

OCT 21 2015

Agenda Item # 9C

Dale La Forest & Associates  
Design, Planning & Environmental Consulting  
101 E. Alma Street, Suite 100-A  
Mt. Shasta, CA 96067  
(530) 918-8625

Don Barrella, Planner III  
Napa County Planning Building & Environmental Services Department  
1195 Third Street, Suite 210  
Napa, California

donald.barrella@countyofnapa.org

(707) 299-1338

SYAR NAPA QUARRY EXPANSION PROJECT - Napa County  
Comments on Environmental Impact Report  
**PROJECT'S SIGNIFICANT NOISE IMPACTS**

**Comment Letter #3**  
**REPLIES TO RESPONSE TO COMMENTS**  
**IN GHD's Oct. 15, 2015 Memorandum**

Dear Mr. Barrella,

October 20, 2015

At the request of the citizens organization Stop Syar Expansion, I have additionally reviewed the recently submitted noise-related Response to Comments in GHD's Oct. 15, 2015 Memorandum concerning the Syar Napa Quarry Expansion Project's EIR. This letter replies to those responses.

**THE COUNTY'S OR GHD'S RESPONSES TO COMMENTS ARE  
INADEQUATE UNSUPPORTED AND FAIL TO ADDRESS THE  
DEFECTS IN THE SYAR NAPA QUARRY PROJECT DRAFT EIR.**

The California Environmental Quality Act requires Napa County to evaluate public comments on the Draft EIR and provide written responses to comments that raise significant environmental issues in the Final EIR.<sup>1</sup> When a significant environmental issue such as matters of excessive noise is raised in comments that object to the Draft EIR's analysis, the response must be detailed and must provide a reasoned, good faith response.<sup>2</sup> Failure to respond adequately to comments before approving a proposed project frustrates CEQA's informational purposes and renders the environmental document inadequate.<sup>3</sup>

Broad statements and conclusions unsupported by factual information are not an adequate response. Questions raised about significant environmental issues must be addressed in detail.<sup>4</sup> The need for a reasoned, factual response is particularly important when critical comments on the Draft EIR have been made by experts.<sup>5</sup>

<sup>1</sup> Pub. Resources Code, § 21091, subd. (d); CEQA Guidelines, 15088, subds. (a) and (c), 15132, 15204, subd. (a).

<sup>2</sup> CEQA Guidelines, § 15088, subd. (a).

<sup>3</sup> *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 615; *Rural Land Owners Association v. City Council* (1983) 143 Cal.App.3d 1013, 1020.

<sup>4</sup> CEQA Guidelines, § 15088, subd. (c); *City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362, 391.

<sup>5</sup> *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1367, 1371

In order to satisfy CEQA, the Final EIR's responses to comments and the environmental document, as a whole, must reflect a good faith effort at full disclosure.<sup>6</sup> As set forth in comments on the Draft EIR documents and in further detail below, the Syar Napa Quarry project FEIR and these additional GHD responses to comments falls far short of this standard.

GHD's Oct. 15, 2015 Memorandum contains numerous misleading and inadequate responses to comments that we submitted pertaining to this Project's noise impacts. The Responses to many of the comments are incomplete, evasive, unsupported by facts and analysis, and do not adequately address the significant environmental issues raised by each comment. GHD's responses to comments continue to gloss over important noise impact issues. They in no way remedy the Draft EIR's failure to satisfy its basic purpose - to adequately describe existing conditions and offer a confidence that the Project has been sufficiently analyzed and carefully mitigated.

The purpose of each response to a comment on a Draft EIR is to address the significant environmental issue(s) raised by each comment. This typically requires clarification of points contained in the Draft EIR. Section 15088(b) of the CEQA Guidelines describes the evaluation that CEQA requires in the response to comments by stating: The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. Responses to comments received on a draft EIR must genuinely address and respond to the issues raised by the commenter because nonspecific and conclusory responses are not legally sufficient.

#### Comments in DLF #1-1

### **THE DEIR FAILS TO DISCLOSE NOISE SURVEY DATA NECESSARY FOR PUBLIC REVIEW AND TESTING OF EIR'S CONCLUSIONS**

We commented that the Syar Project's DEIR fails to disclose noise testing data, analysis and Illingworth & Rodkin's Noise Report upon which the EIR's conclusions are based. That omission violates CEQA because that missing data deprives the public of the information with which to independently test or evaluate the EIR noise section's conclusions.

GHD's Oct. 15, 2015 Memorandum, p. 17, defends its flawed Draft EIR by pointing to the partial information the DEIR does provide. It however evades this public comment topic with respect to most of its essential complaints. It fails to respond to these following comments:

- a) GHD does not explain how the public could test the Draft EIR's noise conclusions without first having access to the noise data that GHD withheld, only now releasing some of it, or why that critical omission is allowed by CEQA.
- b) GHD does not explain how withholding even the experts' names who collected that data allowed the public to check their credibility or previous noise studies for evidence of competency or errors.

---

<sup>6</sup> CEQA Guidelines, § 15204, subd. (a).

- c) GHD did not respond to the comment that CEQA Guidelines § 15147 requires an EIR to contain such technical detail in an appendix where data and calculation methodology could be examined and reviewed by the public during its limited DEIR review opportunity.
- d) GHD does not explain why its belated submission of the missing Environmental Noise Data Sheets and measurements now in Attachment 4 of its Oct. 15, 2015 Memorandum, less than a week before the EIR and Project may be approved, somehow cures its earlier failure to allow sufficient public testing of that data.
- e) CEQA provides the public with at least 45 days in which to review a Draft EIR and its technical data, so why does the County or GHD believe that now allowing only 6 days for this noise data review without any public notice of its existence is acceptable?<sup>7</sup>

It is not sufficient to merely summarize noise measurement data as the DEIR did. One cannot work backward from just a summary to test the missing data that was presumably summarized accurately. That approach asks the public to blindly trust the DEIR's noise impact conclusions. But the California legislature would not have provided the public its right under CEQA to also test those conclusions for at least 45 days by having access to technical data in a timely way in the DEIR or its appendices.

California law requires inclusion of that noise data in a Draft EIR for full public evaluation.

**"Guideline 15147 requires the EIR to include underlying technical detail so that the conclusions of the report can be evaluated by its reading audience. All technical data, however, need not be included in the body of report, but may be relegated to appendices (Guideline 15147) or may be contained in separate source documents which are not formally a part of the document. (Guidelines 15148, 15150.) The message of this regulatory scheme is clear: an EIR in this state must be written and presented in such a way that its message can be understood by governmental decisionmakers and members of the public who have reason to be concerned with the impacts which the document studies.**

*(emphasis added.)*

**"A scientific theory or complicated analytic technique beyond the understanding of the average layperson may be employed in an EIR provided an effort is made to describe it as simply as possible and enough information is supplied to enable a qualified person to test the theory or technique."**

*San Franciscans for Reasonable Growth v. City & County of San Francisco*  
(1987) 193 CA3d 1544, 1551

*(emphasis added.)*

The Syar Draft EIR cannot be said to have supplied enough information *"to enable a qualified person to test the theory or technique"* if just some of that noise data is presented for the first time months after the Final EIR was circulated. The County has provided no time whatsoever for the public to review that newly released noise data during the official public comment period,

---

<sup>7</sup> Attachment 4 with its was first posted on the Napa County's website on Thursday, October 15, 2015.

and accordingly allowed no time either for public criticism to be answered in the Final EIR's responses to comments.

This is not a situation where the County could argue that the courts have not looked for perfection in an EIR's presenting factual data. Rather, the Draft EIR not only failed to make a "good faith effort at full disclosure," it made no effort at all to present that noise data. That data is critical for the public's ability to test the EIR's conclusions.<sup>8</sup> Attempting to patch that gaping pothole within the last week before possible Project approval by dumping that noise data in Attachment 4 will not suffice, long after the public's 45-day right to review and comment expired.

For example, the newly released noise data sheets reveal that no maps or precise locations were identified during the noise surveys such that the public could retest those measurements. At best, the Noise Data Sheets for only one out of seven noise measurement locations included a map.<sup>9</sup> There are no maps for the other locations (other than an excessively vague map in the DEIR, Figure 4.11-1.) That map would not allow a member of the public to know within approximately 100 feet where I&R obtained its noise measurements, and therefore the readers would not be able to test the DEIR's conclusions about noise levels. As an indication of what is acceptable for locating such metering positions, Caltrans' "Technical Noise Supplement" actually calls for an accuracy of 1 foot horizontally, not an uncertainty of 100 feet as evident in the DEIR.<sup>10</sup>

CalTrans' noise standards require that such location information be disclosed or documented in a noise study. But the DEIR and its newly disclosed Environmental Noise Data Sheets contains no sketches of the sound level meters' location in relation to existing landmarks and distances to identifiable features. While the newly released data sheets have some new information, the DEIR itself did not describe whether the sound level meters were calibrated immediately before and after these measurements, their last calibration date with a current NIST-traceable certification, how they were positioned above the ground, and any traffic counts during the measurements.<sup>11</sup> Without such disclosure, any data obtained during those measurements loses all credibility as being substantial evidence to support the Project's EIR.

The County's Responses to these comments challenging missing technical data must be detailed and must provide a reasoned, good faith response. The FEIR and GHD's Oct. 15, 2015 Memorandum fails to comply with CEQA though. GHD literally ignores most of the comments about missing data and instead points to portions of the DEIR where information is summarized as if to argue that summarized information is sufficient. It is not.

---

<sup>8</sup> The DEIR must include citations to such documents for accountability and to allow verification of the statements made in the EIR. (See Discussion following CEQA Guidelines § 15148.)

<sup>9</sup> See Environmental Noise Data Sheet for Site No. ST-1 along Imola Avenue near a parking lot.

<sup>10</sup> The Caltrans "Technical Noise Supplement" actually calls for an accuracy of 1 foot horizontally, not an uncertainty of 100 feet or so evident in the DEIR. Caltrans requires such distance recordation for its noise level measurements: "Distances should be shown to the nearest foot to such features as building corners, trees, street signs, curbs, and fences. Enough detail should be included on the sketch to enable anyone to reoccupy, at a later date, the three dimensional (including height above ground) position of the microphone within 1 foot horizontally and 0.5 foot vertically. Accurate three-dimensional relationships between source and site should be shown." "Technical Noise Supplement," *ibid*, p. 3-35.

<sup>11</sup> Source: CalTrans' "Technical Noise Supplement," July 2011, pp. 3-39 to 3-40.



Comments in DLF #1-2

**THE DEIR FAILS TO ADEQUATELY REVEAL CONDITIONS DURING NOISE MEASUREMENTS OR INPUT DATA FOR TRAFFIC NOISE PREDICTION**

We commented that the public needs to know about the conditions during noise level measurements but that the DEIR failed to present that basic information. We stated that using six-year old data may be currently inaccurate. The economy has significantly improved since the economic recession in 2009 with more construction activities, so it is reasonable that more noise may be audible now. We challenged the DEIR's failure to explain unreasonably uniform circular noise level contours in Figures 4.11-34, 35, and 36 which do not take into consideration actual significantly irregular topographic contours. We commented that the public was denied access to the input data used for FHWA "Traffic Noise Model" computerized calculation or any data sheets that would allow the public to review that prediction for accuracy.

GHD's Oct. 15, 2015 Memorandum, p. 18, (DLF #1-2) however fails to adequately respond to those comments.

GHD again points to its belated addition of Attachment 4 for missing data that should have been contained in the DEIR for public review.

GHD asserts that its data collected in 2009 continues to represent existing noise conditions at receptors in the vicinity because quarry operations and other ambient noise sources in the vicinity have not changed substantially in those six years. GHD however offers no evidence to support that conclusion, not even by way of current noise level measurements or records of quarry operations then and now which should be available to it. As such, this response to a comment is not a good faith, reasoned response as CEQA requires.

GHD's Response to Comment about its predicted noise contours in Figures 4.11-34, 35, and 36 is also inadequate. It largely repeats the mistakes made in the EIR. On one hand GHD claims the source noise for aggregate mining activities is assumed to be 80 dBA L<sub>50</sub> at a 100-foot distance, but then claims that figure represents a potential worst-case noise level. The DEIR<sup>12</sup> itself contradicts GHD's response by identifying that 80 dBA L<sub>50</sub> at a 100-foot distance as an "average" noise level, not a worst-case noise level. It cannot be a worst-case prediction because that 80 dBA figure is based on there being no winds. Yet the DEIR and data sheets reveal that winds are often from the south or southwest. Homes near Imola Avenue to the north would be exposed to noise levels higher than predicted by as much as 5 to 10 dBA due to winds or temperature inversion conditions.

GHD points to a data sheet in Attachment 4 for source noise level of one bulldozer, as if that data constitutes substantial evidence.<sup>13</sup> It is much too late to first make that evidence available. That

---

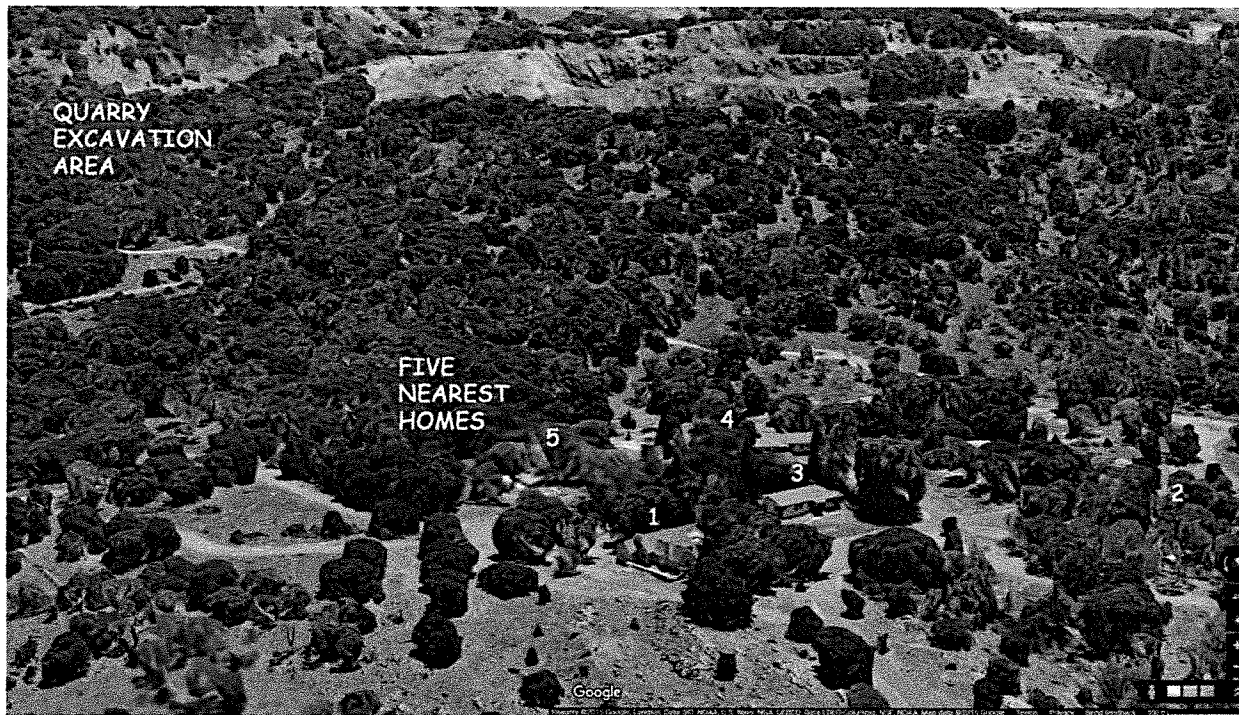
<sup>12</sup> See DEIR, p. 4.11-16: The DEIR reveals that those noise levels under worst-case conditions would be higher than GHD's response to comment now claims: "... **average** noise levels generated by aggregate mining activities would be approximately 80 dBA L<sub>50</sub> at a distance of 100 feet, and **maximum** instantaneous noise levels would be about 5 dBA higher (85 dBA L<sub>max</sub>) at the same distance." (emphasis added.)

<sup>13</sup> Illingworth & Rodkin's Environmental Noise Data Sheet dated 8/8/05 for noise measurements of a CAT D9H Dozer is found in the GHD's Oct. 15, 2015 Memorandum on page 256 of the submitted PDF.

unreasonable delay denies the public its right to test that measurement data for its credibility. That data sheet does not even support GHD's argument though because I&R apparently measured a bulldozer operating 100 feet away having a maximum noise level of **86.9 dBA**. That figure represents only a single dozer, yet the quarry may have multiple noise sources operating at one time, with a cumulative noise emission audible at homes even greater than predicted from just one dozer's operation. That noise data sheet also reveals no weather conditions of wind direction or temperature during the measurement, factors that can affect the noise data obtained. There also is no indication of what noise metering equipment was used, how it was positioned during the measurement, and whether or not the noise level meter was calibrated prior and after use.

The EIR proposes no mitigations prohibiting more than one dozer or other equipment from being operated at one time, so such equipment noise levels could be significantly louder yet. No proposed mitigation prohibits additional, even noisy bulldozers from being used.

Even now GHD has not released any assumptions and input data used for the FHWA "Traffic Noise Model" computerized calculations that would allow the public to review and test that prediction for accuracy.



Comments in DLF #1-4 and #1-5

**DEIR FAILS TO DISCLOSE SIGNIFICANT NOISE IMPACTS ON NEARBY HOMES WHICH WILL BE IMPACTED BY QUARRY NOISE:**

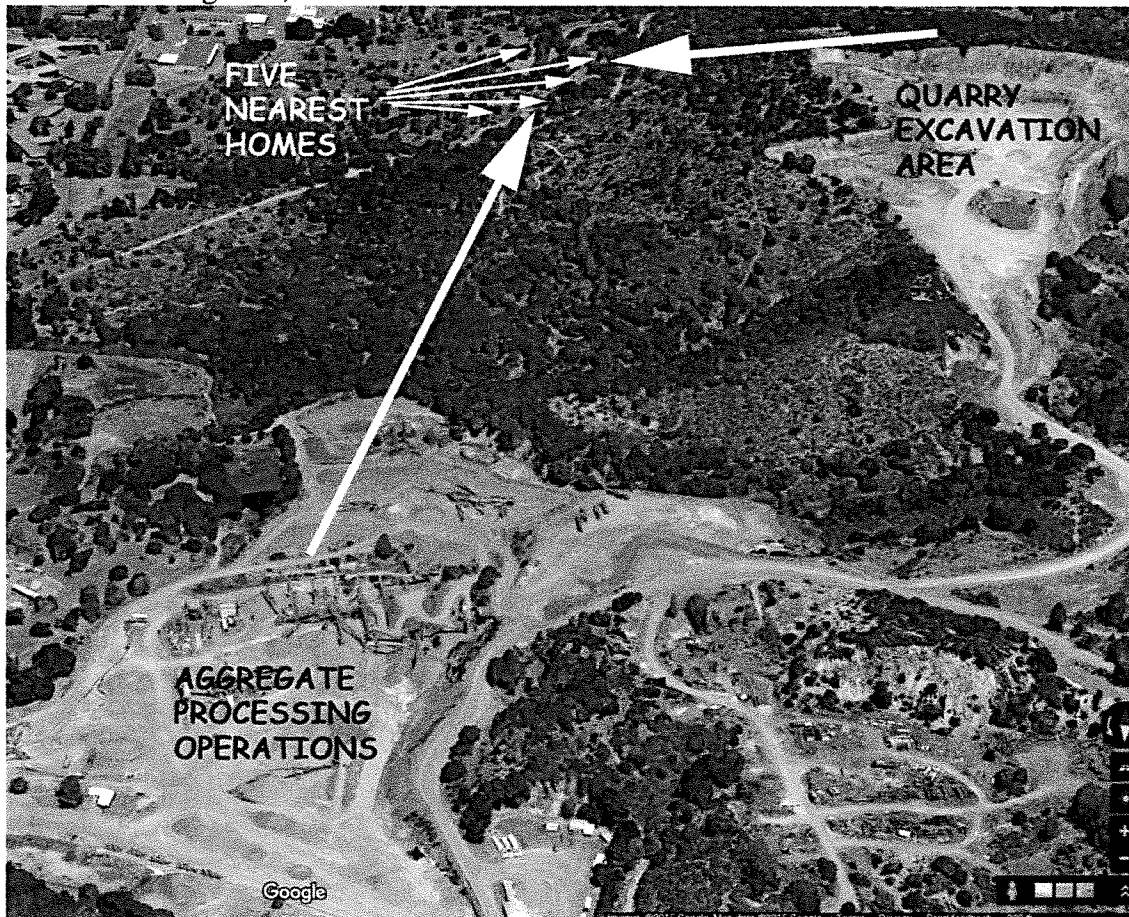
We commented that the EIR fails to evaluate the expanded quarry Project's noise impacts at the **nearest five homes**. The EIR does not specifically reveal that these homes even exist. Nor does the EIR reveal to its readers in a meaningful way how quiet the ambient noise levels at these

homes currently are. The EIR provides no data or calculations supporting its summarized measurements obtained nearby. As such, the EIR precludes informed public review. Without adequate EIR disclosure to go on, we nonetheless estimated that noise impacts from expanded quarry operations to the south and east could exceed County noise standards. We additionally pointed out that quarry-related sleep-disturbance impacts might occur at these five residences which the DEIR never considered. Those comments are still valid.

GHD's Oct. 15, 2015 Memorandum is evasive and somewhat non-responsive on these points. It inadequately responds by ignoring much of these specific comments.

Instead, GHD essentially states only that:

- \* Measurements at location LT-3 represent the existing noise levels at these nearest residences.
- \* Review of noise measurement data collected at Site LT-3 during quarry operational hours shows the quarry has not been the predominant source of ambient noise at these homes.
- \* These five homes are shielded from quarry operations by an intervening ridgeline, and that ridgeline will continue to shield future activities within the State Grey pit.
- \* Sleep-disturbance impacts will not be significant because Napa County noise standards prevent indoors sleep disturbance and the DEIR shows the Project's noise levels, with mitigation, will not exceed those standards.



These responses to comments are inadequate and fail to comply with CEQA's requirement for good faith, reasoned responses for the following reasons:

- 1) GHD's Memorandum fails to respond to our comment that the DEIR does not reveal where these nearest five residences are or what their distances are to various Project operations. That is needed so that the public can independently test the EIR's noise conclusions. It is highly unusual for an EIR to not disclose where the nearest homes are to a noisy project and then claim noise impacts will be less-than-significant. DEIR Figure 4.11-34 identifies the nearest residences along Imola Avenue and one south of the quarry site, but not these five even much closer residences within the Napa State Hospital grounds.
- 2) The DEIR's discussion of Illingworth & Rodkin's noise tests at Site LT-3 does not disclose how quiet the ambient noise conditions are at these nearest five homes in a meaningful way that the public can understand. Indecipherable or cryptic noise level graphs found beginning at DEIR, Figure 4.11-2, will not be understandable for the general public's comprehension without clarification. The DEIR fails to provide such clarity. Rather the DEIR discusses "calculated" **average** noise levels (yet without disclosing any such calculations). By discussing only calculated averages rather than much lower background noise levels, the DEIR obscures how quiet these homes are at nighttime now. And how intrusive expanded quarry operations might be at these homes' quiet setting. That missing information is essential for public understanding. It must be included in an EIR for identifying a project's "baseline" noise conditions. It is essential for then determining whether noise level increases caused by expanded quarry activities will be significant, especially at night.
- 3) GHD ignores our comment that the DEIR contains no data or calculations related to the noise level measurements that it summarizes for measurement Site LT-3 such that the public can test the DEIR's conclusions. Inadequate summaries and difficult to understand noise graphs must be made intelligible to the general public if an EIR is to be considered adequate.<sup>14</sup>
- 4) GHD's response is inadequate because it fails to address our comment that the DEIR does not predict what future increases in quarry noise levels will be audible at these nearest five homes. Isn't that one of the main purposes of an EIR: to assess a project's possible significant noise impacts and then to compare them to applicable standards? GHD only discusses what the ambient noise levels were in 2009 near these five homes when last tested, not what they may be if the quarry is expanded.
- 5) GHD responds essentially that review of data collected at Site LT-3 during quarry operational hours shows the quarry has not been the predominant source of ambient noise at these homes. But GHD ignores the more important question we commented upon

---

<sup>14</sup> "The message of this regulatory scheme is clear: an EIR in this state must be written and presented in such a way that its message can be understood by governmental decisionmakers and members of the public who have reason to be concerned with the impacts which the document studies." (*San Franciscans for Reasonable Growth v. City & County of San Francisco* (1987) 193 CA3d 1544)

which is if the quarry's operations when expanded will become a significant source of noise at these five nearest homes? What will be the quarry's noise levels at nighttime near these five homes if 24-hour operations are permitted?

