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Previous Project Conditions



NAPA COUNTY

CONSERVATION -- DEVELOPMENT AND PLANNING DEPARTMENT

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

JEFFREY REDDING
Director

October 25, 1994

Assessor's Parcel #27-450-06,-20,-21

Robert & Marvin Pestoni
c/o DICKENSON, PEATMAN & FOGARTY
809 Coombs Street
Napa, CA 94559

Dear Messrs Pestoni:

On June 14, 1994, the Board of Supervisors adopted Resolution No. 94-58 "Findings of Fact and Decision on Appeals" regarding the issuance of Use Permit #92061-UP by the Napa County Conservation, Development and Planning Commission on May 11, 1994.

This letter is to confirm that Use Permit Application Number 92061-UP has been approved by the Napa County Board of Supervisors based upon the following conditions. (SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

APPROVAL DATE: June 14, 1994

EXPIRATION DATE: July 14, 1995

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within one (1) year from the approval date or the use permit shall automatically expire and become void. A one-year extension of time in which to activate the use permit may be granted by the County provided that such extension request is made thirty (30) days prior to the expiration date and provided that any modification of the permit has become final. A request for an extension of time is subject to payment of a \$385.00 filing fee.

This letter serves as the only notice you will receive regarding the expiration date of your permit or procedures for extensions. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

Very truly yours,

JEFFREY REDDING
Director

cc: John Tuteur, County Assessor
Gary Brewen, Building Codes Administrator

GENERAL CONDITIONS OF APPROVAL

1. Phase One of the permit is limited to:

(A) the establishment of waste disposal company administrative offices and corporation yard, including vehicle and equipment maintenance and fuel storage for sanitation trucks; refuse storage box rental; the conversion of an existing 6,000± sq. ft. agricultural accessory building for truck maintenance, parts storage, and offices, and the conversion of an existing 2107 sq. ft. residence into a conference building;

(B) the establishment of a recycling facility, for the processing (collection, separation, compaction, drying, wholesale and bulk sales only) of glass, paper, cardboard, aluminum, tin, plastic, and grape seeds, including processing area and storage, and accessory offices; including the construction of a maximum 30,000 sq.ft. combination baling-recycling building and a thirty foot by one hundred foot covered porch that may be used for storage purposes.

(C) the establishment of a grape pomace composting facility for the processing of grape pomace (skins, seeds, twigs, and leaves only) produced by Napa County wineries only and the wholesale and bulk sales of compost materials where the maximum amount of pomace which may be received at the facility shall be 17,500 tons per year. In accordance with the recommendations of the Department of Environmental Management (October 21, 1993), applicant shall report to Conservation, Development and Planning Department, the tonnage of pomace handled in each calendar year by January 15 of the following year.

(D) the establishment of the existing residence as an accessory caretakers residence for the waste disposal company.

(E) the conversion of various existing agricultural sheds, as shown on the site plan, into storage buildings.

(F) sales of bulk compost and recycled material. No packaging or sale of packaged material is permitted. Pickup of bulk compost and recycled materials by pickup trucks of less than 3 ton carrying capacity shall be prohibited.

(G) the conversion of the existing reservoir into a waste water pond system to serve the grape pomace processing activities, including the use of adjacent agricultural lands owned or controlled by the permit holder for the spray/evaporation of such treated waters.

(H) the establishment of a facility for the recycling of grape seeds, within the designated Grape Waste Processing Area, to grape seed oil and cake as described in the FEIR at page 197. Recycling of grape seeds shall be limited to 8:00 a.m. to 5:00 a.m. weekdays only and limited to those seeds delivered to the facility as part of the grape pomace composting operation.

All development shall be in compliance with the attached site plan. Any expansion or changes in use shall be by separate Use Permit submitted for Commission consideration.

2. Phase Two or any later phase of the permit shall consist of any one of the following:
 - (A) handling of pomace in any amount greater than 17,500 tons in one year, up to a maximum of 34,000 tons.
 - (B) any addition of 1000 sq.ft. either to offices and conference facilities, vehicle maintenance and repair facilities, or storage, or any combination of any of the above totalling 2000 sq.ft.

