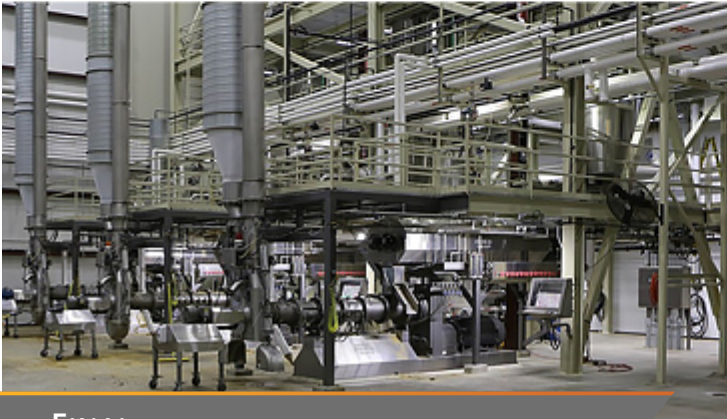




FINAL

Environmental Impact Report for the Diamond Pet Foods Project

SCH# 2018112039

Prepared for:



City of Ripon
Planning Department
259 N. Wilma Avenue
Ripon, CA 95366

April 7, 2021

Final

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Ripon, CA 95366

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April 7, 2021

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LIST OF ABBREVIATIONS

ATC	Authority to Construct
CalEEMod	California Emissions Estimator Model
Central Valley RWQCB	Central Valley Regional Water Quality Control Board
CEQA	California Environmental Quality Act
DPF-Ripon	Diamond Pet Foods Processing Facility in Ripon, CA
Draft EIR	draft environmental impact report
Final EIR	final environmental impact report
HHD	heavy-heavy duty
MAMS	manufacturer automatic maintenance sequence
NO _x	oxides of nitrogen
OMP	Odor Management Plan
PM _{2.5}	particulate matter with an aerodynamic diameter of 2.5 microns or less
POI	personal odor inspection
project	Diamond Pet Foods Project
RTO	regenerative thermal oxidation
SJMSCP	San Joaquin County Multi-Species Habitat Conservation and Open Space Plan
SJVAPCD	San Joaquin Valley Air Pollution Control District
SR	State Route
VOC	volatile organic compound
WDR	Waste Discharge Requirements

1 INTRODUCTION

This final environmental impact report (Final EIR) has been prepared under the direction of the City of Ripon, as the lead agency, in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (CCR Section 15132). This Final EIR contains responses to comments received on the draft environmental impact report (Draft EIR) for the Diamond Pet Foods Project (project). The Final EIR consists of the Draft EIR and this document (response to comments document), which includes comments on the Draft EIR, responses to those comments, and revisions to the Draft EIR.

1.1 PURPOSE AND INTENDED USES OF THIS FINAL EIR

CEQA requires a lead agency that has prepared a Draft EIR to consult with and obtain comments from responsible and trustee agencies that have jurisdiction by law with respect to the project, and to provide the public with an opportunity to comment on the Draft EIR. The Final EIR is the mechanism for responding to these comments. This Final EIR has been prepared to respond to comments received on the Draft EIR, which are reproduced in this document; and to present corrections, revisions, and other clarifications and amplifications to the Draft EIR, including project updates, made in response to these comments and as a result of the applicant's ongoing planning and design efforts. The Final EIR will be used to support the City's decision regarding whether to approve the Diamond Pet Foods Project.

This Final EIR will also be used by CEQA responsible and trustee agencies to ensure that they have met their requirements under CEQA before deciding whether to approve or permit project elements over which they have jurisdiction. It may also be used by other state, regional, and local agencies that may have an interest in resources that could be affected by the project or that have jurisdiction over portions of the project.

The only responsible agency that may have responsibility for, or jurisdiction over, implementation of elements of the project is the San Joaquin Valley Air Pollution Control District (SJVAPCD). There are no trustee agencies for this project.

1.2 PROJECT LOCATION

The Diamond Pet Foods Processing Facility (project site) is a pet food production facility located in an industrial area within the City of Ripon, in San Joaquin County. The address of the facility is 942 South Stockton Avenue, Ripon, CA 95366. The Diamond Pet Foods property totals approximately 157 acres, of which the existing production facility occupies approximately 27 acres (including buildings, paved parking areas, paved driveways, and other impervious surface areas).

The project site is bounded by industrial uses to the north, railroad tracks and State Route (SR) 99 to the east, the Stanislaus River to the south, and undeveloped land to the west. Oak Grove Park is located to the southwest and residential areas are located further to the north, on both sides of SR 99. Regional access is provided by State Route (SR) 99 and Main Street (which connects SR 99 and South Stockton Avenue).

1.3 PROJECT OBJECTIVES

Diamond Pet Foods (Diamond or project applicant) has provided the following objectives for the project:

- ▶ expand the current pet food production capacity to better meet industry demands;
- ▶ utilize the existing layout/operating space and infrastructure of the facility, which was originally designed in 2010 for four production lines. This avoids additional excavation and ground-disturbance;
- ▶ utilize the existing regenerative thermal oxidation (RTO) system installed in 2018 for control of production emissions as designed to (1) abate emissions from up to four production lines and (2) maximize operating efficiency (lowest fuel usage rate) during operation of four production lines;

- ▶ utilize the existing transportation infrastructure for continued truck and rail deliveries to and from the facility; and
- ▶ minimize environmental impacts to surrounding areas, including residential communities and other sensitive land uses.

1.4 SUMMARY DESCRIPTION OF THE PROJECT

Diamond operates a pet food production facility in the City of Ripon. The existing facility, which is housed almost entirely within a 366,000-square-foot structure, currently consists of three production lines, each of which is capable of producing 260 tons per day. Diamond proposes to add a fourth production line to the existing facility. The expansion would be contained entirely within the existing physical structure of the facility. The addition of a fourth production line would increase the total production capacity of the facility by one-third from 780 tons /day to 1,040 tons/day. Fabrication of the equipment for the fourth production line would be performed at a location outside of California. Installation of the equipment at the Diamond facility would last for three to four months, beginning in 2021, depending on the fabrication lead time. (Note that the Draft EIR indicated that construction of the fourth line would begin in 2020; this minor update is provided in Chapter 3, "Revisions to the Draft EIR.") The City is considering approval of a Major Site Plan Permit to allow installation and operation of the fourth production line.

1.4.1 Utilities

The project would require an increase in groundwater withdrawal and electricity and natural gas usage. Additionally, the project would result in an incremental increase in wastewater generation.

1.4.2 Deliveries

Raw material deliveries to the facility arrive by truck and rail. With the addition of the fourth production line, the number of truck deliveries would increase by 147 trucks per week. In the case of rail deliveries, the number of deliveries of raw material rail cars would increase, although the number of locomotives delivering the rail cars is not projected to change. No physical modifications to the truck or railcar facilities are required.

1.4.3 Operation

The facility operates 24 hours/day, while raw material/supply deliveries to and product shipments from the facility mainly occur Monday through Friday between 7 a.m. and 5 p.m. (although there also are some shipment received and dispatched over the weekend). The incremental increase in truck shipments would occur within the total available shipment window of 5 a.m. to 10 p.m. No shipments to or from the facility would be scheduled during the noise sensitive hours of 10 p.m. and 4 a.m.

The current truck route to and from the facility includes SR 99, Main Street Overcrossing, and South Stockton Avenue. The same truck route would continue to be used.

The facility would have the same operating hours and work shifts as it does currently. There are four shifts, with 12 employees per shift, for a total of 48 employees. Shift changes occur at 6 a.m. and 6 p.m. Routine maintenance would continue as needed for existing and new equipment at the facility. Operation of the facility would require two additional employees per shift. Therefore, a total of eight additional employees would be required.

1.4.4 Odor Management Plan

The project would operate according to an odor management plan (OMP) (included as Appendix D to the Draft EIR) that has been prepared specifically for the DPF-Ripon facility by Yorke Engineering in June 2020, in close coordination with staff from Ascent Environmental, City of Ripon, and Diamond Pet Foods. (Note that since the Draft EIR was published, the OMP has been revised in response to SJVAPCD and public comments, as well as recommendations received from a City-initiated peer-review of the OMP, included in Appendix A of this Final EIR. The revised OMP is

included as Appendix B of this Final EIR.) Yorke specializes in air pollution emissions management and compliance, including odor management. The OMP would minimize potential for substantial exposure of sensitive receptors to odors as a result of the proposed fourth production line. The OMP details the odor-emitting activities associated with the facility and odor control practices and also includes a detailed odor complaint tracking and response system. The proposed odor complaint tracking system involves recording all complaints received by either SJVAPCD (the recommended complaint recipient), the City, and/or DPR-Ripon, and sharing each complaint with the other two organizations. This information sharing promotes more consistent odor complaint verification and thorough record-keeping. The odor complaint response system involves three tiers of response, each successive tier more rigorous than the previous. Odor response actions range from systems checks to reduction in pet food production (if determined necessary by the City) by up to 25 percent, equivalent to the production of the proposed fourth line. For additional detail, see the revised OMP included as Appendix B of this Final EIR.

1.5 MAJOR CONCLUSIONS OF THE ENVIRONMENTAL ANALYSIS

The Draft EIR identified one potentially significant project impact related to air quality (specifically, odors) that would be reduced to a less-than-significant level after implementation of mitigation measures. Project impacts related to greenhouse gas emissions and climate change and energy would be less than significant. All other resource areas were scoped out in the Initial Study prepared for the project (as discussed in and appended to the Draft EIR).

1.6 CEQA PUBLIC REVIEW PROCESS

On August 28, 2020, the City released the Draft EIR for a 50-day public review and comment period that ended October 16, 2020. The Draft EIR was submitted to the State Clearinghouse for distribution to reviewing agencies; posted on the City's website (http://www.cityofripon.org/connect/city_communication/public_notices); and was made available at the City of Ripon Planning Department during normal business hours. A notice of availability of the Draft EIR was published in the *Manteca Bulletin* on August 28, 2020 and distributed to a project-specific mailing list.

As a result of these notification efforts, written and verbal comments were received from one state agency, three local agencies, one organization, and five individuals on the content of the Draft EIR. Chapter 3, "Responses to Comments," identifies these commenting parties, their respective comments, and responses to these comments. None of the comments received, or the responses provided, constitute "significant new information" by CEQA standards (State CEQA Guidelines CCR Section 15088.5).

1.7 ORGANIZATION OF THE FINAL EIR

This Final EIR is organized as follows:

Chapter 1, "Introduction," describes the purpose of the Final EIR, summarizes the Diamond Pet Foods Project and the major conclusions of the Draft EIR, provides an overview of the CEQA public review process, and describes the content of the Final EIR.

Chapter 2, "Responses to Comments," contains a list of all parties who submitted comments on the Draft EIR during the public review period, copies of the comment letters received, and responses to the comments.

Chapter 3, "Revisions to the Draft EIR," presents revisions to the Draft EIR text made in response to comments, or to amplify, clarify or make minor modifications or corrections. Changes in the text are signified by ~~strikeouts~~ where text is removed and by underline where text is added.

Chapter 4, "References," identifies the documents used as sources for the analysis.

Chapter 5, "List of Preparers," identifies the lead agency contacts as well as the preparers of this Final EIR.

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2 RESPONSES TO COMMENTS

This chapter contains comment letters received during the public review period for the Draft EIR, which concluded on October 16, 2020. In conformance with Section 15088(a) of the State CEQA Guidelines, written responses were prepared addressing comments on environmental issues received from reviewers of the Draft EIR.

2.1 LIST OF COMMENTERS ON THE DRAFT EIR

Table 2-1 presents the list of commenters, including the numerical designation for each comment letter received, the author of the comment letter, and the date of the comment letter.

Table 2-1 List of Commenters

Letter No.	Commenter	Date
AGENCIES		
A1	Central Valley Regional Water Quality Control Board Nicolas White, Water Resource Control Engineer	October 14, 2020
A2	SJCOG, Inc. Laurel Boyd	Not dated
A3	San Joaquin County Environmental Health Department Naseem Ahmed, Senior Registered Environmental Health Specialist	October 7, 2020
A4	San Joaquin Valley Air Pollution Control District Arnaud Marjollet, Director of Permit Services	October 12, 2020
ORGANIZATIONS		
O1	Citizens Against Pollution Benjamin Sybesma, Secretary, Steering Committee	October 6, 2020
INDIVIDUALS		
I1	Jackson, Sharon	September 11, 2020
I2	Powell, Andrew	September 10, 2020
I3	Vecellio, Gino	October 16, 2020
I4	Vecellio, Jeanette	October 16, 2020
I5	Walker, Steve	September 10, 2020

2.2 MASTER RESPONSE: ODORS

Several comments were received related to odors. Rather than responding individually, a master response has been developed to address these comments comprehensively. A reference to the master response is provided, where relevant, in responses to the individual comments.

Evaluation of potential odor impacts is challenging because reaction and sensitivity to odors is highly individualized, and there are no common metrics to determine odor sensitivity and objectivity. Further, accurate measurement of odors is difficult and, in some cases, infeasible; odors can be produced by atoms, molecules, compounds (both organic and inorganic), or a combination of these particles, which can make identifying the odorous material(s) challenging; sensitivity to odors varies among individuals; odors are subjective—people do not always agree on which (and the degree to which) odors are perceived negatively; and odor concentrations and exposure locations are greatly affected by wind and other atmospheric conditions, which increases the variability and decreases the predictability. The Draft EIR's odor analysis was based primarily on the Odor Study for Pet Food Manufacturing

Facility (included as Appendix C of the Draft EIR), prepared by Yorke Engineering, experts in air quality and odor analyses. This study provides additional details regarding the subjective and variable nature of odors (See Section 3.0 "Odor History" of Draft EIR Appendix C). This study was reviewed by the San Joaquin Valley Air Pollution Control District (SJVAPCD) prior to release of the Draft EIR. In addition, because Yorke Engineering provides ongoing consulting services to the applicant relative to the RTO odor abatement equipment, the City sought a peer review of the Draft EIR and the Odor Management Plan (OMP) by Odor Science and Engineering, Inc. (OSE). The City has reviewed this report and has prepared a memorandum describing the purpose for the study and the City's position on the comments and recommendations included in the study. The City's memorandum as well as the OSE reports are included in Appendix A to this Final EIR.

