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Agenda Date: 6/23/2021

Agenda Placement: 7A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: Brian Bordona for David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: Donald Barrella, Planner III - 707-299-1338
SUBJECT: Syar Napa Quarry Compliance Review P08-0037-SMP

RECOMMENDATION

Syar Napa Quarry Surface Mining Permit No. P08-00337-SMP 5-year Status Report

Request: Surface Mining Permit (SMP) status report and compliance review (Report) for the Syar Napa Quarry (Quarry) (CA Mine ID #91-28-0004). Pursuant to the Quarry's adopted conditions of approval, the Planning Commission is required to review compliance with permit conditions, mitigation measures, and the mining and reclamation plan every five (5) years after permit approval.

CEQA Status: The Report of the Quarry's Surface Mining Permit is informational only and is not a project as defined by 14 California Code of Regulation 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

Location: The 497-acre Quarry is located on the east side of State Highway 221 (Napa-Vallejo Highway) at its intersection with Basalt Road east of 2301 State Highway 221; Assessor's Parcel Numbers 045-360-005,046-370-012, -013, -015, -022, -025, 046-390-002, -003, and 046-450-071.

General Plan & Zoning Designations: Industrial (I), Agriculture, Watershed & Open Space (AWOS), Public Institutional, Open Space (PI), and Mineral Resource overlay; Industrial (I), Agricultural Watershed (AW), and Agricultural Watershed, Airport Compatibility Combination District (AW:AC).

Staff Recommendation: Receive staff report, take public testimony and/or comments from the applicant, close the hearing, discuss and provide comments or direction to staff.

Staff Contact: Donald Barrella, (707) 299-1338 or donald.barrella@countyofnapa.org

Syar Quarry Contact: Jennifer Gomez, 707-259-5728 or jgomez@syar.com

Syar Napa Quarry Current Projects Explorer Website: <https://pbes.cloud/index.php/s/fwYwarSyXGxxqgL>

EXECUTIVE SUMMARY

Discussion: The Syar Napa Quarry (Quarry) Surface Mining Permit No. P08-00337-SMP (SMP) was approved by the Board of Supervisors on appeal on October 18, 2016, and upholding the Planning Commission's November 18, 2015, approval of the Quarry's SMP. Thereby, the effective date of the Quarry's SMP is October 18, 2016.

The approved SMP modified the mining and reclamation plan and associated aggregate processing and production permitted under UP-128182, UP-27374, and County Agreement No. 2225 to allow: a) an approximate 106-acre expansion of the current surfacing mining and reclamation plan, resulting in approximately 497-acres of the approximate 870-acre holding covered by the SMPs Mining and Reclamation Plan (MRP), for a 35 year term; b) an increase in mining depth to no greater than 50 feet above mean seal level; c) an increase in production of aggregate materials from approximately 1 million tons per year to 1.3 million tons per year; and d) adding Reclaimed Asphalt Pavement (RAP) handling equipment to the existing asphalt batch plant and an increase in asphalt production up to 300,000 tons per year (inclusive of total annual production). The SMP replaced UP-128182, UP-27374, and County Agreement No. 2225, bringing the Quarry Facility and Quarry Operations under one permit.

Pursuant to Condition of Approval No. 1(F) every five years the Planning Commission is required to review the Project and SMP to determine compliance with conditions, mitigation measures, and the MRP. This condition also indicated that said hearing would commence in April 2020, in line with the Planning Commission's approval date. However, the subsequent hearings and action by the Board of Supervisors modified the effective date of the SMP, as noted above, and the timing of the five year review. Therefore, bringing the 5-year Status Report to the Commission before October 2021 meets the intent of Condition No. 1(F).

These types of status reviews have been performed on other use permits to determine if the permit is functioning as intended and to evaluate if any new conditions should be considered. This status report and compliance review, and associated hearing, is not intended to be a forum to discuss, debate, or otherwise re-deliberate the merits of the Project; the purpose of the status report is for the Planning Commission to review compliance and impose additional conditions, if necessary, to address compliance issues.

Attachment A includes a *Compliance Summary Table* of the Quarry's Conditions of Approval and Mitigation Measures, their status, and if compliance has not been achieved, what action(s) have been or will be taken to achieve compliance. As detailed in this report and its attachments, the Quarry's *Annual Compliance Reports*, and the Quarry's *Annual Surface Mining Inspection Reports*, Staff believes the Quarry is operating in substantial compliance with its SMP, which are providing adequate assurances for protecting the public health, safety and welfare. No additional or revised conditions of approval are recommended at this time.

