various types of dust, etc.). Reference Mitigation Measure 4.3-2B in Section 2 of this report (page 2-1). Please see Response to Comments C-3, C-6, C-8, F-3, M-4, and V-44.

Response to Comment C-6

The facility has operating hours and therefore would not be expected to produce fugitive dust "continuously." The county agrees with the commenter that respirable crystalline silica has health effects which are a concern and which may remain undetected for many years. Those are each reasons why a quantitative HRA was performed in the Draft EIR for the project. Please also see Response to Comment C-2 and Attachment 4 for further discussion on the health effects of respirable crystalline silica and results of the health risk assessment prepared for the project.

Response to Comment C-7

The county does not disagree with the commenter that exposure to respirable crystalline silica has health effects including some or all of those listed by the commenter. Please see Response to Comment C-2 and Attachment 4 for further discussion on the health effects of respirable crystalline silica.

Response to Comment C-8

Syar's operations must comply with BAAQMD regulations and permits, which require prevention and mitigation of fugitive dust. Visible plumes sometimes occur but are limited by rule to less than 20 percent opacity for greater than three minutes in any hour. Thus, any such plumes would be slightly visible and infrequent or they would be considered a violation and subject to penalty and corrective action. The commenter is correct that the source of emissions, the toxicity of emissions, and the population exposed are all known. Thus, a quantitative HRA was performed to analyze the potential impacts on that population from the toxic emissions. The HRA determined that the impacts would be less than significant after mitigation. No epidemiological study indicates that significant health impacts are occurring for

individuals living/working near or within the Syar facility or at any other similar construction aggregates mining facility. The HRA used accepted and conservative methods to assess project impacts, and the commenter did not cite any error in the HRA or provide an alternative quantitative assessment upon which to base any claims that the risk is different from that reported in the HRA.

Response to Comment C-9

The county has not ignored adverse health impacts and would act upon evidence to suggest that such a condition exists. The BAAQMD would also act if such a condition were to exist. The county assessed health risks from the project in detail, including project related emissions that are considered to be toxic, and found the impacts to be less than significant after mitigation. Cumulative cancer risk impacts were assessed according to the county's threshold of 100 in 1 million excess cancer and mitigation measures were applied to the project to reduce risk to less than significant levels. Thus, "toxic load" was taken into account and the project effect is not cumulatively considerable. Syar emissions are controlled through compliance with BAAQMD permit conditions/regulations and implementation of Mitigation Measures 4.3-2a, 4.3-2b, and 4.3-3. Copies of the facility permits issued by BAAQMD were inadvertently excluded from the Draft EIR and are attached (Attachment 5 in Appendix A). Regulatory requirements are discussed in Draft EIR Section 4.3.2.

Response to Comment C-10

This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment C-11

Please see response to Comment C-11 and C-13 through C-21; while the oversight suggestions contained within the commenter's letter are appreciated, the current mitigation proposed in the Draft EIR is adequate to reduce the impact to less than significant. Furthermore, as discussed in Section 3.1 (Project Overview) of the Draft EIR the proposed SMP would replace the current land use controls associated with the quarry ((UP-128182, UP 27374, and Reclamation Plan (Napa County Agreement #2225)) with one unified permit that contains more oversight and control provisions, than current mechanisms.

Response to Comment C-12

Many of the project's operations and effects are highly regulated, and in addition, CEQA requires mitigation of project impacts. Based on detailed quantitative analysis using accepted and conservative methods, the county has imposed Mitigation Measures 4.3-2a, 4.3-2b, and 4.3-3 that reduce the project's air quality impacts to less than significant levels. Neither the regulatory framework, nor CEQA, nor the California Constitution allows the county to arbitrarily impose the additional requirements suggested in the comment.

Response to Comment C-13

Please see Response to Comment C-12.

Response to Comment C-14

Please see Response to Comment C-12.

Response to Comment C-15

Please see Response to Comment C-12.

Response to Comment C-16

Please see Response to Comment C-12.

Response to Comment C-17

Please see Response to Comment C-12.

Response to Comment C-18

Please see response to Comment C-12.

Response to Comment C-19

Please see Response to Comment C-12.

Response to Comment C-20

Please see Response to Comment C-12.

Response to Comment C-21

Please see Response to Comment C-12.

Response to Comment C-22

The Commenter states “where human health is concerned, it is not possible to mitigate a Class I Carcinogen like respirable crystalline, silicon dioxide dust.” The California Air Resources Board (CARB) and OEHHA have developed HRA and toxicological regulatory programs and infrastructure (e.g. Hotspost Analysis Reporting Program [HARP] model) that were used with standard practices to assess both the amount of health risk and the change in health risk due to the project. The commenter claims that no amount of exposure to respirable crystalline silica could be considered less than significant and calls for

the pollutant to be completely eliminated. First, based upon the OEHHA Toxicity Summary discussed in Response to Comment C-2 there is no cancer potency factor for respirable crystalline silica (i.e., OEHHA does not consider it a carcinogen at ambient levels to which the public may be exposed). Second, complete elimination is infeasible and unnecessary given that the results of the HRA demonstrate a less than significant impact will occur after mitigation. Please also see Response to Comment C-2 and Attachment 4 for further discussion on the health effects of respirable crystalline silica.

Response to Comment C-23

This comment does not pertain to the EIR or the environmental impact analysis of the project, and no response is required. It will be forwarded to the decision-makers, via this document, for their consideration.

Response to Comment C-24

The commenter proposes an alternative scenario whereby all aggregate and rock in the Bay Area region is handled by enclosed transfer stations built at strategic points serviced by train transport from out of the area. Primary objectives of the project are to continue and extend operation of the existing quarry, expand the surface mining and reclamation plan, and increase the annual permitted saleable quantity of aggregates and aggregate related materials from currently one million tons to two million tons (per year). The commenter's proposal does not address any of the project's objectives and thus cannot be considered a potentially feasible alternative to the project. The county recommends that the commenter work with staff in the goods movement programs at the Metropolitan Planning Commission (510.817.5787) and BAAQMD (415.771.6000) to promote their idea.

Response to Comment C-25

Please see Response to Comment C-12.

Response to Comment C-26

Please see Response to Comment C-12.

Response to Comment C-27

This general comment does not make any specific comments on the adequacy of the Draft EIR and is a duplicate of Comment C-23. No further response is necessary.

State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

December 5, 2013

RECEIVED
DEC - 5 2013
Napa County Planning, Building & Environmental Services

Mr. Donald Barrella
County of Napa
Conservation, Development and Planning Department
1195 Third Street, Room 210
Napa, CA 94559

Dear Mr. Barrella:

Subject: Syar Napa Quarry Surface Mining Permit #P08-00337, Draft Environmental Impact Report, SCH #2009062054, Napa County

California Department of Fish and Wildlife (CDFW) staff has reviewed the above Syar Napa Quarry Surface Mining Permit (Project) draft Environmental Impact Report (EIR). CDFW is submitting comments on the draft EIR as a means to inform Napa County (County) as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

The Project site is located on the east side of State Route 221 between Kaiser Road and Streblow Drive in southern Napa County, approximately one-half-mile southeast of the City of Napa. The Project proposes to continue mining operations on a 497-acre site, and expand surface mining operations on a newly acquired 124-acre parcel (page 3-5). The Project area includes mixed oak woodland, riparian woodland, coniferous forest, annual grassland, and chaparral habitats. Chaparral scrub and open grassland dominate the higher upland elevations, while oak and riparian woodland occur more predominantly in the lower elevations and along drainages. D-1

CDFW is identified as a Trustee Agency pursuant to the California Environmental Quality Act (CEQA) Section 15386 and is responsible for the conservation, protection, and management of the State's biological resources. CDFW is concerned the Project will have a significant impact on mixed oak woodland, riparian woodlands and annual grassland that provide suitable habitat for several special-status species including but not limited to: the American badger (*Taxidea taxus*), pallid bat (*Antrozous pallidus*), western pond turtle (*Actinemys marmorata marmorata*); foothill yellow-legged frog (*Rana boylii*), western burrowing owl (*Athene cunicularia*), Swainson's hawk (*Buteo swainsoni*), and golden eagle (*Aquila chrysaetos*).

Habitat Assessment

In order for CDFW to adequately assess the Project's potential impacts on biological resources, the draft EIR should include an accurate assessment of the biological conditions both within existing operation areas, reclaimed areas, and proposed expansion areas. For example, Table 4.4-3 references an approximately 114-acre area, previously approved for mining operations. It is unclear if this area is part of the reclamation plan or if it will be disturbed. If the approved D-2

reclamation plan is expected to reduce potentially significant biological impacts, details and success criteria for reclaimed areas should be disclosed within the draft EIR. Further, Table 4.4-3 describes percentages and acreage of impacts over a total of 920 acres, yet the draft EIR Project description on page 3-5 identifies only 124 acres to be analyzed for impacts. At this time, it is unclear if the entire Project parcel is under review for potential impacts, or only a portion of the Project site. Please clarify the size of the entire site, the previously impacted areas, and the proposed impacts and area. The acreage identified for review should be consistent throughout the draft EIR and attachments. Habitat assessments should also include a discussion regarding the potential for increased use of existing detention ponds and/or new detention ponds.

D-2 (cont.)

Adequacy of Surveys

Please note that the most current protocol level surveys conducted at the Project site and listed on page 4.4-2 are at a minimum three years old and may no longer be accurate. Without more current information, the draft EIR should assume presence of special-status species where suitable habitat is present. CDFW-recommended survey and monitoring protocols are available on CDFW's website at: http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html. Additional species-specific guidance may be obtained through CDFW's Bay Delta Regional office.

D-3

Swainson's Hawk

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code Sections protecting birds, their eggs and nests include 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Fully Protected Species may not be taken or possessed at any time (Fish and Game Code Section 3511). Migratory raptors are also protected under the federal Migratory Bird Treaty Act.

The Biological Resources section of the draft EIR does not discuss potential impacts to habitat for Swainson's hawk (*Buteo swainsoni*), listed as a state threatened species. Swainson's hawk breeds in the western United States and Canada, and this species is adapted to forage in open grasslands and agricultural fields. Swainson's hawks often nest peripheral to riparian systems. They will also use lone trees in agricultural fields or pastures and roadside trees when available and adjacent to suitable foraging habitat. As important foraging and breeding areas are developed, the aptitude for the landscape to support breeding pairs decreases, and construction in close proximity to a known nest site may eventually lead to nest abandonment. CDFW records show several documented Swainson's hawk nest sites within 5 miles of the Project area, with the nearest occurrence 1.6 miles from the Project site. Project implementation would result in the permanent loss of approximately 63 acres of foraging habitat for the hawk as well as for other raptor species.

D-4

If suitable Swainson's hawk (*Buteo swainsoni*) nesting habitat is present within or surrounding the proposed Project area, the CEQA document should specify that protocol-level surveys will be conducted during the hawk nesting season which is generally from March 1 until September 15. Swainson's hawk surveys should be conducted following the Swainson's hawk Technical Advisory Committee's *Recommended Timing and Methodology for Swainson's Hawk Nesting*

D-5

Surveys in California's Central Valley (available at http://dfg.ca.gov/wildlife/nongame/docs/swain_proto.pdf). Surveys should be conducted within a minimum 0.25-mile radius of the proposed Project area, and should be completed for at least the two survey periods immediately prior to initiating any Project-related construction work. Raptor nests may be very difficult to locate during egg-laying or incubation, or chick brooding periods (late April to early June) if earlier surveys have not been conducted.

D-5 (cont.)

In order to avoid "take" or adverse impacts to Swainson's hawk in the event that an active nest is found during surveys, CDFW recommends avoiding all Project-related disturbance within a minimum of 0.25 miles (and up to 0.5 miles depending on site-specific conditions) of a nesting Swainson's hawk during the nesting season. Please refer to the CDFW guidance document on Swainson's hawk, which is available at http://www.dfg.ca.gov/wildlife/nongame/docs/DFG-1994SWHAStaffReportMitigation.pdf, on take avoidance, minimization and mitigation measures.

D-6

Mitigation Measure 4.4-3 of the draft EIR requires nesting surveys if project activities occur between February 1 and August 31. In addition to surveys, the draft EIR document should include measures to avoid or minimize loss of Swainson's hawk foraging habitat that may result from implementation of the Project. Any permanent loss of Swainson's hawk foraging habitat should be appropriately mitigated. The draft EIR should include measures to permanently protect or compensate for the loss of foraging habitat. Both on-site and off-site mitigation lands should be approved by CDFW prior to the start of Project-related activities. Mitigation lands should be protected in perpetuity under a conservation easement, and include an endowment fund for long-term resource management for raptor habitat.

D-7

If "take" or adverse impacts to Swainson's hawk or any other species listed under the California Endangered Species Act (CESA) cannot be avoided either during Project activities or over the life of the Project, please be advised that a CESA permit must be obtained (pursuant to Fish and Game Code Section 2080 *et seq.*). Issuance of a CESA permit is subject to CEQA documentation; therefore, the CEQA document should specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the proposed Project will impact any CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA permit. More information on the CESA permitting process can be found on the CDFW website at http://www.dfg.ca.gov/habcon/cesa/.

D-8

American Badger

The Project site contains habitat that may be suitable for a Species of Special Concern, the American badger (*Taxidea taxus*). The American badger utilizes different types of dens throughout their life: reproductive (natal and rearing), over-wintering, and hunting. The American badger breeds between July and September with delayed implantation of the embryo, which occurs between January and February. Females give birth underground between March and April. Kits are born blind and with little fur and are not capable of moving from their den for at least four weeks, at which time the mother may move them to be closer to hunting areas. Kits typically disperse from the reproductive den at 3 to 4 months of age although some young American badgers have delayed dispersal until their second year.

D-9

CDFW agrees with Mitigation Measure 4.4-2, which requires pre-construction surveys for the American badger. However, to reduce potentially significant impacts, the Measure should be modified to include the following language: 1) If the American badger is discovered during surveys, then Project activities should avoid their dens and associated habitat; 2) If avoidance is not possible, then den exclusion should take place between September 1 and January 1 to avoid impacts during the breeding season; 3) If occupied habitats are impacted, the Project should mitigate for the loss of habitat by preserving in perpetuity existing occupied habitat. CDFW is available to help develop an exclusion and mitigation plan as appropriate. D-10

Oak Woodland and Impacts to Native Vegetation

Approximately 117 acres of oak woodland would be directly impacted by Project implementation. In addition, indirect impacts to oak woodlands are expected to occur for up to 12.5 acres on the margins of quarry activities. A total of 130 acres of oak woodlands could be directly or indirectly impacted by the Project. Oak woodlands provide many important ecosystem functions including habitat for numerous species of wildlife, moderates temperature extremes, reduces soil erosion and sustains water quality. D-11

Because of the rapid and extensive land conversions in oak woodlands, savannas, and riparian areas within Napa County, coupled with an apparent lack of regeneration of several species, CDFW is concerned about the long-term survival of native oaks. Fragmentation of oak habitats reduces their ability to provide the full range of ecological benefits, including maintenance of species diversity, as well as soil and watershed protection. Coast live oak (*Quercus agrifolia*) and old-growth oak trees (native oak tree that is greater than 15 inches in diameter) are of particular importance due to increased biological values and increased temporal loss. Mitigation Measure 4.4-9 requires compensation at a total mitigation ratio of 2:1, with a combination of on-site avoidance, replacement and off-site preservation. At this time, it is unclear if mitigation measures are adequately proportionate to impacts. D-12

In order to analyze potentially significant impacts due to oak woodland impacts, the draft EIR should clarify specific location, diameter and species of trees proposed for removal or replacement. Figure 4.4-4 suggests replacing oak woodland within 12 acres of existing grassland habitat on the Project site. This replacement of oak woodland would cause further loss of existing grassland foraging habitat which may be significant (see comment above regarding Swainson's hawk). The location, area and vegetation community structure of existing grassland should be provided for sufficient analysis of these additional impacts due to oak replacement on-site. D-13

CDFW is concerned the Project would still result in a net-loss of sensitive oak woodland habitat; therefore, Mitigation Measure 4.4-9 does not reduce potential woodland impacts to a level that is less-than-significant. Where avoidance is infeasible, mitigation measures should consider the local, regional, and larger-scale environmental context in which the habitat loss or alteration is occurring. Mitigation required must be roughly proportional to the level of impact (including cumulative impacts) in accordance with the provisions of CEQA (Guidelines Sections 15126.4(a)(4)(B), 15064, 15065, and 15355). Specific impacts to Coast live oak species and old-growth trees should be fully disclosed and mitigated at a greater ratio than 2:1. CDFW recommends that additional project alternatives and/or additional mitigation measures be developed to offset the impacts for the cumulative loss of oak woodland habitat due to Project D-14

implementation. Potential mitigation includes setting aside adjacent habitat for retention in perpetuity. Off-site preservation should be determined in coordination with CDFW and fully disclosed in the draft EIR. CDFW is available to work with the applicant to develop a mitigation plan that reduces impacts to less-than-significant. D-14 (cont.)

Holly-leaved Ceanothus (*Ceanothus purpureus*) is listed by the California Native Plant Society (CNPS) as 1B (rare, threatened, or endangered in California and elsewhere), and it was documented to occur on the Project site. CDFW recommends avoiding the areas where these species occur on the Project site. Please provide a detailed map that clearly shows areas where this species will be retained or removed. CDFW should be consulted for approval on appropriate avoidance measures prior to initiation of project construction. Conservation areas should also include an appropriate buffer. If avoidance is not possible, a Mitigation and Monitoring Plan should be developed in coordination with CDFW that provides for off-site conservation. D-15

Stream Resources and Aquatic Habitat

Several intermittent tributaries to the Arroyo Creek watershed are located within the proposed Project site. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, CDFW may require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. To obtain information about the LSAA notification process, please access our website at http://www.dfg.ca.gov/habcon/1600/; or to request a notification package, contact CDFW's Bay Delta Regional Office at (707) 944-5500. D-16

The draft EIR should discuss and mitigate impacts associated with habitat establishment for non-native bullfrog (*Lithobates catesbeianus*). Perennial water features created and maintained due to Project activities could cause significant adverse impacts to populations of special-status species utilizing adjacent habitats and downstream reaches. To reduce potentially significant impacts, CDFW recommends the County require an invasive species management plan be submitted to CDFW for approval. The plan shall include, at a minimum an annual survey for bullfrogs. If bullfrogs are identified, the plan shall provide potential actions to manage bullfrogs for implementation. Actions may include draining the pond completely between August 1 and November 15 or more direct management options, such as seining and/ or other lawful capture methods. The plan shall also include measures to be implemented should the above actions fail to adequately manage bullfrogs. Additionally, the draft EIR should demonstrate that modification of the hydrology on the Project site will not detrimentally alter the hydrology or native species assemblages of existing drainage features and riparian habitat. D-17

Exclusion and Buffer Areas

Please define and clarify how exclusion and buffer areas identified in Figure 4.4-4 will reduce biological impacts to less-than-significant. Four of the seven exclusion areas are located directly between and adjacent to active quarry operations. The proposed configuration of exclusion and buffer zones do not provide connectivity to adjacent habitats and therefore provide little biological benefit. In order to reduce potentially significant biological impacts, mitigation areas should be geographically connected to the larger open space areas within and adjacent to the Project site. CDFW recommends revising the exclusion areas to be located D-18

directly adjacent to undisturbed land to the north and east of the Project site. Also, the draft EIR is not clear how this area will be secured as open space or what form the open space will take (recreation trails, a wildlife preserve, future mining sites, etc.) and if these areas will be under public ownership or to be permanently conserved (i.e., subject to conservation easements, dedication of development rights, or protected through other similar conservation instruments). D-18 (cont.)

Inferences from Incomplete Data

In several locations, the draft EIR implies that a lack of California Natural Diversity Database (CNDDB) occurrences indicates species absence (in particular, please refer to pages 4.4-21; 4.4-32 through 4.4-52). The CNDDB contains only records of species and natural communities which have been observed and documented. Absence of data in such sources does not confirm that the species is absent from the proposed Project area. Please revise these references. D-19

CDFW appreciates the opportunity to provide comments on the draft EIR for the proposed Project and is available to meet with you to further discuss our concerns. If you have any questions, please contact Ms. Suzanne Gilmore, Environmental Scientist, at (707) 944-5536; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at (707) 944-5525. D-20

Sincerely,

Scott Wilson
Acting Regional Manager
Bay Delta Region

cc: State Clearinghouse

Letter D Response to Comments

Response to Comment D-1

This general comment acknowledges review of the Draft EIR by the CDFW, the project's location and habitat types, identifies CDFW as a Trustee Agency pursuant to CEQA, and CDFW's concern that the project will have a significant impact on various habitat types for several special-status species. Please see responses below.

Response to Comment D-2

To respond to portions of this comment that request Table 4.4-3 present biological resources within existing operation area, expansion areas, and reclamation areas, it should be noted that the table does indeed provide existing conditions of the entire 920 acre property, including existing use permit area (both vegetated and unvegetated), expansion areas, and exclusion/buffer areas (beyond existing use permit and expansion areas). The reclamation areas referred to by this comment are in the existing use permit area and the expansion areas. Regarding the example provided referencing the 114 acres within existing use permit area, footnote 6 in Table 4.4-3 clarifies the acreage totals, stating that the biological analysis includes 114 acres within the current use permit area that may not be currently completely disturbed (the remaining 382 acres quantified in the table is in active quarry use; 382+114=497 of existing quarry area, as indicated in the project description). Therefore, the 114 acres are accounted for separately in the biological analysis, and are presented within various rows in the table that categorize disturbed and natural vegetation mapped at the site (i.e., are not lumped into the existing quarry area that is described in the project description based on the current use permit). The quantification of existing conditions and potential impacts to various vegetation categories presented within Table 4.4-3 should not be confused with and are not contrary to the project description, and the biology acreage totals vary from the project description because, as stated in footnote 6 of Table 4.4-3, the existing biological conditions are based on field mapping focused on biological resources, compared to the project description that presents existing use permit area (497 acres) and proposed expansion area (124 acres). The biological resources acreage totals take a broader approach when analyzing impacts and includes quantification across the 920 acres of land under operation of the applicant, including both current quarry area (382+114=497), expansion area (124 acres), and indirect impact area to oak woodlands along the future quarry interface with buffer/exclusion areas (12.4 acres)

To respond to the comment concerning percentages and acreages calculated in Table 4.4-3 for each vegetation type, and whether the Draft EIR includes analysis of impacts on the 124 acres listed in the project description for expansion versus the entire 920 acre project site, clarification is provided as follows. For the biology section, it should be noted that the percentages presented in Table 4.4-3 serve multiple purposes: 1) they present the relative amount of each vegetation type expressed at the project site, thus showing the relative amount across the general landscape, (i.e. as a percentage of the 920 acres); and, 2) present the relative impact to each vegetation type as a percentage of the total amount expressed at the project site, and thus show the relative amount of that vegetation type that is being avoided. It would not serve the same purpose to present the above only in relation to the 124 acre expansion area, since relative amount of impacts would all be 100 percent and the biology section looks

at a broader perspective of project impacts. In addition to the 124 acre expansion area, the biology section discloses other potential impacts related to continued/future operation of the site (up to 114 acres) within the current quarry operation area and indirect impacts (up to 12.4) to oak woodlands within adjacent buffer and exclusion areas along the future mine face.

To respond to whether the reclamation plan is intended to reduce biological impacts, it should be noted that the potential environmental impacts related to biology are addressed in specific mitigation measures proposed in the biology chapter to reduce impacts to a less than significant level. The reclamation plan in itself is not intended to reduce impacts to biological resources within the context of the Draft EIR, and the mitigation measures should be referred to for addressing potential impacts. Regarding vegetation success criteria for the reclamation plan, it should be noted that Mitigation Measures 4.4-1 and 4.4-9 include monitoring protocols for proposed replacement for impacts to sensitive plants and habitat. The reclamation plan would have separate revegetation requirements in relation to the goals and objectives of the reclamation activities, for example to meet erosion control and Stormwater Pollution Prevention Plan (SWPPP) requirements, and this topic is beyond the scope of the focused biology analysis and biology-specific mitigation measures.

The comment regarding habitat assessments and discussion of increased use of detention basins, which we assume is in reference to what the Draft EIR terms “sediment basins,” it should be noted that the Draft EIR discloses up to 4.7 acres of impacts (87% of the sediment basins at the site), which could include fill and/or modifications. These impacts and replacement will be compensated for through 2:1 mitigation ratio proposed in the Draft EIR, and will be governed by permitting process with USACE and other jurisdictional agencies. While the remaining sediment basins could receive increased use as described in the project description, there will also be new sediment basins constructed in order to meet project needs. The sediment basins do not have existing sensitive listed species present, based on survey conducted as part of the Draft EIR, and an increased duration or amount of moisture present within the sediment basins would not affect biological resources. For further information regarding increased use or changes in use of sediment basins, including new sediment basins proposed, the commenter is referred to the hydrology and water quality section of the Draft EIR where this topic is discussed.

Response to Comment D-3

The biological surveys were performed at the time the Notice of Preparation (NOP) for the Draft EIR was issued to establish baseline of environmental conditions and basis for impact analysis, and are considered accurate and reliable at this time. Mitigation measures identified in the Draft EIR address potential impacts to biological resources based on the proposed project’s potential for adverse effects in relation to baseline conditions and would reduce impacts to a less-than-significant level. Because plant populations can change incrementally over time, additional precautionary mitigation is proposed to address the potential for changes in extent or density, or new populations to become established within the proposed mining footprint during the lifetime of the project. Therefore, Impact 4.4-1 and Mitigation Measures 4.4-1a and 4.4-1b have been revised (see Section 2) to include seasonally appropriate plant surveys and mitigation activities to address potential impacts in the event of a change in extent or density of existing special-status plant population, or new special-status plant population establishment.

Response to Comment D-4

Impact 4.4-3 discusses impacts to potential foraging habitat for raptors such as the Swainson's hawk, including the 62 acres of annual grassland which, as the commenter notes, could be potential foraging habitat. The Draft EIR discussion of raptors in general and mitigation measures proposed would apply to Swainson's hawk. Mitigation Measure 4.4-3 addresses long-term impacts on migratory birds, raptors and other special-status bird species, their habitat and foraging area, with mitigation for the loss of coast live oak habitat, and Mitigation Measure 4.4-7 addresses impacts to riparian (California Bay Laurel Series), and wetlands (potential forage and nesting habitat for raptors). Additionally, as part of project design, 107 acres of annual grassland (63 percent of the on-site vegetation type) will be retained on-site in buffer and exclusion areas. Additional foraging area is retained within semi-open areas between oak trees within the 136 acres of oak woodlands (51 percent of this on-site vegetation type) that will be retained within buffer and exclusion areas. The replacement and/or protection of oak woodland, riparian, and wetlands as proposed by Mitigation Measures 4.4-7 and 4.4-9 will provide compensation for potential impacts to foraging and nesting habitats for special-status and migratory bird species and raptors. The Draft EIR acknowledges loss of annual grassland series (comprised of predominance of non-native species) and since this is not a sensitive or protected vegetation community, and is not in limited supply in Napa County and project vicinity, the areas on-site that will be preserved will remain as suitable forage habitat for raptors that may fly over the project site. The potential impact referred to in this comment in relation to foraging habitat for a state threatened raptor is addressed in the Draft EIR and mitigation proposed to reduce impacts to a less than significant level. Potential impact referred to in this comment in relation to nesting and breeding habitat is discussed below in Response to Comment D-5.

Response to Comment D-5

The Draft EIR notes that while nests were not observed during site visits for biological analysis, vegetation on the site represents potential nesting habitat for migratory bird species and raptors. Impact 4.4-3 notes that areas mapped as Coast Live Oak Series and Bay Laurel Series (i.e. riparian) may provide suitable nesting habitat for tree-nesting raptors (this could potentially include Swainson's hawk). Implementation of Mitigation Measure 4.4-3 would reduce the potential significant impacts on nesting special-status raptor and passerine bird species to a less-than-significant level by requiring pre-construction surveys near proposed project activities and the establishment of nest-protection buffers around active nests during construction-related ground and vegetation disturbance activities. The commenter requests that raptor surveys should be conducted within 0.25 miles of project activities to adequately address potential impacts to Swainson's hawk. While a survey radius of this distance may be necessary or warranted in more natural settings a majority of the immediately adjacent uses and associated property development and activities that are within 0.25 miles to the north, south and west (such as Hwy 221, Imola Avenue, vineyards, Napa State Hospital, Napa Valley College, residential, commercial, public (jail) as described in Section 3.3 (Site Information)of the Draft EIR have caused historic and ongoing disturbances that already have and will continue to affect bird nesting and habitat in the immediate area. Therefore, a 300 foot survey buffer from project activities or property line (whichever is greater) that do not abut lands within Skyline Wilderness Park Combining District zoning designation (NCC Chapter 18.90) (s adequate, in that in these areas a 0.25 mile survey radius would substantially overlap adjacent uses that currently generate significant disturbances that already affects nesting

behavior offsite and that are out of the owner/permittee's control (also please see Response to Comment A-5). With regard to lands that abut Skyline Wilderness Park Designated lands that are less disturbed from current human uses and activities, a 0.25 mile survey radius from project activities within previously undisturbed areas is proposed. Therefore, Mitigation Measure 4.4-3 has been updated to comply with this agency request for revised survey protocol adjacent to lands designated as Skyline Wilderness Park (see Section 2 for update to Mitigation Measure 4.4-3). The potential impact referred to in this comment in relation to nesting habitat for a state threatened raptor is adequately addressed and the updated Mitigation Measure 4.4-3 is proposed to reduce impacts to a less than significant level.

Response to Comment D-6

Mitigation Measure 4.4-3 addresses this comment, and states, "In the event that nesting passerine birds and/or raptors are found, the biologist shall consult with CDFW and obtain approval for specific nest-protection buffers as appropriate based on species found prior to commencement of ground and vegetation disturbing activities" ((see Mitigation Measure 4.4-3(b)). For the reasons described in Response to Comment D-5, minimum survey buffers of 300-feet adjacent to non-Wilderness Park use designations are considered appropriate to avoid an impact. With regard to Wilderness Park lands, Mitigation Measures 4.4-3 has been modified to include larger survey and nesting buffers as recommended by the commenter, therefore, avoiding a potential take of the Swainson's hawk. Furthermore, should the surveys required by Mitigation Measure 4.4-3 identify active Swainson's hawk or other listed raptor nests, consultation with the CDFW to obtain specific nest-protection buffers to avoid the potential take of listed raptor species is necessary.

Response to Comment D-7

Impacts to foraging and nesting habitat for raptors has been minimized by retaining foraging habitat within the buffer and exclusion areas. Regarding off-site mitigation, per Mitigation Measure 4.4-9, the oak woodlands impacted will be mitigated for through permanent preservation (i.e., in perpetuity as the commenter states) via easement or deed restriction or in-lieu fee payment to the Oak Woodlands Conservation Fund consistent with Public Resources Code section 21083.4 as developed and approved by the county. Regarding CDFW's statement that an endowment fund should be set up by the applicant to support long-term management of the preservation areas, those details will be worked out during the county approval process of the oak preservation plan. The project as proposed with incorporation of mitigation would retain approximately 107 acres of annual grassland (63 percent of the on-site vegetation type) within buffer areas that will be available as foraging habitat. Additional foraging area will be available within semi-open areas between oak trees within the 136 acres of oak woodlands (51 percent of this on-site vegetation type) that will be retained within buffer and exclusion areas. Therefore, the Draft EIR has included measures to reduce potential impacts to raptor foraging habit and appropriately concluded that there would be a less than significant impact.

Response to Comment D-8

A “take” or adverse impact is not anticipated to raptors or other state-listed species, and mitigation proposed is anticipated to reduce potential impacts to a less than significant level, therefore, discussion of a CESA take permit is not included in this Final EIR.

Response to Comment D-9

This paragraph is not a comment, and is a statement of fact regarding species description of the American badger. The presence of potential habitat for American badger is disclosed and adequately addressed in Section 4.4of the Draft EIR.

Response to Comment D-10

Mitigation Measure 4.4-2 already addresses this comment by stating that if occupied habitat is identified during preconstruction surveys, that CDFW will be consulted to determine whether project activities would disrupt breeding, and if that is determined to be the case, then project activities will avoid the occupied area. Through this consultation with CDFW if occupied habitat is identified, the concepts presented in this comment (such as possible den exclusion activities) would be further discussed in an endeavor to minimize and avoid potential impacts to American badger as described in Mitigation Measure 4.4-2.

Response to Comment D-11

This comment correctly states the potential direct and indirect impacts quantified in the Draft EIR, which includes up to 130 acres of oak woodland. This paragraph is a preamble to Comment D-12, addressed below.

Response to Comment D-12

The oak woodland replacement has been detailed according to protection and conservation measures per the Oak Woodlands Conservation Act. Napa County is charged with implementation of these statutory requirements as detailed in General Plan Policy CON-24. The combination of on-site preservation of 136 acres of oak woodlands (51 percent of this on-site vegetation type) that will be retained within buffer and exclusion areas, with any off-site areas being permanently preserved being of like quality and habitat value as those being removed, and thus adequately addresses the concern as to whether tree diameter (particularly in relation to what might be deemed old growth oak trees) is taken into consideration when mitigating impacts to oak woodlands. To reiterate, while tree diameter is not specified, the off-site areas preserved will be of like quality and habitat value, or result in increased mitigation ratio per Mitigation Measure 4.4-9.

Response to Comment D-13

The Draft EIR includes detailed description of species composition within both the areas mapped as oak woodland and annual grassland within the “Setting” section of the Draft EIR. In summary, areas mapped

as Coast Live Oak Series consist of mixed oak species, and areas mapped as annual grassland consist of predominantly non-native species with some spring blooming native wildflowers. The map units follow Sawyer/Keeler-Wolf classification, which is a standard method for biological and habitat mapping. Furthermore, a qualitative assessment of oak woodlands was conducted at the site including looking for oak woodlands recruitment, and this evaluation concluded that, "natural recruitment of *Quercus* spp. seedlings and saplings is seriously compromised at the site," with, "little to no evidence of a multiage stand that is necessary for sustaining this ecosystem into the future" (Watershed Nursery, 2012). To additionally include tree diameters for each individual tree within these map units would not serve to assist with mitigation replacement credit since mitigation is assigned based on acreage, according to provided protection and conservation measures per the Oak Woodlands Conservation Act. Napa County is charged with implementation of these statutory requirements as detailed in General Plan Policy CON-24, which does not provide for requirements to detail diameter of each tree proposed for removal. The mitigation ratio proposed per existing regulations is deemed adequate to address impacts to the conditions present within the Coast Live Oak Series map unit. . The 12 acres of annual grassland that is proposed for on-site oak woodland replacement would serve to benefit multiple species (including Swainson's hawk and other raptors) through improving the age structure of the oak woodlands. Additionally, as part of project design, 107 acres of annual grassland (63 percent of the on-site vegetation type) will be retained on-site in buffer and exclusion areas. Additional foraging area is retained within semi-open areas between oak trees within the 136 acres of oak woodlands (51 percent of this on-site vegetation type) that will be retained within buffer and exclusion areas.

Response to Comment D-14

CDFW is concerned that the project will result in a net loss of sensitive oak woodland habitat and that mitigation would not reduce impacts to oak woodlands to a less than significant level. The oak woodland replacement has been detailed according to protection and conservation measures per the Oak Woodlands Conservation Act. Napa County is charged with implementation of these statutory requirements as detailed in General Plan Policy CON-24. There is no specific language, to consider (as the commenter states), "the local, regional, and larger-scale environmental context in which the habitat loss is occurring," although these considerations were discussed by project biologists when developing the mitigation language for the oak woodland replacement. Additionally, cumulative impacts to oak woodlands are discussed in the Draft EIR and with the conservative assessment of project impacts, and proposed mitigation measures, potential cumulative impacts are determined to be less than significant.

Mitigation Measure 4.4-9 states that off-site location(s) shall be located within Napa County and be of like quality and habitat value as those being removed, as determined by a qualified biologist and the county. Therefore, Mitigation Measure 4.4-9 is "roughly proportional to the impact."

136 acres of oak woodlands (51 percent of this on-site vegetation type) will be retained within buffer and exclusion areas, which already is a project alternative from what was originally proposed and has resulted in substantial increase in on-site retention of oak woodlands. Therefore, additional project alternatives beyond what was discussed in the Draft EIR are not deemed necessary.

The off-site oak woodland preservation activities are under development and further details beyond the requirements of Mitigation Measure 4.4-9 are not available at this time due to the timeline of developing such plans. The project mitigation has made clear, and fully disclosed, that these activities shall permanently preserve oak woodlands via easement or deed restriction or in-lieu fee payment to the Oak Woodlands Conservation Fund consistent with Public Resources Code section 21083.4 as developed and approved by the county. Additional details are provided in Mitigation Measure 4.4-9, such as the off-site location(s) shall be located within Napa County and be of like quality and habitat value as those being removed, as determined by a qualified biologist and the county.

Response to Comment D-15

As discussed in the Draft EIR, the potential impacts to holly-leaved ceanothus have been minimized through project design, so that at least 42 percent of the plants will be avoided. As discussed in the Draft EIR, the impacts have been conservatively estimated and includes plants that will be retained but will be in close proximity to the future mining areas and therefore could be indirectly impacted. Since complete avoidance is not possible, Mitigation Measure 4.4-1 details that a planting plan be developed that includes methods of plant propagation/procurement (i.e., plant salvage, propagation plan, etc.), habitat enhancement of replanted area, appropriate planting densities, watering protocol (duration/quantity/schedule), and maintenance requirements, which in conjunction with other details mandated by Mitigation Measure 4.4-1, will essentially constitute a Mitigation and Monitoring Plan, including success criteria and other details of the replacement. Figure 4.4-3 in the Draft EIR illustrates the impact area in black hatching with the areas where impacts to holly-leaved ceanothus are not avoidable despite attempts to minimize impacts. Figure 4.4-4 shows the retained areas (that is the area proposed for replanting) that are within the “processing area” to the west of the impact area (areas within the processing area will not impact existing vegetation).

Response to Comment D-16

Comment noted. The applicant intends to apply for necessary permits with resource agencies regarding impacts to wetlands and streams as stated in Mitigation Measure 4.4-7 (item “b” includes permitting with CDFW for state jurisdictional wetlands (terminology inclusive of waters).

Response to Comment D-17

CDFW comments that the Draft EIR should discuss and mitigate impacts associated with habitat establishment for non-native bullfrog, and recommends that the county require an invasive species management plan be submitted to CDFW for approval, and if bullfrogs are identified, actions to manage bullfrogs should be included. Surveys have been completed (LOA 2009) and bullfrogs were noted as being present as part of existing conditions. There are no policies that require the applicant to eradicate existing presence of bullfrogs.

Response to Comment D-18

Exclusion and buffer areas are intended and designed for multiple purposes including, but not limited to, minimizing potential visual impacts, reducing potential biological resources impacts, and providing a safety buffer between the quarry property and adjacent properties and associated uses. The exclusion and buffer areas from a biology perspective, associated with minimization of impacts, and on their own are not designed to reduce impacts to biological resources to a less than significant level; yet in conjunction with mitigation measures proposed in the Draft EIR they do contribute to mitigation of potential impacts. As shown in the proposed mining plan, all of the buffer and exclusion areas except one, are adjacent to off-site areas and do contribute to connectivity with off-site areas, including exclusion areas in the eastern, southeastern, and northwestern corners. As described in the Draft EIR the southeastern exclusion area appears to maintain and contribute to historic connections that have been preserved by adjacent agricultural properties and agricultural development occurring to the south and southeast of the quarry. The one exclusion area that is isolated from surrounding areas, yet connected to natural areas to the north, is a narrow swath that runs from north to south through the central portion of the site. This exclusion area should be regarded in context of intent (minimization of direct impacts to creeks). This swath does provide some additional protection of oak woodlands, yet due to the somewhat isolated and linear nature of this exclusion area, and the conservative calculation of potential indirect impacts to oak woodlands within 30 feet of future mine activities, this area does not contribute to a substantial amount of on-site mitigation credit. Comment noted that this area is isolated, yet the intent/placement of this area was based on existing location of drainage features, and it would not serve the intended purpose to relocate this avoidance area to the perimeter of the site for added connectivity.

As discussed in Sections 3.3 (Site information), Section 4.4.1.10 (Biological Resources – Setting, Wildlife Movement in the Project Vicinity) and Impact 4.4-11 (Wildlife Movement), of the Draft EIR the quarry and immediately adjacent areas to the north, south and west have developed extensively with various uses over the years which has altered connections through the quarry but diminished the quality of habitat they would connect to, especially to the north, south and west (also see Response to Comment A-5). Because of these reasons the Draft EIR appropriately concluded that there would not be a significant impact to wildlife movement as a result of the project, therefore, no mitigation was required.

With regard to the comment as to how the exclusion areas will be secured as open space, it should be noted that as stated in Mitigation Measure 4.4-9, the on-site oak woodland avoidance areas shall be protected via deed restriction or conservation easement in a form acceptable to the county and shall be recorded prior to any new vegetation removal activities. The areas will remain under current ownership and are not proposed for transfer to public ownership at this point in time.

Response to Comment D-19

Table 4.4-4 and the biological analysis in the Draft EIR follows standard biological professional practice, and acknowledges that absence from CNDDB database does not necessarily mean absence from the project site. For species listed in database searches as having the potential to occur in the Napa or Mount George quadrangles, the project biologist made a determination as to the likelihood to occur based on species knowledge and observations of the habitat types present at the project site. The biological

surveys conducted at the project site took into consideration species with likely potential to occur at the project site based on known presence of potential habitat, not only those species listed as present by CNDDB for the project vicinity. For example, for Franciscan onion, Table 4.4-4 notes that while the species is not listed for the project quadrangles, it has known presence from surrounding quads (as determined by LOA 2008), therefore, it was deemed that moderate potential existed for this species to occur due to potential habitat at the project site. Surveys were conducted and the species was not detected, therefore, it was determined not to be present at the project site. Furthermore, if any special-status species were observed or identified during field inspections, regardless of whether they were identified on a positive occurrence database, they would have been included in the Draft EIR appendices and discussed within the report.

Response to Comment D-20

In this comment the CDFW provides the name, email address, and phone number of the individual to contact for any further questions.

DEPARTMENT OF TRANSPORTATION
DISTRICT 4
111 GRAND AVENUE
P.O. BOX 23660, MS-10
OAKLAND, CA 94623-0660
PHONE (510) 286-6053
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& Environmental Services

December 5, 2013

NAP221028
NAP-221-1.619
SCH# 2009062054

Mr. Donald Barrella
Napa County Conservation, Development
and Planning Department
1195 Third Street, Suite 210
Napa, CA 94559

Dear Mr. Barrella:

Syar Napa Quarry Surface Mining Permit – Draft Environmental Impact Report

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the Syar Napa Quarry Surface Mining Permit project. The following comments are based the Draft Environmental Impact Report (DEIR). Our previous comments still apply and are incorporated here by reference. E-1

Traffic Safety

1. The traffic impact study (TIS) must include the analysis as to whether the Existing left-turn storage length for the following study intersections can accommodate additional project volumes under Existing and Future Plus Project conditions. If any extension is required, then it should be specified clearly. E-2
    a. Intersection #3: Southbound (SB) State Route (SR) 221 at Basalt Road
    b. Intersection #6: SR 29 at SR 221

2. The state has no mechanism to enforce the proposed Mitigation Measure 4.15-1; Transportation Demand Management Program. Please explain measures to be taken if the truck trip numbers exceed the limit. E-3

3. The schedule of the proposed new Napa County Jail is unknown at this time. It is desirable that the two projects coordinate the implementation of the signal at Intersection #3. E-4

4. Please note that any proposed improvements to the state right of way (ROW) must be designed and constructed per current Caltrans standards, not the City or County of Napa. Included is a link the the Highway Design Manual: http://www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm. E-5

5. Traffic signal warrants and other references used in the DEIR's TIS should be from the 2012 edition of the California Manual on Uniform Traffic Control Devices. The web link is included for your convenience: http://www.dot.ca.gov/hq/traffops/signtech/mutcdsupp/. E-6

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the state ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating the state ROW must be submitted to: Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: http://www.dot.ca.gov/hq/traffops/developserv/permits/. E-7

Please feel free to call or email Sandra Finegan of my staff at (510) 622-1644 or sandra_finegan@dot.ca.gov with any questions regarding this letter. E-8

Sincerely,

for ERIK ALM, AICP
District Branch Chief
Local Development – Intergovernmental Review

c: State Clearinghouse

Letter E Response to Comments

Response to Comment E-1

In this general comment, Caltrans thanks the county for continuing to include them in the environmental review process and that their previous comments still apply and are incorporated by reference.

Response to Comment E-2

The following table summarizes the Existing + Project southbound SR 221 left-turn lane storage lengths and average peak hour vehicle queue lengths for Intersections 3 and 6. This information is a clarification of the Draft EIR traffic study:

Intersection	Lane Length (feet)	AM Peak Hour (feet)	PM Peak Hour (feet)
3	250	9	4
6	500	397/406	427/438

Note: Intersection 6 has two left turn lanes reported as lane 1/lane 2.

The following table summarizes the Future + Project left turn storage lengths and average peak hour vehicle queue lengths for Intersections 3 and 6. This information is a clarification of the Draft EIR traffic study.

Intersection	Lane Length (feet)	AM Peak Hour (feet)	PM Peak Hour (feet)
3	250	7	3
6	500	480/486	479/490

Note: Intersection 6 has two left turn lanes reported as lane 1/lane 2.

The queuing results show that adequate storage length exists for the average peak hour queue lengths at Intersections 3 and 6.

Response to Comment E-3

Under Mitigation Measure 4.15-1 sales activities would be limited to no more than 50 truck trips over baseline conditions, during the AM peak at intersection No. 3. Truck trips would be monitored and reported to the county. Exceedance of a.m. truck trip maximums or non-compliance with any other condition of approval or mitigation measure is subject to, at a minimum, enforcement and penalization pursuant to Napa County Code.

Response to Comment E-4

Implementation of any improvements required at Intersection No. 3 to mitigate impacts from implementation of the proposed new Napa County Jail, would be the responsibility of Napa County. Additionally, the county will work with Syar to coordinate the implementation of any future signal at the Intersection to the maximum extent feasible.

Response to Comment E-5

The county appreciates the information regarding the Caltrans standards and Highway Design Manual which allows the county to be better prepared when it comes time to implement the improvements, if they are warranted.

Response to Comment E-6

In 2009 and 2010, when the original Traffic Impact Study was completed, the 2006 edition of the California Manual on Uniform Traffic Control Devices was the most current version. Subsequently, the Traffic Impact Study was revised in 2013. Although the 2012 edition was available at the time of the revised 2013 Traffic Impact Study, the Warrant criteria are unchanged. The Traffic Impact Study does not include recommendations for new traffic signals, and the reference to an earlier version of the Manual has no consequence to the conclusions or recommendations presented in the revised 2013 version of the Traffic Impact Study.

Response to Comments E-7 and E-8

The county is aware of the need to coordinate with Caltrans and any encroachment on Caltrans right-of-way would require an Encroachment Permit. The county appreciates the contact information for any future coordination that may be necessary. Additionally, the Public Utilities Commission comment letter and this Final EIR have been forwarded to the owner/permitee, and the owner/permitee is aware of this application process. Approval and/or ongoing operation of the surface mining project is contingent on the owner/permit acquiring any/all other required Local, State and Federal approvals and permits necessary as part of implementation the project or associated with on-going operations. This provision will be included as a condition of approval of the project if approved.

Cakebread Cellars

RECEIVED
DEC - 5 2013
Napa County Planning, Building
& Environmental Services

Mr. Donald Barrella, Planner III
Napa County Planning, Building, & Environmental Services
1195 Third Street
Napa, CA 94559

November 30, 2013

Mr. Barrella,

In August, Cakebread Cellars received the Draft Environmental Impact Report for the proposed Syar Napa Quarry Expansion (State Clearing House #22009062054). As you know, we farm a vineyard that spans two parcels (APN#s: 046-370-031 and 046-400-034) to the south of the proposed site and consequently will be impacted by the project. Over the course of planting these two vineyard sites we have implemented two different erosion control plans cover over 100 acres of vineyard, each with extensive mitigation measures. In many cases we went beyond the specifications of the requirements erosion control plan, proactively working to minimize our impact on our neighbors, the water shed, and the surrounding environmental habitat. We took these extra efforts because we feel that we have a responsibility as community members and good stewards of the land we farm. It is our concern that the Syar Napa Quarry Expansion project is a threat to the local habitat that we have worked diligently to preserve, and the productivity and viability of our vineyards. Specifically, we have concerns surrounding the setbacks from creeks, dust and air pollution, and groundwater quality and availability. Based upon these concerns Cakebread Cellars would like the draft environmental impact report to address these issues in greater detail. F-1

The greatest concern Cakebread Cellars has with the proposed quarry expansion is the potential impact on ground water supply and quality. We have made a significant investment in our vineyard that was based on existing water availability levels and quality and any changes to either could have a very significant impact on the viability of our farming operations. Water availability is possibility the most essential issue when farming grapevines in rocky hillside soil, and any changes created by the quarry expansion could have devastating consequences for Cakebread Cellars and neighboring vineyards. The environmental impact report addresses the issue of aquifer recharge at length (Section 4.8-25), but does not address the issue of distribution within the aquifer. Our concern is that making such massive changes to the topography of the hillside will change the way water is distributed, potentially negatively F-2

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Offices: (707)963-5221 Fax: (707)963-1067 Visitors' Center: (707)963-5222
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impacting current ground water levels. It is our belief that greater study and site specific information is need to evaluate the impact on existing wells in the area, not just evaluating total recharge potential. Additionally, based upon the data included in the draft erosion control plan Syar will need an addition 50 acre feet of water per year, placing additional stress upon the aquifer. Because of the increase use by Syar and the potential changes of flow within the aquifer, Cakebread Cellars has serious concerns about the quarry expansion's impact our 100 acres of vineyard we have planted. F-2 (cont.)

A very significant area of concern for Cakebread Cellars is that of air quality. Specifically, our concern surrounds the issue of particulate matter and dust impacting our vineyards. Dust can have several adverse effects on both vines and the winemaking process. With regards to vineyards, dust accumulation on the leaves of grapevines will block the sunlight and reduce the photosynthetic efficiency of the plant, potentially reducing or delaying maturity. Additionally, dust on the leaves creates an environmental condition that promotes the presence of spider mites, which are a significant pest to grapevines. High populations of spider mites are difficult to control and are a threat to the integrated pest management approach Cakebread Cellars uses as a cornerstone of our sustainable crop protection plan. The issue of fugitive dust is addressed in section 4.3-2B of the environmental impact report. While the mitigation measure address both traffic related dust and dust created by blasting, we would like to see greater detail as to how Syar plans to control dust and reduce the impact upon our operations. Currently, the dust control mitigation measure for blasting sites says that Syar should "apply water to blast sites prior to detonation" but offers few details beyond this. Because this is a significant issue for us, we hope that greater detail can be provided on this issue. F-3

The issue of setbacks from creeks is addressed in the mitigation measures (EIR impacts 4.4-10). According the draft environmental impact report, it is proposed that 85 foot setbacks be maintained along the upper reaches of Arroyo Creek. While this is consistent with Napa County Code Section 18.108.025, it is not consistent with the erosion control plans for adjacent properties. In the approved erosion control plan for the Arroyo Creek Vineyard (State Clearing House #2007062015), the mitigation measures called for setbacks of 100 feet from both North Creek and Arroyo Creek. It is the belief of Cakebread Cellars that a 100 foot setback is more appropriate than the proposed 85 foot setback since the Syar Napa Quarry Expansion is on the same creek as our vineyard. In addition to adding a protective measure for the creek, expanding the setbacks will create greater parity and consistency with other projects. F-4

Over the course of 40 years of growing grapes in Napa Valley, Cakebread Cellars has always sought to be a responsible steward of the land and a respectful member of the community. While developing our vineyard in the area of Arroyo Creek we went to great lengths to minimize our impact on the environment and our neighbors. It is our concern that Syar is not proceeding with the same spirit and that the local environment and the quarry neighbors will bear the burden of the quarry expansion. F-5

Because of the potential negative impacts of Syar Napa Quarry Expansion, Cakebread Cellar voices it concerns regarding environmental impact report as it is currently drafted.

F-5
(cont.)

Sincerely,

Bruce Cakebread
President/COO
Cakebread Cellars

Sincerely,

Toby Halkovich
Director of Vineyard Operations
Cakebread Cellars

Letter F Response to Comments

Response to Comment F-1

This general comment identifies Cakebread Cellars' receipt of the Draft EIR, their location south of the project site, their implementation of two erosion control plans, and their concerns "surrounding the setbacks from creeks, dust and air pollution, and groundwater quality and availability." Cakebread Cellars would like the EIR to address these issues in greater detail. This comment does not make any specific comments on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment F-2

The proposed project will entail mining within the drainages north of Arroyo Creek and south of Maria Creek. Localized changes to the sub surface hydrogeology may occur but will be limited to the areas between these creeks. The depths of excavation of the proposed project were limited so as to not impact the base flows in those creeks. During the mining process, surface water detention ponds will be created or enlarged (State Grey Pit, State Blue Pit, and Gun Range). These ponds will impound surface water runoff so that the runoff of the proposed project will mimic pre-project conditions. The impounded water will infiltrate into the regional groundwater system.

The commenter is correct that the proposed project will require approximately 50 acre-feet of additional water per year. This water would come from water savings from BMPs or from the import of an additional water supply, likely recycled water from the sanitation district. A monitoring program (Mitigation Measure 4.8-4) ensures that in the event such supplies are unavailable, production under the proposed project will be reduced or further water savings through BMPs must be demonstrated.

Response to Comment F-3

As shown on Figure 3-4, the area closest to the vineyards has been designated an exclusion area and a buffer zone with no new disturbance. The project will expand the extent of mining (or mine footprint) within the project site (or holding) to the east and north several thousand feet from the vineyard as shown on Figure 3-3. Thus, the mine activities will not occur closer to the vineyard with the project. The area closest to the vineyards where activities will occur is already approved. Dust will be reduced to less than the significance thresholds mainly by controlling road dust which is the largest dust source for the project. By its nature, blasting is an uncontrolled process that is not feasible to further control. However, blasting can be scheduled at a time when the winds are favorable. Therefore, Mitigation Measure 4.3-2B will be amended to prohibit blasting within 1,000 feet of the vineyards during high wind conditions. High wind conditions means when instantaneous wind speed exceeds 25 miles per hour as measured using the methods described by South Coast Air Quality Management District Rule 403 and the Rule 403 Handbook.

Response to Comment F-4

The project is exempt from County setback requirements for creeks pursuant to Napa County Code Section 18.108.050.P (which exempts earthmoving activity associated with mining and mining-related activities conducted pursuant to and in compliance with an approved Surface Mining Permit); however, Mitigation Measure 4.4-10 states "…The project is exempt from this requirement, yet due to the nature of the future quarry face cut of 76 degrees, the Applicant shall provide a setback of a minimum of 85 feet from upper reaches of Arroyo Creek."

Response to Comment F-5

This general comment does not make any specific comments on the adequacy of the Draft EIR. No further response is necessary.

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OCT 21 2013
Napa County Planning, Building
& Environmental Services

Mr. Donald Barrella
Napa County
707 299 1338
1195 Third Street, Suite 210
Napa, CA 94559

Re: **Syar Napa Quarry Surface Mining Permit #P08-00337**

Dear Mr. Barrella,

The undersigned represents Citizens Advocating Rational Development ("CARD"), a non-profit corporation dedicated to issues in development and growth.

This letter contains comments on the Draft Environmental Impact Report on the **Syar Napa Quarry Surface Mining Permit #P08-00337**, in accordance with CEQA and the Notice of Completion and Availability. Please ensure that these comments are made a part of the public record. G-1

ENERGY

The DEIR does not discuss any requirements that the Project adopt energy saving techniques and fixtures, nor is there any discussion of potential solar energy facilities which could be located on the roofs of the Project. Under current building standards and codes which all jurisdictions have been advised to adopt, discussions of these energy uses are critical; 124-acre expansion of the existing 497 acres presently disturbed by mining within the existing 870-acre project site, will devour copious quantities of electrical energy, as well as other forms of energy. G-2

WATER SUPPLY

The EIR (or DEIR – the terms are used interchangeably herein) does not adequately address the issue of water supply, which in California, is a historical environmental problem of major proportions.

G-3

What the DEIR fails to do is:

1. Document wholesale water supplies;

2. Document Project demand; G-4

3. Determine reasonably foreseeable development scenarios, both near-term and long-term; G-5

4. Determine the water demands necessary to serve both near-term and long-term development and project build-out. G-6

5. Identify likely near-term and long-term water supply sources and, if necessary, alternative sources; G-7

7. Identify the likely yields of future water from the identified sources; G-8

8. Determine cumulative demands on the water supply system; G-9

9. Compare both near-term and long-term demand to near-term and long-term supply options, to determine water supply sufficiency; G-10

10. Identify the environmental impacts of developing future sources of water; and G-11

11. Identify mitigation measures for any significant environmental impacts of developing future water supplies. G-12

12. Discuss the effect of global warming on water supplies.

There is virtually no information in the DEIR which permits the reader to draw reasonable conclusions regarding the impact of the Project on water supply, either existing or in the future. G-13

For the foregoing reasons, this EIR is fatally flawed.

AIR QUALITY/GREENHOUSE EMISSIONS/CLIMATE CHANGE

The EIR lacks sufficient data to either establish the extent of the problem which local emissions contribute to deteriorating air quality, greenhouse emissions or the closely related problem of global warming and climate change, despite the fact that these issues are at the forefront of scientific review due to the catastrophic effects they will have on human life, agriculture, industry, sea level risings, and the many other serious consequences of global warming. G-14

This portion of the EIR fails for the following reasons:

1. The DEIR does not provide any support or evidence that the Guidelines utilized in the analysis are in fact supported by substantial evidence. References to the work of others is inadequate unless the document explains in sufficient detail the manner and methodology utilized by others. G-15

2. Climate change is known to affect rainfall and snow pack, which in turn can have substantial effects on river flows and ground water recharge. The impact thereof on the project's projected source of water is not discussed in an acceptable manner. Instead of giving greenhouse emissions and global warming issues the short shrift that it does, the EIR needs to include a comprehensive discussion of possible impacts of the emissions from this project. G-16

3. Climate change is known to affect the frequency and or severity of air quality problems, which is not discussed adequately. G-17

4. The cumulative effect of this project taken with other projects in the same geographical area on water supply, air quality and climate change is virtually missing from the document and the EIR is totally deficient in this regard. G-18

For the foregoing reasons, the EIR is fatally flawed.

ALTERNATIVE ANALYSIS

The alternative analysis fails in that the entire alternatives-to-the-project section provides no discussion of the effects of the project, or the absence of the project, on surrounding land uses, and the likely increase in development that will accompany the completion of the project, nor does it discuss the deleterious effects of failing to update the project upon those same surrounding properties and the land uses which may or have occurred thereon. G-19

Thank you for the opportunity to address these factors as they pertain to the referenced DEIR. G-20

Very truly yours,

CITIZENS ADVOCATING RATIONAL DEVELOPMENT

NICK R. Green

President

Letter G Response to Comments

Response to Comment G-1

This general comment identifies Citizens Advocating Rational Development (CARD) as a non-profit corporation dedicated to issues in development and growth, and that their letter contains comments on the Draft EIR in accordance with CEQA.

Response to Comment G-2

The project is not expected to require high amounts of energy or non-renewable resources or result in the use of energy in a wasteful or inefficient manner that would conflict with the Napa County General Plan or Surface Mining and Reclamation Act (SMARA). Syar has implemented several energy improvement strategies and policies in recent years that have helped reduce greenhouse gas (GHG) emissions from quarry operations. For example, only premium energy efficient motors are purchased when a motor requires replacement. All of the mercury vapor and metal halide lighting on the site has been replaced with energy efficient lighting. Also, energy efficient motor soft starts are purchased to reduce electricity demand. The quarry also participates in PG&E programs to reduce energy during peak hours. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment G-3

The proposed project will require approximately 50 acre-feet of additional water per year. This water would come from water savings from BMPs or from the import of an additional water supply, likely recycled water from the sanitation district. A monitoring program (Mitigation Measure 4.8-4) ensures that in the event such supplies are unavailable, production under the proposed project will be reduced or further water savings through BMPs must be demonstrated. Also please see Response to Comment V-52.

Response to Comment G-4

The project water demand was calculated and documented for the existing conditions and proposed project in the Water Supply Assessment (Appendix K). Please also see Response to Comment G-3.