Although the OSE Peer Review does provide alternative methodologies for evaluating odors, the City believe these methodologies would be more appropriate if the RTOs were not operating effectively to substantially reduce odors compared to historic levels, and the City believes the EIRs methods were appropriate. Importantly, despite the alternative methodologies identified, the OSE Peer Review confirms the conclusions of the Draft EIR relative to the significance of odor impacts. In addition, OSE recommends certain modifications to the OMP, including enhanced training, enhanced odor monitoring and communication, and enhanced maintenance programming, among other measures. The OMP has been revised to incorporate these recommendations. (The revised OMP is attached to this Final EIR as Appendix B.) Accordingly, pursuant to CEQA Guidelines Section 15088.5, recirculation of the Draft EIR is not required.

Section 15125 of the State CEQA Guidelines states that "[a]n EIR must include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." The Draft EIR used two primary methods for describing the existing condition with respect to odors: source testing and odor complaint history. The Diamond Pet Foods Processing Facility in Ripon, CA (DPF-Ripon) RTO source testing procedure to evaluate odor abatement efficiency compares the volatile organic compound (VOC) levels at the RTO inlet (unabated exhaust) with the VOC level at the outlet (abated). Sampling procedures follow an analytical laboratory-established protocol using a total of six (three each at the inlet and outlet) ultra-clean silonite-lined cannisters to extract a set volume of the respective gas over a 30-minute period, followed by laboratory analysis by equipment capable of detecting VOC at very low levels (parts per billion, by volume). In the case of DPF-Ripon, a glass-lined probe is inserted into the line, whereupon the requisite volume of gas is introduced into the cannister, under vacuum conditions, until the required volume of sample is taken. After sampling, the cannisters are transported to the respective analytical laboratory under a strict chain of custody protocol, tested within a prescribed time, and the results are reported. VOC levels are determined, and a report is prepared and submitted with the results, which include percent abatement. Source testing conducted in January 2019 demonstrated that maintaining the RTO units at 1,650 degrees Fahrenheit results in 99.8 percent abatement of the odor-producing compounds (VOCs).

The Draft EIR describes DPF-Ripon's odor abatement background on pages 3.1-9 and 3.1-10, and the history of odor complaints on pages 3.1-10 and 3.1-11. As described therein, SJVAPCD received the first odor complaint in July 2012, shortly after the facility became operational. The Regenerative Thermal Oxidation (RTO) system, which was installed specifically to abate odors (as described on page 3.1-10 in the Draft EIR), began operation in December 2018. The odor complaint data provides a reasonably objective method for quantifying the existing physical environmental conditions as they relate to exposure of sensitive receptors in the project vicinity to odor emissions. Using these two methods for establishing existing conditions provides an objective measurement (source test taken directly from the exhaust) and a reasonably reliable set of complaint data. Although there may be some variance between the numbers of complaints and the actual level of odor experienced, the odor complaint data provides a reasonably reliable trend to document general odor conditions, both historic and current; the history of documenting odor complaints provides the best available data that shows both the degree to which odors are objectionable in the community and, because there is a long documented history, a reasonable basis to determine the relative adverse nature of current odors. Moreover, there is no other substantial evidence suggesting that complaint trends would change noticeably for any other reason than a corresponding change in the level of odor experienced by people in the area.

Comments received on the Draft EIR indicate that residents still experience negative odors, even with operation of the RTO system. Several personal anecdotes were provided. It is likely that some residents still experience some negative odors. This is consistent with the data presented in Table 3.1-4 of the Draft EIR, which identifies that unconfirmed odor complaints, and two confirmed odor complaints, have been received over the past two years that the RTOs have been operating. The Draft EIR did not suggest that the RTO system has completely eliminated all odors from the DPF-Ripon facility. However, the odor complaint data presented in the Draft EIR indicate that installation and operation of the RTO system has substantially reduced odor complaints (both confirmed and unconfirmed) compared to the number of complaints submitted before the RTO system. Since publication of the Draft EIR, additional odor complaint data is now available that shows there were no confirmed odor complaints in 2020. This new data has been added in red text to Draft EIR Table 3.1-4 below. (Note that this additional text does not alter the conclusions of the Draft EIR, but does provide additional substantive evidence to support the Draft EIR conclusions.) This averages 0.08 confirmed and 1.2 unconfirmed complaints per month, which is down from 2.2 confirmed and 5.9 unconfirmed complaints per month prior to installation of the RTO system. This reduced level of odor complaint would be expected (and the timing is consistent) with the 99.8 percent reduction in VOCs discussed above.

Table 3.1-4 Monthly Confirmed¹ Odor Complaints/Total Odor Complaints from Initial Startup (July 2012) through December 2020

YEAR	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	
2012	Facility Under Construction						0/1	0/5	1/2	0/3	8/10	4/17	
2013	5/23	13/33	6/13	1/7	2/5	1/4	3/8	4/8	0/2	1/5	0/4	2/12	
2014	1/15	0/8	1/5	1/13	0/1	1/5	0/4	0/0	0/0	0/5	3/14	3/13	
2015	2/8	2/11	3/7	2/4	1/1	0/0	0/0	0/2	0/2	0/1	1/6	6/11	
2016	1/8	1/7	4/7	1/4	0/2	0/0	0/1	0/1	0/2	2/9	3/6	0/3	
2017	6/16	6/15	0/8	3/13	1/5	1/1	0/1	2/4	0/4	9/18	15/20	6/12	
2018	9/12	3/8	10/14	2/3	0/0	1/1	0/0	0/0	1/4	5/11	2/7	1/3	n/a ²
2019	0/0	0/3	0/4	1/5	0/1	0/0	0/0	0/0	1/4	0/0	0/0	0/0	
2020	0/0	0/1	0/2	0/1	0/0	0/0	0/0	0/0	0/2	0/1	0/3	0/1	

Notes: Blue highlighted cells = no odor control; orange highlighted cells = cold plasma injection odor control; green highlighted cells = RTO odor control; red text = additional data that has become available since release of the Draft EIR (does not constitute a revision to the Draft EIR).

1. A confirmed odor complaint is one in which the SJVAPCD Air Quality Inspector is able to notice and identify (verify) the presence of the pet food odor upon meeting with the resident filing the complaint.
2. The RTO system began operation on December 14, 2018. From December 14 to December 31, 2018, the initial run-in period occurred, wherein Diamond and Durr worked on the RTOs to make a number of the necessary fine tuning/operational adjustments to ensure optimal performance in preparation for the January compliance source testing. On December 15, 2018, a single odor complaint was logged with the SJVAPCD, but because the system was in the initial run-in period, the operation during this period should not be considered normal and representative of the RTO. The RTO initial run-in period was a one-time event, and the plant is not expected to operate in this configuration again.

Source: Yorke Engineering 2019, as updated in 2021

The Draft EIR further explains that the RTO system is designed to accommodate the proposed fourth production line, and, although the incremental increase in exhaust from the fourth production line could result in some unabated gas bypassing the combustion chamber, the level of increased unabated gas is estimated to be less than 0.1 percent (Draft EIR, p. 3.1-19).

In addition, the project includes an OMP prepared by Yorke Engineering, which is provided, in full, as Appendix D of the Draft EIR, and the revised OMP (included as Appendix B of this Final EIR), which has been modified to respond to comments from the public, SJVAPCD, and the City's peer-review consultant OSE. As explained in the Draft EIR (p. 3.1-19), the OMP details the odor-emitting activities and odor control practices associated with the facility and also includes a detailed odor complaint tracking and response system. The proposed odor complaint tracking system involves recording all complaints received by either SJVAPCD (the recommended complaint recipient), the City, and/or DPF-Ripon, and sharing each complaint with the other two organizations. This information sharing promotes

more consistent odor complaint verification and thorough record-keeping. The odor complaint response system involves three tiers of response, each successive tier more comprehensive than the previous. The Tier 1 Odor Response is triggered with any odor complaint. Tier 1 involves systems checks, review of RTO parameters, and implementing an automated maintenance sequence. (Note that the OMP included in the Draft EIR required Tier 1 odor complaints when “confirmed” odor complaints were received; however, the revised OMP extends the Tier 1 response requirement to receipt of any odor complaint.)

The Tier 2 Odor Response is triggered if an additional verified odor complaint is received within a timeframe that could suggest the odor issue associated with the first complaint remains unresolved. (The City would determine, based on all complaints and previous response information, whether the additional odor complaint was received within a timeframe that would suggest an odor issue remains.) Tier 2 involves repeating the Tier 1 steps, examining all exhaust lines for leaks, conducting automated maintenance sequence and point of inspection on all RTO units, making any needed adjustments to RTO combustion temperature, reviewing all inlet and outlet exhaust temperatures, and coordination with the RTO manufacturer for further recommendations. (Note that, in response to public comments on the Draft EIR, the revised OMP includes a process to require Tier 2 Odor Response if an unusual level of unverified odor complaints is received.)

The Tier 3 Odor Response is triggered if an additional verified odor complaint is received that suggests the same odor issue remains unresolved. Tier 3 involves the DPF-Ripon operator coordinating with the City and SJVAPCD to determine appropriate additional measures, which include (but are not limited to) a full diagnostic of the RTO by the manufacturer and implementation of any maintenance requirements and/or upgrades/expansions to the odor abatement system. Tier 3 also includes a provision that the City may require a reduction in the production of pet food up to 25 percent (equivalent to one line of production). Implementing this provision would eliminate the equivalent production associated with the proposed fourth line and would therefore eliminate potential increases in odors associated with the project. With implementation of Tier 3 of the OMP, the project would not result in emission of odors that would affect a substantial number of people because it would eliminate the increase associated with the project.

The question that the Draft EIR analysis seeks to answer is: would the addition of the proposed fourth production line result in an increase in odors, above and beyond existing odor levels, that would adversely affect a substantial number of people. As discussed above, the baseline source measurement data and odor complaint data suggest that, although some level of odor may, at times, be emitted from the facility, the RTO system has significantly reduced the level of emission compared to historic levels to the point that odor generation is not considered substantial. The RTO system has been designed to accommodate the fourth production line, and addition of the fourth line is not anticipated to result in a noticeable increase in odor. Further, as described above, the project includes a detailed OMP that would reduce or eliminate any increased odors. The Draft EIR states that, with implementation of Tier 3 of the OMP, the project would not result in emission of odors that would affect a substantial number of people. However, the Draft EIR preliminarily concludes that, because technology changes over time and City and SJVAPCD procedures may change, the odor impact could be potentially significant. To address this, the Draft EIR includes Mitigation Measure 3.1-4, which requires review of the OMP by the City and SJVAPCD to evaluate the overall effectiveness of the OMP and to identify any necessary updates or changes (changes can only be made if they enhance the effectiveness of the OMP for odor minimization or increase the accuracy of the information.) With implementation of this mitigation measure, the Draft EIR concludes that the impact would be less than significant.

Several comments suggested that the odor study was flawed because it did not include mitigation to eliminate the odors associated with DPF-Ripon. It is important to understand that CEQA does not (and cannot) require evaluation and mitigation of all odors associated with the operation of DPF-Ripon. The State CEQA Guidelines (Section 15125) is clear that impacts are to be measured against the baseline physical conditions, which are generally the physical environmental conditions at the exist at the time the notice of preparation (NOP) is published (or, in the case of the Draft EIR, the established baseline is the period after installation of the RTO system—ensuring a conservative analysis). Therefore, the existing DPF-Ripon operation is included as part of the baseline condition, and the EIR only evaluates the impact of the proposed fourth production line (the proposed project) above and beyond the existing condition. It is therefore probable that the Draft EIR concludes accurately that the odor impact of the project (fourth

production line) would be less than significant after implementation of mitigation measures, but that odors would still be detected at current levels.

2.3 COMMENTS AND RESPONSES

The written comments received on the Draft EIR and the responses to those comments are provided below. The comment letters are reproduced in their entirety and are followed by the response(s). Where a commenter has provided multiple comments, each comment is indicated by a line bracket and an identifying number in the margin of the comment letter. The responses that follow the letter are numbered, corresponding to the comment number in the bracketed letter.

2.4 AGENCIES



Letter
A1

Central Valley Regional Water Quality Control Board

14 October 2020

Ken Zuidervaat
City of Ripon
259 North Wilma Avenue
Ripon, CA 95366

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, DIAMOND PET FOODS PROJECT, SCH#2018112039, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse's 31 August 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environmental Impact Report* for the Diamond Pet Foods Project, located in San Joaquin County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

A1-1

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

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

Diamond Pet Foods Project
San Joaquin County

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14 October 2020

Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

A1-1
cont.

II. Permitting Requirements

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

A1-2

Diamond Pet Foods Project
San Joaquin County

- 3 -

14 October 2020

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

A1-2
cont.

If you have questions regarding these comments, please contact me at (916) 464-4856 or Nicholas.White@waterboards.ca.gov.



