

**APPEALS OF NAPA COUNTY PLANNING COMMISSION  
CERTIFICATION  
OF EIR AND PERMIT APPROVAL OF SYAR INDUSTRIES, INC.  
APPLICATION TO EXPAND MINING AND ADD ASPHALT RECYCLING**

**APPEAL HEARING MARCH 22, 2016**

**COMMENTS ON BEHALF OF APPELLANT STOP SYAR EXPANSION  
AND  
KATHY FELCH, NAPA RESIDENT**

# EXPANSION MYTHOLOGY

- ❖ Heavily regulated industry
- ❖ Largest employer in Napa County
- ❖ Expansion means jobs
- ❖ Need new permit to stop polluting
- ❖ Community caused delay in getting permit

**STOP SYAR**

# MYTH #1

**“HEAVILY REGULATED INDUSTRY”**

Lead agency annual inspections

# ANNUAL INSPECTIONS

*No inspections*

1991-1995

1997

1999

2000

2002

2014

**STOP SYAR EXPANSION**

# 26 YEARS

FROM 1990 TO 2016

▶ 43.25 HOURS OF  
INSPECTION

▶ 1.66 HOURS PER YEAR

**STOP SYAR EXPANSION**



# COMPARE

**PLANNING COMMISSIONER SCOTT'S  
2009 TOUR OF SYAR**

**1.5 HOURS**

**IN 26 YEARS**

**COUNTY STAFF :  
“I+” VIOLATION in 1998  
NEVER ADDRESSED**

**STOP SYAR EXPANSION**

# FEDERAL CWA VIOLATIONS

▶ 2008

▶ 2009

▶ 2010

▶ 2011

▶ 2012

▶ 2013



**FEB 2014**

**SYAR SUED FOR  
CWA VIOLATIONS**

**JANUARY 2015**

**SYAR SETTLED**

**\$30,522**



# **BAAQMD REGULATION**

**INEFFECTIVE**

**UNDERSTAFFED**

**2 INSPECTORS FOR ENTIRE REGION**

**WILL NOT ACCEPT CITIZEN DATA**

**NO EVIDENCE OF  
OTHER REGULATORY  
INVOLVEMENT**

**MYTH #2**

**“LARGEST  
EMPLOYER”**

**CLAIMS 155 EMPLOYEES**



# **MINING/QUARRYING/OIL/GAS EXTRACTION**

**NAPA COUNTY - 2014**

**42 JOBS**

# COMPARE

**NAPA STATE HOSPITAL**

**2388 employees**

**MEADOWWOOD**

**500+ employees**

**SYAR**

**155 employees  
(25-27 in quarry)**

# MYTH #3

**EXPANSION MEANS JOBS**

**Mining/Quarrying/Oil/Gas Extraction is predicted  
to add  
two (2) jobs  
by the year 2019**

# MYTH #4

**NEEDS NEW PERMIT  
TO STOP POLLUTING**



**DOES NOT NEED NEW PERMIT TO  
MODERNIZE AND UPGRADE OPERATION**

# MYTH #5

COMMUNITY CAUSED DELAY  
IN GETTING PERMIT

# THE FACTS

2008	SYAR SUBMITS APPLICATION
2008-13	COMMUNITY: WHERE IS EIR?
2013	DRAFT EIR ISSUED
2014	FEIR ISSUED
2015	PUBLIC HEARINGS, PERMIT APPROVAL