Other on-site improvements not listed in Conditions #1, #3, #9, or #10 will require permit modification, and may trigger a subsequent "Phase" pursuant to this permit.

Implementation of Phase Two will require approval by the Local Enforcement Agency (LEA). In order to approve Phase Two, the LEA must make the following findings based on substantial evidence:

Conversion to a static pile or equivalent technology has been completed and is operating satisfactorily.

3. Use permit #92061-UP shall not be effective before the effective date of PL zoning. The use permit permits no waste-disposal uses, or accessory uses to waste disposal company operations on lands in the AP zoning district except for vehicular access to the PL site from Whitehall Lane and spray disposal of treated wastewater. A domestic wastewater system as needed for portions of the project may be located on AP zoned lands if permitted by the Department of Environmental Management.
4. Use permit #92061-UP shall not be issued until the Director of Conservation, Development & Planning has been notified that a Floodplain Management Permit for the project has been issued, and that a drainage plan for the project has been approved by the Public Works Director.
5. The permit holder shall hire an on-site Operations manager who shall be responsible for compliance with the conditions of approval, and shall cooperate with the required independent permit review provided in #6 below.
- 6. The permit holder shall submit detailed annual reports on condition compliance, including copies of all data on which any conclusions are made, due to the Department on January 1 of 1995, 1996, and 1997. The applicant/developer shall completely fund (amount to be determined after selection of a consultant by the County), but shall not otherwise participate substantively in, the independent review of these reports. Reports will be presented annually by staff to the Commission by its first meeting in April of each year of their submittal, and failure of the applicant to submit a report shall be considered

grounds for potential permit revocation.

7. The permit holder shall submit a detailed landscaping, fencing, and parking plan to the Department for review and approval prepared in accordance with the Water Conservation Regulations.
 - a. Said plan shall also include the location of off-street parking spaces.
 - b. A detailed landscaping plan shall be submitted to the Department within 90 days of use permit approval.
 - c. Landscaping, fencing, and parking to be completed prior to final occupancy of Phase One, unless the landscaping, etc. improvements are shown to relate solely to a later phase, in which case they shall be completed prior to occupancy of the affected Phase.
 - d. Landscaping shall be permanently maintained in accordance with the approved landscape plan.
 - e. The required landscape plan shall incorporate the requirements of the mitigation measures relative to noise, visual quality and aesthetics (#D-4; #F-3) and shall incorporate all landscape and screening development standards of the PL zoning district (Section 12354). Any berms proposed for construction shall be planted with vegetation and included on the landscape plan.
8. The permit holder shall comply with all applicable building codes and zoning standards.
9. The permit holder shall comply with the requirements of the Department of Environmental Management, Environmental Health Division as stated in their letter of April 7, 1994, except as specifically modified herein. Any significant alteration of these requirements shall constitute a "change in use", requiring use permit modification (See condition #1)
10. The permit holder shall comply with the requirements of the Department of Public Works as stated in their letter of September 16, 1992, except as specifically modified herein. Any significant alteration of these requirements shall constitute a "change in use" requiring use permit modification (See condition #1).
11. The applicant shall provide an easement in a form acceptable to County Counsel that authorizes the disposal of wastewater from the permitted facility (Parcel 2 as shown on the attached map -- see Exhibit "C") to Parcel 1 as shown on attached Exhibit "C" regardless of the ownership of said parcel.