Nicholas White
Water Resource Control Engineer

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

Letter A1 Central Valley Regional Water Quality Control Board

Nicolas White, Water Resource Control Engineer

October 14, 2020

- A1-1 The description of the jurisdiction of the Central Valley Regional Water Quality Control Board (Central Valley RWQCB) is noted, as well as the descriptions of the Basin Plan and Antidegradation Policy. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
- Additionally, the comment states that the Draft EIR should evaluate potential impacts to both surface and groundwater quality. As described in the Draft EIR on page 1-2, regarding some resource topics (including hydrology and water quality), it was determined that the resource would not experience significant environmental impacts from the project, and, thus, the topics were not further addressed in the Draft EIR. A discussion of hydrology and water quality and why significant impacts are not anticipated to result from the project is provided in the Draft EIR on pages 1-5 and 1-6. The existing DPF-Ripon is subject to Waste Discharge Requirements (WDRs) from the Central Valley RWQCB and these would remain in effect during project operation. As described on page 1-5 of the Draft EIR, the WDRs “prohibit discharging waste to surface waters, discharging hazardous materials, application of residual solids to land areas, discharging domestic wastewater to the industrial system, discharging water classified as ‘designated’, treatment system bypass, discharging in a different location, and the discharge of toxic substances.”
- A1-2 The comment states that stormwater discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. As described above in response to comment A1-1, the Draft EIR describes why significant impacts related to stormwater are not anticipated to result from the project. As described on page 1-6 of the Draft EIR, the project would not substantially increase stormwater runoff and would not contribute to an exceedance of the City’s stormwater system capacity. Because installation of the equipment would not involve ground disturbance, no stormwater-quality-related permits or control measures would be required for project construction. Further, as noted above in response to comment A1-1, DPF-Ripon is already subject to WDRs that would remain in effect during project operation.



S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

Letter
A2

SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ) ADVISORY AGENCY NOTICE TO SJCOG, Inc.

To: Ken Zuidervart, City of Ripon, Community Development Department
From: Laurel Boyd, SJCOG, Inc.
Date: September 16, 2020
Local Jurisdiction Project Title: Notice of Availability of a Draft EIR for Public Review
Assessor Parcel Number(s): 259-340-06, -09, -12
Local Jurisdiction Project Number: N/A
Total Acres to be converted from Open Space Use: Unknown
Habitat Types to be Disturbed: Urban Habitat Land
Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Mr. Zuidervart:

SJCOG, Inc. has reviewed the Notice of Availability for a Draft EIR for Public Review for the Diamond Pet Foods Project Expansion. The Diamond Pet Foods Project proposes to add a fourth production line to its existing facility in the City of Ripon. The expansion would be contained entirely within the existing physical structure of the facility. The addition of a fourth production line would increase the total production capacity of the facility from 780 tons/day to 1,040 tons/day. Fabrication of the equipment for the fourth production line would be performed at a location outside of California. Installation of the equipment at the Diamond facility would last for three to four months, beginning in 2020, depending on the fabrication lead time. The project site is located at 942 South Stockton Avenue, Ripon (APN: 259-340-06, -09, -12).

The City of Ripon is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). **The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.** Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

This project is not subject to participate at this time due to structure and ground disturbance already existing. Any future structures that require ground disturbance on this or subsequent divided parcels will be subject to participate in the SJMSCP and should be resubmitted to this agency.

It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.

If you have any questions, please call (209) 235-0600.

A2-1

Letter A2 SJCOG, Inc.
Laurel Boyd
Not dated

A2-1 The comment states that the project is not subject to participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) because of the existing nature of the facility and absence of ground disturbance. The comment does not raise any issues related to the adequacy of the Draft EIR. No further response is necessary.



SAN JOAQUIN
COUNTY
Greatness grows here.

Environmental Health Department Letter A3

Jasjit Kang, REHS,
Muniappa Naidu, REHS, Assistant Director
PROGRAM COORDINATORS
Robert McClellon, REHS
Jeff Carruesco, REHS, RDI
Willy Ng, REHS
Michael Kith, REHS
Melissa Nissim, REHS

October 7, 2020

To: City of Ripon Department of Planning and Economic Development
Attention: Ken Zuidervaart

From: Naseem Ahmed; (209) 468-3436 
Senior Registered Environmental Health Specialist

RE: **Environmental Impact Report for the Proposed Diamond Pets Food Project**
942 S. Stockton Ave, Ripon

The following requirements have been identified as pertinent to this project. Other requirements may also apply. These requirements cannot be modified.

1. Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at cers.calepa.ca.gov/ and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases). The applicant may contact the Program Coordinator of the CUPA program, Melissa Nissim (209) 468-3168, with any questions.
 - a. Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. – **Hazardous Waste Program** (Health & Safety Code (HSC) Sections 25404 & 25180 et sec.)
 - b. Onsite treatment of hazardous waste – **Hazardous Waste Treatment Tiered Permitting Program** (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)
 - c. Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County – **Hazardous Materials Business Plan Program** (HSC Sections 25508 & 25500 et sec.)
 - d. Any amount of hazardous material stored in an Underground Storage Tank – **Underground Storage Tank Program** (HSC Sections 25286 & 25280 et sec.)
 - i. If an underground storage tank (UST) system will be installed, a permit is required to be submitted to, and approved by, the San Joaquin County Environmental Health Department (EHD) before any UST installation work can begin.

A3-1

1868 E. Hazelton Avenue | Stockton, California 95205 | T 209 468-3420 | F 209 464-0138 | www.sjgov.org/ehd

Environmental Impact Report for the Proposed Diamond Pets Food Project
942 S. Stockton Ave, Ripon

Page 2 of 2

- ii. Additionally, an EHD UST permit to operate is required once the approved UST system is installed.
- e. Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum stored below grade in a vault – **Aboveground Petroleum Storage Program** (HSC Sections 25270.6 & 25270 et sec.)
 - i. **Spill Prevention, Countermeasures and Control (SPCC) Plan requirement**
- f. Threshold quantities of regulated substances stored onsite - **California Accidental Release Prevention (CalARP) Program** (Title 19, Section 2735.4 & HSC Section 25531 et sec.)
 - i. **Risk Management Plan requirement for covered processes**

A3-1
cont.

Letter A3

San Joaquin County Environmental Health Department

Naseem Ahmed, Senior Registered Environmental Health Specialist

October 7, 2020

A3-1

The comment lists the hazardous materials/waste requirements that are pertinent to the project. The Draft EIR states that the use and storage of hazardous materials would be subject to compliance with federal, state, and local hazardous materials regulations, and would be monitored by the State, the County, and Diamond. As stated on page 1-4 of the Draft EIR, "[b]ecause all hazardous materials would continue to be used and stored in compliance with federal, state, and local hazardous materials regulations, hazardous materials impacts would be minimized."



October 12, 2020

Ken Zuidervaat
City of Ripon
Planning Department
259 N. Wilma Avenue
Ripon, CA 95366

Project: Draft Environmental Impact Report (DEIR) for the Diamond Pet Foods Project

District CEQA Reference No: 20200732

Dear Mr. Zuidervaat:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) for the project referenced above from the City of Ripon (City) proposing to add a fourth production line to the existing Diamond Pet Food facility (Project). Per the DEIR, the Project would be contained entirely within the existing physical structure of the Diamond Pet Food facility. The addition of the fourth production line would increase the total production capacity of the facility from 780 tons per day to 1,040 tons per day, an increase of 260 tons per day. To facilitate the increase in pet food production, the following equipment will be installed: an additional steam conditioning unit/extruder, a fourth natural gas-fired dryer, dryer-cooler, vertical cooler, additional blowers, kibble take-up tubes, associated cyclones, and attrition handling equipment. The DEIR indicates the Project will result in an increase of approximately 147 Heavy-Heavy Duty (HHD) trucks per week during operations. The Project is located at 942 South Stockton Avenue, in Ripon, CA. The District offers the following comments:

A4-1

1) Project Odor Impacts

Given the history of odor impacts related to the Diamond Pet Food facility, the District has reviewed the Odor Management Plan (OMP) identified in the DEIR. The District acknowledges the forward-looking vision and comprehensive effort that Diamond Pet Foods invested into the OMP, and supports its implementation after close consideration of the following input:

A4-2

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

www.valleyair.org

www.healthyliving.com

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- The *Executive Summary* states in part “Since its installation in late 2018, the RTO system has demonstrated, via source testing in January 2019, removal of over 95% of the volatile organic compounds (VOC), believed to be the source of the odors, at an RTO chamber temperature of 1500 degrees Fahrenheit (degrees F).” Additionally, Section 4.4.2 *Components of Engineering Controls*, indicates that the January 2020 source test results were pending at the time of writing the OMP. In fact, the source test conducted on January 21st, 2020 reported a failure to achieve a destruction efficiency of 95%, but then a retest on May 14th, 2020 indicated the RTO achieved a satisfactory destruction efficiency of 97.9%. It’s the District’s view that the both the *Executive Summary* and Section 4.4.2 do not accurately reflect the source testing history of the RTO, or the progress made by the facility to optimize the equipment, and those sections should be updated accordingly.

A4-2
cont.
- Section 3.2.1 *Raw Material Odors* describes that the plastic liners used in the totes containing raw meat products are rinsed and disposed of in an outdoor dumpster, and that in addition to weekly municipal waste pickups, DPF-Ripon personnel will contact the waste collector to schedule additional pickups if odors are detected in the outdoor disposal area. The District recommends adding the dumpster area to the daily *On-Site Odor Inspection Record*, with direction to contact the waste collector (including a method of contact) if odors are detected during the course of inspection.

A4-3
- Section 4.1 *Durr (Manufacturer) RTO Automatic Maintenance Sequence* indicates that Durr does not recommend a manufacturer automatic maintenance sequence (MAMS) frequency, but goes on to say that MAMS are typically performed on a weekly basis. If that weekly basis is due to the detection of odors, or operational indicators that may lead to the release of odors, then the schedule is reactive. A proactive MAMS schedule should be considered instead of a reactive schedule, and defined in Section 4.1.

A4-4
- Section 4.2.1 *Procedural Activities* refers to facility walkthroughs that are conducted daily, Monday through Friday, though the facility operates 24/7 according to Section 2 *Facility Information*. Facility walkthroughs should be conducted on Saturdays and Sundays as well as weekdays while the facility is operating.

A4-5
- Section 4.4.2 *Components of Engineering Controls* states that the RTO system was installed in late 2019. Districts records show the RTO system startup date was in December 2018.

A4-6
- Sections 5.2, 5.3, and 5.4 described Diamond Pet Food’s internal tiered-response approach to confirmed odor complaints received. The OMP commits that a Tier 1 response will be initiated within two hours of complaint receipt;

A4-7

however, there is no response initiation deadline defined for Tier 2 or Tier 3. To ensure prompt facility response as the occurrence of offsite odors potentially escalate, the District recommends both including, and tightening, response initiation deadlines for Tier 2 and Tier 3 responses.

A4-7
cont.

- Sections 5.1 and 5.6 indicate that the District will notify the City of Ripon when an odor complaint is received. The District does not disclose the details of ongoing complaint investigations to third-parties; however, DPF may contact the City of Ripon, or any other third party, when it comes to their attention that the District received an odor complaint. The District requests that these sections are updated to reflect the proper communication channels.

A4-8

- The *Off-Site Odor Inspection Record*, the *RTO Odor Inspection Record*, and the *Summary of Odor Test Results* provide a subjective odor intensity scale with "None", "Weak", "Average", and "Strong" scent levels. The District recommends including more objective indicators in which an odor is either "Present" or "Not Present".

A4-9

- The District looks forward to working with Diamond Pet Foods and the City of Ripon to periodically review the OMP to ensure its continued effectiveness in minimizing any potential odor impacts associated with the project. To that end, per Mitigation Measure 3.1-4 (Update the Odor Management Plan), the District believes that the five-year commitment to review the OMP be considered a maximum, and should be adjusted in response to its effectiveness as measured by the volume of complaints received following Project completion.

A4-10

2) Project Operational Criteria Pollutant Emissions

On Page 3.1-16 of the DEIR, specifically Table 3.1-7 (*Summary of Modeled Emissions of Criteria Air Pollutants and Precursors Associated with Operation of Line 4*), summed the operational permitted stationary sources emissions with the operational non-permitted mobile source emissions and compared the total Project emissions against the District's significance thresholds. The District would like to clarify that operational permitted stationary sources emissions and operational non-permitted mobile source emissions should be assessed separately when comparing against the District's significance thresholds. Therefore, the District recommends that Table 3.1-7 be revised to present the operational permitted stationary source emissions separately from operational non-permitted mobile source emissions when comparing against the District's significance thresholds.

A4-11

3) Project Operational Heavy-Heavy Duty (HHD) Trucks

Appendix B (*Air Quality Technical Report*) of the DEIR, page 110, identifies a 30-mile round trip length for the HHD truck travel during operations. Currently, the DEIR does not discuss how the 30-mile round trip length was derived. The District recommends the DEIR include a discussion that characterizes the 30-mile round trip length as appropriate for HHD truck travel.

A4-12

Additionally, the Project is expected to result in an increase of 147 HHD trucks per week. Therefore, the District recommends the City consider the following measures to further lessen the air quality impacts:

Cleanest Available Truck

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from heavy-heavy duty (HHD) Trucks, the single largest source of NO_x emissions in the San Joaquin Valley. The District recently adopted the 2018 PM_{2.5} Plan, which includes significant new reductions from HHD Trucks, including emissions reductions by 2023 through the implementation of the California Air Resources Board (CARB) Statewide Truck and Bus Regulation, which requires truck fleets operating in California to meet the 2010 0.2 g/bhp-hr NO_x standard by 2023. Additionally, to meet the federal air quality standards by the 2020 to 2024 attainment deadlines, the District's Plan relies on a significant and immediate transition of heavy duty truck fleets to zero or near-zero emissions technologies, including the near-zero truck standard of 0.02 g/bhp-hr NO_x established by the California Air Resources Board.

A4-13

To reduce impacts from operational mobile source emissions, the District recommends that the following measures be considered for inclusion in the Final EIR:

- Fleets associated with Project operational activities to utilize the cleanest available HHD truck technologies, including zero and near-zero (0.02 g/bhp-hr NO_x) technologies as feasible.
- All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) to utilize zero-emissions technologies as feasible.
- Fleets associated with the Project to be subject to the best practices (i.e. eliminating unnecessary idling).

San Joaquin Valley Air Pollution Control District
Draft Environmental Impact Report (DEIR) for the Diamond Pet Foods Project District Reference No. 20200732
October 12, 2020

Page 5

4) Rules 2010 and 2201 – Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 requires that new and modified stationary sources of emissions mitigate their emissions using best available control technology (BACT).