Response to Comment G-5

Pre-design of the mine at each stage of development is difficult and prone to inaccuracies because the economics and technology available for material recovery cannot be accurately evaluated based on what is known today. Mining operations are inherently market sensitive and the market value and need for specific material will be variable over time. Until the economic value and market demand is known with precision, the cost/benefit of mining specific materials (and implementing all mitigation measures) cannot be evaluated. Mitigation Measure 4.8.2 recognizes this constraint with respect to groundwater and requires that groundwater elevation and groundwater use be monitored and reported annually. Prior to mining, the applicant is required to identify and report the groundwater elevation annually.

Response to Comment G-6

Please see Responses to Comments G-3 and G-4.

Response to Comment G-7

Please see Response to Comment G-3.

Response to Comment G-8

Please see Response to Comment G-3.

Response to Comment G-9

Please see Responses to Comments G-3 and G-4.

Response to Comment G-10

Please see Responses to Comments G-3, G-4, G-7 and G-8.

Response to Comment G-11

Because the additional water supply will be met through the use of recycled water or demand reduction, the environmental impacts are considered less than significant. A portion of the additional water used under the proposed project would runoff and into the detention ponds and basins where it would be allowed to infiltrate and recharge the regional aquifer, thus having a net positive impact. Please also see Response to Comment G-3.

Response to Comment G-12

Please see Response to Comment G-11.

Response to Comment G-13

Climate change issues in relation to the potential impacts of the proposed project are discussed in Section 4.17 of the Draft EIR. The effects of global climatic factors on the project area are speculative and uncertain, and not within the scope of this EIR.

Response to Comment G-14

The existing air quality setting for the Napa/Vallejo air basin is discussed in Section 4.3 Air Quality, including air pollutant concentrations and exceedances from 2007 through 2011. In addition, existing Napa Quarry emissions are quantified on pages 4.3-4 and 4.3-5 of the Draft EIR. The existing Napa Quarry GHG emissions are quantified on page 4.17-3 of the Draft EIR. In both cases the quantifications

are then compared to established thresholds to determine whether the project would contribute to deterioration in air quality or to greenhouse gas emissions.

Response to Comment G-15

As noted in Section 4.3 Air Quality and Section 4.17 Greenhouse Gas Emissions, at the time of publication of the Draft EIR the BAAQMD thresholds had been invalidated by a trial court. However, the court did not rule on or question the adequacy of the BAAQMD CEQA Air Quality Guidelines, including the impact assessment methodologies, or the evidentiary basis supporting the thresholds, which are included in the Guidelines (Appendix D Thresholds of Significance Justification). The County, as CEQA lead agency, has the discretion to use the BAAQMD CEQA Air Quality Guidelines and methodology for analyzing air quality impacts based on the evidence and technical studies supporting the Guidelines. Lead agencies may still rely on the BAAQMD CEQA Air Quality Guidelines for assistance in calculating air pollution emissions, obtaining information regarding the health impacts of air pollution, and identifying potential mitigation measures.

Responses to Comment G-16 and G-17

Analyzing climate change under CEQA presents several unique challenges, largely because of its global and inherently cumulative nature. Typical CEQA analyses address local actions that have local – or, at most, regional – impacts, whereas global warming presents the considerable challenge of analyzing the relationship between local and global activities and the resulting potential, if any, for local and/or global environmental impacts. Most environmental analyses examine the project-specific impacts that a particular project is likely to generate. The standard of significance used for this EIR addresses the project's impact on climate change with regard to whether the project conflicts with adopted policies or regulations for the purpose of reducing greenhouse gases or generates greenhouse gas emissions that may have a significant impact on the environment. In both cases the impact was found to be significant. After incorporation of mitigation the potential conflict with adopted policies and regulations was found to be less than significant, but project's contribution to greenhouse gas emissions remains significant and unavoidable. Although Mitigation Measure 4.17-2 Greenhouse Gas Reduction Plan was included, because specific measures to be included in the GHG Reduction Plan are not known at this time, and therefore the reduction in GHG emissions from the measures cannot be quantified, the impact conservatively remains significant and unavoidable.

Response to Comment G-18

The Draft EIR determined that the project would not contribute to a cumulative impact on groundwater because there would not be an increase in on-site water use over existing conditions (45.8 million gallons per year).

The project's contribution to a cumulative impact on air quality is analyzed on pages 4.3-45 and 4.4-46 of the Draft EIR. The project's impact to air quality was found not to contribute considerably to a cumulative impact. The cumulative impact to health risk was found to be below the threshold of 100 in a million.

The project's contribution to the cumulative impact on GHG emissions, and therefore climate change, is analyzed in section 4.17 Greenhouse Gases, starting on page 4.17-9. As noted on page 4.17-1 analyzing climate change under CEQA presents several unique challenges, largely because of its global and inherently cumulative nature. Typical CEQA analyses address local actions that have local or regional impacts, whereas global warming presents the considerable challenge of analyzing the relationship between local and global activities and the resulting potential, if any, for local and/or global environmental impacts. Therefore, the analysis of GHG emissions in the Draft EIR assesses whether the proposed project's incremental contribution to global climate change is cumulatively considerable. The analyses found the project's emissions to be greater than the threshold of significance, and although mitigation is included, because specificity and reduction quantifications could not be accurately predicted at this time, the impact remains significant and unavoidable.

Response to Comment G-19

The alternatives analysis section of the Draft EIR has been prepared pursuant to CEQA Guidelines, specifically Section 15126.6. No further analysis of alternatives to the project is warranted. Additionally, please see Response to Comment L-2.

Response to Comment G-20

Comment noted.

CITY of NAPA

www.cityofnapa.org

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DEC - 5 2013

Napa County Planning, Building & Environmental Services

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1600 First Street
Mailing Address:
P.O. Box 660
Napa, California 94559-0660
Phone: 707-257-9530
Fax: 707-257-9522
TTY: (707) 257-9506

December 5, 2013

Mr. Donald Barrella
Napa County Planning, Building and Environmental Services Department
1195 Third Street, Suite 210
Napa, CA 94559

RE: Comments on the Draft Environmental Impact Report (DEIR) – Syar Napa Quarry Expansion

Dear Mr. Barella,

As a responsible agency under the California Environmental Quality Act (CEQA), the City of Napa has reviewed the Draft Environmental Impact Report (DEIR) for the Syar Napa Quarry Expansion Project. The project would expand the existing 497 acre quarry permitted by UP-12182, UP-27374 and County Agreement No. 2225, by 124-acres for an anticipated increase in aggregate processing, production and sales from current levels of 1 million tons per year up to approximately 2 million tons per year. Included in the project would be the relocation of two of Skyline Park's trails that were originally constructed on the quarry property, back onto Skyline Park lands. The City appreciates this opportunity to provide these comments on the Project and the DEIR, and anticipates working cooperatively with the County to ensure that the Expansion of the Syar Napa Quarry continues to promote the quality of life in the City and the County. H-1

The Draft EIR (p.4.1-7) identifies the only County-designated scenic route in the vicinity of the project is SR 29/12. However, the highway running directly in front of the project site (SR 221) is identified in the City of Napa General Plan (LU-1.6, Figure 1-3) as a scenic corridor. The City of Napa's General Plan contains policies that endeavor to improve the scenic character of this road. The Napa General Plan also identifies this location as a gateway which it seeks to protect. Please clarify and illustrate through photo simulations the visual change that would result from the project to help substantiate the conclusion that the quarry expansion would not represent a substantial adverse visual change to a prominent gateway to the City of Napa as well as from several other locations within the City of Napa. The relatively small photo simulations contained on pages 4.1-2 thru 4.1-31, do not provide an accurate representation of the potential alterations to the natural setting of the Syar property's hillsides as they are too small to clearly determine the visual changes as seen from vantage points in the City of Napa. Similarly, the draft EIR states that *"portions of the nearly vertical walls that would be created by the project would be visible from numerous locations, from multiple orientations, and from various distances up to five miles"*. Please include supplemental analysis to support the Draft EIR's conclusions that the project would not substantially degrade the existing visual character or quality of the site and its surroundings (pg. 4.1-29) given the EIR's acknowledgement that alterations to the natural terrain caused by the project will be visible from numerous locations. H-2

The Draft EIR indicates future activities within the expanded mining area to the north and east of State Blue Pit would occur within approximately 1,900 feet from residential areas along Imola Avenue. Impact 4.11-1, states, *"noise generated by mining activities on the ridgelines in the expansion areas would exceed allowable noise levels as established in the Napa County General Plan and Napa County Noise Ordinance".* Page 4.11-15 indicates noise levels at the nearest residential receptors along Imola Avenue (many of which are within the City of Napa), would exceed the daytime Napa County Noise Ordinance limit of 50 dBA and the nighttime limit of 45 dBA and is identified as a potentially significant impact. However, it is not clear if these are residential interior or exterior noise levels. The City of Napa's General Plan Policy HS-9.13 requires a maximum interior CNEL of 45 dBA or less for residential interiors due to exterior noise sources. The EIR should clarify the difference between residential interior and exterior noise readings. The EIR should also identify how mitigations would comply with the City of Napa's General Plan and Noise Ordinance since the project will affect residential properties within the City of Napa. H-3

The Syar Quarry Expansion Project will impact the unsignalized intersection of SR 221 and Basalt Road during the AM Peak hour. The existing without project AM Peak hour LOS for this intersection is E and the future without project AM Peak hour LOS is F. The proposed Mitigation Measure 4.15-1 of limiting the number of new trips at this intersection to less than 50 during the AM peak hour does not mitigate the intersection to pre-project conditions and therefore does not reduce the impact to less than significant under existing conditions. H-4

Under future conditions the EIR states that, "the County is considering construction of a new jail on a site that would be accessed via Intersection No. 3 [SR 221 and Basalt Road]. If this occurs, the County would be required to improve (and signalize) the intersection, resolving the significant cumulative impact. Mitigation measure 4.15-1 [limiting the number of new trips during the AM Peak] would be required to address the Syar Quarry contribution to cumulative traffic conditions until the County improves the intersection." The Syar Quarry Expansion EIR does not analyze the LOS of the SR 221 and Basalt Road intersection as a signalized intersection under future conditions, therefore whether or not signalizing this intersection will mitigate the traffic impacts to the SR 221 and Basalt Road intersection caused by this project are unknown. Furthermore, the Syar Quarry Expansion Project cannot propose a temporary mitigation measure and rely on a third party to implement a permanent mitigation measure to mitigate impacts caused by the Syar Quarry Expansion Project. H-5

The City of Napa owns and operates a five million gallon above ground potable water storage tank on a contiguous parcel located immediately north of the project and the project proposes extensive excavation near the water storage tank. Figure 3-5 (Limits of Vertical Expansion) outlines exclusion areas and proposed excavation limits for the quarry expansion. Specifically, areas southeast of the City's water tank will undergo dramatic topographical modifications. The Draft EIR does not adequately address whether or not the proposed excavation limits southeast of the existing water tank will adversely affect or undermine the existing water tank foundation. The final EIR should analyze whether or not proposed mining operations will undermine the City's existing water tank foundation and if necessary, address what actions will be taken to ensure there are no impacts to the existing critical potable water storage facility. Impact 4.11-2 (page 4.11-17) outlines the potential for elevated vibration levels as a result of blasting during normal mining operations. Specifically, the EIR acknowledges that blasting may also be required in northern areas of proposed excavation near the City's water tank. Although the H-6

structure does not house sensitive receptors, the EIR acknowledges that, "Vibration levels from blasting exceeding 2.0 in/sec PPV could result in minor damage to the water storage tank." The EIR does not adequately address the extent of minor damage or the means to address it. The final EIR should analyze the potential and extent of minor damage to said tank, and the means in which the project would address the damage to the City's municipal water facility. H-6 (cont.)

We appreciate the opportunity to comment on this DEIR and hope that the County will address the issues raised by the City in this letter. Should you have any questions or comments regarding the forgoing, please contact Michael Allen, Associate Planner at 707.235.6878 or by e-mail at mallen@cityofnapa.org. H-7

Sincerely,

Ken MacNab
Planning Manager
City of Napa

c: Rick Tooker, Community Development Director

Letter H Response to Comments

Response to Comment H-1

This general comment by the City of Napa acknowledges the City's review of the Draft EIR, a summary of the project description, and the City's anticipation of working cooperatively with the County. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment H-2

Scenic routes are described in Section 4.1.2.1 and Section 4.1.3.3 of the Draft EIR.

The City of Napa's indicated gateway in its General Plan appears to be located from approximately north of Streblow Drive to SR 121, and the outlined scenic corridor extends from SR 121 to Lincoln Avenue.

The Draft EIR's visual analysis includes an assessment of the distance zone and landscape similarity zones (Appendix F, page 5) to evaluate the likely visual impacts of the proposed project. The reach of SR 221 in question is within the foreground and Urban/Suburban Landscape Zones. Visual line-of-sight models developed for the EIR indicate that this area will see very little of the overall project. This is shown in the figure "Composite Viewshed of Project" (Figure 4.1-3), which confirms that a very low percentage (0-5%) of the project would be visible from the gateway and scenic corridor area.

Two hundred thirty one (231) potentially sensitive receptor sites were identified in the visual study area, including the project site in question. Of the 231 potential sensitive receptor sites, 12 representative sites were selected for visual simulation analysis. It is not feasible to analyze all potential impacts to all potential "sensitive receptors" (such as every park, roadway, or individual house). Instead, the analysis uses the 12 representative simulation viewpoints from various angles, orientations, and distances from within various landscape similarity zones. These 12 simulation viewpoints serve as representative examples for other locations that have similar angles, orientations, distances, or landscape similarity zones. The photo simulation conducted at site N17 serves as a representative view near the location in question. Photo simulations N64 and N48 also provide similar distances, orientations, and landscape similarity zones.

Regarding the size of the simulations, the standard letter page size presents inherent limitations with respect to scaling and presentation of data. Photo simulations Images are high resolution images that may be zoomed in upon to view in greater detail using the electronic version available on the county's website (http://www.countyofnapa.org/Syar/).

Response to Comment H-3

Noise levels presented in the Impact 4.11-1 discussion were calculated outdoors in order to compare to the exterior noise level limits established by Napa County. The Napa County noise limits used in the analysis are more restrictive than the City of Napa's maximum interior noise limit of 45 dBA community noise equivalent level (CNEL). Interior noise levels attributable to exterior noise sources are typically 15

dBA lower assuming the windows are open for ventilation. Therefore, mitigated daytime noise levels of 50 dBA L_{50}, and nighttime noise levels of 45 dBA L_{50}, would be approximately 35 dBA L_{50} indoors during the daytime and 30 dBA L_{50} indoors during the nighttime. Assuming a worst-case scenario of 24-hour operations and the mitigated exterior noise levels above, interior noise levels within residential units with the windows open are calculated to be 38 dBA CNEL or less and below the City of Napa's interior noise limit of 45 dBA CNEL.

Furthermore, Imola Avenue and public uses, which separate the quarry from adjacent residential uses are more prominent noise sources to these local residential uses, and have a more consistent and noticeable effect on both the existing AM and PM ambient and instantaneous peak noise levels on adjacent residential uses than quarrying and associated activities due to this separation and use types located within.

Response to Comment H-4

There is no requirement to mitigate the intersection to pre-project conditions. The threshold used to determine traffic impacts for Intersection 3, an unsignalized intersection currently operating at LOS E, is an increase in traffic volumes by more than 50 vehicles per hour in the AM or PM peak hour. Volumes at Intersection 3 would increase by 51 trips in the AM peak under full project operating conditions. Mitigation Measure 4.15-1 reduces the impact to less than significant by restricting the amount of sales during the AM peak hour to no more than 50 additional trips.

Response to Comment H-5

Mitigation Measure 4.15-1 is not "temporary," but would be in place for the lifetime of the project. The potential intersection improvements are mentioned only in that if they were implemented in the future, Mitigation Measure 4.15-1 would no longer be necessary. If they are not implemented, Mitigation Measure 4.15-1 would still apply. According to the Napa County Jail Project EIR, under future plus project conditions, with signalization of the intersection, the LOS would be D at Intersection 3 (referred to as Intersection 8 in the Napa County Jail Project EIR) during the AM peak. LOS D is considered acceptable.

Response to Comment H-6

"Extensive excavation near the water storage tank" as stated by the commenter will not take place. The City of Napa's water storage tank northwest of the State Blue Pit and outside the project site boundary will not be impacted by project activities. Project activities will not be any closer to the water storage tank than existing and past operations. Project expansion activities are more than 500 feet east of the water storage tank.

The Draft EIR addresses potential vibration impacts to the City of Napa's water storage tank under Impact 4.11-2. Vibration levels from blasting are calculated under worst-case conditions to reach 0.87 in/sec PPV at the water storage tank. A conservative 2.0 in/sec PPV threshold was used in the assessment to avoid minor damage to the water storage tank. Concrete cracking could be expected at 10.0 in/sec PPV. Larger, engineered structures, such as the water storage tank, are far more capable of withstanding

higher vibration levels than residential structures because these types of structures do not respond adversely to the relatively high-frequency and low-displacement vibration waves generated by blasting. Larger, engineered structures are also designed to withstand much greater forces typical of earthquakes.

Response to Comment H-7

In this comment the commenter appreciates the opportunity to comment on the Draft EIR, hopes that the county will address the issues raised in the letter and provides the name, phone number and email address of the individual to contact with any questions or comments. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Edmund G. Brown Jr.
Governor

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

Ken Alex
Director

Memorandum

Date: October 8, 2013

To: All Reviewing Agencies

From: Scott Morgan, Director

Re: SCH # 2009062054
Syar Napa Quarry Surface Mining Permit #P08-00337

Pursuant to the attached letter, the Lead Agency has *extended* the review period for the above referenced project to **December 5, 2013** to accommodate the review process. All other project information remains the same. I-1

RECEIVED
OCT 15 2013
Napa County Planning Building
& Environmental Services

cc: Donald Barrella
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

2009062054

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Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

Hillary Gitelman
Director

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NOTICE OF EXTENSION OF PUBLIC REVIEW PERIOD AND REQUEST FOR COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SYAR NAPA QUARRY EXPANSION AND SURFACING MINING PERMIT

NOTICE IS HEREBY GIVEN that the County of Napa, as Lead Agency, has extended the public review and comment period for the Draft Environmental Impact Report (DEIR) for the proposed Syar Napa Quarry Expansion and Surface Mining Permit Project. The public review period, **has been extended to December 5, 2013, 5:00 p.m.**

A public notice of completion and availability for the DEIR was originally posted on September 6, 2013. This notice has extended the original 45 day review and comment period by 45 days from October 21 to **December 5, 3013.** All comments must be submitted to the County within this time period. All comments received by the close of the comment period will be responded to in writing in the Final EIR. Written comments may be submitted to: Napa County Department of Planning, Building and Environmental Services, 1195 Third Street, Suite 210, Napa CA 94559, Attn. Donald Barrella, Planner III: donald.barrella@countyofnapa.org. Telephone (707) 299-1338 Fax (707) 299-4491

Applicant - Syar Industries Incorporated: File Number - P08-00337-SMP: State Clearinghouse Number: 2009062054

AVAILABILITY OF DOCUMENT: Public review and written comments on the DEIR are invited. The document is available for review at the following locations:

1) Napa County Main Library, 580 Coombs Street, Napa, CA 94559
2) Napa County Department of Planning, Building and Environmental Services, 1195 Third St., Suite 210, Napa, CA 94559
3) Napa County website at: www.countyofnapa.org/PBES/CurrentProjects/

PROJECT LOCATION: The Syar Napa Quarry project site is located on the east side of State Highway 221 (Napa-Vallejo Highway) at its intersection with Basalt Road (Assessor's Parcel #'s: 045-360-005, 046-370-012, 046-370-013, 046-370-015, 046-370-022, 046-370-025, 046-390-002, 046-390-003, and 046-450-071)

I-1 (cont.)

PROJECT DESCRIPTION: The purpose of the project is to provide for an approximate 124-acre expansion of the surface mining and reclamation plan associated with aggregate processing, production, and sales, as currently permitted by UP-128182, UP-27374, and County Agreement No. 2225. The project would expand the existing 497-acre Syar Napa Quarry and allow mining to continue for a 35 year term, including an increase in the mining depth from between approximately 300 feet and 150 feet above mean sea level to no greater than 50 feet above mean sea level, and an increase in sales of aggregate and aggregate related materials from current levels of approximately 1 million tons per year up to approximately 2 million tons per year. Other activities associated with the proposed project include the relocation and improvement of two Skyline Wilderness Park's trails (Buckeye Trail and Skyline Trail), that were originally constructed on the quarry property, back onto Skyline Park lands. Napa County is responsible for approval of the Surface Mining Permit (#P08-00337-SMP) pursuant to Chapter 16.12 (Surface Mining and Reclamation) of the Napa County Code.

CEQA STATUS – SIGNIFICANT ENVIRONMENTAL IMPACTS: The DEIR has been prepared consistent with CEQA (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR] Title 14, Section 15000 et seq.). The proposed project could result in significant impacts and mitigation measures have been proposed to reduce the significant of impacts in the areas of: air quality, biological resources, cultural resources, geology and soils, hazard and hazardous materials, hydrology and water quality, noise, recreation, transportation, and utilities and service systems. Significant impacts associated with greenhouse gas emissions would be reduced with mitigation, but not to a less-than-significant level. The project site is not on any of the lists of hazardous waste sites enumerated under Governmental Code Section 65962.5.

Print Form

Appendix C

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #2009062054

Project Title: Syar Napa Quarry Surface Mining Permit #P08-00337

Lead Agency: Napa County | Contact Person: Mr. Donald Barrella
Mailing Address: 1195 Third Street, Suite 210 | Phone: 707-299-1338
City: Napa | Zip: 94559 | County: Napa

Project Location: County: Napa | City/Nearest Community: City of Napa
Cross Streets: SR 221 at the intersection with Basalt Road | Zip Code: 94558
Longitude/Latitude (degrees, minutes and seconds): 38 ° 15 ' 53.7 " N / 122 ° 15 ' 35.1 " W | Total Acres: 920
Assessor's Parcel No.: 045-360-005, Multiple | Section: Multiple | Twp.: 5N | Range: 3,4 W | Base: MDB&B
Within 2 Miles: State Hwy #: SR 221, 12, 29 | Waterways: Napa River, Arroyo Creek
Airports: Napa County Airport | Railways: Southern Pacific | Schools: NVC, Phillips

Document Type:

CEQA: ☐ NOP ☒ Draft EIR | NEPA: ☐ NOI | Other: ☐ Joint Document
☐ Early Cons ☐ Supplement/Subsequent EIR | ☐ EA | ☐ Final Document
☐ Neg Dec (Prior SCH No.) | ☐ Draft EIS | ☐ Other:
☐ Mit Neg Dec Other: | ☐ FONSI

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Local Action Type:

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☐ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, etc.) ☒ Other: Quarry exp.

Development Type:

☐ Residential: Units ____ Acres ____
☐ Office: Sq.ft. ____ Acres ____ Employees ____
☐ Commercial: Sq.ft. ____ Acres ____ Employees ____
☐ Industrial: Sq.ft. ____ Acres ____ Employees ____
☐ Educational: ____
☐ Recreational: ____
☐ Water Facilities: Type ____ MGD ____
☐ Transportation: Type ____
☒ Mining: Mineral Aggregate related materials
☐ Power: Type ____ MW ____
☐ Waste Treatment: Type ____ MGD ____
☐ Hazardous Waste: Type ____
☐ Other: ____

Project Issues Discussed in Document:

☒ Aesthetic/Visual ☐ Fiscal ☒ Recreation/Parks ☒ Vegetation
☒ Agricultural Land ☒ Flood Plain/Flooding ☒ Schools/Universities ☒ Water Quality
☒ Air Quality ☒ Forest Land/Fire Hazard ☒ Septic Systems ☒ Water Supply/Groundwater
☒ Archeological/Historical ☒ Geologic/Seismic ☒ Sewer Capacity ☒ Wetland/Riparian
☒ Biological Resources ☒ Minerals ☒ Soil Erosion/Compaction/Grading ☒ Growth Inducement
☐ Coastal Zone ☒ Noise ☒ Solid Waste ☒ Land Use
☒ Drainage/Absorption ☒ Population/Housing Balance ☒ Toxic/Hazardous ☒ Cumulative Effects
☒ Economic/Jobs ☒ Public Services/Facilities ☒ Traffic/Circulation ☐ Other: ____

Present Land Use/Zoning/General Plan Designation:

GPLU: AWOS/MR, I, PI. Zoning: AW, I, AW:AC Combining District

Project Description: *(please use a separate page if necessary)*

Syar proposes to expand the existing Syar Napa Quarry (within its current property boundary) and continue operations in the expansion area until approximately 2048. Syar has applied for a Surface Mining Permit (SMP) (number P08-00337-SMP) from Napa County to enable expansion of the quarry. The expansion areas are those areas that are not currently covered by UP-128182 and UP-27374, and the approved reclamation plan. The permit would allow mining to continue in both the existing and expanded quarry for a 35-year period as proposed in the 2012 Mining and Reclamation Plan prepared for the project. The project would result in an approximately 124-acre expansion of the existing 497 acres presently disturbed by mining within the existing 870-acre project site.

I-1 (cont.)

State Clearinghouse Contact: JK (916) 445-0613

State Review Began: 09-05-2013

SCH COMPLIANCE 10 21 - 2013

12 5

Review Extended for Lead

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2009062054

Please forward late comments directly to the Lead Agency

AQMD/APCD 2

(Resources: 09/07)

Project Sent to the following State Agencies

- X Resources
- ____ Boating & Waterways
- ____ Coastal Comm
- ____ Colorado Rvr Bd
- X Conservation
- X CDFW # 3
- ____ Delta Protection Comm
- ____ Cal Fire
- ____ Historic Preservation
- X Parks & Rec
- ____ Central Valley Flood Prot.
- ____ Bay Cons & Dev Comm.
- X DWR
- ____ Cal EMA
- ____ Resources, Recycling and Recovery

Bus Transp Hous

- X Aeronautics
- X CHP
- X Caltrans # 4
- ____ Trans Planning
- ____ Housing & Com Dev
- ____ Food & Agriculture
- ____ Public Health

State/Consumer Svcs

- ____ General Services

Cal EPA

- ____ ARB: Airport/Energy Projects
- ____ ARB: Transportation Projects
- X ARB: Major Industrial Projects
- ____ SWRCB: Div. Financial Assist.
- ____ SWRCB: Wtr Quality
- ____ SWRCB: Wtr Rights
- X Reg. WQCB # 2
- X Toxic Sub Ctrl-CTC

Yth/Adlt Corrections

- ____ Corrections

Independent Comm

- ____ Energy Commission
- X NAHC
- X Public Utilities Comm
- ____ State Lands Comm
- ____ Tahoe Rgl Plan Agency

____ ____ Conservancy

____ Other: ____

Letter I Response to Comments

Response to Comment I-1

This letter from the State Clearinghouse acknowledges the Draft EIRs extension of the review period to December 5, 2013. No further response is required.

California Native Plant Society

November 21, 2013

RECEIVED
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Napa County Planning, Building & Environmental Services

To: Donald Barrella

Napa County Department of Planning , Building & Environmental Services
1195 Third St., Suite 210,
Napa, CA, 94559

Re: Syar Quarry Expansion, Draft Environmental Impact Report (Winzler & Kelly)

Thank you for allowing the California Native Plant Society (CNPS) the opportunity to comment on this proposed development. CNPS is dedicated to the preservation of the California flora, significant resources that sustain air, water, habitat and climate quality.

The project proposes to develop 124 additional acres of the 920 acre property. Over 50%, 497 acres of this property are already disturbed. Approximately 32% of the property will remain in a relative natural state at the buildout of this project. A portion of the proposed expansion will occur in areas that have been used by Skyline Park for recreational trails for about 30 years. This may require the relocation or abandonment of these trails. Removal of upper elevations of the property will impact hydrology and thereby may impact wetland and riparian plant communities. This needs to be carefully analyzed. J-1

We would like to make the following specific comments to the DEIR document:

Section 4.4-2 **Floristic surveys** were conducted on March 31, April 2 and May 4-5 of 2009, over four years ago. In some cases, studies done more than three years prior to a report may no longer be considered valid. Fish and Game Guidelines state that surveys should be conducted throughout the flowering season to accurately determine what plants are on the site. In particular, it is necessary to cover the flowering period of all potentially occurring special status plant species. The first two field survey dates are close together indicating that only early and mid-season surveys were completed. Many species do not initiate flowering until June or later. Late season surveys should have been conducted to complete a comprehensive study. We request that late season surveys be conducted. J-2

Section 4.4-9 **California Sagebrush Series** was found on site. This vegetation type was mapped as one acre in size. The significance of this one acre is not assessed in the report. This is in part due to the fact that Napa County Vegetation maps completed in 2004 did not include this vegetation type despite the fact that the Information Center for the Environment (ICE) report recognized its occurrence in the county. This vegetation type is rare in Napa County, occurring as small patches (below the 2.5 acre minimum polygon size utilized by ICE) on south slopes in grassland or woodland on the south end of the Napa (east of Napa Valley) and Mt. Hood Ranges (west of Napa Valley). Impact is significant. J-3

Section 4.4-23 **Rare Plants**: *Erigeron greenei* – was probably not detected during the surveys because it does not begin blooming until July, almost 2 months after the last executed field survey. *Brodiaea leptandra* was undetected in the surveys perhaps because this species must be in bloom to be identified and blooming begins in late May, early June. This species occurs in Skyline Park. *Hesperolinon bicarpellatum* (= *H. serpentinum, H. sharsmithii*) was not detected but again this may be because no surveys were done in June. This species occurs in Skyline Park. *Sidalcea hickmanii* ssp. *napensis* (Napa and Sonoma County plants formerly designated ssp. *viridis*) may occur in association with chamise and *Ceanothus purpureus* but may be sustained in the seed bank only, awaiting some form of surface soil disturbance. It should be considered as potentially occurring at Syar. Surveys may have ended too early to detect *Viburnum ellipticum*. One additional species, *Amsinckia lunaris*, was not considered as a target species for botanical surveys. A few plants have been observed in Skyline Park. J-4

4.4-67 **Mitigation for *Ceanothus purpureus*** includes preserving 23 of 55 plants. Is 55 plants the full extent of the historic population or is this a remnant of a once larger population. If so, what are the cumulative losses. This population is at the edge of the range for this species and carries some additional significance for that reason. J-5

4.4-72 Mitigation 4.4-6 says no rare plants are present on Skyline Park trails. This is an assumption since they did not conduct surveys on the trails. Relocation of trails may trigger an environmental and financial burden to Skyline Park. Regular use of these trails over decades may warrant investigation to determine what agreements originally permitted construction and use of these trails. J-6

4.4-74 Mitigation 4.4-8 Direct impacts are to be avoided in some areas but indirect impacts from invasive species are possible at a later time. How will these impacts be minimized. Native species should be used in planting disturbed buffer areas. There will be restoration of 12 acres on site. Is there to be restoration in post-quarried areas? What appropriate native species will be used for restoration. There will be preservation of 111 acres off-site in Napa County. In pursuit of a mitigation site, preference should be given to similar habitat adjacent to other conservation areas (including Skyline Park, i.e. the Pasini property) or along the Ridge Trail route. J-7

4.4 78 Mitigation 4.4 78 Arroyo Creek An 85 ft. setback will be established, greater than required by Napa County ordinance. We applaud this. These buffers should be inspected periodically to monitor impacts within the buffer. J-8

Sincerely,

Jake Ruygt

Jake Ruygt, Conservation Chairman,
Napa Valley Chapter CNPS
2201 Imola Ave.
Napa, CA 94559

Letter J Response to Comments

Response to Comment J-1

This general comment identifies the California Native Plant Society's (CNPS) dedication to the preservation of California's flora, summarizes project activities, and states that removal of upper elevations of the property will impact hydrology and thereby may impact wetland and riparian plant communities. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment J-2

The biological surveys were done at the time the NOP was circulated. Proposed mitigation within the Draft EIR is adequate to address potential impacts to biological resources, including the proposed change to Mitigation Measure 4.4-1b. The botanical surveys for the project site were conducted during appropriate bloom time for target plant species with moderate to high potential to occur at the project site. The comment that late-season surveys should have been conducted to capture the full spectrum of plant bloom times, is addressed in the Draft EIR as follows: "for species that the botanical surveys were conducted outside the official species-specific bloom period, these species either are visible in vegetative state and/or would not be expected (are unlikely present) due to absence of habitat on the site."

Response to Comment J-3

Commenter states that the one acre mapped as California sagebrush series is rare in Napa County and that the impact is significant. Locally important vegetation types were evaluated based on designations and data provided in the Napa County General Plan and Baseline Data Report. Per data from the county, six communities of limited distribution have been identified on a county-wide scale: wet meadow grasses; riverine, lacustrine, and tidal mudflats; Brewer willow alliance; ponderosa pine forest; native grassland and tanbark oak forest. Twenty-three Sensitive Biotic Communities have been identified in the county: these sensitive communities are consistent with the sensitive biotic communities listed in the California Natural Diversity Database (CNDDB) by the California Department of Fish and Wildlife. Neither the county's General Plan nor Baseline Data Report designates sagebrush as a sensitive biotic community or a habitat of limited distribution, and impacts are deemed less than significant.

Response to Comment J-4

In response to the comment as to whether seasonally-appropriate plant surveys were conducted at the appropriate time of year to capture presence of specific plant species, it should be noted that Greene's narrow-leaved daisy (*Erigeron greenei),*, narrow-anthered California brodiaea *(Brodiaea californica), and* oval-leaved viburnum *(Viburnum ellipticum)* are listed by CalFlora as well as *CNPS Inventory of Rare and Endangered Plants* (CNPS 2012) as having bloom times May through various end dates, as reported in the Draft EIR. The Winzler & Kelly project botanist conducting the plant surveys determined the survey window was appropriate to observe these species on the scoping list with likelihood to occur at the project site. This determination is also supported by the biologist who conducted reconnaissance plant surveys

and site evaluations (Live Oaks Associates 2008). Both two carpellate western flax *(Hesperolinon bicarpellatum)* and Napa checkerbloom (*Sidalcea hickmanii* ssp. *napensis)* were determined to be low and moderate likelihood, respectively, to occur at the project site due to absence of serpentine habitat at the project site as determined through reconnaissance efforts (Live Oaks Associates) and botanical surveys (Winzler & Kelly 2009). According to species research conducted prior to both reconnaissance site visits (Live Oaks Associates 2008) and botanical survey (Winzler & Kelly 2009), bloom times are May through various end dates, and the project botanist felt surveys were conducted at the appropriate time of year to observe this species if present. It is noted that bent flowered fiddleneck *(Amsinckia lunaris)* has an observation reported in nearby Skyline Park yet the *CNPS Inventory of Rare and Endangered Plants* (CNPS 2012) reviewed multiple times through the project review process does not list this species occurrence for Napa County. With a bloom time beginning in March, the qualified botanist would have observed this species during surveys if it were present at the project site. To reiterate, if any special-status species were observed or identified during the field inspections conducted, regardless of whether they were identified on a positive occurrence database, they would have been included in the Draft EIR appendices and discussed within the report.

Whether Napa checkerbloom exists in a seedbank at the project site is hypothetical as technically many plants could exist in seedbanks which is the nature of the definition of seedbank and is not feasibly determined on a project basis.

Response to Comment J-5

There is no data available as to whether the 55 ceonothus plants represent a remnant population. The species was not previously known to occur at the project site prior to 2008 and the 2009 surveys conducted for the proposed project. The mitigation measures reduce impacts to less than significant levels and are not cumulatively considerable.

Response to Comment J-6

Surveys were conducted in portions of the relocation area (identified in Inset A of Figure 4.14-1 of the Draft EIR) and listed plants were not observed in this area, as reported in the Draft EIR. Mitigation Measure 4.4-6 requires surveys and avoidance within other relocation areas where surveys were not conducted, thus mitigating potential impacts to a less than significant level. Regarding research into historical agreements of trail use, neither Syar nor the county has found an agreement in their files, and so it is likely that the trails on Syar Napa Quarry mine property are informal trails with no agreement in place. This topic is beyond the scope of the Draft EIR as it does not address a specific environmental impact.

Response to Comment J-7

Regarding future potential impacts from invasive species, these are specifically addressed in Mitigation Measure 4.4-8 with implementation of an Invasive Species Management Plan, and the commenter is referred to Section 4.4.3.2 in the Draft EIR for further details addressing this comment. Regarding native species use in replanting buffer areas, it should be noted that disturbance to buffer areas is not

anticipated and will be avoided by the proposed project. Planting within the buffer area is further addressed in Response to Comment U-12. Regarding the comment suggesting replanting with native species in post-quarried areas, the re-vegetation plan is governed by the SWPPP which is discussed in the Hydrology and Water Quality section 4.8 of the DEIR, and is aimed at addressing erosion control, with species selected for quick re-vegetation and stabilization. Regarding the portion of this comment that requests areas adjacent to the project site be prioritized for 111 acres of off-site oak woodland preservation, it should be noted that per Mitigation Measure 4.4-9 (section 4.4.3.2 of the DEIR), a priority for off-site location(s) selection will be based on like quality and habitat value as those being removed, as determined by a qualified biologist and the county. While the applicant is interested in considering opportunities near the project site, other circumstances may govern site selection such as timeline, property owner willingness, and type of habitat present.

Additionally, if necessary native plant species can be included in the seed mixes used for re-vegetation and reclamation if authorized by the County Conservation Division. Therefore, the County Conservation Division in conjunction with the project biologist (Live Oak Associates, Inc.) and the Napa County RCD will review and supplement/augment seed mixes and/or application rates as necessary so that native species, which are appropriate for adequate re-vegetation, erosion control, and reclamation of the project site are included in the reclamation/restoration efforts. Seed mixes shall be noxious weed free and shall include seed from locally propagated plant species to the maximum extent practical. This provision will be included as a condition of approval should the project be approved.

Response to Comment J-8

Comment noted. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

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1195 Third Street, Suite 210
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www.countyofnapa.org

Hillary Gitelman
Director

APN 046-422-016

George A & Janice E. ERVIN
DO NOT APPROVE.

RECEIVED
SEP 19 2013
Napa County Planning, Building & Environmental Services

Mr. George A. Ervin
2180 Patton Ave.
Napa, CA 94559

NOTICE OF COMPLETION / NOTICE OF AVAILABILITY NOTICE OF PUBLIC HEARINGS AND REQUEST FOR COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SYAR NAPA QUARRY EXPANSION AND SURFACING MINING PERMIT

NOTICE IS HEREBY GIVEN that the County of Napa, as Lead Agency, has completed a Draft Environmental Impact Report (DEIR) for public review and comment for the proposed Syar Napa Quarry Expansion and Surface Mining Permit Project (project), pursuant to the California Environmental Quality Act (CEQA).

Applicant: Syar Industries Incorporated
File Number: P08-00337-SMP
State Clearinghouse Number: 2009062054

AVAILABILITY OF DOCUMENT: Public review and written comments on the DEIR are invited. The document is available for review at the following locations:

1) Napa County Main Library, 580 Coombs Street, Napa, CA 94559
2) Napa County Department of Planning, Building and Environmental Services, 1195 Third St., Suite 210, Napa, CA 94559
3) Napa County website at: www.countyofnapa.org/PBES/CurrentProjects/

K-1

PUBLIC REVIEW AND COMMENT PERIOD: State law requires a minimum 45 day public review period for the DEIR. The public review period begins **Friday, September 6 and ends Monday, October 21, 2013 at 4:45 p.m.** All comments must be submitted to the County within this time period. Comments may be provided in writing, by email or orally at a public hearing. All comments received by the close of the comment period will be responded to in writing in the Final EIR. The Final EIR must be completed and certified by the Napa County Planning Commission before a decision can be made on the proposed project.

Written comments may be submitted to: Napa County Department of Planning, Building and Envoronmental Services, 1195 Third Street, Suite 210, Napa CA 94559, Attn. Donald Barrella, Planner III: donald.barrella@countyofnapa.org. Telephone (707) 299-1338 Fax (707) 299-4491

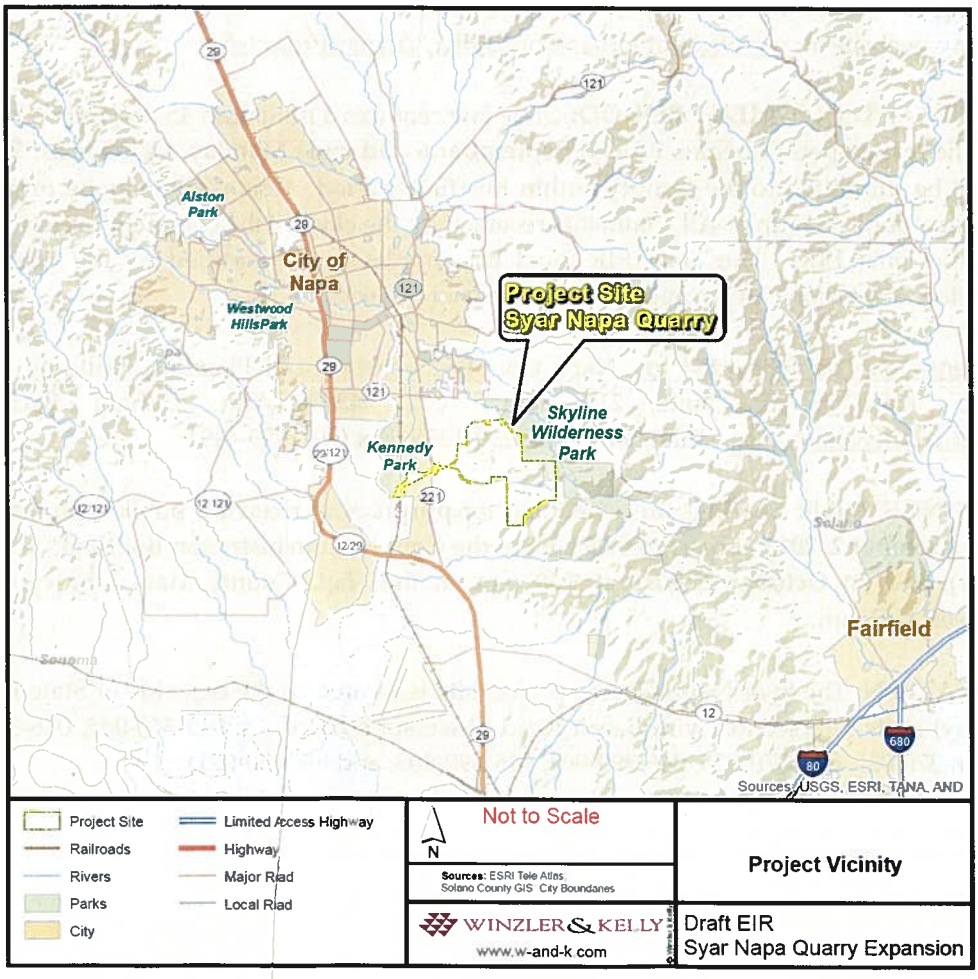
PUBLIC HEARINGS: Public hearings are scheduled for purposes of receiving public comments on the Draft EIR on **Wednesday, October 2, 2013 at or after 9:00 a.m.** at the County Administration Building, 1195 Third Street, Suite 305 (Top Floor), and on **October 2, 2013 at 5:30 p.m.** at the Napa County Main Library, 580 Coombs Street, Community Meeting Room.

PROJECT LOCATION: The Syar Napa Quarry project site is located on the east side of State Highway 221 (Napa-Vallejo Highway) at its intersection with Basalt Road (Assessor's Parcel #'s: 045-360-005, 046-370-012, 046-370-013, 046-370-015, 046-370-022, 046-370-025, 046-390-002, 046-390-003, and 046-450-071)

PROJECT DESCRIPTION: The purpose of the project is to provide for an approximate 124-acre expansion of the surface mining and reclamation plan associated with aggregate processing, production, and sales, as currently permitted by UP-128182, UP-27374, and County Agreement No. 2225. The project would expand the existing 497-acre Syar Napa Quarry and allow mining to continue for a 35 year term, including an increase in the mining depth from between approximately 300 feet and 150 feet above mean sea level to no greater than 50 feet above mean sea level, and an increase in sales of aggregate and aggregate related materials from current levels of approximately 1 million tons per year up to approximately 2 million tons per year. Other activities associated with the proposed project include the relocation and improvement of two Skyline Wilderness Park's trails (Buckeye Trail and Skyline Trail), that were originally constructed on the quarry property, back onto Skyline Park lands. Napa County is responsible for approval of the Surface Mining Permit (#P08-00337-SMP) pursuant to Chapter 16.12 (Surface Mining and Reclamation) of the Napa County Code.

CEQA STATUS – SIGNIFICANT ENVIRONMENTAL IMPACTS: The DEIR has been prepared consistent with CEQA (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR] Title 14, Section 15000 et seq.). The proposed project could result in significant impacts and mitigation measures have been propowsed to reduce the significant of impacts in the areas of: air quality, biological resources, cultural resources, geology and soils, hazard and hazardous materials, hydrology and water quality, noise, recreation, transportation, and utilities and service systems. Significant impacts associated with greenhouse gas emissions would be reduced with mitigation, but not to a less-than-significant level. The project site is not on any of the lists of hazardous waste sites enumerated under Governmental Code Section 65962.5.

CONTACT PERSONS: Donald Barrella, Planner III, (707) 299-1338, donald.barrella@countyofnapa.org
Brian Bordona, Supervising Planner, (707) 253-4417, brian.bordona@countyofnapa.org



K-1 (cont.)

Letter K Response to Comments

Response to Comment K-1

Comment noted. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Friends of the Napa River

P.O.Box 537, Napa, CA 94559
Phone 707-254-8520
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December 4, 2013

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Napa County Planning, Building, and Environmental Services Department
1195 Third Street, 2nd Floor
Napa, CA 94559
Attention: Donald Barrella, Planner III
donald.barrella@countyofnapa.org

Comments on the Draft Environmental Impact Report (DEIR) for the proposed Syar Napa Quarry Expansion and Surface Mining project #P08-00337-SMP

Dear Donald:

Friends of the Napa River (FONR) would like to provide these comments for the Syar Napa Quarry Expansion DEIR. After careful review of the documentation, our comments focus on a viable watershed important to surviving woodland adjacent to publically accessible lands: L-1

- The DEIR proposes an attractive sounding alternative termed "Reduced Footprint/Conservation" which may allow Syar a steady advanced annual production capability (over a 35 year period or less, perhaps) contained to a more limited area for expanded quarry excavation than expected by the other proposed alternative. This deserves more detailed identification with presentation of comprehensive maps and an articulated plan on how it can happen. At present, it is difficult to compare the two alternatives fully. L-2
- Border buffers are aptly proposed as "exclusion areas" where no excavations can be expected to happen adjacent to publicly accessible lands. To set up these exclusion areas under protection of conservation and public access easements in perpetuity makes the most sense. They ought to be proposed on a timetable for recording to save existing woodlands and dependent wildlife contained within exclusion areas now. L-3
- The Pasini property addition had been identified in previous project documentation for an exclusion area. Important buffer portions of this Pasini addition ought to be retained as exclusion areas under permanent conservation easements to ensure effectiveness of what has been suggested in the two points above. Important are; L-4

- The knoll and the ridge along the north to east portions which have wooded elevations and act very much as true buffers to the public park. They do retain habitat value for wildlife. L-5
- The knoll and the ridge might have underestimated drainage into the Public Park as well as subterranean groundwater flows. This deserves closer evaluation prior to any alternative which would lead to any sort of removal of those elevations. Otherwise park vegetation and dependent habitat could be impacted significantly for some time to come. L-6
- The existing pond is fed by water sources possibly originating from off-site. It is unclear how water flows would be altered with elimination of that pond's sources. If the pond would be diminished adjacent properties out into the south east creek elevations may be impacted. L-7
- Impacts to non-human users (horses on trails as well as wildlife) in and adjacent to needed exclusion areas should be more fully examined. It would seem prudent to provide for continuous exclusion areas along all borders with public lands protected under conservation easements. L-8

- FONR commends the proposed support to relocate a trail segment that currently leads erroneously in and out of the adjacent park. This speaks well for prospects to enable connections of regional trails in Syar related projects nearby. L-9

Thank you for the opportunity to provide comment to the DEIR. We at FONR will like to stand ready to assist in any constructive way possible to help keep the wooded watershed at the edges of the Syar Napa Quarry truly viable for the long term. L-10

Sincerely,

Bernhard Krevet
President, Friends of the Napa River
CC: Review Team (Barry Christian, Tony Norris, Phill Blake)

Letter L Response to Comments

Response to Comment L-1

This general comment from the Friends of the Napa River (FONR) acknowledges FONR's "focus on a viable watershed important to surviving woodland adjacent to publically accessible lands." This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment L-2

The Reduced Footprint/Conservation Alternative has been analyzed in the Draft EIR at an appropriate level of detail and analysis in order to provide the public and the decision-makers with sufficient information to compare the relative significance of potential impacts between the specifically studied project and a reasonably considerable alternative to make a reasoned choice among the alternatives, as CEQA requires.

Response to Comment L-3

The buffer areas are not proposed to be set up as "conservation and public access easements" as they are intended to separate the public use areas and provide a safety buffer from the private site. These areas will be recorded via a deed restriction in a form acceptable to the county, and the timeline, as requested by the commenter, is determined per Mitigation Measure 4.4-9 to occur prior to any new vegetation removal.

Response to Comment L-4

A good portion of the Pasini property is identified as an Exclusion Area (see Figure 3-4) in the Draft EIR, which is also consistent with the Project's Notice of Preparation. Furthermore, the county is not aware of any plans showing the entirety of the Pasini property as an exclusion area. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment L-5

Several areas within the project site have been avoided and retained as exclusion areas that provide buffers, linkages (also please see Response to Comment D-18), and creek avoidance. The northeast portion of the Pasini portion of the project site is a key part of the proposed project and is important in maintaining a viable project. The northeast corner does include a 50 foot setback from property lines to provide a buffer from adjacent property uses and additional buffer in this area is not deemed necessary as impacts have been reduced to a less than significant level.

Response to Comment L-6

The hydrology and water quality section of the Draft EIR (Section 4.8) addresses impacts from site expansion areas and conducted analysis of subterranean flow and potential impacts of the proposed

project. With proposed mitigation, impacts to subterranean flow were determined to be less than significant.

Response to Comment L-7

The Pasini pond feature is located within the upper Arroyo Creek watershed and as shown on Figure 4.8.2. Under existing conditions, this water would do a combination of the following: evaporate from the pond, seasonally overflow into the Arroyo Creek drainage, and infiltrate into the Arroyo Creek aquifer system. There are two overland flow paths within the eastern end of the Arroyo Creek sub-watershed, that contribute to the Pasini pond feature, one from the north and the other from the southeast. The northern sub-watershed predominantly originates from within the Syar parcel, whereas the southeast sub-watershed originates off the Syar parcel. As shown on Figure 4.8-10 the proposed full-expansion area will intercept a portion of overland flow that currently contributes to the Pasini pond from the north and southeast sub-watersheds. Of the total Pasini Pond watershed, approximately 70% is within the full-expansion area and will be removed. Overland flow that enters the full-expansion area from the north and southeast will continue to remain within the existing Arroyo Creek watershed and will be managed in accordance with county approved grading and drainage plans developed to meet requirements in Surface Mining and Reclamation Ordinances (Mitigation Measure 4.8-5) and the SWPPP (Mitigation Measure 4.8-1). As such, the seasonal pond feature on the Pasini parcel will receive less water from surface runoff. This is not directly discussed in the Draft EIR nor the Surface Hydrologic and Sub-surface Hydrogeological Study because the water balance and runoff analysis conducted was completed at a broader watershed scale, not on a smaller sub-watershed scale. The pond feature on the Pasini parcel is seasonal and under existing conditions goes dry during summer months. Under proposed conditions the watershed area directly contributing to the pond feature will be reduced and will continue to function as a season pond, drying during the summer months.

Response to Comment L-8

The Draft EIR conducted a thorough analysis of potential impacts to adjacent wildlife through a corridor analysis provided in the Impact 4.4-11 analysis discussion (also please see Response to Comment D-18). Additionally, the project does include continuous buffers around property lines. In response to request for a conservation easement, it is noted that the current agreement with the county is that these areas shall be protected via deed restriction in a form acceptable to the county.

Response to Comment L-9

In this comment FONR commends the Applicant's support to relocate a trail segment that currently leads in and out of the park's boundary.

Response to Comment L-10

In this comment FONR expresses their interest in assisting in any constructive way possible to help keep the watershed truly viable for the long term.

Napa County Regional Park
and Open Space District

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Karen Bower Turjanis
Director Ward One

Tony Norris
Director Ward Two

Michael Haley
Director Ward Three

Dave Finigan
Director Ward Four

Barry Christian
Director Ward Five

November 14, 2013

Donald Barrella, Planner III
Planning, Building and Environmental Services
County of Napa
1195 Third Street, second floor
Napa, CA 94559

RE: Comment on Draft Environmental Impact Report for the Syar Napa Quarry Expansion and Surfacing Mining Permit

Mr. Barrella:

The Napa County Regional Park and Open Space District appreciates the opportunity to comment on the Draft EIR for the Syar Napa Quarry Expansion and Surfacing Mining Permit. The Board of Directors considered the DEIR at its October 2013 regular Board meeting, and approved the following comments on the DEIR. M-1

The District in 2009 commented on the project in response to the Notice of Preparation of an Environmental Impact Report for the proposed project. At that time the District Board requested that analysis of the project consider various potential aesthetic, noise, air quality, ground water and biological impacts. The primary focus of the District's comments was on the proposal to expand quarry operations onto the Pasini property, since this appeared to have the greatest potential to impact Skyline Park, M-2

The Pasini property has historically never been part of the quarry operation, and is not designated in the County General Plan as a mineral resource area. M-3

As part of the proposal to expand mining into the Pasini property, Syar proposes to remove the small ridge located along the northern boundary of the Pasini property. This ridge currently provides an effective barrier between the quarry and the park. With the removal of this knoll and ridge, it appears that the central portion of the wilderness part of Skyline Park would be directly exposed to quarry noise, dust and odor. The existing visual barrier between the park and the Pasini property would also be removed along approximately 750 feet of the Pasini/Skyline Wilderness Park boundary. M-4

This expansion of the proposed mining area into much of the Pasini property increases the potential for impacts on Skyline Wilderness Park, and makes it even more important to adequately understand potential impacts on the park related to noise, visual impact, dust, odor and hydrology. M-5

1195 Third Street, Room 210, Napa, California 94559
telephone: 707-255-2429 www.NapaOutdoors.org email: tnorris@ncrposd.org

While the DEIR contains much useful data, in the judgment of the District it is not adequate to enable decision-makers to make fully informed decisions on the project. The District therefore requests that the Final EIR respond to the following specific comments: M-6

(1) Alternatives. The DEIR identifies two potential alternatives to the project as proposed. The "Reduced Footprint/Conservation Alternative" would allow the same annual rate of quarry production, but would reduce the geographic extent of the quarry. However, there is no site plan associated with this alternative, so it is difficult to understand how it translates on the ground. If adopted, this alternative at first glance would appear to significantly reduce impacts on the park, while still allowing a dramatic increase in the rate of production (from 0.81 to 2.0 million tons per year extracted, for a 247% increase.). Therefore, the District requests a more detailed description of the "Reduced Footprint/Conservation Alternative", including a more thorough comparison of the proposed project to this alternative in terms of visual, noise, dust and odor impacts. A site map showing the physical extent of this alternative would also be very helpful for assessing the effect of this alternative. M-7 M-8

(2) Noise. The DEIR (Figures 4.11-35 and -36) shows projected quarry noise levels as high as 70 dBA along the edge of Skyline Park, and noise levels in excess of 50 dBA over much of the central portion of Skyline Park. Given that this portion of Skyline Park is essentially a wilderness, where current background noise levels are thought to be very low, it is surprising that the DEIR concludes there would be no significant noise impact on Skyline Park. According to Figure 4.11-1, of the eight noise monitoring locations shown, none were located in the wilderness portions of Skyline Park. Without knowing ambient noise levels in these areas, how was it possible to conclude that noise impacts on the park are less than significant? The FEIR should either find noise to be a significant impact, or explain how the finding of no significance is justified. M-9

(3) Assurances. Several areas along the border between the quarry and the park are proposed as exclusion areas where no mining will take place. These exclusion areas provide important buffers between the quarry and the park. However, there appears to be no mechanism to assure these buffers remain for the long term. It would greatly strengthen protection for Skyline Park to have these exclusion areas permanently protected through a conservation easement. The FEIR should address the effect of requiring the exclusion areas to be permanently protected through a conservation easement held by an independent third party. M-10

(4) Visual Impacts. The DEIR analysis of visual impacts (especially from Sites C10 and C11, as illustrated on pages 4.1-19 and 4.1-20) shows the proposed project will be highly visible from some of the wilderness portions of the park, yet the DEIR concludes this is not a significant impact. How does this conclusion mesh with County General Plan policies listed on pages 4.1-7 to 4.1-9? M-11

(5) Surface Water Flows. Figure 4.8-2 showing the quarry watershed and direction of water flows does not show water flows for the northern portion of the Pasini property. Under the proposed project this area would be excavated and water that currently flows into Skyline Park would in the future have its direction reversed and thus drain into what is left of Arroyo Creek. The Figure should be corrected, and the analysis should be revised to reflect this information. M-12

In addition, as proposed, the pond located on the Pasini property would be retained, but the expanded mining operation would eliminate what appears to be the primary source of water for the pond. If eliminated, it seems likely the pond would dry out and disappear for most of each year. This potential impact does not appear to have been analyzed in the DEIR. M-13

(6) Groundwater. Figure 4.8-6 showing groundwater flows does not include groundwater flows for most of the Pasini property. All of the Pasini property that is proposed for mining should be analyzed for groundwater flows and whether/how the quarry expansion would affect groundwater resources in the park. M-14

(7) Oak Woodlands. Mitigation 4.4-9 requires the developer to permanently preserve 111 acres of Oak Woodland off-site, but the mitigation is permitted to be located anywhere in Napa County. There is general agreement in the conservation community that mitigation habitat should generally be as close to the project impact site as possible. Since there are several potential opportunities to acquire fee title or easements for Oak Woodlands in the immediate vicinity (including Skyline Park itself, as well as other privately-owned parcels to the east and south of Skyline Park, the FEIR should consider tightening the mitigation measure to indicate that priority will be given to Oak Woodland habitat on nearby parcels before considering more remote locations. M-15

In addition, the mitigation requirement does not appear to have a time frame or deadline for implementation. For habitat mitigation to be most effective, it should be in place before the impact occurs. Therefore, the FEIR should also include a deadline by when the preservation of the off-site acres will be completed, and the rationale for that timing. M-16

(8) Trails. Page 4.14-5 (first paragraph) states that other than the lower Skyline Trail, trails that encroach onto Syar property (see Figure 4.14-1, inset B, C, and D) would not interfere with the proposed quarry expansion, and therefore Skyline Park would be granted a temporary easement or license to retain those trails. However, the proposed easement or license could be revoked at any time. Since those trails are located in designated "Exclusion Areas", which the project description says will not be developed, requiring the grant of a permanent trail easement should have no impact on the quarry, but would provide more protection for Skyline Park from the effects of the proposed expansion. This option should be considered in the FEIR. M-17

(9) Trail Relocation. Syar has proposed to pay for the relocation of a short section of the Skyline Trail so that it would no longer encroach on Syar property. The Skyline Park Citizens Association believes that the new alignment proposed by Syar is not workable, and so earlier this year proposed a new realignment. In addition to the section directly affected by the proposed quarry expansion, the Association also identified an improved route for the next section of the trail to the south. However, this reroute of this next section of the Skyline Trail is not really connected to the quarry expansion project. M-18

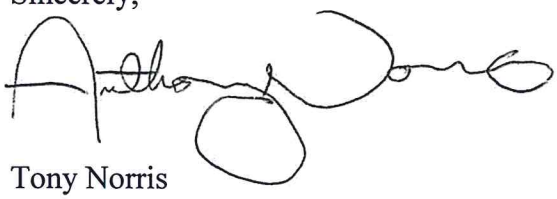
The realignment proposed by the Association for the northern section of the trail appears to be far superior to the alignment shown in the DEIR, and should be analyzed in the FEIR. It should be noted that under the County's lease of the property from the State, State approval is required for any significant improvements in the park. Therefore, once the preferred location of the trail is settled, it will need to be forwarded to the State Department of Real Estate for their review. The proposed realignment must be adequately considered in the FEIR before the State can be approached about approval for the realignment. At this time M-19

there is no reason to believe that it would be a problem to get State approval. However, the State will most likely charge for this review, so any review charges they may impose should be included in the cost of the trail relocation.

M-19
(cont.)

Thank you for your consideration of these comments.

