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7 The Dutra Group
8 File PLP 04-0046 (Petaluma Project)

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11 Tape 1 of 3

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24 Transcribed by: Carol Roberts
25 Golden Gate Reporting

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[Begin Tape 1/3, Side A]

2 MALE SPEAKER: We will move to our second, uh,
3 general plan item, which is File PLP 04-0046, uh, this is a
4 request for general plan to change the land use designation from
5 limited commercial to limited industrial, including the general
6 plan task amendment area plan as well as a use permit, um, for
7 an asphalt batch plant, aggregate distribution facility,
8 recycling operation with maximum output of 665,000 tons per
9 year, uh, designed review. And we also have an environmental
10 impact report before us and this is at 3355 Petaluma Boulevard,
11 South Petaluma. Uh, with that, I will go to staff and Steve for
12 the presentation. I -- hopefully I read enough there to get you
13 the PowerPoint up.

14 STEVE PATTON: Thank you, Chair, Members of the
15 Board. Obviously we got a packed house this afternoon so let's
16 try to get onto it pretty quickly. My name is Steve Patton and
17 I'm the project planner with PRMD. But before I start, I would
18 just like to thank the County staff for all their effort and
19 hard work that went into the, uh, production of this, uh, the
20 EIR and also all the work that we've done to get to this stage
21 in the game. Also our ER consultants, the sub consultants and
22 other governmental agencies that provide comments. And also
23 just everybody that has participated in the review process,

24 including everybody that's here today that's all part of why
25 we're here.

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1 I just want to explain the timeline real quick. This
2 application was filed back in April of 2004. Um, we did publish
3 a Notice of Preparation for the EIR back in February 2006 and
4 had a public scoping meeting in February 2006, the 27th of
5 February. Uh, took a couple years to get the draft EIR
6 published and that was done in January of 2008. And we did our
7 public hearings at the Planning Commission in March -- and or in
8 February and March of 2008 and we published the final EIR in,
9 uh, July 2008. Then we went before the Planning Commission, uh,
10 for the actual project and it was noticed -- these are all
11 noticed hearings. And the hearing was on August 21st, 2008
12 where they closed the public hearing at that time and
13 deliberated to the, um, October 2008 meeting where they did
14 recommend approval to the Board on a 3-1 vote. Uh, then it was
15 continued -- then the Board Supervisor that was originally gonna
16 hear this project on December, uh, last year but then it was
17 continued to this date based on, uh, some last-minute comments
18 that we did get, substantial comments. So I just wanted to make
19 that clear that that's, uh, kind of the process we've gone
20 through. It's been some good four years of deliberations and
21 such.

22 This is the project site and as you can see it's a mixture of,
23 uh -- there's a parcel here on the river and then there's also
24 two parcels on this section here between Highway 101 and the
25 railroad tracks. That's where the main plant will be located.

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1 This is an aerial that shows in the EI, we broke it up into
2 development areas. It shows that Areas A, B, C and D so it
3 gives you a reference point if you're looking at the EIR. And
4 basically this is where the barge offloading is in Area A. The
5 conveyer comes across here and goes to Area C, uh, where the
6 asphalt plant would be, the aggregate stock piles and also the
7 recycling operations would all be on this site here.

8 Area B, is there's a small here where the historic house used
9 to be and this is also where the rookery is, which is right in
10 this area here. Uh, this is where fire station will be. And
11 also on the site plan it clears that up. Uh, so basically we
12 can see just the idea here and this also helps it relate to the
13 EIR. On the general plan, uh, right now it is zoned, the
14 general plan, the land use designation it has, uh, general
15 industrial for the barge offloading locations, which is this
16 parcel in here. And then these areas here are limited
17 commercial currently. That's what they're designated.

18 Now, the, um, there was a concern about whether, um, Measure
19 D, which was approved by the voters back in 1998, uh, affected
20 this property. It's actually exempt because the measure, it
21 states that any properties that are commercially zoned at the

22 time are exempt from the, um, uh, Measure D, which basically
23 sets, uh, limitations on developments inside the County
24 separators. Uh, so they are asking for a general plan amendment
25 though to allow the asphalt plant, which would not be permitted
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1 in the LC District. So this is where they're asking for the
2 general plan amendment for the land use in this area here.
3 Uh, just also to indicate that, um, there is criteria in the
4 general plan when you're switching from a limited commercial to
5 a limited industrial designation, there are seven main criteria
6 that need to be met and basically after going through our
7 analysis, it didn't meet those seven criteria. For the zoning
8 again, it's limited commercial as you can see in here and this
9 is the parcel we're talking about, is this area here. And this
10 is the loading -- this is the, uh, parcel here that's gonna have
11 the barge offloading. Uh, again, we're changing it to M3, which
12 would be a rural industrial, the LC property.

13 This is the plan itself. Uh, you have the barge offloading
14 here, facilities and then you've got the conveyer that runs
15 across over to these offloading piles here, which is the
16 aggregate piles that are a mixture of aggregates for the, uh,
17 making of the asphalt plus also for the -- there will be
18 shipping, uh, or selling in bulk to various aggregate users. So
19 the, uh, idea here is we have three uses really going on. We
20 have the manufacture of asphalt, which will be 250,000 tons a
21 year. We have aggregate sales, which is also 250,000 tons a
22 year and then there's a recycling operation. That's over here.
23 Uh, that's 150,000 tons a year. The reason we get to 665,000 is
24 when we add in the asphaltic oil and the crumb rubber that, uh,
25 is gonna be used at this plant periodically, at least the crumb
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1 rubber. Uh, that comes to 665,000 tons and that's where the
2 numbers come from.
3 Okay, this is the asphalt plant and its location here so you
4 can see the, uh, these are the aggregate piles that surround
5 that completely and this is the river back in here and these are
6 the residents in question. I have an aerial here that shows
7 that a little bit better. This also indicates a future right of
8 way when they widen the Highway 101 and put in the new
9 interchange and I have a graphic of that farther on in the
10 traffic section. But that, uh, line is basically where
11 Cal-Trans is proposing to take their property to use for the
12 interchange so this all area is being taken by Cal-Trans for a
13 frontage road and an interchange for the new Petaluma Boulevard
14 South interchange.

15 I just want to quickly go over hours. The hours of operation
16 of the plant will be as follows: uh, for the barge offloading,
17 they're only allowed to do that during the daylight hours,
18 basically, uh sunrise to sunset, except during -- they cannot do
19 it during the, uh, nesting times when the rookery, uh, is in

20 place. There is a general plan, 2020 policy that does allow six
21 times per year, uh, if they do want to offload at night for some
22 special circumstances when they have high tides, which is when
23 they do do the offloading. Um, we are allowing those six times
24 and that's in the conditions of approval. Uh, so basically
25 barge offloading is only during the daytime hours. Uh, the
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1 asphalt plant itself could potentially run for 24 hours, uh,
2 for, uh, a certain period depending on what the job is for. So
3 basically the main operations of the plant at 7:00 AM to 5:00
4 PM. That's for the aggregate sales and for the asphalt sales.
5 Uh, and for -- then the recycling is 8:00 AM to 5:00 PM.
6 However, if they do have a nighttime job which Cal-Trans does
7 frequently, or some other public job where they would be doing
8 some research at night or something like that, that's why we've
9 allowed for the 24-hour potential operation. But the idea here
10 is that they obviously ran the plant 24 hours, seven days a
11 week, they'd run out of 250,000 tons in a month. So, um, to
12 just -- just dispel any notions that's going to be running 24
13 hours all the time. No, basically they run the plant -- typical
14 operations is they run the plant for a few hours to fill up the
15 silo, depending on how busy the asphalt deliveries are. Then
16 they use that asphalt up and so might run for an hour and a half
17 and then the asphalt gets delivered and then they would run it
18 again for maybe another hour and a half. So probably it can be
19 explained much better when we get to that process. But that's
20 generally how it works. So it's not like a continuously running
21 operation.

22 This is an aerial photograph that shows a little bit more,
23 kind of mixing in the, uh, underlying what you see there now and
24 what's gonna be overlaid over it. So you see the rookeries in
25 this area here is a septic field proposing near it. Uh, this is
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1 the fire station that's proposed. Apologize for some of the --
2 the lines aren't heavy enough in some cases, but this is the
3 fire station located here. This is an existing access road that
4 goes to the residences along the river. There's the Ye property
5 here and the Fuentes property here in this location here and
6 there's several -- well there's two houses that are
7 non-conforming, I think some houseboats. So basically they use
8 this access now to cross the river and so that's gonna be
9 retained, although this is not going to be used for Dutra's
10 operations that you have to go around and use a landing way to
11 access their site over here. They have an easement to get
12 there. So again, you can see the asphalt plant, uh, overlay
13 here. Basically right now it's just some intermittent marshes
14 in this area now and there's some marshing here. And these are
15 slews in this location here.

16 Uh, there also in this -- doesn't show up, but there's a sound
17 wall that's going to be located and the PP applicant has it -- I

18 think a diagram was recently, um, indicated a new sound wall in
19 this area here to provide an additional noise buffer. This is
20 an example of the plant. This is the plant down in Irvine that
21 they just took a picture of and submitting it, just to show you
22 what it would look like when it was actually in operation.
23 Although there's only two silos as part of the project. Let me
24 just explain a couple of things real quick here. So these are
25 the silos that actually load the asphalt. The burner units and
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1 such are behind this, you can't see that in this photograph per
2 se. These are not part of the project; this is a different set
3 up. They use aggregate piles in this, um, in this proposed
4 plant. But this is the same here. This is the area where the
5 trucks would enter into like a garage-like building. That's
6 where they would be. They would load it up with asphalt and
7 they'd drive out this way. And the idea here is that this is a
8 negative flow. The air comes in, it's filtered through these
9 systems in here and, uh, it's called a bag house, which is this
10 location back in here and it filters the blue smoke and other,
11 um, exhaust from the, uh, dispensing the asphalt.
12 Okay so now I'm gonna kind of go over some of the
13 environmental issues pretty quick here and then we can go into
14 it in detail later when you have questions. But the first issue
15 is aesthetics. Um, basically what the EIR found is that we
16 can't mitigate it beyond a -- well it'd be potentially
17 significant, we can't mitigate it completely. But the idea here
18 is we're gonna have a large landscaped strip, uh, 30 feet wide
19 with a berm 7-1/2 feet high along the right of way or the
20 frontage of 101. And that's again, mixed, probably redwoods,
21 um, other mixed conifers and some evergreen, mostly evergreen
22 trees and shrubs, the idea is to create a visual barrier between
23 the main rock piles and the operations and the trucking
24 operations and such from the Freeway, although you'll still see
25 the tower of the south because it's 70 feet tall. So the idea
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1 here is on the 101 frontage, you get this buffer and then from
2 Shullenberger Park, uh, the idea here is that there is a, um, a
3 railroad right of way right in front of these trees that we
4 can't see. This is the two properties that are on frontal on
5 the river. So Shullenberger Park is behind this and there'd be
6 a row of trees planted between the sound wall and the railroad
7 tracks and it's a 10 foot planter at this time, which could be,
8 you know, increased if you choose. This is the conveyer back in
9 here and you can't see where it ends up at the barge facilities,
10 but that won't be screened at all visually from Shullenberger.
11 So you'll see the docking facilities, they'll be similar to
12 Shamrock Sand Facility where they have the dolphins out in the
13 river and the dolphins are the -- those posts that they put in
14 the river to anchor the barges to. That's where they would be,
15 uh, you know there wouldn't be any visual break in that

16 situation there. But this would be the, uh, about five years is
17 the idea here is what you see in landscaping.

18 Uh, then we have park resources. This diagram shows the
19 existing wetlands that are out there. So this area here is
20 being preserved by the project. It's 19 acres and they're gonna
21 re-claim these, open up to this, uh, channel through here from
22 the Petaluma River and so it floods consistently on the high
23 tide basis. And so this will all be re-claimed wetlands in this
24 area here. So all this will be developed to fill in this
25 wetland as part of that, they've re-claimed the entire area

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1 here, so 19 acres of wetlands in this. Uh, the critical thing
2 here that's been brought up is the rookery, which is right in
3 this area here. So we do have conditions that do, uh, protect
4 the rookery especially with regard to human, um, intervention
5 into their area because that's the main cause of why animals or
6 birds would be affected. In other words, if you have people
7 doing construction or moving things around very close to them,
8 they get disturbed and would sooner or later leave. So the idea
9 here is we limited the barge operations. They can only do them
10 during the daytime, not at the nighttime hours. Won't allow the
11 birds to roost. And that during the nesting season, they're not
12 allowed to do any offloading at, um, uh, during the times that
13 they're actually there during the daylight or during the, uh,
14 nighttime hours also. So you've got the restrictions there for
15 the, uh, roosting. Then you have moved the fire station over to
16 this location here as far away from as possible with the doors
17 facing towards the Dutra plant instead of facing the other way.
18 Because there had been some concerns with alarms, uh, and such.

19 Let's see what else we have. We have the -- they're going to
20 protect the title slews that run through in this area here. And
21 of course along this area. They're going to provide setbacks
22 from that so it'd be adequate and then we're also going to
23 basically determine that's mitigated to a less than significant
24 level once all mitigation measures are imposed. Uh, for air
25 quality, that seems to be a very hot topic. Um, so I've got a

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1 couple slides in here. This, unfortunately I apologize. It's
2 hard to read, um, but basically these will give you some
3 distances from receptors. Uh, what they decide -- um, what they
4 indicate here is we have three primary receptors. We have the
5 workers, they're existing obviously at Shamrock. We have
6 residences in the, uh, two buildings down here and we also have
7 the Shullenberger Park. These are all sensitive noise -- uh,
8 air quality receptors and so we provide some distances to these
9 receptors. Um, basically this is where the main plant is
10 located here and it's about 600 feet to the edge of
11 Shullenberger Park, but these residences are even more
12 significantly impacted. And so the idea is we did an air
13 quality analysis. We also had, um, the area air quality

14 management do an -- and it's called an HRSN. I'll get that on
15 the next slide. But the idea here is that there is, uh, air
16 pollution obviously produced from the diesel emissions from the
17 trucks and the barge and from the plant itself, there's blue
18 smoke and, and when the mixing of the asphalt. The, uh, idea
19 here is we impose conditions to, uh, require what's called best
20 available control technology. Uh, what this means is that they
21 have filters, bags, uh, bag houses and such that filters any
22 kind of smoke that comes off of the mixing of the asphalt, uh,
23 and the loading of the asphalt and then these, um, these filters
24 will -- the exhaust that is released is, uh, much less than what
25 the standards are, are required by their air quality management
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1 district. Um, we've also included conditions for idling of
2 trucks, um, we're requiring what they call Tier 2 engines on the
3 barges. These are the most up-to-date, uh, reduce emissions the
4 most for the primary engines. And we're requiring electrical
5 hookup when the barges are docked. Uh, so that basically is,
6 uh, these are a lot of conditions that came from their air
7 quality in their letter to us. And we've included those in
8 conditions of approval.

9 Um, we've also had some greenhouse gas emission, we include
10 conditions that basically looked at to requiring the uses of
11 alternative energy so potentially put solar panels on this site,
12 uh, in this area here, which they're not using. This is the
13 side of the small hill. They could put solar panels to generate
14 some power potentially. Also looking at using some biodiesel,
15 again reduce idling times. Uh, the idea here though is that
16 Dutra doesn't own the trucks in general that pick up the
17 asphalt. So a lot of it relies on what they call, um, the
18 California Air Resources Board Regulations that, uh, actually
19 regulate current emissions from diesel trucks, which are getting
20 more strict as time goes by. But, uh, the idea here is that
21 Dutra doesn't own the trucks that pick up. They do own the, um,
22 tugboats and that's why we are requiring the Tier 2 engines on
23 those.

24 Uh, go to the health risk assessment, and this is again for
25 the -- you have this information, but basically the idea here is
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1 that it is below the threshold that their air quality has for
2 the pollutants but obviously some pollutants are released, um,
3 in this facility. So it's not completely neutral on that. Um,
4 I'll quickly go through, this is the noise. These are the
5 sensitive receptors that were identified. Again we have two
6 locations, the park, the residences and also these residences
7 located here. Um, there's been issues about, uh, whether the,
8 um, birds are a noise sensitive receptor and unfortunately the
9 way SEQA looks at it and the way we analyze it, we don't look at
10 birds and the noise impacts to the actual birds regarding that
11 situation. Instead we look at more human disturbance of

12 biological resources. But in that packet, you do have our
13 consultant look at that birds and noise as -- CASHA is our
14 consultant -- and, um, if you have any more questions on that,
15 they're available and I'll go onto them in a second.

16 Uh, this is just some traffic slides here basically. This is
17 the existing situation. This is the new one that's gonna occur.
18 At the driveway here, they are gonna put a new driveway across
19 as a re-grade. Petaluma Boulevard South, and this is interim
20 until they build the new interchange. They'll have an actuating
21 signal here that indicates -- when a truck comes up then that's
22 when a signal flashes to say that there's a -- there's vehicles
23 that want to cross the street to give a warning to this exit
24 ramp. But this is what it's going to look like, potentially in
25 three to four years if all the funding and everything goes
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1 through, although it's questionable at this point. Um, but the
2 idea is you have a new interchange over the freeway. This is
3 the old ramp here you can see coming off. We have a similar
4 ramp and now you have a new bridge here and Dutra would gain
5 access off this new frontage road that ends down where the, um
6 -- it's farther down the property. And so you see a new
7 three-lane, each-direction freeway and this is the idea here
8 what it would look like in the future.

9 And finally just to go over the alternative sites description,
10 there's a lot of questions brought up. We do have alternative
11 sites in the EIR and we defined four alternatives, one was
12 obviously no project, which is environmentally superior from
13 most people's perspective, but you do have to pick one that
14 would actually meet the project's, um, needs. So the
15 alternative D in the EIR is the, um, in filing superior
16 alternative, uh, the issue with that one though is it includes
17 the property that Dutra does not own and it's not, uh, sure or
18 clear whether they could own that property. But bringing up
19 alternative sites that were not in the EIR, one is this Pomeroy
20 site that's been brought up by the public, uh, as a potential
21 site because it used to have concrete manufacturing -- well not
22 concrete manufacturing, but they used to make prefabricated
23 concrete, um, things for bridges and such. So this was brought
24 up as a site because in the Petaluma specific plan, uh, or the
25 central Petaluma specific plan, it has it as river-dependent
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1 industrial and that's the parcel right here, all this in purple.
2 Uh, so the idea here is well, that seems like a reasonable use
3 to put in there, because it's similar. We looked at the
4 specific plan. It doesn't specifically not permit the
5 manufacturing of asphalt. However, if you look at this compared
6 to our previous site, this is all mixed use in gray that's
7 proposed around it. This is an existing housing complex.
8 Basically this is the site here, within, you know, 1,500 feet,
9 you have 300 plus houses, uh, much more significant impact and

10 sensitive receptors and there's supposed to be a future park in
11 this area here and you have trails along here. Uh, you know,
12 the environmental impact of this site severely exceed in
13 comparison to, um, the, uh, other property down where Haystack
14 Landing. Now obviously there's not an existing wetlands with
15 Shullenberger Park here, so that one impact would be less at
16 this location. But other than that, you have more truck trips
17 going through Petaluma, um, more barge -- the barge would have
18 to go another quarter, one and a quarter miles upstream so you
19 have a lot more impacts with this site. So it made those ideas
20 -- and I just want to finally conclude that, um, we do have our
21 environmental, um, or staff from the environmental division of
22 PRMD, uh, Steve Dee and Scott Briggs. We also have our
23 environmental consults, CASHA, uh, Chris Ray Joseph and
24 Associates and we will also, uh, their air quality management
25 district I believe is -- the staff members that can answer any
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1 of those questions regarding air quality. Thank you.

2 MALE SPEAKER: All right, thank you very much. Uh,
3 thank you for going through, uh, all the major points in the
4 staff report. So, uh, first of all, I'll have any, uh, initial
5 board questions and then we'll open the public hearing and bring
6 up the applicant and then we'll leave it open to, uh, the
7 public. Um, just as another reminder, I see you're very good on
8 this side, but as long as we have some clearings along the --
9 between the seats and the side of the wall, um, we'll -- the
10 fire marshal will be happy hopefully.

11 All right, uh, any questions, uh, initial report? Mr. Kerns?

12 MR. KERNS: Thank you, Mr. Chairman, uh, just one --
13 uh, Steven you're -- as it relates to the trees in the rookery
14 on the property, there would appear that when Cal-Trans does
15 that interchange project that at least some of those trees are
16 gonna disappear. Is that -- is that projected?

17 STEVE: It's possible. Um, unfortunately they
18 haven't gotten a final design for this interchange yet so we're
19 not 100 percent clear but if you just look at this picture, the
20 rookery is located somewhere right in here. So based on this
21 preliminary design, a lot of the rookery could be removed.

22 MR. KERNS: I also -- I don't know if -- I can't
23 remember if someone told me this or I read it in, uh, some
24 correspondence, but that the -- the birds that are nesting there
25 now are relatively new to that area in that they used to nest

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1 over by where the new wastewater treatment plant is located and
2 then that construction started, uh, some of the birds moved over
3 to this area. And it's anticipated that once the, uh, excuse
4 me, all the construction is completed, the plant's up and
5 running that they may then go back to where they originally came
6 from. Do we have any information, uh, relating to that or not?

7 STEVE: Um, I think you're correct in the statement

8 that the rookery has only been there a few years. But I'm not
9 100 percent -- maybe our consultant could give you a better
10 answer on exactly how long it's been there or at least better
11 than my answer.

12 MR. KERN: Okay, thanks.

13 MALE SPEAKER: Thank you. Do you want to hear from
14 the consultant right now?

15 MR. KERN: Yeah, if we can just quickly. Yeah.

16 MALE SPEAKER: Wherever you are.

17 JEFF RILEY: Good afternoon, my name's Jeff Riley
18 with Chris Joe Smith Associates out of Petaluma. Um, I do
19 recall reading that commentary -- I think it was a commentary on
20 the direct environmental impact report or a subsequent letter,
21 um, after the final EIR was completed. I don't know the actual
22 date, uh, but I think it's important to note that the birds have
23 acclimated to the current site and there are various uses such
24 as the bottle disposal nearby and it's using front loaders to
25 move recyclables as well as Shamrock materials in their barge
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1 and a couple -- and Highway 101 and Petaluma Boulevard South to
2 name a few. But I don't know about the relocation.

3 MR. KERN: Yeah, okay. That's fine, thank you.

4 MALE SPEAKER: (Unintelligible 23:43).

5 FEMALE SPEAKER: Yeah, I want some clarification,
6 um, I wanted some clarification on the air district's analysis
7 of the air quality, um, because what I read in the -- in the EIR
8 was that under AQ -- AQ2, project operation would result in
9 emissions of criteria pollutants in their precursors including
10 ROGNOX and that the net increase in OX could exceed the air
11 district's threshold of significance by 8/10 per year. A block
12 mitigation, it was listed in the EIR as being significant and
13 unavoidable impact. It also stated in the EIR that the
14 cumulative air quality impacts, um, after mitigation were
15 significant and unavoidable and then in the subsequent analysis,
16 it was done by the air district on the healthful screening
17 analysis in response to the new information that was provided by
18 the County but it wasn't actually included in the final EIR, the
19 air district's letter set to quote, "The findings of the HSRA
20 indicate that the acute health risks associated with toxic air
21 contaminant emissions from the project are essentially at
22 significant levels established by the district." So I'd like
23 some clarification on that. I'd like to hear the air district,
24 too.

25 STEVE: Sure when the EIR was done, there was a
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1 preliminary, uh, assessment done by the air quality management
2 district that used, uh, a number of 800,000 tons per year for
3 the, um, asphalt plant. Uh, so we realized that that -- that
4 wasn't, uh, what the actual asphalt plant was producing, uh, and
5 before we did the second, uh, L3 -- or the air quality, before

6 the second assessment, uh, the final EIR had been done. The EIR
7 had been completed. The final EIR had been completed and then
8 the final EIR was done up and then after that date, in October,
9 that's when the new health risk assessment was done or screening
10 also was done and that actually took into account the 250,000
11 tons of, uh, asphalt instead of the 800,000. So once they did
12 the analysis on the proper amount of actual asphalt being
13 produced, then that's when you have that current or that
14 previous screening here which indicates the numbers that show
15 and their conclusion that it's under the significance of --
16 significant thresholds.

17 So, um, you know, oh, and so maybe the air quality can clarify
18 that too.

19 MALE SPEAKER: All right, yes, sir.

20 BRIAN BATEMAN: Good afternoon. Supervisors are
21 Brian Bateman, director of engineering, Bay Area Air Quality
22 Management District. Um, I think part of the confusion. I
23 think part of the confusion on the significance in terms of the
24 air quality impacts, uh, have to do within the district's SQA
25 guidelines, there are different, uh, thresholds of significant,
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1 for different types of pollutants. Uh, for toxic pollutants and
2 toxic impact, health impact, uh, that's what this chart is
3 getting at here in terms of thresholds for cancer, non-cancer
4 health risks. Based on the analysis that we did, we concluded
5 that the project did not exceed those significance levels.

