

CITY OF PETALUMA

POST OFFICE BOX 61
PETALUMA, CA 94953-0061

Pamela Torliatt
Mayor

Teresa Barrett
David Glass
Mike Harris
Mike Healy
David Rabbitt
Tiffany Renée
Councilmembers

February 2, 2009

Supervisor Paul Kelley, Chair
Sonoma County Board of Supervisors
575 Administration Drive, Room 100A
Santa Rosa, CA 95403

Comments on the FEIR for Dutra Haystack Landing Asphalt and Recycling Facility (SCH No. 2006022107)

Dear Chair Kelley and Members of the Board of Supervisors:

After an overwhelming outpouring from the public expressing strong concern and even outrage regarding the proposal to locate the Dutra asphalt plant on property at 3355 Petaluma Boulevard South, the Petaluma City Council held public discussion on the proposal again on Monday, January 26, 2009. Although the project site is outside city limits, it is within the City's Urban Growth Boundary. More importantly, it sits at our city gateway, directly across the river from Shollenberger Park. The Park, and its critical wildlife and wetland habitats, attracts thousands of residents, students, athletes and visitors each year. The City Council generally supports the economic value of asphalt and recycling facilities in southern Sonoma County. However, the public and the City Council are particularly focused on the detrimental impacts of plant operations on the sensitive wildlife habitats on and around the site, and on the many local residents and visitors to Shollenberger Park.

The site is located near the Sonoma-Marin Area Rail Transit (SMART) and immediately adjacent to the footprint of the new Petaluma Boulevard South interchange, which as you know is one of the few elements of the Novato Narrows widening that is currently funded through construction. The new section of freeway through this segment will be at a significantly higher elevation than the existing freeway. The new interchange will exacerbate the visibility impact of the proposed project in three ways: (1) the new interchange will adjoin the project site with no buffer; (2) the higher elevation of the new freeway and interchange make the project site more visible to the public; and (3) the increased elevation will diminish the effectiveness of any landscaping that might be planted on the project site as a visual screen. The EIR does not even attempt to analyze the visual impacts from the new interchange or freeway elevation.

Additionally, new information regarding the safe navigation of the Petaluma River at the Dutra location has come to light. Hazards to navigation exist with the positioning of Dutra's moored barge and tug at the river frontage to their project, as presented in the application. Without changing the position and location of Dutra's mooring by tucking the barge and tug into the bank, collisions and sideswipes will occur on this turn of the river with other barges and large traffic on the river. This is especially important to the existing tug and barge traffic hauled by Jerico Products Inc, a key business for Petaluma, as well as for powered and non-powered craft on the river. We also want to

City Manager's Office
11 English Street
Petaluma, CA 94952

Phone (707) 778-4345
Fax (707) 778-4419
E-Mail
citymgr@ci.petaluma.ca.us

Human Resources
Phone (707) 778-4534
Fax (707) 778-4539
E-Mail
humanresources@
ci.petaluma.ca.us

Information Technology
Phone (707) 778-4417
Fax (707) 776-3623
E-Mail
it@ci.petaluma.ca.us

Risk Management
11 English Street
Petaluma, CA 94952
Phone (707) 776-3695
Fax (707) 776-3697
E-Mail
riskmgt@ci.petaluma.ca.us

emphasize the safety concerns the proposed placement of Dutra's moored barge presents for rowing athletes and recreational boating visitors. It is critical that navigational issues be addressed before approving this project.

The safe navigation of our river is important to our local economy through river-dependent industry, to our ability to maintain the dredging of our riverbed, and to the recreational tourism of the boating community that come to Petaluma from the San Francisco Bay and Sacramento Delta and the world. Just last fall Petaluma was proud to host a full-size historically accurate replica of the Niña, coming in from a recent trip from British Columbia, and the Wine Country Classic Regatta. Events like these, and the support they provide to the local economy, cannot happen without a fully – and safely - navigable river. Both the Petaluma Turning Basin and the Petaluma Marina, a City of Petaluma recreational facility, are inland from the applicant's location. The Petaluma Marina and the Sheraton Hotel rely on recreational boating traffic and river-oriented events as part of their business. Both face certain economic losses from the impact of asphalt plant operations and navigational hazards.

