

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Environmental Resources

BOARD AGENDA # B-7

Urgent

Routine

AGENDA DATE August 20, 2013

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Hearing Continued from July 16, 2013, to Consider the Recommended Decision of the Nuisance Abatement Hearing Board Regarding CE No. 12-0224 at 0 Bystrum Road, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the recommended decision of the Nuisance Abatement Hearing Board regarding nuisances at 0 Bystrum Road, Modesto, California, as set forth in Attachment 1.

FISCAL IMPACT:

Staff from the Department of Environmental Resources and Planning and Community Development have assisted with the subject Nuisance Abatement process. If the business owners do not cease the scrap metal recycling operation, appropriate legal action will be taken. Costs associated are anticipated to exceed \$20,000. If a forced abatement is necessary, the costs will be charged to the property owners and if the responsible person fails to pay the cost of abatement, a Notice of Abatement Lien will be recorded against the property.

BOARD ACTION AS FOLLOWS:

No. 2013-424

On motion of Supervisor Monteith, Seconded by Supervisor O'Brien

and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, Monteith and Chairman Chiesa

Noes: Supervisors: De Martini

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION: THIS ITEM WAS CONTINUED TO THE SEPTEMBER 10, 2013 BOARD MEETING



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Hearing Continued from July 16, 2013, to Consider the Recommended Decision of the Nuisance Abatement Hearing Board Regarding CE No. 12-0224 at 0 Bystrum Road, Modesto, California

**DISCUSSION:**

The business identified as “Central Valley Recycling” (CVR) is operated on two adjoining parcels, by Donald Francis Sr. and Donald Francis Jr. Said parcels are both zoned General Commercial District (C-2) and identified as Assessor’s Parcel Number (APN) 038-012-008 (524/526 S. 9th St, Modesto) and APN 038-012-009 (0 Bystrum Rd, Modesto) and are owned by Stanley A. Goblirsch and Joyce O. Goblirsch. The parcel identified as APN 038-012-008 is improved with two (2) Quonset hut-type buildings used to primarily collect California Redemption Value (CRV) recycling. CRV recycling typically includes household items such as aluminum cans, and plastic and glass bottles. There are no land use/zoning complaints associated with the portion of this business operating on APN 038-012-008. The parcel identified as APN 038-012-009 is improved with a truck scale and scale house, containers, machinery, and piles utilized for the collection of scrap metal items. The scrap metal portion of the business and the operating practices employed by the operator have resulted in noise and air quality complaints.

In 2009, the Stanislaus County Director of Planning and Community Development, based on the evidence at hand at the time, determined that CVR’s scrap metal recycling operation was similar in character and purpose to permitted uses in County Code Chapter 21.56 General Commercial (C-2) and approved the issuance of a business license to CVR for scrap metal recycling, in addition to CRV type recycling, on both APN 038-012-008 and 009. In 2012, County officials received complaints from residents of the adjoining neighborhood relating to noise and air pollution from the on-site movement of scrap metal. In response to the complaints, renewal of the business license application was placed on hold to allow the Planning Department an opportunity to review the complaints and the current operations. During staff’s review of CVR’s operation, the complaints of noise and dust were verified and it was determined that the nature and intensity of the use had changed and was no longer appropriate for the location. On September 5, 2012, the Director of Planning and Community Development informed CVR that the County would not approve the business license because of complaints received from the surrounding neighborhood. Due to the nuisance conditions arising out of CVR’s operations that were affecting the neighboring residential areas, the Director determined that the operation of the scrap metal recycling business is not in character with permitted C-2 uses. The Director informed CVR that if they wished to contest this determination they may submit a written appeal request within 10 days of the notice, under County Code 21.112.020(B). No appeal was submitted.

In late 2012 or early 2013, CVR requested Bollard Acoustical Consultants, Incorporated to prepare a noise study to address noise concerns. The noise study dated January 30, 2013, showed that CVR exceeded Stanislaus County’s daytime noise level standards contained in County Code section 10.46.120(B) by 2 to 4 decibels (dB) on the days the facility was in operation, and by as much as 6 dB Lmax (the highest root-mean-square (RMS) sound level measured over a given period of time) and 9 dB L50 at the east property line 50 feet from the existing residences.

Hearing Continued from July 16, 2013, to Consider the Recommended Decision of the Nuisance Abatement Hearing Board Regarding CE No. 12-0224 at 0 Bystrum Road, Modesto, California

In response to a complaint regarding a non-permitted land use (scrap metal recycling operation), Department of Environmental Resources Code Enforcement staff conducted an inspection at 0 Bystrum Road, Modesto, California, and subsequently issued a Notice and Order to Abate on April 2, 2013, for the following alleged violations:

(1) §21.56.020 and §21.16.040 of the Stanislaus County Code. Non-Permitted Land Use (scrap metal recycling operation).

(2) §21.56.040(D) of the Stanislaus County Code. No operation (scrap metal recycling operation) shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration or electrical interference detectable off the site.

Stanley A. Goblirsch and Joyce O. Goblirsch are the current owners of record according to the County Assessor's Office, the County Clerk-Recorder's Office, and a title report obtained from Stewart Title Company. The property owners and the operators of CVR have refused to comply with the Notice and Order to Abate.

On June 27, 2013, staff presented their report to the Nuisance Abatement Hearing Board to declare the property a nuisance (Attachment 1). A number of issues were raised at the meeting by both the representatives of CVR and the public, primarily those residing in nearby homes. Representatives of CVR spoke in opposition of staff's recommendation and stated the scrap metal recycling operation should be allowed in the C-2 zone. To mitigate the noise, CVR representatives mentioned that they were willing to build a ten-foot concrete wall (fence) and to implement a noise plan. CVR representatives also mentioned that a water truck was purchased to control the dust. Representatives of the public felt that the scrap metal recycling operation was a nuisance and brought up several issues and concerns. Some of the issues presented by the public dealt with health concerns such as asthma caused by the amount of dust created from the property, noise and odor caused by the dismantling of automobiles, vibration caused by the movement of heavy industrial equipment, an inability to maintain tenants in nearby rental homes, and the overall quality of life within the surrounding area which has been adversely affected. The evidence presented to the Nuisance Abatement Hearing Board on June 27, 2013, is available from the Clerk of the Board.

At that meeting, the Nuisance Abatement Hearing Board declared the property a nuisance and forwarded the matter to the Board of Supervisors recommending approval (Attachment 1). The Board may adopt, modify, or reject the recommendations, and if adopted, the property owner(s) will be required to abate the nuisance within two weeks of the Board's decision by complying with the requirements identified in Attachment 1.

The matter was scheduled for consideration on the Board of Supervisor's agenda for July 16, 2013. However, on July 3, 2013, the Chairman of the Board received a letter from Thomas H. Terpstra, Attorney-at-Law, representing Central Valley Recycling, requesting a de novo hearing of the matter before the Board (Attachment 2). It was also requested that the hearing

Hearing Continued from July 16, 2013, to Consider the Recommended Decision of the Nuisance Abatement Hearing Board Regarding CE No. 12-0224 at 0 Bystrum Road, Modesto, California

be scheduled on August 20, 2013, which is the next evening Board meeting. At the July 16, 2013 meeting, the Board approved continuing the hearing as requested.

On July 23, 2013, the County Counsel's office received a letter from Thomas H. Terpstra, requesting to dismiss the code enforcement proceedings and proposed a settlement agreement to resolve this matter without litigation (Attachment 3).

**POLICY ISSUE:**

The recommended action supports the Boards' priorities of A Safe Community, A Healthy Community, and the Efficient Delivery of Public Services by improving the quality of life and protecting the health and safety of the community.

