



**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

1010 10<sup>TH</sup> Street, Suite 3400, Modesto, CA 95354  
Planning Phone: (209) 525-6330 Fax: (209) 525-5911  
Building Phone: (209) 525-6557 Fax: (209) 525-7759

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Date January 18, 2024

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

**SUBJECT: USE PERMIT NO. PLN2016-0055 – RECOLOGY BLOSSOM VALLEY ORGANICS – NORTH – 2023 ANNUAL COMPLIANCE REVIEW**

The subject Use Permit was approved on December 15, 2016, by the Planning Commission, to allow a reorganization of an existing composting operation located at 3909 Gaffery Road, in the Vernalis area, further identified as Assessor Parcel Number (APN) 016-003-010. The request included on-site improvements, reorganization of operations, and establishment of a maintenance building and a truck washing facility on a parcel to the south at 3432 Gaffery Road (APN 016-016-023). The Use Permit application was in response to code enforcement efforts relating to nuisances associated with the composting facility. The facility is currently permitted to receive up to 2,000 tons per day of green, agricultural, and food materials for composting, which are all commonly referred to as “feedstock”. As of December 2023, approximately 98% of the material received at the facility comes from outside of Stanislaus County. Once the contaminants (plastics) are separated from the feedstock, the contaminants are delivered to Recology’s facility in Vacaville and the remaining feedstock is composted on-site and then sold.

Use Permit Condition of Approval (COA) No. 17 required review of the composting operation one year after its approval and annually thereafter, at the discretion of the Planning Director. COA No. 17 also provided the Planning Commission the authority to amend COAs, as necessary to address any on-going nuisance concerns.

Since approval of the Use Permit, annual site visits, along with a report back to the Planning Commission, were conducted in 2017, 2019, 2020, 2021, and 2022. The 2017, 2019, 2020, and 2022 annual site visits were conducted with both Planning staff and a Special Committee of the Planning Commission. The 2021 annual site visit was conducted by staff only. The focus of the annual site visits has been to assess operating conditions relating to odor, flies, seagulls, trash/litter, dust, landscaping, and fencing. While issues persisted between the 2017-2021 annual site visits, Recology showed some level of progress in upgrading the site and continuing to address issues. In 2022, staff conducted an unscheduled site visit on July 19, 2022, which identified some concerns leading the Planning Director to determine that an annual review by the Planning Commission was warranted.

On November 9, 2022, a Special Committee of the Planning Commission, along with Planning staff and District 3 Board of Supervisor Terry Withrow, conducted an annual site visit. Following the site visit, Planning staff, along with Planning Commissioners Pacheco and Wilerup, met with Recology to discuss the issues observed during the visit. Issues observed in both July and November of 2022 included: litter escaping the composting facility, dust and the track-out of dirt on the roadway, and dead landscaping.

The Planning Commission memo for the 2022 Annual Compliance Review is provided as Attachment A – *February 16, 2023, Planning Commission Memo for Use Permit No. PLN 2016-0055 – Recology Blossom Valley Organics – North – 2022 Annual Compliance Review* of this memo. A draft of Staff Approval Permit Application No. PLN 2023-0010 – Recology (which has since been approved), is included as Exhibit IV of Attachment A of this memo, which allowed for facility improvements, and amended the site plan and COAs to allow for additional time to complete the installation of the Aerated Static Pile (ASP) system. The Staff Approval Permit also added a condition giving the operator until December 15, 2023, to meet COA No. 14 of the Use Permit which required Recology to reduce the amount of litter escaping the composting operation to zero (0).

Since the February 16, 2023, Planning Commission meeting, Planning staff have conducted unannounced visits to the site area to observe off-site conditions. Based on improvements in conditions and no complaints relating to the operations of the facility being received by the County, a determination was made to proceed with the annual site visit without a Special Committee of the Planning Commission.

### **2023 Annual Site Visit/Annual Compliance Review**

On December 21, 2023, Planning staff along with staff from the Agricultural Commissioner's office conducted a site visit of the composting facility. The site visit was conducted from 10:00 a.m. to 11:30 a.m., with the day's temperature being in the mid to high-50's degrees Fahrenheit with winds at four to six miles per hour coming from the northwest. There had been moderate to heavy rains the three days prior, so the ground was still wet and muddy. Temperature, wind, and rain conditions were similar to those experienced in 2022. Prior to entering the facility, Planning staff observed the conditions along Gaffery road outside the facility. Minimal litter was observed along Gaffery Road and the fencing and landscaping outside of the facility were in good condition. There was some litter observed to the south of the facility, on the south side of Gaffery Road, along the Delta Mendota canal; however, the area on the north side of Gaffery Road, between the Delta Mendota canal and west of the facility exit gate/office area, was mostly free of litter. Track out (mud) on the roadway near the exit to the facility was minimal compared to the previous year and a street sweeper was being utilized on the roadway and two employees were cleaning the rumble strips adjacent to the exit. On-site observations included dead landscaping, a strong odor near the water retention pond, seagulls in the incoming feedstock screening area, plastics along the bank of the Delta Mendota canal adjoining the facility, and the lack of a trailer, or other means, to capture contaminants (plastics) in the final compost screening area. In general, the amount of contaminants, especially pieces of plastic, visible on-site was comparable to that seen the previous year, with the exception of the feedstock piles coming from Contra Costa County, which had significantly less visible contaminants (due to being made up of strictly ground green waste and containing no food waste).

Overall conditions both on- and off-site were found to have improved, however, the following areas of concern remain:



1. Litter:

- While the amount of litter observed off-site has reduced significantly compared to the prior annual site visit, the amount of contaminants coming onto the site, which could become air-born during the composting process, and the methods used to contain litter on-site are still a concern. During the site visit, Recology stated that they continue to work with their contracted jurisdictions to reduce the volume of incoming contaminants in the waste received and to reduce/eliminate the use of biodegradable bags (which take longer to degrade than the composting process and contribute to air-born litter that float off-site). Part of Recology's strategy to address the contaminants, is to utilize additional screening equipment at off-site transfer facilities in an effort to reduce the amount of contaminants (litter) coming to the composting facility. Since the site visit, Recology has implemented the use of additional off-site screening equipment (a trommel screen) and has agreed to provide ongoing photos of the screened waste arriving at the composting facility (the receiving area) and of compost windrows so contaminant amounts can be compared with the conditions observed during the site visit.
- Recology has committed to the continued utilization of vacuum trailers to suck up air-born litter that escape the feedstock screening area.
- Recology has also committed to implementing improved protocols to provide measurable data showing the reduction in contaminants. Staff has asked that this data be routinely provided in addition to the ongoing photos of the screened waste.
- While added fencing has been installed in the final screening area to capture air-born litter, litter was not being captured the day of the site visit. It is in this area that the greatest amount of litter was visible, along the Delta Mendota canal running along the project site. Following the site visit, Recology staff clarified that there is normally a trailer in place at the final screening area to capture the litter, but it had been moved temporarily. As of January 5, 2023, Recology was able to put in place a trailer to capture the litter and provided photos for verification. Recology has also committed to cutting down the weeds along the canal bank, once the rainy season ends in April/May, to help remove existing litter that is captured in the weeds and will be sending photos to verify the weed and litter clean-up.

2. Seagulls:

- There was a noticeable increase in seagulls on-site compared to recent years, concentrated in the area around the unseparated feedstock piles in the receiving area. Recology attributed the increased presence to the recent storms. Per Recology they are no longer utilizing a falconer to control the birds, but have instead implemented the use of drones and propane cannons (which produce pressure regulated sonic blasts), and will be investigating different propane cannon sound patterns to help deter the birds. COA No. 16 of the Use Permit requires the facility to check all incoming feedstock deliveries for the presence of seagulls and other birds at their source of departure. Recology has also committed to working with their haulers to address the issue.

3. Landscaping:

- While the landscaping outside of the facility was in good condition, some of the landscaping within the facility, near the front office area, was dead. Recology has committed to replacement of the landscaping once the weather improves.

4. Odor:

- While odors of concern were not detected off-site, staff has followed-up with Recology regarding the strong odor near the water retention pond. Recology attributed the odor to the recent storms and has implemented new protocols associated with running the aerators, which utilize the pond water, for longer periods of time and more frequently. Recology has also scheduled an electrician for the week of January 15, 2024 to update the timers on the aerators. Recology believes that efforts to adjust the use of the aerators should reduce the odors by increasing the oxygen levels.

In accordance with COA No. 17, the Planning Commission may, as part of this annual review, amend COAs, as necessary, to address nuisance concerns. While Recology is not in full compliance with their COAs, specifically No. 14 requiring the amount of litter escaping from the facility to be reduced to zero, staff is recommending additional time to continue to work with Recology to bring the facility into full compliance. In this last year Recology has taken noticeable steps to improve overall conditions and there is no indication that efforts to improve conditions will not continue.

**ACTION NEEDED BY THE PLANNING COMMISSION**

The Planning Commission is being asked to provide feedback on the 2023 Annual Compliance Report. If the Planning Commission desires to amend any of the conditions of approval of the Use Permit, staff will schedule the matter for consideration at a future Planning Commission meeting.

Attachments:

Attachment A – February 16, 2023, Planning Commission Memo for Use Permit No. PLN 2016-0055 – Recology Blossom Valley Organics – North – 2022 Annual Compliance Review (with Exhibits I – IV)



Date February 16, 2023

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

**SUBJECT: USE PERMIT NO. PLN2016-0055 – RECOLOGY BLOSSOM VALLEY ORGANICS – NORTH – 2022 ANNUAL COMPLIANCE REVIEW**

The subject Use Permit was approved on December 15, 2016, by the Planning Commission, to allow a reorganization of an existing composting operation located at 3909 Gaffery Road, further identified as Assessor Parcel Number (APN) 016-003-010. The request included on-site improvements, reorganization of operations, and establishment of a maintenance building with the development of a truck washing facility on a parcel to the south at 3432 Gaffery Road (APN 016-016-023). The Use Permit application was in response to code enforcement efforts relating to nuisances associated with the composting facility. The facility is currently permitted to receive up to 2,000 tons per day of green, agricultural, and food materials for composting, commonly referred to as “feedstock”. Approximately 99.5% of the material received at the facility comes from outside of Stanislaus County. Once the contaminants (plastics) are separated from the feedstock, the contaminants are delivered to Recology’s facility in Vacaville and the remaining feedstock is composted and then sold.

The December 15, 2016, Planning Commission Staff Report for the Use Permit, with partial attachments including the Findings and Actions Required for Approval (Exhibit A), Maps (Exhibit B), and Conditions of Approval (Exhibit C), is provided as Exhibit I of this memo. The complete Planning Commission Staff Report, with all exhibits is available online at the following link: <https://www.stancounty.com/planning/agenda/2016/12-15-16/Agenda.pdf>.

Use Permit Condition of Approval No. 17 required review of the composting operation one year after its approval and annually thereafter, at the discretion of the Planning Director. Condition of Approval No. 17 also provided the Planning Commission the authority to amend Conditions of Approval, as necessary to address any on-going nuisance concerns.

Since approval of the Use Permit, the following annual site visits, along with a report back to the Planning Commission, have been conducted: August 2017, August 2019, August/September 2020, and August 2021. The 2017, 2019, and 2020 site visits were conducted by both Planning staff and a Special Committee of the Planning Commission. The 2021 site visit was conducted by staff only. The focus of the site visits has been to assess operating conditions relating to odor, flies, seagulls, trash/litter, dust, landscaping, and fencing. Upon reporting back to the Planning Commission, no requests have been made to amend conditions of approval. While issues have persisted, Recology has shown some level of progress in upgrading the site and continuing to address issues.

The Planning Commission memos for the 2020 and 2019 Annual Compliance Reviews are provided in Exhibit II – *December 3, 2020, Planning Commission Memo for Use Permit No. PLN 2016-0055 – Recology Blossom Valley Organics – North* of this report. The 2021 Annual Compliance Review was provided as an oral report to the Planning Commission on September

16, 2021. No written memo was provided. In 2021, staff found the facility to be operating in compliance with its conditions of approval.

### **2022 Unscheduled Site Visit**

On July 19, 2022, Planning staff conducted an unscheduled site visit. The site visit was conducted in the morning, from 10:00 a.m. – 11:15 a.m., with the temperature ranging from 81-88 degrees Fahrenheit (°F) during the visit and shifting wind conditions (primarily from the west and northwest) of 4-8 miles per hour (mph). In the days prior to the site visit the daily high temperatures were in 100's degrees °F. Observations made by staff during the site visit included:

- Plastics off-site, along the Gaffery Road frontage, and hanging from the fencing.
- Plastics having been removed from an irrigation canal located southeast of the facility and large collection bags being used by Recology to collect plastics on neighboring properties.
- Signs of compost dust on the leaves of almond trees in the orchard (owned by Recology) located directly south of the facility.
- Large plumes of black compost dust emanating from the western portion of the facility, which corresponded with the location of compost piles being screened as part of routine operations.
- Dead landscaping along the frontage of the facility and within the front entry area.

Flies were present outside of the facility but in lesser quantities than previous visits. No seagulls were observed. The odors observed were similar to what would be found at a dairy facility, as well as, a traditional earthy composting smell. Based on the observations of this site visit, the Planning Director determined the annual review by the Planning Commission was warranted.

On September 15, 2022, at the request of staff, the Chair of the Planning Commission appointed a Special Committee of the Planning Commission to conduct a site visit and report back to the Planning Commission on their observations and the project's compliance with the approved conditions of approval. The appointed Special Committee consists of Commissioners Thomas Maring, Wayne Pacheco, and Lars Willerup.

As part of the 2022 annual compliance review, the Planning Department mailed a letter to the landowners and residents of property (based on property site address) within the vicinity of the Recology composting facility. The letter provided a link to an optional survey the recipient could choose to complete regarding nuisance concerns. The letters were mailed out on November 9, 2022, and the deadline to submit the survey was November 24, 2022. No survey responses were received.

### **2022 Special Committee Site Visit**

On November 9, 2022, the Special Committee, along with Planning staff and District 3 Board of Supervisor Terry Withrow, conducted a site visit of the composting facility and areas along Gaffery Road. The site visit was conducted from 1:30 p.m. to 3:30 p.m., with the day's temperature being in the high-50's degrees °F with winds at five (5) mph coming from the south. There had been moderate to heavy rains the day prior, so the ground was still wet and muddy. The group initially traveled east along Gaffery Road from the shoulder adjacent to the Recology maintenance yard, inspecting the sides of the road for plastics, and stopped at the canal southeast of the project site to inspect plastics understood to have been removed from the canal by the West Stanislaus Irrigation District. Litter along the roadway and at the canal were consistent with litter observed during the site visit conducted by staff in July of 2022. The group then traveled west along Gaffery

Road back towards the facility to the area south of the western entrance across Gaffery Road to inspect a young almond orchard. The group did not express concern with the condition of the young trees but did note that the soil conditions were not optimal. Significant dirt and mud were visible on Gaffery Road near the exit from the Recology facility. At least two trucks, with uncovered double trailers, were observed traveling on Gaffery Road from the Recology facility to the adjacent property to the east, currently operating as Sun Dry Products, with finished compost material. The compost material was blowing out of the trailers and an accumulation of material was visible on and along the side of Gaffery Road. Sun Dry Products is a customer of Recology purchasing compost as a value additive to products produced by their operations. Along the frontage and entry area of the Recology facility, the amount of dead landscaping observed had increased since the July 2022 staff visit. On-site observations included the lack of a trailer, or other means, to capture contaminants (plastics) being separated by machinery from the initial feedstock received by the facility. The contaminants were being allowed to fall to the ground and were being moved to an uncovered stockpile. In general, the amount of contaminants, especially pieces of plastic, visible on site appeared to have significantly increased compared to prior annual site visits. Due to the muddy conditions which had not been present during past site visits, it was observed that the “rumble” strip provided at the exit of the facility was not adequate to prevent track-out onto Gaffery Road.

### **Meeting with Recology Post 2022 Special Committee Site Visit**

On January 9, 2023, Planning staff, along with Commissioners Pacheco and Willerup, met with Recology to discuss the issues observed during the visit. Additionally, the implementation of the Aerated Static Pile (ASP) system, which was required to be completed within six (6) years of project approval in accordance with Condition of Approval No. 18 of the Use Permit, was also discussed. The following is a summary of discussion topics and responses from Recology:

#### **1. Litter:**

- Recology staff stated they are currently seeing approximately 20% contamination due to implementation of SB 1383, which requires every jurisdiction to provide organic waste collection services to all residents and businesses, and the push towards biodegradable bags. They have provided notice to municipalities that they are unable to accept or process biodegradable bags but are allowing municipalities time to develop a transition strategy to remove the bags from the loads they receive. Recology is estimating it will take municipalities at least 12 months to transition. Recology staff stated they are increasing efforts to educate customers directly and to separate contaminants at transfer stations.
- Recology proposed an additional 3,000 feet of litter fencing, four (4) feet in height, to help stop plastics that “skirt” along the ground (see Exhibit III – *January 27, 2023, Recology Blossom Valley Organics North Site Plan*).
- Recology staff stated they have purchased an additional trailer so the contaminants that are separated may be directly contained.
- Recology provided clarification regarding where the contaminants go when they leave the site. Recology staff stated all contaminants are delivered to the Recology facility in Vacaville and none are taken to Stanislaus County’s landfill on Fink Road. Recology staff further clarified that the number of trucks with waste going to Vacaville facility is approximately seven to eight trucks per day and that the transport of contaminants is a cost to Recology. Recology staff acknowledged that it would be beneficial to educate their customers to reduce contaminants and therefore truck trips.

- Recology staff stated that there are verbal agreements in place with neighboring landowners to allow Recology to pick-up litter on the neighboring properties.
- Planning staff discussed the possibility of requiring additional measures in the future to reduce plastics leaving the site including requiring the construction of an indoor processing building and/or limiting the feedstock to green waste.

2. Dust and Track-out:

- Regarding the large plumes of dust observed coming off the site, Recology staff stated they still have backlog of older and dryer (pre-ASP) composting piles remaining, and the dust plumes were coming from the dryer compost. Recology staff anticipates being done with the pre-ASP piles by Summer of 2023. Recology was reminded of the need to control dust at all stages of the operation.
- Recology staff was asked about the uncovered trucks with finished compost material leaving the site and traveling to Sun Dry. Recology staff stated the trucks are now being covered.
- Recology stated that following the November site visit, additional gravel was installed on the drive aisles, and they would also be installing additional rumble strips in front of the exit and near the northwest corner of the office to reduce track-out. It was mentioned to Recology that it would help if the strips were cleaned more frequently.

3. Landscaping

- Recology stated after the November site visit, the dead trees have been replaced and they fixed a faulty irrigation drip line.

4. Aerated Static Pile (ASP):

- Use Permit Condition of Approval No. 18 identifies a six (6) year period (ending December 15, 2022) for converting all of the composting windrow system to the ASP composting system. The last phase (Phase VI) of the system has not been completed (see Exhibit III – *January 27, 2023, Recology Blossom Valley Organics North Site Plan*). Accordingly, on December 15, 2023, Recology applied for a Staff Approval Permit to amend Condition of Approval No. 18 to allow the remaining ASP phase to be developed as needed. The ASP system that exists at this time is sufficient to handle all of the feedstock currently being composted by the facility, which is 1,400 tons per day, but the facility has the capacity to compost up to 2,000 tons per day. A discussion of the Staff Approval Permit application is provided below. In discussing the status of the ASP system with Recology, it has also been clarified that windrows have and will remain part of the operation. The active composting phase takes place on the ASP system. Once the active composting phase is complete, the feedstock is moved to the windrows to cure.

**Staff Approval Permit Application No. PLN 2023-0010 – Recology**

In addition to addressing the timing for completion of the ASP system, Recology is proposing to install additional fencing and rumble striping to address the outstanding issues identified above. The draft Staff Approval Permit with conditions is provided as Exhibit IV of this memo. The conditions provide for the following:

- Completion of the last phase (Phase IV) of the ASP system, as needed with no deadline for completion specified, to handle up to the permitted 2,000 tons of feedstock, provided the remaining system is located in areas reflected for ASP development on the approved Use Permit site plan.

- The addition of fencing and rumble strips, as reflected in Exhibit III of this memo, by February 28, 2023.
- Provides until December 15, 2023, for the operator to reduce the amount of litter escaping the composting operation to zero (0), as required by Condition of Approval No. 14 of the Use Permit. If at any time prior to December 15, 2023, it is determined by the Planning Director that incremental improvement in the maintaining of litter on-site is not occurring, the facility operator will be required to submit to the Planning Director a proposal for alternative means of controlling litter within 30-days of the date of written notification. If implementation of the alternative means triggers the submittal of an application for a discretionary permit (i.e., Staff Approval Permit or Use Permit), the application will need to be submitted within 30-days of written notification of the requirement. The alternative means proposal may also be subject to review by the Planning Commission.

### **ACTION NEEDED BY THE PLANNING COMMISSION**

The Planning Commission is being asked to provide feedback on the 2022 Annual Compliance Report and on the proposed issuance of, and conditions of approval for, Staff Approval Permit Application No. 2023-0010 – Recology (Exhibit IV). If the Planning Commission desires to amend any of the conditions of approval of the Use Permit, aside from what is being proposed as part of the Staff Approval Permit, staff will schedule the matter for consideration at a future Planning Commission meeting. Staff will utilize the Planning Commission’s feedback to finalize a determination to approve or deny the Staff Approval Permit and, if approved, the conditions of approval to be included.

#### Attachments:

- Exhibit I – December 15, 2016, Planning Commission Staff Report (with Exhibits A-C)
- Exhibit II – December 3, 2020, Planning Commission Memo for Use Permit No. PLN 2016-0055 – Recology Blossom Valley Organics – North
- Exhibit III – January 27, 2023, Recology Blossom Valley Organics North Site Plan
- Exhibit IV – Draft Staff Approval Permit Application No. PLN2023-0010 – Recology

# STANISLAUS COUNTY PLANNING COMMISSION

December 15, 2016

## STAFF REPORT

### USE PERMIT APPLICATION NO. 2016-0055 - RECOLOGY BLOSSOM VALLEY ORGANICS - NORTH

**REQUEST: TO AMEND PREVIOUSLY APPROVED USE PERMIT 2006-0037, TO ALLOW FOR A REORGANIZED OPERATIONS PLAN AND ON-SITE IMPROVEMENTS FOR AN EXISTING COMPOSTING FACILITY ON A 112.45 ACRE PARCEL AND TO ESTABLISH A MAINTENANCE AND TRUCK WASHING STATION ON A 38.47 ACRE PARCEL**

#### APPLICATION INFORMATION

Applicant/Property owner:	Recology Blossom Valley Organics – North
Agent:	Laura J. Ferrante – Recology Blossom Valley Organics North (BVON)
Location:	3909 and 3432 Gaffery Road, east of Koster Road and west of Welty Road, in the Vernalis area.
Section, Township, Range:	9-4-6 and 16-4-6
Supervisorial District:	Five (Supervisor DeMartini)
Assessor's Parcel:	016-003-010 and 016-016-023
Referrals:	See Exhibit L Environmental Review Referrals
Area of Parcel(s):	112.45 acres (APN 016-003-010) and 38.47 acres (APN 016-016-023)
Water Supply:	Private well
Sewage Disposal:	Septic system
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Sphere of Influence:	Not Applicable
Community Plan Designation:	Not Applicable
Williamson Act Contract No.:	1975-1888 (APN 016-003-010 only)
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Existing composting operation on property north of Gaffery Road, an almond orchard and maintenance yard on the property south of Gaffery Road.
Surrounding Land Use:	Sun Dry Products to the east; an orchard to the north; Delta Mendota Canal to the west; and orchards to the south and southeast

#### RECOMMENDATION

Staff recommends the Planning Commission approve this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to approve the project, Exhibit A provides an overview of all of the findings required for project approval.



## **PROJECT DESCRIPTION**

This is a request to amend Use Permit 2006-0037, to continue operation of the composting site by reorganizing and relocating the composting operations conducted on the property located north of Gaffery Road (APN 016-003-010) and to establish a maintenance and truck washing station on property south of Gaffery Road (APN: 016-016-023).

### **On-site Improvements**

Recology – Grover Environmental Products (RGEP) is requesting to reorganize and improve the existing 112.45± acre composting facility, see Exhibit B, Maps. Proposed on-site improvements include the following:

- (1) Relocation of the area utilized for receiving and sorting feedstock, from the entrance area to the interior of the property to address odor and litter concerns.
- (2) Relocation of the truck weigh station and scale house.
- (3) Relocation and expansion of the employee break room and scale house,
- (4) Addition of a second feedstock pre-processing line.
- (5) Installation of a dual fence system and redesign of the existing 22 foot high mesh litter and dust fence along the southern property line, including a 300 foot long extension on the western boundary. This fencing will be installed just inside of the entrance and exit of the site. Additional 22 foot high fencing will be installed along the northern property line and at the west and south of the final blending pad area. The fencing on the eastern side of the property will extend north approximately 200 feet east of the pond in the southeast corner of the property. Mobile fencing will continue to be used around the delivery and sorting area. These improvements would be accompanied with the installation of new landscaping.
- (6) Wastewater/stormwater infrastructure improvements.
- (7) Installation of an Aerated Static Pile composting system in a small area of the property is proposed as a pilot effort, with a plan to convert all of the existing windrows area into a smaller footprint ASP composting area.
- (8) Construction of a public water system for use on the site.
- (9) Installation of a fully contained equipment wash facility on the property located south of Gaffery Road.

In addition to the physical modifications described above, the project also involves implementation of a Litter Management Plan, an Odor Control Plan, a Dust Control Plan, and a Vector Control Plan, see Exhibits I, J, K. The Litter Management Plan stipulates operation measures and best practices to contain litter and airborne debris within the site. These measures include regular, daily litter patrol on-site and along the perimeter of the property; temporarily discontinuing the sorting of incoming feedstock material during times of high winds; the use of a vacuum truck to collect litter; and use of portable skid-mounted litter fences in the interior of the site to capture airborne debris near the receiving area. The Vector Control Plan, attached as the Nuisance Fly Integrated pest management for Recology Organics describes efforts to mitigate the generation of flies on the site. Lastly, the facility operator will employ the use of a third-party calling hot-line to receive, record, and respond to any neighborhood complaints, which are then relayed to the County of Stanislaus.

### **Composting Operations**

Composting is a natural process by which organic materials decompose. Making compost is a controlled or managed version of the natural process. By concentrating the activity in one place and balancing food, air, and water, compost happens faster. Compost is the soil amendment product that results from proper composting. The end product of the compost process is a soil- or humus-like material that will increase the health of soil.

The facility is currently permitted to receive up to 2,000 tons per day of green, agricultural, and food materials for composting, commonly referred to as “feedstock”. The proposed project would not increase this overall capacity. Composting activities currently take place within an area of approximately 123.27+/- acres on APNs 016-003-010 (112.45 acres) in Stanislaus County and 265-010-21 (10.82 acres) in San Joaquin County, as shown on Exhibit B, Maps. With project implementation, incoming material would continue to be reviewed, sorted to remove non-compostable (non-organic) residuals, and placed into windrows within 72 hours of receipt at the facility.

The compost facility produces a soil amendment sold primarily in bulk for application to vineyards, orchards, and other agricultural crops. A majority of the finished compost goes directly to local farmers in Stanislaus and San Joaquin County. The facility operator utilizes an aerobic open windrow composting system with an integrated watering system which directly applies and incorporates water to the windrows as they are turned. The facility consists of areas for compost windrows, curing piles, and compost storage as well as processing activities including the unloading, mixing, and grinding of materials. Additional operations include screening, blending, and loading of finished compost product.