12. The permit holder shall comply with all applicable codes and standards of the Public Lands Zoning District including but not limited to:
 - a. Prior to issuance of a building permit, the applicant/developer shall submit and have approved, a drainage plan for the lots involved in the project to the Department of Public Works. All drainage easements identified in the approved plan have been irrevocably offered for dedication and all drainage improvements required in the approved plan shall be installed by July 1, 1995.
 - b. Prior to issuance of any building permits for that structure, each new structure shall be reviewed to determine if the architectural design maximizes its compatibility with existing structures nearby.
 - c. All lighting shall be directed onto the subject property only, so that the light source is not visible from adjacent properties or streets.
 - d. All production of odors, smoke, dust, other airborne solids, vibrations, glare, and excessive noise shall avoid the creation of a public nuisance.
13. The permit holder shall comply with the Mitigation Measures in FEIR-067 certified by the Board of Supervisors on February 22, 1994, incorporated into these conditions of approval, except as specifically modified herein. All costs of mitigation monitoring shall be borne by the permit holder.
14. Pomace composting technology being used at the site shall be improved as follows, to be monitored by the operations manager (see conditions #5 & #6):
 - A. The covered aerated static pile system described in Section X of the Draft EIR section of FEIR-067, or an environmentally equivalent technology, shall be installed for all pomace being composted before progression to Phase 2.
 - B. In the event the static pile (or equivalent) system is not fully operational for all pomace by the end of three years after permit issuance, and during the three-year period, for any portion of the pomace composting system not yet converted to the static pile (or equivalent) system:
 - i. An all weather operating surface between the rows shall be provided so that windrows can be turned frequently and water will not pond.
 - ii. The pomace must be placed in windrows within 72 hours of arrival at the site and thereafter turned frequently. The turning of windrows during periods of heavy rain shall be avoided when there is the potential for the windrows to

become saturated, and turning during high (> 15 mph) wind conditions shall be avoided to minimize dispersal of *Aspergillus fumigatus*.

iii. To mitigate the possible glare from plastic coverings, non-reflective material or composted material shall be used to cover the pomace prior to installation of Phase 2 improvements and at other times when required by the LEA.

C. Lime shall be applied to any standing water and to any fresh pomace dropped on impervious surfaces.

D. The stockpiling of composted material shall be prohibited unless stabilized (*i.e.*, its decomposition rate is very low).

TRAFFIC, CIRCULATION, PARKING

15. The permit holder shall contact CalTrans (State Department of Transportation Maintenance Permit Branch) and make appropriate arrangements to provide a fair share portion of monies for the inclusion of a right turn deceleration lane on the southbound Highway 29 approach to Whitehall Lane in the planned reconstruction of this intersection in 1994 or 1995.
16. The permit holder shall have a licensed civil engineer prepare an evaluation of the existing structural ability of Whitehall Lane to accommodate existing and future Upper Valley Disposal Service truck loadings and other Whitehall Lane traffic. Such report shall be submitted to the Department of Public Works and should reconstruction be necessary, all improvement plans shall be submitted and approved by the Department of Public Works, and designed to County standards for a general minor road. Any costs for upgrading Whitehall Lane to the required structural section shall be born by the Applicant.
17. As part of Phase One, twenty-eight (28) off-street parking spaces for employees and visitors shall be provided on a dust-free all-weather surface approved by the Public Works Department. All sanitation trucks shall be stored off-street on a dust-free all weather surface approved by the Public Works Department. All parking spaces and driveways serving the facilities shall be dust-free all-weather surfaces approved by the Public Works Department, and shall be permanently maintained.

STORMWATER DRAINAGE/WATER QUALITY

18. The permit holder shall install a minimum of six (6) water quality monitoring wells similar to the four bores installed in 1992 - January 1994 to establish ambient groundwater

quality up-gradient and down-gradient of the composting field, and throughout the field itself. Samples should be analyzed according to Standard Methods for Examination of Water and Wastewater (APHA, 1981), and should, at a minimum, include analyses for total phenols, sulfates, pH, tannin, lignin, and boron and the results submitted quarterly to the LEA and RWQCB. Specifications for the additional wells, including but not limited to design, depth and location, shall be approved in advance by the Department of Environmental Management.

This monitoring activity will provide factual support for potential future Waste Discharge Requirements if found necessary by the Regional Board or other regulatory agencies.