Sincerely,



Tony Norris
President
Board of Directors

Letter M Response to Comments

Response to Comment M-1

In this general comment the Napa County Regional Park and Open Space District appreciates the opportunity to comment on the Draft EIR, and states that their Board of Directors considered the Draft EIR at its October 2013 regular Board meeting, and approved the following comments on the Draft EIR. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment M-2

This comment acknowledges the District's 2009 response to the NOP for the project. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment M-3

The commenter is correct that the Napa County General Plan does not designate the Pasini property as a mineral resource area; however, the State Mining and Geology Board (SMGB), at its regular business meeting held on November 14, 2013, accepted California Geological Survey's Special Report 205 on Update of Mineral Land Classification: Aggregate Materials in the North San Francisco Bay Production-Consumption Region, Sonoma, Napa, Marin, and Southwestern Solano counties, California (California Geological Survey 2013a and 2013b). The report and map that accompanies this special report identifies the land immediately adjacent to and east of the project site (including the Pasini property and parts of Skyline Wilderness Park) as MRZ-2, which are "areas underlain by mineral deposits that geologic data indicate to be significant. Contains known economic mineral deposits." The report and map are available online. Reference "Section 5. References" for the location of the report and map.

Pursuant to Public Resources Code Section 2762 the county is obligated to eventually amend the General Plan to recognize mineral information classified by the State Geologist. At the present time the county has not amended the General Plan incorporating this information.

Response to Comment M-4

The commenter states that the ridge located along the northern boundary of the Pasini property "provides an effective barrier between the quarry and the park" and that removal of the knoll and ridge would apparently expose the central portion of the wilderness part of Skyline Park to quarry noise, dust and odor. With respect to dust and odor, the effect of the knoll and ridge are minimal. Skyline Park is usually crosswind from the quarry with the wind predominantly occurring out of the south. Winds out of the west are fairly light and infrequent based upon review of the projects *Air Quality and Health Risk Impact Assessment* (Draft EIR Appendix I). In fact, it is common for winds to follow the terrain rather than to separate from the terrain at a ridgeline. Accordingly, and as described in the AQHRA, impacts from the project were modeled using flat terrain such that removal of the ridge would be consistent with impacts predicted in the Draft EIR. EPA AERMOD Implementation Guide (March 19, 2009) discusses terrain following plumes and recommends the approach used in the Draft EIR.

(http://www.epa.gov/scram001/7thconf/aermod/aermod_implmtn_guide_19March2009.pdf). Odor is mainly due to asphalt plant activities which are not proposed to change on daily and hourly bases. In addition, the asphalt operations occur over a mile away from Skyline Park. Therefore, one would not expect to have a significant impact from odor with or without the ridgeline.

All noise level projections for Skyline Wilderness Park are worst-case as uninterrupted line-of-sight to quarrying activities was assumed in the calculation of noise levels within Skyline Wilderness Park.

The left-hand sides of cross sections E, F, and G of Figures 3-6 show comparisons of existing and proposed topography along the quarry's north extent. These sections indicate that some areas of excavation will reveal backslopes of quarried areas and result in some changes to terrain. Note that the Sections are also vertically exaggerated.

It is the policy of Skyline Wilderness Park that visitors to the park must stay on designated trails. Modeling and analyses conducted for this EIR indicate that views of the proposed project will be limited to a very small percentage of the overall trail system. The vast majority of the linear footage of the trails within Skyline Wilderness Park will not have a view of the project. Those locations that do have views will have limited views of only portions of the project.

Views from the majority of Skyline Wilderness Park will not be affected due to relative viewing angles, intervening topography within Skyline Wilderness Park, and vegetation within the park. The Composite Viewshed of Project figure (Figure 4.1-3, page 93) places views from the north of the site in the zero to five percent category of project visibility. The project's vegetated 50' buffer with existing trees and shrubs will also provide some screening of exposed areas.

The Draft EIR analyzes the potential impacts of the project beyond the baseline existing conditions. Portions of the quarry are currently visible from some portions of some of the trails within the park. It is important to note that the analysis of impacts considers the range and degree of impacts beyond the baseline existing conditions.

The Viewshed and Line of Sight Diagram (Figure 4.1-10) for Site C10 shows that significant quarry excavation is shielded from view. The Year 35 Simulation for Site C11 shows preservation of foreground imagery, which largely screens mid-ground quarry activity. This mid-ground area will also be re-vegetated and reclaimed post-quarrying. Background views remain unchanged.

Section 4.1.3.3 of the Draft EIR discusses Skyline Wilderness Park's levels of visual exposure to the project beyond the existing baseline conditions. Expanded quarrying activity will in some locations increase views of quarried slopes. The degree to which this impacts the color and contrast with the surrounding landscape is considered less than significant.

Page 4.1-9 of the Draft EIR states "degraded visual quality would be considered significant if the project severely alters or displaces scenic resources composed of striking landform features, aesthetic water bodies, mature stands of native/cultural trees, or historic structures."

While the landscape of the Pasini parcel abutting Skyline Wilderness Park has rolling terrain and oak woodlands, it is representative of local scenery rather than exceptional or exemplary, lacking "striking landform features." Visual impacts are noted but are generally found to be less than significant to the overall landscape and visual resources (also please see Response to Comment B-3).

Response to Comment M-5

This comment notes the expansion of the mining area into much of the Pasini property and that this increases the potential for impacts to the park. Potentially significant environmental impacts to the park have been adequately analyzed in the EIR.

Response to Comment M-6

In this comment the District says that "while the Draft EIR contains much useful data, in the judgment of the District it is not adequate to enable decision-makers to make fully informed decisions on the project." Please see Responses to Comments M-7 through M-19.

Response to Comment M-7

Please see Response to Comment L-2.

Response to Comment M-8

Please see Response to Comment L-2.

Response to Comment M-9

Noise measurements made at sites LT-1, LT-2, LT-3, and LT-4 (Draft EIR Figure 4.11-1) were made at or near the quarry boundary contiguous with the boundary of Skyline Wilderness Park. Noise measurements were made during weekdays in order to quantify existing quarrying noise levels near the quarry boundary. Noise levels were also measured over a weekend in order to quantify ambient noise levels in the absence of quarrying activities. Noise levels measured at sites LT-1, LT-2, LT-3, and LT-4 were considered representative of the ambient noise levels experienced in Skyline Wilderness Park and were utilized in the noise impact assessment. The Draft EIR found that the expansion of the quarry would result in a potentially significant noise impact as noise levels from quarrying activities could be heard over large distances because of the low ambient noise environment. Mitigation Measure 4.11-1, which applies to all expansion areas including those adjacent to Skyline Wilderness Park, requires that acoustical shielding be maintained for the longest time possible, that the quietest available equipment be used when removing topsoil and overburden, and that noise monitoring be conducted to ensure that quarrying noise levels would not exceed Napa County noise standards, thereby reducing the impact to a less than significant level.

Response to Comment M-10

Comment noted. As stated on page 3-6 of the Draft EIR, the proposed project includes relocating and providing license agreements (such as rights-of-way) for existing sections of Skyline Wilderness Park trails constructed on quarry property, and establishing 50-foot property boundary buffers and mining exclusion areas within the quarry property. The county will require that a license agreement (or some other form of agreement agreed upon by Syar and the county) is obtained for relocated trails on Syar's property. Also, please see Response to Comments B-7 and M-17.

Response to Comment M-11

Please see Response to Comment M-4.

Response to Comment M-12

Figure 4.8-2 shows existing overland flow paths and watershed boundaries. Figure 4.8-10 shows the full-expansion area and resulting watershed boundaries. A small portion of the ridge that divides the Maria Creek and Arroyo Creek watersheds is located within the proposed full-expansion area. Upon full-expansion a small portion of the Maria Creek watershed that currently drains towards Skyline Wilderness Park will become part of the Arroyo 3 sub-watershed. Figure 4.8-10 of the Draft EIR shows the proposed full-expansion area and the analysis included as part of Impact/Mitigation Measure 4.8-5 accounts for the slight increase in Arroyo Creek watershed area as a result of full-expansion and as mitigated results in a less than significant impact, and as discussed and analyzed in Impact/Mitigation Measure 4.8-8 of the Draft EIR, there would be no direct effect on surface waters of Skyline Wilderness Park is anticipated as a result of mitigation.

Response to Comment M-13

Please see Response to Comment L-7.

Response to Comment M-14

Under existing conditions, this water evaporates from the pond feature, overflows into the Arroyo Creek drainage or infiltrates into the Arroyo Creek aquifer system.

Response to Comment M-15

Similar to Response to Comment B-6, the project proponent is interested in opportunities in proximity to the project site for oak woodland preservation, and will consider those sites with willing land owners. It should be noted that the project proponent may consider other sites in Napa depending on various contributing decision factors such as timeline, feasibility, availability, quality, and ownership status. Also the project will take into consideration requirements of Mitigation Measure 4.4-9 which states that oak preservation sites should be of like quality and habitat value as those being removed, to be determined by a qualified biologist, unless the mitigation ratio is further increased.

Response to Comment M-16

The oak woodland preservation mitigation measure language and mitigation ratio were developed in compliance with county policies. The timing of when the preservation activities occur will be negotiated with the county during the permitting phase of the project. Preservation activities as a mitigation measure have reduced temporal loss; therefore, mandating the mitigation prior to impacts is not as crucial. Similar to Response to Comment M-15, the timing of the preservation or in-lieu fee payment will depend on availability of willing land owner(s) and permit conditions with the county. This comment does not address a potentially significant impact, as impacts to oak woodlands have been reduced to a less than significant level.

Response to Comment M-17

As stated on page 3-6 of the Draft EIR, the proposed project includes relocating and providing license agreements (such as rights-of-way) for existing sections of Skyline Wilderness Park trails constructed on quarry property, and establishing 50-foot property boundary buffers and mining exclusion areas within the quarry property. The county will require that a license agreement (or some other form of agreement agreed upon by Syar and the county) is obtained for relocated trails on Syar's property. Also, please see Responses to Comments B-7 and M-10.

Response to Comment M-18

Please see Response to Comment B-7.

Response to Comment M-19

Please see Response to Comment B-7.

December 2, 2013

RECEIVED
DEC - 6 2013
Napa County Planning, Building & Environmental Services

Napa County Planning, Building, and Environmental Services Department
1195 Third Street, 2nd Floor
Napa, CA 94559
Attention: Donald Barrella, Planner III

Re: Public Notice for the Syar Napa Quarry Project, Application - P08-00337-SMP

Mr. Barrella,

Thank you for the opportunity to comment on public notice for the Syar Napa Quarry Expansion and Surfacing Mining Permit project. We would like to inform the Napa County Planning, Building, and Environmental Services Department that we are in the process of entitling a mitigation bank (North Bay Mitigation Bank) in Marin County that can provide mitigation for potential impacts to jurisdictional (404 and 401 of the Clean Water Act and, 1602 of the Fish and Game Code) aquatic features as well as potential impacts to sensitive natural communities (oak woodland) associated with this project. Although the bank is not yet approved we anticipate that the signatory agencies including, United States Environmental Protection Agency, Army Corps of Engineers, United States Fish and Wildlife Service, San Francisco Regional Water Quality Control Board, and California Department of Fish and Wildlife will approve the bank between the last quarter of 2014 and first quarter of 2015. N-1

We understand that this bank will not be approved in 2013 but wanted to inform the County and the Applicant of this mitigation bank alternative. I have attached a map of the proposed bank.

Thank you for considering our comments.

Regards,

Kent Carter
North Bay Mitigation Bank
cell: 415-971-7985
email: kent@northbaymitigationbank.com

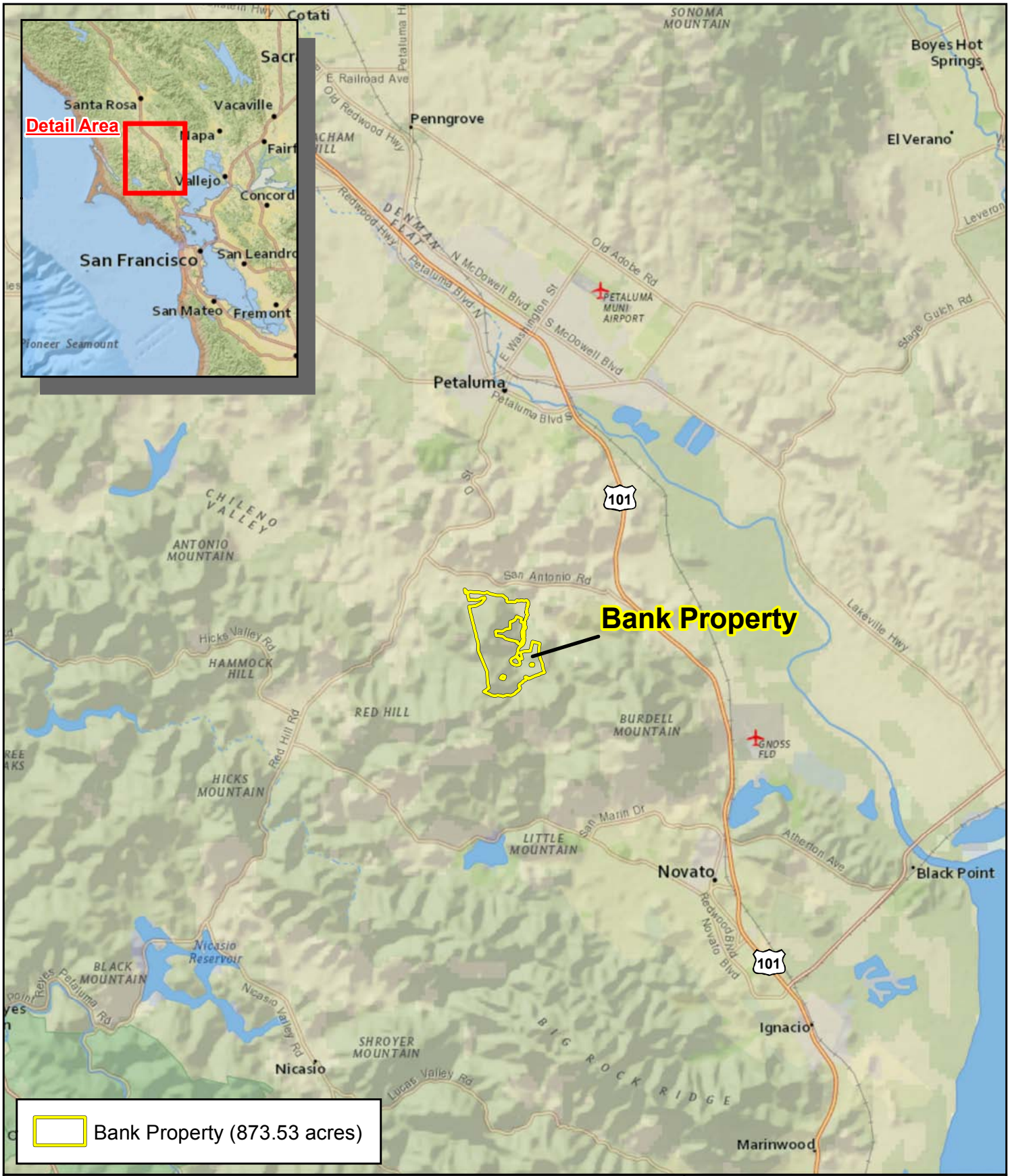


Figure 1. Location Map of Bank Property

North Bay Mitigation Bank
Marin County, California

0 1 2 4 Miles

ENVIRONMENTAL CONSULTANTS

Map Date: July 2013
Map By: Michael Rochelle
Base Source: National Geographic

Path: L:\Acad 2000 Files\20000\20134\gis\ArcMap\BEI\Phase 2\Fig1_LocationMap.mxd

Letter N Response to Comments

Response to Comment N-1

This comment by the North Bay Mitigation Bank does not comment on the adequacy of the EIR. The comment simply informs the County of Napa that the North Bay Mitigation Bank is in the process of entitling a mitigation bank in Marin County that can provide mitigation for potential impacts to jurisdictional aquatic features as well as impacts to sensitive natural communities.

DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
801 K STREET • MS 09-06 • SACRAMENTO, CALIFORNIA 95814
PHONE 916 / 323-9198 • FAX 916 / 445-6066 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

RECEIVED
OCT 17 2013
Napa County Planning, Building & Environmental Services

October 15, 2013

VIA EMAIL: donald.barrella@countyofnapa.org
ORIGINAL SENT BY MAIL

Mr. Don Barrella
Napa County Conservation, Development and Planning Department
1195 Third Street, Suite 210
Napa, CA 94559

Dear Mr. Barrella:

NAPA QUARRY
REVISED MINING AND RECLAMATION PLAN AND DRAFT ENVIRONMENTAL IMPACT REPORT
CALIFORINA MINE ID# 91-28-0004, APN# 045-360-025, SMP# P08-00337

The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the revised Mining and Reclamation Plan and Draft Environmental Impact Report (DEIR) for the Napa Quarry. The applicant, Syar Industries, Inc., is proposing to continue mining basalt and rhyolite on an 870-acre project site for a period of 35 years. The applicant estimates that approximately 240,000 cubic yards of material will be removed annually. The project site is about one mile southeast of Napa. OMR staff conducted a site visit on May 13, 2008 and wrote a comment letter on a draft of the reclamation plan dated August 31, 2012. The plan has been revised to address those comments.

The following comments, prepared by a restoration ecologist and an engineering geologist, are offered to assist in your review of this project. Comments are provided separately for the DEIR and the Mining and Reclamation Plan. The Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources Code Section 2710 et seq.) and the State Mining and Geology Board Regulations (California Code of Regulations (CCR) Title 14, Division 2, Chapter 8, Subchapter 1) require that specific items be addressed or included in reclamation plans. The reclamation plan should be revised and/or supplemented to fully address these items. O-1

Comments on DEIR:

4.4 Biological Resources.
Mitigation measures are provided for impacts to the following sensitive plants and plant communities: holly-leaf ceanothus (Impact 4.4-1), perennial native grassland - purple needlegrass (Impact 4.4-8), and native oak woodlands (Impact 4.4-9). Part of the O-2

proposed mitigation involves developing plans to plant, maintain, and monitor specific plants, as well as to develop an Invasive Species Management Plan (ISMP). The revegetation plan in Section 5 of the revised Mining and Reclamation Plan includes planting purple needlegrass and four species of oak, and a noxious weed monitoring plan. OMR recommends that the newly developed plans be coordinated with this revegetation plan so that all planting, maintenance, monitoring, and weed control activities can occur in an integrated fashion. If this necessitates minor changes to the approved reclamation plan in the future, the revised plan should be forwarded to OMR for review. O-2 (cont.)

Comments on Mining and Reclamation Plan:

Hydrology and Water Quality

(Refer to SMARA Sections 2772, 2773, CCR Sections 3502, 3503, 3706, 3710, 3712)

CCR Section 3706(c) requires that erosion and sedimentation be controlled during all phases of mining and reclamation, and provides for performance standards for drainage, diversion structures, and erosion control. Erosion control measures employed on site should be designed to handle runoff from not less than the 20-year, one-hour intensity storm event (CCR Section 3706(d)). The drainage studies by Carlenzoli and Associates, dated August 2002 and April 15, 2008, address the sizing of sediment basins. These studies assume that storm water runoff will be overland flow only and appear to exclude the design of "roadside ditches and constructed channels." A third study included with the DEIR by Winzler & Kelly, dated August 2012, also addresses runoff and basin design but not ditches, culverts and drains. None of the studies appear to evaluate runoff with the 20-year, one-hour storm event. Although the design storms in those studies appear to be conservative for sediment basin sizing, they may be inadequate when sizing culverts, ditches and drains, because the rainfall intensity (i.e., inches per hour) is higher for the 20-year, one-hour storm than the storms utilized in the studies. The studies and reclamation plan should be revised to address the 20-year, one-hour storm with regard to sizing ditches, culverts and drains. O-3

Administrative Requirements

(Refer to SMARA Sections 2772, 2773, 2774, 2776, 2777, Public Resources Code Section 21151.7)

SMARA Section 2774 addresses the requirements with respect to lead agency approvals of reclamation plans, plan amendments, and financial assurances. Once OMR has provided comments, a proposed response to the comments is to be submitted to the Department at least 30 days prior to lead agency approval. The proposed response must describe whether you propose to adopt the comments. If you do not propose to adopt the comments, the reason(s) for not doing so must be specified in detail. At least 30 days prior notice is to be provided to the Department specifying the time, place, and date of the hearing at which the reclamation plan is scheduled to be approved. If no hearing is required, then at least 30 days notice must be given to the O-4

Department prior to its approval. Finally, within 30 days following approval of the reclamation plan, a final response to these comments must be sent to the Department. Please ensure that your agency allows adequate time in the approval process to meet these SMARA requirements.

O-4 (cont.)

If you have any questions on these comments or require any assistance with other mine reclamation issues, please contact me at (916) 445-6175.

O-5

If you have any questions on these comments please contact me at (916) 445-6175.

Sincerely,

Beth Hendrickson, Manager
Reclamation Unit

cc: Alexandra Borack, OGER

Letter O Response to Comments

Response to Comment O-1

This comment letter from the Department of Conservation Office of Mine Reclamation (OMR) acknowledges their review of the Mining and Reclamation Plan and Draft EIR and summarizes project activities. OMR identified May 13, 2013 as a day that OMR conducted a site visit. OMR's comments are provided separately on the Draft EIR and Mining and Reclamation Plan. This general comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment O-2

Comment is noted. The Revegetation Plan proposed in the Mining and Reclamation Plan will likely be implemented separately from implementation of Mitigation Measures 4.4-1, 4.4-8, and 4.4-9 because of different goals and timelines, but where feasible and where it makes sense, these two endeavors will be coordinated.

Response to Comment O-3

The sizing and design of ditches, culverts and drains to control runoff, erosion and sedimentation during the various phases of mining will be subject to Surface Mining and Reclamation Ordinances and county Standards (Mitigation Measure 4.8-5), the SWPPP (Mitigation Measure 4.8-1), and subject to approval by the County of Napa.

Furthermore, pursuant to the proposed project and annual quarry inspection and reporting of the facility required by SMARA, the proposed Adaptive Management Mining Strategy for the project will include annual mine plans submitted by Syar that will also address any revisions or modifications to drainage facilities identified in the overall reclamation plan and SWPPP so that they are designed to accommodate with specified storm intervals, including the 20-year 1-hour storm event. Annual mining plans and associated SWPPP will be incorporated into the overall reclamation as necessary and in accordance with county and State regulation.

Response to Comment O-4

This general comment is on the Mining and Reclamation Plan and associated SMARA and Office of Mine Reclamation noticing requirements related to the reclamation plan, not on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment O-5

This comment provides the contact person's phone number for any additional questions.

RECEIVED
OCT 12 2013
Napa County Planning, Building
& Environmental Services

From: Claudia Perez
To: Barrella, Donald
Subject: Syar Quarry Expansion
Date: Saturday, October 12, 2013 3:26:44 PM

Dear Mr. Barella:
I have ready the EIR for the above project and would like to communicate my STRONG OPPOSITION to it. The possibility of air and water contamination (beside the endangering of native species) described in the report can not be mitigated. It is almost impossible to determine the level of TACs needed for carcinogenesis and how those can be avoided in air or water. I do not see why I have to expose my family and my property located right across the project and using similar water resources to such dangers.
My house is located on 2160 Imola Avenue, Napa, CA 94559, across from the Park.
Again I FULLY OPPOSE this project and its environmental dangers.
It would not be a responsible action for future generations,

P-1

Claudia Perez, Ph.D.
905 Sir Francis Drake Blvd. Suite F
Kentfield, CA 94904
415.453.8567

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www.talky2.com
Text to Connect....

www.claudiaperezphd.com

Letter P Response to Comments

Response to Comment P-1

The commenter's statement that air quality impacts "described in the report cannot be mitigated" is unsupported by any evidence or discussion that the analysis is flawed or that any specific significant impact on air quality remains to be mitigated. The commenter's claim that "it is almost impossible to determine the level of TACs needed for carcinogenesis and how those can be avoided in air" is incorrect. Not only is the determination possible but there is a standard methodology used to prepare HRAs in the BAAQMD and which is based upon statewide guidance issued by CARB and OEHHA, as utilized in the preparation of the projects *Air Quality and Health Risk Impact Assessment* (Draft EIR Appendix I). The commenter's house is in a location where air quality health risk was carefully assessed and found to be less than significant after mitigation.

Each of the topics identified in the comment are addressed in the Draft EIR. The comment does not specifically comment on the adequacy of the Draft EIR and no further response is possible. The commenter's opposition to the project will be forwarded to the decision-makers, via this document, for their consideration.

RECEIVED
OCT 12 2013
Napa County Planning, Building
& Environmental Services

From: Danny Perez
To: Barrella, Donald
Subject: Syar Quarry Project
Date: Saturday, October 12, 2013 3:44:58 PM

Dear Mr. Barella:

I have read the environmental impact report for the Syar Quarry expansion and fully oppose going forward. The possible environmental health hazards are too many to count, including carcinogens (which can not be ruled out even when trying), water pollution and disruption of wild life and native plants. Breathing potential carcinogens will not manifest itself as disease for many years, and the levels needed to promote carcinogenicity are not known.
It would be irresponsible to move this project forward. We owe it to the next generation to provide a safe environment for them to be in.
Sincerely,

Q-1

H. Daniel Perez, MD
2160 Imola Avenue
Napa, CA 94559

Letter Q Response to Comments

Response to Comment Q-1

The impacts to water quality are discussed in Section 4.8 Hydrology and Water Quality. The impacts to wildlife and plants are discussed in Section 4.4 Biological Resources of the Draft EIR. Impacts in both sections were found to be less than significant or less than significant after mitigation. Because a specific concern in each of these fields of study is not described, no further response can be provided. With regard to carcinogens in the air and the potential for health risks, refer to Response to Comment C-2. Also please see Response to Comment P-1.

STATE OF CALIFORNIA
EDMUND G. BROWN JR., *Governor*

PUBLIC UTILITIES COMMISSION
320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013
(213) 576-7083

RECEIVED
OCT - 8 2013
Napa County Planning, Building
& Environmental Services

October 8, 2013

Mr. Donald Barrella
County of Napa
1195 Third Street, Suite 210
Napa, California 94559

Re: SCH 2009062054 Syar Napa Quarry Surface Mining Permit #P08-0037, DEIR

Dear Mr. Barrella:

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires the Commission approval for construction or alteration of crossings and grants the Commission exclusive power on design, alteration, and/or closure of crossings in California. The Commission's Rail Crossings Engineering Section (RCES) has received a copy of the draft *Environmental Review* (DEIR) for the proposed County of Napa (County) Syar Napa Quarry Surface Mining Permit #P08-0037 from the State Clearinghouse.

According to the DEIR, the project proposes to expand the existing Syar Napa Quarry and continue operations in the expansion area until approximately 2048. The permit would allow mining to continue in both the existing and expanding quarry for a 35-year period as proposed in the 2012 Mining and Reclamation Plan prepared for the project. The project would result in an approximately 124-acre expansion of the existing 497 acres presently disturbed by mining within the existing 870-acre project site.

R-1

This project may involve construction of a new public rail crossing and/or modification (including closure) of existing public rail crossings which require authorization from the Commission, through the formal application or the General Order (GO) 88-B request processes, respectively. Additionally, this project may also involve construction of new private rail crossings and/or modification of existing private rail crossings. While construction and/or modification of private crossings may not need the Commission's authorization, compliance with the Commission's General Order (GO) 26-D (Clearances on Railroads and Street Railroads as to Side and Overhead Structures, Parallel Tracks and Crossings) and GO 75-B (Regulations Governing Standards for Warning Devices for At-Grade Highway-Rail Crossing) standards are still required. The Emergency Notification Sign (ENS) I-13 shall be also installed at private rail crossings with contact information and DOT Number visible in plain sight.

R-2

Prior to submission of a formal application or GO 88-B request, the County should arrange a diagnostic meeting with RCES and the Union Pacific Railroad Company to discuss relevant safety issues and requirements for the Commission's authorization. RCES representatives are available for consultation on crossing safety matters. See the link for more information: http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/index.htm.

R-3

If you have any questions in this matter, please contact Ken Chiang at (213) 576-7076, yen.chiang@cpuc.ca.gov, or Daniellia Fristoe at (916) 928-2108, dvm@cpuc.ca.gov.

R-4

Sincerely,

Ken Chiang, P.E.
Utilities Engineer
Rail Crossings Engineering Section
Safety and Enforcement Division

C: State Clearinghouse
Daniellia Fristoe

Letter R Response to Comments

Response to Comment R-1

This is a general comment from the California Public Utilities Commission (CPUC) saying that they have jurisdiction over the safety of highway-rail crossings and that the CPUC requires approval for construction or alteration of such crossings. This comment also acknowledges receipt of the Draft EIR and summarizes project activities. This general comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Responses to Comments R-2 and R-3

The county appreciates the information regarding compliance with Commission's application process and the General Order (GO) 88-B which allows the county to be better prepared when it comes time to implement the rail crossing improvements.

Additionally, the Public Utilities Commission comment letter and this Final EIR have been forwarded to the owner/permitee; the owner/permitee is aware of this application process. Approval and/or ongoing operation of the surface mining project is contingent on the owner/permittee acquiring any/all other required Local, State and Federal approvals and permits necessary as part of implementation of the project or associated with on-going operations. This provision will be included as a condition of approval of the project if approved.

The county and the owner/permitee look forward to working with the Commission on these improvements.

Response to Comment R-4

This comment provides the contact person's name, phone number, and email address for any further questions.

SAN FRANCISCO
BAYKEEPER®

Donald Barrella, Planner III
Napa County Department of Planning
Building & Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559
donald.barrella@countyofnapa.org
Sent via electronic mail

RECEIVED
DEC - 3 2013
Napa County Planning, Building
& Environmental Services

December 3, 2013

Re: Baykeeper Comments on the Draft Environmental Impact Report for the Syar Napa Quarry Expansion Project

Dear Mr. Barrella:

Please accept the following comments on the Draft Environmental Impact Report ("DEIR") for the Napa Quarry Expansion Project ("Project" or "Napa Quarry"). San Francisco Baykeeper ("Baykeeper"), a 501(c)(3) nonprofit organization with the mission to protect and enhance water quality in San Francisco Bay and its tributaries, submits these comments on behalf of our over 2,000 members. We respectfully request that the issues identified in this letter be appropriately addressed prior to the approval of the Project. S-1

I. The DEIR Fails to Meaningfully Disclose, Analyze, and Mitigate the Project's Degradation of Water Quality Due to Stormwater Runoff

A. The DEIR Fails to Adequately Disclose the Extent of Syar's Ongoing Stormwater Pollution Problems in the Project's Environmental Setting

i. *Since at Least 2002, Syar's Napa Quarry Has Discharged Stormwater in Violation of the Industrial Stormwater Permit and the Clean Water Act*

Baykeeper's investigation of Syar's Napa Quarry has uncovered significant past and ongoing violations of the Clean Water Act (33 U.S.C. § 1251 *et seq.* ("CWA")) and the National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ ("Industrial Stormwater Permit"). It is unlawful to discharge pollutants to waters of the United States, such as San Francisco Bay and its tributaries, in violation of the terms and conditions of an NPDES permit. CWA § 301(a), 33 U.S.C. § 1311(a); *see also* CWA § 402(p), 33 U.S.C. § 1342(p) (requiring NPDES permit issuance for the discharge of stormwater associated with industrial activities). The Industrial Stormwater Permit authorizes certain discharges of stormwater, conditioned on compliance with its terms. S-2

The Effluent Limitations of the Industrial Stormwater Permit prohibit the discharge of pollutants from sites such as the Napa Quarry in concentrations above the level commensurate with the S-3

application of best available technology economically achievable ("BAT") for toxic pollutants[1] and best conventional pollutant control technology ("BCT") for conventional pollutants.[2] *See* Industrial Stormwater Permit, Order Part B(3). The EPA has published Benchmark values set at the maximum pollutant concentration present if a facility is employing BAT and BCT.[3]

S-3 (cont.)

Based on the information available in Annual Reports submitted by Syar, as required by the Industrial Stormwater Permit, operations by the company have resulted in repeated and continuous violations of the Industrial Stormwater Permit and the Clean Water Act. On December 2, 2013, Baykeeper sent a notice of intent to sue Syar for these violations ("Baykeeper NOI"; *see* Attachment 1).

S-4

Syar's Annual Reports show a pattern of repetitive and continuous exceedances of EPA Benchmarks under the Industrial Stormwater Permit. Stormwater from approximately 50% of the project area discharges to Arroyo Creek via any one of six stormwater outlets (A, B, C-1, C-2, D, & E), and then flows west into Napa River and eventually into San Francisco Bay. *See* DEIR Appendix H, Mining & Reclamation Plan: Appendix H, 2008 Storm Water Pollution Prevention Plan ("2008 SWPPP") at p. 8. Since December 9, 2002, Syar has reported its stormwater sampling results for pH, Total Suspended Solids, Specific Conductance, and Total Organic Carbon. Since December 1, 2005, Syar has continued to monitor these six outfalls for pH, total suspended solids ("TSS"), specific conductance, total organic carbon, oil and grease, aluminum, chemical oxygen demand, chromium VI, total chromium, copper, iron, lead, zinc, nitrate + nitrite, diesel oil, and gasoline.

S-5

Specifically, measured stormwater samples from discharges to Arroyo Creek taken from July 2002 to July 2013 show a persistent pattern of high concentrations of pollutants and violations of the Industrial Stormwater Permit's Part B(3) Effluent Limitations. For example, since December 1, 2005, Syar has reported exceedances of the benchmark limits (in parenthesis) for aluminum (0.75 mg Al/L) in 95 out of 109 (~87% of) samples, for iron (1.0 mg Fe/L) in 103 out of 109 (~94% of) samples, nitrate + nitrite (0.68 mg N+N/L) in 59 out of 108 (~54% of) samples, and Total Suspended Solids (100 mg TSS/L) in 39 out of 109 (~35% of) samples. In addition to these benchmark exceedances, stormwater discharges from Napa Quarry have also violated the Water Quality Standards put forth in the San Francisco Bay Basin Plan for copper (37 violations), lead (9 violations), and zinc (16 violations).

S-6

The Industrial Stormwater Permit requires permittees to measure stormwater for certain parameters which are listed in Table D of the Permit. Those parameters are also listed in the U.S. EPA Multi-Sector General Permit ("MSGP"). According to the MSGP, if EPA benchmark levels are exceeded, then "the permittee is required to investigate whether the higher pollution levels can be attributable to some pollutant source or faulty control measure, and to address such problems through corrective action and further monitoring." *See* 2008 MSGP; *Baykeeper v. Kramer Metals, Inc.,* 619 F. Supp. 2d 914 (C.D. Cal. 2009).

S-7

[1] BAT is defined at 40 C.F.R. § 442.23. Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.
[2] BCT is defined at 40 C.F.R. § 442.22. Conventional pollutants are listed at 40 C.F.R. § 401.16 and include BOD, TSS, oil and grease, pH, and fecal coliform.
[3] The Benchmark Values can be found at: http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf and http://cwea.org/p3s/documents/multi-sectorrev.pdf.

Additionally, under the Industrial Stormwater Permit, if Water Quality Standards are exceeded, the facility operators must submit a written report providing additional BMPs necessary to achieve water quality standards. Finally, when such violations occur, the SWPPP must be revised to identify and address the sources of pollution, and new BMPs that achieve BAT/BCT must be implemented within 90 days to correct these violations. S-8

To date, Syar has abrogated its duties to prevent pollution under the Industrial Stormwater Permit. Syar has failed to adequately address its benchmark exceedances and Water Quality Standard violations, including identifying the sources of the pollution and implementing necessary BMPs that constitute BAT/BCT. Moreover, because Syar has failed to act in accordance with its obligations under the Industrial Stormwater Permit, polluted stormwater continues to discharge from the Napa Quarry into the Napa River via Arroyo Creek and ultimately into San Francisco Bay. S-9

ii. *Syar Has Failed to Adequately Disclose Stormwater Pollution in the Environmental Setting*

According to the CEQA Guidelines ("Guidelines"), the DEIR for the Project "must include a description of the physical environmental conditions in the vicinity of the project […] from both a local and regional perspective" as they existed in June 2009, when the Notice of Publication was published. Guidelines § 15125(a); *see* DEIR p. 4.0-2. The environmental setting is the important first step towards identifying and addressing the potential environmental impacts of a project. If the DEIR's discussion of the environmental setting is inadequate, then its identification of environmental impacts and its analysis of mitigation measures will almost always be inadequate. *See* Guidelines § 15125(a) ("The environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant."). S-10

Furthermore, an accurate discussion of the physical environmental conditions also allows the public and decision makers to review the Lead Agency's identification of environmental impacts. *See* Guidelines § 15125 Discussion. Moreover, the discussion of the environmental setting must provide enough information and analyses so that the public can discern the basis for the Project's direct and cumulative impact findings. The DEIR for the Napa Quarry fails in this regard for several reasons. S-11

EPA Benchmark Exceedances

The DEIR obscures the current extent of stormwater pollution problems at the Project site in its discussion of surface water quality because it hides the results of its monitoring program in Appendix D. DEIR p. 4.8-6. Moreover, the DEIR limits its discussion to benchmark exceedances of carefully selected parameters designed to understate the actual pollution problems at the site. DEIR p. 4.8-6. S-12

In reality, Syar's own stormwater samples, as reported to the State Water Resources Control Board, show that stormwater from the site consistently contains levels of pollution in excess of S-13

benchmark limits. According to Syar's Annual Reports, since December 1, 2005, 108 out of 109 (~99% of) samples have reported at least one benchmark exceedance. S-13 (cont.)

Rather than discussing the extent of its pollution problem, the DEIR defers discussion to Appendix D of the Napa Quarry Proposed Expansion Surface Hydrologic and Subsurface Hydrogeologic Study prepared by Winzler & Kelley (2012). DEIR p. 4.8-6. However, upon comparison of the table provided in Appendix D with Syar's Annual Reports, it becomes readily apparent that even the information provided in the Winzler & Kelly report is not a complete picture of Syar's sampling and reporting at the Napa Quarry since 2005. For example, the table in Appendix D shows only one sample with benchmark exceedances for aluminum and iron at Outfall E from a sample collected on December 28, 2005. However, in its Annual Reports, Syar reported benchmark exceedances at Outfall E for aluminum and iron on March 2, 2009, April 8, 2009, October 14, 2009, January 18, 2010, April 10, 2010, February 17, 2011, March 14, 2011, March 24, 2011, January 23, 2011, and December 26, 2012. Collectively, the DEIR and the Winzler & Kelly Report fail to disclose twenty (20) separate benchmark limit exceedances from Outfall E. This underreporting also occurred with regard to the other Arroyo Creek outfalls. S-14

In addition, the DEIR's discussion about nutrients and surface water quality fails to disclose the nutrient loading of nitrates in excess of benchmark limits in the Project site's stormwater and entering Arroyo Creek. Baykeeper's analysis of Syar's Annual Reports shows that over half of the samples collected since 2005 have exceeded the benchmark limit for nitrate + nitrite. This omission of the site's own discharge of nitrates to Napa River is particularly egregious given the DEIR's extensive discussion about the importance of preventing nutrient loading to Napa River. DEIR p. 4.8-6 (Napa River is "identified as impaired by nutrient loading according to Section 303 (d) of the Clean Water Act"). S-15

The DEIR also misstates the law as it related to enforcement when benchmark values are repeatedly and excessively exceeded. The DEIR misrepresents the impact of successive benchmark exceedances on a permittee's compliance with the Industrial Stormwater Permit when it concludes that a "benchmark exceedance is not a permit violation." DEIR p. 4.8-6. Under the Industrial Stormwater Permit, stormwater pollution controls must meet either BAT or BCT for the BMPs implemented on the site. *See* DEIR § 4.8.3.1, p. 4.8-23. When stormwater discharges from the site exceed the benchmark limits set by EPA, then the site must address these exceedances and determine if the BMPs in place are adequate to address the pollution in its stormwater discharges. *See Waterkeepers Northern California v. AG Industrial Mfg. Inc.*, 375 F.3d 913, 919 n.5 (9th Cir. 2004). If the site continues to exceed the benchmark limits, then the only conclusion to be reached is that the BMPs implemented at the site do not achieve BAT or BCT for the pollutants in the site's stormwater discharges. By misrepresenting the Industrial Stormwater Permit, the DEIR attempts to alleviate itself from its duties and responsibilities under the Permit to implement BAT/BCT and to prevent pollution from entering Napa River. S-16

<u>Water Quality Standard Violations</u>

Receiving Water Limitations of the Industrial Stormwater Permit prohibit stormwater discharges that cause or contribute to an exceedance of applicable Water Quality Standards. *See* Industrial Stormwater Permit at Order Part C(2). Applicable Water Quality Standards are set forth in the S-17

California Toxics Rule ("CTR")[4] and Chapter 3 of the San Francisco Bay Basin (Region 2) Water Quality Control Plan ("Basin Plan").[5] Exceedances of WQSs are violations of the Industrial Stormwater Permit, the CTR, and the Basin Plan. According to the Industrial Stormwater Permit, "[i]f receiving water quality standards are exceeded, facility operators are required to submit a written report providing additional BMPs that will be implemented to achieve water quality standards." Industrial Stormwater Permit p. VIII. S-17 (cont.)

In addition to obscuring the persistent and continuous benchmark exceedances, the discussion of the environmental setting completely fails to reveal the numerous water quality standard violations from sampled stormwater discharges. *See* DEIR p. 4.8-6. By its own admission, the Project will have a significant impact to water quality if it would "[v]iolate any water quality standards or waste discharge requirements." DEIR § 4.8.3.1, p. 4.8-22. However, the DEIR and Appendix D only include an abridged picture of the benchmark exceedances and completely ignore Syar's Water Quality Standard violations. *See* DEIR § 4.8.3.1, p. 4.8-6; Winzler & Kelly (2012) Appendix D, Table 1. S-18 S-19

Since December 1, 2005, Syar has monitored copper, lead, and zinc in its stormwater discharges and reported these results in its Annual Reports. *See* Baykeeper NOI. These reports show 37 exceedances of Water Quality Standards for copper, 16 for zinc, and 9 for lead.[6] Because the DEIR does not disclose this information, the discussion of the environmental setting is inadequate, leading to an inadequate discussion of impacts and mitigation measures. S-20

When there is sufficient evidence such that a standard methodology can be used to establish the environmental setting, the lead agency must assess the Project's impact unless it has a clearly articulated an adequate justification for not including this information in the environmental setting. *See, e.g. Save our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal. App. 4th 99. The DEIR has not presented substantial evidence to support justification for failing to report the ongoing stormwater pollution problem at the Project site. Until the DEIR openly discusses the Project site's current stormwater pollution problems and violations of the Industrial Stormwater Permit or its reasons for not considering this pollution, the DEIR's environmental setting regarding water quality will be legally inadequate. S-21

For example, according to the DEIR, the Project as proposed could violate water quality standards or waste discharge requirements. DEIR Table 2.1-1, Impact 4.8-1, p. 2-6. However, because the DEIR fails to disclose that stormwater discharges from the site are already violating water quality standards, the subsequent discussion on potential impacts to water quality obscures the reasonable expectation that current violations of water quality standards will continue to occur and that these violations will likely increase in number because of the Project's proposed quarry expansion. S-22

[4] The CTR is set forth at 40 C.F.R. § 131.38 and is explained in the Federal Register preamble accompanying the CTR promulgation set forth at 65 Fed. Reg. 31682.
[5] The Basin Plan is published by the US Environmental Protection Agency ("EPA") at: http://water.epa.gov/scitech/swguidance/standards/wqslibrary/upload/2009_03_16_standards_wqslibrary_ca_ca_9_san_francisco.pdf. The Basin Plan is also published by the Regional Board at: http://www.waterboards.ca.gov/sanfranciscobay/basin_planning.shtml#2004basinplan.
[6] These water quality standards are taken from the Basin Plan and are based on an assumption of hardness of 100 mg/L of CaCO3.

B. The DEIR Fails to Adequately Disclose and Analyze the Project's Increased Discharge of Polluted Stormwater in the Project Impacts

CEQA requires an agency to prepare an EIR when it proposes to approve or carry out a project that may have a significant impact on the environment, and to mitigate or avoid those significant impacts whenever feasible to do so. CEQA §§ 21002.1, 21061, 21080(a). "Significant effect on the environment" is defined as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance." Guidelines § 15382. Significant environmental effects include direct and indirect effects, as well as all foreseeable project impacts. S-23

The DEIR must attempt a good faith effort to disclose and analyze the Project's environmental impacts. *See Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392. The failure to adequately describe the environmental setting may also cause an EIR to inadequately disclose the environmental impacts of a project due the flawed baseline for examining such effects. S-24

The DEIR discusses several potential environmental impacts that the Project with have on surface water quality. In particular, the Project will likely have significant impacts on water quality due to increased stormwater pollution from the expansion of quarry operations (Impact 4.8-1), from increased runoff volumes (Impact 4.8-5), and from the increased likelihood of stormwater contact with pollutant sources (Impact 4.8-6). However, this analysis is inherently flawed because the discussion of the environmental setting is inadequate and the discussion of impacts fails to discuss the reasonable expectation that stormwater discharges from the Project site will continue to violate the Industrial Stormwater Permit and Clean Water Act. S-25

The Project will expose more quarried surface area to stormwater, thus increasing stormwater pollution. Also, an increase in mining and production will lead to more numerous or larger stockpiles of mined aggregate located on site, which will lead to more pollutants coming into contact with stormwater. Because the DEIR does not adequately disclose the significant failure of the current BMPs and SWPPP to control stormwater pollution, the purported use of these same inadequate BMPs to control Project stormwater discharges will likely lead to polluted stormwater runoff and degraded water quality in Napa River and San Francisco Bay. S-26

The DEIR's discussion of expected impacts to water quality is limited exclusively to potential erosion and sedimentation. While it is important to note that the Napa River is currently listed as an impaired river and the State has crafted a TMDL for sediment in Napa River, this analysis completely ignores the plethora of sampling evidence that shows the site should be concerned with other pollutants, as well as the increased likelihood of water quality degradation from increased nutrient loads of nitrate in stormwater discharged offsite. The DEIR's analysis of direct impacts fails to identify and describe the significant environmental impacts to water quality degradation from potentially increased runoff and pollutant loads of already polluted stormwater discharges. S-27

Moreover, the lack of disclosure of these stormwater impacts is insufficient to foster intelligent judgment of the Project's impact and prevents a reasonable analysis of the issue. *See* Guidelines § 15151; *see also Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 104. Accordingly, the public and the lead agency are precluded from understanding the environmental consequences of expanding quarry operations. *See, e.g., Laurel Heights,* 47 Cal.3d at 404. S-28

C. The DEIR Fails to Address and Mitigate the Current and Expected Degradation of Water Quality from Polluted Stormwater Discharges

Once the significant effects of a project are identified, an agency must then propose and describe mitigation measures to minimize the significant environmental impacts. *See* CEQA §§ 21002.1(a), 21100(b)(3); Guidelines § 15126.4. Mitigation measures to prevent water quality degradation must directly avoid, minimize, rectify, reduce, or eliminate the potential and recorded pollutants in waters discharging from the project in violation of the site's Industrial Stormwater Permit and SWPPP. *See* Guidelines § 15370(b). In this regard, mitigation measures are legally inadequate if they are undisclosed, undefined or it is impossible to gauge the effectiveness of the proposed mitigation measures. S-29

Here, the DEIR identifies two potential significant impacts to water quality with corresponding mitigation measures: Impact 4.8-1 and Impact 4.8-6. Impact 4.8-1 discusses the potential impact that increased mining operations will have on violations of water quality standards and waste discharge requirements. DEIR p. 4.8-25. Impact 4.8-1 also asserts that Syar is employing BMPs to control erosion and subsequent sedimentation in compliance with the SWPPP, which is a requirement of the Industrial Stormwater Permit. DEIR p. 4.8-25. In order to prevent these impacts, mitigation measure 4.8-1 relies exclusively on the SWPPP, as implemented, and as potentially modified, to address the Project's potential impacts on water quality and increased sediment loading. DEIR p. 4.8-26. S-30

Impact 4.8-6 discloses that the Project could create or contribute to increased pollutant loads and the subsequent degradation of the water quality in receiving waters. DEIR § 4.8.3.2, p. 4.8-35. Like Impact 4.8-1, Impact 4.8-6 acknowledges the potential to negatively impact water quality in surface waters from pollutant loading of stormwater discharges exiting the Project site. Instead of the expansion of the quarry's operating surface area, Impact 4.8-6 focuses on the expansion of mining operations and discusses the potential for sediment, petroleum products, and hazardous materials to exit the site in stormwater discharges. DEIR § 4.8.3.2, p. 4.8-35. Impact 4.8-6 further points out that the Napa Quarry SWPPP should implement BMPs to address erosion and sediment control, wind erosion control, source control, and waste management. DEIR p. 4.8-35. Like the mitigation measure utilized for Impact 4.8-1, mitigation measure 4.8-6 relies exclusively on planning instruments, including – and as culminated in – the SWPPP, to comply with its obligation under the Industrial Stormwater Permit to prevent or reduce pollution from the Project. S-31

i. *Current Quarry Operations and Mitigation Measures Do Not Adequately Mitigate Pollution Entering Surface Waters*

Not only has the DEIR failed to address the nature and extent of the present stormwater pollutant loading, but it also fails to discuss the inability of any current BMPs to control metals and other constituents of concern. Instead, the DEIR discusses only the erosion and drainage controls currently used at the Project site to reduce the amount of erosion that occurs and the associated sediment loads discharging from the site in stormwater discharges. The BMPs currently in use (and expected to be used for the duration of the proposed Project) include drainage facilities (e.g., quarry benches, swales, ditches, and sediment settling ponds), revegetation, and the use of temporary erosion controls (e.g., rice straw wattles, silt fences, straw mulch, hay bales). Noticeably, these BMPs, when properly employed at the site, would mitigate some of the erosion and sediment loading problems associated with open-pit mining operations. However, none of these control measures, even if properly used, have effectively controlled dissolved metals in the Napa Quarry's stormwater discharges, as evidenced by high metal and nitrate concentrations in Syar's stormwater. [*See* Attachment 1.] S-32

As shown above and discussed in detail in the Baykeeper NOI, the current BMPs at Napa Quarry do not achieve BAT/BCT. Because the Project mitigation measures 4.8-1 and 4.8-6 rely almost exclusively on the BMPs found in its SWPPP to reduce or prevent water quality degradation, the potential expansion of these BMPs in conjunction with the expansion of Napa Quarry and its operations will not adequately reduce current and increased pollutant loads in stormwater discharges. Instead, any mitigation measures to prevent increased pollutant loads found in stormwater discharges should specifically identify new BMPs that attain BAT/BCT to control dissolved and suspended metals/compounds, nitrates, and other constituents of concern. S-33

ii. *The Project Relies Upon a Mitigation Measure Regime that Has Proven to Continuously Fail to Meet the Requirements of the Industrial Stormwater Permit*

Mitigation measures 4.8-1 and 4.8-6 also improperly imply that compliance with the SWPPP and Industrial Stormwater Permit should constitute a permissible deferral of identifying specific mitigation measures necessary to control nutrients and suspended and dissolved metals from discharging from the site to Arroyo Creek. DEIR § 4.8.3.2., pp. 4.8-23 to 25 (Impact & Mitigation Measure 4.8-1), 35 to 36 (Impact & Mitigation Measure 4.8-6). Although assured compliance with laws and regulations may be adequate mitigation, such reliance is only proper where it can be shown to be reasonable to expect compliance. *See Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906. S-34

Both mitigation measures 4.8-1 and 4.8-6 rely exclusively on implementation and modification of the SWPPP to address any violations of water quality standards or increases in sediment loading from the Project. However, due to the extensive evidence of Napa Quarry's noncompliance with both the Industrial Stormwater Permit and its own SWPPP requirements, there is sufficient contrary evidence to conclude that the DEIR's deferral of a complete discussion of mitigation measures is unwarranted. S-35

Instead, Napa County should insist that the Project identify exactly how it will minimize the current and potential increase of polluted stormwater discharges from the Project. Specifically, Syar must include additional and adequate BMPs that will meet the BAT/BCT requirements of the Industrial Stormwater Permit to control or remove metals and nitrates from the Project site's stormwater prior to discharging to Arroyo Creek. S-36

iii. *The DEIR's Analysis of Mitigation Measures for Stormwater Runoff Is Inadequate to Prevent Increased Pollutant Loads in Stormwater Runoff*

Finally, the discussion of mitigation measures fails to present adequate evidence and analysis for decision makers and the public to make a rational judgment of the project's impacts and the efficacy of proposed mitigation measures. Napa County, as the lead agency, has a duty to ensure that evidence presented in the DEIR shows that mitigation measures will be effective. *See Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1116; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 95. S-37

Syar's surface water quality mitigation measures purport to reduce the impacts that the Project will have on water quality and relies exclusively on the implementation and modification of the SWPPP to reduce or prevent pollution in stormwater discharges. DEIR § 4.8.3.2, p. 4.8-24. However, such reliance on this planning document is merely perfunctory because it makes two invalid assumptions. First, it assumes that the current SWPPP is legally adequate. Second, it assumes that Napa Quarry's BMPs attain BAT/BCT. As Baykeeper has shown, neither of these assumptions is true and the DEIR obscures these facts. S-38

For example, the DEIR uses only two examples of possible benchmark exceedances (TSS and specific conductance) in its discussion of the Project's potential impacts on water quality to discuss its assumed compliance with the Industrial Stormwater Permit regarding benchmark levels. However, this discussion hides the near continuous release of other constituents of concern (e.g., aluminum, iron, copper, lead, zinc, and nitrates) in the site's stormwater that exceed both EPA benchmarks and water quality standards. Accordingly, the DEIR's conclusion that regulatory compliance has been or will be achieved is completely without merit. S-39

Furthermore, in addition to requiring a showing of compliance, the mitigation measures to reduce or prevent water quality degradation must be legally enforceable. Baykeeper takes issue with the DEIR's contention that successive and continuous violations of EPA benchmarks cannot be legally enforceable to enact changes in the sites BMPs and SWPPP. Not only is this contention without merit, it also contravenes the CEQA process to imply that the mitigation measures as provided in the DEIR, namely compliance with the Industrial Stormwater Permit and SWPPP, will not be legally enforceable. This implication disregards the intent of CEQA, including the need for public disclosure and the minimization of a proposed project's environmental impacts. *See* CEQA § 21081.6(b); Guidelines § 15126.4(a)(2). S-40

II. The DEIR Fails to Analyze and Mitigate for Pollution from the Use of Explosives

A. The DEIR Fails to Analyze the Direct Effects of Blasting Particulates

The DEIR must identify and describe the project's significant environmental effects, including direct, indirect, and long-term effects. Guidelines § 15126.2(a). The DEIR fails to include and analyze the direct, indirect, or long-term effects of the explosives used by Syar in its mining activities. S-41

Syar uses explosives in its extraction process. Syar's 2008 SWPPP specifically lists "particulate from explosive detonation" as a potential pollutant source. DEIR Appendix H, Mining & Reclamation Plan: Appendix H, SWPPP at p. 22. As a potential pollutant that could impact stormwater, Syar is required by the Industrial Stormwater Permit to monitor its stormwater for substances in the explosives. In addition to specified pollutants, Syar must monitor for "other pollutants which are likely to be present in storm water discharges in significant quantities." Industrial Stormwater Permit, Monitoring Program, p. X; *see also* Baykeeper NOI. S-42

The DEIR fails to analyze the potential impacts from explosives, including what pollutants the explosives contain and how the explosive particulates reach surface water via air deposition or through stormwater contact and subsequent stormwater discharges. The DEIR contains a short section on "Explosive Hazards" which fails to include any analysis of environmental impacts of the explosive compounds used. DEIR p. 4.7.1.1. DEIR section 4.7.2 specifies that the explosives consist of ammonium nitrate fuel oil ("ANFO"), but does not provide the pollutants that it contains or how it will impact the environment. ANFO often requires the use of a booster, which could include dynamite or other explosives. The DEIR fails to include and address these additional chemicals. S-43

The DEIR should include a more thorough discussion of the types of explosive materials used, including the potential pollutants released with their use and the potential impacts on the environment including effects on stormwater from aerial deposition and contact with aggregate piles. Considering that stormwater discharges off site, the DEIR must also include an impacts analysis of the blasting pollutants on surface waters, including Arroyo Creek and the Napa River. The analysis of explosives must also consider impacts of the project's proposed tripling of the extraction rate (DEIR Table 3-1, p. 3-5), which will require an increase in blasting. An increase in blasting will require more explosives and result in additional air and water pollution. S-44

B. <u>The DEIR Fails to Include Required Mitigation Measures for Blasting Particulates</u>

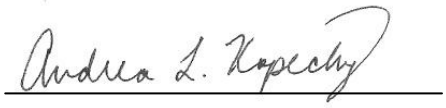
A DEIR must identify and describe any feasible measures that can be implemented to reduce or avoid each potentially significant environmental effect of the project. Guidelines § 15126.4(a)(1). Chapter 4 of the DEIR, which addresses impacts and mitigation measures, briefly mentions blasting, but does not specify any environmental impacts of the use of explosives. The only effects of blasting the DEIR addresses include air emissions (DEIR pp. 4.3-5, 4.3-35, 4.3-39), damage to a stone fence (p. 4.5-13), landslides (p. 4.6-9), and safety issues (pp. 4.7-6, 4.7-14). The DEIR fails to address the impacts of blasting particulates on the environment, including stormwater and surface water, and fails to include mitigation measures to mitigate for those impacts. S-45

III. <u>Conclusion</u>

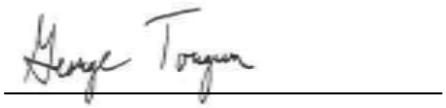
The DEIR should be revised for each of the foregoing reasons and recirculated to provide the public with an opportunity to review each of the project's significant environmental impacts and the additional mitigation measures that must be considered to reduce or avoid these impacts. This Project should not be approved until all of the environmental impacts are adequately addressed and mitigated. S-46

Thank you for considering these comments.

Sincerely,



Andrea Kopecky
Staff Attorney
San Francisco Baykeeper



George Torgun
Managing Attorney
San Francisco Baykeeper

ATTACHMENT 1

SAN FRANCISCO BAYKEEPER®

December 2, 2013

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Blake Brown
Syar Industries
P.O. Box 2540
Napa, CA 94558

Toby Goyette
Environmental Manager
Syar Industries
2301 Napa Vallejo Hwy
Napa, CA 94558

Ralston P. Roberts
Agent for Service of Process
2301 Napa Vallejo Hwy
Napa, CA 94558

Re: Notice of Violation and Intent to File Suit under the Clean Water Act

Dear Sirs:

I am writing on behalf of San Francisco Baykeeper ("Baykeeper") to give notice that Baykeeper intends to file a civil action against Syar Industries, Inc. ("Syar") for violations of the federal Clean Water Act, 33 U.S.C. § 1251 *et seq.* ("CWA") at its facility located at 2301 Napa Vallejo Hwy, Napa, California 94558 (the "Facility" or "Napa Quarry").

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Baykeeper is a non-profit public benefit corporation organized under the laws of California, with its office in San Francisco, California. Baykeeper's purpose is to preserve, protect, and defend the environment, wildlife, and natural resources of San Francisco Bay, its tributaries, and other waters in the Bay Area, for the benefit of local communities. Baykeeper has over two thousand members who use and enjoy San Francisco Bay and other waters for various recreational, educational, and spiritual purposes. Baykeeper's members' use and enjoyment of these waters are negatively affected by the pollution caused by Syar's operations.

This letter addresses Syar's unlawful discharge of pollutants from the Facility via stormwater into Arroyo Creek, Napa River, and San Francisco Bay. Specifically, Baykeeper's investigation of the Facility has uncovered significant, ongoing and continuous violations of the CWA and the National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ ("Industrial Stormwater Permit").

CWA section 505(b) requires that sixty (60) days prior to the initiation of a civil action under CWA section 505(a), a citizen must give notice of his or her intent to file

suit. 33 U.S.C. § 1365. Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA"), and the State in which the violations occur. As required by section 505(b), this Notice of Violation and Intent to File Suit provides notice to Syar of the violations that have occurred and which continue to occur at the Facility. After the expiration of sixty (60) days from the date of this Notice of Violation and Intent to File Suit, Baykeeper intends to file suit in federal court against Syar under CWA section 505(a) for the violations described more fully below.

During the 60-day notice period, Baykeeper is willing to discuss effective remedies for the violations noticed in this letter. We suggest that Syar contact us within the next twenty (20) days so that these discussions may be completed by the conclusion of the 60-day notice period. Please note that we do not intend to delay the filing of a complaint in federal court even if discussions are continuing when the notice period ends, and service of the complaint shortly thereafter.