**STAFFING IMPACTS:**

Staff from the Department of Environmental Services, Planning and Community Development, and County Counsel will continue to address the nuisance.

**CONTACT PERSON:**

Jami Aggers, Director of Environmental Resources. Telephone: 209-525-6770

**Attachments:**

- 1 Nuisance Abatement Hearing Board Recommended Decision
- 2 Letter from Thomas H. Terpstra dated July 3, 2013
- 3 Letter from Thomas H. Terpstra dated July 23, 2013
- 4 Additional Site Maps
- 5 Additional photos dated June 27, 2013

**Available from the Clerk:**

Nuisance Abatement Hearing Board Staff Report

**ATTACHMENTS AVAILABLE  
FROM CLERK**



## **NUISANCE ABATEMENT HEARING BOARD**

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### **RECOMMENDED DECISION**

**IN RE: 0 Bystrum Road, Modesto, CA  
Abatement Hearing No. CE# 12-0224**

The above referenced matter came before the Nuisance Abatement Hearing Board for hearing on June 27, 2013. Upon consideration of oral testimony and documentary evidence presented at the hearing, the Nuisance Abatement Board makes the following findings of fact and conclusions:

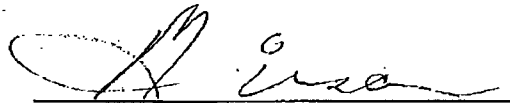
1. The property located at 0 Bystrum Road, Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 038-012-009, is zoned C-2, General Commercial District.
2. County Staff confirmed the existence of and presented evidence of violations of Stanislaus County Codes, (as listed in the County Code(s) or interpreted or determined to violate County Code(s)) occurring on the property, as noted in "Attachment A."
3. All interested parties were served a Notice and Order to Abate pursuant to Stanislaus County Code Section 2.92.030, describing the conditions or use of the property that constitutes the violations and ordering abatement of those conditions.
4. County staff has attempted to obtain voluntary compliance by the interested parties, and the interested parties have had significant and reasonable time to correct all violations but have refused and/or failed to meet the deadlines prescribed by Notice.
5. The owners have the legal responsibility for maintenance of the property in conformance with the applicable law, ordinance and rules, including abatement of all violations and compliance with all orders of the County.
6. The interested parties were served proper Notice of Hearing to Abate Nuisance pursuant to Stanislaus County Code Section 2.92.070.
7. Based on the evidence and testimony presented at the hearing, which is incorporated herein by reference, there is substantial evidence that violations of the Stanislaus County Code, as set forth in the staff report for the matter, still exists on the property.
8. Pursuant to Stanislaus County Code Section 2.92.010, the continuing violations that exist on the property constitute a public nuisance.

The Nuisance Abatement Hearing Board further recommends the Board of Supervisors adopt the following decision:

- Approve Staff's recommendation and determine the use of the property described as a Non-Permitted Land Use and a Nuisance in the staff report are a violation of Stanislaus County Code Section 21.56.020, Section 21.16.040, and Section 21.56.040(D).
1. Order the owner and interested parties to abate the nuisance on the property within two weeks from the date of the Board decision by correcting the condition or use of the property as set forth in the staff report on this matter.
  2. Authorize the County to abate the nuisance and to charge the costs of the abatement to the County if the Owners or other interested parties do not abate the nuisance within the specified time period.
  3. Authorize County staff, pursuant to Stanislaus County Code Section 2.92.070, to dispose of any material, equipment, vehicles or other personal property removed from the property to abate a nuisance in any manner authorized by law, and to charge the costs of disposal to the owners and/or interested parties as part of the cost of abatement.
  4. Authorize County staff to charge the owners and/or interested parties for County staff time incurred to investigate through the Abatement Hearing.
  5. Order a Notice of Abatement Lien be recorded against the property if the owners and/or interested parties fail to pay the costs demanded by the County.
- Deny Staff's recommendation and determine the use of the property described as a Non-Permitted Land Use and a Nuisance in the staff report are not a violation of Stanislaus County Code Section 21.56.020, Section 21.16.040, and Section 21.56.040(D).

NOW THEREFORE, the Nuisance Abatement Hearing Board orders the Director to forward these findings and conclusions and its recommended decision to the Stanislaus County Board of Supervisors within 30 days.

Dated: June 27, 2013



Richard Gibson, Chair

Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on JUL 16 2013 the Board of Supervisors will hear this matter as a consent item.

**Attachment "A"**

RE: File Number CE 12-0224  
Assessor's Parcel Number: 038-012-009  
Address: 0 BYSTRUM RD, MODESTO, CA

Inspection of the above reference property revealed the following violations of Stanislaus County Code §2.92.010:

<b>Code Section Violation:</b>	<b>Corrective Action:</b>	<b>Compliance Date:</b>
§21.56.020 and §21.16.040 of the Stanislaus County Code. Non-Permitted Land Use (scrap metal recycling operation).	Immediately discontinuing the non-permitted land use (scrap metal recycling operation). For information regarding the allowable uses on the property in question, you may consult Stanislaus County Planning and Community Development, located at 1010 10th Street, 3rd Floor, Modesto (209-525-6330).	05/17/2013
§21.56.040(D) of the Stanislaus County Code. No operation (scrap metal recycling operation) shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration or electrical interference detectable off the site.	Discontinuing the scrap metal recycling operation which is a nuisance to the public.  <b>NOTE: Failure to comply could result in a civil/criminal action being brought against the property owner.</b>	05/17/2013

CC: Central Valley Recycling (CVR), 524 S. 9<sup>th</sup> St, Modesto, CA 95351  
Donald G. Francis, Business Owner of CVR, 2220 Millcreek Dr, Modesto, CA 95351  
Thomas H. Terpstra, Attorney at Law, 578 N. Wilma Ave, STE: A, Ripon, CA 95366  
Mark Niskanen, JB Anderson Land Use Planning, 139 S. Stockton Ave, Ripon, CA 95366  
Paul Bollard, President of Bollard Acoustical Consultants, Inc., 3551 Bankhead Rd, Loomis, CA 95650  
Angela Freitas, Planning & Community Development Director, 1010 10<sup>th</sup> St, STE: 3400, Modesto, CA 95354

Enclosures: Stanislaus County Code

9/05/12 letter to Donald Francis from Angela Freitas, Planning & Community Development Director  
02/21/13 letter to Donald Francis from Angela Freitas, Planning & Community Development Director

**THOMAS H. TERPSTRA**

ATTORNEY AT LAW

A PROFESSIONAL CORPORATION

578 N. WILMA AVENUE

SUITE A

RIPON, CA 95366

tterpstra@thtlaw.com

209.599.5003

F209.599.5008

July 3, 2013

**SENT VIA EMAIL**

**Vito.Chiesa@StanCounty.com**

Vito Chiesa  
Chairman of the Board  
Stanislaus County Board of Supervisors  
1010 Tenth Street, Suite 6700  
Modesto, CA 95354

Re: Central Valley Recycling/Administrative Hearing No. CE#12-0224

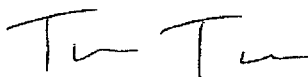
Dear Honorable Chairman Chiesa and Board Members:

This office represents Central Valley Recycling in connection with the above-referenced matter. The Nuisance Abatement Hearing Board heard this matter on June 27, 2013, and CVR received its decision on July 1, 2013. Pursuant to your County Code, we hereby respectfully request a "de novo" hearing of this matter before the Board of Supervisors. We further request that in order to allow adequate time for preparation, that the hearing be held on August 20, 2013. In discussions with the County Counsel's office, it appears that this date (which is a night meeting) would allow for more public input as well.