19. The permit holder shall perform and submit the results of percolation tests to the Department of Environmental Management, and shall install a mound-type system in accordance with the requirements of that agency.
20. The composting operation and any potentially polluting operations shall be located outside the 100 year floodplain, or a berm placed around any activities within the floodplain. The top elevation of the berm must be 1 foot above the top of the 100 year flood level and the berm must be set back from the top of the bank of the Bale Slough tributaries bordering the project site so as to prevent any sloughing of berm material into the tributaries, and to maintain the necessary drainage and existing riparian integrity of the tributaries. Prior to any development (including deposition of pomace) in the proposed expansion area, the berm shall be completed and approved by the Flood Control District.
21. An impervious layer of clay was installed during construction of the pond. No additional work need be done to the liner unless either the monitoring well reports or evaporation and inflow/outflow data from the pond indicates that there is groundwater contamination. Any required repairs shall meet the standards of the Department of Environmental Management.
22. The permit holder shall design and build all drainage/flood control improvements to County Flood Control District's hydrology/flood control criteria, utilizing the step-by-step process proposed by the applicant's Report of Site Composting Operations (RCSI) dated November 1992. No physical alteration of either Bale Slough tributary shall occur without CEQA review and Department of Fish and Game approval, as may be required by law.
23. Within 60 days of project approval the permit holder shall submit a Notice of Intent, Stormwater Pollution Prevention Plan, and Construction NPDES Permit for any new construction to the Regional Water Quality Control Board for review and approval.

24. The permit holder shall contact the Local Enforcement Agency (LEA - Division of Environmental Health) for review and approval of the improvement plans to berm, or cover if required by the LEA, to address groundwater contamination, all processing area slabs to prevent processing wastes from contacting stormwater and discharge of processing wastes to receiving waters.
25. The permit holder shall obtain a Floodplain Management Permit and a Grading Permit from the Department of Public Works.
26. The wastewater pond water level shall be dropped during the dry season so that the freeboard at the beginning of the wet season is maintained so that there is a minimum freeboard of two feet at all times. This will assure that the waste water pond has adequate capacity to handle an unexpectedly heavy storm condition. The permit holder shall contact the LEA for review and approval of any plan to implement this condition prior to issuance of permits.
27. The location of any gasoline, diesel fuel or oil, shall be in an area protected from the 100 year flood plain, and shall be included as a part of the Stormwater Pollution Prevention Plan, to be reviewed and approved by the LEA. No hazardous or toxic materials shall be recycled at the site, nor shall the site be used as a collection or transfer location for such materials.
28. The permit holder shall prepare a plan to minimize erosion during the construction phase of the project, and shall submit such plan for Department approval prior to initial construction.
29. The permit holder shall carry out all the improvements to the wastewater management system as described in the Interim Operations Plan on page 3-3 et seq.: "A flow meter will be installed in the line between the sump pump and the screen to measure flows to the pond and allow recording of the same."
30. To allow complete utilization of the storage volume of the pond, two existing pipe overflows (one controlled and one valved) shall be capped. This will increase storage depth to 16 feet and result in a volume increase to approximately 8.3 million gallons.
31. An extension vertical corrugated metal pipe in the northeast corner of the pond shall be measured and permanently marked for use as an elevation staff gauge to facilitate satisfying County monitoring requirements. (According to the applicant's engineers, the screen has been added, the two 25hp aerators have been installed and the capacity of the pond has been increased to 8.3 million gallons. B. Heincsh, per comm.)

AIR QUALITY

32. The permit holder shall include the following dust control measures to reduce dust generation during composting activities.
- A. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent dust raised from recycling and composting activities from leaving the site.
 - B. The composting stockpiles shall be sprinklered and/or covered with protective tarps during periods of wind. When uncovered, the windrows must be monitored daily for the need of water to prevent circulation of particulates, which will also reduce windborne dispersion of *Aspergillus fumigatus* spores.
 - C. Composting material transported by truck shall be watered down and/or covered with a protective tarp to prevent dust from being generated off-site during transport.
33. To reduce construction-generated dust the following measures shall be implemented during construction:
- A. The contractor shall water exposed surfaces in late morning and at the end of the day.
 - B. Any non-paved surfaces shall be watered as frequently as necessary for dust suppression.
 - C. All trucks hauling earth or gravel shall cover the load to reduce dust dispersion along routes traveled.
 - D. All work areas and adjacent roadways shall be swept and washed down, as well as truck tires hosed prior to leaving the site.
 - E. Exposed areas shall be seeded as soon as possible.
 - F. The contractor shall designate a dust control monitor authorized at all times during the construction period to order increased watering if necessary. Responsibility for monitoring include areas when construction work may not be in progress

NOISE

34. Ear protection equipment shall be required for operators of the glass sorting machinery. Until a building enclosing this operation is completed, the hours of glass sorting are limited to between 10 AM and 3 PM, (five) weekdays only, to minimize the objectional

noise levels. After completion of the enclosure building, glass sorting may occur between 7 AM and 7 PM, Monday thru Saturday.

