

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

DEPT: Planning and Community Development *AF*

BOARD AGENDA # 6:40 P.M.

Urgent  Routine

AGENDA DATE June 16, 2015

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Public Hearing to Consider an Appeal of Planning Commission's Approval for Use Permit Application No. 2013-0078, Central Valley Recycling, Inc., a Request to Intensify a California Redemption Value (CRV) and Scrap Metal Recycling Facility Located at 522 and 524 S. 9<sup>th</sup> Street in the Ceres area; and Adoption of a Mitigated Negative Declaration

STAFF RECOMMENDATIONS:

The Planning Commission, after conducting and receiving testimony at a public hearing during its regular meeting of May 7, 2015, on a 5-1 (Gibson) vote, followed staff's recommendation and approved the subject Use Permit application. If the Board of Supervisors decides to uphold the Planning Commission's decision, denying the appeal, staff recommends the following actions be taken:

(CONTINUED ON PAGE 2)

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2015-274

On motion of Supervisor De Martini, Seconded by Supervisor Chiesa  
and approved by the following vote,  
Ayes: Supervisors: O'Brien, Chiesa, Monteith, De Martini and Chairman Withrow  
Noes: Supervisors: None  
Excused or Absent: Supervisors: None  
Abstaining: Supervisor: None

- 1)  Approved as recommended
- 2)  Denied
- 3)  Approved as amended
- 4)  Other:

MOTION:

PLEASE SEE PAGE 1-A FOR AMENDED MOTION

ATTEST: Christine Ferraro  
CHRISTINE FERRARO TALLMAN, Clerk

File No.

Public Hearing to Consider an Appeal of Planning Commission's Approval for Use Permit Application No. 2013-0078, Central Valley Recycling, Inc., a Request to Intensify a California Redemption Value (CRV) and Scrap Metal Recycling Facility Located at 522 and 524 S. 9th Street in the Ceres Area; and Adoption of a Mitigated Negative Declaration

Page 1-A **AMENDED MOTION**

Based upon the staff report, presentations by staff and consultants, including PowerPoint presentations, all comments and testimony received during the public hearing including comments made by consultants, and all materials that were supplied to the Board of Supervisors and which were taken into consideration in making the decision, the Board of Supervisors denied the appeal, upheld the Planning Commission decision with amendments to the Conditions of Approval, and approved **amended** Staff Recommendations Nos. 1-12 as follows: (1) conducted a public hearing to consider the appeal of Planning Commission's approval for Use Permit No. 2013-0078, Central Valley Recycling, Inc., a request to intensify a California Redemption Value (CRV) and scrap metal recycling facility by increasing the volume of scrap metal recycling allowed at a facility located at 522 and 524 South 9th Street, in the Ceres area; (2) adopted the Mitigated Negative Declaration pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis; (3) ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; (4) finds that the proposal for on-site processing of scrap metal requires the on-going regular use of heavy machinery, which is not customary or consistent with permitted uses in the C-2 zoning district, and therefore, the proposed use is inconsistent with the "Commercial" General Plan designation when located in close proximity to residential uses. Because the proposed use does not demonstrate a valid supportive relationship to the existing residential development, the Board determined that Conditions of Approval Nos. 20 and 24, and Mitigation Measures Nos. 42, 44 and 45 must be amended in order to make the necessary findings for approval of a use permit that protects the health, safety, and general welfare of nearby residents, and to protect property and improvements in the neighborhood; (5) amended Condition of Approval No. 20 to read as follows: "A maximum of 2,000 tons of scrap metal per month is permitted. The on-site handling of scrap metal shall be limited to collection and transfer only. The use of shears, cutters, crushers or any other equipment intended to shred and/or dismantle scrap metal, vehicles, heavy equipment, household or commercial appliances, or other similar items on-site is expressly prohibited. The use of any equipment for loading, unloading, or transfer of scrap metal shall be kept at least 150 feet away from the fence/property line located to the east."; (6) amended Condition of Approval No. 24 to read as follows: "The business operator and/or property owner shall pave the entire site and design and construct an on-site storm water run-off retention basin to serve the site. The drainage plan design shall be completed and submitted for review and approval by the Public Works Department within six months of project approval. The business operator and/or property owner shall pave the entire site and complete construction of the on-site storm basin within 6 months of design approval by the County."; (7) amended Mitigation Measure listed as Condition of Approval No. 42 to read as follows: "Limit use of any equipment used for loading, unloading, or transfer of scrap metal to the area west of the tin pile as shown on the Project site plan."; (8) amended Mitigation Measure listed as Condition of Approval No. 44 to read as follows: "Hours of operation for any outdoor activities associated with scrap metal recycling shall be limited to

Public Hearing to Consider an Appeal of Planning Commission's Approval for Use Permit Application No. 2013-0078, Central Valley Recycling, Inc., a Request to Intensify a California Redemption Value (CRV) and Scrap Metal Recycling Facility Located at 522 and 524 S. 9th Street in the Ceres Area; and Adoption of a Mitigated Negative Declaration

Page 1-B **AMENDED MOTION CONTINUED**

Monday through Friday, 8:00 a.m. to 4:30 p.m., and Saturday 8:00 a.m. to 2:30 p.m.”; (9) deleted Mitigation Measure listed as Condition of Approval No. 45; (10) Pursuant to CEQA Guidelines section 15074.1 (b)(2), the Board of Supervisors makes a written finding that the amendments to Mitigation Measures No. 42 and 44 and the deletion of Mitigation Measure No. 45 are equivalent or more effective in mitigating or avoiding potentially significant noise effects because the on-site processing of scrap metal, including crushing and cutting, will no longer be permitted, and because the amendment to Mitigation Measure No. 44 further clarifies and limits outdoor activities. The Board of Supervisors further finds that the changes in Mitigation Measures and the Conditions of Approval will not themselves cause any potentially significant effect on the environment; (11) finds that: (a) the establishment, maintenance, and operation of the proposed use or building applied for, as amended, is consistent with the General Plan designation of “Commercial” and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County, and (b) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; and, (12) approved Use Permit Application No. 2013-0078 – Central Valley Recycling, Inc. subject to the Conditions of Approval and Mitigation Measures as amended

**STAFF RECOMMENDATIONS CONTINUED:**

1. Conduct a public hearing to consider the appeal of Planning Commission's approval for Use Permit No. 2013-0078, Central Valley Recycling, Inc., a request to intensify a California Redemption Value (CRV) and scrap metal recycling facility by increasing the volume of scrap metal recycling allowed at a facility located at 522 and 524 South 9<sup>th</sup> Street, in the Ceres area.
2. Adopt the Mitigated Negative Declaration pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.
3. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
4. Find That:
  - (a) The establishment, maintenance, and operation of the proposed use or building applied for, as amended, is consistent with the General Plan designation of "Commercial" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County; and
  - (b) The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
5. Approve Use Permit Application No. 2013-0078 – Central Valley Recycling, Inc. subject to the attached conditions of approval.

**DISCUSSION:**

An appeal to the Planning Commission's May 7, 2015 project approval of Use Permit Application No. 2013-0078 – Central Valley Recycling, Inc. (CVR) was received on May 18, 2015 from Rebecca Harrington, a resident in the project area, representing neighbors of Bystrum Road and Souza Avenue (see Attachment 1, Appeal Letter, May 18, 2015). The appeal letter, in summation, raises concern that not all facts have been accurately represented and given the track record of CVR to date, they will be unable to comply with a new permit agreement.

The Use Permit application is a request to intensify an existing California Redemption Value (CRV) and scrap metal recycling facility. The applicant, CVR, is requesting increasing the volume of scrap metal collected on-site from a monthly average of 1,350 tons to a maximum of 2,500 tons per month, and increase the number of employees from nine (9) full-time employees to eighteen (18) and five (5) part time employees. The applicant proposes to use two excavators to handle the recyclables on-site. Scrap metal is collected, sorted, cut, crushed, baled on-site and transported off-site for further processing. Recycling scrap metals consists of a variety of surplus or discarded ferrous and non-ferrous (non-magnetic) metals including, but not limited to, whole vehicles and vehicle parts.

The site is generally located on the east side of South 9<sup>th</sup> Street, north of Hosmer Avenue in the Ceres area. The subject site consists of two parcels totaling approximately 2.2 acres in the C-2 (General Commercial) zoning district, in the Ceres Sphere of Influence. The properties to the north, south, and west are also zoned C-2. The properties to the east of the site, across Bystrum Road, are zoned R-3 (Multiple Family Residential) and are developed with single family and multi-family residences.

A detailed project description along with a site and operational description, area and zoning maps, and site plans for the project site are provided in the May 7, 2015 Planning Commission Staff Report. (See Attachment "2") The Planning Commission Staff Report also provides a background discussion detailing the County's enforcement actions against CVR for operations as a nuisance which resulted in a Settlement Agreement approved by the Board of Supervisors on September 10, 2013 requiring CVR apply for a conditional use permit to determine the appropriate level of intensity for the scrap metal recycling. (See Exhibit "F" of Attachment "2")

Staff's recommendation to the Planning Commission included the following conditions: (1) approving intensification of the scrap metal operation to collect up to a maximum of 2,000 tons of scrap metal per month, instead of the maximum 2,500 tons per month requested by the applicant; (2) including a provision that limits use of the two excavators in terms of time and location of use; and (3) including a provision that will require that the Use Permit be brought back to the Planning Commission after one year of operation for possible amendments to operations and/or conditions of approval or at the discretion of the Planning and Community Development Director.

### **Planning Commission Hearing:**

At its regular scheduled meeting of May 7, 2015, after a public hearing, the Planning Commission voted 5-1 (Gibson) to approve the subject project as recommended by staff, which included the conditions discussed above. (See Attachment "3" – Planning Commission Minutes) Attachment "4" includes both correspondence received too late for the agenda, which was provided to the Planning Commission at the start of the meeting, and correspondence received during the hearing. Correspondence too late for the agenda included emails in opposition to the project from Gloria Ortega and Debbie Miller and a letter from the applicants representative, J.B. Anderson, expressing support

for staff's recommendation while requesting a modification to Condition of Approval No. 20.

Condition of Approval No. 20 limits the use of excavators on-site, for any purpose, to Monday through Friday and further limits use of the excavator with a shearing attachment or the excavator for crushing vehicles to Monday through Friday 11:00 a.m. to 2:00 p.m. The applicant's representative requested a modification allowing use of the excavator with the shearer attachment to be permitted Monday thru Friday, between the hours of 8:00 a.m. to 10:59 a.m. and 2:01 to 4:30 p.m. for non-vehicle related products, and the use of one excavator on Saturdays from 8:00 a.m. to 2 p.m. for the loading and unloading of trucks. The applicant's proposed modification was not approved by the Planning Commission.

The Planning Commission, upon hearing the staff report, requested clarification regarding the source of water for the neighboring residents; the type of existing and propose fencing along Bystrum Road; the location and type of storm drain basin proposed; existing storm drainage run off patterns for the area; type of landscaping screen to be planted, clarification regarding the operation of Universal Services Recycling (USR) to the south; and timing for improvements.

The neighboring residents receive water via wells operated by the City of Modesto (former Del Este wells); the existing fence is 6-ft chain link with slates and concrete block along the inside; the location of the on-site storm drain basin has not yet been identified, however, an underground, French drain system, will most likely be utilized; the area surrounding the project site is not served by a storm drain system - water drains north to the river – unless contained on-site; and the exact type of landscaping to be planted for screening has not been identified, however, Italian cypress have been discussed as a good option and would grow above the proposed 10-foot concrete wall. One Commissioner did caution about the use of redwoods which are high water users.

A Use Permit was issued to the USR operation located south of the project site, just south of Hosmer Road, in 2014 to allow for CRV and scrap metal recycling. At the time of the CVR hearing, staff indicated that USR did not take in vehicles or use an excavator, thus having a lower intensity based on the types of equipment used on-site. Since the hearing, staff has confirmed that USR is utilizing an excavator, on rubber tracks, and does accept vehicles as scrap. USR is in compliance with its conditions of approval as there is no condition prohibiting the collection of junked vehicles or the use of an excavator, provided the excavator is used only to transfer materials for transporting and not used for crushing or shearing.

Project conditions of approval for CVR identify the following triggers for the timing of improvements:

- Within 30-days of project approval: contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or waste. (Condition of Approval No. 30)

- Within 60-days of project approval: install fencing in the front yard along the southern property line. (Condition of Approval No. 17)
- Within 60-days of project approval: obtain a building permit for the 10-foot block wall along the eastern property line. (Condition of Approval No. 17)
  - Within 6-months of project approval: install the 10-foot block wall along the eastern property line. (Condition of Approval No. 17)
- Within 60-days of project approval: complete a Screening Level Analysis for potential risk associated with project related truck traffic and exposure to heavy metals. (Condition of Approval No. 39)
- Within 60-days of Use Permit approval: install approved landscaping. (Condition of Approval No. 14)
- Within 6-months of project approval: complete and submit drainage plan designs for review and approval by the Public Works Department (Condition of Approval No. 24)
  - Within 6-months of Public Works approval of drainage plan designs: complete on-site storm drain (Condition of Approval No. 24)

If a Health Risk Assessment is determined to be warranted, by the San Joaquin Valley Air Pollution Control District (SJVAPCD) upon review of the Screening Level Analysis, the following triggers shall apply:

- Within 3-months of the SJVAPCD's determination: commence implementation of conditions associated with the findings of the Health Risk Assessment. (Conditions of Approval No. 15 and 39)
  - Within 6-months: fully complete implementation. (Conditions of Approval No. 15 and 39)

If the appeal is denied and the project approval upheld, June 16, 2015 will be the date of project approval/use permit approval.

Two persons spoke at the May 7, 2015 Planning Commission hearing in opposition of the project. Matthew Harrington, resident of 522 Bystrum Road, located east of the project site, and vice-chair of the South Modesto Municipal Advisory Council (MAC), explained how his family has lived in the area since the 1970's and how the sound, smell, and vibration generated by the CVR operation have diminished the enjoyment of their property. He expressed concern with the ability of a masonry wall and trees to contain emissions leaving the site in an upward direction. Mr. Harrington requested that the Planning Commission consider the multi-generational families living in the area in their decision.

Mr. Harrington was asked if the MAC had taken a position regarding the 2014 Use Permit for USR. Mr. Harrington stated that the MAC had not opposed the project due to the sites existing asphalt, USR's upgrades to the property, and USR's efforts to inform the neighbors of their operation. He also expressed that USR's use of rubber tracks, on the excavator, do not cause vibration and no crushing occurs on-site. He indicated that

noise from the USR operation is only noticed when materials are being placed in trucks for processing off-site.

In response to the letters of support received for the project, Exhibit "G" of Attachment "2", Mr. Harrington was asked on his thoughts about the reference to CVR being a "great neighbor". Mr. Harrington expressed disagreement with the claim and expressed that the community feels they have not been heard and, as such, are no longer showing up at meetings.

Following his testimony, Mr. Harrington provided staff with a packet containing letters in opposition to the project. (See Attachment "4") The letters were from Rebecca Harrington (one unsigned copy and one signed on behalf of John and Emily Ortega residents of 522 Bystrum), Maggie Mejia (President, Latino Community Roundtable), Alfred Garcia (Commander – USMC Veteran, American GI Forum), Barbara England, Martin and Oralía Martinez, and Julia Martinez. Upon receipt, these letters were circulated to the Planning Commission for their review during the hearing.

Also speaking in opposition to the project was Cynthia Carillo, a neighborhood resident, whose family has lived in the area since the 1950's. Ms. Carillo expressed how the aesthetics of the CVR operation have negatively impacted the neighborhood and how she, and other family members, attended previous meetings in an effort to be heard in opposition to the project.

Speaking in favor of the project was Mark Niskanen, the applicant's representative, and Paul Bollard, the applicant's noise consultant. Mr. Niskanen expressed how the Use Permit establishes the rules and regulations needed to address the concerns of the neighbors and how the improvements to be made to CVR will result in an operation that looks similar in nature to the USR operation in terms of on-site improvements. The one difference in operations, as noted by Mr. Niskanen, is the use of an excavator with a shear by CVR to cut materials.

In response to questions from the Planning Commission, Mr. Niskanen explained how the project site is CVR's only facility, that there have been no issues with law enforcement regarding the acceptance of stolen materials, and addressed that the difference between the requested 2,500 tons vs. recommended 2,000 tons of scrap per month is not a problem for the applicant.

Mr. Bollard explained how the initial noise assessment found that the operation was exceeding acceptable County noise standards, however, with the incorporation of identified mitigation measures, the operation has reached compliance with acceptable noise standards (even with operation of the excavators with the grapples and the shear at the same time). Mr. Bollard expressed that the applicant's proposed modification to Condition of Approval No. 20, to allow operation of an excavator on Saturday, would be in compliance with County noise standards, as a different noise standard does not apply to Saturday.



Richard Francis, speaking on behalf of the Francis Family, owner/operators of CVR, explained how CVR has taken a proactive approach in cleaning up garbage along their fence line in an effort to be a good neighbor, while acknowledging that their efforts have been limited. In response to how quickly improvements would be made, Mr. Francis expressed that funding for the improvements are an issue, but that improvements would be made as quickly as possible and in compliance with the Use Permit timelines. Mr. Francis did acknowledge that the family has explored other sites, but that, given the areas high traffic, CVR is in the best location for this use.

The minute of the Planning Commission, see Attachment "3", fail to reflect Mr. Francis as having spoken in favor of the project at the May 7, 2015 hearing. The minutes will be returned to the Planning Commission for correction at the next meeting.

In acknowledgment of CVR's current operations being in compliance with County noise standards and focused on the need to determine if a proposed use is compatible with the zoning and consistent with the general plan, the Planning Commission approved the subject Use Permit. In reaching a decision, the Commission considered both the need for recycling facilities and the need to take the burden off the residents, while expressing that CVR could do more to be a good neighbor.

The applicant's representative has provided a written rebuttal to statements provided in the appeal letter. (See Attachment "5") The rebuttal notes as important the applicant's acceptance of Condition of Approval No. 18 requiring the Use Permit be brought back to the Planning Commission one year after approval for review and, if necessary, amendments to the operational limits; and that the permit be subsequently brought back at the discretion of the Planning Director, as necessary, to address nuisance concerns.

As confirmed by the applicant's original noise study, the intensity of the scrap metal portion of CRV's operation on September 10, 2013, when the Settlement Agreement was approved, was a nuisance. Since the settlement agreement, CVR has conducted additional noise studies concluding changes made to the operation, through incorporation of noise study recommendations, have brought the facility into compliance with County noise standards.

Conditions of approval being applied to CVR through the Use Permit process will address air quality, hydrology/water quality, and noise and vibration concerns through site improvements and operational controls (such as limitations on the use of equipment and location of activities). Without a use permit, CVR will still have the right to conduct an unspecified amount of scrap metal recycling (including vehicles); however, the mechanism to establish the rules and regulations needed to address the concerns of the neighbors will not be in place.

#### **POLICY ISSUES:**

Upholding the Planning Commission's approval of the subject Use Permit, by denying the appeal, furthers the Boards priorities of A Well Planned Infrastructure System and A Strong Local Economy by recognizing that a certain level of intensity of scrap metal

recycling is consistent with the C-2 (General Commercial) zoning district while providing the conditions of approval need to address compatibility with surrounding land uses through operational controls.

**STAFFING IMPACT:**

There are no staffing impacts associated with item.

**CONTACT PERSON:**

Angela Freitas, Director of Planning & Community Development.  
Telephone: 209-525-6330

**ATTACHMENTS:**

1. Appeal Letter from Rebecca Harrington dated May 18, 2015
2. UP 2013-0078 – Central Valley Recycling Staff Report
3. Planning Commission Minutes of the May 7, 2015, Regular Meeting
4. Correspondence Received at Planning Commission Hearing, May 7, 2015
5. Letter dated June 1, 2015 from Mark Niskanen, JB Anderson Land Use Planning

May 18, 2015

Stanislaus County Board of Supervisors  
1010 Tenth Street, Suite 6700  
Modesto, CA 95354

BOARD OF SUPERVISORS

2015 MAY 18 P 4:41

Re: Appeal from Planning Commission approval of Use Permit Application No. PLN2013-0078 Central Valley Recycling, Inc. on May 7, 2015.

To the Honorable Board of Supervisors:

**APPEAL.** The neighbors of Bystrum Road and Souza Avenue, appeals to the Stanislaus County Board of Supervisors to overturn the decision of the Planning Commission dated May 7, 2015 to grant the request the Use Permit Application No. PLN2013-0078 Central Valley Recycling, Inc.

**APPELLANT.** The neighbors of Bystrum Road and Souza Avenue, a group of residents in the unincorporated area of Modesto, California 95351 respectfully request an appeal from the Stanislaus County Board of Supervisors regarding the Planning Commission approval of Use Permit Application No. PLN2013-0078 Central Valley Recycling, Inc. The residential neighborhood to the east of Central Valley Recycling, Inc. is a predominately-lower income community of Mexican, White and persons of mixed heritage. This community is known as "No man's land", but now is in the sphere of influence of the City of Ceres and is part of the South Modesto Municipal Advisory Council.

**NOTICE.** The neighbors of Bystrum Road and Souza Avenue requests notice of any hearings or any action in this matter to be addressed as follows:

Neighbors of Bystrum Road and Souza Avenue  
C/O Rebecca Harrington  
522 Bystrum Road  
Modesto, CA 95351

**FOUNDATIONS FOR APPEAL.** Staff report dated May 7, 2015, Page 3, Background through Page 4: in the report the County states it informed CVR on September 5, 2012 that the county would not approve a business license renewal and determined that the operation of the scrap metal recycling business had grown exponentially and was no longer in character with permitted C-2 uses....The County did in fact send a certified notice one via regular mail to CVR. The certified mailing was returned and the regular mailed item was not. CVR continued to operate unlicensed and did not attempt to communicate with the County per my conversations with County Personnel in the Planning Department. CVR operated unlicensed and to the best of my knowledge continued to do so for at least six months.

The County Planning department apparently relied on CVR to come into the County offices to resolve the matter; instead, the County Planning department had to make a trip to CVR site to speak with the owners.

Page 4 continuing to Page 5, ISSUES, item **A. Air Quality**

In 2013 the applicant (CVR) represented that the entire surface of the CVR facility is paved with concrete and, in most areas, covered with dirt/sediment that been tracked in overtime via customer and

ATTACHMENT 1

commercial vehicle traffic. At the May 7 hearing, owner Richard Francis contradicted his previous statement of 2013, he stated that as a small family owned business they are not certain of how they would obtain the funds necessary to pave the dirt areas of the their site. These areas require watering to keep the dust down as much as possible. Our state is in a drought and it is reprehensible that valuable water is the means used to keep dust down because CVR does not want to spend the money needed to pave over the dirt. In addition, the air quality within the 95351 zip code per the Stanislaus County Health Department, reports that this area has a high incidence of Asthma and Asthma related illnesses in the area.

Page 5, Item **B. Hydrology and Water Quality**

It is proposed that CVR pave the entire site and maintain storm water run-off on-site, the Applicant again sites the tremendous cost to the company. There is no way to assess the future damages to the aquifer water table that is less than 300 feet from the former Del Estes Water well now a part of the City of Modesto water department. A county employee stated the storm water run-off that goes to the drains on 9<sup>th</sup> Street goes to the Tuolumne River. It is a proven fact that the continuous leaching of chemicals into the ground close to residential water wells will cause contamination, which over time will cause health problems. To say that the percolation of the water run-off into the ground will be adequately filtered through French drains at CVR is at best a guess and not factual. It is impossible to determine the long-range effects the chemicals will have to the ground water in the area.

In 2011, I put in over forty hours making calls to various state agencies and departments within the County of Stanislaus; I determined that not one of the entities had any idea of the type of business CVR was conducting or under whose jurisdiction they would come under. It is quite possible that the predecessor of the current Planning Department head had ignored the type of business CVR petitioned the County solely for the sake of revenues. This does not excuse the lack of policy and procedures that the County of Stanislaus does not possess, and should have had in place before this situation escalated to this level. The quality of our day-to-day lives hang in the balance while the Applicant continues business as usual and the Stanislaus County decides how to proceed.

The Board of Supervisors approved a settlement agreement on September 10, 2013 even though they received a negative Nuisance Abatement Commission recommendation, and CVR has yet to comply with the letter of the agreement. It is my opinion that CVR will continue to operate business as usual for as long as they are able to do so. A Stanislaus County Code Enforcement employee told me that CVR maintained the attitude, "if they don't like what we do here they can move (referring to the residents of Bystrum and Souza)." I believe this to be true, as the CVR has never made an effort to reach out to the community.

During the May 7 hearing Stanislaus County Planning Department employee, Mr. Galvez stated that CVR business is conducive to the businesses on South 9<sup>th</sup> Street. I walked and drove that area and found the following: 3 tire companies, 3 automotive repair shops, 2 motels, 1 gas station, 1 store, 2 auto body shops; 1 car sales lot; 2 auto dismantlers (neither doing the crushing of vehicles); Zaff Recycling that does industrial recycling where his customers drop off bins to be shipped off site; Universal Service Recycler that accepts California Redemption Value items, basic household metal recyclables and do not take any type of autos; 1 appliance repair and a small business site that has miscellaneous businesses not related to recycling. The representation that CVR is doing the same type of business as its neighboring businesses is an inaccurate statement and can be contested. In addition, a contradiction that was stated at the meeting is that diesel trucks travel on Bystrum Road on a regular basis. This is an

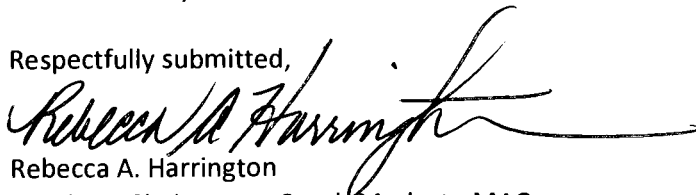
erroneous statement as well. There is a County sign on Hosmer Road specifically stating that no truck weighing 7 tons shall travel past Hosmer. While some do travel on Bystrum on occasion, it is more infrequent than claimed by the County and Mr. Niskanen. Rocha Trucking Company has moved from the area and is no longer is to the north of CVR. They moved their business to a location that was better suited for their type of business. Mr. Francis said he could not find an adequate location for CVR. Rocha Trucking found a better location for their 50 plus trucks and I believe there are better locations for CVR that are not within 50 feet of the residences. It is semantics to say that the moving the pile of recycled cars, trucks, farm equipment, buses, trailers and other large items 100 feet west of a residential area will diminish the affects to our neighborhood. A wall will not stop the noise, the house shaking and the noxious odors coming from the CVR site.

Another fact that not mentioned at the meeting, CVR has taken in stolen vehicles on more than one occasion. Officer Chuck Leon, from the CHP informed me that on two separate occasions they went to CVR to discuss with the owners the issue of receiving stolen vehicles. This is an example of what we do know and may not accurately reflect what else has gone unreported.

This is not an emotional plea, but one of concern for the lack of policy and procedures to govern this type of business. Second, in this day and year I find it reprehensible that these types of businesses continue to establish themselves close to communities of predominately Mexican, Spanish speaking and economically disadvantaged. Many people in this community have owned their homes for more than fifty years, and there are more than three generations in some of these homes. We matter and our quality of life is adversely affected by the scrapping of all vehicles done at the CVR site. It has never been my intention to stop CVR from doing CRV recycling of cans, bottles, plastic or paper. I am not adverse to recycling general household metals; it is the vehicle recycling part of their business, which has caused the distress in our neighborhood.

In summation, I contend that not all the facts were accurately represented and given the track record of CVR to date, I find it unbelievable that they will comply with a new permit agreement. Mr. Richard Francis himself stated, they do not have the resources (money) to do all that will be required of them to meet the expectations of the permit. In which case, our neighborhood will suffer at the expense of their inability to meet the guidelines set forth in the permit. I respectfully ask the Board of Supervisors to go back and view the video from June 27, 2013 Nuisance Abatement Hearing Board to hear what the members of the board had to say. I urge you to take the time to drive over to 524 S. 9<sup>th</sup> Street to see for yourself what CVR does on a daily basis. Then drive over to our family home at 522 Bystrum Road and then go north two houses to the home of Terry Peralta. If this still does not convince you that this decision by the Stanislaus County Planning Commission was wrong, then I will have no other choice than to take this matter to the next level. Please understand, I have paid the appeal fee of \$622.00 because our community deserves to be heard and should not have to live under these deplorable conditions.

Respectfully submitted,



Rebecca A. Harrington

Resident, Chairperson South Modesto MAC

522 Bystrum Road

Modesto, CA 95351

(209) 968-3210

Two photos include March 2013





# STANISLAUS COUNTY PLANNING COMMISSION

May 7, 2015

## STAFF REPORT

USE PERMIT APPLICATION NO. PLN2013-0078  
CENTRAL VALLEY RECYCLING, INC.

**REQUEST: REQUEST TO INTENSIFY A CALIFORNIA REDEMPTION VALUE (CRV) AND SCRAP METAL RECYCLING FACILITY BY INCREASING THE VOLUME OF SCRAP METAL RECYCLING ALLOWED.**

### APPLICATION INFORMATION

Applicant:	Central Valley Recycling, Inc.
Owner(s):	Donald Francis Sr. and Donald Francis Jr.
Agent:	Mark Niskanen, J.B. Anderson Land Use Planning
Location:	522 and 524 South 9 <sup>th</sup> Street, on the east side of S. 9 <sup>th</sup> Street, north of Hosmer Avenue, in the Ceres area
Section, Township, Range:	4-4-9
Supervisory District:	Five (Supervisor DeMartini)
Assessor's Parcel:	038-012-008 and 038-012-009
Referrals:	See Exhibit J Environmental Review Referrals
Area of Parcel(s):	2.2 Acres
Water Supply:	City of Modesto
Sewage Disposal:	City of Ceres
Existing Zoning:	C-2 (General Commercial)
General Plan Designation:	Commercial
Sphere of Influence:	Ceres
Community Plan Designation:	Not Applicable
Williamson Act Contract No.:	Not Applicable
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	California Redemption Value (CRV) and scrap metal recycling facility
Surrounding Land Use:	Commercial uses to the north, west and south, and low and medium density residential development to the east.

### RECOMMENDATION

Staff recommends project approval based on the following operating conditions: (1) approving intensification of the scrap metal operation to collect up to a maximum of 2,000 tons of scrap metal per month, instead of the maximum 2,500 tons per month requested by the applicant; (2) including a provision that limits use of the two excavators in terms of time and location of use; and (3) including a provision that will require that the use permit be brought back to the Planning Commission after one year of operation for possible amendments to operations and/or conditions of approval or at the



discretion of the Planning and Community Development Director (see Exhibit C – Conditions of Approval).

Should the Planning Commission decide to approve the request, as recommended by staff, based on the discussion below and on the whole of the record provided to the County, Exhibit A provides an overview of the all of the findings required for project approval which includes use permit findings.

### **PROJECT DESCRIPTION**

This is a request to intensify an existing California Redemption Value (CRV) and scrap metal recycling facility. The applicant is requesting increasing the volume of scrap metal collected on-site from a monthly average of 1,350 tons to a maximum of 2,500 tons per month, and increase the number of employees from nine (9) full-time employees to eighteen (18) and five (5) part time employees. The applicant proposes to use two excavators to handle the recyclables on-site. Scrap metal is collected, sorted, cut, crushed, baled on-site and transported off-site for further processing. Recycling scrap metals consists of a variety of surplus or discarded ferrous and non-ferrous (non-magnetic) metals including, but not limited to, whole vehicles and vehicle parts.

The applicant, Central Valley Recycling (CVR), proposes to make site improvements consisting of installing concrete in the interior yard, incorporating an on-site storm water retention system, installing a 10-foot high masonry wall along the east property line and installing landscaping along the Bystrum Road frontage of the property.

### **SITE AND OPERATIONAL DESCRIPTION**

The site is generally located on the east side of South 9<sup>th</sup> Street, north of Hosmer Avenue in the Ceres area. The subject site consists of two parcels totaling approximately 2.2 acres in the C-2, (General Commercial) zoning district, in the Ceres Sphere of Influence; refer to Exhibit B – Maps, Area and Zoning Maps.

The site is presently developed with two storage buildings (Quonset huts) on the western portion of the property, measuring 6,000 and 5,200 square feet respectively. The southern Quonset hut building includes the site's main office space. Other buildings on site include a 350 square foot mechanic's shed, and a storage shed, both located along the southern property line. A 144 square foot scale office and truck scale is located in east half of the property near the northern property line. The operation also utilizes a variety of storage containers throughout the site; refer to the site plans included in Exhibit B – Maps, Site Plans.

The site includes three access driveways onto South 9<sup>th</sup> Street. The southern access driveway is used for incoming customer vehicle traffic and outgoing vehicular traffic associated with the scrap metal recycling; the facility's transportation trucks. The middle access driveway is used for recycling patrons exiting the indoor collection of CRV recycling in the southern Quonset hut. The northern driveway is used to access an employee parking lot and the northern Quonset hut, which is used for storage.

The recycling operation consists of outdoor storage of non-ferrous storage of metals on each side of the southern entrance driveway, baled cardboard, aluminum and plastics are also stored here on occasion. A large stationary baler is located mid-property, near the south property line. A 6-foot high concrete block wall is located east of the baler (each concrete block measures about 2 feet high, 6 feet long and 2 feet deep.) Scrap metal is weighed and then received in the center of the property, unloaded and stored outdoors in a pile (referred to as the "tin pile"). The tin pile is surrounded by

concrete block walls along the north, east and south. The height of the tin pile concrete block wall presently varies in height from 2 to 6 feet high. The height of the "tin pile" reaches up to 13 feet in height.

A second pile of scrap metal (referred to as the "steel pile") is located northwest of the central tin pile. The steel pile is bounded by a 6-foot high concrete block wall along the north and west edge of the pile. An excavator with a shearer arm attachment operates near the steel pile, cutting scrap metals. A second excavator with a grappler arm attachment operates west of the tin pile to crush, move, unload and load scrap metal. Loose scrap metal is transported off site in dump body trailers or transfer boxes. Baled recycling material is transported off-site on flatbed trailers.

The rear or east half of the property is used for outdoor storage, internal circulation and employee parking. The northern and southern property lines are presently developed with an 8-foot high chain link fence with privacy slats and barbed wire. The rear or eastern property line is bounded by a 6-foot high concrete block wall and 6-foot high chain link fence with slats and capped with 2-feet of razor ribbon wire. The front of the business is enclosed with a 6-foot high chain link fence with privacy slats and razor ribbon wire and an entrance gate.

The southern Quonset hut is used to receive CRV (aluminum cans, plastic bottles, glass bottles, and card board). Vehicles enter the site along the southern entrance and turn northwest into the Quonset hut from the east, exiting onto South 9<sup>th</sup> Street. Employee parking is provided in front and to the north of the business and at the rear of the property. The interior driveway appears to be composed of a mixture of road base and deteriorated concrete.

The properties to north are also zoned C-2 (General Commercial), and consists of a truck bed/top and a trucking business (Rocha Trucking). South 9<sup>th</sup> Street, lies to the west of the site and a trailer park, church, motel, tire shop and a recycling center (Zaff's Scrap Metal, opened in 1989) are located west of S. 9<sup>th</sup> Street. The area to the south is also zoned C-2 and is developed with a donut shop, an auto body shop, and a truck driving school. Another recycling center (Universal Service Recycling, opened in 2014) lies to the south, across Hosmer Avenue. The properties to the east of the site, across Bystrum Road, are zoned R-3 (Multiple Family Residential) and are developed with single family and multi-family residences. Bystrum Road is used by neighboring trucking businesses and local residents.

The Central Valley Recycling facility is open to the public between 8:00 a.m. and 4:30 p.m., Monday through Friday and between 8:00 a.m. and 4:00 p.m. on Saturday. The business is closed on Sundays. Presently, vehicle crushing and cutting is limited to the hours of 11:00 am and 2:00 p.m. The business typically operates privately a half-hour before opening to set-up and a half-hour after closing, to put things away. The business receives an average of 250 customers per day. The operation generates approximately 6 loading truck trips per day leaving the site. An on-site storm water retention system is planned to be located on-site. The yard area and interior driveway are "watered down" by a water truck on an as needed basis to address dust generated at the site.

## **BACKGROUND**

The business has been in operation recycling CRV material since 1991. In 2009, the applicant obtained a business license to operate a recycling center for both CRV and scrap metal. Over time, the scrap metal component grew exponentially and resulted in numerous complaints from neighbors. On September 5, 2012, the County informed CVR that the County would not approve a business license renewal and determined that the operation of the scrap metal recycling business had grown exponentially and was no longer in character with permitted C-2 uses because of

complaints received from surrounding neighborhood of nuisance conditions arising out of CVR's operation (dust and noise).

Beginning in 2012, neighboring residents expressed concerns relating to noise and air quality impacts originating from the Central Valley Recycling site. Heavy machinery, such as an excavator with shearers, an excavator with a grappler, and an unimproved (dirt) site, were the cause of these impacts. It was determined that the scope and intensity of the scrap metal portion of this business had changed and was no longer appropriate for the South 9<sup>th</sup> Street location. Enforcement action ultimately resulted in the recycling operation being deemed a nuisance by the Nuisance Abatement Hearing Board and forwarded to the Board of Supervisors for consideration. A Settlement Agreement was approved on September 10, 2013, refer to Exhibit F, which included the following terms:

1. The County would recognize that a certain level of intensity of scrap metal recycling is consistent with the C-2 zone;
2. CVR would apply for a conditional use permit to determine the appropriate level of intensity, conditions of approval, and environmental impacts; and
3. CVR would be allowed to continue operating under certain operating conditions while diligently pursuing the conditional use permit, including limiting its on-site crushing activities to three (3) hours a day (11:00 a.m. to 2:00 a.m. only), to minimize impacts to the surrounding neighborhood.

(A copy of the September 10, 2013, Stanislaus County Board of Supervisors Agenda Item B-6 can be viewed at this web link: <http://stancounty.com/bos/agenda/2013/20130910/B06.pdf>.)

Since the settlement agreement, Central Valley Recycling applied for a Use Permit application, conducted a series of noise studies, incorporated recommendations from the noise studies and is proposing additional project modifications to address identified nuisances - which are discussed in more detail in the Issues Section below.

Planning Staff conducted two neighborhood meetings, one on November 13, 2013, for this project along with the Universal Service Recycling Use Permit Application (a request to expand a permitted household recycling business to allow for the on-site collection of scrap metal on a 1.44 acre parcel in the C-2 (General Commercial) zoning district at 570 S. 9<sup>th</sup> Street, Modesto) and a second neighborhood meeting on January 22, 2015, neighborhood comments are summarized below.

The site is presently approved to collect and store CRV and an unspecified limit of scrap metal tonnage at the facility for eventual recycling.

## **ISSUES**

The following section is a discussion of issues identified by County staff. Staff has evaluated these issues and provides the following comments, which will be reflected as conditions of approval and/or mitigation measures.

### **A. Air Quality**

The applicant represents that the entire surface of the Central Valley Recycling facility is paved with concrete and, in most areas, covered with dirt/sediment that has been tracked in overtime via

customer and commercial vehicle traffic. The loose dirt and sediment is currently sprayed by a water truck multiple times a day as a dust control measure.

The project was referred to the San Joaquin Valley Air Pollution Control District (SJVAPCD) who responded with standard conditions of approval and a determination that project specific criteria pollutant emissions are not expected to exceed the District's significance thresholds (10 tons/year NOX, 10 tons/year ROG, and 15 tons/year PM10). Additional comments indicate 250 daily truck trips result in diesel truck emissions which are a source of toxic air contaminants (TACs) that are known to the State of California to have a potential health impact on sensitive receptors.

The SJVAPCD also commented that, due to potential exposure to heavy metals, a screening level analysis for potential risk associated with project related daily truck traffic will be required. If the screening analysis indicated a risk of greater than 10 in one million, the SJVAPCD recommended the preparation of a health risk assessment. Planning staff and the SJVAPCD recommended a screening level analysis for potential risk associated be prepared prior to project consideration. However, the applicant elected to postpone conducting this analysis to receiving Planning Commission approval. If the health risk assessment concludes a risk of greater than the Air District's threshold, the Air District may elect to modify or close the operation of the recycling facility.

The following mitigation measure has been incorporated into the project and is reflected as Condition of Approval 38

Mitigation Measure:

1. *A Screening Level Analysis for potential risk associated with project related truck traffic and exposure to heavy metals is required within 60 days of project approval to determine if preparation of a health risk assessment is warranted as determined by the San Joaquin Valley Air Pollution Control District.*

Condition of Approval No. 15 is included to address timing for completing the health risk assessment, if needed, and implementation of any findings associated with the health risk assessment.

## **B. Hydrology and Water Quality**

The applicant proposes to pave the entire site and will maintain stormwater run-off on-site. An on-site storm water retention basin system will need to be designed and approved by the Stanislaus County Department of Public Works. Condition of Approval No. 24 is proposed.

The project proponents submitted a Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Program as prepared by H2E Consulting. The draft SWPPP and Monitoring Plan identify Best Management Practices (BMP) to protect water quality. BMPs are methods that will be, or have been, implemented to effectively reduce the potential for pollution associated with storm water run-off. BMPs include maintenance and operation procedures, use of devices for control of site run-off, spills, leaks, and drainage from the storage areas. They also contain a list of actions to be taken to reduce the discharge of pollutants.

The following mitigation measure has been incorporated into the project and is reflected as Condition of Approval 40.

Mitigation Measure:

2. *Implementation of Best Management Practices identified on pages 16 thru 23 of the Storm Water Pollution Prevention Plan and Monitoring Program prepared for Central Valley Recycling, 524 S. 9<sup>th</sup> Street, Modesto by H2E Consulting, which is Attachment 1 of the Initial Study and hereby incorporated by reference.*

**C. Noise and Vibration**

In January of 2013, Central Valley Recycling (CVR) retained Bollard Acoustical Consultants (BAC), to conduct noise measurements of the facility during normal operations and prepare a noise analysis. In August of 2013, BAC conducted additional noise testing to determine if noise levels had decreased. In January 2015, a subsequent noise analysis was conducted by BAC to analyze the increased tonnage to 2,000 tons per month and to evaluate potential impacts associated with vibration. These studies and their results are highlighted below.

1. The Environmental Noise Analysis, prepared by BAC, dated January 30, 2013, concluded that noise generated during typical operations at the Central Valley Recycling facility exceeded the County's exterior noise standards and recommended noise mitigation measures to reduce facility noise generation to a state of compliance with Stanislaus County noise standards. In response to the Noise Analysis, the following noise control measures were identified, some of which have already been implemented.
  - a) The tin pile was relocated 150 feet away from the fence line located along the eastern property line. Implemented.
  - b) Excavator usage is now limited to areas in front of the tin pile, and the excavator no longer operates in the back of the site. Implemented.
  - c) Concrete blocks were placed around the tin pile in a U-shape to form a partial noise barrier to mitigate noise level emanating to the east. Partially implemented, the concrete block wall has not been fully installed and maintained as recommended by BAC.
  - d) Trucks are now loaded in front of the tin pile and cars are unloaded in front of the tin pile instead of the previous locations behind the pile. Partially implemented as County staff has observed truck loading conducted south of the tin pile, where block wall components are missing.
  - e) Concrete blocks were placed around the metal baler to block the noise from the nonferrous material and baler to mitigate noise levels heard by residences located to the east. Implemented.
  - f) Other facility equipment was also moved away from the back fence along Bystrum Road. Implemented
2. On August 19, 2013, BAC conducted additional noise testing in follow-up to implementation of noise control measures identified on January 30, 2013. This analysis states:

"This analysis concludes that the noise mitigation measures implemented by CVR in recent months have resulted in a clearly noticeable decrease of 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:

- a) 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.
- b) Continue to limit excavator usage to areas in front of the tin pile.
- c) Continue to load trucks in the front of the tin pile (further west of the nearest residences to the east).
- d) 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.”

These measures were identified in the CEQA Initial Study and added to the project's Conditions of Approval as Mitigation Measures.

3. January 2015 Noise Analysis to Evaluate Increased Tonnage and Vibration Impacts.

In October 2014, Stanislaus County requested additional analysis pertaining to potential noise impacts associated with increasing the permitted scrap volume tonnage to 2,500 tons per month from the current baseline of approximately 950 tons per month, along with an evaluation of potential impacts associated with project generated vibrations. In response to the County's request, BAC conducted vibration monitoring at the project site in December of 2014, as well as additional analysis of impacts associated with a tonnage volume of 2,000 tons instead of the 2,500 tonnage requested by County staff. The results of this analysis were published in January 2015 and represent an update to the August 19, 2013 Noise Analysis for Central Valley Recycling.

The 2015 analysis concluded that “no adverse noise impacts are expected as a result of the proposed increase in monthly tonnage.” (See Exhibit E – Initial Study – Special Studies)

The data listed on Table 5 of the January 2015 report indicates that the noise mitigation measures incorporated into the current CVR operations has resulted in achieving a state of compliance with the County's noise standards. Specifically, CVR noise generation was found to range from 3 to 16 dB below County noise standards in the various categories. As a result, no additional noise attenuation measures beyond those identified in the August 19, 2013 noise analysis appear to be warranted for this facility to achieve compliance with County noise standards. Elevated noise levels heard at test sites located by the residents were attributed to the tractor-trailer truck traffic that uses Bystrum Road.

As this vibration analysis is very technical, staff has only incorporated highlights of BAC January 2015 vibration analysis, which is included in its entirety as Exhibit E – Special Studies).

“To quantify vibration levels associated with CVR operations, Bollard Acoustical Consultants, Inc. conducted vibration measurements of all major activities occurring at the project site on December 9, 2014. The measurements were conducted near the CVR project site boundaries, and adjacent to Bystrum Road opposite the nearest existing residences. Figure 4 of the 2015 report shows the locations where vibration monitoring was conducted. Figure 5 shows photographs of representative vibration monitoring locations.

The vibration measurements consisted of peak particle velocity sampling using a Larson Davis Laboratories Model HVM100 Vibration Analyzer with a PCB Electronics Model 353B51 ICP Vibration Transducer. The test system is a Type I instrument designed for use in assessing vibration as perceived by human beings, and meets the full requirements of ISO 8041:1990(E). The results of the vibration measurements are shown in Table 6.” [Source: page 11 of the January 16, 2015 Environmental Noise Analysis for Central Valley Recycling Facility.]

“This analysis concludes that the noise mitigation measures implemented at the CVR facility in Stanislaus County have effectively reduced facility noise generation to a state of compliance with Stanislaus County noise standards. In addition, this analysis concludes that vibration levels generated by heavy equipment and operations at the CVR site would be well below thresholds for annoyance and damage to structures at sensitive locations of neighboring uses, including the existing residences to the east. Finally, this analysis concludes that the proposed increase in tonnage would not cause an exceedance of the County’s noise level standards at the nearest noise-sensitive land uses to the project site (residences to the east). These conclusions are based on noise level data collected at the project site in 2013 and 2014, vibration data collected at the project site in 2014, operational information provided by CVR, and on the analysis contained herein.” [Source: page 15 of the January 16, 2015 Environmental Noise Analysis for Central Valley Recycling Facility.]

The project will be conditioned to continue to implement the following Mitigation Measures:

3. *Maintain the height of the solid block wall around the tin pile to eight feet high and install a 10-foot high block wall along the eastern property line.*
4. *Limit use of excavators to the west of the tin pile.*
5. *Continue to load and unload trucks west of the tin pile.*
6. *Limit the use of the excavators and metal baler to the hours between 8:30 a.m. and 5:00 p.m., Monday through Saturday.*
7. *Vehicle crushing and/or vehicle cutting shall be limited to the hours of 11:00 a.m. and 2:00 p.m., Monday through Saturday.*

8. *Install and maintain trees and landscaping along the eastern property line and a distance of 50 feet along the north and south property lines from the eastern property line. Landscaping plans and materials to be in conformance with City of Ceres Standards and Specifications or as approved by Stanislaus County.*

D. Vehicular Access and On-site Circulation

The project will have direct access to S. 9<sup>th</sup> Street, which is a County-maintained road and the project is not expected to substantially increase traffic for this area. The project was referred to Caltrans and the Stanislaus County Department of Public Works. A referral response was not received from Caltrans; however, Public Works responded with standard conditions of approval and a mitigation measure to address any future issues with vehicles stacking in the right-of-way. Stacking contributes to traffic impacts and safety issues if autos trying to enter the site back up into the County right-of-way. Should stacking occur two (2) times in any two (2) week period, the applicant will be responsible for preparing and implementing a traffic circulation plan within 15 calendar days of the second incident.

The following mitigation measure has been incorporated into the project and is reflected as Condition of Approval 47.

Mitigation Measure:

9. *Vehicle stacking in the public road right-of-way is not permitted. Should the number of vehicles entering the property back up onto 9<sup>th</sup> Street for more than two (2) consecutive days within any two (2) week period, the applicant shall submit a new traffic circulation plan for the site within 15 calendar days of the violation. The plan shall be designed in such a way as to eliminate any stacking onto 9<sup>th</sup> Street and submitted to the Department of Public Works for approval of the Public Works Director or his designee.*

The project site consists of two parcels, the western parcel fronts on S. 9<sup>th</sup> Street and eastern parcel fronts on Bystrum Road. Vehicular access is not proposed between the eastern parcel and Bystrum Road. A Staff Approval Application will be required for any subsequent and separate use of the eastern parcel. To accommodate separate development options and maintain no access onto Bystrum Road, a vehicular access easement will be required as a Condition of Approval on this Use Permit to provide vehicle access from the eastern parcel, across the western parcel, to access S. 9<sup>th</sup> Street.

E. Nuisances and Neighborhood Concerns

Neighbors through neighborhood meetings and phone calls to County staff have expressed a variety of concerns relating to the operation of Central Valley Recycling. Fifteen people attended a County sponsored neighborhood meeting on November 13, 2013. Six residents attended a second neighborhood meeting held on the January 22, 2015. Concerns expressed during these meetings and phone calls to planning staff include nuisances complaints associated with the following issues:

- Increased litter in the neighborhood surrounding the recycling centers.
- Accumulation of abandoned shopping carts near the recycling centers;
- Increased dust, dirt, noise, vibration;
- Unsightliness of piled metal;
- Motor vehicle fluids leaking onto the ground;



- vehicular traffic trespassing on adjacent businesses to reach the site.; and
- Increased truck traffic and parking in the vicinity.

Identified nuisance issues associated with CVR operations will be addressed by project conditions of approval, and code enforcement efforts if necessary, as follows. Trash cans will be required to be placed at the business entry and exit points for customer use to address any on-site litter. A shopping cart rack will be maintained on site and located out of the public view to store shopping carts brought on site, until shopping carts are returned. Dust, noise and vibration issues have already been addressed. The project will be required to install interior landscaping to help screen the view of piled metals. The project will be required to maintain and adhere to its hazardous material management plan in addressing any hazardous material leaks. The project will be required to install a 3-foot high chain link fence in the front yard along the southern property line to keep traffic flow and access off of the adjacent property to the south. "No parking" signs have already been installed along the project's frontage to Bystrum Road.

Condition of Approval No. 18 is proposed to require that the Use Permit be brought back to the Planning Commission one year after approval for review, if necessary, amendments to operational limits; and to allow the permit to be subsequently brought back at the discretion of the Planning Director to address nuisance concerns.

### **CORRESPONDENCE**

Staff received signed form letters of support from 7 residents and 2 businesses, refer to Exhibit G

### **GENERAL PLAN CONSISTENCY**

This site, located within the City of Ceres Sphere of Influence (SOI), is currently designated "Commercial" in the Stanislaus County General Plan and this designation is consistent with the C-2 (General Commercial) zoning district. The Commercial designation indicates areas best suited for various forms of light or heavy commercial uses including, but not limited to, retail, service, and wholesaling operations. Building intensity, setbacks, landscaping, height, and parking requirements are determined by the Stanislaus County Zoning Ordinance.

### **Land Use Element:**

**Goal Five:** Compliment the general plans of cities within the County.

**Policy 24:** Development, other than agricultural uses and churches, which requires discretionary approval and is within the sphere of influence of cities or in areas of specific designation created by agreement (e.g., Sperry Avenue and East Las Palmas Corridors), shall not be approved unless first approved by the city within whose sphere of influence it lies or by the city for which areas of specific designation were agreed. Development requests within the spheres of influence or areas of specific designation of any incorporated city shall not be approved unless the development is consistent with agreements with the cities which are in effect at the time of project consideration. Such development must meet the applicable development standards of the affected city as well as any public facilities fee collection agreement in effect at the time of project consideration. (Comment: This policy refers to those development standards that are transferable, such as street improvement standards, landscaping, or setbacks. It does not always apply to standards that require connection to a sanitary sewer system, for example, as that is not always feasible.)

The Implementation Measures for Policy 24 require that all discretionary development proposals within the SOI of cities, or in areas of specific designation of a city, shall be referred to that city to determine whether or not the proposal shall be approved and whether it meets the city's development standards. This project was referred to the City of Ceres, provider of sewer service to the project site and, in compliance with SOI General Plan requirements, and to the City of Modesto, provider of water service to the project site. The City of Modesto reviewed this project, but provided no comments.

The City of Ceres provided two responses. The Early Consultation referral response, a letter dated October 24, 2013, indicated that the City would reserve comment until the environmental review process. The Initial Study referral response, an e-mail dated April 2, 2015, requested that a condition of approval be placed on the project to allow the County Planning Commission to conduct revocation proceedings of the use permit "if the owner/operator of the recycling facility fails to comply with the use permit or if the conditions of approval and mitigation measures imposed on the project do not adequately address the impacts of this project." This condition was not added to the project as Chapter 21.104 of the County Code allows the County to begin revocation proceedings if any of the conditions or terms of a permit are violated.

The City also commented that it appears that mitigation measures proposed would be adequate to address potential impacts that may arise with the project. The City also requested the opportunity to provide comment on the final conditions of approval, if necessary. (See Exhibit E – Initial Study Comments – *e-mail from the City of Ceres.*)

#### **Conservation Element:**

**Goal Seven:** Support efforts to minimize the disposal of solid waste through source reduction, reuse, recycling, composting, and transformation activities.

**Policy 22:** Implementation Measure No. 1 states that the County shall encourage and promote activities, projects, legislation, business, and industries that cause solid waste to be reduced at the source, reused, recycled, and/or composted.

**Goal Eleven:** Conserve resources through promotion of waste reduction, reuse, recycling, composting, ride-share programs, and alternative energy sources such as min-hydroelectric plants, gas and oil exploration, and transformation facilities such as waste-to-energy plants.

**Policy 31:** The County shall provide zoning mechanisms for locating material recovery facilities, recycling facilities, composting facilities, and new energy producers when the proposed location does not conflict with surrounding land uses.

Staff believes that recycling facilities help fulfill goals included the Conservation Element with the reduction of solid waste that may end up in long term solid waste disposal facilities. The County allows certain levels of recycling in commercial and industrial zones provided that nuisance activities are eliminated or reduced to acceptable levels.

#### **ZONING ORDINANCE CONSISTENCY**

The property is zoned C-2 (General Commercial) which permits the establishment of CRV recycling. Scrap metal collection is not permitted outright; however, the potential impacts are consistent with other uses permitted by use permit and, therefore, it requires a use permit be obtained to address

the environmental impacts, including potential conflicts with surrounding uses, of the intensified use. Two other CRV and scrap metal recyclers have been approved in the vicinity; Universal Service Recycling received use permit approval in May 2014. Zaff's Scrap Metal Recycling has operated at 571 S. 9<sup>th</sup> Street since 1989.

Planning staff believes this CRV and scrap metal recycling is consistent with the character of the surrounding businesses along South 9<sup>th</sup> Street. However, a significant distinction between this proposal and other recycling and auto wrecking uses in the area exists in the nature of how the business is operated. Specifically, CVR is proposing a use that through noise studies and neighborhood complaints has confirmed that nuisances are generated on-site that needs to be mitigated.

The General Plan and Zoning Ordinance's overarching goals deal with land use compatibility and prevention of conflict between adjacent land uses. Section 21.56.040(D) Nuisance states:

"No 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."

Central Valley Recycling has made changes to their past operation to address nuisance issues. It has identified additional mitigation measures that need to be incorporated into the project's operation to minimize impacts. However, nuisance complaints are still being voiced by neighboring residents. Recycling facilities and auto wrecking uses in the area are not known to generate this level of concern. Consequently, staff is recommending the following operating conditions:

- (1) Approving intensification of the scrap metal operation to collect up to a maximum of 2,000 tons of scrap metal per month, instead of the maximum 2,500 tons per month requested by the applicant; (See Condition of Approval No. 20.)
- (2) A provision that limits use of the two excavators to Monday through Friday and not on Saturday or Sunday; use of the excavator with a shearer attachment limited between the hours of 11:00 a.m. and 2:00 p.m. Monday through Friday; use of the excavator to crush vehicles between the hours of 11:00 a.m. and 2:00 p.m. Monday through Friday; the use of either of the excavators to be kept at least 150 feet away from the fence/property line to the east. (See Condition of Approval No. 20.)
- (3) The Use Permit shall be brought back to the Planning Commission one year after approval for review and, if necessary, amendments to operational limits; and the permit shall be subsequently brought back at the discretion of the Planning Director, as necessary, to address nuisance concerns.

In conclusion, Planning staff believes this project is consistent with the General Plan and zoning of the site and that the project scope and handling of scrap metal recycling, as amended by staff's recommendation, does not conflict with the surrounding land uses; however, due to the presence of residential subdivisions and the potential for conflict, mitigation measures and conditions of approval have been added to this project and are discussed in the Environmental Review section of this report.

Consequently, planning staff believes all of the findings required for approval, as outlined in Exhibit A - *Findings and Actions Required for Project Approval*, can be made.

## **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment and no significant issues were raised (see Exhibit J - *Environmental Review Referrals* and Exhibit E – Initial Study comments.) For the record, Bollard Acoustical Consultants, Inc. submitted a letter dated April 17, 2015, reporting that the block wall around the tin pile was 6 feet high and that no additional increase to the barrier height at the boundary of the tin pile is recommended. The Mitigation measures will reflect this change in the Conditions of Approval (see Exhibit E - Initial Study Comments).

A Mitigated Negative Declaration has been prepared for approval prior to action on the use permit itself as the project will not have a significant effect on the environment. (See Exhibits H - *Mitigated Negative Declaration* and Exhibit I *Mitigation Monitoring Plan*.) Conditions of Approval reflecting referral responses have been placed on the project. (See Exhibit C - *Conditions of Approval*.)

\*\*\*\*\*

**Note:** Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,267.00** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Miguel A. Galvez, Senior Planner, (209) 525-6330

### Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps and Site Plans
- Exhibit C - Conditions of Approval
- Exhibit D - Applicant's Project Information
- Exhibit E - Initial Study, Special Studies and Initial Study Comments
- Exhibit F - Settlement Agreement between the County of Stanislaus and Central Valley Recycling – approved by the Stanislaus County Board of Supervisors on 9/10/2013.
- Exhibit G - Correspondence
- Exhibit H - Mitigated Negative Declaration
- Exhibit I - Mitigation Monitoring Plan
- Exhibit J - Environmental Review Referral

**Exhibit A**  
**Findings and Actions Required for Project Approval**

1. Adopt the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
  - A. The establishment, maintenance, and operation of the proposed use or building applied for, as amended, is consistent with the General Plan designation of "Commercial" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County; and
  - B. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
4. Approve Use Permit Application No. PLN2013-0078 – Central Valley Recycling, Inc., subject to the attached conditions of approval.

UP PLN2013-0078  
CENTRAL VALLEY RECYCLING, INC  
AREA MAP

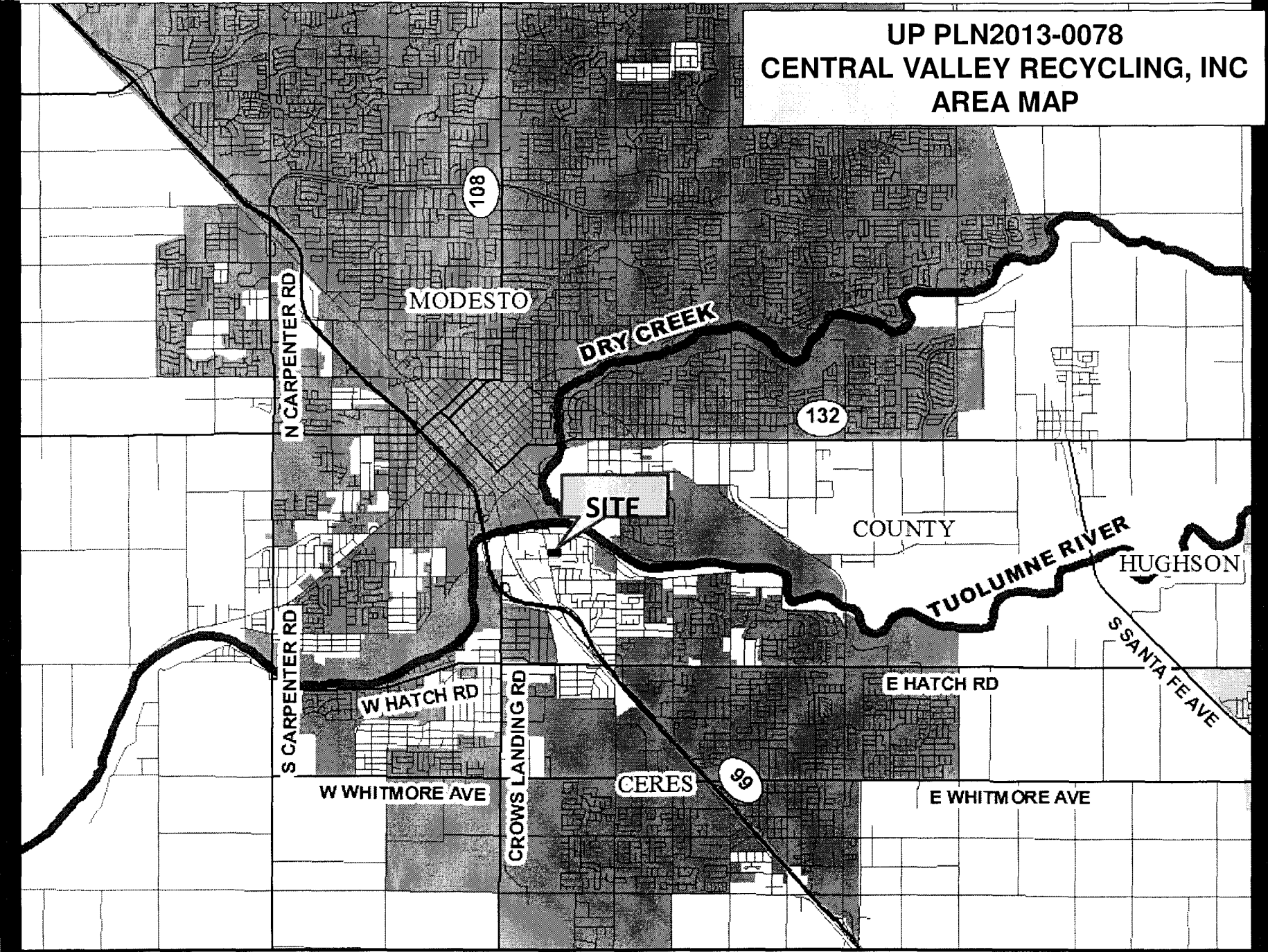
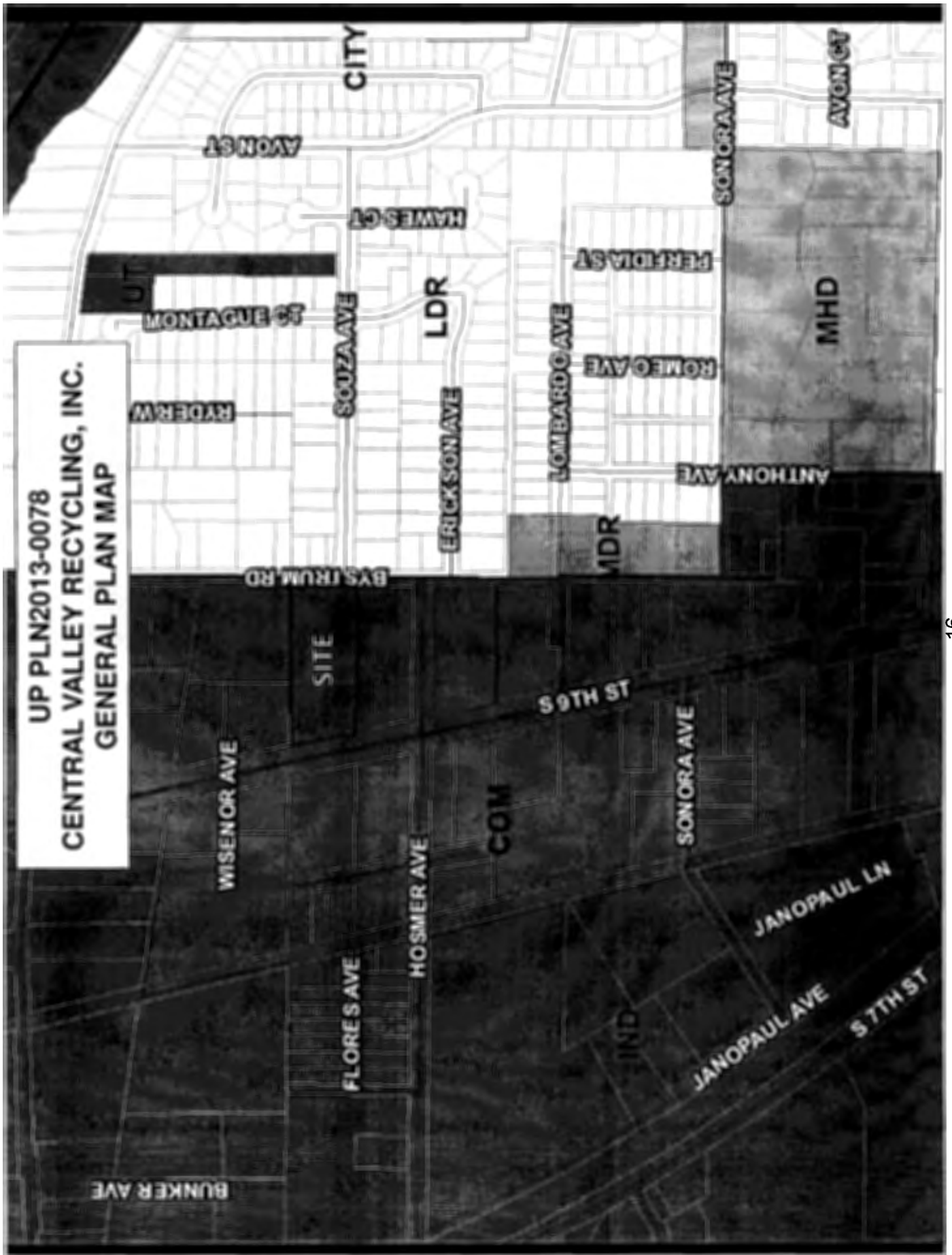


EXHIBIT B



UP PLN2013-0078  
CENTRAL VALLEY RECYCLING, INC.  
GENERAL PLAN MAP

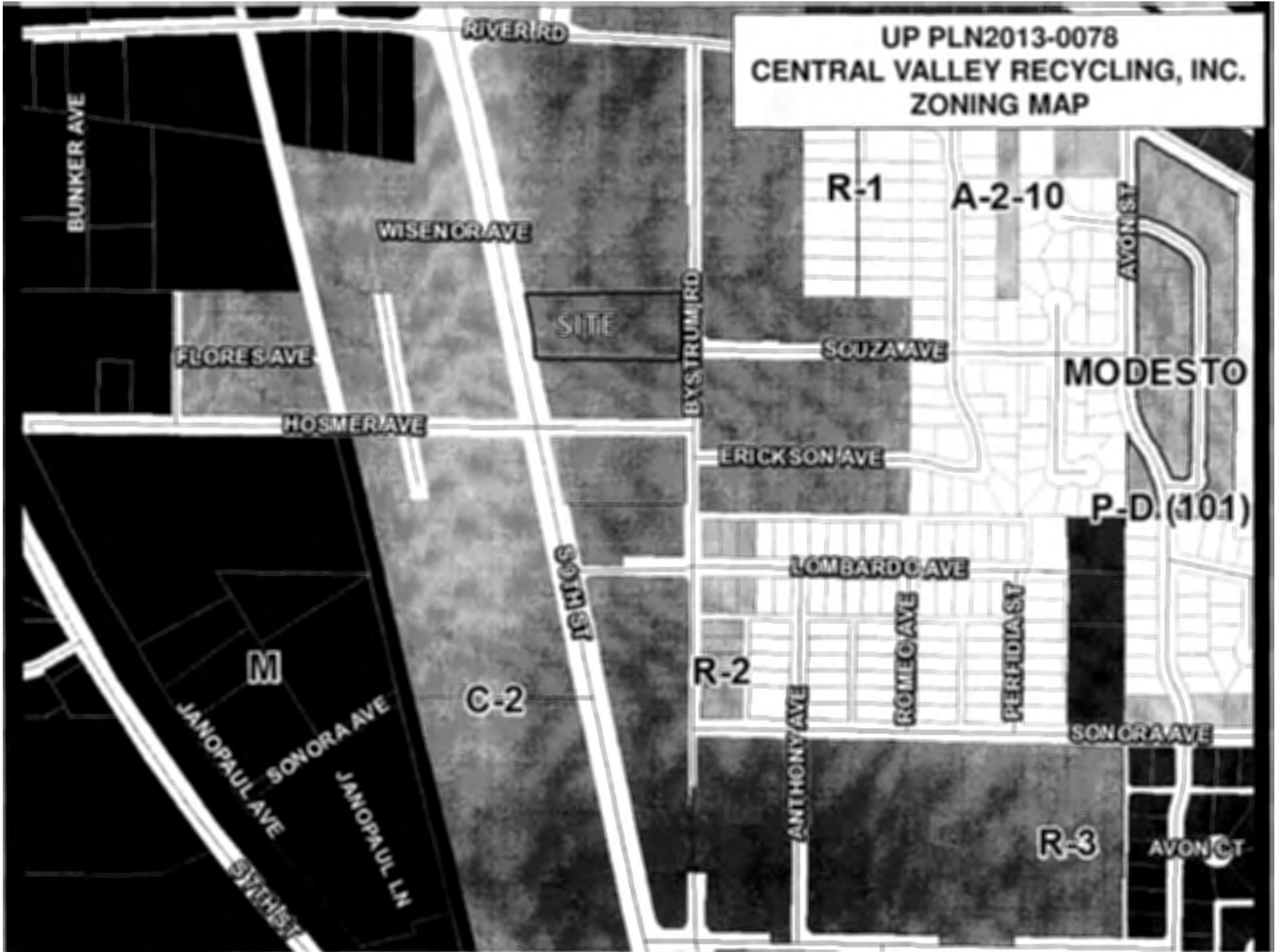
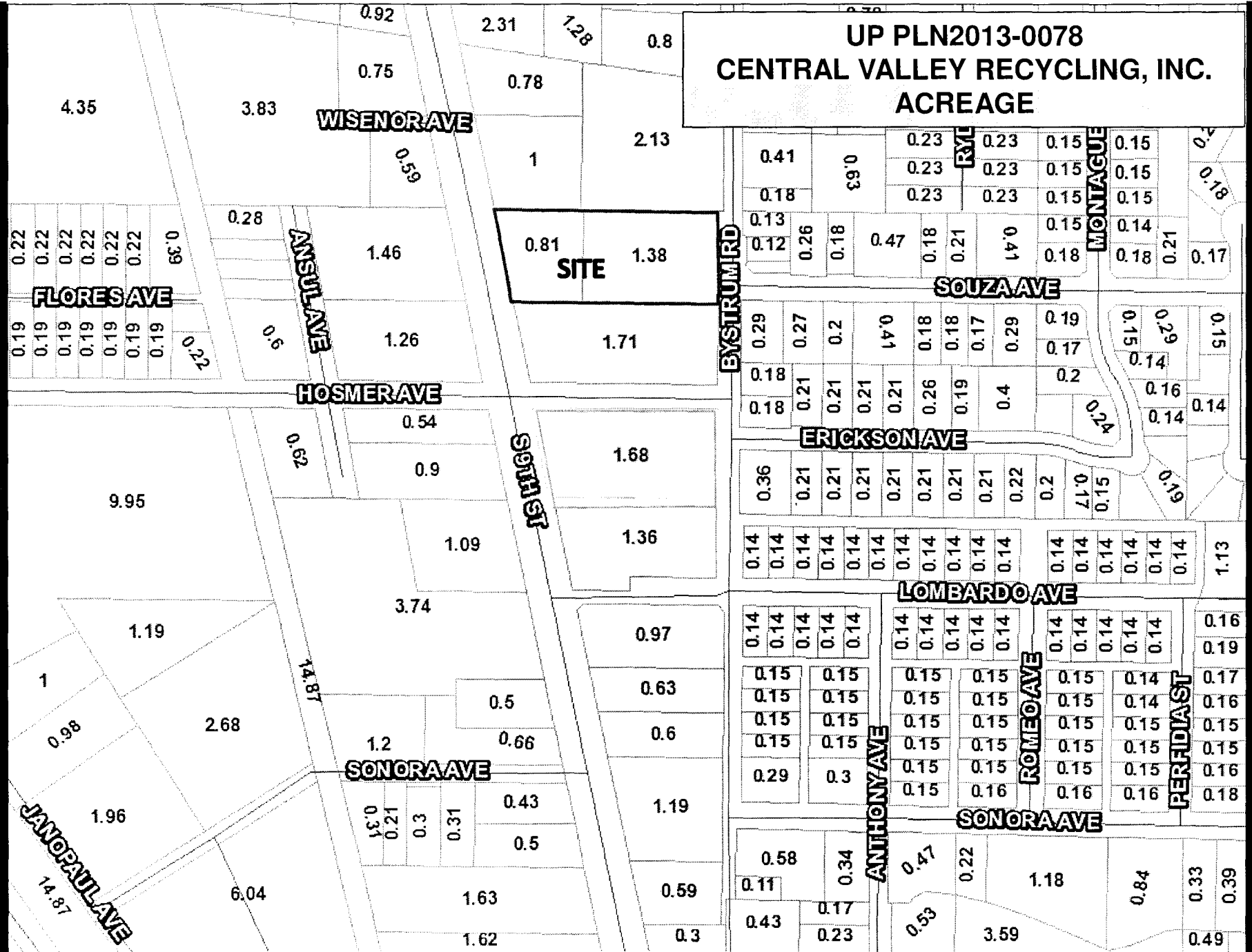


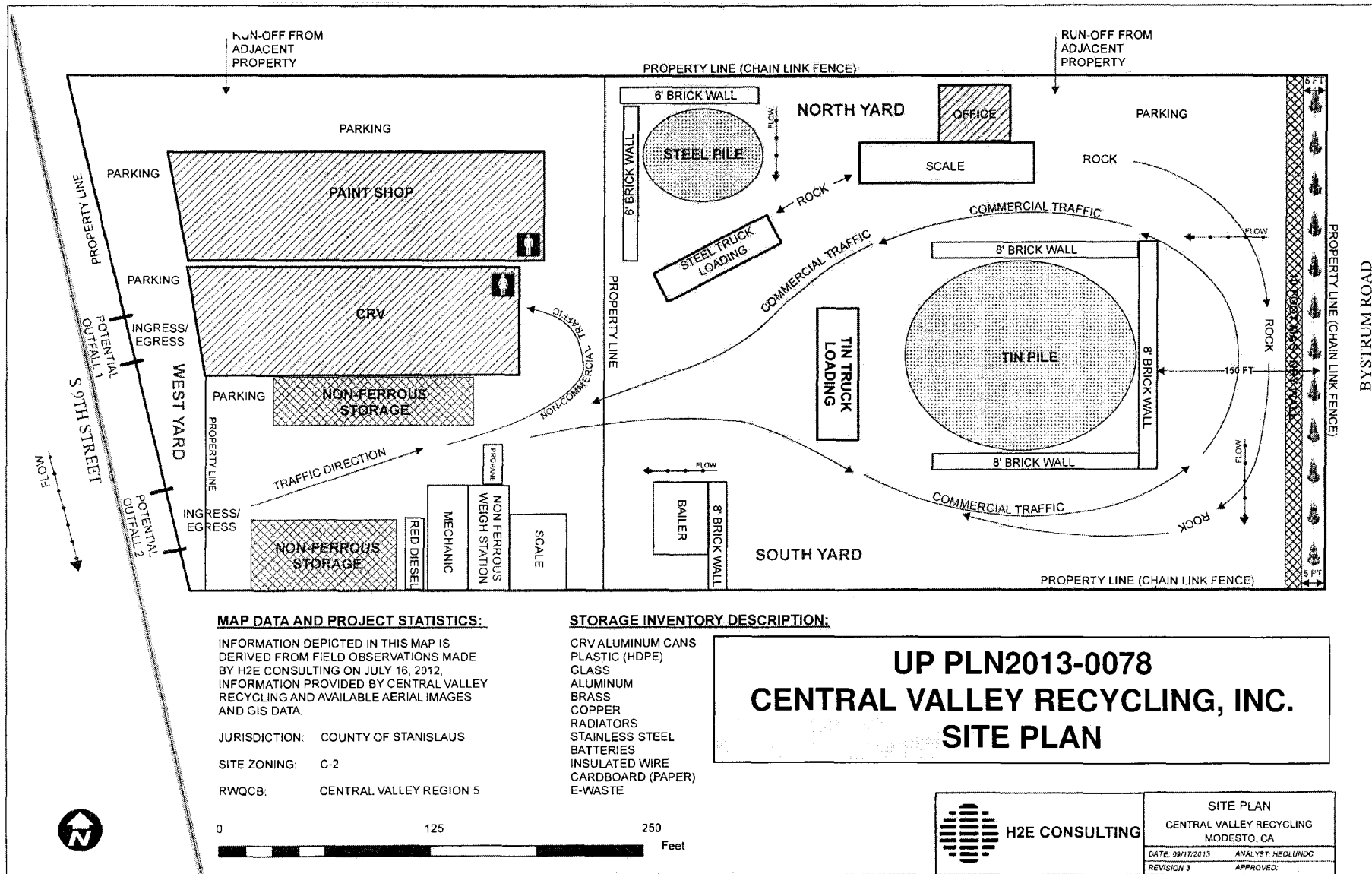
EXHIBIT B-2



**UP PLN2013-0078  
CENTRAL VALLEY RECYCLING, INC.  
ACREAGE**







**MAP DATA AND PROJECT STATISTICS:**

INFORMATION DEPICTED IN THIS MAP IS DERIVED FROM FIELD OBSERVATIONS MADE BY H2E CONSULTING ON JULY 16, 2012. INFORMATION PROVIDED BY CENTRAL VALLEY RECYCLING AND AVAILABLE AERIAL IMAGES AND GIS DATA.