6 But our, uh, separate, uh, emissions based significance levels
7 that we have in our guidelines for, um, pollutants that the Bay
8 Area as a region is non-attainment for and in particular, for
9 this project, I believe the NOX emissions were over those
10 thresholds. So the County staff, uh, made a finding that those
11 were significant and, um, provided some mitigation for those and
12 then, uh, ultimately could not reduce those emissions below the
13 significance levels. So they're recommending, I think, uh,
14 finding overriding consideration. I don't know if you want to
15 add to that but --

16 MALE SPEAKER: That's correct.

17 BRIAN BATEMAN: All right.

18 KEVIN KELLY: Kevin Kelly.

19 MALE SPEAKER: Do you have some follow up?

20 KEVIN KELLY: I -- for what's considered as a
21 community impact with, uh, what's happening in the City as well
22 or just directly to the project site proposal?

23 MALE SPEAKER: For the project site, the
24 significance levels, uh, then in our SQA guidelines, uh, in
25 terms of the ones that are up on the chart there in terms of
0022

1 toxic risks or project level, significance levels, that's how we
2 use them, the air district in our own program. So that's
3 typically, uh, how they're used by these agencies.

4 MALE SPEAKER: All right, thank you. So -- so Sue
5 Rogers-Ain, did you have any other follow-ups on that?

6 SUE ROGERS-AIN: No thank you.

7 MALE SPEAKER: All right, thank you, sir. Any other
8 questions of the Board at this point? All right, seeing none,
9 um, I'm going to open the public hearing and invite the, uh,
10 applicant or their representative to come up and, uh, make their
11 presentation and I hope it's gonna be someone with 10 minute or
12 so -- all right, good, or less. Yeah.

13 AMY DUTRA: Good afternoon, Supervisors, Amy Dutra
14 for Dutra Materials. Dutra is pleased to be before you today.
15 This project's been five years in the making and a lot of time
16 and careful consideration has been going on to make sure that
17 the concerns of the community have been addressed.

18 I want to point out a few things before I bring Al Cornwall up
19 to go through the technical parts of the project and then I'd
20 like to come back up again as I have some additional information
21 for you. But this is a relocation and a replacement of an
22 existing location or site. Um, if you can go to the next one,
23 what I want to point out here is that Dutra has been doing
24 business in Petaluma and providing materials to Sonoma County
25 for over 23 years. We were at this old quarry site right up

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1 here, right off the Freeway and close to the golf course and
2 adjacent neighborhoods with little to no complaint. And then we
3 relocated temporarily across the river right here, near the
4 Sheraton Petaluma and at both places we were running our asphalt
5 plant and at the old quarry site doing recycle, which is
6 proposed for the -- our new location.

7 And our new location is right down here. It's a relocation
8 of the existing use, half a mile south on the other side of the
9 Freeway. So I just wanted to remind people that we have been
10 part of this business community and providing the materials and
11 important resource to Petaluma for over 23 years. Al's going to
12 come up and go over the technical part of the presentation and
13 deal with some of the main concerns the community has had and
14 what we've done to hopefully address those concerns and then
15 I'll be back up.

16 MALE SPEAKER: All right, thank you.

17 AL CORNWALL: Thank you, Supervisors. My name's Al
18 Cornwall. Um, and I'm here to, uh, represent the Dutra Group
19 today. Can you just show the next, uh, why don't you just
20 scroll down through them. I'll try to go through this quickly.
21 I know that, uh, um, time is short. Again, this replaces an
22 older plant. Um, the plant includes the best available
23 practices right now and the state of art components. Um, the
24 asphalt production process is totally contained. Um, the
25 conveyer system is fully contained.

0024

1 Um, we have dust -- dust suppression that continually goes on

2 in the stock piles in the -- and the conveyer system. We have
3 over 50 percent of the site, which will be, uh, enhanced
4 wetlands habitat. Um, I won't go through this. Steve did a
5 good job of, um, going through the site plan, but we can come
6 back to that if you'd like. Um, there's been a number of
7 questions that have been raised in the past several weeks. The
8 first one I want to -- I want to address all of these, but the
9 questions are the hours of operation, the, uh -- next -- the air
10 quality, the noise containment, the river navigation, the dust
11 suppression and the river water use as well as allow that life
12 habitat.

13 Go ahead, Steve, the next one. Regarding the hours of
14 operation, um, we intend to operate this plant, um, from 7:00 AM
15 to 5:00 PM, five days a week. Um, there are certain special
16 conditions which we need to operate, um, at night, but it has to
17 do with traffic control and, and, uh, health and safety for the
18 local residences, because most of Cal-Trans work and most major
19 work both within the City of Petaluma and the County of Sonoma
20 requires nighttime asphalt. Go ahead to the next slide.

21 Um, as far as air quality, you heard a little bit about that
22 just a few moments ago. Um, the asphalt production process is,
23 um, control of blue smoke, it controls all other emissions
24 through an extensive two-filter system. Um, the, uh, air
25 quality district did a health risk assessment and they found no
0025

1 significant health risk as you just heard from their
2 representative. Go ahead, Steve.

3 Um, I want to say a little bit about the plant that, uh, we
4 modeled this after. This is a plant in southern California as,
5 as Steve mentioned a few moments ago. Um, our plant will only
6 have two silos. Um, when we did offer and take two
7 representatives of the community down to this -- this site on --
8 at that time, the plant was actually running rubberized asphalt.

9 Um, it also had some operational issues. The, uh, uh, doors on
10 the -- on the load out facility were not operating correctly.
11 Uh, when we arrived, um, the, uh, we went and talked to the
12 operator, um, because there was a significant smell from the
13 rubberized asphalt. The operator made some modifications to
14 the, um, to the -- the control itself of the -- of the
15 temperature, which reduced those, uh, those emissions
16 significantly.

17 Um, go ahead and go to the next slide. This is just another
18 angle of the same one that you've seen. Go ahead, Steve. Um,
19 this is the, uh, diagrammatically, the process of the, uh, and I
20 just wanted to point out through here, this is the drum mixer
21 and -- and the burner that is all -- all the emissions from that
22 are taken up into here, into the light house before it's
23 released into the atmosphere.

24 Likewise the load out facility right through here, um, as the
25 asphalt is loaded into the trucks, there is a duct work system

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1 that delivers the emissions to the blue smoke, um, filter at
2 the, uh, side of the plant. Go ahead, Steve.
3 Um, as far as noise containment, we have, uh, enclosed all
4 the conveyers, um, the new plant, um, technology encloses many
5 of the actual individual facilities, the, the actual conveyer
6 that -- that raises the asphalt up into the silos, the garage at
7 the load out facility. Um, our air silencers on all the air
8 actuated gates and, and, uh, operational equipment. The, uh,
9 the individual loaders that, um, deliver the stockpiled material
10 to the, um, to the bins that feed the asphalt plant, um, are
11 equipped with broadband backup silent, um, backup alarms, which
12 are not beepers that you normally hear on a construction site.
13 And in addition, we've added a sound wall, which I'll show you
14 in the next slide.
15 Um, this is the -- the side that Steve went over earlier, the
16 sound wall will go from this location right here, all the way
17 along, uh, the railroad tracks, which are located right here and
18 block the sound from the plant right there, over towards
19 Shullenberger Park and the two residences right there. Go
20 ahead, Steve, next one.
21 Um, there's been some discussion about river navigation. Um,
22 the, uh, river navigation, the way the, uh, federal channel
23 works through there, the main dolphins that secure the barge are
24 outside of the federal channel. The federal channel is one of
25 those, um, anomalies that exists in legal form but not always is

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1 practical on the river where the -- because the river meanders
2 over time. Um, what we've shown here is that this is our -- our
3 barge right here, but it's docked. There's the tugboat that,
4 um, controls the barge. And we have over 107 feet of the
5 channel between all -- the edge of our barge and the deep water
6 on the far side of the river.
7 So it's very similar to the condition that, um, Shamrock and
8 at the Jericho facility. Um, this, this is, uh, a slide of the
9 barge that's up at the Shamrock facility right here, which is
10 about five feet wider than our barge and it's a passing barge
11 powered by the tug, um, which was actually taken just the other
12 day.
13 Regarding, uh, dust suppression, um, we have been using river
14 water for over 20 years for all the dust suppression on the old
15 quarry site and at the temporary site. Um, in addition, I think
16 there was some concern about salt in that water, um, it's not
17 detrimental to asphalt. The, uh, um, most of the sand that is
18 in asphalt and concrete throughout the Bay Area uses sand that
19 is dredged from the Bay. Um, the conditions of approval speak
20 very well to the fact that we will be protecting the river
21 ecology through fish screens and other -- and, and the intake
22 during just high tide, um, for -- to attain -- or to obtain the
23 actual river water.

23 Regarding the wildlife habitat, I think we kind of hit this
24 already. The herons and eaglets have become acclimated
25 basically to that area, um, including the noise on 101, the
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1 barge traffic that exists today and the Shamrock and the bottle
2 disposal facilities. Um, the enhanced wetland, we will provide,
3 um, an additional location for the birds to roost.

4 Um, want to go through the next one. The recycling facility
5 is -- is critical to the operation. Um, it provides a local
6 source for recycling, um, there is a crusher that comes in about
7 three times -- three to four times a year, which will operate
8 from -- for three to four weeks during that period of time. The
9 operation itself will be only during daylight hours. And, um,
10 actually 8:00 to 5:00 and, um, will not run on weekends.

11 Community benefits, um, one -- some of the keys to this
12 project, that it is located next to the Highway and river
13 access, also potentially next to the railroad once that gets
14 operating again. The project in this location can save the
15 taxpayers over \$2.5 million annually when you figure that the
16 next closest asphalt plant is up near Todd Road and so those
17 trucking costs amount to about \$2.5 million. This allows extra
18 money for needed repairs and local maintenance projects in the
Petaluma area.

19 Um, we're -- it dedicates 19 acres of wetlands habitat. Um,
20 we support over 1,000 living wage construction jobs. It will
21 continue the historic riverfront industrial use that, um, that
22 historically has existed. And it provides the tonnage necessary
23 to, um, convince the Corp of Engineers to continue to dredge the
24 Petaluma River.

25 Um, further, the, uh, San Antonio Volunteer Fire Association,
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1 um, will have a home at this place. It will provide a local
2 source of aggregate for the, uh, Sonoma/Marin, uh, merit project
3 and a local source of -- of barge access in the event of an
4 earthquake or other event to repair levies.

5 Um, lastly the, the, um, the local source of asphalt and the
6 uses of environmental, um, impacts on greenhouse gases, the
7 barging operation removes 86 trucks per day or over 21,000
8 trucks per year from Highway 101. And the recycling of the
9 asphalt, um, reduces the, um, necessity for additional mining.
10 Um, and with that, I'd like to have Amy come back up here and,
11 uh, just briefly, uh, wrap this up. Thank you very much.

12 MALE SPEAKER: All right, thank you.

13 AMY DUTRA: Thank you. Today, as was the case at
14 the City of Petaluma meeting last week, you're likely to hear
15 from members of the public who challenge the asphalt plant based
16 on false information and misleading statements being circulated
17 about the project. You will also likely hear from people who
18 have brought up issues about Dutra's San Rafael rock quarry.

19 The asphalt plant and recycling operation planned for

Haystack Landing site are an apples and orange comparison to the
20 much larger quarry operations in San Rafael. However, I'd still
21 like to briefly some of the statements that have been made or
22 have been included in letters about our operation there.

23 For several years, Dutra was in a legal dispute with
24 neighbors in the County of Marin over its operations that had
25 been guaranteed in its mining rights. Three buildings were
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1 located on the quarry property without permits. Dutra worked
2 with the County and resolved those issues, removed the buildings
3 and paid the taxes and fees. And consented to having the County
4 review its operating conditions.

5 Dutra reached a voluntary agreement with the County on the
6 operating conditions and then both parties agreed to -- agreed
7 to ask the Court to put it in the form of a court order. Claims
8 that the Judge had to order Dutra to do so are simply not true.
9 That was five years ago. Since then, Dutra has complied fully
10 with the operating conditions. We have taken proactive steps in
11 voluntarily implementing additional measures to reduce noise,
12 dust and vehicle emissions at the quarry site.

13 We've moved forward with what we believe to be best practices
14 and green practices; introduction of biodiesel, parking of our
15 trucks, new tier complying engines, all proactive green
16 sustainable measures and best practice implemented by Dutra.
17 More recently, a Prop 65 case brought by an organization
18 concerned about diesel emissions, that organization dropped that
19 lawsuit last year when it realized that the lawsuit was the
20 result of a consultant's mistake in over-estimating the health
21 risk by 60 times. Once that was understood, the organization
22 and its consultants agreed that there was no health risk.

23 Dutra has demonstrated its ability to operate the facilities,
24 even large facilities like the Dutra San Rafael Rock Quarry in
25 compliance with environmental and health and safety requirements
and with a strong commitment to community interest and concerns.
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1 It is what we did at the old quarry site for -- and the
2 temporary site for over 23 years and how we plan to run the site
3 at Haystack Landing.

4 I would like to share with you just a few pieces of materials
5 and one of that is a question and answers that deals with a lot
6 of the misinformation that's been presented out there. And for
7 example, one of them being 750 trucks a day. That's not the
8 case. It's 174. And I'd like to give this to you.

9 MALE SPEAKER: Could you move that to the clerk
10 actually and she'll hand it out -- right, thanks.

11 AMY DUTRA: And then I'd also just -- I know Al
12 covered this in his presentation but just for simplicity, just
13 remind everyone that the community benefits that this project
14 brings to Petaluma and Sonoma County and I'd like to share that
15 as well.

16 MALE SPEAKER: Great, thank you.
17 AMY DUTRA: We do have our team of experts here.
18 We're available to answer any questions you may have as you go
19 through your deliberations or at the end of comments, but we
20 thank you for your consideration and appreciate your time.

21 MALE SPEAKER: Great, thank you very much. All
right, uh, with that, um, we, uh, will then open it up to the
22 public to come up and speak. And I will remind you that we, uh,
23 have a, uh, three-minute, uh, um, little lighting system over
24 there. And, uh, green starts it. Yellow gives you a 30-second,
25 um, warning. Red is when your three minutes is up. Also, um,
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1 we -- we see some of these stacks here, these are the
2 environmental impact reports that the Board's been able to
3 review. Uh, I know that I have, uh, printed out probably close
4 to 500 e-mails as well as, uh, other correspondences. So we
5 have received and had, uh, availed ourselves to those and are
6 aware of many issues that the public is bringing up.

7 So just as a reminder, uh, I know that oftentimes, folks want
8 to come up and say the same things over and over again. We
9 appreciate that. We want to hear from everybody. Um, but we
10 have seen those and then the last thing is that the fire marshal
11 had passed me a note that, uh, one way that could help is that
12 after you get a chance to speak, there are speakers in the back
13 in the foyer so if you kind of want to go back there so some of
14 those folks can come in here that may want to speak, that will
15 help, uh, keep the aisle ways cleared out, uh, for them.

16 And, uh, I'd like to see that she already came up, but I was
17 going to invite Councilmember Tory up to come up first anyways
18 so please feel free.

19 (Applause and laughter)

20 COUNCILMEMBER TORY: Thank you, Chair Kelly. I
21 appreciate, uh, the opportunity to be here in front of you and
22 the Board of Supervisors. You, uh, as you stated, uh, have
received a fair amount of correspondence on this issue and one
23 of those pieces of correspondence was a letter that every single
24 member of the Petaluma City Council signed and we personally
25 delivered it to Supervisor Kerns. Last Thursday when I met with
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1 Supervisor Kerns as well as you've been provided copies.
2 Uh, I also have an attendance. Today our Vice Mayor Theresa
3 Barrett, as well as Council Member Tiffany Renee. One of the
4 issues that has been addressed a little bit at this point in
5 time is the air quality issue. And I think one of the key
6 components of the air quality issue, uh, actually was the
7 clarifying question that Supervisor Coreo mentioned, which is,
8 is this a cumulative analysis. And the answer is no. The
9 threshold for this project within the property lines, uh, meets
10 a level of insignificance for the diesel particulate, not for
11 the NOX. When you look at all of the other generators in the

12 area, particularly Highway 101 of diesel particulates, it
13 becomes a major, major source of air pollution in our community.

14 I wanted to also address the economic stimulus part of this
15 proposal. Uh, I saw on page 26 of this, uh, staff report, that
16 there will be five, full-time employees at the site. I -- I
17 believe if this asphalt plant were located anywhere else in the
18 County, it would continue to provide the thousand other
19 living-wage jobs, uh, that were talked about in the last
20 presentation. Um, on site we're talking about a few employees
21 and it can be moved into a different area.

22 Which is, really, I believe, part of the crux of this issue,
23 which is the City of Petaluma really is concerned and our
residents and the surrounding area is concerned about the
24 location of this plant, not necessarily are we opposed to an
25 asphalt plant in Sonoma County.

0034

1 I -- I believe that our concern also lies from an economic
2 standpoint, would be a high amount of dollars that we have
3 invested in our Sheraton Hotel Almond Marsh, our Shullenberger
4 Park, the open-space district has invested dollars in our
5 wastewater treatment facility, uh, wetlands preservation, we
6 have high density residential across the river and we have
7 office buildings that we're trying to promote as environment --
8 as a place for environmental businesses to -- to locate within
9 our community.

10 I also think that part of this proposal is excellent and I
11 would love to see the San Antonio and Volunteer Fire Department
12 located on one of these parcels because this would be a good
13 location for that facility. There is also -- and I believe a
14 critical part of what you need to do today, which is approve the
15 general plan amendment. That's what you're being asked to do.
16 I do not believe that you can make findings in order to make
17 that general plan amendment, um, uh, concrete and, and put
18 together as one in which, uh, you can be proud of I think at the
19 end of the day.

20 Particularly on page 26, of your staff report, policy LU19D,
21 it talks about criteria for approval of discretionary projects
22 in the limited commercial and limited industrial area, which
23 significantly states the use is compatible with adjacent
24 residential or agricultural uses, which this is not.

Also I believe on page, uh, 20 -- or 32, it talks about
25 policy LU19A using learning to avoid new urban uses within the
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1 Petaluma urban service area prior to annexation by Petaluma.
2 Also policy LU19B, refer the city -- refer to the City of
3 Petaluma for review and comment any application for
4 discretionary projects within one mile of the urban service
5 boundary and I would assume the intent of that request is to see
6 if it's something that we want to have within our urban growth
7 boundary and our sphere of influence. Those are two specifics.

8 And I will conclude with, uh, one of the major impacts that
9 this will have -- this project will have, uh, to our community
10 and to Sonoma County that will be there for forever. I do not
11 believe the intent of the Sonoma County General Plan is to have
12 a gateway entrance to Sonoma County and the City of Petaluma
13 with two 70-foot asphalt emission stacks. It is --

14 (Applause)

15 COUNCILMEMBER TORY: The visual impacts that are
16 talked about and associated with this project are not ones that
17 we can overcome through mitigations. It needs to be moved to a
18 different location. This is not the sign that we want to have
19 to entering the wine country or historic downtown Petaluma.

20 MALE SPEAKER: All right.

21 COUNCILMEMBER TORY: So I thank you for your time
22 and, and attention.

23 MALE SPEAKER: Thank you.

24 (Applause)

25 MALE SPEAKER: All right, well thank you, Madam
Mayor. I let you have a little extra time since you had some of

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1 those point, but a couple of things; one, I would encourage you
2 not to -- to, uh, get to, uh, vociferous in your applause
3 because that does add to the time and it takes away time from
4 those that are speaking. So I appreciate it. You might just
5 wave if you like something or -- or keep the clapping down.

6 Yes, sir, please state your name and your comments and --

7 MALE SPEAKER: Good afternoon, Supervisors, citizens
8 and employees of Dutra. It's a pleasure to actually see a
9 presentation that shows that there's something actually being
10 manufactured in the United States. Um --

11 MALE SPEAKER: Could you state your name, please?

12 BLAINE BULLOCK: Again, Blaine Bullock in Petaluma
13 Area for --

14 MALE SPEAKER: She didn't get it.

15 BLAINE BULLOCK: Oh, for 26 years, thank you.

16 MALE SPEAKER: Uh-huh.

17 BLAINE BULLOCK: And I do remember back, uh, I
18 remember back when we had the Petaluma Queen on this slew and we
19 had the, uh, Humphrey the Whale on this slew, I've ridden the
20 Alma on this slew as well as the, uh, uh, the sailboats and
21 power boats.

22 And it was just one little comment that, uh, my case here, is
23 that bringing things in by barge, uh, the energy efficiency
24 here. Um, barges are not all that energy efficient unless of
25 course you're planning on bringing in by sail, like the Alma.

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1 Um, rail is more efficient, that's the reason the Erie Canal
2 was closed down and the real ones were used. But that's
3 hopefully irrelevant to the choice of this place being it's
4 obviously going to be next to the rail either way. I came out

5 here actually to discuss with the two supervisors with the
6 upside down manner we have of planning and I'd like to -- as
7 supervisors that you start thinking about planning by deciding
8 where is the best place in Sonoma County -- the two or three
9 best places to put an asphalt plant. Then plan from that point,
10 if somebody wants to put one in, we asked you where is the best
11 place rather than buy the cheapest land and then do what they
12 can do to subvert the system so as to get the supervisors to
13 approve it.

14 Try to do it a different way with your new supervisors and
15 try to think about it in a different manner. Thank you.

16 MALE SPEAKER: All right, thank you. I'm gonna come
17 over to this side here and then we'll go back and forth. Yes,
18 ma'am. Good job on the waving back there, that saved time.

19 (Laughter)

20 JOAN COOPER: Good afternoon, supervisors. I'm Joan
21 Cooper and I represent Friends of Shullenberger Park and Clean
22 Air, an ad hoc committee that has representative of all the
23 major environmental organizations of the area. I'm have in this
24 big box, 3,000 signatures collected in only two weeks from your
25 constituents. Not just from Petaluma but from all over the
0038

1 County. These people do not want this plant in this location.
2 Why? They have many reasons. This is the first time that the
3 City Council and the Mayor have been united and they're united
4 because they're supported by their constituents. Nobody wants
5 an asphalt plant with two 70-foot towers 300 feet from the
6 walking path and the nature preserve. We don't have to look in
7 details and decimals to understand that that is not a pretty
8 picture.

9 Shullenberger Park is the door of the south entrance to
10 Sonoma County. It is an eco-tourist destination and bird
11 watchers from all over the world come there. Do you think they
12 want to look at their eagles and behind them is a 70-foot
13 towers? Whether or not Dutra can, um, maintain all of these
14 mitigations and create a healthy environment is also in
15 question. I have spoke to hundreds of people today who watched
16 me define this petition, which I'm going to read to you. And
17 what they are concerned about is not only the sort of the blot
18 on the area, not only will it make peace and quiet unavailable
19 to them, but also they're highly doubt that Dutra can monitor
20 itself.

21 Their record, although Amy says they've satisfied all the
22 complaints down there have been a 20-year battle to the
23 surrounding neighbors. Um, Dutra is like -- asking Dutra to
24 monitor its own compliances and all the planning ideas that we
25 have so carefully are outlined on how to make this a healthy,
0039

1 uh, neighbor to our, uh, wildlife park, is already depending on
2 Dutra monitoring. And you know Petaluma is known as the chicken

3 capital of the world. Now we're known as the historic and
4 aesthetic and organic, uh, interest in Sonoma County. Um,
5 inviting Dutra in our monitoring is like inviting the fox in to
6 guard the chickens and we won't have it. And I'm reading you
7 this petition, 3,000 people. Dear supervisors, on February 3rd,
8 I would urge you to reject Dutra's request for a use permit for
9 the asphalt plant and recycling plant. They're known to
10 (reserve) Dutra's property at Haystack Landing and prevent the
11 degradation of our art community's well-being and health. Thank
12 you.

13 MALE SPEAKER: All right, thank you. If you can
14 give those -- yeah, actually just put them right on that desk,
15 that'd be -- yeah, thank you. That'd be very helpful.

16 (Applause)

17

18

19

20 [End tape 1/3, side A]

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1 [Begin tape 1/3, side B]

2 MALE SPEAKER: -- one of our two attorneys on this,
3 thank you.

4 MALE SPEAKER: All right, thank you, sir.

5 RICHARD DRURY: Good afternoon, honorable members of
6 the Board. My name is Richard Drury. I'm an attorney with
7 Lozeau Drury, LLP and I'm representing the Petaluma River
8 Council. In my short time here, I'd just like to point out some
9 of the legal deficiencies in this document.

10 This environmental impact report is simply legally inadequate
11 under SQA. Um, in particular, um, we've filed a comment letter,
12 um, last month, well in December, which I think you have on your
13 desk. We also filed an additional letter, um, yesterday in
14 response to the staff report that was put out on Friday. I have
15 submitted that into the record as well.

16 One of the more recent issues that we raised is under SQA
17 Section 21002.1C, which states that a project that has been
18 subject to an EIR may not be approved if it is inconsistent with
19 any other law. Now, in other words, you can't approve an
20 illegal project. It's pretty straightforward. Well this
21 project is inconsistent with the Federal River and Harbors Act
22 because of the staff response admits, that when these barges are
23 docked, they will obstruct a navigable channel. That's a
24 straight up violation of federal law. It's also a violation of
25 the California Harbors and Navigation Code. The staff report

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1 admits this.

