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Planning Commission Mtg.
July 23 2021
Agenda Item # 7A

June 22, 2021

Via Email (planningcommissionclerk@countyofnapa.org)

Planning Commission
County of Napa
1195 Third Street, Suite 210
Napa, CA 94559

Re: Syar Napa Quarry 5 Year Compliance Review P08-0037-SMP

Honorable Commissioners:

On behalf of Stop Syar Expansion (SSE), we submit these comments regarding the Commission's 5-year review of the Syar Napa Quarry's compliance with mitigation measures and conditions of approval imposed upon the surface mining permit (SMP) issued to Syar on October 18, 2016.

Premature Review Prior to 5-Years

As an initial matter, the Commission's hearing on the 5-year review is premature. It has been less than 5 years since the SMP was issued to Syar. By conducting this review prematurely, the Commission is analyzing only four years of compliance, not five: (1) October 2016-September 2017; (2) October 2017-September 2018; (3) October 2018-September 2019; and October 2019-September 2020. This avoids review of the final year of the 5-year review period-October 2020-September 2021. Thus, SSE urges the Commission to delay this review until after October 2021, once the Annual Compliance Report for year 5 has been prepared.

The Compliance Summary Table identifies several areas where additional information is needed to confirm compliance and that information will be available if the review is continued until after October 2021. Continuing the 5-year review until the 5-year mark would allow for review of the final authority from the Bay Area Air Quality Management District (BAAQMD) to operate the RAP system. (Compliance Table 1A-

5.) Additionally, without the October 2020-September 2021 Annual Compliance Review, the Commission cannot determine whether Syar is in compliance with oak woodland screening conditions. (Compliance Table 1A-6.)

The GHG Reduction Plan will not be completed until after the 2021 inspection cycle. The Commission must have the ability to review the GHG Reduction Plan at the 5-year review; thus, the review hearing should be postponed until this plan has been prepared as well.

Further, the groundwater infiltration report has not been completed by Syar, and thus has not been included in previous Annual Compliance Reports in violation of Condition 11U, which required the report to be submitted within 12 months of approval of the SMP. Delaying the compliance review hearing until the required infiltration report has been completed is necessary to allow the Commission the ability to assess compliance. Moreover, the Commission must acknowledge a lack of compliance with this condition for the past four years and impose corrective conditions to ensure future compliance.

Need for Verification of Compliance Claims

In addition to being premature, it is unclear from the documents provided in support of the Commission's review whether many of the claims of compliance have been independently verified by the County or by other public agencies. SSE requests the County provide verification to address the following issues:

- The Compliance Summary states production levels have not exceeded baseline levels since 2016. This claim is based on Syar's self-reporting of production levels to the State Division of Mine Reclamation. How have production levels been independently verified by the County?
- The Compliance Summary states that the condition requiring all prior mining related discretionary permits have been superseded by the current SMP is not applicable. Please confirm compliance with this condition.
- How has the County verified water usage at the Quarry?

- Why was Hazen and Sawyer unable to complete the Annual Groundwater Elevation Monitoring and Use Report for three years?
- How has the County verified the Tiers of equipment used at the Quarry and the horsepower hours for that equipment?
- What does Syar do with Tier 0 and 1 equipment that it has “retired”? Is it still available for future use? Has it been transferred for use at other Syar quarries or its affiliated businesses?
- What affordable housing mitigation fee has been applied to building permits at the Syar Napa Quarry? Assuming a fee has been applied, has Syar paid the fee?
- Has any previously reclaimed land been reopened to mining?

Failure to Identify or Adequately Address Violations and Complaints

The Compliance Summary claims that Syar is in compliance with the condition of approval requiring they provide visual screening of the Pasini Parcel expansion area by planting oak trees. (Condition 1A-6.) However, this fails to acknowledge that, according to the 2020 Compliance Report, “[a]pproximately 50-60% of the oak plantings were dead.” (2020 Compliance Report p. 4.) It also fails to acknowledge that necessary irrigation for these trees has been damaged and is no longer in use. (*Ibid.*) The County must acknowledge Syar’s lack of compliance with the condition and impose corrective conditions to ensure future compliance.

Condition 2I requires “All trash, unnecessary or un-useable equipment, scrap, and installations of the Quarry operation shall be removed as necessary in a timely manner, and properly disposed of to maintain a neat and orderly site.” While the Compliance Summary claims Syar is complying with this condition, it also acknowledges that the PBES has “informally been encouraging the Quarry to remove of [sic] additional scrap from the boneyard.” (Compliance Summary p. 4.) Thus, the County is identifying a failure to comply with this condition of approval. As can be seen in the attached Google Maps image from 2021, significant amounts of scrap remain on-site at the Syar Napa Quarry. The Commission must impose corrective conditions to ensure future compliance. (Attachment 1, Google Maps Image.)