JURISDICTION: COUNTY OF STANISLAUS

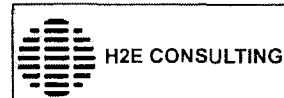
SITE ZONING: C-2

RWQCB: CENTRAL VALLEY REGION 5

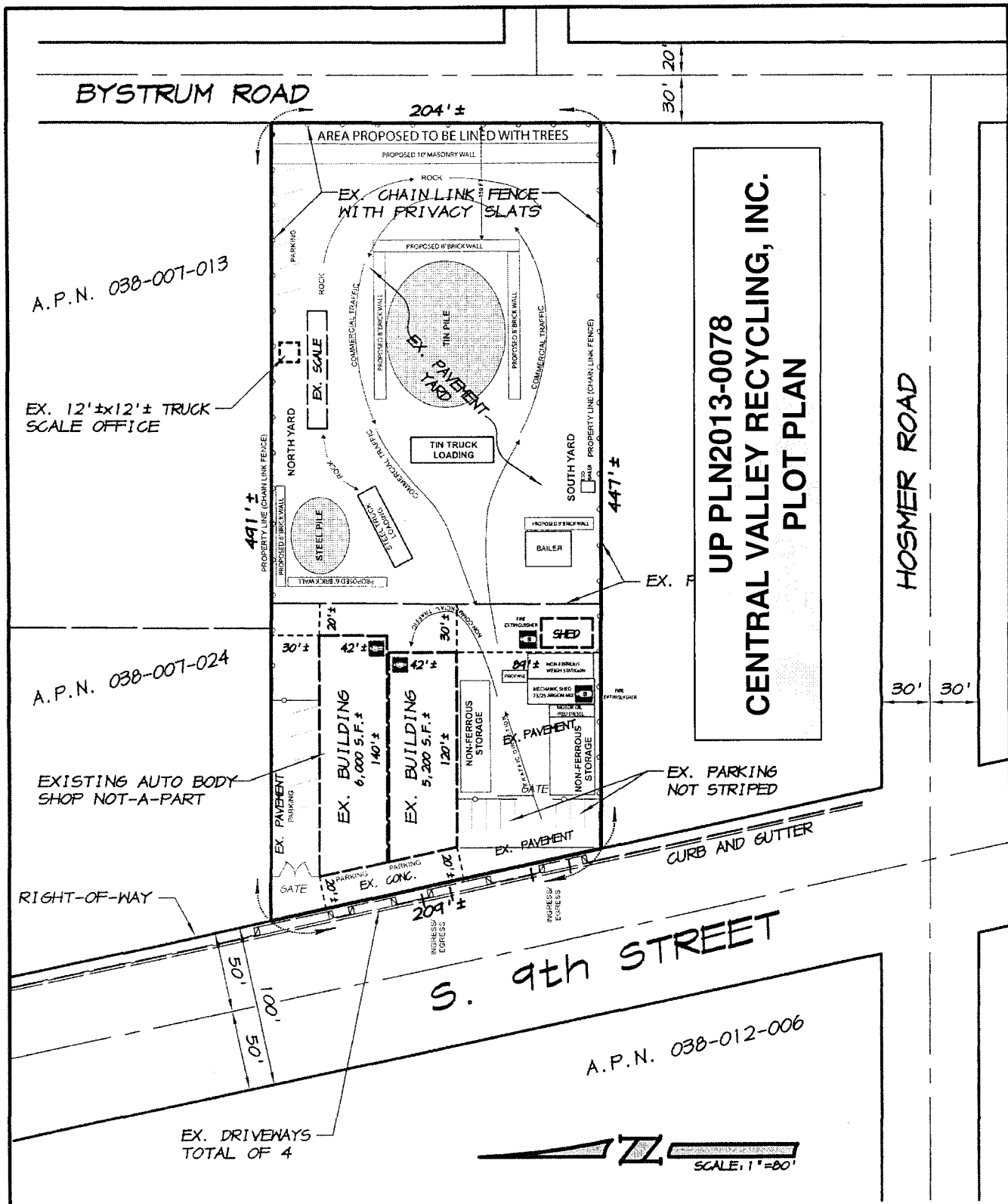
**STORAGE INVENTORY DESCRIPTION:**

- CRV ALUMINUM CANS
- PLASTIC (HDPE)
- GLASS
- ALUMINUM
- BRASS
- COPPER
- RADIATORS
- STAINLESS STEEL
- BATTERIES
- INSULATED WIRE
- CARDBOARD (PAPER)
- E-WASTE

**UP PLN2013-0078  
CENTRAL VALLEY RECYCLING, INC.  
SITE PLAN**



SITE PLAN	
CENTRAL VALLEY RECYCLING MODESTO, CA	
DATE: 09/17/2013	ANALYST: HEDLUNDC
REVISION 3	APPROVED:



DRAWN: J.F.
DATE: 11/15/13
SCALE: NOTED
JOB #: 952-13
DWG: PLOT_PLAN

524 S. 9th STREET  
**PLOT PLAN**  
 CENTRAL VALLEY RECYCLING, INC.  
 STANISLAUS COUNTY CALIFORNIA



**ASSOCIATED  
ENGINEERING  
GROUP**

4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356  
 PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

**AS APPROVED BY THE PLANNING COMMISSION**  
**MAY 7, 2015**

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NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

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**CONDITIONS OF APPROVAL**

**USE PERMIT APPLICATION NO. PLN2013-0078  
CENTRAL VALLEY RECYCLING**

**Department of Planning and Community Development**

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2015), the business operator and/or property owner is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the business operator and/or property owner shall submit to the Department of Planning and Community Development a check for **\$2,267.00**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.

3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
4. The business operator and/or property owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the business operator and/or property owner of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
5. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).

6. Landscaping shall be maintained in compliance with Chapter 21.102 of the Zoning Ordinance. Dead and dying plants shall be replaced within 30 days.
7. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
8. New or replacement signage shall be approved by the City of Ceres and the Stanislaus County Planning Director, or appointed designee(s), prior to installation. The sign plan for all proposed on-site signs shall include plans indicating the location, height, area of the sign(s), size of letters, color scheme, and message
9. A valid Stanislaus County Business License shall be maintained for all operating businesses.
10. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
11. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
12. The business operator and/or property owner shall provide a shopping cart rack where shopping carts can be stored on-site, out of the view of the public, until the shopping carts are removed.
13. The business operator and/or property owner shall provide and maintain trash containers for use by patrons entering and exiting the site.
14. The business operator and/or property owner shall provide and maintain screen landscaping along the east property line and along the northern and southern property lines, a distance of 50 feet, west of the Bystrum Road street right-of-way. The landscaping plan to be as approved by the City or Ceres or Stanislaus County. The approved landscaping shall be installed within 60 days of Use Permit approval.
15. The business operator and/or property owner shall implement any conditions associated with the findings of the Health Risk Assessment as required by the San Joaquin Valley Air Pollution Control District. Implementation of identified conditions shall commence no later than 3 months of Air District determination and shall be fully completed within six months.
16. A Staff Approval Application shall be submitted for any subsequent and separate use of the eastern parcel. To accommodate separate development options and maintain no access onto Bystrum Road, a vehicular access easement shall be required as a Condition of Approval to provide vehicle access from the eastern parcel, across the western parcel, to access South 9<sup>th</sup> Street.

17. The business operator and/or property owner shall install a 3-foot high chain-link fence in the front yard along the southern property line to keep traffic flow and access off of the adjacent property to the south. The fence shall be installed within 60 days of Use Permit approval.
18. The Use Permit shall be brought back to the Planning Commission one year after approval for review and, if necessary, amendments to operational limits; and the permit shall be subsequently brought back at the discretion of the Planning Director, as necessary, to address nuisance concerns.
19. The business operator and/or property owner shall maintain the height of the solid block wall on the north, east and south side of the tin pile to six feet high and install a 10-foot high block wall along the eastern property line. The business operator and/or property owner shall obtain a building permit for the 10-foot high block wall within 60 days of project approval and construction of the wall completed within 6 months of permit issuance.
20. A maximum of 2,000 tons of scrap metal per month is permitted. Use of the two excavators is limited to Monday through Friday and not on Saturday or Sunday. Use of the excavator with a shearer attachment is limited to operate between the hours of 11:00 a.m. and 2:00 p.m. Monday through Friday. Use of the excavator to crush vehicles is limited to the hours between 11:00 a.m. and 2:00 p.m. Monday through Friday. The use of the excavators shall be kept at least 150 feet away from the fence/property line located to the east.

**Building Permits Division**

21. The project shall comply with the 2013 California Code of Regulations Title 24 as well as handicap accessibility to the entire site.

**Department of Public Works**

22. The business operator and/or property owner shall obtain an encroachment permit prior to any work being done in the Stanislaus County road right-of-way for South 9<sup>th</sup> Street. Access will only be allowed onto South 9<sup>th</sup> Street for both parcels. Access to Bystrum Road will not be allowed.
23. Public Works shall approve the location and width of any new driveway approaches on any County maintained roadway.
24. The business operator and/or property owner shall design and construct an on-site storm water run-off retention basin to serve the site. The drainage plan design shall be completed and submitted for review and approval by the Public Works Department within six months of project approval. The business operator and/or property owner shall complete on-site storm basin within 6 months of design approval by the County.
25. A grading and drainage plan for the project site shall be submitted before any building permit for the site is issued. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
  - A. Drainage calculations shall be prepared as per the Stanislaus County Standards and Specifications that are current at the time the permit is issued.

- B. The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
- C. The grading and drainage plan shall comply with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Permit and the Quality Control standards for New Development and Redevelopment contained therein.
- D. An Engineer's Estimate shall be submitted for the grading and drainage work.
- E. The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the building permit.

The business operator and/or property owner of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading plan.

- 26. The business operator and/or property owner of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. A preliminary Engineer's Estimate for the grading and drainage work shall be submitted to determine the amount of deposit for the inspection of the grading. The deposit shall be made prior to the issuance of the building permit. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site. The Public Works inspector will not sign on the grading or building permit until such time that all inspection fees have been paid. Any fees left over from the deposit shall be returned to the business operator and/or property owner at the completion and acceptance of the grading and drainage construction by Stanislaus County Public Works.
- 27. An acceptable financial guarantee for the road improvements shall be provided to the Department of Public Works prior to the issuance of any building permit. This may be deferred if the work in the right-of-way is done prior to the issuance of any building permit.
- 28. An Engineer's Estimate shall be provided and approved by Public Works for any road and sidewalk improvements so that the amount of the financial guarantee can be determined.
- 29. No parking, loading, or unloading of vehicles shall be permitted within the county road right-of-way of the South 9<sup>th</sup> Street and Bystrum Road.

**Department of Environmental Resources**

- 30. The business operator and/or property owner shall contact the Department of Environmental Resources within 30 days of project approval regarding appropriate permitting requirements for hazardous materials and/or wastes. The business operator and/or property owner and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to the following: (Calif. H&S, Division 20)
  - A. Permits for the underground storage of hazardous substances at new or the modification of an existing tank facility.
  - B. Requirements for registering as a handler of hazardous materials in the County.



- C. Submittal of hazardous materials Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.
- D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section §302.
- E. Generators of hazardous waste must notify the Department relative to the:
  - (1) quantities of waste generated; (2) plans for reducing wastes generated; and
  - (3) proposed waste disposal practices.
- F. Permits for the treatment of hazardous waste on-site will be required from the hazardous materials division.
- G. Medical waste generators must complete and submit a questionnaire to the department for determination if they are regulated under the Medical Waste Management Act.

**Turlock Irrigation District**

- 31. A review of District maps and records indicate that there are no known irrigation facilities located within this subject property. If facilities are found during construction, please contact the District.
- 32. The District's electric utility maps show an existing overhead 12kV distribution line along the north property line. We are requesting that a 13 foot wide electrical easement be dedicated to maintain this line.
- 33. The owner/developer must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at developer's expense.

**Modesto City Schools**

- 34. Modesto City Schools does not have any specific conditions to be placed on this project. The appropriate commercial fees will be assessed on all construction during the building permit process.

**Central Valley Regional Water Quality Control Board**

- 35. Dischargers whose projects disturb one or more acres of soil, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, and disturbances to the ground such as stockpiling or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).
- 36. The Phase I and II MS4 permits require the permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP).

37. Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

**San Joaquin Valley Air Pollution Control District**

38. The proposed project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review). As such, the District recommends the business operator and/or property owner contact the District's Small Business Assistance (SBA) office prior to starting construction regarding the requirements for an Authority to Construct (ATC) and to identify other District rules and regulations that apply to this project

**MITIGATION MEASURES**

**(Pursuant to California Public Resources Code 15074.1: Prior to deleting and substituting for a mitigation measure, the lead agency shall do both of the following:**

- 1) Hold a public hearing to consider the project; and**

**Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.)**

39. *A Screening Level Analysis for potential risk associated with project related truck traffic and exposure to heavy metals is required within 60 days of project approval to determine if preparation of a health risk assessment is warranted as determined by the San Joaquin Valley Air Pollution Control District*
40. Implementation of Best Management Practices identified on pages 16 thru 23 of the Storm Water Pollution Prevention Plan and Monitoring Program prepared for Central Valley Recycling, 524 S. 9<sup>th</sup> Street, Modesto by H2E Consulting, which is Attachment 1 of the Initial Study and hereby incorporated by reference.
41. Maintain the height of the solid block wall around the tin pile to six feet high and install a 10 foot high block wall along the eastern property line.
42. Limit use of excavators to the west of the tin pile.
43. Continue to load and unload trucks west of the tin pile.
44. Limit the use of the excavators and metal baler to the hours between 8:30 a.m. and 5:00 p.m., Monday through Friday.
45. Vehicle crushing and/or vehicle cutting shall be limited to the hours of 11:00 a.m. and 2:00 p.m., Monday through Friday.
46. Install and maintain trees and landscaping along the eastern property line and a distance of 50 feet along the north and south property lines from the eastern property line. Landscaping plans and materials to be in conformance with City of Ceres Standards and Specifications or as approved by Stanislaus County.

47. Vehicle stacking in the public road right-of-way is not permitted. Should the number of vehicles entering the property back up onto 9<sup>th</sup> Street for more than two (2) consecutive days within any two (2) week period, the business operator and/or property owner shall submit a new traffic circulation plan for the site within 15 calendar days of the violation. The plan shall be designed in such a way as to eliminate any stacking onto 9<sup>th</sup> Street and submitted to the Department of Public Works for approval of the Public Works Director or his designee.

\*\*\*\*\*

*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording is in **bold**, and deleted wording will have a ~~line through it~~.*

Central Valley Recycling, Inc.  
524 S. 9<sup>th</sup> Street, Modesto, CA 95351

Conditional Use Permit Application

*September 2013*

**Attachment A**

The following is a supplement to the Conditional Use Permit (CUP) Application provided in this package, and is intended to provide the background information and Project Description that will be evaluated under this CUP.

In accordance with the Settlement Agreement between the Applicant and the County dated September 10, 2013, the purpose of the CUP is to evaluate the increase in the intensity of scrap metal recycling operations on the project site from July 21, 2009 (the "Baseline Conditions") to the present (the "Current Conditions"), as well as future operations (the "Future Conditions"). The terms "Baseline Conditions", "Current Conditions" and "Future Conditions" are specifically defined below. The Applicant seeks approval by the County of this CUP to permit operations consistent with Current Conditions, as well as Future Conditions. County staff, the Planning Commission and (potentially) the Board of Supervisors will evaluate this CUP Application to determine whether and how the environmental effects associated with Current Conditions and Future Conditions can be dealt with consistent with CEQA, and whether the CUP findings required in Chapter 21.96 of the County Code can be made.

Therefore, this Project Description is organized into the following sections: Background Information, Description of Operation on July 21, 2009, and Project Description.

**BACKGROUND INFORMATION:**

Central Valley Recycling, Inc. (hereinafter referred to as the "Applicant"), has operated a recycling facility at 524 S. 9<sup>th</sup> Street since 1991. Since 1991, the Applicant has operated a California Redemption Value (CRV) and scrap metal recycling business. Specifically, the type of materials recycled by the Applicant include the following; CRV Aluminum Cans, Plastic, Glass, Aluminum, Brass, Copper, Radiators, Stainless Steel, Batteries, Insulated Wire, Cardboard (paper), and E-Waste. The Applicant has leased the site since opening in 1991.

The project site is made up of two parcels; APN No. 038-012-008 and APN No. 038-012-009. The site is designated for primarily Commercial and similar land uses by the County's General Plan, and is located in the C-2 zone district. It is bounded by commercial uses to the north and south, residential development to the east and Bystrum Road, and S. 9<sup>th</sup> Street and commercial uses to the west. The site is located within the jurisdiction of Stanislaus County, but within the City of Ceres Sphere of Influence (SOI).

The site is served domestic water and sewer services by the City of Modesto. Stormwater is contained on-site, and the Applicant has prepared a Stormwater Pollution Prevention Plan (SWPP) and conducts monthly monitoring. The SWPP, dated June 26, 2012, has been included in this Application package.

#### **DESCRIPTION OF BASELINE OPERATIONS ON JULY 21, 2009**

The Settlement Agreement acknowledges that the Applicant was conducting scrap metal recycling at some intensity on July 21, 2009, the date on which Central Valley Recycling, Inc. was issued a Business License to recycle scrap metal and CRV materials. At this time, the Applicant employed nine (9) people. The Applicant processed both CRV and Scrap Metal. Scrap metal was stored in the same location as present (tin pile). Ingress and egress for the site was S. 9<sup>th</sup> Street. Hours of operation at this time was 8:00am to 4:30pm

The site improvements and equipment on-site at the time of the Business License issuance were the following:

##### Site Improvements and Structures:

- 800 square foot CVR Quonset Hut, including Office Space;
- Mens' and Women's Restroom Facilities (located in the Quonset Hut and Paint Shop);
- 350 square foot Mechanic Structure;
- Non-Ferrous Weigh Station;
- Scale (located on south side of project site);
- Chain link fence along perimeter of project site;
- Steel pile located on north side of project site;
- Bailer located on south side of project site; and,
- Tin pile.

##### Equipment:

- One Excavator;
- Three Forklifts;
- Two Roll-Off Trucks;
- Two 40-foot Flatbed Trailers;
- One 37-foot End Up Trailer;
- Containers varying in size from 4x4, 4x2, and 4x8. In total, there were approximately 106 Containers on-site; and,
- Ten 40-yard and 30-yard Containers.

Based upon business records maintained by the Applicant and reviewed by the County, the monthly gross tonnage of scrap metal being processed as of July 21, 2009 was approximately 904 tons. This represents the Baseline Conditions.

**DESCRIPTION OF CURRENT CONDITIONS:**

From July 21, 2009, the Applicant has invested in a variety of site improvements and equipment as part of their operation, all of which are included as part of this Conditional Use Permit application. In addition, the Applicant is proposing specific improvements in an effort to mitigate potential impacts to nearby residents and businesses.

Presently, the Applicant employs 18 full-time and 5 part-time employees, representing an increase of 14 employees from July 2009. Employee parking is provided on-site north of the paint shop. Primary access to the site is provided via S. 9<sup>th</sup> Street. Operations are conducted from 8:00am to 4:30pm, although in some cases employees are on-site before and after business hours cleaning the site, conducting office work, etc. In regards to the Tin Pile (as noted on the Site Plan), vehicle crushing is conducted between 11:00am and 2:00pm in accordance with the Settlement Agreement. On average, the site receives approximately 250 vehicle and truck trips per day.

Between July, 2009 and August, 2013, the Applicant constructed and/or installed the following improvements:

Post July 21, 2009 Improvements and Equipment:

- 100 square-foot scale house, located immediately adjacent to the truck scale;
- Improved drive-on truck scale;
- Installation of an 8-foot brick wall on the perimeter (south, north, and east) side of Tin Pile;
- Installation of a 6-foot brick wall on the north and west side of the Steel Pile;
- Purchase and seasonal use of water truck to mitigate dust;
- Moved Tin Pile approximately 150 feet from eastern edge of site;
- Operation of excavator only on western edge of Tin Pile;
- The unloading and loading of trucks only occurs on western edge of Tin Pile (previous practice was conducted on eastern edge of Tin Pile); and,
- Monthly soil sampling by a SWPP Company.

Between January and June 2013, the Applicant processed approximately 16,296 tons of scrap metal, or 2,716 tons per month.

**DESCRIPTION OF FUTURE CONDITIONS:**

In anticipation of future growth within the CRV and scrap metal recycling industry, the Applicant seeks approval within the CUP application to process 48,000 tons of scrap metal annually, which represents an average of 4,000 tons per month. In order to accommodate both Current Conditions and Future Conditions, the Applicant is proposing to install the following site improvements as part of this Conditional Use Permit application:

- Installation of a 10-foot masonry wall on the eastern edge of the site;
- Landscape treatment on the masonry wall and tree planting to provide aesthetic treatment along the eastern edge of the site;
- Installation of concrete throughout the site to help mitigate dust impacts;
- Installation of sediment grates along site frontage to prevent sediment from spilling onto County right-of-way; and,
- Daily sweeping of curb and gutter.



Neighborhood Meeting – January 22, 2015

**Background:**

- Established at current location (524 S. 9<sup>th</sup> Street) in 1991.
- Recycling Center focused on CRV items (aluminum cans, glass bottles, etc.), card board, and scrap metal (i.e. tin and iron).
- Currently employ 23 full-time employees, most of which have been hired since 2009. Closing the business at this location would eliminate these jobs. Monthly payroll is approximately \$44,000.
- Have spent approximately \$500,000 in site improvements and equipment, some of which was purchased to reduce impacts to neighborhood.

**Further Improvements Proposed with Use Permit Application:**

- Installation of a 10-foot masonry wall on the eastern edge of the site (along Bystrum Road);
- Landscape treatment on the masonry wall and tree planting to provide aesthetic treatment along the eastern edge of the site (along Bystrum Road);
- Installation of concrete/asphalt throughout the site to alleviate dust impacts;
- Installation of sediment grates along site frontage to prevent sediment from spilling onto County right-of-way; and,
- Daily sweeping of curb and gutter.





# Stanislaus County

## Planning and Community Development

1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

Phone: (209) 525-6330  
Fax: (209) 525-5911

### STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE REFERRAL

**DATE:** March 20, 2015

<b>TO:</b> Agricultural Commissioner - Dan Bernaciak Chief Executive Office - Delilah Vasquez Cooperative Extension - Theresa Spezzano County Counsel - Thomas E. Boze Environmental Resources - Bella Badal	<b>Hazardous Materials - Beronia Beniamine</b> <b>Stanislaus Fire Prevention Bureau - Randy Crook</b> <b>Public Works - Angie Halverson</b> <b>Sheriff Dept. - Lt. Charles Grom</b>
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**FROM:** Department of Planning and Community Development - Miguel Galvez

**SUBJECT:** ENVIRONMENTAL REFERRAL - USE PERMIT APPLICATION NO. PLN2013-0078 -  
CENTRAL VALLEY RECYCLING, INC.

Stanislaus County has established an Environment Review Committee (ERC), which consists of representatives of the Departments of Public Works, Planning and Community Development, Environmental Resources, Fire Safety, County Counsel, and the Chief Executive Office. The ERC meets every other Wednesday at 9:30 AM at 1010 10<sup>th</sup> Street, Suite 3400, Modesto. The primary purpose of the ERC is to provide a unified County review and response to environmental issues associated with projects which are referred to the County. The Chief Executive Office has been designated as the County Agency responsible for coordinating the review process.

Each agency should review the projects from the point of view of impacts on its own areas of responsibility. Please be as specific as possible in the expected degree of impacts including costs of providing services and possible methods of mitigating the impacts to acceptable levels including mitigation fees. Please complete the attached response form or provide a written response within 2 weeks.

The California Environmental Quality Act establishes very tight time frames for review. For that reason it is very important that a prompt response be provided. It is the hope that all County responses can be sent to the referring agencies as a package; however, in some instances the time for review does not permit that to happen. Some responses will have to be sent directly to the agency, with a copy to the Chief Executive Office. Please note below the date responses are needed and where to send them. Please send the original of any comments you may have directly to the agency listed below and a copy to the Stanislaus County Chief Executive Office. Please contact me if you have any questions.

**PROJECT AGENCY**  
Stanislaus County Planning  
and Community Development

**RESPOND TO**  
Miguel A. Galvez  
Senior Planner

**RESPONSE DATE**  
April 22, 2015

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**STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE  
REFERRAL RESPONSE FORM**

**TO:** Stanislaus County Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

**FROM:** \_\_\_\_\_

**PROJECT:** USE PERMIT APPLICATION NO. PLN2013-0078 - CENTRAL VALLEY RECYCLING, INC.

Based on this agency's particular field(s) of expertise, it is our position the above described project:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) - (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

\_\_\_\_\_  
\_\_\_\_\_

Response prepared by:

\_\_\_\_\_  
Name Title Date



## CEQA Referral Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration

**Date:** March 20, 2015  
**To:** Distribution List (See Attachment A)  
**From:** Miguel A. Galvez, Senior Planner, Planning and Community Development  
**Subject:** USE PERMIT APPLICATION NO. PLN2013-0078 - CENTRAL VALLEY RECYCLING, INC.  
**Comment Period:** March 20, 2015 - April 22, 2015  
**Respond By:** April 22, 2015

**Public Hearing Date:** Not yet scheduled. A separate notice will be sent to you when a hearing is scheduled.

You may have previously received an Early Consultation Notice regarding this project, and your comments, if provided, were incorporated into the Initial Study. Based on all comments received, Stanislaus County anticipates adopting a Mitigated Negative Declaration for this project. This referral provides notice of a 30-day comment period during which Responsible and Trustee Agencies and other interested parties may provide comments to this Department regarding our proposal to adopt the Mitigated Negative Declaration.

All applicable project documents are available for review at: Stanislaus County Department of Planning and Community Development, 1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA 95354. Please provide any additional comments to the above address or call us at (209) 525-6330 if you have any questions. Thank you.

**Applicant:** Central Valley Recycling, Inc.  
**Project Location:** 522 & 524 S. 9<sup>th</sup> Street, on the east side of S. 9<sup>th</sup> Street, north of Hosmer Avenue, west of Bystrum Road, in the Ceres area.  
**APN:** 038-012-008 and 038-012-009  
**Williamson Act Contract:** N/A  
**General Plan:** Commercial  
**Zoning:** C-2 (General Commercial)

**Project Description:** Request to intensify an existing California Redemption Value (CRV) and scrap metal recycling facility on two parcels totaling approximately 2.2 acres. The proposal would increase the volume of scrap metal recycling from an average of 1,350 tons to a maximum of 2,500 tons per month, and the number of employees from nine (9) to 18 full time and five (5) part time employees. Scrap metal will be cut, crushed, baled, and then transported off-site for further processing. Expanded project description available on Initial Study.

Full document with attachments available for viewing at:  
<http://www.stancounty.com/planning/pl/act-projects.shtm>

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**USE PERMIT APPLICATION NO. PLN2013-0078 - CENTRAL VALLEY RECYCLING, INC.**  
Attachment A

Distribution List

	CA DEPT OF CONSERVATION Land Resources / Mine Reclamation		STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
X	CA DEPT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)	X	STAN CO BUILDING PERMITS DIVISION
X	CA DEPT OF TRANSPORTATION DIST 10	X	STAN CO CEO
X	CA OPR STATE CLEARINGHOUSE		STAN CO CSA
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
	CA STATE LANDS COMMISSION	X	STAN CO ERC
	CEMETERY DIST:		STAN CO FARM BUREAU
X	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
X	CITY OF: CERES AND MODESTO		STAN CO PARKS & RECREATION
	COMMUNITY SERVICES / SANITARY DIST	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION	X	STAN CO SHERIFF
	COUNTY OF:	X	STAN CO SOLID WASTE
X	FIRE PROTECTION DIST: INDUSTRIAL	X	STAN CO SUPERVISOR DIST 5: DeMARTINI
	HOSPITAL DIST:	X	STAN COUNTY COUNSEL
X	IRRIGATION DIST: TURLOCK	X	StanCOG
X	MOSQUITO DIST: TURLOCK	X	STANISLAUS FIRE PREVENTION BUREAU
X	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	X	STANISLAUS LAFCO
X	MUNICIPAL ADVISORY COUNCIL: SOUTH MODESTO		SURROUNDING LAND OWNERS (on file w/the Clerk to the Board of Supervisors)
X	PACIFIC GAS & ELECTRIC	X	TELEPHONE COMPANY: AT&T
	POSTMASTER:		TRIBAL CONTACTS (CA Government Code §65352.3)
X	RAILROAD: UNION PACIFIC		TUOLUMNE RIVER TRUST
X	SAN JOAQUIN VALLEY APCD	X	US ARMY CORPS OF ENGINEERS
X	SCHOOL DIST 1: MODESTO	X	US FISH & WILDLIFE
	SCHOOL DIST 2:	X	US MILITARY (SB 1462) (7 agencies)
	STAN ALLIANCE		USDA NRCS
X	STAN CO AG COMMISSIONER		WATER DIST:

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**STANISLAUS COUNTY  
CEQA REFERRAL RESPONSE FORM**

**TO:** Stanislaus County Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

**FROM:** \_\_\_\_\_

**PROJECT:** USE PERMIT APPLICATION NO. PLN2013-0078 - CENTRAL VALLEY  
RECYCLING, INC.

Based on this agency's particular field(s) of expertise, it is our position the above described project:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) - (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

\_\_\_\_\_  
\_\_\_\_\_

Response prepared by:

\_\_\_\_\_  
Name Title Date



## Stanislaus County Planning and Community Development

1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

Phone: (209) 525-6330  
Fax: (209) 525-5911

### CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, December 30, 2009

1. **Project title:** Use Permit Application No. PLN2013-0078 - Central Valley Recycling, Inc.
2. **Lead agency name and address:** Stanislaus County  
1010 10th Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Miguel A. Galvez, Senior Planner  
(209) 525-6330
4. **Project location:** 522 & 524 S. 9<sup>th</sup> Street, on the east side of S. 9<sup>th</sup> Street, north of Hosmer Avenue, west of Bystrum Road, in the Ceres area. APN: 038-012-008 and 038-012-009
5. **Project sponsor's name and address:** Mark Niskanen, Senior Planner  
J. B. Anderson Land Use Planning  
139 S. Stockton Avenue  
Ripon, CA 95366
6. **General Plan designation:** Commercial
7. **Zoning:** C-2 (General Commercial)
8. **Description of project:**

This application requests to intensify an existing California Redemption Value (CRV) and scrap metal recycling facility located at 524 S. 9<sup>th</sup> Street. According to the application, the recycling facility processed an average of 1,350 tons per month, or approximately 16,200 tons per year, in 2009 and processed an average of 2,700 tons per month in 2013. The applicant is requesting approval to recycle a maximum of 2,500 tons of recycled materials per month or 30,000 tons per year. The scrap metal is comprised of a variety of surplus or discarded ferrous and non ferrous metals including, but not limited to, automotive parts. For additional background information, please refer to the project description submitted by the applicant.

For environmental assessment purposes, this initial study evaluates the establishment of a recycling facility for the on-site collection of household recycling and scrap metal on two parcels totaling 2.2± acres. The proposed operation includes indoor collection of household recyclables (plastics, aluminum cans, glass bottles, and card board) and outdoor collection, weighing, crushing, cutting, bailing, loading, and transporting of scrap metal up to an average of 2,500 tons per month. The recycling materials are transported off-site for subsequent processing. The operation proposes to employ up to 18 full-time and 5 part-time employees, an increase of 14 employees from July 2009.

The recycling facility proposes to utilize two existing Quonset structures, totaling approximately 11,200 square feet, for office use and storage, along with utilizing other structures (truck scale and office, mechanic shed [350 square feet], and storage shed) and storage containers on-site. The northern and southern property lines are presently

bounded by an eight (8) foot high chain link fence with privacy slats and barbed wire. The rear or eastern property line is bounded by a six (6) foot high block wall and six (6) foot high chain link fence with slats and capped with a two (2) foot high roll of razor ribbon wire.

The proposed operation includes the use of heavy equipment consisting of one excavator with a grappler attachment, one excavator with a shear attachment, and one stationary metal baler. A 10 foot high masonry wall with landscaping is proposed along the eastern portion of the property. An eight (8) foot high block wall has been installed along the north, east, and south edges of the central pile of scrap metal, referred to as the "tin pile". A six (6) foot high block wall is proposed along the western and northern edges of the "steel pile". The facility is open for business between 8:00 a.m. and 4:30 p.m. and receives approximately 250 vehicle and truck trips per day. The business proposes to operate privately, and will not be open to the public, before 8:00 a.m. and after 4:30 p.m.

- 9. **Surrounding land uses and setting:** Commercial uses to the north, west, and south, and residential development to the east. S. 9<sup>th</sup> Street is located to the west and Bystrum Road is located to the east of the site.
- 10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Environmental Resources - Solid Waste Division  
Stanislaus County Department of Public Works  
City of Ceres  
Regional Water Quality Control Board  
San Joaquin Valley Air Pollution Control District

**Attachments:**

- 1 - Storm Water Pollution Prevention Plan and Monitoring Program prepared for Central Valley Recycling, 524 S. 9<sup>th</sup> Street, Modesto by H2E Consulting

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                        | <input type="checkbox"/> Agriculture & Forestry Resources | <input checked="" type="checkbox"/> Air Quality               |
| <input type="checkbox"/> Biological Resources              | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Geology /Soils                       |
| <input type="checkbox"/> Greenhouse Gas Emissions          | <input type="checkbox"/> Hazards & Hazardous Materials    | <input checked="" type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning               | <input type="checkbox"/> Mineral Resources                | <input checked="" type="checkbox"/> Noise                     |
| <input type="checkbox"/> Population / Housing              | <input type="checkbox"/> Public Services                  | <input type="checkbox"/> Recreation                           |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems      | <input type="checkbox"/> Mandatory Findings of Significance   |

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Miguel A. Galvez, Senior Planner  
 Prepared By \_\_\_\_\_

March 19, 2015  
 Date \_\_\_\_\_



**EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) **Earlier Analysis Used.** Identify and state where they are available for review.
  - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
  - 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
  - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
  - 9) The explanation of each issue should identify:
    - a) the significant criteria or threshold, if any, used to evaluate each question; and
    - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

**ISSUES**

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
<p><b>Discussion:</b> The site itself is not considered to be a scenic resource or a scenic vista. There are no scenic or historical resources on the property. The site is improved with two Quonset huts, various storage structures, and a six (6) foot high concrete wall and chain link fence along the eastern property boundary.</p> <p>This project is within the City of Ceres Sphere of Influence (SOI). Goal Five of the Land Use Element is to complement the general plans of cities within the County and, as such, this initial study is referred to the City of Ceres to determine if the City has any objections to approval and if this project, as proposed, concurs with the City's development standards. A response from the City is pending their review of this document.</p> <p>Scrap metal will be received and temporarily stored outside in piles located in the center of the site. The piles of recycled materials can reach a height of up to 13 feet above ground level. A pile of scrap metal is generally visible from properties located east of the site. Two large and tall pieces of equipment, consisting of an excavator and shearer, are also in use throughout the site cutting, moving, and loading recycled materials. The arms of this equipment may be visible from outside of the property. The project will be required to adhere to height and screening restrictions for outside storage as identified in the City of Ceres development standards for the C-2 zone (section 18.26.120.Q). The project proposes the installation of landscaping and trees along Bystrum Road and other eastern areas of the property.</p> <p>Operating hours are Monday through Saturday from 8:00 a.m. to 4:30 p.m. and closed on Sundays. Ingress and egress will be from S. 9<sup>th</sup> Street. Due to the orientation of the driveways, fencing, and operating hours, it does not appear that vehicle lights will impact homes/neighbors residing in the residential zoning district to the east. A condition of approval will be added to the project requiring exterior lighting to be designed (aimed down and towards the site) to provide adequate illumination without a glare effect onto surrounding residential properties east of the project site.</p> <p>The recycling facility receives recycling materials from pedestrians who bring recyclables in shopping carts. The shopping carts are often abandoned outside of the facility and pose as an eyesore until removed. The nature of the business will result in the generation of trash and litter which may blow off site. Conditions of approval will be added to the project to address litter, shopping carts, and the visual impacts of the facility's operation and scrap metal piles.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Application information; Planning staff site visits on March 5, 2014, and March 12, 2015; City of Ceres Zoning Ordinance; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				

<b>II. AGRICULTURE AND FOREST RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X
<b>Discussion:</b> The project site is located within the City of Ceres Local Agency Formation Commission (LAFCO) adopted SOI and in an urbanized setting. The site is improved with two existing Quonset hut buildings, a mechanic's shed, and a scale office all totaling approximately 12,000 square feet. There are no agricultural uses in the area; consequently, the project will not impact agricultural land and/or uses nor will the project result in the loss and/or conversion of farmland, forest land, or timberland.				
<b>Mitigation:</b> None.				
<b>References:</b> Planning staff site visits on March 5, 2014, and March 12, 2015; the Stanislaus County Geographic Information System; and the Stanislaus County General Plan and Support Documentation <sup>1</sup> .				
<b>III. AIR QUALITY --</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?		X		
e) Create objectionable odors affecting a substantial number of people?			X	

**Discussion:** The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD's most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the 2008 PM 2.5 (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as "extreme non-attainment" for ozone, "attainment" for respirable particulate matter (PM-10), and "non-attainment" for PM 2.5, as defined by the Federal Clean Air Act.

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from the site and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA, which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. The project will increase traffic in the area and, thereby, impact air quality. The applicant estimates that there will be 18 employees on a maximum shift, approximately 250 daily customers, and up to ten truck trips per day resulting in a 15 percent increase in truck traffic for the area.

Potential impacts on local and regional air quality are anticipated to be less than significant, falling below SJVAPCD thresholds, as a result of the nature of the proposed project and project's operation after construction. Implementation of the proposed project would fall below the SJVAPCD significance thresholds for both short-term construction and long-term operational emissions, as discussed below. Because construction and operation of the project would not exceed the SJVAPCD significance thresholds, the proposed project would not increase the frequency or severity of existing air quality standards or the interim emission reductions specified in the air plans.

For these reasons, the proposed project would be consistent with the applicable air quality plans. Also, the proposed project would not conflict with applicable regional plans or policies adopted by agencies with jurisdiction over the project and would be considered to have a less than significant impact.

Construction activities occurring in the project area could temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations in the project vicinity. The primary source of construction-related CO, SOX, VOC, and NOX emissions is gasoline and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces.

Construction activities associated with the proposed project would consist primarily of construction and installation of concrete walls, concrete pavement, and perimeter landscaping. These activities would not require any substantial use of heavy-duty construction equipment and would require little or no demolition or grading as the site is presently graded, paved, and considered to be topographically flat. Consequently, emissions would be minimal. Furthermore, all construction activities would occur in compliance with all SJVAPCD regulations; therefore, construction emissions would be less than significant without mitigation.

Operational emissions would be generated by mobile sources as a result of passenger vehicles dropping off household recyclables (and some scrap metal) and CVR trucks picking up baled recyclables and scrap metal. The proposed project would result in approximately 250 daily vehicle and truck trips to and from the site. The project was referred to SJVAPCD who responded with standard conditions of approval and a determination that project specific criteria pollutant emissions are not expected to exceed the District's significance thresholds of: 10 tons/year NOX, 10 tons/year ROG, and 15 tons/year PM10; therefore, project specific criteria pollutant emissions are expected to have a less than significant adverse impact on air quality. Additional comments indicate 250 daily truck trips result in diesel truck emissions which are a source of toxic air contaminants (TACs) that are known to the State of California to have a potential health impact on sensitive receptors.

In addition, the District commented that, due to potential exposure to heavy metals, the SJVAPCD recommended a screening level analysis for potential risk associated with project related daily truck traffic. If the screening analysis indicated a risk of greater than 10 in one million, the SJVAPCD recommended the preparation of a health risk assessment. Planning staff and the SJVAPCD request a screening level analysis for potential risk associated with project completion.

The entire surface of the Central Valley Recycling facility is paved with concrete and, in most areas, covered with dirt/sediment that has been tracked in over time via peddler and commercial vehicle traffic. The loose dirt and sediment is currently sprayed by a water truck multiple times a day as a dust control measure.

The project will include a condition of approval to have a Screening Level Analysis prepared as required by the San Joaquin Valley Air Pollution Control District.

**Mitigation:**

1. A Screening Level Analysis for potential risk associated with project related truck traffic and exposure to heavy metals is required within 60 days of project approval to determine if preparation of a health risk assessment is warranted as determined by the San Joaquin Valley Air Pollution Control District.

**References:** Application information; referral response from the San Joaquin Valley Air Pollution Control District dated October 28, 2013; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; [www.valleyair.org](http://www.valleyair.org); Storm Water Pollution Prevention Plan and Monitoring Program for Central Valley Recycling; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

**Discussion:** The property is currently zoned C-2 (General Commercial) and is partially paved and improved with several buildings totaling approximately 12,000 square feet. There is no evidence to suggest that this project would result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There are no known sensitive or protected species or natural communities located on the site and/or in the surrounding area.

Early consultation referral responses have not been received from either the California Department of Fish and Wildlife (formerly the Department of Fish and Game) or the U.S. Fish and Wildlife Service. The site is completely paved and has been used commercially since 1955. Due to the lack of evidence, staff believes the proposed project will have no impact to sensitive and endangered species, conservation plans, wildlife and vegetation habitat, or significant biological resources. The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans.

**Mitigation:** None.

**References:** Stanislaus County Sectional District Map No. 55; California Department of Fish and Wildlife (formerly the Department of Fish and Game) California Natural Diversity Database; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

**Discussion:** It does not appear this project will result in significant impacts to any archaeological or cultural resources. A condition of approval will be placed on the project that requires that if any resources are found, construction activities will halt at that time. The project was referred to the Native American Heritage Commission, via the State Clearinghouse, and a referral response dated October 18, 2013, was received recommending that a records search be conducted for potential location of cultural and historical resources on the site. As the site has been previously developed and no new building construction is proposed, the potential for disturbing cultural and/or historical resources is minimal.

**Mitigation:** None.

**References:** Referral response from the Native American Heritage Commission dated October 18, 2013, and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
<p><b>Discussion:</b> As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required as part of the building permit process. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications which considers the potential for erosion and run-off prior to permit approval.</p> <p>Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements. The project was referred to the Department of Public Works and the Building Permits Division. Both departments responded with comments which will be incorporated into the projects conditions of approval.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Referral responses from the Stanislaus County Chief Building Official dated October 16, 2013; referral response from the Stanislaus County Department of Public Works dated July 17, 2014; California Building Code; and the Stanislaus County General Plan and Support Documentation - Safety Element<sup>1</sup>.</p>				

VII. GREENHOUSE GAS EMISSIONS – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	
<p><b>Discussion:</b> The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H<sub>2</sub>O). CO<sub>2</sub> is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO<sub>2</sub> equivalents (CO<sub>2</sub>e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. As a requirement of AB 32, the ARB was assigned the task of developing a Climate Change Scoping Plan that outlines the state's strategy to achieve the 2020 GHG emissions limits. This Scoping Plan includes a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce the state's dependence on oil, diversify the state's energy sources, save energy, create new jobs, and enhance public health. The Climate Change Scoping Plan was approved by the ARB on December 22, 2008. According to the September 23, 2010, AB 32 Climate Change Scoping Plan Progress Report, 40 percent of the reductions identified in the Scoping Plan have been secured through ARB actions and California is on track to its 2020 goal.</p> <p>Although not originally intended to reduce GHGs, California Code of Regulations (CCR) Title 24, Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. Since then, Title 24 has been amended with recognition that energy-efficient buildings require less electricity and reduce fuel consumption, which in turn decreases GHG emissions. The current Title 24 standards were adopted to respond to the requirements of AB 32. Specifically, new development projects within California after January 1, 2011, are subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11).</p> <p>The proposed project would result in short-term emissions of GHGs during construction. These emissions, primarily CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O, are the result of fuel combustion by construction equipment and motor vehicles. The other primary GHGs (HFCs, PFCs, and SF<sub>6</sub>) are typically associated with specific industrial sources and are not expected to be emitted by the proposed project. As described in the air quality section, the use of heavy-duty construction equipment would be very limited; therefore, the emissions of CO<sub>2</sub> from construction would be less than significant.</p> <p>The project would also result in direct annual emissions of GHGs during operation. Direct emissions of GHGs from operation of the proposed project are primarily due to passenger vehicles and truck trips. This project would not result in emission of GHGs from any other sources. The applicant is licensed and permitted to accept household recyclables (CRV) at this location and only the scrap metal component of the proposed business is subject to a use permit. The GHG impacts of the acceptance of scrap metal are not expected to result in increases in passenger vehicles and truck trips. In fact, some reduction in vehicle emissions will be seen as customers who routinely recycle CRV at this location will no longer be required to take household scrap metal to a different location for processing. Consequently, GHG emissions are considered to be less than significant.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Application information; <a href="http://www.valleyair.org">www.valleyair.org</a>; referral response from the San Joaquin Valley Air Pollution Control District dated October 28, 2013; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				



VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
<p><b>Discussion:</b> The recycling center accepts used motor vehicles and appliances for recycling. The applicant is required to ensure that all motor vehicle and appliance liquids (oil, fluids, and gasoline) and chemicals are removed prior to processing. DER is responsible for overseeing hazardous materials handling and disposal.</p> <p>On February 21, 2013, the DER Hazardous Materials Division (Haz Mat) cited Central Valley Recycling with violation of the California Health and Safety Code and Title 22, California Code of Regulations, relating to contaminated storm water as identified on this property. The operator was ordered to correct this violation and be in compliance.</p> <p>This proposed project was referred to DER Haz Mat and the Department reported no recent incidents of significant hazardous material spills. The Department also reported that Central Valley Recycling is in compliance with hazardous materials handling regulations.</p> <p>The project site is not located within an airport land use plan or a wildlands area.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Department of Environmental Resources - Hazardous Materials Division inspection reports and logs (last inspection conducted on November 8, 2013, and status reconfirmed with staff on July 17, 2014), and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				

IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X
<p><b>Discussion:</b> There are no municipal storm drain systems within the site or along S. 9<sup>th</sup> Street. Storm water flows generally drain from north to south via curb/gutter along S. 9<sup>th</sup> Street. Surface runoff would eventually be collected by municipal storm drains and ultimately discharged to the Tuolumne River.</p> <p>The parcel is graded such that surface runoff sheet flows drain from north to south and to the west. There are two outfalls at the entrance to the site where there is a potential for storm water to discharge.</p> <ol style="list-style-type: none"> <li>1. One 15 foot wide driveway on the western side of the property, at S. 9<sup>th</sup> Street (Potential Outfall #1).</li> <li>2. One 25 foot wide driveway, south of Potential Outfall #1, on the western side of the property, at S. 9<sup>th</sup> Street (Potential Outfall #2).</li> </ol>				

The surface of the Central Valley Recycling facility is paved with concrete and, in most areas, covered with dirt/sediment that has been tracked in over time via peddler and commercial vehicle traffic. The loose dirt and sediment is currently sprayed by a water truck multiple times a day as a dust control measure.

The project proponents submitted a Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Program as prepared by H2E Consulting. The draft SWPPP and Monitoring Plan identify Best Management Practices (BMP) to protect water quality. BMPs are methods that will be, or have been, implemented to effectively reduce the potential for pollution associated with storm water runoff. BMPs include maintenance and operation procedures, use of devices for control of site runoff, spills, leaks, and drainage from the storage areas. They also contain a list of actions to be taken to reduce the discharge of pollutants.

The applicant proposes to install a concrete surface throughout the site and will maintain stormwater run-off on-site. An on-site storm water retention basin system will need to be designed and approved by the Stanislaus County Department of Public Works. This will be added as a condition of approval for the project if approved.

On July 9, 2012, the State Water Resources Control Board received and processed a Notice of Intent (NOI) to comply with the terms of the General Permit to Discharge Water associated with the industrial activity conducted at 524 S. 9<sup>th</sup> Street, Modesto. The Waste Discharger Identification Number is 5S501023713. The recycling operator is required to comply with all Waste Discharge Requirements in compliance with State Law.

Run-off is not considered an issue because of several factors which limit the potential impact. These factors include a relative flat terrain of the subject site and relatively low rainfall intensities. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site itself is not located within a FEMA recognized flood zone and, as such, flooding is not considered to be an issue with respect to this project.

**Mitigation:**

2. *Implementation of Best Management Practices identified on pages 16 thru 23 of the Storm Water Pollution Prevention Plan and Monitoring Program prepared for Central Valley Recycling, 524 S. 9<sup>th</sup> Street, Modesto by H2E Consulting, which is Attachment 1 of the Initial Study and hereby incorporated by reference.*

**References:** Referral response from the Regional Water Quality Control Board dated October 25, 2013; Storm Water Pollution Prevention Plan and Monitoring Program prepared for Central Valley Recycling, 524 S. 9<sup>th</sup> Street, Modesto by H2E Consulting; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

X. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

**Discussion:** This project does not propose any significant type of growth inducing features; therefore, adverse affects created by population growth are not expected to occur. No housing or persons will be displaced by the project.

The site was zoned C-2 (General Commercial) as of October 26, 1955. A CRV recycling facility has operated at the subject site since 1991. In 2001, the operation was broadened to include recycling of scrap metal (copper, radiators, stainless steel, batteries, insulated wire).

A truck bed cover retailer business and a trucking business are located north of the site. An auto body business, a donut shop, and a trucking school are located south of the site. Single-family dwellings are located to the east. S. 9th Street and industrial uses are located to the west. Two other recycling centers (including Universal Service Recycling) and motels are located in close proximity to the subject site.

The property is located within the City of Ceres SOI and the project's early consultation referral was forwarded to the City of Ceres for comment. A referral response from the City of Ceres, dated October 24, 2013, stated that they would review and comment on the proposal during the environmental review process.

**Mitigation:** None.

**References:** Referral response from James Michaels, Associate Planner, City of Ceres Planning and Building Division dated October 24, 2013; Stanislaus County Sectional District Map No. 55; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XI. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

**Discussion:** The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		

<p>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</p>				X
<p>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</p>				X

**Discussion:** The recycling of household CRV products is a permitted use in the C-2 (General Commercial) zoning district. As discussed previously, the applicant is requesting to collect scrap metal on-site; a use which requires approval of a use permit. The CRV recycling will be accepted and sorted within the existing Quonset hut building. An excavator with a shearer arm will be used for vehicle and scrap metal crushing and cutting along with an excavator with a grappler arm to move scrap metal. Scrap metal will be collected and handled outside utilizing two excavators to unload, move, cut, load, and crush scrap metals during normal business hours. Presently, vehicle cutting and crushing is limited to the hours of 11:00 a.m. and 2:00 p.m. during normal business hours.

Noise studies are used to determine the noise/decibel levels of a proposed project and to determine what types of mitigation measures are necessary to address the impacts associated with the proposed use. Mitigation measures may include the construction of sound walls, moving operations into a building, or limitations on operating hours of certain types of equipment.

In January of 2013, Central Valley Recycling (CVR) retained Bollard Acoustical Consultants (BAC), to conduct noise measurements of the facility during normal operations and prepare a noise analysis. This Environmental Noise Analysis, prepared by BAC, dated January 30, 2013, concluded that noise generated during typical operations at the Central Valley Recycling facility exceeded the County's exterior noise standards and recommended noise mitigation measures to reduce facility noise generation to a state of compliance with Stanislaus County noise standards.

In response to the Noise Analysis, the following noise control measures were implemented by the applicant:

1. The tin pile was relocated 150 feet from the fence line to the eastern wall.
2. Excavator usage is now limited to areas in front of the tin pile, and the excavator no longer operates in the back of the site.
3. Concrete blocks were placed around the tin pile in a U-shape to form a partial noise barrier to the east.
4. Trucks are now loaded in front of the tin pile and cars are unloaded in front of the tin pile instead of the previous locations behind the pile.
5. Concrete blocks were placed around the metal baler to block the noise from the nonferrous material and baler to mitigate noise levels to residences located to the east.
6. Other facility equipment was also moved away from the back fence along Bystrum Road.

On August 19, 2013, BAC conducted additional noise testing in follow-up to implementation of noise control measures identified on January 30, 2013. This analysis concluded:

**“Conclusions & Recommendations**

This analysis concludes that the noise mitigation measures implemented by CVR in recent months have resulted in a clearly noticeable decrease of 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."

#### **Subsequent Noise Analysis to evaluate handling of increased tonnage.**

"In 2014, Stanislaus County subsequently requested additional information pertaining to potential noise impacts associated with increasing the permitted scrap volume tonnage to 2,000 tons per month from the current baseline of approximately 950 tons per month, and an evaluation of potential impacts associated with project generated vibration. In response to the County's request, BAC conducted vibration monitoring at the project site in December of 2014, as well as additional analysis of impacts associated with increased tonnage. The resulting report represents an update to the original (August 2013) study to incorporate the new noise and vibration data, and updated analysis.

The data listed on Table 5 of the report indicates that the noise mitigation measures incorporated into the current CVR operations has resulted in achieving a state of compliance with the County's noise standards. Specifically, CVR noise generation was found to range from 3 to 16 dB below County noise standards in the various categories. As a result, no additional noise attenuation measures appear to be warranted for this facility to achieve compliance with County noise standards.

Furthermore, the 2014 analysis also concluded that no adverse noise impacts are expected as a result of the proposed increase in monthly tonnage."

#### **Analysis of Project Vibration**

"To quantify vibration levels associated with CVR operations, Bollard Acoustical Consultants, Inc. conducted vibration measurements of all major activities occurring at the project site on December 9, 2014. The measurements were conducted near the CVR project site boundaries, and adjacent to Bystrum Road opposite the nearest existing residences. Figure 4 shows the locations where vibration monitoring was conducted. Figure 5 shows photographs of representative vibration monitoring locations.

The vibration measurements consisted of peak particle velocity sampling using a Larson Davis Laboratories Model HVM100 Vibration Analyzer with a PCB Electronics Model 353B51 ICP Vibration Transducer. The test system is a Type I instrument designed for use in assessing vibration as perceived by human beings, and meets the full requirements of ISO 8041:1990(E). The results of the vibration measurements are shown in Table 6."

"This analysis concludes that the noise mitigation measures implemented at the CVR facility in Stanislaus County have effectively reduced facility noise generation to a state of compliance with Stanislaus County noise standards. In addition, this analysis concludes that vibration levels generated by heavy equipment and operations at the CVR site would be well below thresholds for annoyance and damage to structures at sensitive locations of neighboring uses, including the existing residences to the east. Finally, this analysis concludes that the proposed increase in tonnage would not cause an exceedance of the County's noise level standards at the nearest noise-sensitive land uses to the project site (residences to the east). These conclusions are based on noise level data collected at the project site in 2013 and 2014, vibration data collected at the project site in 2014, operational information provided by CVR, and on the analysis contained herein."

#### **Mitigation:**

3. *Maintain the height of the solid block wall around the tin pile to eight feet high and install a 10 foot high block wall along the eastern property line.*
4. *Limit use of excavators to the west of the tin pile.*
5. *Continue to load and unload trucks west of the tin pile.*

- 6. Limit the use of the excavators and metal baler to the hours between 8:30 a.m. and 5:00 p.m., Monday through Saturday.
- 7. Vehicle crushing and/or vehicle cutting shall be limited to the hours of 11:00 a.m. and 2:00 p.m., Monday through Saturday.
- 8. Install and maintain trees and landscaping along the eastern property line and a distance of 50 feet along the north and south property lines from the eastern property line. Landscaping plans and materials to be in conformance with City of Ceres Standards and Specifications or as approved by Stanislaus County.

**References:** Environmental Noise Analysis prepared for Central Valley Recycling by Bollard Acoustical Consultants, Inc. dated January 30, 2013; correspondence from Bollard Acoustical Consultants, Inc. dated April 1, 2013, and August 19, 2013; supplemental Environmental Noise Analysis prepared for Central Valley Recycling by Bollard Acoustical Consultants, Inc. dated January 16, 2015; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

**XIII. POPULATION AND HOUSING -- Would the project:**

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

**Discussion:** The proposed use of the site will not create service extensions or new infrastructure which could be considered as growth inducing. No housing or persons will be displaced by this project. This project is surrounded by commercial uses to the north and south, S. 9<sup>th</sup> Street to the west, and a single-family residential development to the east.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

**XIV. PUBLIC SERVICES**

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	

Schools?				X
Parks?				X
Other public facilities?				X

**Discussion:** This project was referred to the Department of Public Works, Industrial Fire Protection District, Modesto Regional Fire Authority (MRFA), the Stanislaus County Sheriff's Department, Modesto City Schools, Turlock Irrigation District (TID), PG&E, and AT&T. No responses were received from the Sheriff's Department, Industrial Fire, MRFA, PG&E or AT&T.

The Department of Public Works responded to the project referral with comments regarding encroachment permits, a grading and drainage plan, driveway locations, and restrictions within the right-of-way. These comments will be reflected within the conditions of approval/mitigation measures applied to the project. No potentially significant environmental concerns were raised in regard to traffic impacts.

TID responded with a standard condition of approval regarding facility changes for any pole or electrical facility relocation and a request for a 13 foot wide easement for an overhead 12kV distribution line along the north property line of the project site.

Modesto City Schools responded stating that the appropriate commercial fees will be assessed on all construction during the building permit application process.

The County has adopted Public Facilities Fees to address impacts to public services. Any construction resulting from approval of this project will be required to pay fees, at the time of building permit issuance, to public service providers such as the Sheriff's Department and school and fire districts. Conditions of approval will be added to this project to insure the proposed development complies with all applicable public service department standards.

**Mitigation:** None.

**References:** Referral response from the Department of Public Works dated July 17, 2014; referral response from the Turlock Irrigation District dated October 18, 2013; referral response from Modesto City Schools dated October 16, 2013; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XV. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

**Discussion:** The increased use of existing recreational facilities as a result of this project is anticipated to have no impact as the project does not propose any dwellings.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.



XVI. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	
<p><b>Discussion:</b> This project is not expected to substantially increase traffic for this area and the proposed facility will have direct access to S. 9<sup>th</sup> Street, which is a County-maintained roads. The project was referred to CalTrans and the Stanislaus County Department of Public Works. A referral response has not been received from CalTrans; however, Public Works has responded with standard conditions of approval and a mitigation measure to address any future issues with stacking in the right-of-way. Stacking contributes to traffic impacts and safety issues if autos trying to enter the site back up into the County right-of-way. Should stacking occur two (2) times in any two (2) week period, the applicant will be responsible for preparing and implementing a traffic circulation plan within 15 calendar days of the second incident.</p>				
<p><b>Mitigation:</b></p> <p>9. <i>Vehicle stacking in the public road right-of-way is not permitted. Should the number of vehicles entering the property back up onto 9<sup>th</sup> Street for more than two (2) consecutive days within any two (2) week period, the applicant shall submit a new traffic circulation plan for the site within 15 calendar days of the violation. The plan shall be designed in such a way as to eliminate any stacking onto 9<sup>th</sup> Street and submitted to the Department of Public Works for approval of the Public Works Director or his designee.</i></p>				
<p><b>References:</b> Referral response from the Stanislaus County Department of Public Works dated July 17, 2014, and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

**Discussion:** Limitations on public utilities and service systems have not been identified. Less than significant impacts associated with utilities and service systems will be reflected within the project's conditions of approval. Water service is provided by the City of Modesto and sewer service is provided by the City of Ceres. The project was referred to both cities. Neither city indicated any concerns with the project, nor did they indicate the need for any upgrades to the existing water and sewer systems that serve the project site. Garbage service is provided by Turlock Scavenger. Conditions of approval requiring a grading and drainage plan will be incorporated into this project. The project was referred to the Regional Water Quality Control Board (RWQCB) who responded with standard conditions of approval that will be incorporated into the project. Responding agencies gave no indication that this project would result in construction of additional water, sewer, or storm drainage facilities or exceed wastewater treatment requirements of the RWQCB.

**Mitigation:** None.

**References:** Referral response from the Regional Water Quality Control Board dated October 25, 2013; referral response from the Stanislaus County Department of Public Works dated July 17, 2014; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.



XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X

<p>b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p>			<p>X</p>	
<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>			<p>X</p>	
<p><b>Discussion:</b> Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area. The presence of two (2) other scrap metal collection and recycling facilities could contribute to cumulative impacts of noise and traffic in the area; however, each environmental factor has been vetted and reviewed in the noise and traffic sections and staff has determined that the potential for cumulative impacts is mitigated through the utilization of existing conditions and mitigation measures.</p>				

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<sup>1</sup>Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007; **Housing Element** adopted on August 28, 2012; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

## MITIGATED NEGATIVE DECLARATION

**NAME OF PROJECT:** Use Permit Application No. PLN2013-0078 - Central Valley Recycling, Inc.

**LOCATION OF PROJECT:** 522 & 524 S. 9<sup>th</sup> Street, on the east side of S. 9<sup>th</sup> Street, north of Hosmer Avenue, west of Bystrum Road, in the Ceres area. APN: 038-012-008 and 038-012-009

**PROJECT DEVELOPER:** Central Valley Recycling, Inc.  
524 S. 9<sup>th</sup> Street  
Modesto, CA 95351

**DESCRIPTION OF PROJECT:** Request to intensify an existing California Redemption Value (CRV) and scrap metal recycling facility on two parcels totaling approximately 2.2 acres. The proposal would increase the volume of scrap metal recycling from an average of 1,350 tons to a maximum of 2,500 tons per month, and the number of employees from nine (9) to 18 full time and five (5) part time employees. Scrap metal will be cut, crushed, baled, and then transported off-site for further processing.

Based upon the Initial Study, dated **March 19, 2015**, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

1. *A Screening Level Analysis for potential risk associated with project related truck traffic and exposure to heavy metals is required within 60 days of project approval to determine if preparation of a health risk assessment is warranted as determined by the San Joaquin Valley Air Pollution Control District*
2. *Implementation of Best Management Practices identified on pages 16 thru 23 of the Storm Water Pollution Prevention Plan and Monitoring Program prepared for Central Valley Recycling, 524 S. 9<sup>th</sup> Street, Modesto by H2E Consulting, which is Attachment 1 of the Initial Study and hereby incorporated by reference.*
3. *Maintain the height of the solid block wall around the tin pile to eight feet high and install a 10 foot high block wall along the eastern property line.*
4. *Limit use of excavators to the west of the tin pile.*

5. *Continue to load and unload trucks west of the tin pile.*
6. *Limit the use of the excavators and metal baler to the hours between 8:30 a.m. and 5:00 p.m., Monday through Saturday.*
7. *Vehicle crushing and/or vehicle cutting shall be limited to the hours of 11:00 a.m. and 2:00 p.m., Monday through Saturday.*
8. *Install and maintain trees and landscaping along the eastern property line and a distance of 50 feet along the north and south property lines from the eastern property line. Landscaping plans and materials to be in conformance with City of Ceres Standards and Specifications or as approved by Stanislaus County.*
9. *Vehicle stacking in the public road right-of-way is not permitted. Should the number of vehicles entering the property back up onto 9<sup>th</sup> Street for more than two (2) consecutive days within any two (2) week period, the applicant shall submit a new traffic circulation plan for the site within 15 calendar days of the violation. The plan shall be designed in such a way as to eliminate any stacking onto 9<sup>th</sup> Street and submitted to the Department of Public Works for approval of the Public Works Director or his designee.*

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Miguel Galvez, Senior Planner

Submit comments to: Stanislaus County  
Planning and Community Development Department  
1010 10th Street, Suite 3400  
Modesto, California 95354

# Stanislaus County

## Planning and Community Development

1010 10th Street, Suite 3400  
Modesto, CA 95354

Phone: (209) 525-6330  
Fax: (209) 525-5911

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### Mitigation Monitoring Plan

Adapted from CEQA Guidelines sec. 15097 Final Text, October 26, 1998

**March 19, 2015**

1. Project title and location: Use Permit Application No. PLN2013-0078 - Central Valley Recycling, Inc.  
  
522 & 524 S. 9<sup>th</sup> Street, on the east side of S. 9<sup>th</sup> Street, north of Hosmer Avenue, west of Bystrum Road, in the Ceres area. APN: 038-012-008 and 038-012-009
2. Project Applicant name and address: Central Valley Recycling, Inc.  
524 S. 9<sup>th</sup> Street  
Modesto, CA 95351
3. Person Responsible for Implementing Mitigation Program (Applicant Representative): Donald Francis, Central Valley Recycling, Inc.
4. Contact person at County: Miguel A. Galvez, Senior Planner, (209) 525-6330

#### MITIGATION MEASURES AND MONITORING PROGRAM:

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

#### III. AIR QUALITY

- No. 1 Mitigation Measure: A Screening Level Analysis for potential risk associated with project related truck traffic and exposure to heavy metals is required within 60 days of project approval to determine if preparation of a health risk assessment is warranted as determined by the San Joaquin Valley Air Pollution Control District.

Who Implements the Measure: Applicant

When should the measure be implemented: Within 60 days of project approval.

When should it be completed: As required by the San Joaquin Valley Air Pollution Control District.

Who verifies compliance: San Joaquin Valley Air Pollution Control District

Other Responsible Agencies: N/A

#### IX. HYDROLOGY AND WATER QUALITY

- No. 2 Mitigation Measure: Implementation of Best Management Practices identified on pages 16 thru 23 of the Storm Water Pollution Prevention Plan and Monitoring Program prepared for Central Valley Recycling, 524 S. 9<sup>th</sup> Street, Modesto by H2E Consulting, which is Attachment 1 of the Initial Study and hereby incorporated by reference.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Through the life of the project as necessary.
When should it be completed:	Continuous and ongoing implementation
Who verifies compliance:	Regional Water Quality Control Board
Other Responsible Agencies:	Stanislaus County Department of Public Works

## XII. NOISE

- No. 3 Mitigation Measure: Maintain the height of the solid block wall around the tin pile to eight feet high and install a 10 foot high block wall along the eastern property line.
- |   |  |
|---|--|
| Who Implements the Measure:             | Applicant  |
| When should the measure be implemented: | Apply for a building permit within 60 days of project approval.    |
| When should it be completed:            | Within 180 days of project approval.                               |
| Who verifies compliance:                | Stanislaus County Department of Planning and Community Development |
| Other Responsible Agencies:             | N/A  |
- No. 4 Mitigation Measure: Limit use of excavators to the west of the tin pile.
- |   |  |
|---|--|
| Who Implements the Measure:             | Applicant  |
| When should the measure be implemented: | On an ongoing continuous basis.                                    |
| When should it be completed:            | On an ongoing continuous basis.                                    |
| Who verifies compliance:                | Stanislaus County Department of Planning and Community Development |
| Other Responsible Agencies:             | N/A  |
- No. 5 Mitigation Measure: Continue to load and unload trucks west of the tin pile.
- |   |  |
|---|--|
| Who Implements the Measure:             | Applicant  |
| When should the measure be implemented: | On an ongoing continuous basis.                                    |
| When should it be completed:            | On an ongoing continuous basis.                                    |
| Who verifies compliance:                | Stanislaus County Department of Planning and Community Development |
| Other Responsible Agencies:             | N/A  |
- No. 6 Mitigation Measure: Limit the use of the excavators and metal baler to the hours between 8:30 a.m. and 5:00 p.m., Monday through Saturday.

Who Implements the Measure: Applicant  
When should the measure be implemented: On an ongoing continuous basis.  
When should it be completed: On an ongoing continuous basis.  
Who verifies compliance: Stanislaus County Department of Planning and Community Development  
Other Responsible Agencies: N/A

No. 7 Mitigation Measure: Vehicle crushing and/or vehicle cutting shall be limited to the hours of 11:00 a.m. and 2:00 p.m., Monday through Saturday.

Who Implements the Measure: Applicant  
When should the measure be implemented: On an ongoing continuous basis.  
When should it be completed: On an ongoing continuous basis.  
Who verifies compliance: Stanislaus County Department of Planning and Community Development  
Other Responsible Agencies: N/A

No. 8 Mitigation Measure: Install and maintain trees and landscaping along the eastern property line and a distance of 50 feet along the north and south property lines from the eastern property line. Landscaping plans and materials to be in conformance with City of Ceres Standards and Specifications or as approved by Stanislaus County.

Who Implements the Measure: Applicant  
When should the measure be implemented: Submit landscape and irrigation plans within 60 days of project approval.  
When should it be completed: Construct within 180 days of project approval.  
Who verifies compliance: Stanislaus County Department of Planning and Community Development  
Other Responsible Agencies: City of Ceres

**XVI. TRANSPORTATION/TRAFFIC**

No. 9 Mitigation Measure: Vehicle stacking in the public road right-of-way is not permitted. Should the number of vehicles entering the property back up onto 9<sup>th</sup> Street for more than two (2) consecutive days within any two (2) week period, the applicant shall submit a new traffic circulation plan for the site within 15 calendar days of the violation. The plan shall be designed in such a way as to eliminate any stacking onto 9<sup>th</sup> Street and submitted to the Department of Public Works for approval of the Public Works Director or his designee.