Thank you for your time and consideration of this request.

Very truly yours,

**Law Office of Thomas H. Terpstra**



Thomas H. Terpstra  
Attorney-at-Law

THT:kk



# THOMAS H. TERPSTRA

ATTORNEY AT LAW

A PROFESSIONAL CORPORATION

578 N. WILMA AVENUE

SUITE A

RIPON, CA 95366

209.599.5003

F209.599.5008

tterpstra@thtlaw.com

July 23, 2013

Deputy County Counsel Thomas Boze  
1010 Tenth Street, Suite #6400  
Modesto, California 95354

*Re: Central Valley Recycling  
THT Matter ID: 2886-001*

Dear Mr. Boze:

As we discussed yesterday, I continue to believe that it would be in the best interests of all parties to resolve this matter without litigation. My client has made substantial investment in its business at this location in reliance upon the County's zoning consistency determination. Moreover, the County has denied my client procedural and substantive due process in the underlying proceedings.

Rather than being forced to litigate these issues, we once again call upon County Counsel, staff and our elected officials to develop and implement a reasonable middle ground solution, one which respects Central Valley Recycling's property rights, commits all parties to objective and verifiable mitigation measures, and preserves more than 20 jobs. We are convinced that there are practical and achievable solutions to noise, dust and other environmental concerns, and stand prepared to work with staff in an open and public process to identify and implement such measures.

Our proposal is simple, and if approved, could be documented in a short and concise settlement agreement:

1. Central Valley Recycling would agree to finalize the noise study (with County staff approval as to scope of the study) and implement mitigation measures to reduce its noise below County standards. The noise study shall be completed, and mitigation measures shall be implemented, within six (6) months of execution of the settlement agreement.

2. When all mitigation measures are in place, a six (6) month trial period will begin. If, at the end of the six (6) month trial period, the noise attenuation measures are shown not to be effective in reducing noise below the County's noise standards, as determined by objective monitoring, or if other nuisance conditions exist, Central Valley Recycling would agree to pursue a conditional use permit and go through the environmental and planning review process for this project, during which time no further scrap metal recycling could occur. Conversely, if no nuisance conditions are identified, Central Valley Recycling may continue to operate and the

Thomas Boze  
July 23, 2013  
Page 2

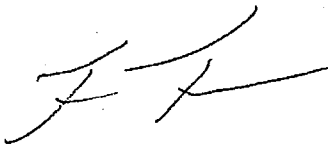
code enforcement proceedings shall be dismissed. The Board would retain jurisdiction over this matter to make determinations as needed.

3. While the process outlined above is implemented, neither party waives any of its rights against the other.

Please present this proposal to your client, and advise as to your position.

Very truly yours,

**Law Office of Thomas H. Terpstra**

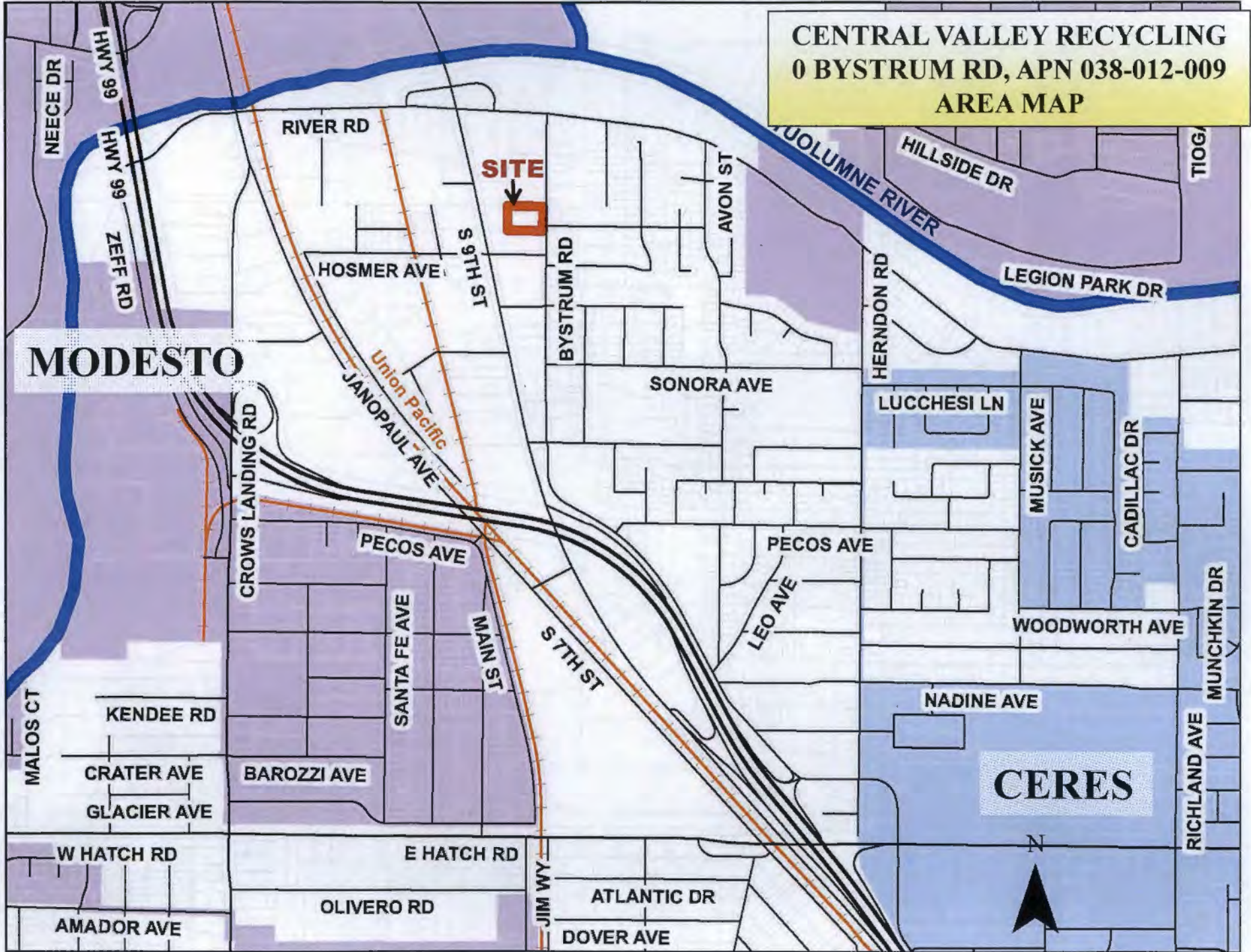
A handwritten signature in black ink, appearing to be 'T. H. Terpstra', written in a cursive style.