Feedstocks are generally arranged into windrows approximately 600 feet long, up to 18 feet wide and typically up to nine (9) feet high. Windrows are separated by approximately eight (8) feet to allow sufficient room to implement moisture conditioning and dust control activities. A six-inch (6) cap of finished compost, referred to as “overs,” is placed on the peak of the windrows to reduce odor and volatile organic compounds (VOC).

The applicant proposes to install and utilize an Aerated Static Pile (ASP) system on a portion of the composting site. The windrow composting system will eventually be converted to the ASP composting system covering about half of the current site. The process is expected to take place over a six (6) year period. The ASP system is designed to provide a constant flow of oxygen through pipes that are placed underneath a sedentary eight (8) foot high layer of feedstocks. (See Exhibit B - Maps.) With the ASP, the composting process would be completed in approximately 45 days, compared with the 90- to 120-day period required with windrow composting. The ASP system would also reduce emissions of volatile organic compounds (VOCs) and reduce anaerobic conditions for improved odor control. ASP systems typically consist of one (1) or more aeration fans, aeration piping, electrical control panels, and improved concrete or asphalt or concrete surfaces. A pilot-scale ASP system (170 feet X 120 feet) was being installed at the time of preparation of this report and will be operational by end of 2016. Implementation of the full-scale ASP system will require construction of an approximately 40-acre concrete pad located to the southeast of the feedstock receiving and processing area. Construction of the pad, and simultaneous transition from the current windrow composting process to the ASP system, will be phased in over six (6) years beginning in summer 2017. With installation of the ASP system, facility operations would remain within the 2,000-ton-per-day permit limit. The ASP system will be used in conjunction with the windrows composting process, with a plan to convert all composting efforts into solely utilizing the ASP system. The site’s composting footprint is planned to be reduced by about 40 percent from 112 acres to approximately 70 acres. The area of the property that will no longer be used for composting will be put into agricultural production.

Waste materials/feedstocks proposed by this request to be composted at this facility include: (1) “Green Material” consisting of any plant material, (except food and vegetative food material), such as tree and yard trimmings, untreated wood wastes, natural fiber products, and construction wood waste; (2) “Agricultural Material” consisting of plant or animal origin which results directly from agricultural operations or animal husbandry, such as manure, orchard and vineyard prunes, grape pomace, and crop residues, and (3) “Food Material” consisting of waste material of plant or animal origin that results from the preparation or processing of food for animal or human consumption, that

are separated from the municipal solid waste stream, such as food waste from food facilities such as restaurants, grocery stores, institutional cafeterias, and residential food scrap collection. Incoming "Food Material" feedstock is estimated at 40 percent of incoming material. Composting requires a combination of green and organic waste and the volume percentage will vary depending on temperature and moisture levels.

Generally, composting operations consist of the following processing steps: receiving, sorting, mixing, moving, curing and screening, and testing and shipment. The specific locations of the various operations on the compost pad are dynamic and are subject to change depending on the current processing operation, stockpile fire concerns (due to heat generated by composting piles), incoming feedstock characteristics, product sales, and variable vector, dust, and odor control activities. The current composting process utilizing windrows takes approximately 90 to 120 days to complete, from the active composting phase through the curing phase.

The facility operation will expand from a twelve hour operation, Monday through Saturday to 24 hours per day, 7 days per week with employee numbers increased from 40 up to 65 employees on-site during peak hours. Grinding, shredding, and size-reduction operations on incoming feedstock occur from 5:00 a.m. to 10:00 p.m., Monday through Saturday, and on Sundays in the event of an emergency. Activities occurring at night may include fire watch, windrow turning, final screening of finished compost, and processing of incoming feedstock when necessary. Currently, the facility receives 80 to 120 trucks per day, including shipments via belt trailers, transfer trucks, and pickups. Additionally, during peak sales season, typically in October and April, approximately 68 compost hauling vehicles per day leave the facility carrying finished product. At other times of the year, off-hauling of finished product involves an average of approximately 5 truck trips per day. Truck trips to and from the site are generally concentrated during normal business hours. The operation overall employs approximately 90 employees and may employ two (2) shifts per day during the summer and fall seasons.

### **The Equipment Wash Facility**

The property south of Gaffery Road is currently developed with an almond orchard and a 3,000 square-foot agricultural shop that has been used as an equipment and machine shop. The maintenance yard is contained on a 2.17 acre portion of this parcel and is enclosed by a six (6) foot high chain-link fence. The maintenance yard has two (2) existing entrance gates and a third entrance gate is proposed to access Gaffery Road. The applicant proposes the development of a self-contained truck washing facility. Only vehicles operated and stationed at the facility will utilize the equipment wash. Delivery trucks and trailers will not be washed at this facility. All wash sediment will be regularly collected and disposed of at a landfill. The truck wash will result in the development of a new driveway entrance onto Gaffery Road.

### **SITE DESCRIPTION**

The existing Recology Blossom Valley Organics - North (BVON) composting facility is located on a 112.45± acre property located on the north side of Gaffery Road, east of Koster Road and west of Welty Road, in the Vernalis area. The facility includes an additional 10.82± acre parcel located in San Joaquin County. Composting activities currently take place within a total area of approximately 123.27 acres on APN 016-003-010 in Stanislaus County and APN 265-010-021 in San Joaquin County.

In addition, the 38.47 acre property located on the south side of Gaffery Road (APN 016-016-023) is currently farmed as an almond orchard and includes a 2.17-acre portion of the property utilized as an equipment/machine shop for the operation.

Access to the site is taken via Gaffery Road, with regional access via Koster Road or Welty Road and State Route 132 (SR-132).

The property to the east is developed with another recycling facility operated by Sun Dry Products, Inc. The Sun Dry Products, Inc. property is zoned Planned Development (P-D) No. 318, which allows for the reclamation and recycling of agricultural products (e.g.: cannery waste) and the processing of commercial feed products and construction debris. The operation processes agriculturally related by-products, soil amendments, vermicomposting, and animal feed products. Other uses of the Sun Dry facility include: composting of green waste; dehydration/re-use of food processing by-products; processing of wood landscape materials, bio-mass for fuel material, and demolition debris; and recycling of metal, tires, wood pallets, concrete, asphalt, geothermal sulfur, gypsum, and wallboard.

The properties to the north and south are in agricultural production as orchards. The properties to the west contain the Delta Mendota Canal and further west consists of irrigated open land.

## **BACKGROUND**

In 1999, Use Permit Application No. 98-19 – Grover Landscape Services, Inc. was approved by the Planning Commission to allow establishment of a composting facility on approximately 60 acres of the 112.45 +/- acre site located in Stanislaus County. The approval allowed for processing of green waste, grass, and other organic materials, commonly referred to as “feedstocks”.

In 2003, Use Permit No. 2002-22 – Grover Landscape Services, Inc. was approved to allow relocation of the composting facility to a 58± acre property comprised of a 38.47 acre parcel and 19.23 acre parcel both located directly south of the current site, on the south side of Gaffery Road; however, this expansion never occurred and the Use Permit has since expired. These properties are still under the ownership of Recology BVON and serve as a “buffer” between the composting facility and property to the south.

In 2008, Use Permit Application No. 2006-37 – Grover Landscape Services, Inc. was approved to allow an expansion of the existing composting operations onto the balance of the property for a total of approximately 112.45± acres in use for the entire composting facility in Stanislaus County. The additional 10.82+/- acres located in San Joaquin County were also approved by San Joaquin County for composting operations. No new uses were proposed. In 2008, the following waste types were identified: green yard material, leaves, brush, wood chips, municipal green waste, Christmas trees, clean fresh agricultural product (fruit, olive pumice, manure, and vegetables), and potentially contaminate-free post consumer food waste.

In 2012, Recology Grover Environmental Products applied for a new Use Permit (Use Permit Application No.2012-04) to expand the existing 112.45± acre composting facility to add an adjacent 42.87± acre parcel, located to the northeast of the current site, to re-organize the site for better efficiency and to expand the allowable composting feedstocks, to be composted on-site. On June 6, 2013, due to the lack of a majority vote by the Planning Commission, the Use Permit application was denied.

Overall, the Planning Commission discussion centered on potential issues that the proposed expansion may cause as a result of approving the Use Permit. Specifically, Commissioners focused on the following: (1) potential groundwater contamination; (2) the possible presence of contaminants or hazardous materials; (3) the composition of “urban organics;” (4) containing “trash” on-site; paper or plastic trash being blown into adjacent orchards; and (5) increased truck trips and need for road

maintenance. The Commissioners in favor of the project stated that they felt the expansion would not present a significant problem given the State's permitting and inspection, as well as the Use Permit's proposed Conditions of Approval.

On June 12, 2013, Recology Grover Environmental Products submitted an appeal to the Board of Supervisors of the Planning Commission's denial. The appeal requested that the Board of Supervisors direct the item back to the Planning Commission in order for Recology to provide additional information and address issues raised by the Planning Commission at its June 6, 2013, hearing. Issues which were requested to be addressed included, but were not limited to:

1. Off-site litter control and litter containment
2. Groundwater/Water quality
3. Truck and tonnage capacity
4. Incoming material types
5. Use of the proposed expansion area

The Stanislaus County Board of Supervisors, at its regular meeting on July 30, 2013, held a public hearing and, on a unanimous vote, returned the project to the Planning Commission to reconsider the application in light of new information and to address outstanding issues.

The Board of Supervisors July 30<sup>th</sup> Agenda Report, including the June 6<sup>th</sup> Planning Commission Staff Report, is available on-line: <http://www.stancounty.com/bos/agenda/2013/20130730/PH910.pdf>

The 2012-04 Use Permit application was scheduled for Planning Commission reconsideration on June 19, 2014, but the item was continued at the request of the applicant and subsequently withdrawn. However, the composting operation had been modified in a number of ways, operating outside of approved Use Permit 2006-37. The changes include (1) relocation of composting operations conducted on-site not reflected in the approved Use Permit (relocation of receiving and processing area, relocation of the weigh station, changes to the stormwater and waste water basins), (2) increases in the percentage of food waste being incorporated for composting, and (3) an increase in non-organic polluting material (i.e.: plastic bags) in the feedstocks.

In February, April, and August of 2015, the Planning Department conducted a series of Neighborhood Meetings to address the following neighbor concerns: litter control and contaminants; odor; dust and air quality; birds and vector control; hazardous materials; groundwater quality; truck traffic and road improvements; storm water runoff; and impacts to agricultural operations and products. Several neighbors, representatives of Recology, and staff from various local and state agencies attended the meetings. Meeting notices were sent to properties within a one mile radius of the project site.

In December 2015, Staff met with Recology BVON representatives and requested that a new use permit application be submitted to address (1) changes conducted on the site, (2) to address neighborhood concerns relating to the operation of the composting site, and (3) to include an applicant request to add a truck wash facility on the property on the south side of composting site. Recology submitted the current Use Permit Application on June 13, 2016.

## **ISSUES**

The following is an overview of the concerns/complaints raised by neighbors over the last few years and issues have been identified as part of the review of this current Use Permit request.

The change in feedstock composition to a mixture that includes increased food waste has resulted in a number of nuisance complaints submitted by area residents. Specifically, residents have contacted the County to express objection to the following concerns:

- Bird and Vector control
- Odors
- Fires and Air Quality
- Fugitive debris (litter)
- Fugitive dust
- Hazardous materials
- Truck traffic and road impacts
- Storm water runoff
- Impacts to neighboring agricultural operations and products

#### Birds and Vector Control

The primary vectors associated with composting projects are nuisance flies and birds. Vectors can be kept to a minimum by using good housekeeping procedures, such as, cleaning all spills between windrows, ensuring timely incorporation of new feedstock into windrows, and managing stockpiles. The Applicant obtained the services of an entomologist and a pest control service to analyze the conditions at the facility and to propose possible Mitigation Measures. On September 11, 2016, a Nuisance Fly Integrated Pest Management report was prepared. (See Exhibit K – *Nuisance Fly Integrated pest Management*.) The highest populations of flies are found at the newest waste placed in windrows. Fly control measures include application of insecticide, bait traps, turning new windrows of organic waste more frequently to disrupt fly breeding and attraction, and to continue to monitor fly activity on-site and on surrounding properties. Mitigation Measure MM HAZ1 (Condition of Approval no. 44) requires the applicant to contract with a licensed pest management service to develop and implement a fly control plan that will reduce the fly population on-site and in the area to levels that are beyond what is customary on agricultural operations.

To address birds, the applicant has retained the services of a falconer to employ the use of falcons to keep seagulls and other birds from landing on-site. Seagulls in California are protected by the Migratory Bird Treaty Act and cannot be harmed. The falconer is employed to come on-site on an “as needed basis”. The applicant reports that seagulls are known to be transported in the feedstock trailers. A condition of approval is added to require the operator to screen the delivery trucks for birds before allowing them to leave their point of origin.

#### Odors

Neighbors have complained about the presence of malodor in the air that affects the enjoyment of their home(s) and property. The applicant proposed implementation of an Odor Management Plan for the reduction of on-site sources of malodor and to minimize off-site nuisance odor impacts. The Plan includes the following components: (1) odor monitoring protocol, (2) monitoring of meteorological conditions, (3) implementing an odor complaint protocol, (4) enacting new designs for composting that minimize the creation of odor, such as implementation of the Aerated Static Pile, (5) enhancing operating procedures to locate the source of malodors and address it as a priority. Mitigation Measure MM – AIR 2 – Odor Complaint Response, MM AIR 3 - Facility Improvement and Process Adjustments to Reduce Odor, and MM AIR 4 - Facility-wide ASP System Implementation are incorporated as Conditions of Approval to address odor impacts, refer to Mitigation Measures Nos. 37, 38, and 39.

### Litter Management Plan

Neighbors, including farmers and the El Solyo Irrigation District have expressed concern with litter leaving the site and ending up in canals, orchards and along the side of the surrounding roads. The applicant proposes implementation of a Litter Management Plan to control debris contained on-site and along Gaffery Road. It is comprised to address four components (1) Transport vehicles; (2) Operational controls; (3) Litter fencing; and (4) Relocation of the materials processing area. The Plan requires that all transport vehicles be covered. It includes operational controls to collect litter between windrows, at receiving areas, along the perimeter and on areas surrounding the site. It provides for temporarily stopping operations during high wind occurrences, and other litter collection methods. The applicant is proposing the installation of additional fencing with cantilever tops to keep airborne debris from leaving the site. Additional 22 foot high fencing is proposed at the sorting, blending, and entrance areas. The receiving and sorting area was relocated from the entrance area, north to the middle interior of the property. CalRecycle conducts routine site inspections of the composting facility to determine if permit violations are observed. To date, CalRecycle has not reported of any observed violations on-site. However, reports from neighbors have noted litter found off-site. The Litter Management Plan is included as an attachment in Exhibit I. Implementation of the Litter Management Plan is included as Condition of Approval No. 15.

### Dust Control

The applicant addresses dust control through the use of water to keep moistures levels at levels that are beneficial for composting as well as keeping the composting from drying and blowing off. The operation utilizes water trucks, street sweepers, and the installation of 22 foot high mesh-fencing to capture fugitive dust during high wind occurrences. Mitigation Measures No. MM AIR 1 - Fugitive Dust Control identifies dust control measures that the applicant will need to follow to limit visible dust emissions to 20 percent opacity or to comply with the conditions for a stabilized surface as defined in Rule 8011 from the region's Air Quality Plan, refer to Mitigation Measure No.36.

### Hazardous Materials

Hazardous materials are not accepted as composting feedstock. The applicant has enacted a truck and load checking system at the receiving area. Loads that contain hazardous materials are rejected and not accepted at the site.

### Truck Traffic

Incoming and outgoing truck traffic is directed to utilize Koster Road. According to the applicant truck drivers that do not follow this truck route are disciplined, even to the point of dismissal. The applicant currently contributes to truck impact fees adopted in a previous Use Permit. The truck mitigation fee is used to maintain the public roads used by the applicant. Collected funds have already been applied to resurface Gaffery Road in front of the project site.

### Impacts to Neighboring Agricultural Operations and Products

Impacts of fugitive dust, flies, birds, and litter to agricultural crops on adjacent properties have been reported to the County. The applicant is proposing measures to address this concern through the installation of fencing, enhanced practices to reduce fly reproduction, and bird management. Where crop damage does occur, the applicant has expressed a willingness to compensate for any realized loss of revenue by the farmer. The County has reviewed and conditioned this project in an effort to avoid off-site impacts. Condition of Approval No. 17 allows for annual monitoring and adjustment to operational performance standards in an effort to effectively address impacts from operations on the project site.

Since the original neighborhood meeting, Recology has assigned new staff to manage the facility and they have worked to improve facility operations and communications with surrounding neighbors. There has been a decrease in complaints since the change of the site's management. Any proposed increases to the allowable tonnage would be subject to a new Use Permit application.

### Stormwater Runoff

Neighbors expressed concern about stormwater runoff leaving the site in a "sheet flow" fashion. The site is under the jurisdiction of the Regional Water Quality Control Board, which required, reviewed, and approved an on-site wastewater and stormwater retention system. Conditions of Approval also require a grading and drainage plan be submitted to and approved by the County prior to any building permit is issued for the site. Stormwater containment includes the development of site perimeter raised berms to keep water on-site.

### **GENERAL PLAN CONSISTENCY**

The site is currently designated "Agriculture" in the Stanislaus County General Plan, which is consistent with its A-2 (General Agriculture) zoning district. The agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas.

Composting facilities, as discussed below in the Zoning Ordinance Consistency section of this report, are considered Tier Two uses which are agriculturally related commercial and industrial uses. The Recology BVON composting facility produces a soil amendment sold primarily in bulk for application to vineyards, orchards, and other agricultural crops. A majority of the finished compost goes directly to local farmers in Stanislaus and San Joaquin County.

The following are the relevant goals, policies, and objectives of the General Plan that apply to this project:

#### **Agricultural Element**

**Goal One:** Strengthen the agricultural sector of our economy.

**Objective No. 1.2:** Support the development of agriculture-related uses.

**Objective No. 1.3:** Minimizing agricultural conflicts.

**Policy 1.10:** The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.

In response to Policy 1.10, Buffer and Setback Guidelines (Appendix A of the Agricultural Element) applicable to new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district have been adopted. Appendix A states that low people intensive Tier One and Tier Two Uses (such as nut hulling, shelling, dehydrating, grain warehousing, and agricultural processing facilities) which do not serve the general public shall not be subject to compliance with these guidelines; however, Conditions of Approval consistent with these guidelines may be required as part of the project approval. The decision making body (Planning Commission) shall have the ultimate authority to determine if a use is "low people intensive". The applicant is not proposing a formal buffer, as the use is considered by Staff and the applicant to be "low people intensive", but Staff is recommending a 100-foot setback for composting operations from the northern and southern property boundaries once the site is fully converted to an ASP system within six (6) years of project



approval. The site is buffered from surrounding agricultural uses by the 25 foot high berm of the Delta Mendota along the western property line, and the Sun Dry Products recycling operation along the eastern property line.

### **Conservation/Open Space Element**

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

**Policy 22:** The County will support the solid waste management hierarchy established by the California Public Resources Code, Section 40051, and actively promote the goals and objectives specified in the Countywide Integrated Waste Management Plan.

**Implementation Measure No. 5:** Encourage and promote activities, projects, legislation, businesses, and industries that cause special wastes (e.g., food processing residue, demolition/construction waste, inert wastes, tires, de-watered sludge, household hazardous waste, etc.) to be safely diverted from landfills or transformation facilities, including composting and co-composting operations.

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

**Policy 30:** 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.

**Implementation Measure 2:** The County shall actively pursue and implement projects, plans, and programs that will effectively protect and conserve existing and future landfill capacity.

Staff believes this project can be found to be consistent with the General Plan in the implementation of operational standards to address all identified issues and neighbor concerns with the projects compatibility. The project is a reorganization of an existing use that produces compost for agricultural application and a small expansion of the existing service shop located on the southern property. The composting facility is not open to the general public and is buffered by the Delta-Mendota canal to the west, Sun Dry Products composting facility to the east, and an orchard to the southeast also owned by Recology BVON.

### **ZONING ORDINANCE CONSISTENCY**

The site is currently zoned A-2-40 (General Agriculture). The proposed compost facility is classified by Section 21.20.030 of the Stanislaus County Zoning Ordinance as a Tier Two use. More specifically, Section 21.20.030(e) states the following:

*Commercial or municipal composting, processing, and/or spreading of whey, treated sludge or biosolids (including Class A and Class B), or other organic matter when the matter to be composted, processed, and/or spread is not generated on-site and the composting, processing, and/or spreading is not part of a routine farming practice. Composting operations with less than 1,000 cubic yards or 300 tons of active composting material on-site at any given time shall be considered an agricultural use and shall be exempt from this provision. (This provision is intended to apply to operations whose primary function is the*

*composting, processing, and/or spreading of organic matter; it is not intended to apply to composting and/or the use of fertilizers and other soil amendments or feed additives in conjunction with agricultural production.)*

Tier Two uses are agriculture related commercial and industrial uses that may be allowed when the Planning Commission finds that:

1. *The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" 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;*
2. *The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity;*
3. *The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and*
4. *It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.*

Based on past operations, there have been concerns expressed from neighbors about nuisances emanating from the site. The proposed reorganization, improvements and operations will be subject to performance standards to address compatibility issues with neighboring properties. It is expected that application of the recommended Conditions of Approval will result in a composting facility that will not be substantially detrimental to or in conflict with agricultural uses of other property in the vicinity. The operator has been proactive in taking steps to ensure that any potential conflicts, such as materials (trash) leaving the site, are resolved. Although Staff has received many complaints relating to the current and past operation of the composting facility, Staff has received fewer concerns related to the proposed application improvements and changes. Staff is proposing Condition of Approval No. 17 to require a review of the Use Permit by the Planning Commission one (1) year after project approval and annually thereafter at the discretion of the Planning Director. The condition of approval allows for the Planning Commission to amend conditions as part of the review process, as needed to address nuisance concerns.

The project will not create any new commercial or industrial uses in the vicinity. The proposed project is a reorganization and improvement of an already existing composting facility and not the establishment of a new business. The composting facility will be operated in a new, efficient, and responsive manner, while handling the same volume of materials as before.

The A-2 zone is a logical area for composting facilities because they require a large area of land in order to operate. The operation requires land for receiving, sorting, crushing and grinding, compost windrows, internal roads, and other operational areas. This type of land is not normally found in urbanized areas.

### **Williamson Act Contract**

The northern parcel is enrolled in Williamson Act Contract No. 1975-1888. It will be out of the Williamson Act after December 31, 2016. A finding of compatibility was made as part of the previous Use Permit approval. Nevertheless, Section 21.20.045(A) of the A-2 zoning district

requires that all uses requiring use permits that are approved on Williamson Act contracted lands shall be consistent with the following three principles of compatibility:

1. *The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district;*
2. *The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping; and*
3. *The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.*

The reorganization and improvement of operating composting facility will not significantly compromise the long-term productive agricultural capability of the subject property. Although there is no agricultural commodity being grown or raised on-site, the composting operation provides large quantities of compost for soil amendment purposes to the agricultural community. The proposed project will not result in new facilities limiting the return of the property to agricultural production in the future. The proposed truck wash improvement will not remove any contracted land from agricultural or open-space use. All surrounding lands will be able to continue their agricultural operations.

The project was circulated to the State Department of Conservation during the two-week Early Consultation and 30-day Initial Study reviews and no comments were received.

The specific findings required for approval of the proposed Use Permit are outlined in Exhibit A of this report. Based on the information provided in this report, Staff believes that all of the findings necessary for approval of this request 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 L - *Environmental Review Referrals*.) 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 Exhibit F - *Mitigated Negative Declaration*.) Conditions of Approval reflecting referral responses have been placed on the project. The Initial Study prepared by First Carbon Solutions identified potential impacts to the following areas: Cultural and Historical resources, Soil Erosion, Hazards and creation of nuisance conditions, Impact to water quality, impacts related to noise, wastewater impacts. However, identified impacts are considered less than significant with the application of identified Mitigation Measures (See Exhibit C - *Conditions of Approval*.)