Who Implements the Measure: Applicant



When should the measure be implemented:	When the number of vehicles entering the property back up onto 9 <sup>th</sup> Street for more than two (2) consecutive days within any two (2) week period.
When should it be completed:	Within 15 calendar days of the violation.
Who verifies compliance:	Stanislaus County Department of Public Works
Other Responsible Agencies:	Stanislaus County Department of Planning and Community Development

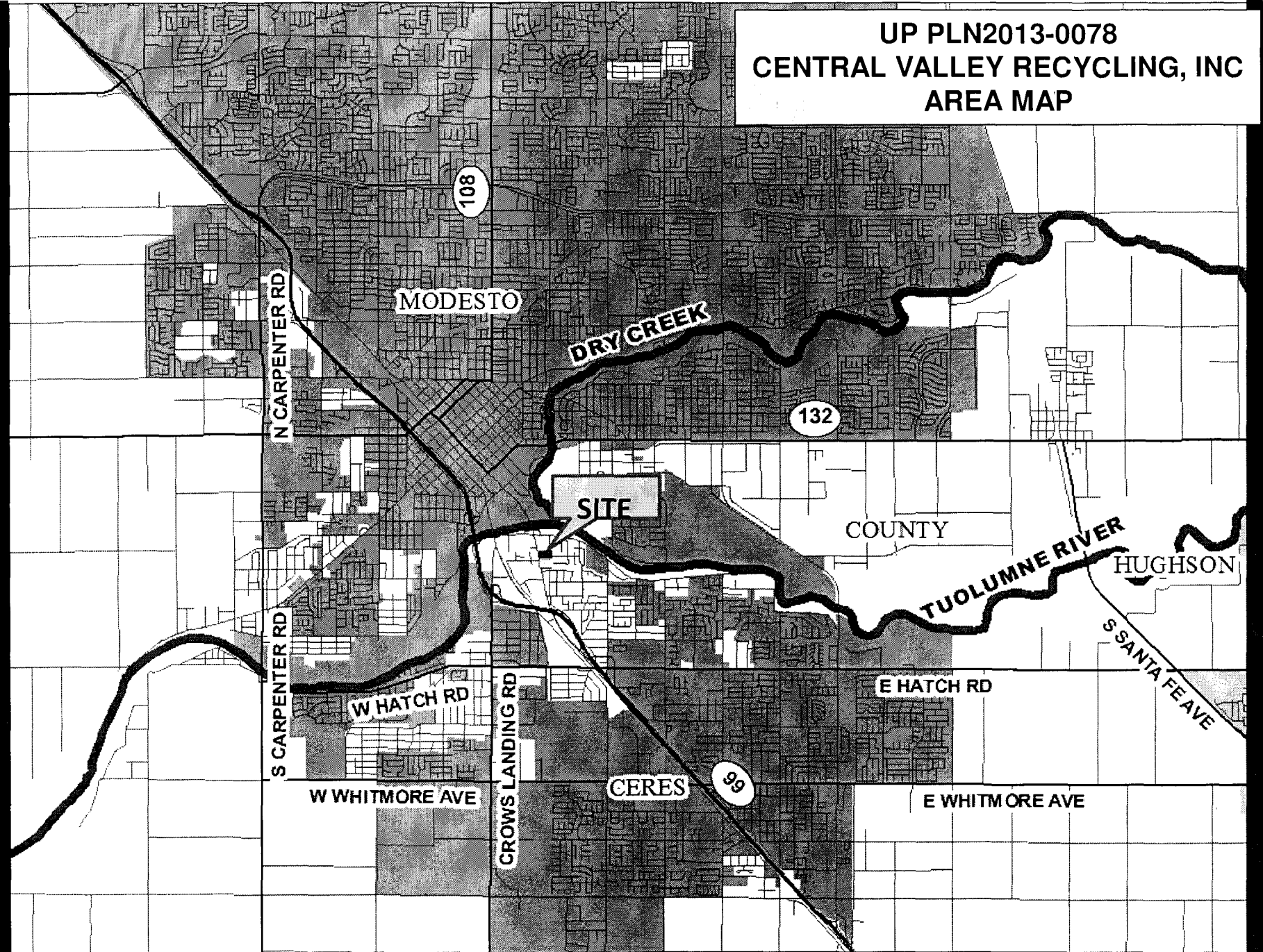
I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

Signature on file  
Person Responsible for Implementing  
Mitigation Program

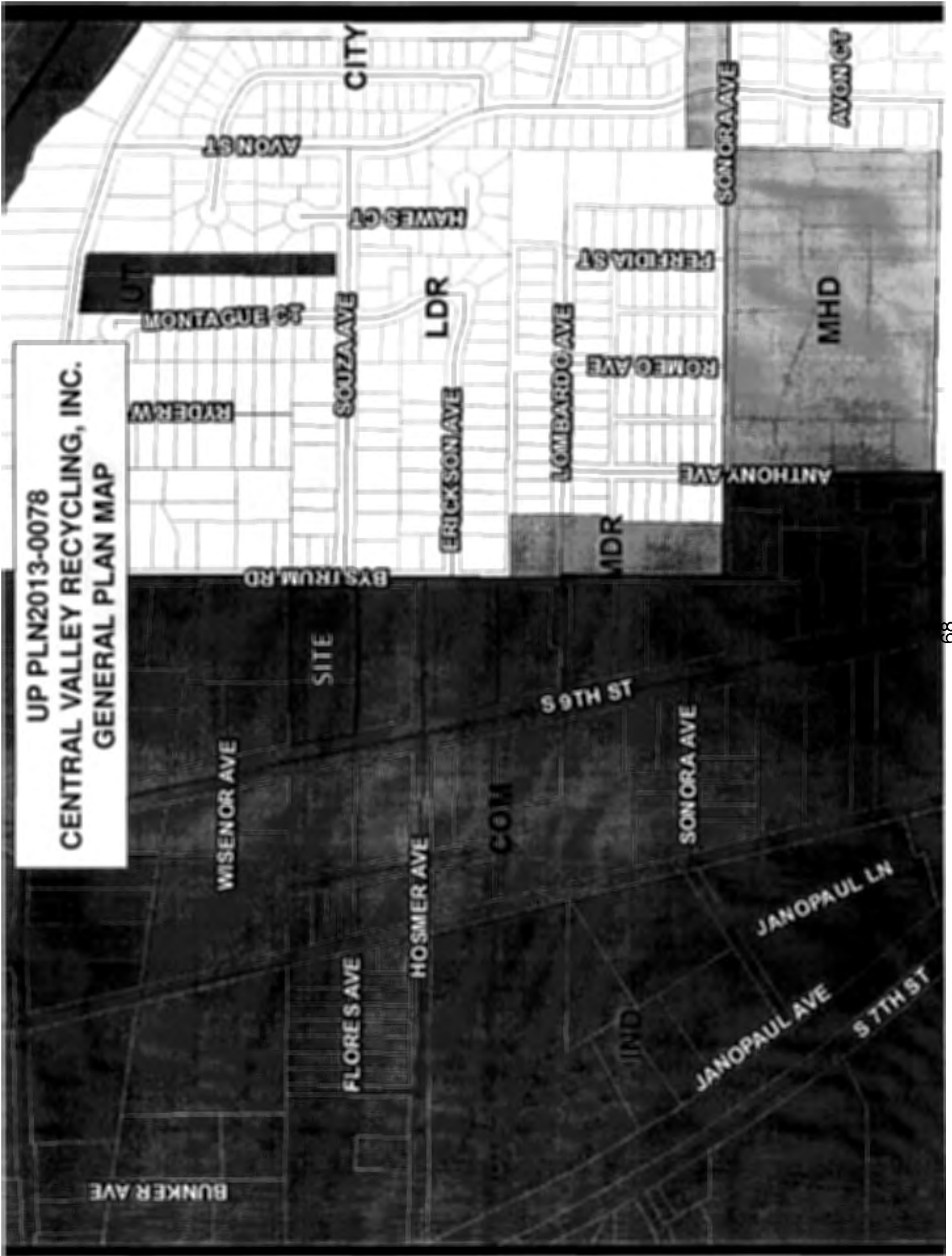
March 19, 2015  
Date

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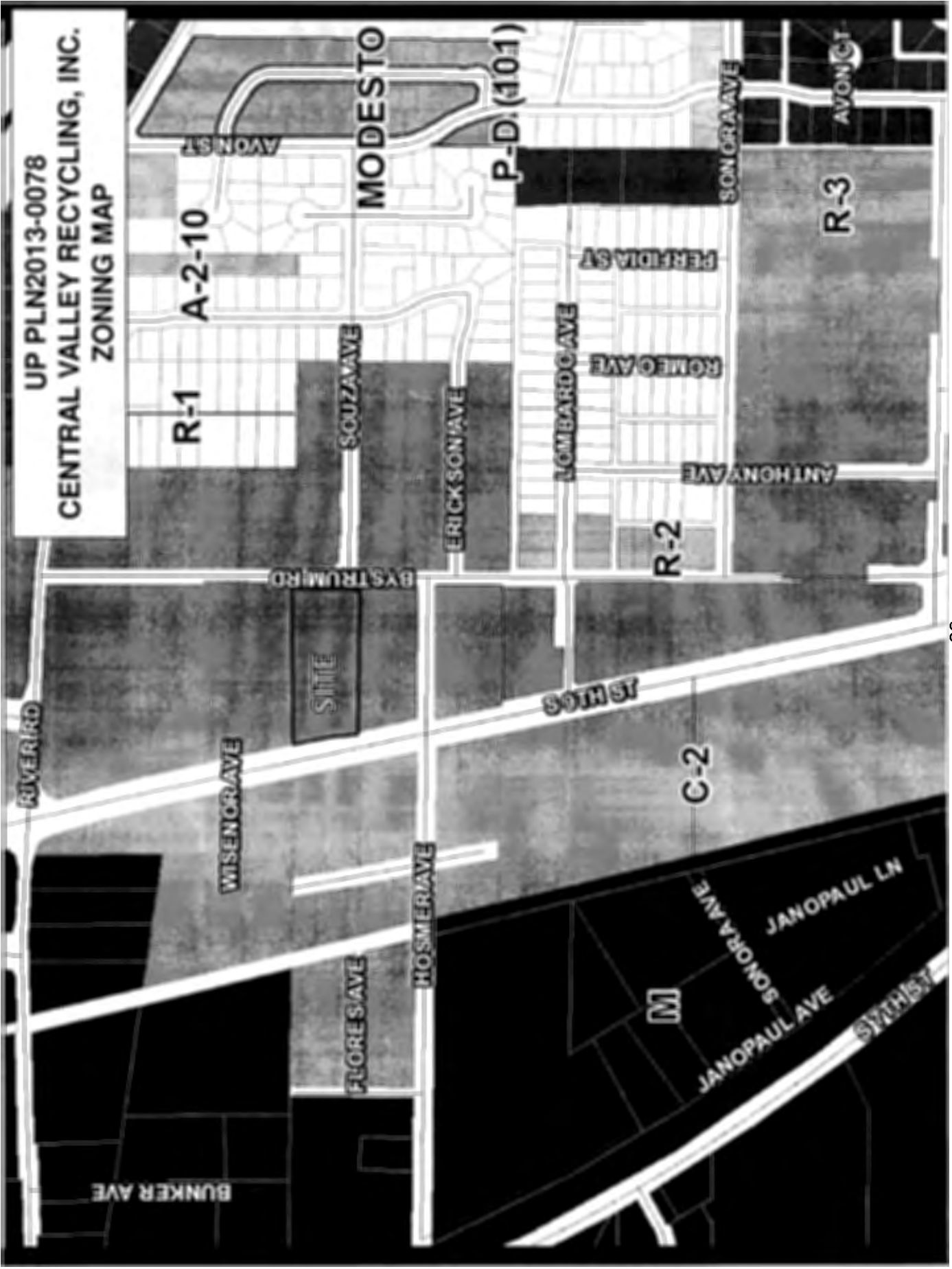
UP PLN2013-0078  
CENTRAL VALLEY RECYCLING, INC  
AREA MAP



UP PLN2013-0078  
CENTRAL VALLEY RECYCLING, INC.  
GENERAL PLAN MAP



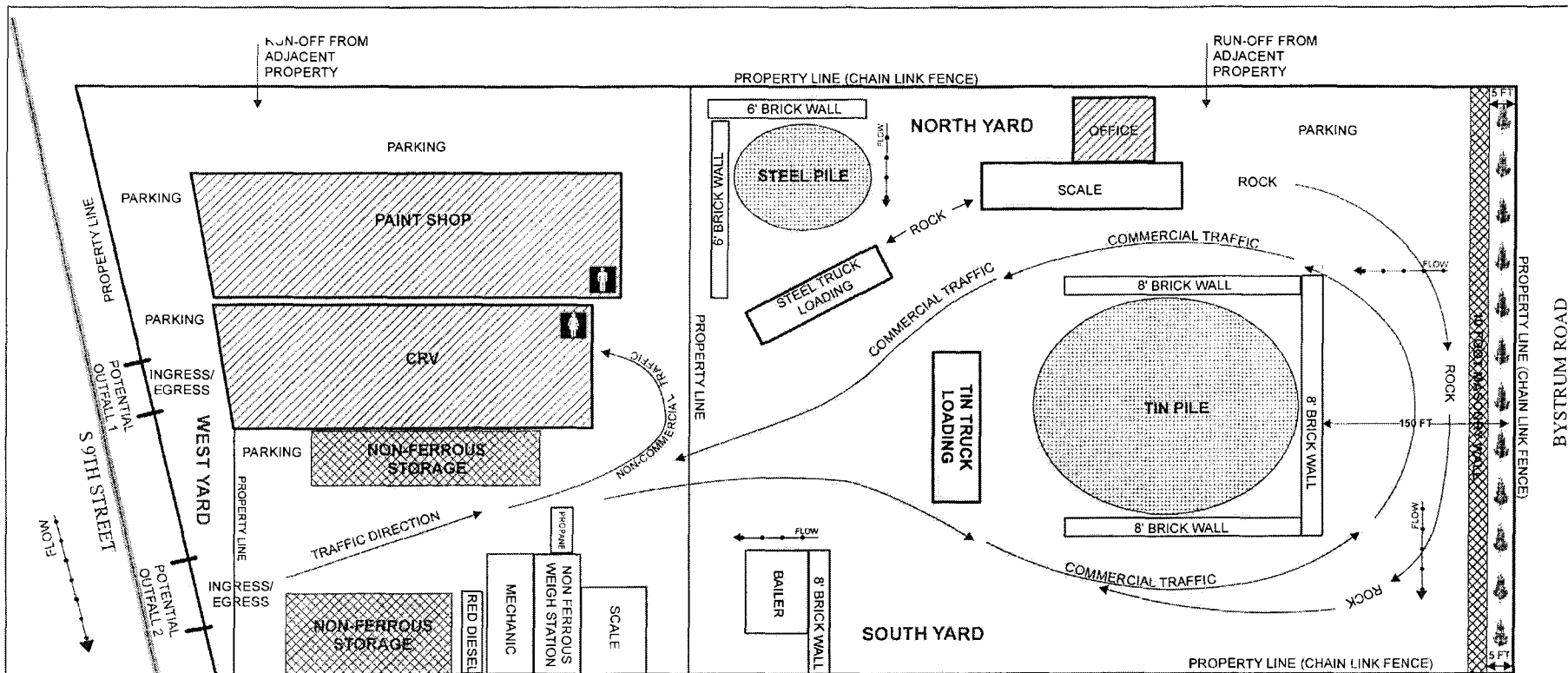
UP PLN2013-0078  
CENTRAL VALLEY RECYCLING, INC.  
ZONING MAP





UP PLN2013-0078  
CENTRAL VALLEY RECYCLING, INC.  
2013 AREIAL





**MAP DATA AND PROJECT STATISTICS:**

INFORMATION DEPICTED IN THIS MAP IS DERIVED FROM FIELD OBSERVATIONS MADE BY H2E CONSULTING ON JULY 16, 2012, INFORMATION PROVIDED BY CENTRAL VALLEY RECYCLING AND AVAILABLE AERIAL IMAGES AND GIS DATA.

JURISDICTION: COUNTY OF STANISLAUS

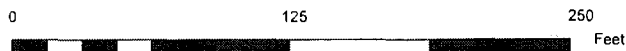
SITE ZONING: C-2

RWQCB: CENTRAL VALLEY REGION 5

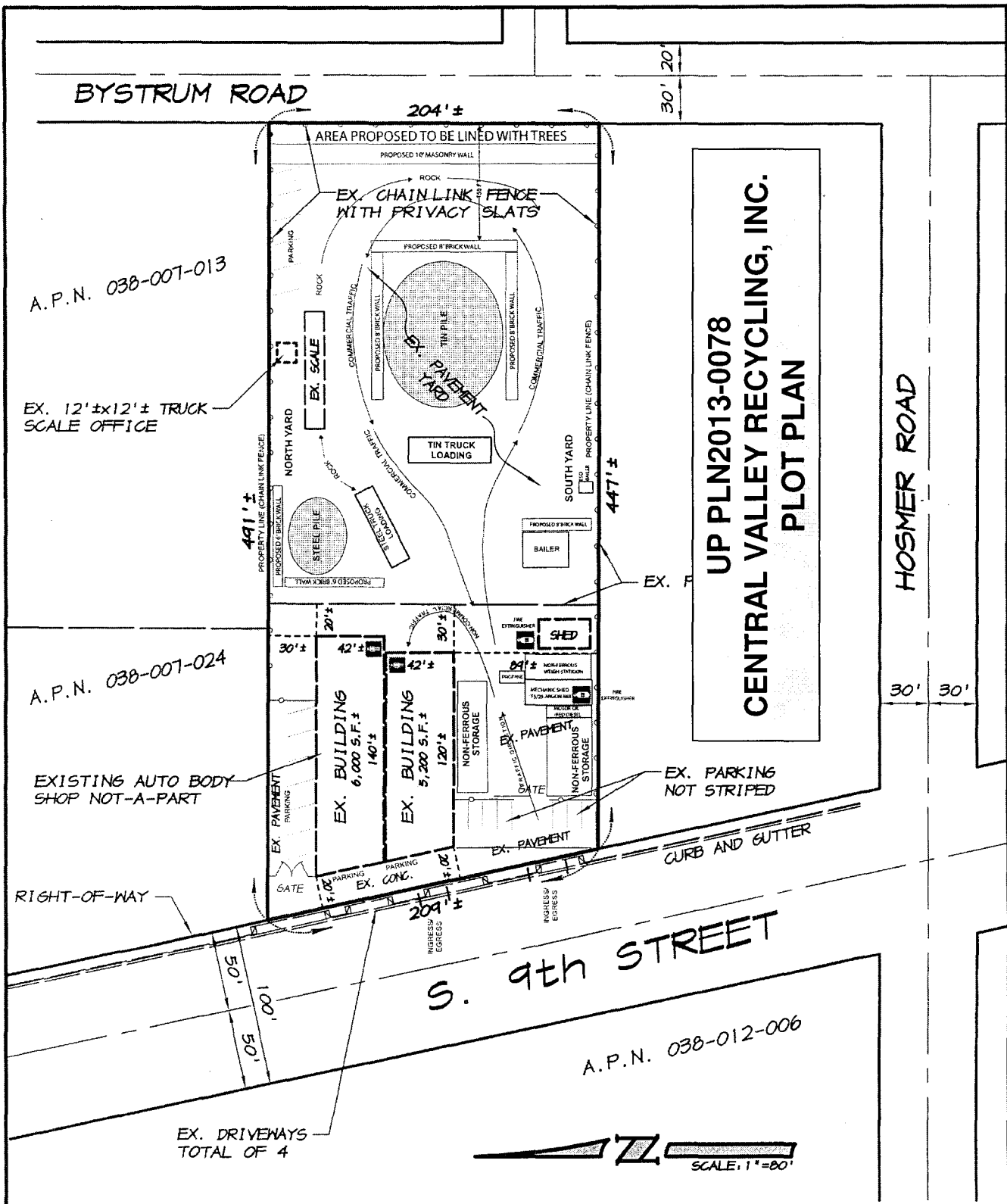
**STORAGE INVENTORY DESCRIPTION:**

CRV ALUMINUM CANS  
 PLASTIC (HDPE)  
 GLASS  
 ALUMINUM  
 BRASS  
 COPPER  
 RADIATORS  
 STAINLESS STEEL  
 BATTERIES  
 INSULATED WIRE  
 CARDBOARD (PAPER)  
 E-WASTE

**UP PLN2013-0078  
 CENTRAL VALLEY RECYCLING, INC.  
 SITE PLAN**



SITE PLAN	
CENTRAL VALLEY RECYCLING MODESTO, CA	
DATE: 09/17/2013	ANALYST: HEDLUND
REVISION 3	APPROVED:



UP PLN2013-0078  
 CENTRAL VALLEY RECYCLING, INC.  
 PLOT PLAN

DRAWN: J.F.
DATE: 11/15/13
SCALE: NOTED
JOB #: 952-13
DWG: PLOT_PLAN

524 S. 9th STREET  
**PLOT PLAN**  
 CENTRAL VALLEY RECYCLING, INC.  
 STANISLAUS COUNTY CALIFORNIA

**ASSOCIATED  
ENGINEERING  
GROUP**

4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA. 95356  
 PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com





# APPLICATION QUESTIONNAIRE

<p><b>Please Check all applicable boxes</b>  <b>APPLICATION FOR:</b>  <i>Staff is available to assist you with determining which applications are necessary</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; padding: 2px;"><input type="checkbox"/> General Plan Amendment</td> <td style="width: 50%; padding: 2px;"><input type="checkbox"/> Subdivision Map</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Rezone</td> <td style="padding: 2px;"><input type="checkbox"/> Parcel Map</td> </tr> <tr> <td style="padding: 2px;"><input checked="" type="checkbox"/> Use Permit</td> <td style="padding: 2px;"><input type="checkbox"/> Exception</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Variance</td> <td style="padding: 2px;"><input type="checkbox"/> Williamson Act Cancellation</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Historic Site Permit</td> <td style="padding: 2px;"><input type="checkbox"/> Other _____</td> </tr> </table>	<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Subdivision Map	<input type="checkbox"/> Rezone	<input type="checkbox"/> Parcel Map	<input checked="" type="checkbox"/> Use Permit	<input type="checkbox"/> Exception	<input type="checkbox"/> Variance	<input type="checkbox"/> Williamson Act Cancellation	<input type="checkbox"/> Historic Site Permit	<input type="checkbox"/> Other _____	<p><b>PLANNING STAFF USE ONLY:</b>          Application No(s): _____          Date: _____          S _____ T _____ R _____          GP Designation: _____          Zoning: _____          Fee: _____          Receipt No. _____          Received By: _____          Notes: _____</p>
<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Subdivision Map										
<input type="checkbox"/> Rezone	<input type="checkbox"/> Parcel Map										
<input checked="" type="checkbox"/> Use Permit	<input type="checkbox"/> Exception										
<input type="checkbox"/> Variance	<input type="checkbox"/> Williamson Act Cancellation										
<input type="checkbox"/> Historic Site Permit	<input type="checkbox"/> Other _____										

In order for your application to be considered COMPLETE, please answer all applicable questions on the following pages, and provide all applicable information listed on the checklist on pages i – v. Under State law, upon receipt of this application, staff has 30 days to determine if the application is complete. We typically do not take the full 30 days. It may be necessary for you to provide additional information and/or meet with staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all the necessary information is provided to the satisfaction of the requesting agency. An application will not be accepted without all the information identified on the checklist.

Please contact staff at (209) 525-6330 to discuss any questions you may have. Staff will attempt to help you in any way we can.

## PROJECT INFORMATION

**PROJECT DESCRIPTION:** (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets as necessary)

*\*Please note: A detailed project description is essential to the reviewing process of this request. In order to approve a project, the Planning Commission or the Board of Supervisors must decide whether there is enough information available to be able to make very specific statements about the project. These statements are called "Findings". It is your responsibility as an applicant to provide enough information about the proposed project, so that staff can recommend that the Commission or the Board make the required Findings. Specific project Findings are shown on pages 17 – 19 and can be used as a guide for preparing your project description. (If you are applying for a Variance or Exception, please contact staff to discuss special requirements).*

Refer to Attachment A.

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# PROJECT SITE INFORMATION

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10<sup>th</sup> Street – 3<sup>rd</sup> Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

**ASSESSOR'S PARCEL NUMBER(S):** Book 038 Page 012 Parcel 008

Additional parcel numbers: 038-012-009

**Project Site Address**  
or **Physical Location:** 524/526 S. 9th Street, Modesto

O Bystrum Road, Modesto

**Property Area:** Acres: \_\_\_\_\_ or Square feet: \_\_\_\_\_

Current and Previous Land Use: (Explain existing and previous land use(s) of site for the last ten years)

Recycling center for CRV and Scrap metal / tin

List any known previous projects approved for this site, such as a Use Permit, Parcel Map, etc.: (Please identify project name, type of project, and date of approval)

N/A

**Existing General Plan & Zoning:** Commercial and C-~~2~~<sup>2</sup> General Commercial

**Proposed General Plan & Zoning:** Same as existing  
(if applicable)

**ADJACENT LAND USE:** (Describe adjacent land uses within 1,320 feet (1/4 mile) and/or two parcels in each direction of the project site)

**East:** Residential

**West:** Commercial

**North:** Commercial

**South:** Commercial

**WILLIAMSON ACT CONTRACT:**

Yes  No

Is the property currently under a Williamson Act Contract?  
Contract Number: \_\_\_\_\_

If yes, has a Notice of Non-Renewal been filed?

Date Filed: \_\_\_\_\_

Yes  No

Do you propose to cancel any portion of the Contract?

Yes  No

Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)

If yes, please list and provide a recorded copy: \_\_\_\_\_

**SITE CHARACTERISTICS:** (Check one or more)

Flat

Rolling

Steep

**VEGETATION:** What kind of plants are growing on your property? (Check one or more)

Field crops

Orchard

Pasture/Grassland

Scattered trees

Shrubs

Woodland

River/Riparian

Other

Explain Other: Site is fully improved and contains no vegetation

Yes  No

Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)

**GRADING:**

Yes  No

Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.) \_\_\_\_\_

**STREAMS, LAKES, & PONDS:**

Yes  No

Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)

Yes  No

Will the project change any drainage patterns? (If yes, please explain – provide additional sheet if needed) \_\_\_\_\_

Yes  No

Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)

Yes  No

Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds, low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)

**Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.**

**STRUCTURES:**

Yes  No  Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.)

Yes  No  Will structures be moved or demolished? (If yes, indicate on plot plan.)

Yes  No  Do you plan to build new structures? (If yes, show location and size on plot plan.)

Yes  No  Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) \_\_\_\_\_  
\_\_\_\_\_

**PROJECT SITE COVERAGE:** *(see attached Project Description)*

Existing Building Coverage: \_\_\_\_\_ Sq. Ft.                      Landscaped Area: \_\_\_\_\_ Sq. Ft.

Proposed Building Coverage: \_\_\_\_\_ Sq. Ft.                      Paved Surface Area: \_\_\_\_\_ Sq. Ft.

**BUILDING CHARACTERISTICS:**

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) \_\_\_\_\_  
\_\_\_\_\_

Number of floors for each building: \_\_\_\_\_  
\_\_\_\_\_

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) \_\_\_\_\_  
\_\_\_\_\_

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary) \_\_\_\_\_  
\_\_\_\_\_

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) \_\_\_\_\_  
\_\_\_\_\_

**UTILITIES AND IRRIGATION FACILITIES:**

Yes  No  Are there existing public or private utilities on the site? Includes telephone, power, water, etc. (If yes, show location and size on plot plan)

Who provides, or will provide the following services to the property?

Electrical: \_\_\_\_\_ TID                      Sewer\*: \_\_\_\_\_ City of Modesto

Telephone: \_\_\_\_\_ AT&T                      Gas/Propane: \_\_\_\_\_ Van Unen / Propane

Water\*\*: \_\_\_\_\_ City of Modesto                      Irrigation: \_\_\_\_\_ N/A

\*Please Note: A "will serve" letter is required if the sewer service will be provided by City, Sanitary District, Community Services District, etc.

\*\*Please Note: A "will serve" letter is required if the water source is a City, Irrigation District, Water District, etc., and the water purveyor may be required to provide verification through an Urban Water Management Plan that an adequate water supply exists to service your proposed development.

Will any special or unique sewage wastes be generated by this development other than that normally associated with resident or employee restrooms? Industrial, chemical, manufacturing, animal wastes? (Please describe:)

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Please Note: Should any waste be generated by the proposed project other than that normally associated with a single family residence, it is likely that Waste Discharge Requirements will be required by the Regional Water Quality Control Board. Detailed descriptions of quantities, quality, treatment, and disposal may be required.

Yes  No  Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)

Yes  No  Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)

Yes  No  Does the project require extension of utilities? (If yes, show location and size on plot plan.)

**AFFORDABLE HOUSING/SENIOR:**

Yes  No  Will the project include affordable or senior housing provisions? (If yes, please explain)

**RESIDENTIAL PROJECTS:** (Please complete if applicable – Attach additional sheets if necessary)

Total No. Lots: \_\_\_\_\_ Total Dwelling Units: \_\_\_\_\_ Total Acreage: \_\_\_\_\_

Net Density per Acre: \_\_\_\_\_ Gross Density per Acre: \_\_\_\_\_

<i>(complete if applicable)</i>	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/Townhouse
Number of Units:	_____	_____	_____	_____
Acreage:	_____	_____	_____	_____

**COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS:** (Please complete if applicable – Attach additional sheets if necessary)

Square footage of each existing or proposed building(s): \_\_\_\_\_

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Type of use(s): Refer to Attachment A.

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Days and hours of operation: Monday Through Saturday, 8:00 am to 4:30 pm

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: N/A

Occupancy/capacity of building: \_\_\_\_\_

Number of employees: (Maximum Shift): 18 full-time / 5 part-time (Minimum Shift): 10

Estimated number of daily customers/visitors on site at peak time: 250 Per day Avg.

Other occupants: 1 mechanic @ 526 S. 9th Street

Estimated number of truck deliveries/loadings per day: 6 loads per day

Estimated hours of truck deliveries/loadings per day: 8:00 am to 4:30 pm

Estimated percentage of traffic to be generated by trucks: 10%

Estimated number of railroad deliveries/loadings per day: N/A

Square footage of:

Office area: \_\_\_\_\_ Warehouse area: \_\_\_\_\_

Sales area: \_\_\_\_\_ Storage area: \_\_\_\_\_

Loading area: \_\_\_\_\_ Manufacturing area: \_\_\_\_\_

Other: (explain type of area) \_\_\_\_\_

Yes  No  Will the proposed use involve toxic or hazardous materials or waste? (Please explain)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ROAD AND ACCESS INFORMATION:**

What County road(s) will provide the project's main access? (Please show all existing and proposed driveways on the plot plan)

South 9th Street provides primary access to the site.

\_\_\_\_\_  
\_\_\_\_\_

Yes  No  Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)

Yes  No  Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)

Yes  No  Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)

**Please Note: Parcels that do not front on a County-maintained road or require special access may require approval of an Exception to the Subdivision Ordinance. Please contact staff to determine if an exception is needed and to discuss the necessary Findings.**

**STORM DRAINAGE:**

How will your project handle storm water runoff? (Check one)  Drainage Basin  Direct Discharge  Overland

Other: (please explain) \_\_\_\_\_

If direct discharge is proposed, what specific waterway are you proposing to discharge to? \_\_\_\_\_

**Please Note: If direct discharge is proposed, you will be required to obtain a NPDES permit from the Regional Water Quality Control Board, and must provide evidence that you have contacted them regarding this proposal with your application.**

**EROSION CONTROL:**

If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.

N/A

**Please note: You may be required to obtain an NPDES Storm Water Permit from the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.**

**ADDITIONAL INFORMATION:**

Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)

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Central Valley Recycling, Inc.  
524 S. 9<sup>th</sup> Street, Modesto, CA 95351

Conditional Use Permit Application

*September 2013*

**Attachment A**

The following is a supplement to the Conditional Use Permit (CUP) Application provided in this package, and is intended to provide the background information and Project Description that will be evaluated under this CUP.

In accordance with the Settlement Agreement between the Applicant and the County dated September 10, 2013, the purpose of the CUP is to evaluate the increase in the intensity of scrap metal recycling operations on the project site from July 21, 2009 (the "Baseline Conditions") to the present (the "Current Conditions"), as well as future operations (the "Future Conditions"). The terms "Baseline Conditions", "Current Conditions" and "Future Conditions" are specifically defined below. The Applicant seeks approval by the County of this CUP to permit operations consistent with Current Conditions, as well as Future Conditions. County staff, the Planning Commission and (potentially) the Board of Supervisors will evaluate this CUP Application to determine whether and how the environmental effects associated with Current Conditions and Future Conditions can be dealt with consistent with CEQA, and whether the CUP findings required in Chapter 21.96 of the County Code can be made.

Therefore, this Project Description is organized into the following sections: Background Information, Description of Operation on July 21, 2009, and Project Description.

**BACKGROUND INFORMATION:**

Central Valley Recycling, Inc. (hereinafter referred to as the "Applicant"), has operated a recycling facility at 524 S. 9<sup>th</sup> Street since 1991. Since 1991, the Applicant has operated a California Redemption Value (CRV) and scrap metal recycling business. Specifically, the type of materials recycled by the Applicant include the following; CRV Aluminum Cans, Plastic, Glass, Aluminum, Brass, Copper, Radiators, Stainless Steel, Batteries, Insulated Wire, Cardboard (paper), and E-Waste. The Applicant has leased the site since opening in 1991.

The project site is made up of two parcels; APN No. 038-012-008 and APN No. 038-012-009. The site is designated for primarily Commercial and similar land uses by the County's General Plan, and is located in the C-2 zone district. It is bounded by commercial uses to the north and south, residential development to the east and Bystrum Road, and S. 9<sup>th</sup> Street and commercial uses to the west. The site is located within the jurisdiction of Stanislaus County, but within the City of Ceres Sphere of Influence (SOI).



The site is served domestic water and sewer services by the City of Modesto. Stormwater is contained on-site, and the Applicant has prepared a Stormwater Pollution Prevention Plan (SWPP) and conducts monthly monitoring. The SWPP, dated June 26, 2012, has been included in this Application package.

#### **DESCRIPTION OF BASELINE OPERATIONS ON JULY 21, 2009**

The Settlement Agreement acknowledges that the Applicant was conducting scrap metal recycling at some intensity on July 21, 2009, the date on which Central Valley Recycling, Inc. was issued a Business License to recycle scrap metal and CRV materials. At this time, the Applicant employed nine (9) people. The Applicant processed both CRV and Scrap Metal. Scrap metal was stored in the same location as present (tin pile). Ingress and egress for the site was S. 9<sup>th</sup> Street. Hours of operation at this time was 8:00am to 4:30pm

The site improvements and equipment on-site at the time of the Business License issuance were the following:

#### Site Improvements and Structures:

- 800 square foot CVR Quonset Hut, including Office Space;
- Mens' and Women's Restroom Facilities (located in the Quonset Hut and Paint Shop);
- 350 square foot Mechanic Structure;
- Non-Ferrous Weigh Station;
- Scale (located on south side of project site);
- Chain link fence along perimeter of project site;
- Steel pile located on north side of project site;
- Bailer located on south side of project site; and,
- Tin pile.

#### Equipment:

- One Excavator;
- Three Forklifts;
- Two Roll-Off Trucks;
- Two 40-foot Flatbed Trailers;
- One 37-foot End Up Trailer;
- Containers varying in size from 4x4, 4x2, and 4x8. In total, there were approximately 106 Containers on-site; and,
- Ten 40-yard and 30-yard Containers.

Based upon business records maintained by the Applicant and reviewed by the County, the monthly gross tonnage of scrap metal being processed as of July 21, 2009 was approximately 904 tons. This represents the Baseline Conditions.

**DESCRIPTION OF CURRENT CONDITIONS:**

From July 21, 2009, the Applicant has invested in a variety of site improvements and equipment as part of their operation, all of which are included as part of this Conditional Use Permit application. In addition, the Applicant is proposing specific improvements in an effort to mitigate potential impacts to nearby residents and businesses.

Presently, the Applicant employs 18 full-time and 5 part-time employees, representing an increase of 14 employees from July 2009. Employee parking is provided on-site north of the paint shop. Primary access to the site is provided via S. 9<sup>th</sup> Street. Operations are conducted from 8:00am to 4:30pm, although in some cases employees are on-site before and after business hours cleaning the site, conducting office work, etc. In regards to the Tin Pile (as noted on the Site Plan), vehicle crushing is conducted between 11:00am and 2:00pm in accordance with the Settlement Agreement. On average, the site receives approximately 250 vehicle and truck trips per day.

Between July, 2009 and August, 2013, the Applicant constructed and/or installed the following improvements:

Post July 21, 2009 Improvements and Equipment:

- 100 square-foot scale house, located immediately adjacent to the truck scale;
- Improved drive-on truck scale;
- Installation of an 8-foot brick wall on the perimeter (south, north, and east) side of Tin Pile;
- Installation of a 6-foot brick wall on the north and west side of the Steel Pile;
- Purchase and seasonal use of water truck to mitigate dust;
- Moved Tin Pile approximately 150 feet from eastern edge of site;
- Operation of excavator only on western edge of Tin Pile;
- The unloading and loading of trucks only occurs on western edge of Tin Pile (previous practice was conducted on eastern edge of Tin Pile); and,
- Monthly soil sampling by a SWPP Company.

Between January and June 2013, the Applicant processed approximately 16,296 tons of scrap metal, or 2,716 tons per month.

#### **DESCRIPTION OF FUTURE CONDITIONS:**

In anticipation of future growth within the CRV and scrap metal recycling industry, the Applicant seeks approval within the CUP application to process 48,000 tons of scrap metal annually, which represents an average of 4,000 tons per month. In order to accommodate both Current Conditions and Future Conditions, the Applicant is proposing to install the following site improvements as part of this Conditional Use Permit application:

- Installation of a 10-foot masonry wall on the eastern edge of the site;
- Landscape treatment on the masonry wall and tree planting to provide aesthetic treatment along the eastern edge of the site;
- Installation of concrete throughout the site to help mitigate dust impacts;
- Installation of sediment grates along site frontage to prevent sediment from spilling onto County right-of-way; and,
- Daily sweeping of curb and gutter.

## Environmental Noise Analysis

# Central Valley Recycle Facility

Modesto (Stanislaus County), California

BAC Job # 2013-003

Prepared For:

Central Valley Recycling

Attn: Mr. Richard Francis  
524 S. 9<sup>th</sup> Street  
Modesto, CA. 95351

Prepared By:

**Bollard Acoustical Consultants, Inc.**



Paul Bollard, President

January 30, 2013



## Introduction

Central Valley Recycling (CVR) is a full scale recycling center located at 524 South 9<sup>th</sup> Street in Modesto, Stanislaus County, California. The project site is located in an industrial/commercial area adjacent to a truck bed cover retailer to the north, an auto body and trucking school to the south, and single-family homes to the east (on opposite side of Bystrum Road).

Due to concerns expressed by the residential neighbors to the east regarding noise generated at the facility, CVR retained Bollard Acoustical Consultants (BAC), to conduct noise measurements of the facility during normal operations. This analysis has been prepared to specifically assess compliance of those measured noise levels with Stanislaus County noise exposure standards at the existing residences to the east.

Figure 1 shows an aerial photograph of the project vicinity, including the CVR facility, nearest residences, and BAC noise monitoring positions.

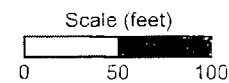
## Background on Noise and Acoustical Terminology

Noise is often described as unwanted sound. Sound is defined as any pressure variation in air that the human ear can detect. If the pressure variations occur frequently enough (at least 20 times per second), they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second, called Hertz (Hz).

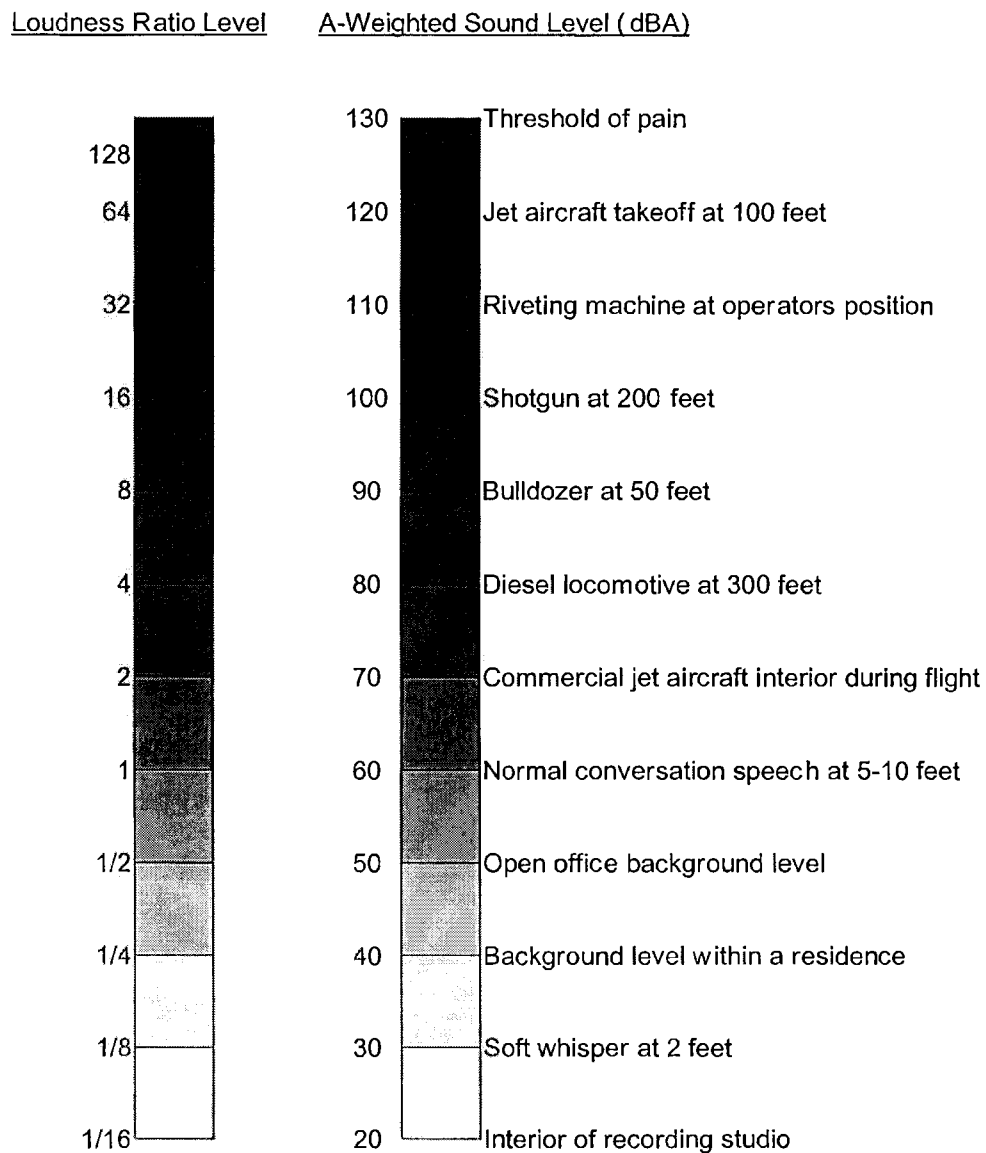
Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals of pressure), as a point of reference, defined as 0 dB. Other sound pressures are then compared to the reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB. Another useful aspect of the decibel scale is that changes in decibel levels correspond closely to human perception of relative loudness. Figure 2 illustrates common noise levels associated with various sources.

The perceived loudness of sound is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by weighing the frequency response of a sound level meter by means of the standardized A-weighting network. There is a strong correlation between A-weighted sound levels (expressed as dBA) and community response to noise. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels. Please see Appendix A for definitions of acoustical terminology used in this report.

**Figure 1**  
Central Valley Recycle Facility - Modesto (Stanislaus County), California  
Project Area, Nearest Residences, and Noise Measurement Sites



**Figure 2**  
**Typical A-Weighted Sound Levels of Common Noise Sources**



## Criteria for Acceptable Noise Exposure

### Stanislaus County Code

The Noise Control Section of the Stanislaus County Code establishes acceptable noise level criteria for non-transportation noise sources, such as the Central Valley Recycling Facility operations. Section 10.46.050 of the Stanislaus County Code provides sound limits for sensitive receptors in Stanislaus County. The specific language of that provision is provided below:

#### 10.46.50 Exterior Noise Level Standards

- A. It is unlawful for any person at any location within the unincorporated area of the county to create any noise or to allow the creation of any noise which causes the exterior noise level when measured at any property situated in either the incorporated or unincorporated area of the county to exceed the noise level standards set forth below:
1. Unless otherwise provided herein, the following exterior noise level standards shall apply to all properties within the designated noise zone:

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**Table 1**  
**Exterior Noise Level Standards**  
**Stanislaus County Code – Noise Control Section**

**Maximum A-Weighted Sound Level as Measured on a Sound Level Meter (Lmax)**

Designated Noise Zone	Daytime (7 a.m. - 10 p.m.)	Nighttime (10 p.m. - 7 a.m.)
Noise Sensitive	45	45
Residential	50	45
Commercial	60	55
Industrial	75	75

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Source: Stanislaus County Code

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2. Exterior noise levels shall not exceed the following cumulative duration allowance standards:

**Table 2**  
**Cumulative Duration Allowance Standards**  
**Stanislaus County Code – Noise Control Section**

Designated Noise Zone	Allowance Decibels
Equal to or greater than 30 minutes per hour	Table 1 plus 0 dB
Equal to or greater than 15 minutes per hour	Table 1 plus 5 dB
Equal to or greater than 5 minutes per hour	Table 1 plus 10 dB
Equal to or greater than 1 minutes per hour	Table 1 plus 15 dB
Less than 1 minute per hour	Table 1 plus 20 dB

Source: Stanislaus County Code

3. Pure Tone Noise, Speech and Music. The exterior noise level standards set forth in Table 1 shall be reduced by five dB(A) for pure tone noises, noises consisting primarily of speech or music, or reoccurring impulsive noise.
4. In the event the measured ambient noise level exceeds the applicable noise level standards above, the ambient noise level shall become the applicable exterior noise level standard.

Because the operations at CVR are limited to daytime hours, and because the receiving use is residential, the noise standards which would be most applicable at the residential property line are as follows:

- 50 dB L<sub>50</sub> (Median Noise Level)
- 70 dB L<sub>max</sub> (Maximum Noise Level)

Although the Table 2 standards provide for noise generated during different durations, the median and maximum noise level standards identified above effectively bracket all noise generated at the CVR facility. As a result, satisfaction with these "boundary" standards would likely ensure satisfaction with the 1-minute, 5-minute, and 15-minute standards as well.

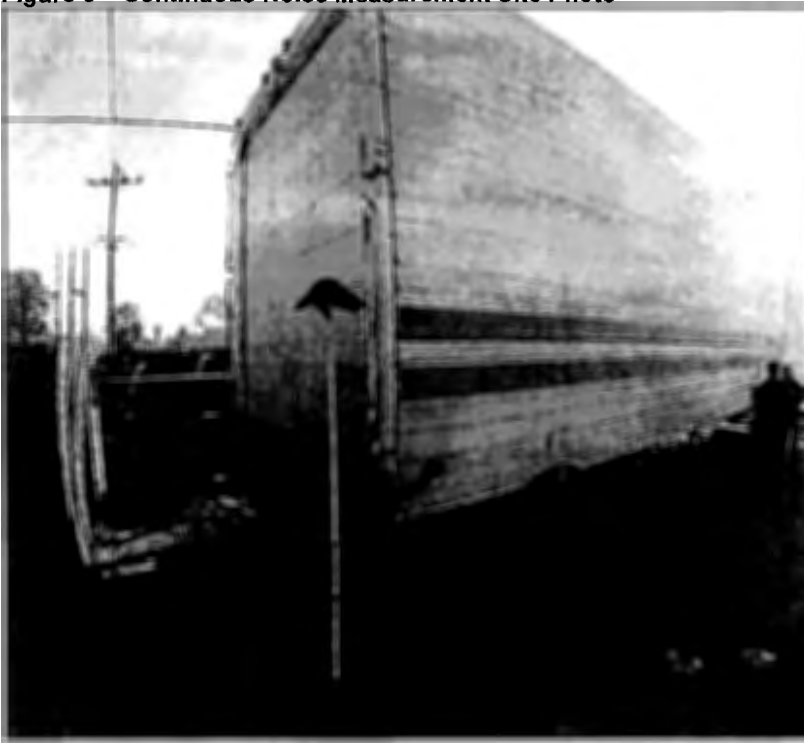
## Existing Ambient Noise Environment

The nearest noise-sensitive receivers to the project site are the existing residences located on the east side of Bystrum Road, as identified on Figure 1. The noise environment at these nearest residences was observed by BAC staff to be defined primarily by operations at CVR and local traffic on Bystrum Road. More distant traffic on South 9<sup>th</sup> street and periodic aircraft departures also contributed to the observed ambient noise environment at these residences, but to a lesser extent.

To generally quantify existing ambient noise levels in the project vicinity, Bollard Acoustical Consultants, Inc. conducted a long-term (24-hour) ambient noise level measurement in the northeast corner of the project site on January 18-21, 2013. The noise measurement location is depicted in Figure 1 as Site "A". A photograph of the long-term noise measurement location is provided in Figure 2. The long-term monitoring site was selected because it provided a complete view of the CVR facility operations and was approximately the same distance from Bystrum Road as the existing residences to the east.

The long-measurement results are provided in Table 3. Detailed noise measurement results can be seen in Appendices B and C. Noise measurement equipment included a Larson-Davis Laboratories (LDL) Model 820 precision integrating sound level meter equipped with a LDL Model 2560 1/2" microphone. The system was calibrated in the field before use using a LDL CAL200 acoustical calibrator.

**Figure 3 – Continuous Noise Measurement Site Photo**



**Table 3**  
**Summary of Long-Term Noise Measurement Results at Site A**  
**Central Valley Recycling Facility – Merced (Stanislaus County), California**

Date	Measured Noise Levels, dBA						
	L <sub>dn</sub>	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
		L <sub>eq</sub>	L <sub>50</sub>	L <sub>max</sub>	L <sub>eq</sub>	L <sub>50</sub>	L <sub>max</sub>
Friday 1/18/13	67	64	59	76-87	60	56	73-81
Saturday 1/19/13	65	60	56	73-83	58	55	73-83
Sunday 1/20/13	63	57	50	72-83	57	53	72-82
Monday 1/21/13	65	61	57	72-92	58	55	69-78

Notes: Bollard Acoustical Consultants, Inc.

It should be noted that the noise level data provided in Table 3 includes noise generated by both the CVR facility and Bystrum Road traffic. As such, the data does not directly reflect the noise generation of the CVR facility alone. It should also be noted that the nearest residential property lines to the east are located approximately 60 feet further from the CVR facility noise sources than the long-term noise measurement microphone. As a result, CVR-facility generated noise levels would be approximately 5 dB lower than those measured at the long-term site.

Because the CVR facility was in normal operation on Friday, Saturday and Monday, and closed on Sunday, the Table 3 data indicate that daytime median noise levels were approximately 5-9 dB higher on days when the facility was in operation, with typical maximum noise levels also being 4-9 dB higher on days when the facility was in operation. Because the long-term noise meter operated remotely (without an observer present), it is not known if the maximum noise levels reported in Table 3 and Appendices B and C were generated by CVR operations or local traffic on Bystrum Road. Nonetheless, the Table 3 data clearly indicate that noise levels were considerably higher on days the facility was in operation versus the Sunday period when the facility was closed.

A more focused evaluation of the noise-generation specific to the CVR facility is provided in the next section, but if a -5 dB offset is applied to the Table 3 daytime noise level data to account for the additional distance from the CVR noise sources to the existing residential property line, the measured L<sub>50</sub> noise levels would have exceeded the Stanislaus County 50 dB L<sub>50</sub> daytime noise level standards by 2-4 dB on the days the facility was in operation. Due to the presence of traffic on Bystrum Road, a similar relationship cannot be applied to the measured maximum noise level data shown in Table 3. CVR-specific maximum noise levels are discussed in the next section.

## Evaluation of Specific CVR Facility Noise Generation

The major noise sources associated with the CVR operations include the following:

- Excavator
- Rotating Shear
- Baler
- Metal Cutting Saw
- Truck Loading

To specifically quantify the noise generation of the existing CVR operations, including the noise sources identified above, BAC conducted a series of short-term noise level measurements both on the CVR grounds and at the residential property line to the east. The short-term measurements were conducted on January 17, 2013, at the locations identified in Figure 1 using similar equipment as that described for the long-term noise measurement survey.

Short-term noise measurement Site 1 was located at the property line of the nearest existing residence to the east. Photographs of that noise measurement location are shown in Figure 4. Site 1 was monitored from approximately 11 am to 1 pm, a period of two hours. During that monitoring period, BAC staff remained with the noise meter to conduct observations and to pause the meter whenever a car approached the monitoring site on Bystrum Road to prevent contamination of the noise measurement results by sources of noise other than CVR operations.



Short-term noise monitoring Sites 2, 3 and 4 were located near the Baler, Metal Saw, and Scrap Metal Pile to allow specific quantification of these noise sources. Figure 5 shows photographs of the Baler and Scrap Pile Area Operations. The results of the short-term noise measurement surveys at Sites 1-4 are provided in Table 4.

Figure 1a – Photograph of Baler in Operation



Figure 1b – Photograph of Scrap Pile Activity, Including Excavator



Figure 1c – Photograph of Excavator Loading Transfer Truck



**Table 4**  
**Summary of Short-Term Noise Measurement Results**  
**Central Valley Recycling Facility – Merced (Stanislaus County), California**

Measured Noise Levels, dBA					
Site	Noise Source	Distance (ft)	L <sub>50</sub>	L <sub>max</sub>	Notes
1	All	50' from P/L	59	76	Idling engines caused elevated L <sub>50</sub> .
2	Baler	50' from baler	70	75	Baler operates infrequently and for short duration
3	Metal Saw	25' from saw	80	85	Saw operates infrequently and for short duration
4	Excavator & Shear	50'-100' from Equipment	65	85	Most significant noise sources due to frequency and duration of operations.

Notes: Bollard Acoustical Consultants, Inc.

## Analysis & Recommendations

The Table 4 data indicate that the baler and metal saw generated the highest L<sub>50</sub> values while in use. However, given the relatively infrequent use and short durations of both baler and metal saw operations, and the increased distance between those sources and the nearest residences to the east, the hourly L<sub>50</sub> associated with the baler and saw usage are predicted to be satisfactory relative to County noise standards at the nearest residences to the east.

BAC staff observations indicated that use of the excavator and shear resulted in the highest measured noise levels at the property line of the nearest residences to the east. Examination of the Table 4 short-term noise monitoring data indicates that noise generated during typical operations of the CVR facility exceeded the County's exterior noise standards by approximately 6 dB L<sub>max</sub> and 9 dB L<sub>50</sub> at the property line of the existing residences to the east. These exceedances were observed to be due to excavator and shear usage. To reduce the measured noise levels to a state of compliance with Stanislaus County noise standards at those nearest residences, the following specific measures are recommended:

1. A solid barrier should be erected near the eastern project site boundary to provide partial shielding of shear and excavator noise at the residences to the immediate east of the project site. The barrier could consist of a series of trailers placed end to end (similar to the existing trailer located in the northeast corner of the site – see Figure 3), provided no substantial gaps existed between the trailers. As an alternative, concrete blocks could be stacked to a height comparable to the top of

the existing trailer height to form a solid barrier. A permanent masonry noise barrier at the eastern site boundary (replacing the existing fence) is not recommended as it would likely attract graffiti.

2. The "tin" portion of the scrap metal pile shown on Figure 1 could be relocated further west on the project site, to the opposite side of the heavy metal portion of the scrap metal pile. This measure, which would relocate the tin pile approximately 100 feet further west from its current position, would create a larger buffer between one of the noisier aspects of the CVR operation and the existing residences to the east. In addition, the heavy metal portion of the scrap metal pile would provide partial shielding of tin pile activities in the easterly direction. This measure would also relocate loading and unloading activities associated with the tin pile (which are louder than the heavy metal activities) further from the existing residences to the east.
3. Vehicle crushing activities using the shear should also be relocated further west to reduce maximum noise levels generated by such activities at the existing residences to the east. A distance of at least 100 feet from the current crushing location should be implemented if feasible.
4. CVR should continue to adhere to its current operating hours, which limit on-site noise generation to daytime hours.

Due to the proximity of existing tin pile operations to the residences to the east, and the fact that there is little or no shielding of those operations in that easterly direction, these recommendations are expected to result in an appreciable reduction in CVR noise emissions at those residences. Once these recommendations are implemented, BAC recommends that follow-up noise monitoring be conducted to verify the effectiveness of these mitigation measures. In the event that such monitoring revealed exceedances of the County's noise standards, additional specific recommendations could be developed at that time.

## Appendix A Acoustical Terminology

<b>Acoustics</b>	The science of sound.
<b>Ambient Noise</b>	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
<b>Attenuation</b>	The reduction of an acoustic signal.
<b>A-Weighting</b>	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
<b>Decibel or dB</b>	Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
<b>CNEL</b>	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.
<b>Frequency</b>	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.
<b>L<sub>dn</sub></b>	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
<b>Leq</b>	Equivalent or energy-averaged sound level.
<b>L<sub>max</sub></b>	The highest root-mean-square (RMS) sound level measured over a given period of time.
<b>Loudness</b>	A subjective term for the sensation of the magnitude of sound.
<b>Masking</b>	The amount (or the process) by which the threshold of audibility is for one sound is raised by the presence of another (masking) sound.
<b>Noise</b>	Unwanted sound.
<b>Peak Noise</b>	The level corresponding to the highest (not RMS) sound pressure measured over a given period of time. This term is often confused with the Maximum level, which is the highest RMS level.
<b>RT<sub>60</sub></b>	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
<b>Sabin</b>	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 sabin.
<b>SEL</b>	A rating, in decibels, of a discrete event, such as an aircraft flyover or train passby, that compresses the total sound energy of the event into a 1-s time period.
<b>Threshold of Hearing</b>	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
<b>Threshold of Pain</b>	Approximately 120 dB above the threshold of hearing.





Appendix B-1  
**Central Valley Recycling Facility**  
**24hr Continuous Noise Monitoring at Site A**  
**Friday, January 18, 2013**

Hour	Leq	Lmax	L50	L90
0:00	58	81	56	53
1:00	60	80	56	54
2:00	59	77	54	51
3:00	58	78	55	52
4:00	63	74	59	56
5:00	61	73	59	57
6:00	60	75	59	57
7:00	65	80	61	58
8:00	68	87	67	62
9:00	69	86	65	57
10:00	62	84	56	51
11:00	61	87	56	49
12:00	67	84	60	53
13:00	61	81	58	54
14:00	62	82	60	54
15:00	62	77	60	52
16:00	62	82	60	52
17:00	60	86	56	52
18:00	60	82	56	54
19:00	60	79	56	54
20:00	59	76	55	53
21:00	60	82	56	53
22:00	57	73	56	54
23:00	58	77	55	53

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	69	59	64	63	57	60
Lmax (Maximum)	87	76	82	81	73	76
L50 (Median)	67	55	59	59	54	56
L90 (Background)	62	49	54	57	51	54

Computed Ldn, dB	67.0
% Daytime Energy	82%
% Nighttime Energy	18%



Appendix B-2  
**Central Valley Recycling Facility**  
**24hr Continuous Noise Monitoring at Site A**  
**Saturday, January 19, 2013**

Hour	Leq	Lmax	L50	L90
0:00	57	79	54	53
1:00	55	73	53	51
2:00	57	78	53	50
3:00	57	79	54	51
4:00	60	83	55	52
5:00	59	77	56	53
6:00	60	78	59	56
7:00	59	74	58	56
8:00	62	73	61	55
9:00	62	75	60	54
10:00	62	80	61	54
11:00	60	76	54	48
12:00	59	76	53	47
13:00	62	77	60	49
14:00	60	74	57	50
15:00	60	74	56	48
16:00	57	73	51	48
17:00	57	77	54	51
18:00	59	83	55	53
19:00	57	73	55	53
20:00	56	74	54	52
21:00	58	74	55	53
22:00	58	76	55	53
23:00	57	79	53	51

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	62	56	60	60	55	58
Lmax (Maximum)	83	73	76	83	73	78
L50 (Median)	61	51	56	59	53	55
L90 (Background)	56	47	51	56	50	52

Computed Ldn, dB	64.8
% Daytime Energy	71%
% Nighttime Energy	29%

Appendix B-3  
**Central Valley Recycling Facility**  
**24hr Continuous Noise Monitoring at Site A**  
**Sunday, January 20, 2013**

Hour	Leq	Lmax	L50	L90
0:00	56	73	53	51
1:00	57	80	53	52
2:00	57	81	53	51
3:00	54	76	52	50
4:00	57	76	52	49
5:00	55	73	53	51
6:00	55	76	54	52
7:00	56	82	53	51
8:00	57	72	54	52
9:00	56	76	51	47
10:00	56	77	47	44
11:00	57	76	45	42
12:00	55	75	45	41
13:00	56	82	44	42
14:00	53	72	44	41
15:00	60	80	46	42
16:00	55	74	48	45
17:00	57	75	51	47
18:00	57	72	53	51
19:00	57	83	53	51
20:00	57	73	54	52
21:00	56	74	54	53
22:00	61	82	55	52
23:00	55	72	54	50

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	60	53	57	61	54	57
Lmax (Maximum)	83	72	76	82	72	76
L50 (Median)	54	44	50	55	52	53
L90 (Background)	53	41	47	52	49	51

Computed Ldn, dB	63.3
% Daytime Energy	61%
% Nighttime Energy	39%

Appendix B-4

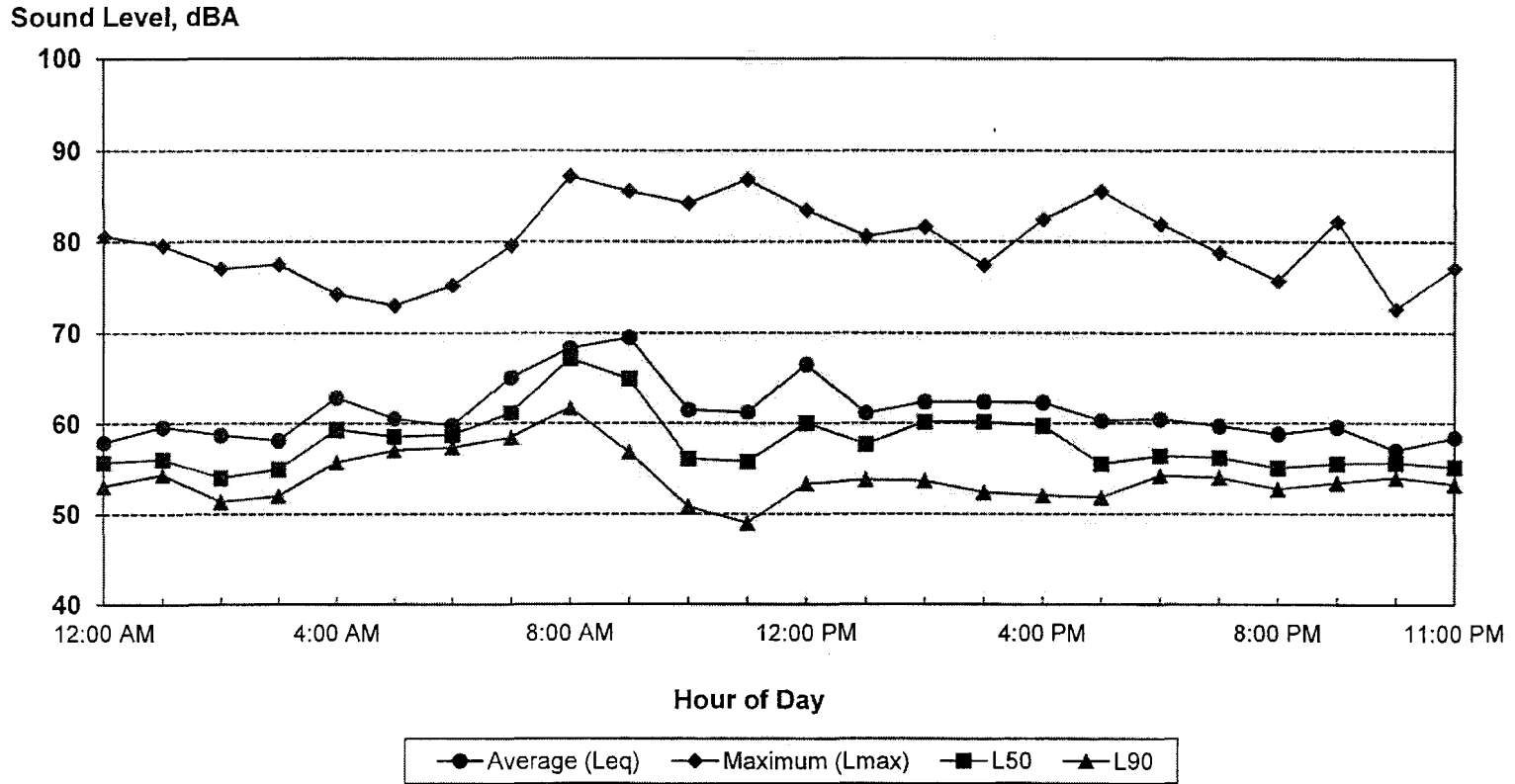
**Central Valley Recycling Facility  
24hr Continuous Noise Monitoring at Site A  
Monday, January 21, 2013**

Hour	Leq	Lmax	L50	L90
0:00	57	75	52	50
1:00	55	73	52	50
2:00	56	75	54	51
3:00	58	71	55	50
4:00	62	78	59	56
5:00	60	78	59	56
6:00	60	78	57	55
7:00	60	78	57	54
8:00	65	89	62	60
9:00	63	79	59	54
10:00	61	83	56	50
11:00	61	77	56	51
12:00	62	76	61	52
13:00	62	78	60	56
14:00	63	85	60	55
15:00	62	88	57	53
16:00	63	92	55	52
17:00	59	84	54	52
18:00	58	82	54	52
19:00	58	72	55	52
20:00	59	79	55	53
21:00	59	75	57	54
22:00	55	70	54	52
23:00	54	69	52	50

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	65	58	61	62	54	58
Lmax (Maximum)	92	72	81	78	69	74
L50 (Median)	62	54	57	59	52	55
L90 (Background)	60	50	53	56	50	52

Computed Ldn, dB	65.4
% Daytime Energy	77%
% Nighttime Energy	23%

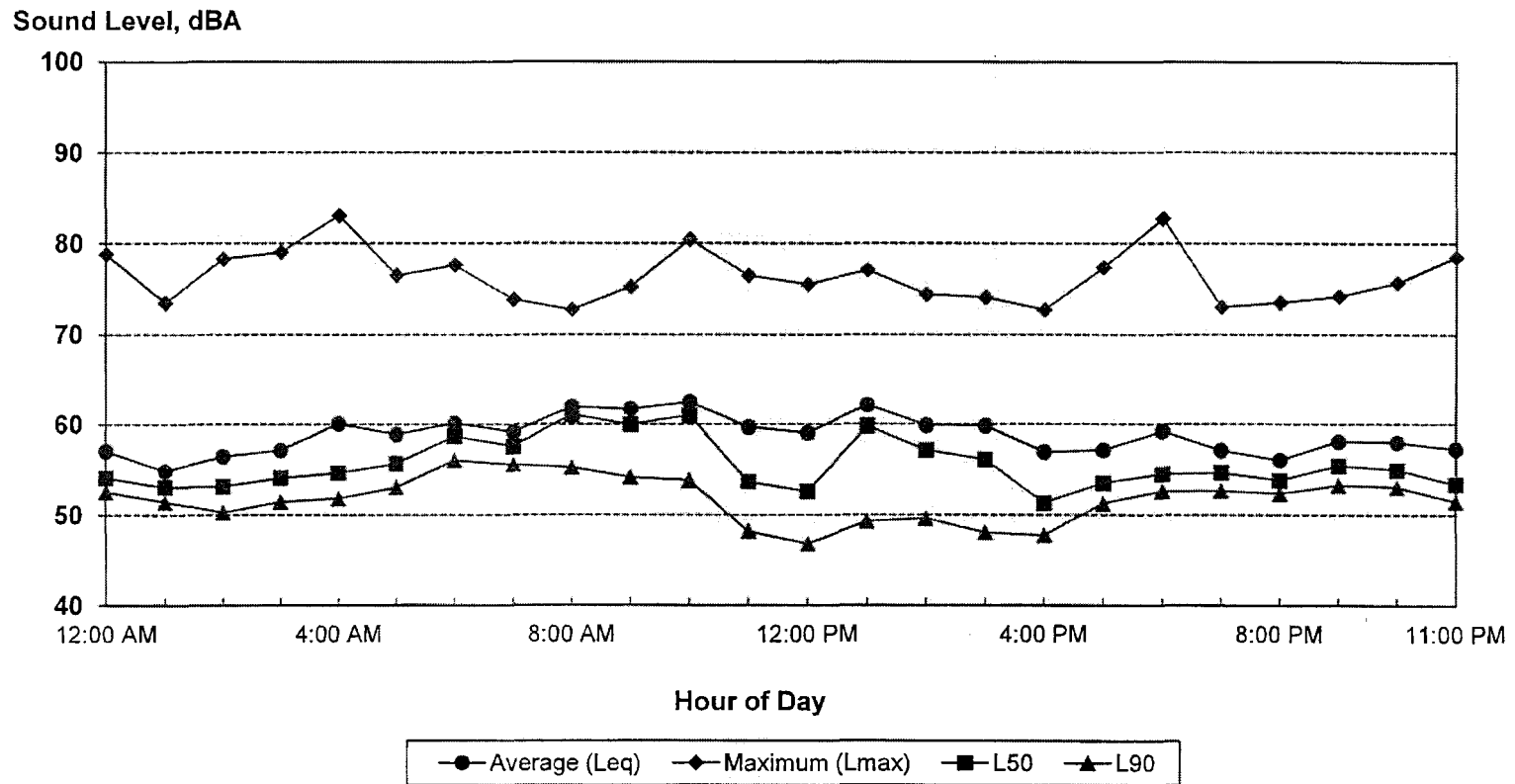
**Appendix C-1  
 Central Valley Recycling Facility  
 24hr Continuous Noise Monitoring at Site A  
 Friday, January 18, 2013**



Ldn: 67 dB



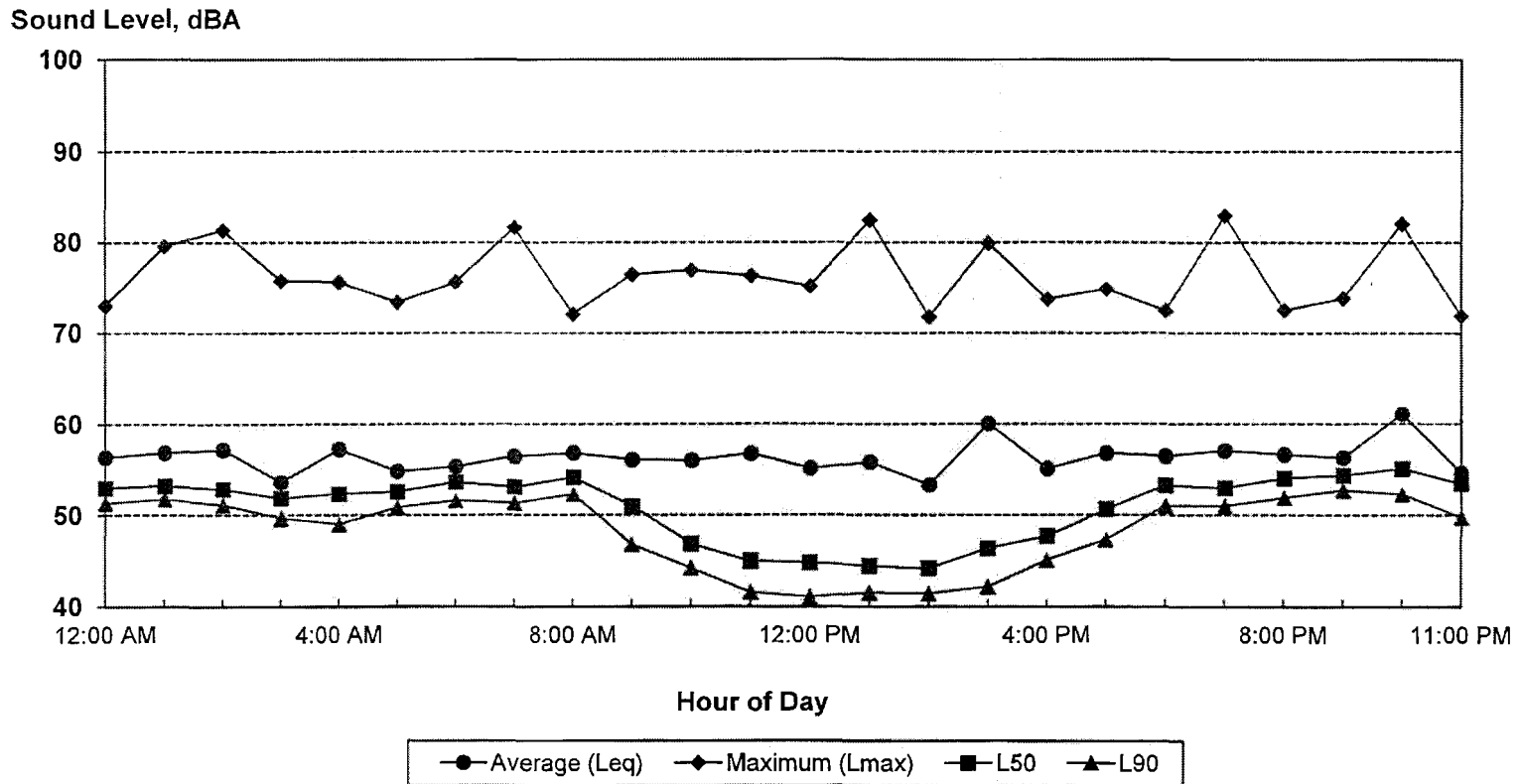
**Appendix C-2**  
**Central Valley Recycling Facility**  
**24hr Continuous Noise Monitoring at Site A**  
**Saturday, January 19, 2013**



Ldn: 65 dB



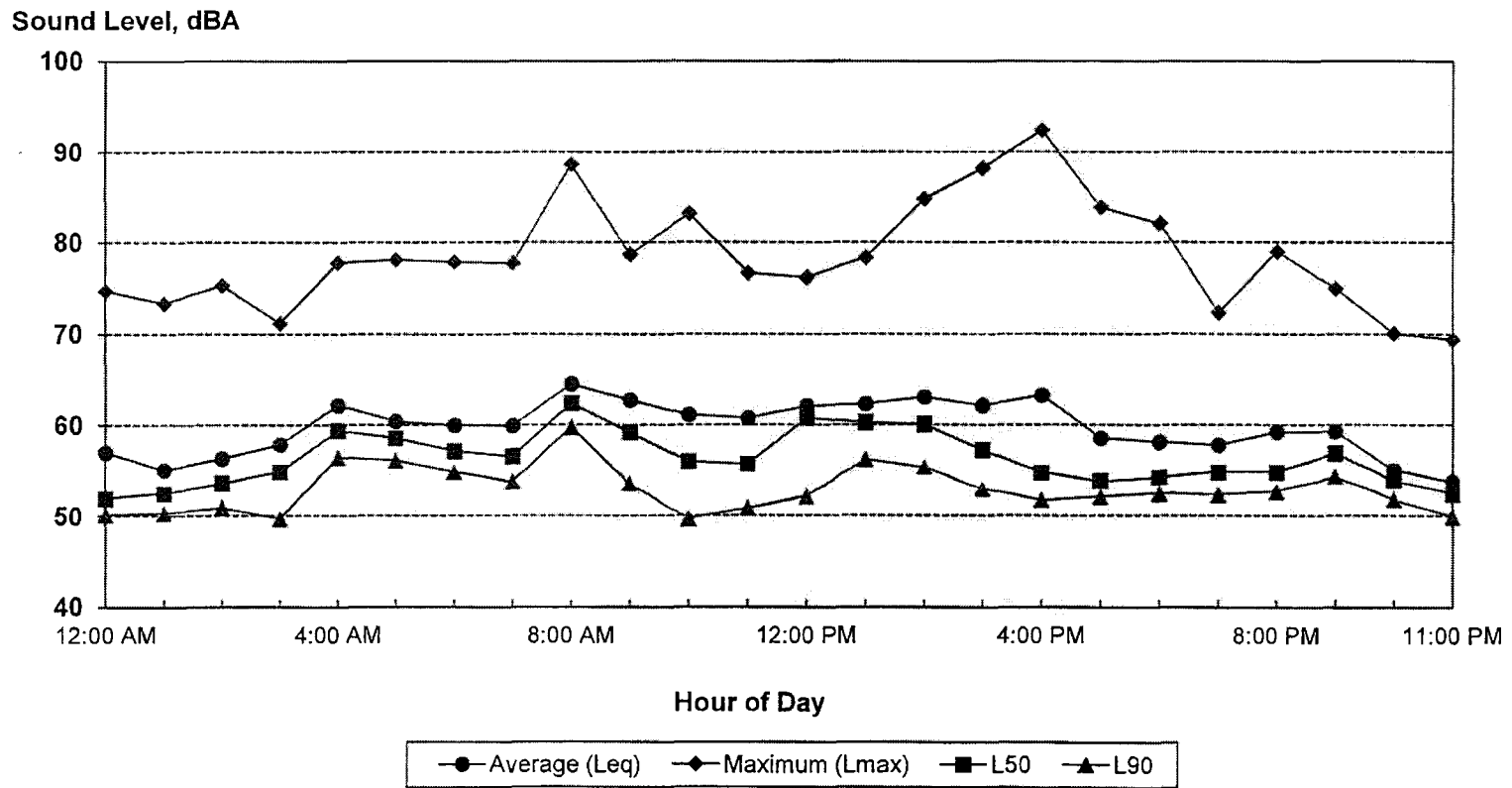
**Appendix C-3**  
**Central Valley Recycling Facility**  
**24hr Continuous Noise Monitoring at Site A**  
**Sunday, January 20, 2013**



Ldn: 63 dB



**Appendix C-4**  
**Central Valley Recycling Facility**  
**24hr Continuous Noise Monitoring at Site A**  
**Monday, January 21, 2013**



Ldn: 65 dB







# BOLLARD ACOUSTICAL CONSULTANTS, INC.

Acoustics ▶ Vibration ▶ Noise Control Engineering

April 1, 2013

Mr. John B. Anderson  
J.B. Anderson Land Use Planning  
139 S. Stockton Avenue  
Ripon, CA 95366

Transmitted via email: [John@jbandersonplanning.com](mailto:John@jbandersonplanning.com)

**Subject: Noise Issues Associated with Central Valley Recycle (CVR) Facility located in Stanislaus County, California.**

Dear Mr. Anderson,

As you know, Bollard Acoustical Consultants, Inc. (BAC) prepared a noise study for this facility dated January 30, 2013. The purpose of this letter is to provide additional clarification and information pertaining to that study. The following table summarizes the results of the five (5) days of continuous noise monitoring conducted near the northeast corner of the CVR facility.