**COMMUNITY DEPENDS ON THE  
COUNTY TO PROTECT US FROM  
TOXIC AND HAZARDOUS  
SUBSTANCES**

# CARCINOGENS

- ▶ DIESEL EMISSIONS
- ▶ CRYSTALLINE SILICA
- ▶ ASPHALT EMISSIONS

**STOP SYAR EXPANSION**



# SYAR KNOWS

▶ **WEIGH TAGS**

▶ **MATERIAL SAFETY DATA SHEETS**

▶ **EIR**

**STOP SYAR EXPANSION**

**PRIVATE PROPERTY**

**PUBLIC IMPACT**

**REQUIRES**

- **PUBLIC INVOLVEMENT**
- **VIGILANT COUNTY**

**MITIGATION MEASURES**

**=**

***IMPERMISSIBLE***

**DEFERRED MITIGATION**

**STOP SYAR EXPANSION**

# GROUNDWATER

❖ USAGE UNKNOWN

❖ METER AFTER PERMIT GRANTED

❖ MITIGATION BASED ON  
SELF-REPORTING

**STOP SYAR EXPANSION**

# PRODUCTION LIMIT

- ❖ BASED ON PRODUCTION
- ❖ PRODUCTION SELF-MONITORED
- ❖ PRODUCTION DATA SECRET

**STOP SYAR EXPANSION**



# **DIESEL FLEET UPGRADES**

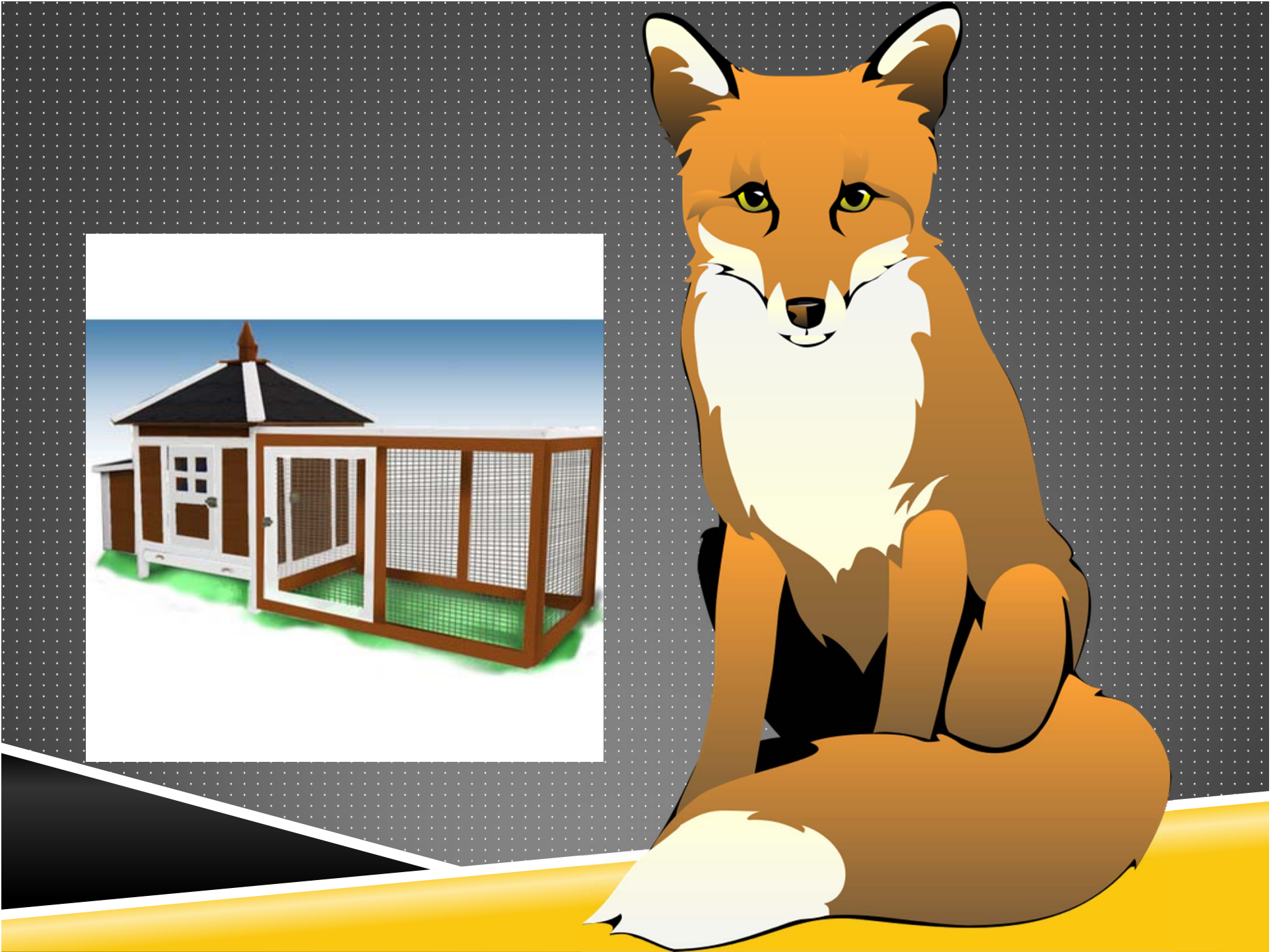
- ❖ **TIED TO ANNUAL PRODUCTION CAP**

- ❖ **IF EXCEEDED, WILL UPGRADE FLEET**

- ❖ **PRODUCTION SELF-REPORTED**

- ❖ **PRODUCTION SECRET**

**STOP SYAR EXPANSION**



# ADAPTIVE MINING APPROACH

- ☐ NO PUBLIC PARTICIPATION
- ☐ FIVE YEAR REVIEW
- ☐ PUBLIC CAN PARTICIPATE
- ☐ ANNUAL REPORT TO COUNTY
- ☐ ESSENTIAL DATA SECRET

# SECRET DATA

- **WEIGHT TAGS**
- **WATER USAGE**
- **PRODUCTION AMOUNT**
- **PHYSICAL PLANT**

# NO MEANINGFUL PUBLIC REVIEW





**RECLAMATIO  
N**

**NOT BEGUN**





# GOVERNMENT CODE §11135

(a) **No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state. Notwithstanding Section 11000, this section applies to the California State University.**

**NAPA COUNTY RECEIVES FINANCIAL  
ASSISTANCE FROM THE  
STATE OF CALIFORNIA**

**SYAR IS GOVERNED BY §11135  
BECAUSE CONTRACTS WITH STATE  
AND COUNTY  
(Govt. Code §11139.6)**