Thomas H. Terpstra  
Attorney-at-Law

THT:kk

# Additional Site Maps

**CENTRAL VALLEY RECYCLING  
0 BYSTRUM RD, APN 038-012-009  
AREA MAP**



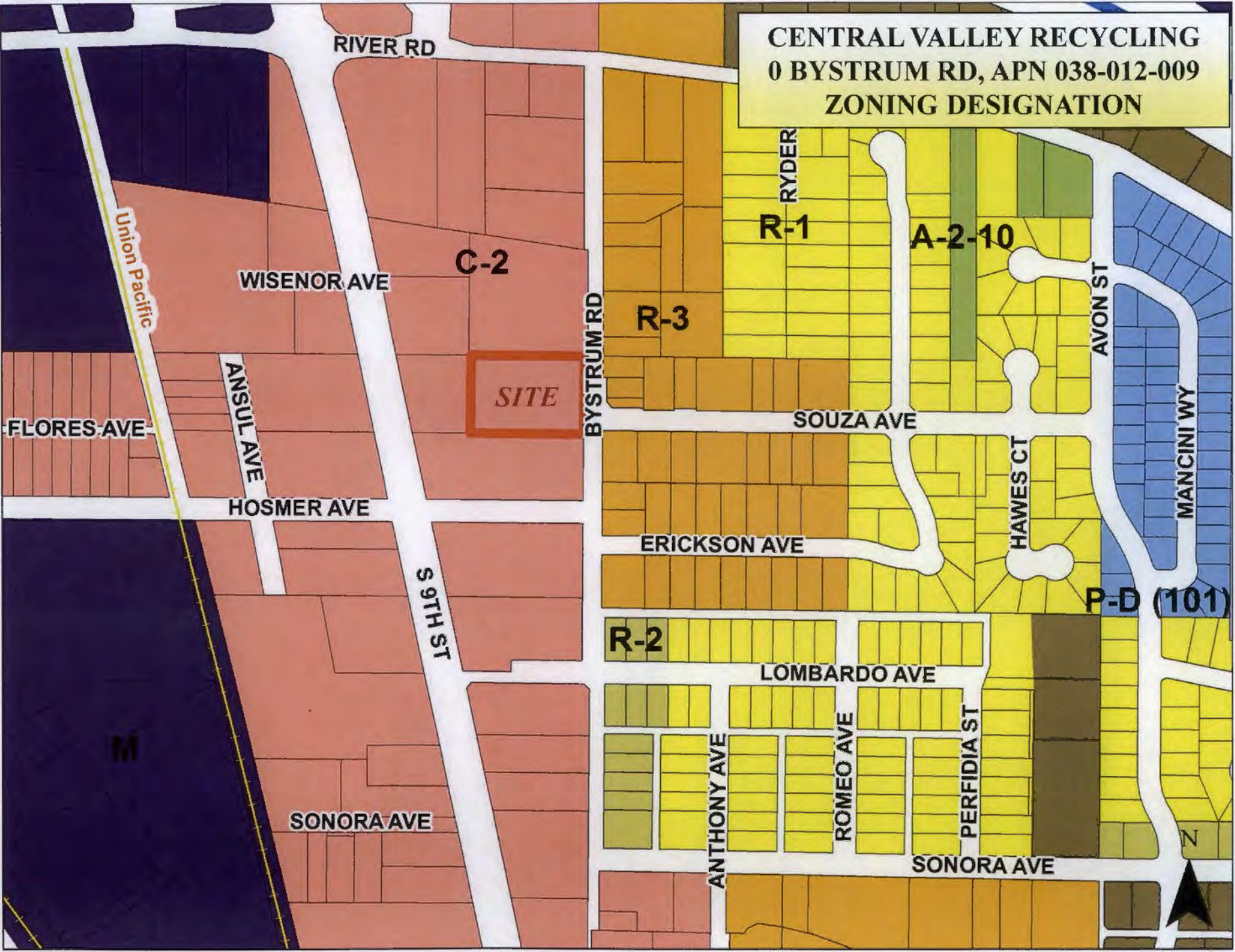
**MODESTO**

**CERES**





**CENTRAL VALLEY RECYCLING  
0 BYSTRUM RD, APN 038-012-009  
ZONING DESIGNATION**



Union Pacific

C-2

R-1

A-2-10

R-3

SITE

P-D (101)