The table shows the County's daytime noise standards in the first row. They are staggered in 5 dB increments because you are allowed to make more noise if you are only making it for a progressively short period of time during each hour. In other words, noise from your facility cannot exceed 70 dB at any time, cannot exceed 65 dB for more than 5 minutes per hour, cannot exceed 60 dB for more than 15 minutes per hour, etc.

The County does allow their noise standards to be increased in cases where the existing ambient/background noise environment is elevated (as it is in the immediate vicinity of the CVR facility. As shown by the Sunday data in Row 2, the measured ambient levels on Sunday exceeded the County's noise standards in the first 2 categories (Lmax and L2) when the facility was not in operation. This is due to the passage of vehicles on Bystrum Road, which resulted in elevated maximum noise levels at the residences on the east side of that roadway. As a result, the measured ambient noise level becomes the County standard in those categories. Because the measured ambient noise levels on Sunday did not exceed the County's noise standards in the final 3 categories, those standards were not adjusted. The third row in the table illustrates the adjusted standards.

The data for the days when the facility was operating is provided in the following rows. That data only represents the time period of 8 am to 5 pm, which are the normal operating hours of the facility (the Sunday data provided above was also limited to those hours to provide an apples to apples comparison).

The last row of 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.

**Continuous Noise Monitoring Results  
 Central Valley Recycle Facility Northeast Corner  
 January 17-22, 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, January 20, 2013 (CVR not operating)	82	66	60	51	48
Standard Adjusted for Elevated Sunday Ambient	82	66	60	55	50
<b>Ambient Noise Level Data During CVR Operations:</b>					
Thursday, January 17, 2013	88	73	69	64	60
Friday, January 18, 2013	87	71	67	63	60
Saturday, January 19, 2013	80	68	64	60	57
Monday, January 21, 2013	92	69	65	61	58
Tuesday, January 22, 2013	84	70	68	65	63
Measured Average for all days facility in operation	86	70	66	62	59
<b>Level of Exceedance of County Standard</b>	<b>4</b>	<b>4</b>	<b>6</b>	<b>7</b>	<b>9</b>

This data indicates that, while the CVR facility noise levels clearly exceed the County's standards, the mitigation requirements necessary to reduce facility noise levels to a state of compliance with County standards are not necessarily insurmountable. This conclusion is consistent with the findings outlined in our report, but expands the information contained in the BAC report to include additional detail about the measurement results.

As noted in our study, feasible noise mitigation options could be incorporated into the CVR facility design and operation to reduce noise exposure at the existing residences to the east. Those measures are as follows:

1. A solid barrier should be erected near the eastern project site boundary to provide partial shielding of shear and excavator noise at the residences to the immediate east of the project site. The barrier could consist of a series of trailers placed end to end (similar to the existing trailer located in the northeast corner of the site), provided no substantial gaps existed between the trailers. As an alternative, concrete blocks could be stacked to a height comparable to the top of the existing trailer height to form a solid barrier. A permanent masonry noise barrier at the eastern site boundary (replacing the existing fence) is not recommended as it would likely attract graffiti. This measure would be expected to reduce average and maximum noise levels at the nearest residences by approximately 5 dB.

2. The "tin" portion of the scrap metal pile could be relocated further west on the project site, to the opposite side of the heavy metal portion of the scrap metal pile. This measure, which would relocate the tin pile approximately 100 feet further west from its current position, would create a larger buffer between one of the noisier aspects of the CVR operation and the existing residences to the east. In addition, the heavy metal portion of the scrap metal pile would provide partial shielding of tin pile activities in the easterly direction. This measure would also relocate loading and unloading activities associated with the tin pile (which are louder than the heavy metal activities) further from the existing residences to the east. This measure would be expected to reduce average and maximum noise levels at the nearest residences by approximately 3 dB.
3. Vehicle crushing activities using the shear should also be relocated further west to reduce maximum noise levels generated by such activities at the existing residences to the east. A distance of at least 100 feet from the current crushing location should be implemented if feasible. This measure would be expected to reduce average and maximum noise levels at the nearest residences by approximately 3 dB.
4. CVR should continue to adhere to its current operating hours, which limit on-site noise generation to daytime hours.

Due to the proximity of existing tin pile operations to the residences to the east, and the fact that there is currently little or no shielding of those operations in that easterly direction, these recommendations are expected to result in an appreciable reduction in CVR noise emissions at those residences. The combined noise reduction of measures 1-4 above is anticipated to be between 5 and 10 dB Leq and Lmax, at the nearest residences to the east. Once these recommendations are implemented, BAC recommends that follow-up noise monitoring be conducted to verify the effectiveness of these mitigation measures. In the event that such monitoring revealed exceedances of the County's noise standards, additional specific recommendations could be developed at that time.

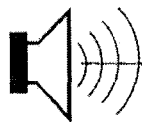
Please contact me at (916) 663-0500 or [paulb@bacnoise.com](mailto:paulb@bacnoise.com) if you have any comments or questions regarding this letter.

Sincerely,

Bollard Acoustical Consultants, Inc.



Paul Bollard  
President, INCE Board Certified



August 19, 2013

Mr. John B. Anderson  
J.B. Anderson Land Use Planning  
139 S. Stockton Avenue  
Ripon, CA 95366

Transmitted via email: [John@jbandersonplanning.com](mailto:John@jbandersonplanning.com)

**Subject: Additional Noise Testing Results Following Implementation of Noise Mitigation Measures at Central Valley Recycle (CVR) Facility located in Stanislaus County, California.**

Dear Mr. Anderson,

As you know, Bollard Acoustical Consultants, Inc. (BAC) prepared a noise study for this facility dated January 30, 2013, as well as a letter dated April 1, 2013 to provide additional clarification and information pertaining to that study.

#### **Noise Mitigation Measures Implemented by CVR**

Since the preparation of the initial study and subsequent letter of clarification, Central Valley Recycle has implemented several measures in an effort to reduce the exposure of its nearest residential neighbors to the east to noise generated by CVR operations. Those measures include the following:

- The tin pile was relocated 150 feet from the fence line to the east.
- Excavator usage is now limited to areas in front of the tin pile, and the excavator no longer operates in the back of the site (closer to the nearest residents).
- Concrete blocks were placed around the tin pile in a U-shape to form a partial noise barrier to the east.
- Trucks are now loaded in the front of the tin pile (further west of the nearest residences to the east), and cars unload in front of the tin pile instead of the previous locations behind the pile.
- Concrete blocks were placed around the metal bailer to block the noise from the nonferrous material and bailer in the direction of the nearest residences to the east.
- Other equipment was moved away from the back fence along Bystrum Rd.

The new site plan which depicts the site modifications is provided as Attachment A.

### **Follow-up Noise Testing Results**

To test the effectiveness of the noise mitigation measures in reducing CVR-generated noise levels at the nearest residences to the east, BAC repeated the previous noise level measurement surveys conducted at the project site in January of 2013. The noise measurement location was in the northeast corner of the project site and the follow-up testing was completed from August 1 - 5, 2013. The measurements were made from the exact same location as the pre-mitigation measurements conducted on January 18-21, 2013 to provide a direct comparison of noise levels before and after implementation of noise mitigation measures. The long-term monitoring site was selected because it provided a complete view of the CVR facility operations and was approximately the same distance from Bystrum Road as the existing residences to the east.

The long-term measurement results are summarized in Table 1, including a comparison of current levels to pre-mitigation levels. Noise measurement equipment included a Larson-Davis Laboratories (LDL) Model 820 precision integrating sound level meter equipped with a LDL Model 2560 ½" microphone. The system was calibrated in the field before use using a LDL CAL200 acoustical calibrator.

The table shows the County's daytime noise standards in the first row. They are staggered in 5 dB increments because the noise level standard is dependent on the duration of time the noise level is being generated. Lower noise levels can be generated for longer periods of time, whereas high noise levels are only permitted for a small portion of each hour. Specifically, noise from the CVR facility cannot exceed 70 dB at any time, cannot exceed 65 dB for more than 5 minutes per hour, cannot exceed 60 dB for more than 15 minutes per hour, etc.

The County allows increasing the noise standards in cases where the existing ambient/background noise environment is elevated (as it is in the immediate vicinity of the CVR facility). As shown by the Sunday data in Row 2 of Table 1, the measured ambient levels on Sunday exceeded the County's noise standards in the first 2 categories (Lmax and L2) when the facility was not in operation. This is due to the passage of vehicles on Bystrum Road, which resulted in elevated maximum noise levels at the residences on the east side of that roadway. As a result, the measured ambient noise level becomes the County standard in those categories. Because the measured ambient noise levels on Sunday did not exceed the County's noise standards in the final 3 categories, the noise standards for those categories were not adjusted. The third row in Table 1 illustrates the adjusted standards.

The data for the two days when the facility was operating (Friday and Saturday) is provided in the following rows. That data only represents the time period of 8 am to 5 pm, which are the normal operating hours of the facility (the Sunday data provided above was also limited to those hours to provide an apples to apples comparison).

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
Standard Adjusted for Elevated Sunday Ambient	90	65	60	55	50
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>

Mr. John B. Anderson  
J.B. Anderson Land Use Planning  
August 19, 2013  
Page 4

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:

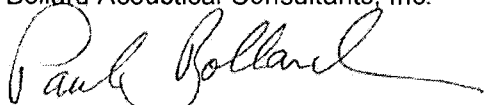
1. The new block walls which have been erected near the eastern property line and around the tin pile should be increased an additional 4 feet in height each. This measure would provide further shielding of CVR noise at the existing residences to the east.
2. Continue to limit excavator usage to areas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

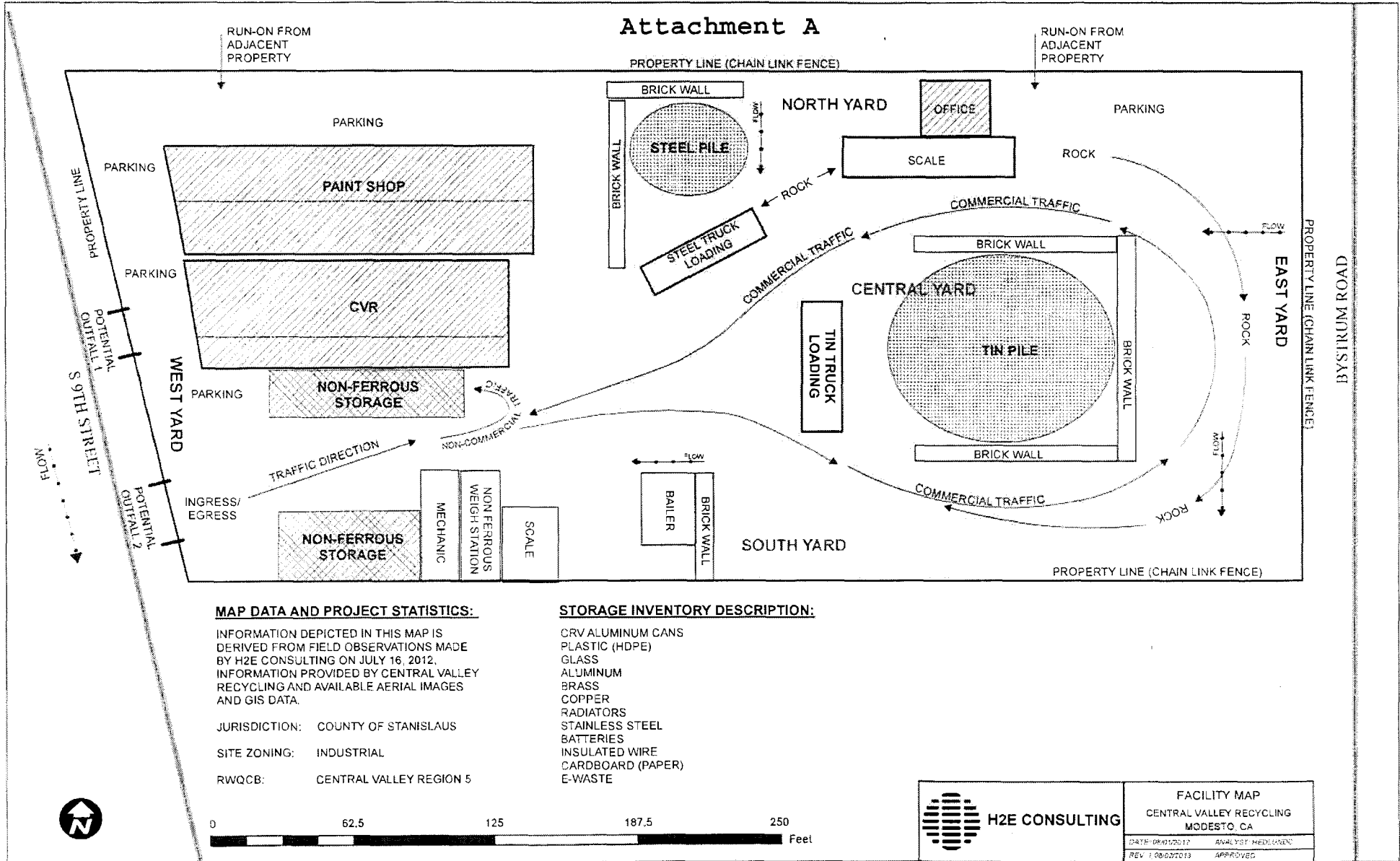
Sincerely,

Bollard Acoustical Consultants, Inc.



Paul Bollard, President, INCE Board Certified

# Attachment A



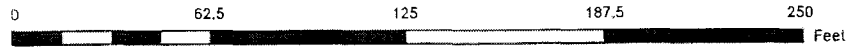
**MAP DATA AND PROJECT STATISTICS:**

INFORMATION DEPICTED IN THIS MAP IS DERIVED FROM FIELD OBSERVATIONS MADE BY H2E CONSULTING ON JULY 16, 2012. INFORMATION PROVIDED BY CENTRAL VALLEY RECYCLING AND AVAILABLE AERIAL IMAGES AND GIS DATA.

JURISDICTION: COUNTY OF STANISLAUS  
 SITE ZONING: INDUSTRIAL  
 RWQCB: CENTRAL VALLEY REGION 5

**STORAGE INVENTORY DESCRIPTION:**

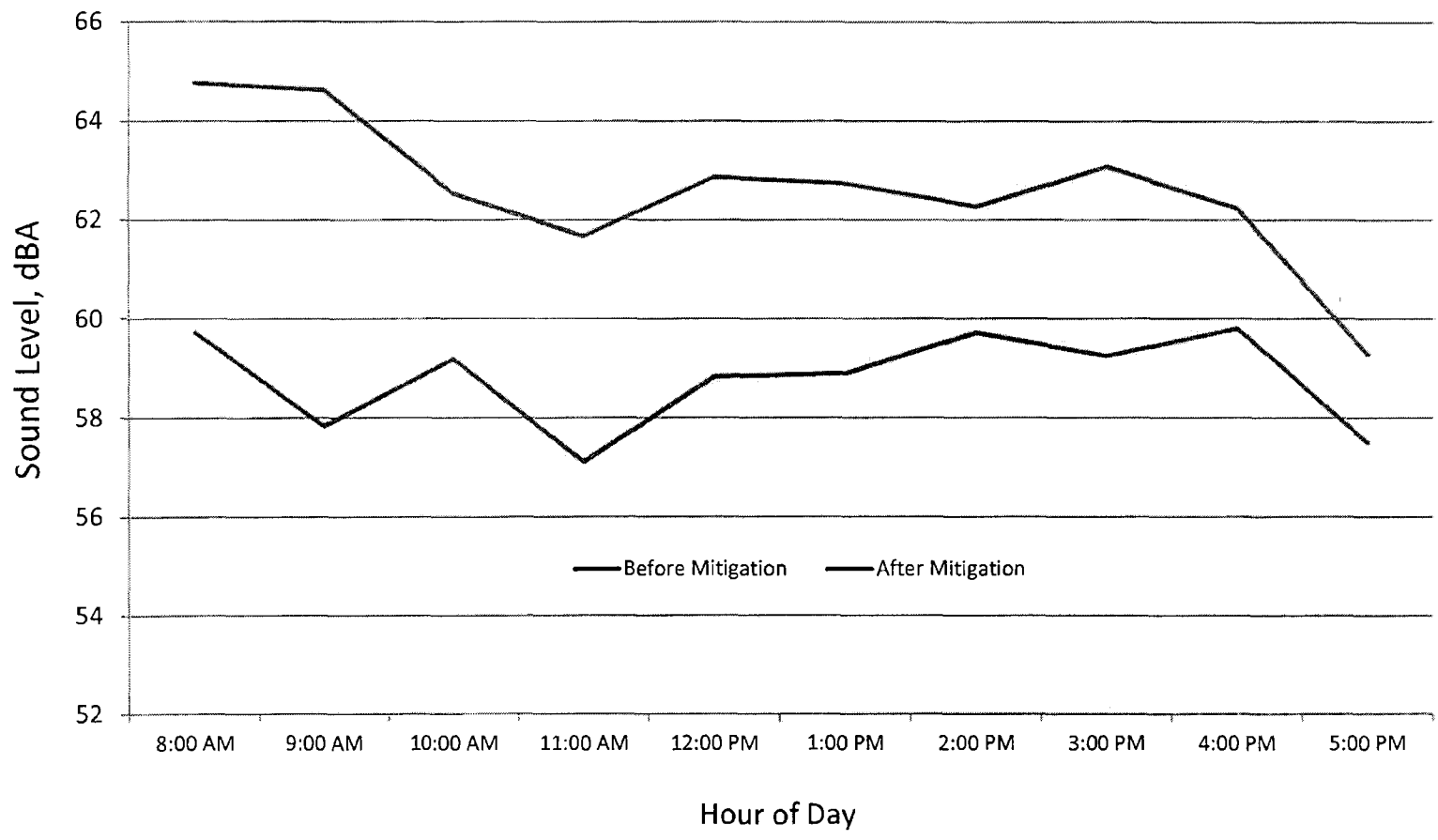
- CRV ALUMINUM CANS
- PLASTIC (HDPE)
- GLASS
- ALUMINUM
- BRASS
- COPPER
- RADIATORS
- STAINLESS STEEL
- BATTERIES
- INSULATED WIRE
- CARDBOARD (PAPER)
- E-WASTE



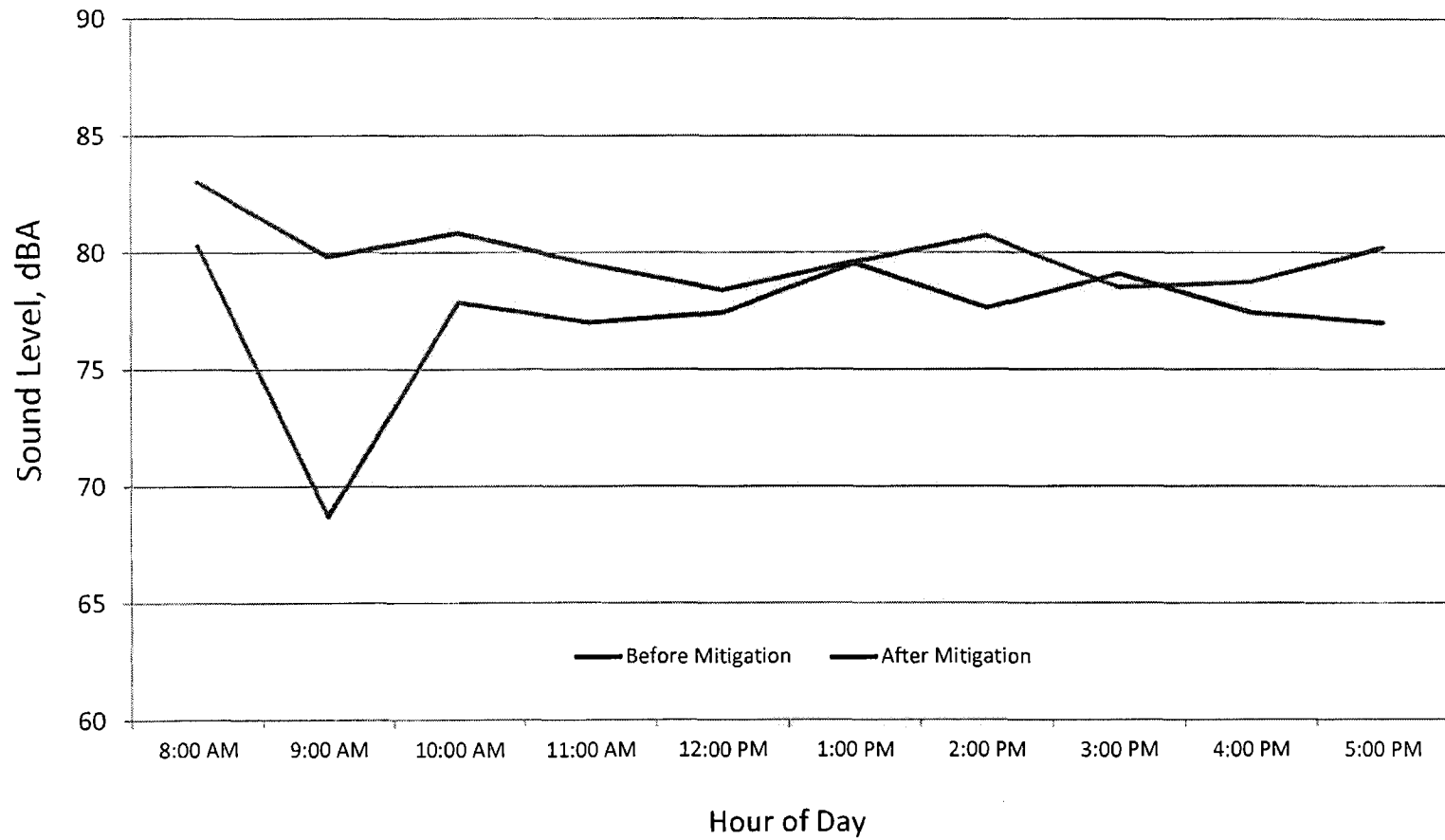
	<b>H2E CONSULTING</b>	
	FACILITY MAP CENTRAL VALLEY RECYCLING MODESTO, CA	
	DATE: 08/02/12	ANALYST: HEDELUND
	REV: 1.08/02/13	APPROVED:



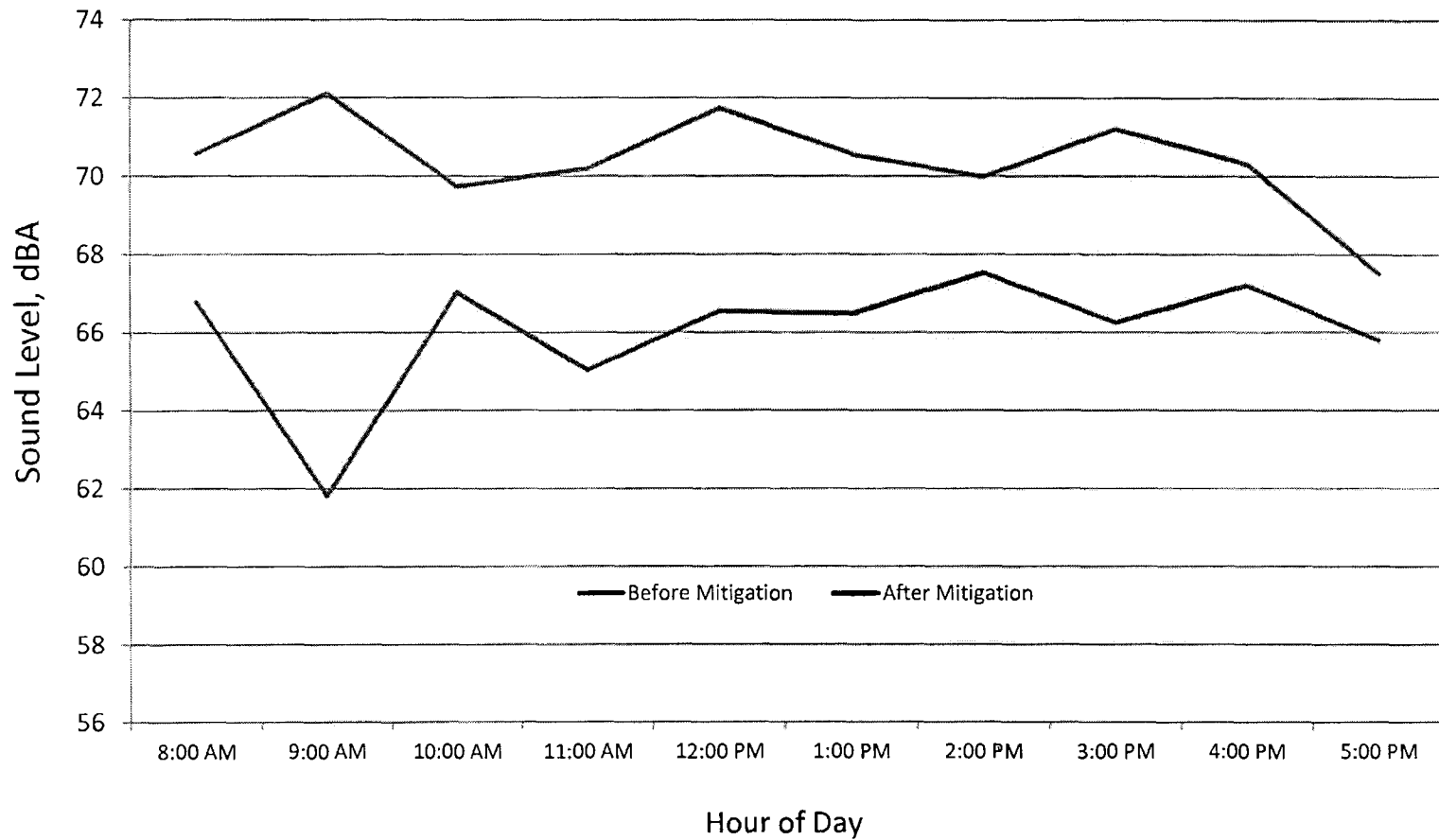
**Attachment B-1**  
**Comparison of Measured Average (Leq) Hourly Noise Levels during CVR Operations**  
**Before and After Noise Mitigation**



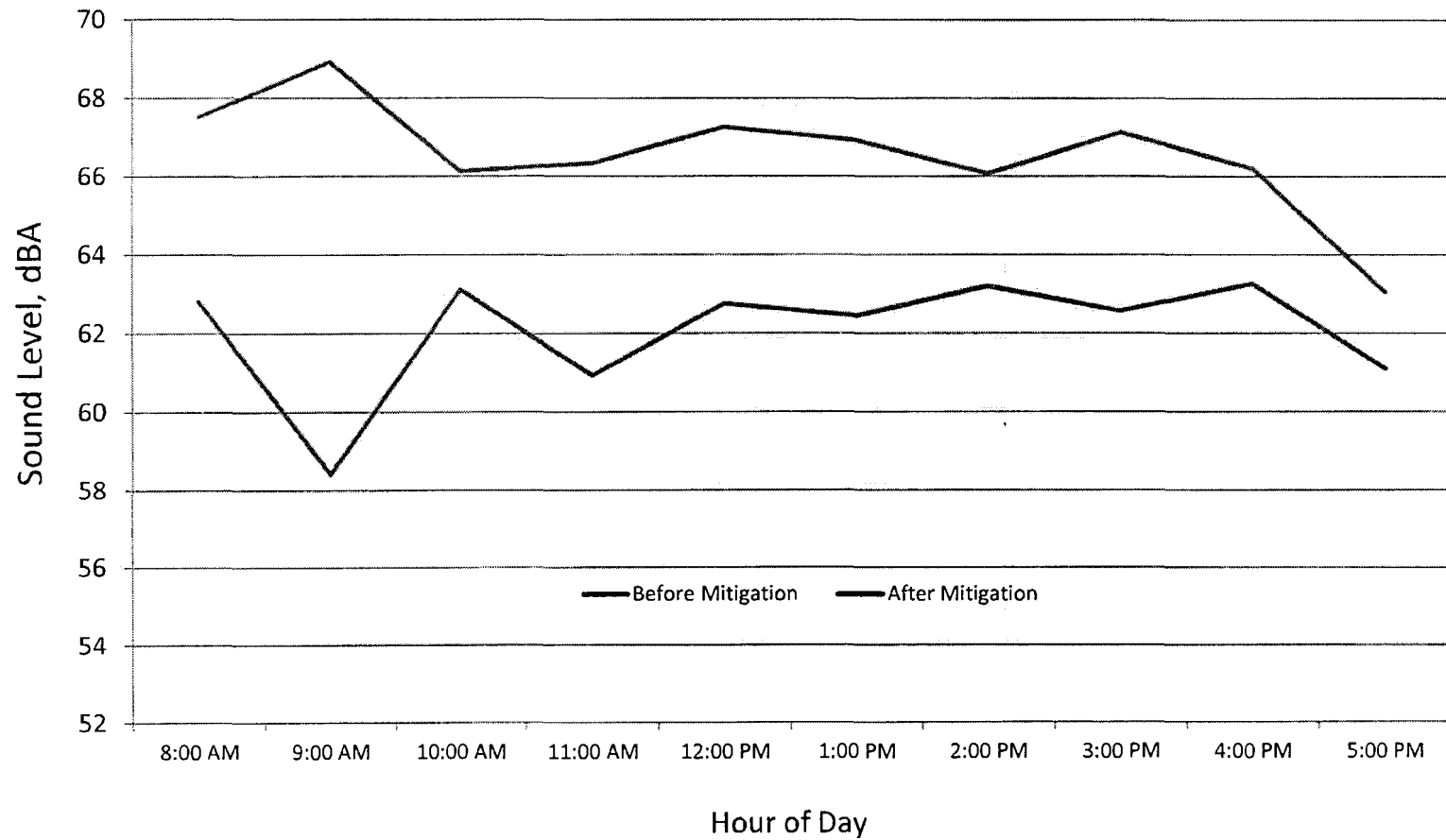
**Attachment B-2**  
**Comparison of Measured Lmax Noise Levels during CVR Operations**  
**Before and After Noise Mitigation**



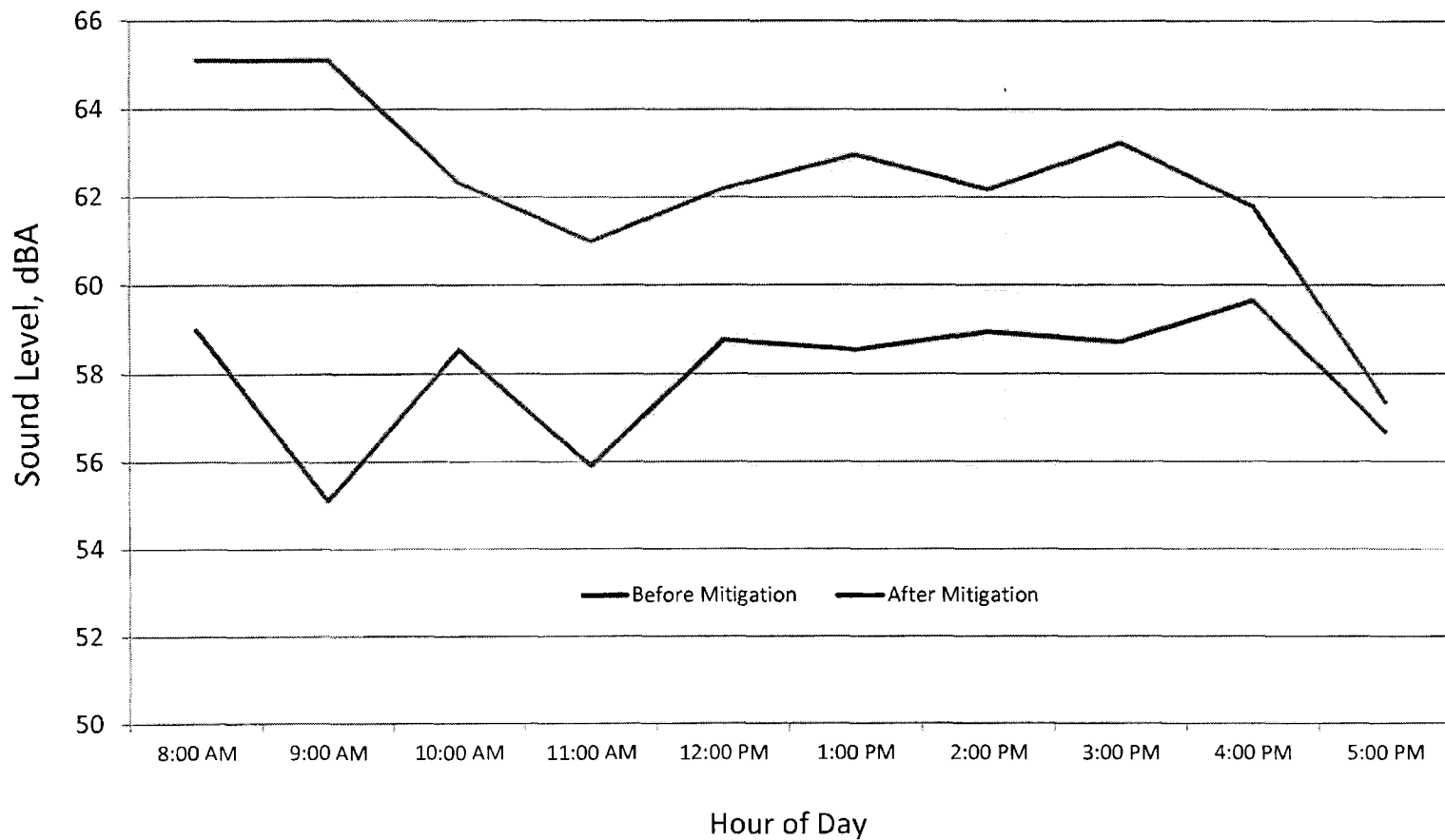
**Attachment B-3**  
**Comparison of Measured L02 Noise Levels during CVR Operations**  
**Before and After Noise Mitigation**



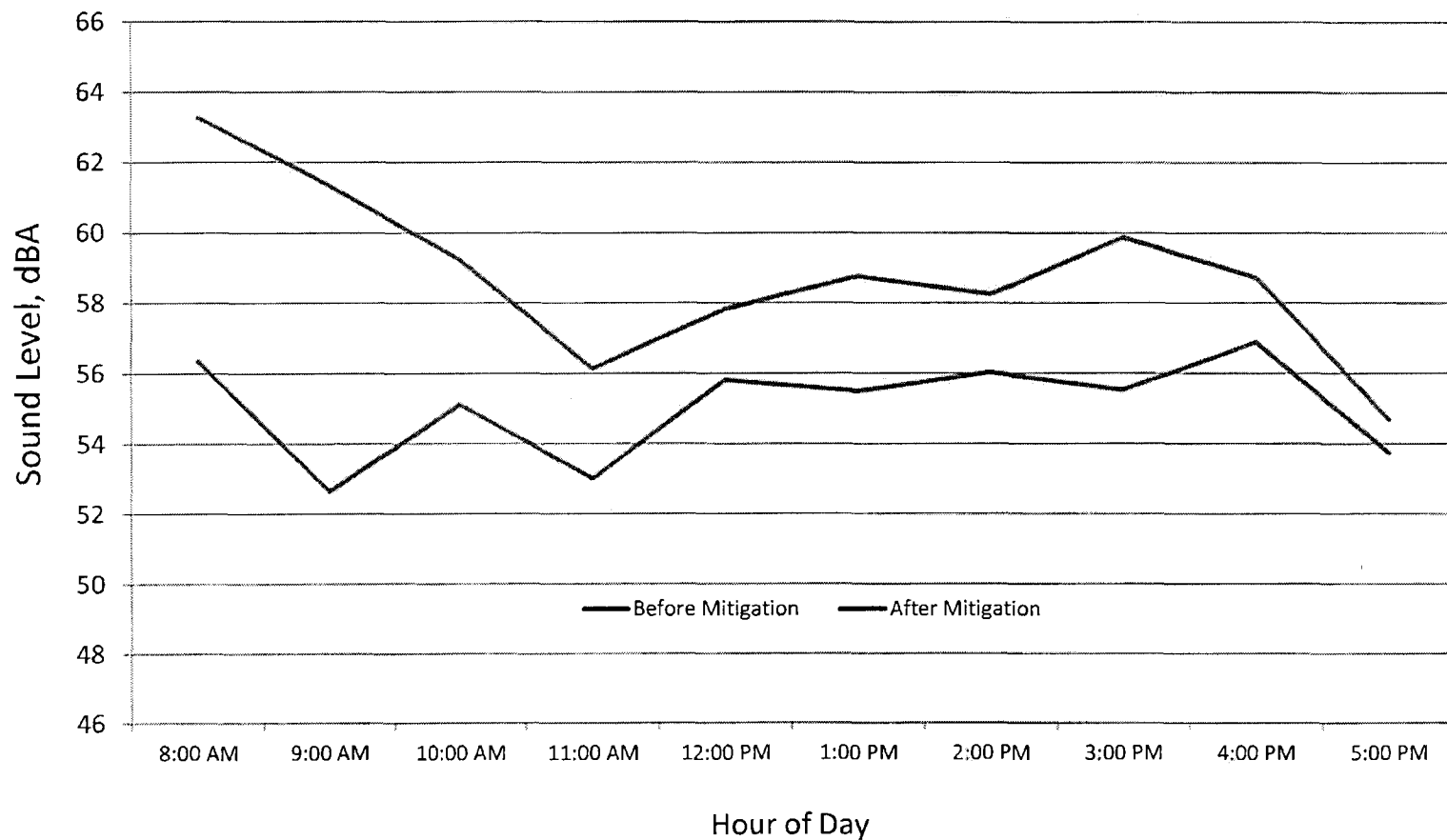
**Attachment B-4**  
**Comparison of Measured L08 Noise Levels during CVR Operations**  
**Before and After Noise Mitigation**



**Attachment B-5**  
**Comparison of Measured L25 Noise Levels during CVR Operations**  
**Before and After Noise Mitigation**



**Attachment B-6**  
**Comparison of Measured L50 Noise Levels during CVR Operations**  
**Before and After Noise Mitigation**



Environmental Noise Analysis

Central Valley Recycle Facility

Modesto (Stanislaus County), California

BAC Job # 2014-326

Prepared For:

Central Valley Recycling

Attn: Mr. Richard Francis  
524 S. 9<sup>th</sup> Street  
Modesto, CA. 95351

Prepared By:

**Bollard Acoustical Consultants, Inc.**



Paul Bollard, President

January 16, 2015



## Introduction

Central Valley Recycling (CVR) is a full scale recycling center located at 524 South 9<sup>th</sup> Street in Modesto, Stanislaus County, California. The project site is located in an industrial/commercial area adjacent to a truck bed cover retailer to the north, an auto body and trucking school to the south, and single-family homes to the east (on opposite side of Bystrum Road).

Due to concerns expressed by the residential neighbors to the east regarding noise generated at the facility, in January of 2013 CVR retained Bollard Acoustical Consultants (BAC), to conduct noise measurements of the facility during normal operations. BAC conducted those noise measurements at the locations shown on Figure 2 and prepared an evaluation of overall facility noise generation relative to the Stanislaus County noise standards (*Environmental Noise Analysis, Central Valley Recycle Facility*, Bollard Acoustical Consultants, Inc. (BAC), job # 2013-003, report dated January 30, 2013). That analysis, which is incorporated by reference, concluded that noise generated during typical operations of the CVR facility exceeded the County's exterior noise standards, and recommended noise mitigation measures to reduce facility noise generation to a state of compliance with Stanislaus County noise standards at the nearest residences to the east. In response to those recommendations, the following specific noise control measures were implemented:

- The tin pile was relocated 150 feet from the fence line to the east.
- Excavator usage is now limited to areas in front of the tin pile, and the excavator no longer operates in the back of the site (closer to the nearest residents).
- Concrete blocks were placed around the tin pile in a U-shape to form a partial noise barrier to the east.
- Trucks are now loaded in the front of the tin pile (further west of the nearest residences to the east), and cars unload in front of the tin pile instead of the previous locations behind the pile.
- Concrete blocks were placed around the metal bailer to block the noise from the nonferrous material and bailer in the direction of the nearest residences to the east.
- Other equipment was moved away from the back fence along Bystrum Rd.

After implementation of the aforementioned noise control measures, BAC returned to the CVR site and conducted follow-up noise testing to quantify the noise reduction provided by those measures. The results of that testing were summarized in a letter from BAC to J.B. Anderson Land Use Planning dated August 19, 2013. In 2014, Stanislaus County subsequently requested additional information pertaining to potential noise impacts associated with increasing the permitted scrap volume tonnage to 2,000 tons per month from the current baseline of approximately 950 tons per month, and an evaluation of potential impacts associated with project-generated vibration. In response to the County's request, BAC conducted vibration monitoring at the project site in December of 2014, as well as additional analysis of impacts associated with increased tonnage. This report represents an update to the original (August 2013) study to incorporate the new noise and vibration data, and updated analysis.



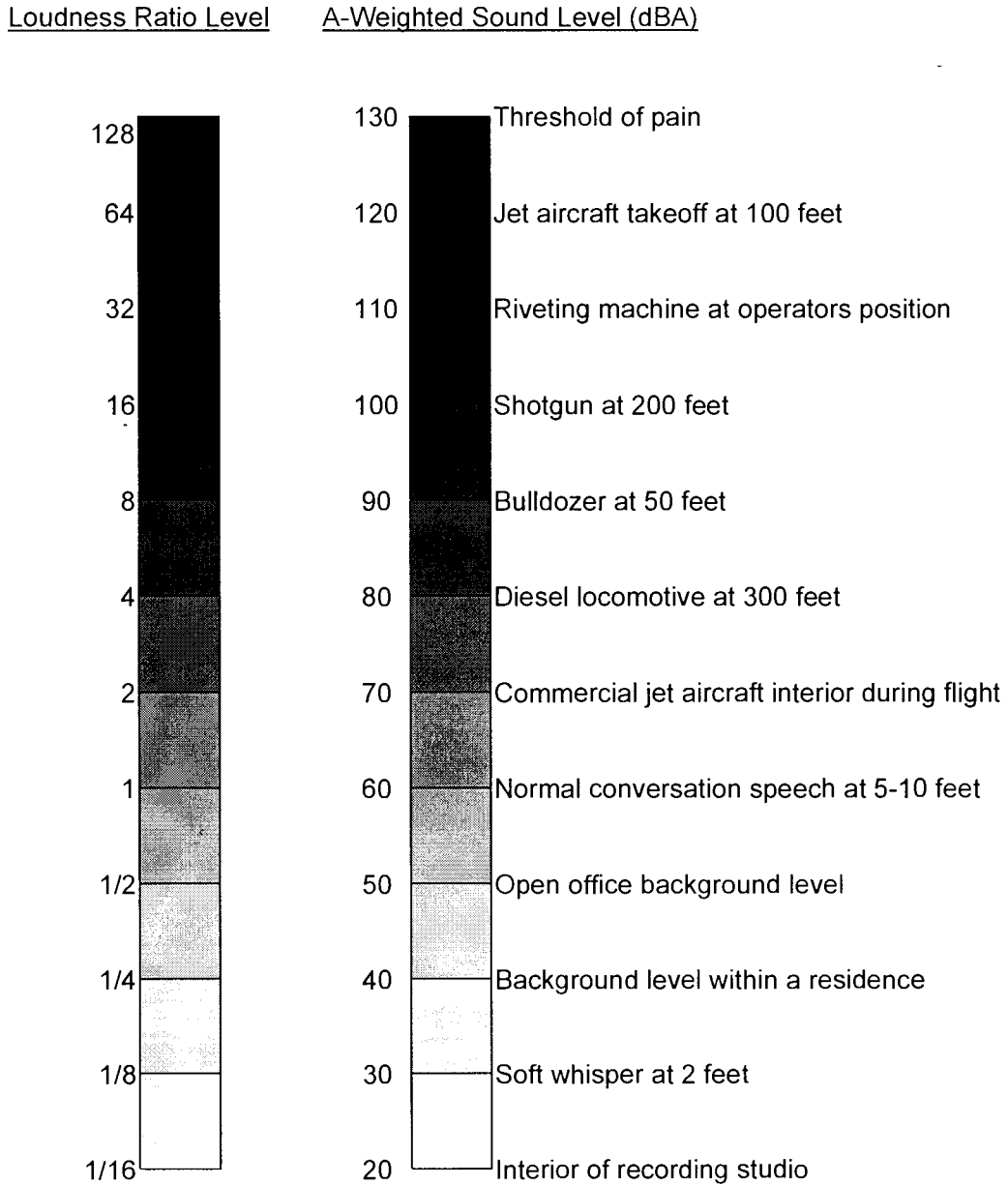
## Acoustical Fundamentals and Terminology

Noise is often described as unwanted sound. Sound is defined as any pressure variation in air that the human ear can detect. If the pressure variations occur frequently enough (at least 20 times per second), they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second, called Hertz (Hz).

Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals of pressure), as a point of reference, defined as 0 dB. Other sound pressures are then compared to the reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB. Another useful aspect of the decibel scale is that changes in decibel levels correspond closely to human perception of relative loudness. Figure 1 illustrates common noise levels associated with various sources.

The perceived loudness of sound is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by weighing the frequency response of a sound level meter by means of the standardized A-weighting network. There is a strong correlation between A-weighted sound levels (expressed as dBA) and community response to noise. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels. Please see Appendix A for definitions of acoustical terminology used in this report.

**Figure 1**  
**Typical A-Weighted Sound Levels of Common Noise Sources**



## Vibration Fundamentals and Terminology

Vibration is like noise in that it involves a source, a transmission path, and a receiver. While vibration is related to noise, it differs in that noise is generally considered to be pressure waves transmitted through air, whereas vibration usually consists of the excitation of a structure or surface. As with noise, vibration consists of an amplitude and frequency. A person's perception to the vibration will depend on their individual sensitivity to vibration, as well as the amplitude and frequency of the source and the response of the system which is vibrating.

Vibration can be measured in terms of acceleration, velocity, or displacement. A common practice is to monitor vibration measures in terms of peak particle velocities in inches per second. Standards pertaining to perception as well as damage to structures have been developed for vibration levels defined in terms of peak particle velocities. Unlike noise, vibration dissipates rapidly with distance. Table 1 shows expected responses to different levels of ground-borne vibration.

<b>Table 1</b>	
<b>General Human and Structural Responses to Vibration Levels</b>	
<b>Response</b>	<b>Peak Vibration Threshold (in./sec. ppv)</b>
Structural damage to commercial structures	6
Structural damage to residential structures	2
Architectural damage to structures (cracking, etc.)	1
General threshold of human annoyance	0.1
Source: Survey of Earth-borne Vibrations due to Highway Construction and Highway Traffic, Caltrans	

## Criteria for Acceptable Noise Exposure

### Stanislaus County Code

The Noise Control Section of the Stanislaus County Code establishes acceptable noise level criteria for non-transportation noise sources, such as the Central Valley Recycling Facility operations. Section 10.46.050 of the Stanislaus County Code provides sound limits for sensitive receptors in Stanislaus County. The specific language of that provision is provided below:

#### 10.46.50 Exterior Noise Level Standards

- A. It is unlawful for any person at any location within the unincorporated area of the county to create to create any noise or to allow the creation of any noise which causes the exterior noise level when measured at any property situated in either the incorporated or unincorporated area of the county to exceed the noise level standards set forth below:

1. Unless otherwise provided herein, the following exterior noise level standards shall apply to all properties within the designated noise zone:

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**Table 2**  
**Exterior Noise Level Standards**  
**Stanislaus County Code – Noise Control Section**

**Maximum A-Weighted Sound Level as Measured on a Sound Level Meter (Lmax)**

Designated Noise Zone	Daytime (7 a.m. - 10 p.m.)	Nighttime (10 p.m. - 7 a.m.)
Noise Sensitive	45	45
Residential	50	45
Commercial	60	55
Industrial	75	75

Source: Stanislaus County Code

2. Exterior noise levels shall not exceed the following cumulative duration allowance standards:

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**Table 3**  
**Cumulative Duration Allowance Standards**  
**Stanislaus County Code – Noise Control Section**

Designated Noise Zone	Allowance Decibels
Equal to or greater than 30 minutes per hour	Table 1 plus 0 dB
Equal to or greater than 15 minutes per hour	Table 1 plus 5 dB
Equal to or greater than 5 minutes per hour	Table 1 plus 10 dB
Equal to or greater than 1 minutes per hour	Table 1 plus 15 dB
Less than 1 minute per hour	Table 1 plus 20 dB

Source: Stanislaus County Code

3. Pure Tone Noise, Speech and Music. The exterior noise level standards set forth in Table 1 shall be reduced by five dB(A) for pure tone noises, noises consisting primarily of speech or music, or reoccurring impulsive noise.
4. In the event the measured ambient noise level exceeds the applicable noise level standards above, the ambient noise level shall become the applicable exterior noise level standard.

## Criteria for Acceptable Vibration Exposure

The Stanislaus County General Plan Noise Element and County Noise Ordinance do not contain specific standards for assessing vibration-related impacts. As a result, this analysis utilizes the Table 1 level at which the onset of annoyance can be expected, or a peak vibration velocity of 0.1 inches/second, for the assessment of vibration impacts associated with the project operations. It should be noted that Table 1 indicates that 10 times this level of vibration energy would be required to result in architectural damage to structures.

## Pre-Mitigation Project Noise Generation (January 2013)

As previously mentioned, Bollard Acoustical Consultants, Inc. (BAC) prepared a noise study for the CVR facility dated January 30, 2013. As part of that survey, five consecutive days of noise monitoring was performed at the locations shown on Figure 2. While all of the data collected for that study is included in the January 30 report, Table 4 summarizes the results of the five days of continuous noise monitoring conducted near the northeast corner of the CVR facility.

**Table 4**  
**Continuous Noise Monitoring Results**  
**Central Valley Recycle Facility Northeast Corner**  
**January 17-22, 2013**

	<b>Lmax</b>	<b>L2</b>	<b>L8</b>	<b>L25</b>	<b>L50</b>
	<b>1 min/hr</b>	<b>5 min/hr</b>	<b>15 min/hr</b>	<b>30 min/hr</b>	<b>30-60 min/hr</b>
County Noise Ordinance Standard (unadjusted)	<b>70</b>	<b>65</b>	<b>60</b>	<b>55</b>	<b>50</b>
Ambient noise levels on Sunday, January 20, 2013 (CVR not operating)	<b>82</b>	<b>66</b>	<b>60</b>	<b>51</b>	<b>48</b>
Standard Adjusted for Elevated Sunday Ambient	<b>82</b>	<b>66</b>	<b>60</b>	<b>55</b>	<b>50</b>
<b>Ambient Noise Level Data During CVR Operations:</b>					
Thursday, January 17, 2013	88	73	69	64	60
Friday, January 18, 2013	87	71	67	63	60
Saturday, January 19, 2013	80	68	64	60	57
Monday, January 21, 2013	92	69	65	61	58
Tuesday, January 22, 2013	84	70	68	65	63
Measured Average for all days facility in operation	<b>86</b>	<b>70</b>	<b>66</b>	<b>62</b>	<b>59</b>
<b>Level of Exceedance of County Standard</b>	<b>4</b>	<b>4</b>	<b>6</b>	<b>7</b>	<b>9</b>

The Table 4 data show the County's daytime noise standards in the first row. They are staggered in 5 dB increments because a project is allowed to make more noise if it is generated for progressively shorter periods of time during each hour. In other words, noise from the CVR facility cannot exceed 70 dB at any time, cannot exceed 65 dB for more than 5 minutes per hour, cannot exceed 60 dB for more than 15 minutes per hour, etc.

## Figure 2

Central Valley Recycle Facility - Modesto (Stanislaus County), California  
Project Area, Nearest Residences, and Noise Measurement Sites - 2013



The County noise standards are to be increased in cases where the existing ambient/background noise environment is elevated (as it is in the immediate vicinity of the CVR facility). As shown by the Sunday data in Row 2, the measured ambient levels on Sunday exceeded the County's noise standards in the first 2 categories (Lmax and L2) when the CVR facility was not in operation. This is due to the passage of vehicles on Bystrum Road, which resulted in elevated maximum noise levels at the residences on the east side of that roadway. As a result, the measured ambient noise level becomes the County standard in those categories. Because the measured ambient noise levels on Sunday did not exceed the County's noise standards in the final 3 categories, those standards were not adjusted. The third row in the table illustrates the adjusted standards.

The data for the days when the facility was operating is provided in the following rows of Table 4. That data only represents the time period of 8 am to 5 pm, which are the normal operating hours of the facility (the Sunday data provided above was also limited to those hours to provide an apples to apples comparison).

The last row of data shows how much the measured average levels during all CVR operating hours exceeded the County's adjusted noise standards. The Table 4 data indicate the measured noise 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 the last row of Table 4.

As a result of the January 2013 noise measurement results, specific noise mitigation measures were recommended. Those measures were implemented as indicated in the Introduction section of this report. The following section describes the effectiveness of those noise mitigation measures in reducing CVR-generated noise levels.

## Post-Mitigation Project Noise Generation (January 2013)

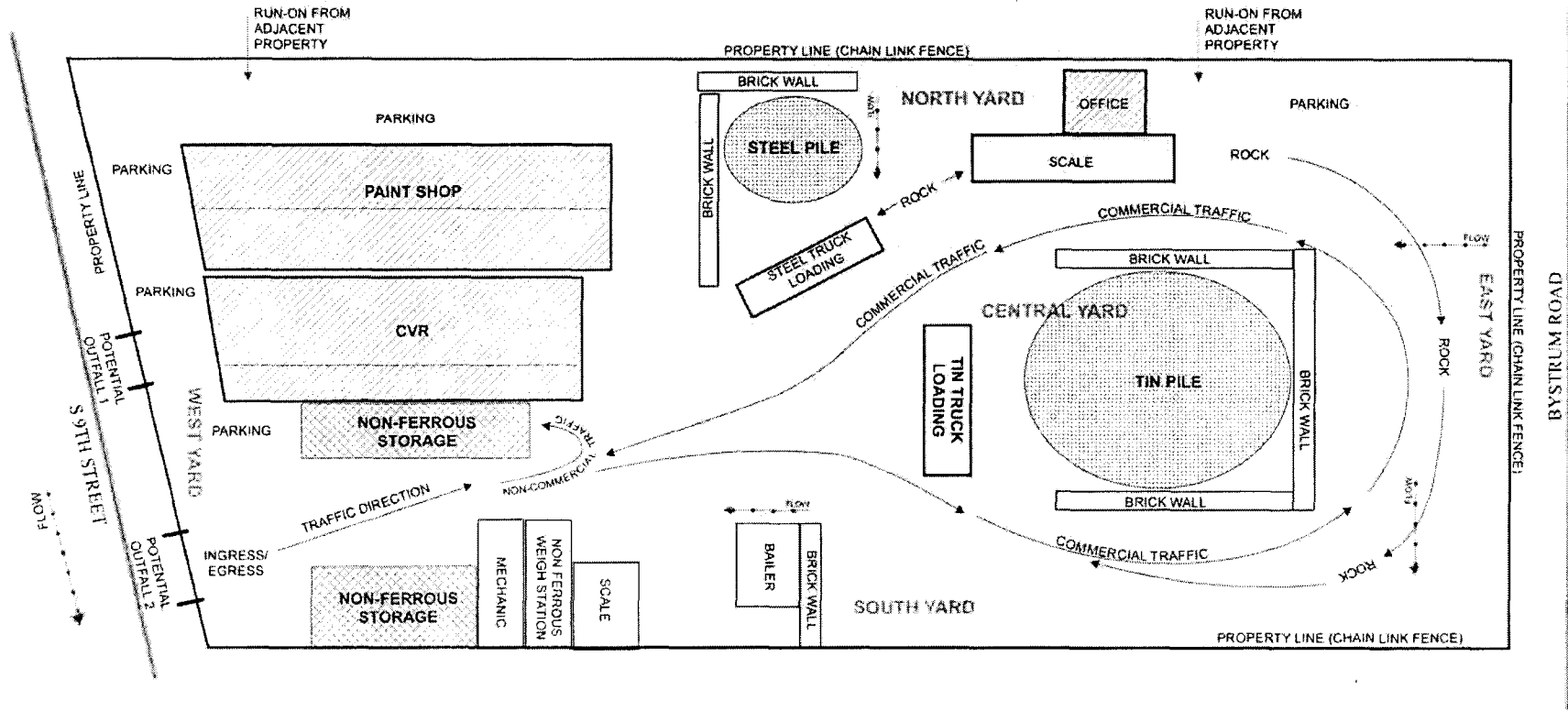
In response to recommendations contained in the January, 2013 noise study, CVR implemented several noise mitigation measures. Figure 3 shows the difference in operations between the January 2013 operations and current, mitigated, operations.

To test the effectiveness of the noise mitigation measures in reducing CVR-generated noise levels at the nearest residences to the east, BAC repeated the January 2013 noise level surveys previously conducted at the project site. The noise measurement location was in the northeast corner of the project site and the follow-up testing was completed from August 1 - 5, 2013.

The measurements were made from the exact same location as the pre-mitigation measurements conducted on January 18-21, 2013 to provide a direct comparison of noise levels before and after implementation of noise mitigation measures. The long-term monitoring site was selected because it provided a complete view of the CVR facility operations and was approximately the same distance from Bystrum Road as the existing residences to the east.

Noise measurement equipment included a Larson-Davis Laboratories (LDL) Model 820 precision integrating sound level meter identical to that used for the pre-mitigation noise survey. The system was calibrated in the field before use using a LDL CAL200 acoustical calibrator.

**Figure 3**  
 Central Valley Recycling - Modesto (Stanislaus County), California  
 Site Flow Map





The follow-up measurement results are summarized in Table 5. Table 5 is similar in format to Table 4. Table 6 shows a comparison of the post-mitigation (August 2013) to pre-mitigation (January 2013) noise levels.

**Table 5  
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
Standard Adjusted for Elevated Sunday Ambient	90	65	60	55	50
Measured on-site noise level during CVR facility operations	81	66	62	57	54
<b>Additional decrease in noise levels due to additional distance to residences</b>	<b>2 dB</b>	<b>2 dB</b>	<b>2 dB</b>	<b>2 dB</b>	<b>2 dB</b>
<b>Additional decrease in CVR Noise Levels at nearest residences due to property line noise barrier.</b>	<b>5 dB</b>	<b>5 dB</b>	<b>5 dB</b>	<b>5 dB</b>	<b>5 dB</b>
<b>Resulting CVR Noise Level at nearest residences</b>	<b>74</b>	<b>59</b>	<b>55</b>	<b>50</b>	<b>47</b>
<b>Level of Exceedance of adjusted County Standard</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>

This data indicates that the noise mitigation measures incorporated into the current CVR operations has resulted in achieving a state of compliance with the County's noise standards. Specifically, CVR noise generation was found to range from 3 to 16 dB below County noise standards in the various categories. As a result, no additional noise attenuation measures appear to be warranted for this facility to achieve compliance with County noise standards.

## Analysis of Noise Generated by Increase Operations

As noted in the Introduction section of this report, Stanislaus County has requested additional information pertaining to potential noise impacts associated with increasing the permitted scrap volume tonnage to 2,000 tons per month from the current baseline of approximately 950 tons per month.

According to CVR representatives, the increase in tonnage could be accommodated with the existing equipment and already used on site, and no equipment or operations would need to occur closer to the existing residences than currently occurs. Because the CVR equipment and operations can already accommodate the increased tonnage by allowing more material to be processed at the site during periods when the facility is currently operating at lower capacity, no new noise sources would be introduced as part of the proposed increased tonnage. As a result, no increases in maximum noise levels would result, although an increase in median noise levels

could result from the busier operations during hours when the facility would otherwise be operating at a lower capacity.

Because the increased tonnage can be accommodated without additional equipment by operating the existing equipment during periods when it would otherwise be idle, it is difficult to predict the increase in noise levels which would result from the expanded tonnage. From a purely mathematical perspective, a doubling of tonnage would result in a theoretical increase in median noise levels of 3 dB. According to the Table 5 data, a 3 dB increase in median noise levels would result in a level of 50 dB L<sub>50</sub> at the nearest residences to the east. Because this level would still be satisfactory relative to the County's 50 dB L50 daytime median noise level standard, the increase in tonnage is not expected to result in exceedance of the County's noise standards.

However, a doubling of tonnage would not automatically translate to a 3 dB increase in noise levels at the nearest residences, as the increased activity required to accommodate that tonnage would translate to more time when the facility is generating noise, not necessarily higher overall noise levels. Nonetheless, because the Table 5 data indicate that a 3 dB increase could be accommodated without causing an exceedance of the County's noise standards at the nearest residences to the east, no adverse noise impacts are expected as a result of the proposed increase in monthly tonnage.

## Analysis of Project Vibration

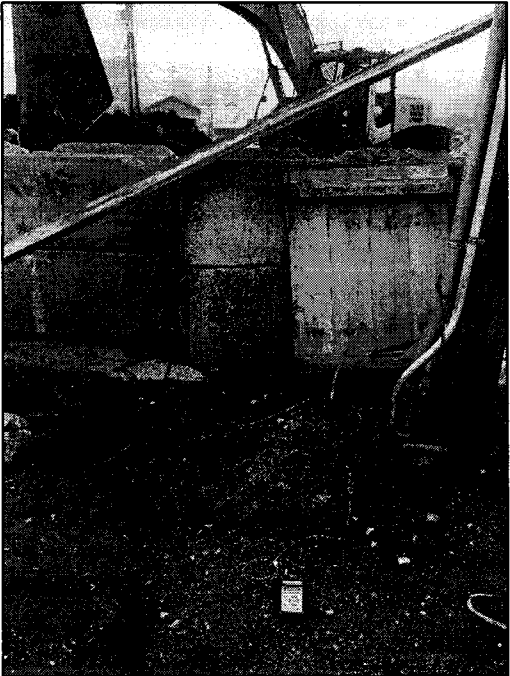
To quantify vibration levels associated with CVR operations, Bollard Acoustical Consultants, Inc. conducted vibration measurements of all major activities occurring at the project site on December 9, 2014. The measurements were conducted near the CVR project site boundaries, and adjacent to Bystrum Road opposite the nearest existing residences. Figure 4 shows the locations where vibration monitoring was conducted. Figure 5 shows photographs of representative vibration monitoring locations.

The vibration measurements consisted of peak particle velocity sampling using a Larson Davis Laboratories Model HVM100 Vibration Analyzer with a PCB Electronics Model 353B51 ICP Vibration Transducer. The test system is a Type I instrument designed for use in assessing vibration as perceived by human beings, and meets the full requirements of ISO 8041:1990(E). The results of the vibration measurements are shown in Table 6.

**Figure 4**  
Central Valley Recycling - Modesto (Stanislaus County), California  
Vibration Measurement Locations - 2014



Figure 5 – Representative Photos of Vibration Measurement Locations



**Table 6**  
**Vibration Measurement Results**  
**CVR Facility – Stanislaus County, CA – December 9, 2014**

<b>Location</b>	<b>Description</b>	<b>Source</b>	<b>Peak Vibration (in./sec.)<sup>2</sup></b>
1	Northeast Corner	All CVR Operations	0.074
2	Southeast Corner	All CVR Operations	0.044
3	Midpoint of North P/L	Metal Shearing Claw – 20 ft.	0.118
4	Next to Metal Pile	Metal Shearing Claw – 20 ft	0.128
5	Southwest Corner	All CVR Operations	0.064
6	South P/L Near Baler	Baler	0.081
7	Adjacent to Bystrum Rd.	All CVR Operations	0.030
		Garbage Truck on Bystrum Rd.	0.447
		Truck on Bystrum Rd.	0.290

Source: Bollard Acoustical Consultants, Inc.

The vibration measurement results shown in Table 6 indicate that vibration levels varied depending on proximity to the most significant sources of vibration. The highest measured vibration levels occurred at locations close to the metal shearing claw operations (Sites 3 and 4). However, when those levels are projected from the 20 foot measurement distance to the nearest neighboring uses, the levels would be well below the 0.1 inch/second threshold of annoyance.

As indicated by the Site 7 data, CVR-generated vibration levels were measured to be 0.030 inches per second adjacent to Bystrum Road, in close proximity to the nearest residences to the east. This level of vibration was imperceptible to BAC staff. Conversely, during vehicle passages on Bystrum Road, much higher vibration levels were registered.

Based on the vibration levels presented in Table 6, this analysis concludes that CVR-generated vibration levels are less than significant at the nearest property boundaries and well below the thresholds of annoyance and damage to structures at the nearest residences to the east.

## Conclusions

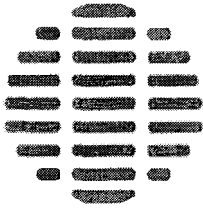
This analysis concludes that the noise mitigation measures implemented at the CVR facility in Stanislaus County have effectively reduced facility noise generation to a state of compliance with Stanislaus County noise standards. In addition, this analysis concludes that vibration levels generated by heavy equipment and operations at the CVR site would be well below thresholds for annoyance and damage to structures at sensitive locations of neighboring uses, including the existing residences to the east. Finally, this analysis concludes that the proposed increase in tonnage would not cause an exceedance of the County's noise level standards at the nearest noise-sensitive land uses to the project site (residences to the east). These conclusions are based on noise level data collected at the project site in 2013 and 2014, vibration data collected at the project site in 2014, operational information provided by CVR, and on the analysis contained herein.

This concludes our environmental noise assessment for the Central Valley Recycle Facility in Stanislaus County, California. Please contact BAC at (916) 663-0500 or [paulb@bacnoise.com](mailto:paulb@bacnoise.com) with any questions or requests for additional information.

## Appendix A Acoustical Terminology

<b>Acoustics</b>	The science of sound.
<b>Ambient Noise</b>	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
<b>Attenuation</b>	The reduction of an acoustic signal.
<b>A-Weighting</b>	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
<b>Decibel or dB</b>	Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
<b>CNEL</b>	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.
<b>Frequency</b>	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.
<b>L<sub>dn</sub></b>	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
<b>Leq</b>	Equivalent or energy-averaged sound level.
<b>L<sub>max</sub></b>	The highest root-mean-square (RMS) sound level measured over a given period of time.
<b>Loudness</b>	A subjective term for the sensation of the magnitude of sound.
<b>Masking</b>	The amount (or the process) by which the threshold of audibility is for one sound is raised by the presence of another (masking) sound.
<b>Noise</b>	Unwanted sound.
<b>Peak Noise</b>	The level corresponding to the highest (not RMS) sound pressure measured over a given period of time. This term is often confused with the Maximum level, which is the highest RMS level.
<b>RT<sub>60</sub></b>	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
<b>Sabin</b>	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 sabin.
<b>SEL</b>	A rating, in decibels, of a discrete event, such as an aircraft flyover or train passby, that compresses the total sound energy of the event into a 1-s time period.
<b>Threshold of Hearing</b>	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
<b>Threshold of Pain</b>	Approximately 120 dB above the threshold of hearing.





## H2E CONSULTING

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JUNE 26, 2012

RICHARD FRANCIS  
CENTRAL VALLEY RECYCLING  
529 S. 9<sup>th</sup> STREET  
MODESTO, CA 95351

**RE: Storm Water Pollution Prevention Program**  
Ref. 12-CVR-01

Dear Mr. Francis:

Per your request, this is a proposal to develop a Storm Water Pollution Prevention Plan (SWPPP), submit a Notice of Intent (NOI) to the State Water Resources Control Board (SWRCB), and provide optional on-going monitoring services to comply with the General Permit associated with Discharges from Industrial Activities.

### **Project Understandings and Basis for this Proposal**

- The facility, known as *Central Valley Recycling (CVR)*, is located at 529 S. 9<sup>th</sup> Street in the City of Modesto and is in the business of metal recycling.
- The purpose of the SWPPP is to help identify the sources of pollution that affect the quality of industrial storm water discharges and authorized non-storm water discharges.
- The purpose of the SWPPP is also to describe and ensure the implementation of BMPs to reduce or prevent pollutants in industrial storm water discharges and authorized non-storm water discharges.
- SWPPP shall conform to the requirements set forth in the Industrial General Permit for the State of California.
- Client agrees to pay for all permitting fees and the services of a water sampling consultant, as needed.
- It is understood, pursuant to the Permit, the Permit requires monthly inspections, quarterly and annual reporting of on-going activities at the site, including but not limited to, the results of any water sampling, effectiveness of structural and non-



structural site BMPs, changes in regulated activity, on-going training, and the occurrence of illicit discharges.

- It is understood, pursuant to the Permit, submittal of an Annual Report is required on or before July 1<sup>st</sup> of every year, which includes a comprehensive site analysis over the reporting year.
- It is understood that H2E accepts no responsibility for the handling and transport, reliability or accuracy of any water sample, laboratory analysis, or service provided by Third Party.
- It is understood that Client or Third Party is responsible for submitting water samples to a certified laboratory for analysis and that a chain-of-custody is documented for each occurrence.
- It is understood that the facility intends to handle its own monitoring and compliance with the Regional Water Quality Control Board. An individual at the facility should be assigned the task of implementing the SWPPP and be responsible for monthly observations and filing the Annual Report with the Regional Water Quality Control Board.
- Client agrees that he/she shall defend, indemnify and hold H2E Consulting harmless from any and all liability, real or alleged, in connection with the performance of work on this project excepting for liability arising from the sole negligence of the H2E Consulting.

## **Scope of Work**

### Storm Water Pollution Prevention Plan

Prepare a Storm Water Pollution Prevention Plan for the referenced facility that includes the following components, pursuant to the policies and guidelines suggested by the State Water Resources Control Board (SWRCB):

1. Assist facility with submitting/updating the Notice of Intent (NOI) with SWRCB.
2. Provide a narrative description of the activities at the subject facility, including the use of materials or chemicals that may be of concern to contaminating storm water.
3. Address site-specific concerns relating to management of run-on and runoff of stormwater and non-stormwater.
4. Identify potential outfalls (points of discharge).
5. Conduct a site visit for survey and training.
6. Identify on-site pollutants and recommend Best Management Practices (BMPs).
7. Prepare a Site Map that illustrates drainage patterns, storm water devices, and areas of pertinent industrial activity and storage. Site map provided by Client from shall be used as reference.
8. Include all required templates for monitoring and inspections.
9. Include all computations for determining runoff coefficients where appropriate.

10. If the facility is considered “zero discharge,” apply for exempt-status with SWRCB.
11. Upon change of operation, change of ownership, or relocation of the facility, which would result in CVR to no longer be obligated to comply with the General Permit, H2E Consulting should be notified such that a Notice of Termination (NOT) can be filed with the State.

**Monitoring, Inspection and Reporting**

Per the requirements of the Permit, assist CVR with required water sampling, inspection and reporting, including but not limited to:

1. Provide a monitoring plan and sampling kit.
2. Train individual(s) at the site who are appointed the task of collecting water samples.
3. Prepare monthly and quarterly reports during inspections for compliance and non-stormwater discharges.
4. Analyze laboratory data and provide cost-effective solutions to lowering excessively high results.
5. Submit required sample results to SWRCB.
6. Prepare Annual Comprehensive Site Compliance Evaluation (ACSCE) and submit to SWRCB following client approval.

