



August 13, 2020

John Casey
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**Subject: Public Comment Response for Proposed New Solid Waste Facility
Permit for Divert Recovery Facility, Turlock
Facility No. 50-AA-0052**

Dear Mr. Casey:

Thank you for your emails regarding the proposed New Solid Waste Facility Permit for Divert Recovery Facility, Turlock dated August 2, August 3, August 9, and August 11, 2020. The Department of Resources Recycling and Recovery (CalRecycle) staff, as the solid waste enforcement agency for Stanislaus County, has compiled the concerns mentioned in your emails and addressed them below.

Unsold Food

Unsold food consists of produce that cannot be donated and is no longer viable for human consumption such as bruised produce, over ripened produce, wilted produce, etc. This produce is typically packaged such as strawberries in a clam-shell container, lettuce wrapped in plastic, or bagged potatoes. Divert will collect the unsold food in sealed bins from the grocery distribution center and then send the material to the Recovery Facility to have the packaging removed and organic (food) material separated. The packaging/residual will be sent to a recycling center or disposal facility and the processed organic material will be directly put into a tanker truck and shipped to a compost facility or anaerobic digester facility to make fuel and energy. This process is designed to support California's diversion goals to keep organics out of landfills and to use the material for a higher, better purpose.

Odor

Odor is not within the authority of CalRecycle and is under the authority of the San Joaquin Valley Air Pollution Control District (<https://www.valleyair.org/home>). Although odors are not under the authority of CalRecycle, all processing of material will occur indoors using fully contained proprietary technology to minimize odors alongside other measures such as daily cleaning, and prompt removal of residual materials. According to the operator, this processing technology has been used at Divert's other operational facilities across the country to successfully eliminate offsite objectionable odors. Material is processed on a first-in-first-out basis and typically processed by the facility

within eight hours of being delivered to the facility and all residual materials will be hauled offsite within 48 hours pursuant to requirements in Title 14 of the California Code of Regulations (14 CCR) Section 17410.1.

Vectors

CalRecycle staff will inspect the facility on a monthly basis which includes ensuring the facility is implementing adequate measures to control or prevent the propagation, harborage and attraction of flies, rodents, or other vectors or animals, and to minimize bird attraction as per 14 CCR Section 17410.4 and as described in the facility's Transfer/Processing Report (TPR). The Facility Manager will also inspect the site daily for residual buildup of material on processing equipment, litter and overall cleanliness. It will be the Facility Manager's responsibility to then task the operators and maintenance crews to maintain a sanitary facility by cleaning daily to prevent the propagation or attraction of flies, rodents or other vectors. The design and operation of the facility is to be enclosed with material processed on a first-in-first-out basis and typically processed within eight hours of receipt, residual materials removed within 48 hours, and daily cleaning, which are expected to control or prevent vectors. The facility's entrance and exit will be cleaned daily to prevent the tracking or off-site migration of waste materials. In addition, the front-end processing equipment, building, and control room will be cleaned by hand to remove accumulated dirt and debris. Cleaning water for the equipment will enter the process and all other grey water will be discharged into the sanitary sewer.

Dust

The unsold food product that is delivered is in roughly the same condition that it was on store shelves and due to the nature of the material would not produce dust. The process is a wet process, conducted in an enclosed building, and is not expected to produce any dust. Most of the property is paved, but traffic on one gravel area of the property will be limited to prevent truck traffic and pedestrians from creating dust. Daily cleaning of the facility per 14 CCR Section 17407.2 will provide additional controls of any dust accumulation as described in the facility's TPR. CalRecycle staff will also inspect the facility for dust to ensure the control measures are implemented to minimize the creation, emission, or accumulation of excessive dust pursuant to 14 CCR Section 17407.4.

Litter

Due to the closed nature of the material delivery and the unloading directly into the building, litter is not expected to be an issue. All open top trailers will have sealed gates and doors and an intact tarpaulin will cover all loads. If litter should develop, the facility operators will remove all litter accumulated on the property, inside or outside the building daily as described in the facility's TPR. This inspection and cleaning will be documented as part of the daily operations checklists. It is the Facility Manager's responsibility to inspect and ensure that all litter is removed on a daily basis. CalRecycle staff will also inspect for litter per 14 CCR Section 17408.1 as part of their monthly inspections.