I. THE LOCATION OF THE ALLEGED VIOLATIONS

A. The Facility.

Syar is a paving materials manufacturing company, with headquarters in Napa. It specializes in processing and distributing asphalt paving materials and aggregate rock concrete products for construction companies and contractors. Syar's Napa Quarry is located at 2301 Napa Vallejo Highway in Napa, California. Quarry operations are located within an approximately 920-acre area (870 acres east of SR 221 and 49.9 acres west of SR 221) in southern Napa County, approximately one-half mile southeast of the City of Napa and one mile east of the Napa River.

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(cont.)

Syar's Napa Quarry is a hard rock, open-pit quarry with two asphalt plants and two equipment maintenance areas. Rock is drilled or blasted from hillsides and pits and then transported to one of the on-site processing areas. Processing activities include crushing, screening, and washing. The processed materials, or aggregate, are then stockpiled and later used in the asphalt concrete plants or loaded onto trucks for off-site delivery. The plants mix this stockpiled aggregate with off-site raw materials, which are shipped to the facility using barges and trucks, in varying proportions to produce asphalt cement of different specifications for off-site delivery. Other attendant operations at the quarry include equipment maintenance, fueling stations, petroleum product storage, and a machine shop.

Significant materials located and stored on site that may contribute pollutants found in stormwater runoff include the following: 1) rock, gravel, sand, silt, and/or clay, 2) petroleum products (fuel, oil, grease), 3) cutback asphaltic cement, 4) emulsified asphaltic cement, 5) return asphaltic concrete, 6) return Portland cement concrete, 7) anti-freeze, 8) batteries, 9) waste oil, 10) soaps/surfactants, 11) solvents, and 12) paints. Potential stormwater pollutants include: chromium (III and VI), copper, lead, zinc, nitrite, nitrate, total organic carbon ("TOC"), iron, aluminum, chemical oxygen demand ("COD"), conductivity, pH, total suspended solids ("TSS"), oil/grease, diesel oil, diesel

fuel, gasoline, hydraulic oil, lubricants, antifreeze, brake fluid, transmission fluid, polycyclic aromatic hydrocarbons ("PAHs"), and blasting particulates and other pollutants from the use of explosives.

B. The Affected Waters.

Stormwater from the Facility discharges via storm drains into Arroyo Creek, which flows to Napa River and then to San Francisco Bay. Arroyo Creek, Napa River, and San Francisco Bay are waters of the United States. The CWA requires that water bodies such as San Francisco Bay meet water quality objectives that protect specific "beneficial uses." The beneficial uses of San Francisco Bay and its tributaries include commercial and sport fishing, estuarine habitat, fish migration, navigation, preservation of rare and endangered species, water contact and non-contact recreation, shellfish harvesting, fish spawning, and wildlife habitat. Contaminated stormwater from the Facility adversely affects the water quality of San Francisco Bay watershed and threatens the ecosystem of this watershed, which includes significant habitat for listed rare and endangered species.

II. THE ACTIVITIES AT THE FACILITY CONSTITUTE VIOLATIONS OF THE CLEAN WATER ACT

It is unlawful to discharge pollutants to waters of the United States, such as Arroyo Creek, Napa River, and San Francisco Bay, without an NPDES permit or in violation of the terms and conditions of an NPDES permit. CWA § 301(a), 33 U.S.C. § 1311(a); *see also* CWA § 402(p), 33 U.S.C. § 1342(p) (requiring NPDES permit issuance for the discharge of stormwater associated with industrial activities). The Industrial Stormwater Permit authorizes certain discharges of stormwater, conditioned on compliance with its terms. S-47 (cont.)

In 1992, Syar submitted a Notice of Intent ("NOI") to be authorized to discharge stormwater from the Facility under the Industrial Stormwater Permit. However, information available to Baykeeper indicates that stormwater discharges from the Facility have violated several terms of the Industrial Stormwater Permit, thereby violating the CWA. *Id.* Apart from discharges that comply with the Industrial Stormwater Permit, the Facility lacks NPDES permit authorization for any other discharges of pollutants into waters of the United States.

A. Discharges in Excess of BAT/BCT Levels.

The Effluent Limitations of the Industrial Stormwater Permit prohibit the discharge of pollutants from the Facility in concentrations above the level commensurate with the application of best available technology economically achievable ("BAT") for toxic pollutants[1] and best conventional pollutant control technology ("BCT") for

[1] BAT is defined at 40 C.F.R. § 442.23. Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

conventional pollutants.[2] Industrial Stormwater Permit, Order Part B(3). The EPA has published Benchmark values set at the maximum pollutant concentration present if an industrial facility is employing BAT and BCT, as described in Attachment 1 to this letter.[3]

Syar's self-reported exceedances of Benchmark values over the last five years, identified in Attachment 2 to this letter, indicate that Syar has failed and is failing to employ measures that constitute BAT and BCT for asphalt and concrete producing facilities in violation of the requirements of the Industrial Stormwater Permit. Baykeeper alleges and notifies Syar that its stormwater discharges from the Facility have consistently contained and continue to contain levels of pollutants which exceed Benchmark values for aluminum, copper, iron, lead, nitrate+nitrite, TSS, and zinc, among other pollutants.

Further, based on information available to Baykeeper, Syar's self-reported data understates the extent of pollution coming from the Facility. Syar has failed to measure pollutants from the explosives used in its mining operations. Syar's Storm Water Pollution Prevention Plan ("SWPPP") specifically lists "particulate from explosive detonation" as a potential pollutant source. Each time that Syar discharges stormwater, it is discharging these pollutants at unmeasured levels. In addition to specified pollutants, the Industrial Stormwater Permit requires Syar to monitor for "other pollutants which are likely to be present in storm water discharges in significant quantities." As a potential pollutant that could impact stormwater, Syar is required to monitor its stormwater for substances in the explosives.

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Syar's ongoing discharges of stormwater containing levels of pollutants above EPA Benchmark values and BAT- and BCT-based levels of control also demonstrate that Syar has not developed and implemented sufficient Best Management Practices ("BMPs") at the Facility. Proper BMPs could include, but are not limited to, moving certain pollution-generating activities under cover or indoors, capturing and effectively filtering or otherwise treating all stormwater prior to discharge, frequent sweeping to reduce the build-up of pollutants on-site, and other similar measures.

Syar's failure to develop and/or implement adequate pollution controls to meet BAT and BCT at the Facility violates and will continue to violate the Clean Water Act and the Industrial Stormwater Permit each and every day Syar discharges stormwater without meeting BAT/BCT. Baykeeper alleges that Syar has discharged stormwater containing excessive levels of pollutants from the Facility to Arroyo Creek, Napa River, and San Francisco Bay during at least every significant local rain event over 0.1 inches in

[2] BCT is defined at 40 C.F.R. § 442.22. Conventional pollutants are listed at 40 C.F.R. § 401.16 and include BOD, TSS, oil and grease, pH, and fecal coliform.
[3] The Benchmark Values can be found at: http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf and http://cwea.org/p3s/documents/multi-sectorrev.pdf (Last accessed on 11/26/13).

the last five years.[4] Attachment 3 compiles all dates in the last five (5) years when a significant rain event occurred. Syar is subject to civil penalties for each violation of the Industrial Stormwater Permit and the CWA within the past five (5) years.

B. Discharges Impairing Receiving Waters.

The Industrial Stormwater Permit's Discharge Prohibitions disallow stormwater discharges that cause or threaten to cause pollution, contamination, or nuisance. *See* Industrial Stormwater Permit, Order Part A(2). The Industrial Stormwater Permit also prohibits stormwater discharges to surface or groundwater that adversely impact human health or the environment. *Id.* at Order Part C(1). Receiving Water Limitations of the Industrial Stormwater Permit prohibit stormwater discharges that cause or contribute to an exceedance of applicable Water Quality Standards ("WQS"). *Id.* at Order Part C(2). Applicable WQSs are set forth in the California Toxics Rule ("CTR")[5] and Chapter 3 of the San Francisco Bay Basin (Region 2) Water Quality Control Plan ("Basin Plan").[6] Exceedances of WQSs are violations of the Industrial Stormwater Permit, the CTR, and the Basin Plan.

The Basin Plan establishes Water Quality Standards for San Francisco Bay and its tributaries, including but not limited to the following:

- Waters shall not contain substances in concentrations that result in the deposition of material that cause nuisance or adversely affect beneficial uses.

- Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.

- Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases from normal background light penetration or turbidity relatable to waste discharge shall not be greater than 10 percent in areas where natural turbidity is greater than 50 NTU.

- All waters shall be maintained free of toxic substances in concentrations that are lethal to or that produce other detrimental responses in aquatic organisms.

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[4] Significant local rain events are reflected in the rain gauge data available http://cdec.water.ca.gov, http://lwf.ncdc.noaa.gov/oa/ncdc.html, and http://www.ncdc.noaa.gov/IPS/coop/coop.html. (Last accessed on 11/26/13).

[5] The CTR is set forth at 40 C.F.R. § 131.38 and is explained in the Federal Register preamble accompanying the CTR promulgation set forth at 65 Fed. Reg. 31,682 (May 18, 2000).

[6] The Basin Plan is published by EPA at: http://water.epa.gov/scitech/swguidance/standards/wqslibrary/upload/2009_03_16_standards_wqslibrary_ca_ca_9_san_francisco.pdf (Last accessed on 11/26/13).
The Basin Plan is also published by the Regional Board at: http://www.waterboards.ca.gov/sanfranciscobay/basin_planning.shtml#2004basinplan (Last accessed on 11/26/13).

- Surface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use. The Basin Plan, Table 3-3, identifies specific marine water quality objectives for toxic pollutants,[7] and Table 3-4 identifies specific fresh water quality objectives for toxic pollutants.[8] *See* Attachment 4.

Baykeeper alleges that Syar's stormwater discharges have caused or contributed to exceedances of the WQS set forth in the Basin Plan and California Toxics Rule. These allegations are based on information available to Baykeeper, including Syar's self-reported data submitted to the Regional Board indicating exceedances of receiving water limits for copper, lead, and zinc. *See* Attachment 2. As explained above, based on information available to Baykeeper, these sample results do not fully reflect the extent of pollution coming from the Facility. In addition, stormwater samples collected at Syar by Baykeeper have shown WQS exceedances of lead and zinc.

Baykeeper alleges that each day that Syar has discharged stormwater from the Facility, Syar's stormwater has contained levels of pollutants that exceeded one or more of the applicable WQS in San Francisco Bay. Baykeeper alleges that Syar has discharged stormwater exceeding WQS from the Facility to Arroyo Creek, Napa River, and San Francisco Bay during at least every significant local rain event over 0.1 inches in the last five years. *See* Attachment 3. Each discharge from the Facility that has caused or contributed, or causes or contributes, to an exceedance of an applicable WQS constitutes a separate violation of the Industrial Stormwater Permit and the CWA. Syar is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA within the past five (5) years.

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C. Failure to Develop and/or Implement an Adequate Storm Water Pollution Prevention Plan ("SWPPP").

The Industrial Stormwater Permit requires dischargers to develop and implement an adequate SWPPP. Industrial Stormwater Permit, Section A: Storm Water Pollution Prevention Plan Requirements, (1)(a). The Industrial Stormwater Permit also requires dischargers to make all necessary revisions to existing SWPPPs promptly. *Id.* at Order Part E(2).

The SWPPP must include, among other requirements, the following: a site map, a list of significant materials handled and stored at the site, a description and assessment of all potential pollutant sources, a description of the BMPs that will reduce or prevent pollutants in stormwater discharges, specification of BMPs designed to reduce pollutant discharge to BAT and BCT levels, a comprehensive site compliance evaluation

[7] Basin Plan, Table 3-3 is available at: http://www.waterboards.ca.gov/rwqcb2/water_issues/programs/planningtmdls/basinplan/web/tab/tab_3-03.pdf (Last accessed on 11/26/13).
[8] Basin Plan, Table 3-4 is available at: http://www.waterboards.ca.gov/rwqcb2/water_issues/programs/planningtmdls/basinplan/web/tab/tab_3-04.pdf (Last accessed on 11/26/13).

completed each reporting year, and revisions to the SWPPP within 90 days after a facility manager determines that the SWPPP is in violation of any requirements of the Industrial Stormwater Permit. *See* Industrial Stormwater Permit Section A.

Based on information available to Baykeeper, Syar has failed to prepare and/or implement an adequate SWPPP and/or to revise the SWPPP to satisfy each of the requirements of Section A of the Industrial Stormwater Permit. For example, Syar's SWPPP does not include, and Syar has not implemented, adequate BMPs designed to reduce pollutant levels in discharges to BAT and BCT levels in accordance with Section A(8) of the Industrial Stormwater Permit, as evidenced by the data in Attachment 2 and by Baykeeper's stormwater samples collected at the Facility.

Accordingly, Syar has violated the CWA each and every day Syar has failed to develop and/or implement an adequate SWPPP meeting all of the requirements of Section A of the Industrial Stormwater Permit, and Syar will continue to be in violation every day until they develop and/or implement an adequate SWPPP. Syar is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA occurring within the past five (5) years.

D. Failure to Develop and Implement an Adequate Monitoring and Reporting Program and to Perform Annual Comprehensive Site Compliance Evaluations.

The Industrial Stormwater Permit requires facility operators to develop and implement a Monitoring and Reporting Program ("MRP"). Industrial Stormwater Permit, Section B: Monitoring Program and Reporting Requirements, (1) and Order Part E(3). The Industrial Stormwater Permit requires that the MRP ensure that each facility's stormwater discharges comply with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations specified in the Industrial Stormwater Permit. *Id*. at Section B(2). Facility operators must ensure that their MRP practices reduce or prevent pollutants in stormwater and authorized non-stormwater discharges as well as evaluate and revise their practices to meet changing conditions at the facility. *Id.* This may include revising the SWPPP as required by Section A of the Industrial Stormwater Permit. The MRP must measure the effectiveness of BMPs used to prevent or reduce pollutants in stormwater and authorized non-stormwater discharges, and facility operators must revise the MRP whenever appropriate. *Id*. Facility operators are also required to provide an explanation of monitoring methods describing how the facility's monitoring program will satisfy these objectives. *Id*. at Section B(10).

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(cont.)

Syar has been operating the Facility with an inadequately developed and/or inadequately implemented MRP, in violation of the substantive and procedural requirements set forth in Section B of the Industrial Stormwater Permit. For example, the data in Attachment 2 indicate that Syar's monitoring program has not ensured that stormwater discharges are in compliance with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations of the Industrial Stormwater Permit as required by Section B(2). The monitoring program has not resulted in practices at the

Facility that adequately reduce or prevent pollutants in stormwater as required by Order Part B(2). Similarly, the data in Attachment 2 indicate that Syar's MRP has not effectively identified or responded to compliance problems at the Facility or resulted in effective revision of BMPs in use or the Facility's SWPPP to address such ongoing problems as required by Section B(2).

In addition, Syar's MRP is inadequate because Syar has been collecting stormwater samples that do not adequately reflect pollution coming from its industrial activities. Section B(7)(a) of the Industrial Stormwater Permit requires Syar to collect stormwater samples that "represent the quality and quantity of the facility's storm water discharges." Syar has not been sampling for any pollutants coming from the Facility's use of explosives, which could come into contact with stormwater. Thus, each stormwater sample collected has not adequately represented the quality of stormwater flowing from the industrial areas of the site.

As a result of Syar's failure to adequately develop and/or implement an adequate MRP at the Facility, Syar has been in daily and continuous violation of the Industrial Stormwater Permit and the CWA on each and every day for the past five years. These violations are ongoing. Syar will continue to be in violation of the monitoring and reporting requirements each day that Syar fails to adequately develop and/or implement an effective MRP at the Facility. Syar is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA occurring for the last five (5) years.

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E. Discharges Without Permit Coverage.

Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a), prohibits the discharge of any pollutant into waters of the United States unless the discharge is authorized by a NPDES permit issued pursuant to section 402 of the Clean Water Act. *See* 33 U.S.C. §§ 1311(a), 1342. In turn, Syar sought coverage for the Facility under the Industrial Stormwater Permit, which states that any discharge from an industrial facility not in compliance with the Industrial Stormwater Permit "must be either eliminated or permitted by a separate NPDES permit." Industrial Stormwater Permit, Order Part A(1). Because Syar has not obtained coverage under any separate NPDES permit, and has failed to eliminate discharges not permitted by the Industrial Stormwater Permit, each and every discharge from the Facility described herein not in compliance with the Industrial Stormwater Permit has constituted and will continue to constitute a discharge without CWA permit coverage in violation of section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a).

IV. PERSONS RESPONSIBLE FOR THE VIOLATIONS

Syar Industries, Inc. is the person responsible for the violations at the Facility described above.

V. NAME AND ADDRESS OF NOTICING PARTY

Our name, address, and telephone number is as follows:

San Francisco Baykeeper
785 Market Street, Suite 850
San Francisco, CA 94103
(415) 856-0444

VI. COUNSEL

Baykeeper is represented by the following counsel in this matter, to whom all communications should be directed:

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VII. REMEDIES

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Baykeeper intends, at the close of the 60-day notice period or thereafter, to file a citizen suit under CWA section 505(a) against Syar for the above-referenced violations. Baykeeper will seek declaratory and injunctive relief to prevent further CWA violations pursuant to CWA sections 505(a) and (d), 33 U.S.C. §1365(a) and (d), and such other relief as permitted by law. In addition, Baykeeper will seek civil penalties pursuant to CWA section 309(d), 33 U.S.C. § 1319(d), and 40 C.F.R. section 19.4, against Syar in this action. The CWA imposes civil penalty liability of up to $32,500 per day per CWA violation for violations occurring from March 15, 2004 through January 12, 2009, and $37,500 per day per violation for violations occurring after January 12, 2009. 33 U.S.C. § 1319(d); 40 C.F.R. § 19.4. Baykeeper will seek to recover attorneys' fees, experts' fees, and costs in accordance with CWA section 505(d), 33 U.S.C. § 1365(d).

As noted above, Baykeeper is willing during the 60-day notice period to discuss effective remedies for the violations noted in this letter. Please contact Andrea or George to initiate these discussions.

Sincerely,

Andrea L. Kopecky

Andrea L. Kopecky
Staff Attorney
San Francisco Baykeeper

Cc:

Gina McCarthy Administrator US EPA, Ariel Rios Building 1200 Pennsylvania Avenue, N.W. Mail Code: 1101A Washington, DC 20460	Eric H. Holder, Jr. Attorney General U.S. Department of Justice 950 Pennsylvania Avenue, N.W. Washington, DC 20530
Jared Blumenfeld Regional Administrator U.S. EPA - Region 9 75 Hawthorne Street San Francisco, CA 94105	Thomas Howard Executive Director State Water Resources Control Board 1001 I Street Sacramento, CA 95814
Bruce Wolfe Executive Officer Regional Water Quality Control Board San Francisco Bay Region 1515 Clay Street, Suite 1400 Oakland, CA 94612	

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Attachment 1: EPA Benchmarks

Parameter	Units	Benchmark value
Biochemical Oxygen Demand	mg/L	30
Chemical Oxygen Demand (COD)	mg/L	120
Total Suspended Solids (TSS)	mg/L	100
Oil and Grease	mg/L	15
Nitrate + Nitrite Nitrogen	mg/L	0.68
Total Phosphorus	mg/L	2
pH	SU - low	6
pH	SU - high	9
Acrylonitrile	mg/L	7.55
Aluminum Total	mg/L	0.75
Ammonia Total (as N)	mg/L	19
Antimony, Total	mg/L	0.64
Arsenic Total	mg/L	0.15
Benzene	mg/L	0.01
Beryllium, Total	mg/L	0.13
Butylbenzyl Phthalate	mg/L	3
Chloride	mg/L	860
Copper Total	mg/L	0.0636
Dimethyl Phthalate	mg/L	1
Ethylbenzene	mg/L	3.1
Fluoranthene	mg/L	0.042
Fluoride	mg/L	1.8
Iron Total	mg/L	1
Lead Total	mg/L	0.0816
Manganese	mg/L	1
Mercury Total	mg/L	0.0024
Nickel Total	mg/L	1.417
PCB-1016	mg/L	0.000127
PCB-1221	mg/L	0.1
PCB-1232	mg/L	0.000318
PCB-1242	mg/L	0.0002
PCB-1248	mg/L	0.002544
PCB-1254	mg/L	0.1
PCB-1260	mg/L	0.000477
Phenols, Total	mg/L	1
Pyrene	mg/L	0.01
Selenium Total	mg/L	0.2385
Silver Total	mg/L	0.0318
Toluene	mg/L	10
Trichloroethylene	mg/L	0.0027
Zinc Total	mg/L	0.117
Cyanide Total (as CN)	mg/L	0.0636
Magnesium Total	mg/L	0.064

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(cont.)

Attachment 2: Table of Violations for Syar Industries

Table containing each stormwater sample result provided by Syar Industries in which samples exceed Water Quality Standards (yellow), or EPA Benchmarks (green), or both (green). The EPA Benchmarks and Water Quality Standards are listed at the end of the table. All stormwater samples were collected during the past five years.

No.	Sampling Location	Sampling Date	Parameter		Value	Units	Wet Season
1	E	12/26/2012	Aluminum Total	=	1.9	mg/L	2012-2013
2	E	12/26/2012	Iron Total	=	5.6	mg/L	2012-2013
3	E	12/26/2012	Nitrate + Nitrite Nitrogen	=	3.9	mg/L	2012-2013
4	C-2	12/17/2012	Iron Total	=	1.4	mg/L	2012-2013
5	C-2	12/17/2012	Nitrate + Nitrite Nitrogen	=	3.3	mg/L	2012-2013
6	B	12/17/2012	Aluminum Total	=	1.2	mg/L	2012-2013
7	B	12/17/2012	Iron Total	=	1.7	mg/L	2012-2013
8	B	11/30/2012	Aluminum Total	=	3.9	mg/L	2012-2013
9	B	11/30/2012	Iron Total	=	10	mg/L	2012-2013
10	F	11/28/2012	Total Suspended Solids (TSS)	=	118	mg/L	2012-2013
11	F	11/28/2012	Aluminum Total	=	3.3	mg/L	2012-2013
12	F	11/28/2012	Copper Total	=	0.018	mg/L	2012-2013
13	F	11/28/2012	Iron Total	=	7.7	mg/L	2012-2013
14	F	11/28/2012	Zinc Total	=	0.13	mg/L	2012-2013
15	F	11/28/2012	Nitrate + Nitrite Nitrogen	=	1.2	mg/L	2012-2013
16	C-2	11/28/2012	Total Suspended Solids (TSS)	=	230	mg/L	2012-2013
17	C-2	11/28/2012	Aluminum Total	=	7.5	mg/L	2012-2013
18	C-2	11/28/2012	Copper Total	=	0.02	mg/L	2012-2013
19	C-2	11/28/2012	Iron Total	=	24	mg/L	2012-2013
20	C-2	11/28/2012	Nitrate + Nitrite Nitrogen	=	2.8	mg/L	2012-2013
21	A	11/28/2012	Total Suspended Solids (TSS)	=	144	mg/L	2012-2013
22	A	11/28/2012	Aluminum Total	=	3.6	mg/L	2012-2013
23	A	11/28/2012	Iron Total	=	6.9	mg/L	2012-2013
24	A	11/28/2012	Nitrate + Nitrite Nitrogen	=	1.7	mg/L	2012-2013
25	C-2	10/22/2012	Total Suspended Solids (TSS)	=	750	mg/L	2012-2013
26	C-2	10/22/2012	Aluminum Total	=	28	mg/L	2012-2013
27	C-2	10/22/2012	Copper Total	=	0.043	mg/L	2012-2013
28	C-2	10/22/2012	Iron Total	=	66	mg/L	2012-2013
29	C-2	10/22/2012	Zinc Total	=	0.12	mg/L	2012-2013
30	C-2	10/22/2012	Nitrate + Nitrite Nitrogen	=	1.1	mg/L	2012-2013
31	A	10/22/2012	Aluminum Total	=	1.2	mg/L	2012-2013
32	A	10/22/2012	Iron Total	=	2	mg/L	2012-2013
33	A	10/22/2012	Nitrate + Nitrite Nitrogen	=	4.5	mg/L	2012-2013
34	F	3/14/2012	Iron Total	=	1.5	mg/L	2011-2012
35	E	3/14/2012	Aluminum Total	=	0.75	mg/L	2011-2012

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36	E	3/14/2012	Iron Total	=	1.1	mg/L	2011-2012
37	E	3/14/2012	Nitrate + Nitrite Nitrogen	=	1.8	mg/L	2011-2012
38	D	3/14/2012	Aluminum Total	=	2.6	mg/L	2011-2012
39	D	3/14/2012	Iron Total	=	4.9	mg/L	2011-2012
40	A	3/13/2012	Total Suspended Solids (TSS)	=	233	mg/L	2011-2012
41	A	3/13/2012	Aluminum Total	=	4	mg/L	2011-2012
42	A	3/13/2012	Iron Total	=	7.7	mg/L	2011-2012
43	A	3/13/2012	Nitrate + Nitrite Nitrogen	=	2	mg/L	2011-2012
44	C-2	2/7/2012	Nitrate + Nitrite Nitrogen	=	3.7	mg/L	2011-2012
45	B	2/7/2012	Iron Total	=	1.5	mg/L	2011-2012
46	F	1/23/2012	Aluminum Total	=	0.76	mg/L	2011-2012
47	F	1/23/2012	Iron Total	=	1.7	mg/L	2011-2012
48	E	1/23/2012	Aluminum Total	=	0.84	mg/L	2011-2012
49	E	1/23/2012	Iron Total	=	1.1	mg/L	2011-2012
50	E	1/23/2012	Nitrate + Nitrite Nitrogen	=	6.8	mg/L	2011-2012
51	D	1/23/2012	Aluminum Total	=	1.6	mg/L	2011-2012
52	D	1/23/2012	Iron Total	=	3.3	mg/L	2011-2012
53	C-2	1/23/2012	Total Suspended Solids (TSS)	=	792	mg/L	2011-2012
54	C-2	1/23/2012	Aluminum Total	=	11	mg/L	2011-2012
55	C-2	1/23/2012	Copper Total	=	0.019	mg/L	2011-2012
56	C-2	1/23/2012	Iron Total	=	24	mg/L	2011-2012
57	C-2	1/23/2012	Nitrate + Nitrite Nitrogen	=	1.6	mg/L	2011-2012
58	C-1	1/23/2012	Total Suspended Solids (TSS)	=	162	mg/L	2011-2012
59	C-1	1/23/2012	Aluminum Total	=	8	mg/L	2011-2012
60	C-1	1/23/2012	Copper Total	=	0.017	mg/L	2011-2012
61	C-1	1/23/2012	Iron Total	=	20	mg/L	2011-2012
62	C-1	1/23/2012	Nitrate + Nitrite Nitrogen	=	0.89	mg/L	2011-2012
63	B	1/23/2012	Aluminum Total	=	3.7	mg/L	2011-2012
64	B	1/23/2012	Iron Total	=	8.5	mg/L	2011-2012
65	A	1/23/2012	Total Suspended Solids (TSS)	=	198	mg/L	2011-2012
66	A	1/23/2012	Aluminum Total	=	8.2	mg/L	2011-2012
67	A	1/23/2012	Copper Total	=	0.014	mg/L	2011-2012
68	A	1/23/2012	Iron Total	=	23	mg/L	2011-2012
69	A	1/23/2012	Nitrate + Nitrite Nitrogen	=	2.1	mg/L	2011-2012
70	F	3/24/2011	Aluminum Total	=	1.2	mg/L	2010-2011
71	F	3/24/2011	Iron Total	=	2.4	mg/L	2010-2011
72	E	3/24/2011	Aluminum Total	=	3.3	mg/L	2010-2011
73	E	3/24/2011	Iron Total	=	5.4	mg/L	2010-2011
74	E	3/24/2011	Nitrate + Nitrite Nitrogen	=	1.6	mg/L	2010-2011
75	D	3/24/2011	Aluminum Total	=	1.6	mg/L	2010-2011
76	D	3/24/2011	Iron Total	=	3.2	mg/L	2010-2011
77	C-1	3/24/2011	Aluminum Total	=	6.8	mg/L	2010-2011
78	C-1	3/24/2011	Copper Total	=	0.014	mg/L	2010-2011

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(cont.)

79	C-1	3/24/2011	Iron Total	=	17	mg/L	2010-2011
80	A	3/24/2011	Aluminum Total	=	2.9	mg/L	2010-2011
81	A	3/24/2011	Iron Total	=	6.1	mg/L	2010-2011
82	A	3/24/2011	Nitrate + Nitrite Nitrogen	=	3.2	mg/L	2010-2011
83	F	3/18/2011	Total Suspended Solids (TSS)	=	568	mg/L	2010-2011
84	F	3/18/2011	Aluminum Total	=	7.4	mg/L	2010-2011
85	F	3/18/2011	Copper Total	=	0.045	mg/L	2010-2011
86	F	3/18/2011	Iron Total	=	17	mg/L	2010-2011
87	F	3/18/2011	Lead Total	=	0.13	mg/L	2010-2011
88	F	3/18/2011	Zinc Total	=	0.37	mg/L	2010-2011
89	E	3/14/2011	Aluminum Total	=	3.4	mg/L	2010-2011
90	E	3/14/2011	Iron Total	=	8.2	mg/L	2010-2011
91	E	3/14/2011	Nitrate + Nitrite Nitrogen	=	2.1	mg/L	2010-2011
92	F	2/17/2011	Total Suspended Solids (TSS)	=	102	mg/L	2010-2011
93	F	2/17/2011	Aluminum Total	=	2.8	mg/L	2010-2011
94	F	2/17/2011	Copper Total	=	0.015	mg/L	2010-2011
95	F	2/17/2011	Iron Total	=	6.1	mg/L	2010-2011
96	E	2/17/2011	Aluminum Total	=	4.6	mg/L	2010-2011
97	E	2/17/2011	Iron Total	=	8	mg/L	2010-2011
98	E	2/17/2011	Nitrate + Nitrite Nitrogen	=	3.9	mg/L	2010-2011
99	C-2	2/17/2011	Aluminum Total	=	0.8	mg/L	2010-2011
100	C-2	2/17/2011	Iron Total	=	2.4	mg/L	2010-2011
101	C-2	2/17/2011	Nitrate + Nitrite Nitrogen	=	4.9	mg/L	2010-2011
102	B	2/17/2011	Aluminum Total	=	0.81	mg/L	2010-2011
103	B	2/17/2011	Iron Total	=	1.8	mg/L	2010-2011
104	F	12/20/2010	Aluminum Total	=	1.2	mg/L	2010-2011
105	F	12/20/2010	Iron Total	=	2.5	mg/L	2010-2011
106	E	12/20/2010	Nitrate + Nitrite Nitrogen	=	6.2	mg/L	2010-2011
107	D	12/20/2010	Aluminum Total	=	1.3	mg/L	2010-2011
108	D	12/20/2010	Iron Total	=	2.6	mg/L	2010-2011
109	C-2	12/20/2010	Aluminum Total	=	0.91	mg/L	2010-2011
110	C-2	12/20/2010	Iron Total	=	2.4	mg/L	2010-2011
111	C-2	12/20/2010	Nitrate + Nitrite Nitrogen	=	3.8	mg/L	2010-2011
112	C-1	12/20/2010	Aluminum Total	=	1	mg/L	2010-2011
113	C-1	12/20/2010	Iron Total	=	2.1	mg/L	2010-2011
114	B	12/20/2010	Aluminum Total	=	0.86	mg/L	2010-2011
115	B	12/20/2010	Iron Total	=	1.4	mg/L	2010-2011
116	A	12/20/2010	Aluminum Total	=	1.1	mg/L	2010-2011
117	A	12/20/2010	Iron Total	=	1.7	mg/L	2010-2011
118	A	12/20/2010	Nitrate + Nitrite Nitrogen	=	3.3	mg/L	2010-2011
119	E	12/6/2010	Nitrate + Nitrite Nitrogen	=	1.7	mg/L	2010-2011
120	B	12/6/2010	Iron Total	=	1.3	mg/L	2010-2011
121	C-2	10/29/2010	Nitrate + Nitrite Nitrogen	=	2.2	mg/L	2010-2011

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(cont.)

122	B	10/29/2010	Aluminum Total	=	1.5	mg/L	2010-2011
123	B	10/29/2010	Iron Total	=	3.4	mg/L	2010-2011
124	E	4/12/2010	Aluminum Total	=	3.4	mg/L	2009-2010
125	E	4/12/2010	Iron Total	=	13	mg/L	2009-2010
126	E	4/12/2010	Nitrate + Nitrite Nitrogen	=	2	mg/L	2009-2010
127	B	4/12/2010	Total Suspended Solids (TSS)	=	106	mg/L	2009-2010
128	B	4/12/2010	Aluminum Total	=	5.9	mg/L	2009-2010
129	B	4/12/2010	Iron Total	=	14	mg/L	2009-2010
130	A	4/12/2010	Aluminum Total	=	2.3	mg/L	2009-2010
131	A	4/12/2010	Iron Total	=	5.5	mg/L	2009-2010
132	A	4/12/2010	Nitrate + Nitrite Nitrogen	=	1.3	mg/L	2009-2010
133	A	3/3/2010	Aluminum Total	=	7.5	mg/L	2009-2010
134	A	3/3/2010	Iron Total	=	13	mg/L	2009-2010
135	A	3/3/2010	Nitrate + Nitrite Nitrogen	=	2.1	mg/L	2009-2010
136	F	2/26/2010	Total Suspended Solids (TSS)	=	150	mg/L	2009-2010
137	F	2/26/2010	Aluminum Total	=	4.5	mg/L	2009-2010
138	F	2/26/2010	Copper Total	=	0.02	mg/L	2009-2010
139	F	2/26/2010	Iron Total	=	8.7	mg/L	2009-2010
140	F	2/26/2010	Zinc Total	=	0.17	mg/L	2009-2010
141	E	2/26/2010	Nitrate + Nitrite Nitrogen	=	1.2	mg/L	2009-2010
142	C-2	2/26/2010	Total Suspended Solids (TSS)	=	1720	mg/L	2009-2010
143	C-2	2/26/2010	Aluminum Total	=	22	mg/L	2009-2010
144	C-2	2/26/2010	Copper Total	=	0.056	mg/L	2009-2010
145	C-2	2/26/2010	Iron Total	=	43	mg/L	2009-2010
146	C-2	2/26/2010	Nitrate + Nitrite Nitrogen	=	1.9	mg/L	2009-2010
147	B	2/26/2010	Aluminum Total	=	1.8	mg/L	2009-2010
148	B	2/26/2010	Iron Total	=	3.4	mg/L	2009-2010
149	D	1/19/2010	Aluminum Total	=	4.8	mg/L	2009-2010
150	D	1/19/2010	Iron Total	=	8	mg/L	2009-2010
151	C-1	1/19/2010	Total Suspended Solids (TSS)	=	288	mg/L	2009-2010
152	C-1	1/19/2010	Aluminum Total	=	16	mg/L	2009-2010
153	C-1	1/19/2010	Copper Total	=	0.029	mg/L	2009-2010
154	C-1	1/19/2010	Iron Total	=	31	mg/L	2009-2010
155	A	1/19/2010	Total Suspended Solids (TSS)	=	116	mg/L	2009-2010
156	A	1/19/2010	Aluminum Total	=	10	mg/L	2009-2010
157	A	1/19/2010	Copper Total	=	0.015	mg/L	2009-2010
158	A	1/19/2010	Iron Total	=	21	mg/L	2009-2010
159	A	1/19/2010	Nitrate + Nitrite Nitrogen	=	2.3	mg/L	2009-2010
160	F	1/18/2010	Total Suspended Solids (TSS)	=	120	mg/L	2009-2010
161	F	1/18/2010	Aluminum Total	=	5.1	mg/L	2009-2010
162	F	1/18/2010	Copper Total	=	0.029	mg/L	2009-2010
163	F	1/18/2010	Iron Total	=	11	mg/L	2009-2010
164	F	1/18/2010	Lead Total	=	0.08	mg/L	2009-2010

165	F	1/18/2010	Zinc Total	=	0.22	mg/L	2009-2010
166	E	1/18/2010	Aluminum Total	=	3.2	mg/L	2009-2010
167	E	1/18/2010	Iron Total	=	4.8	mg/L	2009-2010
168	E	1/18/2010	Nitrate + Nitrite Nitrogen	=	1.1	mg/L	2009-2010
169	C-2	1/18/2010	Total Suspended Solids (TSS)	=	4030	mg/L	2009-2010
170	C-2	1/18/2010	Copper Total	=	0.2	mg/L	2009-2010
171	C-2	1/18/2010	Iron Total	=	200	mg/L	2009-2010
172	C-2	1/18/2010	Zinc Total	=	0.4	mg/L	2009-2010
173	C-2	1/18/2010	Nitrate + Nitrite Nitrogen	=	0.7	mg/L	2009-2010
174	B	1/18/2010	Aluminum Total	=	2.4	mg/L	2009-2010
175	B	1/18/2010	Iron Total	=	6.1	mg/L	2009-2010
176	F	11/20/2009	Total Suspended Solids (TSS)	=	543	mg/L	2009-2010
177	F	11/20/2009	Aluminum Total	=	13	mg/L	2009-2010
178	F	11/20/2009	Copper Total	=	0.066	mg/L	2009-2010
179	F	11/20/2009	Iron Total	=	31	mg/L	2009-2010
180	F	11/20/2009	Lead Total	=	0.2	mg/L	2009-2010
181	F	11/20/2009	Zinc Total	=	0.57	mg/L	2009-2010
182	F	11/20/2009	Nitrate + Nitrite Nitrogen	=	2.4	mg/L	2009-2010
183	E	10/14/2009	Aluminum Total	=	2.8	mg/L	2009-2010
184	E	10/14/2009	Iron Total	=	5.3	mg/L	2009-2010
185	E	10/14/2009	Nitrate + Nitrite Nitrogen	=	6.9	mg/L	2009-2010
186	C-2	10/14/2009	Aluminum Total	=	2	mg/L	2009-2010
187	C-2	10/14/2009	Iron Total	=	4.2	mg/L	2009-2010
188	C-2	10/14/2009	Nitrate + Nitrite Nitrogen	=	2.8	mg/L	2009-2010
189	A	10/14/2009	Total Suspended Solids (TSS)	=	316	mg/L	2009-2010
190	A	10/14/2009	Aluminum Total	=	14	mg/L	2009-2010
191	A	10/14/2009	Copper Total	=	0.024	mg/L	2009-2010
192	A	10/14/2009	Iron Total	=	33	mg/L	2009-2010
193	A	10/14/2009	Nitrate + Nitrite Nitrogen	=	2.8	mg/L	2009-2010
194	F	10/13/2009	Total Suspended Solids (TSS)	=	228	mg/L	2009-2010
195	F	10/13/2009	Aluminum Total	=	6.5	mg/L	2009-2010
196	F	10/13/2009	Copper Total	=	0.042	mg/L	2009-2010
197	F	10/13/2009	Iron Total	=	14	mg/L	2009-2010
198	F	10/13/2009	Lead Total	=	0.11	mg/L	2009-2010
199	F	10/13/2009	Zinc Total	=	0.35	mg/L	2009-2010
200	D	10/13/2009	Total Suspended Solids (TSS)	=	287	mg/L	2009-2010
201	D	10/13/2009	Aluminum Total	=	8.3	mg/L	2009-2010
202	D	10/13/2009	Copper Total	=	0.02	mg/L	2009-2010
203	D	10/13/2009	Iron Total	=	16	mg/L	2009-2010
204	C-1	10/13/2009	Total Suspended Solids (TSS)	=	712	mg/L	2009-2010
205	C-1	10/13/2009	Aluminum Total	=	27	mg/L	2009-2010
206	C-1	10/13/2009	Copper Total	=	0.056	mg/L	2009-2010
207	C-1	10/13/2009	Iron Total	=	58	mg/L	2009-2010

208	C-1	10/13/2009	Zinc Total	=	0.19	mg/L	2009-2010
209	B	10/13/2009	Total Suspended Solids (TSS)	=	402	mg/L	2009-2010
210	B	10/13/2009	Aluminum Total	=	12	mg/L	2009-2010
211	B	10/13/2009	Copper Total	=	0.029	mg/L	2009-2010
212	B	10/13/2009	Iron Total	=	30	mg/L	2009-2010
213	B	10/13/2009	Nitrate + Nitrite Nitrogen	=	1.4	mg/L	2009-2010
214	E	4/8/2009	Aluminum Total	=	1.1	mg/L	2008-2009
215	E	4/8/2009	Iron Total	=	2.1	mg/L	2008-2009
216	E	4/8/2009	Nitrate + Nitrite Nitrogen	=	1.5	mg/L	2008-2009
217	C-2	4/8/2009	Iron Total	=	1.5	mg/L	2008-2009
218	C-2	4/8/2009	Nitrate + Nitrite Nitrogen	=	3	mg/L	2008-2009
219	B	4/8/2009	Aluminum Total	=	1.1	mg/L	2008-2009
220	B	4/8/2009	Iron Total	=	1.9	mg/L	2008-2009
221	C-2	3/3/2009	Aluminum Total	=	3.5	mg/L	2008-2009
222	C-2	3/3/2009	Iron Total	=	9.4	mg/L	2008-2009
223	C-2	3/3/2009	Nitrate + Nitrite Nitrogen	=	5.3	mg/L	2008-2009
224	A	3/3/2009	Aluminum Total	=	2.3	mg/L	2008-2009
225	A	3/3/2009	Iron Total	=	4.3	mg/L	2008-2009
226	A	3/3/2009	Nitrate + Nitrite Nitrogen	=	3.5	mg/L	2008-2009
227	F	3/2/2009	Aluminum Total	=	3.9	mg/L	2008-2009
228	F	3/2/2009	Copper Total	=	0.02	mg/L	2008-2009
229	F	3/2/2009	Iron Total	=	8.8	mg/L	2008-2009
230	F	3/2/2009	Zinc Total	=	0.18	mg/L	2008-2009
231	E	3/2/2009	Aluminum Total	=	1.2	mg/L	2008-2009
232	E	3/2/2009	Iron Total	=	1.7	mg/L	2008-2009
233	E	3/2/2009	Nitrate + Nitrite Nitrogen	=	1.4	mg/L	2008-2009
234	B	3/2/2009	Aluminum Total	=	2.8	mg/L	2008-2009
235	B	3/2/2009	Iron Total	=	5	mg/L	2008-2009
236	D	2/17/2009	Aluminum Total	=	3.5	mg/L	2008-2009
237	D	2/17/2009	Iron Total	=	6.2	mg/L	2008-2009
238	C-1	2/17/2009	Total Suspended Solids (TSS)	=	135	mg/L	2008-2009
239	C-1	2/17/2009	Aluminum Total	=	6.6	mg/L	2008-2009
240	C-1	2/17/2009	Iron Total	=	14	mg/L	2008-2009
241	B	2/17/2009	Total Suspended Solids (TSS)	=	109	mg/L	2008-2009
242	B	2/17/2009	Aluminum Total	=	6.7	mg/L	2008-2009
243	B	2/17/2009	Iron Total	=	15	mg/L	2008-2009
244	F	2/11/2009	Total Suspended Solids (TSS)	=	432	mg/L	2008-2009
245	F	2/11/2009	Aluminum Total	=	14	mg/L	2008-2009
246	F	2/11/2009	Copper Total	=	0.069	mg/L	2008-2009
247	F	2/11/2009	Iron Total	=	32	mg/L	2008-2009
248	F	2/11/2009	Lead Total	=	0.21	mg/L	2008-2009
249	F	2/11/2009	Nitrate + Nitrite Nitrogen	=	1.1	mg/L	2008-2009
250	F	2/6/2009	Aluminum Total	=	5.6	mg/L	2008-2009

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(cont.)

251	F	2/6/2009	Copper Total	=	0.025	mg/L	2008-2009
252	F	2/6/2009	Iron Total	=	11	mg/L	2008-2009
253	F	2/6/2009	Zinc Total	=	0.18	mg/L	2008-2009
254	F	2/6/2009	Nitrate + Nitrite Nitrogen	=	1.7	mg/L	2008-2009
255	F	12/24/2008	Total Suspended Solids (TSS)	=	170	mg/L	2008-2009
256	F	12/24/2008	Aluminum Total	=	14	mg/L	2008-2009
257	F	12/24/2008	Copper Total	=	0.055	mg/L	2008-2009
258	F	12/24/2008	Iron Total	=	31	mg/L	2008-2009
259	F	12/24/2008	Lead Total	=	0.15	mg/L	2008-2009
260	F	12/24/2008	Zinc Total	=	0.48	mg/L	2008-2009
261	F	12/24/2008	Nitrate + Nitrite Nitrogen	=	3	mg/L	2008-2009

2008 EPA benchmarks (Multi Sector General Permit; MSGP)

Parameter	Units	Benchmark value	Source
Chemical Oxygen Demand (COD)	mg/L	120	MSGP
Total Suspended Solids (TSS)	mg/L	100	MSGP
Aluminum Total	mg/L	0.75	MSGP
Copper Total	mg/L	0.014	MSGP*
Iron Total	mg/L	1.0	MSGP
Lead Total	mg/L	0.082	MSGP*
Zinc Total	mg/L	0.12	MSGP*
Nitrate + Nitrite Nitrogen	mg/L	0.68	MSGP

*Hardness dependent; assuming hardness of 100 mg/L CaCO3.

Criteria - Basin Plan (BP), Fresh Water Quality Objectives

Parameter	Units	Water Quality Standard	Source
pH	SU	6.5 – 8.5	BP
Chromium VI	mg/L	1.100	BP
Copper Total	mg/L	0.013	BP
Lead Total	mg/L	0.065	BP
Zinc Total	mg/L	0.12	BP

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(cont.)

Attachment 3: Alleged Dates of Violations by Syar Industries, December 2008 to October 2013

Days with precipitation one-tenth of an inch or greater, as reported by NOAA's National Climatic Data Center; Napa State Hospital. http://www7.ncdc.noaa.gov/IPS/coop/coop.html

2008	2009	2010	2011	2012	2013
12/14/2008	01/02/2009	01/12/2010	01/02/2011	01/20/2012	01/06/2013
12/15/2008	01/22/2009	01/13/2010	01/13/2011	01/21/2012	01/23/2013
12/19/2008	02/05/2009	01/17/2010	01/30/2011	01/22/2012	01/24/2013
12/21/2008	02/06/2009	01/18/2010	02/15/2011	01/23/2012	02/19/2013
12/22/2008	02/09/2009	01/19/2010	02/16/2011	02/07/2012	03/06/2013
12/24/2008	02/11/2009	01/20/2010	02/17/2011	02/13/2012	03/20/2013
12/25/2008	02/13/2009	01/21/2010	02/18/2011	02/29/2012	03/31/2013
	02/15/2009	01/22/2010	02/19/2011	03/01/2012	04/01/2013
	02/16/2009	01/23/2010	02/24/2011	03/13/2012	04/04/2013
	02/17/2009	01/24/2010	02/25/2011	03/14/2012	04/08/2013
	02/22/2009	01/25/2010	03/02/2011	03/15/2012	05/06/2013
	02/23/2009	01/26/2010	03/03/2011	03/16/2012	06/25/2013
	02/24/2009	01/30/2010	03/06/2011	03/17/2012	
	02/26/2009	02/04/2010	03/07/2011	03/18/2012	
	03/02/2009	02/05/2010	03/14/2011	03/24/2012	
	03/05/2009	02/06/2010	03/15/2011	03/25/2012	
	03/16/2009	02/09/2010	03/16/2011	03/27/2012	
	04/07/2009	02/12/2010	03/18/2011	03/28/2012	
	04/08/2009	02/23/2010	03/19/2011	03/31/2012	
	04/10/2009	02/24/2010	03/20/2011	04/10/2012	
	05/01/2009	02/26/2010	03/23/2011	04/11/2012	
	05/02/2009	02/27/2010	03/24/2011	04/12/2012	
	05/03/2009	03/02/2010	03/25/2011	04/13/2012	
	05/05/2009	03/03/2010	03/26/2011	04/26/2012	
	09/14/2009	03/04/2010	04/08/2011	10/22/2012	
	10/13/2009	03/10/2010	04/24/2011	10/23/2012	
	10/19/2009	03/12/2010	04/25/2011	11/01/2012	
	11/06/2009	03/25/2010	05/15/2011	11/17/2012	
	11/20/2009	03/31/2010	05/17/2011	11/18/2012	
	12/07/2009	04/01/2010	05/18/2011	11/21/2012	
	12/11/2009	04/02/2010	05/25/2011	11/28/2012	
	12/12/2009	04/04/2010	05/31/2011	11/30/2012	
	12/13/2009	04/05/2010	06/01/2011	12/01/2012	
	12/14/2009	04/11/2010	06/04/2011	12/02/2012	
	12/16/2009	04/12/2010	06/05/2011	12/05/2012	
	12/27/2009	04/20/2010	06/28/2011	12/15/2012	
	12/30/2009	04/27/2010	10/04/2011	12/17/2012	
		05/10/2010	10/05/2011	12/21/2012	
		05/25/2010	10/06/2011	12/22/2012	
		05/27/2010	11/06/2011	12/23/2012	
		10/17/2010	11/18/2011	12/25/2012	
		10/22/2010	11/20/2011		
		10/23/2010	11/24/2011		
		10/24/2010	12/15/2011		
		10/29/2010			
		10/30/2010			
		11/07/2010			
		11/10/2010			
		11/20/2010			

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(cont.)

2008	2009	2010	2011	2012	2013
		11/21/2010			
		11/27/2010			
		12/03/2010			
		12/05/2010			
		12/06/2010			
		12/08/2010			
		12/09/2010			
		12/14/2010			
		12/17/2010			
		12/18/2010			
		12/19/2010			
		12/20/2010			
		12/21/2010			
		12/22/2010			
		12/25/2010			
		12/26/2010			
		12/29/2010			

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(cont.)

Attachment 4: Water Quality Standards

Parameter	Units	Water quality standard	Source
pH	SU	6.5-8.5	Basin Plan
Arsenic Total	mg/L	0.069	Basin Plan
Cadium, Total	mg/L	0.042	Basin Plan
Chromium VI	mg/L	1.1	Basin Plan
Copper Total	mg/L	0.013	Basin Plan
Lead Total	mg/L	0.065	Basin Plan
Mercury Total	mg/L	0.0021	Basin Plan
Selenium Total	mg/L	0.29	California Toxics Rule
Silver Total	mg/L	0.0019	Basin Plan
Zinc Total	mg/L	0.12	Basin Plan
Nickel Total	mg/L	0.074	Basin Plan, Site Specific Objectives

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(cont.)

Letter S Response to Comments

Response to Comment S-1

This is a general comment from San Francisco Baykeeper explaining their status as a 501 (c) (3) nonprofit organization with the mission to protect and enhance water quality in the San Francisco Bay and its tributaries.

Response to Comment S-2

This comment, while expressing concern regarding violations of the Clean Water Act, does not address the adequacy or accuracy of the Draft EIR and, therefore, does not require a response. However, the following is provided in order to clarify this concern.

The comment states that Syar has violated and continues to violate the Clean Water Act by failing to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities (referred to hereinafter as the General Permit). The county is not aware of any instances of non-compliance or violations of the General Permit administered by the RWQCB. Based on annual reporting requirement of the General Permit, Syar has asserted that they are in compliance with the permit. Compliance matters related to the NPDES General Permit and associated SWPPP are determined by the appropriate agency (i.e. the RWQCB).

Comments about past violations of the General Permit are outside the scope of CEQA, except as related to describing the existing environment, because they are not specific to the proposed project or its physical environmental impacts. Even if proven, past violations of water quality standards are not evidence of an environmental impact of the proposed project (*Eureka Citizens for Responsible Government v. City of Eureka* (2009) 147 Cal. App. 4th 357, 370). In addition, the Draft EIR and supporting reports show that the project, as mitigated and conditioned, would comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality, and so the project would be in compliance with the General Permit.

Response to Comment S-3

This comment, while expressing concern regarding violations of the effluent limitations of the General Permit, does not address the adequacy or accuracy of the Draft EIR and, therefore, does not require a response. However, the following is provided in order to clarify this concern.

As discussed in Chapter 4 of the Draft EIR, the “benchmarks” adopted by the U.S. Environmental Protection Agency are not effluent limitations or permitting standards. A benchmark is a value that indicates a protective level and to which test results can be compared to get an indication of whether changes in BMPs may be appropriate. As explained in the EPA’s Multi-Sector General Permit, benchmark monitoring data are primarily for the use of the permittee to determine the overall effectiveness of its control measures and to inform when additional corrective action may be appropriate. As such, a

benchmark exceedance, where identified, is not a permit violation. *See* U.S. EPA Multi-Sector General Permit § 6.2.1; *Santa Monica Baykeeper v. Kramer Metals, Inc.*, 619 F. Supp. 2d 914, 924 (C.D. Cal. 2009) (holding EPA benchmarks are not effluent limitations, so "that samples in excess of those benchmarks do not necessarily constitute a violation of the General Permit").

Response to Comment S-4

This comment, while expressing concern regarding violations of the Clean Water Act, does not address the adequacy or accuracy of the Draft EIR and, therefore, does not require a response. However, the following is provided in order to clarify this concern. Receipt of the December 2, 2013, notice of intent to sue Syar under the Clean Water Act is acknowledged.

See Response to Comment S-2. While the comment says that sampling conducted by Syar at the quarry in compliance with a SWPPP shows exceedances of EPA benchmarks, this does not indicate a violation of the General Permit. As discussed in Response to Comment S-3 and Chapter 4 of the Draft EIR, EPA benchmarks are not effluent limitations and an exceedance of an EPA benchmark is not a violation of the General Permit. As described in the Draft EIR, Syar has conducted quarterly stormwater monitoring at outfall locations at the quarry since 2005. The history of stormwater monitoring at the quarry is discussed in the Draft EIR in Chapter 4.8-5 and in the Napa Quarry Proposed Expansion Surface Hydrologic and Sub-Surface Hydrologic Study (at Appendix J). The Draft EIR recognizes that the multi-year sampling data has identified exceedances of EPA benchmarks for certain pollutants at the quarry. Such exceedances are discussed in Section 4.8.3.2 and in the Napa Quarry Proposed Expansion Surface Hydrologic and Sub-Surface Hydrologic Study (at Appendix J). Per the terms of the General Permit, Syar has used and continues to use the EPA benchmarks to monitor sampling data to determine the overall effectiveness of its control measures and to inform when additional corrective action(s) may be appropriate. When an exceedance is identified, Syar investigates the cause and prepares an appropriate response, using technically and economically feasible control measures to avoid reoccurrence, in compliance with the General Permit. The Draft EIR and supporting reports assessed current hydrologic conditions, including the identified exceedances, to identify and analyze potential impacts of the proposed expansion of the quarry. Syar is continuing to revise and add BMPs (i.e. filter bags, increasing size of ponds for increased settling times, etc.) consistent with the iterative process and based on the sampling and monitoring data a downward trend in the exceedances is shown. Also see Response to Comments S-6, S-8, S-22, S-32 and S-33.

Response to Comment S-5

This comment, while expressing concern regarding exceedances of EPA benchmarks under the General Permit, does not address the adequacy or accuracy of the Draft EIR and, therefore, does not require a response. However, the following is provided in order to clarify this concern.

See Responses to Comments S-2 and S-4. Syar has addressed any sampling results that exceeded the EPA benchmarks in compliance with its SWPPP and the General Permit. A description of the outfalls and stormwater drainage at the project site is provided in Section 4.8.1.2 of the Draft EIR. A summary of the

types of constituent pollutants monitored by Syar is found at Table 1 (in Appendix D) in the Napa Quarry Proposed Expansion Surface Hydrologic and Sub-Surface Hydrologic Study (at Appendix J).

Response to Comment S-6

This comment, while expressing concern regarding violations of the effluent limitations of the General Permit, does not address the adequacy or accuracy of the Draft EIR and, therefore, does not require a response. However, the following is provided in order to clarify this concern.

See Responses to Comments S-2 and S-4. Syar has addressed any sampling results that exceeded the EPA benchmarks in compliance with its SWPPP and the General Permit.

There are many possible reasons for sampling results to exceed the EPA benchmarks. While it could mean that a BMP is not working properly, an exceedance could also be attributed, for example, to a single operational upset, an unusual storm event, or concentrations of naturally occurring minerals in native soils. The EPA benchmarks were designed for urban settings, which do not take into account the natural background levels for certain pollutants at the project site, such as aluminum, iron and other background metals, or the increased levels of sediment and erosion from natural landscapes (as opposed to the built environment in urban areas). Furthermore, sampling results can vary over the course of a storm or wet season, as pollutant concentrations may change depending upon the timing of a storm or amount of run-off. Because of this, whenever an exceedance occurs, the SWPPP requires an investigation to determine an appropriate response. Syar has performed such investigations and taken appropriate action in response to exceedances of the EPA benchmarks. Accordingly, past exceedances are not indicative that any current condition at the project site violates the General Permit, or of a potential environmental impact of the project.

The comment states that the results of sampling conducted by Syar show violations of water quality standards in the Basin Plan. However, such water quality standards, known as Basin Plan Objectives, are designed to measure the ambient water quality of a particular water body as a whole, not the pollutant concentration of a discreet water sample at a point of discharge from a facility. As a result, the General Permit does not treat Basin Plan Objectives as effluent limitations (see General Permit § C). The General Permit prohibits any discharges that "cause or contribute to an exceedance of any applicable water quality standards contained in . . . the applicable Regional Water Board's Basin Plan." A Basin Plan Objective is violated only if a discharge has resulted in a degradation of water quality. The General Permit states that an operator "will not be in violation" of a water quality standard if it has implemented BMPs that achieve Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology (BAT/BCT) and complies with the certain "safe harbor" procedures. As discussed in the Draft EIR and supporting reports, Syar's activities have not resulted and will not result in a degradation of water quality. In addition, the samples taken by Syar are instantaneous grab samples, which show the concentration of constituents in Syar's stormwater discharges at a particular point in time. In contrast, the Basin Plan Water Quality Objectives are stated as either 1-hour or 4-day averages in the water body itself. A single point-in-time sample taken by Syar of its discharge does not provide sufficient information to extrapolate the 1-hour or 4-day average concentrations in the water body nor reflect the quarry's actual effect, if any, on water quality, and so do not indicate a violation of the Basin Plan or General Permit.

The Draft EIR and supporting reports show that the project, as mitigated and conditioned, would comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality, and so would be in compliance with the General Permit and Basin Plan. The project includes the expansion of the quarry, which will employ an adaptive mining approach. Under this approach, on-site drainage systems, such as swales and drainage ditches, are modified as the quarry operations continue. This will provide Syar with an opportunity to integrate stormwater control facilities in the design of mining plans and in response to the changing operations of the project. An analysis of the sampling and monitoring data indicates that there is a downward trend in the exceedances, as Syar continues to review and improve BMPs and adopt new stormwater management measures at the project site. Syar's design and management of stormwater control measures for the project will also reflect the State Water Resources Control Board's anticipated adoption of a new General Permit, which is expected to be as protective of water quality as the current permit.

Response to Comment S-7

This comment, while summarizing the requirements for the General Permit, does not address the adequacy or accuracy of the Draft EIR and, thus, does not require a response. However, the following is provided for clarification purposes.

The EPA benchmarks, as discussed in more detail in Response to Comment S-3 and Chapter 4 of the Draft EIR, are not effluent limitations and an exceedance of an EPA benchmark is not a violation of the General Permit.

Response to Comment S-8

This comment, while summarizing the requirements of the General Permit, does not address the adequacy or accuracy of the Draft EIR and, thus, does not require a response. However, the following is provided for clarification purposes.

See Responses to Comments S-2, S-4 and S-6. There are many possible causes and responses for sampling results that exceed the EPA benchmarks, as described in Response to Comment S-6, and Syar has addressed any elevated sampling results in compliance with its SWPPP and the General Permit. Syar is continuing to revise and add BMPs (i.e. filter bags, increasing size of ponds for increased settling times, etc.) consistent with the iterative process under the current and anticipated revised General Permit. The Draft EIR and supporting reports show that the project, as mitigated and conditioned, would comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality.

Response to Comment S-9

This comment, while expressing concern regarding benchmark exceedances and water quality standard violations, does not address the adequacy or accuracy of the Draft EIR and, thus, does not require a response. However, the following is provided in order to clarify this concern.

See Responses to Comments S-2 and S-4. There are many possible causes and responses for sampling results that exceed the EPA benchmarks, as described in Response to Comment S-6, and Syar has addressed any elevated sampling results in compliance with its SWPPP and the General Permit. Syar is continuing to revise and add BMPs consistent with the iterative process under the current and anticipated revised General Permit. The Draft EIR and supporting reports show that the project, as mitigated and conditioned, would comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality, and so the project would be in compliance with the General Permit and Basin Plan.