**Payment and Deliverables**

Storm Water Pollution Prevention Plan

<i>Without</i> monitoring:	\$ 2,500.00
<i>With</i> monitoring:	\$ 2,000.00

Monthly monitoring, inspections, training and reporting: \$ 250.00 per month<sup>1</sup>

Payment shall be due upon delivery of SWPPP. Payments for inspections, reporting and sampling shall be billed on a monthly basis and due within 15 days of invoice date.

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<sup>1</sup> Monthly inspections may be reduced to bi-monthly outside the rainy season at the discretion of the Qualified SWPPP Developer (QSD).

If you accept, please sign/date below and fax back to (415) 968-6400 or email back to [hedlund@h2econsulting.com](mailto:hedlund@h2econsulting.com) at your earliest convenience. Upon acceptance, we will contact the RWQCB to let them know you've contracted with us to prepare your SWPPP.

Very truly yours,

*Charlotte Hedlund*

Charlotte Hedlund  
Project Manager

ACCEPTED BY:

---

Central Valley Recycling

Date

**STORM WATER POLLUTION  
PREVENTION PLAN AND MONITORING  
PROGRAM**

Prepared for:

**CENTRAL VALLEY RECYCLING  
524 S. 9<sup>TH</sup> STREET  
MODESTO, CA 95351  
(954) 975-3808**

Prepared by:

**H2E CONSULTING  
1888 GOLDEN GATE AVE., SUITE 34  
SAN FRANCISCO, CA 94115  
(877) 787-7577**

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## 1.0 INTRODUCTION TO STORM WATER POLLUTION PREVENTION PLANS

All facility operators must prepare, retain on site, and implement a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP has two major objectives:

1. To help identify the sources of pollution that affect the quality of industrial storm water discharges and authorized non-storm water discharges;
2. To describe and ensure the implementation of Best Management Practices (BMPs) to reduce or prevent pollutants in industrial storm water discharges and authorized non-storm water discharges.

The General Permit for storm water discharge associated with industrial activities requires development and implementation of a SWPPP that emphasizes BMPs. This approach provides the flexibility necessary to establish appropriate BMPs for different types of industrial activities and pollutant sources. The State Water Resources Control Board (SWRCB) recognizes that there is no single best way of developing or organizing a SWPPP. The SWPPP requirements contain the essential elements that all facility operators must consider and address. Requirements for implementing a SWPPP under the General Permit for Industrial Activities have become increasingly demanding in recent years, particularly the elements of the SWPPP, which have been rearranged to (1) correspond more closely with other storm water permits in effect throughout the country, and (2) to generally follow a more logical path.

One of the major elements of the SWPPP is the elimination of unauthorized non-storm water discharges to the facility's storm drain system. Unauthorized non-storm water discharges can be generated from a wide variety of potential pollutant sources. They include waters from the rinsing or washing of vehicles, equipment, buildings, or pavement; materials that have been improperly disposed of or dumped, and spilled; or leaked materials. Unauthorized non-storm water discharges can contribute a significant pollutant load to receiving waters. Measures to control spills, leakage, and dumping can often be addressed through structural and non-structural BMPs.

***Note: For the purposes of this plan, an unauthorized discharge is any spill to ground or pavement that is not secondarily contained that can, if not immediately mitigated, release contaminants to the storm drain system upon being exposed to rainfall.***

This Storm water Pollution Prevention Plan (SWPPP) is presented as a stand-alone document but is to be filed as an attachment to Central Valley Recycling's overall Storm water Pollution Prevention Program. It incorporates BMPs and the use of a monitoring plan, which is intended to reduce the amount of pollution contained in storm water runoff and is designed to monitor the runoff in order to determine if the BMPs are working.

This SWPPP has been developed using information as gathered from the site inspection on July 16, 2012 and will be amended monthly, quarterly or annually as a result of BMP deficiencies or other significant operational changes, which may include: updates if new regulations are promulgated; if there are changes in on-site conditions, which may significantly affect the discharge of pollutants to surface water,



groundwater, or the municipal storm drain system; or if new technologies become available that can be reasonably installed to better control discharge of storm water pollutants.

Central Valley Recycling (CVR) is dedicated to providing individuals and the business community with a comprehensive recycling program. CVR is locally owned and has been in operation since 1991 with the goal of providing the best customer service in the Central Valley.

**FACILITY INFORMATION**

Facility Name	Address	Site Contact	Contact Phone
CENTRAL VALLEY RECYLCING	524 S. 9 <sup>TH</sup> STREET MODESTO, CA 95351	Richard Francis	(209) 604-7113
WDID No: 5S50I023713, approved 07/09/2012		Review Date:	

**CONSULTANT INFORMATION**

Consultant Firm	Address	Contact	Contact Phone
H2E CONSULTING	1888 Golden Gate Ave., Suite 34 94115	Charlotte Hedlund	(877) 787-7577

**POLLUTION PREVENTION TEAM**

The responsibility of implementing and operating the Storm water Pollution Plan is considered to be a team effort. The following personnel have been identified to execute this SWPPP for Central Valley Recycling.

Team Member	Title	Contact Phone	Function
Richard Francis	SWPPP Manager	Office: (209) 544-1578 Cell: (209) 604-7113	Manages daily SWPPP implementation, inspections & sampling

**NOTE: If any non-storm water discharge is witnessed, please notify one of the above listed persons immediately. Those persons that have been properly trained to contain the spill and mitigate it are authorized to do so without prior approval of management. Personnel that are not trained in spill response can only proceed with approval from management.**

## 2.0 SITE LOCATION AND DESCRIPTION

The facility is located at 524 S. 9<sup>th</sup> Street in Modesto, California, in the county of Stanislaus, with a Latitudinal coordinate of 37°37'25.14 north and a Longitudinal coordinate of 120°59'10.00" west, at approximately 87 feet above sea level. Surrounding land uses consist of general commercial, industrial, multiple family, rural residential, multiple family and medium-density residential. Refer to Site Location Map, Appendix A.

Drainage patterns within the parcel, which encompasses approximately 2.2 acres (95,682 SF), is graded such that surface runoff sheet flows from north to south and to the west.

There are two outfalls at the site where there is a potential for storm water to discharge:

1. One 15' wide driveway on the eastern side of the property, at S. 9<sup>th</sup> Street (Potential Outfall #1),
2. One 25' wide driveway, south of Potential Outfall #1, on the eastern side of the property, at S. 9<sup>th</sup> Street (Potential Outfall #2).

There are no municipal storm drains within the site or along S. 9<sup>th</sup> Street. Flows generally drain from north to south via curb/gutter along S. 9<sup>th</sup> Street. Surface runoff would eventually be collected by municipal storm drain and ultimately discharge to the Tuolumne River.

## 2.1 FACILITY OUTFALLS

The entire surface of the Central Valley Recycling facility is paved with concrete and in most areas covered with dirt/sediment that has been tracked in over time via peddler and commercial vehicle traffic. This loose dirt and sediment is currently sprayed by a water truck multiple times a day as a dust control measure. There are two potential outfalls where pollutant-laden runoff may discharge off-site. The site is graded such that water drains from north to south across the site. The site's perimeter is bounded by an approximately 6'-high chain link fence.

**Potential Outfall 1**, is approximately 15-ft wide, located along the easterly property line, fronting S. 9<sup>th</sup> Street and appears to be a low point where storm water may flow to. This is only a potential outfall because there is a grade break at the property line, just before the drive slab, which would serve to contain runoff. This driveway is also part of the regulated area and is the point of exit for haul trucks that come into direct contact with scrap metals.

**Potential Outfall 2**, which is the facility's ingress/egress to and from S. 9<sup>th</sup> Street, is approximately 25-ft wide located at the eastern side of the property and directly south of Potential Outfall 1 and appears to be a low-point where storm water flows to. This driveway is used for employee and visitor entrance and exit to the facility. Similar to Potential Outfall 1, a grade break exists just before the drive slab that would serve to contain runoff on the site.

The SWPPP Manager claims that storm water run-on occurs from the property adjacent and to the north of his.

**Fence Lines** – The entire perimeter of the facility is defined by a chain link fence. Although improvement plans of the property are not available, it appears from field observations that run-on from the northerly property may occur. There is a slight berm and storage of materials along the westerly and southerly property lines, which would suggest that runoff along these areas is not likely. The majority of runoff would occur at the two driveways. However, there are slight grade breaks at both driveways, within the property, that would help retain water onsite.

## 2.2 FACILITY MAP

The facility map is a valuable tool to determine locations of potential pollution sources and the outfalls that they may affect. The map provides retention capacity information, identifies run-on to the facility and locates storm water conveyance measures and treatment options used by the facility. Facility maps can be used to determine flow rates of 25-year storm events and can provide other useful information, such as:

- Facility boundaries
- Drainage areas
- Direction of flow
- On-site water bodies
- Areas of soil erosion
- Nearby water bodies
- Storm drain inlets
- Discharge points
- Structural control measures
- Paved areas
- Location of directly exposed areas
- Locations of significant spills
- Storage areas/ tanks
- Shipping and receiving areas
- Fueling areas
- Vehicle equipment storage and maintenance
- Material handling areas
- Waste treatment/ storage areas
- Dust generation/ particulate generation activities
- Cleaning or equipment

Please refer to Facility Map, Appendix B.

## 3.0 LIST OF SIGNIFICANT MATERIALS

Central Valley Recycling has been in the business of recycling since 1991. The scrap metal is comprised of a variety of surplus or discarded materials including but not limited to automotive parts. Many of these items contain both ferrous and non-ferrous metals.

Ongoing operations, including dismantling of automobiles, storage of e-waste material, pre-drained engine blocks and uncovered radiators may have the potential to discharge the following list of significant materials if mitigation measures and BMPs are not implemented.

*Note that significant materials are chemicals or products, intermediates, wastes or raw materials that are stored onsite. They are not necessarily a potential pollution source.*

### 3.1 FERROUS SCRAP METAL

- a) **Storage Method** – Surface impoundments in various areas of yard. See Facility Map.
- b) **Receiving/ Shipping Location** – Material received across scale and unloaded in various areas of the yard as noted on facility map.
- c) **Handling Location** – Various as noted on site map
- d) **Quantity Stored** – 1,600 gross tons (this is app. amount in and out in any given month)
- e) **Frequency** – Monthly

### 3.2 NON-FERROUS SCRAP METAL

- a) **Storage Method** – Metal bins, boxes, drums and on surface impoundments in various areas of yard. See facility map.
- b) **Receiving/ Shipping Location** – Material received across scale and unloaded in various areas of the yard as noted on facility map.
- c) **Handling Location** – Various as noted on site map
- d) **Quantity stored** – 50 gross tons
- e) **Frequency** – Monthly

### 3.3 GLASS, PLASTIC AND PAPER

- a) **Storage Method** – Metal bins, boxes, drums and on surface impoundments in various areas of yard. See facility map.
- b) **Receiving** – Varies
- c) **Quantity stored** – Varies
- d) **Frequency** – Monthly

### 3.5 NON-RCRA HAZARDOUS WASTE

- a) **Storage Method** – Metal bins, boxes, drums and on surface impoundments in various areas of yard. See facility map.
- b) **Receiving/ Handling** – Varies
- c) **Quantity stored** – Varies
- d) **Frequency** – Monthly

#### 4.0 DESCRIPTION OF POTENTIAL POLLUTANT SOURCES

Central Valley Recycling operates a scrap metal recycling/ processing facility. The processes present at Central Valley Recycling that could *potentially* be a source of pollution are listed in this section. An assessment of each contaminant source is included in the following section.

#### 4.1 INDUSTRIAL PROCESSES AND POLLUTANTS OF CONCERN

There are at least four types of activities that are common to most scrap and waste recycling facilities, which include: scrap waste material stockpiling, material processing, segregating processed materials into uniform grades, and collecting non-recyclable materials for disposal.

The scrap metal operation receives thousands of tons of metal each month. The only practical manner in which to move this volume is to unload quickly and onto pavement. The scrap metal is of varying size and chemistry ranging from finely divided dust to large structural "I" beams and composed of metal which can contain iron, copper, stainless steel and frequently contain zinc, lead and other heavy metals. The material is segregated and cut using hydraulic shears, gas torches and by manual disassembly.

The movement of this material, both unloading into the yard and loading for offsite processing or sale, requires large earthmoving equipment and semi trucks with open trailers. The lifting, dumping and scraping of pavement release dust and machinery which can have drips from crankcase and hydraulics. The maintenance department is employed to repair this equipment and to perform preventive maintenance. All incoming and outgoing material is weighed prior to vehicles leaving the site.

Industrial Processes can be categorized into one of the following areas:

1. **Ferrous Yard Storage** - After material is received, it must be prepared for sale by mechanical cutting, manual torching or by the use of the hammer mill or other separation technology. Regardless of method, the material must be stored on-site to be fed at acceptable flow rates into the mechanical or manual processing lines. The placing of the metal on the surface impoundment creates opportunities for rainwater to leach metals and liberate dirt, etc from the storage piles.
2. **Non-Ferrous Segregation** – Non-ferrous materials collection has large numbers of "peddler" traffic. These vehicles are mostly pick-up trucks and private vehicles that frequently drip oil. As scrap is unloaded, dirt and other debris is often found mixed in the scrap. Of special concern are items like e-waste, radiators or engine blocks that may contain liquids or soluble heavy metals.
3. **Torch cutting of metal** uses flame methods to cut metal so as to make it appropriate size for sale. Large pieces must be scaled to fit into land /sea containers or cut due to excessive weight. This process liberates large amounts of metal fume into the air requiring torch operators to wear filtration masks while cutting. The metal fume falls back to the ground becoming a significant source of metal dusts.

4. Scale – All loads are weighed in and out on 70-foot long truck scale. The scale is metal and painted to prevent corrosion. Trucks idle on this platform and oil drips are common.
5. Transportation – All scrap readied for sale must be transported by land /sea container or by end dump truck where the metal is smelted. Central Valley Recycling primarily uses end dump trucks and loads approximately five to six (5-6) trucks per day each weighing near 40,000 lbs. Each vehicle can load in as little as 30 min, or may take hours depending on the commodity.
6. Maintenance – The act of keeping the equipment properly maintained is a great challenge. Scrap metal work puts stress on equipment due to excessive weight and constant use. Central Valley Recycling provides a maintenance area onsite. These mechanics fuel, lubricate, change parts and respond to immediate calls for service.

## 4.2 MATERIAL HANDLING AND STORAGE AREAS

The following describes the different types of materials present at the facility including how they are handled and stored. The locations of items below are also described on the Facility Map.

**North Yard** – This is the area for loading and unloading of ferrous (iron) based materials. This area has a concrete pad where these activities are to occur. These materials are normally larger in bulk and can come in loads reaching 22 tons per truck. This material is unloaded by end dump trucks and is pushed into piles readied for offsite shredding or onsite torch cutting and loading into containers. The scale is located in the North Yard as well. Here all loads are weighed in and out on the industrial truck scale. Trucks idle on this platform and oil drips are common.

The following activities and materials are also located in the North Yard:

- Uncovered non-ferrous storage areas.
- The maintenance area (covered) where the facility's machines and equipment are repaired and fixed. An above ground diesel storage tank.
- A bailer and other facility operations equipment.
- The main business office (covered).
- A visitor and employee parking area.
- Uncovered non-ferrous storage areas.

**Central Yard** – This is the area for loading and unloading and segregation of ferrous (iron) based materials. Segregation includes manual labor, mechanical equipment and a torch cutter. All of these activities occur on a large concrete pad with compacted dirt.

**South Yard** – This area is primarily used for the segregation of non-ferrous materials, aluminum and plastic (high-density polyethylene [HDPE]).

At any given time, multiple engine blocks may be stored at various places in the Central Yard.

**East Yard** – This East Yard is used for light non-ferrous and equipment storage.

**West Yard** – The West Yard area is the facility ingress/egress, drive through customer traffic, peddler scale, drop-off and cashier. Potential Outfall 1, a 15' wide egress, is located here along S. 9<sup>th</sup> Street. Potential Outfall 2, a 25' wide ingress/egress, is located here along S. 9<sup>th</sup> Street, directly south of Potential Outfall 1.

#### 4.3 DUST AND PARTICULATE GENERATING ACTIVITIES

As previously identified, unloading, loading and moving of scrap metal are all operations that contribute to dust and particulate generation. Additionally, rubber from the wear of forklift, truck and passenger car tires could leave trace zinc metal and suspended solids in the runoff. The large volume of dirt and dust created by the scrap metal recycling operation can contribute towards increased suspended solids in storm water if not addressed in this plan as a control measure.

Since the solids can be composed of finely divided materials that do contain heavy metals, it is likely, that if not recovered, samples will fail due to elevated metals contamination. Control measures addressing these processes must be included in the structural and non-structural BMPs in order to meet benchmark levels.

#### 4.4 SIGNIFICANT SPILLS AND LEAKS

According to CVR staff, there have been no significant spills or leaks requiring an agency notification or reportable quantity of hazardous materials since the facility opened. Per Central Valley Recycling management, all spills are immediately cleaned using floor sweep and material is recovered and shipped as waste.

Leaking oil from forklift, trucks and personal vehicles could elevate water contaminants and are addressed with Best Management Practices, but do not qualify as significant spills unless their accumulated total causes oil and grease to fail benchmark levels. If this occurs, then they must be reported as non-storm water discharges.

#### 4.5 NON-STORM WATER DISCHARGES

No SWPPP has been prepared for the facility and interview with the SWPPP Manager suggest that no non-storm water discharges have occurred. Central Valley Recycling does not report de-minimus spills that are drips from equipment or vehicles if they are immediately mitigated. Although not normally identified as a non-storm water discharge, for the purposes of this plan, failure to address routine dust issues are to be considered non-storm water discharges and reported as such. The rationale is that dust that remains onsite or is windblown offsite, will contribute to storm water pollution regardless of whether Central Valley Recycling exceeds suspended solids numbers in their storm water sampling results.

As mentioned in the previous section, accumulated totals of oil and grease leaking from vehicles, scrap metal and industrial equipment that cause levels to exceed benchmark numbers should be considered, cumulatively, as a non-storm water discharge.

#### 4.6 SOIL EROSION AND SEDIMENT TRACKING

The entire area of the facility is impervious covered by loose to compacted dirt but the grade is depressed, which would serve to contain any loose soil on-site. However, vehicles that travel into the site may drive over water and come into contact with loose dirt. When these vehicles exit, they may have the potential to track loose dirt onto the public right-of-way. Both driveways, particularly the egress, should be closely monitored for tracking. Dry-sweep is recommended periodically and before the end of each work day.

#### 4.7 RUN-ON

Run-on of storm water from outside the facility would be insignificant for the following reason(s):

- The Modesto area receives an average of less than 0.1-in. rainfall each year.
- The perimeter of the site is slightly elevated to surrounding properties.
- Surrounding properties drain away from facility.

Run-on does occur from the property to the north of Central Valley Recycling. Surface flow is from north to south across the facility. 2011 Annual rainfall for Modesto was 15.99"

( ).



## 5.0 ASSESSMENT OF POTENTIAL POLLUTANT SOURCES

The potential storm water pollutant sources identified in this plan can, if uncontrolled, contribute to elevated levels of contaminants in storm water. They may eventually exceed EPA target benchmark levels during a storm event if not addressed. Since Central Valley Recycling has a large exposure due to the outdoor industrial operations, it is believed that all potential pollution sources listed need to be specifically addressed by looking at the individual contaminant threat they pose.

### 5.1 GENERAL REQUIREMENTS

The Industrial Activities Storm water General Permit for California requires you to analyze storm water samples for at least four parameters. These are pH, Total Suspended Solids (TSS), Specific Conductance (SC), and Total Organic Carbon (TOC). Oil and Grease (O&G) may be substituted for TOC. In addition, you must monitor for any other pollutants which you believe to be present in the storm water discharge as a result of industrial activity and visually observe storm water discharges from one storm event per month during the wet season (October 1 – May 30). For Central Valley Recycling, these items include: TSS, COD, Al, Cu, Zn, Fe and Pb.

These four parameters are considered indicator parameters. In other words, regardless of what type of facility you operate, these parameters are non-specific and general enough to usually provide some indication whether pollutants are present in your storm water discharge. The following briefly explains what each of these parameters mean:

Visual Examinations provide a simple and inexpensive means of obtaining a rough assessment of stormwater quality. The quarterly review of visual examinations needs to be conducted with scrutiny as to try to determine where any discoloration, oil, debris, or other visual observation noted had been generated at. By determining the source of the contamination, we can then determine the cause and re-write BMPs or construct structural BMPs to help minimize or eliminate the contaminant. Some observations may be made in water samples, while others are as a result of non-authorized discharge or material spill.

pH is a numeric measure of the hydrogen-ion concentration. The neutral, or acceptable, range is within 6.5 to 8.5. At values less than 6.5, the water is considered acidic; above 8.5 it is considered alkaline or basic. 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 industrial activities which could increase or decrease the pH of your storm water discharge. If the pH levels of your storm water discharge are high or low, you should conduct a thorough evaluation of all potential pollutant sources at your site.

Total Suspended Solids (TSS) is a measure of the undissolved solids that are present in your storm water discharge. Sources of TSS include sediment from erosion of exposed land, and dirt from impervious (i.e. paved) areas. Sediment by itself can be very toxic to aquatic life because it covers feeding and breeding grounds, and can smother organisms living on the bottom of a water body. Toxic chemicals and other

pollutants also adhere to sediment particles. This provides a medium by which toxic or other pollutants end up in our water ways and ultimately in human and aquatic life. TSS levels vary in runoff from undisturbed land. It has been shown that TSS levels increase significantly due to land development. Suspended solids are probably the most significant source of storm water pollution at Central Valley Recycling. Dust and dirt is generated in a variety of operations and controlling this dust is difficult. Metal dust will easily flow during a storm event. As metals rust and form oxides in water, they can become even more dangerous as is the case with chrome and hexavalent chrome.

Specific Conductance (SC) is a numerical expression of the ability of the water to carry an electric current. SC can be used to assess the degree of mineralization, salinity, or estimate the total dissolved solids concentration of a water sample. Because of air pollution, most rain water has a SC a little above zero. A high SC could affect the usability of waters for drinking, irrigation, and other commercial or industrial use. Specific conductance can be elevated as metals and other ionic compound concentrations rise. Water becomes more conductive as a direct relation to contaminant levels.

Total Organic Carbon (TOC) is a measure of the total organic matter present in water. (All organic matter contains carbon) This test is sensitive and able to detect small concentrations of organic matter. Organic matter is naturally occurring in animals, plants, and man. Organic matter may also be manmade (so called synthetic organics). Synthetic organics include pesticides, fuels, solvents, and paints. Natural organic matter utilizes the oxygen in receiving water to biodegrade. Too much organic matter could place a significant oxygen demand on the water, and possibly impact its quality. Synthetic organics either do not biodegrade or biodegrade very slowly. Synthetic organics are a source of toxic chemicals that can have adverse affects at very low concentrations. Some of these chemicals bioaccumulate in aquatic life. If your levels of TOC are high, you should evaluate all sources of natural or synthetic organics you may use at your site. Central Valley Recycling, being located in a heavy industrialized part of the County should run O&G instead to more accurately reflect industrial discharges.

Oil and Grease (O&G) is a measure of the amount of oil and grease present in your storm water discharge. At very low concentrations, O&G can cause a sheen (that floating "rainbow") on the surface of water (1 qt. of oil can pollute 250,000 gallons of water). O&G can adversely affect aquatic life and create unsightly floating material and film on water, thus making it undrinkable. Sources of O&G include maintenance shops, vehicles, machines and roadways.

Metals and Heavy Metals are present as contamination in the Central Valley Recycling storm water.

Lead is found in many industrial scrap products. Automobiles that are processed at Central Valley Recycling contain batteries, wheel weights, battery cables, etc. Appliances and consumer electronics frequently contain batteries with lead and other heavy metals (e.g. nickel, cadmium, etc.).

Brass and copper are highly valued for their scrap price. These items are received by Central Valley Recycling and can contribute to storm water pollution. Brass and copper alloys contain aluminum and lead.

Zinc is found in all galvanized materials. Zinc is also a component of rubber vulcanization. Due to zinc's solubility, it is easily liberated and can enter storm water. Central Valley Recycling receives large tonnage of galvanized materials. When one considers the rubber dust created by the vehicle tires and the galvanized material, it can be expected that zinc is a target element.

Iron is one of the largest commodities Central Valley Recycling accepts. It can be expected to be found in any discharge. Aluminum, if oxidized, forms a very insoluble compound. Therefore it can be assumed that the detection of aluminum would be due to elemental aluminum being found as a suspended solid (finely divided dust).

Stainless steel has nickel, chrome and iron as its base alloys. Although nickel and chrome are not easily dissolved, they may be present in storm water if suspended solids are not addressed. Iron is a major concern at any scrap metal yard. The finely divided material is easily carried by storm water and can dissolve, discoloring the water to a shade of brown or amber. Iron in an oxidized state can easily foul ion exchange resins and pose a difficult water treatment challenge as its pH solubility range is well within storm water pH levels.

The following table shows parameter benchmark values for analytical monitoring:

Pollutant	Benchmark
Chemical Oxygen Demand	120 mg/L
Total Suspended Solids	100 mg/L
Total Lead (Pb, with pH of 6.5 - 9)	0.0816 mg/L
Total Copper (Cu)	0.0636 mg/L
Total Aluminum (Al)	0.75 mg/L
Total Zinc (Zn)	0.117 mg/L
Total Iron (Fe)	1.0 mg/L
Oil and Grease	15 mg/L
pH	6 - 9 s.u.

## **6.0 STORM WATER BEST MANAGEMENT PRACTICES (BMPS)**

Control measures, referred to, as Best Management Practices (BMPs) are used in this program as a method of protecting water quality. BMPs are methods that will be, or have been implemented to effectively reduce the potential for pollution associated with storm water runoff. BMPs include maintenance and operation procedures, use of devices for control of site runoff, spills, leaks and drainage from the storage areas. They also contain a list of actions to be taken to reduce the discharge of pollutants.

### **6.1 TYPES OF BMPS**

Control measures are divided into two categories; structural - physical methods including concrete barriers and specialized equipment to control contaminants, and non-structural - which include training, and housekeeping techniques, etc. Both of these methods when used in conjunction with a monitoring program can achieve the desired results of clean run off.

These two categories can further be sorted as source and non-source BMPs. Source BMPs refer to point of generation measures, while non-source BMPs are point of discharge measures. Our intention at the Central Valley Recycling yard is to combine structural and non-structural controls to ensure a complete program.

### **6.2 MANAGEMENT, ADDITION, REVISION AND UPDATE OF BMPS**

Existing BMPs are to be implemented and revised as necessary to ensure that all practical, affordable and reasonable efforts are made to minimize any storm water contamination. By confirming with sampling and visual observations, we should be able to determine if new BMPs need to be added. New BMPs will be documented in the operating record and the planned implementation will occur as time and budget constraints permit.

The BMP updates will include a complete summary of the visual observation made that identified the problem, or reference a specific lab report and identify individual contaminants of concern. An explanation is to be provided that outlines why the BMP was unsuccessful. Notes will be made if the BMP was not effective or not implemented as outlined in this program. If the BMP was not effective due to the design or implementation, then recommendations will be made for improvement. As part of this recommendation, drawings, schedules, operational changes and a cost analysis should be provided to determine what course of action to undertake.

## 6.3 NON-STRUCTURAL BMPS

Non-structural BMPs can be defined as operational practices performed by individuals that minimize potential exposure that an operation or process may have on the environment. They are commonly thought of as company policies rather than "hard" placed equipment. Non-Structural controls that Central Valley Recycling employs are as follows:

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### 6.3A GOOD HOUSEKEEPING

Central Valley Recycling will focus on good housekeeping techniques as the number one BMP for maintaining storm water compliance. Particular attention will be given to dust and particulate recovery methods. A successful program can be measured by noting a reduction in suspended solids. Storm water sampling data achieving numbers below 100 ppm or turbidity below 75 ntu (ntu of 25-45 is preferable) is an indication the housekeeping methods are functional. Ongoing reductions can be charted as part of an annual report to demonstrate improved BMPs over time.

Central Valley Recycling will either hire a full time employee to operate sweepers and other dust collection tools/ equipment or will maintain a log of equipment use and hours of operation. Additional staff will be placed in service to accomplish the items listed below prior to each storm event. Specific housekeeping BMPs that need to be documented in the following areas are:

#### Loading/ Unloading

- Objects containing liquids such as radiators, engine blocks and automobiles must be processed or disassembled over containment.
- No visibly leaking object is to be offloaded into the general receiving area.
- Objects with excessive dirt may not be able to be offloaded in the general work area.
- Any object that is breached during the offloading or loading for offsite processing that is leaking a fluid must be isolated and fluids drained prior to placement in storage or readied for offsite transport.
- Recovered fluids will be stored appropriately.
- Dirt or dust created by this operation must be recovered. Acceptable methods are to sweep, vacuum or blow dusts to a central area and then physically remove and dispose of according to State and Federal law. Leaf blowers, brooms, riding sweepers and vacuums can all be used by Central Valley Recycling to accomplish this task.
- Dirt and dusts should be recovered sufficiently to greatly reduce "drag out" of particulates when trucks leave the property.

- Loading of trucks with dusty material will only be done if a water mist spray assists in keeping dust suppressed. If overuse of water causes runoff, then the runoff will be captured and shipped offsite or re-used.

#### Storage –

- If metals are placed in bins, the bins must be of sufficient integrity to not allow metal or liquids to fall or escape onto pavement.
- If bins are to be stored outdoors, they must be covered with metal or plastic so as to not allow rain to enter.
- Any hazardous liquid being stored must be kept in a DOT or appropriate container and be covered when not actively being filled or drained.
- Labels will be placed on these containers to inform employees of the hazards associated with the material.
- When room is available, containers will be undercover or stored indoors.
- Used tires must be kept in closed containers or covered with a tarp and securely fastened.
- E-waste received must be kept from exposure to the elements.
- Batteries received must be kept from exposure to the elements.

#### Liquids –

- The draining or transferring of liquids from any machine, vehicle or apparatus must be performed on secondary containment.
- Secondary containment must be large enough to hold the liquid contents of the item being drained and hold a 25-year storm discharge (if stored outdoors or not covered).
- For transfers, the containment must hold the volume of the hose and be able to contain accidental drips, etc.
- For equipment that leaks hydraulic fluid or oil, a drip pan will be used if the equipment stops for more than 30 minutes. Equipment identified as needing the drip pan will be placed first on scheduled maintenance repair lists.

#### Processing of Metal –

- Torch cutting practices will be reviewed and written procedures established to control dust for employee benefit, for environmental and air quality benefit and to the best extent possible, metal dust and fume will be recovered from ground or pavement.

#### Storm Water Devices –

- All storm water devices, such as sumps and berms, will be cleaned and maintained to manufacturer's specifications. If none exist, then general industry practices will be employed.
- No standing water is to be left in storm water control devices for more than 2 days after a storm if the water is to be discharged. Sitting water will make metal soluble, will increase BOD and affect several testing parameters. Water is to be discharged as an authorized storm water discharge.
- Future storm water devices are to be checked prior to a storm for installation of filters, absorbent booms and to ensure pumps, etc, are operational.
- All storm water device repairs, including painting, welding, new parts, etc are to be performed during dry weather months or several weeks prior to a storm event.

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#### 6.3B PREVENTIVE MAINTENANCE

The preventive maintenance portion of the SWPPP includes procedures for preventing the release of contaminants to storm water by identifying equipment that could pose a storm water concern and ensuring that equipment is in good operating order. Failure to maintain such equipment may lead to a non-authorized storm water discharge that may result in discharges of pollutants to storm water.

Appropriate preventive maintenance procedures for the facility are as follows:

- All vehicles, machines or equipment that contain lubricating oil, hydraulic oil, antifreeze, gasoline or diesel must be identified and placed on a maintenance schedule. This schedule must identify manufacturer recommended maintenance, if the maintenance was performed and on what day and by whom. If no manufacturer's maintenance schedule is available, then Central Valley Recycling will develop a schedule based on industry standards.
- Secondary containment for all tanks and liquid storage areas must be checked to determine if leaks are or have occurred. All valves, pipes or pumps must be inspected and repaired as needed to prevent accidental loss of containment. If material in containment is hazardous, this inspection must be performed daily.
- All secondary containment must be inspected for cracks or structural deficiencies. All cracks must be adequately repaired by using chemically resistant filler and made to hold contents without loss. This inspection must be logged if material being checked is hazardous. To keep in compliance with hazardous materials regulation this inspection must be performed daily.
- Storm water conveyance devices must be maintained to ensure all pumps, drains, hoses and sumps are to working order. Reports of repairs and training may be required by the Regional Water Quality Control Board or another regulatory agency.

---

### 6.3C SPILL PREVENTION AND RESPONSE

Although it is unlikely that a spill of such significance could occur to warrant an emergency, a threat to the storm water system is likely during a heavy downpour that overwhelms the infiltration and storage capacity. Spills to tanks and containers are most likely to occur during loading and unloading of materials. These are periods when pressure in tanks and stress to equipment is greatest. For this reason, Central Valley Recycling has established standard safe practices for these operations.

If a liquid spill should occur, key personnel are trained to act defensively and think of their safety first, and then they are to try to prevent loss of containment and seek assistance immediately. Spills and/or visible leaks from tanks, pumps, or vehicles will be immediately contained with absorbents and/or pigs or other appropriate means and reported to the SWPPP Manager immediately. Contaminated soils and absorbents will be containerized and manifested as wastes. If any amounts of liquid chemicals or petroleum products are spilled they are to be:

- Contained
- Reported
- Cleaned up immediately
- Disposed of properly

In case of a major spill of hazardous materials, licensed and certified environmental clean-up personnel or contractors will be brought on site. Should a spill of oil, fuel, solvent, or toxic or hazardous materials occur, the Central Valley Recycling Contingency Plan will be activated.

Any spill that reaches the storm drain must be reported to appropriate agencies if a reportable quantity of hazardous materials is released. A revision of BMPs must be made.

---

### 6.3D MATERIAL HANDLING AND STORAGE

The movement and storage of incoming and outgoing scrap metal is the focus of this program. Unloading and loading of scrap metal in the volumes shipped by Central Valley Recycling inherently creates dust, fine particulates, oil and liquid drips and if discharged untreated, will be a source of rainwater contamination. Care must be given to prevent contaminants from leaving the site. As a non-structural BMP, in addition to methods described in section 6.3A, *Good Housekeeping*, the following should be implemented and documented to assist in reducing possible contamination:

- Exercise all applicable OSHA standards while operating lift trucks. Safe operation will always reduce the risk of accidental spills.
- Drive lift trucks carefully when transferring liquids or loose material that if spilled, could cause environmental harm. Never fill containers more than 70% if they are to be moved uncovered. Never move a liquid container uncovered.



---

### 6.3F WASTE HANDLING/WASTE RECYCLING

The waste generated by Central Valley Recycling is limited to basic automotive type materials and e-waste. A review of manifested hazardous waste indicates that the following are collected and shipped somewhat regularly:

- Car Batteries
- E-Waste (including monitors)

---

### 6.3G RECORD KEEPING AND INTERNAL REPORTING

As part of this program, logs will be developed to ensure that all non-structural BMPs are being followed. The operating records of Central Valley Recycling will need to identify housekeeping, preventive maintenance, storage, OSHA compliance and other non-regulatory documents in order to determine if the modules of this plan are effective and being enforced.

The State Water Resources Control Board publishes forms to document the visual inspections and monitoring results from annual storm events. These forms will be completed and stored in this plan as an appendix.

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### 6.3H EROSION CONTROL AND SITE STABILIZATION

Not applicable.

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### 6.3I INSPECTIONS

Central Valley Recycling is required under the General Permit to keep monthly, quarterly and annual monitoring reports. Notations on quarterly and monthly observation forms will document inspections. These inspections will focus on identifying any unreported non-storm water spill, or unauthorized non-storm water discharge. They will identify areas that may need particular attention or could be cause for a future problem. Also documented are potential pollution sources, appearance of discharge, and many other factors. The information gathered is used to determine if existing BMPs are functional, need updating or replacement.

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### 6.3J QUALITY ASSURANCE

The SWPPP Manager will review this program annually. The review will take place in a formal setting and all BMPs will individually be reviewed to determine if they are sufficient to accomplish the task they are designed for. If the BMP has not been reasonable, BMPs that are easier to comply with can be substituted that meet the same goals. At this time the SWPPP will be modified to include the new suggestion.

The SWPPP discharge laboratory results (if any) will be reviewed and each contaminant will be traced to potential source of origin. Once the likely cause of this contaminant can be reasonably ascertained, the BMP controlling that constituent will be reviewed and updated as needed.

#### 6.4 STRUCTURAL BMPS

Structural control measures are physical barriers and equipment that are used to minimize release of pollutants. They are typically used to control pollutants once generated, so are considered a secondary line of defense and not to be relied upon to control all pollutants without non-structural controls.

---

##### 6.4A OVERHEAD COVERAGE

**Diesel Fuel Area** – This area should provide some form of canopy or cover as to prevent incidental spills from coming into contact with rainwater during a storm.

**Engine Block Storage** – Consideration to employing overhead coverage where engine blocks are exposed is recommended. However, even if the engines are drained of oil, significant amounts of oil on the cast of the engine may contribute to high levels of potentially hazardous waste if in contact with storm water. It is recommended, at a minimum, that the bin where engines are stored be covered with a plastic tarp or other impervious media prior to a forecasted rain event.

**Spent Acid Batteries** – Areas where acid batteries are stored should be covered to prevent leaking acid from coming into contact with storm water. Currently, this area is covered.

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##### 6.4B RETENTION PONDS/TANKS

There are no onsite retention ponds or stormwater tanks.

---

##### 6.4C CONTROL DEVICES

Control devices onsite include the following:

- Onsite grading including perimeter contours to retain water onsite and grade breaks at driveways.

**6.4D Secondary Containment Structures**

All hazardous materials including car batteries, e-waste and radiators should be stored in secondary containment. As part of the facility routine inspection program, these areas should be checked daily and logs kept of status. Any spills in area, signs of equipment failure or other indications that a potential spill exist must be immediately reported and an action plan developed for mitigation.

#### 6.4E TREATMENT

There is no further treatment operation planned for the Central Valley Recycling yard. If discharges occur and monitoring data indicates that chemical treatment and/or filtration is necessary, then laboratory data will be reviewed, engineering reports will assess flow volumes and plant design will be determined along with implementation dates for approval.

### 7.0 ANNUAL COMPREHENSIVE SITE COMPLIANCE EVALUATION

Review of documents to include, logs, visual observations, training documents, laboratory data and consultant reports are extremely important to improving the quality of storm water runoff. This review needs to be comprehensive enough to evaluate the gathered information and address each area deficiency one contaminant at a time. Only by making this program a "living" plan with changes being incorporated and implementing improvements as the need arises, will the desired results be achieved.

The site compliance evaluation needs to specifically incorporate the following 4 items:

#### 7.1 VISUAL INSPECTION OF POTENTIAL POLLUTION SOURCES

The monthly review of visual observations needs to be conducted with such scrutiny as to try to determine where any discoloration, oil, debris, or other visual observation noted had been generated at. By determining the source of the contamination, we can then determine the cause and re-write BMP or construct structural BMP to help minimize or eliminate the contaminant. Some observations may be made in water samples, while others are as a result of non-authorized discharge or material spill.

#### 7.2 REVIEW OF SAMPLE ANALYSIS

Water samples are analyzed for a variety of contaminants. Each potential water pollutant must be compared to General Permit benchmark levels and a determination made as to whether the sample has met the discharge criteria. All contaminants exceeding the benchmark levels must be sourced to determine what specific operation (if a specific source can be determined) contributed to the contamination. BMPs must be modified, or plans made to modify, prior to next storm event.

#### 7.3 REVIEW AND EVALUATION OF BMPS

After reviewing data from visual observations and laboratory data, an assessment of the existing BMPs must be made. All parameters that exceed benchmark levels allow for improvement of structural and non-structural BMP. These reviews must be timely and made a priority in the overall operations plan. Reviews may be made by facility personnel and may need outside consultants to help identify problem areas.

Please document visual observations of Structural BMP

**Laboratory Review**

After reviewing the laboratory data from the storm being studied, indicate which parameters were over benchmark levels. Identify each by name, by potential source and possible BMP failure (if any) that led to the results.

Constituent	Benchmark	Lab Results	Comments
Aluminum	.75		
Copper	.0636		
Iron	1.0		
Nickel	1.417		
Lead	.0816		
Zinc	.117		
Oil and Grease	15		
Total Suspended Solids	100		
Chemical Oxygen Demand	120		
pH	6.0- 9.0		

Notes

**BMP Modification/ Addition/ Implementation Date**

This section is used to make either modifications to, or add BMPs to make the overall program more effective. Please make note of any Structural or Non-Structural BMP changes that need to be implemented. Be specific and place target dates on each item. If an item is added in this section it must be added within 30 days to SWPPP.

BMP Improvements	Target Implementation Date	Estimated Cost
1.		
2.		
3.		
4.		
5.		

Accepted by: \_\_\_\_\_

SWPPP Manager

\_\_\_\_\_

Date

## 8.0 MONITORING PROGRAM

The monitoring program is an integral part of the Storm water Pollution Prevention Plan. Only by observing and analyzing storm water runoff can Central Valley Recycling determine the pollution sources and take measures to reduce or eliminate contaminants. The Monitoring Program is divided into three distinct parts:

- a) Visual Observations
- b) Storm water Discharge Observations
- c) Sampling and Analysis

This report must be kept a minimum of 5 years and must be submitted annually by July 1<sup>st</sup> of each year to the Regional Water Quality Control Board.

### 8.1 QUARTERLY VISUAL OBSERVATIONS

In quarterly blocks starting in Jul-Sep, Oct-Dec, Jan-Mar and Apr-Jun, the SWPPP Manager will walk the facility and take written notes observing all potential pollution sources, signs of non-storm water releases, check all drainage areas for signs of non-storm water contaminants and will maintain a record of these observations. During this audit, the SWPPP Manager will evaluate all BMPs and look for deficiencies and potential problems that may lead to source generated contamination as well as, discharge point problems.

These observations must include:

- All drainage areas
- Search for presence of un-authorized discharges
- Observe and document all authorized storm water discharges

Any areas that are not meeting the requirements of this plan must be documented and acted upon to resolve the issue promptly. Documents of actions taken must be logged and available for BMP review.

### 8.2 MONTHLY VISUAL OBSERVATIONS

Once per month during the rainy season (Oct 1-May 31) the SWPPP Manager will check each storm event that produces a discharge and document all characteristics of the flow. This observation must be made within the first hour the discharge begins and must be preceded by three days of dry weather.

Examples of characteristics may include:

- a) Color of water
- b) Description of odor
- c) Amount of suspended debris
- d) Amount of solids
- e) Description of flow (heavy, light)
- f) Detection of oil sheen

- g) Possible sources of contaminants

All physical characteristics must be documented and reviewed as part of the BMP process. Results will assist in determining sources of contaminants that are not visible to the naked eye. All notes and observations must be documented for review.

## 9.0 SAMPLING AND ANALYSIS

Since Central Valley Recycling is not considered a zero discharge yard, areas that are determined to be points of discharge such as driveways are to be sampled or an engineer's survey determines that Central Valley Recycling cannot hold a 25 year storm, sampling will be required. However, if later it is determined that Central Valley Recycling is a zero discharge yard then the following sampling protocol would not need to be followed.

A necessary benchmark used in evaluating the Storm water Pollution Prevention Plan is the collection and analyzing of storm flow discharge (runoff). It is important that at least two storms be sampled each year; the first storm of the year and any subsequent storm. Samples must be collected from all discharge sources. At least three working days of dry weather must precede the sampling. The samples will be analyzed for the following;

- a) pH
- b) Total suspended solids (TSS)
- c) Oil and Grease or Total organic carbon
- d) Zinc, Iron, Copper, Al and Pb
- e) Chemical Oxygen demand (COD)

## 9.1 DESCRIPTION OF SAMPLING LOCATIONS

It is the operator's responsibility to ensure that the facility complies with the General Permit. The operator (SWPPP Manager) should continually observe and note areas where a potential outfall may become a point of discharge, regardless of what observations or recommendations were made in this SWPPP report. Two outfalls have been identified to either be potential or actual, based on observations on a dry day.

The operator is encouraged to sample Outfall 1 and 2 or provide reasonable explanation as to why it should not be of concern. In addition to observing this outfall, the operator should also observe and note other potential outfalls that have not been identified in this SWPPP report.

The operator may provide reasonable explanations as to why these potential outfalls should not be tested or that he/she is ensuring that no hazardous substances come in contact within the drainage area of that outfall. Some examples may include:

- Periodic sweeping of drainage area
- No storage of materials that contain pollutants or hazardous material

- Evidence that storm water and non-storm water run-on from another area does not come in contact with the potential outfall

Each outfall should be sampled separately. When results indicate contaminant levels are under the benchmark levels, then sampling of those outfalls may cease and be considered exempt from future testing.

## 9.2 DESCRIPTION OF SAMPLING METHODS

Under the direction of the SWPPP Manager, collected samples are to be retained according to standard laboratory procedures and established methods as outlined in Code of Federal Regulations SW-846 methods for laboratory sampling. If flow is of such volume that an open-mouth jar can be used directly, then this is the preferred method. If samples are to be a composite, then all locations should be sampled and the samples placed into a larger container (e.g. a one liter bottle), shaken, and then transferred evenly into individual sample bottles readied for laboratory pick up.

Sampling point should be considered at the driveway (Outfall 1 and 2) of the facility along S. 9<sup>th</sup> Street, just short of the gutter. Special care should be exercised to not include run-on in the sampling.

## 9.3 ANALYTICAL METHODS AND DETECTION LIMITS

The accompanying chart identifies which contaminants are to be tested for (if applicable) and includes detection limits, constituents and test methods.

TSS - Total Suspended Solids O&G - Oil & Grease TOC - Total Organic Carbon

	pH	TSS	O&G	TOC	COD	METAL(s) <i>With detection limits</i> Cu, Zn, Fe, Pb, Al, As
Reporting Units:	pH Units	Mg/L	Mg/L	Mg/l	Mg/L	PPM
Detection Limit	.1	1	1	1	5	0.002, 0.01, 0.10, 0.001, 0.01, 0.01
Test Method	150.1	160.2	413.2,	415.1	410.4	EPA 200.7



## 10.0 RECORDS

All samples tested must be documented on monitoring document form(s) as submitted to the State Water Resources Control Board. Records are to be kept for at least 5 years.

All forms, training records, visual observations, committee meeting minutes, BMP reviews, etc will be kept and will be accessible for inspection.

**11.0 CERTIFICATION OF STORM WATER PROGRAM COMPLIANCE**

The undersigned certifies that there currently is no evidence of any unauthorized non-storm water discharge leaving the facility and that Central Valley Recycling will strive to improve the quality of water and attempt to achieve 100% compliance with the plans laid out in this program. Central Valley Recycling pledges to try to achieve compliance with all applicable regulations pertaining to waste management and storm water issues and is a partner with other concerned business's to protect our environment by implementing this plan to the best of our ability to achieve these results.

Authorized by:

---

SWPPP Manager

Date

Prepared by:

Charlotte Hedlund, Project Manager  
H2E Consulting

12.0 APPENDIX A – SITE LOCATION MAP

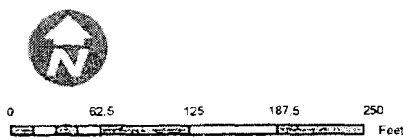


**PROJECT SITE INSET**

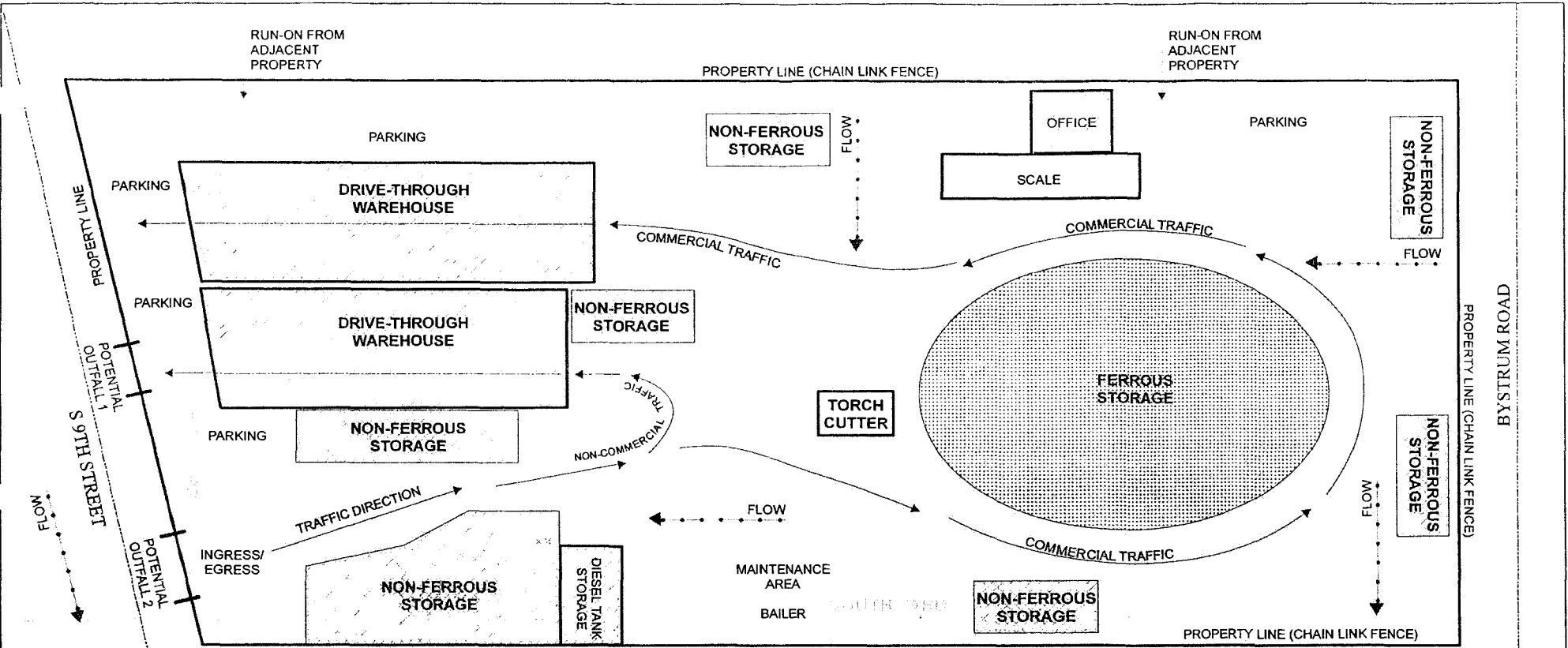
Modesto  
Central Valley  
Recycling

NORTHERN CALIFORNIA

 <b>H2E CONSULTING</b>	
<b>SITE VICINITY MAP</b> CENTRAL VALLEY RECYCLING MODESTO, CA	
DATE: 07/24/2012	ANALYST: HEDLUNDC
REV 0	APPROVED:



13.0 APPENDIX B – FACILITY MAP



**MAP DATA AND PROJECT STATISTICS:**

INFORMATION DEPICTED IN THIS MAP IS DERIVED FROM FIELD OBSERVATIONS MADE BY H2E CONSULTING ON JULY 16, 2012, INFORMATION PROVIDED BY CENTRAL VALLEY RECYCLING AND AVAILABLE AERIAL IMAGES AND GIS DATA.

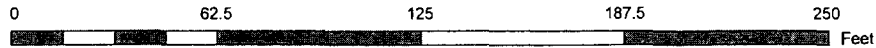
JURISDICTION: COUNTY OF STANISLAUS


SITE ZONING: INDUSTRIAL

RWQCB: CENTRAL VALLEY REGION 5

**STORAGE INVENTORY DESCRIPTION:**

- CRV ALUMINUM CANS
- PLASTIC (HDPE)
- GLASS
- ALUMINUM
- BRASS
- COPPER
- RADIATORS
- STAINLESS STEEL
- BATTERIES
- INSULATED WIRE
- CARDBOARD (PAPER)
- E-WASTE



 <b>H2E CONSULTING</b>	<b>FACILITY MAP</b> CENTRAL VALLEY RECYCLING MODESTO, CA
	DATE: 06/01/2012      ANALYST: HEDLUNDC REV 0                      APPROVED:

14.0 APPENDIX C – RECEIPT OF NOI



State Water Resources Control Board

**Approved Date:** July 09, 2012

Richard Francis  
Donald Francis  
524 S 9th St  
Modesto CA 95351

**RECEIPT OF YOUR NOTICE OF INTENT (NOI)**

The State Water Resources Control Board (State Water Board) has received and processed your NOI to comply with the terms of the General Permit to Discharge Storm Water Associated with Industrial Activity. Accordingly, you are required to comply with the permit requirements.

The Waste Discharger Identification (WDID) number is: **5S50I023713**. Please use this number in any future communication regarding this permit.

	<b>FACILITY DESCRIPTION</b>
<b>OPERATOR:</b>	Donald Francis
<b>FACILITY INFORMATION:</b>	Central Valley Recycling 524 S 9th St Modesto
<b>COUNTY:</b>	Stanislaus
<b>SIC/NAIC CODES:</b>	5093

**When the operator changes (i.e. the business was bought or transferred), a new NOI, site map, and fee must be submitted by the new operator.** As the previous operator, you are required to submit a Notice of Termination (NOT) to the local Regional Water Board stating you no longer own or operate the facility and coverage under the General Permit is not required. Unless notified, you will continue and are responsible to pay the annual fee invoiced each July.

If you have any questions regarding permit requirements, please contact your Regional Water Board at 916-464-3291 . Please visit the storm water web site at [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/](http://www.waterboards.ca.gov/water_issues/programs/stormwater/) to obtain an NOT and other storm water related information and forms.

Sincerely,

Storm Water Section  
Division of Water Quality

*Handwritten signature*



15.0 APPENDIX D - GENERAL PERMIT



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**State Water Resources Control Board**

To: STORM WATER DISCHARGER

SUBJECT: CHECKLIST FOR SUBMITTING A NOTICE OF INTENT

In order for the State Water Resources Control Board to expeditiously process your Notice of Intent (NOI), the following items must be submitted to either of the addresses indicated below:

1. \_\_\_\_\_ **NOI** (please keep a copy for your files) with all applicable sections completed and original signature of the facility operator;
2. \_\_\_\_\_ **Check** made out to the "State Water Resources Control Board" with the appropriate fee. The total annual fee is **\$1359.00**.
3. \_\_\_\_\_ **Site Map** of the facility (see NOI instructions). **DO NOT SEND BLUEPRINTS**

U.S. Postal Service Address

State Water Resources Control Board  
Division of Water Quality  
Attn: Storm Water Section  
P.O. Box 1977  
Sacramento, CA 95812-1977

Overnight Mailing Address

State Water Resources Control Board  
Division Of Water Quality  
Attn: Storm Water, 15<sup>th</sup> Floor  
1001 I Street  
Sacramento, CA 95814

NOIs are processed in the order they are received. A NOI receipt letter will be mailed to the facility operator within approximately two weeks. Incomplete NOI submittals will be returned to the facility operator within the same timeframe and will specify the reason(s) for return. If you need a receipt letter by a specific date (for example, to provide to a local agency), we advise that you submit your NOI thirty (30) days prior to the date the receipt letter is needed.

Please do not call us to verify your NOI status. A copy of your NOI receipt letter will be available on our web page within twenty-four (24) hours of processing. Go to <https://smarts.waterboards.ca.gov> and click on View SW data. If you have any questions regarding this matter, please contact us at 1-866-563-3107 or [stormwater@waterboards.ca.gov](mailto:stormwater@waterboards.ca.gov)

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GENERAL PERMIT NO. CAS000001 (GENERAL PERMIT)

WASTE DISCHARGE REQUIREMENTS (WDRS)  
FOR  
DISCHARGES OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES  
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# FACT SHEET

FOR

STATE WATER RESOURCES CONTROL BOARD (STATE WATER BOARD)  
WATER QUALITY ORDER NO. 97-03-DWQ  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
GENERAL PERMIT NO. CAS000001 (GENERAL PERMIT)

WASTE DISCHARGE REQUIREMENTS (WDRS)  
FOR  
DISCHARGES OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES  
EXCLUDING CONSTRUCTION ACTIVITIES

## BACKGROUND

In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA]) was amended to provide that the discharge of pollutants to waters of the United States from any point source is effectively prohibited unless the discharge is in compliance with an NPDES permit. The 1987 amendments to the CWA added Section 402(p) that establishes a framework for regulating municipal and industrial storm water discharges under the NPDES Program. On November 16, 1990, the U.S. Environmental Protection Agency (U.S. EPA) published final regulations that establish application requirements for storm water permits. The regulations require that storm water associated with industrial activity (storm water) that discharges either directly to surface waters or indirectly through municipal separate storm sewers must be regulated by an NPDES permit.

U.S. EPA developed a four-tier permit issuance strategy for storm water discharges associated with industrial activity as follows:

Tier I, Baseline Permitting--One or more general permits will be developed to initially cover the majority of storm water discharges associated with industrial activity.

Tier II, Watershed Permitting--Facilities within watersheds shown to be adversely impacted by storm water discharges associated with industrial activity will be targeted for individual or watershed-specific general permits.

Tier III, Industry-Specific Permitting--Specific industry categories will be targeted for individual or Industry-specific general permits.

Tier IV, Facility-Specific Permitting--A variety of factors will be used to target specific facilities for individual permits.

The regulations allow authorized states to issue general permits or individual permits to regulate storm water discharges.

Consistent with Tier I, Baseline Permitting, of the U.S. EPA permitting strategy, the State Water Board issued a statewide General Permit on November 19, 1991 that applied to all storm water discharges requiring a permit except construction activity. The monitoring requirements of this General Permit were amended September 17, 1992. A separate statewide general permit has been issued for construction activity.

To obtain authorization for continued and future storm water discharge under this General Permit, each facility operator must submit a Notice of Intent (NOI). This approach is consistent with the four-tier permitting strategy described in Federal regulations, i.e., Tier 1, Baseline Permitting. Tier 1, Baseline Permitting, enables the State to begin reducing pollutants in industrial storm water in the most efficient manner possible.

This General Permit generally requires facility operators to:

1. Eliminate unauthorized non-storm water discharges;
2. Develop and implement a storm water pollution prevention plan (SWPPP); and
3. Perform monitoring of storm water discharges and authorized non-storm water discharges.

#### **TYPES OF STORM WATER DISCHARGES COVERED BY THIS GENERAL PERMIT**

This General Permit is intended to cover all new or existing storm water discharges and authorized non-storm water discharges from facilities required by Federal regulations to obtain a permit including those (1) facilities previously covered by the San Francisco Bay Regional Water Quality Control Board Order No. 92-011 (as amended by Order No. 92-116), (2) facilities designated by the Regional Water Quality Control Boards (Regional Water Boards), (3) facilities whose operators seek coverage under this General Permit, (4) and facilities required by future U.S. EPA storm water regulations.

The General Permit is intended to cover all facilities described in Attachment 1, whether the facility is primary or is auxiliary to the facility operator's function. For example, although a school district's primary function is education, a facility that it operates for vehicle maintenance of school buses is a transportation facility that is covered by this General Permit.

The definition of "storm water associated with industrial activity" is provided in Attachment 4, Definition 9, of this General Permit. Facilities that discharge storm water associated with industrial activity requiring a General Permit are listed by category in 40 Code of Federal Regulations (CFR) Section 122.26(b)(14) (Federal Register, Volume 55 on

Pages 48065-66) and in Attachment 1 of this General Permit. The facilities can be publicly or privately owned. General descriptions of these categories are:

1. Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards (40 CFR Subchapter N);
2. Manufacturing facilities;
3. Mining/oil and gas facilities;
4. Hazardous waste treatment, storage, or disposal facilities;
5. Landfills, land application sites, and open dumps that receive industrial waste;
6. Recycling facilities such as metal scrap yards, battery reclaimers, salvage yards, automobile yards;
7. Steam electric generating facilities;
8. Transportation facilities that conduct any type of vehicle maintenance such as fueling, cleaning, repairing, etc.;
9. Sewage treatment plants;
10. Construction activity (covered by a separate general permit); and
11. Certain facilities (often referred to as "light industry") where industrial materials, equipment, or activities are exposed to storm water.

For the most part, these facilities are identified in the Federal regulations by a Standard Industrial Classification (SIC).

#### Category 1 Dischargers

The following categories of facilities currently have storm water effluent limitation guidelines for at least one of their subcategories. They are cement manufacturing (40 CFR Part 411); feedlots (40 CFR Part 412); fertilizer manufacturing (40 CFR Part 418); petroleum refining (40 CFR Part 419); phosphate manufacturing (40 CFR Part 422); steam electric power generation (40 CFR Part 423); coal mining (40 CFR Part 434); mineral mining and processing (40 CFR Part 436); ore mining and dressing (40 CFR Part 440); and asphalt emulsion (40 CFR Part 443). A facility operator whose facility falls into one of these general categories should examine the effluent guidelines to determine if the facility is categorized in one of the subcategories that have storm water effluent guidelines. If

a facility is classified as one of those subcategories, that facility is subject to the standards listed in the CFR for that category and is subject to this General Permit. This General Permit contains additional requirements (see Section B.6.) for facilities with storm water effluent limitations guidelines.

#### Category 5 Dischargers

Inactive or closed landfills, land application sites, and open dumps that have received industrial wastes (Category 5) may be subject to this General Permit unless the storm water discharges from the sites are already regulated by an NPDES permit issued by the appropriate Regional Water Board. Facility operators of closed landfills that are regulated by waste discharge requirements (WDRs) may be required to comply with this General Permit. In some cases, it may be appropriate for closed landfills to be covered by the State Water Board's General Permit during closure activities. The Construction Activities General Permit should cover new landfill construction. Facility operators should contact their Regional Water Board to determine the appropriate permit coverage.

#### Category 10 Dischargers

Facility operators of Category 10 (light industry) facilities are not subject to this General Permit if they can certify that the following minimum conditions at their facilities are met:

1. All prohibited non-storm water discharges have been eliminated or otherwise permitted.
2. All areas of past exposure have been inspected and cleaned, as appropriate.
3. All materials related to industrial activity (including waste materials) are not exposed to storm water or authorized non-storm water discharges.
4. All industrial activities and industrial equipment are not exposed to storm water or authorized non-storm water discharges.
5. There is no exposure of materials associated with industrial activity through other direct or indirect pathways such as particulates from stacks and exhaust systems.
6. There is periodic re-evaluation of the facility to ensure Conditions 1, 3, 4, and 5 are continuously met.

Currently, facility operators that can certify that the above conditions are met are not required to notify the State Water

Board or Regional Water Board. These facility operators are advised to retain such certification documentation on site.

The Ninth Circuit Court of Appeals invalidated the exemption granted by U.S. EPA for storm water discharges from facilities in Category 11 that do not have exposure and remanded the regulation to U.S. EPA for further action. The State Water Board, at this time, is not requiring storm water discharges from facilities in Category 11 that do not have exposure to be covered by this General Permit. Instead, the State Water Board will await future U.S. EPA or court action clarifying the types of storm water discharges that must be permitted. If necessary, the State Water Board will reopen the General Permit to accommodate such a clarification.

Section 1068 of the Intermodal Surface Transportation Act of 1991 exempts municipal agencies serving populations of less than 100,000 from Phase I permit requirements for most facilities they operate (uncontrolled sanitary landfills, power plants, and airports are still required to be permitted in Phase I). Phase II of the Permit Program scheduled to begin August 7, 2001 will cover the facilities that are exempt from Phase I permit requirements.

**TYPES OF DISCHARGES NOT COVERED BY THIS GENERAL PERMIT**

1. CONSTRUCTION ACTIVITY: Discharges from construction activity of five acres or more, including clearing, grading, and excavation. A separate general permit was adopted on August 20, 1992 for this industrial category.
2. FACILITIES WHICH HAVE NPDES PERMITS CONTAINING STORM WATER PROVISIONS: Some storm water discharges may be regulated by other individual or general NPDES permits issued by the State Water Board or the Regional Water Boards. This General Permit shall not regulate these discharges. When the individual or general NPDES permits for such discharges expire, the State Water Board or Regional Water Board may authorize coverage under this General Permit or another general NPDES permit, or may issue a new individual NPDES permit consistent with the Federal and State storm water regulations. Interested parties may petition the State Water Board or appropriate Regional Water Board to issue individual or General NPDES Permits. General Permits may be issued for a particular industrial group or watershed area.
3. FACILITIES DETERMINED INELIGIBLE BY REGIONAL WATER BOARDS: Regional Water Boards may determine that discharges from a facility or groups of facilities, otherwise eligible for coverage under this General Permit, have potential water quality impacts that may not be appropriately addressed by



this General Permit. In such cases, a Regional Water Board may require such discharges to be covered by an individual or general NPDES permit. Interested persons may petition the appropriate Regional Water Board to issue individual NPDES permits. The applicability of this General Permit to such discharges will be terminated upon adoption of an individual NPDES permit or a different general NPDES permit.

4. FACILITIES WHICH DO NOT DISCHARGE STORM WATER TO WATERS OF THE UNITED STATES: The discharges from the following facilities are not required to be permitted:
  - a. FACILITIES THAT DISCHARGE STORM WATER TO MUNICIPAL SANITARY SEWER SYSTEMS: Facilities that discharge storm water to municipal sanitary sewer systems or combined sewer systems are not required by Federal regulations to be covered by an NPDES storm water permit or to submit an NOI to comply with this General Permit. (It should be noted that many municipalities have sewer use ordinances that prohibit storm drain connections to their sanitary sewers.)
  - b. FACILITIES THAT DO NOT DISCHARGE STORM WATER TO SURFACE WATERS OR SEPARATE STORM SEWERS: Storm water that is captured and treated and/or disposed of with the facility's NPDES permitted process wastewater and storm water that is disposed of to evaporation ponds, percolation ponds, or combined sewer systems are not required to obtain a storm water permit. To avoid liability, the facility operator should be certain that no discharge of storm water to surface waters would occur under any circumstances.
5. MOST SILVICULTURAL ACTIVITIES: Storm water discharges from most silvicultural activities such as thinning, harvesting operations, surface drainage, or road construction and maintenance are exempt from this permit. Log sorting or log storage facilities that fall within SIC 2411 are required to be permitted.
6. MINING AND OIL AND GAS FACILITIES: Oil and gas facilities that have not released storm water resulting in a discharge of a reportable quantity (RQ) for which notification is or was required pursuant to 40 CFR Parts 110, 117, and 302 at any time after November 19, 1987 are not required to be permitted unless the industrial storm water discharge contributed to a violation of a water quality standard. Mining facilities that discharge storm water that does not come into contact with any overburden, raw materials, intermediate product, finished product, by-product, or waste product located at the facility are not required to be permitted. These facilities must be permitted if they have a new release of storm water resulting in a discharge of an RQ.

7. FACILITIES ON INDIAN LANDS: the U.S. EPA will regulate Discharges from facilities on Indian lands.

#### **NOTIFICATION REQUIREMENTS**

Storm water discharges from facilities described in the section titled "Types of Storm Water Discharges Covered by This General Permit" must be covered by an NPDES permit. An NOI must be submitted by the facility operator for each individual facility to obtain coverage. Certification of the NOI signifies that the facility operator intends to comply with the provisions of the General Permit. Facility operators who have filed NOIs for the State Water Board Order No. 91-013-DWQ (as amended by Order No. 92-12-DWQ) or San Francisco Bay Regional Water Board Order No. 92-011 (as amended by Order No. 92-116) will be sent an abbreviated NOI soon after adopting this General Permit that must be completed and returned within 45 days of receipt. Where operations have discontinued and significant materials remain on site (such as at closed landfills), the landowner may be responsible for filing an NOI and complying with this General Permit. A landowner may also file an NOI for a facility if the landowner, rather than the facility operator(s), is responsible for compliance with this General Permit.

A facility operator that does not submit an NOI for a facility must submit an application for an individual NPDES permit. U.S. EPA's regulations [40 CFR 122.21 (a)] exclude facility operators covered by a general permit from requirements to submit an individual permit application unless required by the Regional Water Board. The NOI requirements of this General Permit are intended to establish a mechanism which can be used to establish a clear accounting of the number of facility operators complying with the General Permit, their identities, the nature of operations at the facilities, and location.

All facility operators filing an NOI after the adoption of this General Permit must comply with this General Permit. Existing facility operators who have filed NOIs prior to the adoption of this General Permit shall continue to complete the requirements of the previous General Permit through June 30, 1997 including submitting annual reports to the Regional Water Boards by July 1, 1997. Group Leaders are required to submit a 1996-97 Group Evaluation Report by August 1, 1997.

#### **DESCRIPTION OF GENERAL PERMIT CONDITIONS**

##### Prohibitions

This General Permit authorizes storm water and authorized non-storm water discharges from facilities that are required to be covered by a storm water permit. This General Permit prohibits discharges of material other than storm water (non-storm water discharges) that are not authorized by the General Permit and discharges containing hazardous substances in storm water in excess of reportable quantities established at 40 CFR 117.3 and 40 CFR 302.4. Authorized non-storm water discharges are addressed in the Special Conditions of the General Permit.

#### Effluent Limitations

NPDES Permits for storm water discharges must meet all applicable provisions of Sections 301 and 402 of the CWA. These provisions require control of pollutant discharges using best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT) to prevent and reduce pollutants and any more stringent controls necessary to meet water quality standards.

U.S. EPA regulations (40 CFR Subchapter N) establish effluent limitation guidelines for storm water discharges from facilities in ten industrial categories. For these facilities, compliance with the effluent limitation guidelines constitutes compliance with BAT and BCT for the specified pollutants and must be met to comply with this General Permit.

For storm water discharges from facilities not among the ten industrial categories listed in 40 CFR Subchapter N, it is not feasible at this time to establish numeric effluent limitations. The reasons why establishment of numeric effluent limitations is not feasible are discussed in detail in State Water Board Orders No. WQ 91-03 and WQ 91-04. Therefore, this General Permit allows the facility operator to implement best management practices (BMPs) to comply with the requirements of this General Permit. This approach is consistent with the U.S. EPA's August 1, 1996 "Interim Permitting Approach for Water Quality Based Effluent Limitations in Storm Water Permits".

#### Receiving Water Limitations

Storm water discharges shall not cause or contribute to a violation of an applicable water quality standard. The General Permit requires facility operators to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges through the development and implementation of BMPs which constitutes compliance with BAT and BCT and, in most cases, compliance with water quality standards. If receiving water quality standards are exceeded, facility operators are required to submit a written report providing additional BMPs that will be implemented to achieve water quality standards.

Storm Water Pollution Prevention Plans (SWPPPs)

All facility operators must prepare, retain on site, and implement an SWPPP. The SWPPP has two major objectives: (1) to help identify the sources of pollution that affect the quality of industrial storm water discharges and authorized non-storm water discharges, and (2) to describe and ensure the implementation of BMPs to reduce or prevent pollutants in industrial storm water discharges and authorized non-storm water discharges.

This General Permit requires development and implementation of an SWPPP emphasizing BMPs. This approach provides the flexibility necessary to establish appropriate BMPs for different types of industrial activities and pollutant sources. As this General Permit covers vastly different types of facilities, the State Water Board recognizes that there is no single best way of developing or organizing an SWPPP. The SWPPP requirements contain the essential elements that all facility operators must consider and address in the SWPPP. This General Permit's SWPPP requirements are more detailed than the previous general permit's SWPPP requirements, and the suggested order of the SWPPP elements have been rearranged (1) to correspond more closely with other storm water permits in effect throughout the country, and (2) to generally follow a more logical path. Facility operators that have already developed and implemented SWPPPs under previous general permits are required to review the SWPPP's requirements contained in this General Permit and then review their existing SWPPP for adequacy. If the existing SWPPP adequately identifies and assesses all potential sources of pollutants and describes the appropriate BMPs necessary to reduce or prevent pollutants, the facility operator is not required to revise the existing SWPPP.

One of the major elements of the SWPPP is the elimination of unauthorized non-storm water discharges to the facility's storm drain system. Unauthorized non-storm water discharges can be generated from a wide variety of potential pollutant sources. They include waters from the rinsing or washing of vehicles, equipment, buildings, or pavement; materials that have been improperly disposed of or dumped, and spilled; or leaked materials. Unauthorized non-storm water discharges can contribute a significant pollutant load to receiving waters. Measures to control spills, leakage, and dumping can often be addressed through BMPs. Unauthorized non-storm water discharges may enter the storm drain system via conveyances such as floor drains. All conveyances should be evaluated to determine whether they convey unauthorized non-storm water discharges to the storm drain system. Unauthorized non-storm water discharges (even when commingled with storm water) shall be eliminated or covered by a separate NPDES Permit.

There are many non-storm water discharges that, under certain conditions, should not contain pollutants associated with

industrial activity (i.e., air conditioning condensate, potable water line testing, landscaping overflow, etc.). Item D, Special Conditions, provides the conditions where certain listed non-storm water discharges are authorized by this General Permit.

#### Monitoring Program

The General Permit requires development and implementation of a monitoring program. The objectives of the monitoring program are to (1) demonstrate compliance with the General Permit, (2) aid in the implementation of the SWPPP, and (3) measure the effectiveness of the BMPs in reducing or preventing pollutants in storm water discharges and authorized non-storm water discharges.

All facility operators (with the exception of inactive mining operations) are required to:

1. Perform visual observations of storm water discharges and authorized storm water discharges.
2. Collect and analyze samples of storm water discharges. Analysis must include pH, total suspended solids (TSS), total organic carbon (TOC), specific conductance, toxic chemicals, and other pollutants which are likely to be present in storm water discharges in significant quantities, and those parameters listed in Table D of this General Permit. The Table D parameters are those listed in the U.S. EPA Multi-Sector General Permit. Facility operators subject to Federal storm water effluent limitation guidelines in 40 CFR Subchapter N must also sample and analyze for any pollutant specified in the appropriate category of 40 CFR Subchapter N.

Facility operators are not required to collect samples or perform visual observations during adverse climatic conditions. Sample collection and visual observations are required only during scheduled facility operating hours. Visual observations are required only during daylight hours. Facility operators that are unable to collect any of the required samples or visual observations because of the above circumstances must provide documentation to the Regional Water Board in their annual report.

Facility operators may be exempt from performing sampling and analysis if they: (1) do not have areas of industrial activity exposed to storm water, (2) receive an exemption from a local agency which has jurisdiction over the storm sewer system, or (3) receive an exemption from the appropriate Regional Water Board. Facility operators must always perform sampling and analysis for any pollutant specified in storm water effluent limitation guidelines.