35. The hours of operation of all trucks shall generally be restricted to 7:00 a.m. - 7:00 p.m. except for emergencies. A maximum of nine garbage trucks may leave the premises between 2:00 a.m. and 7:00 a.m., of which no more than five will leave before 6:00 a.m. Trucks bringing pomace to the facility shall be limited to the harvest season and may operate from 6:00 a.m. to 10:00 p.m. except that one pomace truck may operate all night. The limitation of these conditions shall not apply to responses for requests from the County of Napa, the Cities of St. Helena and Calistoga and the Town of Yountville, or other individuals for special or emergency service. The site operations manager shall monitor this condition and shall report the number and nature of emergencies monthly to the Department.
36. Reduce construction noise by limiting hours and days of construction to Monday through Friday between 7:00 AM and 7:00 PM.
37. A 6 foot berm and/or landscaping shall be constructed around activity areas to provide additional means of attenuating on-site noise levels. This mitigation is also part of flood impact and visual impact mitigations. (See condition #22).

PUBLIC HEALTH

38. Trucks bearing fresh pomace shall be equipped with tightly fitting gaskets on rear gates, and loads must be appropriately sized so as not to permit drainage or debris onto Whitehall Lane.
39. The permit holder shall use good housekeeping practices to minimize insect breeding and nesting areas. An integrated pest management plan shall be developed and implemented, insects shall be monitored, and the guidelines outlined in the Mosquito Abatement District's September 1, 1992 memo shall be implemented.
40. The permit holder shall have a baseline test conducted by an independent consultant for *Aspergillus fumigatus* levels within 90 days of installation of the required system improvements as approved by the Waste Facilities Permit, at points within a 500 - 1200 foot radius of the composting area, and test quarterly thereafter. Results shall be submitted annually to the Department as part of compliance reports (see #6 above).

VISUAL QUALITY/AESTHETICS

41. To minimize visual and aesthetic conflicts from the apparent height, bulk, and mass of the proposed baling/recycling center structure, this building should be designed in a style

typical of (and in any event shall be compatible with) agricultural buildings in the area. Muted colors with no exposed shining surfaces should be used to integrate the structure with the natural amenities and environment.

42. To assist in mitigation of visual impacts of the composting area and proposed structures, any berm developed for flood protection shall contain a minimum of 6 feet (height) of earth and vegetation (at maturity) in combination.
43. Fast growing, shrubby trees (including existing vegetation) shall be planted and maintained to screen buildings and composting uses from State Highway 29.
44. All outdoor storage including truck parking areas shall be screened from view of State Highway 29 and adjacent properties by a visual barrier consisting of fencing and/or dense landscaping. No open storage or vehicles are to exceed the height of the screening.

MISCELLANEOUS

45. As a condition of approval, Upper Valley Disposal Service shall execute, within sixty (60) days of approval of the use permit, an indemnification agreement containing, at a minimum, the following provisions:
 - a. Upper Valley Disposal Service agrees to defend, at its sole expense, the action that has been brought against the County, its agents, officers and employees relating to the approval of the re-zoning accompanying this use permit. Upper Valley Disposal Service agrees to defend, at its sole expense, any action brought against the County, its agents, officers or employees because of the approval of the use permit. Upper Valley Disposal Service further agrees to reimburse, indemnify, and hold harmless the County, its agents, officers or employees for any Court costs and attorneys' fees which the County, its agents, officers, or employees may be required by a Court to pay as a result of the approval of said use permit or rezoning. Attorneys fees for purposes of this agreement are limited to those attorneys fees required to be paid pursuant to Section 1021.5 of the Code of Civil Procedure, Section 800 of the Government Code or any similar statute.
 - b. The County and its agents, officers, and employees will promptly notify Upper Valley Disposal Service of any claim, action, or proceeding that is filed relating to the use permit approval. County agrees to cooperate fully in the defense of any such action. If the County or its agents, officers, or employees fail to promptly notify Upper Valley Disposal Service of any such claim, action or proceeding, or

if the County or its agents, officers, or employees fail to cooperate fully in the defense of either the re-zoning or use permit litigation, Upper Valley Disposal Service shall not thereafter be required to defend, indemnify or hold harmless the County of Napa.