The Compliance Summary claims there have been no past or current violations at the Syar Napa Quarry, but this fails to acknowledge past Clean Water Act violations. The Annual Compliance Report also fails to provide verification that runoff from the Quarry does not currently violate water quality standards. The Quarry's Stormwater Pollution Prevention Plan does not include the sampling data from Quarry outflows to allow for an assessment of compliance, instead referring readers to the State Water Boards website. Based on sampling logs that SSE has downloaded, it appears there are exceedances of aluminum, nitrite and iron levels in Syar Napa Quarry outfalls. (Attachment 2.)

The Compliance Summary also improperly downplays complaints to BAAQMD regarding dust impacts from the Quarry. Members have contacted BAAQMD due to visible dust on a number of occasions in the past four years. The Summary notes that BAAQMD did not issue a notice of violation, but this is due to the lengthy amount of time between the reporting of a complaint and an inspector being able to make it Napa County to investigate the complaint. The attached photographs show the visible dust from the Syar Napa Quarry on a number of days since 2016. (Attachment 3.)

The Compliance Summary further fails to acknowledge Syar's failure to provide blasting notification to the surrounding community. Community members have submitted complaints due to blasting vibrations on several occasions. While the Compliance Summary claims the Quarry is in compliance, this is not true. The blasting monitoring data shows that on June 19, 2020, after failing to notify the community of blasting, Syar failed to provide monitoring data from the blasting event to confirm whether it was in compliance. Additionally, on January 8, 2020, monitoring demonstrated that peak particle velocity exceeded the vibration threshold limit.

The Compliance Summary further fails to identify odor complaints submitted by an SSE member. The odor of asphalt can permeate the surrounding community.

Difficulty of Document Review

The format and lack of document accessibility has made review of the Syar Napa Quarry's compliance with conditions of approval and mitigation measures incredibly difficult for members of the public. SSE is also concerned that the Commission has not had the opportunity to review the source data, some of which is stored on the County's

website, prior to this hearing and will instead have to rely entirely on the incomplete and in some areas inaccurate summary provided as an attachment to the staff report. This provides yet another reason that the 5-year review hearing should be delayed until after the end of the 5-year review period. If this hearing is continued, SSE asks the County to provide more detailed and transparent summaries of compliance, or lack thereof, at the Quarry, with the verifications SSE has requested above.

SSE also notes that the Compliance Summary Table is riddled with so many typographical errors that it is difficult to decipher in many sections. For example, as to Reclamation 3B on page 6, the County document states “No mid-term reclamation is not being conducted.” Neither the Commissioners nor the public is able to discern from this statement what the status of mid-term reclamation is at this juncture. SSE is concerned that this lack of careful review in preparing the summary document provided to the public and the Commission is indicative of a lack of careful review of Syar’s compliance with conditions and mitigation measures.

Thank you for your time and consideration in this matter.

Sincerely,



Amy Minter

Attachments 1-3

Cc:

Commissioner Joelle Gallagher (joellegPC@gmail.com)
Commissioner Dave Whitmer (Dave.Whitmer@countyofnapa.org)
Commissioner Anne Cottrell (anne.cottrell@lucene.com)
Commissioner Andrew Mazotti (andrewmazotti@gmail.com)
Commissioner Megan Dameron (megan.dameron@countyofnapa.org)
David Morrison, Planning Director (David.Morrison@countyofnapa.org)

ATTACHMENT 1



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 100 ft



Napa County

California



Directions



Save



Nearby



Send to your phone



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Quick facts

Napa County is north of San Francisco, in California. It's known for hundreds of hillside vineyards in the Napa Valley wine region. In the city of Napa, Oxbow Public Market features regional gourmet food. The Napa Valley Wine Train is a vintage locomotive and traveling restaurant running through

ATTACHMENT 2

AD HOC MONITORING REPORT

For
RAIN EVENT PERIOD: 07/01/2020 – 06/30/2021
STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

Annual Reporting Period July 1, 2020 through June 30, 2021

WDID No: 2 28I005111

Risk Level:

Property Owner Information:

Owner Name: SYAR Industries Inc

Contact Person: Jennifer Gomez

Address: PO Box 2540

e-mail: jgomez@syar.com

City: Napa

State: CA

Zip: 94558

Phone: 707-259-5728

Site Information:

Site Name: Syar Industries Inc Napa Quarry

Contact Person: Robb Folmar

Address: 2301 Napa Vallejo Hwy

e-mail: rfolmar@syar.com

City: Napa

State: CA

Zip: 94558

Phone: 707-259-5858

Event Information:

Event Type: Qualifying Storm Event

Event ID: 1141178

Event Start Date/Time: 07/01/2020

Event End Date/Time: 06/30/2021

Rainfall Amount:

Number of Business Days:

Certified By: Patrick Spence

Date Certified:

DESCRIPTION OF ANALYTICAL PARAMETERS

The Construction Activities Storm Water General Permit (General Permit) requires you to analyze storm water samples for at least two parameters. These are pH and turbidity. In addition, you must monitor for any other pollutants which you believe to be present in your storm water discharge (i.e. non-visible pollutants) as a result of construction site materials.

pH (required) - is a numeric measure of the hydrogen-ion concentration. The neutral, or acceptable, range is within 6.5 to 8.5 (Numeric Action Level-NAL range). At values less than 6.5, the water is considered acidic; above 8.5 it is considered alkaline or basic. The Numeric Effluent Limitation (NEL) for pH is 6.0-9.0. An example of an acidic substance is vinegar, and an alkaline or basic substance is liquid antacid. Pure rainfall tends to have a pH of a little less than 7. There may be sources of materials or construction activities which could increase or decrease the pH of your storm water discharge.