This General Permit contains a new procedure where facility operators, if they meet certain minimum conditions, may certify compliance with the General Permit and reduce the number of

sampling events required to be sampled for the remaining term of the General Permit. Each Regional Water Board may develop instructions, guidance, and checklists to assist facility operators to complete sampling reduction requests.

Local agencies that wish to provide sampling and analysis exemptions or reductions to facility operators within their jurisdiction shall develop a certification program that clearly indicates the certification procedures and criteria used by the local agency. At a minimum, these programs should include site inspections, a review of the facility operator's SWPPP, and a review of other records such as monitoring data, receiving water data, etc. The certification program shall be approved by the local Regional Water Board before implementation.

#### Alternative Monitoring

Facility operators are required to develop a facility-specific monitoring program that satisfies both the minimum monitoring program requirements and the objectives of the monitoring program. Some facility operators have indicated that cost-effective alternative monitoring programs can be developed that provide equivalent or more accurate indicators of pollutants and/or BMP performance than a monitoring program based upon the minimum monitoring program requirements. An example of such an alternative monitoring program would be one that identifies sample locations at or near pollutant sources rather than sampling an entire drainage area where the storm water discharge has been diluted with storm water from areas with little or no industrial activity.

The State Water Board does not want to preclude facility operators from developing better, and perhaps more cost-effective, monitoring programs. This General Permit allows facility operators to submit alternative monitoring programs for approval by the Regional Water Board. For individual facilities, these proposals must be facility specific and demonstrate how the alternative monitoring program will result in an equivalent or more accurate indicator of pollutants and/or BMP effectiveness. Facility operators with similar industrial activities may also propose alternative monitoring programs for approval by the Regional Water Boards. These proposals must demonstrate how the alternative monitoring program will result in an equivalent or more accurate indicator of pollutants and/or BMP effectiveness for all of the participating facilities.

Facility operators shall continue to comply with the existing monitoring program requirements until receiving approval by the Regional Water Board.

### Group Monitoring

Each facility operator may either perform sampling and analysis individually or participate in a group monitoring program. A group monitoring program may be developed either by a group leader representing a group of similar facilities or by a local agency which holds a storm water permit for a municipal separate storm sewer system for industrial facilities within its jurisdiction. The group leader or local agency responsible for the group monitoring program must schedule all participating facilities to sample two storm events over the life of this General Permit. Facility operators subject to Federal effluent limitations guidelines in 40 CFR Subchapter N must individually sample and analyze for pollutants listed in the appropriate Federal regulations.

Participants within a group may be located within the jurisdiction of more than one Regional Water Board. Multi-Regional Water Board groups must receive the approval of the State Water Board Executive Director (with the concurrence of the appropriate Regional Water Boards).

Each group leader or local agency responsible for group sampling must: (1) provide guidance or training so that the monitoring is done correctly, (2) recommend appropriate BMPs to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges from group participants, (3) evaluate and report the monitoring data to the State Water Board and/or the appropriate Regional Water Board(s), and (4) conduct two on-site inspections at each facility over the five year term of this General Permit to evaluate facility compliance and recommend BMPs to achieve compliance with this General Permit. The group leader or local agency may designate, hire, or train inspectors to conduct these inspections that are or are not directly affiliated with the group leader or local agency. It is the group leader's or local agency's responsibility to select inspectors that are capable of evaluating each facility's compliance with the General Permit and can recommend appropriate BMPs. All group monitoring plans are subject to State Water Board and/or Regional Water Board(s) review. Consistent with the four-tier permitting strategy described in the Federal regulations, the Regional Water Board(s) may evaluate the data and results from group monitoring to establish future permitting decisions. As appropriate, the State Water Board and/or the Regional Water Board(s) may terminate or require substantial amendment to the group monitoring plans. The State Water Board and/or the Regional Water Board(s) may terminate a facility's participation in group monitoring or require additional monitoring activities.

### Retention of Records

The facility operator is required to retain records of all monitoring information, copies of all reports required by this General Permit, and records of all data used to complete the NOI for a period of five years from the date of measurement, report, or monitoring activity. This period may be extended by the State and/or Regional Water Boards. All records are public documents and must be provided to the Regional Water Boards on request.

#### Watershed Management

The State and Regional Water Boards are undertaking a focussed effort in watershed management throughout the State. In reissuing this General Permit, the State Water Board recognizes both the evolving nature of watershed management and the long-term desirability of structuring monitoring programs to support the Watershed Management Initiative. Therefore, the amended monitoring and reporting provisions provide flexibility for individual facility operators or groups of facility operators to propose and participate in, subject to Regional Water Board approval, watershed monitoring programs in lieu of some or all of the monitoring requirements contained in this General Permit.

#### Facility Operator Compliance Responsibilities

This General Permit has been written to encourage individual facility operators to develop their own SWPPP and monitoring programs. Many facility operators, however, choose to obtain compliance assistance either by hiring a consultant on an individual basis or by participating in a group monitoring plan. Regardless of how a facility operator chooses to pursue compliance, it is the facility operator that is responsible for compliance with this General Permit.

The State Water Board recognizes that industrial activities and operating conditions at many facilities change over time. In addition, new and more effective BMPs are being developed by various facility operators and by industrial groups. The SWPPP and monitoring program requirements include various inspections, reviews, and observations all of which recognize, encourage, and mandate an iterative self-evaluation process that is necessary to consistently comply with this General Permit. In general, facility operators that develop and implement SWPPPs that comply with this General Permit should not be penalized when discovering minor violations through this iterative self-evaluation process. The General Permit provides facility operators up to 90 days to revise and implement the SWPPP to correct such violations.



STATE WATER RESOURCES CONTROL BOARD (STATE WATER BOARD)  
WATER QUALITY ORDER NO. 97-03-DWQ  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
GENERAL PERMIT NO. CAS000001 (GENERAL PERMIT)

WASTE DISCHARGE REQUIREMENTS (WDRS)  
FOR  
DISCHARGES OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES  
EXCLUDING CONSTRUCTION ACTIVITIES

The State Water Board finds that:

1. Federal regulations for storm water discharges were issued by the U.S. Environmental Protection Agency (U.S. EPA) on November 16, 1990 (40 Code of Federal Regulations [CFR] Parts 122, 123, and 124). The regulations require operators of specific categories of facilities where discharges of storm water associated with industrial activity (storm water) occur to obtain an NPDES permit and to implement Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm discharges.
2. This General Permit shall regulate storm water discharges and authorized non-storm water discharges from specific categories of industrial facilities identified in Attachment 1, storm water discharges and authorized non-storm water discharges from facilities as designated by the Regional Water Quality Control Boards (Regional Water Boards), and storm water discharges and authorized non-storm water discharges from other facilities seeking General Permit coverage. This General Permit may also regulate storm water discharges and authorized non-storm water discharges from facilities as required by U.S. EPA regulations. This General Permit shall regulate storm water discharges and authorized non-storm water discharges previously regulated by San Francisco Bay Regional Water Board Order, No.92-11 (as amended by Order No. 92-116). This General Permit excludes storm water discharges and non-storm water discharges that are regulated by other individual or general NPDES permits, storm water discharges and non-storm water discharges from construction activities, and storm water discharges and non-storm water discharges excluded by the Regional Water Boards for coverage by this General Permit. Attachment 2 contains the addresses and telephone numbers of each Regional Water Board office.
3. To obtain coverage for storm water discharges and authorized non-storm water discharges pursuant to this General Permit, operators of facilities (facility operators) must submit a Notice of Intent (NOI), in accordance with the Attachment 3

- instructions, and appropriate annual fee to the State Water Board. This includes facility operators that have participated in U.S. EPA's group application process.
4. This General Permit does not preempt or supersede the authority of local agencies to prohibit, restrict, or control storm water discharges and authorized non-storm water discharges to storm drain systems or other water-courses within their jurisdictions as allowed by State and Federal law.
  5. If an individual NPDES permit is issued to a facility operator otherwise subject to this General Permit or an alternative NPDES general permit is subsequently adopted which covers storm water discharges and/or authorized non-storm water discharges regulated by this General Permit, the applicability of this General Permit to such discharges is automatically terminated on the effective date of the individual NPDES permit or the date of approval for coverage under the subsequent NPDES general permit.
  6. Effluent limitations and toxic and effluent standards established in Sections 208(b), 301, 302, 303(d), 304, 306, 307, and 403 of the Federal Clean Water Act (CWA), as amended, are applicable to storm water discharges and authorized non-storm water discharges regulated by this General Permit.
  7. This action to adopt an NPDES general permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with Section 13389 of the California Water Code.
  8. Federal regulations (40 CFR Subchapter N) establish effluent limitations guidelines for storm water discharges from some facilities in ten industrial categories.
  9. For facilities which do not have established effluent limitation guidelines for storm water discharges in 40 CFR Subchapter N, it is not feasible at this time to establish numeric effluent limitations. This is due to the large number of discharges and the complex nature of storm water discharges. This is also consistent with the U.S. EPA's August 1, 1996 "Interim Permitting Approach for Water Quality Based Effluent Limitations in Storm Water Permits."
  10. Facility operators are required to comply with the terms and conditions of this General Permit. Compliance with the terms and conditions of this General Permit constitutes compliance with BAT/BCT requirements and with requirements to achieve water quality standards. This includes the development and implementation of an effective Storm Water Pollution Prevention Plan (SWPPP) to reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm water discharges.

11. Best Management Practices (BMPs) to reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm water discharges are appropriate where numeric effluent limitations are infeasible, and the implementation of BMPs is adequate to achieve compliance with BAT/BCT and with water quality standards.
12. The State Water Board has adopted a Watershed Management Initiative that encourages watershed management throughout the State. This General Permit recognizes the Watershed Management Initiative by supporting the development of watershed monitoring programs authorized by the Regional Water Boards.
13. Following adoption of this General Permit, the Regional Water Boards shall enforce its provisions.
14. Following public notice in accordance with State and Federal laws and regulations, the State Water Board held a public hearing on November 12, 1996 and heard and considered all comments pertaining to this General Permit. A response to all significant comments has been prepared and is available for public review.
15. This Order is an NPDES General Permit in compliance with Section 402 of the CWA and shall take effect upon adoption by the State Water Board.
16. All terms that are defined in the CWA, U.S. EPA storm water regulations and the Porter-Cologne Water Quality Control Act will have the same definition in this General Permit unless otherwise stated.

IT IS HEREBY ORDERED that all facility operators required to be regulated by this General Permit shall comply with the following:

A. DISCHARGE PROHIBITIONS:

1. Except as allowed in Special Conditions (D.1.) of this General Permit, materials other than storm water (non-storm water discharges) that discharge either directly or indirectly to waters of the United States are prohibited. Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit.
2. Storm water discharges and authorized non-storm water discharges shall not cause or threaten to cause pollution, contamination, or nuisance.

B. EFFLUENT LIMITATIONS:

1. Storm water discharges from facilities subject to storm water effluent limitation guidelines in Federal regulations (40 CFR

Subchapter N) shall not exceed the specified effluent limitations.

2. Storm water discharges and authorized non-storm water discharges regulated by this General Permit shall not contain a hazardous substance equal to or in excess of a reportable quantity listed in 40 CFR Part 117 and/or 40 CFR Part 302.
3. Facility operators covered by this General Permit must reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm water discharges through implementation of BAT for toxic and non-conventional pollutants and BCT for conventional pollutants. Development and implementation of an SWPPP that complies with the requirements in Section A of the General Permit and that includes BMPs that achieve BAT/BCT constitutes compliance with this requirement.

C. RECEIVING WATER LIMITATIONS:

1. Storm water discharges and authorized non-storm water discharges to any surface or ground water shall not adversely impact human health or the environment.
2. Storm water discharges and authorized non-storm water discharges shall not cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan or the applicable Regional Water Board's Basin Plan.
3. A facility operator will not be in violation of Receiving Water Limitation C.2. as long as the facility operator has implemented BMPs that achieve BAT/BCT and the following procedure is followed:
  - a. The facility operator shall submit a report to the appropriate Regional Water Board that describes the BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of water quality standards. The report shall include an implementation schedule. The Regional Water Board may require modifications to the report.
  - b. Following approval of the report described above by the Regional Water Board, the facility operator shall revise its SWPPP and monitoring program to incorporate the additional BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring required.
4. A facility operator shall be in violation of this General Permit if he/she fails to do any of the following:

- a. Submit the report described above within 60 days after either the facility operator or the Regional Water Board determines that discharges are causing or contributing to an exceedance of an applicable water quality standard;
- b. Submit a report that is approved by the Regional Water Board; or
- c. Revise its SWPPP and monitoring program as required by the approved report.

D. SPECIAL CONDITIONS

1. Non-Storm Water Discharges

- a. The following non-storm water discharges are authorized by this General Permit provided that they satisfy the conditions specified in Paragraph b. below: fire hydrant flushing; potable water sources, including potable water related to the operation, maintenance, or testing of potable water systems; drinking fountain water; atmospheric condensates including refrigeration, air conditioning, and compressor condensate; irrigation drainage; landscape watering; springs; ground water; foundation or footing drainage; and sea water infiltration where the sea waters are discharged back into the sea water source.
- b. The non-storm water discharges as provided in Paragraph a. above are authorized by this General Permit if all the following conditions are met:
  - i. The non-storm water discharges are in compliance with Regional Water Board requirements.
  - ii. The non-storm water discharges are in compliance with local agency ordinances and/or requirements.
  - iii. BMPs are specifically included in the SWPPP to (1) prevent or reduce the contact of non-storm water discharges with significant materials or equipment and (2) minimize, to the extent practicable, the flow or volume of non-storm water discharges.
  - iv. The non-storm water discharges do not contain significant quantities of pollutants.
  - v. The monitoring program includes quarterly visual observations of each non-storm water discharge and its sources to ensure that BMPs are being implemented and are effective.

- vi. The non-storm water discharges are reported and described annually as part of the annual report.
- c. The Regional Water Board or its designee may establish additional monitoring programs and reporting requirements for any non-storm water discharge authorized by this General Permit.
- d. Discharges from firefighting activities are authorized by this General Permit and are not subject to the conditions of Paragraph b. above.

#### E. PROVISIONS

1. All facility operators seeking coverage by this General Permit must submit an NOI for each of the facilities they operate. Facility operators filing an NOI after the adoption of this General Permit shall use the NOI form and instructions (Attachment 3) attached to this General Permit. Existing facility operators who have filed an NOI pursuant to State Water Board Order No. 91-013-DWQ (as amended by Order No. 92-12-DWQ) or San Francisco Bay Regional Water Board Order No. 92-11 (as amended by Order No. 92-116) shall submit an abbreviated NOI form provided by the State Water Board. The abbreviated NOI form shall be submitted within 45 days of receipt.
2. Facility operators who have filed an NOI, pursuant to State Water Board Order No. 91-013-DWQ (as amended by Order No. 92-12-DWQ) or San Francisco Bay Regional Water Board Order No. 92-11 (as amended by Order No. 92-116), shall continue to implement their existing SWPPP and shall implement any necessary revisions to their SWPPP in accordance with Section A of this General Permit in a timely manner, but in no case later than August 1, 1997. Facility operators beginning industrial activities after adoption of this General Permit must develop and implement an SWPPP in accordance with Section A of this General Permit when the industrial activities begin.
3. Facility operators who have filed an NOI, pursuant to State Water Board Order No. 91-013-DWQ (as amended by Order No. 92-12-DWQ) or San Francisco Bay Regional Water Board Order No. 92-11 (as amended by Order No. 92-116), shall continue to implement their existing Monitoring Program and shall implement any necessary revisions to their Monitoring Program in accordance with Section B of the General Permit in a timely manner, but in no case later than August 1, 1997. Facility operators beginning industrial activities after adoption of this General Permit must develop and implement a Monitoring Program in

accordance with Section B of this General Permit when industrial activities begin.

4. Facility operators of feedlots as defined in 40 CFR Part 412 that are in full compliance with Section 2560 to Section 2565, Title 23, California Code of Regulations (Chapter 15) will be in compliance with all effluent limitations and prohibitions contained in this General Permit. Facility operators of feedlots that comply with Chapter 15, however, must perform monitoring in compliance with the requirements of Section B.4.d. and B.14. of this General Permit. Facility operators of feedlots must also comply with any Regional Water Board WDRs or NPDES general permit regulating their storm water discharges.
5. All facility operators must comply with lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding storm water discharges and non-storm water discharges entering storm drain systems or other watercourses under their jurisdiction, including applicable requirements in municipal storm water management programs developed to comply with NPDES permits issued by the Regional Water Boards to local agencies.
6. All facility operators must comply with the standard provisions and reporting requirements for each facility covered by this General Permit contained in Section C, Standard Provisions.
7. Facility operators that operate facilities with co-located industrial activities (facilities that have industrial activities that meet more than one of the descriptions in Attachment 1) that are contiguous to one another are authorized to file a single NOI to comply with the General Permit. Storm water discharges and authorized non-storm water discharges from the co-located industrial activities are authorized if the SWPPP and Monitoring Program addresses each co-located industrial activity.
8. Upon reissuance of a successor NPDES general permit by the State Water Board, the facility operators subject to this reissued General Permit may be required to file an NOI.
9. Facility operators may request to terminate their coverage under this General Permit by filing a Notice of Termination (NOT) with the Regional Water Board. The NOT shall provide all documentation requested by the Regional Water Board. The facility operator will be notified when the NOT has been approved. Should the NOT be denied, facility operators are responsible for continued compliance with the requirements of this General Permit.

10. Facility operators who have filed an NOI, pursuant to State Water Board Order No. 91-013-DWQ (as amended by Order No. 92-12) or San Francisco Bay Regional Water Board Order No. 92-11 (as amended by Order No. 92-116) shall:
  - a. Complete the 1996-97 activities required by those general permits. These include, but are not limited to, conducting any remaining visual observations, sample collection, annual site inspection, annual report submittal, and (for group monitoring leaders) Group Evaluation Reports; and
  - b. Comply with the requirements of this General Permit no later than August 1, 1997.
11. If the Regional Water Board determines that a discharge may be causing or contributing to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan or the applicable Regional Water Board's Basin Plan, the Regional Water Board may order the facility operator to comply with the requirements described in Receiving Water Limitation C.3. The facility operator shall comply with the requirements within the time schedule established by the Regional Water Board.
12. If the facility operator determines that its storm water discharges or authorized non-storm water discharges are causing or contributing to an exceedance of any applicable water quality standards, the facility operator shall comply with the requirements described in Receiving Water Limitation C.3.
13. State Water Board Order No. 91-013-DWQ (as amended by Order No. 92-12-DWQ) and San Francisco Bay Regional Water Board Order No. 91-011 (as amended by Order No. 92-116) are hereby rescinded.

F. REGIONAL WATER BOARD AUTHORITIES

1. Following adoption of this General Permit, Regional Water Boards shall:
  - a. Implement the provisions of this General Permit, including, but not limited to, reviewing SWPPPs, reviewing annual reports, conducting compliance inspections, and taking enforcement actions.
  - b. Issue other NPDES general permits or individual NPDES storm water permits as they deem appropriate to individual facility operators, facility operators of specific categories of industrial activities, or facility operators in a watershed or geographic area. Upon issuance of such NPDES permits by a Regional Water Board, the affected facility operator shall no longer



be regulated by this General Permit. Any new NPDES permit issued by the Regional Water Board may contain different requirements than the requirements of this General Permit.

2. Regional Water Boards may provide guidance to facility operators on the SWPPP and the Monitoring Program and reporting implementation.
3. Regional Water Boards may require facility operators to conduct additional SWPPP and Monitoring Program and reporting activities necessary to achieve compliance with this General Permit.
4. Regional Water Boards may approve requests from facility operators whose facilities include co-located industrial activities that are not contiguous within the facilities (e.g., some military bases) to comply with this General Permit under a single NOI. Storm water discharges and authorized non-storm water discharges from the co-located industrial activities and from other sources within the facility that may generate significant quantities of pollutants are authorized provided the SWPPP and Monitoring Program addresses each co-located industrial activity and other sources that may generate significant quantities of pollutants.

#### CERTIFICATION

The undersigned, Administrative Assistant to the State Water Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 17, 1997.

AYE: John P. Caffrey  
John W. Brown  
James M. Stubchaer  
Marc Del Piero  
Mary Jane Forster

NO: None

ABSENT: None

ABSTAIN: None

Maureen Marché

-10-

Administrative Assistant to the Board

SECTION A: STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

1. Implementation Schedule

A storm water pollution prevention plan (SWPPP) shall be developed and implemented for each facility covered by this General Permit in accordance with the following schedule.

- a. Facility operators beginning industrial activities before October 1, 1992 shall develop and implement the SWPPP no later than October 1, 1992. Facility operators beginning industrial activities after October 1, 1992 shall develop and implement the SWPPP when industrial activities begin.
- b. Existing facility operators that submitted a Notice of Intent (NOI), pursuant to State Water Resources Control Board (State Water Board) Order No. 91-013-DWQ (as amended by Order No. 92-12) or San Francisco Bay Regional Water Quality Control Board (Regional Water Board) Order No. 92-11 (as amended by Order No. 92-116), shall continue to implement their existing SWPPP and shall implement any necessary revisions to their SWPPP in a timely manner, but in no case later than August 1, 1997.

2. Objectives

The SWPPP has two major objectives: (a) to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges and authorized non-storm water discharges from the facility; and (b) to identify and implement site-specific best management practices (BMPs) to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-storm water discharges. BMPs may include a variety of pollution prevention measures or other low-cost and pollution control measures. They are generally categorized as non-structural BMPs (activity schedules, prohibitions of practices, maintenance procedures, and other low-cost measures) and as structural BMPs (treatment measures, run-off controls, overhead coverage.) To achieve these objectives, facility operators should consider the five phase process for SWPPP development and implementation as shown in Table A.

The SWPPP requirements are designed to be sufficiently flexible to meet the needs of various facilities. SWPPP requirements that are not applicable to a facility should not be included in the SWPPP.

A facility's SWPPP is a written document that shall contain a compliance activity schedule, a description of industrial activities and pollutant sources, descriptions of BMPs, drawings, maps, and relevant copies or references of parts of other plans. The SWPPP shall be revised whenever appropriate and shall be readily available for review by facility employees or Regional Water Board inspectors.

3. Planning and Organization

a. *Pollution Prevention Team*

The SWPPP shall identify a specific individual or individuals and their positions within the facility organization as members of a storm water pollution prevention team responsible for developing the SWPPP, assisting the facility manager in SWPPP implementation and revision, and conducting all monitoring program activities required in Section B of this General Permit. The SWPPP shall clearly identify the General Permit related responsibilities, duties, and activities of each team member. For small facilities, storm water pollution prevention teams may consist of one individual where appropriate.

b. *Review Other Requirements and Existing Facility Plans*

The SWPPP may incorporate or reference the appropriate elements of other regulatory requirements. Facility operators should review all local, State, and Federal requirements that impact, complement, or are consistent with the requirements of this General Permit. Facility operators should identify any existing facility plans that contain storm water pollutant control measures or relate to the requirements of this General Permit. As examples, facility operators whose facilities are subject to Federal Spill Prevention Control and Countermeasures' requirements should already have instituted a plan to control spills of certain hazardous materials. Similarly, facility operators whose facilities are subject to air quality related permits and regulations may already have evaluated industrial activities that generate dust or particulates.

4. Site Map

The SWPPP shall include a site map. The site map shall be provided on an 8- $\frac{1}{2}$  x 11 inch or larger sheet and include notes, legends, and other data as appropriate to ensure that the site map is clear and understandable. If necessary, facility operators may provide the required information on multiple site maps.

**TABLE A**  
**FIVE PHASES FOR DEVELOPING AND IMPLEMENTING INDUSTRIAL**  
**STORM WATER POLLUTION PREVENTION PLANS**

**PLANNING AND ORGANIZATION**

- \*Form Pollution Prevention Team
- \*Review other plans



**ASSESSMENT PHASE**

- \*Develop a site map
- \*Identify potential pollutant sources
- \*Inventory of materials and chemicals
- \*List significant spills and leaks
- \*Identify non-storm water discharges
- \*Assess pollutant Risks



**BEST MANAGEMENT PRACTICES IDENTIFICATION PHASE**

- \*Non-structural BMPs
- \*Structural BMPs
- \*Select activity and site-specific BMPs



**IMPLEMENTATION PHASE**

- \*Train employees
- \*Implement BMPs
- \*Conduct recordkeeping and reporting



**EVALUATION / MONITORING**

- \*Conduct annual site evaluation
- \*Review monitoring information
- \*Evaluate BMPs
- \*Review and revise SWPPP

The following information shall be included on the site map:

- a. The facility boundaries; the outline of all storm water drainage areas within the facility boundaries; portions of the drainage area impacted by run-on from surrounding areas; and direction of flow of each drainage area, on-site surface water bodies, and areas of soil erosion. The map shall also identify nearby water bodies (such as rivers, lakes, and ponds) and municipal storm drain inlets

where the facility's storm water discharges and authorized non-storm water discharges may be received.

- b. The location of the storm water collection and conveyance system, associated points of discharge, and direction of flow. Include any structural control measures that affect storm water discharges, authorized non-storm water discharges, and run-on. Examples of structural control measures are catch basins, berms, detention ponds, secondary containment, oil/water separators, diversion barriers, etc.
- c. An outline of all impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures.
- d. Locations where materials are directly exposed to precipitation and the locations where significant spills or leaks identified in Section A.6.a.iv. below have occurred.
- e. Areas of industrial activity. This shall include the locations of all storage areas and storage tanks, shipping and receiving areas, fueling areas, vehicle and equipment storage/maintenance areas, material handling and processing areas, waste treatment and disposal areas, dust or particulate generating areas, cleaning and rinsing areas, and other areas of industrial activity which are potential pollutant sources.

5. List of Significant Materials

The SWPPP shall include a list of significant materials handled and stored at the site. For each material on the list, describe the locations where the material is being stored, received, shipped, and handled, as well as the typical quantities and frequency. Materials shall include raw materials, intermediate products, final or finished products, recycled materials, and waste or disposed materials.

6. Description of Potential Pollutant Sources

- a. The SWPPP shall include a narrative description of the facility's industrial activities, as identified in Section A.4.e above, associated potential pollutant sources, and potential pollutants that could be discharged in storm water discharges or authorized non-storm water discharges. At a minimum, the following items related to a facility's industrial activities shall be considered:

i. Industrial Processes

Describe each industrial process, the type, characteristics, and quantity of significant materials used in or resulting from the process, and a description of the manufacturing, cleaning, rinsing, recycling, disposal, or other activities related to the process. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.

ii. Material Handling and Storage Areas

Describe each handling and storage area, type, characteristics, and quantity of significant materials handled or stored, description of the shipping, receiving, and loading procedures, and the spill or leak prevention and response procedures. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.

iii. Dust and Particulate Generating Activities

Describe all industrial activities that generate dust or particulates that may be deposited within the facility's boundaries and identify their discharge locations; the characteristics of dust and particulate pollutants; the approximate quantity of dust and particulate pollutants that may be deposited within the facility boundaries; and a description of the primary areas of the facility where dust and particulate pollutants would settle.

iv. Significant Spills and Leaks

Describe materials that have spilled or leaked in significant quantities in storm water discharges or non-storm water discharges since April 17, 1994. Include toxic chemicals (listed in 40 CFR, Part 302) that have been discharged to storm water as reported on U.S. Environmental Protection Agency (U.S. EPA) Form R, and oil and hazardous substances in excess of reportable quantities (see 40 Code of Federal Regulations [CFR], Parts 110, 117, and 302).

The description shall include the type, characteristics, and approximate quantity of the material spilled or leaked, the cleanup or remedial actions that have occurred or are planned, the approximate remaining quantity of materials that may be exposed to storm water or non-storm water

discharges, and the preventative measures taken to ensure spill or leaks do not reoccur. Such list shall be updated as appropriate during the term of this General Permit.

v. Non-Storm Water Discharges

Facility operators shall investigate the facility to identify all non-storm water discharges and their sources. As part of this investigation, all drains (inlets and outlets) shall be evaluated to identify whether they connect to the storm drain system.

All non-storm water discharges shall be described. This shall include the source, quantity, frequency, and characteristics of the non-storm water discharges and associated drainage area.

Non-storm water discharges that contain significant quantities of pollutants or that do not meet the conditions provided in Special Conditions D. are prohibited by this General Permit (Examples of prohibited non-storm water discharges are contact and non-contact cooling water, boiler blowdown, rinse water, wash water, etc.). Non-storm water discharges that meet the conditions provided in Special Condition D. are authorized by this General Permit. The SWPPP must include BMPs to prevent or reduce contact of non-storm water discharges with significant materials or equipment.

vi. Soil Erosion

Describe the facility locations where soil erosion may occur as a result of industrial activity, storm water discharges associated with industrial activity, or authorized non-storm water discharges.

- b. The SWPPP shall include a summary of all areas of industrial activities, potential pollutant sources, and potential pollutants. This information should be summarized similar to Table B. The last column of Table B, "Control Practices", should be completed in accordance with Section A.8. below.

7. Assessment of Potential Pollutant Sources

- a. The SWPPP shall include a narrative assessment of all industrial activities and potential pollutant sources as described in A.6. above to determine:

- i. Which areas of the facility are likely sources of



pollutants in storm water discharges and authorized non-storm water discharges, and

- ii. Which pollutants are likely to be present in storm water discharges and authorized non-storm water discharges. Facility operators shall consider and evaluate various factors when performing this assessment such as current storm water BMPs; quantities of significant materials handled, produced, stored, or disposed of; likelihood of exposure to storm water or authorized non-storm water discharges; history of spill or leaks; and run-on from outside sources.
- b. Facility operators shall summarize the areas of the facility that are likely sources of pollutants and the corresponding pollutants that are likely to be present in storm water discharges and authorized non-storm water discharges.

Facility operators are required to develop and implement additional BMPs as appropriate and necessary to prevent or reduce pollutants associated with each pollutant source. The BMPs will be narratively described in Section 8 below.

#### 8. Storm Water Best Management Practices

The SWPPP shall include a narrative description of the storm water BMPs to be implemented at the facility for each potential pollutant and its source identified in the site assessment phase (Sections A.6. and 7. above). The BMPs shall be developed and implemented to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Each pollutant and its source may require one or more BMPs. Some BMPs may be implemented for multiple pollutants and their sources, while other BMPs will be implemented for a very specific pollutant and its source.

**TABLE B  
EXAMPLE  
ASSESSMENT OF POTENTIAL POLLUTION SOURCES AND  
CORRESPONDING BEST MANAGEMENT PRACTICES  
SUMMARY**

Area	Activity	Pollutant Source	Pollutant	Best Management Practices
Vehicle & Equipment Fueling	Fueling	Spills and leaks during delivery	fuel oil	<ul style="list-style-type: none"> <li>- Use spill and overflow protection</li> <li>- Minimize run-on of storm water into the fueling area</li> <li>- Cover fueling area</li> <li>- Use dry cleanup methods rather than hosing down area</li> <li>- Implement proper spill prevention control program</li> <li>- Implement adequate preventative maintenance program to preventive tank and line leaks</li> <li>- Inspect fueling areas regularly to detect problems before they occur</li> <li>- Train employees on proper fueling, cleanup, and spill response techniques.</li> </ul>
		Spills caused by topping off fuel tanks	fuel oil	
		Hosing or washing down fuel area	fuel oil	
		Leaking storage tanks	fuel oil	
		Rainfall running off fueling area, and rainfall running onto and off fueling area	fuel oil	

The description of the BMPs shall identify the BMPs as (1) existing BMPs, (2) existing BMPs to be revised and implemented, or (3) new BMPs to be implemented. The description shall also include a discussion on the effectiveness of each BMP to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. The SWPPP shall provide a summary of all BMPs implemented for each pollutant source. This information should be summarized similar to Table B.

Facility operators shall consider the following BMPs for implementation at the facility:

a. Non-Structural BMPs

Non-structural BMPs generally consist of processes, prohibitions, procedures, schedule of activities, etc., that prevent pollutants associated with industrial activity from contacting with storm water discharges and authorized non-storm water discharges. They are considered low technology, cost-effective measures. Facility operators should consider all possible non-structural BMPs options before considering additional structural BMPs (see Section A.8.b. below). Below is a list of non-structural BMPs that should be considered:

i. Good Housekeeping

Good housekeeping generally consist of practical procedures to maintain a clean and orderly facility.

ii. Preventive Maintenance

Preventive maintenance includes the regular inspection and maintenance of structural storm water controls (catch basins, oil/water separators, etc.) as well as other facility equipment and systems.

iii. Spill Response

This includes spill clean-up procedures and necessary clean-up equipment based upon the quantities and locations of significant materials that may spill or leak.

iv. Material Handling and Storage

This includes all procedures to minimize the potential for spills and leaks and to minimize exposure of significant materials to storm water and authorized non-storm water discharges.

v. Employee Training

This includes training of personnel who are responsible for (1) implementing activities identified in the SWPPP, (2) conducting inspections, sampling, and visual observations, and (3) managing storm water. Training should address topics such as spill response, good housekeeping, and material handling procedures, and actions necessary to implement all BMPs identified in the SWPPP. The SWPPP shall identify periodic dates for such training. Records shall be maintained of all training sessions held.

vi. Waste Handling/Recycling

This includes the procedures or processes to handle, store, or dispose of waste materials or recyclable materials.

vii. Recordkeeping and Internal Reporting

This includes the procedures to ensure that all records of inspections, spills, maintenance activities, corrective actions, visual observations, etc., are developed, retained, and provided, as necessary, to the appropriate facility personnel.

viii. Erosion Control and Site Stabilization

This includes a description of all sediment and erosion control activities. This may include the planting and maintenance of vegetation, diversion of run-on and runoff, placement of sandbags, silt screens, or other sediment control devices, etc.

ix. Inspections

This includes, in addition to the preventative maintenance inspections identified above, an inspection schedule of all potential pollutant sources. Tracking and follow-up procedures shall be described to ensure adequate corrective actions are taken and SWPPPs are made.

x. Quality Assurance

This includes the procedures to ensure that all elements of the SWPPP and Monitoring Program are adequately conducted.

b. Structural BMPs

Where non-structural BMPs as identified in Section A.8.a. above are not effective, structural BMPs shall be considered. Structural BMPs generally consist of structural devices that reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Below is a list of structural BMPs that should be considered:

i. Overhead Coverage

This includes structures that provide horizontal coverage of materials, chemicals, and pollutant sources from contact with storm water and authorized non-storm water discharges.

ii. Retention Ponds

This includes basins, ponds, surface impoundments, bermed areas, etc. that do not allow storm water to discharge from the facility.

iii. Control Devices

This includes berms or other devices that channel or route run-on and runoff away from pollutant sources.

iv. Secondary Containment Structures

This generally includes containment structures around storage tanks and other areas for the purpose of collecting any leaks or spills.

v. Treatment

This includes inlet controls, infiltration devices, oil/water separators, detention ponds, vegetative swales, etc. that reduce the pollutants in storm water discharges and authorized non-storm water discharges.

9. Annual Comprehensive Site Compliance Evaluation

The facility operator shall conduct one comprehensive site compliance evaluation (evaluation) in each reporting period (July 1-June 30). Evaluations shall be conducted within 8-16 months of each other. The SWPPP shall be revised, as appropriate, and the revisions implemented within 90 days of the evaluation. Evaluations shall include the following:

- a. A review of all visual observation records, inspection records, and sampling and analysis results.
- b. A visual inspection of all potential pollutant sources for evidence of, or the potential for, pollutants entering the drainage system.
- c. A review and evaluation of all BMPs (both structural and non-structural) to determine whether the BMPs are adequate, properly implemented and maintained, or whether additional BMPs are needed. A visual inspection of equipment needed to implement the SWPPP, such as spill response equipment, shall be included.
- d. An evaluation report that includes, (i) identification of personnel performing the evaluation, (ii) the date(s) of the evaluation, (iii) necessary SWPPP revisions, (iv) schedule, as required in Section A.10.e, for implementing SWPPP revisions, (v) any incidents of non-compliance and the corrective actions taken, and (vi) a certification that the facility operator is in compliance with this General Permit. If the above certification cannot be provided, explain in the evaluation report why the facility operator is not in compliance with this General Permit. The evaluation report shall be submitted as part of the annual report, retained for at least five years, and signed and certified in accordance with Standard Provisions 9. and 10. of Section C. of this General Permit.

10. SWPPP General Requirements

- a. The SWPPP shall be retained on site and made available upon request of a representative of the Regional Water Board and/or local storm water management agency (local agency) which receives the storm water discharges.
- b. The Regional Water Board and/or local agency may notify the facility operator when the SWPPP does not meet one or more of the minimum requirements of this Section. As requested by the Regional Water Board and/or local agency, the facility operator shall submit an SWPPP revision and implementation schedule that meets the minimum requirements of this section to the Regional Water Board and/or local agency that requested the SWPPP revisions. Within 14 days after implementing the required SWPPP revisions, the facility operator shall provide written certification to the Regional Water Board and/or local agency that the revisions have been implemented.

- c. The SWPPP shall be revised, as appropriate, and implemented prior to changes in industrial activities which (i) may significantly increase the quantities of pollutants in storm water discharge, (ii) cause a new area of industrial activity at the facility to be exposed to storm water, or (iii) begin an industrial activity which would introduce a new pollutant source at the facility.
- d. Other than as provided in Provisions B.11, B.12, and E.2 of the General Permit, the SWPPP shall be revised and implemented in a timely manner, but in no case more than 90 days after a facility operator determines that the SWPPP is in violation of any requirement(s) of this General Permit.
- e. When any part of the SWPPP is infeasible to implement by the deadlines specified in Provision E.2 or Sections A.1, A.9, A.10.c, and A.10.d of this General Permit due to proposed significant structural changes, the facility operator shall submit a report to the Regional Water Board prior to the applicable deadline that (i) describes the portion of the SWPPP that is infeasible to implement by the deadline, (ii) provides justification for a time extension, (iii) provides a schedule for completing and implementing that portion of the SWPPP, and (iv) describes the BMPs that will be implemented in the interim period to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Such reports are subject to Regional Water Board approval and/or modifications. Facility operators shall provide written notification to the Regional Water Board within 14 days after the SWPPP revisions are implemented.
- f. The SWPPP shall be provided, upon request, to the Regional Water Board. The SWPPP is considered a report that shall be available to the public by the Regional Water Board under Section 308(b) of the Clean Water Act.

SECTION B. MONITORING PROGRAM AND REPORTING REQUIREMENTS

1. Implementation Schedule

Each facility operator shall develop a written monitoring program for each facility covered by this General Permit in accordance with the following schedule:

- a. Facility operators beginning industrial activities before October 1, 1992 shall develop and implement a monitoring program no later than October 1, 1992. Facility operators beginning operations after October 1, 1992 shall develop and implement a monitoring program when the industrial activities begin.
- b. Facility operators that submitted a Notice Of Intent (NOI) pursuant to State Water Resources Control Board (State Water Board) Order No. 91-013-DWQ (as amended by Order No. 92-12) or San Francisco Bay Regional Water Quality Control Board (Regional Water Board) Order No. 92-11 (as amended by Order No. 92-116), shall continue to implement their existing monitoring program and implement any necessary revisions to their monitoring program in a timely manner, but in no case later than August 1, 1997. These facility operators may use the monitoring results conducted in accordance with those expired general permits to satisfy the pollutant/parameter reduction requirements in Section B.5.c., Sampling and Analysis Exemptions and Reduction certifications in Section B.12., and Group Monitoring Sampling credits in B.15.k. For facilities beginning industrial activities after the adoption of this General Permit, the monitoring program shall be developed and implemented when the facility begins the industrial activities.

2. Objectives

The objectives of the monitoring program are to:

- a. Ensure that storm water discharges are in compliance with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations specified in this General Permit.
- b. Ensure practices at the facility to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges are evaluated and revised to meet changing conditions.
- c. Aid in the implementation and revision of the SWPPP required by Section A of this General Permit.
- d. Measure the effectiveness of best management practices (BMPs) to prevent or reduce pollutants in storm water



discharges and authorized non-storm water discharges. Much of the information necessary to develop the monitoring program, such as discharge locations, drainage areas, pollutant sources, etc., should be found in the Storm Water Pollution Prevention Plan (SWPPP). The facility's monitoring program shall be a written, site-specific document that shall be revised whenever appropriate and be readily available for review by employees or Regional Water Board inspectors.

3. Non-storm Water Discharge Visual Observations

- a. Facility operators shall visually observe all drainage areas within their facilities for the presence of unauthorized non-storm water discharges;
- b. Facility operators shall visually observe the facility's authorized non-storm water discharges and their sources;
- c. The visual observations required above shall occur quarterly, during daylight hours, on days with no storm water discharges, and during scheduled facility operating hours<sup>1</sup>. Quarterly visual observations shall be conducted in each of the following periods: January-March, April-June, July-September, and October-December. Facility operators shall conduct quarterly visual observations within 6-18 weeks of each other.
- d. Visual observations shall document the presence of any discolorations, stains, odors, floating materials, etc., as well as the source of any discharge. Records shall be maintained of the visual observation dates, locations observed, observations, and response taken to eliminate unauthorized non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water discharges. The SWPPP shall be revised, as necessary, and implemented in accordance with Section A of this General Permit.

4. Storm Water Discharge Visual Observations

- a. With the exception of those facilities described in Section B.4.d. below, facility operators shall visually

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<sup>1</sup> "Scheduled facility operating hours" are the time periods when the facility is staffed to conduct any function related to industrial activity, but excluding time periods where only routine maintenance, emergency response, security, and/or janitorial services are performed.

observe storm water discharges from one storm event per month during the wet season (October 1-May 30). These visual observations shall occur during the first hour of discharge and at all discharge locations. Visual observations of stored or contained storm water shall occur at the time of release.

- b. Visual observations are only required of storm water discharges that occur during daylight hours that are preceded by at least three (3) working days<sup>2</sup> without storm water discharges and that occur during scheduled facility operating hours.
- c. Visual observations shall document the presence of any floating and suspended material, oil and grease, discolorations, turbidity, odor, and source of any pollutants. Records shall be maintained of observation dates, locations observed, observations, and response taken to reduce or prevent pollutants in storm water discharges. The SWPPP shall be revised, as necessary, and implemented in accordance with Section A of this General Permit.
- d. Feedlots (subject to Federal effluent limitations guidelines in 40 Code of Federal Regulations [CFR] Part 412) that are in compliance with Sections 2560 to 2565, Article 6, Chapter 15, Title 23, California Code of Regulations, and facility operators with storm water containment facilities shall conduct monthly inspections of their containment areas to detect leaks and ensure maintenance of adequate freeboard. Records shall be maintained of the inspection dates, observations, and any response taken to eliminate leaks and to maintain adequate freeboard.

5. Sampling and Analysis

- a. Facility operators shall collect storm water samples during the first hour of discharge from (1) the first storm event of the wet season, and (2) at least one other storm event in the wet season. All storm water discharge locations shall be sampled. Sampling of stored or contained storm water shall occur at the time the stored or contained storm water is released. Facility operators that do not collect samples from the first storm event of the wet season are still required to collect samples from two other storm events of the wet season and shall explain in the Annual Report why the first storm event was not sampled.

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<sup>2</sup> Three (3) working days may be separated by non-working days such as weekends and holidays provided that no storm water discharges occur during the three (3) working days and the non-working days.

- b. Sample collection is only required of storm water discharges that occur during scheduled facility operating hours and that are preceded by at least (3) three working days without storm water discharge.
- c. The samples shall be analyzed for:
  - i. Total suspended solids (TSS) pH, specific conductance, and total organic carbon (TOC). Oil and grease (O&G) may be substituted for TOC; and
  - ii. Toxic chemicals and other pollutants that are likely to be present in storm water discharges in significant quantities. If these pollutants are not detected in significant quantities after two consecutive sampling events, the facility operator may eliminate the pollutant from future sample analysis until the pollutant is likely to be present again; and
  - iii. Other analytical parameters as listed in Table D (located at the end of this Section). These parameters are dependent on the facility's standard industrial classification (SIC) code. Facility operators are not required to analyze a parameter listed in Table D when the parameter is not already required to be analyzed pursuant to Section B.5.c.i. and ii. or B.6 of this General Permit, and either of the two following conditions are met: (1) the parameter has not been detected in significant quantities from the last two consecutive sampling events, or (2) the parameter is not likely to be present in storm water discharges and authorized non-storm water discharges in significant quantities based upon the facility operator's evaluation of the facilities industrial activities, potential pollutant sources, and SWPPP. Facility operators that do not analyze for the applicable Table D parameters shall certify in the Annual Report that the above conditions have been satisfied.
  - iv. Other parameters as required by the Regional Water Board.

6. Facilities Subject to Federal Storm Water Effluent Limitation Guidelines

Facility operators with facilities subject to Federal storm water effluent limitation guidelines, in addition to the requirements in Section B.5. above, must complete the following:

- a. Collect and analyze two samples for any pollutant specified in the appropriate category of 40 CFR Subchapter N. The sampling and analysis exemptions and reductions described in Section B.12. of this General Permit do not apply to these pollutants.
- b. Estimate or calculate the volume of storm water discharges from each drainage area;
- c. Estimate or calculate the mass of each regulated pollutant as defined in the appropriate category of 40 CFR Subchapter N; and
- d. Identify the individual(s) performing the estimates or calculations in accordance with Subsections b. and c. above.

7. Sample Storm Water Discharge Locations

- a. Facility operators shall visually observe and collect samples of storm water discharges from all drainage areas that represent the quality and quantity of the facility's storm water discharges from the storm event.
- b. If the facility's storm water discharges are commingled with run-on from surrounding areas, the facility operator should identify other visual observation and sample collection locations that have not been commingled by run-on and that represent the quality and quantity of the facility's storm water discharges from the storm event.
- c. If visual observation and sample collection locations are difficult to observe or sample (e.g., sheet flow, submerged outfalls), facility operators shall identify and collect samples from other locations that represent the quality and quantity of the facility's storm water discharges from the storm event.
- d. Facility operators that determine that the industrial activities and BMPs within two or more drainage areas are substantially identical may either (i) collect samples from a reduced number of substantially identical drainage areas, or (ii) collect samples from each substantially identical drainage area and analyze a combined sample from each substantially identical drainage area. Facility operators must document such a determination in the annual report.

8. Visual Observation and Sample Collection Exceptions

Facility operators are required to be prepared to collect samples and conduct visual observations at the beginning of the wet season (October 1) and throughout the wet season

until the minimum requirements of Sections B.4. and B.5. are completed with the following exceptions:

- a. A facility operator is not required to collect a sample and conduct visual observations in accordance with Section B.4 and Section B.5 due to dangerous weather conditions, such as flooding, electrical storm, etc., when storm water discharges begin after scheduled facility operating hours or when storm water discharges are not preceded by three working days without discharge. Visual observations are only required during daylight hours. Facility operators that do not collect the required samples or visual observations during a wet season due to these exceptions shall include an explanation in the Annual Report why the sampling or visual observations could not be conducted.
- b. A facility operator may conduct visual observations and sample collection more than one hour after discharge begins if the facility operator determines that the objectives of this Section will be better satisfied. The facility operator shall include an explanation in the Annual Report why the visual observations and sample collection should be conducted after the first hour of discharge.

9. Alternative Monitoring Procedures

Facility operators may propose an alternative monitoring program that meets Section B.2 monitoring program objectives for approval by the Regional Water Board. Facility operators shall continue to comply with the monitoring requirements of this Section and may not implement an alternative monitoring plan until the alternative monitoring plan is approved by the Regional Water Board. Alternative monitoring plans are subject to modification by the Regional Water Boards.

10. Monitoring Methods

- a. Facility operators shall explain how the facility's monitoring program will satisfy the monitoring program objectives of Section B.2. This shall include:
  - i. Rationale and description of the visual observation methods, location, and frequency.
  - ii. Rationale and description of the sampling methods, location, and frequency; and

iii. Identification of the analytical methods and corresponding method detection limits used to detect pollutants in storm water discharges. This shall include justification that the method detection limits are adequate to satisfy the objectives of the monitoring program.

b. All sampling and sample preservation shall be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All monitoring instruments and equipment (including a facility operator's own field instruments for measuring pH and Electro Conductivity) shall be calibrated and maintained in accordance with manufacturers' specifications to ensure accurate measurements. All laboratory analyses must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this General Permit or by the Regional Water Board. All metals shall be reported as total metals. With the exception of analysis conducted by facility operators, all laboratory analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. Facility operators may conduct their own sample analyses if the facility operator has sufficient capability (qualified employees, laboratory equipment, etc.) to adequately perform the test procedures.

11. Inactive Mining Operations

Inactive mining operations are defined in Attachment 1 of this General Permit. Where comprehensive site compliance evaluations, non-storm water discharge visual observations, storm water discharge visual observations, and storm water sampling are impracticable, facility operators of inactive mining operations may instead obtain certification once every three years by a Registered Professional Engineer that an SWPPP has been prepared for the facility and is being implemented in accordance with the requirements of this General Permit. By means of these certifications, the Registered Professional Engineer having examined the facility and being familiar with the provisions of this General Permit shall attest that the SWPPP has been prepared in accordance with good engineering practices. Facility operators of mining operations who cannot obtain a certification because of noncompliance must notify the appropriate Regional Water Board and, upon request, the local agency which receives the storm water discharge.

12. Sampling and Analysis Exemptions and Reductions

A facility operator who qualifies for sampling and analysis exemptions, as described below in Section B.12.a.i., or who qualifies for reduced sampling and analysis, as described below in Section B.12.b., must submit the appropriate certifications and required documentation to the Regional Water Boards prior to the wet season (October 1) and recertify as part of the Annual Report submittal. A facility operator that qualifies for either the Regional Water Board or local agency certification programs, as described below in Section B.12.a.ii. and iii., shall submit certification and documentation in accordance with the requirements of those programs. Facility operators who provide certifications in accordance with this Section are still required to comply with all other monitoring program and reporting requirements. Facility operators shall prepare and submit their certifications using forms and instructions provided by the State Water Board, Regional Water Board, or local agency or shall submit their information on a form that contains equivalent information. Facility operators whose facility no longer meets the certification conditions must notify the Regional Water Boards (and local agency) within 30 days and immediately comply with the Section B.5. sampling and analysis requirements. Should a Regional Water Board (or local agency) determine that a certification does not meet the conditions set forth below, facility operators must immediately comply with the Section B.5. sampling and analysis requirements.

a. Sampling and Analysis Exemptions

A facility operator is not required to collect and analyze samples in accordance with Section B.5. if the facility operator meets all of the conditions of one of the following certification programs:

i. No Exposure Certification (NEC)

This exemption is designed primarily for those facilities where all industrial activities are conducted inside buildings and where all materials stored and handled are not exposed to storm water. To qualify for this exemption, facility operators must certify that their facilities meet all of the following conditions:

- (1) All prohibited non-storm water discharges have been eliminated or otherwise permitted.
- (2) All authorized non-storm water discharges have been identified and addressed in the SWPPP.
- (3) All areas of past exposure have been inspected and cleaned, as appropriate.
- (4) All significant materials related to industrial activity (including waste materials) are not exposed to storm water or authorized non-storm water discharges.
- (5) All industrial activities and industrial equipment are not exposed to storm water or authorized non-storm water discharges.
- (6) There is no exposure of storm water to significant materials associated with industrial activity through other direct or indirect pathways such as from industrial activities that generate dust and particulates.
- (7) There is periodic re-evaluation of the facility to ensure conditions (1), (2), (4), (5), and (6) above are continuously met. At a minimum, re-evaluation shall be conducted once a year.

ii. Regional Water Board Certification Programs

The Regional Water Board may grant an exemption to the Section B.5. Sampling and Analysis Requirements if it determines a facility operator has met the conditions set forth in a Regional Water Board certification program. Regional Water Board certification programs may include conditions to (1) exempt facility operators whose facilities infrequently discharge storm water to waters of the United States, and (2) exempt facility operators



that demonstrate compliance with the terms and conditions of this General Permit.

iii. Local Agency Certifications

A local agency may develop a local agency certification program. Such programs must be approved by the Regional Water Board. An approved local agency program may either grant an exemption from the Section B.5. Sampling and Analysis Requirements or reduce the frequency of sampling if it determines that a facility operator has demonstrated compliance with the terms and conditions of this General Permit.

b. Sampling and Analysis Reduction

i. A facility operator may reduce the number of sampling events required to be sampled for the remaining term of this General Permit if the facility operator provides certification that the following conditions have been met:

- (1) The facility operator has collected and analyzed samples from a minimum of six storm events from all required drainage areas;
- (2) All prohibited non-storm water discharges have been eliminated or otherwise permitted;
- (3) The facility operator demonstrates compliance with the terms and conditions of the General Permit for the previous two years (i.e., completed Annual Reports, performed visual observations, implemented appropriate BMPs, etc.);
- (4) The facility operator demonstrates that the facility's storm water discharges and authorized non-storm water discharges do not contain significant quantities of pollutants; and
- (5) Conditions (2), (3), and (4) above are expected to remain in effect for a minimum of one year after filing the certification.

ii. Unless otherwise instructed by the Regional Water Board, facility operators shall collect and analyze samples from two additional storm events (or one additional storm event when certification filed for the wet season beginning October 1, 2001) during the remaining term of this General Permit in accordance with Table C below. Facility operators shall collect samples of the first

storm event of the wet season. Facility operators that do not collect samples from the first storm event of the wet season shall collect samples from another storm event during the same wet season. Facility operators that do not collect a sample in a required wet season shall collect the sample from another storm event in the next wet season. Facility operators shall explain in the Annual Report why the first storm event of a wet season was not sampled or a sample was not taken from any storm event in accordance with the Table C schedule.

Table C  
REDUCED MONITORING SAMPLING SCHEDULE

Facility Operator Filing Sampling Reduction Certification By	Samples Shall be Collected and Analyzed in These Wet Seasons	
	Sample 1	Sample 2
Oct. 1, 1997	Oct. 1, 1997-May 31, 1998	Oct. 1, 1999-May 31, 2000
Oct. 1, 1998	Oct. 1, 1998-May 31, 1999	Oct. 1, 2000-May 31, 2001
Oct. 1, 1999	Oct. 1, 1999-May 31, 2000	Oct. 1, 2001-May 31, 2002
Oct. 1, 2000	Oct. 1, 2000-May 31, 2001	Oct. 1, 2001-May 31, 2002
Oct. 1, 2001	Oct. 1, 2001-May 31, 2002	-

13. Records

Records of all storm water monitoring information and copies of all reports (including the Annual Reports) required by this General Permit shall be retained for a period of at least five years. These records shall include:

- a. The date, place, and time of site inspections, sampling, visual observations, and/or measurements;
- b. The individual(s) who performed the site inspections, sampling, visual observations, and or measurements;
- c. Flow measurements or estimates (if required by Section B.6);
- d. The date and approximate time of analyses;
- e. The individual(s) who performed the analyses;
- f. Analytical results, method detection limits, and the analytical techniques or methods used;
- g. Quality assurance/quality control records and results;

- h. Non-storm water discharge inspections and visual observations and storm water discharge visual observation records (see Sections B.3. and 4.);
- i. Visual observation and sample collection exception records (see Section B.5.a, 7.d, 8, and 12.b.ii.);
- j. All calibration and maintenance records of on-site instruments used;
- k. All Sampling and Analysis Exemption and Reduction certifications and supporting documentation (see Section B.12);
- l. The records of any corrective actions and follow-up activities that resulted from the visual observations.

14. Annual Report

All facility operators shall submit an Annual Report by July 1 of each year to the Executive Officer of the Regional Water Board responsible for the area in which the facility is located and to the local agency (if requested).

The report shall include a summary of visual observations and sampling results, an evaluation of the visual observation and sampling and analysis results, laboratory reports, the Annual Comprehensive Site Compliance Evaluation Report required in Section A.9., an explanation of why a facility did not implement any activities required by the General Permit (if not already included in the Evaluation Report), and records specified in Section B.13.i. The method detection limit of each analytical parameter shall be included. Analytical results that are less than the method detection limit shall be reported as "less than the method detection limit." The Annual Report shall be signed and certified in accordance with Standard Provisions 9. and 10. of Section C of this General Permit. Facility operators shall prepare and submit their Annual Reports using the annual report forms provided by the State Water Board or Regional Water Board or shall submit their information on a form that contains equivalent information.

15. Group Monitoring

Facility operators may participate in group monitoring as described below. A facility operator that participates in group monitoring shall develop and implement a written site-specific SWPPP and monitoring program in accordance with the General Permit and must satisfy any group monitoring requirements. Group monitoring shall be subject to the following requirements:

- a. A group monitoring plan (GMP) shall be developed and implemented by a group leader representing a group of

similar facility operators regulated by this General Permit or by a local agency which holds an NPDES permit (local agency permittee) for a municipal separate storm sewer system. GMPs with participants that discharge storm water within the boundaries of a single Regional Water Board shall be approved by that Regional Water Board. GMPs with participants that discharge storm water within the boundaries of multiple Regional Water Boards shall be approved by the State Water Board. The State Water Board and/or Regional Water Board(s) may disapprove a facility's participation in a GMP or require a GMP participant to conduct additional monitoring activities.

- b. Each GMP participant shall collect and analyze samples from at least two storm events in accordance with Section B.5. over the five-year period of this General Permit. The two storm event minimum applies to new and existing members. The group leader or local agency permittee shall schedule sampling to meet the following conditions: (i) to evenly distribute the sample collection over the five-year term of this General Permit, and (ii) to collect samples from the two storm events at each participant's facility in different and non-consecutive wet seasons. New participants who join in Years 4 and 5 of this General Permit are not subject to Condition (ii) above. Group leaders shall explain in the annual Group Evaluation Report why any scheduled samples were not collected and reschedule the sampling so that all required samples are collected during the term of this General Permit.
- c. The group leader or local agency permittee must have the appropriate resources to develop and implement the GMP. The group leader or local agency permittee must also have the authority to terminate any participant who is not complying with this General Permit and the GMP.
- d. The group leader or local agency permittee is responsible for:
  - i. Developing, implementing, and revising the GMP;
  - ii. Developing and submitting an annual Group Evaluation Report to the State Water Board and/or Regional Water Board by August 1 of each year that includes:
    - (1) An evaluation and summary of all group monitoring data,
    - (2) An evaluation of the overall performance of the GMP participants in complying with this General Permit and the GMP,

- (3) Recommended baseline and site-specific BMPs that should be considered by each participant based upon Items (1) and (2) above, and
  - (4) A copy of each evaluation report and recommended BMPs as required in Section B.15.d.v. below.
- iii. Recommending appropriate BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-storm water discharges;
  - iv. Assisting each participant in completing their Annual Comprehensive Site Compliance Evaluation and Annual Report;
  - v. Conducting a minimum of two on-site inspections of each participant's facility (it is recommended that these inspections be scheduled during the Annual Comprehensive Site Compliance Evaluation) during the term of this General Permit to evaluate the participant's compliance with this General Permit and the GMP, and to recommend any additional BMPs necessary to achieve compliance with this General Permit. Participants that join in Years 4 and 5 shall be scheduled for one evaluation. A copy of the evaluation and recommended BMPs shall be provided to the participants;
  - vi. Submitting a GMP (or revisions, as necessary), to the appropriate Regional Water Board(s) and State Water Board no later than September 1, 1997 (or August 1 in subsequent years). Once approved, a group leader or local agency permittee shall submit a letter of intent by August 1 of each year to continue the approved GMP. The letter of intent must include a roster of participants, participant's Waste Discharge Identification number (WDID#), updated sampling schedules, and any other revisions to the GMP;
  - vii. Revising the GMP as instructed by the Regional Water Board or the State Water Board; and
  - viii. Providing the State Water Board and/or Regional Water Board with quarterly updates of any new or deleted participants and corresponding changes in the sampling and inspection schedule.
- e. The GMP shall:

- i. Identify the participants of the GMP by name, location, and WDID number;
  - ii. Include a narrative description summarizing the industrial activities of participants of the GMP and explain why the participants, as a whole, have sufficiently similar industrial activities and BMPs to be covered by a group monitoring plan;
  - iii. Include a list of typical potential pollutant sources associated with the group participant's facilities and recommended baseline BMPs to prevent or reduce pollutants associated with industrial activity in the storm water discharges and authorized non-storm water discharges;
  - iv. Provide a five-year sampling and inspection schedule in accordance with Subsections b. and d.v. above.
  - v. Identify the pollutants associated with industrial activity that shall be analyzed at each participant's facility in accordance with Section B.5. The selection of these pollutants shall be based upon an assessment of each facility's potential pollutant sources and likelihood that pollutants associated with industrial activity will be present in storm water discharges and authorized non-storm water discharges in significant quantities.
- f. Sampling and analysis shall be conducted in accordance with the applicable requirements of this Section.
  - g. Unless otherwise instructed by the Regional Water Board or the State Water Board Executive Director, the GMPs shall be implemented at the beginning of the wet season (October 1).
  - h. All participants in an approved GMP that have not been selected to sample in a particular wet season are required to comply with all other monitoring program and reporting requirements of this Section including the submittal of an Annual Report by July 1 of each year to the appropriate Regional Water Board.
  - i. GMP participants subject to Federal storm water effluent limitation guidelines must perform the monitoring described in Section B.6. and submit the results of the monitoring to the appropriate Regional Water Board within the facility operator's Annual Report.

- j. GMPs and Group Evaluation Reports should be prepared in accordance with State Water Board (or Regional Water Board) guidance.
- k. GMP participants may receive Sampling and Analysis Reduction sampling credit in accordance with the following conditions:
  - i. Current or prior participants (group participants) of approved GMPs, who have not collected and analyzed samples from six storm events as required in Section B.7.b.i.(1), may substitute credit earned through participation in a GMP for up to four of the six required storm events. Credits for GMP participation shall be calculated as follows:
    - (1) Credit may only be earned in years of participation where the GMP participant was not scheduled to sample and the GMP was approved.
    - (2) One credit will be earned for each year of valid GMP participation.
    - (3) One additional credit may be earned for each year the overall GMP sample collection performance is greater than 75 percent.
  - ii. GMP participants substituting credit as calculated above shall provide proof of GMP participation and certification that all the conditions in Section B.12.b.i. have been met. GMP participants substituting credit in accordance with Section B.15.k.i.(3) shall also provide GMP sample collection performance documentation.
  - iii. GMP participants that qualify for Sampling and Analysis Reduction and have already sampled a storm event after October 1, 1997 shall only be required to sample one additional storm event during the remainder of this General Permit in accordance with the "Sample 2" schedule (or "Sample 1" schedule when certification filed for the wet season beginning October 1, 2001) in Table C of this Section.
- n. Group leaders shall furnish, within 60 days of receiving a request from the State Water Board or Regional Water Board, any GMP information and documentation necessary to verify the Section B.15.k. sampling credits. Group leaders may also provide this information and documentation to the group participants.

16. Watershed Monitoring Option

Regional Water Boards may approve proposals to substitute watershed monitoring for some or all of the requirements of this Section if the Regional Water Board finds that the watershed monitoring will provide substantially similar monitoring information in evaluating facility operator compliance with the requirements of this General Permit.



**TABLE D  
ADDITIONAL ANALYTICAL PARAMETERS**

<u>Subsector</u>	<u>SIC</u>	<u>Activity Represented</u>	<u>Parameters</u>
<b>SECTOR A. TIMBER PRODUCTS-</b>			
A1	2421	General Sawmills and Planing Mills .....	COD;TSS;Zn
A2	2491	Wood Preserving .....	As;Cu
A3	2411	Log Storage and Handling.....	TSS
A4	2426	Hardwood Dimension and Flooring Mills.....	COD;TSS
A4	2429	Special Product Sawmills, Not Elsewhere Classified.....	COD;TSS
A4	243X	Millwork, Veneer, Plywood, and Structural Wood .....	COD;TSS
A4	(except 2434-- Wood Kitchen Cabinet Manufacturers)		
A4	244X	Wood Containers .....	COD;TSS
A4	245X	Wood Buildings and Mobile Homes .....	COD;TSS
A4	2493	Reconstituted Wood Products .....	COD;TSS
A4	2499	Wood Products, Not Elsewhere Classified	
<b>SECTOR B. PAPER AND ALLIED PRODUCTS MANUFACTURING</b>			
B1	261X	Pulp Mills .....	
B2	262X	Paper Mills .....	
B3	263X	Paperboard Mills .....	COD
B4	265X	Paperboard Containers and Boxes.....	
B5	267X	Converted Paper and Paperboard Products, Except Containers and Boxes .....	
<b>SECTOR C. CHEMICAL AND ALLIED PRODUCTS MANUFACTURING</b>			
C1	281X	Industrial Inorganic Chemicals.....	Al;Fe;N+N
C2	282X	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic, and Other Manmade Fibers Except Glass .....	Zn
C3	283X	Drugs .....	
C4	284X	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations .....	N+N;Zn
C5	285X	Paints, Varnishes, Lacquers, Enamels, and Allied Products	
C6	286X	Industrial Organic Chemicals .....	
C7	287X	Nitrogenous and Phosphatic Basic Fertilizers, Mixed Fertilizer, Pesticides, and Other Agricultural Chemicals .....	Fe;N+N;Pb;Zn;P
C8	289X	Miscellaneous Chemical Products.....	
	3952	Inks and Paints, Including China Painting Enamels, India Ink, (limited to list) Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints, and Artist's Watercolors .....	
<b>SECTOR D. ASPHALT PAVING/ROOFING MATERIALS MANUFACTURERS AND LUBRICANT MANUFACTURERS</b>			
D1	295X	Asphalt Paving and Roofing Materials .....	TSS
D2	2992	Lubricating Oils and Greases.....	

<u>Parameter Names</u>			
Al - Aluminum	Cd - Cadmium	Cu - Copper	Mg - Magnesium
As - Arsenic	CN - Cyanide	Fe - Iron	Ag - Silver
NH <sub>3</sub> - Ammonia	Hg - Mercury	P - Phosphorus	Se - Selenium
Zinc	TSS -Total Suspended Solids	COD - Chemical Oxygen Demand	BOD - Biochemical Oxygen Demand
			N + N - Nitrate & Nitrite Nitrogen
			Pb - Lead

<u>Subsector</u>	<u>SIC</u>	<u>Activity Represented</u>	<u>Parameters</u>
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**SECTOR E. GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCT MANUFACTURING**

E1	3211	Flat Glass .....	
E1	322X	Glass and Glassware, Pressed or Blown .....	
E1	323X	Glass Products Made of Purchased Glass .....	
E2	3241	Hydraulic Cement .....	
E3	325X	Structural Clay Products .....	Al
E3	326X	Pottery and Related Products .....	Al
E3	3297	Non-Clay Refractories .....	Al
E4	327X	Concrete, Gypsum, and Plaster Products (Except Lime)..... (except 3274).	TSS;Fe
E4	3295	Minerals and Earths, Ground, or Otherwise Treated .....	TSS;Fe

**SECTOR F. PRIMARY METALS**

F1	331X	Steel Works, Blast Furnaces, Rolling & Finishing Mill.....	Al;Zn
F2	332X	Iron and Steel Foundries.....	Al;TSS;Cu;Fe;Zn
F3	333X	Primary Smelting and Refining of Nonferrous Metals.....	
F4	334X	Secondary Smelting and Refining of Nonferrous Metals.....	
F5	335X	Rolling, Drawing, and Extruding of Nonferrous Metals .....	Cu;Zn
F6	336X	Nonferrous Foundries (Castings).....	Cu;Zn
F7	339X	Miscellaneous Primary Metal Products	

**SECTOR G. METAL MINING (ORE MINING AND DRESSING) EXCEPT INACTIVE METAL MINING ACTIVITIES ON FEDERAL LANDS WHERE AN OPERATOR CANNOT BE IDENTIFIED**

	101X	Iron Ores.....	
	102X	Copper Ores.....	TSS;COD;N+N
G3	103X	Lead and Zinc Ores.....	
G4	104X	Gold and Silver Ores .....	
G5	106X	Ferroalloy Ores, Except Vanadium .....	
G6	108X	Metal Mining Services.....	
G7	109X	Miscellaneous Metal Ores .....	

**SECTOR H. COAL MINES AND COAL MINING-RELATED FACILITIES**

NA	12XX	Coal Mines and Coal Mining-Related Facilities.....	TSS;Al;Fe
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**SECTOR I. COAL MINES AND COAL MINING-RELATED FACILITIES**

I1	131X	Crude Petroleum and Natural Gas .....	
I2	132X	Natural Gas Liquids.....	
I3	138X	Oil and Gas Field Services .....	

**SECTOR J. MINERAL MINING AND DRESSING EXCEPT INACTIVE MINERAL MINING ACTIVITIES OCCURRING ON FEDERAL LANDS WHERE AN OPERATOR CANNOT BE IDENTIFIED**

J1	141X	Dimension Stone .....	TSS
J1	142X	Crushed and Broken Stone, Including Rip Rap.....	TSS
J1	148X	Nonmetallic Minerals, Except Fuels.....	TSS
J2	144X	Sand and Gravel .....	TSS;N+N
J3	145X	Clay, Ceramic, and Refractory Materials .....	
J4	147X	Chemical and Fertilizer Mineral Mining .....	
J4	149X	Miscellaneous Nonmetallic Minerals, Except Fuels.....	

<u>sector</u>	<u>SIC</u>	<u>Activity Represented</u>	<u>Parameters</u>
<b>SECTOR K. HAZARDOUS WASTE TREATMENT STORAGE OR DISPOSAL FACILITIES</b>			
NA	4953	Hazardous Waste Treatment Storage or Disposal .....	NH <sub>3</sub> ;Mg;COD;As Cd;CN;Pb Hg;Se;Ag
<b>SECTOR L. LANDFILLS AND LAND APPLICATION SITES</b>			
NA	4953	Landfills and Land Application Sites That Receive or..... Have Received Industrial Wastes, Except Inactive Landfills or Land Applications Sites Occurring on Federal Lands Where an Operator Cannot be Identified	TSS;Fe
<b>SECTOR M. AUTOMOBILE SALVAGE YARDS</b>			
NA	5015	Facilities Engaged in Dismantling or Wrecking Used Motor .....	TSS;Fe;Pb;Al
<b>SECTOR N. SCRAP RECYCLING FACILITIES</b>			
NA	5093	Processing, Reclaiming, and Wholesale Distribution of Scrap .....	TSS;Fe;Pb and Waste Materials..... Al;Cu;Zn;COD
<b>SECTOR O. STEAM ELECTRIC GENERATING FACILITIES</b>			
NA	4911	Steam Electric Power Generating Facilities .....	Fe
<b>SECTOR P. LAND TRANSPORTATION FACILITIES THAT HAVE VEHICLE AND EQUIPMENT MAINTENANCE SHOPS AND/OR EQUIPMENT CLEANING OPERATIONS</b>			
P1	40XX	Railroad Transportation .....	
P2	41XX	Local and Highway Passenger Transportation .....	
P3	42XX	Motor Freight Transportation and Warehousing .....	
P4	43XX	United States Postal Service .....	
P5	5171	Petroleum Bulk Stations and Terminals .....	
<b>SECTOR Q. WATER TRANSPORTATION FACILITIES THAT HAVE VEHICLE (VESSEL) &amp; EQUIPMENT MAINTENANCE SHOPS AND/OR EQUIPMENT CLEANING OPERATIONS</b>			
NA	44XX	Water Transportation .....	Al;Fe;Pb;Zn
<b>SECTOR R. SHIP AND BOAT BUILDING OR REPAIRING YARDS</b>			
NA	373X	Ship and Boat Building or Repairing Yards .....	
<b>SECTOR S. AIR TRANSPORTATION FACILITIES</b>			
NA	45XX	Air Transportation Facilities That Have Vehicle .....	BOD;COD;NH <sub>3</sub> ;pH
		Maintenance Ships, Material Handling Facilities, Equipment Cleaning Operations, or Airport and/or Aircraft Deicing/Anti-icing Operations	

<u>Subsector</u>	<u>SIC</u>	<u>Activity Represented</u>	<u>Parameters</u>
<b>SECTOR T. TREATMENT WORKS</b>			
NA	4952	Treatment Works Treating Domestic Sewage or Any Other Sewage Sludge or Wastewater Treatment Device or System Used in the Storage, treatment, recycling, or Reclamation of Municipal or Domestic Sewage with a Design Flow of 1.0 MGD or More or Required to Have an Approved Pretreatment Program.....	
<b>SECTOR U. FOOD AND KINDRED PRODUCTS</b>			
U1	201X	Meat Products .....	
U2	202X	Dairy Products.....	
U3	203X	Canned, Frozen and Preserved Fruits, Vegetables and Food Specialties .....	
U4	204X	Grain Mill Products.....	TSS
U5	205X	Bakery Products .....	
U6	206X	Sugar and Confectionery Products	
U7	207X	Fats and Oils.....	BOD;COD;TSS;N+N
U8	208X	Beverages .....	
U9	209X	Miscellaneous Food Preparations and Kindred Products.....	
NA	21XX	Tobacco Products .....	
<b>SECTOR V. TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING</b>			
	22XX	Textile Mill Products.....	
V2	23XX	Apparel and Other Finished Products Made From Fabrics and Similar Materials.....	
<b>SECTOR W. FURNITURE AND FIXTURES</b>			
NA	25XX	Furniture and Fixtures .....	
NA	2434	Wood Kitchen Cabinets .....	
<b>SECTOR X. PRINTING AND PUBLISHING</b>			
NA	2732	Book Printing .....	
NA	2752	Commercial Printing, Lithographic .....	
NA	2754	Commercial Printing, Gravure .....	
NA	2759	Commercial Printing, Nor Elsewhere Classified .....	
NA	2796	Platemaking and Related Services.....	
<b>SECTOR Y. RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISC. MANUFACTURING INDUSTRIES</b>			
Y1	301X	Tires and Inner Tubes .....	Zn
Y1	302X	Rubber and Plastics Footwear.....	Zn
Y1	305X	Gaskets, Packing, and Sealing Devices and Rubber and Plastics Hose and Belting .....	Zn
Y1	306X	Fabricated Rubber Products, Not Elsewhere Classified.....	Zn
Y2	308X	Miscellaneous Plastics Products .....	

<u>Subsector</u>	<u>SIC</u>	<u>Activity Represented</u>	<u>Parameters</u>
Y2	393X	Musical Instruments .....	
Y2	394X	Dolls, Toys, Games, and Sporting and Athletic Goods .....	
Y2	395X	Pens, Pencils, and Other Artists' Materials .....	
Y2	396X	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal .....	
Y2	399X	Miscellaneous Manufacturing Industries .....	

**SECTOR Z. LEATHER TANNING AND FINISHING**

NA	311X	Leather Tanning and Finishing .....	
NA	NA	Facilities that Make Fertilizer Solely From Leather Scraps and Leather Dust .....	

