

To: Don Barrella  
From: Jennifer Gomez  
Re: Issues from October 21, 2015 Planning Commission Meeting  
Date: November 9, 2015

## **Introduction**

This memo provides the comments of Syar Industries, Inc. on the following issues discussed at the October 21, 2015 Planning Commission meeting concerning the Napa Quarry project (Surface Mining Permit #P08-00337):

- Reclamation timing
- Off road diesel equipment emissions
- Skyline Park trail license
- Operational limitations on clearing and blasting

## **Reclamation Timing**

Reclamation activities at the site will consist of three types of reclamation: short term reclamation (interim reclamation), mid-term final reclamation (will occur during the permit term), and final reclamation (following the cessation of mining).

Short term reclamation may be required in the Eagles Nest area. This area can be mined as part of the new use permit and is located at the southern end of the State expansion area. This area will remain as is, until mining begins in the adjacent expansion area. The initial activities in this area will see the completion of mining within the current Eagles Nest area. Following the completion of mining, Syar will move north into the State expansion area. The overburden material found in the adjacent expansion area will be used to buttress and/or fill in the Eagles Nest area to be used for mid-term final reclamation. If the Eagles Nest area is not mined within the first 5 years of the use permit term, Syar will conduct interim reclamation activities that will consist of slope stabilization and grass planting until such time that mining activities begin.

Following the issuance of the use permit Syar will begin mid-term final reclamation within the following three areas: State Blue pit, Area 1 and Area 2 (Figure 3f). The State Blue Mid-Term Final Reclamation Project will begin with the design phase. Following the completion of the design work, a qualified biological professional will design the grass and tree planting plan. Syar anticipates that reclamation of the State Blue area will be completed within 5 years of the issuance of the use permit. All plans will be submitted to the county for approval, as required. Other resource agencies may be asked to review the report, for example the Napa County Resource Conservation District (RCD) may be asked to review and concur with the seed and planting plans.

Area 1 and Area 2 are currently being filled with overburden. Once filling is complete the areas will be graded, seeded and planted as designed by a qualified biological professional. Syar anticipates that the Area 1 and Area 2 (this area will be tied in with the interim reclaimed R-1 area) reclamation activities be completed within two years of the issuance of the use permit.

Other areas of the existing quarry will also require reclamation during the permit term. Syar will work with the County to identify additional areas of the quarry and the timing for said reclamation work to occur. Current reclamation status and future reclamation needs will be addressed annual in the Annual Mining Plan. The topic of reclamation also is part of the annual SMARA reporting and inspection. Reclamation progress will also be reviewed annually in determining the financial assurance cost estimate and setting the amount of the reclamation bond.

**Off Road Diesel Equipment Emissions**

At the October 21 meeting, the Planning Commission directed to discuss with Syar a way of accelerating the process of upgrading the engine tiers of the off-road diesel equipment fleet at the Napa Quarry. The Planning Commission further directed staff to work with Syar so that the upgrade process was economically feasible and also consistent with the California Air Resources Board In-Use Off-Road Diesel Vehicle Regulation (13 California Code of Regulations 2449 et seq.).

Syar’s Napa Quarry fleet for the baseline period had engines with the following tiers:

<b>2005-2009, 45 Units Total</b>		
	<b>Units</b>	<b>%</b>
Tier 0	31	69
Tier 1	5	11
Tier 2	7	16
Tier 3	1	2
Tier 4	0	0

Since 2009, Syar has been regularly upgrading the fleet at the Napa to equipment with higher engine tiers. As discussed at the October 21 Planning Commission meeting, Syar has purchased 3 pieces of equipment with tier 4 engines in the last few months alone. Currently, the Napa Quarry fleet has engines with the following tiers:

<b>2015, 44 Units Total</b>		
	<b>Units</b>	<b>%</b>
Tier 0	14	32
Tier 1	13	29
Tier 2	10	23
Tier 3	2	5
Tier 4	5	11

As shown above, since 2009 Syar has reduced the number of tier 0 engines in its fleet by more than 50%; increase the number of tier 1 engines by more than 100%; increase the number of tier 2 and 3 engines by 50%; and added five tier 4 engines.