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**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 **\$2,267.25** 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 Galvez, Deputy Director, (209) 525-6330

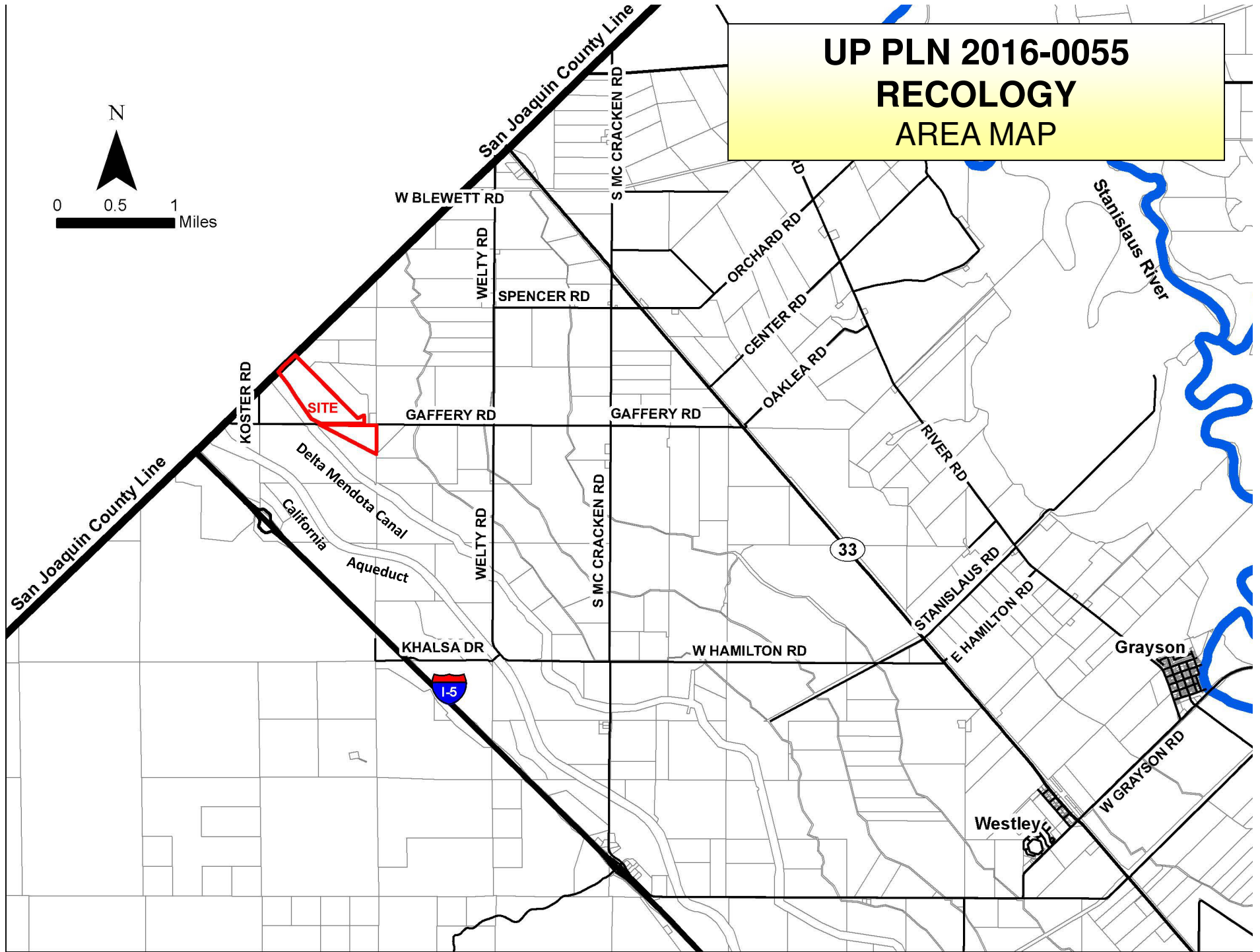
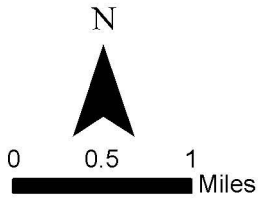
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study
- Exhibit E - Initial Study Referral Responses
- Exhibit F - Mitigated Negative Declaration
- Exhibit G - Mitigation Monitoring and Reporting Program
- Exhibit H - Application Project Description
- Exhibit I - Litter Management Plan, dated June 2016
- Exhibit J - Odor Management Plan, dated June 2016
- Exhibit K - Nuisance Fly Integrated Pest Management, dated September 11, 2016
- Exhibit L - 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 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 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 is consistent with the General Plan designation of "Agriculture" 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.
  - (b) The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
  - (c) The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity.
  - (d) It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.
  - (e) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district.
  - (f) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural product on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
  - (g) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
  - (h) 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. PLN2016-0055 – Recology – Blossom Valley Organics - North, subject to the attached Conditions of Approval and Mitigation Measures

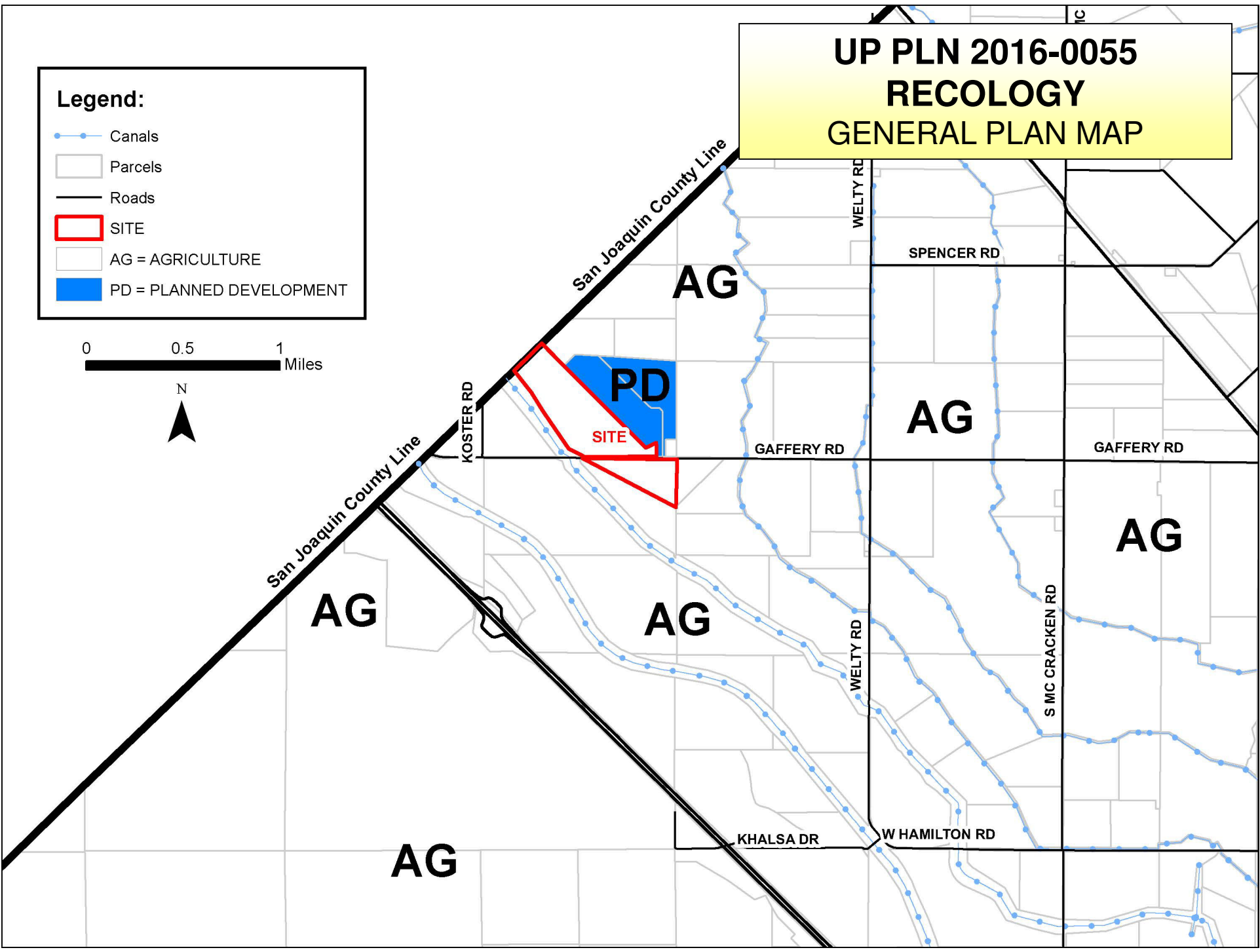
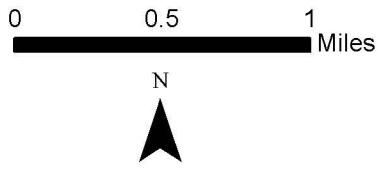
# UP PLN 2016-0055 RECOLOGY AREA MAP



# UP PLN 2016-0055 RECOLOGY GENERAL PLAN MAP

**Legend:**

- Canals
- Parcels
- Roads
- SITE
- AG = AGRICULTURE
- PD = PLANNED DEVELOPMENT





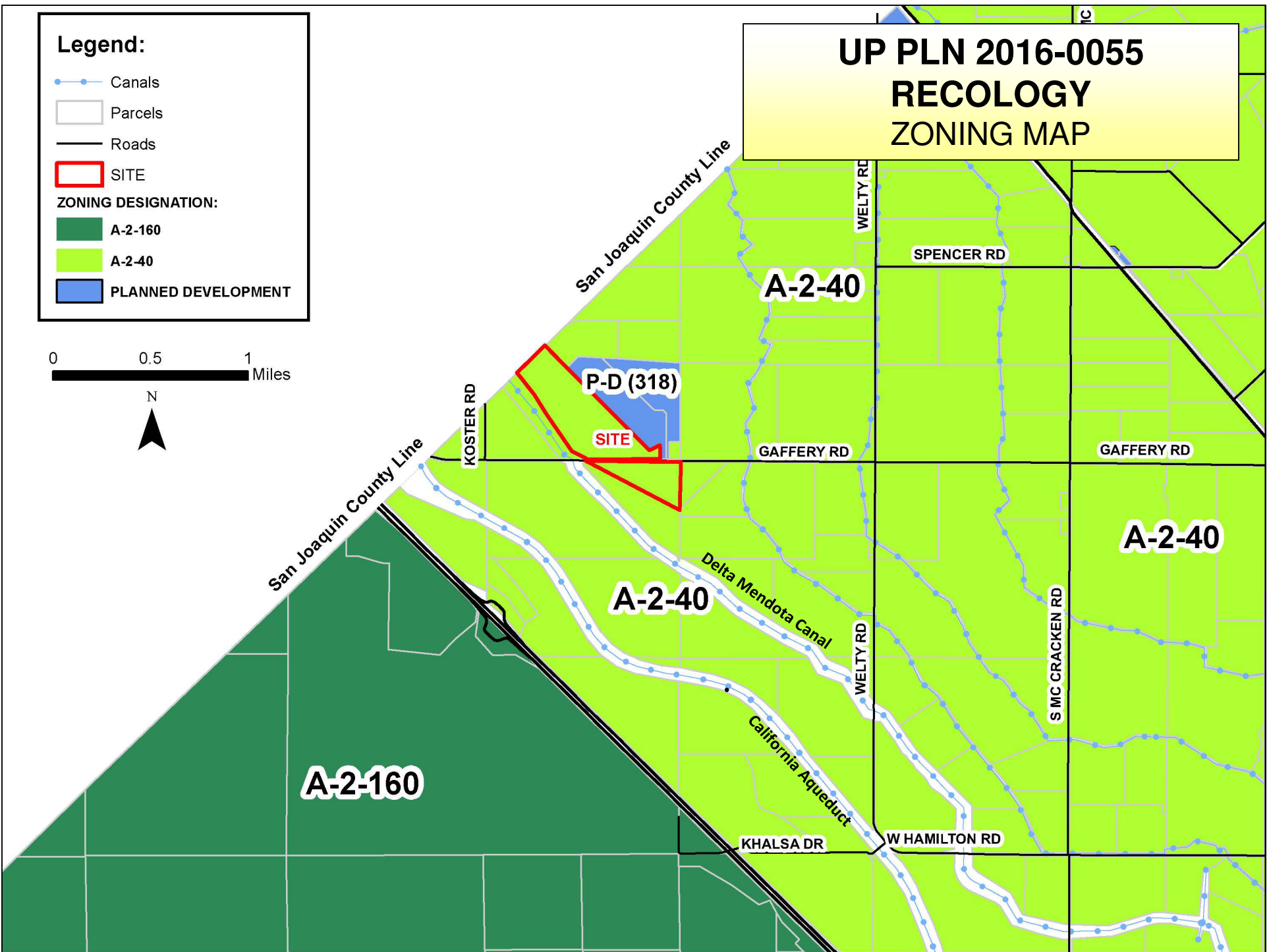
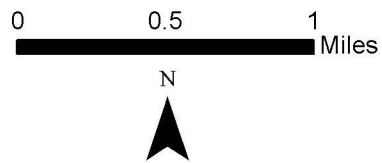
# UP PLN 2016-0055 RECOLOGY ZONING MAP

**Legend:**

- Canals
- Parcels
- Roads
- SITE**

**ZONING DESIGNATION:**

- A-2-160
- A-2-40
- PLANNED DEVELOPMENT

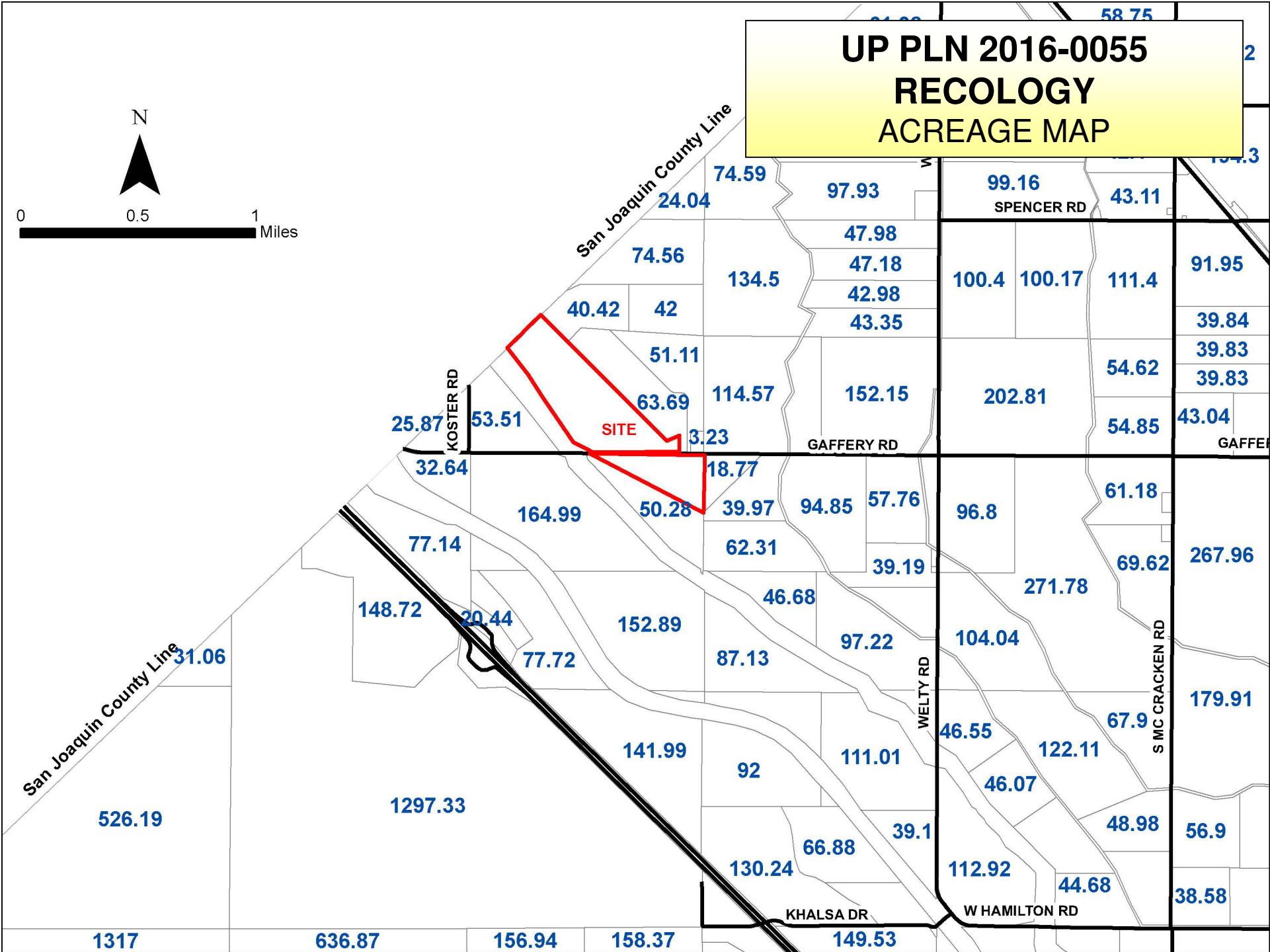




# UP PLN 2016-0055 RECOLOGY ACREAGE MAP



0 0.5 1 Miles

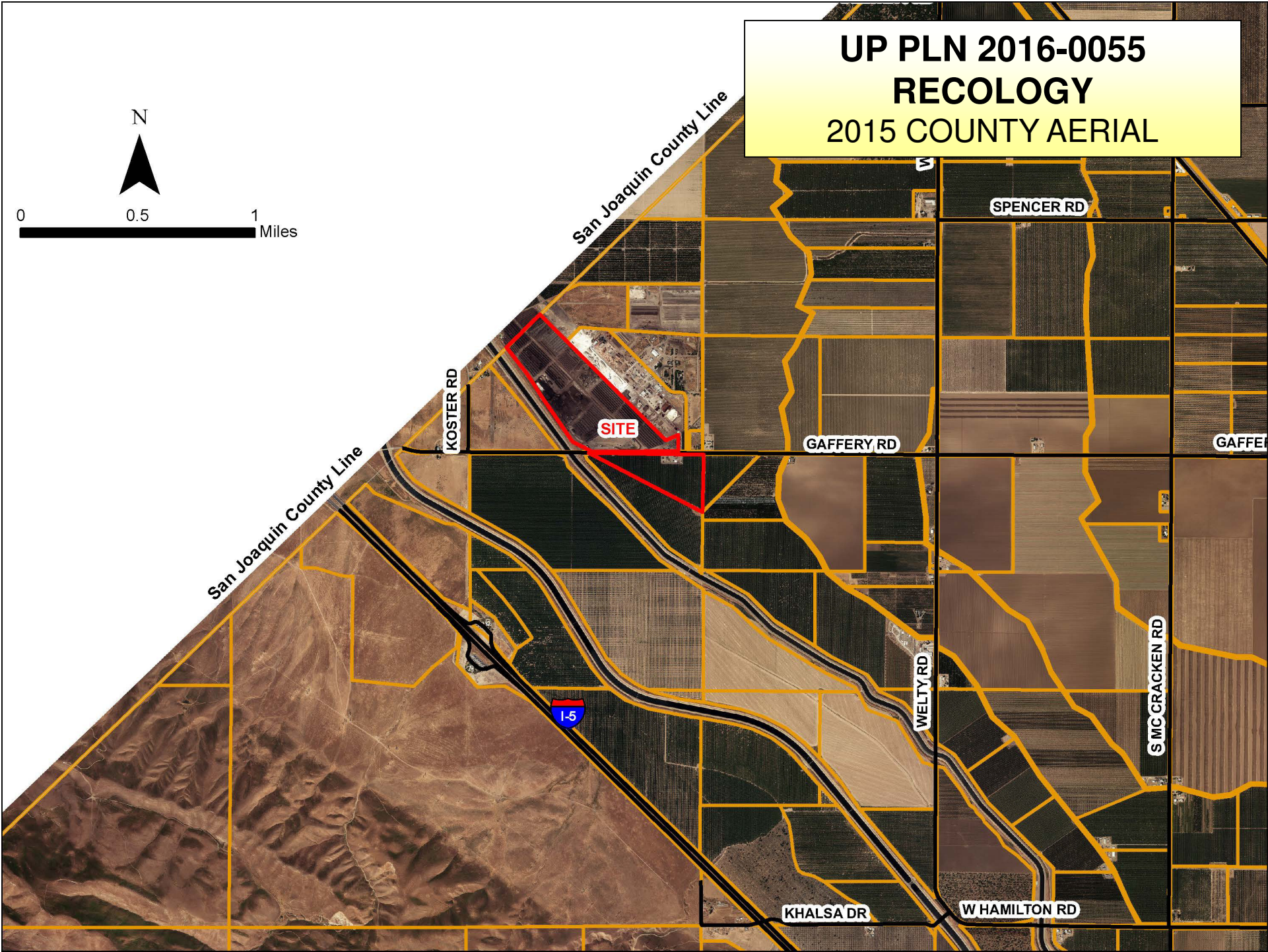




**UP PLN 2016-0055  
RECOLOGY  
2015 COUNTY AERIAL**



0 0.5 1 Miles

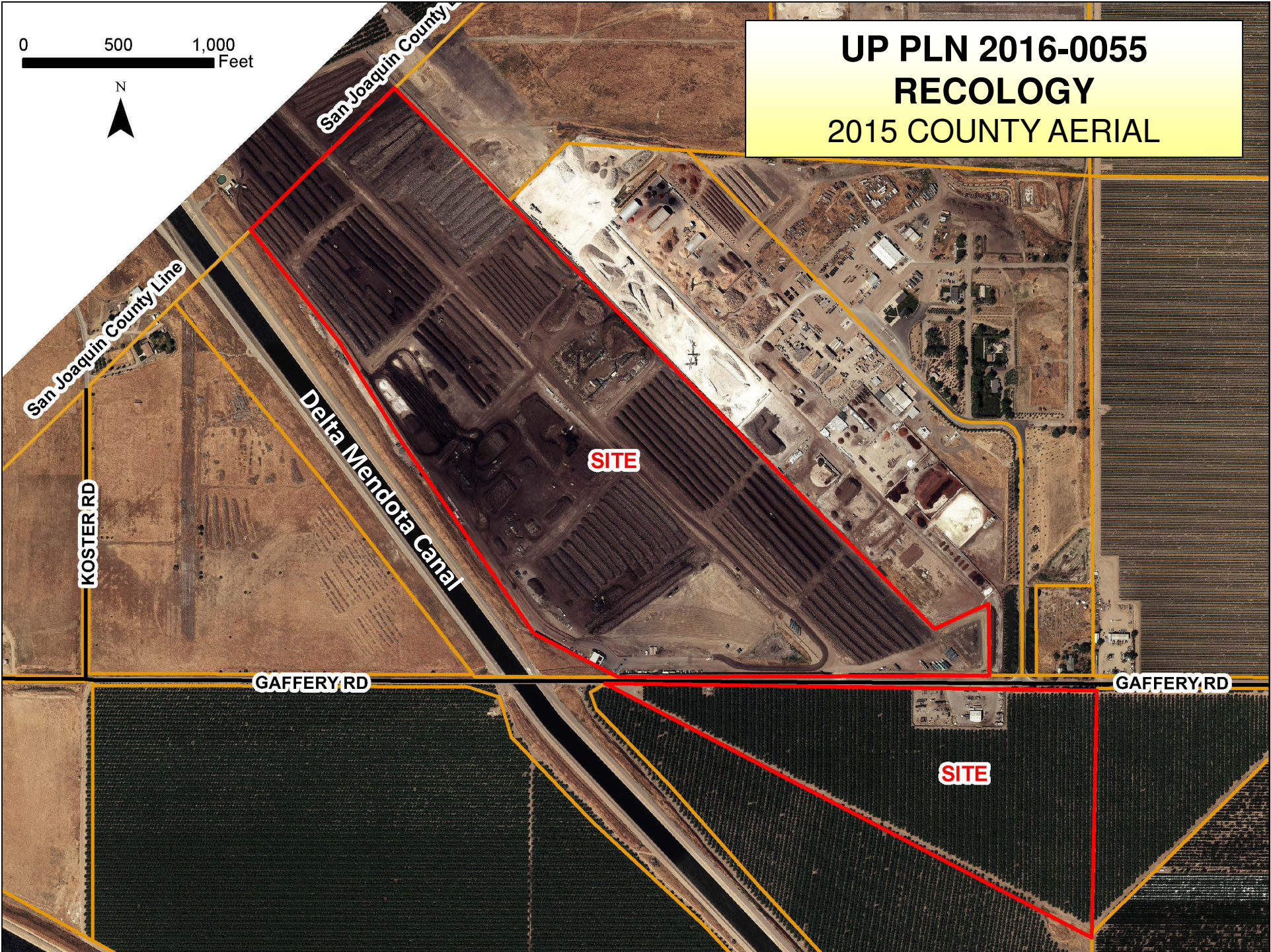




0 500 1,000 Feet



**UP PLN 2016-0055  
RECOLOGY  
2015 COUNTY AERIAL**







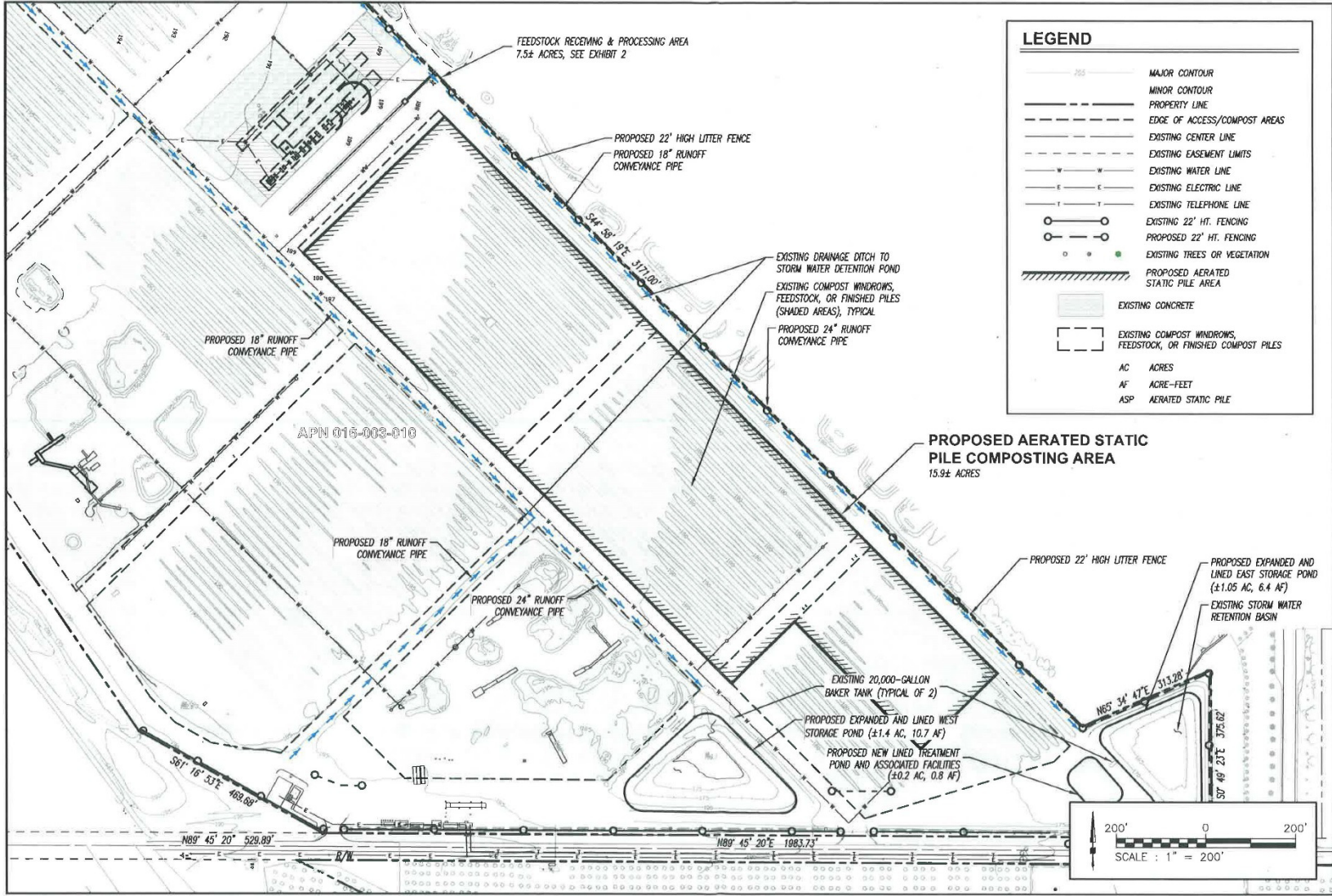


EXHIBIT 1 16-2300

PROPOSED AERATED STATIC PILE SITE PLAN  
RECOLOGY BLOSSOM VALLEY ORGANICS - NORTH (VERNALIS)  
3909 GAFFERY ROAD, VERNALIS, CALIFORNIA