Response to Comment S-10

This comment states that the Draft EIR did not disclose stormwater conditions in its environmental setting. The sampling data providing information on stormwater conditions is identified and discussed in the Draft EIR in Section 4.8.1.2 and in the Napa Quarry Proposed Expansion Surface Hydrologic and Sub-Surface Hydrologic Study (at Appendix J).

The remainder of this comment summarizes the law applicable to identifying the environmental setting under CEQA and, thus, does not require a response.

Response to Comment S-11

This comment states that the Draft EIR did not disclose stormwater conditions in its discussion of the physical environmental conditions. As discussed in Response to Comment S-10, the Draft EIR accurately identified and discussed sampling data and stormwater conditions in Section 4.8.1.2 and in the Napa Quarry Proposed Expansion Surface Hydrologic and Sub-Surface Hydrologic Study (at Appendix J).

Response to Comment S-12

The comment states that the environmental setting, or baseline, is inaccurate because the sampling data was “hidden” as Appendix D to the Napa Quarry Proposed Expansion Surface Hydrologic and Sub-Surface Hydrologic Study. The sampling data is identified and discussed in the Draft EIR in Section 4.8.1.2 and in the Napa Quarry Proposed Expansion Surface Hydrologic and Sub-Surface Hydrologic Study (at Appendix J). The sampling data was used to develop the baseline to assist in assessing the impacts of the project. The exceedances of EPA benchmarks are identified and discussed in Section 4.8.3.2 of the Draft EIR.

The comment states that the baseline is inaccurate because the sampling data attached as Table 1 (in Appendix D) to the Napa Quarry Proposed Expansion Surface Hydrologic and Sub-Surface Hydrologic Study does not include every incidence of exceedances of EPA benchmarks that have been reported by Syar since 2005. A tabulation of sampling data was included to provide general information for establishing the current baseline to assess the potential impacts of the project. The baseline is a description of the physical environmental conditions for a project as they exist at the time the “notice of preparation is published” (Guidelines § 15125(a)). How much of a constituent pollutant was present in stormwater run-off on a specific sampling date is not critical to understanding the impacts of the proposed

project or what potential mitigation may be needed for the new project to comply with the requirements of the General Permit. There are many possible causes for elevated sampling results and appropriate responses, as discussed in Responses to Comments S-2, S-4 and S-6. Syar has addressed any elevated sampling results in compliance with its SWPPP and the General Permit. Syar is continuing to revise and add BMPs consistent with the iterative process under the current and anticipated revised General Permit.

Response to Comment S-13

The comment states that sampling results show consistent exceedances of EPA benchmark limits. The EPA benchmarks, as described in Response to Comment S-3 and Chapter 4 of the Draft EIR, are not effluent limitations and an exceedance of an EPA benchmark is not a violation of the General Permit. Syar has addressed any elevated sampling results in compliance with its SWPPP and the General Permit. Syar is continuing to revise and add BMPs consistent with the iterative process under the current and anticipated revised General Permit. The Draft EIR and supporting reports show that the project, as mitigated and conditioned, would comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality, and so the project would be in compliance with the General Permit and Basin Plan.

Response to Comment S-14

This comment states that the Draft EIR underreports sampling data from Outfall E. As described in Response to Comment S-12, this sampling data is identified and discussed in several places in the Draft EIR and supporting reports. As discussed in Section 4.8.3.2 of the Draft EIR, a majority of the overland flow originating from the north side of the Arroyo sub-watershed is routed through an existing detention pond and discharges into Arroyo Creek through Outfall E near the property boundary. The native soil in this area has naturally high background levels of aluminum and iron. As a result, it is not unusual to find elevated levels of those constituent pollutants, as they will be carried in run-off as sediment and Total Suspended Solids. The Draft EIR includes a mitigation measure that requires Syar to update the SWPPP to address new land disturbances and operations changes associated with the project. This includes continuing to monitor the sampling data against the applicable EPA benchmarks. This mitigation is expected to meet performance standards and applicable requirements of the General Permit that the State of California has determined are needed to adequately protect water quality. The Draft EIR and supporting reports show that the project, as mitigated and conditioned, would comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality, and so the project would be in compliance with the General Permit and Basin Plan.

Response to Comment S-15

This comment states that the Draft EIR did not properly disclose exceedances of EPA benchmarks for nitrates. As described in Response to Comment S-12, this sampling data is identified and discussed in several places in the Draft EIR and supporting reports. The sampling data in Table 1 (at Appendix D) of the Napa Quarry Proposed Expansion Surface Hydrologic and Sub-Surface Hydrologic Study (at Appendix J) identifies nitrates as a constituent pollutant. The EPA benchmarks, as described in Response

to Comment S-3 and Chapter 4 of the Draft EIR, are not effluent limitations and an exceedance of an EPA benchmark is not a violation of the General Permit.

The comment further states that disclosure of discharge of nitrates is significant because the Napa River is impaired by nutrient loading. As discussed in the Draft EIR and supporting reports, Syar's activities have not resulted and will not result in a degradation of water quality or any adverse effect on the environment, including current conditions of the Napa River.

With respect to the current conditions of the Napa River, the San Francisco Bay Regional Water Quality Control Board (Water Board) has prepared a proposal to delist the non-tidal portions of the Napa River (upstream from Trancas Street) for nutrients and to remove this water body from the EPA 303(d) list. As explained in the Water Board's staff report issued on December 16, 2013, "Evaluation of Water Quality Conditions for Nutrients in Napa River and Sonoma Creek Proposed Revision to Section 303(d) List," the non-tidal portions of the Napa River and Sonoma Creek currently meet the Basin Plan's narrative objective for biostimulatory substances and are currently attaining all applicable numeric Water Quality Objectives related to nutrient toxicity. The Water Board has observed improvement in water quality conditions in the 30 years since the River was listed as impaired for nutrients. Additionally, in 2006, the State Water Board released draft numeric endpoints for nutrients and other tools to predict acceptable nutrient concentrations ("Evaluation Guidelines"), which allowed numeric review of whether narrative Water Quality Objectives are being met and beneficial uses supported. Using these review mechanisms, the Water Board's evaluation of the current conditions of the Napa River showed no exceedances of Evaluation Guidelines for nitrates. While Syar's stormwater ultimately discharges into the tidal portions of the Napa River, the same factors which explain the decrease in nutrients in the non-tidal portion of the Napa River (primarily, effluent limitations in wastewater treatments plants) would apply equally to the tidal portion of the Napa River.

There are many possible causes and responses for elevated sampling results, as described in Response to Comment S-6, and Syar has addressed any elevated sampling results in compliance with its SWPPP and the General Permit. For example, many of the benchmark exceedances identified in sampling data are associated with isolated, large storm events. The exceedances are also reflective of the location of the facility. The EPA benchmarks were designed for urban settings, which do not take into account the natural background levels for certain pollutants at the quarry site, such as aluminum, iron and other background metals.

The Draft EIR and supporting reports show that the project, as mitigated and conditioned, would comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality, and so the project would be in compliance with the General Permit and Basin Plan. The project includes the expansion of the quarry. This will provide Syar with an opportunity to integrate stormwater control facilities in the design of mining plans to address stormwater management needs and integrate new measures for compliance with the anticipated new General Permit. Sampling and monitoring data demonstrate that there is a downward trend in the exceedances, as Syar continues to review and improve BMPs and adopt new measures at the site.

Response to Comment S-16

This comment states that the Draft EIR misstates the law related to enforcement when benchmark values are exceeded. See Responses to Comments S-2, S-4, S-6 and S-15. Syar has addressed any elevated sampling results in compliance with its SWPPP and the General Permit. Syar is continuing to revise and add BMPs consistent with the iterative process under the current and anticipated revised General Permit.

Response to Comment S-17

This comment, while partially summarizing the requirements of the General Permit, does not address the adequacy or accuracy of the Draft EIR and, thus, does not require a response. However, the following is provided for clarification purposes.

As discussed in Response to Comment S-6, Basin Plan Objectives are not considered effluent limitations (see General Permit § C). The General Permit prohibits any discharges that "cause or contribute to an exceedance of any applicable water quality standards contained in . . . the applicable Regional Water Board's Basin Plan." A Basin Plan Objective is violated only if a discharge has resulted in a degradation of water quality. The General Permit states that an operator "will not be in violation" of a water quality standard if it has implemented BMPs that achieve BAT/BCT and complies with certain "safe harbor" procedures. As discussed in the Draft EIR and supporting reports, Syar's activities have not resulted and will not result in a degradation of water quality.

In addition, the samples taken by Syar are instantaneous grab samples, which show the concentration of constituents in Syar's stormwater discharges at a particular point in time. In contrast, the Basin Plan Water Quality Objectives are stated as either 1-hour or 4-day averages in the water body itself. A single point-in-time sample taken by Syar of its discharge does not provide sufficient information to extrapolate the 1-hour or 4-day average concentrations in the water body nor reflect the quarry's actual effect, if any, on water quality, and so do not indicate a violation of the Basin Plan or General Permit.

The comment refers to the California Toxics Rule ("CTR"). The CTR is a federal regulation issued by the EPA that establishes ambient aquatic life criteria for 23 priority toxics and seven ambient human health criteria for 57 priority toxics for surface waters in the State of California. As with Basin Plan Objectives, CTR water quality criteria do not apply directly to the dischargers of stormwater runoff. Nonetheless, none of these priority toxics or criteria are implicated by current conditions at the quarry or proposed operations under the project.

Response to Comment S-18

This comment states that the Draft EIR environmental setting fails to disclose water quality violations. As discussed in Responses to Comments S-2, S-4, S-6, S-15 and S-17, Syar has addressed any elevated sampling results in compliance with its SWPPP and the General Permit. Syar is continuing to revise and add BMPs consistent with the iterative process under the current and anticipated revised General Permit. The Draft EIR and supporting reports show that the project, as mitigated and conditioned, would comply

with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality, and so the project would be in compliance with the General Permit and Basin Plan.

Response to Comment S-19

The comment states that the Draft EIR does not address exceedances of EPA benchmarks and violations of water quality standards. The EPA benchmarks, as described in Response to Comment S-3 and Chapter 4 of the Draft EIR, are not effluent limitations and an exceedance of an EPA benchmark is not a violation of the General Permit. As discussed in Responses to Comments S-2, S-4, S-6, S-15 and S-17, Syar has addressed any elevated sampling results in compliance with its SWPPP and the General Permit. Syar is continuing to revise and add BMPs consistent with the iterative process under the current and anticipated revised General Permit.

The comment states the applicable threshold of significance as provided in Section 4.8.3.1 of the Draft EIR (consistent with Appendix G of the CEQA Guidelines), which provides that a project would have a significant impact to hydrology and water quality if it would "violate any water quality standards or waste discharge requirements" or "otherwise substantially degrade water quality." For the purposes of the Draft EIR, the issue is whether stormwater run-off from the project would meet the requirements of the General Permit. The General Permit requires:

1. Stormwater discharges from facilities subject to stormwater effluent limitation guidelines in Federal regulations (40 CFR-4-Subchapter N) shall not exceed the specified effluent limitations.

2. Stormwater discharges and authorized non-stormwater discharges regulated by this General Permit shall not contain a hazardous substance equal to or in excess of a reportable quantity listed in 40 CFR Part 117 and/or 40 CFR Part 302.

3. Facility operators covered by this General Permit must reduce or prevent pollutants associated with industrial activity in stormwater discharges and authorized non-stormwater discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. Development and implementation of an SWPPP that complies with the requirements in Section A of the General Permit and that includes BMPs that achieve BAT/BCT constitutes compliance with this requirement.

General Permit § A. Water quality data collected prior to (and sometimes years before) the construction of the project is not relevant to whether the project would meet these requirements under the General Permit or result in unacceptable water quality conditions in site run-off. The Draft EIR and supporting reports show that the project, as mitigated and conditioned, would comply with these water quality standards and waste discharge requirements, and would not substantially degrade water quality, and so the project would be in compliance with the General Permit and Basin Plan.

Response to Comment S-20

This comment states that the Draft EIR is inadequate due to its failure to disclose Water Quality Standard exceedances in its environmental setting discussion. As discussed in Responses to Comments S-2, S-4, S-6, S-15 and S-17, Syar has addressed any elevated sampling results in compliance with its SWPPP and the General Permit. Syar is continuing to revise and add BMPs consistent with the iterative process under the current and anticipated revised General Permit, and so the project would also be in compliance with the General Permit and Basin Plan. The Draft EIR and supporting reports show that the project, as mitigated and conditioned, would comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality, and so the project would be in compliance with the General Permit and Basin Plan.

Response to Comment S-21

This comment states that the EIR did not disclose stormwater conditions in its environmental setting. As discussed in Responses to Comments S-10 and S-12, the sampling data providing information on stormwater conditions is identified and discussed in the Draft EIR in Section 4.8.1.2 and in the Napa Quarry Proposed Expansion Surface Hydrologic and Sub-Surface Hydrologic Study (at Appendix J).

Response to Comment S-22

This comment states that the EIR did not disclose stormwater conditions in its environmental setting. As discussed in Responses to Comments S-10 and S-12, the sampling data providing information on stormwater conditions is identified and discussed in the Draft EIR in Section 4.8.1.2 and in the Napa Quarry Proposed Expansion Surface Hydrologic and Sub-Surface Hydrologic Study (at Appendix J).

The comment further states that there is a “reasonable expectation” that the project would violate the General Permit. The comment does not provide supporting information indicating that there is an environmental impact of the project. The Draft EIR accurately describes potentially significant impacts to surface water quality and provides mitigation measures needed to meet performance standards and applicable permit requirements that the State of California has determined are needed to adequately protect water quality. Mitigation Measure 4.8-1 requires Syar to update the SWPPP to address new land disturbances and operations changes associated with the project. This includes continuing to monitor the sampling data against the EPA benchmarks and address any exceedances accordingly. The required water quality monitoring will ensure that the General Permit requirements and performance standards are met, and BMPs or operating conditions can be revised if subsequent monitoring indicates that additional actions are warranted. Syar is continuing to revise and add BMPs consistent with the iterative process under the current and anticipated revised General Permit. Please note that all mitigation measures identified in the Final EIR will become conditions of approval or otherwise enforceable standards. The Draft EIR and supporting reports show that the project, as mitigated and conditioned, would comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality, and so the project would be in compliance with the General Permit and Basin Plan.

Response to Comment S-23

This comment summarizes the requirements for an EIR and does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment S-24

This comment summarizes the requirements for an EIR and does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment S-25

This comment states that the impacts analysis for stormwater in the Draft EIR is flawed because the discussion of the environmental setting is inadequate and that there is a "reasonable expectation" that the project would violate the General Permit. As discussed in Responses to Comments S-10 and S-12, the sampling data is identified and discussed in the Draft EIR in Chapter 4.8-5 and in the Napa Quarry Proposed Expansion Surface Hydrologic and Sub-Surface Hydrologic Study (at Appendix J).

The comment does not provide supporting information indicating that there is an environmental impact of the project. As described in Response to Comment S-22, the Draft EIR accurately describes potentially significant impacts to surface water quality and provides mitigation measures needed to meet performance standards and applicable permit requirements that the State of California has determined are needed to adequately protect water quality. The Draft EIR and supporting reports show that the project, as mitigated and conditioned, would comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality, and so the project would be in compliance with the General Permit and Basin Plan.

Response to Comment S-26

The comment states that the project would expose quarried surface and materials to stormwater. As stated in Section 4.8.3.2 of the Draft EIR, areas that would be disturbed as part of the project would need to be included in the SWPPP to reflect changing site conditions. This potential impact would be considered less than significant with the adoption of Mitigation Measure 4.8-1, which requires Syar to update the SWPPP to address new land disturbances and operations changes associated with the project. As explained in Section 3.5.1 of the Draft EIR, under the Adaptive Management Mining Strategy, no more than 25 percent (or approximately 218 acres) of the entire 870-acre property would be subject to active mining at any one time.

The remainder of the comment states that the impacts analysis for stormwater in the Draft EIR is flawed because the discussion of the environmental setting is inadequate and that there is a "reasonable expectation" that the project would violate the General Permit. As discussed in Responses to Comments S-10 and S-12, the sampling data is identified and discussed in the Draft EIR in Chapter 4.8.1.2 and in the Napa Quarry Proposed Expansion Surface Hydrologic and Sub-Surface Hydrologic Study (at Appendix J). The comment does not provide supporting information indicating that there is an

environmental impact. As described in Response to Comment S-22, the Draft EIR accurately describes potentially significant impacts to surface water quality and provides mitigation measures needed to meet performance standards and applicable permit requirements that the State of California has determined are needed to adequately protect water quality. The Draft EIR and supporting reports show that the project, as mitigated and conditioned, would comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality, and so the project would be in compliance with the General Permit and Basin Plan.

Response to Comment S-27

This comment states that the Draft EIR does not adequately discuss the impacts of current operations to water quality conditions of the Napa River. Section 4.8.1.2 of the Draft EIR discusses the current conditions of the Napa River and the project's potential to affect such conditions. As discussed in the Draft EIR and supporting reports, Syar's activities have not resulted and will not result in a degradation of water quality or any adverse effect on the environment, including current conditions of the Napa River. Further, as discussed in Response to Comment S-15, the Water Board has submitted a proposal for delisting the Napa River for nutrients and removing the water body from the EPA 303(d) list.

The comment further states that the Draft EIR does not analyze the potential for increased runoff from the project. The comment does not provide supporting information indicating that there is an environmental impact. As described in Response to Comment S-22, the Draft EIR accurately describes potentially significant impacts to surface water quality and provides mitigation measures needed to meet performance standards and applicable permit requirements that the State of California has determined are needed to adequately protect water quality. The Draft EIR and supporting reports show that the project, as mitigated and conditioned, would comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality, and so the project would be in compliance with the General Permit and Basin Plan.

Response to Comment S-28

The comment states that there is a lack of disclosure of stormwater impacts of the project. As discussed in Responses to Comments S-10 and S-12, the sampling data is identified and discussed in the Draft EIR in Chapter 4.8.1.2 and in the Napa Quarry Proposed Expansion Surface Hydrologic and Sub-Surface Hydrologic Study (at Appendix J). The comment does not provide supporting information indicating that there is an environmental impact. As described in Response to Comment S-22, the Draft EIR accurately describes potentially significant impacts to surface water quality and provides mitigation measures needed to meet performance standards and applicable permit requirements that the State of California has determined are needed to adequately protect water quality. The Draft EIR and supporting reports show that the project, as mitigated and conditioned, would comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality, and so the project would be in compliance with the General Permit and Basin Plan.

Response to Comment S-29

This comment summarizes the general requirements for mitigation measures and does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment S-30

This comment summarizes the discussion of certain potential significant environmental impacts related to stormwater as discussed in Section 4.8.3.2 of the Draft EIR and, thus, does not require a response.

Response to Comment S-31

This comment summarizes the discussion of certain potentially significant environmental impacts related to stormwater as discussed in Section 4.8.3.2 of the Draft EIR and, thus, does not require a response. However, it should be noted that a condition requiring compliance with applicable water quality standards is a reasonable mitigation measure (*see Perley v. Board of Supervisors* (1982) 137 Cal. App. 3d 424, 430, and *Citizens Opposing a Dangerous Environment v. County of Kern* (2014), 174 Cal.Rptr.3d 683, 701).

Response to Comment S-32

This comment states that the Draft EIR failed to address current stormwater conditions and "inability of current BMPs" to control constituents of concerns. As discussed in Responses to Comments S-10 and S-12, the sampling data is identified and discussed in the Draft EIR in Chapter 4.8.1.2 and in the Napa Quarry Proposed Expansion Surface Hydrologic and Sub-Surface Hydrologic Study (at Appendix J). The comment does not provide supporting information indicating that there is an environmental impact. The Draft EIR and supporting reports show that the project, as mitigated and conditioned, would comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality, and so the project would be in compliance with the General Permit and Basin Plan.

The comment also misstates the process for responding to exceedances. As described in Responses to Comments S-6 and S-15, using the EPA benchmarks, Syar monitors the sampling data to determine the overall effectiveness of their control measures and to inform what additional corrective action(s) may be appropriate. There are many possible causes for elevated sampling results. While it could mean that a BMP is not working properly, an exceedance could also be attributed, for an example, to a single operational upset, an unusual storm event, or concentrations of naturally occurring minerals in native soils. Because of this, when an exceedance is identified, Syar investigates the cause and prepares an appropriate response, using technically and economically feasible control measures to avoid reoccurrence. Syar is continuing to revise and add BMPs consistent with the iterative process under the current and anticipated revised General Permit. Accordingly, a past exceedance is not indicative of any current condition at the quarry or potential impact of the project.

As discussed in Response to Comment S-22, Mitigation Measure 4.8-1 requires Syar to update the 0SWPPP to address new land disturbances and operations changes associated with the project. The

Draft EIR accurately describes potentially significant impacts to surface water quality and provides mitigation measures needed to meet performance standards and applicable permit requirements that the State of California has determined are needed to adequately protect water quality. A condition requiring compliance with applicable water quality standards is a reasonable mitigation measure (*see Perley v. Board of Supervisors* (1982) 137 Cal. App. 3d 424, 430, and *Citizens Opposing a Dangerous Environment v. County of Kern* (2014), 174 Cal.Rptr.3d 683, 701). Please note that all mitigation measures identified in the Final EIR will become conditions of approval or otherwise enforceable standards.

Receipt of the December 2, 2013, notice of intent to sue Syar under the Clean Water Act is acknowledged.

Response to Comment S-33

The comment states that the BMPs in the current SWPPP do not meet BCT/BAT standards and will not prevent water quality degradation. As discussed in the Draft EIR and supporting reports, Syar's current measures achieve BCT/BAT. Comments about past violations of the General Permit are outside the scope of CEQA, except as related to describing the existing environment, because they are not specific to the proposed project or its physical environmental impacts. As discussed in Responses to Comments S-2, S-4, S-6, S-15 and S-17, Syar has addressed any elevated sampling results in compliance with its SWPPP and the General Permit.

The comment further states that specific BMPs should be identified as mitigation measures. The comment does not identify any specific BMPs. The Draft EIR sufficiently identifies what types of measures will be necessary to ensure compliance with applicable regulations. As discussed in Section 4.8.3.2, Syar is required to update the SWPPP to address new land disturbances and operations changes associated with the project. This includes continuing to monitor the sampling data against the applicable EPA benchmarks. This mitigation is expected to meet performance standards and applicable requirements of the General Permit that the State of California has determined are needed to adequately protect water quality. Furthermore, limiting operations to specific BMPs at this stage would be infeasible or not be consistent with the adaptive mining approach used for the project. As explained in Section 3.5.1 of the Draft EIR, under the Adaptive Management Mining Strategy, no more than 25 percent (or approximately 218 acres) of the entire 870-acre property would be subject to active mining at any one time. Active mining areas would be identified and occur subject to annual mining plans, which would be reviewed annually by the county.

As part of this process, on-site drainage systems for stormwater control will be modified as the operations continue. Mitigation Measures 4.8-1 and 4.8-6 require Syar to update the SWPPP to address new land disturbances and operations changes associated with the project. This will allow the SWPPP to adapt to current conditions and operations as they develop. As described in Responses to Comments S-22 and S-32, the Draft EIR accurately describes potentially significant impacts to surface water quality and provides mitigation measures needed to meet performance standards and applicable permit requirements. Please note that all mitigation measures identified in the Final EIR will become conditions of approval or otherwise enforceable standards.

Response to Comment S-34

This comments states that Mitigation Measures 4.8-1 and 4.8-6 improperly defer the identification of specific mitigation measures. Mitigation Measures 4.8-1 and 4.8-6 require Syar to update the SWPPP to address new land disturbances and operations changes associated with the project. These mitigation measures are consistent with the adaptive mining strategy for the project. As described in Responses to Comments S-22, S-32 and S-33, the Draft EIR accurately describes potentially significant impacts to surface water quality and provides mitigation measures needed to meet performance standards and applicable permit requirements under the General Permit that the State of California has determined are needed to adequately protect water quality. A condition requiring compliance with applicable water quality standards is a reasonable mitigation measure (*see Perley v. Board of Supervisors* (1982) 137 Cal. App. 3d 424, 430, and *Citizens Opposing a Dangerous Environment v. County of Kern* (2014), 174 Cal.Rptr.3d 683, 701).

Response to Comment S-35

This comment states that Mitigation Measures 4.8-1 and 4.8-6 improperly defer the identification of specific mitigation measures. Mitigation Measures 4.8-1 and 4.8-6 require Syar to update the SWPPP to address new land disturbances and operations changes associated with the project in addition to updating its Spill Prevention and Countermeasure Plan, Hazardous Materials Business Plan, and Emergency Response Plan. These mitigation measures are consistent with the adaptive mining strategy for the project. As described in Responses to Comments S-22, S-32 and S-33, the Draft EIR accurately describes potentially significant impacts to surface water quality and provides mitigation measures needed to meet performance standards and applicable permit requirements under the General Permit that the State of California has determined are needed to adequately protect water quality. A condition requiring compliance with applicable water quality standards is a reasonable mitigation measure (*see Perley v. Board of Supervisors* (1982) 137 Cal. App. 3d 424, 430).

The comment further states that Syar has not complied with the General Permit or its SWPPP. See Responses to Comments S-2, S-4, S-6, S-12, S-15 and S-17. Syar has addressed any elevated sampling results in compliance with its SWPPP and the General Permit. Syar is continuing to revise and add BMPs consistent with the iterative process under the current and anticipated revised General Permit. The Draft EIR and supporting reports show that the project, as mitigated and conditioned, would comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality, and so the project would be in compliance with the General Permit and Basin Plan.

Response to Comment S-36

The comment states that specific BMPs should be identified as mitigation measures to address nitrates and heavy metals in discharges to Arroyo Creek. The comment does not identify any specific BMPs. The Draft EIR sufficiently identifies what types of measures will be necessary to ensure compliance with applicable regulations. As discussed in Section 4.8.3.2, Syar is required to update the SWPPP to address new land disturbances and operations changes associated with the project. This includes continuing to monitor the sampling data against the applicable EPA benchmarks. This mitigation is expected to meet

performance standards and applicable requirements of the General Permit that the State of California has determined are needed to adequately protect water quality. Furthermore, limiting operations to specific BMPs at this stage would be infeasible or not be consistent with the adaptive mining approach used for the project, as discussed in Response to Comment S-33. The comment also does not provide supporting information indicating that there is an environmental impact. With respect to the exceedances of heavy metals and nitrates, as discussed in Responses to Comments S-4, S-6, S-12, S-14 and S-15, there are many possible causes and responses for elevated sampling results. Syar has addressed any elevated sampling results in compliance with its SWPPP and the General Permit. Syar is continuing to revise and add BMPs consistent with the iterative process under the current and anticipated revised General Permit. A condition requiring compliance with applicable water quality standards is a reasonable mitigation measure (*see Perley v. Board of Supervisors* (1982) 137 Cal. App. 3d 424, 430, and *Citizens Opposing a Dangerous Environment v. County of Kern* (2014), 174 Cal.Rptr.3d 683, 701).

The comment implies that the BMPs in the current SWPPP do not meet BCT/BAT standards and will not prevent water quality degradation. As discussed in Response to Comment S-33 and in Draft EIR and supporting reports, Syar's current measures achieve BCT/BAT.

Response to Comment S-37

The comment states that the Draft EIR does not provide sufficient information on the effectiveness of the proposed mitigation measures. As described in Responses to Comments S-22, the Draft EIR accurately describes potentially significant impacts to surface water quality and provides mitigation measures in Section 4.8.3.2 needed to meet performance standards and applicable permit requirements that the State of California has determined are needed to adequately protect water quality. A condition requiring compliance with applicable water quality standards is a reasonable mitigation measure (*see Perley v. Board of Supervisors* (1982) 137 Cal. App. 3d 424, 430, and *Citizens Opposing a Dangerous Environment v. County of Kern* (2014), 174 Cal.Rptr.3d 683, 701).

Response to Comment S-38

The comment states that the mitigation measures rely on the improper assumption that the current SWPPP is valid and that existing BMPs achieve BCT/BAT. Syar's SWPPP and BMPs are valid and meet the requisite standards. See Responses to Comments S-2, S-4, S-6, S-15 and S-17. Syar is continuing to revise and add BMPs consistent with the iterative process under the current and anticipated revised General Permit. Discussion of past violations is not relevant to the adequacy and validity of new measures to be adopted for the project. Mitigation Measures 4.8-1 and 4.8-6 require Syar to update the SWPPP to address new land disturbances and operations changes associated with the project. This will include identifying and implementing BMPs to address new operations under the project. As described in Responses to Comments S-22, the Draft EIR accurately describes potentially significant impacts to surface water quality and provides mitigation measures needed to meet performance standards and applicable permit requirements under the General Permit that the State of California has determined are needed to adequately protect water quality.

Response to Comment S-39

The comment states that the Draft EIR only discussed two examples of exceedances of EPA benchmarks (TSS and specific conductance) and "hid" the rest of the exceedances, making any conclusion that regulatory compliance will be achieved invalid. As discussed in Responses to Comments S-14 and S-22, Table 1 (in Appendix D) to the Napa Quarry Proposed Expansion Surface Hydrologic and Sub-Surface Hydrologic Study identified exceedances of EPA benchmarks of other constituent pollutants, as have been reported by Syar since 2005. The EPA benchmarks, as described in Response to Comment S-3 and Chapter 4 of the Draft EIR, are not effluent limitations and an exceedance of an EPA benchmark is not a violation of the General Permit.

With respect to the benchmark exceedances of aluminum, iron, copper, lead, zinc and nitrates, the comment does not provide supporting information indicating that there is an environmental impact of the project. As discussed in Responses to Comments S-6, S-14 and S-15, there are many possible causes and responses for elevated sampling results. Syar's activities, as described and analyzed in the Draft EIR and supporting reports, have not resulted and will not result in a degradation of water quality or any adverse effect on the environment. Syar is continuing to revise and add BMPs consistent with the iterative process under the current and anticipated revised General Permit.

Response to Comment S-40

The comment states that the Draft EIR's "contention" that EPA benchmarks are not water quality standards means that Mitigation Measures 4.8-1 and 4.8-6 are not enforceable. As discussed in Responses to Comments S-3 and S-4, Chapter 4 of the Draft EIR accurately states the law on EPA benchmarks. EPA benchmarks are not effluent limitations and an exceedance of an EPA benchmark is not a violation of the General Permit. That an exceedance of an EPA benchmark is not a violation of an effluent limitation subject to a lawsuit under the Clean Water Act does not mean the mitigation measures are unenforceable. Preparation and compliance with the SWPPP is a common condition of projects. All mitigation measures identified in the Final EIR will become conditions of approval or otherwise enforceable standards. As discussed in Section 4.8.3.2 of the Draft EIR, Syar is required to update the SWPPP to address new land disturbances and operations changes associated with the project. This includes continuing to monitor the sampling data against the applicable EPA benchmarks. This mitigation is expected to meet performance standards and applicable requirements of the General Permit that the State of California has determined are needed to adequately protect water quality.

Response to Comment S-41

This comment states that the Draft EIR does not include and analyze impacts related to the use of explosives. The use of explosives is discussed throughout the Draft EIR, including Chapter 4.3 (air quality), Chapter 4.7 (hazards and hazardous materials) and Chapter 4.11 (noise and vibration). The project is required to have a Blasting Plan that complies with the Best Practices for Blasting developed by the Institute of Makers of Explosives. These best practices are designed to control the potential for substances used in commercial explosives to affect surface or groundwater through the implementation of certain measures to eliminate or minimize the potential for these substances to dissolve in or become

associated with water. These measures include utilizing water-resistant commercial explosives, recovering any excess product, controlling any explosive spillage, containing and managing any water contact with explosives, avoiding blasting during wet conditions and assuring complete denotation of explosives placed into the ground. The effectiveness of such measures can also be assessed through monitoring for constituent pollutants under the SWPPP. The Draft EIR and supporting reports show that Syar's blasting activities associated with the project, as conditioned and mitigated, will comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality.

Response to Comment S-42

As discussed in Response to Comment S-41, the Draft EIR and supporting reports show that Syar's blasting activities associated with the project, as conditioned and mitigated, will comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality.

Response to Comment S-43

As discussed in Response to Comment S-41, the Draft EIR and supporting reports show that Syar's blasting activities associated with the project, as conditioned and mitigated, will comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality.

Response to Comment S-44

As discussed in Response to Comment S-41, the Draft EIR and supporting reports show that Syar's blasting activities associated with the project, as conditioned and mitigated, will comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality.

Response to Comment S-45

As discussed in Response to Comment S-41, the Draft EIR and supporting reports show that Syar's blasting activities associated with the project, as conditioned and mitigated, will comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality.

Response to Comment S-46

The comment states that the Draft EIR should be revised and recirculated for the reasons stated in the letter and that the project should not be approved until all environmental impacts have been identified and mitigated.

As described in the above responses, the Draft EIR accurately describes potentially significant impacts to surface water quality and provides mitigation measures needed to meet performance standards and applicable permit requirements under the General Permit that the State of California has determined are needed to adequately protect water quality. The Draft EIR and supporting reports show that the project, as mitigated and conditioned, would comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality, and so the project would be in compliance with the General Permit and Basin Plan. All mitigation measures identified in the Final EIR will become conditions of approval or otherwise enforceable standards. Accordingly, no revision or recirculation of the Draft EIR is required.

Response to Comment S-47

Receipt of the December 2, 2013, notice of intent to sue Syar under the Clean Water Act is acknowledged. The notice of intent is not evidence of a violation of the Clean Water Act. See Responses to Comments S-2, S-4 and S-6. The Draft EIR and supporting reports show that the project, as mitigated and conditioned, would comply with applicable water quality standards and waste discharge requirements, and would not substantially degrade water quality, and so the project would be in compliance with the General Permit and Basin Plan.

RECEIVED
DEC - 4 2013
Napa County Planning, Building & Environmental Services

December 3, 2013

To:
Napa County Department of Planning, Building and Environmental Sciences
Attn: Don Barrella
1195 Third St., Suite 210
Napa, CA 94559-3092

Re: Draft EIR: Syar Napa Quarry Expansion, August, 2013

Sierra Club, Napa Group appreciates the opportunity to comment on the Syar Napa Quarry Expansion Draft EIR. The proposed expansion of the quarry, as described in the document raises a number of concerns we wish to bring to your attention, referenced to the following impact item numbers: T-1

Aesthetics 4.1

We do not agree that the project, as proposed would have less-than-significant impacts on the visual character or quality of the site and its surroundings. The report falls short in finding that the significant grading and land modification proposed does not significantly impact the views from Skyline Park. Removal of trees, understory vegetation, and large sections of land would seriously impact views, looking south and west from Skyline Park. This park and its complex of trails are widely used by the public, and the vistas from above Skyline Park, particularly in the southern portions adjacent to the Pasini parcel would lose a significant visual buffer with the proposed mining expansion. The proposed 50 foot buffer does little to mute that impact which would open up a much fuller and a disappointingly focused view of the lower quarry. T-2

It is also significant to note that only 25% of reclamation activity, including revegetation of mined land would occur during the estimated 35 years of mining, with the vast majority of required reclamation occurring after cessation of mining. We would like to see timing of revegetation addressed in more detail in the FEIR. T-3

Air Quality, 4.3-4

We disagree that removal of lands bordering the western edge of Skyline Park would produce less-than-significant objectionable odors, affecting a significant amount of people. Mining of the lands bordering the park will very likely funnel odors from the asphalt plant, carried on prevailing south and west winds. Hikers traversing the west park trails enjoy the vistas of the valley and the Napa River, and diminishment of the outdoor experience would most definitely be significant. T-4

Biology 4.4-10

The report indicates that proposed project impacts that have the potential to cause hydrology impacts affecting biological resources and functions within the Arroyo Creek watershed can be mitigated to a less-than-significant level. T-5

The significant loss of vegetative cover, including critical woodlands can only serve to generate flash runoff that will scour the creek and further sap shallow ground water resources that are critical to habitat retention and seasonal distribution of moisture to replenish wetland aquatic areas. MM 4.4-9 identifies "Potential Oak Replacement Areas". These proposed plantings would not significantly re-create the benefits conferred by existing old age oak stands on the Pasini parcel. The decades of time required for small patches of plantings to restore habitat value and hydrologic stability to the Arroyo Creek watershed fall short. Mentioned mitigation plantings that would be performed on other lands also do not adequately address impacts within this very narrow, linear watershed. T-6

Hydrology and Water Quality 4.8-2, 4.8-3

We disagree that avoidance-based monitoring of groundwater supplies will be adequate to protect the sensitive MST basin. We are not aware that the applicant has engaged with MST groundwater management program, including any agreement to acquire reclaimed waste water to assist with groundwater recharge. The watershed, (primarily Arroyo Creek) that is critical to supplying runoff to the mined land area will also likely cease to supply the existing pond feature on the Pasini parcel. Mining upstream of this pond, which is mentioned in the report as an important recharge feature will likely cut off and divert water that would otherwise provide a modest, but likely only seasonal water source. T-7

The report suggests that the expansion will require an additional 50 acre feet of water per year. This is a significant amount of water. Dependence on surface water runoff and shallow groundwater to supply said amount of water will certainly further tax the MST, particularly in drier periods of rainfall. If the mine is allowed to expand to this level of water usage, a reclaimed water source would be the only dependable option. We look for this critical issue to be addressed in the FEIR. T-8

4.8-5

The report states that existing drainage patterns, including alteration of the course of a stream or substantial increase of the rate or amount of surface runoff can be mitigated to less-than-significant levels.

Mining operations north of Arroyo Creek are proposed in the draft EIR to use a combination of a stream setback buffer zone, and sediment retention/ runoff regulating storage ponds to mitigate the acknowledged impact of mining expansion. T-9

Referencing the Napa County Conservation Regulations, (Code section 18.108.050) the report proposes that an 85 foot setback would be established along mined lands north of Arroyo Creek. It assumes that a 50 foot setback from OHWM will maintain an adequate buffer to protect water quality. The report further states that although the mining operations are not subject to Code section 18.108.050, Syar will nonetheless use an equivalent setback. It fails to take into account that 18.108.050 assumes land uses not modified by grading that would alter the topography of the immediate terrain. Assuming that mining would significantly steepen the noted 30 to 40 percent slopes, (stated slopes of up to 76 degrees) such a setback would be wholly inadequate. It should be noted as well that 18.108.50 calls for stream setbacks of 150 feet for streams adjacent to lands of 30% to 40% slope. T-10

Detention Ponds

The report states on 4.8-33 that a preliminary detention pond analysis was conducted to determine detention pond volumes necessary to keep runoff rates, volumes and sedimentation from impacting offsite drainages. It divides the Syar lands portion of 3 drainage areas into designations of Arroyo 1, Arroyo 2, and Arroyo 3. Table 4.8-6 on the same page lists necessary detention pond volumes, presumably sized to achieve the stated goal of watershed protection. T-11

The volumes listed on Table 4.8-6 are 17.1, 24.6, and 55.4 acre- feet for Arroyo 1, 2, and 3, respectively. These are very high volumes, particularly for Arroyo 3. To function as needed, detention ponds would need to be located at or near the outfalls diagrammed on Figure 4.8-3. T-12

Using topography, the report-supplied aerial imagery, and general formulas for estimating pond volume, the existing pond at the upper end of Arroyo 3 likely stores no more than 6 or 7 acre feet of water/ sediment. Given its location, this pond could not provide detention for the mining proposed on the Pasini parcel. As noted above, its upstream entrance would also likely be cut off by mining operations. Creating the necessary detention volume for Arroyo 3 drainage, (55.4 acre feet) would require an extremely large detention pond with a significantly large dam height. Such an impoundment would be difficult, if not impossible to build and would also likely be equally difficult to acquire the necessary permits from state resource agencies. T-13

This strongly brings into question whether mining can or should be conducted on these lands, particularly the Pasini parcel. T-14

Recreation - 4.14

This very brief section of the draft EIR document primarily concerns the stated necessary trail relocations on Syar/Pasini lands that have been in use by Skyline Wilderness Park. The park has used these trails for some number of years, and the trail is an important component of the Bay Ridge Trail system. The trails provide important vistas of the Napa Valley, and are some of the most widely appreciated trail sections within the park. T-15

Table 4.14-1 lists over 4,000 feet of trail including Access Road, Lower Skyline, Skyline, and Buckeye trails that are within excavation or buffer areas of the proposed mining expansion footprint. Figure 4.14-1 also provides some suggested re-routing of trails on Skyline Wilderness Park, at least at the upper northern section of mining expansion. It is not clear and it is doubtful that the switchback-laden re-routing is either feasible or desirable. T-16

We recognize that the allowance of Syar Napa Quarry Property land use for these sections of trail system has been possible through the partnership and good will of Syar, but nonetheless trail loss/ modification is a critical and logical impact analysis component of this report. T-17

We find it disappointing, however that the report states , "No impact is anticipated because the proposed project would not cause an increase in the use of the Skyline Wilderness Park or any other recreational facility", (Significance 4.14-1: No Impact). This statement certainly misses the point, and side-steps the true issue of associated impacts altogether. T-18

In 4.14.2.1- Napa County General Plan, the report quotes Policy ROS-20, which in part states, "Partnerships with other public agencies, non-profit organizations, and the private sector should be used where feasible to enhance recreational opportunities and appropriate nature-based recreation...". We strongly support this statement, and would suggest that in any form that the project might be adopted by the county, that these lands, particularly the more rural Pasini parcel, (AP 046-390-002) should be evaluated as a potential conservation easement, or for licensing to Skyline Wilderness Park as a necessary mitigation for any other mining expansion. T-19

Preservation of this parcel may or may not be a part of the "Reduced Footprint/ Conservation Alternative" as there is no site plan associated with such an alternative in the report. This should be clarified in detail in the final EIR. T-20

We believe that in aggregate, the numerous environmental concerns we have stated support the logic that in whole, or in significant portion, the Pasini parcel should be preserved in its natural state. We also understand that the parcel has not historically been a part of the quarry operation and is also not designated by the county as a mineral resource area. T-21

Sincerely,

Phillip Blake
Writing on behalf of the Sierra Club Napa Group Executive Committee

Note: This correspondence is being initially submitted electronically. A hard copy will also follow in the mail.

Letter T Response to Comments

Response to Comment T-1

This is a general comment form the Sierra Club Napa Group appreciating the opportunity to comment on the Draft EIR, and that the project raises a number of concerns. This general comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment T-2

Please see Response to Comment M-4.

Response to Comment T-3

The Syar Napa Quarry Reclamation Plan was prepared pursuant to the SMARA Statutes and Regulations and Napa County Code Chapter 16.12 (Surface Mining and Reclamation). Reclamation activities (which includes revegetation) will be undertaken according to industry standards. Reference Section 3.5.1 (Proposed Mining and Reclamation Plan), on page 3-8, for a description of interim reclamation activities.

Excavation of quarry materials typically starts at higher elevations and then works downward towards lower elevations. As described in Section 4.1.1.2 of the Draft EIR, through the process of quarrying, the quarry walls will generally consist of nearly vertical planes interrupted by nearly horizontal benches, resulting in a stair-step effect, with 50-foot vertical faces and 25-foot horizontal benches (see Image 3-1, Slope Cross-Section for Extraction Activities, Chapter 3, Project Description). As each horizontal bench is completed, the bench will be covered with soil and vegetated. An example of such vegetative screening is highlighted with the white arrow in Image 9 (Section 4.1). The white arrow is pointing to two rows of trees planted along existing benches, which effectively hide the quarry face behind them. Accordingly, the re-vegetation process is on-going throughout the 35-year life of the project.

Response to Comment T-4

The commenter suggests that objectionable odors affecting a significant number of people will occur due to removal of the ridge separating the Pasini property from Skyline Park. The commenter also suggests that “mining of the lands bordering the park will very likely funnel odors from the asphalt plant, carried on prevailing south and west winds.” Funneling connotes collection and concentration of odor. The county’s investigation identified no evidence and no reason to believe that either collection or concentration of odor would occur. The asphalt plant activities are the only activities that emit odors strong enough to be considered an off-site concern. There are no other sources or source areas from which odors could be collected and concentrated. There can be no funneling because there is only a single source area (i.e. the asphalt plants are located next to each other) near the facility entrance. As discussed in Response to Comment M-4, the effects of the knoll and ridge on odor transmission are expected to be minimal. Skyline Park is usually crosswind from the quarry with the wind predominantly occurring out of the south. Winds out of the west are fairly light and infrequent based upon review of the projects *Air Quality and Health*

Risk Impact Assessment (Draft EIR Appendix I). In fact, it is common for winds to follow the terrain rather than to separate from the terrain at a ridgeline.

Furthermore, as discussed in Response to Comment C-4, while odors may be perceptible at larger distances, their concentration is diluted exponentially by lateral spreading and vertical mixing of air movement and flows, thereby, decreasing their perceptibility the further they are from the source.

Response to Comment T-5

Comment noted, the Draft EIR does conclude that potential hydrology impacts to Arroyo Creek that could affect biological resources have been analyzed and impacts are anticipated to be less than significant with mitigation.

Response to Comment T-6

The hydrology and water quality analysis evaluate potential impacts associated with loss of vegetative cover and potential for increased runoff to occur, and this comment should refer to the Draft EIR for further details on erosion and runoff control measures which are proposed and reduce impacts to a less than significant level. The 12 acre on-site oak woodland replacement area described by Mitigation Measure 4.4-9 is not intended to solely compensate for impacts to oak woodlands, yet in conjunction with other components of this mitigation measure such as avoidance and preservation, impacts will be reduced to a less than significant level from a biological perspective. Mitigation Measure 4.4-9 is not intended to address hydrology and water quality impacts to Arroyo Creek, which are addressed in the Hydrology section of the Draft EIR with mitigation measures specific to those potential impacts. On-site replacement is acknowledged to take time before actual habitat benefits are restored, which is why more importance is put on the avoidance and preservation mechanisms, per county recommendations for oak woodland mitigation. The small on-site replacement area is being proposed after careful consideration from a biologist who indicated that this area would be appropriate for oak woodland replacement, including enhancing of habitat values.

Response to Comment T-7

The applicant is not required to be active in MST groundwater management program: it is presumed by this comment that the commenter is referring to the acquisition and use of recycled water through the Napa Sanitation District (NSD) Water Reuse Program or the MST Community Facilities District. It is the county's understanding that Syar has preliminarily discussed the acquisition and use of recycled water with the NSD in the past; however, they have not initiated formal discussions with the NSD to connect and utilize recycled water at the facility. Also, please see Response to Comment A-4.

The applicant manages wells that are outside of the designated MST area and has made data available to the public for use. See comment G-3 for additional information regarding the use of recycled water. The volume of surface water runoff entering the Pasini pond will be decreased under project conditions but the water will not be removed from the watershed. It will be routed to the recharge areas for the Arroyo Creek aquifer. The Pasini pond is a shallow man-made feature created by blasting a shallow depression into the

rock. This pond feature regularly goes completely dry. Under existing conditions surface water entering the pond feature either evaporates, overflows into the Arroyo Creek drainage, or infiltrates into the Arroyo Creek aquifer system. As part of the project this surface water will remain part of the Arroyo Creek watershed because it will be captured as drainage into the re-graded Arroyo Creek drainage system.

Response to Comment T-8

Please see Response to Comment G-3.

Response to Comment T-9

This is an introductory statement reiterating language from the Draft EIR on drainage patterns, stream setback buffer zone, and sediment retention/runoff regulating storage ponds for mitigation. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment T-10

See Response to Comment F-4.

Response to Comment T-11

This is an introductory statement reiterating the detention pond analysis in the Draft EIR. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment T-12

See Response to Comment O-3.

Response to Comment T-13

Figure 4.8-10 shows the full-expansion area and the approximate detention basin area for each watershed are depicted in the legend with an assumed depth of five feet. The location of the detention basins will be based on the phased mining approach. See Response to Comment O-3.

With regard to other necessary permits, as indicated in Response to Comment R-3, approval and/or ongoing operation of the surface mining project is contingent on the owner/permittee acquiring any/all other required Local, State and Federal approvals and permits necessary as part of implementation of the project or associated with on-going operations. This provision will be included as a condition of approval of the project if approved.

Response to Comment T-14

This statement reflects an opinion of the commenter and does not comment on the adequacy of the Draft EIR. It will be forwarded to the decision-makers via this document for their consideration. No further response is necessary.

Response to Comment T-15

Comment noted. This general comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment T-16

As discussed and shown in Section 4.14 (Recreation) of the Draft EIR, two potential alternative trial alignments are shows to replace portions of encroaching Skyline Trail segments, and it is also noted that future alignments may be considered by both Syar and the Skyline Park Citizens Association so that the most feasible alignment can be considered. With regard to trail relocation desirability, that is highly subjective. This general comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment T-17

Comment noted. This general comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment T-18

All potential impacts, with regard to Skyline Wilderness Park, have been adequately analyzed per CEQA Guidelines and have been found to be less than significant. Please see Mitigation Measure 4.4-3 in Section 2. Also, please see Responses to Comments D-5, J-4, M-3, M-4, M-9, M-10, M-12, T-4, T-16, T-18, U-3, U-16, and V-17.

Furthermore, pursuant to CEQA Guidelines and the county's Local Procedures for Implementing CEQA, Impact 4.14-1 is specific to potential impacts a project may have on the use of parks due to increased use of such facilities, since the project is not expected to result in increases in population, no increased use of park facilities is anticipated as a result of the project.

Response to Comment T-19

Please see Response to Comment M-3.

Response to Comment T-20

The Reduced Footprint/Conservation Alternative has been analyzed in the Draft EIR at an appropriate level of detail and analysis. CEQA Guidelines Section 15126.6(d) says that the discussion of environmental effects of alternatives may be in less detail than the discussion of the impacts of the proposed project.

Also, as discussed in Response to Comment L-2, should the decision-makers determine through either the permit or associated CEQA review and decision making processes, that additional information and/or analysis (including the clarification of existing information and analysis) are necessary to make a reasonable and informed decision, such information can be requested to adequately accomplish the objectives and requirements of said processes.

Response to Comment T-21

Please see Response to Comment M-3.

RECEIVED
DEC - 4 2013
Napa County Planning, Building & Environmental Services

December 4, 2013

To: Donald Barrella

Napa County Department of Planning, Building & Environmental Services
1195 Third St., Suite 210,
Napa, CA, 94559

Re: Syar Quarry Expansion, Draft Environmental Impact Report (Winzler &Kelly)

The Skyline Park Citizens Association and its Board of Directors appreciate the opportunity to comment on the Draft EIR for the Syar Napa Quarry Expansion and Surfacing Mining Permit. Skyline Wilderness Park was established to protect a portion of Napa County as a wilderness site for the enjoyment of residents and visitors to Napa County and to protect the native habitat found within the park boundaries. This park is the only recreational facility offering an extensive wilderness trail system for hikers, bikers and equestrians along with a variety of other recreational facilities in the southern part of Napa County. It is the most significant local regional park in the county. U-1

We would like to make the following specific comments to the DEIR document:

The following issues are of concern to the Association and its Board of Directors and request that they be addressed in the final version of the EIR.

- Section 4.14-2 Trail Abandonment, Fence and Trail Relocation: There are several issues with regard to the relocation of a portion of the existing Skyline Trail that encroaches on the quarry property and the possible future relocation of additional segments of the existing Skyline Trail and Buckeye Trail as proposed in the revised drawing of Figure 4.14-1 attached to this document. U-2

  - Syar's proposal (red line on map) calls for seventeen switch backs to rise approximately 200 feet in a narrow corridor on the South Western section of the Park to replace the upper Skyline Trail. Many of these switch backs are " stacked " on top of each other and run along the Syar property line. Stacked switch backs in an open grassland setting is problematic as stacking will cause erosion concerns and tempt user groups to cut the trail. Six of these switch backs run right along the Syar property line that will expose visitors of the park to the noise and dust associated with mining operations and will interfere with the visual quality of being in a wilderness park. U-3

  - Skyline Park, in consultation with the Skyline Park Trail Master, proposes an alternate relocation design (yellow line on map). This proposal calls for three switch backs to gently sweep up the hill with only one switch back that comes close to the Syar property line. Included in this design is good "separation" at the switch backs that will discourage trail cutting. The Skyline proposal allows the trail to climb to the needed elevation without confining it to a narrow corridor, as the Syar proposal does. Grades on this trail will not exceed 12%, making it sustainable as to the natural resources and habitats of the Park and accessible to all user groups. U-4

- The Park's proposal incorporates making improvements to the Lower Skyline trail at the point where the new trail intersects with this existing trail. This will give the Park one continuous sustainable and improved trail to the top of the hill discouraging cross country hiking. U-5

- Restoration of old trails is also a component of the Park's plan. The bottom section of the Lower Skyline trail is a severely entrenched, poorly designed trail that follows the "fall line" of the hill and will need a significant restoration effort. U-6

- The Skyline Park version is less invasive regarding impact to the landscape than the proposal offered by Syar. U-7

- Any work to be performed with respect to trail relocation must be approved by the Association and all work must be done under the direction and participation of the Skyline Park Trail Master, John Aranson. U-8

- Nothing in the DEIR addresses the issue of who pays for the trail relocation. We assume that the cost of the work, and specifically the cost of materials and labor, is part of Syar's mitigation responsibility. This mitigation should be included in the Final EIR. U-9

- It was suggested that fencing will be installed to prevent access to the Syar property from the Park's trails. While Syar's plan is a six strand barbed wire fence, the fencing should be visually appealing and wildlife friendly, meaning that no barbed wired should be used along the bottom portion of a fence and that the design and color should match landscaping. U-10

- Pages 4.14-4 and 4.14-5 Easement or Agreement with respect to trails identified in Insets B, C, and D of figure 14.4-1

  - The portions of the trails that are identified in Insets B, C, and D of Figure 4.14-1 as encroaching on Syar property should not be subject to relocation as they are within the 50 foot Mining Setback and Exclusion Area as identified in Figure 4.14-1. Therefore, as that portion of the Syar property cannot be used for mining operations, Syar should consider granting Skyline Park a permanent easement, rather than the suggested temporary easement or lease agreement, with respect to those portions of the trails. U-11

  - With respect to the plantings within the buffer areas, the Association would like for Syar to grant a permanent conservation easement for the buffer areas and to create a planting plan that will create a 'wall' of trees to provide the most effective barrier to the noise, dust, odors, and visual scarring of the quarry area. U-12

- Inclusion of Pasini Property in Expanded Quarry Operation: The inclusion of the Pasini property in the Syar proposal presents several issues. Reference Section 4.1 of the DEIR

  - The Draft EIR does not adequately address the potential impacts to the park concerning the loss of scenic vistas from the park and exposure to increased DBA levels (noise) and increased dust, odor and damage to hydrology.The visual impacts projected in Sites C10 and C11 (images 24 through 28) on pages 4.1-18 through 4.1-20 illustrate the proposed project will be highly visible from some areas of the Park, however the DEIR states this is not a significant impact. This certainly goes against the Napa County General Plan Goal CC-1, Goal CC-2, Policy CC-1 and Policy CC-6 listed on page 4.1-7. This should be corrected in the FEIR. U-13

  - The part of the Pasini property that is included in the proposed mining site is immediately adjacent to a central section of the southern boundary of Skyline Park. The knoll and ridge along the north edge of the Pasini property, currently provides an effective barrier protecting the Park from noise, dust, and odors arising from the mining operations. In addition, it provides an important visual barrier into the mining operations from users of the Park trail system, especially the Skyline Trail. As illustrated in Images 11 and 12, in Section 4.1, page 4.1-11, the expansion onto the Pasini property will remove the knoll and ridge along the Park boundary. Removal of this natural barrier would significantly affect the quality of the wilderness character of the Park by exposing the users in the Park to the noise, dust, and odors generated by the mining operations, as well as visually impinge on the views along the trail system. U-14

  - It is unclear what effect the removal of the knoll and ridge will have on the streams and overland water flow within the Park. As a wilderness area, it is important that the Park's water features, i.e. streams and ponds, be protected for both resident and migratory wildlife and birds, and vegetation that rely on water. This is also an issue with respect to the effect of any disturbance to groundwater and springs that feed the ponds, lakes, streams, and the riparian feature within the Martha Walker California Native Habitat Garden in the north area of the Park. U-15

  - The removal of the knoll and ridge line will also affect the wildlife within the park and the vegetation protected within the park. Consistent with the County park overlay zoning for Skyline Park, the negative impacts on the wildlife and vegetation have not been adequately addressed in the Draft EIR. U-16

  - It was never envisioned at the time the Park was created that the Pasini property would ever be used as part of the quarry site. The Association strongly objects to the change of use of the Pasini property from agricultural/pasture use to use as a quarry. We are aware that the County General Plan does not designate this property as a mineral resource area. U-17

- Furthermore, removal of the knoll and ridgeline will not conform to the policy of the Napa County's Viewshed Protection Program, as stated in Section 4.1.2.3, p. 4.1-8 of the DEIR, and that is to "Minimize cut and fill, earthmoving, grading operations and other such man-made effects on the natural terrain to ensure that finished slopes are compatible with existing land character". Image 10, p. 4.1-10 clearly indicates that the finished slope will not be compatible with the existing land. U-18

- Two possible mitigation alternatives should be considered by Syar.

  - Syar could donate its one-half interest in the Pasini property to the County as a first step in the addition of that parcel to Skyline Park. This parcel would make a superb addition to the Park and would serve as a buffer to the quarry expansion areas and mitigate the view shed impacts as well as noise, dust and vibrations. U-19

  - Alternatively, Mitigation Measure 4.4-9 relating to the displacement of oak woodland provides for an additional 111 acres of off-site preservation areas to be provided by Syar. It does not specify where these acres are to be located. The areas to be identified should be adjacent to the Park in order to satisfy both the mitigation requirement and to provide for effective barriers to noise, dust, and odors from the operations. Locating the mitigation site at the north part of the Pasini property, rather than at an off-site location far removed from the Park and quarry, could satisfy both those needs. Also any permanent preservation should happen prior to the expansion in order to satisfy the best wildlife mitigation. At a minimum the FEIR should identify this acreage and have a deadline in place for completion. U-20

- Section 3.5.7 Schedule and Hours of Operation and Section 4.11 Noise and Vibration:

  - A major concern of the Association is the impact of the noise of mining and aggregate production operations on the enjoyment of the wilderness aspect of the Park by overnight campers and day users of the Park, especially hikers, bikers and equestrians. Much of the park is currently separated from the quarry by hills and vegetation, and, therefore, it is relatively quiet within most areas of the park. As stated in the DEIR, normal mining and aggregate production operations generally occur between 6AM and 9:30 or 10 PM Monday through Friday during the Construction Season and 7AM to 3:30PM during the Off Season, and blasting generally occurs between 9AM and 2PM, Monday through Friday. U-21

- As quarry operations will be closer to the Park, and natural barriers will have been removed, the noise from the operations will likely be more audible within the Park boundaries, especially during the summer months when the Park is most heavily used by campers and other recreational visitors. While the proposed hours anticipate "nighttime transportation" requirements, the actual mining should be restricted to the hours of 7AM to 7PM just as any other construction projects are restricted. U-22

  - With respect to the blasting within the quarry, the Association would like the Final EIR to state that blasting will not occur before 9AM or after 2PM. Furthermore, because of the potential impact on trail users, especially equestrians riding the trails, the Association requests notification be given to the Park at least 24 hours in advance of blasting so that trail users (hikers, bikers, and especially equestrians) and campers can be notified in advance. U-23

  - Section 4.11 addresses the issues of noise generated by the mining operations. While noise measurements were made from locations within and adjacent to the Park, the expansion of the operations will move the source of the noise (blasting and truck and equipment movement) closer to the Park. New measurements should be taken from a location that is the approximate distance from the noise producer that will be experienced when the expanded operations are in process in order to verify the report's findings. Noise levels in excess of 50 dBAs may be very significant when measured next to the quiet of a wilderness setting. The EIR should check the ambient noise levels in the interior and wilderness areas of the park. When compared with 50 or more dBAs, this should be considered to be a significant impact or alternately the EIR should have to justify how there would be no significant impact to the Park. U-24

- Section 5.4 Alternatives to the Project: If the expansion of Syar mining operations is approved, the Reduced Footprint/Conservation Alternative is preferable to the project as proposed, as there would seem to be significantly less impact on the Park. However, without specifics as to hours of operation, location of increased quarrying activity, or how the reduced footprint with increased production would work, the impact on the quiet enjoyment of the park is unknown and cannot be evaluated. Consequently, additional information would be required in order to comment on this alternative. U-25

Thank you again for the opportunity to provide comments to the Syar proposal.