- 6) GHD's response entirely neglects responding to our comment that the DEIR does not evaluate reflected quarry noise from other topographic features in the vicinity. For that matter, the DEIR contains no drawings, maps, cross sections or other information that could have helped the public know what kind of topographic shielding might or might not exist relative to these five homes. These nearest five homes' locations are not identified on any maps or drawings within the DEIR. There is no way an EIR can be considered adequate when it entirely fails to show the nearest homes where people may be harmed by increased quarry noise.
- 7) GHD fails to respond to our comments about the DEIR's failure to discuss if intervening terrain will partially block noise. GHD's response also ignores our comment that vertical quarry walls behind operations may increase noise transmission by reflection at these five homes due to quarry-related operations to the south or west.
- 8) Just because the quarry's terrain may shield these five homes from view, that does not mean the terrain will also shield from these houses from operational noise. That noise impact risk must be evaluated in an EIR because noise radiates around topographic features even if ridgeline shielding provides some noise level attenuation. It would not have been difficult for the EIR's noise consultants to have actually simulated noise sources using loud speakers in proposed quarry areas and to have measured such simulated noise levels at these five homes as a means of predicting if terrain shielding provides adequate noise protection. Instead, the DEIR entirely ignores its responsibility to evaluate likely expanded quarry noise generation at these five nearest homes' locations. GHD inaccurately implies that complete visual screening will result in complete noise shielding; it will not.
- 9) Moreover, GHD is incorrect in claiming that the State Grey Pit's *"ridgeline would continue to shield future quarrying activities within the State Grey pit."* The DEIR's Figure 3-6, **Cross-Section A**, when compared to Figure 3-5, shows that quarry operations proposed along the ridgeline and within the upper excavation area of the State Grey pit will not be "completely shielded" during future quarrying activities from these nearest five homes as GHD erroneously claims. For an example of contradictory information, the DEIR, p. 4.11-15, points out those homes to the north along Imola Avenue will not be shielded from mining activities in the uppermost quarry benches and those homes are about 1,900 feet away. Why would these five nearest homes just one third that distance away be shielded during those mining activities? The DEIR then points out that the camping areas approximately 1,280 feet to the north will also be unshielded from future expanded mining activities. But the DEIR never mentions these five homes being only about 640 feet away to the north and west of the State Grey pit even though they are much closer. Nor does it evaluate their noise exposure or protection from shielding.

- 10) GHD provides no evidence or drawings to support its claim that " . . . *the nearest residences within the grounds of the Napa State Hospital are completely shielded from quarry activities by an intervening ridgeline, which is approximately 75 to 100 feet high with respect to the elevations of these residential receptors and existing quarrying activities.*" The DEIR's Figure 3-6, **Cross-Section E**, does not support that statement because the cross-section drawing does not indicate that any residences even exist in the vicinity. Nor is Cross-Section E even relevant because it is a north-south section view, but the five residences lie to the northwest of the pit where they will be exposed to unblocked noise from ridgeline overburden removal and excavation operations. Nor has GHD supplemented that missing information in its current Memorandum with any new evidence. Nowhere does the EIR or any other Project document describe at what elevation above sea level these five residences are located. GHD's response now is simply not accurate and sufficiently responsive, nor is it a good-faith disclosure of the topographic setting for these nearest homes.
- 11) GHD claims that these five nearest homes are shielded by terrain from the State Blue pit to the east, but it fails to respond to our comment that these homes are not adequately shielded from expanded aggregate processing operations to their south.
- 12) GHD completely ignores responding to our claims that noise levels from aggregate processing operations within the quarry to the south may exceed County noise limits at these five homes.
- 13) Similarly, GHD fails to adequately respond to our specific comment that noise from those 24-hours per day processing operations to the south may cause sleep-disturbance impacts at these five homes. That risk could occur because ambient noise levels measured at Site LT-3 are already near the County standards' limit without the Project's additional expanded operations and nighttime operations. Moreover, nothing in the DEIR even discusses sleep-disturbance impacts, so GHD's claims of no significant sleep-disturbance impacts and its rationale for that conclusion that is first provided now fail to comply with CEQA.

GHD's responses to comments contain new information, analysis and conclusions that should have been disclosed in the DEIR and not first revealed just now at the 11th hour. This delaying tactic is misleading and fails to save the DEIR's omission of analysis for noise impacts at these five nearest homes and it precludes informed public review and violates CEQA.

Comments in DLF #1-6

**DEIR FAILS TO EVALUATE QUARRY PROJECT'S NOISE IMPACT ON  
ADJACENT COUNTY JAIL PROJECT'S INMATES AND EMPLOYEES.**

CEQA requires the County to protect all sensitive receptors (i.e. people) affected by Syar Napa Quarry project's noise impacts, even the County Jail project's inhabitants. GHD's Memorandum however would have County officials carve out an exception where neither the 2014 Jail EIR nor this current Syar EIR examines all the quarry's noise impacts on jail inhabitants. The Jail EIR<sup>15</sup>

---

<sup>15</sup> See Attachment A to this letter, the noise section of the 2014 County Jail Project EIR.



never considered that Syar's nearby aggregate processing activities would operate for longer hours of the day as well as at times all night on a 24-hour basis and create significant sleep-disturbance impacts. Nor did the Jail EIR evaluate the cumulative impact of combined noise sources from mechanical equipment at the Jail in addition to processing operations at Syar's quarry. Nor did the Jail EIR evaluate noise from Syar's trucking passing nearby along Basalt Road. The Syar EIR entirely avoids any noise impact review on Jail inhabitants.

GHD claims it is not responsible for reviewing Syar's expanded quarry project's noise impact on the Jail. Yet this Jail project has been a reasonably foreseeable future project now since 2011, two years before the Syar DEIR was circulated, and now four years ago. GHD has had plenty of time to obtain a day's worth of jail-vicinity ambient noise level measurements and include jail-related noise analysis in its EIR but has not done that. No such avoidance is allowable under CEQA. All people deserve a sound night's sleep, even inmates.

**Public Comments:**

The DEIR failed to analyze this Project's noise impacts on the reasonably foreseeable County Jail project to be built adjacent to the west side of the Syar quarry. The DEIR instead states the Jail EIR will consider impacts of quarry operational noise.

The Jail EIR could not fully evaluate future Syar operational noise impacts because significant new information has come to light in last year and a half since Jail EIR was certified. That information raised in public comments and elsewhere reveals that (1) more truck trips will occur than the Jail EIR considered, (2) that there may be 24-hour per day processing operations occurring nearby at the Syar quarry causing nighttime sleep-disturbance impacts to jail occupants, and (3) noise levels at the jail will combine at a louder level of operational noise at the Syar processing area.)

The Syar EIR is not allowed by CEQA to rely upon Jail EIR for its less-than-significant conclusion. That is because the Jail EIR was not cited as supporting evidence in Syar's EIR.<sup>16</sup>

The Syar DEIR contains no baseline noise measurements near the jail site and contains no predictions of increased noise levels from Syar's additional numbers of heavy trucks passing the jail.<sup>17</sup>

The Syar DEIR provides no measurements for the Project's existing or proposed, individual heavy aggregate processing plants. (e.g. two asphalt plants, asphalt base/recycled asphalt plant, sand plant and rock crushing plant with primary jaw crusher, secondary crushers and aggregate screening areas). Other quarry EIRs routinely describe how loud such stationary equipment is so the public can independently analyze those EIR's analyses and conclusions. It only provides a conclusion that: "*Typical noise levels at a distance of 150 feet from acoustic center of stationary and mobile equipment operating within the quarry were approximately 79 to 81 dBA.*" but not a maximum noise level or how far from the equipment the measurements were obtained. It also provides no data or evidence to support its estimation.<sup>18</sup>

---

<sup>16</sup> GHD fails to respond to this comment about the DEIR's not having cited to the Jail EIR for supporting evidence.

<sup>17</sup> GHD fails to respond to this comment other than to deny that that the Jail was a reasonably foreseeable project.

<sup>18</sup> GHD fails to respond to this comment about the DEIR's not providing noise data for stationary equipment.

## GHD's Responses to Comments:

GHD's Oct. 15, 2015 Memorandum defends its EIR by making the following responses to comments on Jail occupant as summarized here, also with our Replies:

(A)

**GHD: The Jail was not a reasonably foreseeable project at the time the Syar EIR began at the time of the Notice of Preparation.**

### **REPLIES:**

Because of the number of years involved, that is not a valid excuse for GHD not subsequently reviewing Syar's noise impacts on Jail occupants. GHD could have supplemented its noise level measurements obtained in 2009 with additional measurements. GHD has had several years to do so. The Jail project became foreseeable in 2011 and the Syar DEIR was released in November, 2013 two years later. If GHD's excuse was legally valid, then there would be no way for the County to provide CEQA protections against excessive noise to Jail inmates. That is because the 2014 Jail EIR never included review of some noise significant impacts that Syar's EIR must evaluate.

While it is too late for the public to challenge the adequacy of the already approved 2014 Jail EIR's noise impact analysis, it is not too late for the Syar EIR to analyze and protect against noise impacts from Syar's expanded operations. Some of Syar's operational noise impacts were undisclosed and were likely unknown to the preparers of the Jail EIR.

GHD is required to obtain baseline noise level measurements at that Jail site. An EIR must describe the "physical environmental conditions in the vicinity of the project" as they exist when the Notice of Preparation for the EIR is published. (See CEQA Guidelines § 15125(a).) Those conditions include baseline noise level measurements in the vicinity of the Jail project, especially because it is a foreseeable project.

GHD cannot claim it did not know about the Jail project while it prepared this EIR. GHD even identified the Jail as a "reasonably foreseeable project" before it circulated the Draft EIR for public review:

- 1). The DEIR, p.4.0-6, Table 4.0-2, identified the County Jail project on its list of projects with cumulative impacts, stating that the Jail project's EIR was in preparation in July, 2013. The DEIR, p. 4.0-3, states that "*[r]easonably foreseeable future projects are those projects currently under environmental review by the county ....*" Therefore, the DEIR proves the County Jail was a reasonably foreseeable project. CEQA requires that an EIR evaluate a project's cumulative impacts and that includes environmental impacts caused by other projects. (DEIR, p. 4.0-2) Accordingly, CEQA requires the EIR to have evaluated this quarry expansion project's noise impacts along with the Jail project's noise impacts on inmates and residents of the proposed jail.



2. The DEIR, on pages 4.0-5 to 4.0-6, discusses the Jail project having cumulative impacts with Syar's project as a probable future project that is reasonably foreseeable.
3. The DEIR, p. 4.11-24, acknowledges the Jail is foreseeable:  
*"The County is considering construction of a new jail adjacent to the Syar Quarry, in an area that experiences noise from truck traffic and quarry operations. If the jail project proceeds, inmates, staff and visitor to the facility would be exposed to noise from existing and proposed quarry activities. This potential exposure has been assessed in the Draft EIR for the jail project, and was found to be less-than-significant due to expected noise levels, distances between the jail and noise sources, and typical exterior-to-interior noise reductions."*

Yet the Syar DEIR failed to even indicate the proposed Jail project's existence on any map. That lack of a simple graphic map depicting the Jail site deprives the public of a chance to readily consider how sticking over five hundred inmates adjacent to noisy quarry operations might have harmful consequences. While exposure to sleep-disturbing noise impacts is not typically a form of torture, it can reduce inmates' rehabilitation potential, and ultimately could make them even more dangerous to society when someday released.

(B)

**GHD: The Jail was not analyzed when noise study conducted because details of Jail project were not available.**

**REPLY:**

Those details have now been known for years though so this defense is flawed. Nothing prevents GHD from obtaining additional noise measurements in the years since the Jail project became foreseeable. If neither the County nor GHD provides such noise level measurements and noise impact analysis for the Jail, then who else will provide needed CEQA review and noise mitigation for this Jail's occupants?

GHD can not legitimately contend that by preparing an EIR that has taken so many years with public controversy to nearly get approved, that projects that pop up in the interim like this Jail project several years ago are not entitled to CEQA's full and adequate noise impact protections.

(C)

**GHD: The Jail EIR will consider whether noise impacts will be significant. It concluded the Jail would not be exposed to excessive noise from Syar's quarry.**

**REPLY:**

That Response to Comments is not sufficient. While CEQA allows an agency to rely upon a previous EIR to avoid redundant analysis, it still must consider noise impact issues not covered in that previous EIR. Some EIRs simply may not be thorough due to facts unknown at that time of their approval or due to error. CEQA requires subsequent

investigations that rely upon previous EIRs must inform the public where the earlier EIRs can be found, and they must summarize what the earlier EIRs stated about that issue.

What GHD is asking of the public is to blindly trust the Jail EIR's review of its noise exposure problems. GHD has not given the public any clues as required by CEQA on how to test GHD's claim of no excessive noise exposure.

If substantial evidence supports a fair argument that the later project may result in a significant adverse effect not examined (i.e., "adequately addressed") in a prior EIR, then a review of those unstudied impacts must be prepared.

GHD is essentially incorporating portions of the Jail EIR into the Syar EIR but without referencing those portions adequately in order to comply with CEQA. The Syar EIR fails to even state where the incorporated documents are available for inspection.

*"An EIR ... may incorporate by reference ... portions of another document which is a matter of public record ... Where ... part of another document is incorporated by reference, such other document shall be made available to the public for inspection ..."*

(CEQA Guidelines § 15150(a, b))

Where an EIR uses the technique of incorporation by reference, the incorporated part of the referenced document shall be briefly summarized. (CEQA Guidelines § 15150(c)) Nowhere in the Syar EIR however does it summarize even briefly the Jail EIR's conclusions about Syar's project's noise impacts on the Jail. GHD's Response it provides now that the Jail would not be exposed to excessive noise from Syar's quarry is not sufficiently summarized in that it provides no explanation for that claim. And because the essence of that Response is not contained in the DEIR, the public did not know about it in a timely way and could not for at least 45 days adequately comment upon it.

The Jail EIR's conclusions about the significance of Syar's noise impacts did not take into account important facts. Therefore any determination based upon faulty input considerations will not be accurate. These are problems with the Jail EIR that emphasize the need for the Syar EIR to prepare its own noise study of Jail occupants' noise exposure.

1). The Jail EIR did not evaluate the total noise the inmates could be exposed to from both the jail and the quarry's operations. That Jail EIR describes that noise sources during jail operations will include mechanical equipment such as fans, pumps, air compressors, chillers or cooling towers and rooftop equipment for heating or cooling the jail. However, the Jail EIR never predicted how loud the simultaneous operation of such jail equipment would be when that noise level is cumulatively added to noise emitted from Syar's expanded quarry operations. As such, that Jail EIR underestimated the combined noise levels such inmates would be exposed to.

2). The Syar DEIR's cumulative impact section on page 4.11-24 also provides no review of cumulative noise impacts and instead states that noise impacts have been assessed in the Jail project's Draft EIR. This is a case where both EIRs pass the buck and neither EIR actually examines the cumulative noise impacts. Relying upon a Jail EIR with missing information cannot substitute for the Syar EIR's obligation to consider the quarry's noise impacts on Jail inmates.

3). The Jail EIR's noise study erroneously underestimated how much Syar processing operational noise would reach the Jail. It did so by mistakenly assuming a tall noise barrier around the Jail would reduce such noise. The Jail EIR's noise study stated that solid fencing would entirely surround the jail and would provide 5 dB of noise reduction.<sup>19</sup> The Jail EIR's Project Description proves otherwise. That is because the Jail itself will be 24 feet high with two-story high jail cells stacked for sleeping.<sup>20</sup> Some upper level cell windows will be exposed to unblocked noise from Syar's operations since even the solid walls around outdoor exercise yards are only 15 feet tall. The bottom of second floor Jail windows will be higher off the ground than that. But exercise yards and solid walls will not completely surround the jail. Most of the Jail's exterior fencing will offer no noise attenuation because it will not be solid and will only be chain link fencing.<sup>21</sup> This factual error in the Jail's noise study weakens any argument that the Jail EIR can substitute for the Syar EIR's duty to review such noise impacts on the Jail.

4). The Syar DEIR describes that the aggregate processing operations will operate for more hours or longer during a typical day to accommodate the increased production at the expanded quarry. The Jail EIR however never evaluated such longer duration operations. The Jail EIR thus never compared how longer duration operational noise, when heard at the Jail, will be louder for longer intervals and may exceed County noise standards. Instead, the Jail EIR's noise prediction was solely based on maximum noise levels from just a portion of Syar's operations rather than day-night average noise levels resulting from all of Syar's increased operations. The Jail EIR only tested one measure of compatibility with County short-term noise standards ( $L_{eq}$ ); it entirely failed to consider the other necessary test of whether Jail inmates will be exposed to excessive quarry noise based on a 24-hour weighted "day-night average" ( $L_{dn}$ ) standard.

5). What GHD proposes by deferring to the Jail EIR violates CEQA because it precludes informed public review of these noise impact issues at the Jail site. In effect, GHD has improperly hidden the existence of the Jail EIR and violated these two CEQA laws:

(a) If the Syar EIR's or GHD's Responses to Comments incorporates information from an EIR that was previously reviewed, the description of that EIR must include the state identification number of the Jail EIR so that the public can find and review it. Napa County violated CEQA Guidelines § 15150(d) in this regards. Syar's

---

<sup>19</sup> Source: 2014 County Jail Project EIR, p. 2-

<sup>20</sup> Source: 2014 County Jail Project EIR, p. 2-8

<sup>21</sup> Source: 2014 County Jail Project EIR, p. 2-15: "*Perimeter fencing around the occupied portion of the site would consist of chainlink fencing topped with razor wire ...*"

DEIR did not specifically cite to or reference that Jail EIR to assist the public look elsewhere for that missing information.

(b) The Syar EIR did not cite to the Jail EIR as supporting evidence to inform the public where it might find such referenced information. No reference to the Jail DEIR is included in the Syar DEIR's "References" section at 4.11.5. This failure to cite to supporting documents violates CEQA.

6). The Jail DEIR, p. 3.8-22, did not consider that Syar's aggregate processing operations (rock crushing, asphalt plant operation, etc.) could at times operate continuously during 24-hours/day schedules. The Jail DEIR nonetheless predicted worst-case cumulative noise levels from aggregate processing activities. It predicted exceeding County noise level standards during nighttimes at outdoor activity areas of the jail even without 24-hour operations. But it is worst than that during any 24-hour per day operations, so that is a matter this Syar EIR must consider. The Jail DEIR did not evaluate its proposed jail facility's compliance with County standards during 24-hour operations. Syar now proposes sometimes doing that for certain construction projects.

7). While the Syar DEIR claimed that such noise impacts on Jail occupants would be insignificant, that argument was certainly not yet true when made in 2013 because the Jail EIR was not even approved later until 2014. There was no basis in fact for the Syar EIR's claim that quarry processing operational noise impacts would not be cumulatively significant on Jail inmates. If they are soon located adjacent to the quarry site's rock crushing, trucking and batch plant operations, they may be significant.

(D)

**GHD: Noise data for all significant equipment at processing areas is discussed in DEIR, p. 4.11-7. Noise measurements were made to document the cumulative operational noise levels produced by actual operations. (70-81 dBA L<sub>50</sub> at 150 feet.)**

**REPLY:**

This Response is not a good faith answer to the comment because all that is found on page 4.11-7 is an unsupported claim about the combined noise levels of an unknown set of operations. No data sheets are provided in the DEIR's appendices or even now in Attachment 4 that describe the locations for such measurements at Syar's processing operations. No list of noise levels from individual equipment types is disclosed. The public is not allowed to trespass on Syar property to obtain its own noise level measurements, even if it could go somehow back in time by four years to observe Syar's operations in 2009. There is no means based on so little information in the DEIR for the public to independently test that conclusion about noise levels during operations. As such, this Response fails to comply with CEQA.

(E)

**GHD: GHD offers its professional opinion that noise levels measured at Syar Napa Quarry accurately reflect the source noise level used later to calculate noise levels at receptors in the vicinity.**

**REPLY:**

That opinion is not sufficient to meet CEQA's standards. A raw conclusion about noise measurements without any supporting evidence precludes informed public review. How can anyone test that conclusion or those predicted noise levels without detailed information? Again it must be stated, there are no data sheets pertaining to noise levels at the aggregate processing area of Syar's quarry. The public has a right to review, and not solely trust such a belated opinion, no matter how professional it is claimed to be. That opinion is not even contained on a letterhead from I&R with the signature of any professional engineer or qualified staff member of I&R. GHD apparently has no trained acoustical professionals on its staff capable of rendering such a professional opinion either, and has not cited to any expert elsewhere having done so. There is no substance behind GHD's empty Response, and as such, it fails to comply with CEQA.

(F)

**GHD: Operational noise levels of major processing areas will not change with the quarry expansion project because these facilities will not be relocated.**

**REPLY:**

That Response claiming that noise levels will not change is incorrect. It is contradicted by the DEIR itself. The DEIR describes there will be longer daily durations for operations as quarrying activities are expanded to process the additional materials. While noise volume from the same equipment at any one minute might not change, if work hours increase for expanded operations, then the Project's "day-night average" ( $L_{dn}$ ) noise level will increase. The previous average would be lower having longer times of little noise. This issue is important to the adjacent Jail project. Syar's noise emissions must be limited by the County's 24-hour day-night average noise standards applied at the proposed Jail. The Syar EIR completely fails to examine these increased noise levels at the Jail site that will result from longer days of expanded quarry generated processing activities.

(G)

**GHD: Commenter uses a theoretical scenario relying upon data from many sources, none of which were collected by commenter. Commenter's method of predicting noise levels compared to actual measurements is much less reliable.**

**REPLY:**

That however does not in any way invalidate these comments. The public has no other means to estimate noise impacts. There is no possible way for any members of the public to actually test GHD's data or to obtain measured noise data from equipment operations on Syar's private quarry site even in the present, nor to verify what noise was purportedly measured by I&R. CEQA would not sanction GHD in hiding its measurement data for years after the DEIR was released, then complaining that public review using theoretical calculations is less reliable than measurements when no other method of acquiring data is

possible for us. The public cannot enter Syar's private project site nor travel back in time 6 years to verify I&R's outdated noise measurements

Illingworth & Rodkin itself used data from other noise sources when it estimated how loud a Caterpillar D9H bulldozer would be. That data is now shown on an Environmental Noise Data Sheet in Attachment 4. That equipment was not measured on Syar's property. Acoustical professionals routinely use noise data from previous studies conducted by others. No conditions are proposed in the DEIR to constrain Syar from using only the equipment it had in 2009 that was measured, or to limit Syar from installing noisier mobile or stationary equipment as it expands. There are no site plans with sufficient detail and equipment description in the EIR for the public to even reference the equipment actually having been measured, or to simulate its noise emissions mathematically. CEQA case law supports the public's right to rely upon less rigorous or theoretical data assumptions when an EIR is so deficient in its data and analysis.

The public has no reason to blindly trust that a consultant hired by a private corporate applicant will provide unbiased noise measurements. Quarry operators when unwatched by a fair-minded judge might throttle back their operational noise levels during noise testing, or the noise consultant may make errors. CEQA provides the public a right to test such possibly biased claims. That is especially true when no qualified acoustical professional so far in this entire Syar EIR process has signed any public document attesting to the accuracy of these noise studies.

As a not entirely irrelevant example of the potential for corporate dishonesty, Volkswagen is in its current plight because it rigged its testing procedures to deceive the public and regulatory authorities for profit-making purposes. Again it must be repeated, reasonable public uncertainty about any applicant's honesty, accuracy and professionalism is why CEQA allows the public a right to test GHD's measurement claims. But it appears that GHD effectively rigged the EIR process by hiding all the relevant data that underlies its summaries of claimed measurements at the aggregate processing areas. Now in its Memorandum, GHD is attempting to excuse its DEIR's lack of any disclosed analysis of Jail impacts. There is little comfort in GHD's claim that the Jail EIR found no significant noise problems with Syar's expanded activities.

Notably, even though GHD complains about the theoretical assumptions and calculations, GHD does not deny that the comments' predicted noise level impacts at the Jail location are actually reasonably correct. If GHD wanted reliable information, it could have had I&R's noise consultants come back and take actual measurements at the foreseeable Jail site with Syar's processing equipment operating at increased levels. Absent that, and absent the missing EIR data and specific measurements of individual equipment and details about such measurement conditions, and with no signed statement from any qualified acoustical professional, GHD has no leg to stand on when responding to and disputing these comments about noise impacts at the Jail site.

Comments in DLF #1-7

**PROCESSING AREA OPERATIONAL NOISE LEVELS AS MEASURED  
AT JAIL SITE WOULD EXCEED COUNTY NOISE STANDARDS**

This comment identified a significant possibility that adjacent sensitive receptors (inmates) at the proposed Jail may be exposed to Syar quarry noise substantially in excess of County standards. GHD's response to comment offered no meaningful rebuttal. It merely states: "*please see response to comment DLF #1-6, above.*" Yet nowhere in GHD's previous response above is any meaningful denial that Syar's noise levels when measured at the Jail may exceed County standards.

The Jail DEIR predicts Syar's cumulative processing area operational noise levels at nighttime would be only 1 dB below the County's maximum nighttime noise standard. Any slight calculation error or underestimation of source noise levels may hide significant and excessive noise impacts to Jail occupants. In fact, the Jail EIR did miss substantial noise impacts because it assumed no nighttime operations, did not take into account Syar's heavy trucking, and did not consider that Syar's processing operations would operate for more hours per day than before. Both common sense as well as acoustical calculations reveal a good possibility that Syar's expanded operations may have significant noise impacts.

When noise levels from both quarry ridgetop mining activities as well as processing operations are combined, that cumulative noise level when measured at the proposed Jail location would greatly exceed the County's standards of about 67 and sometimes 71 dBA  $L_{eq}$ , not 49 dBA as the Jail EIR concluded. This Syar quarry project could generate noise levels at the proposed Jail site of about 67 to 68 dBA  $L_{dn}$  which would be more than 7 dB higher than the County's maximum standards.