2 Therefore, under SQA, you -- the County cannot make a finding
3 that the project is consistent with all of the laws and
4 regulations. I'd also like to address some of the air emissions
5 issues, um, in particular truck traffic. The EIR is legally
6 inadequate because its whole emissions analysis is based on 174
7 truck trips per day. Well, the staff response admits that at
8 maximum capacity, this facility can process as many as 750 truck
9 trips per day. In other words, 430 percent higher than what was
10 analyzed in the EIR. Under SQA, the analysis must take into
11 account the maximum permitted level because even though Dutra is
12 assuring them that they're probably only going to do 174 trucks
13 a day, well the fact of the matter is, the permit allows 750
14 trucks.

15 So two or three years down the line if the demand for asphalt
16 increases, they can ramp up their production all the way to 750
17 trucks a day. And under SQA, no new environmental review would
18 be required. That's why under SQA, the maximum permitted level
19 has to be analyzed at this time. There is no dispute that at
20 the maximum permit level of 750 trucks per day were analyzed,
21 this project would have significant VOC impacts, NOX impacts and
22 PM10 impacts, and only NOX is acknowledged in the EIR. VOCs and
23 PM10 are very serious health risks, PM10 in particular in the
24 number one cause of human health impacts. And it's not admitted
25 to be significant in the EIR.

0042

1 Entry road dust is another issue. The EIR calculates that
2 offsite entering road dust from this -- basically road dust is
3 dust that is kicked up the tires of trucks. The EIR calculates
4 that this project will generate zero entry road dust. We hired
5 expert consultant, Dr. Petra Platts, who is a PhD environmental
6 scientist. She calculated using UMCPA, AP42 emission factors,
7 the same emission factors that the air district requires,
8 incurring road dust from this project will be 2,066 pounds per
9 day.

10 The significance threshold is 80. This project is 20 times
11 -- more than 20 times above the significant threshold for PM10
12 yet the EIR concludes that PM10 impacts will be zero. In their
13 response to comments, the staff says, well, we disagree with Dr.
14 Platts in the use of AP42 emissions factor. The EIR uses AP42
15 for every other air pollutant, for trucks, for boilers, for the
16 emissions of blue smoke, for every other source. They just
17 don't like the outcome when they put AP42 on road dust. And so
18 they say it's zero. Well it's kind of a -- even if the AP42 is
19 off by 90 percent --

20 MALE SPEAKER: Mr. Drury, are you wrapping up?

21 RICHARD DRURY: Um, yes.

22 MALE SPEAKER: Okay.

23 RICHARD DRURY: Even if the AP42 is off by 90
24 percent, this project has significant PM10 impacts. Finally on

25 the alternative site analysis, um, the EIR dismisses the Pomeroy
0043

1 site, the Pomeroy Concrete site as unfeasible because it's
2 (quote) "Not for sale." Well we've consulted with the realtors
3 who assure us that it is for sale and the EIR admits that the
4 Pomeroy site will reduce the -- the impacts of the project on
5 the eaglet and heron colony, noise impacts and most of the other
6 impacts of this project, including the chicken channel and that
7 it ought to be analyzed in the EIR, if there -- the County goes
8 forward and certifies this EIR, unfortunately we will have no
9 other alternative but to take this matter to court.

10 Um, we were hoping that this could be resolved, um, more
11 amicably through a thorough environmental analysis, but, um,
12 unfortunately the applicant has decided to push this forward to
13 this point and unfortunately that's the only place left to go.
14 Thank you.

15 MALE SPEAKER: Thank you. Next speaker from this
16 side over here and part of the group?

17 (Applause)

18 JANE HAMILTON: Hi, I'm Jane Hamilton, it's great to
19 see new faces on the board. Uh, and old faces, I'm sorry. Not
20 old, but I mean --

21 (Laughter)

22 JANE HAMILTON: -- familiar faces. Familiar faces.
23 Familiar faces. Um, I'm a former City Council member and I'm
24 from Petaluma. I'm a former chair of the Petaluma River and
25 Easement Plan and chair of the Central Petaluma Specific Plan.

0044

1 I've spent, uh, since 1986 working with groups to think about
2 public access to Petaluma River and how to improve it and how
3 they'll work that into, uh, improving our town.

4 Um, Petaluma is made of multi-decade an investment in its
5 river bend and the entrance to the town and, uh, getting public
6 access. Shullenberger Park is one of the only places where you
7 actually can walk along the river and it's one of two -- of the
8 only two parks that we have public access to in the south
9 county. And it's the most popular one.

10 When I first heard about the, uh, I don't know, two, three
11 years ago, Dutra's proposal coming forward for the asphalt
12 plant, I just thought it was a no-brainer or whatever. I
13 thought, well, they'll never get off the ground. And, um, I'm
14 just being naive because things do get off the ground and they
15 develop and they just -- people move forward with them. I can't
16 believe that this much of the planning commission and that the
17 County planning commission or the board of supervisors has not
18 try to meet in Petaluma and I wish you would do that, uh,
19 there's thousands of people in Petaluma who really care about
20 this and would like to communicate with you possibly in the
21 evening when they didn't have to take off of work.

22 Or at least have a workshop so that people could become more

23 educated so that there could be actual two-way communication,
24 uh, this is hard to have a vote come up and -- and people in
25 Petaluma trying to reach the supervisors and communicate. Um,
0045

1 Dutra's obviously worked very hard to make a good proposal and
2 they don't have a good proposal. It's in the wrong place. And
3 it should not be allowed in where -- where it's being proposed
4 and that's all.

5 Uh, there are two points I want to make is, I think this is
6 inconsistent with the urban growth boundary, the intent of the
7 urban growth boundary that was tasked in 1998 and with the, uh,
8 group itself. And I also, in the staff, said it wasn't I
9 believed that this was inconsistent with Measure D, which was
10 cast in 1998 by all the builders in Sonoma County. So I think
11 you really need to look at that closely. And I'll submit that
12 for the record.

13 MALE SPEAKER: Great, thank you. Next speaker from
14 over here.

15 (Applause)

16 BILL BYER: I'm Bill Byer, senior docent
17 Shullenberger Park, Petaluma. In 2003, Dr. John Kelly set this
18 school of research center and appointed Len Nelson and myself as
19 field coordinators for Colony 121, called Shullenberger on
20 property now owned by Dutra Materials. Dr. Kelly heads a
21 project with 150 colonies in the Bay area to the Central Valley.
22 We have been monitoring activity of Colony 121 since then.

23 Every spring, hundreds of school children observe the colony
24 from Shullenberger, using viewing scopes provided by park
25 docents such as myself. For children, it's an essential part of
0046

1 their park educational activities and meant to inspire intent of
2 discovery and love of nature. Ten site observations were made
3 in 2008 and it was the most productive breeding season for this
4 colony since it started, fledging 71 great eaglets, two snowy
5 eaglets and six great plumed herons chicks.

6 Colonies are protected against disturbance under federal law
7 during the breeding season. The Migratory Bird Treaty Act,
8 which a species that occupy this colony specifically named. In
9 a recent lecture, Dr. Kelly pointed out that a 650-foot buffer
10 zone is required around a colony playing a critical part in peer
11 bonding and nest formation period for a 95 percent
12 non-disturbance competence level. So a 50 percent competence
13 level, a buffer zone of 165 to 200 feet is required. And it's
14 proposed in the Dutra plant, a conveyer belt carrying materials
15 from barges would be only 125-feet away. And the last design I
16 saw for the volunteer fire house was only 75-feet away.

17 Also at the present time, the closest ambient sound is 200
18 feet away at Petaluma Boulevard South. Dutra's biologist argues
19 that Dutra distances are acceptable based upon the experience of
20 only one colony on the Silver Island, rather than the large

21 sample submitted by Dr. Kelly. An extreme specific does not
22 prove a general rule. Dr. Kelly in his submission to Steve Dee,
23 uh, pointed out that tolerance reflects choices made when
24 nesting birds establish new colonies and these sites may be
25 subsequently abandoned in response to changes in the frequency
0047

1 or intensity of human activity.

2 Therefore, noise, artificial lights, conveyer activities are
3 likely to increase the risk of colony site abandonment.

4 He then went onto recommend the project be moved elsewhere.
5 The bottom line is that Colony 121 will likely be abandoned if
6 the Dutra project goes forward. Therefore, I oppose approval of
7 the project. Now, I want to speak briefly to two questions that
8 Supervisor Kern raised. Last week I was informed by John Matnan
9 at Cal-Trans, that Cal-Trans would be issuing a supplemental EIR
10 in EPO on the Narrows project because they weren't aware of the
11 colony's existence. The need for the supplemental EIR will
12 account for the colony.

13 Number two, you asked about the abandonment of the
14 lake-filled treatment pond colony. It was in 2003 and it was
15 caused by a pair of juvenile golden eagles showed up during the
16 critical nest-building stage. This was several years before
17 construction started there. There's no guarantee that this
18 colony is abandoned but these birds will return to that spot.
19 Thank you.

20 MALE SPEAKER: Thank you, sir.

21 (Applause)

22 MALE SPEAKER: Hold on, Steve, I want to catch -- I
23 think we've got a couple more here. Yeah.

24 MIKE WARTEN: My name is Mike Warten. I'm with the,
25 um, I'm a board member of the Redman Empire Chapter of
0048

1 Tri-Unlimited -- limited. I'm also a, uh, vice -- Northern
2 California Vice President for the California Council of
3 Tri-Unlimited.

4 Um, and I will submit these. I've already faxed those in to
5 you.

6 MALE SPEAKER: Well, we did get those by fax by the
7 way.

8 MIKE WARTEN: Then I won't belabor the point.
9 Basically, uh, specifically we are concerned with the proposed
10 extraction of 20,000 gallons of the river -- river water per day
11 while the manifold would be placed 100 yards from the primary
12 extraction -- extraction point and 200 yards from the secondary
13 extraction point.

14 Although the EIR mentioned the use of aquatic and water
15 rights and barriers nobody signed or suggested types were
16 included in the EIR. By attending the January 26th, 2009
17 Petaluma City Council meeting, I wrote the letter about the
18 Petaluma City Council will be submitting to the Sonoma County

19 Board of Supervisors. I heard testimony given by the members of
20 San Pedro Road Coalition of San Raphael and I have read the
21 Marin County grand jury report regarding Dutra's actions.

22 With this information coming to light, I respectfully request
23 that the proposed -- process be placed on hold and the approval
24 of the EIR be denied until satisfactory mitigation for the
25 issues have been designed and approved by the county. Thank
0049

1 you.

2 MALE SPEAKER: Great. Thank you. All right, we've
3 got one more over here and then we'll go to that side.

4 BILL KURTEM: Bill Kurtem, Petaluma. I think if,
5 uh, each of you representing the City and this County or cities
6 had a city council with unanimous vote, said we do not want this
7 plant, that none of you would vote for this issue.

8 Unfortunately, Supervisor Kern has gotten caught up in the
9 situation where the City Council did not speak out. I finally
10 went to the City Council of Petaluma and got them to have a
11 letter written by the Park Commission saying -- at least pay
12 attention to Shullenberger Park. But you now have a new council
13 that is very concerned about this operation.

14 Secondly, I'd be concerned too if the councilperson recalls
15 -- there's a history in this county working with cities when we
16 developed the Open Growth Boundary Program and the City went to
17 the supervisors and said, why should we do this if the City goes
18 ahead and develops outside the City boundary?

19 And so the County says, okay, we will not develop outside the
20 City boundaries. In fact, we'll even put the separators on the
21 ballot and vote -- and we'll vote -- vote those in. So at some
22 of you have a situation where the City of Petaluma looks at it's
23 open growth boundary and here you have an asphalt plant proposal
24 within that open growth boundary on an island.

25 Well you have this situation now in the county and maybe if
0050

1 that was just the situation and its conformed use, you might
2 say, yes. But you were going in there and changing the zoning
3 to allow it right in Petaluma's front door. I think you really
4 have to give that consideration and standpoint of the history of
5 the relationships with the County -- between this County and the
6 City.

7 Meantime, we've all read about the Trent Area report, about
8 Dutra's operating in Marin County, they now say they've repaired
9 their image. I wouldn't trust them and I think what you should
10 do is not make a decision today, sit down with Petaluma and see
11 what you can work out where either -- either -- either
12 accommodate that plant with very strict controls over
13 discharges, or not have the plant there at all. Because only
14 now is Petaluma awakening to the fact that they really didn't
15 want that plant there. So consider that county/city
16 relationship in your decision making. Thank you.

17 MALE SPEAKER: Thank you. All right, now we'll go
18 over to this side here.

19 (Applause)

20 MALE SPEAKER: Yes, sir.

21 STEVE GERMAINE: Chairman Kelly and members of the
22 Board. Um, I'm here to speak about my concern for the
23 environmental impacts of not having this plant approved.

24 MALE SPEAKER: And your name for the record?

25 STEVE GERMAINE: Oh, I'm sorry, Steve Germaine.

0051

1 MALE SPEAKER: Thank you.

2 STEVE GERMAINE: Uh, I'm President of Petaluma's
3 North Bay Construction in Petaluma. Um, we've, uh, been in
4 business for over 32 years in Petaluma. Um, we have a project
5 right now that we're getting ready to pave in Petaluma, small
6 project, 1,700 tons and we're having to pull the asphalt out of
7 Santa Rosa. So as you know, doing construction, in the areas of
8 our business, it's not conjecture, it's not speculation, it's --
9 it's factual numbers.

10 So my estimators and I together and somebody from Dutra, and
11 we looked at what it was going to cost us in flint essential and
12 GHGs used getting this mix out of Santa Rosa. Um, the round
13 trip miles per for this, uh, this smaller project, about 38 1/2
14 miles per round. That's -- that's 17 trucks that are going to
15 be running to get that 1,700 tons in. You, um, the roundtrip
16 truck time is about 35 minutes for each load. The gallons used
17 in order to get the asphalt material to the jobsite is 561
18 gallons. And using the formulas that, uh, Ann Hancock from the
19 CPC did, gave those less produced gallon of diesel fuel, that's
20 over 11,000 pounds of GHGs that were produced by those trucks to
21 pave up 1,700 tons.

22 Now, the other thing that's a factor in this is these asphalt
23 plants mostly locally, they have giant crushed raw material and
24 inside, it's all imported. The plant that we have to use to,
25 uh, to finish this asphalt material is going to have to truck

0052

1 the material from Vallejo to Santa Rosa in order to supply this
2 job. So that's, uh, about 90 miles round trip for the trucks to
3 get the materials in. Fifteen trucks are going to have to do
4 it, 945 gallons of diesel is going to be burnt, or 18,900 pounds
5 of GHGs that will be emitted. So if you get this asphalt mix to
6 Petaluma for 1,700 tons, is going to be over 30,000 pounds of
7 GHGs.

8 Now, conversely with the Dutra's plant at the Hilltop
9 Location, we physically ran with this at the truck speed level,
10 from the plant site to the project site, it's roughly 5.8 miles
11 round trip from the Haystack site. Six trucks will be needed.
12 Roundtrip time is 12 minutes. The gallons used, 87 gallons for
13 a total of 1,740 pounds of GHGs. Now, because they're barging
14 this and not trucking this material from the, uh, the raw

15 material from the San Rafael plant, originally trucks obviously
16 saw barge time according to the information that was presented
17 to me from the Jericho Products, about 150 gallons of diesel to
18 be used for the barges.

19 So you're talking essentially 30,000 pounds of GHGs. So from
20 the Haystack site, it's 47,040 pounds of GHGs versus 30,000
21 pounds of GHGs. Now, take that one step further. You've got
22 the number one project that's going to go through the merits --

23 MALE SPEAKER: I'm going to have to have wrap up.

24 STEVE GERMAINE: I'm finishing up right now.

25 MALE SPEAKER: Okay.

0053

1 STEVE GERMAINE: From the Haystack plant, 278,000
2 tons -- 270,000 pounds of GHGs will be produced. From the
3 Haystack plant, based upon 100,000 tons of asphalt, same that's
4 going out from Santa Rosa. From Santa Rose for us to pull it
5 off in Santa Rose when we do the 101, it's almost two million
6 pounds. So I'm concerned about the fact that the environmental
7 impacts of not approving this plan and servicing the south
8 county from Santa Rosa, Vallejo, San Rafael. Thank you.

9 MALE SPEAKER: All right. Thank you. Speaker on
10 this side?

11 (Applause)

12 MALE SPEAKER: Yes, sir?

13 DALE MOTIN: I'm Dale Motin from the Petaluma
14 Weapons Alliance. Uh, so you can better understand
15 Shullenberger Park, I've provided each of you with a packet
16 which shows photographs of Shullenberger and so you know what it
17 actually looks like out there, plus some outlines of what we do.
18 Uh, I have some concerns, particularly the EIR, uh, pollution
19 issues, uh, due to it's going to produce three asphalt products,
20 regular, recycled and rubberized.

21 According to, uh, the NITC, the Web site, the second to
22 produce more pollution and has, however, on the stacks of the
23 largest (unintelligible 21:40) asphalt. Now, rubberized asphalt
24 leaves a gas emission and has been shown to leave biological
25 irritants and it's affects people with latex allergies. This

0054

1 isn't mentioned. Dutra has a (unintelligible 21:53) that will
2 impact (unintelligible 21:56) only 25-feet from the plant, which
3 is a concern. Clean EIR shows zero concern for Dutra's new
4 plant, but (unintelligible 22:03) address these issues.

5 Secondly, the EIR letter to the public hearing on comments in
6 general, I asked Dutra to use their scrubbers in addition to
7 their bag filters to reduce further the toxic emissions that
8 were generated. They refused. We asked the asphalt plant and
9 the recycling completely contained in a similar (unintelligible
10 22:29)designed building that will track the fumes
11 (unintelligible 22:32).

12 This request was denied because it (quote) "costs too much

13 money." (Unintelligible 22:42) explained to Petaluma to look
14 beyond Irvine, California out in the desert to look at the model
15 asphalt plant (unintelligible 22:49) when you get sick.
16 (Unintelligible 22:52). It's a (unintelligible 22:56) in
17 Petaluma. We continue to find that the building looks like a
18 car wash shed with both doors open all (unintelligible 23:03) of
19 time to serve millions of trucks waiting for asphalt and will
20 continue to emit toxic asphalt fumes.

21 Dutra's record in community sensitivity is never been found.
22 This has already gotten some press here today but
23 (unintelligible 23:22) student. And (unintelligible 23:28)
24 dealing with the people (unintelligible 23:29) as Judge said all
25 (unintelligible 23:32) with their neighbors. Um, all this is
0055

1 talking (unintelligible 23:37).

2 In conclusion, um, initially we thought that Dutra could
3 manage proper pollution control, have efficient (unintelligible
4 23:54) members and permanence. They would work with, for a
5 reasonable solution to co-exist on the river. However, because
6 of (unintelligible 24:06) today, we're sure that it would cause
7 repeated significant harm to Shullenberger Park.

8 MALE SPEAKER: Sir, your time is up. You can wrap
9 up there.

10 DALE MOTIN: Okay. Therefore, their project is a
11 really (unintelligible 24:21) at this location, (unintelligible
12 24:25) conclusion being most likely placed in the City of
13 Petaluma, its citizens, the tourist industry and the park
14 wildlife. Thank you.

15 MALE SPEAKER: All right. I'm gonna ask your
16 indulgence, we have had a long board day today so we're gonna
17 take a quick actual five-minute break, biologic break here and
18 then we will start with this lady first afterwards and this
19 fella here in the green shirt is the next afterwards on either
20 side.

21 So I know you're anxious, but, uh, biological clock does
22 tick.

23

24 (End tape 1/3, side B)

25

0001

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7 The Dutra Group
8 File PLP 04-0046 (Petaluma Project)

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10

11 Tape 2 of 3

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24 Transcribed by: Alice Sutton
25 Golden Gate Reporting

0002

1 [Begin Tape 2/3, Side A]

2 [starts mid-sentence]

3 -- for the sake of greed.

4 My plea is for Shollenberger Park, which is a
5 flyway for migratory birds. But it's not just the beauty to
6 which I speak but the healthy -- the health issues that were
7 faced -- that we will face, what with breathing in blue dust
8 from asphalt. And we do not want the heavy contamination going
9 into the air or falling into the Petaluma River.

10 As I said at the City Council meeting, a few years
11 ago when Dutra was up on the hill, there was much blackish-gray
12 dust that was toxic and forming clouds and dust, and it was
13 coming from the quarry. I called the Bay Area air quality
14 inspectors three times. They came up and said that they would
15 deal with it. I was reassured that Dutra would be notified and
16 then they would tell me. Nothing happened. I had bronchial
17 problems and so did another neighbor near me, Sheryl Mutree (sp)
18 from Brighton View Court, and her name is in your files.

19 It is worrisome that a company with so much power
20 might get to the politicians. This Dutra, with a known record
21 for bad business practices, is putting us at risk.

22 In conclusion, I'm on my hands and knees to ask you
23 not to let our beautiful and peaceful Shollenberger Park be

24 destroyed and negatively impact our health and peace.

25 HEARING OFFICER: All right. Thank you, ma'am.

0003

1 And as I stated before, the fellow in the blue-green shirt.

2 Okay.

3 MR. GILLOTTI: Can you hear me?

4 SUPERVISOR KEARNS: Okay. Yes, sir.

5 MR. GILLOTTI: Good afternoon, Supervisor. My name
6 is Richard Gillotti, the president of Gillotti Construction.

7 And in the middle of our emblem there is industry, and we all
8 know how the economy is faltering right now in the industry and
9 we -- in Sonoma County, and the opportunity we have coming up
10 with the planning of widening of three lanes of highway through
11 Sonoma and Marin.

12 And they just opened up the express lanes in Marin
13 County and it saved 15 minutes on the commute down through San
14 Rafael. So it's quite a savings when it comes.

15 Steve (inaudible) was just up here a little bit and
16 talked about the (inaudible). He made a great calculation
17 there. I hope you guys wrote it down. I think the job last
18 summer (inaudible) the asphalt from loading 50 trucks from
19 Vallejo to Petaluma and I -- and our asphalt that day was six --
20 there were 6,000 tons over the course of four days. I can't
21 remember his calculations but multiplied times four, the amount
22 of gas floating into the environment for the extra trucks.

23 And so that's why I totally support Mr. Dutra and
24 Dutra Materials' effort to put this plant in to replace the
25 other plant, to bring a strong economy back to Petaluma and

0004

1 Marin.

2 My other thing is, we ought to have -- we are not
3 too far from the earthquake fault out by Tomares (??). If we
4 ever have an earthquake -- it could happen someday -- and you
5 need some riprap to shore up the avenues (??), to shore up the
6 shorelines, to shore up anything that's sliding, it can be
7 barged into Petaluma throughout the delta at the river from San
8 Rafael -- like (inaudible) you do when you have the -- the
9 floods out of Stinson Beach, where -- with all that rock out
10 there to save all those homes on the coast.

11 And like the Dutra family previously saved the
12 levee on Jergins (??) Island when they shipped all the rock up
13 from San Rafael, (inaudible) in Southern California about two
14 years ago. So there is a lot to say about having this access to
15 materials in Petaluma.

16 One other thing. My mother was born and raised in
17 Petaluma. I lived in Sonoma, half my adult life. I love Sonoma
18 County. That's why I'm doing business up here. It's a big
19 county. It's got a lot of roads, a lot of reconstruction to
20 take care of and it's falling apart, and we know that. And this
21 is part of -- we're redoing, like our President said, the

22 infrastructure of America.

23 And the other thing, 20 years ago I built a house 12
24 miles from the city of (inaudible), due to (inaudible) operates
25 and raised my kids there, and they're all healthy and they're
0005

1 not sick. (Inaudible). So I'm a contractor -- so.

2 (Laughter.)

3 MR. GILLOTTI: So I fully support the plant and the
4 operation that they propose in Petaluma. Thank you.

5 SUPERVISOR KEARNS: All right. Thank you. Next
6 speaker from this side over here.

7 (Applause.)

8 MR. FOLKS: I'm Bill Phillips. I live in Petaluma.

9 And I am treasurer and a board member of Petaluma Tomorrow.
10 And I want to be sure this is entered in the record. I'm a
11 board member and the board has voted unanimously to oppose the
12 EIR for Dutra Materials. And that's for the benefit of the
13 people of Petaluma and the city as a whole. Thank you.

14 SUPERVISOR KEARNS: All right. Thank you, sir.
15 The next speaker is over here from this side.

16 MR. WOODBURY: Good afternoon, ladies and
17 gentlemen. My name is David Woodbury (sp), a 15-year resident
18 of Sonoma County. I would like to introduce my children -- one
19 is being shy over there, but his name is D.J.

20 SUPERVISOR KEARNS: That is understood.

21 MR. WOODBURY: This is Sarah Marie.

22 SUPERVISOR KEARNS: Hi, Sarah.

23 MR. WOODBURY: And we enjoy walking and hiking
24 around the trails at Shollenberger Park, as do many county
25 residents with their children.

0006

1 The proposed new asphalt plant would be located
2 some 300 feet from -- there it is -- from this new proposed
3 facility. It is Shollenberger Park. And there is a concern
4 regarding potential release of toxic contaminants from this new
5 proposed facility.