The Quarry's SMP, *Annual Compliance Reports* from 2016 through 2020, *Annual Surface Mining Inspection Reports* from 2016 through 2020, MRP, and documents related to this Report, are available for inspection on Napa County's Planning, Building, & Environmental Services Department (PBES) 'Current Projects Explorer Website' at: (<https://pbes.cloud/index.php/s/fwYwarSyXGxxqgL>). These documents are also available between 8:00 AM. and 4:45 PM Monday through Friday, at the PBES Administrative Office, 1195 Third Street, Suite 210, Napa, California. Scheduling appointments to review documents is encouraged.

Proposed Action:

1. That the Planning Commission receive the status report, hear testimony, close the hearing and provide direction to staff if necessary.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?

No

County Strategic Plan pillar addressed: Effective and Open Government

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The Status Report of the Quarry's Surface Mining Permit is informational and not a project as defined by 14 California Code of Regulation 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The Syar Napa Quarry (Quarry) Surface Mining Permit No. P08-00337-SMP (SMP) was approved on appeal by the Board of Supervisors on October 18, 2016: upholding the Planning Commission's November 18, 2015, approval of the Quarry's SMP. The Quarry's Mining Plan (Figure 3f of the SMP's Mining and Reclamation Plan), which shows areas referenced in this report and its attachments, is included as Attachment D.

The approved SMP replaced UP-128182, UP-27374, and County Agreement No. 2225, bringing the Quarry Facility and Quarry Operations under one permit allowing: a) an approximate 106-acre expansion of the current surfacing mining and reclamation plan, resulting in approximately 497-acres of the approximate 870-acre holding covered by the SMP's Mining and Reclamation Plan (MRP), for a 35 year term; b) an increase in mining depth to no greater than 50 feet above mean seal level; c) an increase in production of aggregate materials from approximately 1 million tons per year to 1.3 million tons per year; and d) adding Reclaimed Asphalt Pavement (RAP) Handling Equipment to the existing asphalt batch plant and an increase in asphalt production up to 300,000 tons per year (inclusive of total annual production).

Pursuant to Condition of Approval No. 1(F) every five years the Planning Commission is to review compliance with the SMP's conditions, mitigation measures, and Mining and Reclamation Plan. This condition also indicated that said hearings would commence in April 2020, in line with the Planning Commission's approval date. However, the subsequent hearings and action by the Board of Supervisors augmented the effective date of the SMP and timing of this condition. Therefore, bringing the 5-year Status Report to the Planning Commission before October 2021 meets the intent of Condition No. 1(F).

Attachment A includes a *Compliance Summary Table* of the Quarry's Conditions of Approval and Mitigation Measures, their status, and if out of compliance what action(s) have been taken or will be taken to achieve compliance.

In addition to the attached *Compliance Summary Table*, the Quarry's 2016 through 2020 *Annual Compliance Reports* prepared by Syar pursuant to Condition No. 2(L), and the 2016 through 2019 *Annual Surface Mining Inspection Reports* prepared by the County (described further below) documenting Quarry inspections, reporting, and compliance are available at the County's 'Current Projects Explorer Website': (<https://pbes.cloud/index.php/s/fwYwarSyXGxxqgL>).

Because all but one of the current Planning Commissioners participated in the 2014-2015 Quarry SMP hearings, staff is providing a brief **OVERVIEW** of the Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources

Code, Sections 2710-2796) and the County's Surface Mining and Reclamation Ordinance (NCC Chapter 16.12) and associated reporting below. Additional information on SMARA and the State Division of Mine Reclamation can be accessed at: (website - <https://www.conservation.ca.gov/dmr>). The County's Mining Ordinance can be accessed at: (website - https://library.municode.com/ca/napa_county/codes/code_of_ordinances?nodeId=TIT16EN_CH16.12SUMIRE).

SMARA and NCC Chapter 16.12 (Surface Mining and Reclamation)

SMARA is the State's comprehensive surface mining and reclamation policy that: ensures the regulation and oversight of surface mining operations; encourages the production, conservation, and protection of the state's mineral resources; and assures the reclamation of mined lands are reclaimed to a usable condition. The County's Mining Ordinance is intended to regulate mining operation as required by SMARA. Under SMARA the State Division of Mine Reclamation (DMR) is responsible for providing oversight and assistance to Lead Agencies and mine operators, reviewing and providing comments on reclamation plans and financial assurance cost estimates, and processing annual reports and fees.

Napa County's responsibilities as the "Lead Agency" under SMARA include: adopting a mining ordinance; issuing permits to mine; approving reclamation plans; conducting annual inspections; approving financial assurance cost estimates (FACE) and financial assurance mechanisms (FAM); and, enforcement.