**GHD's Response to Comment Does Not Deny Evidence of Excessive Noise**

GHD's response to this comment fails to provide a good faith reasoned response to this comment. Rather than to dispute the math and calculation of a noise limit exceedance, GHD essentially evades that comment. GHD's response does not demonstrate why this Jail project will not be exposed to combined and excessive noise levels from Syar's multiple quarry and processing activities. GHD identifies no error in the comment's math. As such, the point of the comment remains standing. Syar's project may expose Jail occupants to excessive noise that the Syar Napa Quarry project's EIR failed to identify, analyze and find noise mitigation for.

Comments in DLF #1-8

**DEIR FAILS TO EVALUATE QUARRY PROJECT NOISE IMPACTS ON ADJACENT  
NAPA STATE HOSPITAL WHICH MAY EXCEED COUNTY NOISE STANDARDS**

We commented that the Syar EIR fails to analyze the quarry's noise impacts upon this Napa State Hospital from combined noise from some quarry excavation activities and from other aggregate processing operations. The DEIR failed to evaluate this Project's noise impacts on sensitive receptors at this adjacent Napa State Hospital. The DEIR contains no data, analysis nor

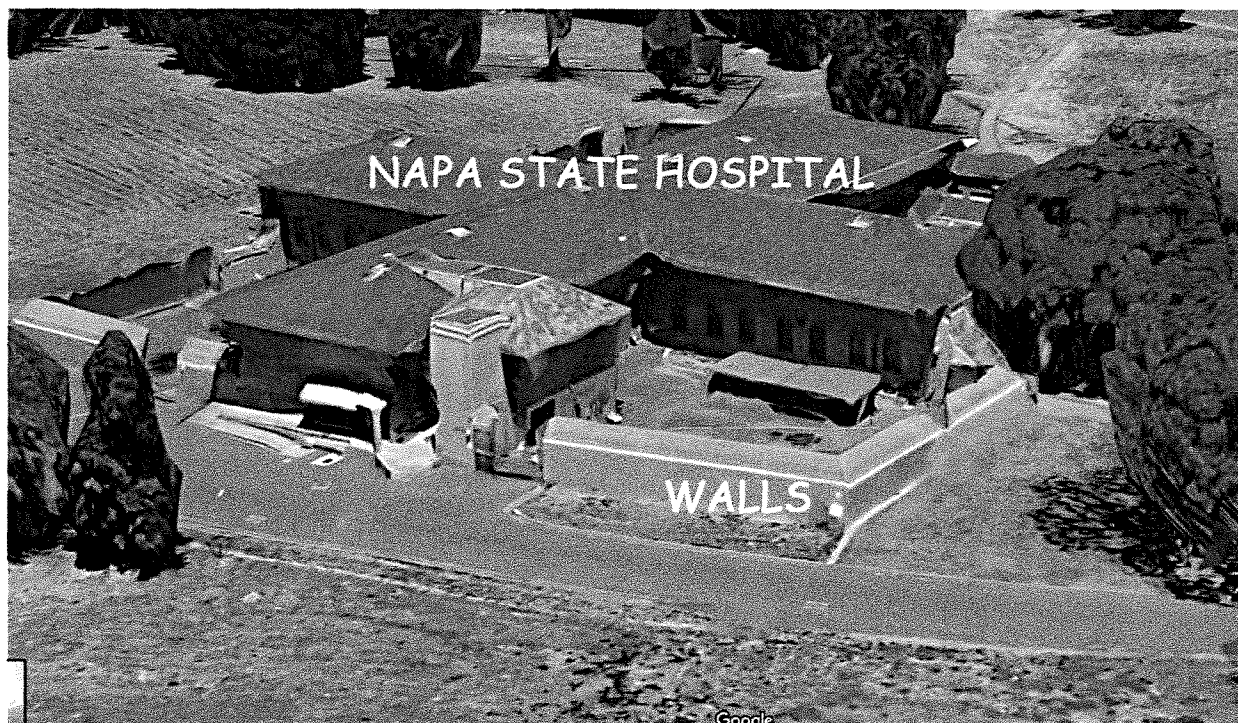
calculations to support its conclusion of a less-than-significant noise impact on this Hospital. We presented calculations showing that combined quarry noise levels could significantly exceed County noise standards and cause sleep-disturbance impacts.

**GHD's Response to this comment claims the factors used for this comment are incorrect. GHD states that people in this Hospital are shielded from quarry noise by 10-foot high masonry barriers which GHD claims reduce quarry noise by a minimum of 13 dBA.**

**REPLY:**

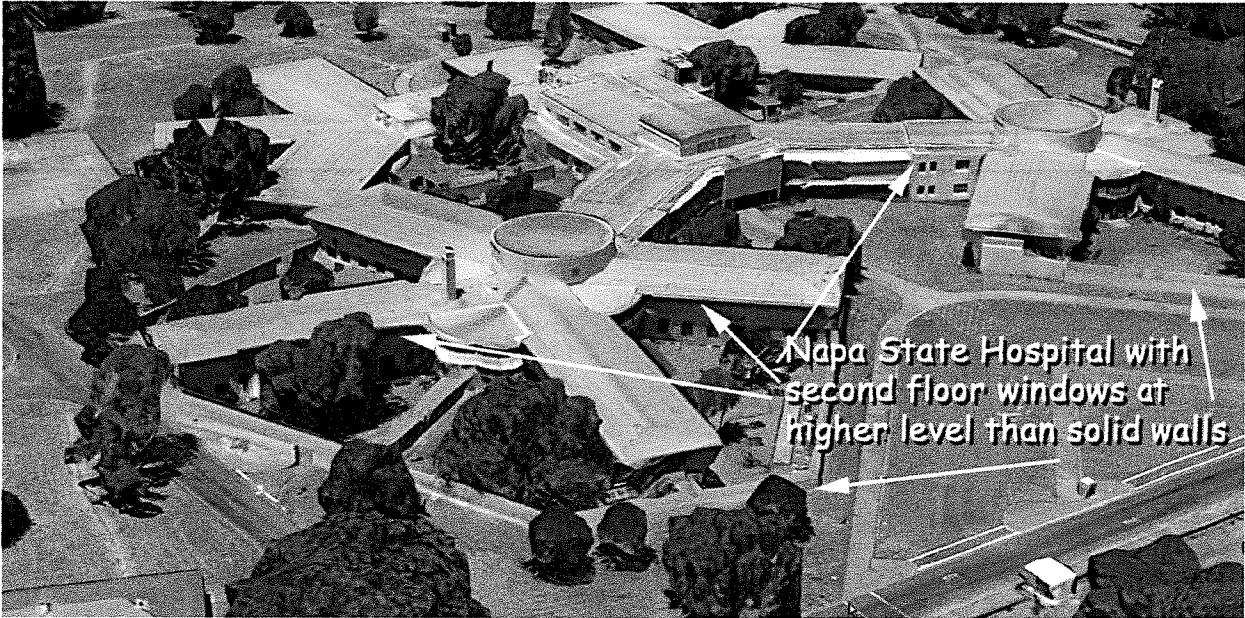
GHD fails to disclose that these 10-foot high wall / barriers offer nearly no noise attenuation for some Hospital patient rooms. Even using GHD's underestimation of combined quarry noise levels of 57 dBA L<sub>50</sub> at the nearest hospital rooms, unless some proof of barrier attenuation is shown, that noise level is at least 2 dBA higher than the County's maximum of 55 dBA L<sub>50</sub>. GHD has provided no evidence all these hospital rooms and the outdoor activity areas will benefit from such solid wall noise barrier protection, only unsupported statements.

Here is some photographic evidence that no such barriers will block any direct line of sight to some patient rooms. This angle of view in the next photo is higher than as seen from Syar's proposed unshielded quarry's upper edge. But it shows that the walls are interrupted with chainlink gates and are not tall enough to offer barrier noise protection.



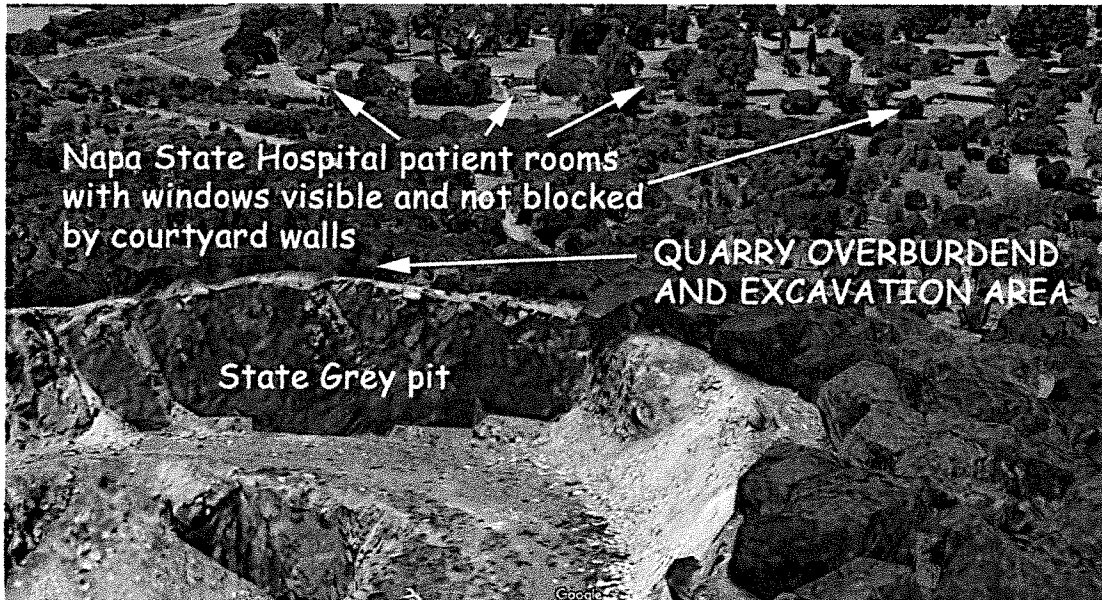


This photo shows that the Napa State Hospital has second floor patient rooms with windows that are higher above the ground than the top of exterior courtyard walls.



These next two photos illustrate that height and angle from the quarry's upper edge where short-term unshielded overburden removal and initial excavation at the quarry's upper edge will radiate down to the Napa State Hospital patient rooms:





As these somewhat fuzzy photos from Google Maps reveal, there are second story windows here. GHD's Response to Comments ignores that some patient rooms at the Napa State Hospital are on the second story with windows facing uphill to Syar's proposed expanded quarry excavation areas along the ridgeline. Second floor windows are higher than any 10-foot high wall and would not experience any such noise reduction. GHD is simply wrong in its Response to assume a 5-dB noise level barrier reduction for those second-story patient rooms.

Any analysis where GHD introduces new information never seen before about barrier wall noise attenuation should have been provided within the DEIR, not introduced for the first time in GHD's Responses. GHD has precluded informed public review and a chance to test those noise wall conclusions by withholding this new information until this 11th hour.

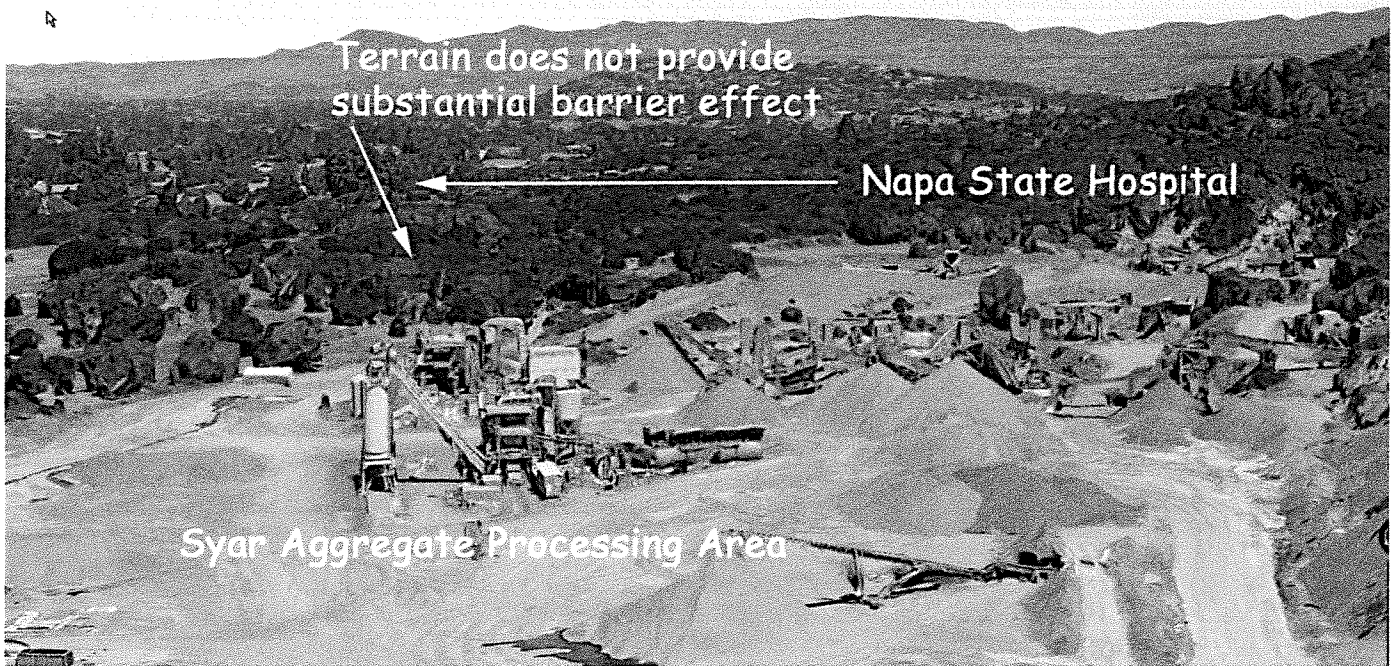
What GHD's Response fails to dispute is that the DEIR never evaluates sleep-disturbance impacts. It is too late now in GHD's Response to insert that conclusion for the first time. The public has not had the minimum 45-day opportunity to test that unsupported conclusion.

**GHD's Response states that there is no direct line-of-sight from receptors at the Napa State Hospital to Syar's processing areas to the south due to intervening terrain, as if to imply that no noise from processing operations reaches this Hospital's receptors.**

**REPLY:**

GHD provides no maps, cross section drawings, or noise level measurements to support that Response. GHD presented no noise level measurements near this Hospital of existing quarry operations, either in the DEIR or now. GHD also provides no scientific information to demonstrate that noise from distant expanded quarry operations will be

blocked by intervening terrain which does not significantly block even line-of-sight views. Rather, acoustic science reveals that acoustical waves are not effectively blocked and attenuated when such barriers are not located close to the source or the receiver. As discussed before, prevailing winds from the south or southwest can sometime increase quarry processing operation noise by about 5 dBA.



View looking North from Quarry Processing Area

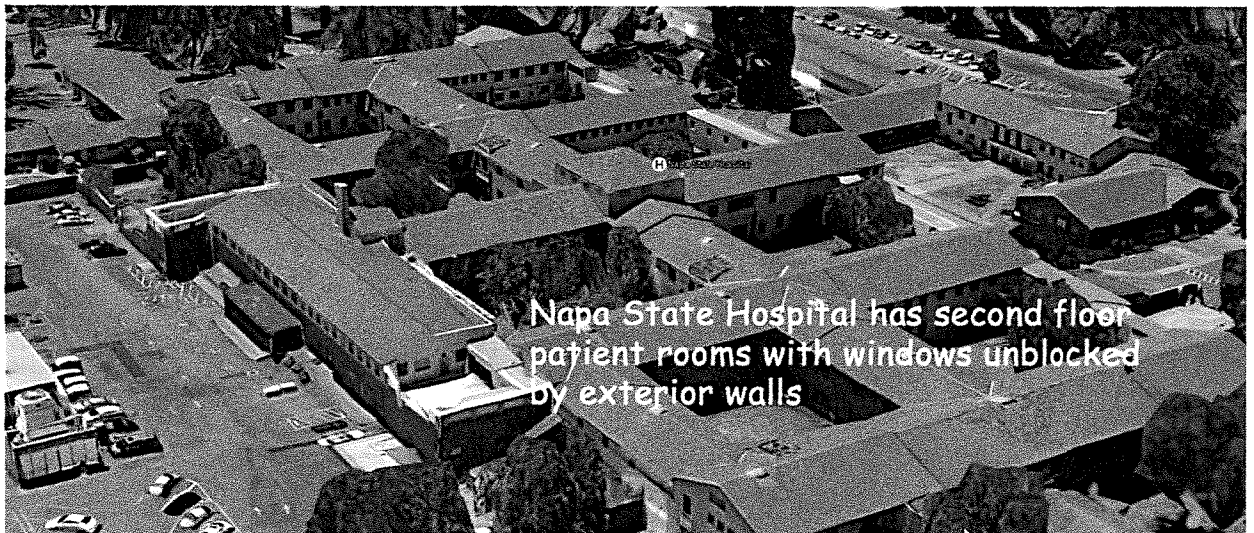
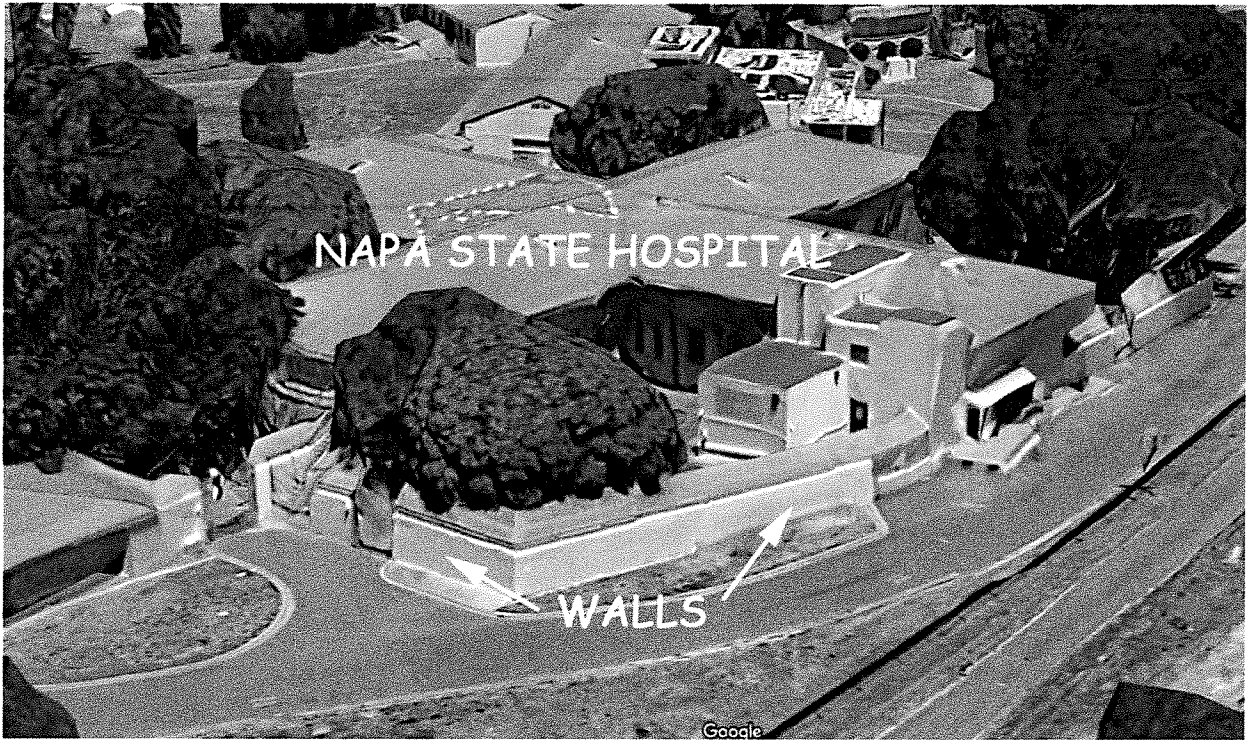
**GHD's Response states that receptors will be shielded from noise during excavation of the westernmost section of the State Grey pit is mined due to 10-foot high masonry walls having a minimum of 5 dBA of acoustical shielding.**

**REPLY:**

No such noise barrier attenuation will occur in these particular circumstances. Sources of quarry excavation noise up at that ridgeline would have a direct line-of-sight view at a downward angle in the direction of the Hospital. That line-of-sight passes over the top of the masonry walls directly hitting even the lower first floor patient windows. Line-of-sight from many east-facing windows to the quarry ridgeline is not interrupted by a solid wall. For those second floor and even first floor rooms, there also would be no noise level reduction due to a 10-foot solid wall barrier as GHD claims.

Other patient rooms at the Napa State Hospital are not effectively shielded by continuous 10-foot high solid noise walls. The upper section of these walls is open steel, see-through mesh or chainlink. In some locations, these walls are not even continuous which would be needed to limit noise intrusion; they have driveway openings gated with chainlink fencing.





GHD's Response is not even consistent. Previously GHD argued that 10-foot high walls provide 13 dBA of attenuation. Then GHD predicts that shielding will reduce noise levels by 5 dBA. In neither case does GHD provide any math or substantial evidence to justify such a noise barrier attenuation assumption. In fact, quarry noise from unshielded overburden removal and initial excavation at the quarry's upper edge will not be effectively reduced when exposed to some Hospital windows by such solid courtyard walls.

GHD's Response states that the overall noise level of a worst-case condition of aggregate mining along the westernmost section of the State Grey pit would be between 48 – 49 dBA L<sub>50</sub> and below the County's daytime limit of 55 dBA L<sub>50</sub>.

**REPLY:**

GHD uses incorrect assumptions of a worst-case noise level of 80 dBA L<sub>50</sub> when measured at 100 feet during the quarry site excavations. That much noise would be emitted from just a single Caterpillar D9H bulldozer per the Environmental Noise Data Sheet in Attachment 4. Aggregate mining can include a front-end loader loading rocks or topsoil onto large trucks where noise from both sources would cumulatively be combined. Operation of a louder bulldozer or an even louder water truck used up there for dust suppression would exceed that noise level.

To convert the noise levels in the following table to represent noise levels at a 100-foot distance, subtract about 6 dBA from each as the distance is doubled. Some of that equipment will be 2 to 4 dBA louder than the DEIR's assumed measurements.

EXAMPLE OF OTHER EQUIPMENT NOISE LEVELS:

**Table 4.12-12**

**Typical Construction Equipment Noise Levels**

<b>Equipment</b>	<b>Noise Levels at 50 Feet (dBA)</b>
Dozer	88
Excavator	85
Elevating Scraper	89
Backhoe	84
Front End Loader	87
Water Truck	87
Tractor Trailer-20 CY	80
Crane	86
Compactor	82
Paver	85
Welding Machine	74
Generator	84
Drill Rig	88

Source: National Cooperative Highway Research Program, Mitigation of Nighttime Construction Noise, Vibrations, and Other Nuisances, 1999. U.S. Army Construction Engineering Research Laboratory, Construction Site Noise Control Cost-Benefit Estimating Procedures, 1978. U.S. Environmental Protection Agency, Noise from Construction Equipment and Operation, Building Equipment, and Home Appliances, 1971.

The public has other evidence from the Syar Napa Quarry Project's noise consultant that multiple equipment will be used simultaneously for ridgeline mining. Such simultaneous heavy equipment operations would generate more noise than GHD now predicts. I&R's noise consultant Michael Thill at the August 12, 2015 Planning Commission public hearing testified that Syar would be using dozers, rock drills, loaders, excavators and rock trucks on such ridgeline activities. He used the plural form when describing those equipment types. Syar would not need loaders or rock drills if a single loader or rock drill is all that will be used at one time. Rock drills and water trucks can be louder than bulldozers too. The operation of two similar equipment types at one time in near proximity can generate noise levels of about 3 dBA louder at that distance than from just one of them.

Such analysis as GHD supplies now was not provided in the DEIR, and cannot be legitimately offered at this late date. That timing limits adequate public review in violation of CEQA.

Comments in DLF #1-9

**DEIR FAILS TO DISCLOSE THAT IMOLA AVENUE HOMES MAY BE EXPOSED TO EXCESSIVE NOISE LEVELS FROM QUARRY OPERATIONS.**

In our first comment, we pointed out that the DEIR predicts that homes north of Imola Avenue would be exposed to Project noise levels that exceed the County's Noise Ordinance standards during day and night. The DEIR does not evaluate noise exposure being increased due to prevailing southerly winds, due to possible temperature inversions, or due to noise reflecting from exposed vertical quarry walls.

The DEIR then recommends some mitigation to lessen those noise impacts, but (1) never considers the noise impacts on these homes may be much greater than calculated, and (2) never analyzes whether the proposed Mitigation Measure 4.11-1 will achieve any specific amount of noise reduction.

**GHD Responds stating that south wind noise increases were accounted for during the noise level measurements. GHD claims that temperature inversions were discussed in the DEIR and can increase noise levels. Because distant Imola Avenue home occupants are exposed to noise levels substantially below the County's noise standards, thermal fluctuations will not result in noise levels that exceed the standards. Reflected noise from the ground plane is included in the measurements used in the DEIR.**

**REPLY:**

GHD fails to respond to the actual comment that points out that the DEIR calculations were based on no-wind conditions. It matters not that I&R's noise measurements were made on days with calm or low speed winds. That is in the past and those existing conditions were not used for predictive purposes. What is important is how loud future noise levels will be during Syar's noisiest ridgetop removal operations of expanding the

quarry's footprint. The DEIR fails to include any adjustment to account for louder noise exposure at Imola Avenue homes due to prevailing south winds.