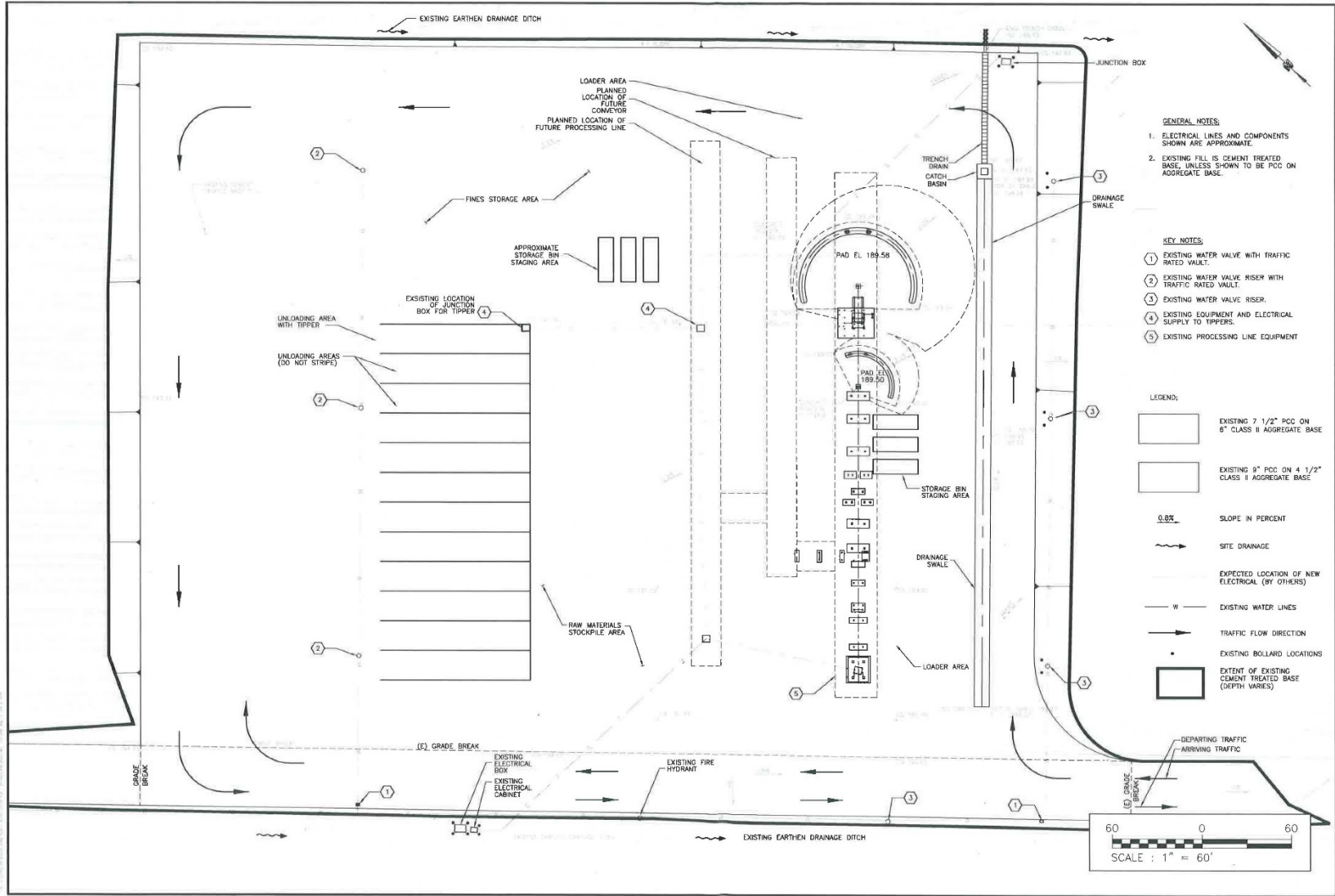


EXHIBIT  
**2**  
16-2300

**RECEIVING AREA SITE PLAN**  
RECOLOGY BLOSSOM VALLEY ORGANICS - NORTH (VERNALIS)  
3909 GAFFERY ROAD, VERNALIS, CALIFORNIA

**EBA**  
ENGINEERING  
825 SONOMA AVENUE  
SANTA ROSA, CA 95404  
TEL: (707) 544-0984



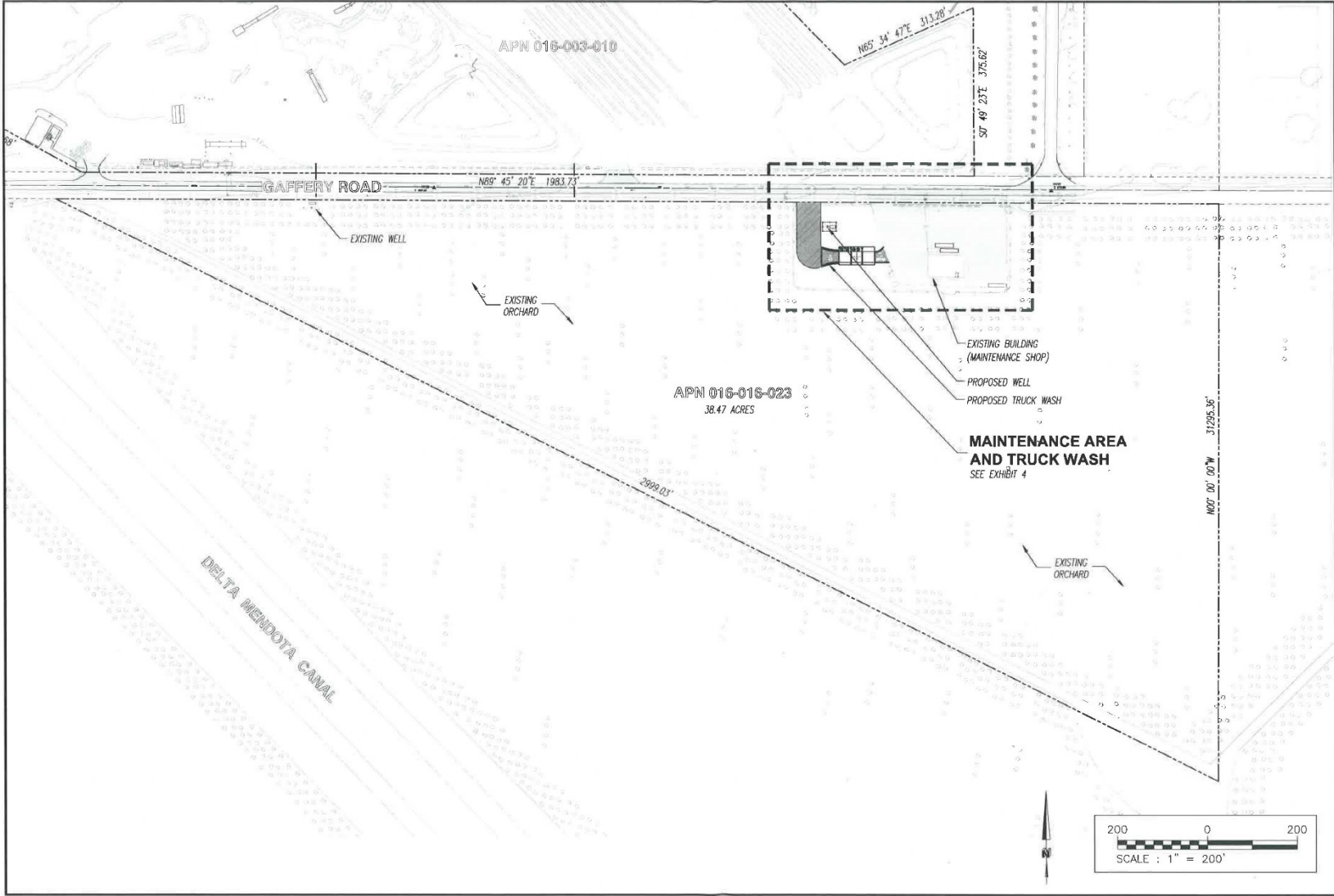
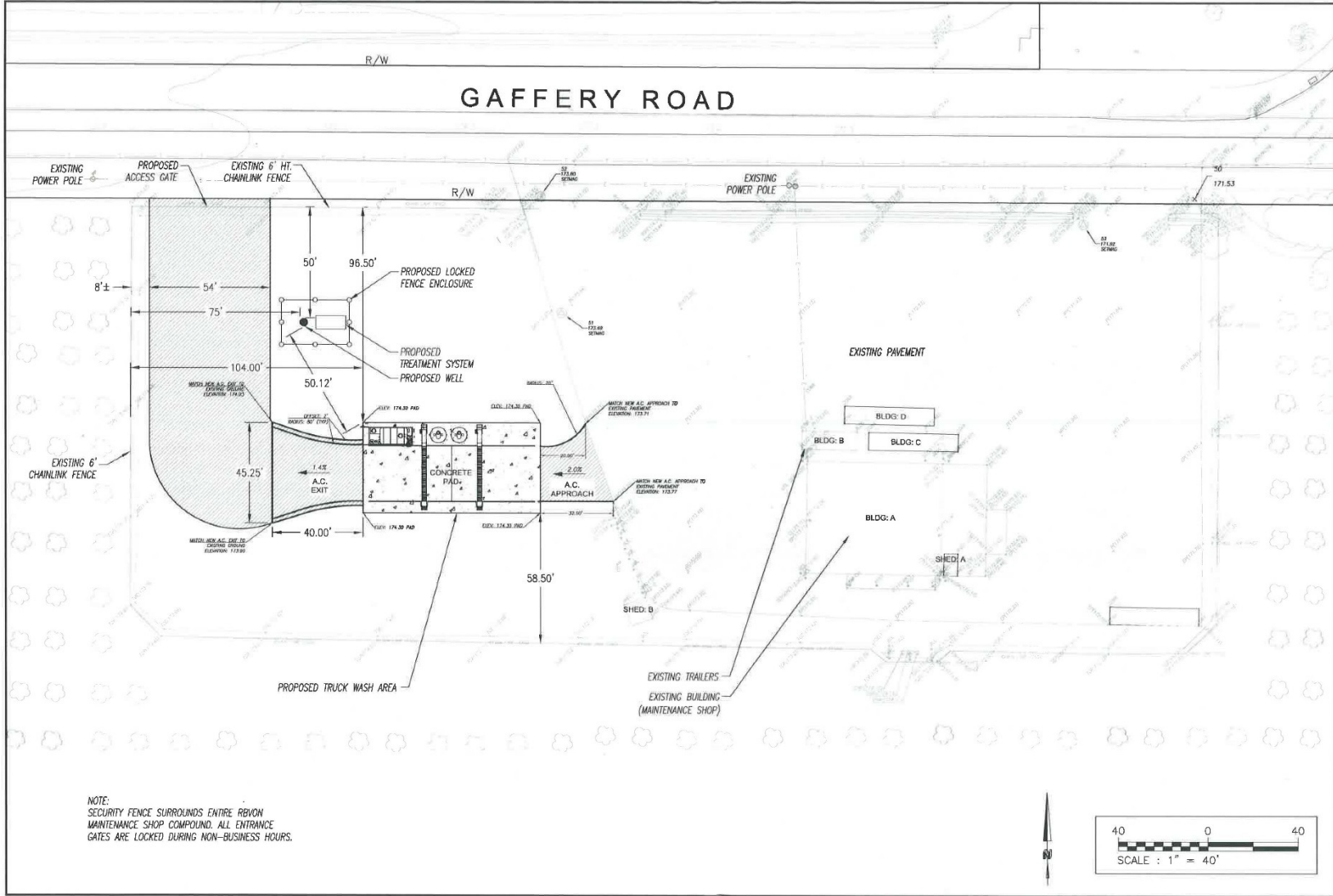


EXHIBIT  
**3**  
16-2300

**SITE PLAN - SOUTH**  
RECOLOGY BLOSSOM VALLEY ORGANICS - NORTH (VERNALIS)  
3909 GAFFERY ROAD, VERNALIS, CALIFORNIA

**EBA**  
ENGINEERING  
825 SONOMA AVENUE  
SANTA ROSA, CA 95404  
TEL: (707) 544-0784



NOTE:  
 SECURITY FENCE SURROUNDS ENTIRE REYON  
 MAINTENANCE SHOP COMPOUND. ALL ENTRANCE  
 GATES ARE LOCKED DURING NON-BUSINESS HOURS.

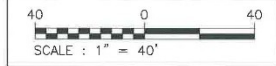


EXHIBIT  
**4**  
 16-2300

**GAFFERY ROAD PROPOSED TRUCK WASH SITE PLAN**  
 RECOLOGY BLOSSOM VALLEY ORGANICS - NORTH (VERNALIS)  
 3909 GAFFERY ROAD, VERNALIS, CALIFORNIA





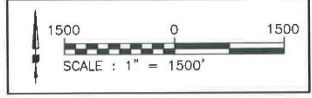
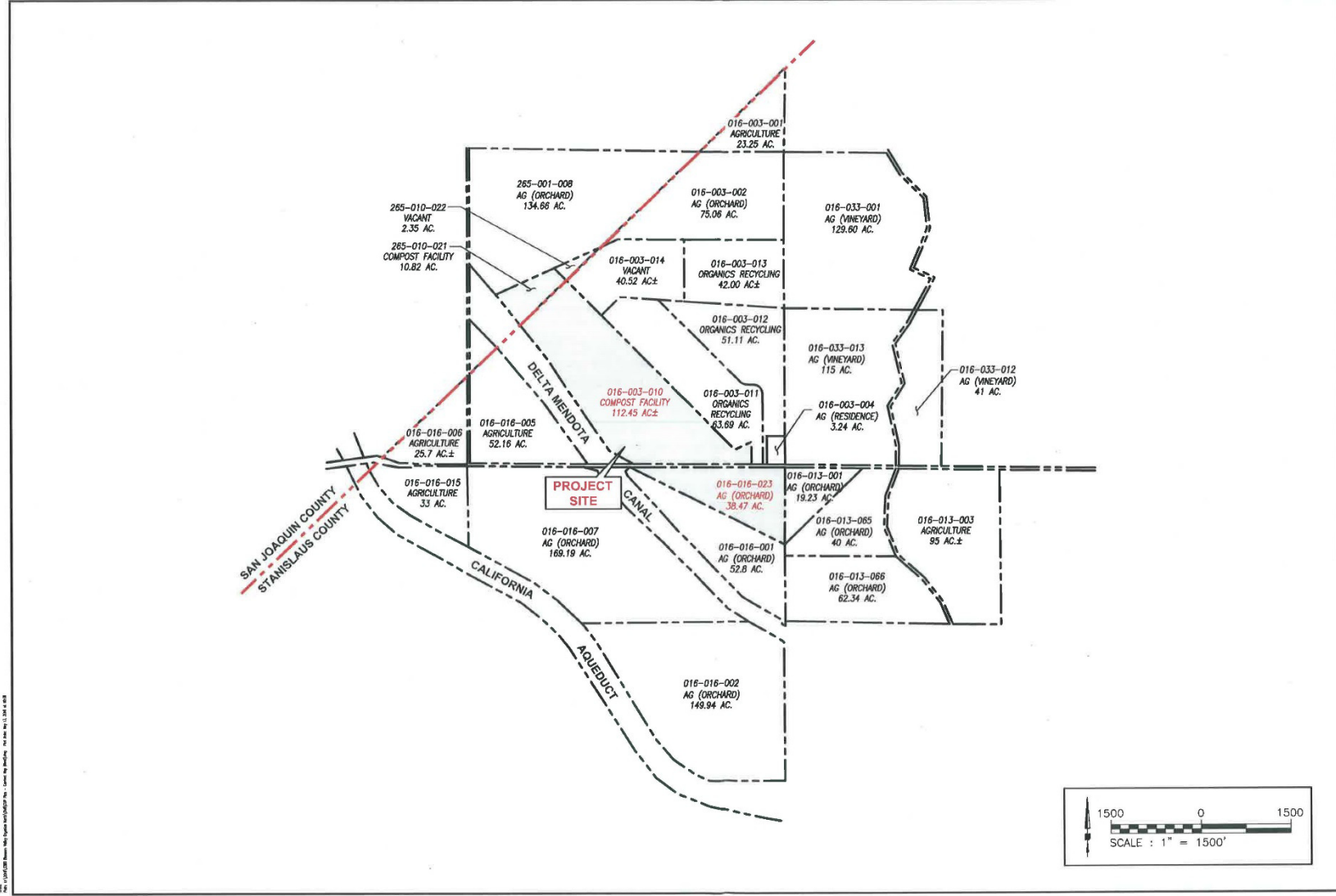


EXHIBIT 5 16-2300

AREA MAP  
RECOLOGY BLOSSOM VALLEY ORGANICS - NORTH (VERNALIS)  
3909 GAFFERY ROAD, VERNALIS, CALIFORNIA

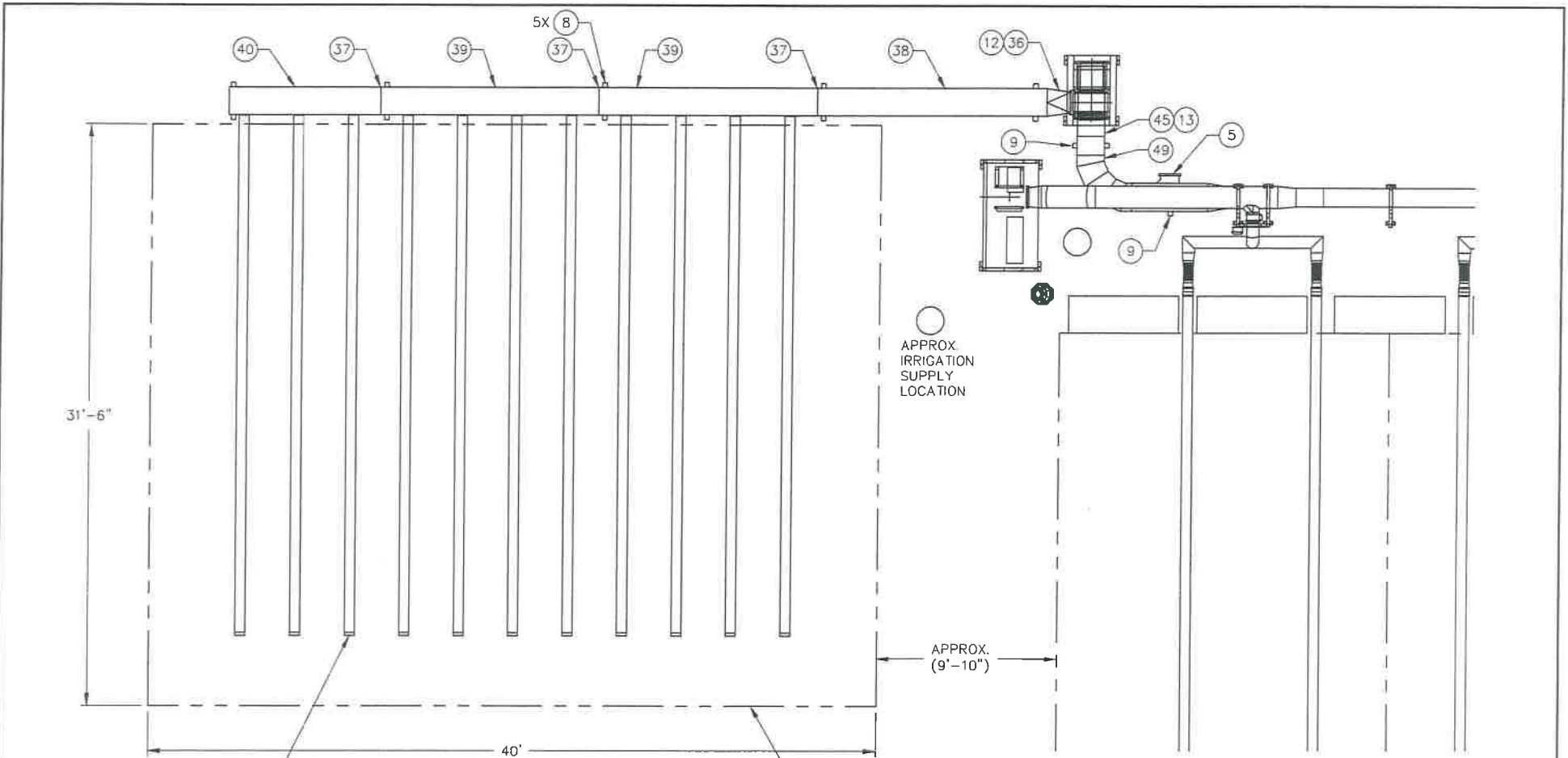


DATE: 11/11/11 11:44:43 AM. THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

# Upgraded Equipment at Blossom Valley



Blossom Valley Organics entered into an agreement with Engineered Compost Systems (ECS) to conduct a pilot project for an aerated static pile (asp). It is anticipated that the pilot will demonstrate the effectiveness of an asp system at Blossom Valley Organics and produce finished compost, with less possibility for odor emissions, within a 45-day period v. the current windrow turning methods which takes 90-120 days to complete the compost/curing process.



QTY=11 BIOFILTER SPARGER PIPES, PROVIDED BY OTHERS. SEE DRAWING 261-M105 FOR FABRICATION DETAILS CONNECT TO PLENUM W/ PC 15.

BIOFILTER PLAN VIEW

BIOFILTER MEDIA BOUNDARY 5' SETTLED BED DEPTH

1	MODIFIED FOR MASS BED	EWH	7/11/2016	TOLERANCES UNLESS OTHERWISE SPECIFIED 2 PLACE DECIMALS: ± .00 3 PLACE DECIMALS: ± .001 FRACTIONS: ± 1/32 ANGLES: ± .1°		ALL DIMS ARE IN INCHES DO NOT SCALE DRAWINGS THIRD ANGLE PROJECTION	<b>ENGINEERED COMPOST SYSTEMS</b> <small>1211 24th Avenue NE - Seattle, WA 98109          T: 206.431.2625 F: 206.434.1109 www.ecsengineering.com</small>	DRAWN: EWH CHECKED: DATE: 25 APR 2016 SCALE: 3/16"=1"	SIZE: <b>B</b> PROJECT: P261 DWG. NO: 261-M02	TITLE: BVON PILOT BIOFILTER DETAIL SHEET: 7 OF 8 REV: 1
NO	REVISION									

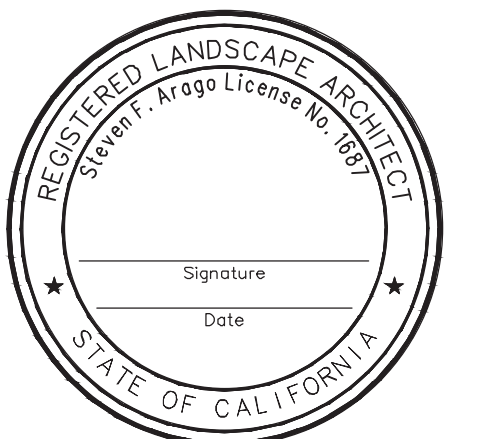




1350 Treat Blvd, Suite 380  
 Walnut Creek, CA 94597  
 925.357.2562

**VISUAL SIMULATION - BEFORE  
 WESTERN ENTRY**  
 RECOLOGY BLOSSOM VALLEY ORGANICS  
 3909 GAFFERY RD., VERNALIS, CA

DATE: 11/30/2016





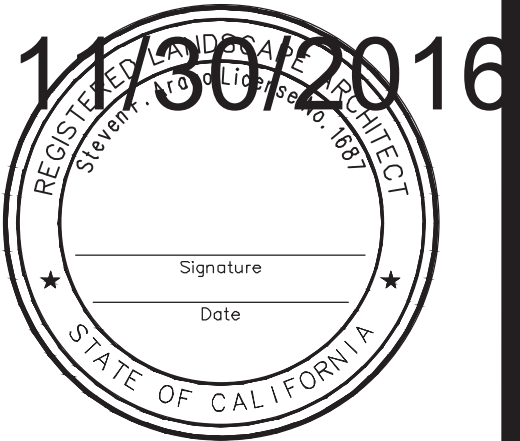


1350 Treat  
 Blvd, Suite  
 380 Walnut  
 Creek, CA  
 94597  
 925.357.25  
 62

VISUAL SIMULATION - AFTER  
 WESTERN ENTRY  
 RECOLOGY BLOSSOM VALLEY  
 ORGANICS 3909 GAFFERY RD.,  
 VERNALIS, CA

DATE:

1/30/2016



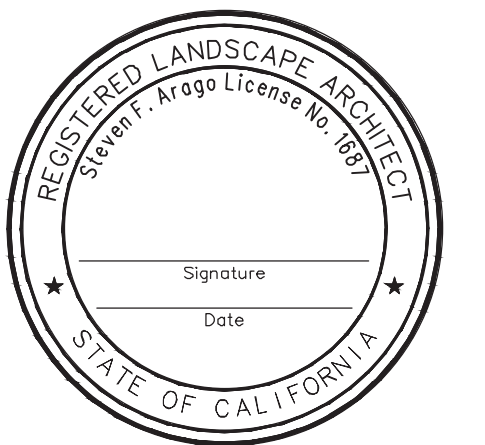




1350 Treat Blvd, Suite 380  
 Walnut Creek, CA 94597  
 925.357.2562

**VISUAL SIMULATION - BEFORE  
 EASTERN ENTRY  
 RECOLOGY BLOSSOM VALLEY ORGANICS  
 3909 GAFFERY RD., VERNALIS, CA**

DATE: 11/30/2016



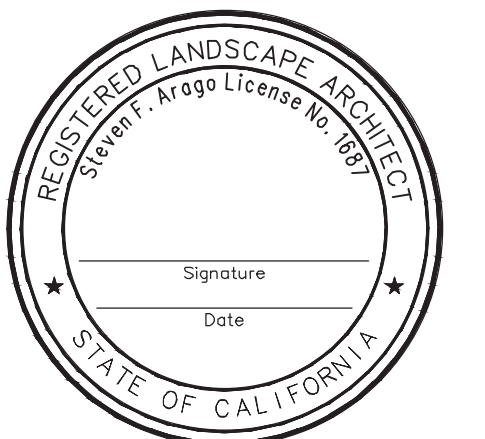




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 925.357.2562

**VISUAL SIMULATION - AFTER**  
**EASTERN ENTRY**  
 RECOLOGY BLOSSOM VALLEY ORGANICS  
 3909 GAFFERY RD., VERNALIS, CA

DATE: 11/30/2016





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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. PLN2016-0055 - RECOLOGY BLOSSOM VALLEY ORGANICS - NORTH

#### 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. All Use Permit No. 98-19 and 2006-37 Conditions of Approval and Mitigation Measures shall remain in effect. If a conflict exists, the stricter of the requirements shall be imposed unless otherwise determined by the Planning Director.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2016), the applicant 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 applicant shall submit to the Department of Planning and Community Development a check for **\$2,267.25**, 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 applicant/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 applicant 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. During the construction phases of the project, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist.
7. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.
8. 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.
9. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation.
10. Pursuant to Sections 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits, or authorizations, if necessary.
11. 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.
12. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
13. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.
14. The facility operator shall be responsible for keeping all materials, including litter, within the 112 acre parcel approved for composting. Installation of all of the proposed 22 foot high meshed litter and dust cantilevered-fencing shall be completely within 6 months of project approval. Installation shall include landscaping as approved by the Planning Department.
15. The facility operator shall fully implement the Odor Control Plan, the Litter Control Plan, Dust Control Plan, and the Vector Control Plan upon project approval. Any changes to the plans shall be subject to approval by the Planning Director.

16. The facility operator shall require that all incoming feedstock delivery trucks check their trailers for the presence of seagulls and other birds at their source of departure. The applicant is to continue to use the services of the falconer to abate the presence of seagulls.
17. The Use Permit shall be reviewed by the Planning Commission one (1) year after project approval and annually thereafter at the discretion of the Planning Director. The Planning Commission, as part of the review, may amend conditions of approval, as necessary, to address nuisance concerns.
18. The facility operator shall complete the conversion of composting from windrow composting to the Aerated Static Pile composting system for the whole site within six (6) years of project approval. The composting areas shall maintain a setback distance of at least 100 feet from the northern and southern property lines.
19. Within 30 days of approval, the applicant/operator will be required to deposit the sum of \$10,000 with the Stanislaus County Department of Environmental Resources to be used to reimburse the County for any staff costs associated with monitoring and enforcing adopted Conditions of Approval and/or Mitigation Measures. The applicant shall refresh the deposit within 30 days when notified by County Staff that the available funds have dropped below 50%.

**Department of Public Works**

20. The applicant shall obtain an encroachment permit prior to any work being done in the Stanislaus County road right-of-way.
21. Public Works shall approve the location and width of any new driveway approaches on any County maintained roadway. An encroachment permit shall be taken out for any new asphalt driveway on Gaffery Road right-of-way for the maintenance and truck washing parcel prior to the issuance of a grading or building permit for that parcel
22. 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 applicant 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.