Mining Operation Annual Reports (or MRRC-2 Reports) are submitted to DMR by the operator (Syar) to document permit, financial assurance, and operational status, as well as to calculate and process State SMARA fees. This MRRC-2 Report also includes annual production amounts of the Quarry.

Annual Surface Mining Inspection Reports (or MRRC-1 Reports) are submitted to DMR by the County to determine if the operation is in compliance with SMARA and permit conditions. The MRRC-1 Report also provides the opportunity to annually review and adjust the Quarry's FACE.

While SMARA is primarily intended to implement State mining requirements, the Annual MRRC-1 Surface Mining Inspection Report is the key Lead Agency SMARA reporting and compliance tool and is the mechanism the County is utilizing to report and document Quarry compliance with both the SMP and SMARA.

Inspection and Reporting

In addition to this 5-year status report, the Quarry is required to provide Annual Compliance Reports to the County pursuant to Condition No. 2(L), the County, as described above, is required to annually inspect the Quarry pursuant to SMARA (PRC Section 2774). *Annual Compliance Reports* submitted by Syar from 2016 through 2020 to the County, and County MRRC-1 *Annual Surface Mining Inspection Reports* from 2016 through 2019 submitted to DMR, are available at the 'Current Projects Explorer Website'.

The 2020 MRRC-1 *Annual Surface Mining Inspection Report* is currently in process pending review and determination of an adequate updated FACE to submit to DMR in combination with the Inspection Report for their concurrence. The County is obligated to provide DMR the opportunity to review and comment on the updated FACE pursuant to PRC Section 2774 before the County can consider approving an updated FACE amount.

Attachment B is the 2020 Inspection Log that includes Quarry inspections (both on and off site), complaints received, and other relevant communications since the 2019 MRRC-1 Inspection Report. This attachment includes inspections associated with the County's 2020 MRRC-1 Inspection Report, which will also be included in that Inspection Report: Inspection Logs for previous inspection years are included in those respective MRRC-1 Inspection Reports (which can be accessed at the Current Projects Explorer site).

To provide a more robust and consistent inspection and reporting process, and MRRC-1 Inspection Reports, PBES contracted Land Logistics to assist and support PBES conducting and preparing the Quarry's 2019 and 2020 MRRC-1 inspections and inspection reports. Land Logistics is a firm that specializes in assisting

government agencies only with SMARA inspection and reporting. Attachment C is a brochure that captures Land Logistics services: additional information on Land Logistics can be accessed at: (<https://landlogistics.com/>). PBES is intending on retaining Land Logistics to conduct inspections through 2023-24. As indicated, the 2020 MRRC-1 Inspection Report is still in process.

As provided and disclosed in the attached summary table and 2016 through 2019 MRRC-1 Inspection Reports, there have been no past or current non-compliant aspects or violations of the SMP, and none have been identified during the 2020 MRRC-1 Inspection cycle.

Annual Production

The MRRC-2 Reports (*Mining Operation Annual Reports*) noted above, that are submitted to DMR by Syar, include annual production amounts. While MRRC-2 Report production information is proprietary and confidential pursuant to PRC Section 2207(g), the County as the Lead Agency can review reported production information. Review of the Quarry's MRRC-2 Reports from 2016 through 2020 shows that the Quarry has not exceeded the SMP's production limitation of 1.3 million tons per year.

Air Quality

Syar Industries has continually upgraded the quarry fleet since approval of the SMP by replacing equipment with lower Tier engines with higher Tier engines. The EPA regulates emissions from new internal combustion engines by tiered standards. Tier 0 engines were built before standards came into effect, and Tier 1 through 4 engines have increasing emissions reduction standards that are achieved through advanced emission control technologies: the higher the engine Tier the cleaner the emissions.

Under conditions prior to SMP approval (i.e. baseline conditions) the following sum of horsepower-hours for each Tier of engine utilized in the fleet was as follows: Tier 0, 39%; Tier 1, 49%; Tier 2, 10%, Tier 3, 3 3%, and Tier 4, 0. Due to fleet upgrades and retirement of lower Tier engines present emission totals are as follows: Tier 0, 1%; Tier 1, 0%; Tier 2, 5%; Tier 3, 5%; and Tier 4, 89%.

