

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

DEPT: Environmental Resources

BOARD AGENDA # B-6

Urgent

Routine

CEO Concurs with Recommendation YES NO

(Information Attached)

AGENDA DATE September 10, 2013

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) X 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 277

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.

- 27 8. Owners and CVR hereby waive application of section 1542 of the Civil Code.
- 28 9. Owners and CVR understand and acknowledge that the significance and

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 9th Street
16 Modesto, CA 95351

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18 IN WITNESS WHEREOF, the Parties have executed the Agreement in the County of
19 Stanislaus, State of California.
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COUNTY OF STANISLAUS

By: 
Vito Chiesa,
Chairman

OWNERS:

By: _____
Stanley A. Goblirsch

By: _____
Joyce O. Goblirsch

ATTEST:
Christine Ferraro Tallman,
Clerk

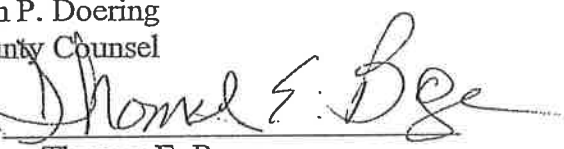
CENTRAL VALLEY RECYCLING

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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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: Stan 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

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

By: _____
Joyce O. Goblirsch

CENTRAL VALLEY RECYCLING

By: _____
Donald Francis Sr.

By: _____
Donald Francis Jr.

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. 9th 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 9th Street

Print

name:

Sitha Lay

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,

Valley Tire - \$ Truck Tops

Print

Nick Roiz

name:

Sign



name:

Stanislaus County Planning Commission
1010 Tenth Street Place
Modesto, CA 95354

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Sincerely, *444 Byg ham*

Print

JAMES FATHERWHITE

name:

Sign

James Fatherwhite

name:

Stanislaus County Planning Commission
1010 Tenth Street Place
Modesto, CA 95354

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Sincerely,

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DANNY SILVA

name:

Sign

Danny Silva

name:

Stanislaus County Planning Commission
1010 Tenth Street Place
Modesto, CA 95354

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Sincerely,

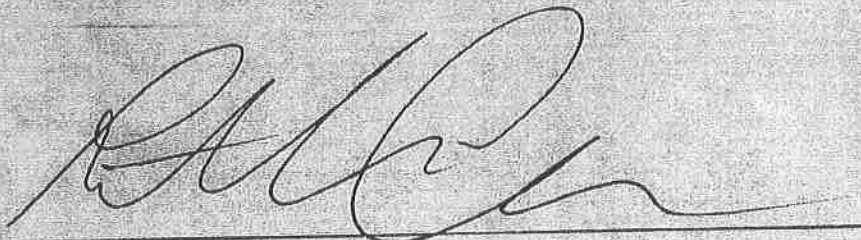
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Rith Chum

name:

Sign



name:

Stanislaus County Planning Commission
1010 Tenth Street Place
Modesto, CA 95354

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Sincerely,

548 Byatrum

Print *CARLOS LEIJA*

Carlos Leija
name:

Sign

name:

Stanislaus County Planning Commission
1010 Tenth Street Place
Modesto, CA 95354

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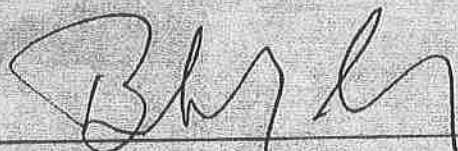
Sincerely, 702 Erikson #A

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 Soasa

Print

name:

Bertha Camargo

Sign

name:

Bertha Camargo

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,

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JOSE GONZALEZ

name:

Sign

[Signature]

name:

MITIGATED NEGATIVE DECLARATION

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

LOCATION OF PROJECT: 522 & 524 S. 9th Street, on the east side of S. 9th 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. 9th 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. 9th 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 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.*

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

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

EXHIBIT J