- c. The County of Napa shall participate in the defense of any claim, action or proceeding that has been, or will be, filed in relation to approval of the use permit so long as the County defends the action in good faith and subject to Upper Valley Disposal Service paying the reasonable attorneys fees and costs that may be assessed against the County as a result of any such defense. Such participation shall not, however, relieve Upper Valley Disposal Service of its obligations as set forth in this agreement.
- d. Upper Valley Disposal Service shall not be required to pay or perform any settlement entered into by and between the County of Napa and any person or entity that may file a claim, action or proceeding as a result of the approval of the re-zoning or use permit unless the settlement is approved in writing by Upper Valley Disposal Service.
- e. Upper Valley Disposal Service further understands and agrees that in the event the litigation that has been, or will be, commenced contesting the Upper Valley Disposal Service use permit or rezoning, the litigation is successful, and the courts require further hearings regarding the re-zoning or use permit, the fact that an approval of the use permit or rezoning has already been granted by the County does not necessarily mean that the same approvals will again be granted. Upper Valley Disposal Service further understands and agrees that the approval or denial of any subsequent requests for rezoning, and the approval, conditional approval or denial of any subsequent requests for approval of a use permit, as a result of successful litigation overturning the currently approved re-zoning or use permit will be at the discretion of the applicable County officers, including, but not limited to, the Board of Supervisors of Napa County, and without regard to any previously made decisions, providing such officers exercise their discretion in the manner required by law.



NAPA COUNTY

CONSERVATION -- DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY REDDING
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

September 13, 1994

Assessor's Parcel #27-450-11 & 12

Robert Pestoni
Upper Valley Disposal Service
1285 Whitehall Lane
St. Helena, CA 94574

Dear Mr. Pestoni:

Please be advised that Use Permit Application #94024-MOD has been approved by the Napa County Conservation, Development and Planning Commission based upon the following conditions.

(SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)


APPROVAL DATE: September 7, 1994 EXPIRATION DATE: September 21, 1995

The use permit becomes effective ten (10) working days from the approval date unless an appeal is filed with the Napa County Board of Supervisors pursuant to Title 2 of the Napa County Code. In the event an appeal is made to the Board, you will be notified.

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within one (1) year and ten (10) calendar days from the approval date or the use permit shall automatically expire and become void. A one-year extension of time in which to activate the use permit may be granted by the County provided that such extension request is made thirty (30) days prior to the expiration date. A request for an extension of time is subject to payment of the required filing fee in effect at the time the request for extension is made.

This letter serves as the only notice you will receive regarding the expiration date of your permit or procedures for extensions.

Very truly yours,


Jeffrey R. Redding
Director

cc: John Tuteur, County Assessor
Gary Brewen, Building Codes Administrator

file:pestoni.ltr

CONDITIONS OF APPROVAL
USE PERMIT MODIFICATION #94024-MOD (Upper Valley Disposal/Pestoni)

1. The permit is limited to the construction and use of a driveway access from State Highway 29 through Assessor's parcels #27-450-11 and 12 by fleet vehicles proceeding to Upper Valley Disposal Company as described in the application and accompanying material on file with the Department.