Fleet make up prior to SMP approval were as follows: 22 pieces of equipment with Tier 0 engines, 6 pieces of equipment with Tier 1 engines, 4 pieces of equipment with Tier 2 engines, and, 1 piece of equipment with Tier 3 engine. Presently the fleet includes: 2 pieces of equipment with Tier 0 engines, 0 pieces of equipment with Tier 1 engines, 1 piece of equipment with Tier 2 engine, 3 pieces of equipment with Tier 3 engines, and 50 pieces of equipment with Tier 4 engines. Based on the current fleet make up the Quarry is in compliance with COS #2.M(8) which required within 5 years of the effective date of the SMP, at least 3 pieces of quarrying equipment having Tier 0 engines being replaced with equipment with higher Tier engines. As indicated 20 pieces of equipment with Tier 0 engines are no longer being utilized in the fleet.

The Quarry has also developed and implemented a Dust Management Plan that includes a listing/depiction of quarry roads that have been closed, that are being treated with dust suppressants or that are paved, sweeping provisions, fugitive dust control measures, and daily dust inspection provisions. The Dust Management Plan is consistent with COA #2(M)(1) and #2(M)(2). Also see Attachment B that includes recent communications with the Bay Area Air Quality Management District regarding the Quarry's dust control efforts.

Additional air quality improvements include the installation of Blue Smoke Control Equipment at the Quarry's asphalt plant in 2018 (Building Permit No. B16-00790), and installation of RAP Handling Equipment in May of this year (Building Permit No. B18-01920).

The binding agent used to hold aggregate/rock together in asphalt is a petroleum byproduct. At certain spots in the process, a haze of hydrocarbon droplets can escape, this haze is called "blue smoke". Blue Smoke Control Equipment captures blue smoke from emission points in the asphalt production process including transfer points, silo-filling, and truck-loading operations to minimize emission discharge, as well as odors associated with asphalt

production.

The Reclaimed Asphaltic Pavement (RAP) handling equipment allows the use of recycled asphalt as a source of aggregate in asphalt production. Substituting recycled asphalt for virgin aggregate has several benefits including: reducing the need for virgin aggregates, reducing the amount of binding agent used in manufacturing new asphaltic and reducing transportation and energy use and cost associated with asphalt production and disposal. Using recycled asphalt also reduces dust emissions from handling as compared to virgin aggregate.

Noise and Vibration

Consistent with COA No. 11(Z), blasting vibration and air-blast overpressure (blast noise) measurements has been conducted during all blast events since November 2016, and in August 2017, a Quarry specific Noise and Vibration Plan was developed (Ilingworth & Rodkin Inc., August 2017). The *Annual Compliance Reports* submitted by Syar include monthly blasting logs and vibration and air-blast overpressure for all blast events.

Air-blast overpressure from aggregate blasting are usually generated at frequencies below the threshold human hearing (20 Hertz); as such air-blast overpressure is inaudible noise that typically cannot be heard but might be felt.

Since November 2016 monitoring has been taken at the south end of the Napa County Office of Education parking lot (2121 Imola Avenue), and since November 2017 measurements have also been taken from the corner of Imola Avenue and Penny Lane. Pursuant to COA No. 11(Z) vibration levels should be under 0.20 in/sec peak particle velocity (PPV) and air-blast overpressures should be under 133 dB(L) at sensitive land uses (residences and schools). Based on review of the blasting logs and vibration measurements no exceedances of the levels specified in COA #11.Z as a result of basting have been identified.

Regarding noise associated with Quarry operations, two noise meters were installed in February 2018 consistent with Condition No. 11(Y)(3). The noise meters are generally located to the northeast of the State Grey Pit and on the northwest slope of the Pasini parcel. Noise meter information and data is submitted to the county on a monthly basis and is included in the Syar Annual Compliance Reports. Based on the noise monitoring data the Quarry has not exceeded the specified limits in the SMP.

Conclusion

Over the course of the last five years Syar Industries has made significant efforts in implementing and complying with its conditions of approval, and in Staff's opinion, in light of past and ongoing inspection and reporting documentation, Syar has been operating the Quarry Facility and conducting Quarry Operations in good faith with its SMP.

As detailed in this report and its attachments, the Quarry's 2016 through 2020 *Annual Compliance Reports* prepared by Syar pursuant to Condition No. 2(L), and the 2016 through 2019 MRRC-1 *Annual Surface Mining Inspection Reports* prepared by the County (available at - <https://pbcs.cloud/index.php/s/fwYwarSyXGxxqgqL>), Staff has found the Quarry is operating in substantial compliance with its SMP, which are providing adequate assurances for protecting the public health, safety and welfare. No additional or revised conditions of approval are being recommended at this time.

SUPPORTING DOCUMENTS

- A . Conditions Compliance Table
- B . Inspection and Complaint Log 2020-2021
- C . Land Logistics SMARA Brochure

D . Figure 3f Mining and Reclamation Plan

Napa County Planning Commission: Approve

Reviewed By: Brian Bordona