

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of September 20, 2012

The regular meeting of the Solano County Planning Commission was called to order at 7:00 p.m. in the Board of Supervisors' Chambers, Fairfield, California.

PRESENT: Commissioners Boschee, Karah, Cayler and Chairman Mahoney

EXCUSED: Commissioner Rhoads-Poston

STAFF PRESENT: Bill Emlen, Director; Mike Yankovich, Planning Program Manager; Karen Avery and Nedzlene Ferrario, Senior Planners; Lee Axelrad, Deputy County Counsel; Terry Schmidtbauer, Environmental Health Manager; Ricardo Serrano, Environmental Health Supervisor; Ed Padilla, Environmental Health Specialist; Matt Tuggle, Engineering Manager; Nick Burton, Civil Engineer; and Kristine Letterman, Planning Commission Clerk

Items from the floor:

June Guidotti, 3703 Scally Road, Suisun, submitted an article to the commission that was published in the Daily Republic newspaper with regard to the launching of a government corruption tip line. She gave a brief summary of the article and provided the phone number to call. Ms. Guidotti spoke about recent construction on Scally Road and stated that the work took place without proper permits.

The Minutes of the regular meeting of August 16, 2012 were approved as prepared by a 3-0 vote with Chairman Mahoney abstaining.

At staff's request, the commission changed the order of the agenda as follows:

3. **PUBLIC HEARING** to consider Reclamation Plan No. RP-78-01 of **Universal Propulsion** for an Interim Management Plan for a sand and gravel quarry. The property is located at 3350 Branscombe Road, 3 miles southeast of the City of Fairfield in an "AL-160" Exclusive Agricultural Zoning District, APN: 0046-120-340. This project is exempt from the provisions of the California Environmental Quality Act. (Project Planner: Karen Avery) **Recommendation:** Approval

Karen Avery gave a brief history on the quarry site. She stated that the mining operations ceased in 1993 and an Interim Management Plan (IMP) has been in place since that time. Universal Propulsion is applying for a renewal of the IMP as pursuant to Section 2.770h of the State Surface Mining and Reclamation Act (SMARA). This IMP will remain in effect from 2012-2017 or until such time the mine may be reactivated prior to 2017.

Ms. Avery stated that this IMP is considered an amendment to the surface mining operation's approved reclamation plan. The purpose of the IMP is to state how the property owner or mine operator will maintain the site in compliance with the current approved conditions. County staff conducted a site visit on August 20, 2012 and determined that the owner was in compliance with the existing reclamation plan. There was some concern with the eastern slope of the quarry pit being steep and the fact that cattle have access to the top of the slope. Staff recommended that the fence-line running along the top of the pit be adjusted to keep cattle off the top of the slope. The applicant agreed, performed the necessary fence-line adjustments and the IMP was revised. Staff recommended approval of the plan.

Since there were no questions of staff, Chairman Mahoney opened the public hearing.

June Guidotti, 3703 Scally Road, Suisun, voiced her concerns with regard to water contamination and impacts to endangered species and their habitat. She stated that she believes this project needs a marsh development permit. She said that more research and studies need to be done, and she asked the commission to deny the project until proper documentation is obtained and Prop 19 is complied with.

Since there were no further speakers, Chairman Mahoney closed the public hearing.

Mike Yankovich stated that the permittee is asking for an interim management plan which means there will not be any activity or extraction of materials. If the permittee decides that they want to make it an active site they would have to go through the use permit process and the commission would be able to look at it from an environmental as well as a project standpoint.

A motion was made by Commissioner Boschee and seconded by Commissioner Cayler to approve the renewal of the Interim Management Plan for Universal Propulsion. The motion passed unanimously. (Resolution No. 4583)

2. **PUBLIC HEARING** to consider Use Permit Application No. U-12-12 and Marsh Development Permit Application No. MD-12-03 of **Verizon (c/o Gale Fink, On Air LLC)** to expand the lease area of an existing wireless facility. The installation includes a 48KW generator and 132 gallon fuel tank located at 3360 Ramsey Road, 1 mile east of the City of Fairfield in an "AL-160" Exclusive Agricultural Zoning District, APN: 0046-050-180. This project is determined to be categorically exempt from the provisions of the California Environmental Quality Act. (Project Planner: Nedzlene Ferrario) **Recommendation:** Approval

Nedzlene Ferrario gave a brief presentation of staff's written report. She noted that the approval would allow Verizon to expand the 600 square foot existing lease area by 180 square feet in order to install a new 48 KW generator and 132 gallon fuel tank at the base of an existing 115-foot tall PG & E tower to provide backup power for the wireless facility. Wireless communication equipment such as antennas or changes to the height of the tower is not proposed.

