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## CEQA Memorandum



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Planning, Building & Environmental Services

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

David Morrison  
Director

## MEMORANDUM

To: Planning Commission	From: Jason R. Hade, AICP, Planner III
Date: March 7, 2018	Re: Upper Valley Disposal Service #P16-00180 Categorical Exemption Determination Assessor Parcel #027-450-027

### Background

Pursuant to Section 303 of Napa County's Local Procedures for Implementing the California Quality Act (CEQA), the Planning Division has prepared this environmental evaluation for the proposed Upper Valley Disposal Service (UVDS) Use Permit Minor Modification Application (File No. P16-00180).

The project proposes:

Modification of a previously approved Use Permit (920161-UP) with the following components:

- (a) Construction of a 15,000 square foot building to fully enclose an existing composting blending area;
- (b) Construction of a compressed natural gas (CNG) refueling pump to allow the replacement of the existing diesel fleet; and
- (c) An increase in the amount of food material composting from the current 1,950 tons per year to 4,500 tons per year without increasing the total of 34,000 tons per year.

### Existing Setting

The project is located on a 44.23-acre parcel on the south side of Whitehall Lane. The General Plan land use designation is Agricultural Resource and the area of the site currently utilized for a composting and recycling facility (approximately 28.79 acres) site lies within the Public Lands (PL) zoning district; 1285 Whitehall Lane, St. Helena; APN: 027-450-027. The remainder of the site is located within the Agricultural Preserve (AP) zoning district.

Development on the property includes: a recycling center/office building; diesel fueling facility; wastewater pond; composting area; and parking area. Primary access to the property is from State Highway 29 via a paved driveway through Rutherford Grove Winery while emergency access is provided via a paved driveway to Whitehall Lane. The nearest residence to the proposed building is approximately ±820 feet to the southeast.

### Past Approvals

A Use Permit (#92061-UP) was approved on June 14, 1994 to establish a corporate office for a waste disposal company, recycling facility, and grape pomace composting facility at the project site. Use Permit Modification #94024-MOD was approved on September 13, 1994 to permit the construction of a new driveway access from

State Highway 29 through Assessor's Parcel Numbers (APN) 027-450-011 and 027-450-012. This new driveway serves as the primary facility access for fleet vehicles. Use Permit Modification #92061-UP was approved on April 21, 1995 permitting the temporary use of the approved caretaker residence for waste company administrative offices. The Planning Commission approved #95297-UP to allow grape seed oil processing at the subject site on July 17, 1996. Approved on November 6, 1996, Use Permit #97177-MOD changed conditions of approval #1 (F) and #6 relating to bagging and transportation of compost and dates of compliance reports. On June 17, 1998, the Planning Commission approved Use Permit #97177-MOD to allow using the existing truck fleet returning to the corporation yard to transport wood/yard waste mulch collected at the Clover Flat landfill for use as an amendment to the finished pomace compost produced on-site and as a bulking agent component for the pomace composting. A minor modification to the Use Permit (P07-00464) was approved on November 30, 2007 to allow the construction of two new metal structures totaling 21,600 square feet 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.

### **CEQA Exemption Criteria and Analysis**

Because of the minimal construction and limited operations, the Planning Division finds the project to be categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15301, Class 1 (Existing Facilities) and Appendix B of Napa County's Local Procedures for Implementing the California Environmental Quality Act under Class 1: Existing Facilities, #3 for Very Minor and Minor modifications of existing Use Permits in conformance with Section 18.124.130 of the County Code.

### **Minor Modification Under Section 18.124.130 of County Code**

As stated in Section 18.124.130 of the County Code:

Upon receipt of a written request from the holder of a Use Permit, the zoning administrator may approve minor non-controversial modifications to approved Use Permits after giving notice of intent to approve or deny, but without a public hearing in regard to project design or permit conditions *which do not affect the overall concept, density, intensity or environmental impact of, or substantially alter or delete any environmental mitigation measure for the project.* Consistent with the foregoing, the zoning administrator may approve changes in location and/or size of approved structures or portions thereof, provided that, the zoning administrator shall not consider or approve a minor modification if the result of the approval of the requested minor modification would result in any structure or the aggregate of all approved structures being increased more than twenty-five percent in size or one story in height based on the size allowed under the approved Use Permit. Equipment enclosures whose permanent installation outdoors was approved by Use Permit are not subject to this size limitation.

The proposed project does not propose any change in the 34,000 tons of compost permitted annually, traffic, operating hours, operating areas or "the overall concept, density, intensity or environmental impact of, or substantially alter or delete any environmental mitigation measure for the project." A minor modification may be used to approve new structures as long as the aggregate of new building square footage does not exceed 25 percent of the square footage allowed under the existing Use Permit. In this case, the project's proposed building represents a 21 percent increase. The CNG refueling pump would only serve trucks used by the facility and not for fueling unrelated trucks. The proposal includes changes in the make-up of the composting material, and similar minor modifications to the facility's Use Permits have been approved multiple times in the past. Through these past approvals, wood, yard waste, and green waste were added to the compost feedstock. Although this project is considered a minor modification, the Zoning Administrator

has referred it to the Planning Commission based upon public comments and concerns raised early in the project review process.