**SECTOR AA. FABRICATED METAL PRODUCTS**

AA1	3429	Hardware, Not Elsewhere Classified .....	Zn;N+N;Fe;Al
AA1	3441	Fabricated Structural Metal .....	Zn;N+N;Fe;Al
AA1	3442	Metal Doors, Sash, Frames, Molding, and Trim .....	Zn;N+N;Fe;Al
AA1	3443	Fabricated Plate Work (Boiler Shops) .....	Zn;N+N;Fe;Al
AA1	3444	Sheet Metal Work .....	Zn;N+N;Fe;Al
AA1	3451	Screw Machine Products .....	Zn;N+N;Fe;Al
AA1	3452	Bolts, Nuts, Screws, Rivets, and Washers .....	Zn;N+N;Fe;Al
1	3462	Iron and Steel Forgings .....	Zn;N+N;Fe;Al
.1	3471	Electroplating, Plating, Polishing, Anodizing, and Coloring .....	Zn;N+N;Fe;Al
AA1	3494	Valves and Pipe Fittings, Not Elsewhere Classified .....	Zn;N+N;Fe;Al
AA1	3496	Miscellaneous Fabricated Wire Products .....	Zn;N+N;Fe;Al
AA1	3499	Fabricated Metal Products, Not Elsewhere Classified .....	Zn;N+N;Fe;Al
AA1	391X	Jewelry, Silverware, and Plated Ware .....	Zn;N+N;Fe;Al
AA2	3479	Coating, Engraving, and Allied Services .....	Zn;N+N

**SECTOR AB. TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY**

NA	35XX	Industrial and Commercial Machinery (except 357X Computer and Office Equipment) .....	
NA	37XX	Transportation Equipment (except 373X Ship and Boat Building and Repairing) .....	

**SECTOR AC. ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS**

NA	36XX	Electronic and Other Electrical Equipment and Components, Except Computer Equipment .....	
NA	38XX	Measuring, Analyzing, and Controlling Instruments; Photographic, Medical, and Optical Goods; Watches and Clocks .....	
NA	357X	Computer and Office Equipment .....	

Section C: STANDARD PROVISIONS

1. Duty to Comply

The facility operator must comply with all of the conditions of this General Permit. Any General Permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act and is grounds for (a) enforcement action for (b) General Permit termination, revocation and reissuance, or modification or (c) denial of a General Permit renewal application.

The facility operator shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this General Permit has not yet been modified to incorporate the requirement.

2. General Permit Actions

This General Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the facility operator for a General Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any General Permit condition.

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this General Permit, this General Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition, and the facility operator so notified.

3. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a facility operator in an enforcement action that it would have been necessary to halt or reduce the general permitted activity in order to maintain compliance with the conditions of this General Permit.

4. Duty to Mitigate

The facility operator shall take all responsible steps to minimize or prevent any discharge in violation of this General Permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Proper Operation and Maintenance

The facility operator at all times shall properly operate and maintain any facilities and systems of treatment and control (and related appurtenances) which are installed or used by the facility operator to achieve compliance with the conditions of this General Permit and with the requirements of storm water pollution prevention plans (SWPPPs). Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance may require the operation of backup or auxiliary facilities or similar systems installed by a facility operator when necessary to achieve compliance with the conditions of this General Permit.

6. Property Rights

This General Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

7. Duty to Provide Information

The facility operator shall furnish the Regional Water Quality Control Board (Regional Water Board), State Water Resources Control Board (State Water Board), U.S. Environmental Protection Agency (U.S. EPA), or local storm water management agency, within a reasonable time specified by the agencies, any requested information to determine compliance with this General Permit. The facility operator shall also furnish, upon request, copies of records required to be kept by this General Permit.

8. Inspection and Entry

The facility operator shall allow the Regional Water Board, State Water Board, U.S. EPA, and local storm water management agency, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the facility operator's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this General Permit;
- b. Have access to and copy at reasonable times any records that must be kept under the conditions of this General Permit;

- c. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) that are related to or may impact storm water discharge or authorized non-storm water discharge; and
- d. Conduct monitoring activities at reasonable times for the purpose of ensuring General Permit compliance.

9. Signatory Requirements

- a. All Notices of Intent (NOIs) submitted to the State Water Board shall be signed as follows:
  - (1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (b) the manager of the facility if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. The principal executive officer of a Federal agency includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of U.S. EPA).
- b. All reports, certifications, or other information required by the General Permit or requested by the Regional Water Board, State Water Board, U.S. EPA, or local storm water management agency shall be signed by a person described above or by a duly authorized representative. A person is a duly authorized representative only if:
  - (1) The authorization is made in writing by a person described above and retained as part of the SWPPP.



- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for named position.)
- (3) If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be attached to the SWPPP prior to submittal of any reports, certifications, or information signed by the authorized representative.

#### 10. Certification

Any person signing documents under Provision 9. above shall make the following 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 ensure that qualified personnel properly gather and evaluate 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."

#### 11. Reporting Requirements

- a. Planned changes: The facility operator shall give advance notice to the Regional Water Board and local storm water management agency of any planned physical alteration or additions to the general permitted facility. Notice is required under this provision only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged.
- b. Anticipated noncompliance: The facility operator will give advance notice to the Regional Water Board and local storm water management agency of any planned changes at the permitted facility which may result in noncompliance with General Permit requirements.

- c. Compliance schedules: Reports of compliance or noncompliance with or any progress reports on interim and final requirements contained in any compliance schedule of this General Permit shall be submitted no later than 14 days following each scheduled date.
- d. Noncompliance reporting: The facility operator shall report any noncompliance at the time monitoring reports are submitted. The written submission shall contain (1) a description of the noncompliance and its cause; (2) the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and (3) steps taken or planned to reduce and prevent recurrence of the noncompliance.

12. Oil and Hazardous Substance Liability

Nothing in this General Permit shall be construed to preclude the institution of any legal action or relieve the facility operator from any responsibilities, liabilities, or penalties to which the facility operator is or may be subject under Section 311 of the CWA.

13. Severability

The provisions of this General Permit are severable; and if any provision of this General Permit or the application of any provision of this General Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this General Permit shall not be affected thereby.

14. Reopener Clause

This General Permit may be modified, revoked, and reissued, or terminated for cause due to promulgation of amended regulations, receipt of U.S. EPA guidance concerning regulated activities, judicial decision, or in accordance with 40 CFR 122.62, 122.63, 122.64, and 124.5. This General Permit may be reopened to modify the provisions regarding authorized non-storm water discharges specified in Section D. Special Conditions.

15. Penalties for Violations of General Permit Conditions.

- a. Section 309 of the CWA provides significant penalties for any person who violates a General Permit condition

implementing Sections 301, 302, 306, 307 308, 318, or 405 of the CWA, or any General Permit condition or limitation implementing any such section in a General Permit issued under Section 402. Any person who violates any General Permit condition of this General Permit is subject to a civil penalty not to exceed \$25,000 per day of such violation, as well as any other appropriate sanction provided by Section 309 of the CWA.

- b. The Porter-Cologne Water Quality Control Act also provides for civil and criminal penalties in some cases greater than those under the CWA.

16. Availability

A copy of this General Permit shall be maintained at the facility and be available at all times to the appropriate facility personnel and to Regional Water Board and local agency inspectors.

17. Transfers

This General Permit is not transferable from one facility operator to another facility operator nor may it be transferred from one location to another location. A new facility operator of an existing facility must submit an NOI in accordance with the requirements of this General Permit to be authorized to discharge under this General Permit.

18. Continuation of Expired General Permit

This General Permit continues in force and effect until a new general permit is issued or the State Water Board rescinds the General Permit. Facility operators authorized to discharge under the expiring general permit are required to file an NOI to be covered by the reissued General Permit.

19. Penalties for Falsification of Reports

Section 309(c)(4) of the CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this General Permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or by both.

FACILITIES COVERED BY THIS GENERAL PERMIT

Industrial facilities include Federal, State, municipally owned, and private facilities from the following categories:

1. FACILITIES SUBJECT TO STORM WATER EFFLUENT LIMITATIONS GUIDELINES, NEW SOURCE PERFORMANCE STANDARDS, OR TOXIC POLLUTANT EFFLUENT STANDARDS (40 Code of Federal Regulations (CFR) SUBCHAPTER N). Currently, categories of facilities subject to storm water effluent limitations guidelines are Cement Manufacturing (40 CFR Part 411), Feedlots (40 CFR Part 412), Fertilizer Manufacturing (40 CFR Part 418), Petroleum Refining (40 CFR Part 419), Phosphate Manufacturing (40 CFR Part 422), Steam Electric (40 CFR Part 423), Coal Mining (40 CFR Part 434), Mineral Mining and Processing (40 CFR Part 436), Ore Mining and Dressing (40 CFR Part 440), and Asphalt Emulsion (40 CFR Part 443).
2. ~~MANUFACTURING FACILITIES:~~ Standard Industrial Classifications (SICs) 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285) 29, 311, 32 (except 323), 33, 3441, and 373.
3. OIL AND GAS/MINING FACILITIES: SICs 10 through 14 including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(1) because of performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Act (SMCRA) authority has been released, or except for area of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990); oil and gas exploration, production, processing, or treatment operations; or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with any overburden, raw material, intermediate products, finished products, by-products, or waste products located on the site of such operations. Inactive mining operations are mined sites that are not being actively mined but which have an identifiable facility operator. Inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined material; or sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.
4. HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES: Includes those operating under interim status or a general permit under Subtitle C of the Federal Resource, Conservation, and Recovery Act (RCRA).
5. LANDFILLS, LAND APPLICATION SITES, AND OPEN DUMPS: Sites that receive or have received industrial waste from any of

the facilities covered by this General Permit, sites subject to regulation under Subtitle D of RCRA, and sites that have accepted wastes from construction activities (construction activities include any clearing, grading, or excavation that results in disturbance of five acres or more).

6. RECYCLING FACILITIES: SICs 5015 and 5093. These codes include metal scrapyards, battery reclaimers, salvage yards, motor vehicle dismantlers and wreckers, and recycling facilities that are engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waste material such as bottles, wastepaper, textile wastes, oil waste, etc.
7. STEAM ELECTRIC POWER GENERATING FACILITIES: Includes any facility that generates steam for electric power through the combustion of coal, oil, wood, etc.
8. TRANSPORTATION FACILITIES: SICs 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or other operations identified herein that are associated with industrial activity.
9. SEWAGE OR WASTEWATER TREATMENT WORKS: Facilities used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility with a design flow of one million gallons per day or more or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens, or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the Clean Water Act.
10. MANUFACTURING FACILITIES WHERE INDUSTRIAL MATERIALS, EQUIPMENT, OR ACTIVITIES ARE EXPOSED TO STORM WATER: SICs 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-4225.

**STORM WATER CONTACTS FOR  
THE STATE AND REGIONAL WATER BOARDS**

See Storm Water Contacts at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/contact.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/contact.shtml)

## NOTICE OF INTENT (NOI) INSTRUCTIONS

TO COMPLY WITH STATE WATER RESOURCES CONTROL BOARD  
WATER QUALITY ORDER NO. 97-03-DWQ  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
GENERAL PERMIT NO. CAS000001

### Who Must Submit

The facility operator must submit an NOI for each industrial facility that is required by U.S. Environmental Protection Agency (U.S.EPA) regulations to obtain a storm water permit. The required industrial facilities are listed in Attachment 1 of the General Permit and are also listed in 40 Code of Federal Regulations Section 122.26(b)(14).

The facility operator is typically the owner of the business or operation where the industrial activities requiring a storm water permit occur. The facility operator is responsible for all permit related activities at the facility.

Where operations have discontinued and significant materials remain on site (such as at closed landfills), the landowner may be responsible for filing an NOI and complying with this General Permit. Landowners may also file an NOI for a facility if the landowner, rather than the facility operator, is responsible for compliance with this General Permit.

### How and Where to Apply

The completed NOI form, a site map, and appropriate fee must be mailed to the State Water Resources Control Board (State Water Board) at the following address:

State Water Resources Control Board  
Division of Water Quality  
P.O. Box 1977  
Sacramento, CA 95812-1977  
Attn: Storm Water Permitting Unit

**Please Note:** Do not send the original or copies of the NOI submittal to the Regional Water Quality Control Board (Regional Water Board). The original NOI will be forwarded to the Regional Water Board after processing.

**Do not send a copy of your Storm Water Pollution Prevention Plan (SWPPP) with your NOI submittal.** Your SWPPP is to be kept on site and made available for review upon request.

### **When to Apply**

Facility operators of existing facilities must file an NOI in accordance with these instructions by March 30, 1992. Facility

operators of new facilities (those beginning operations after March 30, 1992) must file an NOI in accordance with these instructions at least 14 days prior to the beginning of operations.

Once the completed NOI, site map, and appropriate fee have been submitted to the State Water Board, your NOI will be processed and you will be issued a receipt letter with a Waste Discharge Identification (WDID) Number. Please refer to this number when you contact either the State or Regional Water Boards.

### **Fees**

The total annual fee is \$1359.00. Checks should be made payable to: SWRCB

### **Change of Information**

If the information provided on the NOI or site map changes, you should report the changes to the State Water Board using an NOI form. Section I of the line-by-line instructions includes information regarding changes to the NOI.

### **Questions**

If you have any questions completing the NOI, please call the appropriate Regional Water Board (Attachment 2) or the State Water Board at (916) 341-5538.

### **NOI LINE-BY-LINE INSTRUCTIONS**

Please type or print your responses on the NOI. Please complete the NOI form in its entirety and sign the certification.

#### **Section I--NOI STATUS**

Check box "A" if this is a new NOI registration.

Check box "B" if you are reporting changes to the NOI (e.g., new contact person, phone number, mailing address). Include the facility WDID #. Highlight all the information that has been changed.

Please note that a change of information **does not** apply to a change of facility operator or a change in the location of the facility. These changes require a Notice of Termination (NOT) and submittal of a new NOI and annual fee. Contact the State Water Board or Regional Water Boards for more information on the NOT Form and instructions.

Regardless of whether you are submitting a new or revised NOI, you must complete the NOI in its entirety and the NOI must be signed.



**Section II--Facility Operator Information**

Part A: The facility operator is the legal entity that is responsible for all permit related compliance activities at the facility. In most cases, the facility operator is the owner of the business or operation where the industrial activity occurs. Give the legal name and the address of the person, firm, public organization, or any other entity that is responsible for complying with the General Permit.

Part B: Check the box that indicates the type of operation.

**Section III--Facility Site Information**

Part A: Enter the facility's official or legal name and provide the address. Facilities that do not have a street address must provide cross-streets or parcel numbers. Do not include a P.O. Box address in Part A.

Part B: Enter the mailing address of the facility if different than Part A. This address may be a P.O. Box.

The contact person should be the plant or site manager who is familiar with the facility and responsible for overseeing compliance of the General Permit requirements.

Part C: Enter the total size of the facility in either acres or square feet. Also include the percentage of the site that is impervious (areas that water cannot soak into the ground, such as concrete, asphalt, and rooftops).

Part D: Determine the Standard Industrial Classification (SIC) code which best identifies the industrial activity that is taking place at the facility. This information can be obtained by referring to the Standard Industrial Classification Manual prepared by the Federal Office of Management and Budget which is available at public libraries. The code you determine should identify the industrial activity that requires you to submit the NOI. (For example, if the business is high school education and the activity is school bus maintenance, the code you choose would be bus maintenance, not education.) Most facilities have only one code; however, additional spaces are provided for those facilities that have more than one activity.

Part E: Identify the title of the industrial activity that requires you to submit the NOI (e.g., the title of SIC Code 2421 is Sawmills and Planing Mills, General). If you cannot identify the title, provide a description of the regulated activity(s).

**Section IV--Address for Correspondence**

Correspondence relative to the permit will be mailed occasionally. Check the box which indicates where you would like such correspondence delivered. If you want correspondence sent to another contact person or address different than indicated in Section II or Section III then include the information on an extra sheet of paper.

**Section V--Billing Address Information**

To continue coverage under the General Permit, the annual fee must be paid. Use this section to indicate where the annual fee invoices should be mailed. Enter the billing address if different than the address given in Sections II or III.

**Section VI--Receiving Water Information**

Provide the name of the receiving water where storm water discharge flows from your facility. A description of each option is included below.

1. Directly to waters of the United States: Storm water discharges directly from the facility to a river, creek, lake, ocean, etc. Enter the name of the receiving water (e.g., Boulder Creek).
2. Indirectly to waters of the United States: Storm water discharges over adjacent properties or right-of-ways prior to discharging to waters of the United States. Enter the name of the closest receiving water (e.g., Clear Creek).

**Section VII--Implementation of Permit Requirements**

Parts A and B: Check the boxes that best describe the status of the Storm Water Pollution Prevention Plan (SWPPP) and the Monitoring Program.

Part C: Check yes or no to questions 1 through 4. If you answer no to any question, you need to assign a person to these tasks immediately.

As a permit holder you are required to have an SWPPP and Monitoring Program in place prior to the beginning of facility operations. Failure to do so is in direct violation of the General Permit. Do not send a copy of your SWPPP with your NOI submittal.

Please refer to Sections A and B of the General Permit for additional information regarding the SWPPP and Monitoring Program.

**Section VIII--Site Map**

Provide a "to scale" drawing of the facility and its immediate surroundings. Include as much detail about the site as possible. At a minimum, indicate buildings, material handling and storage areas, roads, names of adjacent streets, storm water discharge points, sample collection points, and a north arrow. Whenever

possible limit the map to a standard size sheet of paper (8.5" x 11" or 11" x 17"). **Do not send blueprints** unless you are sending one page and it meets the size limits as defined above.

A location map may also be included, especially in cases where the facility is difficult to find, but are not to be submitted as a substitute for the site map. The location map can be created from local street maps and U.S. Geological Survey (USGS) quadrangle maps, etc.

A revised site map must be submitted whenever there is a significant change in the facility layout (e.g., new building, change in storage locations, boundary change, etc.).

#### **Section IX--Certification**

This section should be read by the facility operator. The certification provides assurances that the NOI and site map were completed by the facility operator in an accurate and complete fashion and with the knowledge that penalties exist for providing false information. It also requires the Responsible Party to certify that the provisions in the General Permit will be complied with.

The NOI must be signed by:

**For a Corporation:** a responsible corporate officer (or authorized individual).

**For a Partnership or Sole Proprietorship:** a general partner or the proprietor, respectively.

**For a Municipality, State, or other non-Federal Public Agency:** either a principal executive officer or ranking elected official.

**For a Federal Agency:** either the chief or senior executive officer of the agency.

**DEFINITIONS**

1. "Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment measures, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may include any type of pollution prevention and pollution control measure necessary to achieve compliance with this General Permit.
2. Clean Water Act (CWA) means the Federal Water Pollution Control Act enacted by Public Law 92-500 as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; 33 USC. 1251 et seq.
3. "Facility" is a collection of industrial processes discharging storm water associated with industrial activity within the property boundary or operational unit.
4. "Non-Storm Water Discharge" means any discharge to storm sewer systems that is not composed entirely of storm water.
5. "Significant Materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any chemical the facility is required to report pursuant to Section 313 of Title III of Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.
6. "Significant Quantities" is the volume, concentrations, or mass of a pollutant that can cause or threaten to cause pollution, contamination, or nuisance; adversely impact human health or the environment; and/or cause or contribute to a violation of any applicable water quality standards for the receiving water.
7. "Significant Spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the CWA (see 40 CFR 110.10 and 117.21) or Section 102 of CERCLA (see 40 CFR 302.4).
8. "Storm water" means storm water runoff, snow melt runoff, and storm water surface runoff and drainage. It excludes infiltration and runoff from agricultural land.

9. "Storm Water Associated with Industrial Activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the facilities identified in Categories 1 through 9 of Attachment 1 of this General Permit, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials; manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters (as defined at 40 CFR Part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

For the facilities identified in Category 10 of Attachment 1 of this General Permit, the term only includes storm water discharges from all areas listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water.

Material handling activities include the: storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are federally, State, or municipally owned or operated that meet the description of the facilities listed in this paragraph) include those facilities designated under 40 CFR 122.26(a)(1)(v).

## ACRONYM LIST

BAT	Best Available Technology Economically Achievable
BCT	Best Conventional Pollutant Control Technology
BMPs	Best Management Practices
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Federal Superfund)
CFR	Code of Federal Regulations
CWA	Clean Water Act
General Permit	General Industrial Activities Storm Water Permit
GMP	Group Monitoring Plan
NEC	No Exposure Certification
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
O&G	Oil and Grease
RCRA	Resource, Conservation, and Recovery Act
Regional Water Board	Regional Water Quality Control Board
RQ	Reportable Quantity
SARA	Superfund Amendments and Reauthorization Act of 1986
SIC	Standard Industrial Classification
SMCRA	Surface Mining Control and Reclamation Act
SPCC	Spill Prevention Control and Countermeasures
State Water Board	State Water Resources Control Board
SWPPP	Storm Water Pollution Prevention Plan
TOC	Total Organic Carbon
TSS	Total Suspended Solids
U.S. EPA	U.S. Environmental Protection Agency
WDID	Waste Discharger Identification
WDRs	Waste Discharge Requirements



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

April 22, 2015

Miguel A. Galvez  
Stanislaus County Planning & Comm. Dev.  
1010 10th Street, Suite 3400  
Modesto, CA 95354

RECEIVED

APR 27 2015

STANISLAUS CO. PLANNING &  
COMMUNITY DEVELOPMENT DEPT.

Subject: Use Permit Application No. PLN2013-0078 - Central Valley Recycling Inc.  
SCH#: 2013102019

Dear Miguel A. Galvez:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 21, 2015, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures

cc: Resources Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2013102019  
**Project Title** Use Permit Application No. PLN2013-0078 - Central Valley Recycling Inc.  
**Lead Agency** Stanislaus County

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**Type** MND Mitigated Negative Declaration  
**Description** Request to intensify an existing California Redemption Value (CRV) and scrap metal recycling facility on two parcels totaling approximately 2.2 acres. The proposal would increase the volume of scrap metal recycling from an average of 1,350 tons to a maximum of 2,500 tons per month, and the number of employees from nine to 18 full time and five part time employees. Scrap metal will be cut, crushed, baled, and then transported off-site for further processing.

---

**Lead Agency Contact**

**Name** Miguel A. Galvez  
**Agency** Stanislaus County Planning & Comm. Dev.  
**Phone** (209) 525-6330 **Fax**  
**email**  
**Address** 1010 10th Street, Suite 3400  
**City** Modesto **State** CA **Zip** 95354

---

**Project Location**

**County** Stanislaus  
**City** Modesto, Ceres  
**Region**  
**Lat / Long**  
**Cross Streets** S. 9th Street, Hosmer Avenue, Bystrum Road  
**Parcel No.** 038-012-008 & 038-012-009  
**Township** 4 **Range** 9 **Section** 4 **Base** MDB&M

---

**Proximity to:**

**Highways** Hwy 99  
**Airports** Modesto  
**Railways** Union Pacific  
**Waterways** Tuolumne River and Dry Creek  
**Schools** Tuolumne & Shackelford ES, Mae Hensley JHS, Modesto HS  
**Land Use** PLU: Recycling Facility  
Z: C-2 (General Commercial)  
GPD: Commercial

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**Project Issues**

**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Central Valley Flood Protection Board; Department of Water Resources; Resources, Recycling and Recovery; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 10; Air Resources Board; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

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**Date Received** 03/23/2015 **Start of Review** 03/23/2015 **End of Review** 04/21/2015

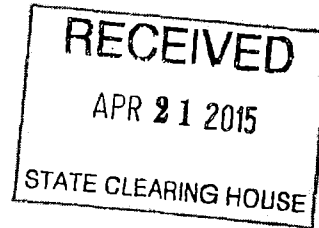



**DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027  
P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

April 21, 2015

Mr. Miguel A. Galvez  
Stanislaus County Planning & Comm. Dev.  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354



**Subject: SCH No. 2013102019:** Notice of Completion/Notice of Intent to Adopt a Mitigated Negative Declaration for Central Valley Recycling, Inc. - County of Stanislaus

Dear Mr. Galvez:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments for this proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

### PROJECT DESCRIPTION

Based on the information provided in the Notice of Completion and Notice of Intent to Adopt a Mitigated Negative Declaration, the proposed project would allow for an increase in tonnage from 1,350 tons per month to 2,500 tons per month. The facility will accept and process source separated recyclables: aluminum, copper, cardboard, plastic, ferrous metals, glass (CRV), end of life vehicles and general metal scrap. The proposed project would not accept material that is mixed with non-recyclable material. No disposal of solid waste will occur as part of the project operations. Facility and vehicle maintenance activities will also be conducted onsite. Scrap metal will be processed and transported off site.

### COMMENTS

As stated in a letter dated October 28, 2013: A "Recycling Center" shall not be subject to CalRecycle's Transfer/Processing Regulatory Requirements of Title 14, California Code of Regulations (14 CCR), if it meets the requirements as listed in 14 CCR Section 17402.5, otherwise known as the Three-Part Test.

In summary, the Three-Part Test requires the following criteria be met to be considered a "Recycling Center":

- The facility shall only receive material that has been separated for reuse prior to receipt (CCR, Title 14, Section 17402.5 (d)(1)).
- Residual amount of solid waste in the material is less than 10 percent of the amount of separated for reuse material received by weight (CCR, Title 14, Section 17402.5(d)(2)).
- The amount of putrescible wastes in the separated for reuse material is less than 1 percent of the amount of separated for reuse material received by weight and the putrescible wastes in

Mr. Galvez  
Central Valley Recycling, Inc.  
April 21, 2015  
Page 2 of 2

the separated for reuse material shall not cause a nuisance, as determined by the Enforcement Agency (CCR, Title 14, Section 17402.5 (d)(3)).

For more specifics regarding the Three-Part Test refer to:

<http://www.calrecycle.ca.gov/LEA/Advisories/58/default.htm>.

Will the proposed project be designed and operated to meet the criteria of the Three-Part Test? It is recommended that operators of "recycling centers" that plan to operate in a manner that meets the Three-Part Test maintain adequate records documenting that they meet the criteria.

## CONCLUSION

The Enforcement Agency (EA) is responsible for making a determination as to whether the proposed operation meets the requirements of a "Recycling Center." CalRecycle is the EA for Stanislaus County. If the operation is determined not to be a "Recycling Center," then the Transfer/Processing regulations would apply. The Transfer/Processing regulations may be viewed at CalRecycle's website:

<http://www.calrecycle.ca.gov/Laws/Regulations/Title14/default.htm>

In addition, a guide for Lead Agencies in the preparation of CEQA documentation for the construction and/or operation of a transfer/processing facility may be viewed at CalRecycle's website:

<http://www.calrecycle.ca.gov/SWFacilities/Permitting/CEQA/Documents/Guidance/Transfer.htm>

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the environmental document and hopes that this comment letter will be useful to the Lead Agency in carrying out their responsibilities in the CEQA process.

CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any notices of determination for this project are sent to the Permitting and Assistance Branch.

If you have any questions or comments regarding this letter, please contact me at (916) 341-6772, or email me at [joy.isaacson@calrecycle.ca.gov](mailto:joy.isaacson@calrecycle.ca.gov).

Sincerely,



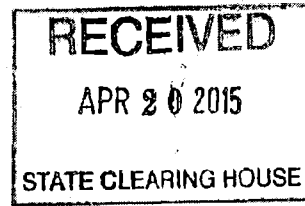
Joy Isaacson  
Permitting and Assistance Branch  
Waste Permitting, Compliance, and Mitigation Division  
CalRecycle



Central Valley Regional Water Quality Control Board

14 April 2015

Cl 2015  
4/21/15  
e



CERTIFIED MAIL  
7014 2870 0000 7535 8263

Miguel Galvez  
Stanislaus County  
Department of Planning and Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

**COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, USE PERMIT APPLICATION NO. PLN2013-0078 – CENTRAL VALLEY RECYCLING, INC. PROJECT, SCH# 2013102019, STANISLAUS COUNTY**

Pursuant to the State Clearinghouse's 23 March 2015 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Use Permit Application No. PLN2013-0078 – Central Valley Recycling, Inc. Project, located in Stanislaus County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

### **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

### **Waste Discharge Requirements**

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.

There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/app\\_approval/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml); or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory

Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

**Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

If you have questions regarding these comments, please contact me at (916) 464-4684 or [tcleak@waterboards.ca.gov](mailto:tcleak@waterboards.ca.gov).



Trevor Cleak  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

**From:** JAMI AGGERS <JAGGERS@envres.org>  
**To:** BRYAN KUMIMOTO <BKUMIMOTO@envres.org>  
**CC:** Angela Freitas <ANGELA@stancounty.com>  
**Date:** 4/23/2015 8:32 AM  
**Subject:** Re: Central Valley recycling

Great. Thnx!

Sent from my iPhone

> On Apr 23, 2015, at 8:10 AM, "BRYAN KUMIMOTO" <BKUMIMOTO@envres.org> wrote:

>

> Jami,

> The issues from Central Valley Recycling were from the operation of the auto wreacking and salvage operation creating dust and noise. These complaints had to do with zoning/use permit issue that went before the planning commission.

> The Solid Waste beverage container recycling program was not an issue so we have no comments.

> Bryan

>

> -----Original Message-----

> From: JAMI AGGERS

> Sent: Wednesday, April 22, 2015 2:07 PM

> To: BERONIA BENIAMINE; BRYAN KUMIMOTO

> Cc: MERRY MAYHEW

> Subject: FW: Central Valley recycling

>

> Hi there. Just fyi - Angela asked me today about Initial Study comments for the referenced facility on 9th Street. It goes to the Planning Commission on May 7th and she wanted to reach out because no comments were received from SW or HM. Do you have any compliance issues with this facility? If you do, they would need to know this. The neighbor, Rebecca Harrington was at the podium again last night alleging problems. I doubt SW would have any issues, but HM did have some concerns at one time. Please let me know ASAP. thnx, Jami

>

> -----Original Message-----

> From: JAMI AGGERS

> Sent: Wednesday, April 22, 2015 1:02 PM

> To: JAMI AGGERS

> Subject: Central Valley recycling

>

>

>

> Sent from my iPhone

**From:** JAMI AGGERS <JAGGERS@envres.org>  
**To:** Angela Freitas <ANGELA@stancounty.com>  
**Date:** 4/22/2015 3:46 PM  
**Subject:** FW: Central Valley recycling

Fyi. Have not yet heard from Bryan. Thnx, Jami

-----Original Message-----

**From:** BERONIA BENIAMINE  
**Sent:** Wednesday, April 22, 2015 3:27 PM  
**To:** JAMI AGGERS; BRYAN KUMIMOTO  
**Cc:** MERRY MAYHEW  
**Subject:** RE: Central Valley recycling

Jami,

If I recall, we had some compliance issues with this business, but it was resolved. We inspected them on November of 2013, and again in March of 2014. According to the CUPA database, the facility is in compliance with our CUPA programs requirements. I reviewed the project and it is my opinion that the proposed expansion will not have any significant impact on soil and groundwater, if the facility maintains compliance with all the HM rules and regulations. The impact will be mainly on traffic, since they expect 250 cars per day. Noise and odor will be another problem. Therefore Air emissions will be increased due to increase in vehicles dropping off recyclables materials. There is also a concern about exposure of sensitive receptors to air pollutants from mobile sources. As far as our programs, we have no issues with this expansion, as long as they comply with the business plan/hazardous waste generator/AGT program requirements.

Please note that HM staff conduct annual inspection for this facility, instead of triannual, to monitor their compliance more closely.

Thanks,  
Best Regards  
Beronia Beniamine  
Department of Environmental Resources  
Hazardous Material Division manager  
3800 Cornucopia Way, Suite C  
Modesto, CA 95358  
Direct: 209-525-6746  
Cell: 209-652-1964  
Fax: 209-525-6773  
Email: bbeniamine@envres.org

-----Original Message-----

**From:** JAMI AGGERS  
**Sent:** Wednesday, April 22, 2015 2:07 PM  
**To:** BERONIA BENIAMINE; BRYAN KUMIMOTO  
**Cc:** MERRY MAYHEW  
**Subject:** FW: Central Valley recycling

Hi there. Just fyi - Angela asked me today about Initial Study comments for the referenced facility on 9th Street. It goes to the Planning Commission on May 7th and she wanted to reach out because no comments were received from SW or HM. Do you have any compliance issues with this facility? If you do, they would need to know this. The neighbor, Rebecca Harrington was at the podium again last night alleging problems. I doubt SW would have any issues, but HM did have some concerns at one time. Please let me know ASAP. thnx, Jami





# BOLLARD ACOUSTICAL CONSULTANTS, INC.

Acoustics ▶ Vibration ▶ Noise Control Engineering

April 17, 2015

Mr. Mark Niskanen  
J.B. Anderson Land Use Planning  
139 S. Stockton Avenue  
Ripon, CA 95366

Transmitted via email: [Mark@jbandersonplanning.com](mailto:Mark@jbandersonplanning.com)

**Subject: Noise barrier height requirements for Central Valley Recycle (CVR) Facility located in Stanislaus County, California.**

Dear Mr. Niskanen,

Pursuant to your request, Bollard Acoustical Consultants, Inc. (BAC) has reviewed the noise barrier height requirements for the CVR facility in Stanislaus County, CA. This letter contains the results of that review.

## **Noise Barrier Long Eastern Site Boundary**

Currently, there is a 6 foot tall solid wall along the majority of the eastern project property line. The most recent noise level testing conducted by BAC for this facility indicated that the implementation of multiple noise mitigation measures by the project applicant has resulted in compliance with Stanislaus County noise standards. Nonetheless, BAC's original recommendation that the property line noise barrier along the eastern site boundary be 10 feet in height is still recommended. The extra four (4) feet of barrier height would provide lower overall noise levels at the nearest residences to the east, and would provide a margin of safety relative to the County's noise standards.

## **Noise Barrier at Eastern Boundary of Tin Pile**

Currently, there is a 6 foot tall solid wall along the eastern edge of the tin pile. As noted previously, the most recent noise level testing conducted by BAC for this facility indicated that the implementation of multiple noise mitigation measures by the project applicant has resulted in compliance with Stanislaus County noise standards. Provided the noise barrier along the eastern site boundary is increased to 10 feet in height as recommended. BAC does not believe that increasing the height of the barrier adjacent to the tin pile is warranted, or that an additional 2-feet of barrier height at the tin pile would provide an appreciable additional decrease in facility noise levels at the nearest residences. As a result, no additional increase in barrier height at the boundary of the tin pile is recommended at this time.

Mr. John B. Anderson  
J.B. Anderson Land Use Planning  
April 17, 2015  
Page 2

This concludes BAC's review of the noise barrier issues for the CVR facility in Stanislaus County. 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.

A handwritten signature in cursive script that reads "Paul Bollard". The signature is written in black ink and is positioned above the printed name.

Paul Bollard, President, INCE Board Certified



RECEIVED

APR 21 2015

STANISLAUS COUNTY WATER BOARD  
COMMUNITY DEVELOPMENT DEPT



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**Central Valley Regional Water Quality Control Board**

14 April 2015

Miguel Galvez  
Stanislaus County  
Department of Planning and Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

CERTIFIED MAIL  
7014 2870 0000 7535 8263

**COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, USE PERMIT APPLICATION NO. PLN2013-0078 – CENTRAL VALLEY RECYCLING, INC. PROJECT, SCH# 2013102019, STANISLAUS COUNTY**

Pursuant to the State Clearinghouse’s 23 March 2015 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Use Permit Application No. PLN2013-0078 – Central Valley Recycling, Inc. Project, located in Stanislaus County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

---

<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

### **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

### **Waste Discharge Requirements**

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.

There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/app\\_approval/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml); or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory

Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

**Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

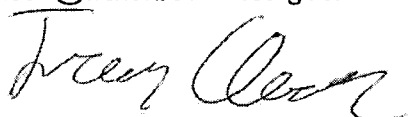
For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

If you have questions regarding these comments, please contact me at (916) 464-4684 or [tcleak@waterboards.ca.gov](mailto:tcleak@waterboards.ca.gov).



Trevor Cleak  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento



**CHIEF EXECUTIVE OFFICE**

*Stan Risen  
Chief Executive Officer*

*Patricia Hill Thomas  
Chief Operations Officer/  
Assistant Executive Officer*

*Keith D. Boggs  
Assistant Executive Officer*

*Jody Hayes  
Assistant Executive Officer*

1010 10<sup>th</sup> Street, Suite 6800, Modesto, CA 95354  
Post Office Box 3404, Modesto, CA 95353-3404

Phone: 209.525.6333 Fax 209.544.6226

**STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE**

April 2, 2015

Miguel Galvez, Senior Planner  
Stanislaus County Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

**SUBJECT: ENVIRONMENTAL REFERRAL – USE PERMIT APPLICATION NO. PLN2013-0078 – CENTRAL VALLEY RECYCLING, INC. – INITIAL STUDY AND NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**

Mr. Galvez:

Thank you for the opportunity to review the above-referenced project.

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Patrick Cavanah  
Management Consultant  
Environmental Review Committee

PC:ss

cc: ERC Members

**Miguel Galvez - Fwd: Stanislaus County CEQA Referral Response - PLN 2013 - 0078**

**From:** "James Michaels" <James.Michaels@ci.ceres.ca.us>  
**To:** <GALVEZM@stancounty.com>  
**Date:** 4/2/2015 9:16 AM  
**Subject:** Fwd: Stanislaus County CEQA Referral Response - PLN 2013 - 0078  
**CC:** "Tom Westbrook" <Tom.Westbrook@ci.ceres.ca.us>  
**Attachments:** Scanned from Annex Xerox Multifunction Device.pdf

Hello Miguel,

The City of Ceres Planning Division staff has reviewed the Initial Study that was prepared for the project (see attachment) and has the following comments:

\* Based on the information provided in the Initial Study, it appears that the mitigation measures proposed would be adequate to address potential impacts that may arise with the project, and the Stanislaus County staff shall ensure that all of the mitigation measures included in the Mitigated Negative Declaration are included in the project's conditions of approval. However, since the City has not reviewed the final conditions of approval for the project, staff requests notification as to when the public hearing for this item will be held and a copy of the final staff report and proposed conditions of approval for the project.

\* One additional recommendation City staff has on this project is for the County to include a condition of approval for Revocation Proceedings that would allow the County Planning Commission to periodically review and potentially revoke the use permit if the owner/operator of the recycling facility fails to comply with the use permit or if the conditions of approval and mitigation measures imposed on the project do not adequately address the impacts of this project.

Sincerely,

James Michaels, Associate Planner  
City of Ceres  
Planning and Building Division  
2220 Magnolia Street  
Ceres, CA 95307  
Phone: 209.538.5789 Fax: 209.538.5759  
[www.ci.ceres.ca.us](http://www.ci.ceres.ca.us)

>>> <annexcopier@ci.ceres.ca.us> 4/2/2015 8:30 AM >>>

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Device.

Sent by: Guest [annexcopier@ci.ceres.ca.us]  
Attachment File Type: pdf, Multi-Page

Multifunction Device Location:  
Device Name: an-copier



**STANISLAUS COUNTY  
CEQA REFERRAL RESPONSE FORM**

**TO:** Stanislaus County Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

**FROM:** CITY OF CERES - PLANNING DIVISION

**PROJECT:** USE PERMIT APPLICATION NO. PLN2013-0078 - CENTRAL VALLEY RECYCLING, INC.

Based on this agency's particular field(s) of expertise, it is our position the above described project:

- Will not have a significant effect on the environment.  
 May have a significant effect on the environment.  
 No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) - (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts **PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):**

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

④ Based on the information provided in the Initial Study, it appears that the mitigation measures proposed would be adequate to address potential impacts that may arise with the project. County staff shall ensure that all of the mitigation measures included in the Mitigated Negative Declaration are included in the project's conditions of approval.

James Michaels                      Associate Planner                      April 2, 2015  
Name                                      Title                                      Date



DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

1010 10<sup>TH</sup> Street, Suite 3400, Modesto, CA 95354  
Phone: 209.525-6330 Fax: 209.525.5911

## CEQA Referral Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration

**Date:** March 20, 2015

**To:** Distribution List (See Attachment A)

**From:** Miguel A. Galvez, Senior Planner, Planning and Community Development

**Subject:** USE PERMIT APPLICATION NO. PLN2013-0078 - CENTRAL VALLEY RECYCLING, INC.

**Comment Period:** March 20, 2015 - April 22, 2015

**Respond By:** April 22, 2015

**Public Hearing Date:** Not yet scheduled. A separate notice will be sent to you when a hearing is scheduled.

You may have previously received an Early Consultation Notice regarding this project, and your comments, if provided, were incorporated into the Initial Study. Based on all comments received, Stanislaus County anticipates adopting a Mitigated Negative Declaration for this project. This referral provides notice of a 30-day comment period during which Responsible and Trustee Agencies and other interested parties may provide comments to this Department regarding our proposal to adopt the Mitigated Negative Declaration.

All applicable project documents are available for review at: Stanislaus County Department of Planning and Community Development, 1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA 95354. Please provide any additional comments to the above address or call us at (209) 525-6330 if you have any questions. Thank you.

**Applicant:** Central Valley Recycling, Inc.

**Project Location:** 522 & 524 S. 9<sup>th</sup> Street, on the east side of S. 9<sup>th</sup> Street, north of Hosmer Avenue, west of Bystrum Road, in the Ceres area.

**APN:** 038-012-008 and 038-012-009

**Williamson Act Contract:** N/A

**General Plan:** Commercial

**Zoning:** C-2 (General Commercial)

**Project Description:** Request to intensify an existing California Redemption Value (CRV) and scrap metal recycling facility on two parcels totaling approximately 2.2 acres. The proposal would increase the volume of scrap metal recycling from an average of 1,350 tons to a maximum of 2,500 tons per month, and the number of employees from nine (9) to 18 full time and five (5) part time employees. Scrap metal will be cut, crushed, baled, and then transported off-site for further processing. Expanded project description available on Initial Study.

Full document with attachments available for viewing at:  
<http://www.stancounty.com/planning/pl/act-projects.shtm>

*N/A sent 04/02/2015*



DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9492  
Phone: (209) 525-6700 Fax: (209) 525-6774

March 30, 2015

**TO:** MIGUEL GALVEZ, STANISLAUS COUNTY PLANNING & COMMUNITY DEVELOPMENT

**FROM:** AMBER MINAMI, DEPARTMENT OF ENVIRONMENTAL RESOURCES

**SUBJECT:** USE PERMIT APPLICATION NO. PLN2013-0078 - CENTRAL VALLEY RECYCLING, INC.

The Department has reviewed the information available on the subject project and it is our position that the project **will not have a significant effect on the environment**. Listed below are the specific impacts which support our determination and the mitigation or condition that needs to be implemented.

The applicant should contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to the following: (Calif. H&S, Division 20)

- A. Permits for the underground storage of hazardous substances at new or the modification of an existing tank facilities.
- B. Requirements for registering as a handler of hazardous materials in the County.
- C. Submittal of hazardous materials Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.
- D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section §302.
- E. Generators of hazardous waste must notify the Department relative to the:  
(1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.
- F. Permits for the treatment of hazardous waste on-site will be required from the hazardous materials division.
- G. Medical waste generators must complete and submit a questionnaire to the department for determination if they are regulated under the Medical Waste Management Act.

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

DEPT: Environmental Resources

BOARD AGENDA # B-6

Urgent

Routine

AGENDA DATE September 10, 2013

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Hearing Continued from August 20, 2013, to Consider the Recommended Decision of the Nuisance Abatement Hearing Board Regarding CE No. 12-0224 at 0 Bystrum Road, Modesto, California, or Approve the Settlement Agreement

STAFF RECOMMENDATIONS:

1. Adopt the recommended decision of the Nuisance Abatement Hearing Board regarding nuisances at 0 Bystrum Road, Modesto, California, as set forth in Attachment 1.
- Or
2. Approve the settlement agreement (Attachment 4) with the owner(s) of the subject property and Central Valley Recycling.

FISCAL IMPACT:

Staff from the Department of Environmental Resources (DER) and the Planning Department have assisted with the subject Nuisance Abatement process. If the property is declared a nuisance and the business owners do not cease the scrap metal recycling operation, appropriate legal action will be taken. Costs associated with that action are anticipated to exceed \$20,000. An agreed upon settlement

(Continued on next page)

BOARD ACTION AS FOLLOWS:

No. 2013-456

On motion of Supervisor Monteith, Seconded by Supervisor De Martini  
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION: The Board considered the recommended decision of the Nuisance Abatement Hearing Board regarding nuisances at Central Valley Recycling at 0 Bystrum Road, Modesto, California (CE No. 12-0224); and, approved the revised settlement agreement with the owners of the subject

*Christine Ferraro*

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk

EXHIBIT F

File No.

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**SETTLEMENT AGREEMENT**

This Settlement Agreement (“Agreement”) is entered into by and between the County of Stanislaus (“County”) and STANLEY A. GOBLIRSCH and JOYCE O. GOBLIRSCH (“Owners”) and CENTRAL VALLEY RECYCLING, INC., (“CVR”).

WHEREAS, the undersigned agree that the following agreement in the best interest of the Parties;

WHEREAS, 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;

WHEREAS, 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.

WHEREAS, the parcel identified as APN 038-012-009 is improved with a truck scale and scale house, containers, machinery, and piles utilized for the processing and sale of scrap metal items.

WHEREAS, the scrap metal portion of the business and the operating practices employed by the operator have resulted in noise and air quality complaints, which appear to relate to the crushing of motor vehicles (“Vehicle Crushing”)

WHEREAS, in 2009, the County 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;

WHEREAS, on September 5, 2012, the County informed CVR that the County would not approve the business license and determined that the operation of the scrap metal recycling business is not in character with permitted C-2 uses because of complaints received from the surrounding neighborhood of nuisance conditions arising out of CVR’s operations;

1 WHEREAS, on April 2, 2013, the County issued a Notice and Order to Abate, ("N&O")  
2 for the following alleged violations: (1) §21.56.020 and §21.16.040 of the Stanislaus County  
3 Code. Non-Permitted Land Use (scrap metal recycling operation); and (2) §21.56.040(D) of the  
4 Stanislaus County Code. No operation (scrap metal recycling operation) shall be conducted on  
5 any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke,  
6 vibration or electrical interference detectable off the site;

7 WHEREAS, On June 27, 2013, based on the evidenced presented the County's Nuisance  
8 Abatement Hearing Board recommended the Board of Supervisors find the property a nuisance  
9 and order the abatement of the nuisance conditions;

10 WHEREAS, on July 16, 2013, the Board held a hearing on the matter and continued the  
11 hearing to continuing the hearing at CVR request to August 20, 2013; and

12 WHEREAS, CVR has maintained (a) that it enjoys a vested right under applicable law to  
13 operate the scrap metal recycling operation and (b) that its use of the property does not constitute  
14 a nuisance; and

15 WHEREAS, the parties recognize the potential for costly and protracted litigation as to  
16 the foregoing issues, and desire to implement a compromise under which CVR could operate the  
17 scrap metal recycling operation under certain operating protocols and conditions which would  
18 limit its environmental effects and potential nuisance complaints, and desire to resolve the  
19 question of the appropriate intensity of use using the Conditional Use Permit process set forth in  
20 Stanislaus County Code Chapter 21.96; and

21 WHEREAS, prior to the August 20, 2013, hearing the parties agreed in principal to the  
22 following terms to resolve the matter.

23 NOW, THEREFORE, in consideration of the following covenants and agreements, the  
24 Parties agree as follows:

25 1. The Parties Agree that the use of the property for scrap metal recycling, at the  
26 intensity currently conducted by Owners and CVR, is a nuisance as described in the N&O.

27 2. County acknowledges that Owners and CVR's use of the Property for scrap metal  
28 recycling activities as conducted on July 21, 2009 that were in compliance with Stanislaus County

1 Code section 21.56.040(D) are in character with permitted uses in the C-2 Zoning District.  
2 County agrees to allow the use to continue as currently operated during the pendency of the  
3 Conditional Use Permit process outlined herein under the following conditions:

- 4 a. The tin pile to be relocated 150 feet from the fence line to the east;
- 5 b. Excavator usage to be limited to areas in front of the tin pile, and the excavator  
6 shall not operate in the back of the site;
- 7 c. Concrete blocks to be placed around the tin pile in a U-shape to form a partial  
8 noise barrier to the east;
- 9 d. Trucks to be loaded in the front of the tin pile (further west of the nearest  
10 residences to the east), and cars are to be unload in front of the tin pile instead of  
11 the previous locations behind the pile;
- 12 e. Concrete blocks to be placed around the metal bailer to block the noise from the  
13 nonferrous material and bailer in the direction of the nearest residences to the east;
- 14 f. Keep excavator and sheer equipment away from the back fence along Bystrum  
15 Rd.;
- 16 g. Vehicle Crushing shall be limited to the hours of 11:00 a.m., to 2:00 p.m., Monday  
17 through Saturday; and
- 18 h. As set forth below, Owners and CVR shall timely submit and diligently process a  
19 Conditional Use Permit application seeking approval by County of scrap metal  
20 recycling at greater intensity than the property was operated during the term of the  
21 2009 business license.
- 22 i. All operations shall be conducted in a manner that complies with section  
23 21.56.040(D) and Chapter 10.46 of the Stanislaus County Code, including without  
24 limitation, all regulations and orders of the San Joaquin Valley Air Pollution  
25 Control District.

26 3. County's performance under this agreement is expressly conditioned on Owners  
27 and CVR diligently applying for and processing the Conditional Use Permit as described herein.  
28

**OWNERS' OBLIGATIONS**

- 1
- 2 4. Owners shall:
- 3 a. Within 14 days of the full execution of this Agreement either:
- 4 i. Apply and pay the associated fee to the County for the Conditional Use
- 5 Permit ("CUP") regarding the subject scrap metal recycling use, or, in the
- 6 alternative, authorize CVR to make and process said application(s). Owner
- 7 shall take all reasonable steps to complete the approval process.
- 8 ii. Cause CVR to cease the subject scrap metal recycling use that is not
- 9 consistent with the terms of this Agreement.
- 10

11 **CVR's OBLIGATIONS**

- 12 5. CVR shall:
- 13 a. Cooperate with Owner in making application for and subsequent processing of a
- 14 Conditional Use Permit for the subject scrap metal recycling use.
- 15

16 **RELEASES**

17 6. Release: Owners and CVR on behalf of themselves, their heirs, executors,

18 administrators, successors and assigns, in consideration of the terms set forth herein, hereby fully

19 release the County of Stanislaus and each of its entities, agents, contractors, officers and

20 employees, known or unknown; from all claims and causes of action by reason of any injury

21 and/or damage which may have arisen before the date of this Agreement.

22 7. Owners and CVR certify that they have read section 1542 of the Civil Code,

23 which provides:

24 A general release does not extend to claims which the

25 creditor does not know or suspect to exist in his or her

26 favor at the time of executing the release, which if known

27 by him or her must have materially affected his or her

28 settlement with the debtor.

- 26 8. Owners and CVR hereby waive application of section 1542 of the Civil Code.
- 27 9. Owners and CVR understand and acknowledge that the significance and
- 28



1 consequences of this waiver of section 1542 of the Civil Code is that the Owners and CVR will  
2 not be permitted to make any claims for injury and/or damages that may exist as of the date of  
3 this release but which Owners and CVR do not know exist, and which, if known, would  
4 materially affect the Owners' and CVR's decision to execute this release, regardless of whether  
5 Owners and CVRs' lack of knowledge is the result of ignorance, oversight, error, negligence or  
6 any other cause.

7       10.   Attorney Fees and Costs: The parties agree to bear their respective costs  
8 associated with this matter, which includes but is not limited to attorneys' fees, expert and  
9 consultant fees and costs, and any and all costs incurred by each side respectively.

10       11.   County's Release: Subject to the reservations set forth herein and Owners' and  
11 CVR's performance of all the duties and obligations set forth in this Agreement, County hereby  
12 fully releases the Owners and CVR from all claims and causes of action, which could or might  
13 have been alleged arising out of or relating to the facts and circumstances described in this  
14 Agreement.

15       12.   New Violations: Owners and CVR acknowledge that nothing in this Agreement  
16 precludes any Federal, State, or County agency or department from assessing new penalties,  
17 issuing new orders, or taking any other actions for violations of laws or orders that occur after the  
18 date this Agreement.

19       13.   Owners and CVR acknowledge and agree that nothing in this Agreement precludes  
20 the County from immediately taking action to abate any violation of any State or Federal law  
21 including but not limited to, the California Building Code, California Housing Code, the  
22 California 2009-0009-DWQ Construction General Permit, or the Federal Porter-Cologne Clean  
23 Water Act present upon the Property. Owners and CVR acknowledge and agree that the County  
24 may take all appropriate legal action to abate any violation of law occurring upon the Property  
25 that in the opinion of the County constitutes an imminent health hazard or a significant threat or  
26 danger to the health of the County's residents.

27       14.   Owners and CVR acknowledge and agree that nothing in this Agreement precludes  
28 any Federal, State, or County agency or department from assessing penalties, issuing orders, or

1 taking any other actions for violations of laws or orders relating to matters or conditions existing  
2 prior to or concurrently with the date of this Agreement so long as such matters or conditions do  
3 not arise out of or relate to the facts and circumstances which are the subject of this Agreement.

4 15. Owners and CVR acknowledge and agree that nothing in this Agreement precludes  
5 any Federal, State, or County agency or department from assessing new penalties, issuing new  
6 orders, or taking any other actions for violations of laws or orders that occur after the date of this  
7 Agreement, including new violations relating to matters or conditions existing prior to or  
8 concurrently with the date of this agreement so long as such matters or conditions do not arise out  
9 of or relate to the facts and circumstances which are the subject of this Agreement.

10 16. Owners and CVR acknowledge and agree that nothing in this Agreement shall be  
11 construed as an approval of any particular land use nor shall it create an expectation that any  
12 particular land use will be approved. Neither performance under this agreement, nor any sums  
13 spent by Owners or CVR in performing work required under this Agreement, nor any sums spent  
14 in preparation to obtain a building permit, nor the issuance of any building permit, shall create a  
15 vested right to proceed with any particular development plans.

16  
17 **OTHER MATTERS**

18 17. Governing Law and Integration: This is a fully integrated Agreement, made and  
19 entered into in the State of California and shall in all respects be interpreted, enforced and  
20 governed under the laws of California, except that parole evidence shall not be admissible to  
21 interpret, vary or modify any of the terms of this Agreement. The language of all parts of this  
22 Agreement shall in all cases be construed as a whole, according to its fair meaning, and not  
23 strictly for or against any of the parties. This Agreement sets forth the entire agreement between  
24 the parties with regard to the subject matter hereof. All agreements, covenants, representations  
25 and warranties, express or implied, oral or written, of the parties with regard to the subject matter  
26 hereof are contained herein, and the documents referred to herein or implementing the provisions  
27 hereof. No other agreements, covenants, representations or warranties, express or implied, oral or  
28 written, have been made by either party to the other with respect to the subject matter of the

1 Agreement. All prior and contemporaneous conversations, negotiations, possible and alleged  
2 agreements and representations, covenants, and warranties with respect to the subject matter  
3 hereof are waived, merged herein and superseded hereby.

4 18. Amendment: This Agreement cannot be amended, altered, modified, waived or  
5 superseded, in the whole or in part, except by a written agreement so stating which is signed by  
6 all parties to this Agreement and approved by a court of competent jurisdiction. No delay or  
7 omissions on the part of any party to this Agreement shall operate as a waiver of any such right or  
8 any other right. Waiver of any one breach of any provision hereof shall not be deemed to be a  
9 waiver of any other breach of the same or any other provision hereof.

10 19. Counterparts: The parties hereby agree that facsimile signatures of the parties to  
11 this Agreement shall be as binding and enforceable as original signatures; and that this  
12 Agreement may be executed in multiple counterparts with the counterparts together being deemed  
13 to constitute the complete agreement of the parties.

14 20. Advice of Attorney: Owners and CVR warrant and represent that in executing  
15 this Agreement they have relied on legal advice from the attorney of their choice, that the terms  
16 of this Agreement and its consequences have been completely read and explained to the Owners  
17 and CVRs by their attorney, and that Owners and CVRs fully understand and agree to be bound  
18 by said terms.

19 21. Warranties: Each of the parties to this Agreement warrants that it or they have not  
20 assigned or transferred any cause of action, claim for relief, or other matter released under the  
21 Agreement. Each person who executes this Agreement on behalf of any party to the Agreement  
22 represents and warrants that he or they have been duly authorized by such party to execute the  
23 Agreement.

24 22. This Agreement shall inure to the benefit of and be binding on each party, as well  
25 as its or their respective successors or assigns.

26 23. Section headings are for convenience only and are not part of the Agreement.

27 24. All notices, requests, demands and other communications under the Agreement  
28 shall be in writing and by personal delivery or overnight courier, and shall be deemed having

1 been duly given on the date of receipt (receipt shall also include communications that are  
2 delivered to the designated address and left at the premises if no one is at the premises). Notices  
3 shall be addressed as follows, or as the parties may subsequently designate by written notice:


- 4
- 5 To County: STANISLAUS COUNTY COUNSEL  
6 Attn: THOMAS E. BOZE, Deputy County Counsel  
7 City-County Administration Building  
8 1010 Tenth Street, Suite 6400  
9 Modesto, California 95354
- 10 To Owners: Stanley A. Goblirsch  
11 Joyce O. Goblirsch  
12 P.O. Box 1010  
13 Ceres, CA 5307
- 14 To CVR: Central Valley Recycling  
15 524 9<sup>th</sup> Street  
16 Modesto, CA 95351

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IN WITNESS WHEREOF, the Parties have executed the Agreement in the County of Stanislaus, State of California.

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COUNTY OF STANISLAUS

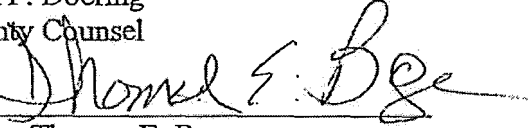
By:   
Vito Chiesa,  
Chairman

ATTEST:  
Christine Ferraro Tallman,  
Clerk

By:   
Liz King,  
Clerk

APPROVED AS TO FORM:

John P. Doering  
County Counsel

By:   
Thomas E. Boze,  
Deputy County Counsel

OWNERS:

By: \_\_\_\_\_  
Stanley A. Goblirsch

By: \_\_\_\_\_  
Joyce O. Goblirsch

CENTRAL VALLEY RECYCLING

By: \_\_\_\_\_  
Donald Francis Sr.

By: \_\_\_\_\_  
Donald Francis Jr.

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COUNTY OF STANISLAUS

By: \_\_\_\_\_  
Vito Chiesa,  
Chairman

ATTEST:  
Christine Ferraro Tallman,  
Clerk

By: \_\_\_\_\_  
Liz King,  
Clerk

APPROVED AS TO FORM:

John P. Doering  
County Counsel

By: \_\_\_\_\_  
Thomas E. Boze,  
Deputy County Counsel

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OWNERS:

By: Stanley A. Goblirsch  
Stanley A. Goblirsch

By: Joyce O. Goblirsch  
Joyce O. Goblirsch

CENTRAL VALLEY RECYCLING

By: \_\_\_\_\_  
Donald Francis Sr.

By: \_\_\_\_\_  
Donald Francis Jr.

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COUNTY OF STANISLAUS

OWNERS:

By: \_\_\_\_\_  
Vito Chiesa,  
Chairman

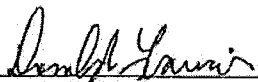
By: \_\_\_\_\_  
Stanley A. Goblirsch

By: \_\_\_\_\_  
Joyce O. Goblirsch

ATTEST:  
Christine Ferraro Tallman,  
Clerk

CENTRAL VALLEY RECYCLING

By: \_\_\_\_\_  
Liz King,  
Clerk

By:   
Donald Francis Sr.

By:   
Donald Francis Jr.

APPROVED AS TO FORM:

John P. Doering  
County Counsel

By: \_\_\_\_\_  
Thomas E. Boze,  
Deputy County Counsel

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Stanislaus County Planning Commission  
1010 Tenth Street Place  
Modesto, CA 95354

Dear Respective Planning Commissioners:

The purpose of this letter is to express our support for Use Permit Application No. PLN2013-0078, for the scrap metal recycling business operated by Central Valley Recycling, Inc.

Central Valley Recycling, Inc. has operated at this site since 1991, and they have been great neighbors to the businesses and residents along the S. 9<sup>th</sup> Street corridor.

We hope that you approve of their Use Permit, as they have our highest confidence that Central Valley Recycling, Inc. will continue to be great neighbors and stewards of their site and business.

Thank you for taking our views into consideration for this application.

Sincerely,

*Donut Shop 536 9<sup>th</sup> Street*

Print

name:

*Sitha Lay*

Sign

name:

*[Handwritten Signature]*



Stanislaus County Planning Commission  
1010 Tenth Street Place  
Modesto, CA 95354

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Thank you for taking our views into consideration for this application.

Sincerely,

Valley Tire - Truck Tops

Print

Nick Rovic

name:

Sign



name:

Stanislaus County Planning Commission  
1010 Tenth Street Place  
Modesto, CA 95354

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Thank you for taking our views into consideration for this application.

Sincerely, *444 Bys from*

Print

*JAMES FETHERWHITE*

name:

Sign

*James Fetherwhite*

name:

Stanislaus County Planning Commission  
1010 Tenth Street Place  
Modesto, CA 95354

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Thank you for taking our views into consideration for this application.

Sincerely,

*528 Byzantium*

Print

*DANNY SILVA*

name:

Sign

*Danny Silva*

name:

Stanislaus County Planning Commission  
1010 Tenth Street Place  
Modesto, CA 95354

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Thank you for taking our views into consideration for this application.

Sincerely,

*544 Bystum*

Print

*Rith Chum*

name:

Sign



name:

Stanislaus County Planning Commission  
1010 Tenth Street Place  
Modesto, CA 95354

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Thank you for taking our views into consideration for this application.

Sincerely, *548 Byatrum*

Print *CARLOS LEIJA*

*Carlson Y. Lee*  
name:

Sign

name:

Stanislaus County Planning Commission  
1010 Tenth Street Place  
Modesto, CA 95354

Dear Respective Planning Commissioners:

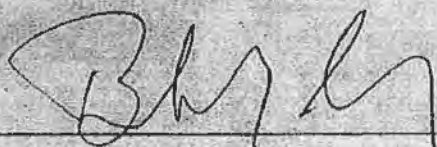
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We hope that you approve of their Use Permit, as they have our highest confidence that Central Valley Recycling, Inc. will continue to be great neighbors and stewards of their site and business.

Thank you for taking our views into consideration for this application.

Sincerely, 702 Erikson #A

Print Bobby LOVEDAY name:

Sign  name:

Stanislaus County Planning Commission  
1010 Tenth Street Place  
Modesto, CA 95354

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Thank you for taking our views into consideration for this application.

Sincerely,

722 Sousa

Print

name:

Bertha Camargo

Sign

name:

Bertha Camargo

Stanislaus County Planning Commission  
1010 Tenth Street Place  
Modesto, CA 95354

Dear Respective Planning Commissioners:

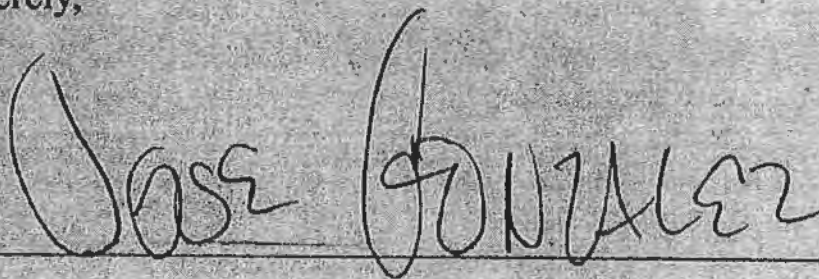
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We hope that you approve of their Use Permit, as they have our highest confidence that Central Valley Recycling, Inc. will continue to be great neighbors and stewards of their site and business.

Thank you for taking our views into consideration for this application.

Sincerely,

Print

717-  


name:

Sign



name:



## MITIGATED NEGATIVE DECLARATION

**NAME OF PROJECT:** Use Permit Application No. PLN2013-0078 - Central Valley Recycling, Inc.

**LOCATION OF PROJECT:** 522 & 524 S. 9<sup>th</sup> Street, on the east side of S. 9<sup>th</sup> Street, north of Hosmer Avenue, west of Bystrum Road, in the Ceres area. APN: 038-012-008 and 038-012-009

**PROJECT DEVELOPER:** Central Valley Recycling, Inc.  
524 S. 9<sup>th</sup> Street  
Modesto, CA 95351

**DESCRIPTION OF PROJECT:** Request to intensify an existing California Redemption Value (CRV) and scrap metal recycling facility on two parcels totaling approximately 2.2 acres. The proposal would increase the volume of scrap metal recycling from an average of 1,350 tons to a maximum of 2,500 tons per month, and the number of employees from nine (9) to 18 full time and five (5) part time employees. Scrap metal will be cut, crushed, baled, and then transported off-site for further processing.

Based upon the Initial Study, dated **March 19, 2015**, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

1. *A Screening Level Analysis for potential risk associated with project related truck traffic and exposure to heavy metals is required within 60 days of project approval to determine if preparation of a health risk assessment is warranted as determined by the San Joaquin Valley Air Pollution Control District*
2. *Implementation of Best Management Practices identified on pages 16 thru 23 of the Storm Water Pollution Prevention Plan and Monitoring Program prepared for Central Valley Recycling, 524 S. 9<sup>th</sup> Street, Modesto by H2E Consulting, which is Attachment 1 of the Initial Study and hereby incorporated by reference.*
3. *Maintain the height of the solid block wall around the tin pile to eight feet high and install a 10 foot high block wall along the eastern property line.*
4. *Limit use of excavators to the west of the tin pile.*

5. *Continue to load and unload trucks west of the tin pile.*
6. *Limit the use of the excavators and metal baler to the hours between 8:30 a.m. and 5:00 p.m., Monday through Saturday.*
7. *Vehicle crushing and/or vehicle cutting shall be limited to the hours of 11:00 a.m. and 2:00 p.m., Monday through Saturday.*
8. *Install and maintain trees and landscaping along the eastern property line and a distance of 50 feet along the north and south property lines from the eastern property line. Landscaping plans and materials to be in conformance with City of Ceres Standards and Specifications or as approved by Stanislaus County.*
9. *Vehicle stacking in the public road right-of-way is not permitted. Should the number of vehicles entering the property back up onto 9<sup>th</sup> Street for more than two (2) consecutive days within any two (2) week period, the applicant shall submit a new traffic circulation plan for the site within 15 calendar days of the violation. The plan shall be designed in such a way as to eliminate any stacking onto 9<sup>th</sup> Street and submitted to the Department of Public Works for approval of the Public Works Director or his designee.*

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Miguel Galvez, Senior Planner

Submit comments to: Stanislaus County  
Planning and Community Development Department  
1010 10th Street, Suite 3400  
Modesto, California 95354

# Stanislaus County

## Planning and Community Development

1010 10th Street, Suite 3400  
Modesto, CA 95354

Phone: (209) 525-6330  
Fax: (209) 525-5911

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### Mitigation Monitoring Plan

Adapted from CEQA Guidelines sec. 15097 Final Text, October 26, 1998

**March 19, 2015**

1. Project title and location: Use Permit Application No. PLN2013-078 -- Central Valley Recycling, Inc.  
  
524 S. 9th Street, between S. 9th Street and Bystrum Road, north of Hosmer Avenue, in the Ceres area.  
APN: 038-012-008 and 038-012-009
2. Project Applicant name and address: Central Valley Recycling, Inc.  
524 S. 9th Street  
Modesto, CA 95351
3. Person Responsible for Implementing Mitigation Program (Applicant Representative): Donald Francis, Central Valley Recycling, Inc.
4. Contact person at County: Miguel A. Galvez, Senior Planner (209) 525-6330

#### MITIGATION MEASURES AND MONITORING PROGRAM:

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

##### I. AIR QUALITY

- No.1 Mitigation Measure: A Screening Level Analysis for potential risk associated with project related truck traffic and exposure to heavy metals, is required within 60 days of project approval to determine if preparation of a health risk assessment is warranted as determined by the San Joaquin Valley Air Pollution Control District.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Within 60 days of Project Approval.
When should it be completed:	As required by the San Joaquin Valley Air Pollution Control District.
Who verifies compliance:	San Joaquin Valley Air Pollution Control District
Other Responsible Agencies:	N/A

##### II. HYDROLOGY AND WATER QUALITY

- No.2 Mitigation Measure: Implementation of Best Management Practices identified on pages of 16 - 23 in the Storm Water Pollution Prevention Plan and Monitoring Program prepared for Central Valley Recycling 524 S. 9th Street, Modesto by H2E Consulting, which is attached to the initial study and hereby incorporated by reference.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Through the life of the project as necessary.
When should it be completed:	Continuous and ongoing implementation
Who verifies compliance:	Central Regional Water Quality Control Board
Other Responsible Agencies:	Stanislaus County Public Works Department

### III. NOISE

No.3 Mitigation Measure: maintain the height of solid block wall around the tin pile to eight feet high and install a 10 foot high block wall along the eastern property line.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Apply for a building permit within 60 days of project approval.
When should it be completed:	Within 180 days of project approval.
Who verifies compliance:	Stanislaus County Planning & Community Development Department
Other Responsible Agencies:	N/A

No.4 Mitigation Measure: Limit use of excavators to the west of the tin pile

Who Implements the Measure:	Applicant
When should the measure be implemented:	On an ongoing continuous basis.
When should it be completed:	On an ongoing continuous basis.
Who verifies compliance:	Stanislaus County Planning & Community Development Department
Other Responsible Agencies:	N/A

No.5. Mitigation Measure: Continue to load and unload trucks west of the tin pile.

Who Implements the Measure:	Applicant
When should the measure be implemented:	On an ongoing continuous basis.
When should it be completed:	On an ongoing continuous basis.
Who verifies compliance:	Stanislaus County Planning & Community Development Department

Other Responsible Agencies: N/A

No.6. Mitigation Measure: Limit the use of the excavators and metal baler to the hours between 8:30 am and 5:00 pm. Monday through Saturday.

Who Implements the Measure: Applicant

When should the measure be implemented: On an ongoing continuous basis.

When should it be completed: On an ongoing continuous basis.

Who verifies compliance: Stanislaus County Planning & Community Development Department

Other Responsible Agencies: N/A

No.7. Mitigation Measure: Vehicle crushing and/or vehicle cutting shall be limited to the hours of 11:00 a.m. and 2:00 p.m. Monday through Saturday.

Who Implements the Measure: Applicant

When should the measure be implemented: On an ongoing continuous basis.

When should it be completed: On an ongoing continuous basis.

Who verifies compliance: Stanislaus County Planning & Community Development Department

Other Responsible Agencies: N/A

No. 8. Mitigation Measure: Install and maintain trees and landscaping along the eastern property line and a distance of 50 feet along the north and south property lines from the eastern property line. Landscaping plans and materials to be in conformance with City of Ceres Standards and Specifications or as approved by Stanislaus County.

Who Implements the Measure: Applicant

When should the measure be implemented: Submit Landscape and irrigation plans within 60 days of project approval.

When should it be completed: Construct within 180 days of project approval.

Who verifies compliance: Stanislaus County Planning & Community Development Department

Other Responsible Agencies: City of Ceres

**XVI. TRANSPORTATION/TRAFFIC**

No.9. Mitigation Measure: 9. Vehicle stacking in the public road right-of-way is not permitted. Should the number of vehicles entering the property back up onto 9th Street for more than two (2) consecutive days within any two (2) week period, the applicant shall submit a new traffic circulation plan for the site within 15 calendar days of the violation. The plan shall be designed in such a way as to eliminate any stacking onto 9th Street and submitted to the Department of Public Works for approval of the Public Works Director or his designee.

Who Implements the Measure:	Applicant
When should the measure be implemented:	When the number of vehicles entering the property back up onto 9th Street for more than two (2) consecutive days within any two (2) week period.
When should it be completed:	Within 15 calendar days of the violation.
Who verifies compliance:	Stanislaus County Public Works Department
Other Responsible Agencies:	Stanislaus County Planning & Community Development Department.

I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.