Ms. Ferrario noted that visual impacts are less than significant in that the new equipment will be adequately screened from public view by a 36 inch Willow tree and a new 6-foot high chain link fence.

Since there were no questions of staff, Chairman Mahoney opened the public hearing.

June Guidotti, 3703 Scally Road, Suisun, voiced her concern with radiation and questioned why the improvements are not being built underground. She asked the commission to deny the project because of health and safety issues as well as fire concerns.

Mike Yankovich stated that one of the conditions of approval requires compliance with a Hazardous Materials Business Plan which shall mitigate impacts to employees or passer-bys. He noted that there are also periodic inspections of the site.

A motion was made by Commissioner Boschee and seconded by Commissioner Karah to approve Use Permit Application No. U-12-12 and Marsh Development Permit No. MD-12-03 subject to the recommended conditions of approval. The motion passed unanimously. (Resolution No. 4582)

1. **PUBLIC HEARING** to consider Use Permit Application No. U-11-09 of **Recology and Jepson Prairie Organics** for a landfill and composting facility. The project includes modifications to the permit limits for the average daily limits on municipal solid waste received at the Hay Road Landfill. The project is located at 6426 Hay Road, 5 miles southeast of the City of Vacaville in an "A-80" and "A-160" Exclusive Agricultural Zoning District, APN's: 0042-020-280 and 060. The Planning Commission will also be considering adoption of a mitigated Negative Declaration of Environmental Impact as recommended by the Solano County Department of Resource Management. (Project Planner: Nedzlene Ferrario) **Recommendation:** Approval

Nedzlene Ferrario provided a summary of the staff report. She stated that approval of the proposal would allow Recology to accept a maximum of 2400 tons per day of municipal solid waste which equates to roughly doubling the amount of the current permitted allowance. The request could potentially increase vehicle trips to the site and impact local roads and litter maintenance. Conditions of approval are included to minimize such impacts. Ms. Ferrario reviewed the recommended conditions and noted that they have all been agreed upon between resource management staff and the applicant. Staff recommended approval of the project.

Commissioner Boschee inquired as to where the solid waste comes from and what percentage is from Solano County.

Greg Pryor, General Manager, Recology Hay Road, stated that the solid waste comes from unincorporated areas of Solano County, the Cities of Vacaville and Dixon, and various municipalities throughout Northern California. He stated that 50 to 60 percent is from Solano County. He noted that the increase would potentially come from within Solano County, but additionally other communities within Northern California.

Commissioner Cayler inquired if waste from San Francisco comes to the Hay Road facility. Mr. Pryor stated that they do not receive municipal solid waste from San Francisco but they do utilize some of their concretes and asphalts for the construction of winter access roads and pads. He stated that they do accept organics from the City of San Francisco and some construction and demolition materials recovery facility finds which they use in lieu of soil for cover.

Commissioner Boschee wanted to know if that counts in the total amount that is imported or if it is in addition to. Mr. Pryor stated that the cover and concrete is in addition to and is not counted as solid waste.

In response to Commissioner Karah's inquiry, Mr. Pryor stated that they will get specific projects from throughout Northern California and take concrete and asphalt at a lessor or no charge to offset having to purchase rock from a quarry. He noted that the tonnages increase in the summer when there is more construction. He said they typically receive 30,000 to 40,000 tons of concretes and asphalts per year. Mr. Pryor said the organics they receive from San Francisco average 115 tons over a 7 day period.

In response to Chairman Mahoney, Mr. Pryor stated that it is true that the landfill cannot refuse to accept trash that is brought in from other counties.

Since there were no further questions, Chairman Mahoney opened the public hearing.

Larry Nixon, 6156 Circle C Lane, Dixon, stated that traffic will increase due to additional truck trips and additional employees on site. Mr. Nixon spoke with regard to the original permit approved in 2005 and stated that local residents were never notified of the project. He spoke to odor concerns. He stated that the odor is very strong when the wind shifts, and he urged the commission to drive out to the area. Mr. Nixon stated that the odor does not occur 24/7 but it does happen quite often, especially in the winter months.