A4-14

This Project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. The District has received an ATC permit application (ATC #N-1172974) for the Project.

5) Other District Rules and Regulations

The Project may also be subject to other District rules, which include but are not limited to: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), Rule 4702 (Internal Combustion Engines – Phase 1), Rule 4201 (Internal Combustion Engines – Phase 2), and Rule 4101 (Visible Emissions).

A4-15

The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

The District recommends that a copy of the District's comments be provided to the Project proponent. If you have any questions or require further information, please contact Sharla yang by e-mail at Sharla.Yang@valleyair.org or by phone at (559) 230-5934.

A4-16

Sincerely,



Arnaud Marjollet
Arnaud Marjollet
Director of Permit Services

AM: sy

Letter A4 San Joaquin Valley Air Pollution Control District

Arnaud Marjollet, Director of Permit Services

October 12, 2020

- A4-1 The information summarizing the project is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
- A4-2 Comments A4-2 through A4-10 are specific to the OMP that was prepared for the project and included as Appendix D to the Draft EIR. As discussed in the below responses, the OMP has been revised in response to comments. The revised OMP is included as part of this Final EIR (see Appendix B). These revisions do not constitute significant new information and, therefore, do not require recirculation of the Draft EIR.
- The comment states that the OMP Executive Summary and Section 4.4.2 do not accurately reflect the source testing history of the RTO or the progress made by the facility to optimize the equipment, and states that those sections should be updated accordingly. In response to this comment, the OMP Executive Summary and Section 4.4.2 have been revised to incorporate all VOC source testing of the RTO as conducted in 2019 and 2020. DPF-Ripon has determined that optimal VOC abatement occurs at temperatures of 1,650 Fahrenheit (F) and above and has accepted a permit condition to operate the RTOs at a minimum temperature of 1,650 F. Furthermore, the January 21, 2020 source test result that did not demonstrate over 95 percent reduction was likely the result of a contaminated sample probe. A new source test was completed in May 2020, which demonstrated 97.9 percent reduction, which is consistent with the other measurements. Additionally, the number of odor complaints for 2020 have been updated to show the ongoing reductions in odor complaints, which highlights the continued effectiveness of the RTOs.
- A4-3 The comment states that the dumpster area should be added to the daily *On-Site Odor Inspection Record* provided in the OMP, with direction to contact the waste collector (including a method of contact) if odors are detected during the course of inspection. In response to this comment, the OMP has been revised (see Appendix B of this Final EIR) to identify the dumpster area as an area to inspect daily. Instructions to contact the facility Sanitation Lead to arrange for haul-off has also been added to the form. It is not practical to add the specific waste handling company to the form as the contract is routinely changed; however, the DPF-Ripon Sanitation Lead person would have the applicable information and would know who to contact.
- A4-4 The comment states that a proactive manufacturer automatic maintenance sequence (MAMS) frequency schedule should be considered instead of a reactive schedule and should be defined in Section 4.1 of the OMP. According to the RTO manufacturer (Durr Systems), RTO maintenance steps are typically conducted at a frequency of every 2-4 months, depending on the manufacturing process being abated by the RTO. The DPF-Ripon daily odor inspection includes, in addition to an exhaustive review of the equipment operating parameters, conducting a direct personal odor inspection (POI) of the exhaust of all RTOs. Differences in the odor intensity and whether there are any odor trends noticed are noted. Currently, DPF-Ripon is conducting on average, one RTO MAMS per month. It is the understanding of DPF-Ripon that the current daily inspection and RTO maintenance operations have been successful in keeping the RTOs operating at maximum effectiveness. For these reasons, the OMP's required daily on-site RTO inspections in addition to the OMP's tiered odor response requirements would be more effective than establishing a set MAMS schedule.
- A4-5 The comment states that Section 4.2.1 of the OMP should be revised to reflect that facility walkthroughs will be conducted on Saturdays and Sundays as well as weekdays while the facility is operating. In response to this comment, Section 4.2.1 of the OMP has been revised to expand the facility walkthroughs to a daily (7-day) basis. The DPF-Ripon project manager will train the appropriate maintenance personnel to perform these inspections over the weekend and during days when the project manager or other

- alternate is unavailable. The Training Section of the OMP has been updated to reflect this as well, as was the daily site inspection form. (See revised OMP included as Appendix B of this Final EIR.)
- A4-6 The comment states that Section 4.4.2 of the OMP should be revised to reflect that the RTO system was installed in December 2018. In response to this comment, Section 4.4.2 of the OMP has been revised (see Appendix B) to correct the date of RTO installation.
- A4-7 The comment states that Sections 5.2, 5.3, and 5.4 of the OMP should be revised to include and tighten response initiation deadlines for Tier 2 and Tier 3 responses to ensure prompt facility response. In response to this comment, the Tier 1 response initiation and reporting guidelines have been clarified in the OMP. Tier 1 and Tier 2 responses will be initiated within 2 hours of receipt of the triggering odor complaints. Tier 3 response initiation will be as soon as possible because both City of Ripon and (SJVAPCD are involved parties in the discussions/resolutions. These changes are also reflected in the Figure 5-1 Progressive Tier Response Flowchart of the OMP. (See revised OMP included as Appendix B of this Final EIR.)
- A4-8 The comment states that Sections 5.1 and 5.6 of the OMP should be revised to reflect the proper communication channels. Because SJVAPCD does not disclose details of ongoing complaint investigations with third parties, DPF-Ripon will provide the City of Ripon with an email notification of the odor complaint within one business day of receiving the complaint notice from SJVAPCD. This requirement has been added to the Section 5.1 Tier 1 response of the OMP, and Figure 5-1 has been amended. The Tier response flowchart has accordingly been amended. Additionally, Section 5.6 of the OMP has been revised to remove the City of Ripon from the direct notification of an odor complaint. Instead, DPF-Ripon will send an email to the City within one business day of receiving a confirmed odor complaint and will file a report for the previous month when any odor complaints were received. (See revised OMP included as Appendix B of this Final EIR.)
- A4-9 The comment states that *Off-Site Odor Inspection Record*, the *RTO Odor Inspection Record*, and the *Summary of Odor Test Results* provided in the OMP should include more objective indicators in which an odor is either "Present" or "Not Present." In response to this comment and to reduce the level of subjectivity in the offsite odor inspections, the OMP (Appendix B) has been revised to reflect these more objective indicators.
- A4-10 The comment states that Mitigation Measure 3.1-4 (Update the Odor Management Plan) in the Draft EIR should be revised to reflect that the five-year commitment to review the OMP should be considered a maximum and should be adjusted in response to its effectiveness as measured by the volume of complaints received following project installation. Based on this comment, Mitigation Measure 3.1-4 has been revised to require updates to the OMP any time the need is identified by SJVAPCD, City of Ripon, or DPF-Ripon. As such, Mitigation Measure 3.1-4 on page 3.1-19 and the significance after mitigation on page 3.1-20 of the Draft EIR are revised as follows:

Mitigation Measure 3.1-4: Update the Odor Management Plan

Every five years (at a minimum) or as needed based on determination of the City, SJVAPCD, or DPF-Ripon, the City will meet with DPF-Ripon and SJVAPCD to review the information in the odor management plan (OMP), as well as the overall effectiveness of the OMP, and will identify any necessary updates or other changes. Changes shall only be made if they enhance the effectiveness of the OMP for odor minimization or increase the accuracy of the information.

Significance after Mitigation

Implementation of Mitigation Measure 3.1-4 would further minimize the potential for increased odor exposure associated with the proposed increase in production by requiring the OMP to be updated a minimum of every 5 years, or as needed based on determination of the City, SJVAPCD, or DPF-Ripon. Keeping the OMP updated reduces the potential for changes in technology or in agency

procedures/contacts to diminish the effectiveness of the OMP; therefore, with mitigation, the impact would be **less than significant**.

A4-11

The comment states that Table 3.1-7 in the Draft EIR should be revised to present the operational permitted stationary source emissions separately from operational non-permitted mobile source emissions when comparing against SJVAPCD's significance thresholds.

In response to this comment, the first bullet on page 3.1-13 and continued on page 3.1-14 is revised as follows:

THRESHOLDS OF SIGNIFICANCE

As such, for the purpose of this project, the following thresholds of significance are used to determine if project-generated emissions would produce a significant localized and/or regional air quality impact such that human health would be adversely affected. Based on Appendix G of the State CEQA Guidelines and SJVAPCD recommendations (SJVAPCD 2015a:80), the project would result in a potentially significant impact to air quality if it would:

- ▶ result in emissions of criteria air pollutants or precursors that would conflict with or obstruct air quality planning efforts, result in a cumulatively considerable net increase of any criteria air pollutant for which the SJVAB has been designated as nonattainment with respect the applicable NAAQS or CAAQS, or expose sensitive receptors to substantial pollutant concentrations. SJVAPCD considers these criteria to be exceeded if a project's construction- or operation-related emissions would exceed its annual thresholds of 10 tons per year (tons/year) for ROG or NO_x, 100 tons/year or CO, 27 tons/year for oxides of sulfur (SO_x), and/or 15 tons/year for PM₁₀ or PM_{2.5} (SJVAPCD 2015a:80). In addition, if emissions of any of these pollutants from on-site permitted sources would exceed a screening criterion of 100 pounds per day (lb/day), SJVAPCD requires site-specific analysis, the AAQA, to determine whether ~~the project~~ these on-site sources would result in a localized exceedance or cumulatively considerable contribution to an exceedance of a NAAQS or CAAQS (SJVAPCD 2015a:93–94); and/or...

Additionally, in response to this comment, Table 3.1-7 on page 3.1-16 of the Draft EIR is revised as follows:

Table 3.1-7 Summary of Modeled Emissions of Criteria Air Pollutants and Precursors Associated with Operation of Line 4

	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Annual Emissions (tons/year)						
Stationary Sources	0.4	8.7	24.7	0.2	2.9	1.8
Mobile Sources	<0.1	1.2	0.3	<0.1	<0.1	<0.1
Total	0.5	9.9	25.0	0.2	2.9	1.8
SJVAPCD Thresholds	10	10	100	27	15	15
Daily Emissions (lb/day)						
Stationary Sources	2.4	54.1	152.1 ¹	1.3	16.2	10.1
Mobile Sources	0.2	6.8	1.5	<0.1	<0.1	<0.1
Total	2.6	60.9	153.6 ¹	1.4	16.3	10.2
SJVAPCD Screening Criteria for Conducting an Ambient Air Quality Analysis	100	100	100	100	100	100

Notes: tons/year = tons per year; lb/day = pounds per day; SJVAPCD = San Joaquin Valley Air Pollution Control District; ROG = reactive organic gases; NO_x = oxides of nitrogen; CO = carbon monoxide; SO_x = oxides of sulfur; PM₁₀ = particulate matter with aerodynamic diameter of 10 micrometers or less; PM_{2.5} = particulate matter with aerodynamic diameter of 2.5 micrometers or less

¹. Because the SJVAPCD screening criterion for daily emissions of CO is by on-site operations would be exceeded, a detailed ambient air quality analysis was conducted for all pollutants pursuant to SJVAPCD guidance. (SJVAPCD's screening criteria of 100 lb/day for conducting an ambient air quality analysis only applies to emissions generated by on-site permitted equipment [SJVAPCD 2015a:93–94].)

See Appendix B for detail on model inputs, assumptions, and project specific modeling parameters.

Sources: Yorke Engineering 2019a:14–15; Yorke Engineering 2020:4

These minor revisions provide clarification. They do not result in any changes to the analysis or conclusions of the Draft EIR, and do not constitute significant new information. Therefore, these revisions do not require recirculation of the Draft EIR.

- A4-12 The comment states that the Draft EIR should include a discussion of how the 30-mile roundtrip length for heavy-heavy duty (HHD) truck travel during project operations was derived. The roundtrip length of 30 miles is based on the default trip length value for worker travel in the California Emissions Estimator Model (CalEEMod) Version 2016.3.2 computer program. The default trip length value for worker travel in CalEEMod is 14.7 miles one way and for truck trips is 6.6 miles one way. However, the longer of these two default trip lengths was used and rounded up to 15 miles one way, and 30 miles round trip. In response to this comment, the second paragraph under the heading, "Methodology," on page 3.1-12 of the Draft EIR is revised as follows:

Emissions of criteria air pollutants and precursors associated with installation of the fourth production line were estimated using the construction module of the California Emissions Estimator Model (CalEEMod) Version 2016.3.2 computer program (CAPCOA 2016). The 30-mile roundtrip length for heavy-heavy duty (HHD) truck travel during project operations was based on the default trip length value for worker travel in the CalEEMod Version 2016.3.2 computer program. The default trip length value for worker travel in CalEEMod is 14.7 miles one way and for truck trips is 6.6 miles one way. However, the longer of these two default trip lengths was used and rounded up to 15 miles one way, and 30 miles round trip.

These minor revisions provide clarification. They do not result in any changes to the analysis or conclusions of the Draft EIR, and do not constitute significant new information. Therefore, these revisions do not require recirculation of the Draft EIR.

- A4-13 The comment states that the Draft EIR should include additional mitigation measures to reduce emissions of oxides of nitrogen (NO_x) and particulate matter with an aerodynamic diameter of 2.5 microns or less (PM_{2.5}) generated by the addition of heavy-heavy trucks that would deliver materials to and from the project site during project operations. However, the Draft EIR does not require mitigation to address operational emissions of criteria air pollutants and precursors because the analysis under Impact 3.1-2 (on pages 3.1-15 through 3.1-17) determined that the project's operational emissions of criteria air pollutants and precursors shows that applicable SJVAPCD-established thresholds would not be exceeded and, therefore, this impact would be less than significant. No revisions to the Draft EIR are necessary.

- A4-14 The comment states that the project will be subject to SJVAPCD Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require SJVAPCD permits. These are also identified in the Draft EIR on page 3.1-5, and it is noted that the project would be subject to these rules and regulations. SJVAPCD further states that staff has received an Authority to Construct (ATC) permit application (ATC #N-1172974) for the project. The project applicant is required to comply with all required SJVAPCD rules, regulations, and permit conditions.