R-2

M

N



**CENTRAL VALLEY RECYCLING  
0 BYSTRUM RD, APN 038-012-009  
2010 STANISLAUS COUNTY  
AERIAL**



**SITE**

**RYDER WY**

**MONTAGUE CT**

**SOUZA AVE**

**MONTAGUE AVE**

**S 9TH ST**

**HOSMER AVE**

**BYSTRUM RD**

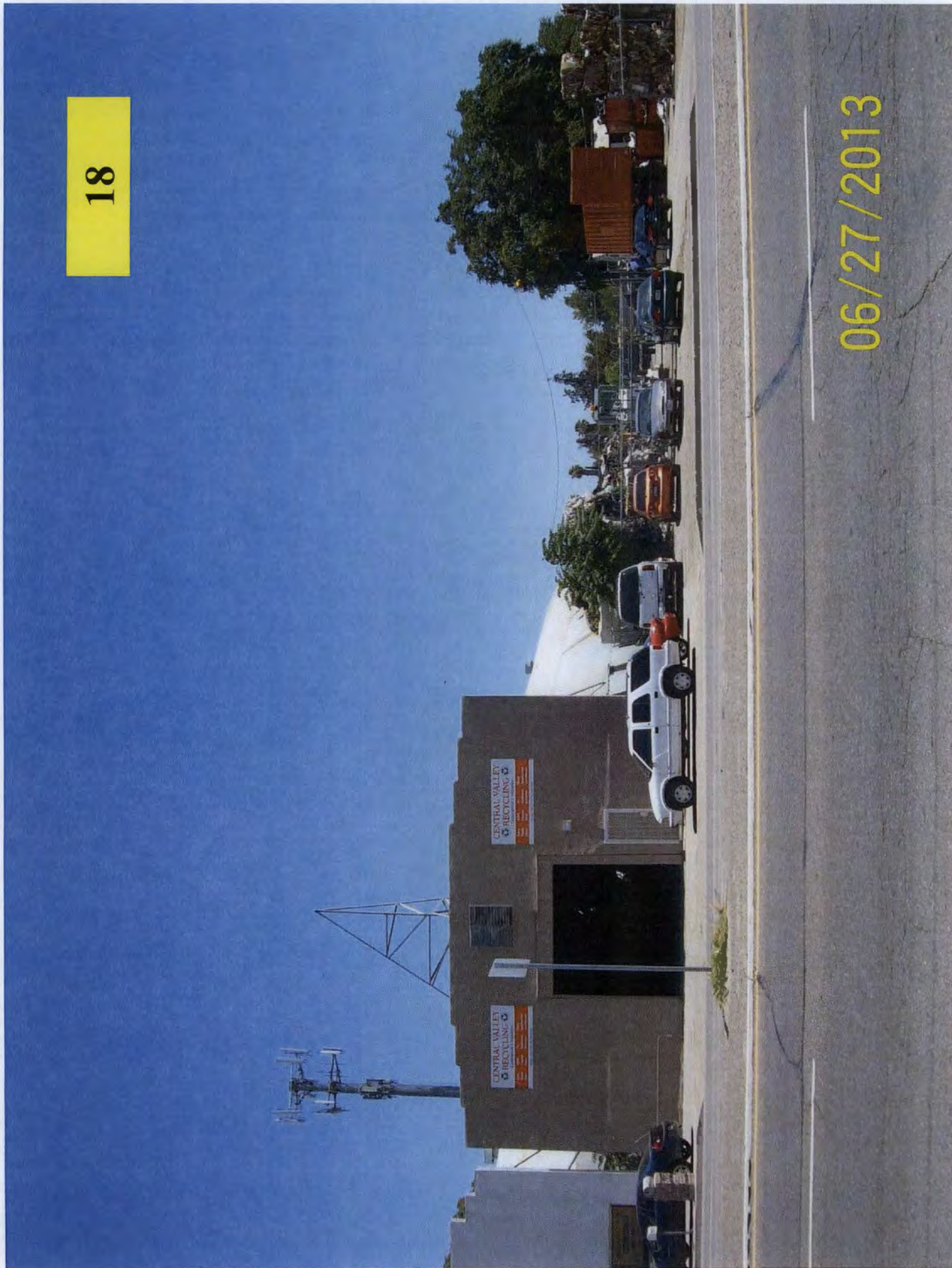
**ERICKSON AVE**



# Additional Photos

## 6/27/2013



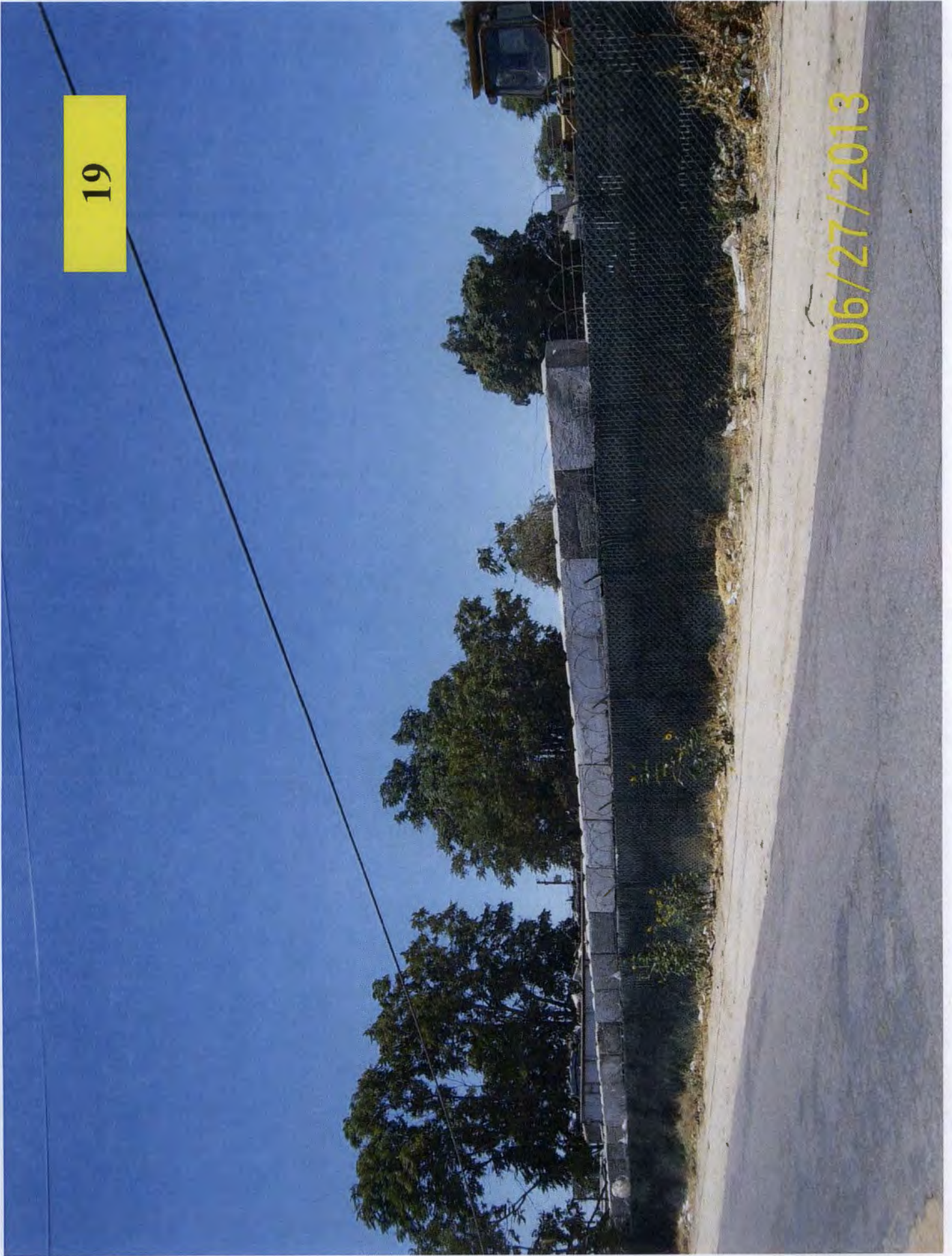


06/27/2013



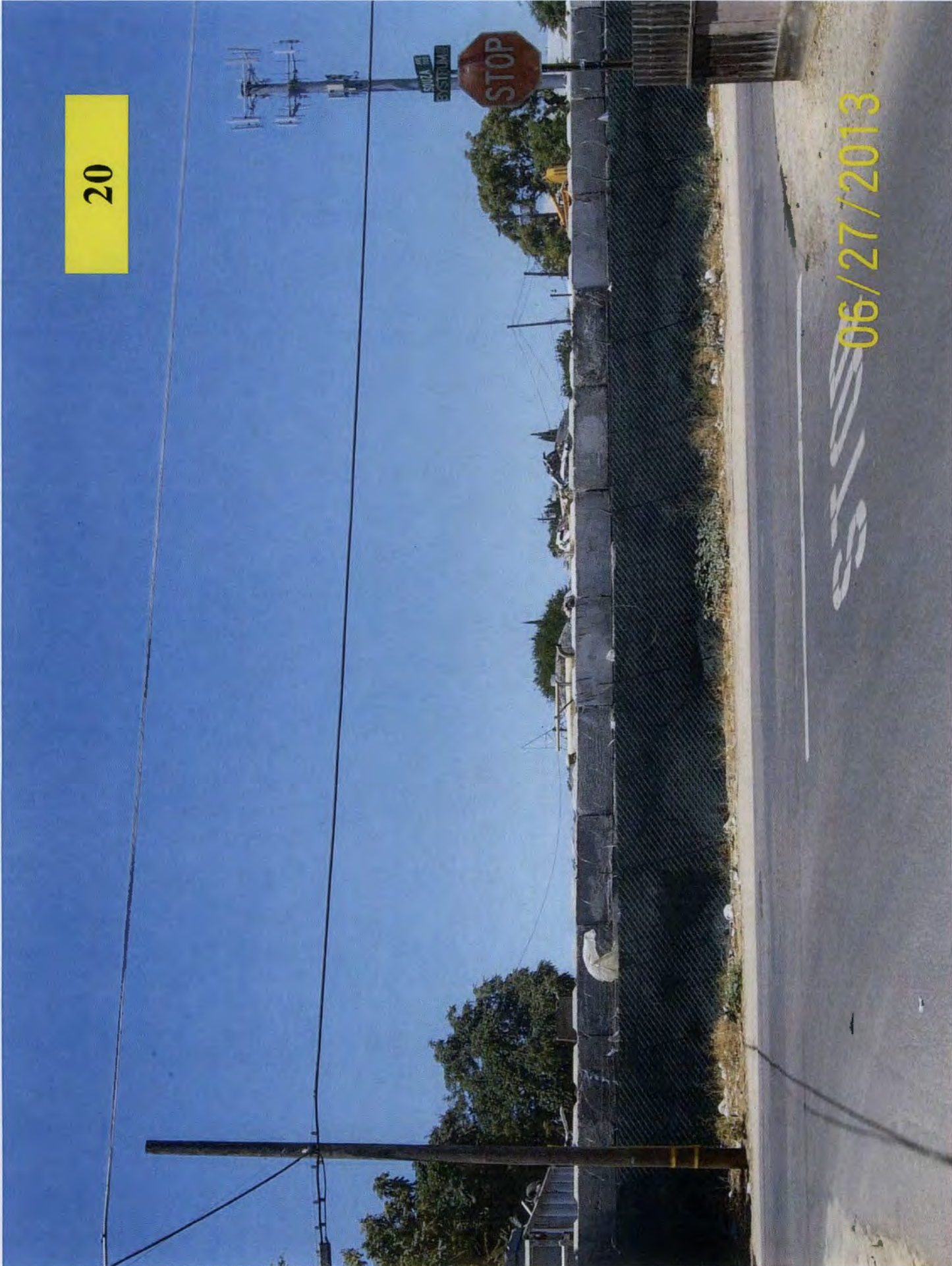
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06/27/2013