6 And now I am going to reiterate what David has
7 mentioned already -- David Keller (sp). In an attempt to
8 alleviate those concerns, a tour of Dutra state-of-the-art
9 asphalt plant, which is located in Irvine, California, was
10 conducted last November.

11 The plant uses a negative air pressure and closed
12 loading tunnel designed to prevent leakage of toxic fumes during
13 truck loading. A similar tunnel is proposed for the plant near
14 Shollenberger Park. The members of the tour included David
15 Keller and Aimi Dutra.

16 In an account of the tour, Mr. Keller has stated
17 the following, and I believe it needs to be reiterated here:
18 "The tunnel leaked blue smoke and diesel fumes, particulates,
19 like a sieve. Secondly, one other party, who waited a half an

20 hour in the parking lot for us to arrive in the airport, parked
21 some 225 feet or so from the exit of the tunnel. No truck tops
22 were tarped, leaving a trail of blue smoke down the road and
23 canyon to Irvine."
24 "As Aimi and the rest of the group opened the car
25 door when they arrived and parked about 200 feet from the tunnel
0007

1 exit, they were hit with heavy asphalt smelled smoke, causing
2 Aimi to explain, 'What's that? That's not supposed to happen.
3 There must be something going on here.'"

4 Now I ask you, if you were leading a tour to show
5 how clean of a plant that you operated, would this have
6 happened? Ladies and gentlemen, when you consider this
7 proposal, please consider the health of the children present in
8 this room, and all the others that currently enjoy Shollenberger
9 Park.

10 Thank you.

11 SUPERVISOR KEARNS: Great. Thank you and thanks
12 for having your family here.

13 MR. WOODBURY: Uh-uh.

14 SUPERVISOR KEARNS: Next speaker, please. Yes,
15 sir.

16 MR. HUNTLEY: Hello. My name is Alan Huntley (sp).
17 I am a consulting chemist and I live in Petaluma. I would like
18 to give the County Board of Supervisors this book. It's called,
19 "Polycyclic Aromatic Hydrocarbons: Chemistry and
20 Carcinogenicity." Now this book has a fair amount of chemical
21 -- chemistry jargon but it's got a lot of plain English in it.
22 And when you look through this book, what you'll see is that the
23 kinds of chemicals that vulcanize off of asphalt when it has
24 been made is a known carcinogen. Not every single molecule is
25 carcinogenic, but many of them are.

0008

1 And what concerns me about the particular plan
2 being put forward is that it relies on capturing particles, it
3 relies on bag houses, it relies on electrostatic precipitators.
4 And this will capture quite a lot of the particles but what it
5 will not capture is are the volatile organic components, the
6 VOCs, that are baked off in the asphalt manufacture process, and
7 they are known to be carcinogenic.

8 You can buy, off the shelf, a thermal catalytic
9 oxidizer to burn off the VOCs but they have not proposed that.
10 This known technology doesn't have to be developed -- they can
11 just buy it and run it. And for the Board of Supervisors to
12 knowingly approve a plan that's right next to all these
13 populated areas without making use of the best technology
14 available would be unconscionable. You cannot do that.

15 I know that there -- we are going to have to build
16 an asphalt plant somewhere because that expansion of 101 is
17 going to take a lot of asphalt and it is not going to get

18 trucked in from Vallejo and from up here in Santa Rosa.

19 But there was a time when the proposed site was in
20 the boondocks of Petaluma. But Petaluma has grown up around
21 that site. Not just Shollenberger, but the housing developments
22 behind it along Petaluma Boulevard. There are high density
23 housing developments just to the right of the Sheraton.

24 So in addition to that, there is an office park
25 that includes Mrs. Grossman's Stickers, where children tour all
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1 the time, and Kaiser Hospital of Petaluma. Now when you think
2 about how air moves, you don't have to be a scientists. Air
3 sometimes doesn't move. Sometimes air is still. Sometimes air
4 is hot. And when air is hot and still, a point source like this
5 will just get -- become a concentrated mass of toxins.

6 When air is turbulent, it will mix in and really
7 the health risk will be pretty low. But there is another kind
8 of way that the air moves --

9 SUPERVISOR KEARNS: Your time is --

10 MR. HUNTLEY: I'll be real quick. Sometimes air
11 moves in a solid mass -- altogether. And when it does, it makes
12 a direct plume. And that plume will go directly to whatever
13 direction the wind blows --to Kaiser Hospital, to the Sheraton
14 or to any of those houses. So please do not -- now I'll give
15 this to Supervisor Kearns because I know that he --

16 (Laughter.)

17 SUPERVISOR KEARNS: And I thank you.

18 (Applause.)

19 SUPERVISOR KEARNS: Yes, ma'am?

20 MS. CANTO: Hi.

21 SUPERVISOR KEARNS: Hi.

22 WITNESS: I am not a -- my name is Catherine Canto
23 (sp), and I'm not a scientist. I am a nurse and I am a mother.
24 And I am a Girl Scout leader and I am a cancer survivor. And I
25 appreciate that you are letting the public give a voice. I

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1 think the bottom line -- you all know why we're unhappy. And I
2 can tell you, as a representative of many, many mothers, if this
3 plant comes into Petaluma, I will definitely have to move. I do
4 not want my health or the health of my children to be -- to be
5 attacked by the invisible, the visible pollutants, noise
6 pollutants, whatever.

7 Petaluma, if you don't live there, is a place of
8 great community. It is a family -- it's a family town above
9 (inaudible), and the domino effect of this plant is going to be
10 extreme. We have fantastic schools, and people who come
11 together for so many events, and to help our children on so many
12 potentials and levels.

13 So I beg you, please, do not let this plant come
14 into this town. You will lose a lot of people.

15 SUPERVISOR KEARNS: All right. Thank you, ma'am.

16 (Applause.)

17 SUPERVISOR KEARNS: Yes?

18 MR. GOLDNER: Good afternoon, Supervisors. My name
19 is Les Goldner, and I am president of the Experimental Aircraft
20 Association, operating out of Petaluma Airport. For 32 years,
21 we've been flying planes to a very small landing strip right
22 next to the proposed Dutra plant. And the County proposed
23 stacks will prevent us from landing in prevailing winds at our
24 field. It will completely make it useless to us. And we were
25 never contacted by Dutra to ask anyone -- to ask where the
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1 stacks would be, where the stacks would be. And it will just be
2 very detrimental to our using this. We are very careful not to
3 go over the bird sanctuaries or the hatcheries and we have been
4 flying over there without any problems for 20 years, and we'd
5 like to continue doing that.

6 Thank you.

7 SUPERVISOR KEARNS: All right. Thank you, sir.
8 You win the prize for brevity.

9 (Laughter.)

10 SUPERVISOR KEARNS: Yes, sir?

11 MR. CALIGARI: Good afternoon. My name is Damon
12 Caligari (sp). I'm here as a fourth-generation resident of
13 Petaluma in support of the proposed Dutra asphalt facility.
14 Dutra Materials has presented to you a new, state-of-the-art
15 facility employing the best available control technologies that
16 are compliant with Bay Area Air Quality District.

17 All reasonable steps to mitigate the issues before
18 you have been addressed, from landscape streaming to the
19 (inaudible) loading bay, blue smoke control system, fume
20 extraction equipment and restoration of 1980's (inaudible) and
21 (inaudible) wetlands.

22 I feel that this project will provide a source of
23 asphalt for the South Sonoma County as well as North Marin
24 County. This is very important with the future improvements to
25 101 soon to begin. The site location will reduce trucks

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1 traveling much farther to provide asphalt to local
2 infrastructure needs. Having the asphalt plant in close
3 proximity to improvement projects also provides the taxpayers a
4 benefit, as a longer haul adds to the cost of construction.

5 I feel that this project will utilize the Petaluma
6 River as a mode to transport materials and reduce truck traffic
7 on 101 and city streets creating less traffic, less impact and
8 less greenhouse gas emissions. Other companies currently
9 utilize the river as a transit route. Approval of this project
10 will be in keeping with this established use.

11 This site is also close to the existing railroad
12 track, which will allow the possibility to utilize the railroad
13 as a means to transport aggregate in the future, further

14 reducing on-road vehicle traffic.

15 The added benefit for the City of Petaluma in
16 barging aggregate via the Petaluma River is periodic dredging
17 funded by the Corps of Engineers is based on tentative
18 commercial barge traffic on the river. So maintaining and
19 increasing as much commercial tonnage as possible, it is
20 important to continue the Corps funding.

21 Dutra has demonstrated that it is a responsible
22 company who is addressing environmental concerns while also
23 providing a valuable resource to the South County, as required
24 by the Aggregate Resource Management Plan. This is an
25 economically and environmentally sound project that benefits the
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1 County as a whole.

2 Thank you.

3 (Applause.)

4 SUPERVISOR KEARNS: Thank you. All right, next
5 speaker. Yes, ma'am?

6 MS. ABERCROMBIE: Good afternoon, Supervisors,
7 staff and everybody who made a point of being here this
8 afternoon. My name is Marcia Abercrombie (sp), and I reside at
9 221-1/2 Via Vallejo Street, Petaluma, California. I am a
10 commissioner currently serving on the Recreation, Music and
11 Parks Commission and the Youth Commission for the City of
12 Petaluma.

13 I speak today as a representative of the Petaluma
14 (inaudible) Association. It has 200-plus members, (inaudible)
15 co-founder. Today I am asking you to act as stewards for Sonoma
16 County and to protect this space by opposing this draft of the
17 Dutra Historic (inaudible) Asphalt Plan EIR.

18 Shollenberger Park represents a large financial and
19 voluntary investment on behalf of the citizens of Petaluma.
20 This park is an excellent amenity to residents of Petaluma and
21 it is a destination for travelers near and far for a variety of
22 reasons you are going to hear following me, so I won't take up
23 that time.

24 To approve this EIR would be a direct compromise of
25 our investment. The usability of this park clearly would be
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1 compromised no matter what degree of state-of-the-art
2 technologies are employed. It is simply a poor location lacking
3 regard for uses and habitat. Shollenberger Park is not the
4 typical Petaluma park. It is a destination. I walk there often
5 with my family and the family's place to be a sanctuary not just
6 for the birds but for the people.

7 It is a place for exercise, exploration,
8 conversation, silence. For composing oneself, for human -- for
9 growing up and for growing old. I'm extremely concerned that
10 facts of this park (inaudible) are not properly addressed in the
11 EIR, but I am not sure that those are concerns that are

12 mitigated easily.

13 Most importantly, the reason I feel compelled to
14 speak to you in opposition to the Dutra asphalt plant is that I
15 am the mother of two sons, because they have to be able to grow,
16 learn and for peace of mind in spaces that are free from harm
17 for them. All of the children of Petaluma deserve healthy
18 spaces to live and grow.

19 With the knowledge that asphalt fumes are a known
20 toxin, how can it be said that the asphalt plant is appropriate
21 anywhere near a park, let alone workplaces and homes? This
22 plant should be situated out of sight and out of the minds of
23 your very concerned constituents.

24 I appreciate your utmost consideration in this
25 matter and this time to express my concerns. Thank you.

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1 SUPERVISOR KEARNS: Thank you, ma'am. The next
2 speaker, over on this side.

3 (Applause.)

4 MR. WHITNEY: I am Perry Whitney (sp). I have been
5 a resident in the City of Petaluma for 25 years. And I can't
6 personally think of any better place in Petaluma to put an
7 asphalt plant.

8 (Laughter.)

9 MR. WHITNEY: And I walk my dog at the park. I
10 believe Dutra Group is -- that they are a class act, and I urge
11 you to pass and say yes.

12 SUPERVISOR KEARNS: All right. Thank you, sir.

13 (Applause.)

14 SUPERVISOR KEARNS: Yes, ma'am?

15 MS. LOVE: Good afternoon, members of the Board.
16 Thank you for allowing me to speak this afternoon. My comments
17 will be to reiterate the contents of a letter that I sent to you
18 on January 20, 2008 --

19 SUPERVISOR KEARNS: Can you give us your name?

20 MS. LOVE: My name is Doris Love, and I am a
21 Petaluma resident.

22 SUPERVISOR KEARNS: All right.

23 MS. LOVE: I have lived in Petaluma for 24 years
24 and lived in Marin for eight. I am a frequent user of
25 Shollenberger Park. I live just down the street, across the way

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1 from it.

2 I did quite a bit of research online and asked a
3 lot of questions regarding asphalt plants and recycling to
4 educate myself. Asphalt plants and operating technology are no
5 longer the old smokestack, bulging open-bin dusty plants that
6 people still seem to picture in their minds.

7 Operations are quieter, with more aesthetic designs
8 and state-of-the-art equipment. EPA and state air quality
9 management now require a host of monitoring equipment in and

10 around the plant locations. Plants are constantly inspected to
11 ensure compliance with regulations that are also reviewed
12 continuously to protect our air and water and still allow
13 business to operate.

14 Locally available materials and recycled old
15 material could stem projected costs and raises, as all
16 municipalities should be keeping in mind, and reduce the number
17 of trucks needed to transport products.

18 Commercial utilization of the river justifies the
19 Corps of Engineers dredging the river on a regular basis without
20 the city worrying about the money -- where the money will come
21 from. Every time the river needed dredging, the city complained
22 about the Corps not making the river a priority and turning us
23 down. Hundreds of thousands of dollars were spent to have this
24 (inaudible) dredge done privately. A couple of festivals and a
25 few private boats are not a priority with the Corps to justify

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1 dredging costs in today's world.

2 The City of Petaluma and the County of Sonoma sell
3 this area as the best place to live. New roads will surely be
4 built as the City and County grow, and existing roads will
5 continue to require maintenance. Our need for asphalt products
6 will only increase.

7 Millions of dollars from the federal stimulus
8 package will be available for local infrastructure rebuilding.
9 We cannot deny that our roads are about the worst in the whole
10 Bay Area. I would like to see Petaluma and Sonoma County be a
11 part of the rebirth of our infrastructure.

12 In closing, the City of Petaluma encourages its
13 citizens to buy locally. I submit that this should apply to our
14 local government as well. Petaluma cannot continue to depend on
15 tourism and antique boutiques as a tax and employment base.
16 It's inherently seasonal and puts us at the mercy of travelers,
17 who are already cutting back. A ten-dollar-an-hour boutique job
18 just doesn't support the cost of living in Petaluma. Why do you
19 think most of us that live in Petaluma work outside the City and
20 the County?

21 In today's economic environment, we must encourage
22 an assortment of industries which will allow families to work as
23 well as live here, and that will keep us viable in tough times.
24 As the City and County face tough budget decisions that must be
25 -- it just makes fiscal sense to have a local source --

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1 SUPERVISOR KEARNS: Ma'am -- are you going to wrap
2 up --

3 MS. ABERCROMBIE: I will conclude quickly.

4 SUPERVISOR KEARNS: Okay.

5 MS. ABERCROMBIE: To have a local source of
6 projects when trying to keep costs down without compromising
7 quality. As a citizen and registered voter, I would expect no

8 less from my City and County governments.

9 Finally, the City of -- the Petaluma City Council
10 needs to do its homework more thoroughly, stop wavering on its
11 decisions and having knee-jerk reactions every time a
12 disparaging letter to the editor appears.

13 SUPERVISOR KEARNS: All right --

14 MS. ABERCROMBIE: It confuses those of us who voted
15 for them. I am very disappointed --

16 SUPERVISOR KEARNS: Quiet from the audience,
17 please. Thank you, ma'am. Thank you very much.

18 All right. Next speaker from this side. Yes,
19 ma'am?

20 MS. ALEXANDER: Thank you. I appreciate your being
21 willing to sit for all these hours and listening to all of this.

22 My name is Beverly Alexander, and I live at 341 Liberty Street
23 in Petaluma, and have lived there for 35 years.

24 SUPERVISOR KEARNS: Okay.

25 MS. ALEXANDER: And I dearly love Petaluma. It is
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1 a very community-oriented town. I had a couple of questions I
2 wanted to ask of the audience, if no one minds.

3 One is --

4 SUPERVISOR KEARNS: Don't, ma'am, please.

5 MS. ALEXANDER: No? I can't --

6 SUPERVISOR KEARNS: You need to address us
7 directly. Thank you.

8 MS. ALEXANDER: Well -- so I can't ask a question
9 that everyone could either raise their hand or something? No?

10 SUPERVISOR KEARNS: (Laughing) No.

11 MS. ALEXANDER: Okay, because I was curious how
12 many people here have used Shollenberger and how many of the
13 people with -- were residents of either Petaluma or Sonoma
14 County.

15 SUPERVISOR KEARNS: All right. How many people use
16 Shollenberger -- residents of Sonoma County?

17 MS. ALEXANDER: And -- no --

18 SUPERVISOR KEARNS: All right -- Petaluma. I'm
19 sorry. All right.

20 MS. ALEXANDER: Those are two separate -- okay.
21 (Show of hands.)

22 SUPERVISOR KEARNS: All right. There you go. We
23 got them questioned --

24 MS. ALEXANDER: And then I was also curious as to
25 how many of the people with the green stickers were actually on
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1 the clock. In other words, they are here as part of their
2 workday --

3 (Laughter.)

4 (Show of hands.)

5 MS. ALEXANDER: Okay.

6 SUPERVISOR KEARNS: We're here as part of the
7 workday, too!

8 (Laughter.)

9 SUPERVISOR KEARNS: Okay.

10 MS. ALEXANDER: What I wanted to do was compare --
11 I'm not -- I don't represent anybody but myself. But I wanted
12 to compare what you -- where do you put your bathroom in your
13 house? Okay? You do not put the toilet in the living room.
14 You do not put it in the kitchen.

15 (Laughter.)

16 MS. ALEXANDER: Okay? I -- you do need a toilet.
17 I agree.

18 (Laughter.)

19 MS. ALEXANDER: Okay? I see the usefulness of
20 having an asphalt plant. But this location does not make sense,
21 okay? It's like putting it -- your toilet in the living room.

22 I also wanted to say that not only is this the
23 entrance to Petaluma, it's basically the entrance to Sonoma
24 County. And are people going to feel like they are driving into
25 the Redwood Empire? Or into this wonderful wine-producing
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1 region? Or is it going to be the "Asphalt Empire"?

2 There will be times when the plants don't work the
3 way they are supposed to. When I was a kid, we used to have to
4 drive through New Jersey to get to my uncle's house, and it
5 stank! There was this terrible sulfurous smell in part of New
6 Jersey and I've never forgotten it, and even though most of New
7 Jersey is a very nice place.

8 So -- and lastly, what I have to say is, I heard
9 from people in San Rafael, where I worked for 27 years, almost
10 -- that, you know, Dutra came in. They were going to be, you
11 know, they seemed like they were going to be amenable. But then
12 once they were there, they weren't so amenable.

13 And so my question is, when I was -- I grew up in
14 the fifties and the sixties --

15 SUPERVISOR KEARNS: Ma'am, I need you to wrap up.
16 Your time is up.

17 MS. ALEXANDER: Okay. When I grew up, a question
18 as a teenage girl would be, you know, if a young man wanted to
19 have his way with her, you would say, well, will you respect me
20 in the morning? And so I think that is the big question for the
21 Board of Supervisors -- is will Dutra respect us all in the
22 morning?

23 (Laughter.)

24 MS. ALEXANDER: Thank you.

25 SUPERVISOR KEARNS: All right. Thank you.

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1 (Applause.)

2 SUPERVISOR KEARNS: Quite a range. From New Jersey
3 to that. All right.

4 (Laughter.)

5 MS. ENRIGHT: I'm sorry I have to follow her. I'm
6 not being funny. My name is Sherry Enright (sp).

7 SUPERVISOR KEARNS: Go ahead. Thank you.

8 MS. ENRIGHT: I am a Petaluma Recreation and Parks
9 commissioner. I'm a mother of young children and a Petaluma
10 homeowner. So I'm (inaudible) and appreciate it, I'm sure.

11 Sonoma County has just released a moderated EIR on
12 Dutra's operations in (inaudible). No examination of that
13 document has been part of this project review. I think that's a
14 gross oversight and (inaudible), looking at that.

15 I am also professionally a mediator and an
16 arbitrator. And one of the things we're trained to look at,
17 when you're looking at two different sides of an argument, if
18 you will, is what do people arguing stand to benefit. I think
19 the people reviewing that are against this live in Petaluma,
20 they use the parks, they care about the water, they care about
21 the air we breathe. I think some of the people -- I can't say
22 for sure, but my guess would be many of the people right in this
23 room, like Mr. Gillotti and Mr. North Bay Construction, stand to
24 make a lot of money from this project.

25 In all due respect, my husband is a general

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1 contractor. (Inaudible) financially as anybody in these
2 economic times, but I can tell you, I would much rather sit in
3 traffic, have bad roads than die early and not be able to use my
4 park.

5 Thank you.

6 SUPERVISOR KEARNS: Thank you.

7 (Applause.)

8 SUPERVISOR KEARNS: Yes, sir?

9 MR. (INAUDIBLE): Good afternoon. Again this week
10 -- in light of the last two speakers, I've changed my comments
11 slightly. My name is Sam (inaudible). I reside in Petaluma.

12 When you ask for too much, you end up with nothing.
13 Our family was involved in agriculture in Marin County for 150
14 years, I explained to you last week.

15 To let the audience in on this briefly. Our
16 business was decreased by 70 percent when the (inaudible) my
17 job. The reason I'm here (inaudible) is because I am
18 unemployed, not on the clock, and worked this into an interview
19 that I have in the area.

20 In 150 years -- by the way, I reside on Liberty Road
21 in Petaluma, a very rare -- we are lucky enough to be able to
22 name our potholes on a first-name basis.

23 (Laughter.)

24 MR. (INAUDIBLE): And now celebrate birthdays for
25 them. I was surprised by the petition that was cited here today

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1 with only 3,000 signatures on it of a city the size of 55,000.

2 I was shocked to hear from a neighbor that people taking the
3 petition were claiming there never has been asphalt produced in
4 Petaluma, which is completely inaccurate.

5 But I also did a few quick math calculations and
6 realized that is about one and one-half signatures for every
7 unfilled pothole on the streets of Petaluma that are still
8 waiting to be maintained.

9 In our family's long term history we have seen
10 roads go from dirt to cobblestone, concrete to now asphalt, the
11 highest and best use. We have also seen numerous changes. In
12 150 years, we have seen East Side covered with homes, Victoria
13 (sp) and West Bridge and the (inaudible) area is built over, as
14 well as all the apartments down on Wakefield (sp) built without
15 any objection or comment from us. We stood out of the way, and
16 now we have to stand up for progress.

17 I find it interesting that we are worried about our
18 entryway into Petaluma. If you come in Wakefield, you get to go
19 past our septic system. And when you come up on (inaudible), I
20 guess we're just supposed to ignore our pile of garbage that we
21 have to ship out of the County, and then become concerned only
22 when we reach the edge of Petaluma.

23 I would encourage this Board to (inaudible), vote
24 yes for more jobs, yes for tax increase, yes for increase for
25 infrastructure, invest in this project.

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1 Thank you very much.

2 SUPERVISOR KEARNS: All right. Thank you.

3 (Applause.)

4 SUPERVISOR KEARNS: Next speaker on this side.

5 MS. KLABOWSKI: My name is Sherry Klabowski, and I
6 live at 1037 Warren Drive in Petaluma. For the record, I object
7 to the Dutra Asphalt Batch and Recycling Plant as proposed --

8 BOARD MEMBER: Talk right into --

9 SUPERVISOR KEARNS: Yes, could you move over to
10 that --

11 MS. KLABOWSKI: And oppose -- is that better?

12 SUPERVISOR KEARNS: Yes. Thank you.

13 MS. KLABOWSKI: And oppose the approval of the
14 final EIR. I live a mile from the proposed plant. And those
15 petitions, by the way, happened in about a week and a half, so
16 give us more time, we'll get you everybody.

17 An amendment to the General Plan changing the
18 zoning to allow the expansion of the Dutra plant project is
19 inconsistent with the intent of the County's General Plan and
20 should not be allowed. The broad purpose of the General Plan is
21 to guide decisions for future goals, development and
22 conservation of resources in a manner consistent with the goals
23 and quality of life desired by the County's residents.

24 Decisions must be consistent with the General Plan.

25 The goals, objectives and policies set forth in the Plan will

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1 be applied in a manner to ensure their constitutionality. Local
2 case law speaks to this matter in Lesser Communications v.
3 Walnut Creek, 1990. Section 2.3, titled, "Intergovernmental
4 Planning and Coordination," discusses the intent of the General
5 Plan to work with the City's (inaudible) the County to protect
6 the health, safety and welfare. Our Mayor is here today to
7 oppose this amendment.

8 Disregarding the City's opposition is yet another
9 step outside of the intent of the General Plan. (Inaudible)
10 speaking, putting such a large facility at the gateway to the
11 County (inaudible) with the (inaudible) appeal to tourists. Our
12 County's number one business is tourism. Petaluma is
13 instrumental in this, and it is the first thing that people see
14 as they enter the County.

15 The river is crucial to the character of Petaluma.
16 Our City's General Plan and its supporting documents call the
17 waterfront environment the "jewel in our crown." We don't want
18 the first thing that people smell and see as they come into the
19 County to be an asphalt plant, whether they come (inaudible) or
20 the river.