- A4-15 The comment states that the project may also be subject to other SJVAPCD rules or regulations. The applicant is directed to contact SJVAPCD for more information. Page 3.1-5 of the Draft EIR states that "[a]ll projects are subject to adopted SJVAPCD rules and regulations in effect at the time of construction" and includes a list of such rules. The project applicant is required to comply with all required SJVAPCD rules, regulations, and permit conditions.

- A4-16 The comment provides the preferred contact for SJVAPCD. The City has noted the information appropriately for future reference.

2.5 ORGANIZATIONS

**Letter
01**

October 6, 2020

To: Mr. Ken Zuidervaat
 Director of Planning & Economic Development
 City of Ripon
 259 N. Wilma Avenue
 Ripon, California 95366
 email: kzuidervaat@cityofripon.org

**Re: Submission of Ripon public citizen comments;
 Diamond Pet Foods Proposed Expansion to Add a Fourth Production
 Facility;
 Draft Environmental Impact Report (EIR) dated July 2020 by York
 Engineering;**

Dear Mr. Zuidervart:

Pursuant to recent notice to submit public comments, please include this document as part of the record to be considered by the City of Ripon officials as it considers approval for the proposed expansion to a fourth production facility by Diamond Pet Foods (DP) in Ripon, California. As represented, such expansion will represent a 33% increase in production for the DP plant. The Committee will provide some general background comments and observations. Your attention will then be directed to the York Odor Study and York Odor Management Plan. (Appendix C and D of the York Study)

O1-1

General Background Comments and Observations

The Committee submits our comments with respect and the belief that officials of Ripon have, on most occasions, sought what was best for Ripon. We are of the hope and relying that all efforts will be made by Ripon to now protect its citizens from what has been established as an encroachment by a polluter to the detriment of its citizens.

State simply, the recruitment and arrival of the Diamond Pet Food plant in Ripon has been a serious mistake by the City of Ripon. It is time to remedy this mistake as DP remains an *ongoing* nuisance. The documented evidence since 2012 has clearly supported what a serious mistake has been made and the subsequent difficulty in getting DP to remedy this nuisance.

O1-2

1. The City of Ripon brought Diamond Pet (DP) to Ripon with full knowledge of recorded complaints previously recorded against DP's Lathrop operations by nearby citizens. (One could also smell the Lathrop plant odor when driving down I-5) Additionally, there were, on record, other pet food processing plants in other areas of the country that had triggered nuisance issues due to odor problems.
2. In other words, the decision to allow DP to operate in close vicinity to its existing

residential residents was willful and intentional. The City of Ripon knew, or clearly should have known, that DP would bring odor pollution to nearby schools, parks, and residential neighborhoods in Ripon. Unfortunately, the City of Ripon chose to do it anyway. The committee is not sure how and why this decision was made.

3. The committee presumes that the City of Ripon was motivated to increase tax revenue and create jobs. The committee does not know how much tax revenue is actually received from DP. As to jobs created for Ripon residents, the committee does not know these numbers as well. The committee does know, at shift change, a great number of DP workers are lined up at the 99 freeway on-ramp to leave Ripon. The increased legal costs to the City of Ripon resulting from DP's odor pollution issue is also unknown to the committee.
4. It is, however, crystal clear that DP knew *prior* to moving to Ripon that the DP plant would result in an odor nuisance issue for the nearby citizens.
5. In many public nuisance cases, the odor pollution issue is the result of urban encroachment on an existing plant which creates the problem. (i.e. Modesto Tallow plant) That is not what has occurred here. DP was allowed to set up operations very close to already established and existing residential neighborhoods in the City of Ripon. Ripon residents were then victimized by DP's strong and clearly identifiable odor pollution as a result of DP's encroachment on these neighborhoods. The DP odor pollution has had an immediate impact on the quality of life for citizens.
6. The existing DP odor pollution of Ripon residents and other impacted citizens (Salida) has been a serious nuisance problem from the beginning of DP's operations (2012) and has been *ongoing* until the present time.
7. Despite the *ongoing* nuisance problem that has yet to be remedied, DP seeks approval to expand operations and increase production by 33%. Such approval is sought despite the fact that DP's promises to eliminate the existing DP odor nuisance problem have never occurred. Amazingly, it is our understanding that no attempts by DP to address the odor pollution even occurred in the first two years of operation. DP simply began operating in 2012 knowing full well that odor pollution of citizens would result. It should be no surprise that the committee views such conduct as indicative of a corporate culture that will place profit over its duty not to create odor pollution for citizens already living near the DP plant.
8. DP has made no effort to even mitigate the nuisance when weather conditions will clearly be an issue. For example, the odor nuisance is constant when there is an inversion layer over Ripon. Yet, production continues with no regard to the

O1-2
cont.

obvious weather conditions or concern for Ripon residents. A recent example is the three days during the week of September 7, 2020 when the heavy smoke conditions were hanging over Ripon due to many fires in the area. DP did not alter its production. So, quite predictably, citizens had to deal with the DP odor pollution as well as the smoky air lingering and trapped at our residences. Foggy conditions, which can also result in odor pollution for most of the day, are another example when DP fails to mitigate production in any way. DP's failure to even attempt to mitigate the odor nuisance when it is certain to increase during certain weather conditions is disturbing.

9. The DP odor pollution permeates not only outside areas by also the inside areas of a residence or garage. If one leaves a window open at night for fresh air, to cut down air conditioning costs, or to be able to use a whole house fan, one will be awoken to the DP odor pollution penetrating the inside of your house. It may be late at night or 3 A.M. in the morning. The citizen then has to close all the windows but that does not remove the DP odor that has already penetrated the inside of your house. The fact is that the DP odor permeates fabric and you have to live with the offensive odor inside of your house for an appreciable length of time. This is a serious intrusion and has occurred on many occasions. (Do you call at 3AM every time to get an answer machine or try to get some rest?) The San Joaquin Valley Air Pollution Control District (SJVAPCD) has received approximately 50 complaints on just this issue alone. SJVAPCD agents have been frequently invited inside a residence to confirm the complaint. To our knowledge, SJVAPCD staff have never done so. Clearly, timely notice has been repeatedly provided to the SJVAPCD as to the specific DP odor pollution penetrating inside residences. One SJVAPCD agent did acknowledge and agree to a citizen that the DP odor penetrates fabric and lingers once inside.
10. As to activities outside, on many occasions, family gatherings in one's own backyard have had to endure the DP odor. This often moves everyone indoors to avoid the DP odor. Citizens then cannot enjoy the outdoors in their own backyard of their residence. If a citizen decides to take a walk in the neighborhood, one can plan on the smelling the DP odor during the walk.
11. Likewise, on certain days, it is the committee's understanding that local school teachers have kept students inside the classroom during recess as the DP odor was so strong on the playground.
12. DP's odor pollution seems to actually increase on holidays, nights, and weekends when the SJVAPCD staff are less likely to respond and follow its process to confirm the complaint. Yes, SJVAPCD staff are not always available to respond to the complaint. The responding agent may be as far away as Fresno, Lodi, Escalon, or elsewhere. By the time the agent arrives, the odor may have moved somewhere else as the wind may have changed. Other times when the citizen is

O1-2
cont.

informed how far away the responding SJVAPCD agent is at the time to the DP odor, the citizen will inform the agent there is no need to make the long trip.

O1-2
cont.

13. DP's odor pollution problem has been grossly *under reported* as to the actual violations. Some reasons for this under reporting, include but are not limited to, the following:
- a. Residents do not always call as the complaint process is time consuming and disruptive to one's daily activities.
 - b. Residents may fear retaliation from other citizens who want DP in town as family of Ripon officials and friends are employed there. Ripon is still a small town. No one wants to be responsible for the causing another to be unemployed. Others, we presume, simply do not care or believe citizens lack the power to address the problem.
 - c. Many residents work out of town and are not even in Ripon at the time of the DP odor violation.
 - d. Residents can quickly grow weary of a complaint process that, over a long period of time and numerous reported complaints, has not achieved results despite numerous promises and alleged attempts by SJVAPCD to remedy the problem. Residents conclude it is a waste of time as SJVAPCD has not effectively protected us. Ripon officials, who are acutely aware of the odor problem, have not seemed too interested to help as well. That might be understandable as it was Ripon city officials who brought DP to Ripon in the first place. We are hopeful this will change.
 - e. SJVAPCD officials have informed residents that DP has been repeatedly fined for violations. Unfortunately, these efforts have not deterred DP from continuing to operate and pollute the air at our expense. Even a request that SJVAPCD seek injunctive relief to prevent DP operation when an inversion layer hangs over Ripon has been ignored and not pursued. (Similar to a "no burn day" for fireplaces) Why can't DP at least make an effort to mitigate the odor problem on days where the odor lingers in place and is so predictable to create an odor problem?
 - f. Residents conclude the odor is so widespread and common that every Ripon citizen knows about it, including school personnel. Why continue to call if SJVAPCD informs you that they are addressing the matter with DP. How much notice is needed to make your point? (509 complaints by residents per York Study should be sufficient) Residents have shown patience for almost 8 years now.

O1-3

- g. The SJVAPCD complaint process is not effective and frustrating for residents to utilize. You call an 800 number and leave your personal information. You then have to receive a call from a SJVAPCD agent who wants to learn more of the problem. The agent then has to drive to the location and confirm by his/her own sense of smell that the odor does in fact exist at the time the agents arrives. Confirmation of the complaint is apparently necessary for any responsive action by the SJVAPCD. (See York study confirmation only 20% of the time) By the time agent arrives, the odor may have moved a from your exact location so you are then informed the complaint is not able to be pursued. This drill is repeated for hundreds of times. It is as if the resident is not capable of recognizing the odor so the complaint is completely disregarded. (So much experience in recognizing the odor would easily qualify the resident as a credible witness) Understandingly, many residents just give up calling and wasting time in doing so.
- h. The committee believes that there simply is no accurate fact finding and/or investigation by officials to determine the extent of the odor nuisance caused by DP.
- i. When the DP odor is reported from a location, or all over Ripon, the SJVAPCD does not continuously monitor Ripon for more violations. Unless a DP odor complaint is lodged which brought the agent to Ripon, only then does the agent respond. The committee believes that the SJVAPCD often leaves Ripon until the next complaint is called in. The process is viewed by many as simply a “silly” and ineffective drill.
- j. For this reason and others, any document that relies solely on complaints filed with the SJVAPCD in no way truthfully accounts for the number of actual odor violations by DP. The result is a predictable *under* reporting of the problem.
- k. The true extent and reporting of the DP odor pollution has not occurred. Reports of the odor pollution relies almost entirely on whether or not a citizen filed a complaint with SJVAPCD. The City of Ripon could have easily used its staff to independently monitor the DP odor pollution occurring in town. Was there even a process set up by the City of Ripon to instruct and train city staff to report a DP odor problem that was occurring in Ripon? As far as we know, such effort was never done.
- l. Neither did the SJVAPCD effectively direct its resources to be in Ripon on a continuous basis to independently monitor DP and the pollution problem. A request that SJVAPCD effectively do so was ignored. The predictable result is gross *under* reporting of the true extent of the DP odor

O1-3
cont.

nuisance in Ripon and elsewhere.

- m. Any good faith attempt to accurately record DP violations would involve the use of an independent onsite monitor in the city of Ripon to record violations as they occur. This suggestion was suggested but rejected by SJVAPCD.
- n. Reliance on DP to self report an odor nuisance created by DP is simply a ridiculously naive approach. The DP track record speaks for itself. Remember, it was DP who came to Ripon and knowingly created the DP odor nuisance problem for citizens with no attempted controls whatsoever in its first two years of operation. After eight (8) years, the DP odor nuisance is still not eliminated.
- o. One recent SJVAPCD agent recently reported back to a citizen who reported an odor problem that the agent had been to DP and all systems were working. Really? The committee is not impressed as that means the DP equipment to eliminate odor nuisance is ineffective. The citizen's DP odor complaint, based on an experienced sense of smell to identify the DP odor and its source, is disregarded now because the DP equipment somehow checks out? If the equipment is working, then the citizen can no longer detect the DP odor? This is just one of many examples of how the victims of the DP odor pollution problem are being ignored and frustrated by a ridiculously ineffective process.

O1-3
cont.

*York Odor Study
(Appendix C)*

The Committee submits the following comments regarding the York Odor Study:

- 1. The first observation of the York Study is its obvious subjective bias in favor of DP to continue and expand production to four (4) production lines. Many assumptions are made in favor of DP while ignoring the fact the York Study fails to require DP to accurately address the odor nuisance problem. Rather, the York Study embraces the SJVAPCD complaint process and its inaccurate findings to minimize the DP odor nuisance to citizens.
- 2. The focus on "individual sensitivities" as an issue minimizing the odor problem is an example. While true one may be allergic to perfume, it is promoting the assumption it is the *victim with the problem not the polluter*. For the York Study to compare the DP odor nuisance to a perfume allergy lets the reader clearly know the York Study is a report to assist DP to continue to function despite creating an odor pollution issue for citizens.