Donald Francis

3-19-2015


Date

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: USE PERMIT APPLICATION NO. PLN2013-078 - CENTRAL VALLEY RECYCLING**

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X			X							
CA DEPT OF TRANSPORTATION DIST 10	X	X			X							
CA OPR STATE CLEARINGHOUSE	X	X		X				X				X
CA RWQCB CENTRAL VALLEY REGION	X	X		X			X		X		X	
CA Cal RECYCLE		X		X				X		X		X
CENTRAL VALLEY FLOOD PROTECTION	X	X		X				X		X	X	
CITY OF: CERES	X	X		X				X		X		
CITY OF: MODESTO	X	X			X							
COOPERATIVE EXTENSION	X	X			X							
FIRE PROTECTION DIST: INDUSTRIAL	X	X			X							
MODESTO REGIONAL FIRE AUTHORITY	X				X							
IRRIGATION DISTRICT: TURLOCK	X	X		X		X				X	X	
MOSQUITO DISTRICT: TURLOCK	X	X			X							
MT VALLEY EMERGENCY MEDICAL	X	X			X							
MUNICIPAL ADVISORY COUNCIL: SOUTH MODESTO	X	X			X							
PACIFIC GAS & ELECTRIC	X	X			X							
RAILROAD: UNION PACIFIC	X	X			X							
SAN JOAQUIN VALLEY APCD	X	X		X			X		X		X	
SCHOOL DISTRICT 1: MODESTO	X	X		X		X				X	X	
STAN CO AG COMMISSIONER	X	X			X							
STAN CO BUILDING PERMITS DIVISION	X	X		X		X				X	X	
STAN CO CEO	X	X			X							
STAN CO DER	X	X		X				X		X		X
STAN CO ERC	X	X		X				X		X		X
STAN CO HAZARDOUS MATERIALS	X	X		X		X				X	X	
STAN CO PUBLIC WORKS	X	X		X		X				X	X	
STAN CO SOLID WASTE		X		X				X		X		X
STAN CO SHERIFF	X	X			X							
STAN CO SUPERVISOR DIST #: DE MARTINI	X	X			X							
STAN COUNTY COUNSEL	X	X			X							
StanCOG	X	X			X							
STANISLAUS FIRE PREVENTION BUREAU	X	X			X							
STANISLAUS LAFCO	X	X			X							
SURROUNDING LAND OWNERS			X		X							
TELEPHONE COMPANY: AT&T	X	X			X							
US ARMY CORPS OF ENGINEERS	X	X			X							
US FISH & WILDLIFE	X	X			X							
US MILITARY AGENCIES (SB 1462) (5 agencies)	X	X			X							
TRIBAL CONTACTS (CA Government Code §65352.3)	X			X		X						X

- C. USE PERMIT APPLICATION NO. PLN2013-0078 – CENTRAL VALLEYRECYCLING, INC.** – Request to intensify a California Redemption Value (CRV) and Scrap Metal Recycling facility on a 2.2± acre property in the C-2 (General Commercial) zoning district. The site is located at 522 and 524 S. 9th Street, on the east side of S. 9th Street, north of Hosmer Avenue, in the Ceres area. The Planning Commission will consider adoption of a Mitigated Negative Declaration for this project.  
APNs: 038-012-008 and 038-012-009  
Staff Report: Miguel Galvez Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** Mathew Harrington, 522 Bystrom, Cynthia Carillo. The following correspondence was provided by Mr. Harrington to staff following his testimony:  
Letter from Rebecca A. Harrington, on behalf of John A. and Emily Ortega, dated May 6, 2015, regarding Item VII-C – Use Permit No. PLN2013-0078, Central Valley Recycling, Inc.  
Letter from Maggie Mejia, President, Latino Community Roundtable, dated May 6, 2015, regarding item VII-C – Use Permit No. PLN2013-0078 – Central Valley Recycling, Inc.  
Letter from Alfred L. Garcia, Commander – USMC Veteran, American GI Forum, PFC Oscar Sanchez Modesto Chapter, dated May 6, 2015, regarding item VII-C – Use Permit No. PLN2013-0078 – Central Valley Recycling, Inc.  
Letter from Barbara V. England, dated May 5, 2015, regarding item VII-C – Use Permit No. PLN2013-0078 – Central Valley Recycling, Inc.  
Letter from Martin and Oralia Martinez, dated May 6, 2015, regarding item VII-C – Use Permit No. PLN2013-0078 – Central Valley Recycling, Inc.  
Letter from Julia Martinez, dated May 5, 2015, regarding item VII-C – Use Permit No. PLN2013-0078 – Central Valley Recycling, Inc.  
Upon receipt by staff, the correspondence provided by Mr. Harrington was circulated to the Planning Commission members.  
**FAVOR:** Mark Niskanen, 139 S. Stockton Ave., Ripon, Paul Bollard, 3551 Bankhead Road, Loomis  
Public hearing closed.  
Orvis/Etchebarne 5/1 (Gibson), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT**

<p style="text-align: center;"><b>EXCERPT</b></p> <p style="text-align: center;"><b>PLANNING COMMISSION</b></p> <p style="text-align: center;"><b>MINUTES</b></p> <p style="text-align: center;"></p> <p>Secretary, Planning Commission</p> <p style="text-align: center;"><i>6.10.2015</i></p> <p>Date</p>
---



Planning Planning - South 9th Street Neighborhood / Central Valley Recycling

**From:** Gloria Ortega <gloria7ortega@outlook.com>  
**To:** "planning@stancounty.com" <planning@stancounty.com>  
**Date:** 5/5/2015 11:11 AM  
**Subject:** South 9th Street Neighborhood / Central Valley Recycling

Please make sure that Miguel Galvez receives this email.

Hello Mr. Galvez,

My aunt and uncle, Emily and John Ortega, have lived on Bystrum Road for 65 years. It was there that they raised their family, going from young newlyweds to senior citizens. They, like most others in their neighborhood, are hard-working, tax-paying, law-abiding people.

I recently visited them and was shocked to see the condition of their neighborhood. It is a sorry change from the last time I visited them. I know that Central Valley Recycling is planning on processing 4 times more scrap. I hear that there is an upcoming meeting to determine the fate of this neighborhood -- I'd like my voice to be heard in opposition to this plan.

The people of the South 9th Street neighborhood deserve better than this. They should not be subjected to the toxic and nauseous elements that will infest the air and groundwater. Surely there must be an alternative to this plan. Please don't let this happen.

Please acknowledge that you received this email. This is important to my family.

Best regards,  
Gloria Ortega  
[gloria7ortega@outlook.com](mailto:gloria7ortega@outlook.com)

**From:** Debbie Miller <debbiermiller@yahoo.com>  
**To:** "planning@stancounty.com" <planning@stancounty.com>  
**CC:** Rebecca Ortega Harrington <raharrington\_99@yahoo.com>  
**Date:** 5/5/2015 9:04 PM  
**Subject:** Central Valley Recycling

Dear Mr. Galvan and Planning Commisioners:

My name is Deborah Miller and I am writing to submit my opinion on the business that Central Valley Recycling operates on Bystrom Road in Stanislaus County.

For about nine years I was a resident on Souza Avenue, just a few houses down from its intersection with Bystrom Road.

Five years ago I moved out of this county pocket to the city of Modesto. I was fortunate to be able to do so.

My move was strongly influenced by the negative impact Central Valley Recycling was having on my community. When I sat in my front yard, the view included a huge garbage dump with, at one point, an entire car sitting on top of the heap. Every day when I drove to work, I passed this eyesore.

Nauseous smells and loud noises would frequently come from their site. I worried that the water underneath their dump might be contaminated and spread to homes in the neighborhood.

I understand that Central Valley Recycling wants to expand their operation in my old neighborhood. I strongly oppose any expansion of their business on that site for the sake of my old friends and neighbors, and for the health and well-being of all of the children and families that live in the area of Central Valley Recycling.

You may be aware that it has become a common practice in the Central Valley to locate waste dumps and other similar business entities in locations where a large number of residents are Latino. These practices are now being challenged as civil rights violations in many communities.

Given the ethnic make- up of the community in which Central Valley Recycling is located, this also concerns me. I do not think it fair that this business is permitted to both operate and expand in a low-income largely Latino neighborhood, while white, middle-class neighborhoods are most often spared from this type of noxious environment.

I urge you to deny any expansion of the business of Central Valley Recycling, and, in fact, to consider a possible reduction.

Thank you for your attention to my concerns.

Sincerely,  
Deborah Miller  
debbiermiller@yahoo.com  
209-527-1762

Sent from my iPhone

J.B. ANDERSON

LAND USE PLANNING

139 S. Stockton Avenue, Ripon, CA 95366

Phone: (209) 599-8377

Fax (209) 599-8399

May 6, 2015

Honorable Chairman Buehner and Members of the Planning Commission  
Planning Commission  
Stanislaus County  
1010 10<sup>th</sup> Street  
Modesto, California 95354

**Subject: Central Valley Recycling, Inc. Use Permit Application No. PLN2013-0078 – Condition No. 20 as presented on Page 24 of the Staff Report**

Dear Chairman Buehner and Members of the Planning Commission:

On behalf of Central Valley Recycling, Inc., I would like to respectfully submit to you our support for County Staff's recommendation of approval for Use Permit No. PLN2013-0078. This Application is scheduled for your consideration at the May 7, 2015 Planning Commission Meeting. There is one Condition of Approval that is of concern, however. Condition No. 20 requires limitations on heavy equipment utilized by Central Valley Recycling, primarily for the scrap metal component of the business.

Central Valley Recycling, Inc. would like to propose to modify their business hours on Saturdays from 8:00am to 2:00pm, and be allowed to use only one excavator for the loading and unloading of trucks. These operating hours and equipment operation are similar to that of Universal Service Recycling. Monday through Friday business hours would be as described in the Staff Report (8:00am to 4:30pm).

Central Valley Recycling, Inc. would also like to propose to be permitted to utilize the excavator with the shearer attachment beyond the timeframe defined in Condition No. 20 for non-vehicle product only. In many cases, we receive deliveries throughout the week of materials that are not vehicles but require cutting.

Below is what we would like to propose for this Condition (Note I used ~~strikethrough~~ font to represent removed language and underline font for new proposed language):

**Condition No. 20:**

"A maximum of 2,000 tons of scrap metal per month is permitted. ~~Use of the two excavators is limited to Monday through Friday and not on Saturday or Sunday. Use of the excavator with a shearer attachment is limited to operate between the hours of 11:00am and 2:00pm Monday through Friday.~~ Use of the excavator and/or the excavator with the shearer attachment to crush or cut vehicles is limited to the hours between 11:00am and 2:00pm Monday through Friday, and not permitted on Saturdays or Sundays. The use of the excavator with the shearer attachment shall be permitted Monday

through Friday, between the hours of 8:00am to 10:59am, and 2:01pm to 4:30pm for non-vehicle related product. The use of one (1) excavator shall be limited to the hours of 8:00am to 2:00pm on Saturdays. The use of the excavator and/or the excavator with the sheerer attachment shall be kept at least 150 feet away from the fence/property line located to the east at all times."

We would respectfully ask for the Planning Commission's consideration on the proposed revisions above for Condition No. 20, and are certainly open to discuss any alternative Condition language you may have.

Sincerely,



Mark Niskanen  
Senior Planner

cc: Central Valley Recycling, Inc.  
Mr. Miguel Galvez, Stanislaus County

May 6, 2015

Planning Department  
Attn: Angela Freitas  
1010 Tenth Street, Suite 3400  
Modesto, CA 95354

Dear Ms. Freitas,

For the past five years, I have seen the changes in our community, but nothing could have prepared me for the day when I saw a truck piled up on a mountain of metal as I gazed out my window from 522 Bystrum Road, Modesto, 95351.

Since that day, I have made it my mission to right a wrong that would have gone unnoticed by the nature of our zip code 95351. I invested over forty hours of calls to state agencies, governing bodies both state and local only to find that there was no oversight for the type of recycling that Central Valley Recycling slipped in when Stanislaus County was not looking.

It is our right as tax paying and voting citizens to have a quality of life that does not include the constant barrage of noise, toxic fumes, and dust that has forever changed where we live. My family by proximity to the yard of CVR can no longer enjoy being outdoors. I invested a lot of time and money to create a yard for my elderly parents to enjoy. Now I hesitate to take out our backyard furnishings because it is no longer a pleasure to be outside. My eighty-five year old mother can only tolerate to be outside no more than a half an hour a day and has literally become a prisoner in her own home. Breathing in the dusty toxic air is bad for her health. A county employee relayed the message from CVR that we should move if we do not like living there. Well some of our neighbors have left, but that is not an option or desired when you are in what is supposed to be the golden years of your life and enjoying your home.

It is reprehensible to expect anyone to live under these conditions. I can guarantee you that none of the owners of CVR; Board member or commission member would accept this in front of their home or that of any of their family members. In fact, I bet that they would be in your office asking how did this happen and who was responsible for the decision to allow this business to recycle vehicles.

At one point, I thought that Stanislaus County was going to take the position that this was not the type of business to be so close to a residential area. However, that soon changed when an agreement was struck between the Assistant County Counsel and the attorney for Central Valley Recycling without the community being heard. Since that day, I have been patiently waiting for the process to run its course so the county could gather all the information that was needed to effect a change. You can imagine my disappointment to read that the county was going recommend that CVR could continue doing business as usual.

Unfortunately, I am not able to attend today due to a commitment to my job but rest assured this is not over. I fully intend to take this to the next level to bring justice to our community and bring back a way of life to our area where we can enjoy being in our homes, yards and community.

With utmost concern for our peace and tranquility, -

Rebecca A. Harrington  
522 Bystrum Road  
Modesto, CA 95351

May 6, 2015

Planning Department  
Attn: Angela Freitas  
1010 Tenth Street, Suite 3400  
Modesto, CA 95354

Dear Ms. Freitas,

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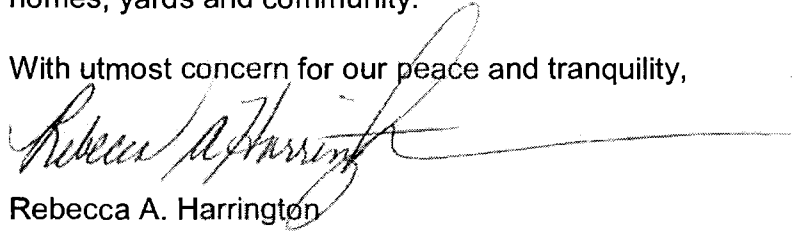
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Unfortunately, I am not able to attend today due to a commitment to my job but rest assured this is not over. I fully intend to take this to the next level to bring justice to our community and bring back a way of life to our area where we can enjoy being in our homes, yards and community.

With utmost concern for our peace and tranquility,



Rebecca A. Harrington  
522 Bystrum Road  
Modesto, CA 95351

*On behalf of John A & Emily Ortega  
residents of 522 Bystrum Rd since 1950.*





Latino Community Roundtable (LCR)  
 Post Office Box 4203, Modesto, CA 95352-4203  
 (209) 303-2664 [maggiemejialcr@gmail.com](mailto:maggiemejialcr@gmail.com) [www:lcrstan.org](http://www:lcrstan.org) Facebook: Latino  
 Community Roundtable

*Selected "2013 NON-PROFIT ORGANIZATION OF THE YEAR"  
 By Modesto Chamber of Commerce*

**PRESIDENT**

Maggie Mejia  
 (Retired)

May 6, 2015

**VICE-PRESIDENT**

Louie Vargas  
 (Kaplan College)

Stanislaus County  
 Planning Department  
 Attn: Angela Freitas

**TREASURER**

Marco Moreno  
 (Self-Employed)

1010 Tenth Street  
 Third Floor, Suite 3400  
 Modesto, CA 95354

**SECRETARY**

Crystal Castillo  
 (Castle Real Estate)

Dear Ms. Freitas:

**HISTORIAN**

Bob Endsley  
 (Realtor)

On behalf of the Latino Community Roundtable (LCR) I would like to address the current situation in the South Modesto Ninth Street community and Central Valley Recycling. LCR has been following the strife that the community has been going through over the past few years over the recycling of vehicles in an area that is across the street from residential homes.

**PARLIAMENTARIAN**

Mani Grewal  
 (Business Owner)

**SGT.-AT-ARMS**

Aaron Villalobos  
 (Attorney-at-Law)

Recycling of California Redemption Value materials such as aluminum cans, plastic water bottles and glass is acceptable. What we would like to know is when did Stanislaus County approve the recycling of trucks, cars, farm equipment, motorhomes and heavy equipment so close to a residential area? This type of recycling belongs in an industrially zoned area and not across the street from homes where families reside. Many of the residents have lived in this area for more than fifty years and their voices deserve to be heard and respected.

**DIRECTORS**

Norma Anaya  
 (Student)

Kathy Conrotto  
 (Retired Educator)

Tony Madrigal  
 (Modesto City  
 Councilmember)

It is inexcusable that the South Ninth Street community, which is composed primarily of Latinos and is an economically disadvantaged area, should have to live under these conditions. At what point in time did it become acceptable to take advantage of residents who live in the outskirts of Modesto by the sheer nature of their proximity? If this area were north of the Tuolumne River there would be no discussion, no long drawn out investigations and definitely no sidebar agreements between attorneys.

Jorge Perez  
 (Modesto City  
 Schools)

**AMBASSADORS**

Ramon Mendez  
 Marti Mendez  
 Cindy Martinez

**Ways & Means**

Christina Rodrigues


Several years ago, there was a situation with the Modesto Tallow Company where residents in South Modesto, especially the children at Shackelford Elementary School suffered the horrendous stench from that plant, which was a health hazard.

LCR strongly urges you to reconsider the recommendation to let Central Valley Recycling to continue business as usual. This community deserves better. The residents deserve their residential area to be the area where they want to live and raise their families, in a community where it truly is a residential area not mixed with any business that could cause their families any hazards.

LCR writes this letter with urgency and concern for all the Latino families that live in that area. Should you have any questions or concerns, please feel free to call me at (209) 303-2664.

In closing I am quoting the LCR Mission Statement: ***The Latino Community Roundtable (LCR) of Stanislaus County*** is committed to improving the political, social justice, cultural and economic conditions of Latinos in Stanislaus County. LCR leverages status and power of existing Organizations and will serve as a think tank to provide direction and leadership to the entire Latino Community.

Sincerely,

A handwritten signature in cursive script that reads "Maggie Mejia".

Maggie Mejia

President

Latino Community Roundtable (LCR)

Cc: Stanislaus County Supervisor Terry Withrow, Board of Supervisors Chairperson

Cc: Stanislaus County Supervisor Jim DeMartini, District 5

May 6, 2015

Planning Department  
Attn: Angela Freitas  
1010 Tenth Street, Suite 3400  
Modesto, CA 95354

Dear Ms. Freitas,

I would like to share my concern with the Planning Department of Stanislaus County regarding the possible approval of continuing operation of Central Valley Recycling in the South Ninth Street community.

The community of South Ninth Street has been trying to change how CVR does business in their community over the last three years. We at the American GI Forum have been following the struggles of this community. The residents should be able to live in their homes and not subjected to the noise, odors, ground shaking and dust that affect their day-to-day lives. Many of the residents who live there are Veterans who have proudly served their country and did so without reservation. They are not able to up and move because of their age and health, but more than that, they do not want to leave an area that has been their home for the majority of their lives.

It saddens the American GI Forum that Stanislaus County has not taken a stronger look at this type of business when looking to come into any unincorporated community. This company should take the part of their business of recycling vehicles to an industrially zoned area away from where families reside. That type of recycling is not acceptable to be so close to family homes.

We, the members of the AGIF strongly urge Stanislaus County Planning Department to reconsider a recommendation that would allow Central Valley Recycling to continue recycling vehicles of any type across the street from the South Ninth Street Community.

Respectfully,



Alfred L. Garcia  
Commander- USMC Veteran  
American GI Forum, PFC Oscar Sanchez Modesto Chapter  
1220 I Street  
Modesto, CA 95354

Barbara V. England  
1425 Kent Way  
Modesto, CA 95355  
209/577-8114

May 5, 2015

Planning Department  
Attention: Angela Freitas  
1010 Tenth Street, Suite 3400  
Modesto, CA 95354

Dear Ms. Freitas:

This letter is to oppose the permit sought by Central Valley Recycling at 524 S 9<sup>th</sup> Street in South Modesto.

The negative impact on the daily lives of the neighborhood cannot be overlooked. Our south Modesto neighbors complain of awful noise, bad smells, dust, frequent earth shaking, and fires that impact healthy living. I believe that most people couldn't imagine having to deal with this unhealthy situation.

It is my hope that the Planning Commission will consider the facts surrounding the adverse conditions caused by Central Valley Recycling and deny the permit. I believe that everyone has the right to live in a healthy environment.

Sincerely yours,

*Barbara V. England*/signed/

Barbara V. England

6 May 2015

I am writing about the way **Central Valley Recycling** has brought noise and air quality problems to our neighborhood. We have been living here since 1965 and the only thing this company has brought to our neighborhood is problems. I am hoping that this business will move out of our residential neighborhood. Our health is not that good and we should not have to put up with this business. They should move elsewhere if they want to continue their business practices.

Martin and Oralia Martinez

*Oralia Martinez*  
*Martin Martinez*

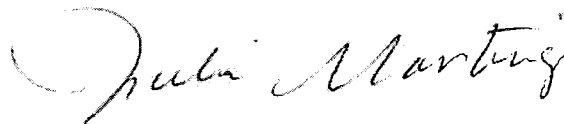
5 May 2015

To whom it may concern,

I want to let you know of my disapproval of **Central Valley Recycling**. I live on Souza Ave. directly behind the business and it is a shame that we who live in this neighborhood have to hear all the noise of them crushing cars daily. We have to deal with the exhaust smell of the machinery, and put up with the dust and trash bags that blow down the street. My son is asthmatic and he is not able to spend time outside at times because of the exhaust. I have seen them when I pass in front of the business watering down and it still does not help with the dust. We are in a drought and this business is wasting water that does not even help the problem. This business has no consideration to the families that make this neighborhood their home and how it is not safe for our neighborhood to have that type of business bordering our homes. This business is very inconsiderate and could care less about the health of us who live here. There are some residents that have been living here over 50 years. I myself have been here about 40 years and have seen the difference in the air quality and noise that this business has contributed to the last three years. I live midway down Souza Ave and the noise and smell bothers me a great deal, I can only feel for my neighbors who are closer to this business. I am hoping that action to stop this business in their practices will be taken soon.

Concerned Citizen, Julia Martinez

j.julia.martinez@gmail.com

A handwritten signature in black ink that reads "Julia Martinez". The signature is written in a cursive style with a large, looping initial "J".

June 1, 2015

Stanislaus County Board of Supervisors  
1010 Tenth Street, Suite 6700  
Modesto, California 95354

**Subject: Rebuttal to Appeal from Planning Commission Approval of Use Permit Application No. PLN2013-0078-Central Valley Recycling on May 7, 2015, as Filed by Ms. Rebecca Harrington, Resident and Chairperson of the South Modesto MAC**

Dear Honorable Chairman Withrow and Board of Supervisors:

On behalf of Central Valley Recycling, Inc., the purpose of this letter is to provide a written rebuttal to statements provided in the Appeal mentioned above. As you are aware, since the Board of Supervisors' adoption of the Settlement Agreement on September 10, 2013, Central Valley Recycling, Inc. has acted in good faith through the filing and active processing of Use Permit Application No. PLN2013-0078.

The processing of this application culminated in the recommendation of approval by the County's professional Planning staff, and ultimately, approval by the County's Planning Commission on May 7, 2015 by a vote of 5-1. It is also important to note that this Use Permit application was evaluated in accordance with the Statutes and Guidelines of the California Environmental Quality Act. An Initial Study was prepared by County Planning staff, and this Initial Study determined that *"...although the project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared."*

Of note in the Staff Report of the May 7, 2015 Planning Commission Meeting, Central Valley Recycling, Inc. has agreed to Special Condition No. 18, which states:

*"The Use Permit shall be brought back to the Planning Commission one year after approval for review and, if necessary, amendments to the operational limits; and the permit shall be subsequently brought back at the discretion of the Planning Director, as necessary, to address nuisance concerns."*

This Special Condition allows Central Valley Recycling, Inc. the opportunity to implement the required Conditions of Approval and Mitigation Measures and also allows the County and neighboring residents the opportunity to review and discuss what impact these Conditions of Approval and Mitigation Measures have had. The Condition also allows for amendments for operational limits based on any future concerns that may arise within the 1-year timeframe. Again, Central Valley Recycling, Inc. has agreed to this Condition.

The purpose of this letter is to provide a written rebuttal to the statements made by Ms. Harrington in her letter, dated May 18, 2015, and specifically, statements made under "GROUNDS FOR APPEAL" due

to the history of this Application it is necessary, once again, to clarify certain salient points in the public record.

**Page 4 continuing to Page 5, ISSUES, item A. Air Quality:**

Ms. Harrington is correct in that the site surface conditions currently consist of a mix of paved sections and dirt sections. As represented in 2013, Central Valley Recycling, Inc. purchased a water truck to reduce dust impacts to neighboring properties. However, through the processing of the Use Permit application, Central Valley Recycling, Inc. has agreed to install surface improvements throughout the site to reduce dust impacts and eliminate the need of a water truck.

**Page 5, Item B. Hydrology and Water Quality:**

As noted on Page 5 of the Planning Commission Staff Report, Central Valley Recycling, Inc. has submitted to the County and continually maintains a Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Program. The SWPPP identifies Best Management Practices (BMP) that have been incorporated into the business operations to protect water quality. To date, Central Valley Recycling, Inc. has not received any violations related to water quality.

Central Valley Recycling has agreed to comply with Conditions of Approval No. 24 and 25, which requires the submittal, approval, and implementation of a Grading and Drainage Plan in accordance with Stanislaus County standards. Ultimately, Central Valley Recycling, Inc. will install an on-site water runoff retention system that will serve the project site. This system will be designed and installed in accordance with Stanislaus County standards and approved through the County's Public Works Department.

Ms. Harrington notes that Central Valley Recycling, Inc. has not made any effort to reach out to neighboring residents. This is not true. Central Valley Recycling, Inc., in conjunction with County Planning staff, has held three (3) Public Workshops. The first Workshop, dated April 17, 2013, was held at the site of Central Valley Recycling, Inc., and was attended by residents (including Ms. Harrington) and County staff. The second Workshop was held on November 13, 2013, and again was attended by residents (including Ms. Harrington) and County staff. The third Workshop was held on January 22, 2015, and was again attended by residents (including Ms. Harrington) and County staff. Each of these Public Workshops was an attempt to reach out to neighboring residents and allow them the opportunity to express their concerns. In addition, Central Valley Recycling, Inc. has submitted Letters of Support from neighboring residents and businesses. These Letters of Support were included as part of Planning staff's Staff Report to the Planning Commission on May 7, 2015 as Exhibit G of said Staff Report.

Ms. Harrington notes in her Letter that she does not believe that Central Valley Recycling, Inc.'s business is conducive to surrounding businesses along the S. 9<sup>th</sup> Street corridor. She is correct in that there are currently three (3) scrap metal recycling businesses located along this corridor; Central Valley Recycling, Inc., Universal Service Recycling, and Zaff Scrap Metal. Universal Service Recycling obtained approval for a Use Permit (UP PLN2013-0077) on May 15 2014.

Ms. Harrington states that Universal Service Recycling (USR) does not accept vehicles. This is not true. Page 2 of the County Staff Report for UP PLN2013-0077, as presented to the County's Planning Commission on May 14, 2014, states, "A forklift is used to transfer tractors, vehicles, and other heavy equipment onto a USR truck for transportation to, and processing at, the USR Stockton facility." In



addition, attached to this Letter are photographs taken of USR's site, dated May 26, 2015, which depict the acceptance of vehicles and utilization of an excavator, and not a forklift.

In conclusion, we are in agreement with County Planning staff that with the incorporation of the Conditions of Approval and Mitigation Measures as adopted by the County's Planning Commission on May 7, 2015, Central Valley Recycling, Inc.'s business operation will be entirely consistent with other businesses along the S. 9<sup>th</sup> Street corridor. We continue to be confused by erroneous statements made by Ms. Harrington which contain errors and misleading statements. Central Valley Recycling, Inc. is continuing to be singled out. Central Valley Recycling, Inc. has conducted a legitimate business enterprise at this location since 1991, one which employs 23 full- and part-time workers in a county with a 9.5% unemployment rate (April 2015). Ms. Harrington's appeal fails to take into account the significant improvements in the conditions and operations of the business since the Board's approval of the Settlement Agreement, and the benefits of operating under the strict requirements and review provisions of the proposed Use Permit.

Ms. Harrington concludes her Letter as a signatory of a "Resident, Chairperson of the South Modesto MAC." The letter thus gives the impression that Ms. Harrington's *personal objections* to this project are, in fact, the objections of *the South Modesto MAC*. This is disingenuous and clearly misleading. Through the processing of the Use Permit, County Planning staff advised the South Modesto MAC that the Application's Initial Study/Mitigated Negative Declaration was available for the mandated 30-day Public Review period in accordance with CEQA. However, to our knowledge, the South Modesto MAC has not provided the County with any objections, environmental concerns or any formal vote on Central Valley Recycling's Use Permit application.

Central Valley Recycling, Inc. has acted in good faith based on the terms and conditions of the Settlement Agreement as adopted by the Board of Supervisors. They are willing to accept the Conditions of Approval and Mitigation Measures of the Use Permit application as approved by the County's Planning Commission by a vote of 5-1 on May 7, 2015. On behalf of Central Valley Recycling, Inc., we respectfully request the Board of Supervisors to deny the appeal and support the County's Planning Commission approval. We believe this Use Permit application has been thoroughly evaluated, considered, and reviewed by the County's Professional staff and Planning Commission.

Should you have any questions, please do not hesitate to contact me at (209) 599-8377.

Sincerely,



Mark Niskanen  
Senior Planner

cc: Tom Terpstra, Terpsta Henderson  
John B. Anderson, J.B. Anderson Land Use Planning  
Donald Francis, Central Valley Recycling, Inc.

Attachment

Photos of Universal Service Recycling – May 26, 2015







**Site Photos – June 15, 2015**

**Photo taken from Bystrum Road looking west to the eastern boundary of the site. The scrap metal pile has been moved away from the eastern boundary.**



**Site Photos – June 15, 2015**

Photo taken from eastern boundary of the site. Note; Excavator on west side of scrap metal pile and Excavator with Scheerer attachment located on the north, front portion of the site (just beyond the scale house).



**Site Photos – June 15, 2015**

As a temporary means, Central Valley Recycling, Inc. has installed crushed rock to help mitigate dust and reduce the use of their water truck.



**Site Photos – June 15, 2015**

Looking east to eastern boundary of site from scrap metal pile.



**Site Photos – June 15, 2015**

Front entrance of Central Valley Recycling, Inc. looking south on S. 9<sup>th</sup> Street. In 2013, this portion was a combination of dirt/gravel. Since 2013, concrete frontage improvements have been installed to mitigate dirt/mud tracking onto S. 9<sup>th</sup> Street.





**Site Photos – June 15, 2015**

Looking south along Bystrum Road at the eastern boundary of the site. Trash and litter is periodically removed by Central Valley Recycling, Inc. in an effort to maintain the rear of their property.





# CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

FIGHTING FOR JUSTICE, CHANGING LIVES  
BOARD OF SUPERVISORS

2015 JUN 16 P 6:20

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Directing Attorney

**Christina N. Teixeira**  
Staff Attorney

**Yessenia E. Martinez**  
Staff Attorney

## **Community Equity**

**Initiative**  
**Marisol Aguilar**  
Staff Attorney

**Luis Castillo**  
Community Worker

## **Migrant Unit**

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Attorney  
Regional Director of Advocacy

**Esmeralda Zendejas**  
Attorney  
Regional Director of Advocacy

## **Central Office**

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Marysville	Santa Rosa
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Monterey	

**SENT VIA EMAIL TO: [Christine.Ferraro@stancounty.com](mailto:Christine.Ferraro@stancounty.com)**

June 16, 2015

Christine Ferraro Tallman  
Clerk of the Board of Supervisors  
1010 10<sup>th</sup> Street, Suite 6700  
Modesto, CA 95354

**Re: Appeal of Planning Commission's Approval for Use Permit  
Application No. 2013-0078, Central Valley Recycling, Inc.**

Dear Ms. Ferraro Tallman:

California Rural Legal Assistance, Inc. is a non-profit legal services provider serving low-income clients and communities throughout California.

On behalf of our client, Terri Lujan, we raise the concerns listed below regarding the Planning Commission's action approving Use Permit Application No. PLN2013-0078 Central Valley Recycling, Inc. (CVR).

1. Abuse of Discretion:

- a) In prior years, the operation was determined to be a nuisance. There were physical structures constructed on the site that were built with proper building permits to ensure adequate construction measures were followed. The property was cited for storm water runoff violations (which appear to never have been corrected). It was determined that scrap metal operations were not allowed under the applicable zoning ordinances. The noise levels associated with then-current operation exceeding allowable maximums. The facility had been in the business of dismantling vehicles and used large industrial equipment to do, such as vehicle shredders.
- b) The environmental noise analysis obtained by the project owner (dated 1-16-2015, and labeled as Exhibit 1, part 2) indicated that it purportedly assessed noise associated with increasing scrap metal processing from a "baseline of 985 tons to 2,000 tons." The "baseline" was presumably established during 5 days of monitoring the operation of CVR. There is no indication or explanation as to whether those five



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(5) days 1-17-13 to 1-22-13 were truly representative of the scrap metal operations taking place at the project site, or not. In fact, it's difficult to know what the "true" base line of scrap metal recycling occurring at the site was at that time, as that portion of the operation was unlawful in that it was not permitted activity. Even if adequate records had been kept, during the time of the study, there is no indication that the amount of scrap recycled at that time was typical enough to be a true "baseline" of the facilities scrap metal operations. Thus the assumptions, methodology, and results of the noise study are not reliable.

- c) Despite all of foregoing, the county has now determined that "some amount" of scrap recycling is allowable under the C-2 zoning designation. But what is lost in the analysis is that the amount of scrap metal recycling that the county is now determined to allow isn't just "some amount." Rather, even assuming that the 985 tons is an accurate baseline, the proposal the board is prepared to approve increases the handling of scrap metal and the shredding of vehicles by a twofold amount. Stated in pounds, the proposal is to increase scrap metal recycling (which was previously determined to be a nuisance) from 1.97 million pounds to four million pounds of scrap metal per day.
- d) According to the County's and the project owner's analysis, shredding twice as much scrap metal per day has absolutely no environmental impact, including noise, dust, traffic, water, air, etc. This is an abuse of discretion.

## 2. Zoning Violation

- a) Violation of Stanislaus County Ordinance §§ 21.56.020, 21.16.040, 21.56.040(D)
- b) The County staff report for permit application UP PLN 2013-0077 regarding Universal Service Recycling ("USR") specifically states that "scrap metal is not permitted outright."
- c) While the above may be true for USR's activities, since they do not engage in vehicle shredding or dismantling activities the same cannot be said for Central Valley's operations. CVR engage in shredding, and dismantling, of vehicles.
- d) None of the activities that are allowed in the C-2 zone come close to the noise, vibration, air and water impacts associated with recycling 2,000 pounds of scrap metal. The project would be more properly sited in an area zoned for industrial activities.

## 3. Public Nuisance

- a) CVR poses a public nuisance under common law as it interferes with public safety. This threat to public safety is evident from reports of CVR receiving stolen vehicles, CVR's violation of storm water runoff



# CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

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regulations, and complaints from residents regarding noise, shaking, and odor.

#### 4. Private Nuisance

- a) CVR poses a private nuisance under common law because CVR knows its conduct is causing a substantial and unreasonable interference with surrounding residents' free use of their property. The noise, shaking, and odor coming from CVR's practice of recycling vehicles renders the ordinary use, enjoyment, and physical occupation of residents' homes uncomfortable. Limiting the time frame for disrupting residents' normal enjoyment of their property to 11:00 am to 2:00 pm does not eliminate the hardship faced by residents in their homes.

#### 5. Environmental Justice Issues

- a) Allowing an industrial activity to take place in an area zoned for commercial enterprises has a disparate impact on the residents in moderate to low-income areas, and areas inhabited by racial and/or ethnic minorities.
- b) The property was previously cited for storm water runoff violations. There is no record of those violations ever having been addressed/corrected. Also, there is no analysis of whether the violations would be exacerbated by the intensification of vehicle shredding.
- c) In previous staff memos, it was noted that the operator used or was planning to use water trucks to reduce dust from its operations. The draft conditions for approval (page 24, item 24) mention the construction of storm water drainage basin for use on site. However, nothing in the draft conditions for approval addresses the use of a water truck to control dust. In the current drought, the use of potable water for dust control purposes is unacceptable. Either the project should be structured to minimize dust, or the operator should use non-potable water for these purposes, and requirements that the runoff associated with this application will not migrate to adjacent areas, water ways, or neighborhoods.
- d) We are also concerned that there may be Title VI violations by allowing CVR to continue its operations while there are clear environmental impacts that affect low-income and minority residents more than other residents. Recipients of federal funds are prohibited from administering their programs in a way that discriminates against any protected class.

#### 6. Due Process

- a) Payment of over \$600 as an appeal fee is unreasonable if there is no process for requesting a fee waiver. Many of the residents in the affected area are low-income, and the fee to appeal presents a



# CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

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substantial barrier to their participation in the process. There should be a fee waiver process for moderate to low-income residents.

- b) Language access is also a barrier to participation in the process for many residents. Currently affected residents are required to bring their own interpreter to be able to understand the proceeding and express their concerns. The Stanislaus County Board of Supervisors and Planning Commission are subject to State and Federal Laws that require local government entities to provide certain public information and interpretation of meetings in languages that are spoken by a substantial number of non-English speaking people. This includes Title VI, Government Code 11135 and the Dymally-Alatorres Bilingual Services Act which requires that public entities provide translation if more than 5% of the population served speaks a language other than English. (Cal. Gov't Code § § 7291, 7293, 7295.2, 7296.2.) Stanislaus's local government meetings are also subject to the Brown Act, which requires transparency, access to information, and the right of all residents to participate in public meetings. (Brown Act, California Gov't Code § 54950, et seq.) Many of the residents that are affected by CRV's operation are non-English speakers. These affected residents must be allowed to meaningfully participate in permitting decisions.

## 7. Environmental Impacts

- a) The EIR lacks adequate consideration of public health by allowing the permit to be granted prior to a health risk assessment. This should be required before granting the permit.
- b) The EIR fails to consider CVR's vehicle crushing activities in relation to the issue of land use and planning.
- c) The noise study assumed a maximum noise level at the facility of 70 db. However the county's code lists the maximum noise level from commercial operations at 60 db. There is no evidence that the noise study accurately reflected the level of noise potentially generated by the increased and intensified shredding operations.

## 8. Discriminatory Effect

- a) Vehicle recycling, shearing and crushing is an incompatible land use when it is located and affects residential neighborhoods. The effect of the Planning Commission's decision, and ultimately the Board of Supervisors' decision, will cause minority and low-income residents to suffer a disproportionate burden to their health compared to non-minority and non-low-income residents. The decision to allow CVR to engage in auto dismantling will have a distinct and disparate impact on the residents near the project, raising Fair Housing concerns.
- b) Low-income communities already have a disproportionate share of hazardous land uses. All communities deserve the same degree of



## CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

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protection from environmental hazards, health hazards, and the peaceful enjoyment of their property.

Sincerely,

Kaitlin Toyama  
*Legal Intern*

cc: Marisol Aguilar, Staff Attorney, CRLA  
Alfred Hernandez, CEI Program Director, CRLA

**APPEAL OF PLANNING COMMISSION'S  
APPROVAL OF USE PERMIT  
APPLICATION NO. PLN2013-0078  
CENTRAL VALLEY RECYCLING, INC.**



# PLANNING COMMISSION'S DECISION

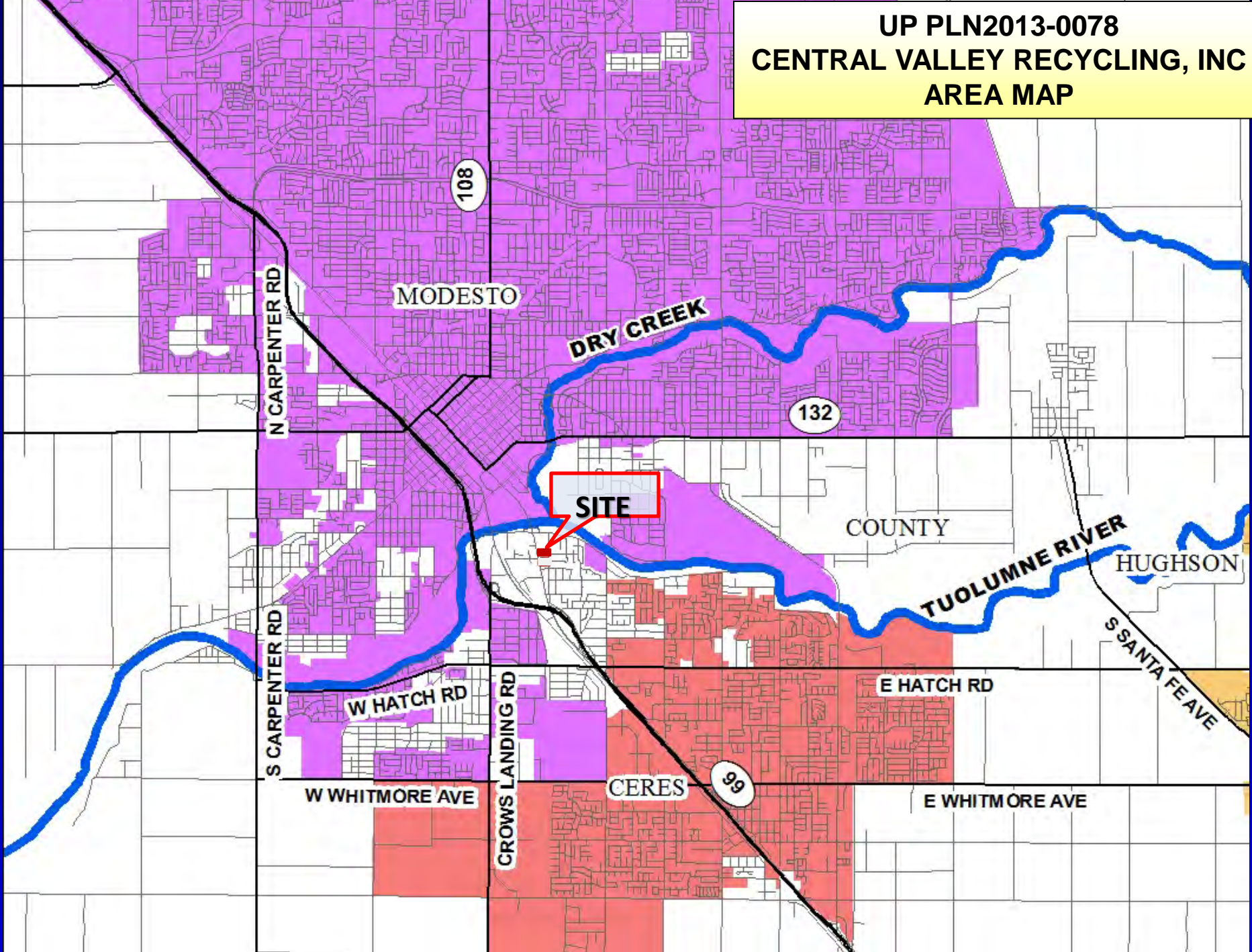
*May 7, 2015*

- Voted 5-1 to approve a use permit requesting to intensify an existing California Redemption Value (CRV) and scrap metal recycling facility by increasing the volume of scrap metal recycling allowed.



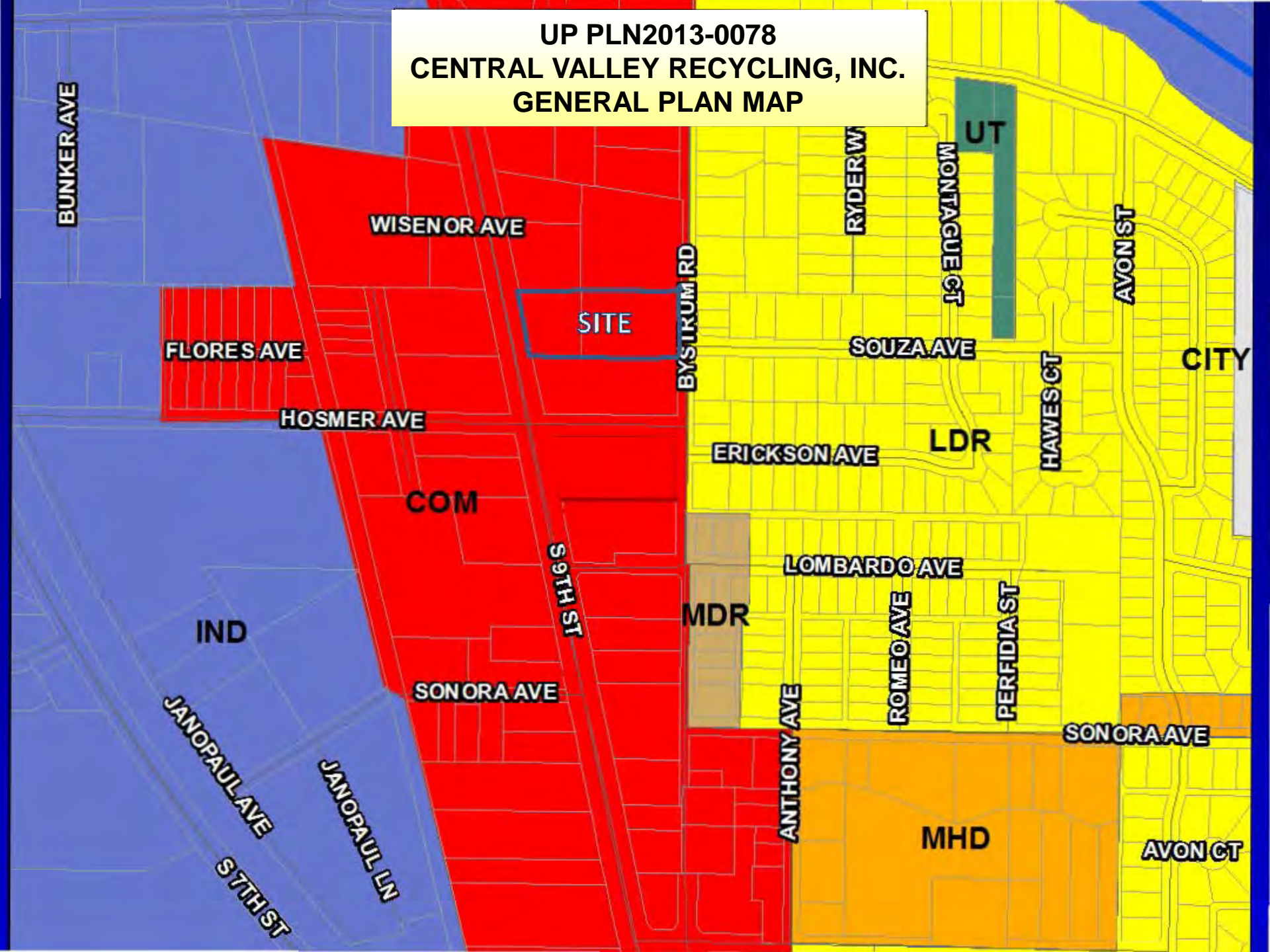


**UP PLN2013-0078  
CENTRAL VALLEY RECYCLING, INC  
AREA MAP**

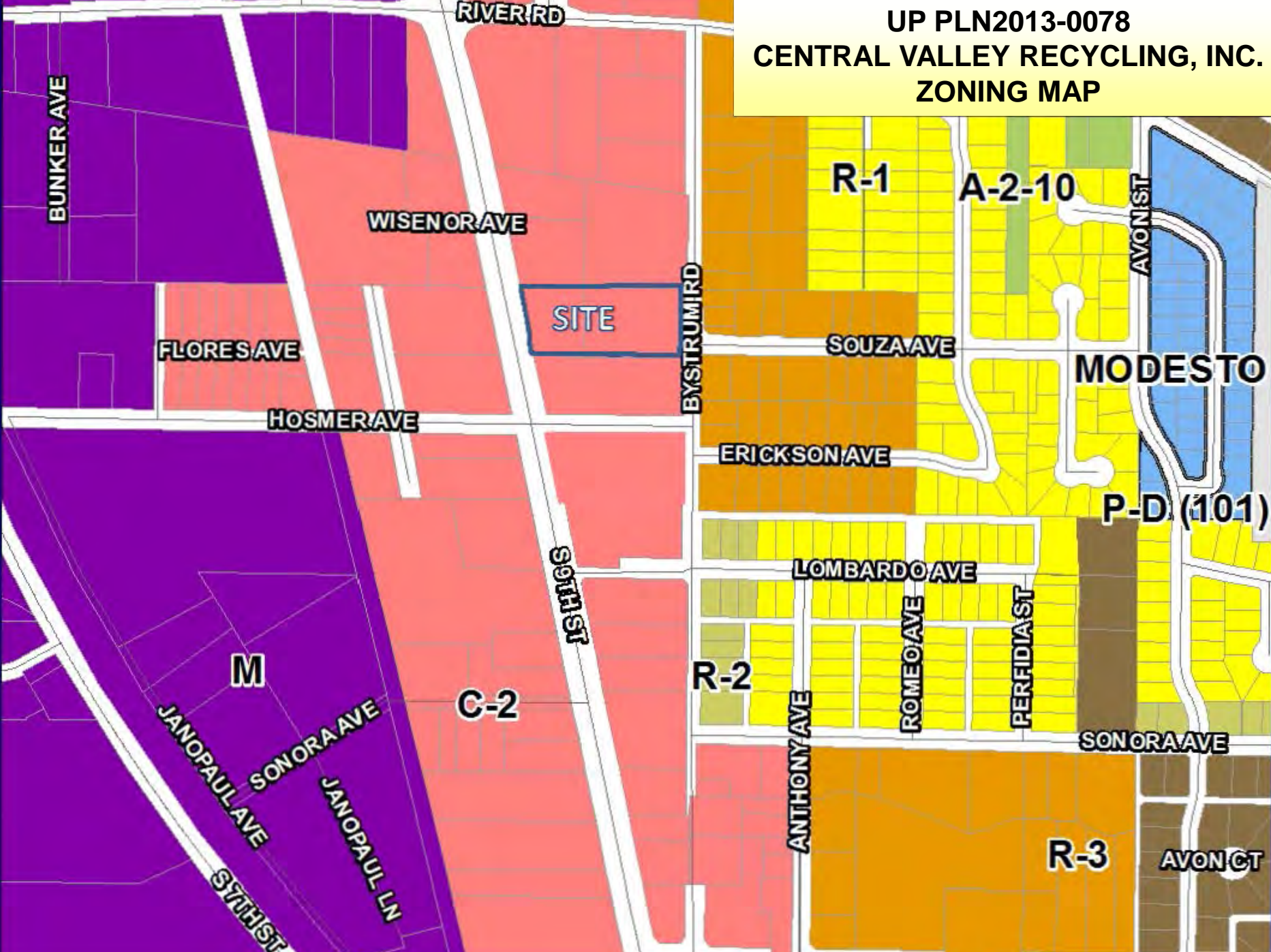




UP PLN2013-0078  
CENTRAL VALLEY RECYCLING, INC.  
GENERAL PLAN MAP



UP PLN2013-0078  
CENTRAL VALLEY RECYCLING, INC.  
ZONING MAP



**UP PLN2013-0078  
CENTRAL VALLEY RECYCLING, INC.  
2013 AREIAL**



S 9TH ST

BYSTRUM RD

HOSMER AVE

SITE

443

444

445

450

458

108

110

501

507

512

460

444

456

508

515

522

524

512

516

711

709

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720

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803

703

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570

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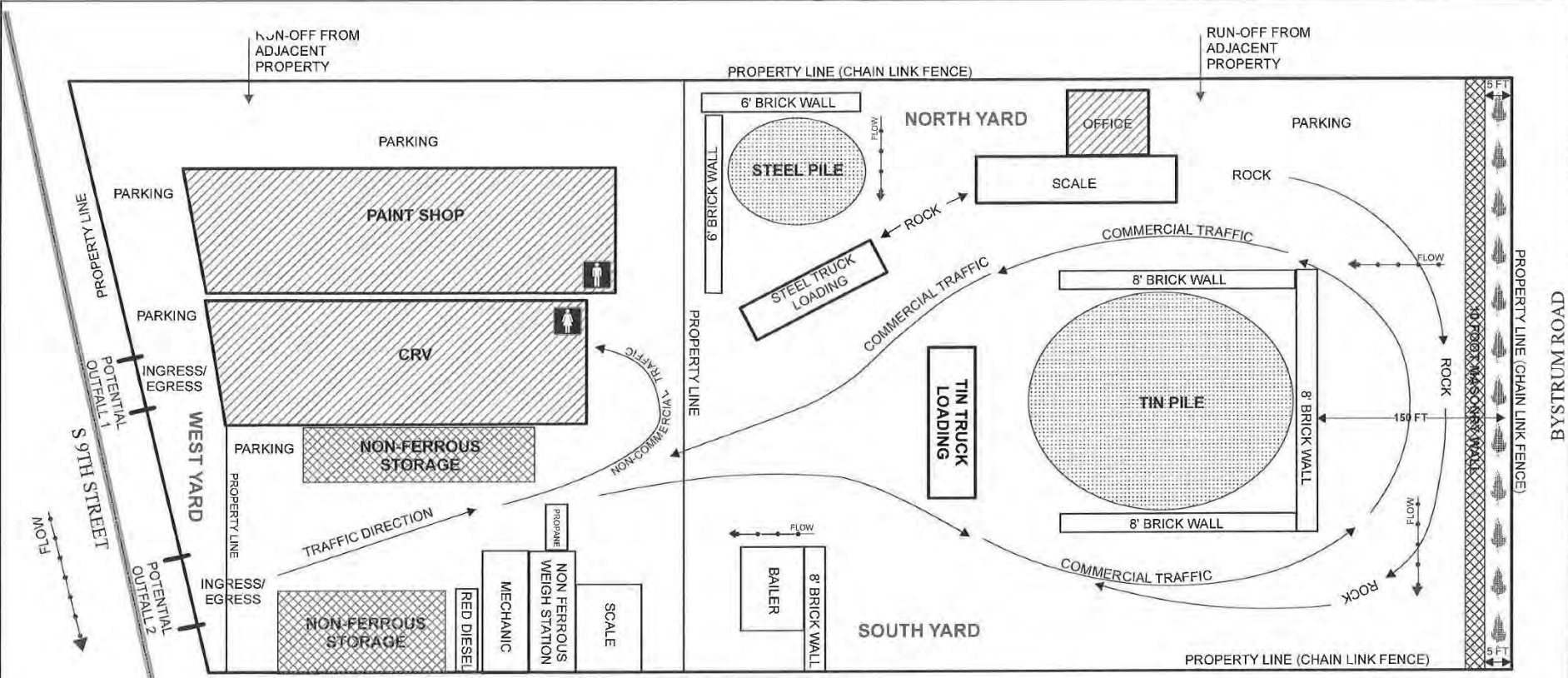
14

# CENTRAL VALLEY RECYCLING (CVR)

## *BACKGROUND*

- 1991 – Facility opened.
- 2009 – Business License for CRV and scrap metal recycling approved.
- 2012 – Intensification of scrap metal recycling resulted in a nuisance abatement case.
- 2013 – County and CVR entered into a Settlement Agreement





**MAP DATA AND PROJECT STATISTICS:**

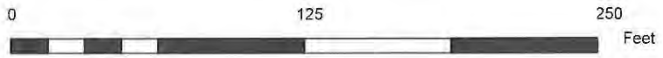
INFORMATION DEPICTED IN THIS MAP IS DERIVED FROM FIELD OBSERVATIONS MADE BY H2E CONSULTING ON JULY 16, 2012, INFORMATION PROVIDED BY CENTRAL VALLEY RECYCLING AND AVAILABLE AERIAL IMAGES AND GIS DATA.

JURISDICTION: COUNTY OF STANISLAUS  
 SITE ZONING: C-2  
 RWQCB: CENTRAL VALLEY REGION 5

**STORAGE INVENTORY DESCRIPTION:**

- CRV ALUMINUM CANS
- PLASTIC (HDPE)
- GLASS
- ALUMINUM
- BRASS
- COPPER
- RADIATORS
- STAINLESS STEEL
- BATTERIES
- INSULATED WIRE
- CARDBOARD (PAPER)
- E-WASTE

**UP PLN2013-0078  
 CENTRAL VALLEY RECYCLING, INC.  
 SITE PLAN**



	<b>SITE PLAN</b> CENTRAL VALLEY RECYCLING MODESTO, CA
	<small>DATE: 09/17/2013 ANALYST: HEDLUNDC</small>
	<small>REVISION 3 APPROVED:</small>

# Looking north along S. 9<sup>th</sup> Street





# Looking west across Bystrum Rd.



# Tin Pile and Excavator



# Truck Loading



# Concrete Block Wall



# Tin Pile”



# Excavator with Shearer



**UP PLN2013-0078  
CENTRAL VALLEY RECYCLING, INC.  
PLOT PLAN**

**BYSTRUM ROAD**

204' ±

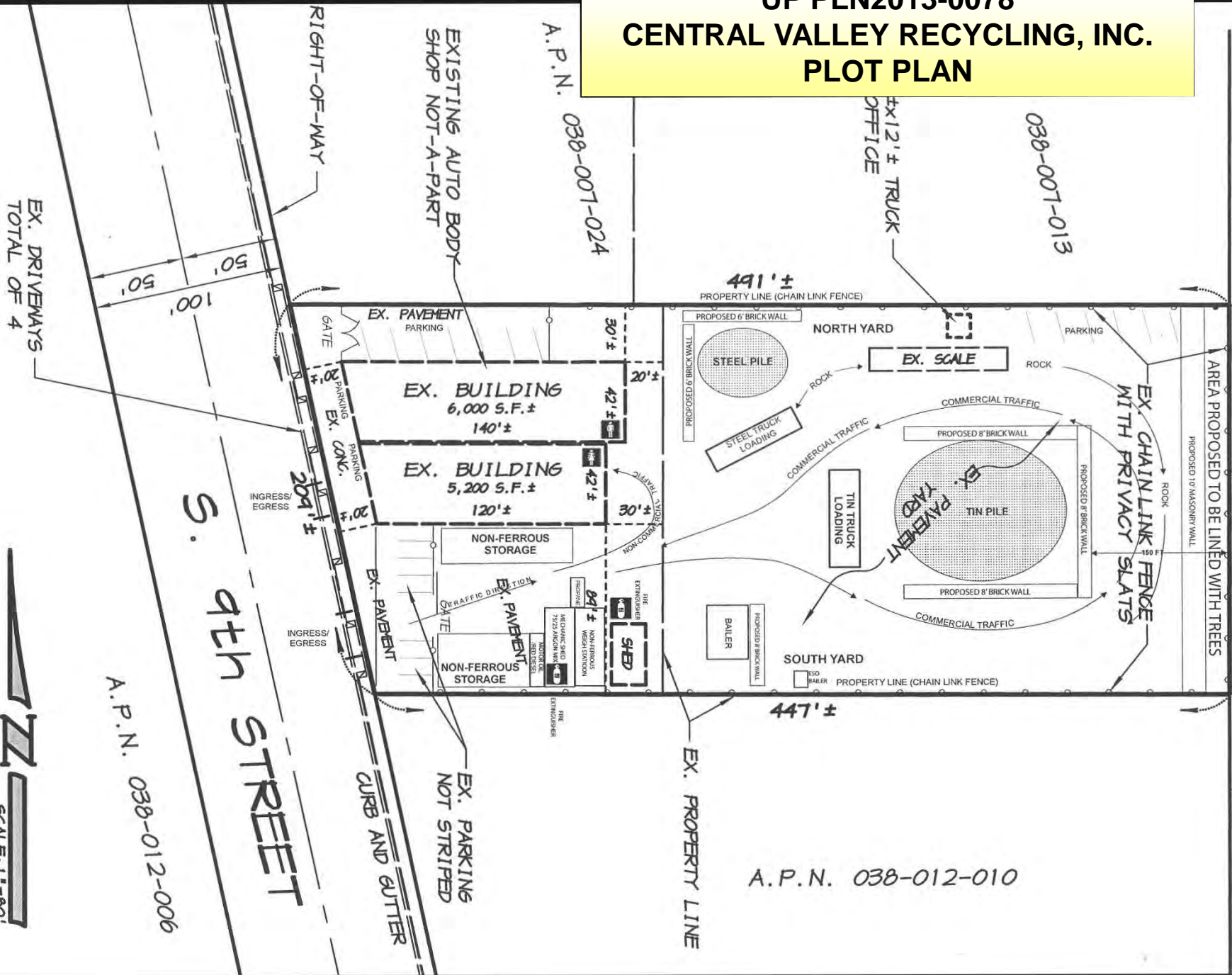
30' 20'

038-007-013

EX 12' ± TRUCK OFFICE

A.P.N. 038-007-024

A.P.N. 038-012-010



RIGHT-OF-WAY  
50'  
50'  
100'

EX. DRIVEWAYS  
TOTAL OF 4

**S. 9th STREET**

A.P.N. 038-012-006



EX. PAVEMENT PARKING

GATE

PARKING

EX. CONC. PARKING

INGRESS/EGRESS

INGRESS/EGRESS

CURB AND GUTTER

EX. PARKING NOT STRIPED

EXISTING AUTO BODY SHOP NOT-A-PART

NON-FERROUS STORAGE

NON-FERROUS STORAGE

TRAFFIC DIRECTION

EX. PAVEMENT

MECHANIC SHED

NON-FERROUS WELD EQUIPMENT

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# USE PERMIT

## *Conditions of Approval – As Approved*

- Maximum of 2,000 tons of scrap metal per month.
- Use of excavators, for any purpose, limited to Monday-Friday.
- Use of excavators for shearing (of any materials) or crushing (of vehicles) is further limited to 11 a.m. to 2 p.m. Monday-Friday.
- No use of any excavator allowed on Saturday.





# USE PERMIT

## *Conditions of Approval – As Approved*

- Landscape screening
- Screening Level Analysis/Health Risk Assessment
- No access to Bystrum
- Fencing and block walls
- On-site storm drain/paving
- Limits on the locations of excavator use and material loading/unloading
- On-site shopping cart rack and trash containers



# NOISE NUISANCE

- 2013 – Noise study confirmed intensity of the scrap metal portion of CVR’s operation was a nuisance.
  - Subsequent noise analysis in 2013 and 2015.
  - Mitigation: relocation of the tin pile, limitations on the location of excavator use and material loading/unloading, and installation of block walls.
- Currently – operation has reached compliance.



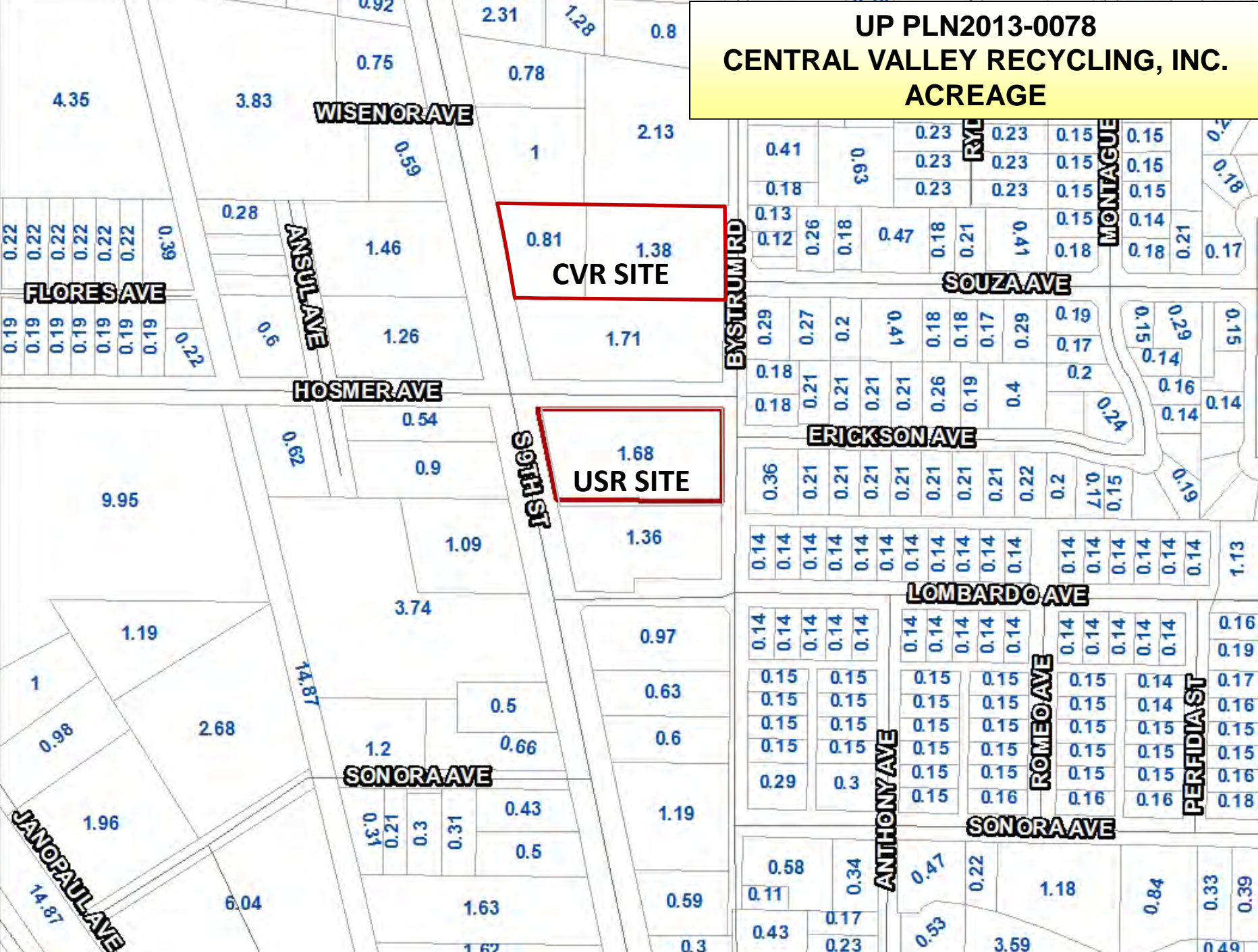
# UNIVERSAL SERVICE RECYCLE

## *FACILITY COMPARISON*

- Use Permit Approved 2014 – CRV and Scrap Metal Recycling.
- 600-800 tons per month of scrap metal and CRV.
- Use Permit supported by residential neighbors.
- On-site collection only, with no on-site processing (shearing, cutting, or crushing prohibited).
- Allowed to accept vehicles.
- Allowed use of excavator for materials transfer, including Saturday's.



**UP PLN2013-0078  
CENTRAL VALLEY RECYCLING, INC.  
ACREAGE**





EXISTING CONDITIONS



PROPOSED

**BENCHMARK**  
RESOURCES

**UP PLN2013-0077  
UNIVERSAL SERVICE  
RECYCLING, INC.  
PHOTO SIMULATION**

**UNIVERSAL SERVICE  
RECYCLING**  




**Scale, Scale House, Non-potable water**



**HOSMER LOOKING WEST**

# PLANNING COMMISSION

## *OPPOSITION*

- Two speakers
- Two emails
- Seven letters

Issues: compatibility, environmental impacts (toxics, air, groundwater, aesthetics, noise, vibration, and trash ), and health impacts.





# PLANNING COMMISSION

## *SUPPORT*

- Three speakers
  - Applicant's representative
  - Noise Consultant
  - Richard Francis – representing CVR

### Staff Report:

- Nine letters (7-nearby residents and 2-nearby business)



# PLANNING COMMISSION APPEAL

- Filed by Rebecca Harrington representing the Neighbors of Bystrum Road and Souza Avenue
  - Appeal letter raises concern that not all facts have been accurately represented and given the track record of CVR to date, they will be unable to comply with a new permit agreement.



# APPLICANT'S RESPONSE TO APPEAL

*LETTER DATED JUNE 1, 2015*

- Applicant is in agreement with Conditions of Approval and Mitigation Measures as adopted by the Planning Commission.



# AERIAL PHOTO COMPARISONS OF PROJECT SITE 2008-2015



Planning & Community Development

**UP PLN2013-0078  
CENTRAL VALLEY RECYCLING, INC.  
2006 AERIAL**



WISENOR AVE

ANSUL AVE

HOSMER AVE

S 9TH ST

BYSTRUM RD

**UP PLN2013-0078  
CENTRAL VALLEY RECYCLING, INC.  
2009 AERIAL**



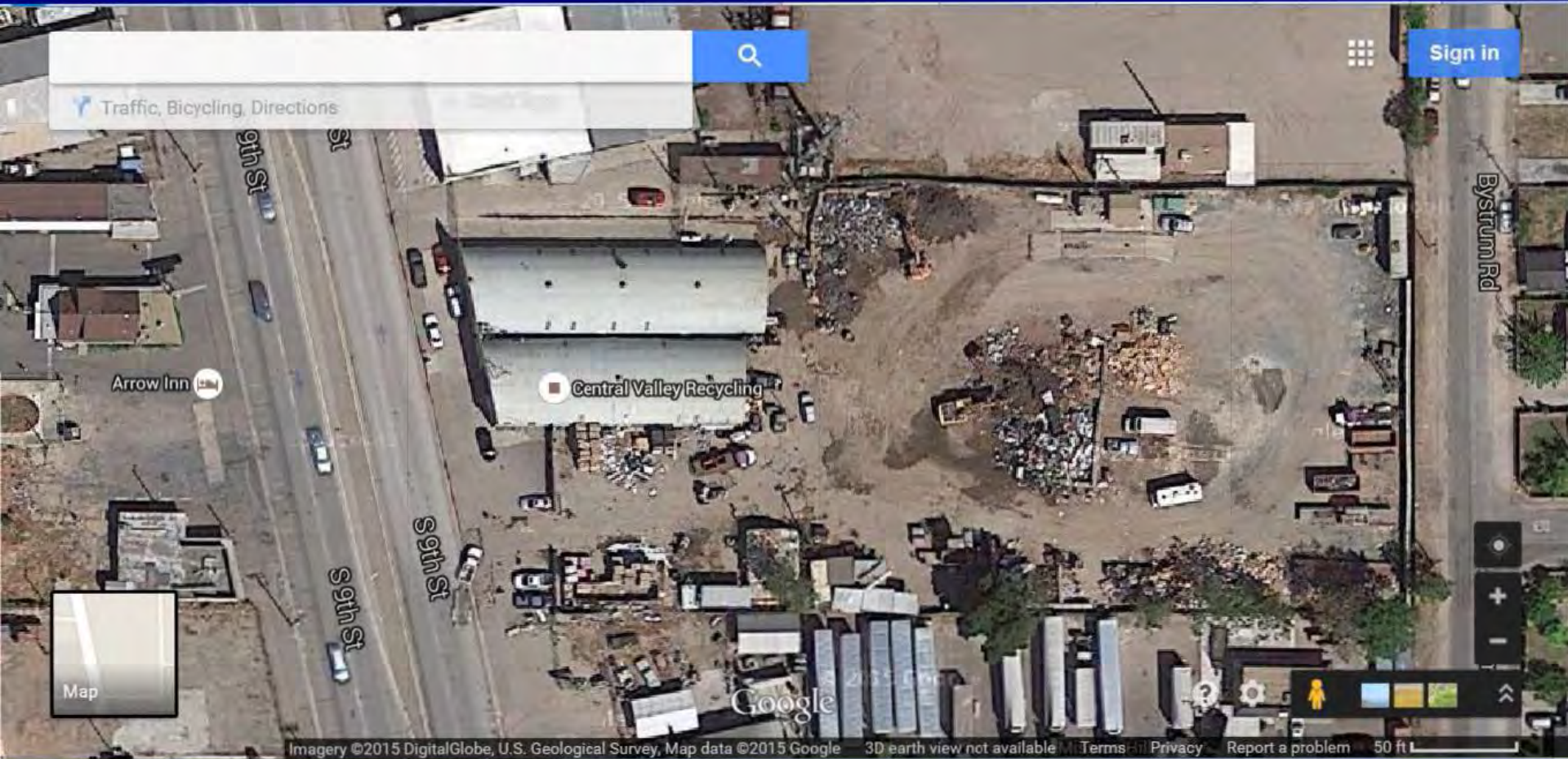
**UP PLN2013-0078  
CENTRAL VALLEY RECYCLING, INC.  
2010 AERIAL**



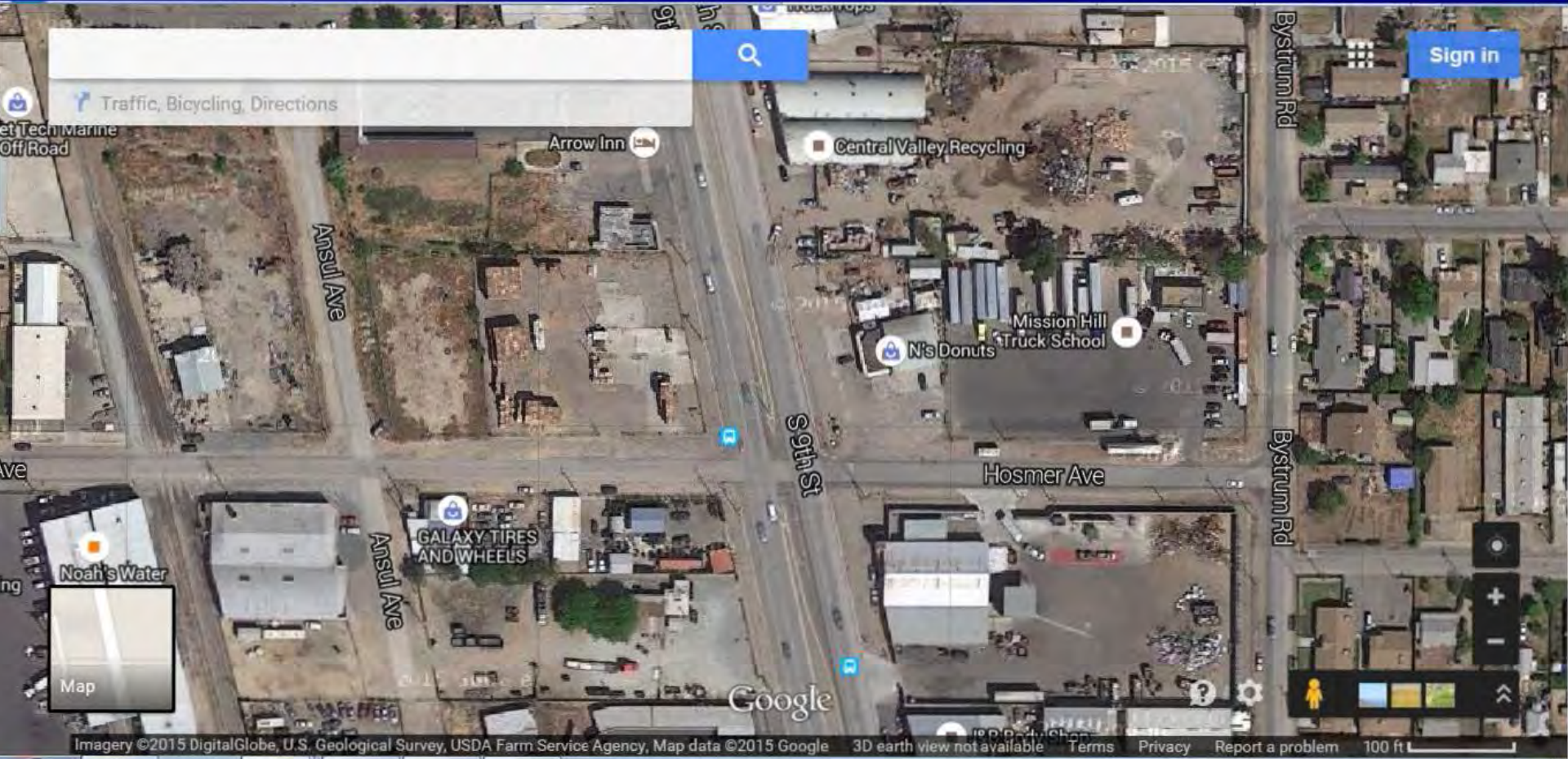




**UP PLN2013-0078  
CENTRAL VALLEY RECYCLING, INC.  
CURRENT GOOGLE AERIAL**



**UP PLN2013-0078**  
**CENTRAL VALLEY RECYCLING, INC.**  
**CURRENT GOOGLE AERIAL**



# RECOMMENDATION

- If the Board of Supervisors decides to uphold the Planning Commission's decision, denying the appeal, staff recommends taking actions 1-5 listed in the Board report.