21 The (inaudible) will ultimately create a nuisance
22 to nearby residents, (inaudible) amendment's taking clause. All
23 over the country they are discovering that mathematical tests
24 aren't accurately reflecting the damage that fugitive emissions
25 cause. Nearby residents will be acutely exposed to the fugitive

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1 emissions, especially during peak production. They are largely
2 happening all over the country right now, as governments large
3 and small (inaudible) of containing fugitive emissions.

4 Studies show that housing values decrease by 56
5 percent when they're located near an asphalt plant. Is the
6 County prepared to buy all of our homes at fair market value? I
7 know counties and cities are writing code sections specifically
8 for asphalt plants. Our County doesn't have a code section
9 specifically regulating and telling them how they can inspect
10 (inaudible) the plants -- an asphalt plant. Why doesn't our
11 County have one? Without it, it strips the County of their need
12 to guide this industry and assure the County and its residents
13 that the plants are built safely and remain safe for everyone.

14

15 This is what happened in Marin. The grand jury
16 said the Marin County staff lacked the resources and expertise
17 to deal with the rock quarry. Send this back to the
18 fact-finding commission. Ask them to research other county
19 codes for how to write our own section regulating asphalt
20 plants. (Inaudible) approve this plant (inaudible) residential
21 areas and failure to have your own county code section to
22 regulate it will not protect the public and it's not safe. If
23 you don't have a system already in place -- (inaudible) done --

24 which will allow you to enforce federal, state and local laws,
25 you will begin this project with an open door to legal battles
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1 that the County will have to defend.

2 This does not reflect the intent of the County's
3 General Plan. Thank you.

4 SUPERVISOR KEARNS: All right. Thank you, ma'am.

5

6 (Applause.)

7 SUPERVISOR KEARNS: Next speaker, please.

8 MR. McDEVITT: Hi. My name is Willie McDevitt. I
9 live in Petaluma, about two miles from the proposed plant, and I
10 work probably a half a mile from it. Our company built the only
11 direct access to the path around Shollenberger Park as part of
12 the improvements to the building, our offices. And I am a
13 frequent user of the park.

14 I don't want to address the details, but the --
15 having -- I'm also the president of the North Coast Builder's
16 Exchange, which means I sat through a lot of board meetings. I
17 understand what a board's job is, and that's to set a strategic
18 plan and implement it.

19 Some of the strategic plans that the County has, I
20 believe, are to have a balanced budget, to improve the
21 conditions of our existing roads, to reduce traffic, including
22 supporting the widening of 101, and to reduce greenhouse gas
23 emissions. And I believe that this plant will -- should be
24 approved, properly mitigated, to help meet those important goals
25 of the County.

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1 And the last thing that I have to say is, the
2 reason that -- for all of you to stay awake, is that the
3 citizens of Sonoma County are paying you a million dollars a
4 year.

5 SUPERVISOR KEARNS: That must have been a joke at
6 the end, there.

7 (Laughter.)

8 SUPERVISOR KEARNS: Yes, sir.

9 MR. ORETT: Supervisors. My name is Mel Orett
10 (sp). I am from Petaluma. Congratulations on your raise. I
11 had no idea.

12 (Laughter.)

13 SUPERVISOR KEARNS: Well, it was the first time we
14 heard about it.

15 (Laughter.)

16 MR. ORETT: Well, as I say, I appreciate hearing
17 the comments tonight, and especially happy to hear the top
18 engineering contractors in the County rattling off statistics
19 about greenhouse gas. It's very encouraging. I wrote the first
20 study for the County on greenhouse gas, and wrote the energy
21 efficiency part of the climate protection campaign's plan.

22 But the real challenge, I think, is -- after Mr.
23 (inaudible), is, I'm for progress. And progress has to take us
24 all the way through it to the point where we can design our
25 industry so it supports all of life, without having to battle
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1 over these things.

2 And an example in this project, what I have laid
3 out for you is just -- just a little illustration. One fact
4 (inaudible), it's turned out that it appears to be a difficulty
5 with this particular location.

6 And that has to do with the location of the barge
7 landing. I've got three pictures for you. First, it was too
8 late to put it on a projector. I understand that takes two days
9 advance notice.

10 So at any rate, the first picture shows the
11 Shamrock (sp) existing situation with barges in place on the
12 river and their proposed location for Dutra -- you know, I'll
13 give Dutra a copy. And this was taken from the EIR.

14 Okay. So we'll take the second page as a blow-up
15 of the existing things, showing river clearance, what these
16 barges look like in place, the one at the sand off-loading
17 facility for Shamrock shows a tug behind it. I guess that's
18 just been brought up the river. The tugs push the barges ahead
19 of them.

20 Page 3 of only three pages. We show a close-up of
21 the proposed (inaudible) position for this barge. Again, as
22 taken from the draft environmental impact report. Now I see
23 from the comments here that Dutra -- the questions and answers
24 that Dutra has prepared, that the Corps of Engineers reviewed
25 this and didn't have a problem. I think that was (inaudible).

0031

1 At least the Corps of Engineers has reviewed this.

2 But when they reviewed the EIR, they may have seen
3 the same thing the rest of us did. The barge was shown on the
4 inlet in the pictures in the EIR, but we couldn't see how it
5 related to the full path of the river. This is how it relates,
6 as shown on the EIR.

7 Now you see right off the bat --

8 SUPERVISOR KEARNS: I just want you to know you got
9 your yellow light on there. So, if you can wrap up.

10 MR. ORETT: Oh, okay. Thank you. The pictures
11 from the presentation earlier today show the barge way in,
12 indented into the river bank. So we'll have -- I would ask that
13 you find that physically could be done so there could be -- you
14 could make a finding that there is actually room to land a barge
15 there.

16 Thank you very much.

17 SUPERVISOR KEARNS: All right. Thank you. I
18 believe we're on this side. Yes, Steve.

19 MR. TEITELBAUM: Thank you, Mr. Chairman, Members.

20 My name is Steve Teitelbaum, appearing for the Sierra Club.

21 Our science is that this plant is too large a scale
22 for the location and that when you weigh the question of the
23 future of this County as an attractor for people who want to
24 live in a good area, people who want to visit a clean area, the
25 balance comes out in favor of locating a plant of this size

0032

1 elsewhere.

2 We've seen today questions about the size of the
3 (inaudible), questions of the river, questions about the
4 legality of the EIR. You have heard how clustering and
5 enforcement issues can become in order to maintain a good plant.

6

7 I think when all those things are considered, today
8 is not the day to approve this particular issue. I wish that
9 the Dutra management had made a decision in December to talk
10 with the community, to try to work some of these issues out
11 before rolling the dice and bringing it here.

12 Thank you.

13 SUPERVISOR KEARNS: All right. Thank you. Yes,
14 sir, from this side.

15 MR. BROWN: Good afternoon, Board of Supervisors.
16 My name is Tom Brown. I am the president of North Bay Rowing
17 Club. And I'll try and address some different issues than you
18 have been hearing. We're concerned about all of them, of
19 course.

20 Just to back up for a minute. If you go to the
21 pictures that Ned did, one of the ways that you might see where
22 there is some real accuracies that we're worried about in this
23 draft EIR, I believe it is -- there is a picture in their draft
24 EIR and I thought I had the actual plan number on here, but I
25 don't see it.

0033

1 But it shows in their drawing that the dolphins,
2 which (inaudible) the barge when it's (inaudible) there, are
3 clearly in a river channel, because there is a landing barge
4 that is permanently moored inside the dolphins that the -- I
5 believe there's a conveyor belt that goes down to get the
6 (inaudible).

7 And when you look at the pictures that were
8 presented by Dutra, what you'll see is they've actually taken
9 that barge and put it in a place that is not on the draft EIR.
10 So that is a clear inaccuracy and that's a real concern to us.

11

12 Our concerns are threefold. Number one is
13 navigation on the river. Our club is -- presently has about 15
14 active members. We have an expanding active juniors program,
15 Sonoma State University arose out of our facility. And we will
16 be rowing in that emissions plume, which is another concern to
17 us.

18 We are also concerned about the issue of
19 navigation. If the barge is parked where it's shown on that
20 drawing, and there is another barge coming upstream to, say, the
21 Shamrock plant, it's going to create a very unsafe operating
22 condition for any other boaters on the river, and especially for
23 man-powered craft. We would have no safety zone, and no escape
24 route if something were to happen in that area. So that is a
25 real concern to us.

0034

1 The other issue -- we put on annually, which is our
2 biggest fundraiser, the Wine Country Rowing Classic, which
3 brings athletes from all over the western United States. We had
4 people from as far away as Alaska this year. There's 600
5 athletes. We had members of our Olympic rowing team that came
6 and participated this year. It's one of the best rowing venues
7 on the West Coast. And we are really concerned about bringing
8 in particulates which if they are inhaled deeply into the lungs,
9 as the chemists that spoke, cause severe health problems. We
10 would be exposing young athletes like our juniors to these
11 toxins, and to the Sonoma state athletes.

12 So we're concerned, you know, about the impacts to
13 us in terms of how the -- how this is going to be mitigated in a
14 way that will be safe for us to operate.

15 And in conclusion, we are in agreement with the
16 letter that you received from the City of Petaluma rejecting
17 this plan as it is currently proposed. Thank you.

18 SUPERVISOR KEARNS: Hold on a second, here. You
19 have a question.

20 PARTICIPANT: In the conditions for this project,
21 Condition Number 134, actually addresses the North Bay Rowing
22 Club, and says that the operators shall meet annually in advance
23 to ensure the project-related barge operations do not conflict
24 with their annual club event. Are you asking for that to be on
25 a different basis than annually?

0035

1 MR. BROWN: No, actually --

2 PARTICIPANT: Are you aware it was in there -- are
3 --

4 MR. BROWN: I've heard it was in there. We have
5 not seen it in writing, and I would like to --

6 PARTICIPANT: It is in writing and it is here.

7 MR. BROWN: Okay. I would like to thank Dutra for
8 including that.

9 PARTICIPANT: Thank you.

10 MR. BROWN: You know, that is a concern to us. Our
11 concern on an ongoing basis, we use the river daily. So it is
12 -- I mean, what -- the traffic is a concern during the regatta.

13

14 PARTICIPANT: I got you.

15 MR. BROWN: And we'd like that specifically --

16 PARTICIPANT: I just wanted you to know that we --
17 we did try to --

18 MR. BROWN: Yes. And I do appreciate that. I do
19 appreciate Dutra. What we're concerned about is on an ongoing
20 basis, as far as that -- emissions.

21 SUPERVISOR KEARNS: Okay. We got that. Thank you.
22 Next speaker from over here.

23 MR. POLLOCK: My name is William Pollock and I've
24 been living in Petaluma now for three and a half weeks.

25 (Laughter.)

0036

1 MR. POLLOCK: Valerie, Paul, Mike. Good to see you
2 again. I've been out of the loop for awhile, especially with
3 Mike -- I live in Tampa Bay now. Okay. Our friend, I hope you
4 live up to the (inaudible) county traditions, okay. And
5 Shirley, I've heard nothing but good things. And thank heavens
6 you took Sharon Wright out.

7 (Laughter.)

8 MR. POLLOCK: There is a certain character in the
9 Wizard of Oz, and I'll let you use your judgment on what she
10 would play -- Sharon Wright.

11 (Laughter.)

12 MR. POLLOCK: Okay. (Inaudible) a chance. Okay,
13 I'd better show you this thing. This is probably -- I help put
14 on a Barack Obama inauguration party at the Phoenix Theater with
15 (inaudible). I want to note this photo of a helicopter lifting
16 off from the pad. Incredible. That was -- that is a moment at
17 the inauguration.

18 Basically there was not only George Bush on that,
19 but it was all his policies. All his lack of oversight. All
20 his ethics. Just everything that was George Bush. I hope he
21 doesn't come back and do public service. That's all I can say.

22

23 (Laughter.)

24 MR. POLLOCK: (Inaudible) there's Barack, and there
25 is a whole new, Yes We Can. You know, yes we can. Yes, we can

0037

1 take Dutra out of the system. I know (inaudible), but I don't
2 think -- it's the wrong place and the wrong time.

3 Basically, regarding the EPA -- the oversight and
4 the ethics. Just to take, for example, the Mining Department.
5 Almost every department in the United States was basically with
6 the Bush-Cheney crime family. Just for example, the Department
7 of Mines was headed up by an industry -- industry people. Not
8 mine safety. They had a horrible record of mining accidents,
9 and I know Coors get a lot of their materials from mines and
10 everything.

11 So basically that's what I'm saying. You know,
12 basically they laid down for the industry. And that's -- you
13 know, I know we're California. We're northern California.

14 We're Sonoma County. The Petaluma City Council and the Santa
15 Rosa City Council are now in alignment with the people that they
16 represent.

17 What (inaudible) left of center. I'm not too sure
18 about the Board of Supervisors, you know. I'm hoping that we
19 can make the change. You know, when George lifted off, I'm
20 hoping we can do business in a different light. That, yes we
21 can make changes. And I hope, you know, you folks do the right
22 thing.

23 I tried to put in a little bit of honey because
24 usually it's all about vinegar.

25 (Laughter.)

0038

1 MR. POLLOCK: Thank you very much.

2 SUPERVISOR KEARNS: Thank you very much for that.
3 Next speaker from this side.

4 MS. (INAUDIBLE): Good afternoon. My name is Cora
5 (inaudible), and I live in Petaluma and have lived in Petaluma
6 since 1984.

7 I became familiar with the Dutra (inaudible) in
8 2006 when Governor Schwarzenegger declared a state of emergency
9 in Marin and Sacramento Delta levees. The Dutra rock
10 (inaudible) came in with the materials to repair the damaged
11 levees and worked around the clock to ensure they had enough
12 materials.

13 I imagine what would have happened if Dutra wasn't
14 able to provide the materials for the levees. And the outcome
15 could have been catastrophic. The (inaudible) farmlands could
16 have been washed away, and more importantly, lead to failure of
17 the delta levees ((inaudible) supply of drinking waters,
18 something that could affect everyone, and not those just living
19 in Sacramento.

20 As someone who has farmed in Sacramento and worked
21 in Marin, I was grateful for all the Dutra Group did, and
22 (inaudible) County. They also supplied materials for other
23 emergencies, such as mud slides, sand (inaudible) control, and
24 repair work on roads, something everyone can appreciate,
25 especially in Petaluma.

0039

1 Fast forward to 2009. I was walking home from the
2 store and was stopped by a woman asking me to sign a petition to
3 save Shollenberger Park. I had no idea that Shollenberger was
4 being threatened, so I listened to what she had to say. She
5 explained how Dutra was trying to put an asphalt plant on the
6 outskirts of town and the plant would have carcinogenic, toxic
7 fumes blowing over the park and black dust and blanket the park
8 and wildlife.

9 I was first very surprised to hear this. But I
10 didn't sign the petition because knowing what the company does
11 -- for all the things they do, the wonderful things that they

12 do, I wanted to hear their side of the story. Fear and
13 misinformation was the wrong way to getting people to sign the
14 petition and I wanted to be fair.

15 (Inaudible) write this clear article about the
16 issue, and was pleased to see all the elements Dutra is trying
17 to implement to prevent the plant from being any nuisance to the
18 County. First of all, it's a recycling plant. It's recycling
19 materials. It's not going to be mining as much (inaudible) to
20 get these materials. They will be using the barge to bring
21 materials in and out of town, so it will cut down on traffic.
22 It's only going to operate at night, during -- unless it's doing
23 emergency -- it's going to operate during the day and only at
24 night if there's an emergency operation, such as the levees or
25 the levees.

0040

1 Fresh asphalt will be loaded onto trucks inside an
2 enclosed tunnel from which no air escapes. Future emissions are
3 expected to decrease with new, heavy duty diesel engine
4 regulations, lower emission fuels and retirement of older
5 vehicles.

6 As far as noises go, the company is proposing an
7 additional boundary around its concrete recycling facilities and
8 a south wall between loud machinery and the river.

9 As for odor, Dutra will have odor control
10 (inaudible) for their plants. The article states -- this is
11 (inaudible) of the (inaudible). "It is treated through filters
12 control. They should eliminate nuisance odors and complaints."
13

14 I'd like to end this by adding a bit of
15 information, that the plant can sustain (inaudible) jobs, as you
16 have been over a thousand jobs in the community. And in an
17 economic crisis, this is something that we need. We need
18 companies like Dutra to bring back -- to bring back the county
19 back on its feet.

20 My father was recently -- was recently laid off.
21 My fiancé is in danger of getting laid off. (Inaudible) and try
22 to help our economic crisis.

23 SUPERVISOR KEARNS: All right. Thank you very
24 much. Yes, ma'am?

25 MS. GIBSON: Thank you so much for waiting for us.

0041

1 Members of the Board. My name is Sarah Gibson, and I live in
2 Petaluma. And my husband actually relocated, give or take about
3 a mile from the plants. Turns out both my husband and I are
4 career firefighters. I'm also a paramedic and a certified
5 exercise physiologist.

6 But I come here today on behalf of a group called
7 Petaluma for Change. And we also did a very short -- short time
8 with petition signatures and (inaudible). And unfortunately, it
9 turns out firefighters (inaudible). (Inaudible section)

10 signatures, instead of just 3500.

11 But I came here to speak (inaudible) and that is
12 the fact that (inaudible). We have our very own web site. We
13 have a wonderful quote on it, and it says that the (inaudible)
14 is to act as a general constitution, that this leads to rational
15 decisions.

16 (Inaudible section.)

17 (Laughter.)

18 SUPERVISOR KEARNS: About 30 more seconds.

19 MS. GIBSON: Will, I would go into my emotional
20 plea. I wanted to present the facts to you. (Inaudible)
21 another point that I thought about at the gym today. That if I
22 were in your shoes and you were in my shoes, is there something
23 that we both are and that is we took an oath to protect the
24 people and protect the property and to protect the future of
25 (inaudible). And if I were to (inaudible) location, and
0042

1 somebody could present to me a report that I was going to cause
2 unavoidable and significant harm to a house, a property or a
3 person, before, you know, I went on with those actions, and it
4 turned out that I wouldn't (inaudible), that would be negligent.
5 (Inaudible). Thank you very much.

6 (Applause.)

7 SUPERVISOR KEARNS: Thank you. Yes, sir?

8 MR. LUKAS: Good afternoon. My name is Dave Lukas
9 (sp). I am a lifelong resident of Petaluma. You have two
10 groups of people here today. One group is concerned about the
11 environment and our way of life. The other is concerned about
12 their profit margin. I urge you to vote not on the use permit
13 for the Dutra asphalt plant on the outskirts of Petaluma. The
14 preliminary review process did not follow the letter of the law.
15 And as far as specific wording in our own County General Plan.
16

17 I am particularly proud of the letter that the
18 letter that (inaudible) City Council to you. How is it that
19 they found so many problems in so little time? Know that this
20 letter truly represents a lot of the 60,000 Petaluma residents
21 who are not here today.

22 As for the General Plan, it's a (inaudible) result,
23 right? This project will require numerous and significant
24 changes to it. If this kind of project was historic to the site
25 and was supposed to be there, the General Plan would already say
0043

1 so.

2 So which is it? Did you approve it (inaudible)
3 General Plan? We just don't care about it. And there's no
4 mention for it in any other parts on the violation of this
5 project of particular's urban growth boundary. And yes it does
6 violate Measure D. It's clear on that.

7 The (inaudible) process is designed to all affected

8 parties sufficient time and opportunity to address their
9 concerns about a project. The last-minute public outcry is
10 simply because most folks only heard about this within the last
11 month. The failure to include Petaluma city officials
12 (inaudible) in the EIR -- the DEIO process is a violation of
13 Title 14, California Code of Regulations, Chapter 3, Guidelines
14 for Implementation of the California Environmental Quality Act,
15 Article 7, EIR, Section 15086, Consultation regarding Draft EIR.
16

17 The failure to include the people of Petaluma is a
18 violation of Article 13, Review and Evaluation of EIRs and
19 Negative Declarations, Section 15201, Public Participation.

20 The EIR on this project has other fatal flaws. Not
21 addressed adequate drinking water supply and runoff directly
22 into the Petaluma River, and water use for dust control. Many
23 of the EIR's stated significant and unavoidable impacts of this
24 project could be (inaudible) mitigated with complete enclosure
25 of the plant and increased emission controls.

0044

1 Dutra is on record as saying that the totally
2 (inaudible) is too costly for them to build. I say this plant
3 as designed is too costly for the people of Petaluma to live
4 with.

5 Before we go and call this reactionary (inaudible),
6 I want the 21st century (inaudible) asphalt plant built in my
7 neighborhood. My neighborhood includes the old Pomeroy (sp)
8 site on Hopper Street. It has good access of the freeway. It
9 could have a barge packed there with no effect on river traffic,
10 and then you have the (inaudible) Bridge for the (inaudible)
11 site. There's no railway siting there. They don't have
12 railroad access.

13 The Pomeroy site has that access. Beside, they
14 would also have access to the tertiary treated water from
15 Petaluma's new wastewater treatment facility.

16 Sadly, I know why Dutra doesn't want to build
17 there. It's those pesky rules, regulations and oversight that
18 they would have to comply with.

19 SUPERVISOR KEARNS: And your time is up. Can you
20 wrap up?

21 MR. LUKAS: I'll wrap up. Building in Sonoma
22 County is a privilege, not a right. Your action today will tell
23 us if you represent the people or not. Thank you.

24 SUPERVISOR KEARNS: Great. Thank you. Thank you,
25 sir.

0045

1 (Applause.)

2 SUPERVISOR KEARNS: Next speaker from this side.

3 MR. PRICE: My comment to the members of the Board
4 of Supervisors. Thank you for allowing the public the
5 opportunity to speak to you about this issue.

6 SUPERVISOR KEARNS: Your name? Your name, please.

7

8 MR. PRICE: I'm sorry. I'm Jerry Price from

9 (inaudible).

10 SUPERVISOR KEARNS: Okay.

11 MR. PRICE: And Sonoma County is a beautiful place

12 to live. I don't think anyone who is here would deny that. I

13 often get a little bit involved in some of the issues about

14 electing public officials, and my (inaudible) goes something

15 like this. I work for public officials who will take the

16 long-term, big picture. Study it and act on the best behalf of

17 the community, the whole.

18 I'm asking you all to do that tonight. We're all

19 public elected officials. I have certain concerns about this

20 project. I (inaudible) the plant. My concerns -- and I will

21 make it very, very brief -- are to do with the visual impacts of

22 the project, both to the entrance to Sonoma County and Petaluma,

23 as well as the effect that it will have on a very high-class,

24 world-class park at Shollenberger.

25 The other concern has to do with air quality. And

0046

1 I am going to make that really short and try to make it graphic.

2

3 I went to China not too long ago, and I came back

4 with a thought that (inaudible) was there. And the thought was

5 this. When (inaudible) a period of time when gasoline prices

6 were \$4.50. We can drive, we can go a long ways, you can spend

7 a lot of time without driving your car. You can make it happen.

8 You can also go a few days without drinking water. However,

9 (inaudible), air quality is critical.

10 [End tape 2/3, side A]

11

12

13

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0047

1 [Begin Tape 2/3, Side B]

2 [starts mid-sentence]

3 -- is absolutely (inaudible) to mitigate any effects on that air

4 quality. It's very, very important.

5 So I would ask you please, deny this project.

6 Thank you.

7 SUPERVISOR KEARNS: All right. Thank you, sir.

8 (Applause.)

9 SUPERVISOR KEARNS: The next speaker, from over
10 here.

11 MS. HILL: Thank you. Good afternoon. My name is
12 Helen Hill. I live in Petaluma. I am a docent at Shollenberger
13 Park. I have been a docent for about four years. Docents at
14 Shollenberger Park contribute about 5,000 hours a year of
15 volunteer work in the park. We do restoration maintenance and
16 we have an education program.

17 I want to speak to the education program because I
18 am a leader in that program. We have run this program in
19 partnership with many teachers and schools in Petaluma and
20 surrounding school districts. And in the last four years, we
21 have brought approximately 4,000 children to the park. Our
22 curriculum is developed with teachers and we meet California
23 standards for third grade.

24 This academic year, we have the support of the
25 Petaluma Education Foundation and we are working with 37 third
0048

1 grade classrooms in Shollenberger Park. Our education program
2 is connected to others in the Bay Area, including those at Point
3 Reyes Bird Observatory Conservation Science, the Bay Institute,
4 the (inaudible) Santa Rosa Foundation and Audubon Canyon.

5 We are an important link in the network of
6 environmental education programs in this region. We are -- we
7 introduce children to the flora and fauna of the park so -- and
8 the importance of watersheds and wetlands, so we are concerned
9 about the effect of the nearby asphalt plant on these habitats.

10
11 But I can tell you that we touch every demographic
12 in Petaluma. And we want to express particular concern for the
13 air quality and the potential impact of any air quality -- the
14 potential impact of an asphalt plant on air quality at the park,
15 which is not adequately addressed in this EIR.

16 Children are particularly vulnerable to airborne
17 toxins. There is concern that our outdoor natural laboratory
18 would no longer be a healthy place for these children. This
19 park is free. It's ADA-accessible. And because of this we
20 encourage children to return with their families, including
21 their younger siblings (inaudible), and the elders in their
22 families. And these, of course, are the pieces of our
23 demographics that are particularly vulnerable to impacts from
24 the degradation of air quality.