Sincerely,

Dorothy Glaros

Dorothy Glaros
President, Skyline Park Citizens Association
2201 Imola Ave.
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SKYLINE TRAIL

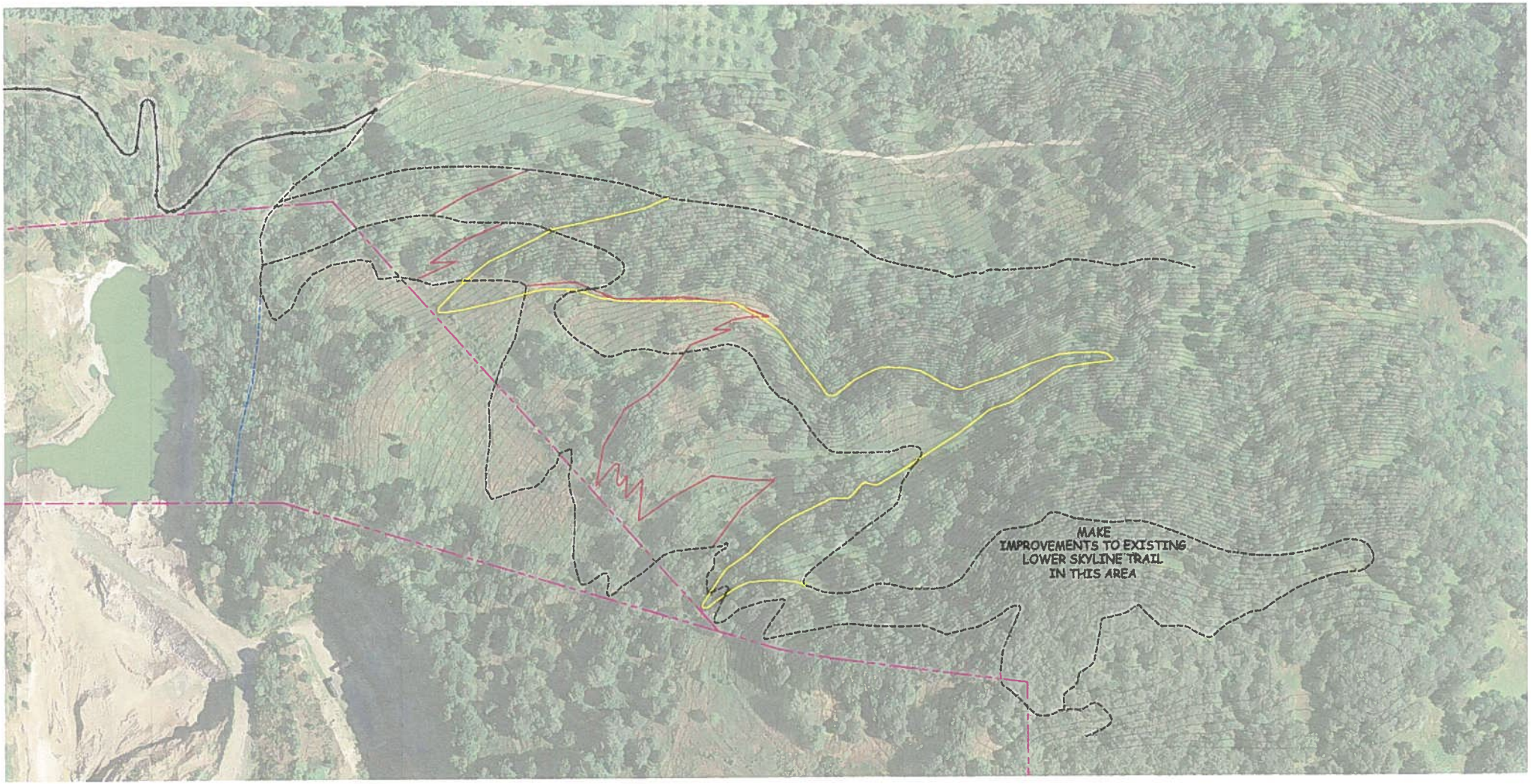
- EXISTING RIVER TO RIDGE TRAIL
- EXISTING TRAIL
- SYAR PROPOSED TRAIL
- PARK PROPOSED TRAIL
- SYAR ACCESS ROAD
- PROPERTY LINE

1" = 100'

↑ NORTH

2011 IMAGERY
5' CONTOURS

CONTOURS GENERATED FROM NAPA COUNTY GIS DATA USGS IMAGERY



Letter U Response to Comments

Response to Comment U-1

This is a general comment from the Skyline Park Citizens Association and its Board of Directors appreciating the opportunity to comment on the Draft EIR, that Skyline Wilderness Park was established as a wilderness site for the enjoyment of residents and visitors and to protect the habitat found within the park boundaries, and that the park is the only recreational facility offering an extensive wilderness trail system in the southern part of Napa County. This general comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment U-2

This general comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment U-3

To the benefit of residents and visitors of the region to Skyline Wilderness Park, Syar has allowed the construction and use of trails on their property. The proposed project includes relocating and providing license agreements (such as rights-of-way) for existing sections of Skyline Wilderness Park trails constructed on quarry property, and establishing 50-foot property boundary buffers and mining exclusion areas within the quarry property. Relocated trails will be designed and constructed using sustainable, modern methods (i.e., appropriate grade, sideslope, curvilinear construction, etc.), thereby reducing potential impacts such as erosion. Also, please see Response to Comment T-16

Response to Comment U-4

Please see Response to Comment B-7 and T-16.

Response to Comment U-5

Comment noted. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment U-6

Comment noted. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment U-7

Comment noted. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment U-8

Comment noted. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment U-9

Comment noted. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment U-10

Comment noted. Page 3-7 of the Draft EIR says that final fencing would be, at a minimum, a three-strand barbed wire fence with metal and/or wood stakes, not a six strand as noted by the commenter. This concern will also be forwarded to the decision-makers, via this document, for their consideration.

Response to Comment U-11

Comment noted. The county will take these comments under consideration. This comment does not comment on the adequacy of the Draft EIR, therefore, no further response is necessary. This concern will also be forwarded to the decision-makers, via this document, for their consideration.

Response to Comment U-12

Comment noted. This comment suggests that the applicant provide permanent conservation easement of buffer area; however, this comment does not comment on the adequacy of the Draft EIR. Further, the functionality of the buffer area from a visual perspective for protecting views from off-site to on-site, and planting within the buffer area, is discussed in the Aesthetics section of the Draft EIR and mitigation is proposed to reduce potential impacts to a less than significant level.

This concern will also be forwarded to the owner/permitee and decision-makers, via this document, for their consideration.

Response to Comment U-13

Please see Response to Comment M-4.

Response to Comment U-14

Please see Response to Comment M-4.

Response to Comment U-15

See Response to Comment M-12.

Response to Comment U-16

The biology section of the Draft EIR does discuss wildlife corridor and potential impacts to wildlife as a result of the proposed project, and determined impacts would be less than significant with project design that includes avoidance and minimization. Additionally, the buffer is proposed to provide protection for vegetation within adjacent lands, among other purposes. The county park overlay zoning for the adjacent Skyline Wilderness Park does not change the biological impacts analysis or conclusions of the Draft EIR, and potential impacts to wildlife and vegetation are determined to be less than significant (with mitigation in the case of vegetation impacts).

Response to Comment U-17

Please see Response to Comment M-3.

Response to Comment U-18

Please see Response to Comment M-4.

Response to Comment U-19

Comment noted. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment U-20

The commenter states that protection of oak woodlands in the vicinity of the project site should be made a higher priority than at more distant locations within the county and further states that this prioritization might provide reduction in potential noise, dust, and odor impacts. Response to comment B-6 addresses this comment. To reiterate, the applicant is interested in considering viable and feasible locations for the oak woodland preservation, and a priority will be placed on preservation of like habitat to that being impacted, as specified by mitigation measure language. Additionally, project timelines, ability to secure preservation in a timely manner, willing property owners, and other factors will come into play when selecting a location. Due to the many varying factors that will go into site selection for oak preservation, including evaluation by a biologist that preservation is of like quality as that area being impacted, further site location for preservation is thus not available for the Final EIR. The timeline for agreeing on preservation specifics will be detailed in the permitting process with the county, and is not currently available at this point in time. The oak woodland preservation has a mitigation ratio that allows for temporal loss if there is a delay between impact and preservation.

Response to Comment U-21

This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment U-22

Comment noted. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment U-23

Comment noted.

Response to Comment U-24

Please see Response to Comment M-9.

Response to Comment U-25

The alternatives analysis section of the Draft EIR has been prepared pursuant to CEQA Guidelines, specifically Section 15126.6. The analysis in the Draft EIR addresses the commenter's substantive concern. Additionally, as detailed in Response to Comment L-2 the Reduced Footprint/Conservation Alternative has been analyzed in the Draft EIR at an appropriate level of detail and analysis in order to provide the public and the decision-makers with sufficient information to compare the relative significance of potential impacts, as CEQA requires. Should the decision-makers determine through either the permit or associated CEQA review and decision making processes, that additional information and/or analysis (including the clarification of existing information and analysis) are necessary to make a reasonable and informed decision, such information can be requested to adequately accomplish the objectives and requirements of said processes.

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Please note that some of these comments were provided during the public hearings; they are repeated here for completeness and context. Due to the length and complexity of the document, some comments are relevant to both the overall document/project description and a specific resource area; this creates some repetitiveness my comments. I was not able to review the entire document in detail, but I believe that the comments presented below make it clear that recirculation is required. Due to the complexity of the document, the County should consider hiring an independent consultant team to review and correct the document; it is well beyond the capacity of any single individual to adequately review this document, and only people extremely familiar with the requirement of each impact analysis as well as the underlying source documents would be able to ascertain whether there are other buried errors in the document. It is unfortunate that the document as written raises questions as to the reliability of the impact analysis. V-1

1. Overall Document

a. The overall document is inadequate in that it fails to adequately characterize potential impacts for a variety of resource areas (see discussion below) and/or contains evident errors. The substantial deficiencies would result in a number of new significant impacts or requirements for new or different mitigation for resource areas including to aesthetics, air quality, hydrology, and potentially traffic. Therefore the revised document must be recirculated. V-2

b. The document is also suspect because in at least three instances there are important inaccuracies in the way information is presented that would not be apparent to the casual reader. These are:

   i. The reference to groundwater levels in the southern portion of the MST being generally stable; I noted this issue with the correct wording during the public hearing at the Planning Commission meeting. This misrepresentation of the facts occurs in both the Project Description and Appendix J. (See comment a. under Hydrology/Groundwater) V-3

   ii. The misleading distinction between groundwater and "subsurface water." Groundwater is any water found below the ground; the fact that it has not yet reached an aquifer does not mean that it is not serving as recharge to groundwater. Winzler & Kelly in Appendix J argue that because some of the groundwater at higher elevations appears to exit as seeps and springs (there is no assertion and certainly no information to suggest that all higher elevation groundwater exits as seeps and springs), all such water should be excluded from the definition of groundwater. This is clearly a specious distinction, as W&K also acknowledge that groundwater movement in fractured rock environments is impossible to predict. Clearly it can reasonably be argued that at least a portion of the higher elevation groundwater is likely to reach the main aquifer. In fact, while W&K argue that the low pressure head of the water exiting the fractures exposed by the current quarrying operations suggests that there is little movement of water into the main aquifer, the same information could also be interpreted to suggest that the majority of the water percolates quickly to the main aquifer. V-4

   iii. The assertion that 54 lbs./day of NOx and $PM_{2.5}$, and 80 lbs./day of PM_{10} are acceptable average daily emissions. In fact, the October 2009 document referenced as the source of these significance thresholds indicates that they are maximum daily emissions; the 1999 BAAQMD CEQA guidelines also state that exceedance of the daily thresholds is considered a significant impact. The document does not disclose likely maximum daily emissions; therefore a potentially significant impact has simply not been evaluated. V-5

These types of errors/misrepresentations would not be apparent to a reader who is not familiar with the source documents cited as references, and I assume that I have missed other instances of

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this nature for the resource areas for which I lack expertise. The reader should be able to rely on the accuracy of the information presented in the document, and the fact that there are these types of major but non-obvious errors/misrepresentations throws much of the impact analysis into question. V-6

c. The document takes a disingenuous approach to minimizing the potential effects of the activities that are proposed. In some cases, this information is so disingenuous as to be insulting to the reader. One specific example is the anecdotal information provided in the aesthetics section. In this case, the project team spoke to park users in Westwood Hills Park, some (many?) of whom believed that the quarry faces visible from Westwood Hills represented natural rock features. This information is then used to suggest/substantiate that therefore potential aesthetic impacts from future quarrying would have a less than significant visual impact. Not acknowledged in this case is the fact that Westwood Hills Park is over 3 miles from the project site, and the likelihood that the viewers have never had an undisturbed view of the quarry area; i.e., the quarry has been operation so long that the cut faces are part of the landscape – there have been no obvious and recent changes. The difference is that with the proposed project, there would be a significant change – an entire hillside would be removed, leaving over 350 feet of bare, vertical rock face instead of a gently sloping hillside. To try to gloss over the reality of potential impacts is simply unacceptable. There are multiple instances of this approach throughout the document; additional instances are described in the Project Description and resource area comments below. V-7

d. In many cases, the scale of figures makes it impossible to fully understand what is going on. Examples include the topographical figures showing proposed excavation contours with the project (a rather important piece of information), and the very small views provided in the aesthetics section. This creates further difficulties understanding the potential effects of the project. V-8

e. The EIR is also very selective in the information it provides in the text, compared to what would be appropriate for the average reader. Some simple information is not provided (or not provided in the appropriate section [e.g., the traffic section never discloses the actual increase in total daily truck trips; that information is only found in the noise section]), and other, relatively irrelevant and incomprehensible information is provided (e.g., the discussion of incremental health risk due to TACs provided on pg. 4.3-25; see especially the middle paragraphs and equation at the bottom of the page). EIRs are supposed to be comprehensible to a reader with an average high school education. This document clearly fails that test. The document also lacks an acronym list, which makes understanding the equation virtually impossible (e.g., ASF is used 4 times, but never defined). Another example of the failure to disclose relevant information in the appropriate section is that the air quality section describes specific production changes in each of the three pits; this information should be in the Project Description. V-9 V-10 V-11

f. The EIR fails to disclose a major purpose of the proposed increase in permitted capacity, which is to replace the production of the Lake Herman quarry, which is nearly played out. Absent this undisclosed purpose, the document does not provide an adequate explanation of why such a large increase in capacity is required, when less than 65% of the currently-permitted capacity is utilized. V-12

g. The proposed project faces an inherent conflict in the location of the mining activities, in that aesthetic, noise and recreational impacts would drive mining at lower elevations, whereas the need to avoid intercepting the groundwater potentiometric surface would promote mining at higher elevations. This conflict is not resolved with the mitigation measures provided. The potential impact on the size and scope of the project from implementing key mitigation measures should be characterized – e.g., it is unclear how much potential material would not be able to be mined if mitigation measure 4.8-2 is implemented. From the information presented in the document, it appears that approximately 100 feet of the total cut across most of the quarry areas, V-13 V-14 V-15

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and up to 200 feet in the more westerly areas would be excluded. This seems to be a substantial portion of the total material available. Given the likely economic impact V-15 (cont.)

h. Finally, the lack of line numbers in the document makes it much harder to provide comments. The recirculated document should contain line numbers to allow for specific comments V-16

2. Project Description

a. The Project Description virtually ignores the extensive residential use to the north and west of the quarry by focusing primarily on the immediately adjacent parcels/land use. This is a disingenuous characterization of the land use. The Project Description must be corrected to fully acknowledge the presence of residential areas, the pre-school and school, and Napa State Hospital to the north and northwest. V-17

b. The Project Description contains errors that affect the assessment of potential impacts (e.g., the description of the firing range) V-18

c. The Project Description glosses over some important facts, and presents information in such a way as to minimize its apparent severity. For example, total proposed production volume would increase up to 178% from the 2009 baseline (from approximately 800,000 tons to 2,250, 000 tons), but the document describes it as a doubling of capacity. Another fairly egregious obfuscation is in the number of truck trips – the current production rate and haul trips indicate that the average load is 9 tons; based on the data presented the future average load would be 18 tons, suggesting that larger trucks or all truck-and-double-trailer combinations would be used. This is not stated anywhere in the Project Description, but would clearly have a strong effect on traffic, beyond just the increase in the number of truck trips. V-19 V-20

d. The Project Description is <u>extremely</u> vague with regard to operating hours, indicating that 24/7 operations would be conducted when demand is high, but not providing any limitations on the number of days per year or any other measure by which such operation would be constrained. <u>As written, the Project Description provides an unlimited license to operate 24/7.</u> 24/7 operation is unacceptable except in cases of local disaster. 24/7 operation should only be allowed in the case of natural disasters within a defined radius (i.e., the area defined as economically viable for aggregate sales for the purposes of the project), and only if the immediate needs of the disaster (e.g., collapse of a major road) specifically require the production of aggregate/asphalt. The Project Description should be modified to clearly specify the conditions under which 24/7 operation would be allowed; it should also specify the conditions under which operation outside normal business hours would be permitted. Even under current conditions (with the supposed shielding by the intervening hill), when work occurs on the north side of the quarry, the noise is extremely audible in our neighborhood, making it impossible to sleep at night or enjoy our gardens during the daytime (e.g., it is so disruptive, that having guests visit is not appropriate). It makes our outdoor spaces a stressful rather than peaceful. V-21

e. The proposed reclamation is much too slow and too limited; other than grassy cover, no reclamation is proposed until after the permit period expires, and then it consists of planting 5 gallon trees and tiny shrubs – and the bulk of that work is estimated to require up to 5 years. So 40 years after the permit is issued, initial planting would be completed. Clearly it would take decades for the trees to grow to a height that provides some type of visual screen. Mining should be planned to allow for reclamation as areas are exhausted; the Project Description should commit to, or the mitigation and monitoring program should require, that reclamation be phased to occur immediately upon completion of mining in certain areas. V-22

f. The trees would also have be very, very tall to actually screen the bare rock face. <u>No reclamation</u> is proposed for the typical steep slopes that would be cut to mine rock. Those slopes would be 50 feet tall, near vertical in many cases, and less than 1:1 H:V in all cases. Reclamation is only proposed for areas with slopes of 2:1 or greater. Other than the benches cut into the mining face, V-23

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it does not appear that there will be any areas that are suitable for reclamation; this is another critical piece of information that is not clearly disclosed. Basically, the reclamation as proposed would leave a nearly sheer vertical cliff, hundreds of feet high, on the northwest and west sides of the quarry. That's unacceptable. An improved reclamation plan is required to make this project acceptable. V-23 (cont.)

g. Maintenance of the reclamation effort, including repairs to the irrigation, is scheduled to occur in September and October. It is obviously much more important to be able to water in the dry season than in the wet season. This can only be considered an error in the Reclamation Plan, and points to the fact that more careful review of the Reclamation Plan is also required. V-24

h. The Project Description describes an annual Mining Plan that would be submitted to the County, but it's not clear whether anyone has any authority to modify or restrict the proposed mining effort once the permit is granted. The limits of the County's ability to regulate the mining operations post-permit should be clearly disclosed. V-25

i. No new entrances or exits from Napa-Vallejo Highway (Rte. 221) are proposed, yet, the number of trucks entering and existing Syar will increase 75% or more, and apparently most of the trucks would be double-trailer combinations. This is simply an unacceptable approach. Currently, truck leaving Napa headed southbound have to make a left turn across northbound Rte. 221, and merge into traffic moving 55 miles an hour. Every time a truck attempts to merge, traffic is slowed drastically; larger and more frequent trucks would greatly increase this effect, as well as creating a significant hazard when crossing northbound 221. V-26

j. The air quality analysis assumes that peak hour production will remain unchanged (P 4.3-22, meaning that the hours of operation would have to increase substantially; the proposed increase in actual operating hours is not disclosed anywhere. V-27

3. Aesthetics

a. The images purporting to show the potential post-quarrying visual changes are MUCH too small in scale to allow for any kind of effective evaluation by the reader. V-28

b. The aesthetics analysis completely fails to analyze effects on views from the south side of Napa, near Imola Avenue and Penny Lane/Patton Ave/4th Ave, and only briefly alludes to the northern neighborhood farther to the west. These areas would have foreground views of the steep quarry cuts. The cuts are proposed in the tallest hills to the south and southeast of the neighborhood; these peaks form the dominant visual feature of the south/southeast views. Any excavation/cut on these hills would therefore dominate the viewshed. Instead of correctly analyzing potential effects on the northern and northwestern neighborhoods, the analysis focuses predominantly on midground views, with only a few views from the east close to the actual quarry. The closest northern/northwestern camera point included in the analysis is over 2 miles away (point N48), and the direct line-of-sight camera point applicable to the northern neighborhood (C5) is at Napa Valley Country Club, 3 miles away. Sufficient distance will of course obscure potential visual effects. The County must ensure that Syar analyzes this impact; the resulting impact analysis will clearly lead to a finding of a significant and unavoidable impact to visual resources. V-29 V-30

c. The document asserts that most excavation would be screened because of topography and vegetation, with elevations of the hills between the proposed excavation areas and the views ranging from 175 to 375 feet. However, based on the excavation contours shown in the document (best seen in Figure A.2 of Appendix J), excavation will occur up to elevations above 700 feet on the east side of the State Blue Pit. Therefore 350 feet of very steep cut rock face would be exposed to general views all throughout the neighborhood (see cross sections A and F in Figure 3-6). V-31

d. Another cross section is needed to the east of cross section F to clearly show the effect of removing most of the western face of the tallest hill to the southeast of the neighborhood. V-32

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e. The visual analysis completely ignores the substantial and significant effects the up to 35-year duration of a complete disruption of an extremely scenic view. V-33
f. Images 11 and 12 are reversed; this type of obvious error V-34

4. Air Quality

a. The document should point out that in 2011 there were frequent (6) exceedances of the $PM_{2.5}$ NAAQS. V-35
b. As noted above, the 2009 BAAQMD document presents the 54 lbs./day and 82 lbs./day standards as maxima, not daily operating average. V-36
c. The analysis notes that equipment operating less than 100 hours during the 5-year baseline was not considered. Please provide an accounting of the equipment, including actual operating hours, hp, fuel type, and engine age. Without this information, it is impossible to determine whether a significant amount of air emissions have been omitted nor not. V-37
d. The referenced figures should be included in this section, not just in Appendix I (where they are hard to locate). V-38
e. Idling assumptions for barges are extremely low. Tugs hauling barges would be expected to idle during the entire loading/unloading period, as they would be required to be immediately available should an emergency occur. V-39
f. The document both assumes that the quarry would provide materials through the North Bay region, and assumes an average haul distance of only 14.7 miles (p. 4.3-22). These two assumptions are mutually exclusive, and serve to understate potential air emissions, overstate the need for the project, or both. V-40
g. Table 4.3-9 should list only applicable measures; providing the entire table simply adds unnecessary text. V-41
h. Mitigation measure 4.3-2A is too vague, as it only requires the log to be updated upon the request of the County, and provides post-facto information. This information should be tracked real-time, and production scaled back immediately if thresholds are exceeded. V-42
i. Mitigation measures 4.3-2A and -2B are impossible to enforce, and therefore not actually implementable. How would the County ensure that production is scaled back id Syar has contractual obligations? V-43
j. How can PM2.5 be reduced by 7.3 tons from the baseline by increasing production from 810,363 tons to 945,000 tons, with the only change being that the percentage of Tier 2 hours increases from an assumed baseline of 10% to 12%? V-44
k. The post facto approach to mitigation for air quality impacts is also evident in mitigation measure 4.3-3, which likewise relies on the post-facto hp log described for measure 4.3-2. Furthermore, the measure relies on calculations to be performed by Syar; instead, Syar should provide funding for the County to hire its own consultant to perform these complex calculations. V-45

5. Hydrology/Groundwater

a. The text misrepresents groundwater conditions in the southern portion of the MST. Page 4.8-9 states that GW elevations in the southern portion of the MST are generally stable, and cites the 2011 Groundwater Conditions Report prepared by Ludorff and Scalmanini for the County. What that report in fact says is "Groundwater levels in the southern portion of the MST, especially south of Coombsville Road, have generally been stable until the late 1990s and early 2000s, when a decline of about 10 to 30 feet in some locations has occurred." (p. 48). This is an egregious misstatement, creating a fundamental error in the analysis of groundwater impacts. V-46

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b. It is impossible to determine how much water might be prevented from recharging the local groundwater as a result of the proposed mining activities. The document acknowledges (in Impacts 4.8-2 through 4.8-4) that mining activities would increase withdrawal of groundwater and result in redirection of surface water flows away from current discharge points (e.g., Lake Camille, see Figure 4.8-6). The potential effects are not quantified. The associated mitigation measures speak to changing the proposed mining practices and monitoring overall water consumption. However, mitigation measures 4.8-2 and 4.8-3 are in direct conflict, as one prohibits mining deeper than 10 feet above the potentiometric surface (4.8-2) whereas mitigation measure 4.8.3 assumes that such quarrying WILL occur, and simply requires that water generated during such operations be reinfiltrated within the same watershed. These are vastly different approaches, and cannot both be implemented. Also, Impact 4.8-2 states that large portions of the Arroyo Creek Watershed would have a flatter slope than under current conditions, and that therefore infiltration should not be adversely affected. This is contrasted with the finding in Impact 4.8-5 that notes that compared to existing conditions, all the onsite watersheds would experience an increase in run-off rates and volumes due to increased ground slope and disturbance. V-47 V-48

c. The consultant creates an artificial distinction between groundwater and water below the surface, where only water found in a substantial aquifer is defined as groundwater, whereas subsurface water at higher elevations that is recharging those aquifers is "merely" water below the surface. The EIR states:

> "This distinction is made in the Winzler & Kelly 2012 report because interpretation of the data suggests that much of the rainfall precipitation occurring over the site infiltrates into the soil and fractured rock where it migrates through flow channels and seep conduits that are suspended above the regional groundwater elevation." (p. 4.8-14)

This artificial distinction minimizes the apparent impact of making huge cuts into rock formations that serve to recharge near-by groundwater. Any water that is prevented from infiltrating is no longer available to recharge groundwater, whether or not it has already migrated to the fully saturated zone. Also, while W&K note (in Appendix J) having observed limited seepage out of the cut rock faces, and interpret this to suggest that there is not a lot of potentiometric head, the proposed depth of excavation is 250 feet below the lowest current elevation; this change in elevation may be greater than the total current pressure head. The estimated groundwater potentiometric surface is above 50 feet all the way to the west side of the quarry, and above 150 feet for most of the areas to be quarried (all areas except the State Grey Pit). Mitigation measure 4.8-2 requires all mining to occur no closer than 10 feet above the potentiometric groundwater surface, however, it is completely silent on how that depth would ultimately be determined, by whom, and how that provision would be enforced (or for that matter, whether mitigation measure 4.8-3 would be implemented instead). V-49

d. There is no discussion of how continued infiltration would be ensured. Water draining from the mined areas is likely to contain elevated levels of suspended sediment, which is *intended* to settle out in the ponds/pits. The effect of the sediment would be to plug existing fractures and reduce infiltration from the pit. This effect was not addressed, nor was the reduction in total area available for infiltration (a specious argument is made that fractures would be exposed in the cut rock faces, and therefore infiltration would still be V-50

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possible; no mention is made of the fact that vertical or near-vertical rock faces allow virtually zero time for infiltration). V-50 (cont.)

e. While there is some discussion of potential evaporative losses resulting from increased exposure of former groundwater/subsurface water to the atmosphere, this effect is not quantified. A basic calculation should be conducted to assess the increased surface area of drainage pits and the resulting unpreventable increase in evaporation. V-51

f. Much more detail is required to understand how best management practices could effectively reduce the need for water for quarry operations; how much water is used to water roads, how much is used in sand washing, etc.? Once those numbers are available, the net effect of potential alternative measures (e.g., graveling quarry road or recycling sand washing water) can be evaluated. The current description of mitigation measure 4.8-4 is grossly inadequate. V-52

g. Impact 4.8-8 correctly notes that lowering the groundwater table below Skyline Park could have adverse effects on the park. However, the discussion only addresses Maria Creek and Lake "Maria" (Lake Marie); it does not address the potential for vegetation die-off resulting from depleting "subsurface water" and/or groundwater levels. V-53

h. Other items to note include:

   i. The potentiometric surface shown in the conceptual site model on p. 4.8-9 (Image 2, the title of the image is mixed into the text) does not intersect the proposed excavation area, whereas the same contour clearly intersects the proposed excavation area in the same figure on p. 11 of Appendix J. It is also unclear why the potentiometric surface conveniently dips below the proposed expansion area for no apparent reason. V-54

   ii. The report indicates that the Latour Court well is shown in the Jamieson/American Canyon subarea; however, it does not provide any data to address potential connectivity to the MST. Given the proximity of the well to a conceptual basin boundary, it is clearly not appropriate to simply dismiss this well as potentially being connected to the MST. V-55

   iii. Appendix J indicates that all surface water from the State Grey Pit and Sand Plant drains to existing ponds for infiltration and evaporation. No statement is made regarding the State Blue Pit; however, no mention of filtration is made relative to the ponds capturing the State Blue Pit drainage. The EIR mentions (p. 4.8-10) that precipitation from the State Blue and State Grey Pits combines with additional upland rainfall and then infiltrates through fractures to recharge Lake Camille in the southern MST. The surface water flow contours (Fig 4.8-6) presented as the post-project condition shown most of the overland flow being captured by the State Blue Pit. It is therefore essential to know whether water infiltrates out of this pit, and what percentage is lost to evaporation from the pond or dust control and processing for quarry uses. V-56 V-57

   iv. At the proposed depth of 50 feet, the project would most definitely be acting as a groundwater drain for the area around Penny Lane and the southern Coombsville area – the hydrographs in the 2011 Groundwater Condition Report show that most wells in this area have water levels at or above 100 feet; even the well that is in the relatively flat area to the northwest of the project area has an elevation of V-58

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around 30 feet. My house is at an elevation of 105 feet, and has a pump set 60 feet down (i.e., an elevation of 45 feet) that is productive most of the year. More importantly, the well is artesian after wet springs, indicating that there is a direct connection between annual recharge and the groundwater elevation. Thus, reduction in recharge at the upper elevations would have a direct effect on our well. Because there is insufficient information about the response of the groundwater surface elevations in the Skyline Park/Syar Quarry areas to annual rainfall, it is possible to know whether the change in groundwater level in my well is reflective of a change in the potentiometric surface at higher elevations, or simply a reflection of increased infiltration (i.e., "subsurface water"). V-58 (cont.) V-59

6. Noise

a. The document (p. 4.11-5) does not include residential areas in its listing of sensitive receptors in the vicinity of the quarry. How is it possible to ignore the residences immediately on and immediately north of Imola Ave? The next paragraph even acknowledges that residential land use is a noise sensitive receptor. V-60

b. Noise monitoring on the north side of Syar was conducted in the open field on the southwest corner of Penny Lane on a day when mowing was occurring at Skyline Park immediately across the street the entire day (pers. comm., Kathy Felch; documented with photographs). Mowing occurs less than once per month, and therefore the baseline for the noise evaluation on the north side of the Syar property is invalid and must be redone using correct baseline data. V-61

c. The noise analysis for the residential areas north of the quarry points to traffic on Imola Avenue as the primary noise source. However, the document does not distinguish between traffic levels during peak use (commute hours and as school is starting and ending) and night-time and evening hours. Furthermore, even though noise monitors were present only during the day time, when higher traffic noise occurs, they were able to hear backup alarms. This should therefore have pointed directly to the fact that backup alarms are extremely audible at night. While periodic noise spikes are permissible based on the way noise exposures are calculated, this analysis fails to recognize the disruptive effect of repeated, short-term noise spikes such as back-up alarms occurring at irregular intervals throughout the night time. Furthermore, the analysis did not consider locations further from Imola where traffic noise is more muffled, but quarry noise is still very audible, due to difference in shielding from terrain. Quarry noise originates at much higher elevation than traffic noise, and therefore travels further than traffic noise, which muffled by intervening vegetation, structures, etc. V-62 V-63 V-64 V-65

d. It should also be noted that while hours of operation (summer) are given as 6 a.m. to 10 p.m., operations actually typically occur from 5:30 a.m. to 11:30 p.m. (back-up alarms are audible during the period, and occasionally even earlier). In other words, the uninterrupted sleeping period in the summer when work is occurring near the north side of the property is 6 hours or less, which is grossly inadequate. V-66

e. The document notes (p. 4.11-15) that quarry sounds were only audible and measurable "in the absence of local traffic…" – in other words, in the evening, at night and during large portions of the weekend. A significance threshold should be established specifically for evening/nighttime and weekend noise. Ambient noise during these time periods should be measured, and any increases in noise limited to 5 dBA (as described on p. 4.11-22 as a threshold of significance). V-67 V-68

f. The proposed noise thresholds do not correct for character of sound. Certainly backup alarms, and rock crushing/grinding are particularly offensive and cannot be compared to the kind of V-69

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ambient background noise resulting from the steady hum of traffic. As specified in the noise ordinance: V-69 (cont.)

> B. Correction for Character of Sound. In the event the alleged offensive noise, as judged by the noise control officer, contains a steady, audible tone such as a whine, screech or hum, or is a repetitive noise such as hammering or riveting, or contains music or speech, the standard limits set forth in Tables 8.16.060 and 8.16.070 shall be reduced by five dB, but not lower than forty-five. V-70

This means that the daytime noise standards should also be 45 dB, and this should be reflected in mitigation measure 4.11-1. Further, mitigation should be provided that requires Syar to avoid quarrying in the northern most are higher elevation areas during the evening, night, and weekend hours.

g. While measured vibration/ground acceleration during the study was below significance thresholds, blasting events can nonetheless be felt, and periodically are severe (I have almost been thrown out of my chair). Notification as proposed by mitigation measure 4.11-2 should definitely be required, and monitoring should occur at sensitive receptor locations whenever there is evidence of disruptive levels of vibration as reported by residents. V-71

h. Impact 4.11-3 acknowledges the effect of winds and temperature inversions on noise propagation. The effect of these conditions is not addressed in mitigation measure 4.11-1, but should be, as the wind direction is predominantly from the southwest to the northeast, and thus carries sound from various areas of the quarry operations to the northern residential areas. Work hours and locations should be restricted during these weather patterns to avoid excess noise exposures to residents. V-72 V-73

i. Impact 4.11-4 does not clearly describe when rail trips would occur; if they were to occur during noise sensitive hours, the additional 4 round trips per day could become significant not only in the vicinity of the project, but at all locations along the track where sounding the train horn is required as the trains cross roads. This could lead to significant effects to residents south to American Canyon and beyond (to where the trains tracks join the main line), and residents and/or wildlife if the trains travel west along the SMART tracks. V-74 V-75

j. One of the significant changes in noise levels in the vicinity of the project is associated with the increase in traffic since Coombsville because a defined appellation. Traffic volumes have increased considerably even east of the school, and traffic begins earlier and continues later than previously. This change in traffic patterns must be accounted for in the cumulative impact analysis. V-76

7. Transportation/Traffic

a. Imola Avenue north of the study area is a two-lane collector. V-77

b. No dredging of the Napa River channel has occurred for a decade, therefore it is unlikely that the channel is still at a depth of -15 feet MLLW. V-78

c. The traffic analysis does not address the delays created by Syar truck traffic turning onto southbound 221; as noted earlier, the traffic in this area is typically moving at 55 mph during non-peak hours, and is slowed significantly each time a truck pulls into traffic, as it is impossible for the trucks to accelerate to a rate of speed consistent with the flow of traffic in the very short acceleration lane that current exists. Furthermore, these trucks create hazards as people swerve to avoid slowing down. V-79

d. The traffic section does not describe the increase in trucks trips per day (the noise analysis indicates trips would increase from 402 to 912 per day), which is an obvious and important factor in evaluating overall traffic impacts. The document fails to describe how fewer trucks (an increase of 60,329 over the baseline of 89, 343 trips) could haul a greater volume of material (increase of 1,091,956 tons compared to a baseline of 808,044 tons), V-80 V-81

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and what that would mean in terms of the size of the trucks and their actual effect on traffic. V-81 (cont.)

e. Without delving into the traffic study itself, it is impossible to determine whether the number of peak hour trips was correctly calculated. The City of Napa 2004 reference cited provides a significance threshold of 50 peak hour trips or more if a minor strop controlled approach operates at LOS F. In a typical traffic analysis, each truck trip is counted as the equivalent of 2 passenger vehicle trips – was the significance threshold provided by the City of Napa applied correctly (i.e., will there be 25 or fewer actual truck trips at the other intersections, and will the proposed mitigation measure reduce the actual number of truck trips from Basalt Road to less than 25/hour during the AM peak? V-82

f. The study cannot rely on the largely fictional southbound left-turn flyover at the 29/221 intersection, nor is it appropriate to suggest that because traffic conditions are already very bad that the project is therefore absolved of having to consider that condition or contribute to a solutions. V-83

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Letter V Response to Comments

Response to Comment V-1

This introductory comment identifies the relevancy of comments to different sections of the Draft EIR, that the commenter believes the Draft EIR should be recirculated, and that the county should hire an independent consultant team to review the Draft EIR. This general comment does not specifically comment on the adequacy of any certain section, impact or mitigation measure within the Draft EIR. No further response is necessary.

Response to Comment V-2

The analysis in the Draft EIR addresses the commenter's substantive concern, and the commenter does not provide any significant new information requiring recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5.

Response to Comment V-3

Reference to the Draft EIR characterizing the southern portion of the MST as being stable could not be found on page 4.8-9, in Appendix J or in the Project Description. Regardless, any summary of historical groundwater elevation trends in the MST were only for the purpose of providing background information. It was not the intent of the Draft EIR to characterize the groundwater elevation trends in the entire MST basin. Trends in groundwater elevation within the MST were not evaluated as part of the Draft EIR and were not used as technical justification for the use of additional groundwater by the project. The groundwater elevations which were used in the Draft EIR where selected to be representative of baseline conditions of the project site. The Draft EIR did use short-term groundwater elevation trends in Well #4 located on the project site for some technical evaluations related to hydraulic connectivity.

Response to Comment V-4

The technical finding regarding the low pressure head in the "subsurface water" was not intended to imply that this "subsurface water" does not flow in a dominantly vertical direction towards the aquifer. In fact, the commenter is correct in that the "subsurface water" is that portion of the rainwater which can be expected to form recharge to the aquifer. The exception to this recharge is the "subsurface water" that exits as springs, seeps or forms ponds. As the commenter suggested, these springs, seeps and ponds are also only a portion of the "subsurface water," and much of the "subsurface water" can be expected to form recharge to the aquifer. The point of the discussion in the Draft EIR was to provide a management strategy of the "subsurface water" that will become exposed in rock faces during quarry operations. Mitigation Measure 4.8.2 requires that this water be directed to retention ponds such that it can be infiltrated into the aquifer.

Response to Comment V-5

Review of the Revised Draft Options and Justification Report CEQA Thresholds of Significance (BAAQMD 2009) did not yield a single instance where the document indicates daily thresholds are applicable to the maximum daily emissions. Conversely, four separate pages in the document (i.e., pages 3, 7, 22, and 26) indicate that the daily thresholds are applicable to the average daily emissions. Other documents that were published thereafter including the Proposed Thresholds of Significance (11/2009), Draft BAAQMD CEQA Guidelines (12/2009 and 5/2010), and Final BAAQMD CEQA Guidelines (5/2012) each state that the daily thresholds are applicable to the average daily emissions. Further evidence that the daily thresholds are for comparison to average daily emissions lies in the fact that there would be no need to have a 10 tons per year maximum annual emissions limit on NO_x if the 54 lbs/day threshold of significance were meant to be compared to the maximum daily emissions (i.e. 54 lbs/day * 365 days per year is slightly less than 10 tons per year). Similarly, there would be no need to have a 15 tons per year limit on PM_{10} if 82 lbs/day were meant to be compared to the maximum daily emissions (i.e. 82 lbs/day * 365 days per year is slightly less than 15 tons per year). The threshold applies to the average daily emissions, as is properly reflected in the EIR analysis. Also, please see Response to Comment G-15.

Response to Comment V-6

The Draft EIR was prepared per CEQA Guidelines Section 15151 (Standards for Adequacy of an EIR). This general comment does not specifically comment on the adequacy of any certain section, impact or mitigation measure within the Draft EIR. No further response is necessary.

Response to Comment V-7

Anecdotes are used to illustrate broader points that are confirmed through site and GIS analysis. As shown in images 41 and 42, existing natural rock outcroppings appearing throughout the visual study area as compared to a photograph of an existing quarry face within the project site. As shown in the images, the exposed faces of the existing quarry are similar in visual character to the natural rock faces. Although the expanded quarry faces created by implementation of the proposed project will modify views of the project site from existing conditions, the proposed project's worst case scenario would not substantially degrade the existing visual character or quality of the site and its surroundings, nor would it obstruct key views or vistas in the vicinity.

Two hundred thirty one (231) potentially sensitive receptor sites were identified in the visual study area, of which 12 representative sites were selected for visual simulation analysis. The Composite Viewshed of Project figure (Figure 4.1-3) illustrates that the sightlines with greatest views of the project would be from distant, relatively high ridges. Figure 4.1.1 describes the "distance zones" that were analyzed, while Figure 4.1-2 shows the landscape similarity zones analyzed. It is not feasible to analyze all potential impacts to all potential "sensitive receptors" (such as every park or individual houses). Instead, the analysis uses the 12 representative simulation viewpoints from various angles, orientations, and distances from within various landscape similarity zones. These 12 simulation viewpoints serve as representative examples for other locations that have similar angles, orientations, distances, or landscape similarity zones. Westwood Hills Park is one of the 12 simulation viewpoints and serves as a good

representative site. Due to this and its likelihood to attract population, it was important to examine visual impacts to this area.

For most locations in the visual study area, impacts would be difficult to observe in detail due to the distances involved. Views from most distances would provide little visual contrast or color from the surrounding landscape. Existing disturbances or exposed rock is part of the visual character of the site today; additional quarrying does not significantly alter the overall appreciation of the landscape which already includes this within its composition.

Closer areas with 15-25 percent visibility of quarried rock faces are mostly zoned agricultural or industrial. Much of this is mid-ground distance and likely to be partially shielded. The overall character of the project site and its surroundings would not be substantially affected by implementation of the proposed project, as shown in Figure 4.1-3 (Composite Viewshed of Project) of the Draft EIR.

The visibility of impacts is a function of sightlines, including the angle of sight and fore- or mid-ground topography that may intervene. The Composite Viewshed of Project figure summarizes these criteria to provide an understanding of potential visibility impacts over the five mile radius surrounding the quarry. Also, please see Response to Comment V-29 and H-2.

Response to Comment V-8

Section diagrams, such as those found on Figure 3-6 Vertical Excavation Cross Sections (page preceding Chapter 4.0) provide before-and-after characterizations of the maximum extent of quarrying. They are simple line drawings with vertical exaggeration, which makes cut faces appear more severe than they actually would be.

The standard letter page size presents inherent limitations with respect to scaling and presentation of data. Photo simulations are high resolution images that may be zoomed in upon to view in greater detail using the electronic version available on the County's website (http://www.countyofnapa.org/Syar/).

Response to Comment V-9

Please see Response to Comment V-6.

Response to Comment V-10

Comment noted. Please reference the acronym and abbreviations list in the Table of Contents of this Final EIR.

Response to Comment V-11

Please see Responses to Comments D-2 and V-19.

Response to Comment V-12

The primary objectives of the project, as described in Section 3.2 of the Draft EIR on page 3-2 are:

- To continue and extend operation of the existing Syar Napa Quarry for 35 years, thereby by providing a local, reliable, affordable, and consistent source of aggregate and aggregate-related materials to customers in the Napa region
- To expand the surface mining and reclamation plan by approximately 124 acres to allow for mining access to reliable, affordable, and a consistent source of aggregate and aggregate-related materials to customers in the Napa region
- To increase the annual permitted saleable quantity of aggregate and aggregate related materials from currently one million tons to two million tons

The above objectives, in addition to the supporting objectives (reference Section 3.2 for supporting project objectives), are the reasons for the proposed project, not the replacement of the Lake Herman quarry as the commenter states.

Response to Comment V-13

The commenter is correct in that there are conflicts between maximizing recovery of the minable material and maintaining compliance with the mitigation measures. Adopted mitigation measures will be enforced by the county and mining activities may be limited by compliance with them. Please also see Response to Comment V-14.

Response to Comment V-14

The commenter is correct in that it is likely that the prohibition against mining into the aquifer and implementation of other key mitigation measures will result in less material being recovered. The project is expected to extend 35 years into the future. Pre-design of the mine at each stage of development is difficult and prone to inaccuracies because the economics and technology available for material recovery cannot be accurately evaluated based on what is known today. Mining operations are inherently market sensitive and market value and need for specific types of material vary greatly over time. Until the economic value and market demand for material is known with precision the cost/benefit of mining (and implementing all of the mitigation measures) cannot be evaluated. Mitigation Measure 4.8.2 recognizes this constraint with respect to groundwater and requires that groundwater elevation and groundwater use be monitored and reported annually. Prior to mining the applicant is required to identify the groundwater elevation annually in the area from which the resource is recovered and implement mitigation measures as required.

Response to Comment V-15

Comment noted. Please see Response to Comment V-14.

Response to Comment V-16

Comment noted. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary. Also, please see Response to Comment V-2.

Response to Comment V-17

Section 3.3, "Site Information," paragraph 3 states that the project site "lies within an area of Napa County that accommodates a variety of uses. Surrounding uses immediately adjacent to the project site include vineyards to the south; recreation uses to the east and northeast (Skyline Wilderness Park); public institutional and educational uses to the north and northwest (Napa State Hospital, Chamberlin High School, Liberty High School, Creekside Middle School, Napa Preschool Program, Napa Child Development Center, and the County Office of Education); and industrial lands and SR 221 to the west. The Napa State Hospital and the northwest portion of the Skyline Wilderness Park separate the project site from the City of Napa. Other surrounding uses, including uses within the incorporated City of Napa, include educational (Napa Valley Community College), a cemetery (Inspiration Chapel and Napa Valley Memorial Park), recreation (John F. Kennedy Golf Course and Park), and office/industrial (Napa Valley Corporate Center) to the west, and residential (Terrace Shurtleff and River East Neighborhoods) to the north." No further information, with regard to adjacent/nearby uses, is necessary.

Response to Comment V-18

The description of the firing range on page 3-4, last paragraph in Section 3.3, is accurate and appropriate for the assessment of potential impacts. No further response is necessary.

Response to Comment V-19

The project description is detailed and adequate per CEQA Guidelines. As noted in Table 3-3 Syar Napa Quarry Annual Existing and Project Trips, of the Draft EIR, production under existing conditions is 810,364 tons per year. The project adds 1,190,000 tons per year. Under peak conditions, existing plus project, the quarry would operate at two million tons per year. The project sales represent a 147 percent increase over existing condition sales. In addition to sales information, Table 3-3 identifies imported materials as well. The data presented in Table 3-3 is accurate and was used in determining impacts to transportation, air quality, and greenhouse gas emissions. As impacts were calculated using the actual data presented in Table 3-3, potential impacts have been accurately reported in the Draft EIR. .

Response to Comment V-20

Implementation of the project does not result in larger trucks being used to export material. There is, however, a difference between the existing conditions and the peak production of two million tons with regard to the type of material being exported and the size of the loads being exported. The exported material and truck trips for the existing conditions, as shown in Table 3-3 of the Draft EIR, was calculated based on an average of actual sales data over a 5-year period. This data shows that jobs were smaller and trucks were not always leaving the facility with full loads (a full load is considered 25 tons). Load sizes

during this period ranged from 14 tons per load for aggregate sold to 25 tons per load for material transfers to other quarries, with an overall average of 18 tons per load, or nine tons per one-way trip. Under the rare peak production scenario of two million tons, the quarry would be running at full capacity to meet the demand of an unusually large project or responding to a natural disaster. In this scenario trucks would leave the quarry fully loaded at 25 tons, or 12.5 tons per one-way trip. In addition, the materials sold would shift. There would be a smaller percentage of aggregate and a higher percentage of asphalt sold under the peak condition as compared to the existing conditions. To determine the project export truck trips in Table 3-3, the export truck trips for the existing conditions was subtracted from the peak production trips. Because the existing conditions truck loads are smaller than the peak production truck loads, you cannot determine the project truck load size by simply dividing the project truck trips into the project tonnage.

Response to Comment V-21

As noted on page 3-14, second paragraph under Section 3.5.7, “it is anticipated that the quarry would typically operate approximately 250 days per year accounting for weekends, holidays, and other breaks in the production schedule.” Additionally, as noted on page 3-14, last paragraph, although the quarry would not operate 24 hours a day except in emergency situations, flexibility is required for public transportation work. Please see Response to Comment A-5 regarding proximity to an existing quarry.

Response to Comment V-22

The Syar Napa Quarry Reclamation Plan was prepared pursuant to the SMARA Statutes and Regulations and Napa County Code Chapter 16.12 (Surface Mining and Reclamation). Reclamation activities will be undertaken according to industry standards. Reference Section 3.5.1 (Proposed Mining and Reclamation Plan), on page 3-8, for a description of interim reclamation activities. No further response is necessary.

Response to Comment V-23

Please see Response to Comment V-22.

Response to Comment V-24

Please see Response to Comments V-22 and V-23.

Response to Comment V-25

Section 3.5.1 beginning on page 3-7 describes the proposed Mining and Reclamation Plan prepared pursuant to SMARA and Napa County Code Chapter 16.12 (Surface Mining and Reclamation). This section also identifies the Adaptive Management Mining Strategy, and the annual mining plan (with administrative report) in detail. Page 4.10-1, Section 4.10.2.1, first paragraph, provides information on Napa County’s authority to regulate as follows, “Napa County has been delegated authority from the state to enforce SMARA in all unincorporated areas of the county. As such, the county is responsible for

adopting a mining ordinance, issuing permits to mine, reviewing and approving reclamation plans and amendments, reviewing and approving financial assurances, and conducting annual inspections."

Response to Comment V-26

Under peak project conditions trucks entering and exiting at Intersection 3 (the quarry entrance) would increase during the AM and PM between zero and 47 percent, depending on the turning movement and time. The Traffic Impact Study evaluated sight distance and intersection safety at each of the eight study intersections. The study concluded that the existing sight distance at all study intersections is acceptable per the Caltrans Highway Design Manual. In addition, the study looked at collision rates over a 5-year period and concluded that existing collision rates at Intersection 3 are at or below the state average. Therefore, no existing safety hazard was identified. The entrance to the quarry has had several improvements completed to improve overall intersection safety, reduce the potential for collisions, and reduce the potential for delays on SR 221 from trucks entering and exiting the quarry. These improvements include a southbound left turn lane allowing trucks to move out of the flow of traffic prior to turning left into the quarry; a southbound acceleration lane allowing trucks to pick up speed prior to merging into traffic on SR 221; and northbound acceleration and deceleration lanes into and out of the quarry entrance to allow for smoother transitions, improving safety, and reducing delays.

Response to Comment V-27

Section 3.5.7 (Schedule and Hours of Operation) beginning on page 3-14 provides in detail the schedule and hours of operation by activity (i.e., regular aggregate mining, processing, asphalt plant operation and sales). No further response is necessary.

Response to Comment V-28

Please see Response to Comment V-8.

Response to Comment V-29

Two hundred thirty one (231) potentially sensitive receptor sites were identified, of which 12 representative sites were selected for visual simulation analysis. The Composite Viewshed of Project figure (Figure 4.1-3) illustrates that the sightlines with greatest views of the project would be from distant, relatively high ridges. Figure 4.1.1 describes the "distance zones" that were analyzed, while Figure 4.1-2 shows the landscape similarity zones analyzed. It is not feasible to analyze all potential impacts to all potential "sensitive receptors" (such as every park or individual houses). Instead, the analysis uses 12 different representative simulation viewpoints from various angles, orientations, and distances from within various landscape similarity zones. These 12 simulation viewpoints serve as representative examples for other locations that have similar angles, orientations, distances, or landscape similarity zones.

Visibility exposure for all sites within five miles of the project site was assessed in Figure 4.1-3 (Composite Viewshed of Project). Topography to the north of the quarry provides a greater level of visual shielding to communities to the north such as South Napa, with only minimal views of surface changes.

These are expressed in the Composite Viewshed figure as zero to 15 percent view of the project. Beyond ridgelines to the west, industrial development in the Rocktram neighborhood and agricultural land has the greatest level of visual exposure, for which less than 25 percent of the project may be visible.

Many areas within the Foreground view are shielded from views of the quarry by the relative angle of the view, and other features such as trees and buildings which obstruct quarry views.

Response to Comment V-30

Please see Response to Comment V-29.

Appendix F of the Draft EIR (Aesthetics Special Study) includes Table 1: Likelihood of Views and View Quality in Landscape Similarity Zones by Distance Zones which discusses the likelihood of views by distance from the project site. While the commenter does not specify where effects should have been analyzed from, it is inferred that the commenter believes Napa Country Club is too far away. The above-referenced table explains use of an open space area over closer urban/suburban land uses. Developed areas will have more screening from vegetation and other buildings than less developed areas that are farther away.

The project's Composite Viewshed analysis referenced elsewhere would have indicated any exposed views to developed areas closer than the Napa Valley Country Club. Neighborhoods north of the quarry were found to have minimal changes to their views as a result of the maximum quarrying scenario.

Response to Comment V-31

The modeled visibility of quarried areas has been analyzed and summarized in the Composite Viewshed of Project analysis and figure (Figure 4.1-3).

Response to Comment V-32

Cross Sections analyze the interior of the mining areas grading and do not include topography beyond the project's property lines. Cross-Section F captures a representative view of the State Blue Pit area at maximum excavation, with worst-case depths of excavation, slope steepness, and bottom pit conditions. A section to the east of Cross-Section F would show gentler slopes and a shorter pit distance and would not provide a better understanding of visibility issues.

A better measure of the pit's visibility to the public from different vantages is the Composite Viewshed of Project figure (Figure 4.1-3) and Viewshed and Line-of-Sights Site N64 (Figure 4.1-14), which shows only minor backslope exposure. The rationale for using N64 as a photopoint as opposed to closer sites is based, as noted elsewhere, on the Composite Viewshed's visibility analysis and Table 1: Likelihood of Views and View Quality in Landscape Similarity Zones by Distance Zones.

Response to Comment V-33

The visual analysis in Section 4.1 (Aesthetics) of the Draft EIR provides a thorough and detailed assessment of potential aesthetic impacts of the proposed project as described in the project description. The simulations show the impacts of the proposed project at the conclusion of the implementation of the project. Visual impacts in the intervening years between the initiation and conclusion of the project would be less than those at the conclusion (year 35).

Response to Comment V-34

Comment noted.

Response to Comment V-35

The 2011 monitoring results were adequately disclosed in the Draft EIR. $PM_{2.5}$ is measured every six days and there was only one day, December 17, 2011, that exceeded the $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS) reported by CARB Air Quality and Meteorological Information System (http://www.arb.ca.gov/aqmis2/aqmis2.php; Attachment 1 in Appendix A). However, the number of days exceeding the standard is extrapolated to be six days due to the sampling frequency. This value was reported for the Vallejo monitoring station. The closest monitoring station to the project, the Napa Monitoring Station, began monitoring $PM_{2.5}$ in December 2012 and reported only one day exceeding the $PM_{2.5}$ standard in 2013 (Attachment 2 in Appendix A). As shown in Attachment 2, the Napa station has even fewer days of exceedance and lower average daily concentration than the Vallejo Station. Other years reported for Vallejo in Draft EIR Table 4.3-5 range from zero to seven days exceeding the standard which is consistent with the six days reported in 2011 and the six days reported for 2013 (Attachment 2). In summary, the six days of exceedances are unremarkable and do not warrant additional commentary or consideration beyond listing in Table 4.3-5.

Response to Comment V-36

The daily significance thresholds apply to the average daily emissions as discussed in Response to Comment V-5.

Response to Comment V-37

Conservative baseline data were used by excluding units with less than 100 hours over five years from the existing condition, which actually overstates the project impact. Moreover, the In-Use Off-Road Regulation defines low-use as less than 200 hours per year which is 10 times the low-use standard (i.e. 20 hours per year) that was applied. Nevertheless, the historical equipment list and usage data provided by Syar was inadvertently omitted from the Draft EIR and is included in this Final EIR (Attachment 3 in Appendix A).

Response to Comment V-38

Comment noted; however, the figures for Appendix I belong in Appendix I and having duplicates could lead to confusion for the reader.

Response to Comment V-39

At 4,000 tons per load it would take approximately eight hours to unload the barge and the barge makes relatively few trips as compared to other modes of transportation having smaller payloads (e.g. rail, on-road). Barges would be tied to the dock during unloading and thus there would be no need for tugs to be standing by with engines idling. Idling is assumed to occur for one hour during each arrival and departure. The idle horsepower was assumed to be equal to the train engine idle horsepower (17 hp). Additional research (Harbor Craft Emissions Inventory Database) indicates that idling horsepower for harbor craft may be as high as 10 percent load. For two tugboats of 525 hp each the idle horsepower would total 104 hp. This value is 6.12 times greater than was assessed in both the Baseline and project scenarios and would increase the project change in emissions from 0.28 lbs/yr to 1.36 lbs/yr. Even if the idling emissions are greater than assessed it would not result in a substantive change to the analysis because the barge idling would: 1) remain a nominal source of diesel particulate matter (DPM) emissions and health risk in the context of the overall project (i.e., Table 4.3-12 reports project change in DPM of 0.77 tons (1,540 lbs/yr); 2) not influence the risk levels at the point of maximum impact or nearest residential/sensitive receptor which are both over one mile away (BAAQMD HRA methods would ordinarily exclude sources at that distance); 3) be reduced by phasing in of in-use commercial harbor craft engine regulations which could have been, but were not, accounted for in the AQHRA; and 4) be offset by reductions in risk resulting from Mitigation Measures 4.3-2A and 4.3-3.

Response to Comment V-40

The average trip distance of 14.7 miles is the longest default trip distance available in the CalEEMOD model that is used statewide to evaluate projects under CEQA. The default trip distances in CalEEMod were provided by the air districts or a default average for the state was used (CalEEMod User's Guide Appendix A). In the absence of specific data for the actual average trip distance, the 14.7 mile value is an appropriate average trip distance consistent with the regional nature of aggregates use. Some trips will be less than five miles (e.g. City of Napa, proposed Napa Jail Project is zero miles), some will be around 10 miles (e.g. Vallejo & Sonoma), and other trips will be 25 miles or more. Overall, the distance traveled is expected to average 14.7 miles. As discussed in the recently published Update of Mineral Land Classification of Aggregate Materials in the North San Francisco Bay P-C Region (CGS 2013), the P-C Region is currently importing almost 10 percent of the total aggregates consumed and nearly one-third of the Portland Concrete Cement (PCC) aggregates consumed from Canada (P. 33, CGS). Moreover, the P-C Region is forecasted by CGS to have only 10 years of permitted aggregates reserves remaining. Regardless of the length of trip chosen for the project, it is reasonable to expect transportation emissions would be greater without the project because materials already travel greater distances from locations outside the region to consumers inside the region and the long term forecast indicates scarcity in future regional supplies of aggregates which would result in even greater amounts being shipped long distances. Lastly, the on-road emissions assume that all future growth in regional aggregates

consumption is attributed to the project, which results in an overly conservative estimate. The project should only be required to account for its fair share of future growth. During the baseline years 2005 to 2009, the P-C Region consumed an average of 6,015,400 tons per year (P. 26, CGS) and the Syar Napa Quarry accounted for 810,363 tons per year (P. 3-5, Draft EIR); or approximately 13 percent. The project would produce up to 2,000,000 tons per year (P. 3-5, Draft EIR) which is approximately one-third of the baseline consumption rate. Accordingly, the project's fair share would be at least 66 percent less than the amount attributed in the Draft EIR and that reduction would more than offset any variation of actual trip lengths from the CalEEMod default assumption.

Response to Comment V-41

Comment noted.

Response to Comment V-42

Mitigation Measure 4.3-2A requires the log to be updated "as necessary for the Owner/Operator to ensure compliance with this mitigation, but not less than semi-annually." The semi-annual requirement is sufficient because the impact is evaluated on a tons per year basis. Thus, exceedences would come to light in time for adjustments to be made so that the annual emissions threshold would not be exceeded either by curtailing production or by upgrading the offroad engines.

Response to Comment V-43

Mitigation Measures 4.3-2A and 4.3-2B are enforceable as discussed in the Mitigation Monitoring and Reporting Program (separately bound) of this Final EIR. Syar's operations must be conducted within the parameters of its permits and conditions, and any contractual obligations Syar incurs that conflict with those parameters would not be considered in enforcing the requirements of these mitigation measures and associated conditions of approval, should the project be approved.