23. The applicant 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-off 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 applicant at the completion and acceptance of the grading and drainage construction by Stanislaus County Public Works.
24. 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.
25. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined.
26. No parking, loading, or unloading of vehicles shall be permitted within the county road right-of-way.

#### **Central Valley Regional Water Quality Control Board (RWQCB)**

27. The project shall be required to meet all RWQCB policies and standards in order to protect the quality of surface and groundwater. Policies and standards include, but are not limited to a Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit – Water Qualification Certification, and Waste Discharge requirements. Policies and standards shall be met prior to development and maintained during operation.

#### **San Joaquin Valley Air Pollution Control District (SJVAPCD)**

28. The applicant may be subject to the following District Rules and may be subject to additional regulations/permits, as determined by the SJVAPCD:
  - Regulation VIII (Fugitive PM10 Prohibitions);
  - Rule 4102 (Nuisance);
  - Rule 4601 (Architectural Coatings); and
  - Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

#### **Building Permits Division**

29. Building permits are required and the project must conform with the California Code of Regulations, Title 24.
30. Prior to the issuance of a building permit for the truck wash facility, the applicant shall obtain a change of use to convert the agricultural building to an equipment mechanic shop and pay all applicable Public Facilities Fees, as determined by the Chief Building Official.

**CalRecycle**

31. The facility is currently permitted to operate on 123.5 acres and may receive up to 2,000 tons per day of compostable material. In order to modify the operation, the operator will be required to apply for a Revised Solid Waste Facilities Permit prior to new operations commencing.

**West Stanislaus County Fire Protection District**

32. Project shall comply with current California Fire Code requirements. Approved Fire Apparatus access roads shall be provided. Minimum width shall not be less than 20 feet.
33. Current Recology on-site water supply tanks shall be maintained in proper working order and shall have approved, unobstructed fire road access at all times.
34. Hydrants shall be maintained in proper working order at all times.
35. Water supply pond shall be filled and maintained at all times.

**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**  
**2) 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.)**

36. MM AIR-1 - Fugitive Dust Control

The owner/operator shall sufficiently implement at least one (1) of the control measures listed below to limit visible dust emissions (VDE) to 20 percent opacity or to comply with the conditions for a stabilized surface as defined in Rule 8011. The opacity limit may be achieved through implementation of any combination of the following control measures to the extent needed:

On-Site Transporting of Bulk Materials:

- Limit vehicular speed while traveling on the work site sufficient to limit VDE to 20 percent opacity; or
- Load all haul trucks such that the freeboard (the amount of material transported that rises above the walls of the truck bed) is not less than six (6) inches when material is transported across any paved public access road; or
- Apply water to the top of the load sufficient to limit VDE to 20 percent opacity; or
- Cover haul trucks with a tarp or other suitable cover.

Off-Site Transporting of Bulk Materials:

- Clean the interior of the cargo compartment or cover the cargo compartment before the empty truck leaves the site; and

- Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate; and
- Load all haul trucks such that the freeboard is not less than six (6) inches when material is transported on any paved public access road and apply water to the top of the load sufficient to limit VDE to 20 percent opacity; or cover haul trucks with a tarp or other suitable closure.

Unpaved Road Segments:

- On each day that 75 or more vehicle daily trips (VDT), or 25 or more VDT with three (3) or more axles, will occur on an unpaved road segment, the owner/operator shall limit VDE to 20 percent opacity and comply with the requirements of a stabilized unpaved road by application and/or re-application/maintenance of at least one (1) of the following control measures, or shall implement an approved Fugitive PM10 Management Plan:
  - Watering;
  - Uniform layer of washed gravel;
  - Chemical/organic dust suppressants;
  - Vegetative materials;
  - Paving;
  - Road-mix;
  - Any other method(s) that can be demonstrated to the satisfaction of the APCO that effectively limits VDE to 20 percent opacity and meets the conditions of a stabilized unpaved road.

Unpaved Vehicle/Equipment Parking and Traffic Areas:

- The control measures listed below shall be implemented on unpaved surface areas dedicated to any vehicle and equipment parking and traffic activity in order to limit VDE to 20 percent opacity and comply with the requirements of a stabilized unpaved road as specified in Rule 8011. If vehicle activity remains exclusively within an unpaved vehicle/equipment traffic area, Section 5.3 may be implemented to limit VDE to 20 percent opacity.
- Where 50 or more annual average daily trips (AADT) will occur on an unpaved vehicle/equipment traffic area, the owner/operator shall limit VDE to 20 percent opacity and comply with the requirements of a stabilized unpaved road by the application and/or reapplication/maintenance of at least one (1) of the following control measures:
  - Watering;
  - Uniform layer of washed gravel;
  - Chemical/organic dust suppressants;
  - Vegetative materials;
  - Paving;
  - Road-mix.

37. MM AIR-2 - Odor Complaint Response

- When the site receives an odor complaint, the Odor Management Plan shall be implemented. The OMP requires use of a third-party answering service. When complaints are received by the third-party answering service, an e-mail shall be sent

to both BVON personnel and Stanislaus County alerting them of the incident. Complaints received by BVON will be forwarded to the Lead Enforcement Agency (LEA) within 24 hours of receipt or by close of business of the first business day after a weekend complaint.

- Upon notification of a complaint by the third-party service, or upon direct receipt of a complaint by the facility, a facility investigator will use an olfactometer device to determine if the odor is detectable both at the complaint location and on-site at the facility border in the area of the prevailing wind direction.
- If BVON is found to be the source of acute malodorous conditions, then the site will work to eliminate the source of the malodor and an Odor Complaint Investigation Report (OCIR) will be submitted to the LEA within 48 hours of receiving the complaint or by close of business of the first business day after a weekend complaint. The OCIR shall detail the complaint, the investigation carried out, the prevailing weather conditions at the time of complaint and investigation, and the activities occurring on-site at the time of complaint and investigation.

38. MM AIR-3- Facility Improvement and Process Adjustments to Reduce Odors

Facility improvements and adjustments to process controls used to eliminate the source of malodorous conditions shall include, but are not limited to, the following:

- Processing all incoming compostable feedstock materials into active windrows within 72 hours;
- Adequately blending feedstocks and/or adjusting food material to green material ratios to achieve desired carbon to nitrogen levels. Windrows typically have up to a one-to-one ration of food material, not comprising more than 50% of food content, to green material by weight;
- Monitoring feedstock porosity;
- Evaluating and altering moisture management operations, which shall include adding sufficient water to achieve desired moisture;
- Temperature balancing through regulation of airflow within the windrows;
- Adjusting pile sizes;
- Improving site drainage.

Odor controls on the compost pad include:

- Collection and incorporation of organics from aisles between windrows;
- Use of microbial inoculants or lime on pad surfaces and water collection systems;
- Incorporating high organic content liquids into the composting process, both as an inoculant and for moisture control.

39. MM AIR-4 - Facility-wide ASP System Implementation

State Water Resources Control Board Water Quality Order 2015-0121-DWQ (included in Appendix A of the Initial Study) establishes a timeline for compliance with the Compost General Order, as well as monitoring and reporting procedures. The project shall comply with the provisions of the order, as detailed in the Notice of Applicability for coverage under the General Order issued by the Central Valley RWQCB on January 26, 2016.

40. MM CUL-1 – Cultural Materials

An archaeologist who meets the Secretary of Interior’s Professional Qualification Standards for archaeology should be present during the initial phase of ground disturbance in order to check for the inadvertent exposure of cultural materials. This may be followed by regular periodic or “spot-check” archaeological monitoring during ground disturbance as needed, but full-time archaeological monitoring is not required at this time. In the event a potentially significant cultural resource is encountered during subsurface earthwork activities, and all construction activities within a 100-foot radius of the find shall cease and workers should avoid altering the materials until an archaeologist has evaluated the situation. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood or shell artifacts, or features including hearths, structural remains, or historic dumpsites. The archaeologist shall make recommendations concerning appropriate measures that will be implemented to protect the resource, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Any previously undiscovered resources found during construction within the project site shall be recorded on appropriate forms and will be submitted to the County of Stanislaus, the Central California Information Center (CCIC), and the State Historic Preservation Office (SHPO), if required.

41. MM CUL-2 – Fossil-Bearing Deposits

In the event that fossils or fossil-bearing deposits are discovered during construction activities, excavations within a 100-foot radius of the find shall be temporarily halted or diverted. The project contractor shall notify a qualified paleontologist to examine the discovery. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If the applicant determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The plan shall be submitted to the County of Stanislaus for review and approval prior to implementation, and the applicant shall adhere to the recommendations in the Plan.

42. MM CUL-3 – Protection of Human Remains

In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5; Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and Section 5097.98 must be followed. If during the course of project development there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the most likely descendant (MLD) of

the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.

2. Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:
  - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.
  - The descendant identified fails to make a recommendation.
  - The landowner or his/her authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American Remains:

- When an initial study identifies the existence of, or the probable likelihood of, Native American Remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code Section 5097.98. The applicant may develop a plan for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American Burials with the appropriate Native Americans as identified by the Native American Heritage Commission.

43. MM GEO-1: - Erosion Control

In the event that windrows are permanently removed from the site, erosion control measures appropriate to local conditions shall be put in place. Measures could include the planting of vegetation or agricultural crops to decrease loss of soil by erosion.

44. MM HAZ-1 – Vector Control

To minimize potential for fly nuisance conditions, the applicant shall contract with a licensed pest management service to develop and implement a fly control plan that includes the use of measures such as:

- Adult fly knockdown agents including organic certified sprays as well as EPA Exempt (25(b)) options, fly specific bacterial and fungal sprays (Elector PSP—Spinosad, fungal pathogen—Beauveria bassiana), botanical insecticides—pyrethrurn, Pyrethrins + synergists), short residual sprays with rapid degradation.
- Granular fly baits in selected areas applied in bait trays, on bait cards or as scatter baits.
- Insect Growth Regulators (IGR) such as Tekko 10, Tekko Pro or Neporex to break the life cycle of flies by preventing molting, metamorphosis and reproduction.
- Insecticide (deltamethrin) impregnated mesh used for stable fly control.



- Increased frequency for turning of green waste to disrupt fly breeding and attraction and to make the material less conducive to flies.
- Expanded monitoring of flies on-site and in the surrounding area to determine what the seasonal fly pressure and to establish the normal background level of flies as a benchmark for future remedial action.

45. MM HYD-1 – Storm Water Pollution Prevention Plan (SWPPP)

The applicant shall prepare and implement a SWPPP as required under the General Construction Permit for Discharges of Storm Water Associated with Construction Activities, for all construction phases of the project. The SWPPP shall identify pollutant sources that may affect the quality of stormwater discharge and shall require the implementation of BMPs to reduce pollutants in stormwater discharges. BMPs include temporary erosion control measures (such as fiber rolls, staked straw bales), landscaping, and sediment basins.

46. MM HYD-2 – Surface and Groundwater Quality

In order to comply with the Regional General Order from the SWRCB, the project shall implement periodic monitoring and inspections of surface and groundwater quality to ensure protection of beneficial uses. Mitigation for surface waters is outlined in the Design Construction and Operation Requirements. Drainage conveyance systems and ditches must be properly sloped to minimize ponding and kept free and clear of debris to allow for continuous flow of liquid. Ditches must be adequately protected from erosion, and must not cause, threaten to cause, or contribute to conditions resulting in contamination, pollution, or nuisance. Ditches must be inspected and cleaned out prior to the wet season every year.

47. MM NOI-1 – Noise Impacts

Implementation of the following multi-part mitigation measure is required to reduce potential construction period noise impacts:

- The construction contractor shall ensure that all construction equipment have appropriate sound muffling devices, which are properly maintained and used at all times such equipment is in operation.
- The construction contractor shall ensure that all internal combustion-engine-driven equipment is equipped with mufflers that are in good operating condition and appropriate for the equipment.
- The construction contractor shall ensure that “quiet” models of air compressors and other stationary construction equipment are utilized where such technology exists.
- The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
- The construction contractor shall prohibit unnecessary idling of internal combustion engines (i.e., in excess of five (5) minutes).
- All noise producing construction activities, including deliveries of materials and warmup of equipment shall be limited to the hours of 7:00 a.m. and 7:00 p.m. daily.

\*\*\*\*\*

*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~~.*



Date December 3, 2020

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

**SUBJECT: USE PERMIT NO. PLN2016-0055 – RECOLOGY BLOSSOM VALLEY ORGANICS - NORTH - 2020 ANNUAL COMPLIANCE REVIEW**

Use Permit No. PLN2016-0055 – Recology Blossom Valley - North was approved on December 15, 2016 to allow a reorganization of an existing composting operation located at 3909 Gaffery Road. The request included on-site improvements, reorganization of operations, and establishment of a maintenance building with the development of a truck washing facility on a parcel to the south. The Use Permit Application was in response to code enforcement efforts relating to nuisances associated with the composting facility.

Use Permit Condition of Approval No. 17 required review of the composting operation one year after its approval and annually thereafter, at the discretion of the Planning Director. This Condition of Approval also provided the Planning Commission the authority to amend Conditions of Approval, as necessary to address any on-going nuisance concerns.

On July 16, 2020, the Chair of the Planning Commission appointed a Subcommittee of the Planning Commission, consisting of Commissioners Kenneth Buehner, Wayne Mott, and Lars Willerup. The purpose of the Subcommittee was to visit the project site and inspect the conditions of the composting operation for the presence of any nuisances. The Commission will hear from the Subcommittee on their site visit observations. In addition, Staff has identified site operational changes made by Recology since the last review.

## Background

The attached Planning Commission memo dated September 5, 2019 provides summary background information on the subject project along with a previous annual compliance review, see Exhibit 1. For additional project background information, refer to the December 15, 2016 Planning Commission Agenda and Staff Report for UP PLN2016-0055 - Recology Blossom Valley Organics – North, which can be viewed online at:<http://www.stancounty.com/planning/agenda/2016/12-15-16/Agenda.pdf>.

Since the September 5, 2019 meeting, the following activities have taken place.

1. Aerated Static Pile (ASP) Improvements: A Grading permit was issued on August 23, 2019 and finalized on October 23, 2019 for the aerated composting pad. A portion of the overall ASP improvements were installed, but the ASP composting system was not in use during a site visit on November 3, 2020. A building permit for the ASP system and equipment has not yet been applied for. Recology will look into the matter and address it as necessary.
2. On-Site Fires: On October 26, 2019 a large fire was reported in one of the wood mulching stockpiles. A portion of litter net fencing along Gaffery Road was damaged

and has been subsequently replaced. On August 1, 2020, there was report of a small fire in one of the windrows.

3. Change in Management: On April 2, 2020, the previous General Manager at Recology BVON was replaced by General Manager, Greg Pryor, who manages multiple Recology sites. The day-to-day operations are overseen by site Manager Joe Lizarraga.
4. New Equipment: On July 22, 2020, Recology applied for a Staff Approval Application (SAA) Permit to allow the installation of a diesel-powered truck-tipper as a back-up unit to the primary truck-tipper. The SAA was subsequently amended to allow the installation of an Air Density Separator and a LUBO tumbler screening equipment. The SAA was approved on October 2, 2020.
5. Canceled Contract: In August 2020, Recology canceled its contract for receiving and processing organic waste from the Safeway grocery chain.
6. Water Board Approval: On October 13, 2020, the Central Valley Regional Water Quality Control Board approved design improvements for the covered aerated static pile composting area improvements for Phases IV and V.
7. Site Improvements: Exhibit 2 is a list of Recology reported site improvements and purchases since February 2019.

## **2020 Subcommittee Site Visit Results**

Due to the COVID-19 outbreak and the need to maintain physical distancing, individual site visits were conducted between August 28, 2020 and September 15, 2020, by Subcommittee members and Planning staff. Each member of the inspection team was asked to inspect the exterior of the composting facility and provide general comments of their observations and to assign a number between 1 and 5 to various issue/observation items. Items identified with “5” as excellent and/or no issue present and “1” identifying as a hazardous and/or major issue present. The issue/observation items were those identified in previous reports to the Planning Commission and by prior Subcommittees. The rated criteria included: the presence of objectionable odor, flies, dust, seagulls, trash and litter, garbage and/or grocery bags; the condition of the maintenance area and truck wash, street pavement, landscaping, fencing; and the tracking of material off of the Recology site and onto County roads.

Following the individual site visits, the Subcommittee teleconferenced with Staff on September 25, 2020, to discuss scores, observations and field notes. The Subcommittee was asked to score a variety of compliance factors from 1 to 5, as discussed above. Two Subcommittee members scored using 1-5 scoring system and one member only noted issues. Despite, conducting site visits individually and on different dates, each rater identified the same issues and scored almost identical scores on items that were determined to be in compliance. Planning Staff also conducted a similar inspection. Most scores were in the 4-5 range, with a few exceptions listed in the site visit notes as noted below:

**Site Inspection Rating Scoring Sheet - Fall 2020**

<b>Rater:</b>	<b>Buehner</b>	<b>Mott</b>	<b>Willerup</b>	<b>Staff</b>
	<b>9/15/20-</b>	<b>9/7/2020</b>	<b>8/28/20</b>	<b>8/31/20</b>
		9:00 a.m.	8:30 a.m.	2:30 p.m.
<b>Issue*:</b>				
<b>Odor</b>	-	4	4	4
<b>Flies</b>	-	5	5	5
<b>Seagulls</b>	-	5	5	5
<b>Trash/litter</b>	-	4	4	5
<b>Garbage Bags</b>	-	5	4	4
<b>Dust</b>	-	5	5	5
<b>Landscaping</b>	High percentage is scorched	4	5	4
<b>Fencing</b>	High percentage of plastic slats are melted	5	5	5
<b>Street Conditions</b>	-	4	2	5 along site. 2 east of site.
<b>Tracking of material onto Rd.</b>	-	5	5	4
<b>Maintenance yard</b>	-	-	5	4
<b>Truck Wash</b>	-	-	5	4
<b>Other</b>	Plastic slats in fence on southside of street maintenance were melted.	-	-	Noise levels were normal for area.

\*Issues were rated on a scale from 1 - 5, with 5 being in excellent conditions with no issues and 1 being hazardous with major issues.

Additional Rater notes:

- Street pavement conditions: several pot holes are larger in size then a manhole.
- Landscaping: present but dry; the majority of it appearing to be scorched.
- Fencing: plastic slats on south side of street by maintenance facility were melted.
- Trash/litter/garbage bags: only two grocery bags stuck in neighboring almond trees.
- Entrance: left open and without a gate which would allow for airborne litter to leave site.
- Trucks: some trucks are using Gaffery Road east of Recology site. Trucks are required to approach the site only from Koester Road, located to the west.

**Compliance Review**

1. Fencing along the eastern property line: The Use Permit (UP) Application site plan identified a 22 foot-high litter fence along the length of the east property line. Approximately, a length of 300 feet of fencing was installed at the southeast corner of the project site. Recology acknowledges that not all of the proposed fencing along the east property line has been installed. Furthermore, Recology reports that it has studied the movement of wind-blown debris on the premises and believes that a 22 foot-high litter fence along the east property line might not be necessary, as the debris blows towards the south side of the property and not towards the east. Recology represents

that “with the ASP coming online in the near future and the fact that wind-blown debris blows towards the south of the property, it would like to monitor the situation at this time and make a final determination in the future if this increase height in fencing is necessary at all.”

If the missing fencing will no longer be installed, then an amendment to the UP Application would be needed. Amendments to approved UP’s may be permitted when they go through an application process. A Staff Approval Application (SAA) Permit would be the proper application for this or any other additional amendment requests.

2. Building Permit for ASP Equipment: A grading permit was issued and finalized for Phase IV and V ASP composting pad sites. However, a building permit for installation of the ASP equipment has not been applied for. A building permit for ASP improvements and equipment must be applied for and finalized before the ASP system is operational. Recology has been made aware of this oversight and will address it accordingly.
3. Stockpile Heights and CalRecycle Inspection Report: The maximum heights for wood chip piles is 25 feet in-height and 15 feet in-height for compost windrows. CalRecycle inspectors have documented windrow heights in excess of the height limits last fall. Recology has indicated that the height limits are now in compliance.
4. On-site Fires: The facility operates under a site specific Fire Prevention and Control Plan for fire prevention and for fire control. In addition to required fire suppression training and equipment, the stockpile heights and temperatures are closely monitored. The large fire in October 2019 was reported to have been caused by an employee of the contract falconer, who was utilizing a flare or aerial fireworks on-site.
5. Landscaping along Gaffery Road: Many of the plants along Gaffery Road appear dead. Recology has identified a landscaper and is currently in discussions to replace the above referenced landscaping in the Spring months of 2021.
6. Chain-link fencing along Gaffery Road: The chain-link fencing along Gaffery Road (in front of the 22 foot-high litter fence) was left over from the previous operation. It now includes melted slats and appears to contain trapped plastic. Recology intends to remove this fencing by next Spring.
7. Plastics: Although the presence of plastic bags appears to have diminished off-site, they continue to be present on-site. Recology employs a crew that regularly picks-up litter both on- and off-site. In addition, Recology canceled contracts from feedstock suppliers that exceeded the percentage of non-organic waste materials in the incoming feedstock. To further capture loose debris, Recology purchased various equipment to vacuum plastics and discard them at landfills and collection sites.
8. Truck Traffic traveling East on Gaffery Road: A few trucks were observed traveling on Gaffery Road coming from the east. To reduce impacts to Gaffery Road from truck traffic, Recology agreed to direct their truck traffic to the west to Koester Road. Recology commented that Recology trucks are being directed to Koester Road. The matter of Recology truck traffic arriving on Gaffery Road from the east was brought to Recology’s attention. Recology responded with the following statement:

*“All trucks are instructed to exit the site and head west towards Koester Road. Recology has implemented additional steps to ensure that ALL trucks head west towards Koester Road as follows:*

- Posted notices on scale houses*
- Vendors have been contacted by Recology and notified accordingly*
- Additional signage has been installed directing trucks west*
- All exits are monitored by Recology, and trucks that do not follow these instructions will be notified accordingly.”*

9. Aerated Static Pile (ASP): The UP Condition of Approval No. 18 identified a 6-year period for converting all of the composting windrow system into the ASP composting system. Recology reports that “both Phase IV and V improvements were completed earlier this year. Phase VI’s improvements will be completed incrementally to accommodate daily tonnage levels. As the daily tonnage levels increase, Phase VI’s improvements will be incrementally implemented to meet the daily tonnage increases. Phase VI incremental improvements will be taking place in the Spring and Summer months of 2021.” “Recology fully anticipates all windrows being converted to the ASP system in 2021.”

All of the composting windrows are expected to be converted into the ASP system by December 15, 2022. Recology is expected to submit a building permit for the ASP system within ninety days and have the building permit finalized before the ASP system is operational.

10. Road pavement Conditions: Staff contacted County Public Works staff to discuss the state of Gaffery Road and the presence of potholes east of the Recology site. Public Works staff indicated that funds collected on a tonnage basis on Recology trucks, were available for repairs and Public Works has since conducted road maintenance activities to address the road pavement issues.
11. Neighborhood Complaints: No complaints have been filed with the County’s Department of Environmental Resources, with the office of the Board of Supervisors, or with Recology itself. However, County Planning staff was contacted by a neighbor, who desires to be anonymous, expressing concern about the airborne litter that travels off-site. Correspondence promoting this annual compliance review by the Planning Commission was mailed to surrounding property owner, soliciting written and oral comments about any concerns they may have with this composting facility.
12. CalRecycle Inspections: Since April 2020, CalRecycle staff have conducted Desk Audit Inspections through remote communication with Recology staff, requesting required records and photos of the facility and its operation. No violations or areas of concern have been cited by CalRecycle staff since Jan 2020, when stockpile height limits were identified as exceeding limits.

## **RECOMMENDATION**

The Subcommittee will be asked to report their observations to the Planning Commission. If after hearing the report of the Subcommittee and consideration of public comments, the Planning Commission desires to amend the conditions of approval of the Use Permit, Staff will schedule the matter for consideration at a future Planning Commission meeting.

Exhibit(s):

1. September 5, 2019, Planning Commission Memo for Use Permit No. PLN 2016-0055  
– Recology Blossom Valley Organics – North
2. BVON Site Improvements – September 2019 - 2020 – Received November 17, 2020





September 5, 2019

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

**SUBJECT: USE PERMIT NO. PLN2016-0055 – RECOLOGY BLOSSOM VALLEY ORGANICS – NORTH PROJECT SITE – AUGUST 7, 2019 SITE VISIT REPORT**

On July 18, 2019, the Chair of the Planning Commission appointed a subcommittee of the Planning Commission (Commissioners Kenneth Buehner, Thomas Maring, and Lars Willerup) to conduct a site visit and to report back to the Planning Commission on their observations and the subject project's compliance with the approved conditions of approval.

Attached is the July 18, 2019 Memo to the Planning Commission, which provides a background on the subject project and the current status of the project's compliance with the approved conditions of approval.

Staff's observations of the August 7, 2019 site visit are discussed below; along with neighborhood feedback and concerns shared with staff following the site visit.

### **Site Visit**

On August 7, 2019, the subcommittee, along with staff from the County's Planning and Community Development, Public Works, Environmental Resources, and County Counsel Departments, toured the project site and a portion of Welty Road located to the southeast of the project site. Representatives from the City of Patterson Fire Department, West Stanislaus Fire District, and the Stanislaus County Fire Warden's office were also in attendance.

The site visit was conducted from 1:30 p.m. to 2:30 p.m. and the day's temperature was in the mid-90's with occasional wind gusts. County staff observed a significant reduction in flies present on and off-site. No seagulls were observed. Pieces of plastic were noticed throughout the site and a reduced amount off-site. The on-site storm water basins were in use and partially filled. A portion of the Aerated Static Pile composting system has been installed but was not in use. The composting system in operation consisted of windrows. A wood chipping and coloration operation has been introduced on the southern portion of the site, replacing part of the composting operation.

### **Neighborhood Feedback and Concerns**

After the tour, staff received two calls from neighbors. One call was from Conner Davis of the Sun Dry composting operation, located immediately east of the Recology site. Mr. Davis commented that the number of flies has been reduced significantly, the odor had also improved, plastic litter continues to be an issue, and expressed that Recology has been responsive to concerns that are reported to them.

Another call was from an anonymous neighbor who identified themselves as living to the southeast of the project site. The neighbor reported still having concerns with odor, plastic litter, and truck traffic from the project site. While the neighbor indicated that their complaints are not being addressed, the County is not aware of any complaints having been reported to the County. The caller was invited to attend the September 5, 2019 Planning Commission meeting to voice concerns and/or submit written correspondence to the Planning Commission for its consideration. The County's Planning Department will be reaching out to the surrounding neighbors by mail to provide the phone number and online tools available to submit a complaint or concern to the County regarding the operation of the Recology composting facility.

### **RECOMMENDATION**

The subcommittee will be asked to report their observations to the Planning Commission. If after hearing the report of the subcommittee, the Planning Commission desires to amend the conditions of approval of the Use Permit, staff will schedule the matter for consideration at a future Planning Commission meeting.