Rosie Enriquez, 6107 Clark Road, Dixon, stated that at one point the stench from the landfill was so bad that there was a coalition of over 40 residents from within a 7 square mile area that were affected. She commented that from September to May, as the wind shifts from the southeast, her house smells like vomit. She also likened the smell to rotting corpses. Ms. Enriquez stated that the stench can last for 5 minutes or it could last all day. She commented that she has observed garbage trucks coming in from Sonoma County. Ms. Enriquez also stated that she did not receive public notice at the time this facility was permitted. She commented that in the past the idea of enclosing the facility was brought up and she believed that it is something that should be pursued.

June Guidotti, 3703 Scally Road, Suisun, stated that bringing in food waste from San Francisco is in violation of Measure E. She also voiced concerns with regard to asbestos and mosquitos. Ms. Guidotti stated that she appealed the previous project permit to BCDC and asked the commission to deny this permit request until after the BCDC hearing.

Since there were no further speakers, Chairman Mahoney closed the public hearing.

Lee Axelrad, County Counsel, spoke with regard to Measure E. He explained that included in the conditions of approval is a condition that addresses concerns, if any, that could be raised with respect to Measure E, and that condition has been reviewed by and is acceptable to the applicant. He explained that what this condition does is it provides for the eventuality that a future court might determine that Measure E needs to be enforced. At the present time the measure is working its way through the litigation process and we are not at a point yet where we know the outcome of that litigation, but staff and the applicant have prudently included a

provision that provides for that eventuality if it were to arise. If that happens, the waste that would be within the definition of the waste covered by Measure E would stop coming in.

Ricardo Serrano, Local Enforcement Agency, stated that the proposed increase is for the disposal of municipal solid waste and he explained that garbage plays a minor role in comparison to the composting facility. The issues speakers have pointed out are coming primarily from the Jepson Prairie Organic composting facility. Mr. Serrano stated that the regulations call for the minimization by the facility of any nuisance or odor impacts to the nearby residents. The LEA is mandated to enforce the reduction or the minimization of any nuisance conditions. With regard to odor, the county has implemented, in conjunction with the facility operator, a scaled down type of operation. He noted that the number of verified complaints between 2009 and 2011 have decreased because the facility has gone through the effort of some site improvements to minimize the offsite impacts of odors to the residents. Mr. Serrano stated that unless the LEA has the right tool to call for a complete elimination of any nuisance conditions, there is no leverage on how to enforce the regulations to the point that the odor nuisance conditions are not going to occur. It is going to be really hard for the LEA to make that determination that there is going to be a zero nuisance condition coming from a solid waste facility. He stated that what the LEA can promise is to continue with the model they have. Mr. Serrano concurred with Ms. Enriquez that in the wet season the probability of more complaints increases. He said that they have responded to numerous complaints and sometimes the odors cannot be verified because of the weather conditions, but the commitment is to continue monitoring the site and to work with the operator to minimize the offsite impact of odors to the nearby residents.

Commissioner Boschee wanted to know if there have been any discussions with the composting facility about covering the facility to capture the methane gas.

Mr. Serrano stated that there had been some early discussions with the operator and there is a proposal to move forward with a waste to energy type of processing which a portion of the emissions can be captured through an aerobic digester.

Commissioner Boschee stated that he believed taking organics and making compost is a great idea but there is the problem with odors and capturing that methane gas certainly could eliminate the problem that people have who reside downwind of the facility. He believed that every effort should be made to continue to allow the organics to be composted but to eliminate the odor problem. Mr. Boschee acknowledged that it would be costly, but he felt it is something that can be done and should be pursued, certainly before any additional changes are made to the facility.

Mr. Serrano pointed out that the landfill has a mechanism which they are capturing currently the methane from the landfill portion, but since the discussion is about odor, there is a proposal to go with an anaerobic type of digester system.

Commissioner Karah wanted to know how the landfill's prices compare to other counties.

Mr. Pryor stated that currently they have various contracted rates for the municipalities that they serve. He said for gate customers a pickup truck is typically \$20. He said there is a minimum charge and depending upon the weight it could be upwards of \$50 per load.