Response to Comment V-44

The Draft EIR emissions levels assume chemical dust suppressants and PM_{10} efficient sweepers which, if comprehensively applied, would result in an emissions reduction as shown in Draft EIR Table 4.3-11. However, the mitigation measure language would allow for slightly less mitigation provided that emissions would remain less than significance thresholds. The $PM_{2.5}$ emissions are reduced when throughput is increased to 945,000 tons per year because road dust dominates the $PM_{2.5}$ emissions inventory and is reduced by application of Mitigation Measure 4.3-2B at production levels exceeding 810,363 tons per year, which is the baseline level of production. The dust will be suppressed for both existing and new trips, therefore, a reduction of the road dust formerly generated by existing trips is anticipated resulting in a benefit to the environment.

Response to Comment V-45

Mitigation Measure 4.3-2A: Reduce NO_x will now include "The County will either hire a consultant or enlist the air district to assess initial compliance and determine whether the complexity of the task requires further outside assistance in future years," (reference Section 2 (Revisions to the 2013 Draft EIR) of this Final EIR for additional mitigation language)

Response to Comment V-46

No such reference to MST is apparent on Page 4.8-9 of the Draft EIR. This section of the Draft EIR (4.8.1.3 Groundwater) is a general discussion related to the Conceptual Model for the hydrogeologic environment and anticipated general conditions in the immediate vicinity of the project site based on existing information. The Draft EIR includes project site and project specific analysis of groundwater and potential impacts in Impact Discussions 4.8-2 through 4.8-4. Furthermore, only a small portion of the MST area occurs on the very western extent of property as shown in Figure 4.8-5; a vast majority of the project site and project are not within the MST area. Also, please see Response to Comment V-3.

Response to Comment V-47

Mitigation measure 4.8-2 and 4.8-3 were developed for different situations which are existing conditions at the quarry. Mitigation measure 4.8-2 is proposed for all areas where the existing ground surface is above the potentiometric groundwater elevation. The key element of mitigation measure 4.8-2 is to maintain a ground surface which is 10 feet above the potentiometric groundwater elevation. This effectively prevents mining in the aquifer. Mitigation measure 4.8-3 is proposed for areas where the existing ground surface is below the elevation of the potentiometric groundwater elevation (e.g. State Blue Pit). In this case, the key element of Mitigation Measure 4.8-3 prevents pumping pit water if it is transferred to another watershed. Mitigation Measure 4.8-3 was developed to maintain groundwater recharge in the area where open bodies of water have been created by previous mining activities (e.g. State Blue Pit). Mitigation Measure 4.8-2 was developed to prevent the creation of more open bodies of water such as State Blue Pit. Both Mitigation Measure 4.8-2 and 4.8-3 can be simultaneously implemented.

Response to Comment V-48

Under the proposed project, large areas of the upper Arroyo Creek Watershed (Snake Pit or Arroyo 3 Area) will have extensive excavations and mining of rock. These activities will result in much steeper slopes at the edges of the excavation and a larger area at the bottom of the excavation area with a greatly reduced slope. The finished grading in the bottom of the excavation will be contoured so that runoff is directed to the recharge areas in the Arroyo Creek aquifer or to the creek itself. The steeper edges and graded excavation floor will result in increased runoff rates which will be mitigated by the creation of detention ponds above the Arroyo Creek aquifer (see Appendix J Figure A.11 for aquifer location). Therefore, with mitigation incorporated, the overall infiltration for the watershed is not expected to be adversely affected as discussed in Section 4.8 (Hydrology and Water Quality), Impact discussion 4.8-2 of the Draft EIR (also, please see Response to Comment V-50).

Response to Comment V-49

The commenter is correct in that the “subsurface water” provides important contribution to aquifer recharge. The discussion regarding “subsurface water” has been clarified in Response to Comment V-4.

The commenter is correct with regard to the necessity to determining the elevation of groundwater prior to initiating mining in an area and that mining will modify the infiltration of “subsurface water.” The Draft EIR Mitigation Measure 4.8-2 specifies that springs created as a result of mining be monitored and that the flow from these springs be redirected as recharge to the aquifer. Mitigation Measure 4.8-2 also requires that exploratory borings be installed in any mining area expected to extend to within 50 feet of the groundwater elevation. This data is required prior to mining down to within 10 feet of groundwater. The Annual Groundwater Elevation Monitoring and Use Report prepared under the direction of a qualified Professional Engineer or Professional Geologist is also required.

Response to Comment V-50

Infiltration at the project site occurring under the proposed project would occur in multiple processes. The processes would occur differently based upon where the infiltration was occurring. The different conditions for infiltration are: deep ponds (State Blue Pit, State Grey Pit, and Shooting Range), detention ponds in upper areas (Snake Pit and Arroyo Creek Aquifer), lower detention ponds, and Arroyo Creek.

Infiltration in deep pits occurs through fractures in the rock. It is assumed that these fractures ultimately convey the water to the regional alluvial aquifer, both within the MST and adjacent areas. The pits were created by mining rock and the walls of the pits are primarily rock. The pits are quite deep with large areas of vertical exposed rock surfaces. During the mining process, seeps in the rock faces were observed leaking water into the excavations. Water was observed primarily on the uphill sides of the pits. Once the mining in the pits is completed water is collected in the pits from surface water runoff and the exposed seeps in the walls of the excavations. Water levels in the pit are then raised above the seeps in the rock face where it can then infiltrate into the fractures. The amount of infiltration in the deep pits was estimated using a water balance approach which was summarized in Section 3.5 of Appendix J. With the removal of material under the proposed project and the routing of stormwater runoff into the pits this will likely result in an overall increase in the amount of groundwater infiltration to the adjacent regional aquifers. While sedimentation in these pits will occur over time, the depth of the pits will allow for large volumes of material to accumulate. The depth of water in these pits will create significant hydraulic head at the submerged seeps which supports increased infiltration.

Infiltration in the upper area detention ponds would occur by infiltration into the local Arroyo Creek Aquifer. The detention ponds would be located over the aquifer and sized to mimic the pre-project runoff condition for flow rate in Arroyo Creek. Water infiltrated into the Arroyo Creek Aquifer would then either enter Arroyo Creek or enter the regional alluvial aquifer in the lower reaches of the watershed as it does in pre-project conditions. Detention ponds would need to be maintained (removal of sediment) in accordance with the project’s SWPPP.

Infiltration in the lower detention ponds would occur by infiltration directly into the alluvial aquifer. The detention ponds would be located over the aquifer and sized to mimic the pre-project runoff conditions. Detention ponds would need to be maintained (removal of sediment) in accordance with the project's SWPPP.

Infiltration associated with Arroyo Creek in the lower reaches would not change because the flow rate of Arroyo Creek will not be changed under project conditions.

Response to Comment V-51

The evapotranspiration was explicitly calculated and the impacts of increased water surface area in ponds were included in the calculation. The process is described in Section 3.4.2 of the Draft EIR with the resulting values presented in Tables 4, 5, and 6 of Appendix J.

Response to Comment V-52

The amount of water used for watering roads and sand washing is relatively low (approximately 15 percent of total water demand) and any shortfalls in water would be made up with the import of water, on-site water savings, or through other off-site sources. Also, please see Response to Comment G-3.

To ensure that an increase in historic groundwater use at the facility does not occur as a result of the proposed surface mining project, the following condition of approval shall be implemented, should the project be approved:

Water Supply and Use – Condition of Approval:

The water source for surface mining and reclamation activities conducted and maintained pursuant to #08-00337-SMP, including but not limited to dust control, production and processing activities, and re-vegetation in excess of 140.6 acre-feet per year shall be from a source other than groundwater, unless and until a modification of #P08-00337-SMP has been conducted by the county to evaluate an alternate water supply, such as but not limited to groundwater, pursuant to the CEQA, and county policies.

Response to Comment V-53

It is possible that along the edge of the mine there will be a die-off of shallow rooted plants; however, this is accounted for in the 50-foot buffer/exclusion area identified in Figure 4.8-10 in Appendix J. Additionally, in Biological Resources Impact 4.4-9 discussion the potential indirect loss of vegetation (in particular oak woodland) located along fringe areas adjacent to mining activities.

Response to Comment V-54

The commenter is correct in that both images use the same USGS base map to convey the conceptual position of the Syar Napa Quarry relative to the lower elevations of the mountains. The commenter is also correct in that the intent was to use identical images in both portions of the Draft EIR (page 4.8-9 and

Appendix J). The red outline of the project area was shifted up 1/8 of an inch on page 4.8-9 by error during transfer of this graphic from Appendix J to the body of the Draft EIR. As the commenter noted the image title is also out of position. However, neither of these two minor image errors detracts from Image 2's intent or the validity of the overall analysis for disclosure purposes.

Response to Comment V-55

The commenter is correct in that the boundary between the southern MST and the Jamieson/American Canyon subarea is a political boundary and is not based on a hydrogeologic boundary. Therefore, there is the possibility that pumping from the Latour Court well is part of the existing conditions for the southern part of the MST. The technical evaluation provided in the Draft EIR does not assume that there is a hydrogeologic boundary separating the southern MST from the Jamieson/American Canyon subarea. The evaluation and findings address the actual hydrogeologic conditions and ignore the political boundary.

Response to Comment V-56

It is not clear if the commenter is asking a question. The commenter states "no mention of "filtration" is made …". If it is assumed that the commenter means infiltration instead of "filtration" than this comment will be addressed in Response to Comment V-50.

Response to Comment V-57

The drainage into State Blue Pit is addressed in Section 2.3.2 of Appendix J "The State Blue Pit watershed collects overland drainage into an active hardrock mining pit located on the north end of the Quarry. Under current conditions, overland flow originating in the contributing watershed concentrates in a deep pit referred to as State Blue Pit that has a bottom elevation of approximately 100-ft (above msl). Under existing conditions, the pit intercepts all surface drainage and prevents overland drainage from continuing off-site."

Additional information on water entering State Blue Pit is discussed in Section 3.3.1, Appendix J. "Additionally, these basalt rock exposures do not appear to be saturated with water during the wet or dry season, and the water levels in State Blue Pit pond at the bottom of this basalt excavation do, however, fluctuate up and down regularly. These observations indicate that the State Blue Pit pond at the bottom of the excavation is occupying the void space of the excavation and is fed from, rain, overland flow from rain, and by a limited number of fractures conveying infiltration occurring upgradient. Therefore, water captured within the State Blue Pit pond and the resultant water surface elevation does represent a regional groundwater potentiometric surface that would have existed had the area not been excavated; however it represents a volume of water that is conveyed downgradient, but the flow out is restricted by the limited number of fracture and joint systems. Additional water may enter the pond through up gradient fractures or over land flow faster than it can be re-infiltrated through down gradient fractures. This means that the surface elevation of this pond can be temporarily higher than the regional potentiometric elevation." Water lost due to uses such as dust control is addressed in the Water Supply Assessment, Appendix K.

The method of calculating infiltration in State Blue Pit is described in Section 3.4.4 and the amount of water infiltrated in this pit is tabulated in Table 6, Appendix J. This information is used in the water balance analysis. The results of the water balance are described in Section 3.5 and graphically presented in Figure 22, Appendix J.

Response to Comment V-58

The proposed mitigation measures are designed to ensure that appropriate recharge to the aquifer is maintained. While the project as evaluated extends to a depth of 50 feet msl it is possible that application of the proposed mitigation measures will make this mining depth too complex or expensive to undertake.

Response to Comment V-59

As a technical point, an increase in infiltration will result in an increase in the elevation of the potentiometric surface elevation (or groundwater elevation). One of the goals of the mitigation measures is to maintain the groundwater elevations in the neighboring wells at levels which are consistent with existing conditions. It is expected that water elevations will fluctuate in wells based on the amount of rainfall in a particular season. The mitigation measures (in Section 4.8) are developed to avoid having the project influence the infiltration process in such a way as to interfere with the use of neighboring wells.

Response to Comment V-60

Comment noted. The discussion on Page 4.11-5 lists the land uses that border Syar Napa Quarry. Residential land uses are sensitive receptors to both noise and vibration, and are the focus of the impact analyses as summarized in the Impacts and Mitigation Measures section of the Draft EIR.

Response to Comment V-61

Noise monitoring conducted within Skyline Park near the Horse Arena (LT-4) documented ambient noise levels from Tuesday, October 6, 2009 to Monday, October 12, 2009. Based on a review of the noise data, ambient noise levels at Site LT-4 may have been influenced by mowing activities on Wednesday, October 7, 2009 (52 dBA Ldn); however, the noise data collected on the remaining days and over the weekend were not influenced by mowing noise (46 to 47 dBA Ldn). The data contained in Table 4.11-4 indicates that the range of hourly average noise levels on weekdays and weekends were very consistent. The data collected during the noise monitoring survey remain valid although one day's worth of noise data may have been influenced by mowing noise. Additionally, by definition the ambient noise level should include such intermittent background noises of the surrounding environment, such as noise from animals (such as geese and crows), traffic along roadways (including trash collection vehicles or other commercial vehicles), and from agricultural uses (such as tractors and wind machines) to appropriately characterize the noise environment of the area.

Response to Comment V-62

Draft EIR Table 4.11-4 presents the range of hourly average noise levels measured at all five long-term noise monitoring sites from Tuesday, October 6, 2009 to Monday, October 12, 2009. The range of noise levels shown in this table is reflective of noise conditions during the peak traffic periods as well as during the evening and nighttime.

Response to Comment V-63

Please see Response to Comment V-62. As noted on Page 4.11-7, first paragraph, backup alarms were audible but not measurable above ambient noise levels generated by traffic.

Response to Comment V-64

The noise analysis uses several criteria to assess the significance of noise impacts from quarry operations upon sensitive receivers in the vicinity of the project. The Napa County Noise Ordinance includes noise limits that specifically address short duration sounds. The maximum instantaneous noise levels of short duration sounds from back-up alarms are not calculated to exceed the noise limits for short duration sounds set forth in the Noise Ordinance.

Response to Comment V-65

The noise analysis assessed the potential for noise impacts at credible worst-case receptor locations located nearest the quarry. Because noise levels attenuate with distance from the noise source, noise levels at the receptor locations nearest the quarry would have the greatest potential to exceed the Napa County Noise Ordinance limits. Mitigation Measure 4.11-1 is designed to reduce noise levels such that the project would not violate noise standards established in the Napa County General Plan and Napa County Noise Ordinance at the nearest receptors. It follows that mitigated noise levels at more distant receptors would also be in compliance with the Napa County General Plan and Napa County Noise Ordinance.

Response to Comment V-66

This general comment does not comment on the adequacy of the Draft EIR. No further response is necessary. The commenter's general concern will be forwarded to the decision-makers, via this document, for their consideration.

Response to Comment V-67

Significance thresholds used in the project's impact analysis were derived from applicable Napa County General Plan standards and Napa County Noise Ordinance limits.

Response to Comment V-68

Comment noted. Please see Response to Comment V-67.

Response to Comment V-69

Impact 4.11-1 notes that because mining equipment typically generates steady noise levels while in operation, the most restrictive noise limit for the purposes of the assessment was determined to be the L_{50} (the noise level exceeded 30 minutes in any hour). For steady noise, the L_{50} noise limit is the lowest noise limit and would be exceeded before any of the other noise limits contained in the code.

With the exception of backup alarms, quarrying noise would not be considered to be tonal, repetitive (such as hammering or riveting), or contain music or speech. For this reason, no correction for the character of sound would be required in the assessment of noise generated by mining and the appropriate noise limit for such noise is 50 dBA L_{50}.

Infrequent and short-duration sounds resulting from backup alarms could be considered to be tonal. However, the just audible sounds resulting from backup alarms would not be expected to approach the daytime or nighttime noise limits even when adjusted down five dBA to account for tonality (70 dBA L_{max} daytime and 65 dBA L_{max} nighttime) or ambient maximum instantaneous noise levels during daytime or nighttime periods.

Response to Comment V-70

Please see Response to Comment V-69.

Response to Comment V-71

Comment noted. The commenter's general concern will be forwarded to the decision-makers, via this document, for their consideration

Response to Comment V-72

Comment noted. Impact 4.11-3 notes that, "…atmospheric conditions can contribute to situations where distant receivers would be able to distinguish noise from project operations that would otherwise not normally be audible. However, audible sounds would not exceed hourly average or daily average noise level standards at distant, shielded receivers." Noise impacts were determined to be less-than-significant and additional mitigation is not required.

Response to Comment V-73

Comment noted. The commenter's general concern will be forwarded to the decision-makers, via this document, for their consideration.

Response to Comment V-74

The noise analysis assumed that rail trips resulting from the proposed project would occur during regular daytime operational hours.

Response to Comment V-75

Please see Response to Comment V-74.

Response to Comment V-76

The proposed project is not expected to increase traffic volumes along Imola Avenue east of State Route 221 and therefore is not expected to make a “cumulatively considerable” contribution to increased traffic noise levels at receptors in the Imola Avenue vicinity.

Response to Comment V-77

Imola Avenue is a four-lane collector west of SR 221, and a two-lane collector east of SR 221. The county appreciates the clarification.

Response to Comment V-78

According to the BookletChart, San Pablo Bay NOAA Chart 18654, dated April 2014, the Napa River depth is 14 to 15 feet in the straight portion of the river opposite the Horseshoe Bend and downstream of Kaiser Road where the barges are loaded.

Response to Comment V-79

Refer to Response to Comment V-26.

Response to Comment V-80

The total daily trips are identified in Table 4.15-12 on page 4.15-19 of the Draft EIR. In the context of determining noise impacts, looking at total volume is appropriate. However, traffic impacts are determined looking only at the peak hour conditions. In the case of this EIR, the threshold is whether the project would contribute greater than 50 peak hour trips to the intersections studied.

Response to Comment V-81

Refer to Response to Comment V-20.

Response to Comment V-82

The determination and assignment of project generated trips was performed in accordance with Caltrans, County of Napa, City of Napa and Napa County Transportation and Planning Agency guidelines and requirements. These guidelines and requirements do not include a requirement to convert truck trips to passenger car equivalents.

Response to Comment V-83

The Draft EIR found a project specific impact at Intersection 3 to be significant and includes Mitigation Measure 4.15-1 Transportation Demand Management Program to mitigate the impact to less than significant. The quarry will be required to restrict sales during the AM peak so that the addition of 50 truck trips is not exceeded. At other intersections no significant impacts requiring mitigation were identified. Furthermore, the project does not rely on the Highway 29/221 flyover to mitigate traffic impacts.

With regard to the *Suscol Flyover Improvement Project*, while implementation and realization of this project may not occur in the near future, it is inaccurate to characterize it as a “largely fictional” project. A Draft EIR (SCH #2009072094) has been circulated by The California Department of Transportation District #4 for this project and the Final EIR is currently being prepared for circulation.

Barrella, Donald

From: JoVu7@aol.com
Sent: Monday, September 23, 2013 12:56 PM
To: Barrella, Donald
Subject: SYAR NAPA QUARRY EXPANSION

RECEIVED
SEP 23 2013
Napa County Planning, Building & Environmental Services

To Mr. Barrella,
Thank you for sending me the draft of the Syar Napa Quarry expansion project.

I have lived here in Napa for most of my life and only about a quarter mile from Skyline Park. My concerns are about keeping Skyline Park a safe and natural place for the citizen's of Napa to enjoy the benefit of the beauty of the great outdoors. Myself and many other volunteers have dedicated ourselves to preserving this special place, so close to the heart of Napa. Thousands of citizens of Napa treasure Skyline Park. It is a wilderness Park where many activities abound on the nature trails we have preserved over the years. Hiking, horseback riding, biking, bird watching, camping, picnicking are among a few of the activities. There are beautiful, old oak trees to behold, rock formations to view, creeks, streams, lakes and much wildlife and birds for our citizens to ponder. W-1

To have these activities right here for us to enjoy has brought Park users much joy! At a time when many work indoors and relish outdoor activities, the Park clears their minds and releases their bodies from everyday stress.

I would hope it can stay that way. The quarry is planning to double in size and expand its boundary, with dynamiting and soil extraction using large machinery next to our wilderness Park. Please consider what this Quarry will present next to a Natural Wilderness Park. It is so disturbing just to think of how it will affect the nature of Skyline Park. Consider the noise, the air pollution, the trees, soil, landscape that will be destroyed, birds that will be displaced and the wildlife that will be disturbed. W-2

Keep Skyline Wilderness a tranquil and peaceful place for our citizens to come and enjoy as it has always been for the last 30 years. This Park is not only for NOW, it will be for here our future generations. W-3

To Mr. Barrella,
Thank you for sending me the draft of the Syar Napa Quarry expansion project.

I have lived here in Napa for most of my life and only about a quarter mile from Skyline Park. My concerns are about keeping Skyline Park a safe and natural place for the citizen's of Napa to enjoy the benefit of the beauty of the great outdoors. Myself and many other volunteers have dedicated ourselves to preserving this special place, so close to the heart of Napa. Thousands of citizens of Napa treasure Skyline Park. It is a wilderness Park where many activities abound on the nature trails we have preserved over the years. Hiking, horseback riding, biking, bird watching, camping, picnicking are among a few of the activities. There are beautiful, old oak trees to behold, rock formations to view, creeks, streams, lakes and much wildlife and birds for our citizens to ponder. W-4

To have these activities right here for us to enjoy has brought Park users much joy! At a time when many work indoors and relish outdoor activities, the Park clears their minds and releases their bodies from everyday stress. W-5

I would hope it can stay that way. The quarry is planning to double in size and expand its boundary, with dynamiting and soil extraction using large machinery next to our wilderness Park. Please consider what this Quarry will present next to a Natural Wilderness Park. It is so disturbing just to think of how it will affect the nature of Skyline Park. Consider the noise, the air pollution, the trees, soil, landscape that will be destroyed, birds that will be displaced and the wildlife that will be disturbed. W-6

Keep Skyline Wilderness a tranquil and peaceful place for our citizens to come and enjoy as it has always been for the last 30 years. This Park is not only for NOW, it will be for here our future generations. W-7

Sincerely,

Marjorie Vulk 1195 4th Avenue, Napa CA 94559 707 224-6902

Letter W Response to Comments

Response to Comment W-1

This is an introductory comment thanking the county for sending the Draft EIR and explaining the many benefits of Skyline Wilderness Park. This general comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment W-2

Information in this comment is incorrect. The quarry is not doubling in size and is not expanding the boundary of its holding (or project site). The quarry is proposing a 124-acre expansion of the existing 497 acres presently disturbed by mining (or mining and reclamation area/footprint) within the existing 870-acre project site boundary. The remaining text of Comment W-2 does not make any specific comment on the adequacy of the Draft EIR. No further response is necessary. Also, please see Response to Comment A-5.

The commenter's general concerns will be forwarded to the decision-makers, via this document, for their consideration.

Response to Comment W-3

Comment noted. This general comment does not comment on the adequacy of the Draft EIR. No further response is necessary. The commenter's general concerns will be forwarded to the decision-makers, via this document, for their consideration.

Response to Comment W-4

Please see response to Comment W-1 (comments W-4 and W-5 is a duplicate of comments W-1) and do not make any specific comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment W-5

Comment noted, see response to Comment W-4. This general comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment W-6

This comment is a duplicate of Comment W-2. Please see Response to Comment W-2.

Response to Comment W-7

This comment is a duplicate of Comment W-3. See Response to Comment W-3.

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

October 2, 2013
CIWQS File No. 259835

Sent via electronic mail: No hard copy to follow.

RECEIVED
OCT - 2 2013
Napa County Planning, Building
& Environmental Services

County of Napa
1195 Third Street, Suite 210
Napa, CA 94559
Attn: Mr. Donald Barrella
e-mail: Donald.barrella@countyofnapa.org

Subject: Regional Water Board Comments on Syar Napa Quarry Surface Mining Permit #P08-00337 Draft EIR, August 2013

Dear Mr. Barrella:

The San Francisco Bay Regional Water Quality Control Board (Regional Water Board) appreciates the opportunity to comment on the County of Napa's August 2013 draft Environmental Impact Report (draft EIR) for the Syar Quarry Surface Mining Permit #P08-00337 Project (Project). The Project is to provide for an approximate 124-acre expansion of the surface mining and reclamation plan associated with aggregate processing, production, and sales, as currently permitted. The Project would result in an approximately 124-acre expansion of the existing 497 acres presently disturbed by mining at the 870-acre Project site and allow mining to continue for a 35 year term, including an increase in the mining depth from between approximately 300 feet and 150 feet above mean sea level to no greater than 50 feet above mean sea level, and an increase in sales of aggregate and aggregate related materials from current levels of approximately 1 million tons per year up to approximately 2 million tons per year. X-1

As described in the draft EIR, aquatic features identified on the Project site include sediment basins, quarry pits, and other man made constructed ponds, as well as seasonal and perennial wetlands, creeks, seeps, and other drainages, culverts, and seasonal and perennial wet areas. A number of seasonal wetlands and other waters have been determined to be beyond the United States Army Corps of Engineers (USACE) federal jurisdiction, but may be subject to the regulatory authority of the California Department of Fish and Wildlife (CDFW) and/or the Regional Water Board. These areas may include seasonal portions of drainages, isolated perennial and seasonal wet areas, isolated seeps, culverts, sediment basins, quarry pits, and artificial constructed ponds. X-2

The proposed Project would impact 0.4 acres of federally jurisdictional wetlands and other waters of the United States, and potentially up to 8 more acres of waters of the State. The Project proposes to mitigate for such impacts through the avoidance and preservation, creation, restoration, and/or enhancement of wetlands and other waters, to be proposed as part of the development of a detailed mitigation and monitoring plan. The result of these efforts, in combination with compliance with Clean Water Act Sections 404 and 401, the California Department of Fish and Wildlife Code, National Pollutant Discharge Elimination System regulations, and local standards and policies, would be either avoidance of existing features, or on or offsite mitigation. The Project proponent states in the draft EIR that onsite mitigation may not be feasible because there are no accessible remaining undisturbed areas suitable for wetland creation not already planned for Project activities. As such, compensation mitigation would be located off-site, either by creating mitigation wetlands or other waters within the same watershed as the Project, or by purchasing mitigation credits from an approved mitigation bank at a ratio of 2:1 or as otherwise approved by the United States Army Corps of Engineers and the Regional Water Board. X-3

Regional Water Board Comments:

1. State and Water Board Policy require that impacts to wetlands and other waters of the State be avoided and minimized to the extent practicable. The San Francisco Bay Basin Water Quality Control Plan (Basin Plan) specifies that the federal Clean Water Act Section 404(b)(1) Guidelines be utilized in analyzing alternatives and demonstrating that the proposed Project constitutes the Least Environmentally Damaging Practicable Alternative. For impacts that cannot be avoided, the Project proponent will need to describe steps that have been or will be taken to minimize the unavoidable impacts. X-4
2. Mitigation for impacts to wetlands or other waters must reflect the habitat functions and values of the impacted wetlands or other waters, that is, mitigation must be in-kind. Impacts to linear water features must also be evaluated on a linear distance basis in addition to an acreage basis as is done in the draft EIR. There appears to be approximately 5,400 linear feet of water drainage features, which may be waters of the State, on the Project site with the potential to be impacted. Currently, no local mitigation banks in the vicinity of the Project site are permitted to mitigate for impacts to linear water features. Accordingly, the Regional Water Board will require that the Project proponent mitigate any loss of drainage features through the creation or restoration of in-kind water features and corresponding habitat to be located within the Napa River watershed. X-5

If you have any questions please contact Fred Hetzel at 510-622-2357 or by e-mail at fhetzel@waterboards.ca.gov. X-6

Sincerely,

William Hurley
Senior Engineer

Cc: SWRCB-DWQ, Bill Orme, Stateboard401@waterboards.ca.gov
U.S. EPA, Jason Brush, WTR-8 R9-WTR8-Mailbox@epa.gov
ACOE, SF Regulatory Branch,
Laurie Monarres, Laurie.A.Monarres@usace.army.mil
Holly Costa, Holly.N.Costa@spd02.usace.army.mil
Cameron Johnson, Cameron.L.Johnson@usace.army.mil
Jane Hicks, Jane.M.Hicks@usace.army.mil
CA Department of Fish & Game,
Suzanne Gilmore, sgilmore@dfg.ca.gov

Letter X Response to Comments

Response to Comment X-1

This is an introductory comment from the San Francisco Bay Regional Water Quality Control Board stating their appreciation for the opportunity to comment on the Draft EIR and then summarizing project activities. No further response is necessary.

Response to Comment X-2

The Draft EIR presented some wetland areas that were not jurisdictional by the USACE, but were considered to be potentially jurisdictional by the CDFW and/or RWQCB, including as this comment letter states, seasonal portions of drainages, isolated perennial and seasonal wetlands, isolated seeps, culverts, and sediment basins. The Draft EIR stated that the man-made features such as quarry pits and constructed ponds were not likely jurisdictional. Since agency site visit and input/concurrence on jurisdictional status of these areas was attempted but not possible with all agencies (other than the USACE) prior to and during the Draft EIR process, the jurisdictional determination of wetlands, waters, and other wet areas will be determined during the permitting process with resource agencies, as disclosed in the Draft EIR.

Response to Comment X-3

This comment is agreed upon as presented in the Draft EIR.

Response to Comment X-4

The county agrees that during the permit process, (with jurisdictional agencies such as the USACE and RWQCB) the applicant will describe the steps that have been taken to minimize the unavoidable impacts to wetlands.

Response to Comment X-5

Comment noted and these details will be further determined during the permit process.

Response to Comment X-6

This is a closing comment giving the contact name, phone number and email of the individual to contact for questions. No further response is necessary.

RECEIVED
OCT 21 2013
Napa County Planning, Building
& Environmental Services

From: Kathy Wilson
To: Barrella, Donald
Cc: Kathy wilson
Subject: Syar Expansion
Date: Monday, October 21, 2013 5:01:19 PM

Mr Barella,

I am writing to you to express my concerns regarding the Syar Napa Quarry Expansion. Knowing what the project will do to Skyline Park, Northern California's **only wilderness** park, I feel that for Napa county to even consider okaying this expansion is reprehensible. Not only will some existing trails be lost but any future rerouted trails will be all but unusable for equestrians as the noise factor will put most riders in danger. Hikers will undoubtedly avoid these same trails again because of the noise factor. Y-1

In addition to my worry for Skyline Park, as a resident in the MST area, I also have a deep concern for our ground water situation. Despite expressed mitigating measures stated in the EIR, I fail to believe that this expansion will not have a detrimental effect on our water problem. Y-2

Let's stop this expansion now before it is too late because in 35 years future generations will ask; " Why did they let this happen?". Y-3

Thank you for taking the time to read my thoughts.

Kathy Wilson

Letter Y Response to Comments

Response to Comment Y-1

Please see Response to Comment M-9. Noise impacts on Skyline Wilderness Park would be less-than-significant with the incorporation of Mitigation Measure 4.11-1 which requires that acoustical shielding is maintained for the longest time possible, that the quietest available equipment is used when removing topsoil and overburden, and that noise monitoring is conducted to ensure that quarrying noise levels would not exceed Napa County noise standards. It should be noted that the Syar Napa Quarry and Skyline Wilderness Park have co-existed for many years and the gradual expansion of the quarry would not result in loud, impulsive sounds that are normally necessary to startle domestic horses.

Response to Comment Y-2

See responses to Comments V-47 through V-50. The commenter's concerns will be forwarded to the decision-makers, via this document, for their consideration.

Response to Comment Y-3

Please see response to Comment A-5. This general comment does not comment on the adequacy of the Draft EIR. No further response is necessary. The commenter's concerns will be forwarded to the decision-makers, via this document, for their consideration.

From: Aaron Nelsen [mailto:aaron9336@gmail.com]
Sent: Friday, December 20, 2013 1:23 PM
To: Barrella, Donald
Subject: Syar expansion comment

Dear Mr. Barella,

I regret that I neglected to submit a timely comment on the Syar plan of expansion. If it is of any value at this late date, I would like to say that I oppose a Syar expansion. I consider the negative impacts to the community and environment to be an unacceptable cost. Z-1

I hope you have a good holiday and wish you the best.

Thank you,

Aaron Nelsen

Letter Z Response to Comments

Response to Comment Z-1

Comment noted – this comment is more appropriate for permit hearings. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary. The commenter's concern will be forwarded, via this document, to the decision-makers for their consideration.

Oral Comments AA – Bruce Cakebread

Comment AA-1

Our concern about this project is groundwater and not so much pumping out of it but if they take the hill down to 50 feet above seawater what's the impact to our wells? We would like to make sure that Central Creek, Arroyo Creek and Suscol Creeks aren't impacted because we've gone through all this effort. Truly, the impact to ground water in our wells is really huge for us to continue agriculture in that area.

Response to Oral Comments AA

Response to Comment AA-1

The proposed mitigation measures are developed to avoid impacts to groundwater baseline (existing) conditions, including use of groundwater for the neighboring properties. This is accomplished by maintaining recharge and not increasing groundwater use. No additional groundwater is to be used by the project above the established baseline. Also, please see response to Comment F-2.

Oral Comments BB – Susanne Von Rosenberg

Comment BB-1

The first thing I'm going to ask for is more time for the review. As some of you've already commented on, this is a thick document, the EIR itself is over 500 pages, the appendices are 2008 pages and it's not possible to review the document without reading the appendices because the project description in sections of the document make extensive references to the appendices so you have to actually read the appendices in detail in order to fully understand the project description.

Comment BB-2

So, moving on from that, the project description in the document is actually I would consider inadequate to characterize the project and give the reader true understanding of what's going to be happening, this is due to a couple of facts, one is that it's very brief given the scope of the project, number 2 is that it glosses over some of the likely affected areas.

Comment BB-3

The document says that groundwater in the southern portion of the Milliken-Sarco-Tulocay (MST) adjacent to the north of the Syar Napa Quarry have been relatively stable, so groundwater elevations and it references the Napa County 2011 groundwater conditions report what that report actually says, it actually reads: Groundwater levels in the southern portion of the MST especially south of Coonsville Road have generally been stable until the late 1990s and early 2000s when the decline of about 10-30 feet in some locations has occurred, so that's a pretty significant omission when referencing that document.

Comment BB-4

I want to echo Mr. Cakebreads concerns about an issue that essentially hasn't been addressed at all, which is that cut that Syar is proposing to make into the hillside to deepen it from the maximum bottom elevation now of 150 to 100 feet when the document itself acknowledges that groundwater elevation in the southern portion of the MST is around a hundred feet, so you're basically talking about going 50ft below the top of the groundwater elevation.

Comment BB-5

The document does another sort of glossing thing when it distinguishes between groundwater, excuse me, water below the surface and groundwater in the context of the document, groundwater's defined as water found in an aquifer in a sizeable aquifer as opposed to just water below the surface so basically recharge as defined is not being part of groundwater. I think that is an inappropriate distinction.

Comment BB-6

Another concern with the project description is its characterization of haul trips, if you just read the table, if you look at and you say, oh okay, the trips are going to increase from about 80,000 per year to about 140,000 per year. So for an alleged doubling of capacity, it's not quite a doubling of truck trips, when you actually calculate the volume, the maximum increase is not 100 percent, it's at 178 percent when you calculate the volume hauled per truck trip, it increases from nine to 18 cubic yards per truck trip which suggests to me that you're going from a single truck to a truck and trailer combination which obviously is going to have a really different effect on traffic, much more severe effect on traffic.

Comment BB-7

It's already difficult to sleep when Syar is operating on the north side you hear back up alarms at my house until 11:30 at night and then start up again between 5 and 5:30 in the morning and they're loud enough to wake you up and that's with the windows closed so you know essentially now we're talking about a project that's going to go 300 feet higher than it currently is, so there's going to be no shielding between the residents and the activities, no noise shielding and now you're asking to go 24 /7 that's just ya know, that's not something we can live with.

Comment BB-8

As the document is put together figures in the document that provide significant information that's important to understanding the scope of the potential impact are simply not adequate and they're not adequate because of the scale of the figures. If you're looking at a figure that's a half size of an 8 ½ by 11 document and it has contours on it you need to be able to read the contours, you can't do that and really understand that in the document in the aesthetic section many of the views that are shown are not even a quarter of a page, how can you really evaluate potential aesthetic impacts when you're looking at a figure that's about 2 inches tall by 7 inches wide, it's just not possible.

Comment BB-9

We appreciate that the acreage has been reduced from what was originally proposed and that the excavation is not supposed to go as deep; however, this project is still ¾ the size of the Napa Pipe project.

Response to Oral Comments BB

Response to Comment BB-1

This comment requests an extension of the public review period. As noted in Section 1.2 of this Final EIR, the original 45-day public comment period was scheduled to end on October 21, 2013 at 4:45 p.m.; however, the close of the comment period was extended from October 21, 2013 to December 5, 2013. So, the comment period was extended from 45 days to 90.

Response to Comment BB-2

The comment suggests that the project description for the proposed project is inadequate. The project description has been prepared pursuant to CEQA Statute and Guidelines and includes all applicable information necessary to analyze the potential impacts of the proposed project. Also see responses to Comments V-17 through V-27

Response to Comment BB-3

No such reference to MST is apparent on Page 4.8-9 of the Draft EIR. This section of the Draft EIR is a general discussion related to the Conceptual Model for the hydrogeologic environment. Please see Response to Comment V-3.

Response to Comment BB-4

The proposed mitigation measures are designed to ensure that appropriate recharge to the aquifer is maintained. While the project as evaluated extends to a depth of 50 feet msl it is possible that application of the proposed mitigation measures will make this mining depth too complex or expensive to undertake. Also see responses to Comments V-46 through V-59.

Response to Comment BB-5

Please see Response to Comment V-4.

Response to Comment BB-6

Refer to Response to Comment V-20.

Response to Comment BB-7

Please see Response to Comment M-9 and Responses to Comments V-60 through V-76.

Response to Comment BB-8

Please see Response to Comment V-8.

Response to Comment BB-9

Comment noted. This general comment does not comment on the adequacy of the Draft EIR. No further response is necessary. The commenter's concern will be forwarded, via this document, to the decision-makers, for their consideration.

Oral Comments CC – Debby Calvin

Comment CC-1

I am concerned about traffic as roads are narrow and noisy. Animals such as deer have nowhere to go and are now coming into my yard. The geese are not going to have a place to live because the blasting is going to scare them away. Very worried about gases as there is a school across the street from where the proposed blasting is.

Comment CC-2

I cannot handle the smell of tar as I have asthma and now they're talking about making asphalt. I have a size meter in front of my home and it seems like I have a fault line. My parents sued Baysolite years ago because they cracked the ceilings in the wall and fireplace and they won the lawsuit. Blasting shakes the windows, scares the kids at the school.

Comment CC-3

I am also concerned about our waterway because all of us have wells. I am also concerned about the water tank up there and what will happen to it. If it comes down it will wipe out all of us in the neighborhood. I would like to have that looked at.

Comment CC-4

I was told those big trucks were not going to come up Imola Avenue and now I'm hearing it's going to be just a little here and there. Napa Sanitation District wiped out part of my front yard and put in a waterway, reclaimed water that went nowhere.

Comment CC-5

We bought these homes, there were farms, and were in the country, and now we're in the city and I think it's time to stop.

Response to Oral Comments CC

Response to Comment CC-1

The potential effects of the project on several resource categories, including but not limited to traffic, biology, air quality, and noise and vibration, were analyzed the Draft EIR; however, this general comment does not comment on the adequacy of the Draft EIR. No further response is necessary. The commenter's concern will be forwarded, via this document, to the decision-makers for their consideration.

Response to Comment CC-2

This general comment does not comment on the adequacy of the Draft EIR. No further response is necessary. See Response to Comment BB-1. The commenter's concern will be forwarded, via this document, to the decision-makers for their consideration.

Response to Comment CC-3

The effects of blasting are discussed in the EIR (Section 4.11 – Noise) and found to be less than significant or less than significant with implementation of mitigation measures.

Response to Comment CC-4

The majority of trucks leaving the quarry travel south on SR 221 to SR 29, SR 12 and SR 121 for destinations in the Bay Area and beyond. This is the most efficient and direct truck route to these destinations. Trucks traveling north on SR 221 are primarily accessing delivery locations within Napa County or within the City of Napa. At Intersection 7 (Imola Avenue and SR 221) truck traffic usually continues north on SR 221 through the intersection to destinations within Napa County. Trucks do use Imola Avenue to access SR 29 and SR 12 because it is not a designated truck route, and because it is generally a longer route due to delays associated with the number of signalized intersections that must be crossed. Refer to Figures 4.15-3 and 4.15-4 in the Draft EIR for existing and project traffic volumes.

Response to Comment CC-5

This general comment does not comment on the adequacy of the Draft EIR. No further response is necessary. The commenter's concern will be forwarded, via this document, to the decision-makers, for their consideration.

Oral Comments DD – Kathy Felch

Comment DD-1

The purpose of the Draft EIR is to educate the public and governing body about the impact this project will have on the environment. I find that a Draft EIR that has taken over five years to put together and consists of over 2,500 pages is presented to the public and the public is only given 45 days to review. I am concerned about not having enough time to review the EIR and want 60 days more review time.

Comment DD-2

Not everyone in our public is computer literate. Not everyone has a computer. I find it difficult to find the EIR on the county's website. Maybe it should be on the home page of the county in big enough font that everyone can find it. The documents are put forth in a way that is difficult to digest and understand, in particular the appendices because they are not broken up by section of the EIR, and they are not bookmarked. We need more time to digest this material. I propose that we have 105 calendar days to review.

Comment DD-3

The permit period is unclear to me. What exactly is the current permit period? From what I can see there doesn't appear to be a current permit in place. So it's unclear to me when the proposed permit time period will be, when will it begin and end. The initial permit in 1973 to Basalt was to end in 2000. The intervening period doesn't appear to me to be covered by any permit. If there is one I'm making a request that it be sent. The original permit said that at the end of mining the land would be reclaimed and used, in part, for residential and light industrial. That seems like a softshoe promise made decades ago.

Comment DD-4

The mitigation measures don't seem to match up with the severity of the impact. The punishment doesn't seem to fit the crime. For example in the evaluation of noise and vibration, it says that it would have a significant impact on the increase in sound caused by mining equipment. We already hear that at all hours of the day. The mitigation proposed says that the applicant would not operate between the hours of 10 p.m. and 7 a.m. to the north and east where the residents are not shielded by intervening terrain. I'm sorry but I don't understand that. Is this for the entire permit or present time? What happens when there is no intervening terrain? How do we make sure this is going to happen? Use quietest available equipment. What does that mean? Quietest on the market or that Syar owns? It's incredibly vague and needs to be more specific. For example, applicant conducts noise monitoring and submits report to county by request. What does the public do if the county doesn't get around to asking for the reports? What's the purpose of preparation of the reports? The blasting is not mitigated in any meaningful manner whatsoever.

Comment DD-5

Reference reports are outdated. The Live Oak report is from September 2009, this is October, 2013. The data is older. The data is from 2005. 2013 report based on 2007 data. The conditions in our area have changed significantly over those years with the increase of winery permits. Baseline emissions in Air Quality report gathered, with assumptions drawn from 2005 to 2009.

Comment DD-6

In August of 2011, I submitted a written request to the county that the EIR evaluate the impact of blasting on the underground utilities, in particular the gas lines in our neighborhood. Our house was built in the 19th century and the gas line was installed a long time ago. So, I am concerned about how these vibrations are going to affect the underground utilities, and I don't see any consideration on how this will impact underground utilities. All the considerations deal with above ground structures. Nothing addresses subterranean issues. That needs to be done.

Comment DD-7

Since 1987 the county sheriff's office has operated a firing range. No reference in Draft EIR to the disposition of firing range from the project if the permit is granted and the mining begins. There needs to be a good firing range where they can stay current. No provision for where shooting range would move to if Syar asks them to relocate. They are now on a 30-day month-to-month tenancy. I want a study prepared on the impact of public safety for our community on the relocation of the firing range on short notice.

Comment DD-8

Would the public be charged for a copy of the EIR? How many copies do you have? Please put it on the county homepage so its accessible. The public and community have every right to know what's going on.

Comment DD-9

The EIR says that there is likely damage to the water tank due to the blasting. I don't see that being addressed. I also don't see what kind of damage is likely to be made, so I believe that needs to be addressed.

Comment DD-10

I would also like to ask for another public hearing in addition of a time extension for review.

Response to Oral Comments DD

Response to Comment DD-1

As noted in Section 1.2 of this Final EIR, the original 45-day public comment period was scheduled to end on October 21, 2013 at 4:45 p.m.; however, the close of the comment period was extended from October 21, 2013 to December 5, 2013. So, the comment period was extended from 45 days to 90. Also, please see Response to Comment BB-1.

Response to Comment DD-2

The Planning, Building and Environmental Services Department has a webpage called “Current Projects” that includes the proposed project and all other current projects. The webpage can be found at http://countyofnapa.org/PBES/CurrentProjects/. The appendices are compiled generally as they are referenced in the Draft EIR, which is a typical way to compile appendices. Please see Response to Comment DD-1, above, regarding the extended review period.

Response to Comment DD-3

The Syar Napa Quarry accommodates active quarrying and processing activities which are currently permitted by Napa County in Use Permit (UP) UP-128182 and UP-27374 and Reclamation Plan (Napa County Agreement 2225). Reference Section 3.4 – Syar Napa Quarry Background for background on the facilities permitting history. As noted in the referenced section, the permits covering this facility do not specify an end or commencement date for reclamation. The remainder of this comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

Response to Comment DD-4

Please see Response to Comment H-3 and M-9.

Response to Comment DD-5

Reference reports used for the Draft EIR were prepared at the appropriate time which was when the NOP was circulated.

Response to Comment DD-6

Please see Response to Comment A-1.

Response to Comment DD-7

The firing range was constructed in 1961 and is operated by Syar as a courtesy to local law enforcement agencies for training purposes. The facility is not available for any other private or public use. The firing range is in the northeastern portion of the quarry in an area mined prior to its use as a firing range. This

comment does not comment on the adequacy of the Draft EIR. The commenter's concern will be forwarded, via this document, to the decision-makers for their consideration. No further response is necessary.

Response to Comment DD-8

This comment does not comment on the adequacy of the Draft EIR. No further response is necessary. Furthermore, county staff has made every reasonable effort to provide adequate notice and make information accessible to the public regarding this proposed project and its processing.

Response to Comment DD-9

The Draft EIR (Impact and Mitigation Section 4.11-2) states that "Vibration levels from blasting exceeding 2.0 in/sec PPV could result in minor damage to the water storage tank," not that there is likely damage to the water tank due to the blasting, as stated by the commenter. "This analysis assumes that a maximum charge weight of 332 lbs/delay would be used during blasts, consistent with current blasting within the State Blue Pit. Calculations indicate that blasting using a charge weight of 332 lbs/delay within 700 feet of the water tank could generate groundborne vibration levels of 0.87 in/sec. PPV. Vibration levels from blasting events 700 feet or more from the water storage tank would not be expected to result in damage as vibration levels are calculated to be less than 2.0 in/sec PPV. This is a less than significant impact."

Response to Comment DD-10

Comment noted. There will be future duly noticed public hearing(s) before the Napa County Planning Commission for consideration of certification of the Final EIR and review of the merits of the project and action on the proposed project (Surface Mining Permit #P08-00337-SMP).

Oral Comments EE - Lisa Moody

Comment EE-1

I work out of my home so I'm home during the day. There have been numerous times I've been affected by it. Some scaffolding fell down because of some of the blasting. That's how much it shook at our house. Another time it went off my whole chandelier was shaking. I have a lot of concern about more activity and how much my house can handle over the next 40 years because of the blasting. No two blasts are the same.

Response to Oral Comments EE

Response to Comment EE-1

The effects of blasting and potential impacts are discussed in Section 4.11 of the Draft EIR. This comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

The commenter's concern will be forwarded, via this document, to the decision-makers for their consideration.

Oral Comments FF – Tracy Moody

Comment FF-1

I would like an extension of 60 days to review the EIR. I am concerned about underground utilities. I've had the water main break twice in front of our house. Our house is regularly shook by these blasts. I have cracks in my foundation. I have cracks in my drywall. It is having an impact on underground utilities and this hasn't been looked at very well. The whole neighborhood gets rattled and they need to have a better look at the impact.

Comment FF-2

The water tank that is likely to be damaged is of recent construction. Most of the neighborhood below is not of recent construction. So, if it's damaging something built to recent code what do you think the impacts are to older structures. I think that needs to be looked at in this report and it currently isn't.

Response to Oral Comments FF

Response to Comment FF-1

Please see response to Comment DD-1, above, regarding the extended review period. As indicted in Response to Comment EE-1, the effects of blasting and potential impacts are discussed in Section 4.11 of the Draft EIR. The remainder of this comment does not comment on the adequacy of the Draft EIR. No further response is necessary.

The commenter's concerns will be forwarded, via this document, to the decision-makers for their consideration.

Response to Comment FF-2

Please see response to Comment DD-9.

Oral Comments GG – Susanne Von Rosenberg

Comment GG-1

There is no intervening terrain between the mining operations and the neighborhood and you still will hear the equipment. The proposed noise thresholds are the maximum allowable in residential areas versus the typical in residential areas. There is a big difference between 50 and 25 decibels and I'd much rather be closer to 25. We hear the firing range now and that's at an elevation that the mining will occur. This project would be like living next to an active construction site for the next 40 years. Seven days a week all daytime hours. There would never be a time that it would be comfortable being outside. If 24/7 operation is allowed it would also be painful to be inside. The project doesn't take into consideration the neighbors.

Comment GG-2

I want to touch on reclamation. The project description reiterates that there is no timetable in the existing permit for reclamation. The proposed project speaks to reclamation and proposes to do 25 percent of the final reclamation prior to cessation of operations but the bulk of it after. It's seeding grasses and not real reclamation. I call it stabilization. The big issue in the document is that it's limited to slopes of 2:1. There are very few areas that would have final slopes that are that shallow. So, there will be no reclamation of the cut rock faces. That is completely unacceptable. Trees are proposed to be planted on the benches but there's only going to be 12 feet of soil or something like that. You can't grow a decent size tree in shallow soil.

Comment GG-3

How can you shield the neighborhood from noise? The figures are not sufficient to understand the extent of the impact. How are you going to shield the top 300 feet? Never mind that the current shielding is inadequate.

Comment GG-4

I haven't read the entire document and project description and I don't see an adequate need for the justification of this project, certainly not at the capacity proposed. Why do we need to go to two million tons per year? I see no justification for that.

Comment GG-5

I want to reiterate the request for more time.

Response to Oral Comments GG

Response to Comment GG-1

Please see Response to Comment H-3 and Responses to Comments V-60 through V-72.

Response to Comment GG-2

The comment states that the “big issue in the document is that it’s limited to slopes of 2:1; however, the final slopes would vary from 2:1 cut slopes to 3:1 fill slopes and benched rock slopes with an average slope ranging from 0.25:1 to 1:1. All final valley floors and flat open areas would be graded to have positive drainage. Consistent with SMARA, the operator must demonstrate sufficient financial assurances to ensure successful implementation of the reclamation plan. Currently there are financial assurances in place in the amount of $2,705.638 (Surety Bond #57BSBCQ7705).

The Mining and Reclamation Plan has been prepared pursuant to state and local mining regulations, and will be reviewed by the Office of Mine Reclamation. The previous Reclamation Plan was developed for the Syar Napa Quarry and submitted by Basalt Rock Company to the County. The Reclamation Plan was approved by the County on December 14, 1984 (Napa County 1984). The County determined that the Syar Napa Quarry was consistent with the County's Ordinance No. 693 implementing SMARA.

Response to Comment GG-3

Implementation of Mitigation Measure 4.11-1 would restrict the hours and locations of noise production such that the project would not violate noise standards established in the Napa County General Plan and Napa County Noise Ordinance. Also, please see Response to Comment H-3 and Responses to Comments V-60 through V-72.

Response to Comment GG-4

Project objectives are listed in Section 3.2 and describe why Syar would like to expand mining operations.

Response to Comment GG-5

Please see response to Comment BB-1.

5. References

Bay Area Air Quality Management District (BAAQMD) 2009, *Revised Draft Options and Justification Report California Environmental Quality Act Thresholds of Significance*, Accessed online in May, 2014 at: http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/Revised%20Draft%20CEQA%20Thresholds%20%20Justification%20Report%20Oct%202009.ashx?la=en.

California Geological Survey, Department of Conservation 2013a, *Special Report 205 Update of Mineral Land Classification: Aggregate Materials in the North San Francisco Bay Production-Consumption Region, Sonoma, Napa, Marin, and Southwestern Solano Counties, California*, Prepared by Russell V. Miller and Lawrence L. Busch, Accessed online on January 2, 2014 at: http://www.google.com/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=3&ved=0CDcQFjAC&url=ftp%3A%2F%2Fftp.consrv.ca.gov%2Fpub%2Fdmg%2Fpubs%2Fsr%2FSR_205%2FSR%2520205%2520North%2520Bay%2520Report_Final.pdf&ei=MAHGUu7TJ9D1oATAsoEI&usg=AFQjCNFw3oUYqmas1itoQIlXYaGE71ZA8w.

California Geological Survey, Department of Conservation 2013b, *Updated Mineral Land Classification Map for Class II Base-Grade Aggregate in the North San Francisco Bay Production-Consumption Region, Marin, Napa, Sonoma, and Southwestern Solano Counties, California*, Prepared by Russell V. Miller and Lawrence L. Busch, Accessed online on January 2, 2014 at: http://www.google.com/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=4&ved=0CDwQFjAD&url=ftp%3A%2F%2Fftp.consrv.ca.gov%2Fpub%2Fdmg%2Fpubs%2Fsr%2FSR_205%2FSR205_Plate1C_NBay.pdf&ei=MAHGUu7TJ9D1oATAsoEI&usg=AFQjCNHlvFwqX5PMA_UX1QYFqC2dw9xF1w.

6. Appendices

A – Air Quality Attachments

site	monitor	date	start_hour	value	variable	units	quality	prelim	name
2410	A	1/1/2011	0	7.8	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/2/2011	0	3.1	PM25	1			Vallejo-304 Tuolumne Street
2410	C	1/3/2011	0	7.75	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/3/2011	0	8.5	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/4/2011	0	12	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/5/2011	0	11.1	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/6/2011	0	17.4	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/7/2011	0	24.2	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/8/2011	0	17.8	PM25	1			Vallejo-304 Tuolumne Street
2410	C	1/9/2011	0	14.27	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/9/2011	0	14.3	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/10/2011	0	17.2	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/11/2011	0	18.5	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/12/2011	0	10.9	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/13/2011	0	21	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/14/2011	0	11.8	PM25	1			Vallejo-304 Tuolumne Street
2410	C	1/15/2011	0	14.26	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/15/2011	0	14.5	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/16/2011	0	23.3	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/17/2011	0	14.3	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/18/2011	0	10.5	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/19/2011	0	9.3	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/20/2011	0	13.4	PM25	1			Vallejo-304 Tuolumne Street
2410	C	1/21/2011	0	25.41	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/21/2011	0	24	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/22/2011	0	19.5	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/23/2011	0	15.3	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/24/2011	0	22	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/25/2011	0	30.6	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/26/2011	0	24.2	PM25	1			Vallejo-304 Tuolumne Street
2410	C	1/27/2011	0	21.5	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/27/2011	0	20.8	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/28/2011	0	17.6	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/29/2011	0	11.8	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/30/2011	0	9.1	PM25	1			Vallejo-304 Tuolumne Street
2410	A	1/31/2011	0	10.7	PM25	1			Vallejo-304 Tuolumne Street
2410	C	2/2/2011	0	8.47	PM25	1			Vallejo-304 Tuolumne Street
2410	A	2/2/2011	0	8.2	PM25	1			Vallejo-304 Tuolumne Street
2410	A	2/3/2011	0	15.7	PM25	1			Vallejo-304 Tuolumne Street
2410	C	2/8/2011	0	4.85	PM25	1			Vallejo-304 Tuolumne Street
2410	A	2/9/2011	0	6.1	PM25	1			Vallejo-304 Tuolumne Street
2410	A	2/10/2011	0	11.4	PM25	1			Vallejo-304 Tuolumne Street
2410	A	2/11/2011	0	14.8	PM25	1			Vallejo-304 Tuolumne Street
2410	A	2/12/2011	0	18	PM25	1			Vallejo-304 Tuolumne Street
2410	A	2/13/2011	0	13.5	PM25	1			Vallejo-304 Tuolumne Street
2410	C	2/14/2011	0	2.69	PM25	1			Vallejo-304 Tuolumne Street
2410	A	2/14/2011	0	3	PM25	1			Vallejo-304 Tuolumne Street
2410	A	2/15/2011	0	3.6	PM25	1			Vallejo-304 Tuolumne Street
2410	A	2/16/2011	0	2.2	PM25	1			Vallejo-304 Tuolumne Street
2410	A	2/18/2011	0	7.2	PM25	1			Vallejo-304 Tuolumne Street
2410	A	2/19/2011	0	5.6	PM25	1			Vallejo-304 Tuolumne Street

2410	C	2/20/2011	0	13.44	PM25	1	Vallejo-304 Tuolumne Street
2410	A	2/20/2011	0	13.4	PM25	1	Vallejo-304 Tuolumne Street
2410	A	2/21/2011	0	7.4	PM25	1	Vallejo-304 Tuolumne Street
2410	A	2/22/2011	0	6.9	PM25	1	Vallejo-304 Tuolumne Street
2410	A	2/23/2011	0	6.7	PM25	1	Vallejo-304 Tuolumne Street
2410	A	2/24/2011	0	4.5	PM25	1	Vallejo-304 Tuolumne Street
2410	A	2/25/2011	0	1.3	PM25	1	Vallejo-304 Tuolumne Street
2410	C	2/26/2011	0	7.45	PM25	1	Vallejo-304 Tuolumne Street
2410	A	2/26/2011	0	6.4	PM25	1	Vallejo-304 Tuolumne Street
2410	A	2/27/2011	0	11.4	PM25	1	Vallejo-304 Tuolumne Street
2410	A	2/28/2011	0	7.1	PM25	1	Vallejo-304 Tuolumne Street
2410	C	3/4/2011	0	7.63	PM25	1	Vallejo-304 Tuolumne Street
2410	C	3/10/2011	0	7.23	PM25	1	Vallejo-304 Tuolumne Street
2410	C	3/16/2011	0	6.91	PM25	1	Vallejo-304 Tuolumne Street
2410	C	3/22/2011	0	4.85	PM25	1	Vallejo-304 Tuolumne Street
2410	C	3/28/2011	0	3.41	PM25	1	Vallejo-304 Tuolumne Street
2410	C	4/3/2011	0	4.75	PM25	1	Vallejo-304 Tuolumne Street
2410	C	4/9/2011	0	8.36	PM25	1	Vallejo-304 Tuolumne Street
2410	C	4/15/2011	0	5.88	PM25	1	Vallejo-304 Tuolumne Street
2410	C	4/21/2011	0	3.4	PM25	1	Vallejo-304 Tuolumne Street
2410	C	4/27/2011	0	4.85	PM25	1	Vallejo-304 Tuolumne Street
2410	C	5/3/2011	0	5.98	PM25	1	Vallejo-304 Tuolumne Street
2410	C	5/9/2011	0	3.71	PM25	1	Vallejo-304 Tuolumne Street
2410	C	5/15/2011	0	2.17	PM25	1	Vallejo-304 Tuolumne Street
2410	C	5/21/2011	0	8.77	PM25	1	Vallejo-304 Tuolumne Street
2410	C	5/27/2011	0	5.57	PM25	1	Vallejo-304 Tuolumne Street
2410	C	6/2/2011	0	1.75	PM25	1	Vallejo-304 Tuolumne Street
2410	C	6/8/2011	0	10.95	PM25	1	Vallejo-304 Tuolumne Street
2410	C	6/14/2011	0	9.69	PM25	1	Vallejo-304 Tuolumne Street
2410	C	6/20/2011	0	8.86	PM25	1	Vallejo-304 Tuolumne Street
2410	C	6/26/2011	0	8.87	PM25	1	Vallejo-304 Tuolumne Street
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2410	C	7/8/2011	0	9.91	PM25	1	Vallejo-304 Tuolumne Street
2410	C	7/14/2011	0	4.86	PM25	1	Vallejo-304 Tuolumne Street
2410	C	7/20/2011	0	8.15	PM25	1	Vallejo-304 Tuolumne Street
2410	C	7/26/2011	0	6.7	PM25	1	Vallejo-304 Tuolumne Street
2410	C	8/1/2011	0	4.54	PM25	1	Vallejo-304 Tuolumne Street
2410	C	8/7/2011	0	5.16	PM25	1	Vallejo-304 Tuolumne Street
2410	C	8/13/2011	0	10	PM25	1	Vallejo-304 Tuolumne Street
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2410	C	8/31/2011	0	10.85	PM25	1	Vallejo-304 Tuolumne Street
2410	C	9/6/2011	0	4.95	PM25	1	Vallejo-304 Tuolumne Street
2410	C	9/12/2011	0	7.03	PM25	1	Vallejo-304 Tuolumne Street
2410	C	9/18/2011	0	10.23	PM25	1	Vallejo-304 Tuolumne Street
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2410	C	10/6/2011	0	5.78	PM25	1	Vallejo-304 Tuolumne Street
2410	C	10/12/2011	0	13.96	PM25	1	Vallejo-304 Tuolumne Street
2410	C	10/18/2011	0	10.11	PM25	1	Vallejo-304 Tuolumne Street
2410	C	10/24/2011	0	10.54	PM25	1	Vallejo-304 Tuolumne Street
2410	C	10/30/2011	0	12.91	PM25	1	Vallejo-304 Tuolumne Street

2410	C	11/5/2011	0	7.13	PM25	1	Vallejo-304 Tuolumne Street
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2410	C	11/29/2011	0	15.51	PM25	1	Vallejo-304 Tuolumne Street
2410	C	12/5/2011	0	12.91	PM25	1	Vallejo-304 Tuolumne Street
2410	C	12/11/2011	0	13.42	PM25	1	Vallejo-304 Tuolumne Street
2410	C	12/17/2011	0	42.63	PM25	1	Vallejo-304 Tuolumne Street
2410	C	12/23/2011	0	23.39	PM25	1	Vallejo-304 Tuolumne Street
2410	C	12/29/2011	0	10.83	PM25	1	Vallejo-304 Tuolumne Street

Quality Flag Definition

0 Valid observation
1 The data supplier marked the observation as suspect - but it is still valid
2 The automated qa routine judged the observation questionable and invalid
3 The automated qa routine judged the observation invalid
4 The data supplier flagged the observation invalid
5 The observation was flagged invalid manually

Data extracted from mrgd database:
30-Apr 2014 at 12:11:33

BAY AREA AIR POLLUTION SUMMARY – 2013

MONITORING STATIONS	OZONE						CARBON MONOXIDE			NITROGEN DIOXIDE				SULFUR DIOXIDE				PM_{10}				$PM_{2.5}$				
	Max 1-Hr	Cal 1-Hr Days	Max 8-Hr	Nat 8-Hr Days	Cal 8-Hr Days	3-Yr Avg	Max 1-Hr	Max 8-Hr	Nat/Cal Days	Max 1-Hr	Ann Avg	Nat 1-Hr Days	Cal 1-Hr Days	Max 1-Hr	Max 24-Hr	Nat 1-Hr Days	Cal 24-Hr Days	Ann Avg	Max 24-Hr	Nat 24-Hr Days	Cal 24-Hr Days	Max 24-Hr	Nat 24-Hr Days	3-yr Avg	Ann Avg	3-yr Avg
North Counties	(ppb)		(ppb)				(ppm)			(ppb)				(ppb)				($\mu g/m^3$)				($\mu g/m^3$)			($\mu g/m^3$)	
Napa*	89	0	76	1	2	59	3.1	1.7	0	43	9	0	0	-	-	-	-	18.9	40	0	0	35.8	1	*	11.7	*
San Rafael	81	0	69	0	0	53	2.2	1.1	0	50	12	0	0	-	-	-	-	15.7	54	0	1	44.9	2	24	10.8	9.6
Santa Rosa	74	0	64	0	0	47	1.8	1.2	0	40	9	0	0	-	-	-	-	-	-	-	-	28.1	0	22	8.5	8.4
Vallejo	82	0	68	0	0	57	2.8	2.3	0	49	10	0	0	8.1	2.5	0	0	-	-	-	-	42.6	6	28	9.9	9.6
Coast & Central Bay																										
Oakland	76	0	54	0	0	44	3.6	2.0	0	60	14	0	0	-	-	-	-	-	-	-	-	37.9	2	26	10.3	10.0
Oakland-West*	71	0	59	0	0	45	3.8	3.2	0	64	17	0	0	49.8	7.1	0	0	-	-	-	-	42.7	2	*	12.8	*
Richmond	-	-	-	-	-	-	-	-	-	-	-	-	-	13.1	3.1	0	0	-	-	-	-	-	-	-	-	-
San Francisco	69	0	59	0	0	46	1.8	1.4	0	73	14	0	0	-	-	-	-	18.3	44	0	0	48.5	2	25	10.1	9.3
San Pablo*	74	0	65	0	0	51	2.2	1.0	0	47	10	0	0	11.0	1.9	0	0	18.4	48	0	0	41.2	2	*	12.0	*
Eastern District																										
Bethel Island*	82	0	75	0	1	68	1.0	0.8	0	33	*	0	0	4.0	1.5	0	0	*	51	0	1	-	-	-	-	-
Concord	74	0	62	0	0	67	1.2	1.0	0	44	9	0	0	11.1	2.8	0	0	16.0	51	0	1	36.2	1	24	7.6	7.3
Crockett	-	-	-	-	-	-	-	-	-	-	-	-	-	64.6	8.1	0	0	-	-	-	-	-	-	-	-	-
Fairfield	87	0	75	0	1	65	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Livermore	96	3	77	1	2	71	-	-	-	51	12	0	0	-	-	-	-	-	-	-	-	40.1	4	27	8.4	7.6
Martinez	-	-	-	-	-	-	-	-	-	-	-	-	-	16.3	4.6	0	0	-	-	-	-	-	-	-	-	-
Patterson Pass	-	-	-	-	-	-	-	-	-	25	4	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-
San Ramon*	84	0	67	0	0	*	-	-	-	42	8	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-
South Central Bay																										
Hayward	85	0	75	0	1	56	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Redwood City	83	0	75	0	1	53	3.6	1.6	0	54	13	0	0	-	-	-	-	-	-	-	-	39.0	3	25	10.7	9.3
Santa Clara Valley																										
Cupertino	91	0	77	1	1	62	3.1	1.3	0	42	9	0	0	13.9	2.9	0	0	14.6	34	0	0	-	-	-	-	-
Gilroy	80	0	68	0	0	64	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	27.5	0	19	8.6	8.0
Los Gatos	87	0	75	0	1	63	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
San Jose	93	0	79	1	1	58	3.1	2.5	0	59	15	0	0	2.5	1.4	0	0	22.3	58	0	5	57.7	6	32	12.4	10.5
San Martin	94	0	76	1	1	68	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Bay Area Days over Standard		3		3	3				0			0	0			0	0			0	6		13			

*See NOTES on second page.