GHD similarly dismisses our comment that temperature inversions can increase quarry noise significantly. Discussing temperature inversions but failing to analyze that effect for future conditions during quarrying does not comply with CEQA nor respond adequately. Without providing any facts or calculations, GHD merely estimates that even with temperature inversions, noise levels from Syar's unshielded overburden removal at the quarry's upper edge will not result in excessive noise at Imola Avenue homes.

GHD disregards our comment that future expanded quarrying noise from unshielded ridgetop areas reflecting from exposed vertical quarry walls can add to noise radiating directly toward Imola Avenue homes by up to 3 dB.<sup>22</sup> GHD evades responding to that comment that we directed at calculating future noise levels. GHD claims reflected noise was included in measurement of source noise levels from (2009) operations. The acoustical engineer who founded Illingworth & Rodkin previously considered such reflected noise for the 2001 Blue Rock Quarry Expansion DEIR; residents of the Imola Avenue neighborhood also now have a right to have that factor be used in calculations of their homes' noise exposure during expanded activities. The DEIR and GHD's Response is inadequate for failing to acknowledge such a potentially significant factor that would increase their predicted noise level exposure.

**GHD also states that Mitigation Measure 4.11-1 sets noise standards for mining and includes feasible methods for achieving the noise limits at the nearest Imola Avenue receptors who will be exposed to direct line-of-sight activities that are calculated to exceed the noise limits.**

The noise standards in this Mitigation Measure are not adequate. They fail to take into account how substantial temporary noise increases above the existing ambient noise levels during overburden removal for weeks may be significant even with the limited standards proposed. GHD fails to acknowledge that CEQA requires that test to also be applied to evaluating and mitigating for Syar's noise impacts.

GHD fails to respond to the comment that the DEIR's proposed Mitigation Measure 4.11-1 is too vague to assure effective noise level reduction at Imola Avenue. The DEIR's conclusion of less-than-significance is without explanation or any calculations to support it.

GHD never responded to the comment that mitigation only requires monitoring to ensure that daytime noise levels do not exceed 50 dBA L<sub>50</sub> at the nearest home to the north, not at all homes to the north.

---

<sup>22</sup> That information comes from the 2001 Blue Rock Quarry Expansion DEIR, County of Sonoma, Appendix I – Noise Data, p. 6; as prepared by Rich Rodkin, P.E., Acoustical Engineer with Illingworth & Rodkin.

Nor does GHD respond to the comment that such mitigation monitoring also won't reveal nighttime exceedances or ensure that quarry activities do not exceed the County's nighttime limit of 45 dBA L<sub>50</sub> because only daytime monitoring is specified.

GHD does not address the comment that the DEIR does not describe how quiet the exteriors of homes north of Imola Avenue currently are because it obtained noise measurements from location LT-4 which is unrepresentative of most of those homes because the site of LT-4 is dominated by traffic noise. Homes set back farther from Imola Avenue experience significantly less traffic noise, while still being exposed to almost as much distant quarry noise.

Comments in DLF #1-10

**THE DEIR INADEQUATELY PREDICTS NOISE IMPACT ON IMOLA AVENUE HOMES BY IGNORING HOW PREVAILING WINDS ACTUALLY INCREASE NOISE LEVELS TO THE NORTH OF THE QUARRY.**

Our comment challenges that the DEIR incorrectly assumes worst-case noise impacts to Imola Avenue homes will occur with "neutral", no wind conditions. Yet no mitigations are recommended for days in which a south wind or temperature inversions can increase quarry noise levels impacting those homes by 5 to 10 dBA. Prevailing winds affecting this quarry and Imola Avenue residences are from the south so this additional noise factor can occur frequently.

We also commented that the DEIR does not reveal where I&R obtained its data for the Syar DEIR claiming that *average* noise levels from "unshielded aggregate mining activities" would be *approximately* 80 dBA L<sub>50</sub> at a distance of 100 feet. The public has a right to examine such claims if noise levels from such Imola Avenue area noise generated at the quarry might in fact be louder than those approximations. Moreover, CEQA requires the DEIR to disclose the maximum, and not merely the approximate noise levels, so that comparison can be made with the County's maximum standards.

We pointed out that multiple units of equipment may operate at unshielded areas of the quarry's upper edge with the result that noise would be significantly louder than the DEIR assumes and GHD uses in its Response.

**GHD's Response claims there is "no reason to adjust for noise levels assuming a south wind." GHD argues that its calculations represent a worst-case scenario because additional noise reduction could occur that would lower its predictions due to ground absorption and intervening terrain shielding.**

**REPLY:**

GHD however offers no evidence that there is any intervening terrain shielding between homes along Imola Avenue and the upper edge of the quarry which would be expanded. The topographic map in the DEIR and its photographs show no terrain features that would block such direct noise transmission. GHD provides no cross-section drawing to show such a terrain barrier. It does not exist.



Excess ground attenuation also is irrelevant under this concave sloping mountain circumstance where the direct line-of-sight from the quarry rim down to Imola Avenue homes is elevated far above the ground for much of its distance in between. Simply stated, there are not many soft ground surfaces and vegetation to absorb additional noise passing that high in the air. GHD's argument might be appropriate for other projects, but does not fit the facts in the relevant vicinity south of the Imola Avenue homes toward the upper quarry edge..

**GHD's Response now for the first time provides details and data about its assumption of noise levels from unshielded overburden removal and initial excavation at the quarry's upper edge activities. GHD contends the noise levels measured from one dozer during operations at a different quarry are allowed by the County's Noise Ordinance.**

**REPLY:**

GHD was required to have made this data and analysis available years ago when the DEIR was first released. While the County has not provided a minimum of 45 days as required by CEQA to evaluate this new data, we nonetheless have some preliminary replies. Simply put, those predictions are inaccurate because they assume only a single dozer will be used at one time for those unshielded overburden removals and initial excavations at the quarry's upper edge. That claim is contradicted by the actual noise consultant who testified about this Syar project.

At the August 12, 2015 Planning Commission meeting, Mr. Michael Thill, the principal investigator from the acoustical consulting firm of Illingworth & Rodkin in charge of the noise measurements used in the Draft EIR, provided some new information about Syar's noise impacts not included in GHD's Draft EIR. He spoke about the quarry project's noise impacts on residents along Imola Avenue being "potentially significant." He described the quarry expansion activities and ridgeline operations generating noise levels in excess of the County's maximum noise standards. He acknowledged that noise would be generated from **Syar's use of rock drills, dozers, loaders, excavators and rock trucks** that would be used on the ridgeline.

He stated this work would continue over time during a step back process, where trees would be removed during a one to two-week period, then the overburden would be removed during another one-week period. He stated that this expansion process, including the quarrying below for each wedge of material removed in each step back, could take a year or more each time. Thus, this quarry expansion involving unshielded ridgeline operations would be repeated each year or more, again and again.

That continuing operation can not be described as "construction" activities as described in the Draft EIR on page 4.11-15. If such activities would continue several weeks each time and would be repeated over many years, those operations cannot be exempted from CEQA by calling them construction activities. Mining is not included in the County's Noise Ordinance's definition of "construction." (§ 8.16.020) Short-term evaluation of noise level increases above ambient conditions without this quarry's expansion activities

for these ridgeline removal and excavation activities are not exempt from CEQA nor from the County's Noise Ordinance, contrary to what the Draft EIR concludes.

The Draft EIR states that "mining activities on the uppermost quarry benches (i.e., overburden and rock removal) would result in the highest noise levels received at off-site locations **because of the lack of intervening acoustical shielding between the noise source and the receptor.**" (DEIR, p. 4.11-14) (*emphasis added to additionally refute GHD's Response above where they claim intervening terrain exists.*) But the Draft EIR never describes how much noise would be emitted from the use of rock drills, dozers, loaders, excavators and rock trucks on the ridgeline. The public has been denied the required and necessary foreknowledge of the "highest noise levels" this Project would cause at Imola Avenue homes located some 1,900 feet away to the north.

The Noise Ordinance, § 8.16.070(A)(2)(e), for exterior noise limits, prohibits Syar from generating noise at other properties that exceeds the County's daytime noise standard of 50 dBA by 20 dB at any time. GHD's Response briefly discusses this restriction. If Syar's noise from both ridgetop removal and other mining exceeds 70 dBA  $L_{max}$  at any time at Imola Avenue homes, then Syar would violate the Noise Ordinance's maximum limit. That maximum limit would be 5 dB less if Syar's activities emit a repetitive noise such as hammering or a steady, audible tone such as a whine, screech or hum (i.e. 65 dBA  $L_{max}$  during the daytime.) The DEIR does not describe the character of the mining noise and whether these ridgeline activities might qualify for that 5 dB reduction. For that matter, it never discloses the total, maximum noise levels at any one time that such activities might cause at Imola Avenue area homes.

The DEIR describes that at the quarry edge, a "rock drill is brought to the work area and a matrix of holes is drilled." (DEIR, p. 4.7-5) Mr. Thill admitted that "rock drills" will be used, meaning two or more of rock drills. The DEIR does not identify the maximum noise level that can be generated by two rock drills. I&R was present for blasting noise testing on January 7, 2010 so they could have measured and reported the noise levels from rock drill use at that time. All the public is told in the DEIR and again in GHD's Response is that maximum noise levels during aggregate mining activities would be 85 dBA  $L_{max}$  at 100 feet. (DEIR p. 4.11-14) That information however is not accurate for the use of rock drills. Using data from the Ventura County Construction Noise Threshold,<sup>23</sup> p. 4, Figure 2, "Typical Construction Equipment Noise", shows that typical rock drills produce 99 dBA  $L_{max}$  at 50 feet, a number that when adjusted for distance, is about 93 dBA  $L_{max}$  at 100 feet. The DEIR has accordingly underestimated that maximum noise level that can be emitted from quarry operations by at least 8 dB. (i.e. 93 – 85 = 8 dB).

When two rock drills are operated simultaneously, which is possible according to the principle investigator's description of such quarry operations at the rim, then the sum of both would be 3 dB louder for a total 102 dBA  $L_{max}$  at 50 feet. Relying upon noise

---

<sup>23</sup> This document, Ventura County Construction Noise Thresholds, is available online here and a copy will be made available to County officials if requested:  
[www.ventura.org/rma/planning/pdf/ceqa/Construction\\_Noise\\_Thresholds.pdf](http://www.ventura.org/rma/planning/pdf/ceqa/Construction_Noise_Thresholds.pdf)

attenuation calculations provided by the DEIR, where noise levels decrease by 6 dB for each doubling of distance, then the likely noise levels from operation of just two rock drills, not including from other equipment, would be:

**Maximum Noise Level From Two Rock Drills Operating at Rim of Quarry:**

(99 dBA  $L_{max}$  and 99 dBA  $L_{max}$  = 102 dBA  $L_{max}$  at 50 feet.)

<u>Receiver Location</u>	<u>Distance from noise</u>	<u>Calculated maximum noise level</u>
Skyline Trail:	100 feet	96 dBA $L_{max}$ at 100 feet
	500 feet	82 dBA $L_{max}$ at 500 feet
Tent Camp site	1,000 feet	76.0 dBA $L_{max}$
Campground (per DEIR)	1,280 feet	74.0 dBA $L_{max}$
Imola Avenue homes.	1,900 feet	70.4 dBA $L_{max}$
Other homes up to distance of 2,000 feet		70.0 dBA $L_{max}$

Syar's quarrying noise level at all of these above mentioned locations could exceed the Napa County Noise Ordinance's maximum limits with just two rock drills being operated at the quarry's edge. Compared to the County's standards, this table shows the problem:

<u>Receiver Location</u>	<u>Distance from noise</u>	<u>Max. noise level</u>	<u>Permissible limit</u>
Skyline Trail:	100 feet	96 dBA $L_{max}$	70 dBA $L_{max}$
	500 feet	82 dBA $L_{max}$	
Tent Camp site	1,000 feet	76.0 dBA $L_{max}$	70 dBA $L_{max}$
Campground (per DEIR)	1,280 feet	74.0 dBA $L_{max}$	70 dBA $L_{max}$
Imola Avenue homes.	1,900 feet	70.4 dBA $L_{max}$	70 dBA $L_{max}$
Other homes up to	2,000 feet	70.0 dBA $L_{max}$	70 dBA $L_{max}$

This calculation demonstrates a potential for significant noise exceedances which the DEIR fails to disclose and GHD does not adequately dispute. GHD and its noise consultant Michael Thill seem to be in disagreement over how this Syar project would be operated regarding its noise impacts from equipment use at the ridge top of the quarry.

**Maximum Noise Level From Just Half of Equipment Operating at Rim of Quarry:**

Different assumptions can lead to similar results showing that this Project will exceed the County's noise ordinance standards. Syar's consultant described multiple equipment of each of these types to be operating at the quarry rim. That means at least two of each. If only one of each operated at maximum noise levels at any one time and the others were producing less noise and were not calculated, the total noise level from just one piece of each equipment type would be **102 dBA L<sub>max</sub> at 50 feet:**

2 rock drills (assuming one in use)	99 dBA L <sub>max</sub> at 50 feet
2 dozers (assuming one in use)	90 dBA L <sub>max</sub> at 50 feet
2 loaders (assuming one in use)	90 dBA L <sub>max</sub> at 50 feet
2 excavators (assuming one in use)	92 dBA L <sub>max</sub> at 50 feet
2 rock trucks (assuming one in use)	95 dBA L <sub>max</sub> at 50 feet

---

**102 dBA L<sub>max</sub> at 50 feet**

(Source: Ventura County Construction Noise Threshold, p. 4, Figure 2, "Typical Construction Equipment Noise")

**To summarize this Reply:**

Noise levels from overburden removal and quarry activities at the northern rim of quarry will exceed the County's maximum daytime standards at not only the campground, but also at some homes along Imola Avenue. Along the trails, such noise levels could be excruciatingly loud.

I&R's consultants never considered this serious noise impact issue in the work they had included in the DEIR. That appears likely because they assumed that quarry noise generated from the overburden removal and the initial excavation phases of each step back of the quarry was exempt as if it is "construction noise." It isn't exempt from CEQA or from the County's maximum noise standards. The public has reason to question if the DEIR consultants purposely omitted evaluating this serious noise impact issue because they knew there was no cost-effective solution in Syar's circumstance? People might question why the noise from a single dozer was used, and why did the EIR consultants never reveal that rock drills are considerably louder than any type of equipment they provided data for in the DEIR?

More importantly, if an EIR is adequate, it will have provided the apprehensive public with the necessary data so that they could test the EIR's conclusions. In this case, the Syar DEIR should have disclosed how loud each major equipment type would be, not just the dozer's noise level.

The DEIR entirely fails to provide any noise data for acknowledged equipment that includes those rock drills, loaders, excavators, rock trucks, and water trucks. No actual on-site measurement data is included in the DEIR for those individual equipment types. No theoretical noise level measurement data is included. No predictions of combined equipment usage is shown to the public. Rather, GHD now refuses to correct the lack of that information while it responds that "the commentator's methodology for predicting noise source levels has no merit." CEQA would answer if it had a voice that it is the County's obligation within its EIR for Syar's project to provide such data and analysis, and not the public's chore to assume that responsibility.

The noise levels simply calculated above would exceed the County's maximum allowable 20 dBA higher than the  $L_{50}$  noise level at all those various identified locations. The EIR's proposed mitigations will not significantly lower such quarry noise levels either, and certainly not below the acceptable maximum. For example at a location on Skyline trail 500 feet away from the quarry operations at its rim, the noise level from just two rock drills operating at one time could be up to 82 dBA  $L_{max}$ , or about as loud as a food blender or a diesel truck going 50 mph only 50 feet away. (See DEIR, p. 4.11-3 for such comparisons). The County's daytime maximum limit is 70 dBA  $L_{max}$ . Trail users won't be pleased.

Comments in DLF #1-12

**DEIR FAILS TO ANALYZE THE QUARRY'S  
POTENTIAL SLEEP-DISTURBANCE IMPACTS**

We commented that Syar's various noise levels could impact sensitive receptors and cause serious sleep-disturbance impacts. EIRs are required to consider such impacts yet the Syar DEIR entirely ignored this subject. For example, this quarry project proponent is seeking to be able to operate at nighttime hours at times, and to begin other temporary quarry rim excavation activities at hours before most campers awake, and that may disturb the sleep of surrounding people. Yet this Syar DEIR provides no discussion or analysis of this expanded quarry's Project's potential impact on campers in the nearby park or residents living nearby. This Project's operations pose noise levels that are loud enough to seriously disturb some of those sleepers.

We commented that quarry operations may cause noise levels loud enough at five homes within the Napa State Hospital grounds, at the even closer proposed Jail, and at Napa State Hospital's sleeping quarters that could cause sleep-disturbance impacts. Yet the DEIR says nothing at all about sleep-disturbance impact potential.

**GHD Responds that the DEIR's noise methodology provides credible worst-case noise level estimates of project operations. GHD contends that the comments are based on data from other projects that overstate noise levels rather than actual measured data at Syar's quarry. Napa County's exterior noise limits are adequately protective to prevent sleep-disturbance indoors. The DEIR shows the Project would not exceed County limits, so sleep-disturbance impacts are not expected.**

**REPLY:**

That Response ignores that nearby campers do not sleep indoors. They sleep in tents or thin-walled RVs which do not have the noise insulation of a typical house or institutional room. The County's nighttime noise standards are not designed to protect campground sleepers. As such, GHD has not responded to the comment that users of Skyline Wilderness Park's campground may be significantly impacted by early morning noise from unshielded mining activities at the quarry's upper edge.

This Response also ignores the comment that occupants of the nearest five homes within the Napa State Hospital grounds only about 600 feet from the quarry may experience sleep disturbance during unshielded early morning operations. The DEIR's noise analysis cannot

be truthfully said to have demonstrated such sleep disturbance impacts would not occur there. That is because the DEIR never acknowledged those homes existed so close by, and never predicted how much noise they would be exposed to from nighttime (i.e. before 7 a.m.) quarry operations.

The Response ignores the comment faulting the DEIR for entirely avoiding any sleep disturbance potential analysis. It may be possible to mitigate for such expanded operations and quarry noise, but the first step the DEIR failed is to investigate its potential. GHD provided no actual noise measurements or simulated noise levels for realistic operations at unshielded quarry edge areas where mining would sometimes occur. GHD disputes the comments' methodology but points to no better analysis ever provided to the public during this EIR process. While GHD disputes the commenter's predictions of potentially excessive noise level exposure at the hospital, jail, campground and homes north of Imola Avenue, GHD does not offer alternative predictions with the worst-case conditions of multiple allowable equipment use to demonstrate compliance with these noise standards. As such, GHD's response to comment is effectively non-responsive without a good-faith attempt to address the concerns commented upon. Nothing GHD points to can paper over the glaring absence of any discussion of sleep-disturbance impacts in the DEIR.

Comments in DLF #1-13

**DEIR FAILS TO EVALUATE POTENTIALLY SIGNIFICANT  
NOISE IMPACTS OF ON-SITE GUN FIRING RANGE WHERE  
QUARRY MODIFICATIONS MAY INCREASE GUNSHOT  
NOISE IMPACTS ON RESIDENTS AND PARK USERS**

We commented at great length that the DEIR is inadequate for failing to disclose how loud the onsite gun firing range, and how loud its impacts will be when cumulatively added to other quarry expansion noise. The DEIR does not mention the gun range nor contain measurements of its use or offer mitigation to prevent distress to neighbors. The DEIR also fails to evaluate how much louder gun noise levels are compared to ambient noise levels. Yet in the absence of such data, I&R somehow did not find this Sheriff's Department's firing range noise problems at Syar's quarry to be significant.

**GHD Responded that the DEIR's noise analysis assumed the firing range would not operate after the quarry and the area where it is located is gradually expanded and slowly mined.**

**Reply:**

There is no evidence in the DEIR that such assumptions were made. Nor are there any mitigations that require cessation of such firing range use before quarry expansion occurs. The quarry expansion could occur on the eastern side while the firing range continues to operate without being relocated. The altered landforms and steep quarry walls could result in reflecting more gun noise toward Imola Avenue residents to the north. For that matter, nothing in the DEIR prevents the firing range from being relocated

and continuing to operate within the quarry. GHD's Response is accordingly inadequate in addressing well known complaints about Syar's use of its quarry for a gun range.

The important issue is that the DEIR utterly fails to evaluate this existing and possibly ongoing firing range noise aspect of quarry activities. I&R had access to the quarry and could have obtained noise measurements but apparently failed to do so. Neighbors have no assurances that they won't continue to be troubled by the sound of gunshots while also being exposed to increased noise levels and sleep disturbance impacts from expanded quarry operations.

I&R's court-acknowledged inadequate noise studies for the Brentwood Rod & Gun Club should have prompted a more careful inquiry into the Syar's quarry use for a different gun firing range. Instead, the DEIR is silent on this issue, and GHD also fails to respond to valid comments criticizing the DEIR's negligence to evaluate such noise impacts.

Comments in DLF #1-14  
**DEIR DOES NOT ANALYZE NOISE IMPACTS  
OF QUARRY BACKUP WARNING BEEPERS**

We commented that the DEIR is inadequate for failing to evaluate the problems with the noise from backup beepers. The 2005 *Blue Rock Quarry EIR* for which Illingworth & Rodkin prepared a noise study documented that people from 800 to 4,200 feet away from the center of operations of that quarry complained about backup beeper noise intrusion from operation of heavy mobile equipment onsite. The Syar DEIR provides no measurement data for Syar's backup warning alarms. We estimated that at homes along Imola Avenue, the noise levels from backup beepers could be over 16 dB louder than ambient levels at times of no wind and would be clearly audible during times when the ambient noise level is below 40 dBA  $L_{eq}$ .

**GHD Responds stating that the sounds of backup alarms were prevalent and contributed to measured noise data. GHD argues that such types of noise are allowed by the Noise Ordinance because the maximum noise level of such alarms was not more than 20 dBA higher than the average or mean noise level during mining. GHD points to a condition or mitigation where the use of discriminating back-up alarms is required from 6 PM to 7 AM.**

**REPLY:**

GHD's Response to Comment fails to address the essence of the complaint: that the DEIR fails to disclose and analyze such backup warning alarm noise levels and fails to adequately mitigate against its annoying and harmful noise exposure. Had such statements in the Response been provided two years ago in the DEIR, then maybe the public could have added their comments and challenged the adequacy of proposed mitigations. Some members of the public did comment that the backup alarms that frequently occurred were quite audible and were objectionable. But the DEIR is essentially silent on this well-known significant noise impact associated with quarry operations.

GHD's Response also evades the issue that backup beepers have a penetrating frequency of objectionable tonal quality so that they are readily noticed by people near heavy equipment. That same piercing tone is what distant people complain about. GHD's discussion of the County's mid level L<sub>50</sub> noise standards misses that point entirely, because those standards are based on loudness and not on human annoyance factors. Because the DEIR fails to have any predictions of how loud such warning alarms will be at surrounding sensitive receptors, the public is deprived of any meaningful information by which to evaluate if neighbors will be significantly bothered.

GHD responds that the proposed noise mitigation would reduce average and maximum noise levels. But that statement does not mean such reductions would entirely eliminate backup alarm annoyance. The mitigations do not state what those noise limits will be. The L<sub>50</sub> standard cannot sufficiently protect people since backup alarms typically have short bursts of sound where peak levels do not last more than 50% of the time while they go silent in between bursts about once per second. A backup alarm sounding at the County's maximum-allowed L<sub>50</sub> decibel level in people's yards would be seriously annoying to neighbors.

The Project as mitigated would allow heavy equipment to operate at unshielded areas of the quarry's upper edge with incessant backup noise at campground areas somewhat earlier than 7 AM. Since vegetation clearing or removal might not constitute an "aggregate mining activity" banned at that hour by proposed mitigations, the mitigation might not prevent such activity. Even noise from overburden removal activities using heavy equipment with backup alarms is not banned by proposed mitigations prior to 7 AM if equipment is driven to such areas before being "utilized" for quarry operations.

The bottom line to this Reply is that the DEIR overlooked its obligation to evaluate this oft-complained about noise impact aspect of quarry operations.

Comments in DLF #2-1

**NOISE GENERATED BY MINING ACTIVITIES ON RIDGELINES IN EXPANSION AREAS WILL RESULT IN TEMPORARY AND PERIODIC NOISE LEVELS THAT WILL BE VERY MUCH LOUDER AT CAMPSITES IN SKYLINE WILDERNESS PARK AND WILL CREATE SIGNIFICANT NOISE IMPACTS.**

In our September 1, 2015 comment letter #2, we pointed out that the DEIR entirely failed to evaluate how much of an increase in noise during Syar's operations would occur at nearby campgrounds and trails in Skyline Wilderness Park. The DEIR did not even evaluate the quietest ambient conditions in these campgrounds. That is necessary so that predicted increases could be calculated and analyzed. We then presented a fair argument with calculations predicting that such temporary or periodic noise levels could be truly significant and could exceed the County's standards.