25 I want to emphasize again that we touch all the

0049

1 demographics in Petaluma. We bring them to this park, this park

2 is free, it's ADA accessible. We want to continue to bring
3 children to this extraordinarily accessible natural area for
4 outdoor education. But it is not clear that we could continue
5 to do that, given the concerns about the children's health, and
6 also noise, (inaudible), and smell on the inhabitants and other
7 users of the park.

8 We have counted the users, by the way. We average
9 about 400 people a day in the park. That's both on weekends and
10 during the week. We want to continue to bring children --

11 SUPERVISOR KEARNS: Can you wrap up, please?

12 MS. HILL: -- of Petaluma to the park. We want to
13 be able to bring them to a park that is a vital and intact park
14 that does not pose health problems to them or to us. Thank you.

15

16 SUPERVISOR KEARNS: All right. Thank you. Yes,
17 ma'am, from this side.

18 MS. FABRE-MARCIA: Good afternoon. My name is
19 Sherri Fabre-Marcia. I am a resident of Petaluma for the last
20 20 years. Today I am speaking to you as a private citizen. I
21 am also the president of Petalumans for Responsible Planning.

22

23

24 [End Tape 2/3, Side B]

25

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7 The Dutra Group
8 File PLP 04-0046 (Petaluma Project)

9
10

11 Tape 3 of 3

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23

24 Transcribed by: Megan Alvarez
25 Golden Gate Reporting

0002

1

[Begin Tape 3/3, Side A]

2

CHAIRMAN KELLEY: And for those of you along

3

the wall --

4

All right. We just, so you know, we've had 60
members of the public come and speak. As I mentioned
before, we had an opportunity to read all of the e-mails
that have come before us, and the letters, and as you
know the timing here -- and I've got a few of my
colleagues that later tonight will have to be traveling,
so I want to make sure that we get to hear from those
that are along each side here.

12

So if you -- raise your hand, those who are
intending to speak. We have a couple more there. And
then along this wall here, okay. And I've got that
number.

16

So that gives me about 18 of you. So I will
encourage you, and I'll keep you as close to the time
limit as possible, and I did tell you you'd be next, so
you're up next.

20

MALE SPEAKER: Thank you very much, and I
promise to be brief. My name is David Hainer, and I'm
with the Operating Engineers.

23

And I'm standing here before you in support of

24 Dutra Materials. The operating engineers are people who
25 build your roads and operate your hot plants. We
0003

1 represent over 40,000 members, of which over a thousand
2 live here in Sonoma County. Many of our members work at
3 Dutra Materials, not only in San Rafael, but also here
4 in Petaluma, if you so approve this project.

5 Dutra is a tough but good union employer. In
6 these tough economic times, you guys have an opportunity
7 to keep many of our members working here, locally, with
8 good paying union jobs that help support your
9 communities. Again, we urge you to support this
10 proposal, and I thank you for your time.

11 CHAIRMAN KELLEY: All right. Thank you. Yes,
12 sir.

13 MALE SPEAKER: Board of supervisors, and
14 staff, and the good citizens of both sides who are here,
15 my name is Doug Emery (phonetic) and I've been a teacher
16 at Petaluma school system for 22 years. Seven of those
17 years, I took out English learners, primarily to the
18 Schollenberger Park on my own, and it was part of my
19 science program. I based my program around the science
20 curriculum, and that's where I get most of my "ahas".

21 And as you well know, your children probably
22 learned English best with "aha" moments and you got
23 "ahas", as parents. And I was going to say, the
24 Petaluma Alliance in the last two years have made a
25 tremendous difference in that Valley Vista School. That

0004

1 alliance is teaching kids academic language, whether
2 they're English learners or not. They're providing
3 hands-on science activities that are essential.

4 They're ecological in nature. They show
5 students how to act respectfully of our environment.
6 They also mentor -- they're models, these children,
7 they're scientists, both men and women. So there are
8 women scientists out there that are modeling for young
9 girls as well as boys. And that's essential.

10 Excuse me -- I was restricted on my use of
11 funds for field trips. It's very closely watched we
12 can't get to far distant places. Schollenberger
13 provides a environment with endangered species, that
14 students can actually see. If you've been out there,
15 perhaps you've seen one or two.

16 There are (inaudible) appearances of peregrine
17 falcons. There's -- there are -- there are egret and
18 herons across the -- they're not endangered. They
19 certainly -- students can see their courtship behaviors,
20 and their nest building activities.

21 The environment is a special one. I can have

22 access, and so can hundreds of other teachers, thousands
23 of children have used this -- I consider it an
24 educational facility, and I find that a glaring neglect
25 in the EIR.

0005

1 Frankly, it's a necessity in this day and age
2 to have access to that. We cannot access the farthest
3 reaches of, for instance, Audubon Canyon, where we used
4 to go in the good old days when we had lots of field
5 trip money.

6 CHAIRMAN KELLEY: Can I get you to --

7 MALE SPEAKER: Yeah. Sure. The school is one
8 of two schools.

9 The school where I -- (inaudible) has
10 systematically been segregated in Petaluma, and those
11 students don't have access to these field trips. They
12 don't have access to these -- these wonders.

13 CHAIRMAN KELLEY: Please --

14 MALE SPEAKER: I want to urge you to not open
15 a door with an amendment change here, and deny this
16 plant. Thank you.

17 CHAIRMAN KELLEY: You betcha. Thank you.
18 Yes, sir.

19 MALE SPEAKER: This is a list of species that
20 are -- endangered species list. My name's Henry Bergman
21 (phonetic). I'm a resident of Petaluma. I wanted to
22 just address the process that you go through. I think
23 it's remarkable that you can sit here and listen to all
24 this for all this time.

25 Is this a fairly typical board of supervisors

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1 meeting?

2 CHAIRMAN KELLEY: Over the last few weeks it
3 has been, yes.

4 MALE SPEAKER: What I'm trying to say is that
5 I work in computers, I don't have any business being
6 here. Except for that I vote for people -- I voted for
7 people on this board that are in my district. And I
8 vote with the expectation that they'll handle things
9 before they get to a level where I need to take my time
10 to come in and do this.

11 And I think -- we need asphalt, like we need
12 water, we need air. If you said to me, I'm going to put
13 an automobile repair shop right in the back of your
14 space here -- it's just not the right place to put one.
15 You wouldn't want the noise the smell the interruption
16 of your business.

17 It's just remarkable to me that we have issues
18 like in Petaluma we've got this land up here, and we
19 want to open it for people to go to, and we argue about

20 whether we can open it up. And here we have a place
21 that's open and everybody can get to it. And we want to
22 put an asbestos [sic] plant right next to it.

23 My thinking is why don't we just put it
24 somewhere else? The problem is you guys have to sit
25 through another EIR, another set of meetings, and a
0007

1 bunch of people will be unhappy wherever you put the
2 plant.

3 So I'd like to express appreciation for doing
4 this, but there's something flawed in the process. And
5 if they spend enough money, they can grind everybody
6 down with meetings like this, and keep presenting it,
7 and keep modifying it, until we say, yes.

8 And that's always -- this shouldn't be an
9 environmental issue, but it is because you're putting it
10 next to Schollenberger Park.

11 It's an economic issue because we need
12 asphalt, we need the jobs, great. Let's just put it
13 some place else.

14 What's wrong with where it is now? Nobody's
15 talked about that today. Maybe that was earlier in the
16 meeting. You can't undo it once you do it. And that's
17 always (inaudible).

18 Every environmental loss is a loss forever,
19 maybe not forever, three to four hundred years, maybe it
20 will be here and look fine.

21 CHAIRMAN KELLEY: Great.

22 MALE SPEAKER: So I just want to really
23 encourage you to say no to the EIR. It's flawed. Come
24 up with another site, another EIR. Let's just do what's
25 right. That's what the process is for.

0008

1 CHAIRMAN KELLEY: Thank you. Yes, ma'am.

2 FEMALE SPEAKER: Hi, my name is Donna Warden
3 (phonetic) and I'm from Petaluma. And I'm looking at
4 what I've observed here today as far as what I've seen
5 of the argument. And the main thing I've noticed is
6 that it seems to have been turned into an antibusiness,
7 anti-industry, argument on the other side. I hope
8 you're not making that jump and following it there.

9 I hope you've noticed that. I don't think the
10 people in Petaluma are looking to get themselves out of
11 jobs. They realize what the economy is, and I've heard
12 that argument over and over about the jobs.

13 Also, I heard a number of details about how it
14 costs so much more to drive up to Santa Rosa, to go to
15 Vallejo. Again, this, you know, the argument here has
16 to do with location.

17 So we're still talking about, you know, it's

18 fine to have it located in Petaluma, so I don't think
19 that argument holds weight. I was very impressed -- I
20 went to the city council meeting. And there I saw all
21 of the city council members of the second largest city
22 in this County come to a very strong unified opinion.
23 They even said we need to make this stronger. They all
24 decided.

25 I think it's very important -- they're not
0009

1 looking to lose business in their city. They know what
2 would benefit their city, and what won't.

3 I hope the fact that they all decided to --
4 they all decided to sign the letter. Three of them came
5 here in order to try to make an impact. I think if you
6 disregard that they have, you know, come to together and
7 made a decision -- they want it in their area, they just
8 feel that it does not belong where they want to place
9 it.

10 So I hope you really take that into, you know,
11 account as you're listening to everything.

12 Thank you very much.

13 CHAIRMAN KELLEY: Thank you. Yes, ma'am.

14 FEMALE SPEAKER: My name's Susan Baritone
15 (phonetic) and I live at 4995 Canfield Road, Petaluma.

16 Those speaking in support of Dutra Materials'
17 great humanitarian efforts, rebuilding levees, filling
18 potholes, act like they're doing this job for free.

19 And the argument that Petaluma needs Dutra in
20 the living room to build roads and fill potholes, and it
21 will save Petaluma's money. Well, no, it won't.
22 Taxpayer money, Petaluma taxpayer money, will still be
23 paying for those roads. What it does is it saves Dutra
24 money.

25 Accordingly, does this mean that we
0010

1 (inaudible) that Dutra will be building a plant in their
2 yard? So Sonoma County talks about growth and
3 prosperity like it was 1970.

4 We've already out grown our water, and now
5 we're talking about more roads. To where?

6 When we have to start talking about mitigating
7 the environment, the environment always loses. So when
8 you talk about having to reduce our water use by
9 30 percent, and that we'll be losing 37,000 people
10 because of that, so let's bring in more jobs, food --
11 what? They don't have water.

12 And I acknowledge that Dutra has a right to
13 have a space in Sonoma County, but I also agree
14 100 percent that this is the wrong space.

15 CHAIRMAN KELLEY: Thank you, ma'am.

16 Yes, ma'am.

17 FEMALE SPEAKER: Thank you Chair Kelley. And
18 good evening, supervisors. My name is Susan Kirks
19 (phonetic). I am a resident of Petaluma. And I'm a
20 docent at Schollenberger Park, and at this late hour if
21 you'll forgive my lack of eye contact, I'm going to read
22 my comments briefly into the public record.

23 I am one of the individuals who reviewed the
24 draft EIR, as well as the final EIR, and provided
25 written comments for the public record. I also attended
0011

1 both hearings, the draft EIR reviewed by the planning
2 commission, and the final EIR hearing.

3 I have read the conditions of the preview
4 document, and at last count, I believe there were 139,
5 but that could have increased since my last reading.

6 The Dutra Corporation is using the term "state
7 of the art" quite frequently in the proposed asphalt
8 plant, and they did that in the planning commission
9 hearings. And at the same time they referred to the
10 state of the art technology in Southern California and
11 Irvine.

12 Curious, I did a little research, and I was
13 able to obtain the environmental documentation for that
14 plant prior to its construction.

15 And I think that what is relevant for today's
16 discussion and has been mentioned frequently, so I'll
17 just support that, is that the plant in Irvine is
18 located a half mile or further from any human
19 inhabitant, any (inaudible) contact.

20 The Irvine EIR documentation, because of this,
21 if any surface or subsurface solutions were to escape,
22 they weren't too concerned about it, because of its
23 location, because it was so far away.

24 One of the Dutra representatives earlier this
25 afternoon said they've been in Petaluma for a long time.
0012

1 They wanted to move the operation and build a plant half
2 mile south on the other side of the freeway to relocate
3 it. And I think what you've heard today is that this
4 simply is not the appropriate location for such an
5 industrial operation.

6 And at the planning commission hearing there
7 was one dissenting commissioner, that said, I believe,
8 that he had done the same thing I did, and yet he was in
9 a commissioner's position. He read the documentation,
10 reviewed the proposal. He had been in the hearings, and
11 he would not be supporting the motion to move this and
12 certify the EIR and recommend the proposal to the board
13 of supervisors, because it simply was not the

14 appropriate location.

15 CHAIRMAN KELLEY: Your time is up.

16 FEMALE SPEAKER: Thank you, Chair Kelley. I'd
17 like to place this document into the public record as
18 well. It has a feature on the Schollenberger.

19 CHAIRMAN KELLEY: If you give that to the
20 clerk, that will be in the record.

21 Next speaker on this side.

22 FEMALE SPEAKER: My name is Margie Gularn
23 (phonetic), and I'm a resident of Petaluma. I oppose
24 the approval of the EIR, and I oppose the approval of
25 installing a Dutra haystack landing asphalt and

0013

1 recycling plant. Everybody pretty much covered this
2 material really well.

3 I came up to basically talk to you about --
4 I'm concerned about the divisive nature that's erupting
5 from this plant. I have property one mile away from the
6 plant. I knew nothing about it until three or four
7 weeks ago. As I sat through this meeting, it became
8 obvious to me who knew about it and who didn't.

9 I'm outraged. And these people that have
10 talked about birds, plants, trees, fish, children, are
11 seen as a nuisance, by editorials I'm seeing in our
12 local paper.

13 If you're concerned about the fact that we
14 have no water, and why are we experiencing June in
15 January, then you should be really paying attention to
16 the concerns and issues that seem to be belittled so
17 frequently. Thank you.

18 CHAIRMAN KELLEY: Thank you very much, ma'am.
19 Next speaker, please?

20 MALE SPEAKER: Welcome to the new members of
21 the board. My name is Dennis Rossetti. I'm the
22 Executive Director of Sonoma County Conservation Action,
23 which is the county's largest environmental group. We
24 have about 8,000 members countywide, and we knock on
25 about 70,000 doors each year in the county.

0014

1 Our slogan is leading the fight to save Sonoma
2 County. However, if Mr. O'Brien decides to tender his
3 membership dues we'll consider changing that to working
4 to save western civilization.

5 I appreciate your patience this evening with
6 the crowd, and it's a very good time to be here. First
7 a technical point, it says that the traffic analysis was
8 done on an annualized basis, which is where the air
9 quality data is derived from. And what we'd like to see
10 is a peak usage, of what's the peak going to be per day.
11 So when we have spare the air days, we know what limits

12 to set on the plant itself.

13 Second point is regarding the public
14 (inaudible) Petaluma, talking to residents, trying to
15 bring them up to speed, we did collect over 200 letters
16 that we sent into the board. And there was many other
17 people that said on the spot that they would do it.

18 Sometimes we get very excited and passionate
19 in our work, but I think in this one we were pretty
20 measured. We were asking folks to write letters,
21 telling the board or asking the board not to approve the
22 project as is, and asking that problems be fixed before
23 the project is approved.

24 Things like not allowing 24/7 operation of the
25 plant, providing noise, light and other controls by
0015

1 (inaudible) asphalt batch plant within a building, or
2 finding an alternative site location. Protecting egret
3 and heron (inaudible) on the Dutra plant property.

4 And the last point was not allowing pollutant
5 storm water runoff from the property to reach the
6 Petaluma River, which would seem like a pretty
7 reasonable thing to ask for.

8 The third point is an observation, I've heard
9 a lot of folks talking about the asphalt plant and
10 referring to it as a infrastructure improvement, which I
11 could tend to agree with. But I would also argue that
12 the park there and the wild life preserve is a public
13 infrastructure improvement.

14 City of Petaluma has put a lot of money into
15 open space district, and I think we need to honor the
16 work that's been done to keep the areas pristine, over
17 150 species of birds that are on the property, which is
18 pretty amazing in this day and age.

19 So just to recap, point one, air quality on a
20 peak basis. Point two, 200 letters from the public,
21 we'd ask that you listen to them and take them
22 seriously, they're our neighbors and our constituents.
23 And then the third point is nature has an infrastructure
24 improvement. Thank you for your patience.

25 CHAIRMAN KELLEY: Next speaker, please?
0016

1 MALE SPEAKER: I'd like to thank the board of
2 supervisors -- excuse me -- for listening to all the
3 opinions that have been aired today.

4 My name is Steven Malone (phonetic), and I'm a
5 resident of Petaluma. I oppose the plan as submitted.
6 It's the wrong location, but for a reason that has not
7 been stated tonight.

8 I would encourage each board member to go down
9 there to Schollenberger Park before you make this vote.

10 Take a look around, and see what the people who are
11 coming are speaking about. They've been there.

12 For you to make a decision based on the
13 paperwork and PowerPoints and not going there and seeing
14 the location, I think you would be making the wrong
15 decision.

16 There's a river there, of course. There's a
17 railroad. If you go down there, you'll see where there
18 are Shamrock barges. There's also a PG&E gas line
19 crossing the river. So that's just between where the
20 barge landing for Dutra would be.

21 Now, it's been reported in the environmental
22 impact report, that this is wetlands, so we all know
23 what wetlands do in an earthquake, they liquefy. If you
24 look at the long term view, 30 years, USGS predicts a
25 major event in the Bay Area, where, when, who knows?
0017

1 It's hypothetical, but you need to consider it when you
2 make this decision. The long term view is that this is
3 a environmental disaster waiting to happen.

4 If there was an incident, we had a high tide,
5 we had a flood from heavy rain, and the Dutra plant is
6 operating 24/7 to accommodate the needs of CalTrans for
7 widening the freeway, and you had a major earthquake
8 event on the Rogers fault in Petaluma, there's going to
9 be a major environmental disaster. And you need to
10 consider that before you make this decision to locate
11 that plant, to change the master plan of a county, and I
12 would hope that you would think about that.

13 I'd like to end with a story. And it's a
14 story of a cobra and a monkey. A cobra and the monkey
15 are on one side of the river. And the monkey was going
16 to swim across the river, and the cobra decided he
17 wanted a ride on the back of the monkey.

18 Well, he said to the monkey, you know, give me
19 a ride. I want to get across the river. And the monkey
20 said, no, you're a cobra. I don't trust you. The cobra
21 said, c'mon c'mon, do it.

22 To make a long story short, the monkey decided
23 to do it, he put the cobra on his back. Halfway across
24 the river, the cobra bit him. And the monkey turned to
25 him, but you promised you wouldn't bite me? And the
0018

1 cobra said to the monkey, but you knew I was a snake.

2 So you can use that story as you like. But
3 the issue is that we live in earthquake country, and
4 you've got to look at whatever industrial thing that you
5 are approving and look at in that terms. If you had a
6 major --

7 CHAIRMAN KELLEY: Time is up.

8 MALE SPEAKER: -- and you look at the Marina,
9 and you look at what happens to state of the art
10 structures under those circumstances.

11 CHAIRMAN KELLEY: Thank you.
12 Yes, ma'am?

13 FEMALE SPEAKER: Good evening. My name is
14 Holly Holiman (phonetic). I'm a long time resident of
15 Petaluma. I'm a cancer survivor. And I walk at
16 Schollenberger daily, if not every other day.

17 I'd like to speak on behalf of all the other
18 people dealing with chronic illnesses who walk in that
19 park on a daily basis. It's a very unique place. It's
20 flat. You can support each other. It really gives you
21 a place to convene and support each other.

22 And I do feel that if this plant were to be
23 put in that place, not only esthetically, but really
24 harm the whole experience. We wouldn't come there.
25 If -- excuse me -- excuse me -- the fumes would be so
0019

1 harmful that we wouldn't come there any more.

2 We feel it is such a threat to our health. I
3 would really, really urge a no vote. I've never done
4 anything like this before. I've never come to any
5 meeting of elected officials, anything like that, never
6 written to the city council or anything like that. But
7 this -- got me so concerned, not just for myself but for
8 the community. That I actually, you know, picked myself
9 up and came in. I wish that you'd do the right thing.

10 We appreciate the importance of asphalt, and
11 we know that we need it. It's not the right place. It
12 needs to be in another location.

13 CHAIRMAN KELLEY: Thanks for coming. Yes,
14 ma'am, from this side?

15 FEMALE SPEAKER: My name is Camile Prozarek
16 (phonetic). I live in Petaluma, and I'm an artist. I
17 haven't heard from other artists in this. I have been
18 painting Schollenberger Park for the last 10 years. It
19 is a jewel.

20 And I feel that this is -- this project -- I
21 urge you not -- to vote no on the project. Coming
22 here -- I would be at work right now painting. It is a
23 beautiful day. I've taken the whole day off. This is a
24 very important issue for me.

25 I feel it's business as usual. In the last 10
0020

1 years, I've gotten involved in city politics, and the
2 citizens are usually the last people to know. In
3 Petaluma, I just found out about this about a month ago.

4 And I feel there's so many holes in the EIR.
5 I'm hearing the more -- it's just reinforcing my

6 position that this is not the place for this plant. I'm
7 not against having an asphalt plant in Petaluma. It
8 needs to be enclosed or moved to another location.

9 And I also urge people in Petaluma and in
10 Sonoma County do not move out of the county if this is
11 approved. I think we need to get together and legally
12 fight this.

13 CHAIRMAN KELLEY: Thank you, ma'am. Next
14 speaker please.

15 FEMALE SPEAKER: Hi my name is Michelle
16 Brezinski (phonetic). I'm a Petaluma homeowner, wife,
17 member of the Petaluma mother's club, and I am fortunate
18 enough to work full-time in Petaluma in the first
19 (inaudible) compliant building in Petaluma, which is
20 located on the edge of Schollenberger Park.

21 Even though there might be a need for
22 additional asphalt protection in Sonoma County, I don't
23 agree that this proposal is right for the residents of
24 Petaluma or Sonoma County.

25 That Dutra company is not the right partner.
0021

1 From the research I've conducted about the Dutra
2 operations at the San Rafael rock quarry, the issues
3 that the neighboring residents have endured, are the
4 last thing that Petaluma needs.

5 In fact, the Marin grand jury report concluded
6 that Dutra showed a pattern of much talk, little action,
7 in response to a long history of complaints about dust,
8 noise, blasting, traffic created, as well as numerous
9 violations in the quarry.

10 In addition, the EIR that has been released is
11 not completely accurate and is missing some crucial
12 data. I encourage the council to look at the EIR
13 discrepancies as filed by the Petaluma River Council and
14 conduct more research before anything moves forward.

15 As a mother, I'm concerned about the health
16 hazards that will impact my daughter, as well as all
17 members of Petaluma. The increased toxins, the
18 greenhouse gases and nitrogen oxide emissions, have me
19 greatly concerned.

20 The EPA cites asphalt fumes as neurotoxins,
21 and exposure to these toxins may cause cancer, about 30
22 other diseases, even though Amy Dutra said in the Press
23 Democrat article published August 14, 2008, that we're
24 going to do our best to minimize the impact, that if
25 Dutra's best is the same best that's been demonstrated

0022

1 at the San Rafael operation, I don't have any faith that
2 this will be the best for Petaluma.

3 I would not be opposed to having the county

4 research a sound, environmentally friendly company that
5 could build an asphalt plant. I am however opposed to
6 the exact location of the plant.

7 As a member of the Petaluma Mothers' Club, I
8 can say that this has been a hot topic of conversation.

9 In the last couple of days, there are over 200
10 (inaudible) from angry mothers who want to fight to stop
11 the Dutra project. They have been signing petitions to
12 stop this, as well as starting grass roots efforts to
13 get the word out to residents.

14 I stand here today to represent the 365
15 families of the club who are against the Dutra project.

16 The mothers of Petaluma and the citizens --

17 CHAIRMAN KELLEY: You need to wrap up.

18 FEMALE SPEAKER: -- urge you to vote no on
19 this project.

20 I've also been asked by the school to submit
21 the artwork against the Dutra project, which is being
22 presented now. I also have 27 families that attend the
23 school who are also signing petitions against the
24 project. Thank you.

25 CHAIRMAN KELLEY: And you got that in under
0023

1 time. Give the petition and put that on the table
2 there. That would be fantastic. And next speaker from
3 this side over here. Thank you.

4 FEMALE SPEAKER: Hello. My name is Sherry
5 Taylor (phonetic) and I've lived in Petaluma for 37
6 years. I've raised my four children here. A couple
7 points that I want to bring up that I haven't exactly
8 heard from somebody else.

9 Besides the known health hazards and the
10 carcinogens, there's been a rise in the whole United
11 States of asthma in people. And it's -- it's the air
12 quality that's causing this. And I have a family
13 afflicted with asthma. And it will make it more
14 difficult, and I know it's difficult enough when you
15 raise young people to try to find a healthy environment
16 that's not going to exacerbate their asthma. That's one
17 point.

18 The second point I wish to make is that Dutra
19 is a company. Their main objective is to make money.
20 We must consider this when we're evaluating, you know,
21 the pros and cons of this.