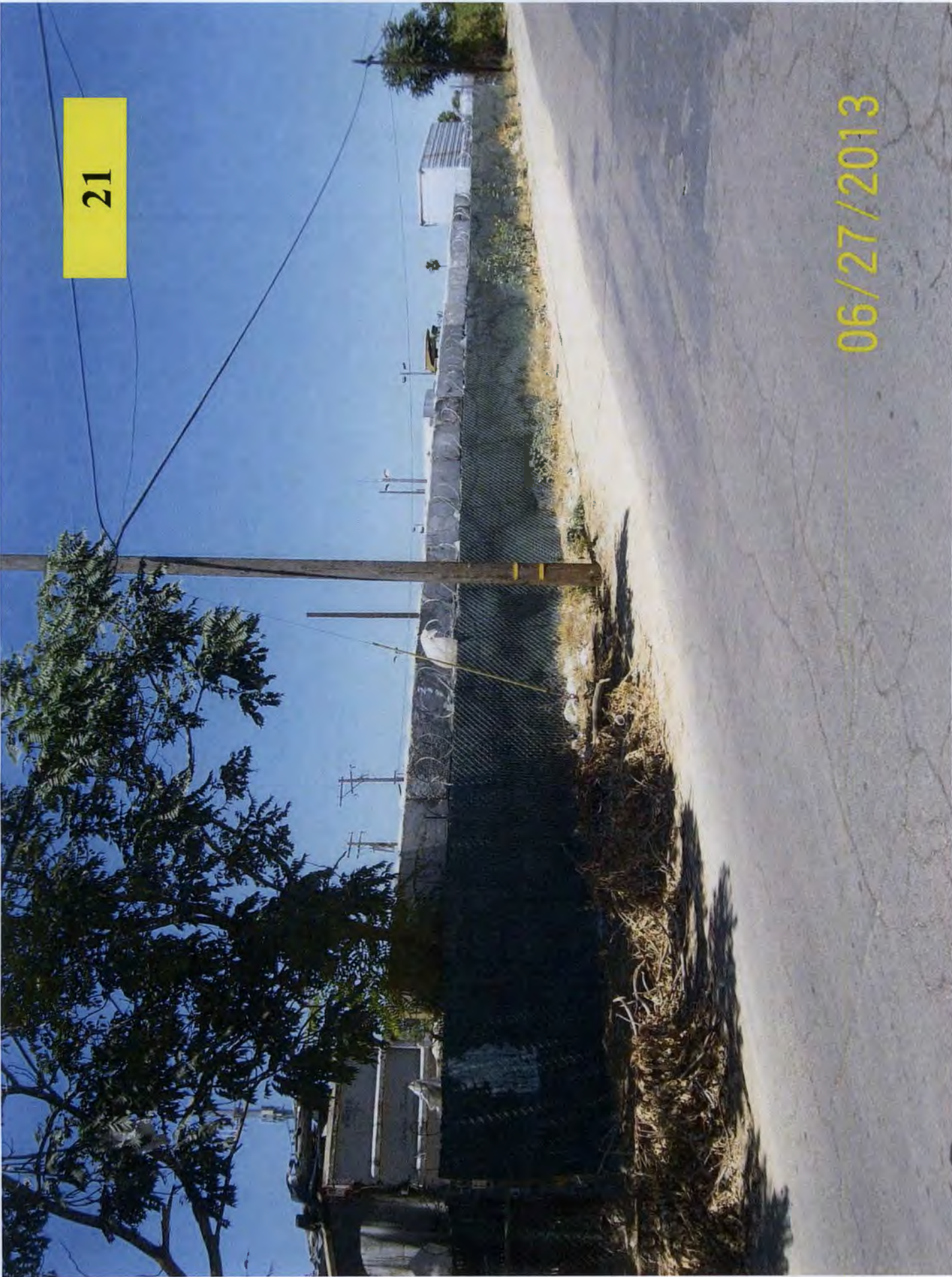


20



06/27/2013





21

06/27/2013

B-7

>>> On 8/19/13 at 12:48 PM, in message <5212768F.360 : 117 : 47863>, Jim DeMartini wrote:

FYI.. this email was sent to my 3 BOS members

Thanks,

Kacey

>>> "Mark Niskanen" <mark@jbandersonplanning.com> 8/19/2013 12:44 PM >>>

Honorable Chairman Chiesa and Board of Supervisors:

Good afternoon. John B. Anderson asked me to forward you excerpts from the August 19, 2013 Noise Study, prepared by Bollard Acoustical Consultants, Inc., for the recycling operation located at 524 S. 9<sup>th</sup> Street, Modesto (Central Valley Recycling). Please note that we have highlighted text in yellow and would appreciate your time in reviewing this text.

Thank you in advance.

Sincerely,

Mark

**Mark Niskanen**  
**Senior Planner**  
**J.B. Anderson Land Use Planning**  
**139 S. Stockton Avenue**  
**Ripon, CA 95366**  
209.599.8377 Office  
209.402.0196 Mobile

BOARD OF SUPERVISORS  
2013 AUG 19 P 1:04



The last row of the Table 1 data shows how much the measured average levels during all CVR operating hours exceeded the County's adjusted noise standards. As you can see, the levels exceeded the County's noise standards, but those levels were measured closer to the CVR operations than the existing residences, so the actual exceedance at the nearest neighbors would be expected to be lower than what is shown in that last row.

**Table 1**  
**Continuous Noise Monitoring Results**  
**Central Valley Recycle Facility Northeast Corner**  
**August 2-4, 2013**

	Lmax 1 min/hr	L2 5 min/hr	L8 15 min/hr	L25 30 min/hr	L50 30-60 min/hr
County Noise Ordinance Standard (unadjusted)	70	65	60	55	50
Ambient noise levels on Sunday, August 4, 2013 (CVR not operating)	90	65	59	53	50
<b>Standard Adjusted for Elevated Sunday Ambient</b>	<b>90</b>	<b>65</b>	<b>60</b>	<b>55</b>	<b>50</b>
Measured Average During CVR facility Operations	81	66	62	57	54
<b>Level of Exceedance of County Standard</b>	<b>None</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>4</b>

This data indicates that, while the CVR facility noise levels exceeded the County's standards, the level of exceedance has decreased significantly as a result of the noise mitigation measures implemented by CVR, and further indicates that compliance with the County noise standards is likely within reach with additional mitigation.

**Comparison of Pre-Mitigation to Post-Mitigation Noise Measurement Results**

Table 2 shows a comparison of the January and August noise measurement results.

**Table 2**  
**Comparison of Pre and Post-Mitigation Noise Levels**  
**Central Valley Recycle Facility**

	Lmax 1 min/hr	L2 5 min/hr	L8 15 min/hr	L25 30 min/hr	L50 30-60 min/hr
January 17-22, 2013 – Before Mitigation	86	70	66	62	59
August 4, 2013 – After Mitigation	81	66	62	57	54
<b>Decrease in Noise Levels due to Mitigation</b>	<b>5 dB</b>	<b>4 dB</b>	<b>4 dB</b>	<b>5 dB</b>	<b>5 dB</b>



The Table 2 data indicate that the noise mitigation measures implemented by CVR resulted in a 4-5 decrease in facility noise generation. While the test results clearly indicate that the mitigation measures implemented by CVR have resulted in a clearly noticeable decrease in noise levels, it would likely be feasible to further reduce facility noise generation through the placement of 1-2 additional blocks on top of the new wall constructed by CVR along the rear property line. Each additional foot of wall height would normally be expected to result in an additional noise reduction of 1 dB. Therefore, placement of one additional layer of blocks (approximately 2 feet tall each), could result in an additional noise reduction of 2 dB, with two layers of blocks potentially providing an additional 4 dB noise reduction. Because the County's most stringent noise standard (L50) is only being exceeded by 4 dB currently, the additional two blocks could fully mitigate CVR noise to a state of compliance with County noise standards.