Noise

Although the facility is located in an industrial zone, noise is controlled to the maximum extent feasible by having all equipment completely enclosed within the building. Processing and forklifts operating at other similar operations produce noise of 75-80dB inside of a building and no distinguishable or measurable noise outside of the building. Noise will be controlled as described in the facility's TPR and regulated per 14 CCR Section 17408.3.

The facility may operate on a 24-hour schedule; however, truck trips would occur predominantly within normal business hours, and would be spread out throughout the day, thereby minimizing traffic noise. Truck deliveries after business hours would be uncommon because stores providing the organic material will do so primarily during their normal business hours. The relative few truck trips that might occur would be periodic and intermittent and would not exceed City of Turlock noise limit standards for industrial areas or present a noise source not fully contemplated by the City of Turlock in its planning and zoning designations.

Nuisance Control

Strict operating practices, such as daily cleaning and prompt processing and removal of residual material will be instituted as described in the facility's TPR to ensure that the facility does not pose a nuisance to on-site operations and the adjacent community and will be regulated per 14 CCR Section 17408.5.

Zoning

The site on which the facility is located is zoned and designated for this type of industrial use by the City of Turlock. The City has reviewed Divert's project, and have issued a zoning certificate. Zoning and land use designations are a product of local government decisions; CalRecycle has no involvement or jurisdiction in such local land use decision making. The facility would not result in any cumulative impacts or unusual circumstances as demonstrated in the analysis conducted by Analytical Environmental Scientists, Inc. (AES).

Traffic

The term "vehicles" in the meeting notice does refer to truck trips. The facility will result in a maximum of 20 two-way truck trips per day, but with projected daily averages of between 14 and 19, along with minimal employee vehicle trips, and with the majority occurring during normal business day hours. In contrast, traffic modeling conducted by AES demonstrates that the prior commercial business that recently operated at the site generated as many as 366 one-way weekday vehicle trips, including truck trips for the receipt and delivery of merchandise. AES analysis also showed that the vehicle trips generated by the facility would amount to less than 0.5 percent of existing daily travel on the nearby section of West Main Street between S. Soderquist Road and Highway 99, which is estimated to have between 16,708 and 20,033 total daily trips. (City of Turlock, 2015 Traffic Count Database, p. 2.) Moreover, the City of Turlock General Plan

classifies the portions of South Soderquist Road, Highway 99, and West Main Street that surround the facility as “designated truck routes.” (City of Turlock, General Plan: Circulation Element, pp. 5-42, 5-45.) Accordingly, the Divert facility will produce less traffic than the prior use at the site, represents only a small fraction of existing traffic, and falls well within the planned truck traffic conditions for the area.

CalRecycle’s authority regarding traffic controls are limited to the requirements in 14 CCR Section 17418.3, which requires traffic flow through the facility must be controlled to prevent interference with or creation of a safety hazard on adjacent public streets or roads, on-site safety hazards, and interference with operations. Concerns about impacts from truck trips on businesses, residences, and a school along portions of West Main Street and South Soderquist Road that run east of Highway 99 and north of the facility, although not substantiated by analysis, are nevertheless taken into consideration and Divert intends to utilize alternate routes that will have trucks traveling from Highway 99 south on S. Tully Road, then east on South Avenue, and then north on S. Soderquist Road to the facility.

Furthermore, the public notice was published and mailed in accordance with applicable requirements, including mailing the notice at least 10 days prior to the meeting.

Information related to the solid waste facility permit action may be viewed on CalRecycle’s webpage at the following link:

<https://www2.calrecycle.ca.gov/PublicNotices/>. You may request copies, as noted in CalRecycle’s email to you on August 3, 2020, of any of the documents related to the facility via CalRecycle’s webpage at the following link:

<https://www2.calrecycle.ca.gov/Forms/ContactUs/PublicRecordsRequest/>

CalRecycle staff will be inspecting the facility on a monthly basis to evaluate compliance with the terms and conditions of the solid waste facilities permit as well as applicable state minimum standards.

Again, we would like to thank you for bringing up these very valid concerns and we hope that we have addressed them to your satisfaction. If you have any questions, or further comments, please call or email me.

Sincerely,



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