The Petaluma River is a vital natural habitat and a “working” river. Shollenberger Park is an invaluable community resource, in part, because it offers its users an up-close, first-hand experience of those very features. Shollenberger Park is the northernmost tip of the vast 6000-acre Petaluma Marsh, which is recognized as a national treasure (Josh Collins, PhD, Wetlands Scientist, San Francisco Estuary Institute). The Park is one of the very few locations for public access and trails into the Marsh itself and has become a widely recognized destination for scientific study, education and wildlife observation and appreciation. The Park and the adjacent Alman Marsh, will soon be expanded to include the “polishing wetlands” that are part of the Ellis Creek Wastewater Treatment Facility and Wildlife Sanctuary, making ours one of the largest contiguous wetland habitats in the Bay Area. As you know, the wetlands area is the seasonal home to thousands of native and migratory birds and other wildlife, and supports significant heron and egret rookeries. The access to the Park makes this an environmental education gem for schools in the Bay Area, many of which struggle on limited budgets, to provide outdoor educational programs to students. Educators have expressed health and safety concerns with plant operations and are reluctant to continue education programs at the site if the plant is built as currently proposed. A loss of this natural educational setting would be an injustice to Sonoma County students and those from throughout the Bay Area.

The Petaluma River is a training location for the Rowing community. Athletes from all over the world train and compete on the River. The Wine Country Classic Regatta is a highly attended rowing competition, including athletes from regional schools, colleges and clubs and international athletic circuits that include Olympic contenders. The October 2008 competition attracted over 600 competing athletes. Their health and safety are of great concern. The Dutra project will impact the ability of City of Petaluma and many athletic organizations to market Petaluma as an athletic destination due to healthy and safety concerns.

Petaluma and entities such as Sonoma County Agricultural Preservation and Open Space District, the California Coastal Conservancy, the San Francisco Estuary Invasive Spartina Project and the California Coastal Commission have all made significant investments in the Ellis Creek Project and/or wetlands restoration. The Board of Supervisors invested \$11,000,000 of our sales tax to acquire the Cardoza property, with the promise to restore Tolay Lake. This will make Shollenberger Park an even

stronger tourist attraction unless an asphalt plant is built that poisons the air and water, and in the process drives away the birds and tourist dollars. We urge the Board of Supervisors to please do the right thing to protect birds, humans, tourism, and our economy.

The Petaluma City Council cannot emphasize enough how critical it is to effectively mitigate the potential impacts of the Dutra facility in order to maintain the high-quality aesthetic, habitat and recreational values that make Shollenberger Park so attractive to so many Sonoma County residents and visitors. We call on the members of the Sonoma County Board of Supervisors to fully protect Shollenberger Park and the adjoining wetlands as it evolves – through the efforts of numerous volunteers and organizations – into a world-class environmental education site and wildlife habitat. We also ask that you ensure the peace and tranquility of the visitors to, the human and non-human residents of, and SMART and Highway 101 commuters passing through Petaluma. We urge the Board of Supervisors to deny this proposal in its current form.

Should our request for denial be rejected, we request the Board to incorporate in total the following comments into the final project mitigations and conditions of approval:

- The project site is located at Petaluma's southerly gateway. Visual simulations contained in the Draft Environmental Impact Report for the project leave no doubt of the massive visual impact of the proposed project, viewed either from Highway 101 or from Shollenberger Park. The current EIR does not attempt to analyze visual impacts from the new interchange or freeway elevation. Buildings, including the design and location of the San Antonio Fire Department, landscaping and other features shall result in a thoughtful, coordinated and well-designed appearance that reflects gateway status of the property along Petaluma Boulevard South and the view shed from Highway 101.
- The County must ensure before project approvals are granted that the positioning of Dutra's moored barge and tug at the river frontage to their project poses no navigational hazards. Without altering Dutra's mooring by tucking the barge and tug into the bank, collisions and sideswipes will occur on this turn of the river with other barges and large traffic on the river. This is especially important to the existing tug and barge traffic hauled by Jerico Products Inc, a key business for Petaluma, as well as for powered and non-powered craft on the river. Again, we also emphasize the safety concerns to our rowing athletes and recreational boating visitors. In addition, it is unclear that mooring the length of Dutra's barge (200') plus their tug (60') can be accommodated legally and safely within the property length of Dutra's river frontage. This needs to be verified by the County, with review by the Coast Guard and the Army Corps of Engineers before project approvals are granted. The commitment by the applicant to suspend barge activity in the area surrounding the Wine County Classic Regatta, and other planned river-tourism events must also be guaranteed in writing prior to project approval and zoning amendments.
- Polycyclic Aromatic Hydrocarbons (PAHs), diesel fumes, particulate emissions (particularly fine particulate matter, or PM2.5; as well as coarse particulate matter, or PM10), silica dust and other toxic gases at the concentrations released from the proposed Dutra operations are known carcinogens, and pose chronic and acute public health and welfare risks. Such emissions are dangerous for the young, seniors and those with impaired immunity, cardiac and respiratory ailments, and to the truck drivers engaged in loading and

weighing activities. Prevailing winds will carry these toxic pollutants, particulates and odors across the river to the Park and to adjacent homes and businesses. These are conditions under which many medical professionals advise their coronary heart disease patients to remain indoors. These emissions cumulatively are a problem when discharged in addition to the air basin's ambient and non-attainment status. The Petaluma Health Care District has requested clear information about the public health impacts and risks of the proposed Dutra operations. We share in that concern and echo their request. The expert analysis provided to PRMD by Pless Environmental, Inc., Dec. 7, 2008, appears to raise significant questions about the completeness, validity and accuracy of the air quality and global climate change analyses and impacts provided in the FEIR. As proposed, the potential appears to exist for unacceptable to dangerous levels of escaped "blue smoke" (PAH) and diesel fumes. NOx levels must be reduced to insignificant levels on the first day of operation. PAHs must be contained and should be mitigated by using catalytic converters and hydrocarbon incineration rather than electrostatic converters. Mitigations must include verifiable and enforceable oversight.

- The proposal by Dutra to claim a riparian right and extract up to 20,000 gallons of water from the Petaluma River daily for dust control, subsequently leading to runoff potentially into the Petaluma River, is also of great concern and is an area we believe requires more study and consideration. The use of unfiltered Petaluma River water in asphalt product produces a degraded product due to its high salinity. Any water used in production must be either filtered to remove salt or potable water should be used in the alternative. Any water to be removed from the Petaluma River should also be subject to screening in a manner that protects aquatic life. No water use (for production or dust control) should result in runoff.
- Since rubberized asphalt as well as standard asphalt will be produced at this location (per the permit application, and as Caltrans demands more and more rubberized asphalt for their contracts), the entire plant must be totally enclosed to contain, sequester and scrub emissions and odors related to rubberized asphalt production. An updated EIR should be performed to evaluate the environmental impacts of rubberized asphalt production. Should available regulation not be sufficient to mitigate the odor and emissions impacts of the rubberized asphalt operation, the City Council requests that the Board of Supervisors reject the use permit, or consider an alternative site, away from sensitive habitat and recreational areas.
- At a minimum the EIR should evaluate the economic impacts of the facility on eco-tourism destinations as it relates to investment of public resources (including recreational facilities like the Petaluma Marina) towards eco-tourism, wetlands restoration and the local tourism industry (including the Sheraton Hotel).
- The recycling of asphalt shall only be done during daytime business hours, Monday – Friday, and shall comply with strict noise and dust control regulations and shall be contained within a permanent enclosure. Although the City Council supports the recycling of asphalt as a sustainable, green building element, it is concerned about the impacts of the recycling operation on nearby sensitive habitat and recreational areas. Should available regulation not be sufficient to mitigate the noise and dust impacts of the recycling operation, the City Council requests that the Board of Supervisors eliminate the recycling operation from the site, reject the use permit or consider an alternative site, away from sensitive habitat and recreational areas.