22 That is in direct opposition to the wants and
23 needs of the people of Petaluma. Once they have a
24 building in place, it would be up to them to monitor
25 themselves, to see that they maintain the plant to

0024

1 operate at its optimal levels of protecting us.

2 If they follow the same (inaudible) the same
3 philosophy, it will not be in their best interest to
4 make money by making sure that everybody is kept up to
5 date all the time.

6 Another point that goes along with that is,
7 the whole world is in a crisis now because of global
8 warming, and because we have put the interest of
9 business ahead of the health and prosperity of this
10 planet.

11 And it may be in our best interest to have
12 asphalt for the next 20 years, and we may find that, you
13 know, that's -- that's accentuating the problem that
14 we're faced in this whole world.

15 My third point is that, if it hasn't been
16 clear, I'm directly opposed to this plant where it's at.
17 And I know that everybody I talked to in Petaluma is.
18 And I think you all ought to consider that, if you vote
19 for this, none of you will be back in office because
20 you'll hear the vote of Petaluma.

21 CHAIRMAN KELLEY: Thank you, ma'am.

22 FEMALE SPEAKER: That's not meant as a threat
23 that's just a...

24 CHAIRMAN KELLEY: Next speaker, please.

25 FEMALE SPEAKER: Hello. I'm Beverly Shank
0025

1 (phonetic) and I moved to Petaluma in the '70s where the
2 town, at the time, was dilapidated and needed
3 renovations. And for all this time, it's become a
4 beautiful community. I've seen families being raised.
5 I've seen numerous children coming to adulthood. And
6 I'm -- I oppose this plant from being built. I think
7 Petaluma is a beautiful community and should be
8 protected. The people are so wonderful. It's a
9 community like no other in Sonoma County.

10 When I moved up to Windsor, it was a big
11 mistake for me. And but I've grown to love the Windsor
12 community also and always wish that I had remained in
13 Petaluma.

14 I oppose this plant because I believe that we
15 need to protect our environment. I think that's the
16 number one objective. And if Dutra says that all the
17 technologies are in place to protect the environment and
18 community, don't please -- give it a second thought. I
19 was thrown that bit of beans on a facility built next to
20 me. Mesa (phonetic) Corporation built 158,000 square
21 foot building, and I -- now I look at prison walls. And
22 I see the violations that they're continuing to do, and
23 I've called the county, at least six to seven times with
24 no response.

25 Dutra can promise anything, but when the

0026

1 violations come, nobody's going to be listening,
2 especially the planning department.

3 I live next to wetlands, and I live next to a
4 flood plane. And now Mesa Corporation has built the
5 repair shop within a hundred feet of the bank of the
6 Mark West Creek, so our federally protected bird, the
7 white-tailed kite, will no longer be protected because
8 the noise of the facility, of the plant, while they're
9 repairing trucks, the bird will most likely not come
10 back. And that bird has been there eight years. They
11 also promised to take care of the environment, and I
12 haven't seen anything since then.

13 So please be cautious of their promises,
14 because it's not likely going to happen.

15 And the woman who said --

16 CHAIRMAN KELLEY: Wrap it up please.

17 FEMALE SPEAKER: Wrap it up. Saying that this
18 board of supervisors will need replacement. I agree. I
19 think Shirlee Zane, and I really appreciate your vote
20 last week. You're an exceptional person. The rest of
21 the board, I believe, needs replacing, especially Paul
22 Kelley, needs to be out of office and now.

23 CHAIRMAN KELLEY: Next speaker please.

24 FEMALE SPEAKER: Kate Chandler (phonetic) and
25 I'm from Petaluma. About now I thought my blood

0027

1 pressure would go down, but probably if tested it's off
2 the charts. All I've done is listen and I just get
3 angrier and angrier. I listened to Dutra and that their
4 happy camp plant and their happy planning and how the
5 birds are going to get along and cooperate and all the
6 promises they've made. I half expected them to tell us
7 they can walk on water.

8 This entire presentation by Dutra is faulty.
9 The EIR is faulty. And the fact that it has gone past
10 the planning and building department to get this far. I
11 want to know how this insanity has been allowed to
12 happen.

13 All of the people here have presented cases,
14 they are presenting from their hearts, saying what they
15 feel, intelligent people, tell you how faulty the EIR
16 is, the impact on the environment, all of the things
17 going on.

18 But I do have something positive to say. Very
19 positive. I am positive this is the worst idea that has
20 ever been presented in Petaluma. Positive that Dutra is
21 the worst neighbor that we could ever have, the worst
22 location.

23 And if we want to know how bad it really is,

24 call Marin. San Rafael will give you the list. Dutra
25 is your worst neighbor.

0028

1 On a final note, you, all you elected
2 officials, you work for the people of Sonoma County.
3 Your pay checks come from the people of Sonoma -- I told
4 you the blood pressure was cooking -- we pay your
5 checks, you better think this through very carefully and
6 very seriously. The way you vote will determine the
7 legacy that you leave on Sonoma County. Nothing right
8 about this -- nothing right about the location. If you
9 want to be called the tar czars, and you want to lose
10 your next election, that can happen. And if you choose
11 to retire don't forget there's always recall.

12 In case you don't get it, I don't like it.

13 CHAIRMAN KELLEY: Yeah. We have two speakers
14 that are our last two for the public comment yes, sir.

15 MALE SPEAKER: Mike Riley. Petaluma resident.
16 Father of two. Retired business executive. Cancer
17 survivor and I was of two minds of whether or not to
18 speak, but you already endured so much. I'm not going
19 to keep you. I'm about the last thing keeping you from
20 your dinner.

21 But I just wanted to go on record that I'm
22 against this plant going here. And the one question
23 that keeps puzzling me is how we can locate a plant that
24 from many of the -- much of the evidence is going to
25 emit carcinogens in the middle of the 12 percent of the

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1 Sonoma County -- about 8 percent live down wind from the
2 plant -- I'm just baffled by that. That's all I had to
3 say.

4 I have been keeping record here. I know you
5 have. So this is redundant but of the speakers tonight,
6 so far, you've had 14 supporting the plant and you've
7 had 52, perhaps 53, opposing it.

8 And if the -- in business I used to know
9 whenever I got a letter from a consumer, rule of thumb
10 was that that counted for about 100 other consumers, if
11 they had a complaint, about the product. From the
12 standpoint of the (inaudible) I think this afternoon's
13 and tonight's session should tell you something. Thank
14 you for your time. Thank you.

15 CHAIRMAN KELLEY: Thank you. Last speaker
16 please?

17 MALE SPEAKER: Good afternoon, I'm Harvey
18 Goldberg (phonetic). Don't count me on that list. I'm
19 neither for or against. 30 years ago when I bought that
20 property I wanted to have a home out there, my
21 retirement home, and I'm very near it. Here's a picture

22 of the house. And it was very low profile, so it would
23 be not seen much. That's number one.

24 Number two is, I'm zoned for one house, and
25 this is dated 1997 from Richard PRMD. I am the most
0030

1 impacted. I know the wind. I fly 12 flags out on that
2 property along the river there. The wind doesn't go
3 over towards Schollenberger. If there was something
4 from that plant, it wouldn't be going toward
5 Schollenberger, it comes right toward me.

6 This is another -- I'm not going to get into
7 this stuff, but could you put that picture on the board?
8 What I would say if this is -- if it's in your
9 inevitable wisdom to put this plant there, I have a
10 couple suggestions, if you could throw that screen up
11 there maybe. I would just move the -- where they want
12 to put at the back of the property in the mitigated
13 area, it's not really going to be a mitigated area.

14 That area is when you go put this railroad
15 tracks in they have to put a deeper culvert in because
16 the one in there is crushed. So when the tracks go in
17 there, that's going to change the flow of land in
18 here -- right down there, this line, there's a culvert.

19 This area shouldn't really have fresh water
20 coming back -- right here at this line -- here. Where
21 the bridge comes across. There is the trestle -- has a
22 flat rate that is missing, that is off. Salt water is
23 not really supposed to come back to this side of the
24 tracks.

25 I would say move the big -- this 80-foot, 70
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1 or 70-foot high thing back into here, does not need to
2 be -- and will never be a real habitat restoration
3 mitigation area. Move it back into this area next to
4 this hill, so it's more unsightly -- you could put your
5 other stuff there. My property is right here.

6 I can cut in right over in this area, and they
7 can push a barge right in there.

8 CHAIRMAN KELLEY: Wrap up, please.

9 MALE SPEAKER: Push a barge right in there.
10 I'm willing to sit down and work at the table with them.
11 Instead of coming from here and this way, bringing in
12 the material they would have to come right up here.

13 CHAIRMAN KELLEY KELLEY: All right. All
14 right.

15 MALE SPEAKER: Thank you for your time. Like
16 I said, I'm not for or against it. They're good people.

17 CHAIRMAN KELLEY: All right. We'll count you
18 as the only one that has spoken that has a different
19 opinion.

20 We have had obviously extensive public comment
21 here. And, again, I would remind the folks that there's
22 probably about 450 to 500 e-mails. That I was -- had a
23 chance to review and read through, both for and against
24 as well as other letters. And I know the board has had
25 a chance, as well.

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1 In these hearings, we always let the applicant
2 come up at the very end. And I will invite them to come
3 up and adhere to brevity for any final comments.

4 FEMALE SPEAKER: I know it's been a long time.
5 I'll be brief. I do want the board to know that I did
6 do community outreach. I did meet with the
7 representatives of the main groups that had come out in
8 opposition of the project at the planning commission to
9 try to work through their concerns in advance.

10 And that was the Petaluma -- Friends of
11 Petaluma River, Petaluma Wetlands Alliance, and Dave
12 Keller's Group. I did try to get some good
13 communication going early on.

14 As we've noted, we're proposing a new
15 modernized plant that introduces the best available
16 control technologies. It is truly unfortunate that our
17 site visit to Southern California was the experience
18 that our opposition had to experience. It was clear
19 that that truck tunnel filtration was not working
20 effectively.

21 And I want to say today that Dutra is willing
22 to commit to, as a condition of approval, if we're
23 having any mechanical failures of our truck tunnel
24 filtration, we will not operate that day. So to
25 alleviate any concerns of any escape of fumes or air

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1 emissions to come from the tunnel system.

2 I do want to note that 80 percent of the
3 material that's produced from our Petaluma site is used
4 here in Sonoma County for publicly funded projects. It
5 has clearly been a well used local resource, and we do
6 hope that that continues.

7 I know that there were some technical things
8 raised that you may have more questions about with
9 regards to air quality and noise. Our consultants are
10 here, if you'd like to hear from them prior to staff, or
11 however the proper protocol is. But it's been a long
12 day, I'm going to let the experts handle what I think
13 are some really tough issues to work through.

14 CHAIRMAN KELLEY: All right. Thank you. Hold
15 on a second. Supervisor Brown?

16 SUPERVISOR BROWN: I, actually, was a little
17 surprised, given the fact that you've operated an

18 asphalt plant for at least, I think, it said on the map
19 three years.

20 FEMALE SPEAKER: We were -- 20 years at the
21 core site.

22 SUPERVISOR BROWN: Okay.

23 FEMALE SPEAKER: And three years at the
24 temporary site.

25 CHAIRMAN KELLEY: Can you get on the
0034

1 microphone?

2 SUPERVISOR BROWN: I thought I was. Not state
3 of art, not full -- not even close to full
4 (inaudible) --

5 FEMALE SPEAKER: To full containment, correct.

6 SUPERVISOR BROWN: -- actual containment. I
7 heard no response from anyone about that. Have there
8 been complaints to the City of Petaluma? Have there
9 been complaints from the County regarding that issue?

10 CHAIRMAN KELLEY: Hold on --

11 FEMALE SPEAKER: -- years that we operated
12 there, we were not informed of them. They did not come
13 directly to Dutra. And if it came to the County, it was
14 not to our knowledge. So when we sat here and said with
15 the 23 years, I was confident in that there had been no
16 community complaints.

17 CHAIRMAN KELLEY: Great. Thank you very much.

18 With that we will close the public hearing,
19 appreciate the offer of having experts available.

20 Obviously, the County has not only our staff,
21 but also our environmental consultant available for
22 questions, and so I would expect that if we need your
23 experts, we will call upon them.

24 So with that I'm going to bring this back to
25 the board for both a discussion and consideration of the
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1 issues, and open it up for any board questions or
2 comments at this point.

3 Supervisor Kerns?

4 SUPERVISOR KERNS: Thank you, Mr. Chairman. I
5 just had a couple of questions, and then I'd like to
6 hear what the rest of the board has to say, and I'll be
7 happy to make a recommendation at the end.

8 In regards to air quality, could staff or some
9 other expert that's here, talk about that and clarify
10 that for me? I am not an expert in air quality, and it
11 concerns me when I hear somebody say that we have levels
12 that are, you know, be more than significant, and that
13 concerns me.

14 So I if you can -- what that means, in -- as
15 it relates to the operation of this proposed plant.

16 MALE SPEAKER: If we could have our
17 consultant, Nikasha (phonetic)?

18 SUPERVISOR KERNS: Specifically, I'm
19 concerned -- you know, there were a lot of comments
20 about people's health, and, you know, how emissions from
21 the plant may be adversely affecting people's health,
22 and those kinds of things, so that's my concern.

23 MALE SPEAKER: My name is Jim McCarty. And I
24 work for Baseline Environmental Consultants. And we're
25 the sub-consultant. I did the air quality analysis.

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1 I think to clarify the finding of significance
2 for the NOX, which is nitrogen oxide, is that there's a
3 threshold that the district sets and the annual
4 emissions, the net increase between the new plant and
5 the old plant, would exceed the significance threshold
6 that the district has set for a significance level.

7 Nitrogen oxides and the reactive organic gases
8 are two things that the district targets to reduce ozone
9 omissions, because those two chemicals are the
10 precursors for ozone. So the -- the baseline is in
11 non-attainment of the ozone.

12 The purpose of targeting NOX is to help the
13 district go forward with a plan to reduce those
14 emissions and therefore bring down ozone emissions.

15 It's not a direct health risk in that the
16 surrounding community is not being adversely affected
17 from the NOX. It's a regional impact.

18 SUPERVISOR KERNS: And where do those
19 emissions come from?

20 MALE SPEAKER: Primarily the emissions as we
21 quantified them, come from the transportation related
22 aspect --

23 SUPERVISOR KERNS: From the vehicles --

24 MALE SPEAKER: -- and the majority of that
25 traffic is from export. So Dutra, itself, does not have

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1 control over the customers that come in. In the future,
2 the NOX emissions, and the reactive organic gases, the
3 ROG emissions are being brought down through more of a
4 state and federal program, which is -- were reduced
5 through vehicle emission standards. So in the future
6 those will be mitigated on into the future through the
7 state and federal program.

8 SUPERVISOR KERNS: I see. So as it relates to
9 the health risk assessment, then, these emissions are
10 not --

11 MALE SPEAKER: It's a separate issue, as to it
12 is a local health risk issue --

13 SUPERVISOR KERNS: As it relates to the ozone

14 layer.

15 MALE SPEAKER: Well, no. As it relates to the
16 emissions from the plant and the transportation, so the
17 primary health risk, really, was the diesel particulate
18 emissions, which comes from transportation, and the tug
19 boats. So the trucks and the tug boats, there's some
20 emissions from the plant, but most of that's mitigated
21 through the bag filters and the blue smoke filters.

22 So the primary part -- the major component of
23 that is also from the transportation, and that's a local
24 issue, as opposed to a regional issue. The risk
25 assessment found that it was -- local health risk was
0038

1 below the significance level.

2 SUPERVISOR KERNS: Okay. Thank you.

3 MALE SPEAKER: Sure.

4 SUPERVISOR KERNS: And I have one other
5 question, Mr. Chairman, as it relates to the truck
6 traffic. I know we heard, and I believe this was in the
7 EIR, I did not see anything in the draft conditions of
8 approval about truck trips per day.

9 There was mention of 750 trucks per day, could
10 be allowed there. That -- then I heard there would only
11 be, at the most, 174, I believe, trucks per day. Could
12 you address that? And what I'm considering is perhaps
13 recommending that we put a condition in there.

14 FEMALE SPEAKER: I think the confusion,
15 through the chair, I think the confusion about truck
16 trips is related to how we analyze traffic impacts. The
17 truck trips, 174 truck trips, if I remember correctly,
18 is the actual number of truck trips. That's used as the
19 basis for calculating air quality emissions. When we go
20 to look at how that affects an intersection or a
21 roadway, out traffic intersections, each truck takes up
22 about as much room and time going through an
23 intersection as three cars.

24 So those numbers are multiplied. Each truck
25 trip is multiplied by three in calculating the impact
0039

1 from a traffic operational standpoint. So it's not
2 actually that many truck trips. It's just the factor
3 that we used to estimate the impact on levels of
4 service.

5 SUPERVISOR KERNS: Where did the 750 number
6 come from?

7 FEMALE SPEAKER: I believe it was the factored
8 number.

9 MALE SPEAKER: Looking at -- on the peak, we
10 use -- obviously, there's an average number of trucks
11 that are -- use the plant. Then there might be a time

12 when there's a lot more trucks due to a big job, and
13 that came, I think, to 250 trucks, so you multiply that
14 by 3, it's 750.

15 FEMALE SPEAKER: So it's a peak hour analysis,
16 the 174 is an average daily trip number.

17 SUPERVISOR KERNS: Okay. Thank you for that
18 clarification.

19 CHAIRMAN KELLEY: All right. Supervisor
20 Carrillo?

21 SUPERVISOR CARRILLO: Chairman Kelley, just
22 another point of clarification on the air emissions and
23 air quality. Here on impact Air Quality 2, there's
24 noted here that there's a threshold significance of
25 15-tons per year, of NOX, yet, we're looking at 23-tons
0040

1 per year actual.

2 On the mitigation measures are we able to
3 measure and reduce that amount? Or is that not part of
4 the mitigation measures as stipulated here on impact
5 AQ2.

6 FEMALE SPEAKER: Well, I think as our
7 consultant was trying to explain, NOX is really a
8 regional pollutant. It's something that goes up in the
9 air, mixes with other compounds and creates ozone.

10 So the -- and it's all transportation related.
11 So most of our studies and most all of our EIR studies
12 show that vehicle emissions are going to come down over
13 time due to new standards that are established by the
14 state. So, in time, those emissions are going to come
15 down and be within attainment. The whole region will
16 become below the thresholds of the significance.

17 MALE SPEAKER: A year, five years, within --

18 FEMALE SPEAKER: If you look in the EIR there
19 is one chart that showed the difference between 2008 and
20 2020, I believe.

21 Do you have a quote?

22 MALE SPEAKER: It looks like it would be
23 somewhere between 2020, it would get down below the
24 15 -- there's a chart, figure 5B2. On page -- B31 of
25 air quality. And, basically, it shows the it's at

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1 36-tons, drops down to 30-tons in 2010. And down to
2 about 12-tons in 2020. So probably around 2000, 2017.

3 Something like that.

4 CHAIRMAN KELLEY: Supervisor Brown?

5 SUPERVISOR BROWN: I, actually, have a lot of
6 issues. Most of them actually were produced by folks
7 that came forward, but they were produced by questions I
8 had in the EIR and the letters. And they were probably
9 reiterated, again, by some of the folks in the audience.

10 I'm always absolutely amazed that there isn't
11 a certain understandability in the community that the --
12 this is a great proposal, but this is the wrong site
13 doesn't hold for every project we have. Whether it's
14 for housing, whether it's a visitor center or winery, it
15 really doesn't make any difference. It's always the
16 same thing, it's a good proposal, it's the wrong place.

17 And so when I factor that in, I guess the good
18 news is that it's -- some people believe it's a good
19 proposal. In fact, I think David Cowher (phonetic),
20 said in the very beginning, when he started the meeting
21 with Dutra, he was looking for a supportable project.

22 I'm sorry that he was taken to a facility that
23 Dutra didn't own and had no control over, and it looked
24 as though that was the model for all other projects. I
25 think that -- I'm sorry that message got sent.

0042

1 So my issue is how to -- and I think,
2 actually, even in the letter from the City of Petaluma,
3 the statement was pretty clear that if this project were
4 approved that there were a number of mitigations that
5 needed to be put in place, that either haven't been
6 addressed or maybe hadn't been recognized had been
7 addressed already in the 139 conditions that we have on
8 this project.

9 So let me kind of go through what some of
10 those issues are for me.

11 One of the first ones that was a little
12 complicated for me was this issue of river navigation.

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23 [End Tape 3/3, Side A]

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1 [Begin Tape 3/3, Side B]

2 And I guess the complication is that my understanding
3 was that that the jurisdiction of authority on navigable
4 rivers was the Corps of Engineers.

5 MALE SPEAKER: Actually, I was able to contact
6 somebody at the Army Corps, and they said for navigation
7 it's Coast Guard. And I've been trying to get somebody

8 at the Coast Guard, I went through like 10 calls, and
9 not able to get an answer from them on the navigation
10 issue.

11 SUPERVISOR BROWN: So in the end, given the
12 fact that it isn't our jurisdiction, but it is the Coast
13 Guard, is there, even if this project were approved, is
14 it possible that the Coast Guard says huh-uh huh-uh, not
15 quite safe, not quite -- this barge is not in the right
16 place, got to make change here, not going to work. And
17 that that would be outside of our purview, but it would
18 still be in -- consistent with the project if it moves
19 forward?

20 MALE SPEAKER: Yeah. I mean, potentially, it
21 could be that they have some system for when you have
22 partial blockage of a navigation channel. We just don't
23 have that information, unfortunately, for you.

24 If I could just add, the Shamrock sand
25 facility looks like their barge slightly encroaches into
0044

1 the navigational channel, from the information we got
2 from Shamrock several years ago.

3 So there must be some method to deal with,
4 either the barge has to be unloaded quickly, or you have
5 to have something -- a tug there waiting to move the
6 barge if somebody comes up. Hopefully we can get that
7 information from the Coast Guard, you know, reasonably
8 soon, so I can get a more consistent answer for you.

9 SUPERVISOR BROWN: Then let me ask you the
10 next question out from that. There's some things, and
11 that's not the only one I'm going to bring up. But
12 there's some things that, to me, need some additional
13 work, and I think the river navigation is one of those.

14 What would be the process, if we give
15 direction to staff tonight, to work on several of those
16 areas; and then would you come back to us -- I
17 understand there would be no public comment because
18 that's already been addressed today. But how would that
19 work? Maybe it's county counsel?

20 FEMALE SPEAKER: Through the chair -- go
21 ahead, Jeff, if you want to answer. Do you want me to
22 do it?

23 MALE SPEAKER: Jennifer you start.

24 FEMALE SPEAKER: Through the chair, if the
25 board desires us to go do additional research or to
0045

1 respond to questions, we can certainly do that. We also
2 have a -- to refer it back to the planning commission
3 for comment on the special area policy that staff was
4 recommending. So there is time to do that. We can add
5 some additional information and respond to those

6 comments.

7 I did want to mention about river navigation.
8 They will need a permit through the Army Corps. I think
9 you were right that the purview is through the Army
10 Corps, where they go through and get a permit from BCDC,
11 the Army Corps, Coast Guard --

12 SUPERVISOR BROWN: I was pretty sure they went
13 through BCDC as well.

14 FEMALE SPEAKER: Right, for their dock
15 facility. And it's through the review of the dock
16 facility that's in the river channel that those issues
17 of navigation are addressed. So it is addressed through
18 the federal permitting process. The Coast Guard has the
19 say over traffic control. You know, when they're
20 docking, and how they report activities, actually, on
21 the river.

22 SUPERVISOR BROWN: I didn't remember that we'd
23 ever had anything come before us where we had some kind
24 of mitigating authority with regard to sometimes we'd
25 like to take it away from the Corps, but that doesn't
0046

1 mean that we can.

2 MALE SPEAKER: I believe there's a condition
3 that requires them to get all other state and federal
4 permits.

5 FEMALE SPEAKER: Yes. There is a condition
6 that requires that, and any other violation of any other
7 state or federal permit condition or law would also be a
8 violation of the use permit. And subject to --

9 MALE SPEAKER: That's how we cover it,
10 Supervisor.

11 SUPERVISOR BROWN: Another issue I have deals
12 with trucked -- one of the issues again raised by the
13 City Council in Petaluma, was truck traffic through
14 Petaluma and avoiding truck traffic through Petaluma.

15 I'm assuming that that would be fairly easy
16 given the fact that 101 is there, and NCRA as soon as
17 they get the rail up, that they would have two sources
18 of transportation -- actually, I'd prefer the rail, but
19 two sources of transportation.

20 MALE SPEAKER: If you don't mind me clarifying
21 the question to staff, I mean, there's two issues.
22 There's one, the bringing in of raw materials, which I
23 believe is mostly done through barges in this proposal.

24 FEMALE SPEAKER: Right.

25 CHAIRMAN KELLEY: But then you have outside
0047

1 contractors coming and picking up, how easy is it to
2 have any controls over that?

3 MALE SPEAKER: Mr. Chairman, I believe there

4 is a condition of approval in here that prohibits trucks
5 on Petaluma streets, unless they are delivering material
6 to a project within the city.