Any expansion or changes in use shall be by separate Use Permit submitted for Commission consideration.
2. Southbound commercial fleet and employee traffic proceeding to Upper Valley Disposal shall use the driveway at Rutherford Vintners. Northbound commercial fleet traffic proceeding to Upper Valley Disposal shall use Whitehall Lane.
3. The access driveway construction shall be completed and its use commenced within the time limits established by section 18.124.080 of the Napa County Code.
4. The applicant shall comply with all applicable conditions and measures which were included in the previously approved use permit #92061-UP. Any conditions that are in conflict with the requirements of this permit shall be null and void.
5. The applicant shall comply with requirements #2, #3, #5 through #9 of the Department of Public Works as stated in their letter of August 4, 1994.
6. The applicant shall comply with all applicable building codes, zoning standards, and requirements of County Departments and agencies.
7. The applicant shall place a sign adjacent to and easily readable from the driveway, not exceeding six (6) square feet in area nor three (3) feet in height, no more than 800 feet west of State Highway 29, to designate the driveway further to the west for "UVDS Vehicles Only". Emergency vehicles may use the driveway; private automobiles may not, unless destined for Upper Valley Disposal (employees).
8. The applicant shall comply with all requirements of the Local Enforcement Agency Manager.



NAPA COUNTY CONSERVATION – DEVELOPMENT
AND PLANNING DEPARTMENT

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
TELEPHONE 707/253-4416 FAX 707/253-4336

JEFFREY REDDING

Director

June 24, 1998

Assessor's Parcel # 27-450-027

Robert Pestoni
Upper Valley Disposal/Recycling
1285 Whitehall Lane
St. Helena, CA 94574

Dear Mr. Pestoni:

Please be advised that **Use Permit Application Number 97177-MOD** has been approved by the Napa County Conservation, Development and Planning Commission based upon the following conditions. (SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

APPROVAL DATE: June 17, 1998

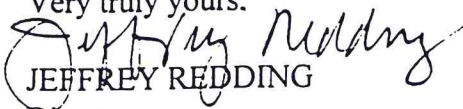
EXPIRATION DATE: June 28, 1999

The use permit becomes effective ten (10) working days from the approval date unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be notified.

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within one (1) year and ten (10) calendar days from the approval date or the use permit shall automatically expire and become void. A one-year extension of time in which to activate the use permit may be granted by the County provided that such extension request is made thirty (30) days prior to the expiration date and provided that any modification of the permit has become final. A request for an extension of time is subject to the required filing fee in effect at the time the request for extension is made.

This letter serves as the only notice you will receive regarding the expiration date of your permit or procedures for extensions. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

Very truly yours,


JEFFREY REDDING
Director

cc: John Tuteur. County Assessor
Gary Brewen. Building Codes Administrator

CONDITIONS OF APPROVAL
Use Permit #97177-MOD (Upper Valley Disposal/Robert Pestoni)

1. The permit is limited to the modification of Use Permit #92061-UP (establishing the grape pomace composting facility) to:
 - a. Use the existing truck fleet returning to corporation yard to transport wood/yard waste mulch collected at landfill for use as a bulking agent component for the pomace composting; and
 - b. Use the existing truck fleet returning to corporation yard to transport wood/yard waste mulch collected at landfill for use as an amendment to the finished pomace compost produced on-site.
 - c. The maximum amount of incoming material (any proportion of grape pomace to green material) received at the composting facility shall be 34,000 tons per year.

Any expansion or changes in use shall be by separate Use Permit submitted for Commission or Zoning Administrator consideration.

2. All outdoor storage of stockpiled wood/yard waste mulch shall be located where it will be screened from view of the State Highway and adjacent properties by the visual barrier established by the approved landscape plan. No open storage is to exceed the height of the screening.
3. The permit holder shall comply with all applicable building codes, zoning standards, and requirements of County Departments and agencies, including but not limited to:
 - The Department of Environmental Management as stated in their letter of May 1, 1998.
 - The Department of Public Works as stated in their letter of April 28, 1998.
 - The County Fire Department as stated in their memo of November 5, 1998.
 - The Local Enforcement Agency as stated in their letter of April 30, 1998.
4. All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.
5. The applicant shall comply with all applicable conditions and measures which were included in the previously approved use permit #92061-UP (and modification #94024-MOD). Any conditions that are in conflict with the requirements of this permit shall be null and void.
6. All commercial fleet traffic proceeding to Upper Valley Disposal shall use the driveway at Rutherford Grove Winery (APN: 27-450-011 and 012).