GHD Responds that the CEQA Guidelines (d)<sup>24</sup> test of whether a "*substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project*" **is not applicable** to such temporary quarry activities. GHD states that such ridgetop mining activities would only last "*for a few weeks and would not constitute a substantial short-term impact.*"

**REPLY:**

This Response makes no sense. Such quarry activity noise would occur "for a few weeks" and therefore it would be **temporary**. The DEIR states that this ridgetop overburden removal and quarry excavation process would be repeated over the years as the quarry area is enlarged, so its unshielded ridge top removal noise would recur **periodically**. Those circumstances exactly fit the required consideration of whether a "*substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.*"

Nothing in State law or County practices limits this CEQA Guidelines test solely to construction noise impacts for development projects as GHD's Memorandum argues. GHD points to no other regulation that supports its position. The loudness of temporary construction noise is routinely evaluated in Environmental Impact Reports throughout California, even at times by Illingworth & Rodkin. That category {§15063(d)} of required noise analysis allows agencies to impose protective noise mitigations during construction activities even if the noise impacts will be short-term.

For example in Madera County, a Revised Draft EIR circulated in 2014 for the Austin Quarry project evaluated *substantial temporary or periodic increases in noise levels* during quarry operations. Its Revised DEIR recommended that temporary noise berms be created to block such temporary noise.<sup>25</sup> Napa County is not exempt from this Guideline that is followed elsewhere in California for quarry projects.

In the past at a different quarry, GHD's same acoustical firm **Illingworth & Rodkin, Inc.** even considered testing for *substantial temporary or periodic increases in noise levels* to be necessary when it participated in the preparation of noise chapter of the 2007 Harris Quarry

---

<sup>24</sup> Referring to CEQA Guidelines § 15063, subs. (d). As stated in the recent appellate court decision, *Keep Our Mountains Quiet v. County of Santa Clara* (May 7, 2015), 236 Cal.App.4th 714:

"The checklist consists of sample questions divided into categories of potential physical impacts a project may have." (Rominger, supra, at p. 715.) With respect to noise, the appendix G checklist asks whether the project would result in "[a] substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project." (Guidelines, appen. G, § XII, subd. (d).) We agree that the lead agency should consider both the increase in noise level {Slip Opn. Page 20} and the absolute noise level associated with a project.

<sup>25</sup> See 2014 **Austin Quarry Revised DEIR**, p. 3.10-18 Available online at: <http://www.madera-county.com/index.php/county-forms/category/56-austin-quarry?download=5630:austin-quarry-revised-draft-eir> or at [http://www.austinquarry.com/revised\\_draft\\_eir.html](http://www.austinquarry.com/revised_draft_eir.html) This Noise chapter excerpted document is incorporated by reference and will be made available if requested by Napa County officials.

Expansion Draft EIR.<sup>26</sup> GHD does not explain why such a CEQA test and consideration is relevant at the Harris quarry but not at the Syar Napa quarry.

**Illingworth & Rodkin, Inc**, previously prepared an acoustical study for a Walmart project's EIR in Santa Rosa, California that evaluated short-term, temporarily-increased construction noise impacts.<sup>27</sup> They considered noise levels to be significant because they would still be higher than the City's maximum allowed daytime and nighttime noise standards, and I&R accordingly recommended that noise mitigations be adopted.

A California court recently also ruled that a project with noise impacts had to consider that same test of whether "[a] substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project." See *Keep Our Mountains Quiet v. County of Santa Clara* (May 7, 2015), 236 Cal.App.4th 714. Some similar concerns were voiced by opponents of that project as now appear with Syar's noise study.<sup>28</sup>

---

<sup>26</sup> See the 2007 **Harris Quarry Expansion Draft EIR**, pages 194, 201, 204, and 207 (about construction noise) Noise chapter, prepared by Illingworth & Rodkin, Inc. in 2007 for Mendocino County. This noise chapter of the Draft EIR is available online at: <http://www.co.mendocino.ca.us/planning/pdf/Noise.pdf>. It is included by reference herein and will be made available to Napa County officials if requested.

In that Draft EIR, a standard was established to measure whether such a short-term noise level increase would be significant:

*3.5c Result in a temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. A substantial temporary noise level increase would occur where noise from construction activities exceeds 60 dBA Leq and the ambient noise environment by at least 5 dBA Leq at noise sensitive uses in the project vicinity for a period of more than one year.*

<sup>27</sup> See: *Walmart Project DEIR*, online here: [http://ci.santa-rosa.ca.us/doclib/Documents/Walmart\\_EIR\\_Noise.pdf](http://ci.santa-rosa.ca.us/doclib/Documents/Walmart_EIR_Noise.pdf) (See page 3.14-16 of that DEIR for mitigations also.) This document will be made available if requested. That Walmart Noise assessment was also prepared by: Illingworth & Rodkin, Inc; Environmental Noise Assessment Wal-Mart, Santa Rosa CA, dated November 11, 2004.

As evidence to refute GHD's claim that the Syar DEIR is not required to evaluate substantial temporary or periodic increases due to construction, one only needs to see that I&R elsewhere does such evaluations. I&R's acoustical study concluded that short-term noise impacts during construction were considered to be significant. Their study predicted construction activities would theoretically generate a significant noise impact at nearby homes of 82 dBA Leq during ground clearing, and 86 dBA Leq during demolition, excavation, and grading. Illingworth & Rodkin then reduced their firm's short-term construction noise prediction because of that noise wall's effectiveness to between 77 – 81 dBA Leq at those homes.

<sup>28</sup> In *Keep Our Mountains Quiet v. County of Santa Clara*, (2015), 236 Cal.App.4th 714, the County hired a sound consultant who reviewed a project's noise impacts. The county's consultant pointed out that sound reflects off of canyon walls, and that wind and temperature inversion could affect sound calculations, (issues that also present themselves with the Syar project but are ignored by GHD.) He however concluded the project noise levels did not exceed county noise standards. Neighbors hired a different consultant who argued the measured sound was unrealistically quiet and that the county had failed to also consider the *substantial temporary or periodic increases in noise levels* standards provided by CEQA. The Court overturned approval of that project when it agreed with the neighborhood opponents that the county was obligated to consider the *temporary increases in ambient noise levels in the project vicinity above levels existing without the project*.

GHD's Response is also non-responsive to the comments about sleep-disturbance impacts and about Project short-term noise levels at Skyline Wilderness Park locations exceeding County standards. Failure to provide responses to such comments may violate CEQA.

GHD's Response fails to adequately justify why the DEIR did not present noise level measurements at the quietest locations within the campgrounds. GHD's excuse is that campground noise sources such as conversations, radios, RV generators might interfere. But that is not a valid reason to have selected a noisier location nearer to Imola Avenue to gather baseline noise measurements. I&R's personnel could simply have asked campers to briefly silence any noise for a few minutes during short-term measurements. Or they could have positioned noise meters during their overnight, long-term measurements at the quietest tent site locations farther from Imola Avenue and relied upon measurements automatically being recorded at night while campers slept.

The Syar Napa Quarry project EIR is accordingly flawed for having completely failed to consider this relevant and necessary test specified by the CEQA Guidelines, and for failing to obtain meaningful baseline noise level measurements at campground and trail locations used by the public.

Comments in DLF #2-2  
**DEIR Has Evidence Pointing To Significant Periodic  
Noise Increases In Skyline Regional Park**

We commented that Project activities might generate noise levels at nearby campsites from both quarry excavation and quarry rim overburden removal activities that could greatly exceed County standards and could create temporary noise level increases from multiple equipment operations of over 20 dBA at the campground and park. This comment's prediction is supported with calculations.

**GHD Responds that the DEIR does not need to consider temporary noise level increases, that mining is typically done by a single dozer, and that no quarry operations would occur while overburden is being removed.**

**REPLY:**

This Response fails to refute the calculations and assumed noise levels presented in the comment. Merely arguing that commenter's noise level predictions are not factual, are dramatically overstated and are incorrect is not adequate. Some proof is needed that these temporary noise level increases will not be 20 dBA or more than ambient conditions, as commented. Even if actual math using different data shows the temporary noise level increases would only be 5 dBA greater than baseline conditions, that increase would signal a significant noise impact. GHD provides no math to prove otherwise, and does not even provide any expert correspondence signed by a professional working at I&R to support GHD's Response.

GHD also misrepresents our illustrations showing multiple equipment being used for overburden removal. Those drawings are not intended to represent operations on narrower

quarry benches, but rather are for use during quarry overburden removal and initial quarrying where more room is available to maneuver.

GHD's Response that we don't understand the mining process is likely the fault of the DEIR for failing to have described that mining process adequately. The DEIR does not reveal in sufficient detail how the upper exposed sections of the quarry will be mined. It also seems as if GHD's own consultants do not understand the mining process as GHD now claims uses only a single equipment type at a time. As discussed earlier in this letter, I&R's noise consultant Michael Thill at the August 12, 2015 Planning Commission public hearing testified that Syar would be using dozers, rock drills, loaders, excavators and rock trucks on such ridgeline activities.<sup>29</sup> Why wasn't Mr. Thill asked now to verify GHD's Response in some expert or credible fashion? GHD does not advertise having any of its own noise experts on staff.

GHD prepared an inadequate EIR which fails to evaluate the Project's temporary noise impacts on Skyline Wilderness Park users, and GHD now argues it is not required to evaluate those temporary impacts. It provides no contradictory analysis to refute the comment's calculations of significant noise level increases. As such, this Response violates CEQA.

#### Comments in DLF #2-3

#### **DEIR Overestimates Distance From Quarry to Tent Camping Area and Undercalculates New Quarry Noise Levels from Exposed Operations**

A comment was made that the DEIR fails to describe the shortest distance between the Skyline Park campground tent area and the nearest quarry expansion overburden removal area. We provided calculations showing that this distance is substantially less than the DEIR assumes. Accordingly, noise impacts at those tent sites will be greater than the DEIR calculates. We used the data summarized in the DEIR to show how quarry activities could cause sleep-disturbance impacts. We documented how Syar's off-site increases in periodic noise when measured at the campground **could be up to about 37 dBA louder** than existing 6 a.m. or 7.a.m. noise levels. Even the EIR's own data confirms a significant impact had the proper test of temporary noise level increases been employed.

**GHD Responds that it obtained noise measurements in the center of the campground at about 1,280 feet rather than at the closest campsites about 1,000 feet from overburden removal areas. GHD admits noise levels would be excessive but claims that the use of mitigation measures would reduce noise impacts to meet County standards. GHD also repeats that the DEIR does not need to consider the CEQA temporary noise level increase test.**

#### **REPLY:**

---

<sup>29</sup> Mr. Thill used the plural form when describing those equipment types. One does not need loaders or rock drills if a single loader or rock drill is all that will be used at one time. Rock drills and water trucks can be louder than bulldozers too. The operation of two similar equipment types at one time in near proximity can generate noise levels of about 3 dBA louder at a distance than from just one of them.

The DEIR is defective for failing to reveal the correct closest distance to the nearest campsite. GHD's admission now does not cure that earlier failure where GHD acknowledges it used a central distance rather than a nearest distance. CEQA requires evaluation of impacts on all sensitive receptors, not just those in the middle of a larger group. The public was unable to evaluate the true noise impact without having that more accurate distance information when the DEIR was circulated. Even now, GHD does not refute the commenter's calculations that show dramatically excessive noise exposure at quiet campground sites and the resulting potential for sleep-disturbance impacts.

Had truthful and accurate analysis been provided by GHD, the County could limit starting hours of operation to a later time of the day or have required temporary noise buffering mitigations. Absent that, this Project poses serious noise impact risks of sleep-disturbance impacts to campers that are not merely annoyances. GHD's claim that CEQA Guidelines test requirements for substantial temporary or periodic increases in noise levels are not applicable to Syar's project is without support or merit.

GHD's Response that Mitigation Measures will reduce Syar's noise levels to meet the County's standards throughout the camping areas is also without any supporting evidence. GHD's Response does not in any way address the comments including five separate reasons showing that the proposed mitigations as written would be ineffective.

Comments in DLF #2-4

**Noise generated by mining activities on ridgelines in expansion areas will be significant to campers in Skyline Wilderness Park**

We commented that if multiple equipment types operate at the same time at the northern edge of the quarry, then quarry excavation noise levels when measured at the nearest campsite might be **as high as 72 dBA L<sub>50</sub>**. That noise level would greatly exceed the County's noise limits of 50 dBA L<sub>50</sub> in the daytime. Even a single dozer could create noise exposures of 57 dBA L<sub>50</sub> that would exceed the County's maximum daytime noise limit of 50 dBA L<sub>50</sub>.

**GHD Responds by pointing to its Response to Comment DLF #2-1**

**REPLY:**

There is nothing in GHD's earlier Response to Comment DLF #2-1 that refutes our warning that multiple equipment use on ridgelines in expansion areas could significantly exceed County noise maximum noise limits by 22 dBA. That earlier comment dealt with *substantial temporary or periodic increases in noise levels above ambient conditions*. This comment however deals with Syar's exceedances of the County's absolute noise standard limits of 50 dBA L<sub>50</sub> in the daytime. Those are different standards. As such, GHD's Response fails to comply with CEQA because it wholly misses the point of this comment.

Comments in DLF #2-7

**Quarry Project Will Have Significant Noise Impacts on Users of Trails in Skyline Park**

We commented that the FEIR's conclusion that quarry noise will have a less-than-significant impact on trail users is contradicted by facts in the DEIR. The FEIR introduces new calculations that are not in the DEIR to support its conclusion of no significant impact to park users. Some trails are nearer the quarry expansion areas than are disclosed in the DEIR. The DEIR even acknowledges that trail noise exposure to noise levels of 80 dBA L<sub>50</sub> at 100 feet from aggregate mining activities at that close distance would constitute a potentially significant impact. But GHD's reliance on Mitigation Measure 4.11-1 to somehow correct that excessive noise will not be effective because this mitigation, even having been modified again, is inadequate.

**GHD Responds that a complete description of mining noise heard at trails in the Skyline Wilderness Park is disclosed in the FEIR. Cross Section drawings show that park users will not have direct line-of-sight to long-term mining activities. The comment ignores intervening topography. The noise level at the receptor will be an acceptable 46 dBA L<sub>50</sub>. Mitigation will achieve County noise level standards of 50 dBA L<sub>50</sub> or less. All quarry activities will be shielded by intervening terrain at established trail locations.**

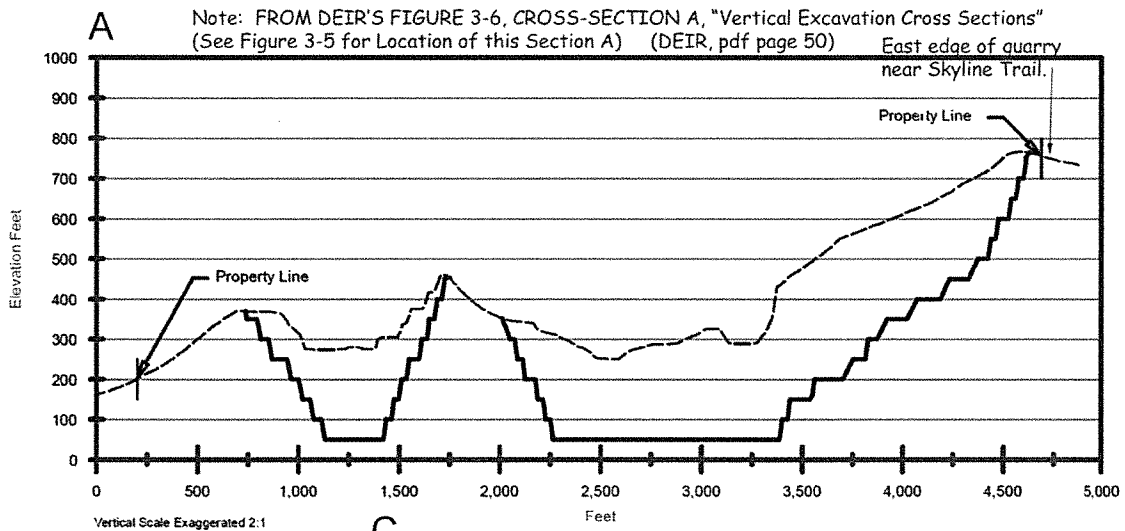
**REPLY:**

- a) Such descriptions of mining noise should legally have been first provided in the DEIR so the public could have reviewed that new information.
- b) GHD never demonstrated that intervening terrain would have the noise attenuation effect GHD claims, either theoretically or with actual noise level measurements of representative equipment operating at the proposed ridgeline areas.
- c) GHD mischaracterizes the point of the comment which warns about trail user exposure to excessive noise from unshielded overburden removal and excavation at the quarry's upper edge, not about noise emitted from deep in the quarry.
- d) GHD's prediction of resultant noise levels is unrealistic since it depends upon a less-than-possible source noise level of 80 dBA L<sub>50</sub> at a distance of 100 feet. Louder equipment will be used for excavation activities.
- e) GHD's overly optimistic forecast also depends upon a barrier attenuation factor allegedly calculated to be 20 dBA. GHD however never revealed any such calculations to the public or even provided a signed statement to that effect from a professional acoustic expert. Activities at the unshielded overburden removal and initial excavation area at the quarry's upper edge will have no such 20 dBA noise reduction because some of those activities may have direct line-of-sight exposure to nearby trails.
- f) As stated previously in comments, the EIR's proposed mitigations will not effectively limit all significant quarry noise to comply with County standards.
- g) Moreover, by entirely ignoring the CEQA requirement to evaluate *substantial temporary or periodic increases* for which the County has no noise standards, quarry operations may create a different form of significant noise impact: excessive temporary noise level increases above existing conditions. Such exceedances could otherwise have been mitigated had the DEIR properly first analyzed them.
- h) GHD's claim that "all quarry activities will be shielded by intervening terrain at established trail locations" is apparently not true either if the information contained in the

DEIR is accurate. Figure 3-6, Cross section A shows that the upper western edge of land in the quarry will be excavated and will at least for weeks be in direct line-of-sight of Skyline Wilderness Park to the east with no intervening topographic barrier effect. (See drawings below)

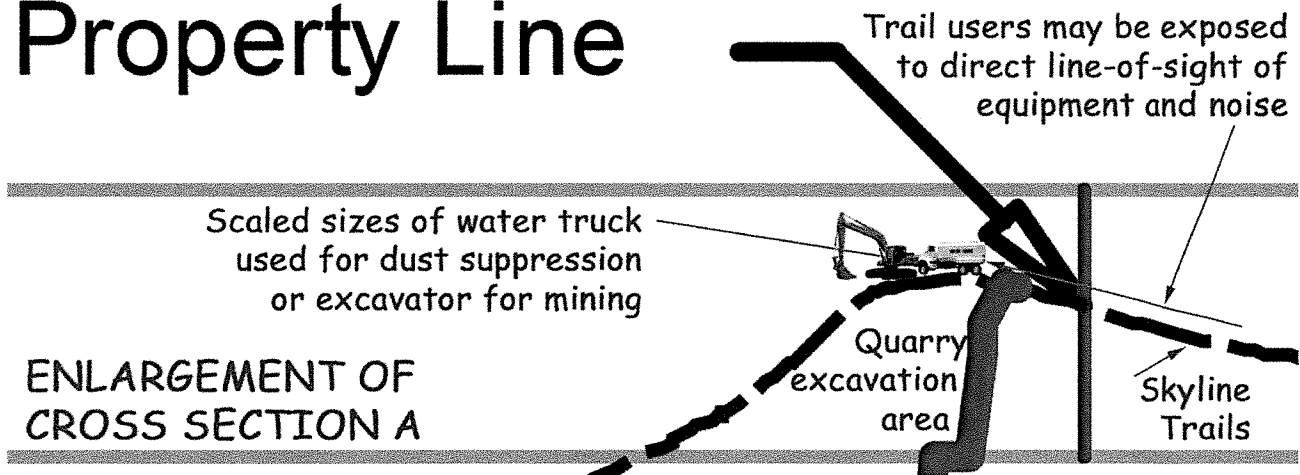
- i) The DEIR fails to contain any maps that are merged in one place and show existing trails and the vicinity's topography. That lack of important information makes it very difficult for the public to understand which existing trails might be exposed to Syar's unshielded overburden removal activity noise. The DEIR is inconsistent with CEQA's objectives to provide such clear and understandable analysis to the public. However, it appears that from viewing Figure 3-6, Cross Section A, and Figure 14.1, Inset B, that the Skyline Trail along the east side of the quarry will have direct line-of-sight views to the unshielded overburden removal and initial excavation at the quarry's upper edge.

**DEIR, Figure 3-6, CROSS SECTION A - See Enlargement Below of Upper Right**  
*(Text notes in blue ink below are comments, not a part of the original Figure 3-6.)*



**ENLARGEMENT**

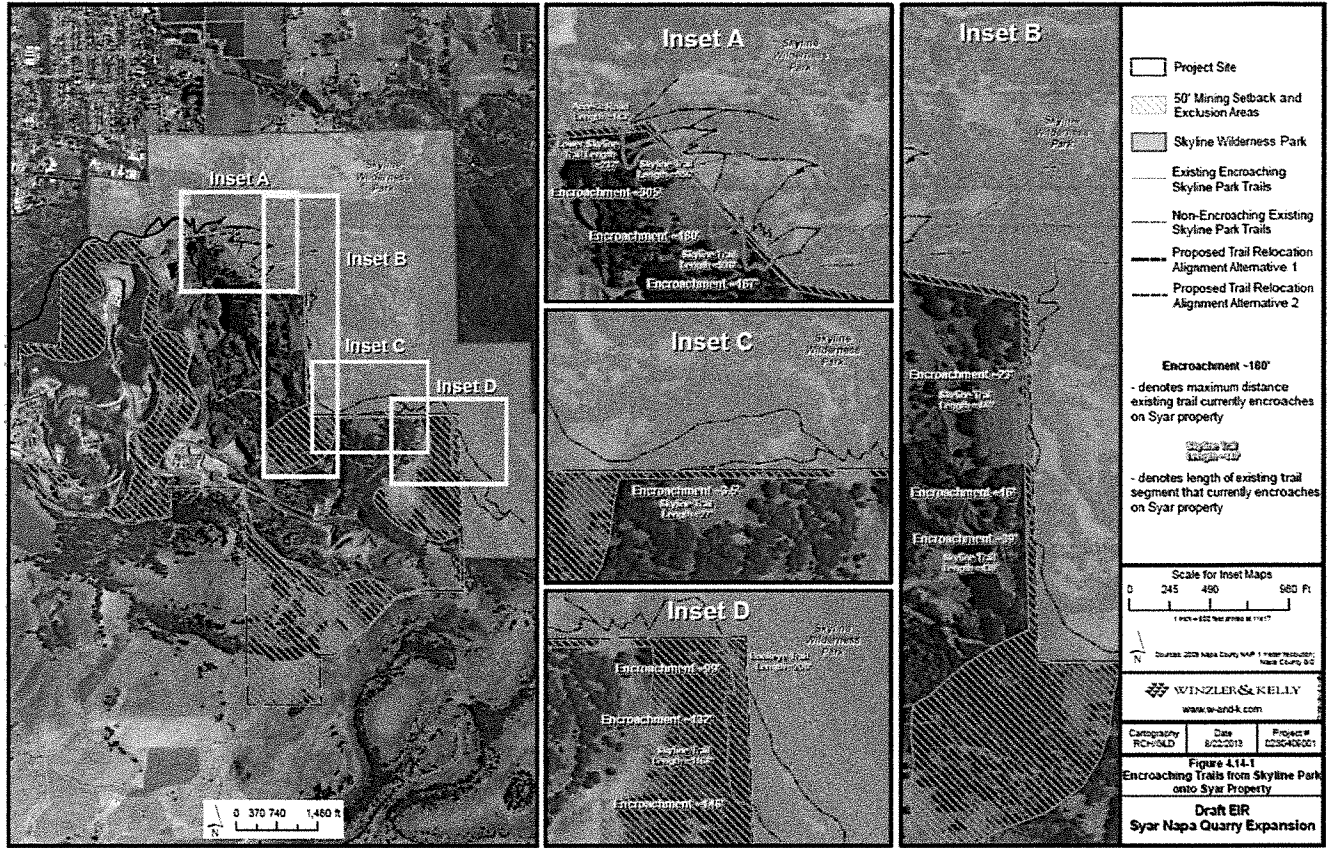
**Property Line**



**ENLARGEMENT OF CROSS SECTION A**



Figure 4.14-1 Encroaching Trails from Skyline Park



GHD's Response provides no information to support its conclusion that trail users will not be exposed to excessive noise from unshielded overburden removal and initial excavation at the quarry's upper edge on the east. Rather, it appears that at least during initial excavation of the top of each slice or bench of the quarry, the equipment will be sometimes visible and its noise will be will exceed County noise exposure standards at trail locations.

**CONCLUSION**

Thank you for considering these replies to GHD's responses to comments. They show that the Project EIR's most recent responses to comments by its preparer, GHD, fails to comply with CEQA. Many of the responses do not provide good faith, reasoned analyses in response. Others contain conclusory statements unsupported by factual information. Please revise the EIR and provide additional opportunity for public review afterward. Please notify me of any additional opportunities there may be to review this Project.

*Dale La Forest*  
 Dale La Forest

Professional Planner, Designer, INCE Associate (Institute of Noise Control Engineering)  
 Dale La Forest & Associates

Attachment A: Noise section of 2014 County Jail Project EIR, pp. 22 to 23

Predicted noise levels for the activities described above would not exceed the County's daytime or nighttime exterior noise standards (i.e., 55 dBA or 50 dBA, respectively). Additionally, typical building walls provide an outside-to-interior attenuation of approximately 25 dB. Therefore, the estimated noise levels would be reduced to at least 30 dBA based on typical attenuation rates from the 15-foot jail security wall (as described in the project description) and the inmate housing unit walls. Therefore, the County's most stringent interior noise standard of 45 dBA at indoor sleeping areas would not be exceeded by these activities alone.