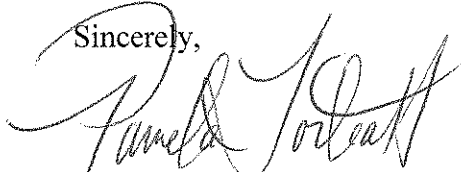
- A supplement to the EIR was to be completed and published by Caltrans regarding the heron and egret colony and rookery located at the proposed site. To date the status of this supplement to the EIR is undetermined, the community of Petaluma has not been given opportunity to read and comment on that supplement, nor are we aware that there were ever any County hearings held in Petaluma regarding this proposal. Dr. John Kelly has given expert biological opinion regarding the impacts to the colony. We request that his opinion and research be given due consideration when mitigating the impacts to the colony. The colony has great significance to the residents and other visitors to the area, including the students participating in environmental education programs. This rookery has been very productive and healthy, and a major destination for scientific study with the Audubon Canyon Ranch and educational observation by schoolchildren and birdwatchers of all ages. Expert testimony in the FEIR indicates the construction, fire district training, activities, truck traffic, and ongoing Dutra activities will likely result in abandonment of this important – and federally protected – rookery. Should available regulation not be sufficient to mitigate the impacts to the heron and egret colony, the City Council requests that the Board of Supervisors reject the use permit or consider an alternative site for the project, away from sensitive habitat areas.
- Minimize the impacts to local Petaluma traffic and streets by requiring all truck traffic to and from the site to use Highway 101 and the closest freeway access.
- Require that waiting trucks have appropriate idling restrictions in order to minimize diesel emissions; ensure diesel filters are installed on all trucks coming and going from facility.
- Applicant shall mitigate project related noise to conform to the City's adopted General Plan outdoor noise standard of 60dbCNEL at Shollenberger Park, adjoining wetlands and the future project located at Quarry Heights on Petaluma Boulevard South.
- Night-time lighting shall only be used when the plant is in operation. All lighting should be designed to shine downward, take ground fog into consideration when choosing lighting types, and to insure that artificial light does not spill over into sensitive habitat areas adjacent to the site and at Shollenberger Park and adjoining wetlands.
- Require a binding commitment from Dutra Materials to allow public access to the 19 acres of wetlands and open space immediately adjacent to the project site.

In sum, the current proposal is not designed appropriately for an important gateway both to Petaluma and to Sonoma County. Additionally, the EIR does not address future uses such as rubberized asphalt production; climate recovery; air and water quality; health and safety; recreational and education activities. Nor have wildlife habitat issues been addressed adequately. Accordingly we respectfully request that the current proposal not be approved in its present form.

We recognize the importance to the local economy of locating a permanent asphalt plant somewhere in southern Sonoma County. In light of this the City of Petaluma is willing to work collaboratively with the applicant, the County, and the other stakeholders either to improve the proposal for the proposed site or to identify a mutually satisfactory alternative site.

Thank you for your attention to this matter.

Sincerely,



Pamela Torliatt
Mayor



Teresa Barrett
Vice Mayor



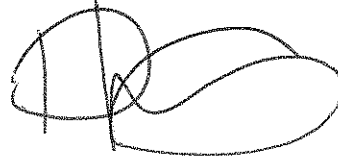
David Glass
Councilmember



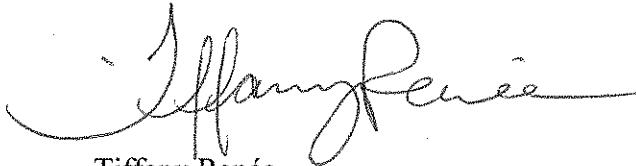
Mike Harris
Councilmember



Mike Healy
Councilmember



David Rabbitt
Councilmember



Tiffany Renée
Councilmember

cc: Board of Supervisors
Petaluma Recreation, Music and Parks Commission
City Manager
City Attorney
Parks and Recreation Director
Community Development Director