### Conclusions & Recommendations

This analysis concludes that the noise mitigation measures implemented by CVR in recent months have resulted in a clearly noticeable decrease in facility noise emissions at the nearest residences to the east (4-5 dB reduction). Although the resulting noise levels still exceeded the County's noise standards, the magnitudes of the exceedances (1-4 dB over the County standards), were greatly reduced relative to the pre-mitigation conditions. To further reduce facility noise emissions at the nearby residences to the east, the following additional mitigation measures are recommended:

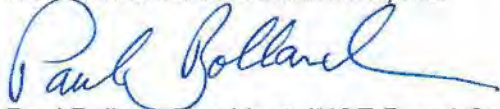
1. The new block walls which have been erected near the eastern property line and around the tin pile should be increased an additional 4 feet in height each. This measure would provide further shielding of CVR noise at the existing residences to the east.
2. Continue to limit excavator usage to areas in front of the tin pile.
3. Continue to load trucks in the front of the tin pile (further west of the nearest residences to the east).
4. Continue to unload cars in front of the tin pile.

These measures are expected to both lower overall facility noise emissions at the nearest residences to the east and reduce the potential for adverse public reaction from those residences to noise generated by CVR.

This concludes BAC's summary of the additional noise measurement survey conducted at the CVR facility in August of 2013. Please contact me at (916) 663-0500 or [paulb@bacnoise.com](mailto:paulb@bacnoise.com) if you have any comments or questions regarding this letter.

Sincerely,

Bollard Acoustical Consultants, Inc.



Paul Bollard, President, INCE Board Certified

B-7

## Christine Ferraro - Fwd: IMG\_0475.jpeg

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**From:** Jim DeMartini  
**To:** Ferraro, Christine  
**Date:** 8/20/13 11:41 AM  
**Subject:** Fwd: IMG\_0475.jpeg  
**Attachments:** IMG\_0475.jpeg; Part.002

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FYI..

Jim received this email.

>>> Rebecca Harrington <raharrington\_99@yahoo.com> 8/20/2013 10:58 AM >>>  
This came on this morning to Central Valley recyclers

BOARD OF SUPERVISORS  
2013 AUG 20 P 1:37





## Christine Ferraro - Fwd:

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**From:** Jim DeMartini  
**To:** Ferraro, Christine  
**Date:** 8/21/13 9:14 AM  
**Subject:** Fwd:  
**Attachments:** Neighborhood Report.pdf

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FYI...

>>> Richard Francis <richardcvr@att.net> 8/20/2013 3:49 PM >>>  
Honorable Chairman Chiesa and Board of Supervisors:

Good afternoon. I wanted to forward the attached report we had done in reference to the neighborhood and their concerns regarding the business located at 524 S. 9th Street, Modesto (Central Valley Recycling). This report was conducted by Valley Investigative Professionals. The report shows many homes and businesses surrounding the east side of our site and their concerns to our business.

Please let me know if you have any questions.

Thanks in advance,

Sincerely,

Richard Francis  
Central Valley Recycling  
Cell: (209) 604-7113  
Fax: (209) 544-1581

**VALLEY INVESTIGATIVE PROFESSIONALS**

**Louis P Galindez – Greg Valdez – Scott Hardman – Walt Clark**

**1231 8<sup>th</sup> Street Suite 850 Modesto CA 95354**

**CA PI LIC # 24638**

**PHONE (209) 577-0491 FAX (209) 577-4491**

**California Association of Licensed Investigators – National Association of Investigative Specialists**

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**National Council of Investigation & Security Services**

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**August 19, 2013**

**Final Report**

**Central Valley Recycling**

**524 South 9<sup>th</sup> Street**

**Modesto, CA**

**Interviews with neighbors to the east of complex:**

**548 Bystrum 7-22-13**

**Carlos**

A little noise but not bad. Some trash along the outside of the east fence, (along Bystrum), but that is not their trash, Many of the neighbors use them to turn in recyclables. Stated they could help to clean up along the fence that would be a nice thing.

**544 Bystrum 7-22-13**

**John Miranda**

It's a good place. No problems and they employ quite a few people. No problems.

**540 Bystrum 7-22-13**

**I. J. Johnson**

No problems and no issues at all. They have been there a long time.

**528 Bystrum 7-22-13**

No answer at address at 12:15 PM (7-22-13)

No answer at address at 12:30 PM (7-24-13)

**512 Bystrum 7-22-13**

**Sophia**

No problems with noise or dust or anything. Her kids like to watch the equipment. Could help with the clean up along the outside east fence. That would be nice maybe like "Adopt the block"

**508 Bystrum 7-22-13**  
**Jr. Rodriguez**

Spoke with Jr. Rodriguez. He stated he had no problems with the Central Valley Recycling. Stated he never heard the noise and has had no problems. He stated he liked the fact that they had cleaned up the fence line across from his property.

**Interviews with neighbors to the east of complex continued:**

**444 Bystrum 7-22-13**  
**Holly**

No complaints. No dust from them. She stated the dust and noise comes from the truck yard to the north of Central Valley Recycling. No problems. Holly stated that a neighbor was going around trying to get the neighborhood riled up about the company but she personally had no problem with them.

**718 Souza 7-22-13**  
**Maria (Spanish speaking only)**  
**Ruben, Home owner later called me**

Ruben called me after I had left the area and complained about the noise, dust and smell of the recycling facility. He stated he and his neighbor were very fed up with the facility. He told me it stunk, however while I conducted the interviews I detected no smell or odors in the area. He said his house shook however while I walked the area I could not detect any vibration or ground shaking. This individual is new in the area.

**711 Souza**

**7-24-13:**  
Spoke with Gilbert Ortaz. He stated nothing bothers him from the Central Valley Recycling. He stated he did not know who cleaned up along the fence but when I told him it was Central Valley Recycling he said that was nice.

**Gilbert stated that the people at 718 Souza were new and they were trying to talk to neighbors about the noise but Central valley Recycling does not bother him or his family.**

**722 ½ Souza**  
**Debbie**



No problems with noise or duct or anything. Stated CVR were good neighbors.