O1-4

O1-5

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| 3. | Reference to Nutro in Victorville also relies on the number of complaints to measure effectiveness. Again, the complaint process is not an accurate measurement of the DP odor pollution. Hence, this is not as persuasive as the York Study would like us to believe. It also indirectly suggests the “bar” be lowered from the goal of <i>eliminating</i> the DP odor nuisance. | O1-6 |
| 4. | The York Odor Study reports that the new regenerative thermal oxidizers (RTOs) are only designed to <i>mitigate</i> the odor problem. It only speculates as to the level or degree of mitigation that may be achieved. Despite not knowing the answer, the York study concludes <i>no additional odor mitigation will be necessary for the Project</i> . | O1-7 |
| 5. | The York odor study admits <i>that all pet food recipes produce odors and all need to be mitigated</i> . Again, the goal is some unknown degree of mitigation rather than <i>elimination</i> of the DP odor nuisance impacting citizens. | O1-8 |
| 6. | What is known to citizens is that the mitigation measurement point of reference for DP will continue to be the deeply flawed complaint process of the SJVAPCD. This process has resulted in a great <i>under</i> reporting of the DP odor nuisance. | O1-9 |
| 7. | The York Study reports that the RTO system <i>continues to operate reliably and appears to be highly effective in reducing odors</i> . The problem is that how much reducing is actually occurring has yet to be measured accurately. The rush to increase DP production by 33%, without time to accurately measure the effectiveness of the RTO system is quite disturbing to the committee. The other three (3) production lines has shown to be an ongoing nuisance for eight (8) years for citizens. | O1-10 |
| 8. | One relevant factor is that citizens have been continuously promised by agents of the SJVAPCD that DP was addressing the odor nuisance problem with new effective equipment. This representation was made in 2018 and before. Hence, many citizens stopped calling in complaints as it was clear nothing was going to be done by anyone to remedy the problem until this new equipment was installed. Our point is that citizen complaints to SJVAPCD were down because of this fact. When you consider that since 2012, hundreds of complaints were already on file with the SJVAPCD, it is totally understandable that citizens grew weary of an ineffective process. | O1-11 |
| 9. | The RTO success numbers, as used by the York Study, are simply inherently unreliable to be considered. There has yet to be any attempt to conduct real independent monitoring of DP’s ongoing mitigation odor pollution success or failure. | O1-12 |
| 10. | The York Study seems impressed by DP’s representation that <i>there has been a</i> | O1-13 |

highly positive tone on social media from the residents about the absence of pet food odors. The fact is very few citizens, certainly not this committee, have gone public on social media. This self serving comment by DP, as some sort of scientific finding of the real extent of the DP odor pollution problem, is simply ridiculous. Yet, the York Study again shows its bias in favor of DP by including referencing social media in its report.

O1-13
cont.

11. A real life example is that one citizen reports, more than once, *after* installation of the RTO system, that it was necessary in the middle of the night to close windows as the DP odor pollution had penetrated the inside of the house. The citizen can choose to call and leave a message on an answer machine at SJVACPD at 3 AM (which has been done) or try to get some sleep. A SJVACPD agent, at that hour, is not available to come out anyway. The odor nuisance is not reported and of course, does not show in the York Study report justifying the success of the RTO system.

O1-14

*York Odor Management Plan
(Appendix D)*

The Committee submits the following comments regarding the York Odor Management Plan:

1. Some clarification is needed in the first paragraph. Is the Odor Management Plan limited to the odor impact resulting from the addition of a 4th pet food production line? Should not the Odor Management Plan to prevent exposure of the public to potential odor impacts include the three (3) other existing pet food production lines?
2. DP, despite knowing the obvious odor pollution caused by a pet food production line *before* 2012, did absolutely nothing for two (2) years. It was not a surprise to DP but a “wait and see” to see how many citizens would complain. As it turns out, it was hundreds of citizens which forced DP to start to address the problem in 2014. This does not instill much faith in an independent “good faith” effort by DP to effectively address its odor pollution nuisance.
3. The committee supports all efforts by DP and its employees to efficiently monitor the RTO system and all other efforts to eliminate the odor nuisance to citizens. Our hope is that DP succeeds in these efforts. In terms of on-site monitoring, it is not clear whether one of the four designated DP staff will be present 24/7 363 days a year that DP is in operation.
4. The major problem with the York Odor Management Plan is that DP, with its track record, can not be trusted to accurately monitor the odor nuisance by themselves. The Plan looks to the committee as the “fox chosen to guard the hen house”.

O1-15

O1-16

O1-17

O1-18

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| 5. | The SJVAPCD has demonstrated, over the last eight (8) years, that its complaint process grossly fails to record the true number of times citizens have been subjected to the DP odor nuisance. It relies on an ineffective citizen complaint process alone. Actual episodes of the DP odor nuisance are <i>grossly under</i> reported. (The committees's previous comments in this document on the failure of the SJVAPCD complaint process will not be restated again here but are incorporated herein by reference) | <div style="display: flex; align-items: center;"> <div style="border-left: 1px solid black; height: 100px; margin-right: 5px;"></div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">O1-19</div> </div> |
| 6. | The practice of requiring confirmation of the odor when citizens report it, is cynical and works to the obvious advantage of DP. Do you really think, after 8 years of exposure to the DP odor nuisance, that the citizen is not qualified to recognize and report the DP odor nuisance? Or as the York Study points out, there is that one occasion (out of 509 complaints cited in the Study) when a complaint was called on a date that DP claims the plant was shut down. Did the odor linger, as can occur, or was it a false complaint? That one time the citizen allegedly "lied" so the inference is that others must be lying as well. Our citizens cannot be trusted to recognize and report a DP odor nuisance but we can trust DP to monitor themselves. Really? | <div style="display: flex; align-items: center;"> <div style="border-left: 1px solid black; height: 100px; margin-right: 5px;"></div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">O1-20</div> </div> |
| 7. | The York Study admits wind conditions can cause the odor to move around. That is true but not always the case. So if by the time an agent of SJVAPCD shows up and the odor has moved, it officially is reported as if it was never there. No confirmation is a false free pass for DP. The committee remembers state employee flex time (agents unavailable as office closed) and long distances an agent of SJVSPCD has had to travel to the site of the complaint to confirm the DP odor nuisance. Then, there is the penetration of the DP odor inside a residence during the night when no confirmation will ever be made due to the unavailability of SJVA PCD to respond. By the way, the DP odor penetrates inside a residence during the day as well. | <div style="display: flex; align-items: center;"> <div style="border-left: 1px solid black; height: 100px; margin-right: 5px;"></div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">O1-21</div> </div> |
| 8. | Sometimes the DP odor lingers for hours but the committee is of the understanding that it only counts as one complaint by the SJVAPCD. | <div style="display: flex; align-items: center;"> <div style="border-left: 1px solid black; height: 100px; margin-right: 5px;"></div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">O1-22</div> </div> |
| 9. | Sometimes the DP odor exists at least a few miles from the DP Plant. One citizen recalls a conversation with an agent at SJVAPCD who relayed that the agent could smell the odor at the agent's office in Salida. One has to wonder why the agent did not file or pursue a complaint himself. Apparently, the only protocol is the flawed citizen complaint process. | <div style="display: flex; align-items: center;"> <div style="border-left: 1px solid black; height: 100px; margin-right: 5px;"></div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">O1-23</div> </div> |
| 10. | The committee is also unaware of City of Ripon officials initiating a complaint on its own with SJVAPCD despite direct awareness of the DP odor within the City of Ripon. (i.e. the Ripon Fire Department who should be able to detect the DP odor by now) | <div style="display: flex; align-items: center;"> <div style="border-left: 1px solid black; height: 100px; margin-right: 5px;"></div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">O1-24</div> </div> |

The Committee's Proposed Plan

The Committee's recommended plan to address the DP odor nuisance problem, based on all of the forgoing comments and concerns, is as follows:

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|----|---|-------|
| 1. | Expansion to a 4 th production line should be suspended for an appreciable amount of time (at least one year) to effectively monitor the other three operating pet food production lines. It is time to abandon the fictional numbers used by the current SJVAPCD complaint process to confirm the DP odor nuisance problem. | O1-25 |
| 2. | The proposed York Study Odor Management Plan appears to be an extensive "paper trail", perhaps to protect and cover DP's odor nuisance issue, but it will not produce accurate numbers of the true extent of the DP odor nuisance. The committees knows this because we have had eight (8) years of experience watching this tactic fail miserably. Relying on false numbers again and again is no way to address the DP odor nuisance problem. | O1-26 |
| 3. | In addition to the complaint process proposed by the York Study, an <i>independent</i> monitor should be assigned in Ripon to be in Ripon and monitor the extent of the DP odor existence for the three (3) other production lines. The duty of this independent monitor would be to be in Ripon during DP's actual operating times and report on the DP odor nuisance. Using DP's representation in the York Study, that independent monitoring would be 24/7 for 363 days per year. This function could be at DP's expense as DP has created the odor nuisance problem and wants to expand to a 4 th production line. It would be in DP's interest to get an accurate report of the DP odor nuisance it creates. That is, unless the plan is to proceed as usual and disregard the nuisance problem that DP has created. | O1-27 |
| 4. | The SJVAPCD exists to protect citizens from ongoing pollution. The agency must be more aggressive with its remedial powers to hold DP accountable for the DP odor pollution. The committee believes that the SJVAPCD has simply moved too slow. It is now in year eight of the DP operation and the DP odor nuisance still exists. | O1-28 |
| 5. | The City of Ripon needs to get more involved to protect its citizens from the DP odor pollution nuisance. For this reason, the proposed York Study complaint process should be continuously posted on the City of Ripon website. That way, citizens would be more informed as to how to file a complaint when the DP odor pollution occurs. Many citizens simply did not know how to file a complaint with the SJVAPCD. This another reason | O1-29 |

why the DP odor problem has been *under* reported.

⌞ O1-29
cont.

Closing Comments

In summary, both the City of Ripon and the SJVAPCD have an affirmative duty to protect the citizens from a public nuisance such as the odor pollution created by DP. In light of the gross failure to protect the Ripon residents from DP's other three existing production lines, why would any agency even entertain an idea to expand production from DP to a fourth production line. We are of the strong view that existing pollution must be eliminated before any consideration of an expansion by DP. More time is needed to force DP to comply with its duty not to create an odor pollution nuisance for nearby citizens. Past efforts to do so have been failed miserably.

Our patience to seek a legal remedy has been tolled only by the promises given to us that DP is in the process of installing equipment that will eliminate the odor pollution. But the committee does not yet have credible evidence that the RTO system will even work. DP's promise to mitigate does not cut it. Our quality of life, and property values, have been severely damaged by what DP has done to our neighborhood, schools, and parks. Citizens deserve better. Remember, our neighborhoods, parks, and schools were here *well before* DP was brought to town by Ripon city officials.

Elected officials do not have the legal right to create or ignore an *ongoing* public nuisance. Elected officials are elected with a primary duty to protect its citizens. Hundreds of complaints are already on file with SJVAPCD. Our patience over the last eight (8) years should not be interpreted as a lack of resolve to not hold guilty parties, including DP and other responsible parties with the City of Ripon, accountable for the *ongoing* DP odor pollution of our community. Citizens just want the matter addressed effectively.

O1-30

The City of Ripon has done some positive things for its citizens but this episode has been an unacceptable exception. The odor pollution nuisance issue simply does not go away. We urge all of you to protect the citizens from being victimized by the *ongoing* DP odor nuisance. Efforts on your behalf to correct this problem will be greatly appreciated. We present our concerns with the goal of making Ripon a better place to live and are of the view that each of you sacrifice your

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time as a council member with that same objective. We are hopeful our concerns and comments are met with that spirit in mind.

└ O1-30
cont.

Sincerely,

Benjamin C. Sybesma
Ripon resident
(209) 480-4667
Secretary, Steering Committee
Citizens Against Pollution (CAP)

BCS:me

cc: Leo Zuber, Ripon City Council Member via email: leo.zuber@yahoo.com
Michael Rustuccia, Ripon City Council Member via email: mrestuccia@cityofripon.org
Dean Uecker, Ripon City Council Member via email: uecker105@yahoo.com
Daniel de Graaf, Ripon City Council Member via email: ddegraaf@cityofripon.org
Jacob Parks, Ripon City Council Member via email: jparks@cityofripon.org

Letter O1 Citizens Against Pollution

Benjamin Sybesma, Secretary, Steering Committee
October 6, 2020

- O1-1 This comment provides general introduction to the comment letter; no further response is necessary. It is noted that the commenter represents a group of people.
- O1-2 The comment provides a discussion of previous City approvals related to DPF-Ripon; comments on odors that have been experienced from DPF-Ripon, including personal anecdotes, as well as the commenter's expression of odor response history, including response by Diamond Pet Foods and SJVAPCD.
- Previous approvals and the rationale for such approvals describe the history of DPF-Ripon, but are not part of the proposed project.
- Regarding the history of odors associated with DPF-Ripon, the Draft EIR (pages 2-5 and 3.1-9 through 3.1-11) provides a detailed history of the odor abatement measures implemented at DPF-Ripon as well as a detailed discussion of the odor complaint history. As explained above under the Master Response, the Draft EIR used odor complaint data to describe the change in odors over time, including baseline odor conditions, because odor complaint data provides reasonably objective quantification of the changes in odor levels. Although the comment provides information regarding the levels of odors experienced, the comment does not identify any issues with the Draft EIR's description of the odor history and levels of odors associated with DPF-Ripon.
- The comment identifies concerns associated with SJVAPCD's odor response. To address public concerns raised regarding issues with complaint verification, the OMP has been revised to incorporate unverified complaints in the Tier 1 and Tier 2 Odor Response requirements. (See the revised OMP included as Appendix B of this Final EIR.)
- Overall, this comment relays the commenter's experiences regarding odor generated by DPF-Ripon and does not raise issues with the Draft EIR's description of odor history, the analysis, or the mitigation measures. Further, as described above under the Master Response, the Draft EIR does not indicate that odors have been completely neutralized by the RTO system, which became operational in December 2018 and was tested in January 2019. Table 3.1-4 of the Draft EIR (p. 3.1-11), which has been updated above under the Master Response, shows that multiple complaints (both confirmed by SJVAPCD and unconfirmed) have been recorded since the RTOs became operational. However, as summarized in Draft EIR Table 3.1-5, there is a substantial decline in the rate and number of complaints received by SJVAPCD after installation of the RTOs compared to the rate of complaints received prior.
- O1-3 The comment suggests that the odor issues associated with DPF-Ripon are underreported and provides reasons explaining why they are being underreported. (The comment speculates why this is the case but provides no data to suggest the odor issues are "grossly underreported.") As discussed above under the Master Response and response to comment O1-2, the Draft EIR establishes the baseline odor conditions based on source testing and odor complaint data (and includes both confirmed and unconfirmed odor complaints); the Draft EIR does not suggest that installation of the RTOs eliminated all odors. It is generally understood that the level of odor must cause sufficient annoyance for a person to submit a formal odor complaint; therefore, it is likely that some level of odor may occur, but with no associated odor complaints submitted. Submitted complaint data provides reasonable data upon which to conduct an analysis. If the data is not provided, there is no reasonable basis upon which to determine the baseline of objectionable odors. It is reasonable to conclude that the residents would follow a consistent pattern of reporting objectionable odors, despite the opinion provided in this comment that suggests otherwise. In effect, the commenter is asking that the City discern the thinking of its residents with respect to why they would or would not

raise an odor complaint; this would provide an unsupported basis upon which to determine environmental impacts. The Draft EIR must rely on substantial evidence. Regardless of whether a person feels that odors are being underreported in the complaint data, the data provides an objective baseline, including showing trends associated with the effectiveness of the RTO system. Also, as discussed in the Master Response, the Draft EIR does not rely solely on complaint data to establish baseline conditions, but also uses source testing.