Turbidity (required) - is the cloudiness of water quantified by the degree to which light traveling through a water column is scattered by the suspended organic and inorganic particles it contains. The turbidity test is reported in Nephelometric Turbidity Units (NTU) or Jackson Turbidity Units (JTU). The NAL for turbidity in this General Permit is 250 NTU. The NEL is 500 NTU

Suspended Sediment Concentration (SSC) - is the measure of the concentration of suspended solid material in a water sample by measuring the dry weight of all of the solid material from a known volume of a collected water sample. Results are reported in mg/L.

Benthic Macroinvertebrate Bioassessment – evaluation of animals without backbones, living in or on sediments or other substrates, of a size large enough to be seen by the unaided eye, and which can be retained by a U.S. Standard No. 30 sieve (28 openings per inch, 0.595-mm openings) to assess the biological conditions (health) of a waterbody.

Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: Patrick Spence

Date: 02/08/2021

Title: Engineer in Training

Ad Hoc Monitoring Report -07/01/2020 - 06/30/2021

DATA SUMMARY

Monitoring Location	Sample Date / Time	% Total Discharge	Parameter	Results	Units	Analytical Method	Method Detection Limit	Analyzed By	QSP Name
Outfall G	01/27/2021 00:00		Nitrite Plus Nitrate (as N)	2.1	mg/L	A4500F	0.26	LAB	
Outfall G	01/27/2021 00:00		Magnesium, Total	1.4	mg/L	E200.7	0.18	LAB	
Outfall G	01/27/2021 00:00		Iron, Total	1.4	mg/L	E200.7	0.072	LAB	
Outfall G	01/27/2021 00:00		Aluminum, Total	0.94	mg/L	E200.8	0.027	LAB	
Outfall G	01/27/2021 00:00		Oil and Grease		mg/L	E1664A	1.3	LAB	
Outfall G	01/27/2021 00:00		pH	7	SU	pH_Field	1	SELF	
Outfall G	01/27/2021 00:00		Total Suspended Solids (TSS)	33	mg/L	A2540D	2.5	LAB	

Ad Hoc Monitoring Report -07/01/2020 - 06/30/2021
DAILY AVERAGES

No. of Business Days	Business Day Date	pH Average/SU	Turbidity Average/NTU	Calculation Summary
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Ad Hoc Monitoring Report -07/01/2020 - 06/30/2021

ATTACHMENTS

Attachment Title	Description	Date Uploaded	Attachment Type	Attachment Hash	Doc Part No/Total Parts
Analytical Report - Outfall G 1.27.21		2021-02-08 12:08:37.0	Laboratory Results	bbac2faf643a4a8e9d0f d655d6034fa5bc41832 3d024c53d8152e6243f 41e0	null/null

2018 - 2019

AD HOC MONITORING REPORT
FOR
STORM WATER DISCHARGES ASSOCIATED
WITH INDUSTRIAL ACTIVITIES

WDID No: 2 28I005111

Operator Information:

Name: SYAR Industries Inc

Address: PO Box 2540

City: Napa State: CA Zip: 94558

Contact: Mike Burneson

E-mail: mburneson@syar.com

Phone: 707-486-2211

Facility Information:

Name: Syar Industries Inc Napa Quarry

Address: 2301 Napa Vallejo Hwy

City: Napa State: CA Zip: 94558

Contact: Mike Burneson

E-mail: mburneson@syar.com

Phone: 707-259-5852

Event Information:

Event Type: Event ID: 1013957

Certified By:

Name: Tom Ferrell

Date:

DATA SUMMARY

Monitoring Location	Sample Date/Time	Estimated Discharge Date/Time	Parameter	Result Qualifier	Results	Units	Analytical Method	Method Detection Limit	Reporting Limit	Analyzed By
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ATTACHMENTS

Attachment Title	Description	Date Uploaded	Attachment Type	Attachment Hash	Doc Part No/Total Parts
Syar Level 2 Action Plan_AL_Syar Industries Inc.	Level 2 Exceedance Response Action Plan for Aluminum	2018-12-20 12:24:41.0	Level 2 ERA Action Plan	5d80c6f2061e077c23dda5a613baa63c436cb84e4c562fb576afb569242a83	1/1

ATTACHMENT 3



January 29, 2017

June 26, 2017



June 26, 2017



December 17, 2017