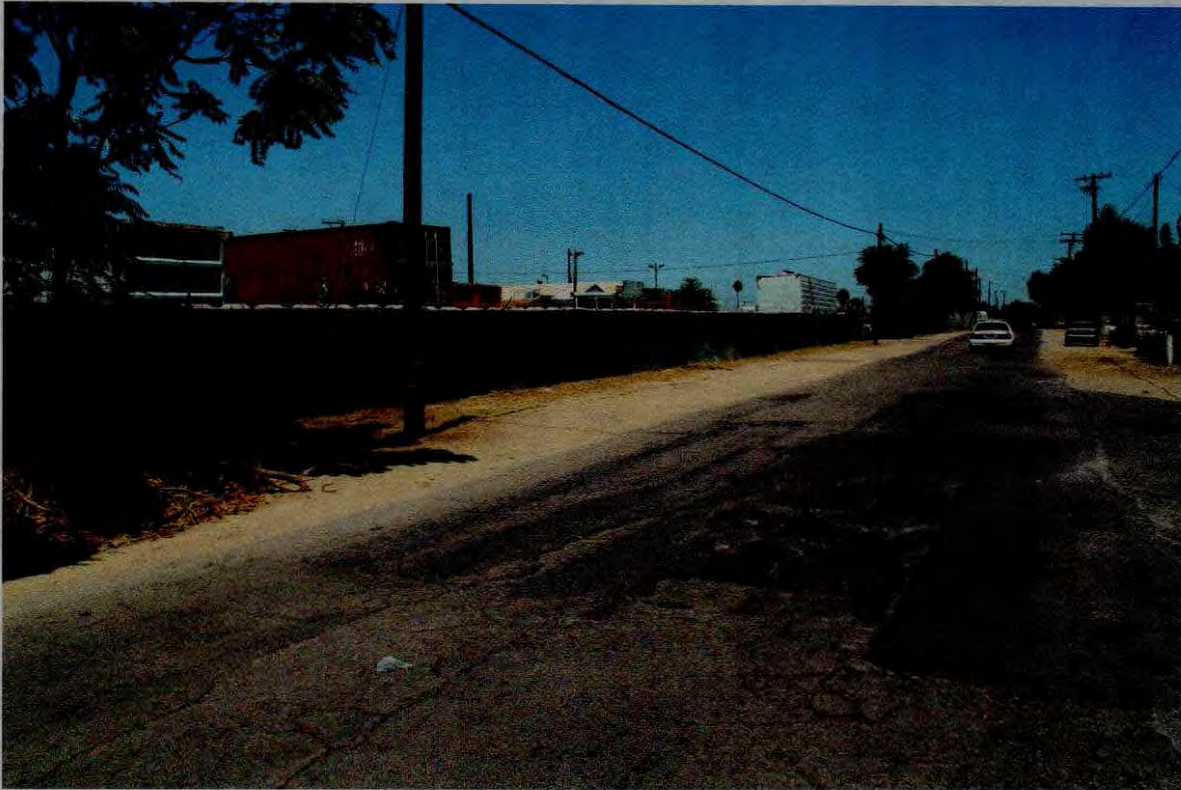
**717 Souza**  
**Danny**

Stated he had no problems with them. Said they employed several people and thought that was good. Also stated that what they were doing for the environment in recycling was a good thing. He said he took his recyclables to them. Not loud, dusty or anything.



East Fence of Central Valley Recycling 7-22-13





**Note: on 7-24-13 I observed the east fence of Central valley Recycling and it had been cleaned up. The neighbor looks much nicer now.**

**August 14, 201**

### **Interviews with neighbor businesses to CVR**

#### **Mission Hills Truck School**

Left home office at 11:45 AM and drove to **Mission Hills Truck School** located at 521 Bystrum Road in Modesto. The owner, Avtar Chattaha is currently in India however I spoke with the Operations Manager and head Instructor, Joe Pagaza.

Joe informed me that Central Valley Recycling is a good neighbor and very likable. In fact, he said one of his trucks backed into CVR's fence and knocked it down. The owner of CVR came over and was very understanding and likable. Mission Hills Truck School fixed the fence and they have a great relationship. They get along with CVR and have no problems with the people or the company. The noise is not objectionable any more so than any other business in the neighbor. Joe stated, "We have no problem with them."

**I finished the interview by stating that someone in the community was having an issue with Central Valley Recycling, Joe Pagaza said: "Well, it's not Mission Hills."**





**Mission Hills Truck School from Bystrum and Hosmer Streets.**

### **Mission Hills Truck School**

**Interviewed the Co-owner  
August 15, 2013**

Interview with: Parminder Kaver office manager and part owner of business she said that her husband is in India however she would be willing to answer any questions that regarding the neighbors at central Valley recycling company, I asked if she was at the business every day and she said yes for the most part from 10 am to 1 pm Monday through Friday. I also asked if any of her neighbors have complained to them about the recycling company and she said no. I also asked her if she and her husband had any complaints about the recycling and she said no.

### **Rocha Transportation**

Drove to **Rocha Transportation** located at 460 Bystrum Road in Modesto. This is a maintenance yard for Rocha Transportation's vehicles. I spoke with the Shop Forman / Facility Manager, Allan Freitas. Allan informed me that Rocha Transportation had some problems in the past with someone in the neighborhood complaining about dust on their lot. He said Rocha Transportation oiled the lot and their problems went away. He informed me that he has noticed that CVR has reduced their noise greatly and now does not start work until 8:00 AM. Allan arrives at his facility at 5:30 AM and it is quiet over there until 8:00 AM. He said, "This is a real good neighbor move". He also stated CVR has cleaned up their fence line on Bystrom. Allan said he has no problems with Central



Valley Recycling, the facility or the people. Allan stated he has never complained to anyone in the community regarding CVR.

**When I mentioned that someone in the community was having an issue with Central Valley Recycling, Allan Freitas instantly said: "It's not us."**



**Rocha Transportation maintenance lot from Bystrum Street**

**August 15, 2013**

Left home office at 5:15 PM and drove to Central Valley Recycling at 524 South 9<sup>th</sup> Street in Modesto. Arrived at 5:35 PM and found the facility closet to business. Photographed the facility and returned to home office.





**August 15, 2013 5:38 PM**

**August 16, 2013**

Left home office at 5:00 PM and drove to Central Valley Recycling at 524 South 9<sup>th</sup> Street in Modesto. Arrived at 5:35 PM and found the facility closed to business. Photographed the facility and returned to home office.





**August 16, 2013 5:17 PM**

**August 17, 2013**

Left home office at 5:15 PM and drove to Central Valley Recycling at 524 9<sup>th</sup> Street in Modesto. Photographed facility which was closed and not operating at 5:37 PM. Returned to home office.





**August 17, 2013 5:37 PM**

**August 19, 2013**

Left home office at 5:25 PM and drove to 524 South 9<sup>th</sup> Street. I photographed the Central Valley Recycling at 5:45 PM and it was closed to business. There was no activity in the yard. Returned to home office.





August 19, 2013 5:45 PM

#### **FINAL CONCLUSION**

**After interviewing 10 neighbors to the east of Central Valley Recycling as well as two businesses adjacent to CVR, it appears the majority do not have any issues with the company. However from two neighbors I heard that one female individual in the community, had been calling on them trying to get them “worked up” against Central Valley Recycling. During my time in the neighborhood, I did not witness any dust or odors emanating from the facility. Nor did I feel any vibration of the ground in any of the areas I walked. I did witness slight noises however nothing that could be considered excessively loud or irritating. Every one of the interviews I conducted, was done out doors of the residences. In fact, street noises, on Bystrum when vehicles passed by were louder than the noise coming from Central Valley Recycling.**

**I conducted the “Residence” interviews on two separate days, throughout the neighborhood, while Central Valley Recycling was in full operation, and I spent over four hours on the streets.**

**Central Valley Recycling has initiated a "Good neighbor" policy of cleaning up the outside of their east fence on Bystrum. It was weeded and the trash removed on 7-23-13 and remains clean and maintained as of the completion of this investigation on 8-19-13.**

**The two businesses I interviewed, Mission Hills Truck School and Rocha Transportation emphatically stated they have no problems or complaints with Central Valley Recycling. Further the management of these two businesses, each stated that they have not at any time made statements to any person inferring that they have problems with their neighbor; Central Valley Recycling.**

**Walt Clark  
Valley Investigativels Professiona**