Attachment(s):

1. July 18, 2019, Planning Commission Memo for Use Permit No. PLN 2016-0055 – Recology Blossom Valley Organics – North



July 18, 2019

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

**SUBJECT: USE PERMIT NO. PLN2016-0055 – RECOLOGY BLOSSOM VALLEY ORGANICS – NORTH**

The purpose of this item is to brief the Planning Commission and appoint a subcommittee of the Planning Commission to conduct a follow-up site visit of the Recology Blossom Valley Organics – North (BVON) composting facility located near the community of Vernalis. The site manager, Mr. David Taylor, has offered to host a site visit on one of the following dates:

1. Wednesday, July 24, 2019, from 1:30 p.m. to 3:30 p.m.
2. Wednesday, July 31, 2019, from 1:30 p.m. to 3:30 p.m.
3. Wednesday, August 7, 2019, from 1:30 p.m. to 3:30 p.m.

With on-site improvements still under construction last year, an annual review was not conducted. Staff recommends that the Planning Commission Chair appoint a three-member subcommittee of the Planning Commission to conduct a site visit for late July/early August. County Planning staff will accompany the subcommittee and an invitation will be provided to Supervisor DeMartini, who represents this District. The Supervisor is not available to attend on the August 7, 2019 date.

### **Background**

In 1999, Use Permit Application No. 98-19 – Grover Landscape Services, Inc. was approved by the Planning Commission to allow establishment of a composting facility on approximately 60 acres of a 112.45 +/- acre site. The approval allowed for processing of green waste, grass, and other organic materials, commonly referred to as “feedstocks.”

In 2003, Use Permit No. 2002-22 – Grover Landscape Services, Inc. was approved to allow relocation of the composting facility to a 58± acre property comprised of a 38.47 acre parcel and 19.23 acre parcel both located directly south of the current site, on the south side of Gaffery Road; however, this expansion never occurred, and the Use Permit has since expired. These properties are under the ownership of Recology BVON and serve as a “buffer” between the composting facility and property to the south.

In 2008, Use Permit Application No. 2006-37 – Grover Landscape Services, Inc. was approved to allow an expansion of the existing composting operations onto the balance of the property for a total of approximately 112.45± acres in use for the entire composting facility in Stanislaus County. An additional 10.82+/- acres located in San Joaquin County were also approved by

San Joaquin County for composting operations. No new uses were proposed. In 2008, the following waste types were identified: green yard material, leaves, brush, wood chips, municipal green waste, Christmas trees, clean fresh agricultural product (fruit, olive pumice, manure, and vegetables), and potentially contaminate-free post-consumer food waste.

In 2012, Recology Grover Environmental Products applied for a new Use Permit (Use Permit Application No.2012-04) to expand the existing 112.45± acre composting facility to add an adjacent 42.87± acre parcel, located to the northeast of the current site, to re-organize the site for better efficiency and to expand the allowable composting feedstocks, to be composted on-site. On June 6, 2013, due to the lack of a majority vote by the Planning Commission, the Use Permit application was denied.

Overall, the Planning Commission discussion centered on potential issues that the proposed expansion may cause as a result of approving the Use Permit. Specifically, Commissioners focused on the following: (1) potential groundwater contamination; (2) the possible presence of contaminants or hazardous materials; (3) the composition of “urban organics”; (4) containing “trash” on-site; paper or plastic trash being blown into adjacent orchards; and (5) increased truck trips and need for road maintenance. The Commissioners in favor of the project stated that they felt the expansion would not present a significant problem given the state’s permitting and inspection, as well as, the Use Permit’s proposed Conditions of Approval.

On June 12, 2013, Recology Grover Environmental Products submitted an appeal to the Board of Supervisors of the Planning Commission's denial. The appeal requested that the Board of Supervisors direct the item back to the Planning Commission in order for Recology to provide additional information and address issues raised by the Planning Commission at its June 6, 2013, hearing. Issues which were requested to be addressed included, but were not limited to:

1. Off-site litter control and litter containment
2. Groundwater/Water quality
3. Truck and tonnage capacity
4. Incoming material types
5. Use of the proposed expansion area

The Stanislaus County Board of Supervisors, at its regular meeting on July 30, 2013, held a public hearing and, on a unanimous vote, returned the project to the Planning Commission to reconsider the application in light of new information and to address outstanding issues.

The Board of Supervisors July 30, 2013 Agenda Report, including the June 6<sup>th</sup> Planning Commission Staff Report, is available online:

<http://www.stancounty.com/bos/agenda/2013/20130730/PH910.pdf>

The application for Use Permit No. 2012-04 was scheduled for Planning Commission reconsideration on June 19, 2014, but the item was continued at the request of the applicant

and subsequently withdrawn. However, the composting operation had been modified in a number of ways, operating outside of approved Use Permit No. 2006-37. The changes include (1) relocation of composting operations conducted on-site not reflected in the approved Use Permit (relocation of receiving and processing area, relocation of the weigh station, changes to the stormwater and waste water basins), (2) increases in the percentage of food waste being incorporated for composting, and (3) an increase in non-organic polluting material (e.g., plastic bags) in the feedstocks.

The change in feedstock composition to a mixture that includes increased food waste resulted in a number of nuisance complaints submitted by area residents. The following is a list of the concerns/complaints raised by neighbors prior to approval of the current Use Permit. Neighboring residents contacted the County to express objection to the following concerns:

- Bird and Vector (flies) control
- Odors
- Fires and Air Quality
- Fugitive debris (litter)
- Fugitive dust
- Hazardous materials
- Truck traffic and road impacts
- Storm water runoff
- Impacts to neighboring agricultural operations and products

In February, April, and August of 2015, the Planning Department conducted a series of Neighborhood Meetings to address the following neighbor concerns: litter control and contaminants; odor; dust and air quality; birds and vector control; hazardous materials; groundwater quality; truck traffic and road improvements; storm water runoff; and impacts to agricultural operations and products. Several neighbors, representatives of Recology, and staff from various local and state agencies attended the meetings. Meeting notices were sent to properties within a one mile radius of the project site.

In December 2015, Staff met with Recology BVON representatives and requested that a new Use Permit application be submitted in order to (1) address changes conducted on the site, (2) address neighborhood concerns relating to the operation of the composting site, and (3) include an applicant request to add a truck wash facility on the property on the south side of composting site. Recology submitted a new Use Permit application on June 13, 2016.

A Special Meeting of the Planning Commission was conducted on December 1, 2016, to allow the entire Planning Commission to visit the Recology composting project site (see Attachment B – Site Visit Map – December 1, 2016). The purpose of the site visit was for the Planning Commission to view site conditions and operations of the Use Permit application property with no Commission action scheduled to be taken at the Special Meeting.

On December 15, 2016, the Planning Commission approved the current Use Permit, an application to amend Use Permit 2006-0037 – Grover Landscape Services, Inc., to continue operation of an established composting business by reorganizing and relocating the composting operations conducted on the property located at 3909 and 3432 Gaffery Road (Assessor's

Parcel Number (APN) 016-003-010) (see Attachment A - Recorded Notice of Administrative Conditions and Restrictions for UP PLN2016-0055 – Recology Blossom Valley Organics – North). The Use Permit approval also included the establishment of an associated maintenance shop and truck washing station on property on the south side of Gaffery Road (APN: 016-016-023). These facilities only service equipment and vehicles utilized at the BVON composting site.

Condition of Approval Number 17 of Use Permit No. PLN2016-0055 states:

*“The Use Permit shall be reviewed by the Planning Commission one (1) year after project approval and annually thereafter at the discretion of the Planning Director. The Planning Commission, as part of the review, may amend conditions of approval, as necessary, to address nuisance concerns.”*

After the Use Permit was approved, a site visit was conducted on August 31, 2017. For this site visit, the Chair appointed a three-member subcommittee to conduct the site visit and to report back to the Planning Commission on their observations and the project’s compliance with the approved conditions of approval.

The Planning Commission subcommittee (consisting of Commissioners Etchebarne, Orvis, and Buehner) visited the composting facility on August 31, 2017. The subcommittee reported back to the Planning Commission at the October 5, 2017, Planning Commission meeting and expressed comments of significant improvement since the original site visit conducted on December 1, 2016, with both on-site and off-site operations. The Planning Commission did not identify a need to amend or revise the project’s conditions of approval.

Since the Use Permit was approved in 2016, the following improvements have been completed:

1. Perimeter and interior landscaping and fencing was completed in 2017.
2. In 2017, a second feedstock intake line was installed.
3. In September 2018, the maintenance shop conversion was completed.
4. In November 2018, the truck wash station was completed.
5. In April 2018, the Aerated Static Pile (ASP) pilot project was completed. An additional 30 acres of concrete padding, together with storm drainage, water, and compressed air have been installed. Additional concrete padding is scheduled for August 2019.
6. In 2018, an employee breakroom was installed by the intake area.
7. In 2019, all scheduled Waste Discharge System Improvements were completed. Additional improvements are scheduled for October 2019.
8. In 2019, a wood treatment operation was allowed to be added on four acres of the site.

Since the last annual review in 2017, staff is not aware of complaints from the surrounding neighbors. There was one fire in a windrow in April 2018 and another fire in May 2019, both of which occurred during windy days. On April 25, 2019, planning staff drove out to the site and there was no detectable odor, no trash, and the landscaping was in good condition.

On February 27, 2019, Central Valley Water Board staff conducted an inspection of the facility to document how the site was handling the relatively heavy rains that occurred since the beginning of the 2018/19 wet season. The inspection results were transmitted to the operator dated March 28, 2019 (see Attachment C - Letter from Central Valley Regional Water Quality Control Board dated 28 March 2019). Water Board comments included: "While the improved composting pads appeared to be in good condition, with no visible ponding, ponding was observed on the unimproved pads and around the Raw Compost Receiving and Processing Area. Additionally, while adequate freeboard was present in all three surface impoundments, the Discharger stated that over a million gallons of leachate had already been transported offsite for disposal. Furthermore, there does not appear to be a clear divide (berms or swales) to prevent leachate from running off the Finished Product/Amendment Storage Area and entering the site's western storm water drainage channel. This is a water quality issue, because contact storm water/leachate flowing off the Finished Product/Amendment Storage Area must be contained and kept separate from the site's storm water drainage system."

## **RECOMMENDATION**

Staff recommends that the Chair appoint a three-member subcommittee of the Planning Commission to conduct a site visit for late July/early August and report back to the Planning Commission on their observations and the project's compliance with the approved conditions of approval. Staff will coordinate with the subcommittee to schedule the exact date for the site visit. After the site visit, the subcommittee will be asked to report back to the Planning Commission. If after hearing the report of the subcommittee, the Planning Commission desires to amend the conditions of approval of the Use Permit, staff will schedule the matter for consideration at a future Planning Commission meeting.

### Attachments:

- A. Recorded Notice of Administrative Conditions and Restrictions for UP PLN2016-0055 – Recology Blossom Valley Organics – North
- B. Site Visit Map – December 1, 2016
- C. Letter from Central Valley Regional Water Quality Control Board dated March 28, 2019

**Note:** A copy of the December 15, 2016, Planning Commission Agenda and staff report for UP PLN2016-0055 - Recology Blossom Valley Organics – North can be viewed online at: <http://www.stancounty.com/planning/agenda/2016/12-15-16/Agenda.pdf>.

Recording Requested By And For The Benefit Of  
And, When Recorded, Mail To:



County of Stanislaus  
Department of Planning and  
Community Development  
1010 Tenth Street, Suite 3400  
Modesto, CA 95354



Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office  
**DOC- 2016-0105112-00**  
Acct 401-Over The Counter Documents  
Friday, DEC 30, 2016 08:56:30  
Ttl Pd \$0.00 Rcpt # 0003913728  
OLD/R1/1-13

Space Above Reserved for Recorder's Use

**NOTICE OF ADMINISTRATIVE CONDITIONS AND RESTRICTIONS**

PLEASE TAKE NOTICE that the COUNTY OF STANISLAUS approved the land use development described below subject to administrative conditions and restrictions, copies of which are attached to this notice and incorporated herein by reference. The conditions and restrictions affect development of the property or parcels described below and are binding upon the named landowners and their successors in interest.

- Property Owner(s): Recology Blossom Valley Organics – North
- Project Site Address: 3909 and 3432 Gaffery Road, east of Koster Road and west of Welty Road, in the Vernalis area.
- Assessor's Parcel Number(s): 016-003-010 & 016-016-023
- General Plan Designation: Agriculture
- Zoning District: A-2-40 (General Agriculture)
- Community Plan Designation: Not Applicable
- Project Name/Description: **USE PERMIT APPLICATION NO. PLN2016-0055 – RECOLOGY BLOSSOM VALLEY ORGANICS – NORTH** – To amend previously approved Use Permit 2006-0037, to allow for a reorganized operations plan and on-site improvements for an existing composting facility on a 112.45 acre parcel and to establish a maintenance and truck washing station on a 38.47 acre parcel.

The undersigned duly authorized officer of Stanislaus County declares that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

12-16-16  
Dated

Miguel Galvez  
Deputy Director

- ATTACHMENTS:
1. Conditions of Approval
  2. Project Area Map (For Illustrative Purposes Only)



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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. PLN2016-0055 - RECOLOGY BLOSSOM VALLEY ORGANICS - NORTH**

#### **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. All Use Permit No. 98-19 and 2006-37 Conditions of Approval and Mitigation Measures shall remain in effect. If a conflict exists, the stricter of the requirements shall be imposed unless otherwise determined by the Planning Director.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2016), the applicant 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 applicant shall submit to the Department of Planning and Community Development a check for **\$2,267.25**, 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 applicant/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 applicant 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. During the construction phases of the project, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist.
7. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.
8. 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.
9. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation.
10. Pursuant to Sections 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits, or authorizations, if necessary.
11. 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.
12. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
13. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.
14. The facility operator shall be responsible for keeping all materials, including litter, within the 112 acre parcel approved for composting. Installation of all of the proposed 22 foot high meshed litter and dust cantilevered-fencing shall be completely within 6 months of project approval. Installation shall include landscaping as approved by the Planning Department.
15. The facility operator shall fully implement the Odor Control Plan, the Litter Control Plan, Dust Control Plan, and the Vector Control Plan upon project approval. Any changes to the plans shall be subject to approval by the Planning Director.

16. The facility operator shall require that all incoming feedstock delivery trucks check their trailers for the presence of seagulls and other birds at their source of departure. The applicant is to continue to use the services of the falconer to abate the presence of seagulls.
17. The Use Permit shall be reviewed by the Planning Commission one (1) year after project approval and annually thereafter at the discretion of the Planning Director. The Planning Commission, as part of the review, may amend conditions of approval, as necessary, to address nuisance concerns.
18. The facility operator shall complete the conversion of composting from windrow composting to the Aerated Static Pile composting system for the whole site within six (6) years of project approval. The composting areas shall maintain a setback distance of at least 100 feet from the northern and southern property lines.
19. Within 30 days of approval, the applicant/operator will be required to deposit the sum of \$10,000 with the Stanislaus County Department of Environmental Resources to be used to reimburse the County for any staff costs associated with monitoring and enforcing adopted Conditions of Approval and/or Mitigation Measures. The applicant shall refresh the deposit within 30 days when notified by County Staff that the available funds have dropped below 50%.

**Department of Public Works**

20. The applicant shall obtain an encroachment permit prior to any work being done in the Stanislaus County road right-of-way.
21. Public Works shall approve the location and width of any new driveway approaches on any County maintained roadway. An encroachment permit shall be taken out for any new asphalt driveway on Gaffery Road right-of-way for the maintenance and truck washing parcel prior to the issuance of a grading or building permit for that parcel
22. 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 applicant 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.

23. The applicant 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-off 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 applicant at the completion and acceptance of the grading and drainage construction by Stanislaus County Public Works.
24. 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.
25. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined.
26. No parking, loading, or unloading of vehicles shall be permitted within the county road right-of-way.

**Central Valley Regional Water Quality Control Board (RWQCB)**

27. The project shall be required to meet all RWQCB policies and standards in order to protect the quality of surface and groundwater. Policies and standards include, but are not limited to a Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit – Water Qualification Certification, and Waste Discharge requirements. Policies and standards shall be met prior to development and maintained during operation.

**San Joaquin Valley Air Pollution Control District (SJVAPCD)**

28. The applicant may be subject to the following District Rules and may be subject to additional regulations/permits, as determined by the SJVAPCD:
  - Regulation VIII (Fugitive PM10 Prohibitions);
  - Rule 4102 (Nuisance);
  - Rule 4601 (Architectural Coatings); and
  - Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

**Building Permits Division**

29. Building permits are required and the project must conform with the California Code of Regulations, Title 24.
30. Prior to the issuance of a building permit for the truck wash facility, the applicant shall obtain a change of use to convert the agricultural building to an equipment mechanic shop and pay all applicable Public Facilities Fees, as determined by the Chief Building Official.

CalRecycle

31. The facility is currently permitted to operate on 123.5 acres and may receive up to 2,000 tons per day of compostable material. In order to modify the operation, the operator will be required to apply for a Revised Solid Waste Facilities Permit prior to new operations commencing.

West Stanislaus County Fire Protection District

32. Project shall comply with current California Fire Code requirements. Approved Fire Apparatus access roads shall be provided. Minimum width shall not be less than 20 feet.
33. Current Recology on-site water supply tanks shall be maintained in proper working order and shall have approved, unobstructed fire road access at all times.
34. Hydrants shall be maintained in proper working order at all times.
35. Water supply pond shall be filled and maintained at all times.

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**  
**2) 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.)**

36. MM AIR-1 - Fugitive Dust Control

The owner/operator shall sufficiently implement at least one (1) of the control measures listed below to limit visible dust emissions (VDE) to 20 percent opacity or to comply with the conditions for a stabilized surface as defined in Rule 8011. The opacity limit may be achieved through implementation of any combination of the following control measures to the extent needed:

On-Site Transporting of Bulk Materials:

- Limit vehicular speed while traveling on the work site sufficient to limit VDE to 20 percent opacity; or
- Load all haul trucks such that the freeboard (the amount of material transported that rises above the walls of the truck bed) is not less than six (6) inches when material is transported across any paved public access road; or
- Apply water to the top of the load sufficient to limit VDE to 20 percent opacity; or
- Cover haul trucks with a tarp or other suitable cover.

Off-Site Transporting of Bulk Materials:

- Clean the interior of the cargo compartment or cover the cargo compartment before the empty truck leaves the site; and

- Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate; and
- Load all haul trucks such that the freeboard is not less than six (6) inches when material is transported on any paved public access road and apply water to the top of the load sufficient to limit VDE to 20 percent opacity; or cover haul trucks with a tarp or other suitable closure.

Unpaved Road Segments:

- On each day that 75 or more vehicle daily trips (VDT), or 25 or more VDT with three (3) or more axles, will occur on an unpaved road segment, the owner/operator shall limit VDE to 20 percent opacity and comply with the requirements of a stabilized unpaved road by application and/or re-application/maintenance of at least one (1) of the following control measures, or shall implement an approved Fugitive PM10 Management Plan:
  - Watering;
  - Uniform layer of washed gravel;
  - Chemical/organic dust suppressants;
  - Vegetative materials;
  - Paving;
  - Road-mix;
  - Any other method(s) that can be demonstrated to the satisfaction of the APCO that effectively limits VDE to 20 percent opacity and meets the conditions of a stabilized unpaved road.

Unpaved Vehicle/Equipment Parking and Traffic Areas:

- The control measures listed below shall be implemented on unpaved surface areas dedicated to any vehicle and equipment parking and traffic activity in order to limit VDE to 20 percent opacity and comply with the requirements of a stabilized unpaved road as specified in Rule 8011. If vehicle activity remains exclusively within an unpaved vehicle/equipment traffic area, Section 5.3 may be implemented to limit VDE to 20 percent opacity.
- Where 50 or more annual average daily trips (AADT) will occur on an unpaved vehicle/equipment traffic area, the owner/operator shall limit VDE to 20 percent opacity and comply with the requirements of a stabilized unpaved road by the application and/or reapplication/maintenance of at least one (1) of the following control measures:
  - Watering;
  - Uniform layer of washed gravel;
  - Chemical/organic dust suppressants;
  - Vegetative materials;
  - Paving;
  - Road-mix.

37. MM AIR-2 - Odor Complaint Response

- When the site receives an odor complaint, the Odor Management Plan shall be implemented. The OMP requires use of a third-party answering service. When complaints are received by the third-party answering service, an e-mail shall be sent



to both BVON personnel and Stanislaus County alerting them of the incident. Complaints received by BVON will be forwarded to the Lead Enforcement Agency (LEA) within 24 hours of receipt or by close of business of the first business day after a weekend complaint.

- Upon notification of a complaint by the third-party service, or upon direct receipt of a complaint by the facility, a facility investigator will use an olfactometer device to determine if the odor is detectable both at the complaint location and on-site at the facility border in the area of the prevailing wind direction.
- If BVON is found to be the source of acute malodorous conditions, then the site will work to eliminate the source of the malodor and an Odor Complaint Investigation Report (OCIR) will be submitted to the LEA within 48 hours of receiving the complaint or by close of business of the first business day after a weekend complaint. The OCIR shall detail the complaint, the investigation carried out, the prevailing weather conditions at the time of complaint and investigation, and the activities occurring on-site at the time of complaint and investigation.

38. MM AIR-3- Facility Improvement and Process Adjustments to Reduce Odors

Facility improvements and adjustments to process controls used to eliminate the source of malodorous conditions shall include, but are not limited to, the following:

- Processing all incoming compostable feedstock materials into active windrows within 72 hours;
- Adequately blending feedstocks and/or adjusting food material to green material ratios to achieve desired carbon to nitrogen levels. Windrows typically have up to a one-to-one ration of food material, not comprising more than 50% of food content, to green material by weight;
- Monitoring feedstock porosity;
- Evaluating and altering moisture management operations, which shall include adding sufficient water to achieve desired moisture;
- Temperature balancing through regulation of airflow within the windrows;
- Adjusting pile sizes;
- Improving site drainage.

Odor controls on the compost pad include:

- Collection and incorporation of organics from aisles between windrows;
- Use of microbial inoculants or lime on pad surfaces and water collection systems;
- Incorporating high organic content liquids into the composting process, both as an inoculant and for moisture control.

39. MM AIR-4 - Facility-wide ASP System Implementation

State Water Resources Control Board Water Quality Order 2015-0121-DWQ (included in Appendix A of the Initial Study) establishes a timeline for compliance with the Compost General Order, as well as monitoring and reporting procedures. The project shall comply with the provisions of the order, as detailed in the Notice of Applicability for coverage under the General Order issued by the Central Valley RWQCB on January 26, 2016.

40. MM CUL-1 – Cultural Materials

An archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology should be present during the initial phase of ground disturbance in order to check for the inadvertent exposure of cultural materials. This may be followed by regular periodic or "spot-check" archaeological monitoring during ground disturbance as needed, but full-time archaeological monitoring is not required at this time. In the event a potentially significant cultural resource is encountered during subsurface earthwork activities, and all construction activities within a 100-foot radius of the find shall cease and workers should avoid altering the materials until an archaeologist has evaluated the situation. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood or shell artifacts, or features including hearths, structural remains, or historic dumpsites. The archaeologist shall make recommendations concerning appropriate measures that will be implemented to protect the resource, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Any previously undiscovered resources found during construction within the project site shall be recorded on appropriate forms and will be submitted to the County of Stanislaus, the Central California Information Center (CCIC), and the State Historic Preservation Office (SHPO), if required.

41. MM CUL-2 – Fossil-Bearing Deposits

In the event that fossils or fossil-bearing deposits are discovered during construction activities, excavations within a 100-foot radius of the find shall be temporarily halted or diverted. The project contractor shall notify a qualified paleontologist to examine the discovery. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If the applicant determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The plan shall be submitted to the County of Stanislaus for review and approval prior to implementation, and the applicant shall adhere to the recommendations in the Plan.

42. MM CUL-3 – Protection of Human Remains

In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5; Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and Section 5097.98 must be followed. If during the course of project development there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the most likely descendant (MLD) of

the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.

2. Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:
  - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.
  - The descendant identified fails to make a recommendation.
  - The landowner or his/her authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American Remains:

- When an initial study identifies the existence of, or the probable likelihood of, Native American Remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code Section 5097.98. The applicant may develop a plan for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American Burials with the appropriate Native Americans as identified by the Native American Heritage Commission.

43. MM GEO-1: - Erosion Control

In the event that windrows are permanently removed from the site, erosion control measures appropriate to local conditions shall be put in place. Measures could include the planting of vegetation or agricultural crops to decrease loss of soil by erosion.

44. MM HAZ-1 – Vector Control

To minimize potential for fly nuisance conditions, the applicant shall contract with a licensed pest management service to develop and implement a fly control plan that includes the use of measures such as:

- Adult fly knockdown agents including organic certified sprays as well as EPA Exempt (25(b)) options, fly specific bacterial and fungal sprays (Elector PSP—Spinosad, fungal pathogen—Beauveria bassiana), botanical insecticides—pyrethrurn, Pyrethrins + synergists), short residual sprays with rapid degradation.
- Granular fly baits in selected areas applied in bait trays, on bait cards or as scatter baits.
- Insect Growth Regulators (IGR) such as Tekko 10, Tekko Pro or Neporex to break the life cycle of flies by preventing molting, metamorphosis and reproduction.
- Insecticide (deltamethrin) impregnated mesh used for stable fly control.

- Increased frequency for turning of green waste to disrupt fly breeding and attraction and to make the material less conducive to flies.
- Expanded monitoring of flies on-site and in the surrounding area to determine what the seasonal fly pressure and to establish the normal background level of flies as a benchmark for future remedial action.

45. MM HYD-1 – Storm Water Pollution Prevention Plan (SWPPP)

The applicant shall prepare and implement a SWPPP as required under the General Construction Permit for Discharges of Storm Water Associated with Construction Activities, for all construction phases of the project. The SWPPP shall identify pollutant sources that may affect the quality of stormwater discharge and shall require the implementation of BMPs to reduce pollutants in stormwater discharges. BMPs include temporary erosion control measures (such as fiber rolls, staked straw bales), landscaping, and sediment basins.

46. MM HYD-2 – Surface and Groundwater Quality

In order to comply with the Regional General Order from the SWRCB, the project shall implement periodic monitoring and inspections of surface and groundwater quality to ensure protection of beneficial uses. Mitigation for surface waters is outlined in the Design Construction and Operation Requirements. Drainage conveyance systems and ditches must be properly sloped to minimize ponding and kept free and clear of debris to allow for continuous flow of liquid. Ditches must be adequately protected from erosion, and must not cause, threaten to cause, or contribute to conditions resulting in contamination, pollution, or nuisance. Ditches must be inspected and cleaned out prior to the wet season every year.