## ASPHALT BATCHING

Asphalt batching occurs at two separate locations at the adjacent Syar Napa Quarry. The site closest to the proposed noise-sensitive receptors is located approximately 1,170 feet to the west. Activities at the asphalt batching plant are similar to those described above for aggregate crushing, and therefore reference noise levels are also similar, and are shown above in Table 3.8-15. Operations at the closest asphalt batching site to the proposed noise-sensitive receptors could result in noise levels of up to 57 dBA  $L_{max}$ , which would exceed applicable county exterior noise standards of 55 dBA. Based on typical attenuation rates from building walls, interior noise levels would be reduced to about 32 dBA, which would be well below county interior noise standards of 45 dBA.

## COMBINED NOISE SOURCES

In the discussion above typical noise-generating activities (i.e., blasting, aggregate mining, aggregate crushing, and asphalt batching) were discussed separately. However, it is likely that during heavier production periods, several of these activities would occur simultaneously, but at different locations, throughout the quarry. Combined noise levels are discussed herein.

With regards to blasting, and as described above, blast noise is characterized using a linear scale as opposed to an A-weighted scale, commonly used in noise ordinances and standards, as is the case with the Napa County noise standards. For this reason, blast noise cannot be directly compared to applicable noise standards or combined with other noise sources (e.g., aggregate mining, aggregate crushing, asphalt batching). In addition, blasts occur relatively infrequently (i.e., one to two blasts per week, and during the off-season, blasting typically occurs at a rate of zero to one blast per month) and when they do occur, a blast would only last for a matter of seconds. Further, as discussed above, blasting would not exceed accepted thresholds for human disturbance/annoyance of 120 dB. Therefore, because blasting would not exceed applicable standards for human annoyance and would only occur for a matter of seconds, and relatively infrequently in any given month, blasts would not expose proposed noise-sensitive receptors to excessive noise levels.

Other typical activities at the adjacent Syar Napa Quarry include aggregate mining, aggregate crushing, and asphalt batching. Although these activities could operate simultaneously in any given hour, they do not occur at the same location on the site, and this scenario would represent a typical operation, during more intense periods when demand for materials is higher than normal. Therefore, to represent a worst-case operation day, when all activities are taking place (i.e., aggregate mining, aggregate crushing, and asphalt batching), noise levels could reach up to 58 dBA  $L_{max}$  at the outdoor activity areas of the proposed noise-sensitive land uses. As described in the project description, the proposed jail would be surrounded by a 15-foot security wall. When sound barriers (i.e., buildings, walls, etc.) are located in the direct path of a noise source, a typical attenuation rate of 5 dB reduction in noise levels would be achieved (Caltrans 2009). Therefore, accounting for the 5 dB reduction that the security wall would provide, noise levels at the outdoor activity areas of the proposed jail could reach up to 53 dBA  $L_{max}$ , which would not exceed the County's daytime exterior noise standards of 55 dBA, but could exceed the nighttime standards of 50 dBA. However, this type of extensive noise-generating activities would generally occur during the less sensitive hours of the day (i.e., 7 am to 10 pm) and therefore would be subject to the daytime exterior standard of 55 dBA and not the nighttime standard of 50 dBA. If

operations at the adjacent Syar Napa Quarry were to begin before 7 am or continue past 10 pm, these activities would not be as intensive and would consist primarily of trucks loading/unloading material, equipment setting up and shutting down, and other minor activities. In these cases, noise levels would resemble more typical operation activities such as those described above under quarry equipment operation, and could reach levels of up to 49 dBA at the proposed noise-sensitive receptors. These noise levels would comply with all applicable exterior (i.e., 55 dBA daytime and 50 dBA nighttime) and interior noise standards (considering 25 dB reductions from jail walls) of 45 dBA.

Therefore, in summary, worst-case noise levels could reach up to 53 dBA (considering a 5 dB reduction from security walls) during the daytime hours (i.e., 7 am to 10 pm), which would comply with daytime exterior noise standards of 55 dBA and, considering typical exterior-to-interior reductions from building walls, result in interior noise levels of 30 dBA at sleeping areas, which would comply with nighttime noise standards of 45 dBA. Activities occurring outside of the less sensitive, daytime hours, hours could result in noise levels of up to 49 dBA, which would comply with daytime exterior noise standards of 55 dBA and, considering typical exterior-to-interior reductions from building walls, result in interior noise levels of 24 dBA at sleeping areas, which would comply with nighttime noise standards of 45 dBA. Thus, proposed noise-sensitive land uses would not be exposed to noise levels that exceed applicable Napa County's noise standards or be exposed to prolonged periods of excessive blasting noise. This would be a **less-than-significant** impact.

## Mitigation Measure

*No mitigation is required.*

---

<b>Impact 3.8-5</b>	<b>Exposure of a Proposed Noise-Sensitive Land Use to Excessive Ground Vibration Levels.</b> Implementation of the proposed project would place new vibration sensitive receptors adjacent to the Syar Napa Quarry, where vibration-generating activities such as blasting, mining, rock crushing, and asphalt batching take place. Based on estimated vibration levels and the relative distances where these activities would take place, applicable vibration criteria for structural damage, would not be exceeded. Thus, proposed vibration sensitive land uses would not be exposed to excessive levels of ground vibration. This impact is considered <i>less than significant</i> .
---------------------	--

---

Noise source described above under Impact 3.8-4 (i.e., blasting and other mining operations) would also result in varying degrees of ground vibration. Implementation of the proposed project would place new noise-sensitive receptors as close as 2,600 feet from mining operations (e.g., blasting, rock removal, rock processing, material recycling, etc.) at the nearby Syar Napa Quarry. Blasting and other daily operations at the Syar Napa Quarry would result in varying ground vibration levels depending on the type of activity, duration of activity, and type of heavy-duty equipment being used. The ground vibration levels associated with the blasting operations would result in the greatest amount of ground vibration.

Blasting is currently used at the adjacent Syar Napa Quarry to loosen rock from the quarry face and floor. There are three sites where blasting occurs, the Snake Pit, that State Grey Pit, and the State Blue Pit. Blasting would occur intermittently based on the demand for material. Blasting would occur during daytime hours, typically between the hours of 9:00 am and 2:00 pm. During the construction season, blasting can occur at a rate of one to two blasts per week, and during the off-season, blasting typically occurs at a rate of zero to one blast per month.

As described above under Impact 3.8-4, blasting can result in air overpressures that can result in cosmetic structural damage (e.g., cracking in walls, windows breaking) to buildings as well as human annoyance. In addition, blasting results in ground vibration which can also lead to damage of nearby structures.

OCT 21 2015

Agenda Item #

9C



## Autumn Wind Associates, Inc.

Air Quality CEQA Analysis and Consulting Services

P.O. Box 1030 • Newcastle, CA 95658  
916.719.5472 • ggilbert@autumnwind.us

October 20, 2015

RE: Syar Napa Quarry Expansion Final EIR; State Clearinghouse #2009062054;  
Air Quality Review and Comments Regarding Napa County's Recently Released Appendix C

Autumn Wind Associates has reviewed comments issued in the Lead Agency's recently released Appendix C, rebutting our August 10 letter regarding defects and deficiencies regarding the DEIR and FEIR issued for the Syar Napa quarry expansion project undergoing CEQA review in Napa County, and we respond here with comments noted below. As previously, we submit these comments on behalf of Stop Syar Expansion (SSE).

\*\*

At Appendix C, pg. 3 the Lead Agency has responded to our written comment provided in August, 2015 regarding the EIR's mistaken assumption that the project, in utilizing BAAQMD's thresholds of significance, could ignore the air district's daily threshold in favor of the annual emission threshold (of 10 tons/yr). A portion of their response is quoted here:

"The commenter believes that the daily average significance thresholds were inappropriately applied and takes issue with the statement that 10 tons/year is equivalent to 54.8 lb/day "daily average" threshold. If one assumes that operations are conducted every day of the year (365 days), then 10 tons/year is equivalent to 54.8 lb/day and there is BAAQMD documentation showing this fact. However, the commenter asserts the "daily average" includes only work days and should be calculated by dividing annual emissions by 250 days/year which is the normal operating schedule (DEIR Page 3-14)."

The excerpt above reflects mistaken assumptions or misrepresentations by the Lead Agency regarding our concern for their misuse of BAAQMD thresholds. In our previous comment letter we explained that the BAAQMD's daily and annual emissions thresholds were not interchangeable—and specifically that the Lead Agency could not confuse the two for evaluating Syar Napa's emission impact significance. While it is true that the District's annual 10 ton per year (tpy) threshold equates to 54 lbs per day (20,000 lbs/365 days/yr), the EIR's presumption that only the 10 tpy threshold should be applied to evaluate Syar Napa's impacts is in error and would not be supported either by the Air District's CEQA staff nor by their CEQA guidance. The District's daily threshold of 54 lbs for NOx does not permit the Lead Agency to ignore a single day's exceedance of that value by annualizing all days together, which is what the EIR assumed with its reliance solely on the annualized 10 tpy approach. As an example, under the BAAQMD's CEQA guidance a project would be considered to have a significant air quality impact if its NOx emissions were to exceed 54 lbs/day for only one day of the year. It appears the EIR and the Lead Agency either have not admitted that fact or, in rejecting our cited notes of having discussed and

corroborated the issue with the BAAQMD's CEQA manager, simply refuse to accept it. Regardless, we are firm on our position that their guidance supports both daily and annual thresholds and that a daily exceedance cannot be ignored in favor of the annual threshold.

Secondly, CEQA's interest in the most conservative emissions assessment for the project dictates that for comparison to the daily thresholds of significance, annual emissions estimates calculated on a 365-day year basis must be adjusted to reflect no more than the average annual days of actual work. Thus while CalEEMod and other modeling programs may annualize emissions to a 365-day year, for purposes of determining significance of modeled emissions against the BAAQMD's daily threshold the total emissions per year must be based on the actual days worked per year. In the case of the Syar Napa quarry, that annual work year has been identified as 250 days/yr. Thus an annual quantity of, say, 9.9 tons of NOx would be broken down for evaluating daily emissions significance as  $9.9 \text{ tons} \times 2000 \text{ lbs/yr} \div 250 \text{ days/yr}$ . In this example, the annual (365 day) threshold of 10 tpy is not exceeded, but against the 250 days/yr the project's NOx would equate to 79 lbs/day---which would then violate the BAAQMD's daily threshold. With the DEIR/FEIR's reliance only upon the BAAQMD's annual threshold, such an example would, errantly, be considered less than significant. This is not appropriate under CEQA.

Further on at Appendix C, pg. 3 the Lead Agency errs again with this statement:

“Thus, comparing the average day in the average of five years to an average day in a 365 day maximum year is a reasonable approach.”

In fact, it is not a reasonable approach for at least two reasons. The first is that the CEQA's interest in the most conservative, reasonable impact assessment is not served by diluting worst-case years with use of better-than-average years of emissions data. Were this the case the argument could be made that Syar should be able to pick the years when emissions were lowest and then average them for the lowest possible baseline. What Syar should have done in the EIR was to utilize the most environmentally conservative yet still representative year of production---when emissions were at their highest---to create a baseline for the EIR. While Syar would presumably never volunteer to do this, the Lead Agency's duty under CEQA is clear---and has been ignored. The result is a skewed baseline that, by rejection of various CPRA requests to the County made over the last few months, favors the Applicant while denying the public their access to what should be public---not secret---information used to underpin the EIR.

Secondly, the quoted statement is in serious conflict with the BAAQMD's CEQA guidance regarding the application of their emission thresholds of significance. As pointed out in the preceding paragraphs, comparison of the facility's worst single-day's emissions to the District's daily thresholds of significance is what must be used to determine impact significance, and that metric must not be diluted based on spreading 250 individual days of emissions, each potentially significant should its emissions exceed the threshold of 54 lbs/day, into an inappropriate 365 day calendar year. Despite what the Lead Agency wishes to argue for on behalf of Syar Napa, a “year” for the purposes of determining air quality impact significance under CEQA cannot be any more than number of actual days worked per contiguous four seasons---and then not subsumed for even greater dilution into a rolling 5 year average that, by County decree, cannot be reviewed for content by the public. Thus, the Lead Agency's quote shown above, that the average day in the average of five years to an average day in a 365 day maximum year is a reasonable approach, is not only unreasonable but under CEQA it is just plainly wrong.

\*\*

At Appendix C, pg. 5, the Lead Agency has stated:

“The BAAQMD provided comments on the Notice of Preparation in a letter dated July 30, 2009 and received the Draft EIR in 2013 including the related technical studies. BAAQMD did not take issue with how the Project emissions were evaluated in relation to their CEQA thresholds of significance. Review of the historical BAAQMD CEQA Guidelines does not reveal that “daily average” means average working day. The commenter’s account of a telephone conversation with a staff person at BAAQMD does not provide substantiated evidence to support the commenter’s claim.”

The presumption by the Lead Agency that the BAAQMD has given tacit approval to the methods utilized in the EIR to estimate project emissions because they “did not take issue with how the Project emissions were evaluated...” is an interesting one. By implication, an individual is justified in claiming an assumed pronouncement of perfect health by his medical doctor regardless of the fact that he’d never talked with or been seen by them.

BAAQMD responded to the NOP in 2009 not, contrary to what the Lead Agency implies in the quote above, to pass judgment or provide support for the project, but to provide support for the careful determination of its emission impacts and use of all reasonable and feasible mitigations consistent with CEQA Guidelines and practices. BAAQMD’s lack of response to the DEIR or any subsequent phase of the Syar Napa CEQA review is simply not tacit approval for the County’s abysmal performance with the preparation of what is clearly a confused and confusing document that has become mired in itself after at least 6 years of hit-and-miss study efforts. Moreover, the BAAQMD’s resources and commitments to active engagement in making EIR comments have been affected by the attenuated lawsuit in superior and appellate courts challenging their CEQA thresholds, and their not commenting on the Syar Napa CEQA review documentation is entirely consistent with their response to hundreds of other EIRs they receive each year from Lead Agencies evaluating projects affecting their nine counties—that is, no comment, no review. As a trustee agency, they are not required nor expected to comment on any EIR (other than their own). Finally, as pointed out elsewhere in this letter, the Lead Agency is simply wrong if it believes that it may confuse the air district’s annual threshold with how their daily threshold must, under CEQA, be administered for the determination of Syar Napa quarry expansion’s air quality impact significance.

\*\*

At Appendix C, pg. 5, the Lead Agency is quoted:

“As shown below, NOx emissions from haul trucks are overestimated by greater than 2.2 tons/year and the rail emissions increase under the Reduced Production Alternative would be eliminated. Thus, no additional changes are necessary. Even if the overestimations discussed below are omitted from consideration, the Project could alter Mitigation Measure 4.3-2A to be more restrictive and accomplish the 2.2 tons/year reduction.”

Unfortunately, the calculations made in the EIR for NOx emissions from haul trucks appear, as we noted in our previous comment letter, to have been underestimated substantially by the arbitrary and unjustified use of a commercial vehicle average trip length modeled not for Syar’s actual, historical truck trips but for all commercial vehicles operating solely in Napa County. As pointed out previously, truck trips to locations far beyond the average trip length used in the EIR must invalidate the accuracy of its



emissions estimates---and that determination is based on information provided at various sections of the EIR claiming that the majority of Syar's sales and deliveries have been and are expected to continue to be throughout the Bay Area. Rather than relying on a misrepresentative, under-representative, solely in-county trip distance estimated for the average commercial vehicle and not for Syar-related trucks, the EIR should have based its trip distances on actual Syar Napa trip records moderated with commonly-undertaken market analysis projecting future growth in aggregate and asphalt sales in locales throughout the broader region. Stop Syar Expansion (SSE) has made CPRA requests to the Lead Agency/Napa County for information, relevant to emissions calculations, referenced (but not released) during the EIR process, and each attempt has resulted in rejection. Years of historical data showing trip area destinations and tons/trip are within Syar Napa's control and should have been provided for the preparation of the EIR's air quality element; instead, the County has permitted the use of under-representative trip distance, ignored CEQA's interest in providing public access to information used to establish the EIR's emissions estimates, and failed to ensure use of valuable information from actual, historical trips balanced with projections of future aggregate and asphalt market growth.

Further, we disagree with the Lead Agency's statement that "the Project could alter Mitigation Measure 4.3-2A to be more restrictive" in order to create additional, needed tons of NOx reductions. "Could" does not translate to "shall"; as written, MM 4.3-2a is unenforceable because it leaves to the Applicant the determination of whether additional reductions are needed, and while it requires emissions modeling to be presented to "the County" it ignores the fact that the County has no technical experience in such matters and is not equipped to evaluate and verify the accuracy of any such calculations.

Had the Lead Agency been truly interested in fulfilling CEQA's interest in protecting air quality to be affected by the proposed project, it would have required use of an outside, independent expert (similar with what it is now requiring for public protection of hydrology resources to be affected by the Syar Napa proposed project) to ensure that MM 4.3-2a would be enacted and actually produce the required tons of air emission reductions. Alternatively, it should have requested the assistance of the expert agency, BAAQMD, charged with protecting the region's air quality, in determining when and how the Applicant would provide the tons of reductions the Lead Agency must acquire under the MMRP and EIR. It has done neither. As currently written, MM 4.23-2a is highly unlikely to provide the necessary reductions sustained over the life of the project, nor is it enforceable since it leaves it to the Applicant to determine if, how, and when its components will be enacted.

Finally, no metric to measure progress is included in MM4.3-2a's item 2 or 3---a blanket provision requiring a "Tier 0 or better" locomotive is not enforceable since emission calculations have not been provided in the EIR to show that required tons of reductions for the measure will actually be provided in transporting Syar Napa products by a locomotive at any of the related Tiers. Further, CFNR owns five Tier 3-rated locomotives and uses the lower-emitting option in the Napa area already---thus no additional NOx mitigation credit can be claimed for the measure since they already serve the quarry. See the screenshot below.



## NRE 3GS21B

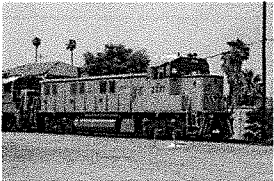
From Wikipedia, the free encyclopedia

The **NRE 3GS21B** is a low-emissions diesel switcher locomotive built by National Railway Equipment. It is powered by three Cummins QSK19C I6 engines with each one developing 700 horsepower (522 kW) and creating a total power output of 2,100 horsepower (1,570 kW). Having multiple engines instead of a single prime mover, a design referred to as a "Genset," reduces overall diesel emissions and improves fuel efficiency.<sup>[1]</sup> More than 150 of the 3GS21B Genset locomotives have been produced to date, with the majority of these units being manufactured at NREC's Mount Vernon shops in Southern Illinois.<sup>[2]</sup> In addition, one road slug model has also been produced.

### Original Buyers  [ edit ]

Railroad	Quantity	Road numbers	Notes
BNSF Railway	72	1220-1292	
California Northern Railroad	5	501-505	
Canadian Pacific	2	2100-2101	2100 retired 5/13, 2101 retired 6/13.
CSX Transportation	16	1300-1316	
Massachusetts Bay Transportation Authority	2	3248-3249	
Metro Stevedore <sup>[3]</sup>	1	805	
Neptune Bulk Terminals <sup>[4]</sup>	2	808-808A	808A is the only road slug model built to date.
Norfolk Southern	2	300-301	
Nova Chemicals	1	9120	
National Railway Equipment	7	2008-2009, 2011, 2013-2015, & 2020	Demonstration Units
Pacific Harbor Line	4	30-31 & 33-34	

**NRE 3GS21B**



A new NRE 3GS21B locomotive in the Union Pacific scheme.

Type and origin	
<b>Power type</b>	Diesel-electric
<b>Builder</b>	National Railway Equipment (NREC)
<b>Model</b>	3GS21B
<b>Build date</b>	December 2006 – Present
<b>Total produced</b>	181

Specifications	
<b>Gauge</b>	4 ft 8½ in (1,435 mm)
<b>Prime mover</b>	Cummins QSK19C (x3)
<b>Engine type</b>	Diesel engine
<b>Aspiration</b>	Turbocharger
<b>Cylinders</b>	6 (x3)

Performance figures	
<b>Power output</b>	2,100 hp (1,570 kW)

Career	
<b>Operator(s)</b>	See list

Finally, as we point out in other comments in this letter, MM 4.3-2a's item 3 permits use of "some other means" to generate NOx reductions, by choice of the Applicant. It is also left to the Applicant to provide technical information to show that the "some other means" choice will produce the needed reductions; this is akin to permitting the fox to guard the henhouse and the blind leading the blind, particularly since the Applicant (and the Lead Agency) has refused to release all emissions-relevant information to the public used in formulating the project's air quality emission estimates.

\*\*

In our previous letter we commented on the multiple examples of structural dysfunction and poor writing in the DEIR/FEIR documentation hampering our evaluation of the project's estimated air quality emissions and impacts; our perspective has only been reinforced by the poorly written quality of Appendix C. To exemplify that dysfunction and reflect the difficulties that inevitably arise in trying to construe what the Lead Agency really intended with the disjointed and poorly written EIR (including its appendices), we point to their response at Appendix C, pg. 7 released less than one week ago and more than 6 years and thousands of pages of documents after the Syar Napa environmental review process started:

"That the commenter was confused by the fact existence (sic) of an Appendix I within the AQHRA report (sic) which itself is located in Appendix I of the DEIR is understandable (sic) but not really a comment that addresses the adequacy of the EIR."

Honestly, does the Lead Agency realize how precisely this statement, one which, while seriously confused in delivery, is dismissive of our having raised in our previous comment letter the matter of a

poorly written EIR at the same time it exemplifies our concern? Its confusing construction with “fact existence” and clauses lacking commas could be no better metaphor for the overall poor quality of the EIR itself.

Further at Appendix C, pg. 7, we appreciate the Lead Agency’s explanation on the primary purpose of the EIR’s appendices:

“It is true that an EIR should convey information in understandable terms for the general public; however, the technical appendices are provided to support the EIR as part of the administrative record and not necessarily written for the average reader.

We understand that a technical appendix is designed as a functional repository for objective information, however we stridently disagree with the underlying inference that the fragmented, disorganized, and layered (we’ve never seen an EIR whose air quality appendix came with its own set of abstracted and disjointed appendices, accreted like sediment over the years) into the EIR’s air quality Appendix I are acceptable. They are not. With several years of accreted, sedimented layers, the Lead Agency has created the equivalent of a large, nearly impenetrable heap of disjointed, abstracted, and unrelated-for-meaning data in the air quality appendices that are never explained or related for their relevance to the EIR’s air quality element. Ordinarily an air quality appendix requires some sleuthing to relate the generally unexplained but logically connected and related information back to the EIR’s air quality element, but in the present case the Lead Agency has created in the extensively appended, layered Appendix I the functional equivalent of a trash can in which it has thrown the now-unreliable thousands of bits of technical information gathered over the last six years of fragmented, disjointed, and constantly adjusted project information. (Over the last 20 years we have never worked on an EIR where so much critical air quality information with highly significant project-related changes have been thrown at the public months *after* issuance of the FEIR, and in the latest version with the Lead Agency providing only 6 days for public review and comment.)

As constructed with its own random appendices, Appendix I now contains simply too much information for the reader or even the Lead Agency’s consultants to be able to understand, particularly for the critical assumptions made by the modeler or practitioner that always underlie what the model will produce in results. The simplest proof of this is the Lead Agency’s admission that rail emissions were incorrectly double-counted with truck emissions in the EIR, with this admission coming less than one week ago and just days prior to the Planning Commission meeting vote to support or deny the project, and where County staff have urged a “yes” vote in favor of the project. If the Lead Agency has lost its way through the layers of technical, poorly related information found in the appended Appendix I as it clearly did with the rail emissions issue, what does this imply for the members of the public, either lay or expert?

As but one graphical example, see the screenshot below of Appendix I, pg. 1578 of 2008, containing emissions information important for the public’s right to verify the EIR’s air quality emissions estimates; the page appears to have been converted from portrait to landscape format---causing sentences, columns, and rows to become fragmented and disjointed across two pages. As constructed, the pages do not appear to connect to one another, and so the reader is likely to immediately give up or, alternatively, wander around looking for a while for the missing information before realizing the two fragmented pages must be reconstructed by the reader into one.

This screenshot of Appendix I, entire pg. 1578, along with many other similar examples we have contended with in the EIR's air quality element and appendices, exemplifies not only extremely sloppy performance but an essential disrespect for the public and the CEQA process. Such lassitude, gathered over the years in what is now a very poorly written, disorganized, and still evolving EIR, greatly inhibits the public's ability to work effectively through its thousands of project environmental document pages.

Immediately below is Appendix I, pg. 1578 in its entirety. And please note the last line on the page—as with so many other abstract references in the air quality appendices, it fails to tell the reader where the “Traffic Information - Napa Quarry spreadsheet” is. We're still hoping to find it, and request the assistance of the Lead Agency in finding it and revising the document with directions on its location.

otherwise noted

Existing sales: 810,364 (baseline) minus 2,320 (rail). Recycled material brought in is not included in existing sales, but is included in haul trips.  
Asphalt: 765 trips, Fuel: 112 trips, Recycle Material: 12,104 trips.