### **Class 1 Categorical Exemption Under State CEQA Guidelines**

The Class 1 exemption provides:

*Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.*

The Class 1 exemption proceeds to list a number of representative examples some of which involve increases in building square footage. The proposed project encloses an existing composting area, adds a CNG refueling pump used only by the facility's trucks, and slightly alters the mix of feedstock composted at the facility. The composting facility use, including total tonnage processed, remains the same.

Additionally, the proposed project's status as a minor modification does not affect the overall concept, density, intensity or environmental impact because the minor modification process permits the approval of new structures as long as the aggregate of new building square footage does not exceed 25 percent of the square footage allowed under the existing Use Permit. Because the project would not expand the use of the facility, the project qualifies for a Class 1 categorical exemption. The construction of a 15,000 square foot building to enclose the existing blending area also qualifies as Categorical Exempt pursuant to Appendix B of Napa County's Local Procedures for Implementing the California Environmental Quality Act under Class 1: Existing Facilities, #3 for Very Minor and Minor modifications of existing Use Permits in conformance with Section 18.124.130 of the County Code.

### **The Project does not Fall into an Exception to Categorical Exemptions**

Public agencies may not require an EIR or negative declaration for a project that qualifies for a categorical exemption unless the project falls into one of the exceptions to the categorical exemptions. Each exception to categorical exemptions is identified and addressed relative to the proposal below.

a) *Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

Response: According to the County's resource maps, there are no environmental sensitivities identified on the site.

b) *Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

Response: There are no other composting facilities near the facility and there are no impacts identified with the project's subsequent change in feedstock. Traffic would remain within the current Use Permit limits of 224 vehicles per day during the same operational hours. No self-haul loads or contractors are proposed as part of this project. The "organics blending operation" would receive traffic and waste tonnages within the limits of the current Use Permit and Solid Waste Facility Permit with four daily inbound collection trucks. The Public Works Department reviewed the subject application and determined that "the project as proposed will not result in any increase in traffic generation. Therefore, there will not be any significant impact to traffic circulation associated with the project."

The initial 1994 Use Permit required a six-foot berm and/or landscaping around the activity areas to attenuate on-site noise levels. This requirement also was part of the flood impact and visual impact mitigation measures. Landscaping has been installed and UVDS has augmented any landscape plantings that did not perform as expected. Additionally, the proposed building would be enclosed to further reduce the potential for noise.

According to the Pacific Gas and Electric Company and industry accepted standards, noise levels from CNG fuel engines are less than noise from diesel engines. Noise from natural gas engines is generally not as loud and is less bothersome than the lower pitch rumble associated with diesel engines. Natural gas engines do not emit the same degree of high-energy sound waves as diesel engines. Consequently, transit buses, school buses, and refuse trucks using CNG fuel engines are likely to be less objectionable than a diesel equivalent. Moreover, the lower pitched diesel rumble sound waves travel further before dissipation than higher pitched noise and therefore creates a greater noise footprint in the environment. (Pacific Gas and Electric Company NGV Environmental Benefits, 2018)

c) *Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

Response: This exception applies only where both unusual circumstances and a significant impact resulting from those unusual circumstances exist. There are no unusual circumstances at the project site that would result in significant impacts. Similarly, there were no unusual circumstances resulting in significant impacts for the 2007 approval altering in feedstock at the facility.

d) *Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

Response: No tree removal is proposed as part of the project. Further, the project would not damage historic buildings, rock outcroppings, or similar resources along State Highway 29. The new building would be similar in character to the larger existing building all of which are screened from State Highway 29 by existing vegetation.

e) *Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

Response: Based on a search of the California Department of Toxic Substances Control database, the project site does not contain any known EPA National Priority List sites, State response sites, voluntary cleanup sites, or any school cleanup sites. No impact would occur as the project site is not on any known list of hazardous materials sites.

f) *Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

Response: No historical resources are associated with the facility or the project.

### **Conclusion**

Based upon the above analysis there is no reasonable possibility that the project would have a significant effect on the environment, or damage scenic resources because there will be only minor changes to the existing facility and any noise generated by the project would not exceed the levels established by the County Noise Ordinance as the current composting activities would be fully enclosed within the proposed building.

Based upon the project's compliance with the criteria established for a Use Permit minor modification in conformance with Section 18.124.130 of the County Code and based upon the above indicated determination regarding significant impacts, it can be determined that this proposal meets the Categorical Exemptions discussed above, and the project is exempt from CEQA.