47. MM NOI-1 – Noise Impacts

Implementation of the following multi-part mitigation measure is required to reduce potential construction period noise impacts:

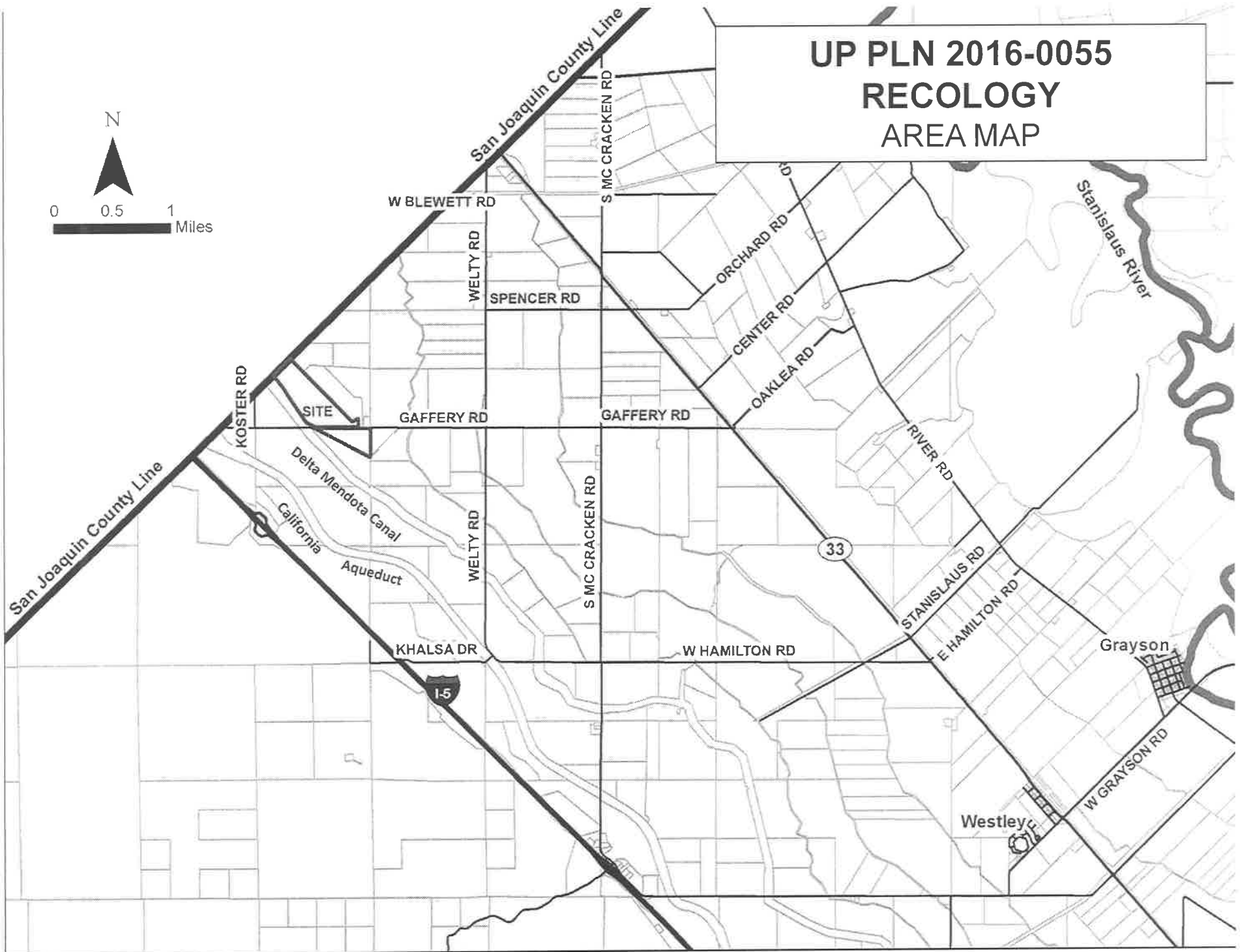
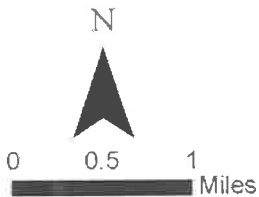
- The construction contractor shall ensure that all construction equipment have appropriate sound muffling devices, which are properly maintained and used at all times such equipment is in operation.
- The construction contractor shall ensure that all internal combustion-engine-driven equipment is equipped with mufflers that are in good operating condition and appropriate for the equipment.
- The construction contractor shall ensure that “quiet” models of air compressors and other stationary construction equipment are utilized where such technology exists.
- The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
- The construction contractor shall prohibit unnecessary idling of internal combustion engines (i.e., in excess of five (5) minutes).
- All noise producing construction activities, including deliveries of materials and warmup of equipment shall be limited to the hours of 7:00 a.m. and 7:00 p.m. daily.

UP PLN2016-0055  
Conditions of Approval  
December 15, 2016  
Page 11

As Approved by the Planning Commission  
December 15, 2016

*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~~.*

# UP PLN 2016-0055 RECOLOGY AREA MAP





REC'T # 0003913728  
December 30, 2016 ----- 08:56:30

Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office

Official # 16-0105112-00

Account Number 401  
Over The Counter Documents  
Free Issue

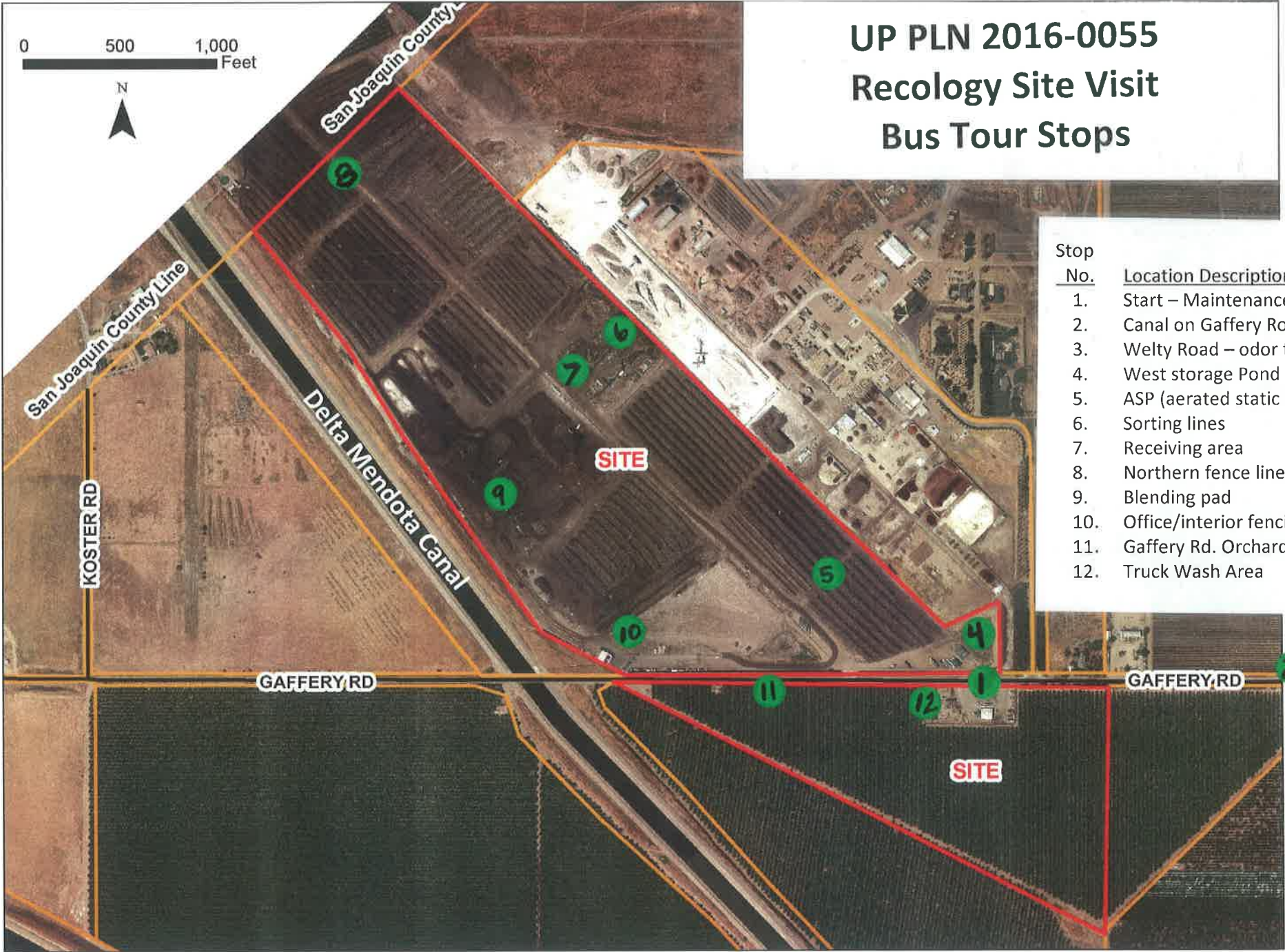
Total fee .....	\$0.00
Amount Tendered...	\$0.00

Change .....	\$0.00
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OLD,R1/1/13

# UP PLN 2016-0055 Recology Site Visit Bus Tour Stops

0 500 1,000 Feet



Stop No.	Location Description
1.	Start – Maintenance Yard
2.	Canal on Gaffery Road
3.	Welty Road – odor test
4.	West storage Pond
5.	ASP (aerated static pile)
6.	Sorting lines
7.	Receiving area
8.	Northern fence line
9.	Blending pad
10.	Office/interior fencing
11.	Gaffery Rd. Orchard
12.	Truck Wash Area





## Central Valley Regional Water Quality Control Board

28 March 2019

Kirk Steed  
Recology Environmental Solutions, Inc.  
6133 Hammett Court  
Modesto, CA 95358-9733



### **NOTICE OF VIOLATION AND SITE INSPECTION, RECOLOGY BLOSSOM VALLEY ORGANICS NORTH, STANISLAUS COUNTY**

Recology Environmental Solutions, Inc. (Recology) owns and operates the Recology Blossom Valley Organics North composting facility, which is regulated by State Water Resources Control Board General Order 2015-0121-DWQ-R5S001, for composting operations (Compost General Order). The 123.5-acre site is a Tier II composting facility located at 3909 Gaffery Road in Stanislaus County. In addition to a leachate conveyance system, the site contains three Class II surface impoundments; the 260,000-gallon Treatment Pond, the 2,100,000-gallon East Pond, and the 3,500,000-gallon West Pond. Each surface impoundment is doubled lined with a Leachate Collection and Removal System (LCRS).

#### **Inspection Summary**

On 27 February 2019, Central Valley Water Board staff conducted an inspection of the facility. The primary purpose of this inspection was to document how the site was handling the relatively heavy rains that had occurred since the beginning of the 2018/2019 wet season. While the improved composting pads appeared to be in good condition, with no visible ponding, ponding was observed on the unimproved pads and around the Raw Compost Receiving and Processing Area. Additionally, while adequate freeboard was present in all three surface impoundments, the Discharger stated that over a million gallons of leachate had already been transported offsite for disposal. Furthermore, there does not appear to be a clear divide (berms or swales) to prevent leachate from running off the Finished Product/Amendment Storage Area and entering the site's western storm water drainage channel. This is a water quality issue, because contact storm water/leachate flowing off the Finished Product/Amendment Storage Area must be contained and kept separate from the site's storm water drainage system.

As outlined in the attached Inspection Report, Water Board staff observed the following violation and areas concerns:

#### **Violation**

1. Notable ponding was observed near the unimproved northern composting pads and in the Raw Compost Receiving and Processing Area in violation of Section 1 of *Design, Construction and Operation Requirements - All Tiers* of the Compost General Order, which states in part:

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)



*Areas used for receiving, processing, or storing ... compost (active, curing, or final product) must be designed to limit water quality degradation. Working surfaces and containment structures must be designed, constructed, operated and maintained to:*

- a. Facilitate drainage and minimize ponding by sloping or crowning pads to reduce infiltration of liquids;*
- b. Reliably transmit free liquid present during storage, treatment, and processing of materials to a containment structure to minimize the potential for waste constituents to enter groundwater or surface water; ...*

2. Sediment, grass, chunks of concrete, and wooden pallets were present in the western leachate drainage channel in violation of Section 11 of *Design, Construction and Operation Requirements - All Tiers* of the Compost General Order, which states in part:

*... Ditches must be properly sloped to minimize ponding and kept free and clear of debris to allow for continuous flow of liquid...*

#### **Areas of Concern:**

1. The need to transport and dispose of over a million gallons of leachate generated from the site will, once full compliance with the Compost General Order is required in November 2021, be a violation of *Design, Construction And Operation Requirements - All Tiers 6*, of the Compost General Order, which states in part:

*Detention ponds, if used, ... must be capable of containing, without overflow or overtopping ... all runoff from the working surfaces in addition to precipitation that falls into the pond from a 25-year, 24-hour peak storm event at a minimum, ....*

Additionally, as outlined in the Compost General Order, CEQA Environmental Impact Report statements 11.3, 11.5, and 11.6 each state that *Composting operations will be designed to contain wastewater onsite*. Therefore, if after November 2021 the Discharger still needs to transport leachate offsite for disposal, they will have failed to design and operate the facility in accordance with the conditions outlined in the Compost General Order.

2. The absence of a clearly divide (berms or swales) to prevent leachate from running off the Finished Product/Amendment Storage Area and into the site's western storm water drainage channel is a concern, and should such runoff occur, it would be a violation of Prohibition 6 of the Compost General Order, which states:

*Discharge of wastes to surface waters is prohibited, except as authorized by an NPDES permit.*

As required by the Compost General Order, all contact storm water/leachate flowing off the Finished Product/Amendment Storage area must be controlled and contained onsite.

#### **Required Site Work**

To achieve compliance with the Compost General Order, the Discharger's Notice of Applicability (NOA), and address the violations and areas of concern noted above, Recology Environmental Solutions Inc. shall:

1. Submit by **30 April 2019**, a report documenting work completed to:
  - a. Reduce ponding around the Raw Compost Receiving and Processing Area and just south of the northern compost pads.
  - b. Clean out the western leachate drainage channel to ensure continuous liquid flow, and to
  - c. Contain all runoff from the Finished Product/Amendment Storage and direct it into the site's leachate management system.
  
2. Submit by **1 June 2019**, a report:
  - a. That documents the total volume of leachate that was transported offsite for disposal and where each load of leachate was disposed.
  - b. Completed by a registered engineering professional licensed to practice in California pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1, that documents that the Raw Compost Receiving and Processing Area is at a uniform grade to provide proper drainage, with no known low areas that would allow ponding.
  - c. That contains a discussion and a revised water balance if necessary, showing that by 30 November 2021, when full compliance with the Compost General Orders is required, that the site will have adequate leachate storage capacity to contain all runoff from the site's working surfaces in addition to precipitation, as required by the Compost General Order.

All required data and each report prepared for the facility shall be uploaded to GeoTracker. Additionally, once each report is uploaded to GeoTracker; the Discharger shall send an email to [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov) notifying Board staff of the upload. To ensure that each GeoTracker report upload notification is routed to the appropriate staff, please include the following information in the body of the email: Attn: Paul Sanders, Compliance Unit, Title 27, Report Date, Report Title, the reports GeoTracker upload confirmation number, and the facility's CIWQS place ID (CW-817431).

If you have any questions regarding this Notice of Violation or the attached Inspection Report, please contact Paul Sanders at (916) 464-4817 or by email at [paul.sanders@waterboards.ca.gov](mailto:paul.sanders@waterboards.ca.gov).



HOWARD HOLD, PG # 7466  
Senior Engineering Geologist  
WDRs Compliance and Enforcement Unit

Enclosure: 27 February 2019 Inspection Report

cc: Stanislaus County Department of Environmental Resources Modesto  
David Taylor, Recology Environmental Solutions, Inc, Vernallis  
Bryan Clarkson, Recology Environmental Solutions, Inc, Vacaville

CIWQS Inspection ID: 35840950  
CIWQS Violation IDs: 1057124 & 1057125



# CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

## INSPECTION REPORT

DATE: 27 February 2019

LOCATION & COUNTY: Recology Blossom Valley Organics North, Stanislaus County

CONTACT(S): David Taylor, General Manager, Recology Environmental Solutions, Inc.

INSPECTION DATE: 10 April 2018

INSPECTED BY: Paul Sanders and Brendan Kenny, Central Valley Regional Water Board

ACCOMPANIED BY: Dave Taylor - General Manager, Recology Environmental Solutions, Inc.

Joe Lizarraga- Operations Manager, Recology Environmental Solutions, Inc.

Steve Boynton - Operations Supervisor, Recology Environmental Solutions, Inc.

Kirk Steed - Engineering Project Analyst, Recology Environmental Solutions, Inc.

Heather Crotty - Environmental Specialist, Recology Environmental Solutions, Inc.

Alexis Krekel - Environmental Specialist II, Recology Environmental Solutions, Inc.

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### OBSERVATIONS AND COMMENTS

The Recology Blossom Valley Organics North facility is a 123.5-acre Tier II composting operation located at 3909 Gaffery Road, Vernalis, in Stanislaus County. The facility is owned and operated by Recology Environmental Solutions, Inc, and regulated by State Water Resources Control Board General Order 2015-0121-DWQ-R5S001 for composting operations (Compost General Order).

The primary purpose for this inspection was to observe how the site was handling the relatively heavy rains that had occurred since the beginning of the 2018/2019 wet season.

#### Observations

Figure 1 shows Gaffery Road between the facility's primary site entrance (Figure 2) and exit (Figure 3). Rumble pads were in place across the site exit to control tracking, and a sweeper was actively cleaning Gaffer Road.

Figures 4 through 8 show the East Pond. The East Pond's three aerators were operating, and over 4 feet of freeboard was available in the pond. Figure 8 also shows an extra pump that was installed to transfer additional water from the East Pond to the West Pond if needed.

Figures 9 and 10 show the Treatment Pond. Two of the Treatment Pond's three aerators were operating, and over 2 feet of freeboard was available. According to the Discharger, the third aerator had been removed from the pond to make repairs and it would be back online in a few days.

Figures 11, 12, and 13 show different sections of the Eastern leachate berm and drain from just east of the Raw Compost Receiving and Processing Area (Figure 11) to the final southernmost drain (Figure 13) before leachate empties by gravity into the East Pond. The eastern berm and drainage system appeared to be functioning; no ponded water was noted along the berm, no breaks in the berm were observed, and leachate was observed flowing into the East Pond.

Figures 14, 15, and 16 show the West Pond. Two of the West Pond's three aerators were operating, and over 3 feet of freeboard appeared to be available in the pond. According to the Discharger, parts for the third aerator had been ordered and they plan to make repairs and re-start the aerator in a few days.



Figure 16 also shows a pump that was actively transferring leachate from the West Pond to the tanker truck shown in Figure 17. According to the Discharger, over a million gallons of leachate had already been off-hauled to the East Bay Municipal Utility District for disposal during the 2018/2019 wet season.

Figures 18 and 19 show the final catch basin and drain for the western leachate drainage channel and central leachate drain, prior to discharge into the Western Pond. A mound of sludge can be seen in Figure 19 that was partially blocking the surface water flow path from the western drainage channel into the basin. The Discharger stated that they were in the process of clearing out the catch basin and would remove this sludge.

Figures 20 through 23 show section of the western leachate drainage channel from where it starts (Figure 23) to the catch basin seen in Figures 18 and 19. Sediment, grass, chunks of concrete, and a couple of wooden pallets were observed within western drainage channel, in violation of the Compost General Order.

In addition to the beginning of the western leachate drainage channel, Figure 23 shows the western storm water drainage channel. However, Figures 24 and 25 show the site's western perimeter road, as well as the Finished Product/Amendment Storage Area, and based on staff observation, runoff from the Finished Product/Amendment Storage Area may enter the site's storm water drainage course, and not the western leachate drain, in violation of the Compost General Order.

Figures 26 through 29 show the finished Phase 2 and 3 composting pads as well as windrows atop these completed pads. The pads appeared to be in good condition and no ponding was observed on any section of the new pads.

Figure 30 shows Catch Basin D located along the central drain, between the finished Phase 2 and 3 composting pads.

Figures 31, 32, and 33 show the Raw Compost Receiving and Processing Area, as well as significant ponding around the area.

Figure 34 shows an area of significant ponding just southwest of the Raw Compost Receiving and Processing Area.

Figures 35 and 36 show composting windrows along the eastern side of the site, south of the Raw Compost Receiving and Processing Area, along with minor ponding along select windrows. The Discharger's Notice of Applicability (NOA) requires improved composting pads be constructed, similar to those installed for the Phase 2 and 3 pads, along this eastern side of the site between September 2019 and September 2021.

Figures 37 through 39 show composting windrows and ponding north of the Raw Compost Receiving and Processing Area and the Finished Product/Amendment Storage Area. The two drains shown in Figure 38 and 39 are the northern most leachate drains installed at the site. According to the NOA, after 30 November 2021 no more composting or product storage will be allowed in this area, north of the Raw Compost Receiving and Processing Area and the Finished Product/Amendment Storage Area.

Figure 40 shows the northern limit of the Finished Product/Amendment Storage Area.



**SUMMARY:**

Notable ponding was visible in and around the Raw Compost Receiving and Processing Area, and just south of the windrows located north of the Raw Compost Receiving and Processing Area and the Finished Product/Amendment Storage Area.

Debris was observed in the eastern leachate drainage channel, and while adequate freeboard was present in all three of the site's surface impoundments, according to the Discharger, over a million gallons of leachate had already been hauled offsite for disposal at the East Bay Municipal Utility District.

No clear divide (berms or swales) was visible along the western limit of the Finished Product/Amendment Storage Area to keep contact storm water/leachate from flowing off the pad and entering the site's western storm water drainage path. A discharge of contact storm water/leachate off the Finished Product/Amendment Storage Area and into the site's storm water drainage path, would be a violation of the Compost General Order.

CIWQS Inspection ID: 35840950  
CIWQS Violation IDs: 1057124 & 1057125



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PAUL SANDERS, P.G.  
Engineering Geologist  
Title 27 Compliance and Enforcement

APPROVED:		
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Figure 1

Looking west along the southern boundary of the site, between the primary site entrance and exit.



Figure 2

Standing in the same location as Figure 1, but looking north across the primary site entrance.



Figure 3

Looking east along the southern limit of the site and the primary site exit.

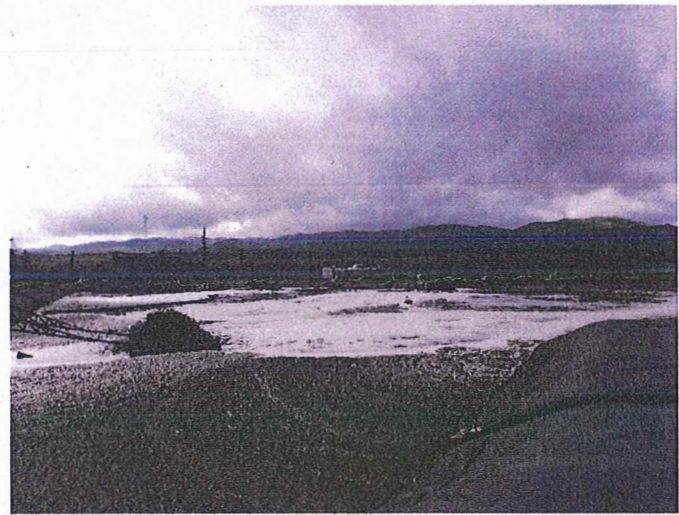


Figure 4

Looking southwest across the East Pond; all three aerators were operating.

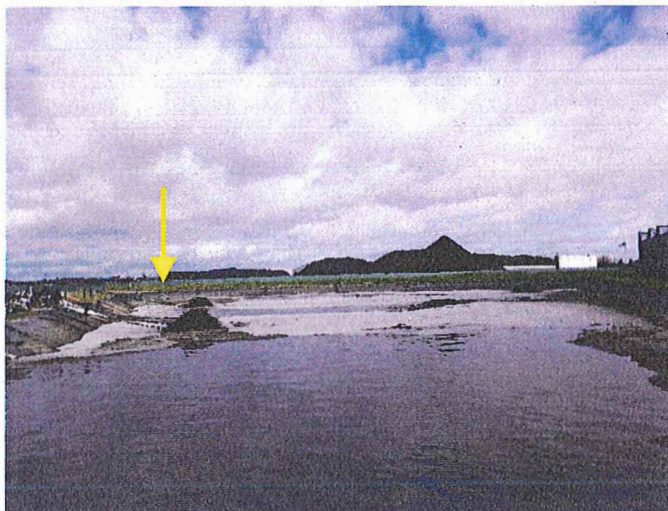


Figure 5

Looking north across the East Pond, the yellow arrow points to the influent discharge line into the pond.

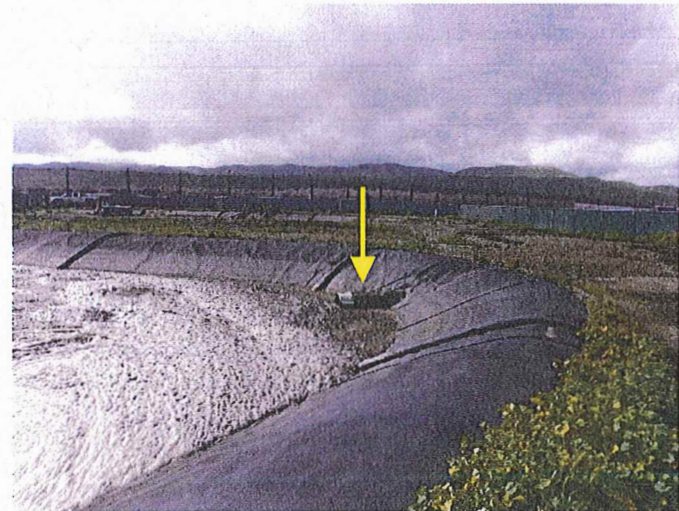


Figure 6

Looking southwest at the East Pond's influent discharge line, yellow arrow.





**Figure 7**  
Looking east at the East Pond's freeboard marker.  
Over 4 feet of freeboard was available.



**Figure 8**  
Looking at an additional pump along the East Pond. This pump is used to supplement existing pumps to transfer leachate to the West Pond.



**Figure 9**  
Looking south across the Treatment Pond. Only two of the Treatment Ponds three aerators were operating.



**Figure 10**  
Looking at the freeboard marker in the Treatment Pond.  
Over 2 feet of freeboard was available.



**Figure 11**  
Standing east of the Raw Compost Receiving and Processing Area, looking northwest/upstream along the eastern leachate control berm.



**Figure 12**  
Standing in the same location as Figure 11, but looking southeast/downstream along the eastern leachate control berm and a drain that flows to the East Pond.

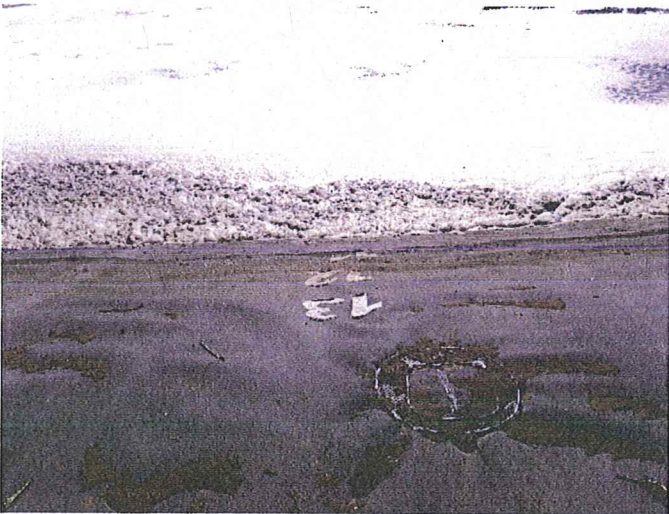




**Figure 13**  
Looking northwest/upstream along the eastern leachate control berm, at the last drains along the eastern limit of the site prior to discharging into the East Pond.



**Figure 14**  
Looking south across the West Pond. Only two of the ponds three aerators were operating.



**Figure 15**  
Freeboard marker in the West Pond, over 3 feet of freeboard was available.



**Figure 16**  
Looking at an auxiliary pump that was being used to transfer leachate from the West Pond to the tanker truck in Figure 17.