Dash (-) indicates pollutant is not monitored at the site.

2013 NOTES

The annual Bay Area Air Pollution Summary summarizes pollutant concentrations for comparison to the national and California air pollution standards.

***Station Information (see asterisks on front page)**

$PM_{2.5}$ monitoring using federally accepted method began at Napa, Oakland West, and San Pablo in December 2012. Therefore, 3-year average $PM_{2.5}$ statistics are not available.

Air monitoring at Bethel Island was stopped during May-July, 2013 so that an upgrade of the instrument trailer could be completed. Therefore, annual statistics for Nitrogen Dioxide and PM_{10} are not available.

Ozone monitoring at San Ramon began in January 2012 for an air monitoring study. Therefore, 3-year average ozone statistics are not available.

Explanation of Terms

State and national excesses occur when pollutant concentrations surpass the indicated standards. For comparison, values in ppb must be converted to ppm and rounded to the same number of decimal places as the original standard.

MAX HR / MAX 8-HR / MAX 24-HR
The highest average pollutant concentration over a one-hour period, an eight-hour period (on any given day), or a 24-hour period (from midnight to midnight).

ANN AVG
The yearly average (arithmetic mean) of the readings taken at a given monitoring station.

NAT DAYS
The number of days during the year for which the monitoring station recorded pollutant concentrations in excess of the national standard.

CAL DAYS
The number of days during the year for which the station recorded pollutant concentrations in excess of the California standard.

TOTAL BAY AREA DAYS OVER STANDARD
is not a sum of excesses at individual stations, but rather a sum of the number of days for which excesses occurred at any one or more stations.

3-YR AVG (Nat. 8-hr ozone standard)
The 3-year average of the fourth highest 8-hour average ozone concentration for each monitoring station. A 3-year average greater than 75 ppb at any monitoring station means that the region does not meet the standard and may be designated non-attainment by the EPA.

PM_{10}
Particulate matter ten microns or smaller in size. PM_{10} is sampled every third day at San Jose and every sixth day at all other sites.

$PM_{2.5}$
Particulate matter 2.5 microns or smaller in size. $PM_{2.5}$ is a sub-category of PM_{10}.

PM_{10} ANN AVG and MAX 24-HR
This table shows PM_{10} data reported at local temperature and pressure conditions, according to the California standards. National PM_{10} data are converted to standard temperature and pressure conditions, which generally results in slightly lower readings.

3-YR AVG ($PM_{2.5}$ 24-hour standard)
The 3-year average of the annual 98th percentiles of the individual 24-hour concentrations of $PM_{2.5}$. A 3-year average greater than 35 µg/m^3 at any monitoring station means that the region does not meet the standard and may be designated non-attainment by the EPA. The method for calculating the 98th percentile was changed by the EPA effective March 18, 2013.

3-YR AVG ($PM_{2.5}$ annual standard)
The 3-year average of the quarterly averages of $PM_{2.5}$. A 3-year average greater than 12.0 µg/m3 at any monitoring station means that the region does not meet the standard and may be designated non-attainment by the EPA.

HEALTH-BASED AMBIENT AIR QUALITY STANDARDS

Pollutant	Averaging Time	California Std	National Std
Ozone	1 Hour	0.09 ppm	–
	8 Hour	0.070 ppm	0.075 ppm
Carbon Monoxide	1 Hour	20 ppm	35 ppm
	8 Hour	9.0 ppm	9 ppm
Nitrogen Dioxide*	1 Hour	0.18 ppm	0.100 ppm
	Annual	0.030 ppm	0.053 ppm
Sulfur Dioxide*	1 Hour	–	0.075 ppm
	24 Hour	0.04 ppm	–
Particulates ≤ 10 microns	24 Hour	50 µg/m^3	150 µg/m^3
	Annual	20 µg/m^3	–
Particulates ≤ 2.5 microns*	24 Hour	–	35 µg/m^3
	Annual	15 µg/m^3	12.0 µg/m^3

Concentrations | **ppm** parts per million | **ppb** parts per billion | **µg/m3** micrograms per cubic meter

TEN-YEAR BAY AREA AIR QUALITY SUMMARY

DAYS OVER CURRENT STANDARDS

	OZONE			CARBON MONOXIDE				NITROGEN DIOXIDE		SULFUR DIOXIDE		PM_{10}		$PM_{2.5}$
YEAR	8-Hr	1-Hr	8-Hr	1-Hr		8-Hr		1-Hr		1-Hr	24-Hr	24-Hr		24-Hr
	Nat	Cal		Nat	Cal	Nat	Cal	Nat	Cal	Nat	Cal	Nat	Cal	Nat
2004	7	7	13	0	0	0	0	0	0	1	0	0	7	20
2005	5	9	9	0	0	0	0	0	0	0	0	0	6	21
2006	17	18	22	0	0	0	0	1	0	0	0	0	15	10
2007	2	4	9	0	0	0	0	0	0	0	0	0	4	14
2008	12	9	20	0	0	0	0	0	0	2	0	0	5	12
2009	8	11	13	0	0	0	0	0	0	0	0	0	1	11
2010	9	8	11	0	0	0	0	0	0	0	0	0	2	6
2011	4	5	10	0	0	0	0	0	0	0	0	0	3	8
2012	4	3	8	0	0	0	0	1	0	0	0	0	2	3
2013	3	3	3	0	0	0	0	0	0	0	0	0	6	13

CostType	Vehicle	Model	Year	Hours
15135	Peterbilt Tractor, Oil	Peterbilt #357	1987	224.5
15136	Peterbilt Tractor, Oil	Peterbilt #357	1987	136.5
15147	Peterbilt Tractor, Oil	Peterbilt #378	1991	135.5
15149	Peterbilt Tractor, Oil	Peterbilt #378	1991	48
15154	Peterbilt Tractor, Oil	Peterbilt #378	1995	111.5
15155	Peterbilt Tractor, Oil	Peterbilt #378	1995	317
15160	Peterbilt Tractor, Rags Transport	Peterbilt #379	2003	124.75
15717	Peterbilt Tractor, Transport	0	1992	18.5
15720	Peterbilt Tractor, Tom Allen Transport	Peterbilt #378	1991	18.5
21005	CAT #631B WATER WAGON	631B	1963	62
21015	WABCO 50 WATER TRUCK	WTR TRK	1977	1002.85
21019	Kenworth Water Truck, Water Truck	W900	1985	308
21134	Kenworth Water Truck, Water Truck	0	1982	7
24575	Peterbilt Tractor, Dump Truck	0	1977	29
26093	PAYHAULER #350B ROCK TRK (D)	350B DETROIT	1979	159.5
26094	PAYHAULER #350C ROCK TRK (D)	350C (DETROIT ENG)	1979	746.5
26100	Wabco 50, Rock Truck	50B	1979	28
26101	Wabco 50, Rock Truck	50B	1983	49
26102	Wabco 50, Rock Truck	50B	1983	101.5
26105	Payhauler, Rock Truck	350C Cummins	1989	564.75
26106	Payhauler, Rock Truck	350C Cummins	1989	602
26107	Payhauler, Rock Truck	350C Cummins	1990	611.5
26108	Payhauler, Rock Truck	350C Cummins	1990	1180
26109	Payhauler, Rock Truck	350B Detroit	1979	728
27433	Grove Manlift, Manlift	MZ66B	1993	1
42057	FMC, Mobile Sweeper	212	1983	2
42060	GMC Centurion, Mobile Sweeper	F7B042	2002	24
65202	CAT , Excavator	225	1978	15.5
65214	CAT #235B EXCAVATOR	235B	1986	74.5
65302	CAT BACKHOE LOADER #416	416	1987	94
71365	CAT 988B WHEEL LOADER	988B	1990	678
71376	CAT 988B CLAMP LOADER	988B	1980	664
71485	CAT 988F WHEEL LOADER II	988F	1998	499
71486	CAT, Loader	970F	1996	7.5
71898	CAT 988B RT LOADER	988B	1980	1599.75
71907	988B RT CLAMP LOADER	988B	1986	335.5
71908	CAT 988B RT CLAMP LOADER	988B	1986	1310.75
71910	CAT, Loader	988B	1978	687.5
71912	CAT, Loader	992C	1979	533
71913	992C RT LOADER - MOYER	992C	1985	332
71918	988F RT LOADER - MOYER	988F	1994	512
71919	CAT, Loader	988F	1995/2006	8
71925	988B WHEEL LOADER	988B	1976	446.5
71926	CAT, Loader	980C	1979	59
71929	988G WHEEL LOADER	988G	2002	1052
72043	CAT, Motorgrader	140G	1980	181.5
75008	D9L TRACTOR CRAWLER	D9L	1982	175
75021	D10R TRACTOR CRAWLER	D10R	1996	931
75022	CAT D10N TRCTR CRAWLER	D10N	1990	569
75026	CAT, Dozer	D6H	1987	27
89242	LIFTALL FORKLIFT	M80D	1980	8
89313	IR Drill, Drill	CM351	0	7
89700	IR, Compressor	XHP750	0	6
211000	Kenworth Water Truck, Water Truck	W900A	1978	358

CostType	Vehicle	Model	Year	Hours
211004	Ford, Water Truck	LTL9000	1994	5
651000	CAT, Excavator	235C	1988	10
651002	CAT 330L HYD EXCAVATOR	330L	1992	544.5
651003	JOHN DEERE 220 LC EXCAVATOR	220 LC	1998	99.5
651004	CAT, Skid Steer	246	2004	6
711000	992G CAT LOADER	992G	2003	8
721000	CAT 16G MOTOR GRADER	16G	1980	240

CostType	Vehicle	Model	Year	Hours
15106	Peterbilt Tractor, NQ Dust Truck	Tractor	1974	2
15135	Peterbilt Tractor, Oil	Peterbilt #357	1987	46
15136	Peterbilt Tractor, Oil	Peterbilt #357	1987	232
15147	Peterbilt Tractor, Oil	Peterbilt #378	1991	233
15149	Peterbilt Tractor, Oil	Peterbilt #378	1991	63
15154	Peterbilt Tractor, Oil	Peterbilt #378	1995	199
15155	Peterbilt Tractor, Oil	Peterbilt #378	1995	429.5
15160	Peterbilt Tractor, Rags Transport	Peterbilt #379	2003	231.75
15717	Peterbilt Tractor, Transport	0	1992	121.5
15720	Peterbilt Tractor, Tom Allen Transport	Peterbilt #378	1991	41.5
21005	CAT #631B WATER WAGON	631B	1963	66.5
21015	WABCO 50 WATER TRUCK	WTR TRK	1977	387.5
21019	Kenworth Water Truck, Water Truck	W900	1985	657.5
24518	International Tractor, Dump Truck	S2500	1987	5.5
24575	Peterbilt Tractor, Dump Truck	0	1977	4
26093	PAYHAULER #350B ROCK TRK (D)	350B DETROIT	1979	136
26094	PAYHAULER #350C ROCK TRK (D)	350C (DETROIT ENG)	1979	74
26100	Wabco 50, Rock Truck	50B	1979	13
26103	Wabco 50, Rock Truck	50B	1983	8
26105	Payhauler, Rock Truck	350C Cummins	1989	182
26106	Payhauler, Rock Truck	350C Cummins	1989	185.58
26107	Payhauler, Rock Truck	350C Cummins	1990	158
26108	Payhauler, Rock Truck	350C Cummins	1990	406.35
26109	Payhauler, Rock Truck	350B Detroit	1979	301
26202	70 TON ROCK TRUCK #775D	775D	2001	601.5
42058	Tennant, Mobile Sweeper	830II	2002	6
42060	GMC Centurion, Mobile Sweeper	F7B042	2002	42
65202	CAT , Excavator	225	1978	34
65203	CAT, Excavator	235	1979	53.5
65213	CAT EXCAVATOR 235C	235C	1989	113.25
65214	CAT #235B EXCAVATOR	235B	1986	563.5
65302	CAT BACKHOE LOADER #416	416	1987	1.5
71365	CAT 988B WHEEL LOADER	988B	1990	819
71368	CAT, Loader	988B	1979	4
71369	CAT, Loader	988B	1988	1
71376	CAT 988B CLAMP LOADER	988B	1980	905.5
71382	CAT 988B WHEEL LOADER	988B	1979	1001
71385	CAT, Loader	980B	1978	3.5
71392	CAT, Loader	988B	1978	17.5
71396	CAT, Loader	988B	1980	2
71484	988F CLAMP LOADER II	988F	1998	4
71485	CAT 988F WHEEL LOADER II	988F	1998	1123.5
71896	CAT, Loader	988B	1979	14
71898	CAT 988B RT LOADER	988B	1980	1257.75
71907	988B RT CLAMP LOADER	988B	1986	4
71908	CAT 988B RT CLAMP LOADER	988B	1986	1169.5
71909	CAT, Loader	992C	1980/2006	6
71910	CAT, Loader	988B	1978	69
71912	CAT, Loader	992C	1979	8
71913	992C RT LOADER - MOYER	992C	1985	1400
71915	CAT, Loader	988B	1988	11
71918	988F RT LOADER - MOYER	988F	1994	1672.5
71919	CAT, Loader	988F	1995/2006	0.5
71925	988B WHEEL LOADER	988B	1976	493.5

CostType	Vehicle	Model	Year	Hours
71926	CAT, Loader	980C	1979	4.5
71928	CAT, Loader	988F	2000	20
71929	988G WHEEL LOADER	988G	2002	689.5
73806	CAT, Scraper	631D	1978	20
73866	CAT 631E SCRAPER	631E	1987	24
73867	1987 CAT 631E SCRAPER	631E	1987	261.5
73868	1987 CAT 631E SCRAPER	631E	1987	221
75008	D9L TRACTOR CRAWLER	D9L	1982	274.5
75021	D10R TRACTOR CRAWLER	D10R	1996	879.5
75022	CAT D10N TRCTR CRAWLER	D10N	1990	718
75023	CAT, Dozer	D9N	1991	1
75024	D8N TRACTOR CRAWLER	D8N	1995	32
75025	D7H LGP TRACTOR CRAWLER	D7H	1986	51.5
75151	D5 TRACTOR W/ DOZER & RIPPER	D5	1975	30.5
89313	IR Drill, Drill	CM351	0	475.5
89318	REICH DRILL CRAWLER	C700	0	15.5
89700	IR, Compressor	XHP750	0	470.5
211000	Kenworth Water Truck, Water Truck	W900A	1978	693
261000	775E CAT ROCK TRUCK	775E	2003	836
261001	775E CAT ROCK TRUCK	775E	2003	841.5
261002	775E CAT ROCK TRUCK	775E	2006	10
651000	CAT, Excavator	235C	1988	102.5
651002	CAT 330L HYD EXCAVATOR	330L	1992	736.25
651003	JOHN DEERE 220 LC EXCAVATOR	220 LC	1998	196.5
651005	CAT #345B EXCAVATOR	345B	2004	8
711000	992G CAT LOADER	992G	2003	1.5
711002	988G CAT LOADER	988G	2003	1.5
721000	CAT 16G MOTOR GRADER	16G	1980	290
731000	631G CAT SCRAPER	631G	2002	10
751000	CAT, Dozer	D8	1935	8
891003	, Air compressor?	0	0	8
891236	DHD CRAWLAIR DRILL	CM780D	2006	209.5

CostType	Vehicle	Model	Year	Hours
15136	Peterbilt Tractor, Oil	Peterbilt #357	1987	117.5
15147	Peterbilt Tractor, Oil	Peterbilt #378	1991	323.5
15149	Peterbilt Tractor, Oil	Peterbilt #378	1991	272.5
15154	Peterbilt Tractor, Oil	Peterbilt #378	1995	219.5
15155	Peterbilt Tractor, Oil	Peterbilt #378	1995	89.5
15160	Peterbilt Tractor, Rags Transport	Peterbilt #379	2003	144
15717	Peterbilt Tractor, Transport	0	1992	4.5
15720	Peterbilt Tractor, Tom Allen Transport	Peterbilt #378	1991	16.5
21015	WABCO 50 WATER TRUCK	WTR TRK	1977	785
21019	Kenworth Water Truck, Water Truck	W900	1985	480
21579	Peterbilt Tractor, Water Truck	0	1991	1.5
24511	Ford Dump Truck, Dump Truck	0	1982	17
24518	International Tractor, Dump Truck	S2500	1987	9.5
26093	PAYHAULER #350B ROCK TRK (D)	350B DETROIT	1979	420
26094	PAYHAULER #350C ROCK TRK (D)	350C (DETROIT ENG)	1979	642
26100	Wabco 50, Rock Truck	50B	1979	8
26103	Wabco 50, Rock Truck	50B	1983	4
26108	Payhauler, Rock Truck	350C Cummins	1990	300
26109	Payhauler, Rock Truck	350B Detroit	1979	8
26202	70 TON ROCK TRUCK #775D	775D	2001	907
26203	70 TON ROCK TRUCK #775D	775D	2001	301
26205	CAT 775, Rock Truck	775D	2001	0.5
42058	Tennant, Mobile Sweeper	830II	2002	100.3
42060	GMC Centurion, Mobile Sweeper	F7B042	2002	10
65202	CAT , Excavator	225	1978	17
65212	CAT HYD EXCAVATOR 245B	245B	1974	605.5
65214	CAT #235B EXCAVATOR	235B	1986	385.5
71365	CAT 988B WHEEL LOADER	988B	1990	577.3
71368	CAT, Loader	988B	1979	6
71376	CAT 988B CLAMP LOADER	988B	1980	414
71382	CAT 988B WHEEL LOADER	988B	1979	1182
71385	CAT, Loader	980B	1978	4.5
71400	CAT, Loader	920	1976	2
71485	CAT 988F WHEEL LOADER II	988F	1998	1230
71486	CAT, Loader	970F	1996	16
71487	CAT, Loader	988F	1996	7.5
71895	CAT, Loader	988A	1964	7
71898	CAT 988B RT LOADER	988B	1980	935
71907	988B RT CLAMP LOADER	988B	1986	6
71908	CAT 988B RT CLAMP LOADER	988B	1986	944.5
71913	992C RT LOADER - MOYER	992C	1985	891
71914	CAT, Loader	988B	1983	2.5
71918	988F RT LOADER - MOYER	988F	1994	1272
71925	988B WHEEL LOADER	988B	1976	565
71926	CAT, Loader	980C	1979	4
71929	988G WHEEL LOADER	988G	2002	403
72046	14G MOTOR GRADER	14G	1977	24
73806	CAT, Scraper	631D	1978	5
73867	1987 CAT 631E SCRAPER	631E	1987	287.5
73868	1987 CAT 631E SCRAPER	631E	1987	275
75008	D9L TRACTOR CRAWLER	D9L	1982	517.1
75021	D10R TRACTOR CRAWLER	D10R	1996	911
75022	CAT D10N TRCTR CRAWLER	D10N	1990	795
75025	D7H LGP TRACTOR CRAWLER	D7H	1986	11

CostType	Vehicle	Model	Year	Hours
75151	D5 TRACTOR W/ DOZER & RIPPER	D5	1975	3.5
89313	IR Drill, Drill	CM351	0	30.5
89700	IR, Compressor	XHP750	0	24
151001	Peterbilt Tractor, Oil	367	2008	63.5
151002	Peterbilt Tractor, Oil	367	2008	101
211000	Kenworth Water Truck, Water Truck	W900A	1978	571.8
211001	International Tractor, Water Truck	0	1992	19
211003	Peterbilt Tractor, Water Truck	377	1998	1.5
261000	775E CAT ROCK TRUCK	775E	2003	1358
261001	775E CAT ROCK TRUCK	775E	2003	979.5
261002	775E CAT ROCK TRUCK	775E	2006	1
651000	CAT, Excavator	235C	1988	469.5
651001	CAT, Excavator	235C	1988	8
651002	CAT 330L HYD EXCAVATOR	330L	1992	711.5
651003	JOHN DEERE 220 LC EXCAVATOR	220 LC	1998	67
711000	992G CAT LOADER	992G	2003	2
711002	988G CAT LOADER	988G	2003	20
711006	CAT 988G LOADER	988G	2004	546
721000	CAT 16G MOTOR GRADER	16G	1980	234.5
731000	631G CAT SCRAPER	631G	2002	170
731001	631G CAT SCRAPER	631G	2002	135.5
731002	CAT, Scraper	631G	2002	139.5
751000	CAT, Dozer	D8	1935	73
751001	2004 CAT D10 R	D10R	2004	499.5
891001	, Gas air compressor?	0	0	3.5
891236	DHD CRAWLAIR DRILL	CM780D	2006	645.5

CostType	Vehicle	Model	Year	Hours
15106	Peterbilt Tractor, NQ Dust Truck	Tractor	1974	5.5
15136	Peterbilt Tractor, Oil	Peterbilt #357	1987	2
15147	Peterbilt Tractor, Oil	Peterbilt #378	1991	11
15149	Peterbilt Tractor, Oil	Peterbilt #378	1991	206.25
15154	Peterbilt Tractor, Oil	Peterbilt #378	1995	205.5
15155	Peterbilt Tractor, Oil	Peterbilt #378	1995	134
15160	Peterbilt Tractor, Rags Transport	Peterbilt #379	2003	82
15717	Peterbilt Tractor, Transport	0	1992	3.5
15720	Peterbilt Tractor, Tom Allen Transport	Peterbilt #378	1991	19
21005	CAT #631B WATER WAGON	631B	1963	62
21015	WABCO 50 WATER TRUCK	WTR TRK	1977	553.5
21016	International Tractor, Water Truck	0	1987	1
21019	Kenworth Water Truck, Water Truck	W900	1985	567.25
21130	International Tractor, Water Truck	9400	1994	115
21134	Kenworth Water Truck, Water Truck	0	1982	11
21579	Peterbilt Tractor, Water Truck	0	1991	9.5
24511	Ford Dump Truck, Dump Truck	0	1982	1.5
24518	International Tractor, Dump Truck	S2500	1987	16
24519	International Tractor, Dump Truck	S2300	1985	1
26093	PAYHAULER #350B ROCK TRK (D)	350B DETROIT	1979	293.5
26094	PAYHAULER #350C ROCK TRK (D)	350C (DETROIT ENG)	1979	254.5
26101	Wabco 50, Rock Truck	50B	1983	10
26202	70 TON ROCK TRUCK #775D	775D	2001	1511
26203	70 TON ROCK TRUCK #775D	775D	2001	333
26205	CAT 775, Rock Truck	775D	2001	8
42042	Athey, Mobile Sweeper	2TE3	1980	4.5
42058	Tennant, Mobile Sweeper	830II	2002	143
42060	GMC Centurion, Mobile Sweeper	F7B042	2002	11
51310	CATERPILLAR COMPACTOR # 815 B	815B	1985	26.5
63924	NRTHWST DRGLN CRANE #180D	180D	1976	93.5
65212	CAT HYD EXCAVATOR 245B	245B	1974	308
65214	CAT #235B EXCAVATOR	235B	1986	167
71365	CAT 988B WHEEL LOADER	988B	1990	351.5
71376	CAT 988B CLAMP LOADER	988B	1980	202.5
71382	CAT 988B WHEEL LOADER	988B	1979	506
71396	CAT, Loader	988B	1980	1
71485	CAT 988F WHEEL LOADER II	988F	1998	1085.5
71866	CAT, Loader	988A	1973	7
71898	CAT 988B RT LOADER	988B	1980	415.5
71907	988B RT CLAMP LOADER	988B	1986	67.5
71908	CAT 988B RT CLAMP LOADER	988B	1986	903.25
71912	CAT, Loader	992C	1979	20.5
71913	992C RT LOADER - MOYER	992C	1985	1397.5
71918	988F RT LOADER - MOYER	988F	1994	1524.5
71919	CAT, Loader	988F	1995/2006	4
71925	988B WHEEL LOADER	988B	1976	627
71926	CAT, Loader	980C	1979	7.5
71929	988G WHEEL LOADER	988G	2002	1249
72046	14G MOTOR GRADER	14G	1977	31
73865	CAT 631E SCRAPER	631E	1987	104.5
73866	CAT 631E SCRAPER	631E	1987	195.5
73867	1987 CAT 631E SCRAPER	631E	1987	72
73868	1987 CAT 631E SCRAPER	631E	1987	250.25
75008	D9L TRACTOR CRAWLER	D9L	1982	578

CostType	Vehicle	Model	Year	Hours
75014	D8K TRACTOR CRAWLER	D8K	1977	10
75021	D10R TRACTOR CRAWLER	D10R	1996	1364.5
75022	CAT D10N TRCTR CRAWLER	D10N	1990	790
75024	D8N TRACTOR CRAWLER	D8N	1995	144.5
75025	D7H LGP TRACTOR CRAWLER	D7H	1986	23.5
75026	CAT, Dozer	D6H	1987	2
75151	D5 TRACTOR W/ DOZER & RIPPER	D5	1975	8
89313	IR Drill, Drill	CM351	0	2
89700	IR, Compressor	XHP750	0	2
151001	Peterbilt Tractor, Oil	367	2008	152.5
151002	Peterbilt Tractor, Oil	367	2008	334
211000	Kenworth Water Truck, Water Truck	W900A	1978	637
211006	Autocar, Water Truck	DC66	1984	0.5
241003	Freightliner, Dump Truck	11264ST	1996	6.5
261000	775E CAT ROCK TRUCK	775E	2003	1497.5
261001	775E CAT ROCK TRUCK	775E	2003	624.25
651000	CAT, Excavator	235C	1988	86.5
651001	CAT, Excavator	235C	1988	2.5
651002	CAT 330L HYD EXCAVATOR	330L	1992	476.5
651003	JOHN DEERE 220 LC EXCAVATOR	220 LC	1998	147
711000	992G CAT LOADER	992G	2003	0.5
711002	988G CAT LOADER	988G	2003	1.5
711006	CAT 988G LOADER	988G	2004	852.5
711007	CAT 988G LOADER	988G	2004	711
721000	CAT 16G MOTOR GRADER	16G	1980	174
731000	631G CAT SCRAPER	631G	2002	511.5
731001	631G CAT SCRAPER	631G	2002	538.5
731002	CAT, Scraper	631G	2002	17.5
751001	2004 CAT D10 R	D10R	2004	11
751002	D5N XL CAT DOZER	D5N XL	2007	16
891236	DHD CRAWLAIR DRILL	CM780D	2006	749

CostType	Vehicle	Model	Year	Hours
15106	Peterbilt Tractor, NQ Dust Truck	Tractor	1974	123
15136	Peterbilt Tractor, Oil	Peterbilt #357	1987	3.5
15147	Peterbilt Tractor, Oil	Peterbilt #378	1991	69.5
15149	Peterbilt Tractor, Oil	Peterbilt #378	1991	148
15150	International Tractor, Trnx from Sol to NQ	Inter. M36/D405	1964	2
15154	Peterbilt Tractor, Oil	Peterbilt #378	1995	202.5
15155	Peterbilt Tractor, Oil	Peterbilt #378	1995	178.5
15160	Peterbilt Tractor, Rags Transport	Peterbilt #379	2003	147.25
15717	Peterbilt Tractor, Transport	0	1992	94.5
15720	Peterbilt Tractor, Tom Allen Transport	Peterbilt #378	1991	7
21005	CAT #631B WATER WAGON	631B	1963	14.5
21015	WABCO 50 WATER TRUCK	WTR TRK	1977	581.5
21018	Kenworth Water Truck, Water Truck	0	1991	99
21019	Kenworth Water Truck, Water Truck	W900	1985	436.25
21130	International Tractor, Water Truck	9400	1994	296.25
24518	International Tractor, Dump Truck	S2500	1987	16
24519	International Tractor, Dump Truck	S2300	1985	8
26093	PAYHAULER #350B ROCK TRK (D)	350B DETROIT	1979	641
26094	PAYHAULER #350C ROCK TRK (D)	350C (DETROIT ENG)	1979	531.75
26100	Wabco 50, Rock Truck	50B	1979	7
26101	Wabco 50, Rock Truck	50B	1983	5
26202	70 TON ROCK TRUCK #775D	775D	2001	1819
26203	70 TON ROCK TRUCK #775D	775D	2001	1717.5
26205	CAT 775, Rock Truck	775D	2001	8
42058	Tennant, Mobile Sweeper	830II	2002	61.5
51310	CATERPILLAR COMPACTOR # 815 B	815B	1985	16
63924	NRTHWST DRGLN CRANE #180D	180D	1976	69.5
65202	CAT , Excavator	225	1978	16
65212	CAT HYD EXCAVATOR 245B	245B	1974	574
65213	CAT EXCAVATOR 235C	235C	1989	2
71365	CAT 988B WHEEL LOADER	988B	1990	895
71369	CAT, Loader	988B	1988	10.5
71376	CAT 988B CLAMP LOADER	988B	1980	46.5
71382	CAT 988B WHEEL LOADER	988B	1979	680
71385	CAT, Loader	980B	1978	29
71392	CAT, Loader	988B	1978	8
71485	CAT 988F WHEEL LOADER II	988F	1998	1591.5
71898	CAT 988B RT LOADER	988B	1980	476.5
71907	988B RT CLAMP LOADER	988B	1986	195.5
71908	CAT 988B RT CLAMP LOADER	988B	1986	674
71911	CAT, Loader	992C	1978	8
71912	CAT, Loader	992C	1979	31.5
71913	992C RT LOADER - MOYER	992C	1985	1707.5
71917	CAT, Loader	992C	1980/2006	809.5
71918	988F RT LOADER - MOYER	988F	1994	1628.5
71919	CAT, Loader	988F	1995/2006	8
71925	988B WHEEL LOADER	988B	1976	287
71929	988G WHEEL LOADER	988G	2002	1611
72046	14G MOTOR GRADER	14G	1977	81
75008	D9L TRACTOR CRAWLER	D9L	1982	180.5
75021	D10R TRACTOR CRAWLER	D10R	1996	1114
75022	CAT D10N TRCTR CRAWLER	D10N	1990	497.5
75023	CAT, Dozer	D9N	1991	438.5
75024	D8N TRACTOR CRAWLER	D8N	1995	102.5

CostType	Vehicle	Model	Year	Hours
75025	D7H LGP TRACTOR CRAWLER	D7H	1986	18
89313	IR Drill, Drill	CM351	0	6
151001	Peterbilt Tractor, Oil	367	2008	171.5
151002	Peterbilt Tractor, Oil	367	2008	373.5
211000	Kenworth Water Truck, Water Truck	W900A	1978	579.5
211001	International Tractor, Water Truck	0	1992	5
211003	Peterbilt Tractor, Water Truck	377	1998	4
211006	Autocar, Water Truck	DC66	1984	5
261000	775E CAT ROCK TRUCK	775E	2003	1872
261001	775E CAT ROCK TRUCK	775E	2003	1537.5
421000	GMC, Mobile Sweeper	T-7500	2003	10.5
651000	CAT, Excavator	235C	1988	108
651001	CAT, Excavator	235C	1988	2
651002	CAT 330L HYD EXCAVATOR	330L	1992	238
651003	JOHN DEERE 220 LC EXCAVATOR	220 LC	1998	200
651005	CAT #345B EXCAVATOR	345B	2004	620.5
711000	992G CAT LOADER	992G	2003	8
711002	988G CAT LOADER	988G	2003	5.5
711006	CAT 988G LOADER	988G	2004	1874
711007	CAT 988G LOADER	988G	2004	1167.5
721000	CAT 16G MOTOR GRADER	16G	1980	209.5
891236	DHD CRAWLAIR DRILL	CM780D	2006	1113.5
891239	, Cement Cart VBM	0	0	7.5
992013	Trackmobile, Rail Car Mover	7TM	1966	1.5

Attachment 4: Health Effects of Respirable Crystalline Silica

Inhalation of crystalline silica initially causes respiratory irritation and an inflammatory reaction in the lungs. Acute exposures to high concentrations cause cough, shortness of breath, and pulmonary alveolar lipoproteinosis (acute silicosis). After chronic but lower workplace exposures to silica for six to sixteen years, the small airways become obstructed as measured by pulmonary function tests. In a report on the hazards of exposure to crystalline silica, the American Thoracic Society (1997) stated: "Studies from many different work environments suggest that exposure to working environments contaminated by silica at dust levels that appear not to cause roentgenographically visible simple silicosis can cause chronic airflow limitation and/or mucus hypersecretion and/or pathologic emphysema." Other researchers also concluded that "chronic levels of silica dust that do not cause disabling silicosis may cause the development of chronic bronchitis, emphysema, and/or small airways disease that can lead to airflow obstruction, even in the absence of radiological silicosis." Fibrotic lesions associated with crystalline silica have also been found at autopsy in the lungs of granite workers who lacked radiological evidence of silicosis. (Silica Toxicity Summary, OEHHA, 2005).

Silicosis results from chronic exposure; it is characterized by the presence of histologically unique silicotic nodules and by fibrotic scarring of the lung. Lung diseases other than cancer associated with silica exposure include silicosis, tuberculosis/silicotuberculosis, chronic bronchitis, small airways disease, and emphysema. Silica exposure has been implicated in autoimmune diseases (rheumatoid arthritis, scleroderma, systemic lupus erythematosus) in gold miners and granite workers and in the causation of kidney disease in some occupations, possibly by an immune mechanism. (Silica Toxicity Summary, OEHHA, 2005).

Several studies have reported "environmental silicosis", cases where the silicosis occurs in the absence of an industry usually associated with the disease. In one of the stronger examples, Saiyed et al. (1991) investigated non-occupational pneumoconiosis in Ladakh, India, high in the western Himalayas where there are no mines or industries. The prevalence of pneumoconiosis corresponded with the severity of dust storms and the presence or absence of chimneys in the kitchens (i.e., ventilated cooking). Without chimneys (Chushot), dust concentrations in kitchens averaged 7.5 mg/m3 during cooking periods. The free silica content of the dust storms was 60-70%. The authors suggested that exposure to free silica from dust storms and to soot from cooking with domestic fuels caused the pneumoconiosis. Such exposures in this and other studies might be considered to be non-industrial but occupational, since the subjects studied by Saiyed et al. (1991) were involved in the domestic work of cleaning and cooking (USEPA, 1996). In any case, the exposures were very high and thus similar to some occupational exposures. (Silica Toxicity Summary, OEHHA, 2005).

A2158

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(415) 771-6000

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Tal Bailey
Syar Industries Inc
P O Box 2540
Napa, CA 94558

Location: 2301 Napa Vallejo Hwy
Napa, CA 94558

S#	DESCRIPTION	[Schedule]	PAID
1	MINERL> Crushing, Rock PRIMARY CRUSHER Abated by: A1 Scrubber	[G1]	900
2	MINERL> Crushing, Rock SECONDARY CRUSHER Abated by: A1 Scrubber	[G1]	900
3	MINERL> Crushing, Rock SECONDARY CRUSHER Abated by: A1 Scrubber	[G1]	900
4	MINERL> Crushing, Rock SECONDARY CRUSHER Abated by: A1 Scrubber	[G1]	900
5	MINERL> Crushing, Rock PRIMARY CRUSHER Abated by: A2 Scrubber	[G1]	900
7	MINERL> Crushing, Rock SECONDARY CRUSHER Abated by: A2 Scrubber	[G1]	900
8	MINERL> Crushing, Rock SECONDARY CRUSHER Abated by: A2 Scrubber	[G1]	900

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S#	DESCRIPTION	[Schedule]	PAID
9	Fixed roof tank, 10K gal, Black, Distillate oil, 7.5 ft diam TANK D14 (DIESEL)	[exempt]	0
10	Fixed roof tank, 12K gal, Black, Distillate oil, 7.6 ft diam TANK 15A (DIESEL)	[exempt]	0
11	Fixed roof tank, 12K gal, Black, Distillate oil, 7.6 ft diam TANK D-10 (DIESEL)	[exempt]	0
13	Fixed roof tank, 10K gal, Black, Distillate oil, 7.6 ft diam TANK D15F (DIESEL)	[exempt]	0
14	Fixed roof tank, 12K gal, Black, Distillate oil, 8 ft diam TANK D-12 (DIESEL)	[exempt]	0
18	Fixed roof tank, 14K gal, Tan, Distillate oil, 7.75 ft diam TANK D13 (DIESEL)	[exempt]	0
19	Vehicle Service Station, Distillate oil, 4 pumps, Splash fill DIESEL SERVICE STATION	[exempt]	0
22	Fixed roof tank, 3K gal, Tan, Lube oil, 6 ft diam TANK M7 (MOTOR OIL)	[exempt]	0
26	MINERL> Asphalt mixing, batch/continuous, Burns multi-fuels ASPHALTIC CONCRETE PLANT #1 Abated by: A3 Simple Cyclone A4 Baghouse, Reverse Jet Emissions at: P1 Stack	[B]	1797
27	MINERL> Asphalt mixing, batch/continuous, Burns multi-fuels ASPHATTIC CONCRETE PLANT #2 Abated by: A5 Simple Cyclone A6 Simple Cyclone A9 Baghouse, Reverse Jet Emissions at: P2 Stack	[B]	3235
28	Fixed roof tank, 19500 gal, Aluminum, Asphalt, 16 ft diam ASPHALT TANK #1	[C]	130

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S#	DESCRIPTION	[Schedule]	PAID
29	Fixed roof tank, 19500 gal, Aluminum, Asphalt, 16 ft diam ASPHALT TANK #2	[C]	130
30	Fixed roof tank, 19500 gal, Aluminum, Asphalt, 16 ft diam ASPHALT TANK #3	[C]	130
31	Fixed roof tank, 20K gal, Aluminum, Asphalt, 16 ft diam ASPHALT TANK #4	[C]	130
32	Fixed roof tank, 11800 gal, Aluminum, Asphalt, 12 ft diam ASPHALT TANK #5	[C]	130
33	Fixed roof tank, 22K gal, UNPAINTED, Asphalt, 18 ft diam ASPHALT TANK #6	[C]	130
34	Fixed roof tank, 22K gal, Aluminum, Asphalt, 18 ft diam ASPHALT TANK #7	[C]	130
35	MINERL> Crushing, Rock, 500 tons/hr max Secondary Crusher Abated by: A2 Scrubber	[G1]	900
40	Service Station G6318, 1 gasoline nozzles, Vehicle Non Retail Gasoline Dispensing Facility	[D]	55
54	MINERL> Conveying, Rock, 360 tons/hr max CONVEYORS GREY ROCK OPERATION	[F]	217
55	MINERL> Conveying, Rock, 200 tons/hr max CONVEYORS BLUE ROCK OPERATION	[F]	217
56	10K gal, Distillate oil, 8 ft diam Diesel Tank, D-9 10,000 gallons	[exempt]	0
64	MINERL> Storage, contained, Rock Aggregate Storage	[F]	217
65	Heat Transfer Operation - Other, 2115K BTU/hr max, Natural gas Hot Oil Heater	[exempt]	0

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S#	DESCRIPTION	[Schedule]	PAID
66	Fixed roof tank, 12500 gal, Aluminum, Asphalt, 12 ft diam Emulsified Asphalt Tank #11	[exempt]	0
67	Fixed roof tank, 12500 gal, Aluminum, Asphalt, 12 ft diam Emulsified Asphalt Tank #10	[exempt]	0
68	Fixed roof tank, 12500 gal, Aluminum, Asphalt, 12 ft diam Asphalt Tank #9	[C]	130
69	Fixed roof tank, 7K gal, Aluminum, Asphalt, 8 ft diam Asphalt Tank #8	[C]	130
71	MINERL> Crushing, Gravel/sand, 100 tons/hr max Secondary Crusher - Aggregate Base Plant Abated by: A22 Preformed Spray Scrubber	[G1]	900
73	Fixed roof tank, 700 gal, Organic liquid - other/not spec M-9 Tank - motor oil	[exempt]	0
75	MINERL> Screening, Rock, 200 tons/hr max Portable Sand Screen and Conveyor Abated by: A23 Simple Settling Chamber	[F]	217
76	MINERL> Storage, contained, Asphaltic concrete 200 Ton Magnum Surge Storage Bin System Abated by: A5 Simple Cyclone A6 Simple Cyclone A9 Baghouse, Reverse Jet Emissions at: P2 Stack	[F]	217
80	MINERL> Conveying, Gravel/sand, 300 tons/hr max Sand Plant Feed Hopper with Conveyor Abated by: A8 Water Spray System	[F]	217
81	MINERL> Screening, Gravel/sand, 300 tons/hr max Sand Plant Triple Deck Screen Deck & Twin Sand Screws Abated by: A8 Water Spray System	[F]	217
82	MINERL> Conveying, Gravel/sand, 300 tons/hr max Sand Plant Conveyor System Abated by: A8 Water Spray System	[F]	217

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S#	DESCRIPTION	[Schedule]	PAID
83	MINERL> Screening, Rock, 140 tons/hr max Scalper - Aggregate Base Plant	[F]	217
84	MINERL> Crushing, Gravel/sand, 210 tons/hr max Jaw Crusher - Aggregate Base Plant Abated by: A84 Water Spray System	[G1]	900
85	MINERL> Screening, Gravel/sand, 280 tons/hr max Two Deck Screen -Aggregate Base Plant Abated by: A22 Preformed Spray Scrubber	[F]	217
86	MINERL> Crushing, Gravel/sand, 250 tons/hr max Impact Master Crusher - Aggregate Base Plant Abated by: A86 Water Spray System	[G1]	900
87	MINERL> Screening, Gravel/sand, 250 tons/hr max Screening Operation - Aggregate Base Plant Abated by: A22 Preformed Spray Scrubber	[F]	217
88	MINERL> Conveying, Gravel/sand, 600 tons/hr max Fifteen - Conveyor Belt System - Aggregate Base Plant Abated by: A22 Preformed Spray Scrubber	[F]	217
89	MINERL> Storage, contained, Cement 75 TON CEMENT SILO Abated by: A89 Baghouse, Simple Emissions at: P89 Stack	[F]	217
90	MINERL> Storage, contained, Cement 75 TON CEMENT SILO Abated by: A90 Baghouse, Simple Emissions at: P90 Stack	[F]	217
91	MINERL> Storage, contained, Cement 75 TON CEMENT SILO Abated by: A91 Baghouse, Simple Emissions at: P91 Stack	[F]	217
92	MINERL> Conveying, Gravel/sand, 60 tons/hr max CONVEYOR BELT SYSTEM	[F]	217

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S#	DESCRIPTION	[Schedule]	PAID
93	MINERL> Storage, contained, Gravel/sand 300 TON SAND AND AGGREGATE SILO	[F]	217
94	MINERL> Storage, contained, Gravel/sand 300 TON SAND & AGGREGATE SILO	[F]	217
95	MINERL> Storage, contained, Gravel/sand 300 TON SAND AND AGGREGATE SILO	[F]	217
96	MINERL> Storage, contained, Gravel/sand 300 TON SAND AND AGGREGATE SILO	[F]	217
97	MINERL> Storage, contained, Gravel/sand 300 TON SAND & AGGREGATE SILO	[F]	217
98	MINERL> Storage, contained, Gravel/sand 300 TON SAND & AGGREGATE SILO	[F]	217
99	MINERL> Screening, Gravel/sand, 300 tons/hr max Telsmith 2-Deck Screen	[F]	217
100	MINERL> Screening, Gravel/sand, 210 tons/hr max Screen	[F]	217
101	MINERL> Screening, Gravel/sand, 110 tons/hr max Screen	[F]	217
102	Spray booth, Outside Work, 9.71 gal/yr solvent Paint Booth	[E]	229

49 Permit Sources, 13 Exempt Sources

*** See attached Permit Conditions ***

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*** PERMIT CONDITIONS ***

Source# 27	subject	to Condition	ID# 766
Source# 35	subject	to Condition	ID# 885
Source# 40	subject	to Condition	ID# 8754
Source# 76	subject	to Condition	ID# 766
Source# 80	subject	to Condition	ID# 2132
Source# 81	"	"	ID# 2132
Source# 82	"	"	ID# 2132
Source# 84	subject	to Condition	ID# 2346
Source# 86	"	"	ID# 2346
Source# 87	subject	to Condition	ID# 10767
Source# 89	subject	to Condition	ID# 7750
Source# 90	"	"	ID# 7750
Source# 91	"	"	ID# 7750
Source# 92	"	"	ID# 7750
Source# 93	"	"	ID# 7750
Source# 94	"	"	ID# 7750
Source# 95	"	"	ID# 7750
Source# 96	"	"	ID# 7750
Source# 97	"	"	ID# 7750
Source# 98	"	"	ID# 7750
Source# 99	subject	to Condition	ID# 13953
Source# 100	"	"	ID# 13953
Source# 101	"	"	ID# 13953
Source# 102	subject	to Condition	ID# 20852

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COND# 766 *applies to S#'s 27, 76*

Visible particulate emissions shall not exceed Ringelmann Number 0.5 or equivalent opacity.

COND# 885 *applies to S# 35*

Visible particulate emissions shall not exceed Ringelmann Number 0.5 or equivalent capacity.

COND# 2132 *applies to S#'s 80, 81, 82*

1. Visible particulate emissions shall not exceed Ringelmann No. 0.5 or equivalent opacity, or result in fallout on adjacent property in such quantities as to cause annoyance to any other person.
2. Water sprays shall operate at all times necessary to comply with Condition No. 1.

COND# 2346 *applies to S#'s 84, 86*

1) Visible emissions from this source shall not exceed Ringelmann No. 0.5 or equivalent opacity, or result in fallout on adjacent property in such quantities as to cause annoyance to any other person.
2) Water sprays shall operate at all times as necessary to meet the provision of Conditions No. 1.
3) If this source proves unable to comply with Condition No.1, the applicant shall install one or of the following abatement devices, as deemed necessary by the District.
   a. Additional water sprays;
   b. Wind screens
   c. Enclosures; and
   d. Baghouse

COND# 7750 *applies to S#'s 89, 90, 91, 92, 93, 94, 95, 96, 97, 98*

1. Visible particulate emissions from Sources 89-98 shall not exceed Ringelman 0.5 or result in fallout on

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*** PERMIT CONDITIONS ***

adjacent property in such quantities as to cause a public nuisance per Regulation 1-301.

2. Sources 89-91 shall not be operated without assigned abatement devices 89-91 turned on and fuctioning properly.

COND# 8754 *applies to S# 40*

Pursuant to Regulation 8-7-111.2 and 8-7-112.7, this facility shall be exempt from Phase I and Phase II vapor recovery equipment because the tank was installed prior to July 1 1983 and the annual throughput is less than 60,000 gallons per year. Throughput shall not exceed 60,000 gallons per year.

COND# 10767 *applies to S# 87*

CONDITIONS FOR SOURCE S-87, PLANT #2158:

1. Visible particulate emissions shall not exceed Ringelmann No. 0.5 or equivalent opacity, or result in fallout on adjacent properties in such quantities to cause a public nuisance.

2. Water sprays shall operate at all times necessary to comply with condition No. 1.

COND# 13953 *applies to S#'s 99, 100, 101*

Plant # 2158
Sources 99, 100, and 101

1) Visible particulate emissions from Source 99, 100, and 101 shall not exceed Ringelmann No. 0.5 or equivalent opacity, or result in fallout on adjacent properties in such quantities to cause a public nuisance.

2) At all times of operation Source 99, 100 and 101 shall use water spray to comply with condition# 1.

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COND# 20852 *applies to S# 102*

1. Coating usage shall not exceed the following quantities of U.S. Cellulose coating in any consecutive 12-month period:
Wash primer: Acryli-clean 21 gal/yr DX330 (PPG);
Primer: Primer surfacer 19 gal/yr NCP280 (PPG); thinned 10% with acetone;
Primer: Primer sealer 27 gal/yr NCS1990 (PPG);
Topcoat: Concept LV 43 gal/yr (PPG);
Topcoat: Deltron DBU universal basecoat 54 gal/yr (PPG - part of multi-stage system;
Topcoat: Low-VOC Clear 21 gal/yr (PPG - part of multi-stage system);
Topcoat: 12-1572 Yellow Alkyd Modified Acrylic 400 gal/yr;
Topcoat: 12-100 Direct-to-Metal Gloss Industrial Coating 300 gal/yr;
Specialty coating: Unsaturated Polyester Gel Coat in Monomer 5 gal/yr.
[cumulative increase]

2. Coatings shall not be thinned or reduced such that the allowable VOC limits specified in Regulation 8-45-301 are exceeded. [Regulation 8-45-301]

3. Net clean-up solvent usage shall not exceed 40 gallons of PPG General Purpose Solvent Cleaner MS100 in any consecutive twelve-month period. [cumulative increase]

4. Coatings and Solvents other than the materials specified in Part 1, and/or usages in excess of those specified in Part 1, may be used at S-102, provided that the owner/operator can demonstrate that both the following are satisfied:

   a. Total POC emissions from S-102 do not exceed 3,464 pounds in any consecutive twelve-month period.
   b. The usage of these materials does not increase toxic emissions above any risk screening trigger level listed in Table 2-1-316 of Regulation 2-1.

   [Basis: Cumulative Increase, BACT]

5. Maintain and have available during an inspection a current list of coatings in use that provides all of the

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939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
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PERMIT TO OPERATE

This document does not permit the holder to violate any District regulation or other law.

*** PERMIT CONDITIONS ***

coating data necessary to evaluate compliance, including the following information, as applicable:

a. coating, catalyst, reducer, and mix ratio of the components in the coating used
b. mix ratio of components
c. VOC content of coating as applied

[Regulation 8-45, Sections 501.1]

6. A District approved logbook shall be maintained, as follows:

Record, on a weekly basis, the following information:
a. coating and mix ratio of components in the coating(s) used
b. quantity of each coating applied

Record, on a daily basis, the following information:
a. quantity and mix ratio of each specialty coating applied

Record, on a monthly basis, the following information:
a. type and amount of solvent used for clean-up and surface preparation

Records shall be maintained for a period of at least 2 years from the date of entry and made readily available to District staff upon request. [Regulation 8-45, Section 501, recordkeeping]

END OF CONDITIONS

S#	Source Description	Annual Average lbs/day PART	ORG	NOx	SO2	CO
1	PRIMARY CRUSHER	20	-	-	-	-
2	SECONDARY CRUSHER	18	-	-	-	-
3	SECONDARY CRUSHER	10	-	-	-	-
4	SECONDARY CRUSHER	5	-	-	-	-
5	PRIMARY CRUSHER	-	-	-	-	-
7	SECONDARY CRUSHER	-	-	-	-	-
8	SECONDARY CRUSHER	-	-	-	-	-
9	TANK D14 (DIESEL)	-	.02	-	-	-
10	TANK 15A (DIESEL)	-	-	-	-	-
11	TANK D-10 (DIESEL)	-	-	-	-	-
13	TANK D15F (DIESEL)	-	.02	-	-	-
14	TANK D-12 (DIESEL)	-	-	-	-	-
18	TANK D13 (DIESEL)	-	-	-	-	-
19	DIESEL SERVICE STATION	-	.56	-	-	-
22	TANK M7 (MOTOR OIL)	-	-	-	-	-
26	ASPHALTIC CONCRETE PLANT #1	-	.15	7	.03	1.7
27	ASPHATTIC CONCRETE PLANT #2	-	.33	15.2	.06	33.9
28	ASPHALT TANK #1	-	-	-	-	-
29	ASPHALT TANK #2	-	-	-	-	-
30	ASPHALT TANK #3	-	-	-	-	-
31	ASPHALT TANK #4	-	-	-	-	-
32	ASPHALT TANK #5	-	-	-	-	-
33	ASPHALT TANK #6	-	-	-	-	-
34	ASPHALT TANK #7	-	-	-	-	-
35	Secondary Crusher	-	-	-	-	-
40	Non Retail Gasoline Dispensing Facility	-	.04	-	-	-
54	CONVEYORS GREY ROCK OPERATION	-	-	-	-	-
55	CONVEYORS BLUE ROCK OPERATION	-	-	-	-	-
56	Diesel Tank, D-9 10,000 gallons	-	-	-	-	-
64	Aggregate Storage	1	-	-	-	-
65	Hot Oil Heater	-	-	-	-	-
66	Emulsified Asphalt Tank #11	-	.17	-	-	-
67	Emulsified Asphalt Tank #10	-	1.89	-	-	-
68	Asphalt Tank #9	-	2.16	-	-	-
69	Asphalt Tank #8	-	.14	-	-	-
71	Secondary Crusher - Aggregate Base Plant	3	-	-	-	-
73	M-9 Tank - motor oil	-	-	-	-	-
75	Portable Sand Screen and Conveyor	-	-	-	-	-
76	200 Ton Magnum Surge Storage Bin System	0	-	-	-	-
80	Sand Plant Feed Hopper with Conveyor	0	-	-	-	-
81	Sand Plant Triple Deck Screen Deck & Twin	0	-	-	-	-
82	Sand Plant Conveyor System	0	-	-	-	-
83	Scalper - Aggregate Base Plant	2	-	-	-	-
84	Jaw Crusher - Aggregate Base Plant	1	-	-	-	-
85	Two Deck Screen -Aggregate Base Plant	2	-	-	-	-
86	Impact Master Crusher - Aggregate Base Pla	1	-	-	-	-
87	Screening Operation - Aggregate Base Plant	15	-	-	-	-
88	Fifteen - Conveyor Belt System - Aggregate	1	-	-	-	-
89	75 TON CEMENT SILO	-	-	-	-	-
90	75 TON CEMENT SILO	-	-	-	-	-

S#	Source Description	Annual Average lbs/day PART	ORG	NOx	SO2	CO
91	75 TON CEMENT SILO	-	-	-	-	-
92	CONVEYOR BELT SYSTEM	-	-	-	-	-
93	300 TON SAND AND AGGREGATE SILO	-	-	-	-	-
94	300 TON SAND & AGGREGATE SILO	-	-	-	-	-
95	300 TON SAND AND AGGREGATE SILO	-	-	-	-	-
96	300 TON SAND AND AGGREGATE SILO	-	-	-	-	-
97	300 TON SAND & AGGREGATE SILO	-	-	-	-	-
98	300 TON SAND & AGGREGATE SILO	-	-	-	-	-
99	Telsmith 2-Deck Screen	53	-	-	-	-
100	Screen	29	-	-	-	-
101	Screen	14	-	-	-	-
102	Paint Booth	-	.66	-	-	-
	T O T A L S	175	6.14	22.2	.09	35.6

** PLANT TOTALS FOR EACH EMITTED TOXIC POLLUTANT **

Pollutant Name	Emissions lbs/day
Toluene	.47
Xylene	.01
Butyl cellosolve	.08

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