---

Each train has 3 cars, each car holds 70 tons, each round trip handles 210 tons.  
Each barge carries 4,000 tons per load.

Project sales: 2 million minus 810,364 (baseline) minus 97,600 (rail). 1,162,500 is difference between existing and new use permit of 2.0 million. Trips calculated at 18.1 tons per truck as per existing.

Asphalt: 1195 trucks, Fuel: 118, Recycled Material Trucks: 12,000.  
20 new employees multiplied by 250 days multiplied by 2.  
100,000 (new permit) minus 2,320 (existing). Each train has 3 cars, each car holds 70 tons, each round trip handles 210 tons.  
250,000 (new permit) minus 110,923 (existing). Each barge carries 4,000 tons per load.

the Traffic Impact Study, are inclusive of aggregate leaving the site via rail.  
sheet.  
ided by Syar in December 2009. Refer to Traffic Information-Napa Quarry spreadsheet.

\*\*

At Appendix C, pg. 8 the Lead Agency has responded in part to our earlier-stated concerns regarding the use in the DEIR of an inappropriate 14.7 mile average trip length created solely for in-county commercial trips, excerpted here:

The off-site haul truck emissions were determined based on forecasted growth in demand for the entire region. One hundred percent (100%) of future market growth in the Production-Consumption Region was assumed to be satisfied by increased Project production. In other words, this approach assessed the average distance of all aggregates trips in the region regardless of whether or not they were truck trips leaving the Syar Napa Quarry. This is a very conservative assumption and more than accounts for the potential vehicle miles travelled (VMT) if truck trips did extend, on average, beyond the 14.7 mile distance identified in the Draft EIR.

We are at a complete loss trying to understand this paragraph, beginning with the first sentence.

Syar Napa's onroad truck emissions were, quite simply, calculated in the DEIR using the aforementioned in-county (and only in-Napa-county) average commercial vehicle trip distance, and we are unable to locate in the DEIR where the "forecasted growth in demand for the entire region" was discussed in detail sufficient to explain how growth throughout the region justified the use of a trip rate, for the EIR's emission calculations, that was developed by the Napa County transportation planning authority for all commercial vehicles operating exclusively in Napa County.

Based on the paragraph's next sentence, the Lead Agency appears to be arguing that growth in aggregate demand in the P-C region would be met by "increased Project production", with the unexplained capitalized "Project" possibly referring to the Napa Syar quarry expansion project. Yet growth in aggregate or asphalt (although the quoted paragraph above from the Lead Agency never mentions either) demand in the P-C region is clearly outside the boundaries of Napa County. The next two sentences only add confusion, particularly since the last sentence is composed of two fragments that do not follow from the preceding material or tie to one another in any rational way---what, exactly, is the "conservative assumption", and why does it "more than account for the potential vehicle miles traveled (VMT) if trucks did extend...beyond the 14.7 mile distance identified in the Draft EIR"? This may make sense to the person who authored it, but we simply have no idea what the section quoted above is trying to express as the rationale for the DEIR's use solely of the in-county trip rate for emissions calculations---especially against the DEIR's admissions at various locations that Syar Napa products were largely shipped into and throughout the Bay Area and were expected to continue to be.

Appendix C's next paragraph further confuses the rationale for why the DEIR impermissibly relied upon an under-representative average onroad truck trip distance:

"Under the Reduced Production Alternative (1.3 million tons per year), the facility could satisfy up to 15% of the total demand in the region. Thus, 15% would be the facility's overall fair share and the Project's fair share is arguably even less."

Has the Lead Agency's response here expected us to assume that the quoted "facility" and "Project" in the sentence immediately above are one in the same, i.e. Syar Napa Quarry? It should not be left to the EIR's reader to make assumptions in the face of confusing statements such as this. Notwithstanding, the statement seems to want us to assume that because the "facility" could supply up to 15% of the total demand in the region, that could then justify trips outside the 14.7 mile average trip distance used in the DEIR? Again, we are at a loss to understand what the quoted section above is supposed to mean.

Next, the Lead Agency has stated:

A conservative estimate of the average Project truck trip distance would be estimated to be 30 miles. If the average trip is 30 miles rather than 14.7 miles and the Project is attributed 15% of the growth in aggregates production rather than 100%, then the emissions would be 2.5 times less than those presented in the DEIR. Specifically, 7.2 tons NOx/year is reported in the DEIR (i.e. 100% of growth, 14.7 VMT/trip). The fair share emissions using a 30 mile haul would be 2.9 tons/year.

We readily admit continued confusion with this section, however it may suggest that Syar Napa quarry's proposed expansion could provide no more than 15% of the increased production proposed (at 1.3 million ton/yr) to markets beyond the 14.7 mile trip length used in the DEIR, rather than the full 100%. At such a hypothetical de-rate, project truck trip emissions would be reduced substantially. If this interpretation is correct, it makes little sense since there is nothing in the MMRP or environmental


documents for the project that stipulates such a limit. Rather than creating a hypothetical simulacrum to draw attention away from the misuse of an under-representative 14.7 mile trip rate, the focus must be on what is likely to actually happen with new Syar Napa truck trips—a significant portion of trucks will continue to travel throughout the Bay Area and other locations well outside the 14.7 mile average in-county (Napa) trip limit, delivering Syar Napa quarry and asphalt products driven by market supply and demand factors. As noted in the DEIR, Syar Napa has and expects to continue to send much if not most of its products in trucks throughout the Bay Area, and as we made clear in our earlier letter the average trip length for all project-related trucks must be adjusted effectively to account for those trip distances that far exceed the under-representative 14.7 mile average trip distance cited in the DEIR. Finally, Syar Napa truck trip information from years of sales records to show primary market areas, trip distances, and trip numbers have been cited in the EIR but the County has refused to make it available. Refusal to use reliable, real trip information coupled with reasonable market growth analysis in favor of an inappropriate generic Napa County commercial truck trip length ensures that the project's CEQA emissions analysis remains seriously compromised.

\*\*

In our comment letter we provided the URL to EPA's website demonstrating Sonoma County's classification as partial nonattainment for the federal PM2.5 standards in and after October, 2009. And it was that standard that was applied in the Syar Napa DEIR at Table 4.3-3---as such, the DEIR was out of date based on EPA's revision of the standard in 2012. Further, notwithstanding the Bay Area air basin's redesignation to NAAQS PM2.5 attainment in 2013, our comment letter at pg. 21 identifies significant risk, based on air monitoring trend analysis, that the air basin will not be able to sustain compliance with the more restrictive 12 ug/m3 standard. Nothing in the Lead Agency's response rebuts that assertion. Further, the screenshot below is taken from CARB's ADAM website (<http://www.arb.ca.gov/adam/trends/trends2.php>), buttressing the notion that attainment/nonattainment trend data for PM2.5 in the Bay Area are at serious risk and that, as noted in our comment letter, the Syar Napa EIR has failed to place their substantial increase in projected PM2.5 emissions in context to that downward trend.

**PM2.5 Trends Summary: San Francisco Bay Area Air Basin**

[FAQs](#)

Year	Est. Days > Nat'l '06 Std.	Annual Average		Nat'l Ann. Std.	State Annual	Nat'l '06 Std. 98th Percentile	Nat'l '06 24-Hr Std.	High 24-Hour Average		Year Coverage	
		Nat'l	State	D.V. <sup>1</sup>	D.V. <sup>2</sup>	D.V. <sup>1</sup>	Nat'l	State	Min.	Max.	
2014	2.0	12.0	12.0	10.0	12	27.2	29	60.4	60.4	33	100
2013	6.0	12.8	12.4	10.5	12	35.1	30	57.7	57.7	88	100
2012	2.1	9.5	9.5	9.4	11	24.7	26	38.4	38.4	4	100
2011	6.0	10.1	10.1	9.9	11	35.2	31	54.2	54.2	90	100
2010	3.2	10.5	10.6	9.1	14	26.8	31	46.5	46.5	45	100
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Info:** Click on a column header for more information about the statistic in that column.  
**Years:** Annual PM2.5 statistics are available for this basin from 1999 through 2014.  
**Notes:** All concentrations expressed in micrograms per cubic meter.  
 State exceedances shown in **yellow**. National exceedances shown in **orange**.  
 An exceedance is not necessarily a violation.  
 State and national statistics may differ for the following reasons:  
 State statistics are based on California approved samplers, whereas national statistics are based on samplers using federal reference or equivalent methods.  
 State and national statistics may therefore be based on different samplers.  
 State criteria for ensuring that data are sufficiently complete for calculating valid annual averages are more stringent than the national criteria.  
<sup>1</sup> D.V. = National Design Value  
<sup>2</sup> D.V. = State Designation Value  
<sup>\*</sup> There was insufficient (or no) data available to determine the value.

Go to: [Data Statistics Home Page](#) | [Trends Summaries Start Page](#) | [Ozone/PM10 Trends for this Basin](#)

Note column 1; it signifies that trend data above are based not on the more restrictive 12 ug/m3 PM2.5 standard, but on the less restrictive, older 15 ug/m3 standard of 2006. Not shown in the table is the 35 ug/m3 current EPA 24-hr standard for PM2.5; note that the column showing in orange under “High 24-hr Average” clearly reflects measured high PM2.5 values well above that limit and, undeniably, a worsening trend line between 2010 and 2015. While those values have been set aside for nonattainment redesignation purposes due to their being outside the 98<sup>th</sup> percentile average over three years, they demonstrate that the basin’s high 24-hr PM2.5 measurements are growing substantially worse over time and are increasing nonattainment exceedance event risks.

Further, those data denoted in orange color were quantified based on the less-restrictive 2006 standard. The effect then of the more restrictive 12 ug/m3 standard imposed in 2012 and which currently applies is to move the entire bell curve of measured PM2.5 monitoring data collected throughout the air basin upwards---if there were only slightly fewer than the high PM2.5 values outside the 98<sup>th</sup> percentile needed to drag the air basin back into nonattainment under the 15 microgram standard, moving the bell curve upward with a more restrictive 12 microgram standard would push more high values above the limit---likely causing redesignation. Without doubt, the analysis in the Syar Napa EIR has failed to evaluate the project’s proposed increase in PM2.5 against worsening trend data; as noted above and in our previous letter, the incremental increase in Syar’s fine particulate emissions represents substantial increase in risk to the basin’s tenuous hold on its attainment designation, and to breathers in the Napa region.

\*\*

At Memo pg. 10, regarding the PM2.5 standards the Lead Agency states:

“Thus, the 2012 standard did not apply at the time of the environmental analysis in 2013 and the attainment status could not have been known at that time because the determination was not made until January 15, 2015. The omission of discussion on the 2012 standard in the 2013 AQHRA is a slight oversight that is now clarified and disclosed with this response to comment.”

The first sentence quoted above appears to be factually incorrect---the more restrictive PM2.5 standard was passed into law in 2012 and thus *did* apply for relevance at the time of the Syar Napa EIR’s analysis in 2013. Formal redesignation by EPA did not occur until 2014, yet the more restrictive, approved standard was legally in place well prior to the DEIR’s and FEIR’s ignoring it, yet was ignored by the Lead Agency. The quote above regarding a “slight oversight”, then, trivializes the Lead Agency’s duty to have built both DEIR and FEIR that, at the time of their individual release to the public, were each up to date with inclusion of known, highly relevant air quality regulations affecting the Napa and Bay Area regions, and which would be informative to the public with adequate time for public review and comment. Adding an abbreviated discussion of the matter in the last week of over Syar Napa’s 6 years of CEQA “process” and trivializing its relevance is telling.

Similarly at Memo pg. 10, the Lead Agency states:

“Omission from the commenter’s letter dated August 10, 2015 of the fact that the region is in attainment for both the 2012 and 2006 annual PM2.5 standards (see also Federal Register Vol. 80: 2222, January 15, 2015) and the 24-hour PM2.5 standard (pending redesignation request to EPA) is more egregious given the other claims that are made by the commenter based on the false assertion that the region is in non-attainment. Presenting the region as being in non-attainment with the 2006 24-hour PM2.5 standard in the DEIR is a more conservative view of the PM2.5 levels in the basin than actually exist today as discussed above.”

We are not sure what this paragraph by the Lead Agency intends or what in our comments it specifically takes to task---our claim that the region has been designated nonattainment for particulate standards (PM2.5, PM10) has been and remains accurate under CAAQS and NAAQS standards. Further, we don’t know what “other claims that are made by the commenter based on the false assertion...” refers to---without specifying those “other claims” we’ve supposedly made in our previous comment letter we are, obviously, unable to respond or rebut, and such language makes it appear that the Lead Agency has shifted from a reasoned and reasonable environmental review process to an ad hominem one aimed at “the commenter”. Finally, the last sentence of the paragraph is unclear on its intent: we have made clear in written comments our concerns that actual PM2.5 monitoring data for the basin, troubling trend analysis, and the more restrictive 12 ug/m3 PM2.5 now in effect are serious matters and were not adequately reviewed in the Syar Napa EIR. Lastly, if the Lead Agency is arguing a generality that “the 2006 24-hour PM2.5 standard in the DEIR is a more conservative view of the PM2.5 levels in the basin than actually exist today as discussed above”, they have failed to provide any proof or reasoning for that generality. While more stringent tailpipe standards have provided for a level of improvement in particulate emissions since 2006, many other factors, including Bay Area growth in populations of residents, vehicles, vehicle-miles-traveled, and meteorology are additive and partially determinative in the complex process controlling the basin’s PM2.5 in ambient air. None of those nor any other factors are provided to support what appears to be a blanket generalization by the Lead Agency that 2006



PM2.5 standards were more protective than the current standard. In fact, EPA’s recent 12 ug/m3 standard (2012) is more stringent and therefore more protective.

\*\*

At Appendix C, page 10:

“The number of days exceeding the federal PM2.5 24-hour standard (which did not change in 2012) is correctly listed in DEIR Table 4.3-5. The commenter’s statement that the DEIR fails to explain “significant numbers” of exceedance days is false. There are not a significant number of exceedance days which is why BAAQMD is in a position to request redesignation to attainment status.”

We stand by our previous statement---the EIR fails to explain the numbers of exceedances for PM2.5 shown in Table 4.3-5. We have pasted in a screenshot of the Table here.

**TABLE 4.3-5 SUMMARY OF MEASURED AIR QUALITY EXCEEDENCES**

Pollutant	Standard	Days Exceeding Standard				
		2007	2008	2009	2010	2011
Ozone	NAAQS 8-hr	0	2	1	2	0
	CAAQS 1-hr	0	1	1	1	0
	CAAQS 8-hr	0	2	3	2	0
PM <sub>10</sub>	NAAQS 24-hr	0	0	0	0	0
	CAAQS 24-hr	0	0	1	0	1
	CAAQS annual	0	0	0	0	0
PM <sub>2.5</sub>	NAAQS 24-hr	4	7	5	0	6
	NAAQS Annual	0	0	0	0	0
	CAAQS Annual	0	0	0	0	0
All Other (CO, NO <sub>2</sub> , lead, SO <sub>2</sub> )		0	0	0	0	0

Source: <http://www.baaqmd.gov/Divisions/Communications-and-Outreach/Air-Quality-in-the-Bay-Area/Air-Quality-Summaries.aspx>

Shown for PM2.5 under the NAAQS 24-hr standard are four years in which 22 violations occurred. The highest measured values (above the 98<sup>th</sup> percentile, across three years of data) are not used for determining nonattainment. That does not, as the Lead Agency’s statement implies, mean that they are not significant. They are, in fact, highly significant when evaluated in context to increases in population, vehicles, and vehicle miles traveled that have increased yearly in CA during the years identified in Table 4.3-5, along with a more restrictive PM2.5 standard that was passed into law three years ago. A more restrictive PM2.5 standard, the data shown in Table 4.3-5, and trend analysis of the last several years of PM2.5 monitoring data indicate that regional PM2.5 is significant and that the incremental addition of fine particulate from diesel truck and locomotive trips under-represented in the EIR is a serious matter.

\*\*

At pg. 10, Appendix C, the Lead Agency rejects application to Syar Napa of two legal cases noted in our earlier comment letter regarding the EIR’s failure to contextualize potentially significant emissions, primarily reasoning that the cases are not applicable because its air impacts are, after mitigation,

estimated to be less than significant. Our previous comment was predicated on the 2 million ton/yr scenario envisioned in the DEIR and FEIR and that may still be chosen for support and approval by the Planning Commission or the Board of Supervisors; nothing binds the County Planning Department's staff recommendation that the project be approved for a maximum production rate of 1.3 million ton/yr.

Moreover, discrepancies regarding emission-generating vehicle trips and distances remain unresolved---the Lead Agency has only in the last week released an arbitrary percentage share of onroad trucks that, contrary to what was presumably carefully chosen and applied in the preceding DEIR and FEIR, will travel outside Napa County and at an arbitrarily chosen average trip length of 30 miles. As pointed out elsewhere here in our comments, no evidence is provided to substantiate those claims and thus they cannot be relied upon nor can they be publicly verified as provided for in CEQA Guidelines. Additionally, the recently downscaled project's environmental materials, released months after the FEIR was issued, fail to provide detailed technical support documentation necessary to verify the Lead Agency's claims regarding emissions estimates and impact significance. While the FEIR's Appendix I focuses almost exclusively on either the baseline, existing operation's estimated emissions, or on the originally proposed 2 million ton/yr project's emissions, almost no information is now provided for the 1.3 million ton/yr variant. This is not acceptable, and the EIR must be revised and re-issued to adequately reflect the substantial technical information and assumptions used by the Lead Agency to estimate the down-scaled project's emissions.

At Appendix C, pg 11:

“On a regional basis, the contribution of the entire Syar facility (i.e., not just the Project) to criteria pollutant emissions in the air basin is a small fraction of pollutant emissions. Facility related emissions of PM<sub>2.5</sub> are 20.5 tons/year while the emissions of PM<sub>2.5</sub> in the air basin are 16,425 tons/year. PM<sub>2.5</sub> emissions in Napa County are 730 tons/year.”

The Lead Agency's response here, in context to its failure to contextualize PM emissions for their potential health effects, incorrectly applies a widely-regional cumulative threshold approach to what is, instead, a project-specific impact evaluated against a daily threshold of significance applied by the Lead Agency and borrowed from the BAAQMD. Federal Clean Air Act standards for particulates are based on a 24-hour measurement time period at any given, approved ambient air quality monitoring location in the air basin, and not dissociated across the region, nor compared for significance to the entire PM<sub>2.5</sub> inventory for the basin as assumed in the Lead Agency's statement, above. Thus the proposed project's particulate emissions under CEQA review are significant if they violate the applicable 24 hour monitoring period, irrespective of their proportionality to County or regional PM inventories. The quoted section above states that “Facility related emissions of PM<sub>2.5</sub> are 20.5 tons/yr...”—using this figure and the EIR's use of 250 day/yr for Syar's operation translates to 164 lbs/ day of PM<sub>2.5</sub>, which well exceeds the EIR's daily PM<sub>2.5</sub> threshold of 54 lbs.

Further, the project's air quality MM 4.3-2a is not enforceable as written since it leaves it to the Applicant to determine the offroad equipment and hours used to develop an estimate of total horsepower-hours of operation; this function must be served by an outside party with no potential for conflict of interest. Additionally, MM 4.3-2a provides compliance options that Syar may choose from, to supposedly provide the emission reductions claimed for the measure in the EIR. However, the Measure's item 1. (“Prepare a Horsepower-Hour Log...”), with its associated sub-components keyed to

total tons per year of production is not required to be used, based on the language that precedes it. The first and controlling section of MM 4.3-2a is quoted here:

“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 NOx emissions are less than the significance threshold by one or more of the following methods...”

Beneath this section, item 1c is geared to the project’s downscaling to 1.3 million ton/yr:

“Production up to 1,300,000 tons per year shall be allowed upon continued demonstration that 5% of horsepower-hours are Tier 3 or better and 72% of the horsepower-hours are Tier 2 or better.”

However, while calculations in Appendix I have been undertaken to identify the above-defined percentages of Tier 3 and Tier 2 engines for the 1.3 million ton/yr, with those reductions then used both to demonstrate less-than-significant criteria and TAC-related health risks, there is nothing in MM4.3-2a that actually requires its use. Based on the quoted section above, the measure will permit any one of its enumerated components to be chosen and implemented—solely at the discretion of the Applicant—and without requirement that any particular item be implemented.

What other options are provided to the Applicant in the measure from which it need chose only one enumerated component, should it not like item 1c? More importantly, where is the evidence in the EIR or its years of accreted air quality documentation that substantiates the EIR’s assumption at Table 4.3-11 that every one of those other enumerated options within MM 4.3-2a must each result in a net PM2.5 value of -5.1 tons per year? Despite navigating well over a thousand pages of project documentation, we have been unable to locate it.

MM 4.3-2a (3) is quoted here:

“Reduce on- and/or off-site emissions by some other means. The effectiveness of this measure shall be demonstrated to the County by submittal of emissions calculations similar to those in Appendix I. For instance, control of NOx by installation of a VDECS on an engine or several engines may be sufficient to offset necessary reductions from overall fleet.”

As written, this component of MM 4.3-2a signals the Lead Agency’s inexperience with “some other means” of emission reductions since it has not offered more than one possible option—to install VDECS “on an engine or several engines sufficient to offset (sic) necessary reductions from overall fleet”. Air districts in CA have provided management of offsite mitigation programs for years, but offsets purchased with District oversight require technical expertise to ensure that benefits are calculated correctly, appropriate VDECS technology is installed on a case-by-case basis, that benefits are tracked and sustained over a lifespan necessary to provide adequate, long-term offsets. According to MM 4.3-2a, the Applicant must “demonstrate to the County”, yet without specifying the agency within the county that would possess the necessary technical expertise to ensure compliance or that would be willing to accept the duty.

As written, this portion of the Measure is simply too vague to be enforceable, and it is virtually certain to be forgotten once the project is approved. No less importantly, CEQA requires that a mitigation be as closely matched and co-located to the project’s impact as possible, yet item 3 quoted above fails to specify where the “some other means” will occur. Thus Syar Napa could choose to install VDECS on its vehicles in another county—with no mitigation value to Napa’s air quality affected by Syar Napa’s local

emission impacts. Finally, the efficacy of whatever the “some other means” mitigation turns out to be (subject to the approval of an unspecified County entity that is virtually certain to be unqualified technically to make such a determination or ensure its compliance), it must be sustained and tracked and enforced for compliance across Syar Napa’s entire, proposed 35-yr project life in order to effectively mitigate the measure’s long-term NOx emissions. Considering how poorly all of MM 4.3-2a has been constructed by the Lead Agency, clearly evidencing its absence of air quality expertise and its failure to seek the assistance of the BAAQMD in its formulation, MM4.3-2a’s item 3 is virtually certain to provide little if any sustained emission benefit necessary to offset Syar Napa’s tons of new NOx and PM emissions.

\*\*

At Appendix C, pg 11:

“The rail trip distance was reasonable in the context used.”

The rail trip distance was not reasonable “in the context used”. It was contrived, unreasonable, and unusable, and the barest but most obvious proof of that is that the trip distance has been reformulated by the Lead Agency prior to its release less than one week ago.

As noted in our earlier comment letter, the EIR failed to provide any substantiating information that Syar Napa railed aggregate, said in the EIR to be used for “ballast” (along rail beds) and delivered locally by the short-haul railroad (CFNR) with trips in the “five to ten mile” range, would reasonably be expected to increase its local, annual sales of ballast by around 32 times and at no more than 14.7 miles average trip distance ( this distance apparently having been arbitrarily borrowed by the Lead Agency from the average distance traveled for in-county commercial truck trips. As we pointed out in our previous comments, it is well accepted that rail trips involve grossly different trip and emission characteristics in comparison to in-county truck trips.) The assumption in the EIR was both unsupported and unreasonable, and the Lead Agency, recently realizing this, has come up with a new reformulation inclusive of short-haul trip distances to such places as Healdsburg, Vacaville, maybe Gilroy, Sacramento, and Fremont.

Why was this information not provided in the preceding DEIR or FEIR since it clearly would have been available, and where did it recently come from? No information is provided in the CEQA review materials released online less than one week ago; no citations or references are made, and thus the latest assumptions on trip locations and distances, while appearing more substantive than the preceding assumptions made for the DEIR/FEIR, are likely no less arbitrary. Further, historical delivery details gathered by Syar Napa from 2001 – 2014, regarding numbers of trips, delivery locations, and trip distances for both rail and onroad trucks moving products to or from Syar Napa were requested (of the County) in the recent past by Stop Syar Expansion (SSE) under the CA Public Records Act. One year’s (2014) heavily redacted and limited information was subsequently allowed to be looked at by SSE representatives (but with no copies or photos permitted), and with critical trip-related information for verifying emissions estimates contained in the EIR largely blacked out. Further, all rail-related trips were blacked out or simply missing. Thus factual, real-world information with the level of detail sought by CEQA, needed for the effective estimation and mitigation of Syar Napa’s expansion-related impacts, has been made unavailable to the public by the Lead Agency ostensibly on the basis that it contains confidential information.