**Figure 17**  
A tanker truck being filled for off-hauling of leachate from the West Pond to the East Bay Municipal Utility District.



**Figure 18**  
Looking west at the southern most catch basin along the central drain. This is the last leachate catch basin/drain prior it discharging into the West Pond.



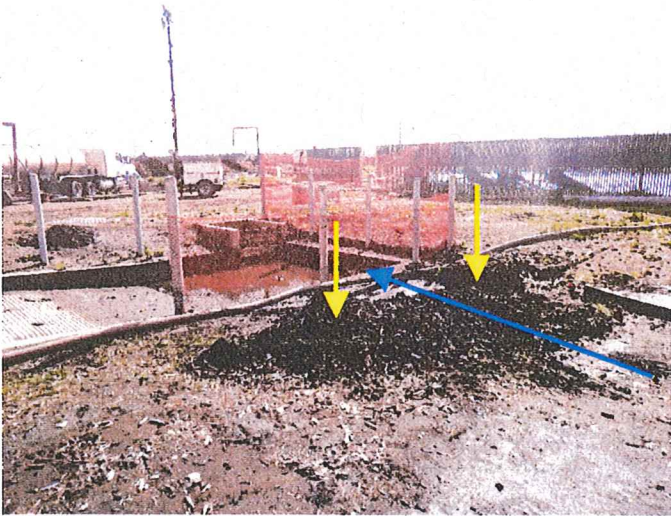


Figure 19 - Looking southeast at the southern most catch basin of the central drain. A mound of sludge (yellow arrows) is blocking the surface water leachate flow path (blue arrow) of the western leachate drainage channel.



Figure 20  
Looking west along the western leachate drainage channel, the blue arrow show the leachate flow path.



Figure 21  
Looking west along the western leachate drainage channel, the blue arrow shows the leachate flow path.

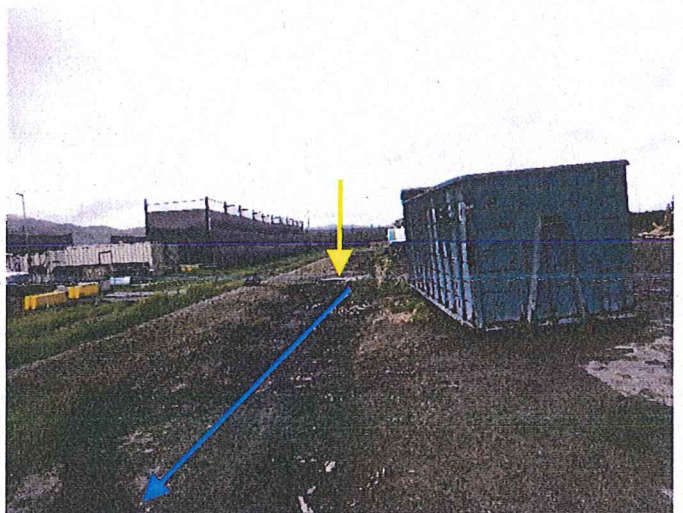


Figure 22 - Looking west along the western leachate drainage channel, the blue arrow show the leachate flow path. The yellow arrow points to wooden pallets in the middle of the channel.

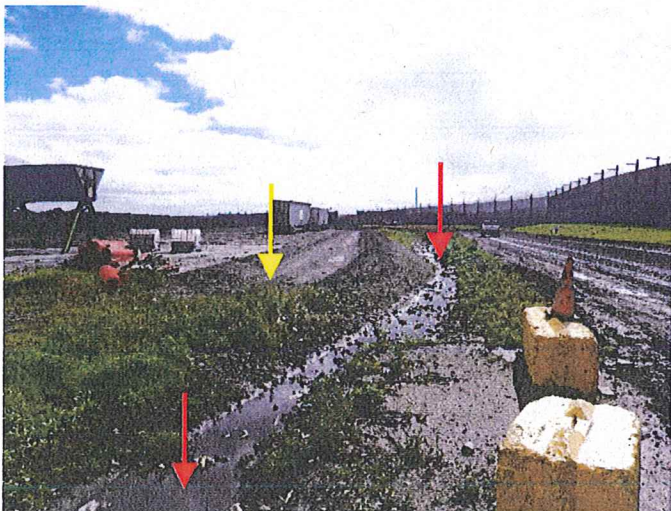
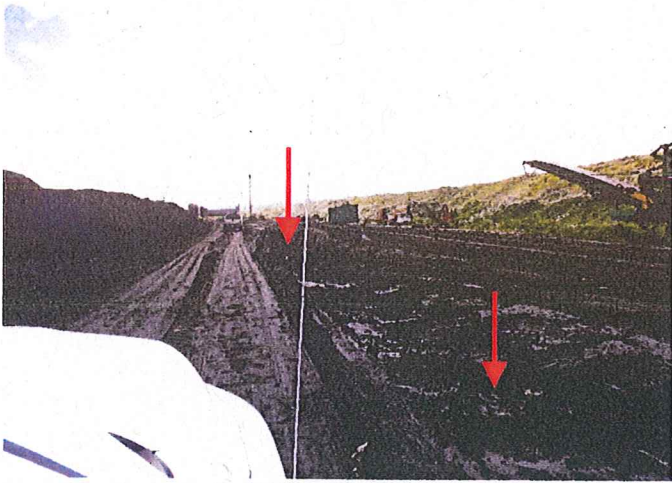


Figure 23  
Looking southeast at the northwestern end of the western leachate drainage channel, yellow arrow. The red arrows point to a separate western stormwater drainage.



Figure 24  
Looking southeast down the western limit of the Finished Product/Amendment Storage Area.





**Figure 25**  
Looking southeast down the stormwater drainage course (red arrows) along the western limit of the Finished Product/Amendment Storage Area.



**Figure 26**  
Composting windrows atop the finished Phase 2 composting pad.



**Figure 27**  
Looking north across the finished Phase 2 composting pad, at compost windrows atop the finished Phase 3 composting pad.



**Figure 28**  
Looking south between compost windrows atop the finished Phase 3 composting pad.



**Figure 29**  
A close-up view of the finished Phase 2 composting pad.



**Figure 30**  
Looking northwest into a Catch Basin D along the central drain, that is located between the finished Phase 2 and 3 composting pads.





**Figure 31**  
Raw incoming product prior to processing and composting. The ponding in the foreground is atop a yet to be finished composting pad.



**Figure 32**  
Raw product (yellow arrow) in the Raw Compost Receiving and Processing Area. The ponding in the foreground is atop a yet to be finished composting pad.



**Figure 33**  
Raw Compost Receiving and Processing Area. The ponding in the foreground is atop a yet to be finished composting pad.



**Figure 34**  
Ponding just south of the Raw Compost Receiving and Processing Area, atop a yet to be finished composting pad.



**Figure 35**  
Compost windrows atop unfinished compost pads located just south of the Raw Compost Receiving and Processing Area.



**Figure 36**  
Compost windrows on unfinished compost pads located just south of the Raw Compost Receiving and Processing Area.





Figure 37

Looking northeast at compost windrows located in the northeastern corner of the site, beyond where any compost pad improvements are proposed.



Figure 38

Looking northeast at compost windrows and a drain located in the northern section of the site, just northeast of the Finished Product/Amendment Storage Area.

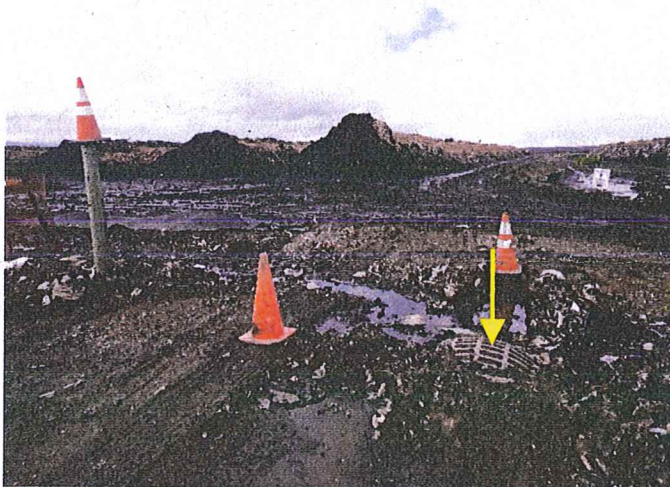


Figure 39

Looking north at compost windrows and a drain (yellow arrow) located just north of the Finished Product/Amendment Storage Area.



Figure 40

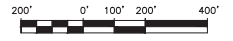
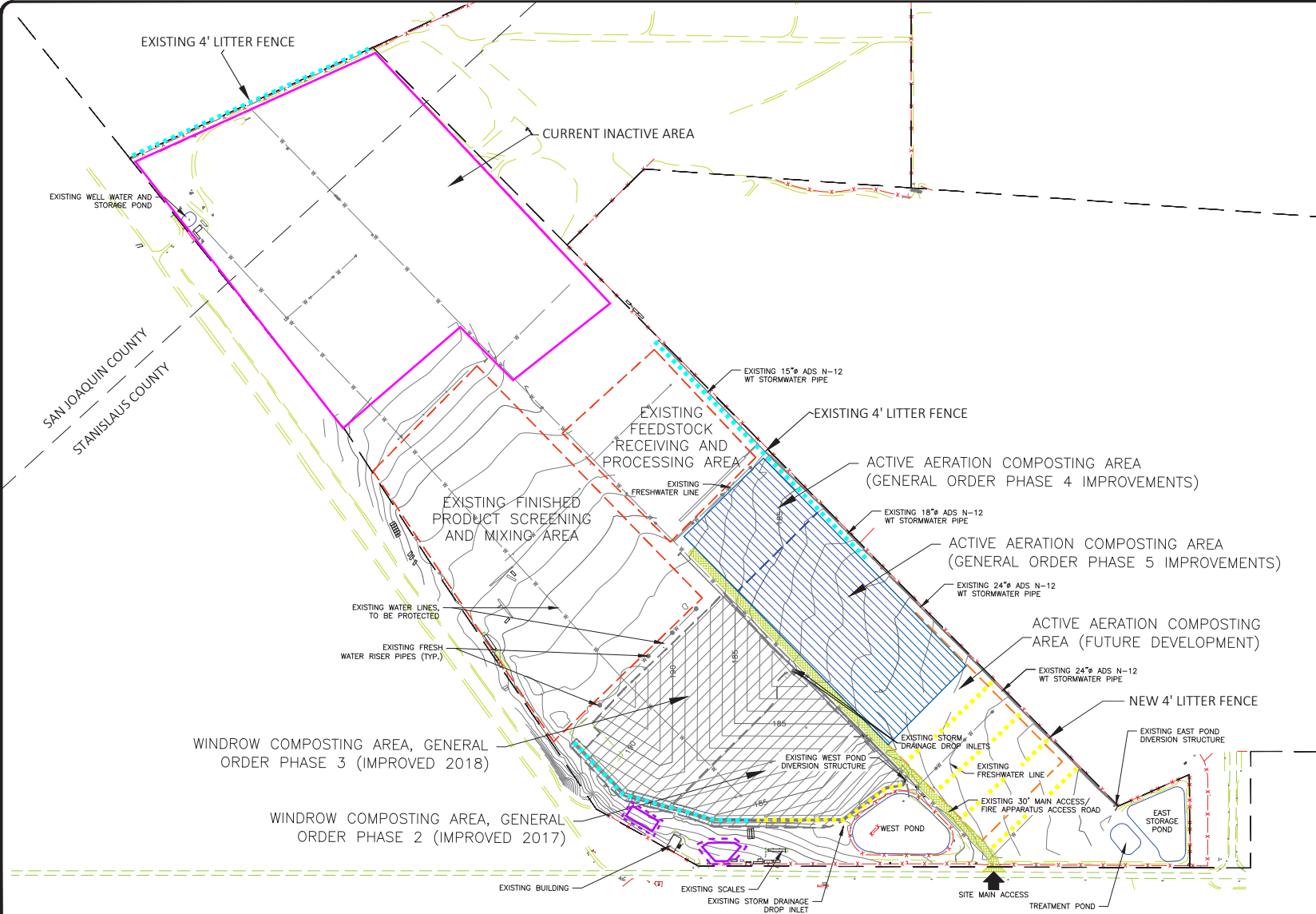
Looking southeast at the northern limit of the Finished Product/Amendment Storage Area.

## BVON SITE IMPROVEMENTS - SEPT 2019 - 2020

8000 GALLON CAT RENTAL H2O TRUCK	MONTHLY	\$	240,000.00
PACIFIC FARMING ORCHARD	MONTHLY	\$	96,000.00
ASP SYSTEM W/ INSTALL	PROJECT	\$	11,500,000.00
LIL WONDER PUSHER	5/1/2020	\$	5,000.00
SWALE IMPROVEMENT BY WEST POND	4/1/2020	\$	20,000.00
485837 - VERNALIS CONTROL BUILDING	12/4/2019	\$	10,861.20
F 472471 - FABRICATE PWR PANEL FOR	5/31/2019	\$	40,056.28
485861 - ELECTRIC UPG CEC SCREEN PLANT	9/9/2019	\$	37,877.88
485870 - ELECTRIC UPG MIST SYSTEM	9/9/2019	\$	14,063.36
493301 - COLOR MACHINE AWNING	6/10/2020	\$	19,338.06
493319 - 05 CEC SHAKER LIGHT	2/28/2020	\$	9,649.78
483612 - FACILITY STEEL GATE	9/1/2019	\$	4,382.00
483621 - FACILITY OFFICE LANDSCAPING	9/1/2019	\$	16,000.00
485888 - TIPPER WALL	10/24/2019	\$	49,638.09
488907 - VERNALIS LANDSCAPING	4/1/2020	\$	187,900.00
479365 - INTALL LUBO SCREEN/CONVEYORS/	9/25/2019	\$	99,957.51
485917 - BLOWERS & COVEYORS	11/1/2019	\$	48,102.71
485853 - WOOD SEPARATOR ELECTRIC	11/30/2019	\$	33,483.45
483196 - 20 PETERBILT CHASSIS USED	10/1/2020	\$	125,640.97
483209 - SPREADER SLC141 W/AUGER & HOPR	10/1/2020	\$	149,973.27
339127 - LUBO RDF SCREEN	8/1/2019	\$	256,035.19
461270 - 17 CAT 966M WHEEL LOADER	2/4/2019	\$	296,581.88
461501 - 7.75CYD ROLLOUT BUCKET	2/4/2019	\$	28,949.95
462723 - CAT 966M YOKAHAMA TIRES	2/4/2019	\$	24,372.88
491161 - 10YD MONSTER LOADER	7/1/2020	\$	53,189.36
491866 - PEERLESS TIPPER- ELECTRIC WORK	5/1/2020	\$	26,780.06
493351 - LOBO UPGRADES	4/17/2020	\$	13,133.70
494012 - FUEL MASTER 4505G	8/19/2020	\$	22,838.34
84646 - 02 WESCO 45' REFUSE TRAILER	3/1/2020	\$	5,000.00
86001 - 02 WESCO 45' REFUSE TRAILER	3/1/2020	\$	5,000.00
86297 - 02 WESCO 45FT REFUSE TRAILER	3/1/2020	\$	5,000.00
88065 - 02 WESCO 45' REFUSE TRAILER	3/1/2020	\$	5,000.00
213209 - 00 IMCO LIVE FLOOR TRAILER	3/1/2020	\$	9,500.00
213233 - 02 IMCO LIVE FLOOR TRAILER	3/1/2020	\$	9,500.00
213241 - 02 WESTERN LIVE FLOOR TRAILER	3/1/2020	\$	9,500.00
213250 - 02 IMCO LIVE FLOOR TRAILER	3/1/2020	\$	9,500.00
213276 - 06 IMCO LIVE FLOOR TRAILER	3/1/2020	\$	9,500.00
213284 - 06 IMCO LIVE FLOOR TRAILER	3/1/2020	\$	9,500.00
213330 - 06 IMCO LIVE FLOOR TRAILER	3/1/2020	\$	9,500.00

\$ 13,516,305.92

N:\BLOSSOM VALLEY ORGANICS RECYCLOGY\AU20.1051.00 PHASE 5 AERATED PAD DESIGN\5\_ENGINEERING\1\_CIVIL\DRAWINGS\G02 SITE PLAN.DWG April 13, 2020 - 9:46 AM BY: GLA USER



**LEGEND**

- 180 — EXISTING 5' CONTOUR<sup>(1)(2)</sup>
- 1' — EXISTING 1' CONTOUR<sup>(1)(2)</sup>
- — EXISTING PROPERTY LINE
- x - x - EXISTING 22'-24' BOUNDARY FENCE
- — EXISTING UNPAVED ROAD
- — EXISTING PAVED ROAD
- w - EXISTING UNDERGROUND, FRESHWATER LINE
- - - EXISTING OPERATIONAL AREAS
- \* EXISTING FRESHWATER LINE VALVE
- EXISTING MAIN ACCESS/FIRE APPARATUS ACCESS ROAD
- EXISTING WINDROW COMPOSTING AREA, GENERAL ORDER PHASES 2 AND 3 - IMPROVED 2017 AND 2018
- ACTIVE AERATION COMPOSTING AREA - GENERAL ORDER PHASE 4 AND 5 IMPROVEMENTS
- ACTIVE AERATION COMPOSTING AREA - FUTURE DEVELOPMENT
- CURRENT INACTIVE AREA
- NEW 4' LITTER FENCE
- EXISTING 4' LITTER FENCE
- EXISTING RUMBLE STRIP AREA
- PROPOSED RUMBLE STRIP AREA EXPANSION

**NOTES**

1. REFERENCE TOPOGRAPHY BASED ON APRIL 11, 2017 AND NOVEMBER 30, 2017 GROUND SURVEYS. COORDINATES BASED ON UTM NAD83.
2. CONTOURS SHOWN FOR PHASE 2 AND PHASE 3 IMPROVEMENTS BASED ON DESIGN GRADING PLANS BY GEO-LOGIC ASSOCIATES, INC.
3. EXISTING FEATURES SHOWN ARE APPROXIMATE. CONTRACTOR TO CONFIRM LOCATION OF ALL EXISTING FEATURES PRIOR TO CONSTRUCTION. ALL CONFLICTS ARE TO BE REPORTED BY THE CONTRACTOR TO THE OWNER BEFORE CONSTRUCTION BEGINS.
4. EXISTING STORMWATER PIPES AND STORMWATER PONDS WERE INSTALLED IN 2016 AS GENERAL ORDER PHASE 1 IMPROVEMENTS.

This drawing has not been published but rather has been prepared by Geo-Logic Associates, Inc. for use by the client named in the title block, solely in respect of the construction operation, and maintenance of the facility named in the title block. Geo-Logic Associates, Inc. shall not be liable for the use of this drawing on any other facility or for any other purpose.

REV. NO.	DATE	DESCRIPTION	APPROVED BY
A	04/17/20	ISSUED FOR PERMITTING	NC

DATE OF ISSUE: 04/17/2020  
 DESIGNED BY: NC  
 DRAWN BY: JMG  
 CHECKED BY: NC  
 APPROVED BY: NC

**Geo-Logic ASSOCIATES**

143E Spring Hill Dr, Grass Valley, California 95945  
 geo-logic.com | 530.272.2448

**Recology™**  
 WASTE ZERO

BLOSSOM VALLEY ORGANICS NORTH  
 VERNALIS, CALIFORNIA

**SITE PLAN**

ISSUED FOR PERMITTING

DRAWING NO. **G02**

PROJECT NO. AU20.1051.00



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10<sup>TH</sup> Street, Suite 3400, Modesto, CA 95354
Planning Phone: (209) 525-6330 Fax: (209) 525-5911
Building Phone: (209) 525-6557 Fax: (209) 525-7759

S 9 T 4 R 6
APP. No. PLN2023-0010

STAFF APPROVAL

(IF NOT USED IN 18 MONTHS THIS PERMIT SHALL BE VOID - SEC. 21.104.030)

GENERAL PLAN Agriculture ZONE A-2-40 DATE

1. NAME AND ADDRESS: (a) Recology Blossom Valley Organics - North
Name of Person or Firm

(b) PO BOX 128 (c) Westley, 95387 (d) 415-740-8529
Address City, Zip Phone

2. TYPE OF PROPERTY USE: Allow for additional time to complete the installation of the
Aerated Static Pile system and require the installation of additional litter fencing and
"rumble" strips per the attached project description.

3. LOCATION OF USE: 3909 Gaffery Road, in the Vernalis area
Street Address - Local Name of Street, Road or Highway

4. ASSESSOR'S PARCEL NUMBER AND ACREAGE: 016-003-010, 112.45 acres

5. THIS PERMIT IS GRANTED SUBJECT TO THE FOLLOWING ATTACHMENTS

- (a) Project Description and Conditions of Approval
(b) Recology Blossom Valley Organics North Site Plan 01-27-23

FAILURE TO PERFORM ANY OF THE STATED CONDITIONS HEREON SHALL
CONSTITUTE GROUNDS FOR REVOCATION OF THIS PERMIT.

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I HAVE READ THE ABOVE
CONDITIONS AND WILL COMPLY WITH SAME IN ALL RESPECTS.

Signature of Applicant

Date

Signature of Property Owner

Date

Signature of Person Issuing Permit

Date



Project Description:

Request to allow facility improvements and amend the site plan and Conditions of Approval (COA) of Use Permit Application No. PLN2016-0055 – Recology Blossom Valley Organics – North, approved by the Planning Commission on December 15, 2016. COA No. 18 of the Use Permit is being amended allow for additional time to complete the installation of the Aerated Static Pile (ASP) system. Phases I through V have been installed in accordance with the Use Permit and Phase VI has yet to be installed. Proposed facility improvements include the installation of an additional 3,000 feet of four feet tall litter fencing to reduce litter traveling off site, and the installation of additional “rumble” strips at the exit of the property and near the northwest corner of the office to reduce track out onto County-maintained Gaffery Road. A Staff Approval is required in order to amend the approved conditions of approval and development plan for this site.

Conditions of Approval:

- (a) Use(s) shall be conducted as described in the applications for Staff Approval Permit No. 2023-0010 – Recology and Use Permit No. PLN2016-0055 – Recology Blossom Valley Organics – North. Any modifications to the site or to the use of the site shall be subject to review by the Planning Director and may require additional discretionary land use permitting.
- (b) All Conditions of Approval from Use Permit Application No. PLN2016-0055 – Recology Blossom Valley Organics – North, with the exception of Condition of Approval No. 18, shall remain in effect. Condition of Approval No. 18 shall be superseded by condition (e) of Staff Approval Permit No. 2023-0010 – Recology.
- (c) In addition to the seven (7) active sets of Aerated Static Pile (ASP) “pods” in use at the time of this permit being issued, additional ASP “pods” may be installed, as needed, to allow the entire on-site ASP system to handle up to the permitted 2,000 tons of feedstock, provided the “pods” are located in areas reflected for ASP development on the approved site plan for UP No. PLN 2016-0055. The removal or relocation of any fencing displaced by the installation of additional ASP “pods” shall be subject to Condition of Approval (e) of Staff Approval Permit No. 2023-0010 – Recology. The ASP (active composting) areas shall maintain a setback distance of at least 100 feet from the southern property lines.
- (d) Additional fencing and rumble strips as reflected in Attachment B - Recology Blossom Valley Organics - North Site Plan 01-27-23 of Staff Approval Permit No. 2023-0010 – Recology, shall be installed by February 28, 2023. Any modifications to fencing or rumble strips shall be submitted for review and approval to the Planning Director. The intent of the fencing is to prevent any litter from leaving the site and the intent of the rumble strip is to prevent the tracking out of any dirt/mud from the project site onto the County Road right-of-way.
- (e) The facility operator shall have until December 15, 2023, to reduce the amount of litter escaping the composting operation on the 112-acre project site to zero (0), as required by Condition of Approval No. 14 of Use Permit Application No. PLN2016-0055 – Recology Blossom Valley Organics – North. If at any time prior to December 15, 2023, it is determined by the Planning Director that incremental improvement in the maintaining of litter on-site is not occurring, the facility operator shall submit to the Planning Director a proposal for alternative means of controlling litter within 30-days of the date of written notification. Implementation of the alternative means may be subject to the submittal of an application for a discretionary permit as determined necessary by the Planning Director (i.e., Staff Approval Permit or Use Permit). The discretionary permit application shall be submitted within 30-days of written notification of the requirement. The alternative means proposal may also be subject to review by the Planning Commission, in accordance with Condition of Approval No. 17 of Use Permit Application No.

SAA PLN2023-0010  
February 17, 2023  
Attachment A

PLN2016-0055 – Recology Blossom Valley Organics – North, which allows the Planning Commission to amend Conditions of Approval, as necessary, as part of the annual review to address nuisance concerns.

**UP APP. NO PLN2016-0055**

**Recology - Blossom Valley  
Organics North (BVON)**

**Planning Commission  
January 18, 2024**



# Background

- Use Permit No. PLN2016-0055
  - Approved by Planning Commission on December 15, 2016 to allow for a reorganization of an existing composting operation.
  - Application was in response to code enforcement efforts relating to nuisances associated with the composting facility.
  - Condition of Approval No. 17 required review of the composting operation one year after its approval and annually thereafter, at the discretion of the Planning Director.
    - Also granted Planning Commission the authority to amend Conditions of Approval, as necessary to address any on-going nuisance concerns.

# Previous Site Visits

- Previous visits
  - 2017 and 2019-2022
  - Assess operating conditions relating to odor, flies, seagulls, trash/litter, dust, & landscaping.
  - Issues observed in 2022: litter escaping the facility, dust and the track-out of dirt on the roadway, and dead landscaping.
- 2023 Staff Approval Permit
  - Added a condition giving the operator until December 15, 2023, to meet COA No. 14 of the Use Permit which required Recology to reduce the amount of litter escaping the composting operation to zero (0).

# 2023 Site Visit

- December 21, 2023 - Site Visit
  - Litter off-site decreased
  - Dirt being tracked out decreased
  - Litter on-site comparable to previous year, except for piles from Contra Costa County
  - Litter in final screening area not contained
  - Increased presence of seagulls
  - Landscaping outside facility in good condition, some inside was dead
  - Odor near retention pond



# Areas of Concern: Litter

- Litter: Amount of litter coming onto the site, which could become air-borne and leave the site, is a concern
  - Effort to eliminate use of biodegradable bags
  - Utilizing vacuum trailers to suck up air-born litter
  - Ensuring a trailer is in place in the final screening area





# Efforts to Address Litter: Off-site Trommel Screen



# Areas of Concern: Seagulls

- Seagulls: Increased compared to previous visits
  - Attributed to recent storms
  - Utilizing drones and propane cannons to deter birds
  - Facility required to check deliveries for seagulls at their source of departure, Recology will work with their haulers to address it





# Areas of Concern: Landscaping & Odor

- Landscaping: Outside facility was in good condition, some within the facility was dead
  - Will be replaced as weather permits
- Odor: Strong on-site odor near water retention pond
  - Not detectable off-site
  - Attributed to recent storms
  - Recology is running the aerators more frequently increasing oxygen levels and reducing the odor



# Action Needed By the Planning Commission

- No specific action is required; feedback is requested.
  - If an amendment to any of the conditions of approval of the Use Permit are desired, staff will schedule the matter for consideration at a future meeting
- Staff is recommending additional time to continue to work with Recology to bring the facility into full compliance
- Recology has taken noticeable steps to improve overall conditions and there is no indication that efforts to improve conditions will not continue



# Questions