7 SUPERVISOR BROWN: I was looking --

8 MALE SPEAKER: There is a --

9 SUPERVISOR BROWN: -- trying to figure out --
10 match up conditions with like --

11 MALE SPEAKER: It's in here somewhere.

12 SUPERVISOR BROWN: -- North Bay Rowing
13 (phonetic) with conditions, that have already been put
14 in place.

15 I notice one of their other conditions has to
16 do with nighttime lighting, which I think we have
17 addressed in condition 113, in number 80.

18 I'll tell you what most disturbs me, if indeed
19 some kind of violation and I don't have any question, at
20 all, that it will be readily found out by the number of
21 watch dogs that are in this audience alone -- that if
22 there is a violation I really am not comfortable with
23 any kind of -- any kind of, you know, of restriction
24 that would say if a violation is found, there are five
25 days to fix it, because that's five days of violation.

0048

1 20 days to fix it, whatever it is to fix it.

2 I believe that there needs to be a significant
3 level of violation, and that significant level of
4 violation shuts that plant down until it's fixed. Flat
5 out shuts it down.

6 And I love, Amy, that you say for a day,
7 that's generous of you, but I don't want it opened again
8 until it's fixed. I think that -- and I don't know what
9 the criteria is for, you know, I would say if a truck
10 breaks down in the yard that doesn't rise to the level,
11 you know, that there are certain things that don't rise
12 to the level. But there be a threshold that shuts the
13 facility down until it's fixed. That's one of the
14 issues that I have.

15 SUPERVISOR KERNS: Mr. Chairman, Supervisor, I
16 do have a modification of condition 133, that will
17 address that issue.

18 SUPERVISOR BROWN: Okay. I haven't talked to
19 you about that.

20 SUPERVISOR KERNS: Sorry.

21 SUPERVISOR BROWN: I wasn't aware of that.

22 I really, also, respect the fact that people
23 find other sites that they like that would be better
24 for. I will guarantee you -- I won't even -- I could
25 actually bet my house on it -- and I still owe money on

0049

1 it, and I'd still bet my house on it -- that if we

2 change the site to Pomeroy, I would have 350 people in
3 the audience that had the same things to say in a
4 slightly different way opposing that project. Because
5 that is indeed what we deal with.

6 You don't -- you are here just today. We deal
7 with it, currently, with almost every project we see.

8 So for us to look at the general plan, how it
9 fits, how it's -- what the long term benefits, as well
10 as the long term consequences, I think is what our role
11 is.

12 And so I really want -- honestly we don't
13 usually get 12 inches of materials to read. So I know
14 that that was a lot of work put out there by you,
15 writing us, letting us know what your issues were, and I
16 guarantee we all read them. And by coming here today
17 and spending your time with us, it's reinforced some of
18 the issues that were of concern to you.

19 And I'm not sure that there won't be some
20 other issues that some of the other supervisors raise
21 that I don't back as well, but I thank you.

22 CHAIRMAN KELLEY: Thank you, Supervisor.
23 Supervisor Zane?

24 SUPERVISOR ZANE: Well, I have several
25 concerns. I don't like to see people demonized, or
0050

1 businesses. I do think Dutra tried to put forth a good
2 proposal. But I think there are some major issues that
3 have not been answered.

4 I'm not -- with all the questions about air
5 quality, I'm still not convinced that they've been
6 resolved. When I read the EIR it said that they would
7 exceed the significance by eight in terms of the
8 pollutants and emissions. And even with mitigation,
9 it's going to be significant and unavoidable impact.

10 It also says that the cumulative air quality
11 impacts, even with mitigations are significant and
12 unavoidable. I, basically, just had my assistant put
13 together all the different environmental impacts that
14 remained significant and unavoidable, noise, visual, air
15 quality, esthetics, and it's two pages. And that's with
16 mitigation.

17 I don't think we can ignore that or ignore
18 that there are problems fraught in this proposal. I
19 think we also have to ask ourselves with over 100
20 conditions of approval, whether or not with our limited
21 resources right now, how is PRMD going to have the
22 staffing to enforce those over 100 conditions of
23 approval?

24 Maybe the applicant should be required to fund
25 the necessary staff to take and process complaints, and

0051

1 conduct the ongoing monitoring and analysis necessary to
2 enforce the proposed conditions of approval.

3 It concerns me that we are at odds with the
4 Petaluma City Council. I think we need to work in
5 partnership with our cities. It concerns me that I
6 don't think that we've had a real discussion here, nor
7 was it addressed in the EIR, in terms of long term
8 economic impacts.

9 And one of those impacts is tourism, but the
10 other impact, which is part of our economic development
11 plan, innovations council, is to be a place we attract
12 green technology and clean tech.

13 If we put an asphalt plant at our entry way in
14 Petaluma, is that going to brand us and prevent us from
15 attracting those types of industries? I'm deeply
16 concerned about that, and I don't think the long term
17 economic impacts were ever dealt with in the EIR.

18 And I do think that parks matter. I think
19 parks matter a great deal. I think Supervisor Kelley
20 reminded us of the importance of really protecting our
21 quality of life in his wonderful speech last week at the
22 state of the economy. Parks are a lot about quality of
23 life.

24 And this County has made some significant
25 investments in the open space district purchase,

0052

1 wastewater treatment plant. And Petaluma has made
2 significant investment, over \$1 million, in the park and
3 the surrounding areas. And I'm deeply concerned about
4 the fact that we have to amend the general plan, when
5 the general plan says that we do need limit development
6 to places that are adjacent to sensitive lands.

7 So one of the things I fully feel like this
8 board needs to ask themselves is whether having an
9 asphalt plant at Petaluma's gateway is consistent with
10 the vision it had in mind when the general plan 2020 was
11 adopted a few months ago. Because if it's not
12 consistent with that vision, and we do have to change
13 the general plan, then the question is whether this
14 proposal truly merits changing our vision for Sonoma
15 County.

16 So that's kind of a bottom line thing that we
17 have to wrestle with here tonight.

18 CHAIRMAN KELLEY: Thank you, Supervisor.

19 Just real quick, I mean, a couple comments
20 that I would make. I think that, first, it's always
21 valuable to have a lot of public comment, like we heard
22 from at least one member who was concerned that we were
23 doing this every time. We don't have to do this every

24 single Tuesday afternoon, but we do get an opportunity
25 almost every Tuesday afternoon to get a significant
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1 amount of comment.

2 And it's always valuable to have public input
3 and unless anyone thinks that we don't, we do consider
4 all of, not only public comment said here, but also all
5 of the background information that you see stacked in
6 front of us, and think through it significantly.

7 I guess the one thing that I appreciate a lot
8 of the comments related to the general plan, and as one
9 that had the opportunity to sit through those hearings
10 but also vote on the general plan, it was -- it's been
11 pretty clear in the general plan that, commercial or
12 industrial uses along the river front properties, was to
13 be and is to be considered, it's stated in policy L9C as
14 part of our new general plan, even says at the bottom
15 consider additional river dependent commercial and
16 industrial uses along Petaluma River.

17 And also states, where necessary to maintain
18 the river as a navigable waterway connecting the bay to
19 downtown Petaluma. I would assert that this project
20 is -- actually the proposal is consistent with that
21 component of the general plan, that's what not only my
22 reading of it is, but also staff's analysis and planning
23 commission's analysis.

24 Then it comes down to a lot of the issues that
25 were raised related to mostly the air quality and visual
0054

1 aspects, as well as truck traffic and other components
2 that are out there. And that they're all definitely
3 issues of concern. And I think those that have somehow
4 claimed that the staff did not do their diligent job by
5 somehow immediately finding another location or finding
6 this thing out of compliance, is incorrect.

7 In the end, it comes down to our
8 responsibility to figure out, number one, if it complies
9 with the general plan; at least in my reading it does.

10 And number two, is the activity able to be
11 handled and are all of the issues able to be mitigated
12 for, and if it is, or isn't, that's up to our decision,
13 obviously.

14 So I think as it relates to the comments, I
15 can't resist also mentioning that, since I had the
16 pleasure and honor of chairing this meeting, that I
17 sincerely appreciate the way the folks came and handled
18 themselves. I usually get a little more edgy if you go
19 over your three minutes. But not only the helping out
20 with the issues related to the potential fire marshal --
21 that they were nervous I can tell you. They were

22 bugging me about it.

23 But because you were so good at that, they're
24 no longer nervous, and really creating an opportunity to
25 have a good dialogue is something I appreciate, and I
0055

1 want to applaud those that are still here that had a
2 chance to speak to that.

3 With that, I saw you jumping to the mic
4 Supervisor Kerns.

5 SUPERVISOR KERNS: Thank you, Mr. Chairman.
6 I'll make a run at a recommendation here in a few
7 seconds, but I just wanted first of all to apologize for
8 my voice. Last Saturday I was in a parking lot and a
9 guy yells across there, hey, Mike, you going to call in
10 sick next Tuesday. And I jokingly said, don't think I
11 haven't thought about it.

12 Well, then I thought -- my wife had been sick
13 with a cold all week. And sure enough, I got it this
14 week. And it's been a struggle today, but I really want
15 to appreciate -- and I want to echo the chairman's
16 comments, all of you that did get up and so in a very
17 courteous and professional manner. And that is very
18 much appreciated, and it does expedite things.

19 CHAIRMAN KELLEY: Don't apologize for sounding
20 more like Barry White than the rest of it.

21 SUPERVISOR KERNS: I think it was worse this
22 morning.

23 I wanted to explain a little bit, as to the
24 process that at least I go through, and probably most of
25 us that sit up here going through, in trying to make a
0056

1 decision on some very difficult issues, sometimes.

2 And I know former supervisor, Mike Riley, we
3 had a retirement bunch just a while back, and I know he
4 said a few words about each of the board members that he
5 served with here. And he mentioned that Mike Kerns
6 meets with everybody, and always considers the views on
7 both sides of an issue, and then agonizes over the
8 decision he has to make.

9 Well, he pretty much nailed it right on the
10 head, especially with an issue like this. It is very,
11 very difficult, but I want to assure all of you that all
12 of us -- we read the material that comes in. We get the
13 phone messages and all of that. We take all of that
14 into consideration.

15 And then we have to look at the facts of the
16 issue that we're dealing with. And maybe it goes back
17 to my cop days. It's the evidence that's presented
18 before us. We have to remove all emotion and the
19 passion and the frustration and the anger and the

20 threats and all of that, and the -- kind of look at the
21 facts of the situation.

22 You -- many people expressed very legitimate
23 and valid concerns today. A lot of those concerns I
24 expressed four years ago, when I was first made aware of
25 this project, and staff expressed those concerns. And I
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1 remember saying is this -- is this really a project
2 that's going to work there? And I remember staff
3 saying, you know, this is not going to be a simple
4 project. It's a very complicated site to deal with, for
5 a lot of different reasons. Many of which have been
6 expressed here today.

7 But they said as we go through this, we'll
8 have to make sure that all the studies are done. All
9 the analysis is done. All the evaluation is done, and
10 we'll see how it goes.

11 So that was approximately four years ago.
12 It's been four years. I know many of us were made aware
13 of this a couple weeks ago or month ago. And I
14 certainly understand your concerns especially seeing
15 some of the misinformation that's been spread around
16 about this project.

17 If I didn't know anything about it, and I was
18 made aware of it, I'd feel just like you. What the hell
19 are they thinking? But you know, we have looked at this
20 project. Dutra has had to jump through all the hoops in
21 this EIR process. Do all the studies, all the analysis
22 that we could think of to try to make this a project
23 that is in keeping with -- consistent with uses along
24 the river there. They're right next door to Shamrock
25 Materials operation, so it's not really inconsistent
0058

1 with what's going on there now. I agree with the
2 chairman's analysis of the general plan consistency.

3 I think it meets with what our general plan
4 2020 is trying to -- policy that we established as it
5 relates to the Petaluma River. It is a working river
6 and has been many, many years and industrial river uses
7 are consistent with historical uses along the river.

8 So with that, as it relates to Schollenberger
9 Park, and that -- I don't think we'd be here today and
10 taking as long as all of this took today, if this site
11 wasn't right across the river from Schollenberger Park.

12 I've been to Schollenberger many, many times.
13 I worked hard with the open space district to provide
14 \$2 million for the expansion of Schollenberger Park. My
15 family has been there many times. My wife and
16 sister-in-law walk there all the time. And my wife has
17 asthma. And believe me, I would never support anything

18 that would adversely impact the health of my family and
19 other people who are -- enjoy that park.

20 And I do want to protect that park. I worked
21 very hard to get Tolay Lake Regional Park, and I
22 wouldn't want to do anything to impact that area at all.

23 So that's why I have tried to be very, very
24 diligent in working with staff. I've met with staff
25 many, many times on this project. I've met with Dutra
0059

1 representatives many, many times on this project. We've
2 required them to do things I know they probably didn't
3 want to do, and it cost them more money and all of that.
4 And -- but we did it because it's the right thing to do.

5 If this wasn't just a relocation of a plant,
6 that had been in the -- in the close proximity to where
7 this site, where it's being proposed now, and it's just
8 down the road and across the street, and then they moved
9 the temporary plant, for about three years, just down
10 the street, or down the road, I may have thought
11 differently right from the start about this. But I
12 thought this is a relocation of an existing facility,
13 been there many, many years, with minimal impact,
14 minimal complaints. I don't believe my office ever
15 received a complaint about their operation there.

16 So I had to take all of that into
17 consideration. And it gets down to the facts. And the
18 analyses that we have before us when deciding what to
19 do. So sorry for the kind of long-winded preface there,
20 but what I'd like to suggest is that we add a condition
21 of approval to the draft to enclose the drum mixer and
22 burner portion of the plant.

23 I think containment is very important. We
24 have heard about the facility -- the enclosed facility
25 of the loading of the trucks. And everything we heard
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1 about a bag house that takes -- captures and filters
2 those emissions from that area -- I think it's important
3 even though they -- those emissions from the burner, are
4 captured and filtered before being released. I think it
5 would be important to enclose that portion of it also.

6 If for no other reason, it would help with
7 noise, that's a noisy part of the operation, by
8 enclosing it, that's going to cut down the noise. I
9 would also require that they construct a filtration
10 system -- a ventilation, filtration system as part of
11 that system also.

12 CHAIRMAN KELLEY: Is that within the
13 enclosure?

14 SUPERVISOR KERNS: Pardon?

15 CHAIRMAN KELLEY: Within the enclosure?

16 SUPERVISOR KERNS: I also would like to add a
17 condition relating to the mooring of barges and tugs or
18 barge and tug there. And state that the mooring must
19 not create a hazard to other vessels, and the channel,
20 must remain navigable.

21 And I think that's probably in keeping with
22 permits that they're going to have to acquire anyway,
23 but I think it's important to have that condition in our
24 list of conditions of approval.

25 I'd also on condition number 71, and I'm
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1 looking on page 12 in the draft conditions of approval,
2 it would be the second bullet point there. As it
3 relates to normal hours of operation for the asphalt
4 plant and recycling operation 6:00 to 6:00, Monday
5 through Friday, 24 hours, 7 days a week operations are
6 permitted as needed for the asphalt plant only, and for
7 state and municipal projects.

8 They would only be allowed to operate on
9 weekends and/or during nighttime hours when they are
10 providing asphalt for state and municipal roadway
11 projects.

12 And that honest -- that is not going to be --

13 CHAIRMAN KELLEY: Hold on. Hold on. Hold on.

14 SUPERVISOR KERNS: Don't ruin your
15 professionalism by hissing and all that, come on.

16 Condition number 80, I would like to add, on
17 condition number 80, that they you -- probably right
18 after an exterior lighting plan shall be -- and I would
19 add prepared by a qualified lighting consultant. And
20 that ground fog be -- I'm sorry -- just in that part
21 that's all I would do there.

22 Prepared by a qualified lighting consultant.

23 And also to add -- somewhere probably at the end that
24 ground fog would be taken into consideration when
25 choosing lighting fixtures. So I think that that's

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1 important. I think the City of Petaluma raised that
2 issue when there's ground fog, and how -- when a plant
3 is illuminated, you get reflection and glare from that.

4 Also on condition number 83, as it relates to
5 the screening of the west side of the plant from Highway
6 101, this is near the gateway to 101, I'm also concerned
7 about what the Dry Creek Tribe will do on their
8 property, which is even south of this site. And what
9 they will do in terms of commercial development, they're
10 going to want to do something there. You know, we have
11 had discussions with them. I'm concerned about that.

12 But getting back to Dutra, I would like to
13 increase the screening on that berm as much as we

14 possibly can to prevent the plant from being seen from
15 101. And I realize that when you have two 70-foot
16 silos, you'll probably see the top of them, but as much
17 as we can do there to screen the plant from 101, I think
18 is important.

19 On condition number 133 I would like to modify
20 that to include that inspections occur four times a
21 year, four times annually, for a period of at least five
22 years, and that would be added to existing language
23 there. It would be at the applicant/operator's expense.
24 Consultant shall be retained by the County at the
25 applicant/operator's expense to conduct inspections four
0063

1 times per year, and ensure the project is constructed
2 and operated in accordance with -- blah, blah, blah,
3 blah, blah.

4 And at the end add, should a system
5 malfunction or failure occur, that the plant will be
6 shut down immediately until repairs are completed.

7 So I know there's questions about who's going
8 to -- you know who's going to monitor operations and
9 stuff. I think this addresses that.

10 And I said for at least five years. Because
11 if we do run into problems with the operation of the
12 plant, we may want to go beyond five years with that
13 condition, so we have some flexibility there.

14 And then, finally, I would like to ask that
15 staff prepare a report and bring it back to this board
16 after one year of operation to consider any necessary
17 modifications to the use permit. So that we'll take a
18 look after a year. See how things are going.
19 Inspections will have been conducted, reports will have
20 been filed, and we can take a look and see if we need to
21 make further modifications to their conditions.

22 And I think, Mr. Chairman, that just about
23 covers my recommendation.

24 CHAIRMAN KELLEY: All right. Did you get all
25 those, staff?

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1 FEMALE SPEAKER: Yes, thank you. I think we
2 have that list.

3 We'll have to draft language --

4 CHAIRMAN KELLEY: Understood. Counsel,
5 this -- if we are going to vote on this, that would be
6 on a straw vote and be brought back to the board on a
7 consent calendar item at some future date?

8 MALE SPEAKER: Yes. That was the intention,
9 the straw vote, if the board's ready, and bring it back
10 on consent.

11 CHAIRMAN KELLEY: Okay. Okay.

12 We've got a recommendation from the
13 Supervisor. Any questions of the -- of the
14 recommendation.

15 Supervisor Carrillo?

16 SUPERVISOR CARRILLO: Yes, I think that we
17 need more information on the air quality stuff that
18 Supervisor Zane brought up.

19 Additionally, one concern that I had was on
20 the water issue. Our water agency is asking for 30 to
21 50 percent reduction here in the next few weeks, or
22 months, or we're expecting a water reduction here coming
23 up soon.

24 One of the concerns I have was specifically
25 related to the water diversion intake structure, and the
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1 effects that that had on the wetland mitigation area.

2 It wasn't addressed -- the issue around water
3 was not addressed with this project. And I
4 personally -- I'd like a little more information and
5 more study done around the effects that -- that the
6 water diversion intake structure will have, not just on
7 the site, but also on the wetland mitigation area that's
8 proposed here.

9 MALE SPEAKER: Through the chair, you mean
10 like the runoff from the site, is that what we're
11 talking about affecting the wetlands or --

12 SUPERVISOR CARRILLO: I'm talking about the
13 runoff and also here -- that it stipulates here that the
14 proposed pumping could affect surface water levels in
15 the wetland mitigation area and the feasibility and
16 valley of the proposed habitat enhancement efforts.

17 The proposed 18, 19 acres that are mitigating
18 the project, if it's -- if it's going to affect that,
19 it --

20 FEMALE SPEAKER: Right. At high tide when
21 they're pumping, I know what you're talking about.

22 CHAIRMAN KELLEY: All right. Anything else
23 Supervisor?

24 SUPERVISOR CARRILLO: No.

25 CHAIRMAN KELLEY: Any other questions or
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1 comments of the board. Supervisor Zane?

2 SUPERVISOR ZANE: Yeah. I appreciate
3 Supervisor Kerns' recommendations to improve the
4 project. I still -- I don't -- in my opinion -- it
5 still isn't sufficient in terms of the concerns of the
6 community. And just the facts in the EIR report. Like
7 I said, I read it thoroughly. I'm still not satisfied
8 with the air quality. I still think containment could
9 be improved by fully containing the asphalt recycle

10 area, which causes also a tremendous amount of noise,
11 and problems with the air quality. And so I'd like to
12 see further containment. And I'd like to see us be more
13 aggressive about the air quality.

14 If we're putting in mitigations and they're
15 still coming up with significant and unavoidable
16 impacts, that isn't good enough for me to approve in
17 terms of the safety and well being of the residents.

18 I had an aunt and uncle that lived on a golf
19 course for 20 years because my cousin was a pro golfer.
20 And they both died in their 40s of cancer, within eight
21 years apart. UCLA studied them as being one of the
22 first definitive cases of environmental cancers. And my
23 cousin was stricken with Parkinson's disease as a pro
24 golfer at 39 years old.

25 So you can't tell me that issues like toxins,
0067

1 when they come out of the EIR, aren't important in terms
2 of public safety. We can't do enough to protect our
3 public and air quality. And I think we've set a high
4 standard in this county in terms of greenhouse gas
5 emissions and being a green county. And I'd hate to see
6 us put that reputation -- and not meet those. I want to
7 see more in terms of air quality, and I want to see more
8 containment as well.

9 CHAIRMAN KELLEY: All right. Thank you,
10 Supervisor. I don't see anybody else jumping up to the
11 mic to say anything.

12 I don't -- to your point, Supervisor Carrillo,
13 if -- the what I'm going to ask for is a vote on this
14 based on a straw vote.

15 Obviously, it does come back, if you want to
16 vote no, that's fine. If you want to vote yes, you will
17 have another time to finalize your vote, if that board
18 does bring it back, and at that point you will probably
19 get a report related to the issues that you brought up,
20 but that is an alternative or at least an option. So
21 Supervisor Carrillo, you --

22 SUPERVISOR CARRILLO: Just kind of wanting to
23 take a big picture look at the proposal here.
24 Representing the west county and representing the
25 5th District we've -- we've moved away from mining

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1 gravel in the river. We have needs around resources.
2 We have needs around improving infrastructure. And one
3 of the hardest things that we face is -- is making
4 decisions based on business environment, and how they
5 interplay, and how they interrelate.

6 There was leadership before I came on the
7 board that allowed for us to import resources from

8 outside the county, rather than to mine for them.

9 I think that this project takes us in that
10 direction and in the bigger picture, you know, I don't
11 know if we can ask for numbers or studies that kind of
12 put one against the other. We had experts saying that
13 it increases pollutants. We had experts saying that it
14 decreases pollutants around greenhouse gases. You know,
15 I'm a numbers guy. I like to see the numbers side to
16 side.

17 And I'm just having a difficult time truly
18 understanding the cost benefit on one side or the other.
19 So --

20 CHAIRMAN KELLEY: I understand that.
21 Appreciate that. All right. Well, I will say just for
22 myself I think, as I previously stated, I do think that
23 this does comply with the general plan policies and can
24 be consistent with that. I think the challenging -- and
25 as Supervisor Kerns went through, you know, the more
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1 agonizing component of it is really trying to deal with
2 what other impacts -- are there conditions that can
3 actually mitigate those, and make it the kind of a
4 project that works.

5 So for myself I will support the supervisor's
6 recommended action, as well as the added conditions and
7 modified conditions as he has stated.

8 So with that, I will call the question, is
9 there any opposition to the recommended action before
10 us?

11 SUPERVISOR ZANE: Yeah, I oppose this because
12 I think there's more that we can do to mitigate some of
13 these issues --

14 CHAIRMAN KELLEY: All right.

15 SUPERVISOR ZANE: -- to make it acceptable for
16 the community and for everybody who lives here.

17 CHAIRMAN KELLEY: Thank you, Supervisor. I'll
18 record that as a no vote.

19 SUPERVISOR CARRILLO: I will support the straw
20 vote today, but I'd like to see the information in the
21 future when it comes back.

22 CHAIRMAN KELLEY: Based on the straw vote,
23 we'll approve it as recommended by the supervisor, and
24 all the conditions for one, we recognize that will come
25 back on the consent calendar for a final approval.

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1 And I think the staff learned at least one
2 supervisor's concerns that will be basing their final
3 vote for that particular item, and I would encourage you
4 to do that analysis. Supervisor Brown?

5 SUPERVISOR BROWN: I really heard the

6 information about air quality and, especially, from the
7 regional board how originally, and in the FEIR, it was
8 based on 800,000 tons not 250,000 tons. If you could
9 clarify that one more time in the -- before the consent
10 calendar -- you don't have to do it now.

11 But I think if you were looking at the EIR and
12 the FEIR, you would get a different perception than what
13 the conditions out lay with regard to air quality.

14 I'd just like a, you know, a one pager or
15 something on what occurred with regard to that, and how
16 you got to where you got to in terms of less
17 significance.

18 CHAIRMAN KELLEY: All right. Based on what I
19 heard on a straw vote it passed on a 4 to 1 vote.

20 And we will be bringing that back to the
21 consent calendar on March 24th. That's our current
22 schedule. All right. With that, the board will now
23 adjourn.

24

25 [End Tape 3/3, Side B]