HILLARY GITELMAN
Director

COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

November 30, 2007

Mr. Bob Pestoni
1285 Whitehall Lane
St. Helena, Ca 94574-9682

Re: **Upper Valley Disposal and Composting Facility, MODIFICATION**
Minor Modification #P07-00464-MODVMIN
Assessor's Parcel Number 027-450-027-000

Dear Mr. Pestoni:

Please be advised that your request for a Minor Modification (file number P07-00464-MODVMIN) to the Upper Valley Disposal and Composting Facility Use Permit 92061-UP to construct two metal structures to cover existing work areas and to stockpile green waste of 110 cubic yards per day up to a maximum of 1,000 cubic yards at any one time area has been **APPROVED** by the Director of Conservation, Development and Planning on November 30, 2007 based on the attached conditions of approval and applicable County regulations.

EXPIRATION DATE: November 30, 2009

Pursuant to Section 18.124.080 of the Napa County Code, this minor modification must be activated within two (2) years from the approval date, or it shall automatically expire and become void. This letter serves as the only notice you will receive regarding the expiration date of your minor modification permit. In addition, approval of this minor modification has no effect on the time limits in which to activate the original project use permit.

Please be advised that the Director of Conservation, Development and Planning has determined that this minor modification is **Categorically Exempt** from the provisions of CEQA, the California Environmental Quality Act. Pursuant to CEQA Section 15303, Class I, Existing Facilities and no expansion of use and Class 3, New Construction or Conversion of Small Structures, and Appendix B, Class 3, New Construction or Conversion of Small Structures of Napa County's Local Procedures for Implementing the California Environmental Quality Act, the project consists of a minor alteration to a previously approved project and is not located in an environmentally sensitive area. The project is consistent with the EIR on file.

The modification is effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be

noticed.

You are hereby further notified, pursuant to Government Code Sec.66020 (d)(1), that the 90-day period, in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun.

Should you have any questions, please contact Linda St. Claire, Project Planner at (707)299-1348 or e-mail at lstclair@co.napa.ca.us.

Sincerely,

Hillary Gitelman
Director

By: Linda St. Claire
Planner

CONDITIONS OF APPROVAL

Upper Valley Waste Disposal & Recycling

File # P07-00464-MODVMIN

APN: #027-450-027

1. **SCOPE:** The permit shall be limited to:

- Construct two metal structures to cover existing work areas. One 18,000 square foot building, to be built as an open walled structure and will cover an existing sorting and processing area. The second structure, a 3,600 square foot building, will cover the existing truck washing area.
- Stockpile green waste products of up to 110 cubic yards per day and a maximum of 1,000 cubic yards of unprocessed materials at any one time, or as determined by the Napa County Local Enforcement Agency. The green products will be screened from view of the State Highway and adjacent properties by a visual barrier and stockpiled on an all weather pad with adequate drainage.
- Total truck trips allowed will remain at levels approved by the LEA of no more than 240 roundtrips per day.
- Any expansion or changes in use shall be approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.
- The structures shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors and employees to ensure compliance is achieved. Any expansion or changes in use shall be approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

2. **COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:**

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies, including but not limited to:

Department of Public Works as stated in their letter of July 11, 2007

County Fire Department as stated in their letter of August 2, 2007

Department of Environmental Management in their letter of July 31, 2007

Napa County Building Department in their letter of August 1, 2007

The Local Enforcement Agency as stated in their letter of August 2, 2007

The determination as to whether or not the permittee has substantially complied with the requirements of other County Departments and Agencies shall be determined by those Departments or Agencies. The inability to substantially comply with the requirements of other County Departments and Agencies may result in the need to modify the approved use permit.

3. **INDEMNIFICATION**

An indemnification agreement, in the form attached hereto, shall be signed and returned to the County within twenty (20) days of the granting of this approval.

4. **PREVIOUS CONDITIONS:**

The permittee shall comply with all previous conditions of approval for Use Permit 92061-UP, except as modified by this action. To the extent there is a conflict between previous conditions of approval and these conditions of approval, these conditions shall control and supersede earlier ones.

5. **MONITORING COSTS:**

All staff costs associated with monitoring compliance with these conditions, previous permit conditions and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring (\$136.27/hour as of July, 2007). Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.