However, such competitive information was not sought by SSE. Releasing trip distances, trip numbers, product type and tons delivered, with approximate delivery locations, would have protected Syar Napa while meeting CEQA's interest in release of information that should have been used to effectively estimate and then mitigate Syar Napa's expanded quarry and asphalt emission impacts. Considering the Lead Agency's recent changes to Syar Napa's proposed rail trips and their related emissions in response to our previous comments, such refusal to provide real-world emissions-related information is assumed to be both protective and strategic since the EIR process has dragged on for several years and the County obviously wants to conclude the review process. While this may reinforce the Applicant's interests, it does little to ensure to meet CEQA's primary objectives: inform decision-makers and the public about Syar Napa quarry expansion's significant environmental impacts, identify reasonable alternatives and means to mitigate those impacts, and justify to the public the project's approval despite significant impacts.

Despite some of those locations being outside the San Francisco Bay Area, the Lead Agency has arbitrarily decided that none of the rail trips with Syar Napa aggregate, asphalt, or recyclable asphalt or concrete will involve travel in other air basins. It has similarly decided without public discussion or release of justifying evidence that three-quarters of Syar Napa's rail trips will travel 26 miles to Vacaville with the remaining one-quarter traveling 70 miles to either San Francisco or Fremont. Averaged, the trip distance is 37 miles. (See Appendix C, pg. 12).

The above-noted assumptions ignore the potential for 1) aggregate and asphalt contracts routinely let by Caltrans, municipalities, and other entities for roadbuilding projects, often at distances well beyond the arbitrary 14.7 mile trip automotive-based average trip distance found in the DEIR-FEIR or the recently released reformulation to 37 miles average trip distance, and 2) for locations outside the 9-county SF Bay Area air basin. How did the Lead Agency determine most recently that all rail trips will now occur only within the Bay Area air district's jurisdiction, particularly when at Appendix C, pg. 12 it states that "The most likely trip to outside the air district is east to Sacramento which has less than a decade of permitted reserves remaining (CGS, 2012)"? Will Syar Napa refuse to sell its aggregate or asphalt into Sacramento? The simple fact is that Syar Napa must be expected to rail out project-related aggregate and asphalt (to Davis by CFNR's short-haul rail service, whereupon it is likely to be trucked further east to markets around the Sacramento region), and it will likely rail in recycled asphalt and concrete products for processing at the Napa quarry, and both functions will be determined by marketplace economics and where aggregate and asphalt will move greater distances as the supply of feedstocks both dwindle over time. Without reservation, those reasonably foreseeable trip-related emissions should have been identified and estimated Syar Napa's current environmental review. Without evidence to the contrary in the latest environmental documents released just one week ago by the Lead Agency, transport of Syar Napa quarry's products into other air basins has already occurred and should be expected to continue irrespective of unsupported last-minute assumptions made by planners or lawyers. Analysis and mitigation for those emissions has again been ignored.

Syar Napa quarry's trips and trip distances for emissions calculations could have been based on prospective markets for Syar Napa aggregate and based on past sales (for example, Syar has publicized their sales into the South following Hurricane Katrina, and specialty projects including the new Bay Bridge). Markets well beyond the recently released 37 mile average trip distance for railed Syar Napa products are accessible via the Port of Sacramento, the Port of Oakland, and at road-building projects located in central and northern CA.

Further, the Lead Agency has now changed their rail-related emissions estimates through use of a definition--- of "small railroad". This definition (40 CFR 1033.901) serves to reduce the small-railroad locomotive emissions rates previously estimated in the DEIR/FEIR since presumably all rail trips henceforth from the Syar Napa quarry will now move by lower-emitting, larger locomotives. While no evidence is presented that this will actually occur, it appears that we are supposed to accept that it will. Yet an important contradiction appears in this sentence found at Appendix C, pg. 12:

"However, further review of the definition of "small railroad" below indicates that a railroad moving aggregates greater than the distances assumed, is unlikely to be small."

The word "unlikely" clearly provides for those exceptions where "small railroad" locomotives will move Syar Napa materials, at the higher emission rates previously employed in the DEIR/FEIR. While the Lead Agency now appears to have re-calculated rail emissions based on use of arbitrary proportions of trip distances based only in the Bay Area, and with lower emissions predicated on a new definition of "small railroad", it has provided no factual evidence to reinforce what it has admitted are assumptions. Rather than relying on a paper definition of "small railroad" to recently establish new, lower locomotive emission rates, the Lead Agency should have canvassed both short-haul railroads operating in the Napa area to determine emission rates for their current and reasonably foreseeable locomotives. Secondly, emission rates of UP locomotives should have been identified since it is highly probable that some Syar Napa quarry product will travel by "small railroad" CFNR locomotive locations outside the region and to the Suisun-Fairfield yard for subsequent deliveries at longer distance.

At present, the CFNR railroad provides short-haul rail service to Syar Napa. Based on the information shown below, CFNR is fully capable of transporting Syar Napa products well beyond either the average 14.7 mile trip distance listed in the DEIR/FEIR or, as released less than one week ago, a 37 mile average trip distance.

Here is an excerpt of the small, "short-haul" CFNR railroad taken from its website:

*CFNR operates freight service in Northern California over 250 miles of leased UP rail lines. CFNR provides freight service over the following lines: Schellville to Napa Junction, to a connection with UP at Suisun-Fairfield (23.6 miles); a branch from Vallejo to Napa Junction to Rocktram (13 miles); between a connection with UP at Davis to Wyo to a connection with UP at Tehama (110.7 miles); a branch from Wyo to Hamilton (19 miles); and Los Banos to a connection with UP at Tracy (54.7 miles). CFNR makes connections with Napa Valley Railroad at Rocktram and the Northwestern Pacific Railroad at Brazos Junction.*

Lastly, from Appendix C at pg. 12:

"However, the 100,000 tons that may be shipped by rail was also included in the off-site truck emissions calculation. Thus, the emissions are double-counted. Moreover, as discussed above, the off-site truck emissions were overestimated by at least 5 tons/year. Thus, the total emissions reported in the DEIR are conservatively estimated and no changes are warranted."

Why did the Lead Agency not provide page numbers in the EIR for reference purposes, regarding their belated claim that they double-counted rail emissions with onroad truck emissions? We have been

unable to find where in the hundreds of pages of project documentation the double-counting occurred and thus are either prohibited or greatly inhibited from finding the source of the Lead Agency's claim. Moreover, in Appendix I we have searched for where rail emission calculations could have been counted with onroad truck emissions, finding scores of references in calculation worksheets (for criteria and health risk-related pollutants) to "PD Table 3.5-2". This table apparently contains information relative to how rail emissions were calculated and possibly would have yielded information on whether they were double-counted with onroad truck emissions, yet our subsequent search of DEIR and FEIR documents has yielded no such table. Where is it? ***As we noted in our previous comment letter, and do here again: the Lead Agency has permitted development of a multi-layered, multi-year DEIR, FEIR, and the most recent (Appendix C) document with so many changes, additions, missing information, and confusions that the public's ability (and even their own, based on their double-counting rail emissions) to understand and verify the EIR's analysis and findings is seriously compromised if not altogether confounded.***

While we have been unable to find the source of the Lead Agency's belated determination that rail emissions were double-counted with onroad truck emissions, we have located numerous examples in the worksheets in Appendix I that indicate that rail emissions were calculated not as onroad emissions but as offroad emissions. Below is pasted an example of this, taken from Appendix I at pdf-counted page 293 of 448:







## **STOP SYAR EXPANSION (SSE)**

952 School Street, #297  
Napa, CA 94559  
stopsyarexpansion@gmail.com

October 19, 2015

Donald Barrella, Planner III  
Napa County Department of Planning, Building & Environmental Services  
Engineering and Conservation Division  
1195 Third St. #210  
Napa, CA 94559  
707-253-4417 main; 707-299-1338 direct: e-mail donald.barrella@countyofnapa.com

**Attn:** Donald Barrella:

The following comments and observations pertain to the Syar Napa Quarry Expansion Environmental Impact Report (EIR), Background and Discussion, October 14, 2015:

### **B. Air Quality and Health Risk:**

Syar Napa Quarry's (SNQ) mining operations release toxic, fugitive emissions that pose a significant, potential adverse environmental effect in the form of an health risk to a large, settled residential and business population, parks, and schools. This is a public health threat. The decision whether to and/or how to monitor, test, and study the pollution from the quarry must be made in an objective, open public forum with the participation of citizens, independent experts and governmental officials.

My documented observations, research and calculations prove SNQ has been in violation of air quality standards, continuously, for over 30 years. It is time to scientifically quantify and qualify the extent of the quarry's air pollution and its effect on the human population being involuntarily exposed, and hold Syar Industries, Inc. accountable for its air quality violations. It is the responsible thing to do. There is no excuse for further inaction.

Please read the attached report by Lindsey Sears, October 19, 2015, *Air Quality Review and Comments, Syar Napa Quarry Expansion EIR*. In her report, she found the PM<sub>10</sub> particulate emissions from the quarry are, and will continue to be, in violation of both the National Ambient Air Quality Standard (NAAQS) and the California Ambient Air Quality Standard (CAAQS) if the project is approved as proposed. The public has the right to know what type of toxic emissions it is being exposed to and in what quantities.

“Major concerns for human health from exposure to PM-10 include: effects on breathing and respiratory systems, damage to lung tissue, cancer, and premature death. The elderly, children, and people with chronic lung disease, influenza, or asthma, are especially sensitive to the effects of particulate matter.”

The technology and management practices exist to stop this pollution. It is past time to make it stop. Deferring action is unacceptable. It is time to enforce air quality standards.

#### **G. Permit Terms:**

Time Limit – Many quarries in the Bay Area in the vicinity of settled residential populations have 20 year term limits or less. For instance, Sonoma County issues 20 year mining permits. Mining equipment and management practices must be required to stay up-to-date on a yearly basis. SNQ has deferred equipment upgrades for years, causing unnecessary emissions and pollution. All Tier 0 and Tier 1 equipment must be replaced with Tier 3 and Tier 4 equipment before any new permit is granted. The Tier 2 equipment must be replaced within 5 years.

Annual Aggregate Need - Below are the Project Objectives as written in the Draft EIR Vol.1, August 2013.

#### **5.2 PROJECT OBJECTIVES**

The following are the primary and supporting project objectives of #P08-00337-SMP.

##### **Primary Project Objectives:**

1. 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;
2. 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;
3. To increase the annual permitted saleable quantity of aggregate and aggregate related materials from currently one million tons to two million tons;

##### **Supporting Project Objectives:**

4. To increase production of high quality aggregate and aggregate products in conformance with state and local goals and objectives, including the Napa County General Plan (which designates the site as Mineral Resource (MR)) and the policies of the SMGB (which has designated the site as a resource of regional significance);
5. To extend the life of the existing quarry to meet long-term local needs for aggregate materials in the Napa region through continued and expanded operation of the existing facilities, including the rock processing plant, sand plant, two asphaltic concrete (AC) plants, and the aggregate base (AB)/recycling plant;

6. To extend the life of the existing quarry and in so doing aid implementation of state and local goals to reduce the loss of high quality productive agricultural land as well as minimize greenhouse gas emissions and fossil fuel use by providing a local aggregate resource;
7. To help fulfill California's need to permit additional aggregate resources to meet current and expected demand for public and private infrastructure improvements;
8. To utilize Reclaimed Asphalt Pavement (RAP) handling equipment at the Syar Napa Quarry and in so doing aid implementation of state and local goals to facilitate local production and reuse of high quality aggregate products;
9. To improve and refine commitments for surface mine reclamation during and after active mining;
10. To relocate sections of the existing Skyline Wilderness Park trail currently located on the project site so that it is permanently accessible to the public by returning it to land within Skyline Wilderness Park;
11. To update the Reclamation Plan which will be more effective and use native species.

By their placement, the first two primary project objectives emphasize the importance of "providing a local, reliable, affordable and consistent source of aggregate and aggregate-related materials to customers in the Napa region. Note: The Napa region is within the boundaries of Napa County, not outside.

Obviously, to fulfill the first two primary project objectives, the quantity (tons) of aggregate and aggregate-related products needed in the Napa region must be known to establish the quarry's annual production. Below, using values given in Table 3-1 on Page 3-5 of the Draft EIR, I will calculate the maximum quantity (tons) of aggregate and aggregate-related products sold by SNQ to all sources, annually, for the project study years, 2004-2008.

Also, in the EIR, keeping the sale and delivery of the quarry products within the Napa Region is emphasized to reduce truck trip lengths, greenhouse gas emissions, and fuel use. Because aggregate and aggregate-related products are low cost and high volume, it is especially important to restrict shipping distances to keep the cost of construction and infrastructure projects down. (Department of Transportation, September 30, 2008)

Additionally, mining is an extractive industry. Mineral resources are removed and sold. In the context of an open-face surface mine, mineral resources are non-renewable; they are not analogous to renewable agricultural crops, such as grapevines or grapes. The foundational, inelastic need to extract a mineral resource, the quantity needed for construction and infrastructure projects, is directly associated with, and proportional to, the potential, adverse environmental effects related to that extraction and, therefore, becomes an integral part of the EIR process within the purview of CEQA oversight authority. As it pertains to the Syar EIR, the mineral resource needed, the quantity

needed, drives the entire EIR process and must be empirically (factually) known. Without this foundational need, there would be no potential, adverse environmental effect and no EIR.

And, because mineral resources are non-renewable, they must be managed wisely to fulfill the primary project objectives 1 and 2: To provide “a local, reliable, affordable, and consistent source of aggregate and aggregate-related materials to customers in the Napa region.” Linked to the quantity needed, the mineral reserves must, also, be empirically (factually) known as this information defines future extraction with its potential, adverse environmental effects.

In the Napa Valley, especially, it is essential to employ extraordinary mineral resource planning and management oversight. There are no other aggregate mines of any size in the Valley and I am not aware of any proposals or plans to permit other mining operations in the County. So, it is imperative to permit SNQ to produce for the local market, here in Napa Valley, with very limited sales outside the Napa region. Other surrounding counties must develop their own mineral resources and not rely on Napa to provide their aggregate needs. If SNQ ships product out of the Napa region to other counties, they will become dependent and deplete our mineral resources too quickly.

Primary objective 3, and supporting objectives 4,5, and 7 are problematic. If SNQ is allowed to increase its annual production to 1.3 million tons, it will over supply the local market. In fact, it is over-supplying the local market at its present production level. With any expansion, the quarry will be forced to sell and transport the excess product out of the Napa region and in so doing will contradict primary objectives leading to a circular argument, saying one thing and doing the opposite.

Any proposed argument for expansion becomes even more tenuous with the inclusion of supporting objective 8. With an increased capacity for processing recycled asphalt pavement (RAP), the need for mining virgin aggregate (VA) decreases. Then, adding in recycled concrete (RC) to produce recycled concrete aggregate (RCA) and the need to mine VA is reduced even further. The total tons of recycled materials cited in the Draft EIR are as follows: 60,000 tons of RAP, 65,000 tons of RC, and 93,874 tons of unspecified recycled material = a total of 218,874 tons of recycled material processed by SNQ annually. Recycled material processing is likely to increase in the future, so the need to mine VA will decrease proportionately. Therefore, if anything, the quarry has even less need to expand at this time. There is no objective or logical reason to expand.

Another thing. In reviewing the SNQ’s Mining Operation Annual Reports filed with the State of California, Department of Conservation, for the years 2004-2008 some interesting factual information was revealed. From 2004-6, SNQ claimed it was mining 209 acres of land. When the Notice of Publication (NOP) was published in 2009, the quarry had expanded the area being mined to 472 acres of land. So, in three years, the

mine increased 263 acres. By the time the Draft EIR was written in 2013, the area being mined increased another 25 acres to 497 acres. So, between 2006 - 2013 the area being mined increased from 209 acres to 497 acres, an increase in 288 acres, or a 138% increase in 7 years. Now, Syar representatives say of the 288 acres there is only enough economically viable mineral resource left to last 1 year. So, in 7 years 288 acres of mineral resource was exhausted. But, if allowed, the proposed 77 acre expansion is predicted to last 35 years. Factually, how many tons of mineral resources remain under the existing mining permit?

**The Maximum Quantity (Tons) of Aggregate and Aggregate-Related Products Sold To All Sources, Annually, For The Project Study Years 2004-2008**  
(Draft EIR Vol. I, August 2013, Page 3-5, Table 3-1: Source: Syar Inc.)

**TABLE 3-1: EXISTING AND PROPOSED ANNUAL QUARRY PRODUCTION**

	Existing <sup>2</sup>	Proposed
	(millions of tons)	
Total Processed <sup>1</sup>	0. 81	2. 00
Total Extracted <sup>3,4</sup>	0. 59	1. 65

Source: Syar Inc., 2012.

Notes:

1. Total processed saleable aggregate and aggregate-related materials include: (1) aggregate extracted from the quarry except overburden; (2) material barged from offsite that is used as a component in the production of other materials; (3) recycled material from offsite; (4) and onsite interplant transfers. Total also includes asphalt production.
2. Based on annual average from 2004 to 2008 (Source: Syar Inc.).
3. Total extracted from quarry equals total processed minus: (1) material barged from offsite that is used as a component in the production of other materials; (2) recycled material from offsite; (3) and onsite interplant transfers (Source: Syar Inc.).
4. Approximately 75 percent of total extracted material is saleable; remaining 25 percent is non-saleable overburden and waste rock (Source: Syar Inc.).

The total extracted saleable material =  $0.59 \times .75 = 0.375$  million tons = 375,000 tons.  
(See Notes: 4., above)

Based on SNQ total annual production of 810,000 tons, the total net salable amount is 375,000 tons. This is the maximum quantity (tons) of aggregate and aggregate-related products sold to all sources, annually, for the project study years 2004-2008, according to the information provided by Syar Industries, Inc. And, of course, SNQ sells only a portion of this total in Napa County. The exact total product needed from SNQ in Napa Valley remains unknown.

As it stands, the net salable tons of product 375,000 divided by the population of Napa County at the time of the study, approximately 138,000 people, = 2.71 tons/capita in Napa County. Once SNQ produces the truck weigh tickets and mineral reserves, the empirical (factual) data, our governmental officials with public participation will be able to responsibly and objectively make decisions regarding quarry permitting and the management of Napa Valley's mineral resources.

Sincerely,  
Steven Booth  
Stop Syar Expansion





## Barrella, Donald

---

**From:** Deborah Anderson <deborah@schradercellars.com>  
**Sent:** Wednesday, October 21, 2015 12:17 PM  
**To:** Barrella, Donald  
**Subject:** RE: Napa County Planning Commission Agenda Notification

Hello,

For folks who cannot get off work, this is disappointing. "( I am sure Syar will give their employees the afternoon off to show a false example of support FOR expansion.

I am hoping that the PC looks at all the evidence and chooses wisely. Syar does not have a good track record for policing themselves and Silicon dust particles are extremely toxic. Syar is not creating very many jobs, they are full baloney. The Mark West Quarry east of Santa Rosa is in the middle of nowhere and does not impact its neighbors.

Syar has another quarry in Vallejo, far away from any homes or schools. That site in Napa needs to close, be sold, and affordable housing for Napa should be constructed in its place. Just my humble opinion.

Thank you and I will pray for the decision I support. No the Expansion !!!!!

Kind Regards,

Deborah Anderson

**Deborah Anderson**  
Executive Emissary

---

Schrader Cellars  
P.O. Box 1004  
Calistoga, CA 94515

707.942.1551 ph  
707.942.1572 fx

**From:** Barrella, Donald [<mailto:Donald.BARRELLA@countyofnapa.org>]  
**Sent:** Tuesday, October 20, 2015 4:09 PM  
**To:** Barrella, Donald <[Donald.BARRELLA@countyofnapa.org](mailto:Donald.BARRELLA@countyofnapa.org)>  
**Subject:** FW: Napa County Planning Commission Agenda Notification

As a reminder the Syar item is at a time certain, 1:30 PM. And the hearing will be held at the County Administrative offices: 1195 Third Street Room 310 (3<sup>rd</sup> Floor)

Thank you

Donald Barrella  
707-299-1338  
[donald.barrella@countyofnapa.org](mailto:donald.barrella@countyofnapa.org)

## Barrella, Donald

---

**From:** fortunepublicrelations@gmail.com on behalf of Debby Fortune  
<debby@fortunepublicrelations.com>  
**Sent:** Tuesday, October 20, 2015 4:40 PM  
**To:** Barrella, Donald  
**Subject:** Re: FW: Napa County Planning Commission Agenda Notification

Dear Mr. Barrella,

The meeting times that are midday make it impossible for me to attend because I work in Berkeley full time.

The Syar expansion is an issue about which I am very concerned, and do not wish to see approved, but it is impossible for me to attend when the meetings are not in the evening.

When issues with such broad community concern are up for hearings, I think it is terribly unfortunate that many of us are locked out from having our voices heard because we have jobs.

I have written a letter, but it is not as meaningful as attending the meetings.

Best wishes,  
Debby

Debby Fortune



*Representing Amy's Kitchen, GimMe Organic Roasted Seaweed  
and Musco Family Olive Co.*

*2319 California Street  
Berkeley, California 94703  
phone: 510.548.1097  
[www.fortunepublicrelations.com](http://www.fortunepublicrelations.com)*

On Tue, Oct 20, 2015 at 4:08 PM, Barrella, Donald <[Donald.BARRELLA@countyofnapa.org](mailto:Donald.BARRELLA@countyofnapa.org)> wrote:

As a reminder the Syar item is at a time certain, 1:30 PM. And the hearing will be held at the County Administrative offices: 1195 Third Street Room 310 (3<sup>rd</sup> Floor)

Thank you

Donald Barrella

## Barrella, Donald

---

**From:** Linda Stevens <mylsenterprises@gmail.com>  
**Sent:** Tuesday, October 20, 2015 5:54 PM  
**To:** Barrella, Donald  
**Subject:** Syar

Hello Mr. Barrella;

I am asking on behalf of the Napa Quarry Project EIR that you certify them and approve the project, so that Napa County not only has a much needed supply of quality aggregate to improve our roads (which are in desperate need of repair) but to ensure that the jobs the Quarry provides, which are a vital part of our community, remain secure. We need to keep Napa strong in all areas of employment beyond vineyards, with the ability to provide our own resources, without having to rely on trucking in aggregate supplies from outside the County.

Thank you!

Linda Stevens  
805 Pensive Court  
Napa  
707-942-4515  
602-999-7725 cell

## Barrella, Donald

---

**From:** EvansPartners <evanspartners@gmail.com>  
**Sent:** Tuesday, October 20, 2015 7:03 PM  
**To:** Barrella, Donald  
**Subject:** Syar's Napa Quarry Project - Groundwater

**Importance:** High

Dear Mr. Barrella,

I am a 20-year resident of Napa County, initially for 9 years in the City of Napa, and since on Atlas Peak Rd.

While I'm unable to make tomorrow's Planning Commission meeting, I would like to make the following comment: I am dismayed that little mention is made of the source of Syar's groundwater, namely the MST Basin. While it is technically true that the quarry itself does not take water directly from the MST Basin, it's well source is most certainly in the affected area. The MST Basin has been long-studied and its perilously declining water supplies are well-documented. This fact should be strongly considered by the Commission before recommending any further expansion of Syar's activities.

Sincerely,

Gordon Evans

**Barrella, Donald**

---

**From:** Darlene Joens <darlenejoens@gmail.com>  
**Sent:** Tuesday, October 20, 2015 9:58 PM  
**To:** Barrella, Donald  
**Subject:** Syar Industries Project

I ask that the Napa Planning Commission to certify the Napa Quarry Project EIR and approve the project so that Napa County has a local supply of quality aggregate to improve our roads and infrastructure. Respectfully submitted,  
Darlene Joens  
a Napa resident

## Barrella, Donald

---

**From:** Katharine McConnell <don\_mcconnell@comcast.net>  
**Sent:** Wednesday, October 21, 2015 7:20 AM  
**To:** Barrella, Donald  
**Subject:** Syar Napa Quarry Project EIR

Mr. Barrella

I am unable to attend the meeting today regarding the the Syar Napa Quarry Project. I fully support this project and urge certification of the EIR today.

Katharine K Mc Connell

**Barrella, Donald**

---

**From:** TrustMeJ@aol.com  
**Sent:** Wednesday, October 21, 2015 8:47 AM  
**To:** Barrella, Donald  
**Subject:** Re: Re Syar expansion

Good morning Mr. Barrella,

I know that you are involved in a planning commission hearing on this subject today but since I will not be able to attend wanted to send you this note.

I am a long term resident of Napa and my career includes professional work in the fields of Electrical, Nuclear and Environmental engineering. In our earlier correspondence you provided information re local health effects associated with past quarrying activities.

I realize that opponents of the proposed expansion have expressed concerns about potential health hazards and have argued that the EIR is inadequate. However, based on my experience, I consider these arguments lack justification when considered along with the history of actual operations which I believe actually document the minimal environmental impact of continued operations.

Accordingly, I endorse approval of the expansion requested by Syar.

Regards, Jack Gray  
President Napa County Taxpayers Association

## Barrella, Donald

---

**From:** Sue Plant <sueplant94558@gmail.com>  
**Sent:** Wednesday, October 21, 2015 9:17 AM  
**To:** Barrella, Donald  
**Subject:** Re:Napa Quarry Project

I am sorry I can not attend the meeting today. I feel very strongly about the Quarry Project. Those objecting to it are somewhat like people who move next to a vineyard and then object to the owner spraying his crop and running windmills when necessary. There are some things that just have to be done. The Saylor quarry has been there for generations and if they can't expand they will go out of business. There are too many jobs at stake to let that happen. I hope you are able to convince the powers that be to see it your way!

Susan Plant  
420 Stonecrest Drive  
Napa, California 94558

Sent from my iPad