The suggestion that DPF-Ripon would be “self-reporting” is not accurate. The OMP, which is included as part of the proposed project (described in the Master Response and detailed in the Draft EIR project description on page 2-10 and included in whole as Appendix D of the Draft EIR), requires coordination and monitoring by both the City and SJVAPCD. Also, the OMP includes a requirement in the Tier 3 Odor Response that if odors are not abated to the performance levels that were demonstrated by the RTO system during the period from January 2019 through March 2020, the City may require a temporary (up to) 25 percent reduction in the production of the facility (the equivalent of the proposed increase) to address the odor issue.

The comment suggests that this change in complaints is due to an exhaustion by residents of the odors and lack of complaint response; however, this is not reflected in the data. In 2015 and 2016, 53 and 50 complaints were submitted with 17 and 12 of those complaints confirmed (respectively) by SJVAPCD. In 2017 and 2018, 117 and 63 complaints were submitted (respectively) with 49 and 33 confirmed (respectively) by SJVAPCD. This data shows that complaints (both confirmed and unconfirmed) increased in 2017/2018 over the previous two years. This increase would suggest that residents are not experiencing decreased motivation for submitting complaints. Since the RTOs were installed in December 2018, complaints have decreased to two confirmed in 24 months (or an average of 0.08 confirmed complaints/month), suggesting a high degree of odor control effectiveness, and an indication that odors may not be affecting a substantial number of people. See Tables 3.14 and 3.1-5 in the Draft EIR for this complaint data (updated data for Table 3.14 is provided in the Master Response above).

- O1-4 The commenter alleges that the odor analysis is biased, but no examples are provided by the commenter in this comment. As mentioned in the Master Response, in response to public comments on the Draft EIR, the City hired an outside odor expert (OSE) to peer-review the OMP and odor-related technical analyses. Although OSE identified some alternative methodologies for odor analysis, OSE confirmed the overall conclusion of the Draft EIR’s odor analysis. See the Master Response above and the City’s memorandum included as Appendix A. The commenter’s subsequent examples are addressed in responses below. Regarding the reliance on SJVAPCD odor complaint data, please see response to comment O1-3 above. No further response is necessary.
- O1-5 The disclosure in the Air Quality Study (Appendix C of the Draft EIR) that perception of odors varies among individuals does not characterize the receptor as the “problem,” it is simply stating a fact: sensitivity to odors is subjective. Because it uses a threshold of significance based on exposure of people to odors, the Draft EIR’s analysis is entirely focused on how odors affect people. Therefore, the analysis does not consider the receptor to be the “problem,” but it considers them to be the only measure of success or failure (i.e., significant environmental impact) of the facility’s odor management equipment and plan. Regarding “perfume allergies,” this concept is raised in the Air Quality Study to describe one of the reasons that odorant injections were abandoned as an odor mitigation technique prior to installation of the RTOs; it was not comparing the perception of odors to perfume allergy.
- O1-6 See the Master Response and responses to comments O1-2 and O1-3 regarding use of odor complaint data for the Draft EIR analysis. Also, regarding the comment about “lowering the bar” (accepting some level rather than eliminating odors) as described in the Master Response, Section 15125 of the State CEQA Guidelines describes the use of a baseline to evaluate potential project impacts. Also, the Draft EIR’s analysis of odor impacts uses a threshold of significance to

determine when an impact would be considered significant (see Draft EIR page 3.1-14). That threshold of significance is not elimination or no increase in odors; rather, the threshold that must be crossed for an impact to be considered significant is if the project would result in emissions (such as those leading to odors) adversely affecting a substantial number of people. It is important to note that this threshold applies to the effect of the project (i.e., addition of the proposed fourth production line) above and beyond baseline (i.e., existing) conditions. Therefore, the project may result in a less-than-significant impact if existing odor levels are maintained, and even if they increase slightly. Odors would be considered significant if they increased to the point that a substantial number of people were affected. As described in the Draft EIR, because the RTOs have a two-year track record of minimal confirmed odor complaints (a substantial decrease from the level of complaints submitted prior to operation of the RTOs), and because the RTO system was designed to accommodate a fourth production line, and also because an OMP has been included as part of the project that is designed to maintain existing odor levels (even including an option for the City to eliminate the additional level of production proposed if an increase in odor complaints occurs and persists), with implementation of mitigation, the Draft EIR concludes that the project would not expose a substantial number of people to odors and that the impact is less than significant (Draft EIR p. 3.1-20).

- O1-7 The comment does not mention the detailed OMP included as part of the project (and attached to the Draft EIR as Appendix D). The OMP includes three tiers of odor response measures if odor complaints are submitted. (Note that the OMP has been revised to incorporate unverified complaints into the tiered odor response mechanism. See Appendix B for the revised OMP.) The third tier includes an option for the City to require elimination of the proposed additional level of production if an increased level of odor complaints occurs and persists. Also, the Draft EIR identifies Mitigation Measure 3.1-4, which requires the City and SJVAPCD to update the OMP (if necessary) a minimum of every five years, or as needed based on determination of the City, SJVAPCD, or DPF-Ripon.
- O1-8 See response to comment O1-6 above regarding the threshold of significance used to determine odor impacts and to identify the need for mitigation measures. The commenter disagrees with this threshold. This disagreement is noted and is part of the record that will be considered when the City decides whether to approve the project.
- O1-9 See responses to comments O1-2 and O1-3 regarding the use of odor complaint data in the Draft EIR's analysis of odor impacts. No further response is needed.
- O1-10 The RTO system has been online for two years as of this writing. The Draft EIR's analysis measures the performance of the existing RTO system, not only by the odor complaint data, but also by measuring VOC emissions leaving the RTOs. As described in the Draft EIR (p. 3.1-10) VOCs are the most likely potential odor source associated with pet food production, and the RTO system has demonstrated, via source testing, a reduction of VOC emissions by 99.8 percent. Between the substantial reduction in odor complaints, the timing of which correlates closely to initiating operation of the RTO system, and the 99.8 percent reduction in the most likely odorous compound (VOCs), the Draft EIR accurately describes the effectiveness of the RTO system. However, as discussed in the Master Response and several other responses to comments, the Draft EIR does not suggest that the RTO system has eliminated all odors from the facility.
- O1-11 This comment is addressed in response to comment O1-3. As indicated in that response, odor complaints increased in 2017 and 2018 and then substantially decreased in 2019 and 2020. If residents were, in fact, growing weary of submitting complaints, one would not expect to see an increase in odor complaints submitted as late as 2017 and 2018. Also, this would not explain such a direct correlation in timing between the drop off in odor complaints and initiating operation of the RTO system. Further, as explained in response to comment O1-10, the drop off in odor complaints is also consistent with the 99.8 percent reduction in VOCs identified in source testing.

- O1-12 The Draft EIR based its analysis, in part, on odor complaint data. Odor complaints are recorded and monitored by SJVAPCD. SJVAPCD is the resource agency responsible for odor control in the region. SJVAPCD has reviewed the Draft EIR analysis and the OMP. Revisions to the Draft EIR analysis and OMP have been made to address SJVAPCD comments. No substantive changes to the analysis or mitigation measures resulted.
- O1-13 The statements about social media were not included in the Draft EIR's analysis. However, social media monitoring is one way to gauge public response of a subjective issue, in addition to source testing and monitoring odor complaints. Using multiple methods for ascertaining the level of public exposure to odors is a reasonable approach to gauge public reaction to a change in the practices at DPF.
- O1-14 See the Master Response and response to comment O1-2. This anecdote demonstrates that there is likely some level of odor remaining after installation of the RTO system. This is not inconsistent with the Draft EIR's analysis. The commenter suggests that some method, other than odor complaints, be used to determine the effectiveness of an odor control device, the RTO. The Draft EIR describes the effectiveness of the RTO at removing the very gases that cause odors. It describes the subjective reaction once those odors are removed, with that reaction being a comparative history of odor complaints. While this method is unsatisfactory to the commenter (and it is based on substantial evidence), the commenter provides no other substantial evidence-based methods upon which to draw significance conclusions. The EIR analysis is adequate and consistent with CEQA.
- O1-15 The OMP would apply to the operation of the entire facility; however, the Draft EIR evaluated the impact resulting from the addition of the fourth production line. See the Master Response and response to comment O1-3 for additional information regarding CEQA's requirement to evaluate environmental impacts against a baseline (i.e., existing conditions).
- O1-16 This comment relates to the history of DPF-Ripon, not the currently proposed project. No further response is necessary.
- O1-17 There will be a designated DPF-Ripon staff person available during all hours the facility is operating.
- O1-18 The OMP requires consistent coordination between DPF-Ripon, the City, and SJVAPCD. As mentioned in the Master Response and in several other responses to comments, the Tier 3 Odor Response provides the City the authority to require a reduction in pet food production equivalent to the proposed increase in capacity, if needed. The tiered responses are based on odor complaints submitted to SJVAPCD. Therefore, while DPF-Ripon would be performing substantial self-monitoring and maintenance in accordance with the OMP, the City and SJVAPCD are also responsible for monitoring and enforcement of the OMP.
- O1-19 See response to comment O1-3 regarding the reliability of the SJVAPCD odor complaint data. No further response is necessary.
- O1-20 The Draft EIR reports both confirmed and unconfirmed odor complaint data. Also, the OMP states (p. 12) that "the main principles underlying every odor complaint (*whether confirmed or not*) is 1) that the odor complaint be communicated concurrently between the SJVAPCD, DPF-Ripon (Operator) and City of Ripon, and 2) every odor complaint, if verified as pet-food odor, be investigated, remediated, recorded and reported according to an established criteria. [*emphasis added*]." However, in response to public comment, unverified complaints have been incorporated into the OMP's tiered odor response mechanism. Please see the revised OMP in Appendix B of this Final EIR for the specific changes.
- O1-21 See response to comment O1-3 regarding the reliability of the SJVAPCD odor complaint data. Also see response to comment O1-20 indicating that, in response to public comment, unverified complaints have been incorporated into the OMP's tiered odor response mechanism. No further response is necessary.

- O1-22 Odor complaints are logged per individual, not per event; therefore, if one individual submits multiple complaints within a few hours, it would be considered a single complaint; however, if multiple individuals submit complaints within that same time period, it would be logged as multiple complaints.
- O1-23 The comment relays an anecdote that an SJVAPCD staff person could smell the odor from DPF-Ripon from miles away. As discussed in the Master Response and several other responses, the Draft EIR indicates that odors from DPF-Ripon currently exist, but that the odor complaint data suggests odors have decreased since operation of the RTO system. Therefore, it is possible that odors from DPF-Ripon were detected miles away; however, based on the data, this would be an unusual occurrence.
- O1-24 The commenter indicates unawareness of any City of Ripon officials submitting a complaint to SJVAPCD. This comment does not raise new environmental issues, or issues related to the adequacy of the Draft EIR. No further response is necessary.
- O1-25 The RTO system has been operational for two years as of the time of this writing and has been closely monitored, including source testing. Regarding the odor complaint data, please see response to comment O1-3. No further response is necessary; however, the comment will be included in the record and considered during deliberations on whether to approve the project.
- O1-26 The OMP includes odor control best practices, including protocols for administrative controls, maintenance frequency, and engineering controls. The OMP also include three tiers of odor complaint response, including, as part of the third tier, authorization of the City to require reduced production levels if there is a sustained increase in odor complaints. See response to comment O1-3 regarding the reliability of the SJVAPCD odor complaint data. The assertion that there is a cover up is unsupported and inappropriate. Yorke Engineering is a highly qualified firm with an excellent reputation in the air quality field. Also, as mentioned in the Master Response, in response to public comment, the City hired an outside odor expert to peer-review the OMP and technical analyses.
- O1-27 The Draft EIR's analysis of odor impacts concludes that the proposed fourth production line would result in a less-than-significant impact after implementation of mitigation measures. An independent monitor is not currently included in the proposed mitigation measure. However, this comment is acknowledged for the record and will be forwarded to the City Council for their consideration prior to making a decision on the project. Mitigation Measure 3.1-4 requires that the City meet with DPF-Ripon and SJVAPCD staff a minimum of every five years, or as needed based on determination of the City, SJVAPCD, or DPF-Ripon, to review the effectiveness of the OMP and will identify any necessary updates or other changes. If issues with the OMP are identified during this update process, an independent monitor may be one of the changes considered. No further response is necessary.
- O1-28 The commenter raises issues with SJVAPCD's regulation of DPF-Ripon's odor emissions. The OMP requires DPF-Ripon to coordinate closely with both SJVAPCD and the City with the goal of maintaining existing levels of odor emissions. This new tool, which would be required by Mitigation Measure 3.1-4 to be revisited by the City and SJVAPCD a minimum of every 5 years, or as needed based on determination of the City, SJVAPCD, or DPF-Ripon, provides a level of oversight by SJVAPCD and the City, which was not provided previously, including, as part of the tier 3 response, providing the City the authority to require reduced production equivalent to the proposed fourth line.
- O1-29 See response to comment O1-28 regarding the OMP as a tool requiring new coordination and monitoring by both SJVAPCD and the City of Ripon.
- O1-30 This comment is a summary of the previous comments made in the letter. It does not raise new issues. See responses to comments above. No additional response is necessary.