Mr. Pryor spoke with regard to the composting facility. He stated that three years ago they invested in a negative aerated static pile. He said the current system draws the air down through the mass and collects it through a series of collection pipes and it is exhausted out through a bio-filter. He said that they have engineered tests that have demonstrated a 95% reduction. In essence, it destroys a lot of the organic compounds which are odorous compounds. He said that it is a new technology and over the last 2½ years they have learned a lot about managing and operating the facility. He said that they want to be a good neighbor and that is why they have employed technologies like this. He said that they are currently in the process of looking at upgrading this system to additionally decrease and minimize the odors. They are always interested in taking advantage of the best technologies available. He said that currently the system has done a great job at reducing the odors. Mr. Pryor stated that he will never say that they can completely eliminate the odors because it is not possible, but they can implement systems and are currently working with engineers to upgrade this system. He reiterated that this permit revision would have no impact and no increase with regard to the organics.

Commissioner Cayler noted that she took a recent tour of the landfill and said that the technology being used and experimented with to decrease the odors is amazing. She recommended to anyone who might be interested to take advantage of the opportunity to go out and see what the landfill is doing to try to mitigate dust and odor. She said that it cannot be perfect because it is an area with a lot of wind. Ms. Cayler commented that she has observed Recology employees picking up litter on the road between Dixon to Travis AFB.

Commissioner Karah asked again about pricing and wanted to know if it is cheaper to dump garbage in Solano County.

Mr. Pryor stated that their rates are comparable to other landfills within Northern California and the public tipping rates are all generally in line with one another.

Commissioner Karah wanted to know why Sonoma County brings their garbage to Solano County.

Mr. Pryor stated that it was a contract that was entered into. He believed that previously they were taking their refuse to the Potrero Hills Landfill and Recology submitted a bid with the current operator and were successful in winning that bid.

A motion was made by Commissioner Cayler to determine that the Mitigated Negative Declaration is adequate and complete and adopt a Mitigation Monitoring Program and approve Use Permit Application No. U-11-09 subject to the findings and recommended conditions of approval. The motion died due to lack of a second.

Commissioner Boschee stated that he did not believe that the issues have been mitigated. He said that even though there seems to be some separation between Jepson Prairie Organics and

the landfill, they are both still at the same site. He believed the odor issue is a serious one. He said that there is some odor coming from the solid waste facility and in doubling the amount of tonnage it is not known how it will affect the odor. He believed the majority of the odor is coming from the organics portion and he felt there needs to be some effort made to mitigate that. Mr. Boschee said that he acknowledges what the applicant has stated about their efforts and believes that they are trying hard to do something that will significantly reduce the odor from the site, and maybe with some additional work they can demonstrate that that can happen. Mr. Boschee stated that he is very much in favor of composting and that it is something we should be doing and increasing, but we need to do it in a way that it is not going to have an impact on people living in the area. He stated that the composting needs to be done in an enclosure so that those odors can be significantly reduced from the site.

Commissioner Boschee made a motion which was seconded by Commissioner Karah to deny the use permit. The motion tied 2-2.

Chairman Mahoney stated that when it comes to the smell from the composting site, it has nothing to do with the permit request currently before the commission. The applicant did talk about what they are trying to do with mitigating the smell of the composting facility and with the science involved. As far as the landfill, Mr. Mahoney said he was amazed at how much effort the landfill has put into trying to clean up after a windy day and has seen crews out picking up the small plastic bags that get blown all over the place trying to mitigate the landfills impact on the neighbors. Mr. Mahoney reiterated by saying that this permit request relates to the landfill and not the composting facility. He said that the commission can ask staff to go out and check the composting facility more often and help the owner/operator to update their facility even more, but if we want a composting facility out there it is going to smell.

Commissioner Karah stated that she is uncomfortable with the doubling of the amount of tonnage. she suggested postponing this item to allow for a broader discussion on the issues.

Mr. Yankovich stated that the commission could continue this item to give staff time to meet with the operator to look at some of the issues that were brought up and come back with some ideas on how to address some of these issues.

A motion was made by Commissioner Karah and seconded by Commissioner Cayler to continue this matter until October 18, 2012. The motion passed unanimously.

4. **ANNOUNCEMENTS and REPORTS**

Commissioner Karah noted that Mike Yankovich will be the keynote speaker at the annual California County Planning Commissioners Association conference on October 12th.

5. Since there was no further business, the meeting was **adjourned**.