At a minimum, during the first five years of the new use permit, Syar will remove three pieces of equipment with tier 0 and tier 1 engines from the Napa Quarry fleet, and replace them with 3 pieces of equipment with tier 2, 3, or 4 engines.

In addition, as mentioned above, Syar's off-road diesel fleet is subject to the California Air Resources Board's In-Use Off-Road Diesel Vehicle Regulation. When the regulation became effective in 2007, Syar had substantial compliance credits from pre-regulatory compliance actions. Despite these compliance credits, from 2007 to date, Syar has been regularly upgrading its overall fleet with Tier 4 engines in the largest, most heavily used vehicles (primarily wheel loaders and haul trucks). Starting in 2017, Syar will exhaust its compliance credits. In order to comply with the In-Use Off-Road Diesel Vehicles Regulation, Syar will be required to turn over ten percent of the horsepower of its overall fleet each year (approximately 6,800 hp based on the current overall fleet). In addition, the horsepower is required to be the lowest tier engines in the fleet, which in Syar case means tier 0 and tier 1 engines. This requirement to turn over ten percent of the lower tier engines will continue each year, and once all tier 0 and tier 1 engines are retired, turnover of Tier 2 and 3 engines will be required. Under the regulation, the turn over requirement will only end when all engines in Syar's fleet are tier 4.

### **Skyline Park Trail License**

As discussed in the EIR, several of the trails in Skyline Park encroach onto Syar's property. Syar's original project proposal called for leaving most of the trail encroachments in place. The exception was the Skyline Trail. This trail has the greatest amount of encroachment onto Syar's property (several hundred feet), and in the interests of safety to the trail users, Syar proposed relocating this trail so that it was entirely on Skyline Park property, including providing funding for the construction of the trail. The relocated trail would be constructed to meet current trail design standards for safety, grade, erosion protection, and other issue, resulting in a better trail than the existing Skyline Park trail.

During the initial public hearings on the Napa Quarry Project, comment from neighbors, the public, and the Skyline Park Citizens Association made it clear that there was strong opposition to moving the Skyline Trail. In addition, there was strong opposition from the same group for mining the northeastern area of the quarry, adjacent to Skyline Park and in the vicinity of the Skyline Trail, because of potential environmental impacts. While those impacts were studied in the EIR and would be reduced to less than significant with mitigation, Syar decided to revise the project to limit its mining expansion to completely avoid the impacts of concern to the public. As part of this revision, the Skyline Trail would not be moved as part of the Napa Quarry Project. Rather, Syar would grant a license to allow the Skyline Trail to remain in its current location.

Under the license, Syar would grant the County a license to allow the continued use of the Skyline Park trails located on Syar's property for the duration of Syar's use permit for the Napa Quarry Project. The County (or its concessionaire, the Skyline Park Citizens Association) would be allowed to use and maintain the existing trails in their existing locations.

### **Operational Limitations for Clearing and Blasting**

As part of the revisions to the Napa Quarry Project in response to the first public hearing at the Planning Commission, Syar agreed to limit clearing operations on the Pasini parcel to the hours of 7:00 a.m. to noon on weekdays when those operations would occur within 400 feet of the boundary of Skyline Park. While the EIR found these operations would have a less than significant impact with mitigation, public comment expressed concerns that clearing operations near Skyline Park would disturb park users. Syar selected 7:00 a.m. to noon on weekdays because during frequent trips to this location, Syar personnel observed more park users on the trail in the vicinity of the Pasini parcel during the afternoons as compared to the mornings. This time also fits within Syar's normal day work shift hours of 7:00 a.m. to 3:30 p.m.

Under the Napa Quarry Project, blasting is limited to the hours of 10:00 a.m. to 3:00 p.m. on weekdays. The primary reasons for these hours are safety. Syar's goal is to blast at noon. However, a variety of factors determine when blasting is safe and will have the fewest impacts on neighbors, including weather conditions such as winds, atmospheric pressure (inversion), atmospheric moisture, and incoming weather systems; quarry operations; and any issues with preparing the charges and primers. The acceptable blasting parameters can also vary with the size, type, and location of the blast, as well as the production demands at the quarry. Any further limitations on the hours of blasting would affect Syar's ability to manage its blasting program to minimize the impacts of blasting on neighbors while maintain the highest safety standards for blasting.