2.6 INDIVIDUALS

Ken Zuidervaart

Letter
I1

From: sharon.jackson <rjengineering2@yahoo.com>
Sent: Friday, September 11, 2020 4:58 PM
To: Ken Zuidervaart
Subject: Blue Diamond plant

My comment is, I would like to see a big company like this clean up and beautify the front entrance. There are Redwood trees out front which is good the only problem is there several that are dead, I would like to see a better attempt to keep them watered and see the under brush kept clean so we have something nice to look at.

I1-1

I would call this terms of condition

Ray Jackson
 1166 Travaille wy

650-867-0254

Letter I1 Jackson, Sharon

September 11, 2020

I1-1

This comment expresses an opinion about the appearance and upkeep of the front entrance of DPF-Ripon and is not related to the adequacy of the Draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the City Council for their consideration prior to making a decision on the project.

Ken Zuidervaart**Letter
I2**

From: Andrew Powell <apowell76@gmail.com>
Sent: Thursday, September 10, 2020 1:14 PM
To: Ken Zuidervaart
Subject: Diamond Pet Foods EIR

Dear sir ,

As a concerned 12 year resident of this town, I am asking that any further Diamond Pet food plant expansion be denied! I live across in Ripon bluffs and have watched air quality and quality of life go down further in this town? When the wind is right the stench of that factory is horrible and you can't open windows or doors or anything. In fact it can engulf the whole town! Save marl to Salidia!
 My neighbors and I have complained and will continue to to the air quality people about this eyesore I what you call the "jewel of the valley"!

I2-1

Andrew Powell
 445 Laurelwood Lane
 Ripon

Sent from my iPhone

Letter I2**Powell, Andrew**

September 10, 2020

I2-1

This comment expresses an opinion about the project and is not related to the adequacy of the Draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the City Council for their consideration prior to making a decision on the project.

Regarding odor impacts, these are addressed in Section 3.1, "Air Quality," of the Draft EIR. Additionally, the OMP (Appendix D to the Draft EIR) prepared for the project includes a variety of odor abatement best practices and includes an odor tracking and response program. The response program includes three tiers of progressively rigorous actions ranging from systems checks to reduction in production up to 25 percent (if deemed necessary by the City) to reduce project odors. Also see the Master Response, as well as responses to comment letter O1.

Ken Zuidervaart**Letter
I3**

From: Gino Vecellio <apirate21@gmail.com>
Sent: Friday, October 16, 2020 1:15 PM
To: Ken Zuidervaart
Subject: Dog Food Line

Ken I am a Ripon resident and I am opposed to the addition of the additional dog food line.

I I3-1

Sent from my iPhone

Letter I3

Vecellio, Gino

October 16, 2020

I3-1

This comment expresses an opinion about the merits of the project and is not related to the adequacy of the Draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the City Council for their consideration prior to making a decision on the project.

Ken Zuidervaart**Letter
I4**

From: Jeanette Vecellio <nettie888@frontier.com>
Sent: Friday, October 16, 2020 1:08 PM
To: Ken Zuidervaart
Subject: Dog Food - Additional Line

Ken I am a Ripon resident and I am not in favor of the additional dog food line. I've already heard comments from company leaving my home that ask, what's that smell.

Just my opinion. Stay safe!😊

Sent from my iPhone

I4-1

Letter I4 **Vecellio, Jeanette**
 October 16, 2020

I4-1 This comment expresses an opinion about the project and is not related to the adequacy of the Draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the City Council for their consideration prior to making a decision on the project.

Regarding odor impacts, these are addressed in Section 3.1, "Air Quality," of the Draft EIR. Also see the Master Response, as well as responses to comment letter O1.

Ken Zuidervaat**Letter
15**

From: sswalker227 <sswalker227@gmail.com>
Sent: Thursday, September 10, 2020 10:48 AM
To: Ken Zuidervaat
Subject: Diamond Pet Foods EIR

Good morning, Mr.
 Zuidervaat,

This e-mail is regarding the "Public Notice Regarding Proposed Diamond Pet Foods Project"
 I saw come through my e-mail from the City.

I5-1

I live across the freeway from the plant and have not noticed odor issues for probably a
 year, now. It never bothered me before they implemented their remediation solutions.

What I do notice from time to time are various sounds and vibrations coming from the
 One of these is a vibration, or humming, from the Union Pacific locomotives servicing the
 facility during the day.

There have also been times at night when I've had my windows open where I hear some
 machinery start up that sounds like a big fan. It starts at a low pitch and then rises and
 maintains that high pitched sound for several minutes before winding down. Reminds me of
 an orchard sprayer but I know that is not the sound I hear. It's definitely from the Diamond
 facility.

There are other times during the overnight hours where I will hear what sounds like a
 pressure pipeline open up. It's extraordinarily loud even inside my home with all windows
 closed. When it's nice out at night and the windows are open, the sound is startling. It will
 wake me from a dead sleep. Reminds me of a high pressure steam or gas line release.

The last sound I'm concerned about also happens throughout the day and night at various
 times. Whatever it is produces a low tone. It's like a vibration or humming. Again, it reminds
 orchard sprayer far in the distance. I know that isn't the source because this sound happens
 year round and accompanied by the vibration which an orchard sprayer doesn't produce.

I5-2

When I try to sleep, it comes right through the floor, up through the bed and right into my
 pillow. It reminds me of cars with the bass producing stereos. It could be the low idle of UP
 locomotives servicing the site overnight or some sort of production equipment Diamond
 uses that produces the vibration. If I set a glass of water on the table, the vibration is
 significant enough to see it in that glass and feel it underfoot. It is almost identical to the
 vibrations I felt from the steamrollers Caltrans used during the 99 highway project several
 months back during their overnight work.

Anyhow, those are my concerns. Nothing that will chase me out of town. I just want the
 Diamond folks and City to be aware.

The highway traffic is different because it doesn't cause the vibrations or sudden loud
 sounds, in case that is a rebuttal or if someone is trying to compare sounds from 99 to
 Diamond. Completely different with Diamond being fixed in place versus a passing car/
 motorcycle with loud exhaust or bass producing sound system.

Thank you for your consideration!

Steve Walker
351 South Manley Road
Ripon, CA 95366
209-923-3933

Sent from my Verizon, Samsung Galaxy smartphone

Letter I5

Walker, Steve

September 10, 2020

- I5-1 The comment states that the commenter lives across the freeway from DPF-Ripon and provide anecdotal information about odors from the facility. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
- I5-2 The comment provides anecdotal information about sounds and vibrations coming from DPF-Ripon, including from the Union Pacific Railroad locomotives servicing the facility. As described in the Draft EIR on page 1-2, some resources (including noise) were determined not to experience significant environmental impacts from the project and, thus, were not further addressed in the Draft EIR. A discussion of noise and why significant noise impacts are not anticipated to result from the project is provided in the Draft EIR on pages 1-7 through 1-9. Further, the new equipment that would be installed as part of the project would be inside the existing building and no new additional exterior structures would be developed (the RTO is already sized to accommodate the new production line). Also, no increase in frequency of noise events would be anticipated. Therefore, no substantial increases in equipment noise are anticipated.

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3 REVISIONS TO THE DRAFT EIR

This chapter presents specific text changes made to the Draft EIR since its publication and public review. The changes are presented in the order in which they appear in the original Draft EIR and are identified by the Draft EIR page number. Text deletions are shown in ~~strike through~~, and text additions are shown in underline.

The information contained within this chapter clarifies and expands on information in the Draft EIR and does not constitute "significant new information" requiring recirculation. (See Public Resources Code Section 21092.1; CEQA Guidelines Section 15088.5.)

Revisions to the Executive Summary

To provide an update related to the anticipated start of construction, the fourth paragraph under the heading, "Characteristics of the Project," on page ES-2 of the Draft EIR is revised as follows:

Fabrication of the equipment for the fourth production line would be performed by Extrutech at a location outside of California. Installation of the equipment at the Diamond facility would last for three to four months, beginning in ~~2020~~ 2021, depending on the fabrication lead time.

In response to comment A4-10, Mitigation Measure 3.1-4 on page ES-6 of the Draft EIR is revised as follows:

Mitigation Measure 3.1-4: Update the Odor Management Plan

Every five years (at a minimum) or as needed based on determination of the City, SJVAPCD, or DPF-Ripon, the City will meet with DPF-Ripon and SJVAPCD to review the information in the odor management plan (OMP), as well as the overall effectiveness of the OMP, and will identify any necessary updates or other changes. Changes shall only be made if they enhance the effectiveness of the OMP for odor minimization or increase the accuracy of the information.

Revisions to Chapter 2, "Project Description"

To provide an update related to the anticipated start of construction, the first paragraph under Section 2.7, "Project Construction," on page 2-10 of the Draft EIR is revised as follows:

Fabrication of the equipment for the fourth production line would be performed by Extrutech at a location outside of California. Installation of the equipment at the Diamond facility would last for three to four months, beginning in ~~2020~~ 2021, depending on the fabrication lead time. The three existing production lines would remain operational during construction of the fourth line. Activities would be phased as follows:

Revisions to Section 3.1, "Air Quality"

In response to comment A4-12, the second paragraph under the heading, "Methodology," on page 3.1-12 of the Draft EIR is revised as follows:

Emissions of criteria air pollutants and precursors associated with installation of the fourth production line were estimated using the construction module of the California Emissions Estimator Model (CalEEMod) Version 2016.3.2 computer program (CAPCOA 2016). The 30-mile roundtrip length for heavy-heavy duty (HHD) truck travel during project operations was based on the default trip length value for worker travel in the CalEEMod Version 2016.3.2 computer program. The default trip length value for worker travel in CalEEMod is 14.7 miles one way and for truck trips is 6.6 miles one way. However, the longer of these two default trip lengths was used and rounded up to 15 miles one way, and 30 miles round trip.

In response to comment A4-11, the first bullet on page 3.1-13 and continued on page 3.1-14 is revised as follows:

THRESHOLDS OF SIGNIFICANCE

As such, for the purpose of this project, the following thresholds of significance are used to determine if project-generated emissions would produce a significant localized and/or regional air quality impact such that human health would be adversely affected. Based on Appendix G of the State CEQA Guidelines and SJVAPCD recommendations (SJVAPCD 2015a:80), the project would result in a potentially significant impact to air quality if it would:

- ▶ result in emissions of criteria air pollutants or precursors that would conflict with or obstruct air quality planning efforts, result in a cumulatively considerable net increase of any criteria air pollutant for which the SJVAB has been designated as nonattainment with respect the applicable NAAQS or CAAAQS, or expose sensitive receptors to substantial pollutant concentrations. SJVAPCD considers these criteria to be exceeded if a project's construction- or operation-related emissions would exceed its annual thresholds of 10 tons per year (tons/year) for ROG or NO_x, 100 tons/year or CO, 27 tons/year for oxides of sulfur (SO_x), and/or 15 tons/year for PM₁₀ or PM_{2.5} (SJVAPCD 2015a:80). In addition, if emissions of any of these pollutants from on-site permitted sources would exceed a screening criterion of 100 pounds per day (lb/day), SJVAPCD requires site-specific analysis, the AAQA, to determine whether ~~the project~~ these on-site sources would result in a localized exceedance or cumulatively considerable contribution to an exceedance of a NAAQS or CAAQS (SJVAPCD 2015a:93–94); and/or...

Additionally, in response to comment A4-11, Table 3.1-7 on page 3.1-16 of the Draft EIR is revised as follows:

Table 3.1-7 Summary of Modeled Emissions of Criteria Air Pollutants and Precursors Associated with Operation of Line 4

	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Annual Emissions (tons/year)						
Stationary Sources	0.4	8.7	24.7	0.2	2.9	1.8
Mobile Sources	<0.1	1.2	0.3	<0.1	<0.1	<0.1
Total	0.5	9.9	25.0	0.2	2.9	1.8
SJVAPCD Thresholds	10	10	100	27	15	15
Daily Emissions (lb/day)						
Stationary Sources	2.4	54.1	152.1 ¹	1.3	16.2	10.1
Mobile Sources	0.2	6.8	1.5	<0.1	<0.1	<0.1
Total	2.6	60.9	153.6 ¹	1.4	16.3	10.2
SJVAPCD Screening Criteria for Conducting an Ambient Air Quality Analysis	100	100	100	100	100	100

Notes: tons/year = tons per year; lb/day = pounds per day; SJVAPCD = San Joaquin Valley Air Pollution Control District; ROG = reactive organic gases; NO_x = oxides of nitrogen; CO = carbon monoxide; SO_x = oxides of sulfur; PM₁₀ = particulate matter with aerodynamic diameter of 10 micrometers or less; PM_{2.5} = particulate matter with aerodynamic diameter of 2.5 micrometers or less

¹ Because the SJVAPCD screening criterion for daily emissions of CO ~~is by on-site operations would be exceeded~~, a detailed ambient air quality analysis was conducted for all pollutants pursuant to SJVAPCD guidance. (SJVAPCD's screening criteria of 100 lb/day for conducting an ambient air quality analysis only applies to emissions generated by on-site permitted equipment [SJVAPCD 2015a:93–94].)

See Appendix B for detail on model inputs, assumptions, and project specific modeling parameters.

Sources: Yorke Engineering 2019a:14–15; Yorke Engineering 2020:4

In response to comment A4-10, Mitigation Measure 3.1-4 on page 3.1-19 and the significance after mitigation on page 3.1-20 of the Draft EIR are revised as follows:

Mitigation Measure 3.1-4: Update the Odor Management Plan

Every five years (at a minimum) or as needed based on determination of the City, SJVAPCD, or DPF-Ripon, the City will meet with DPF-Ripon and SJVAPCD to review the information in the odor management plan (OMP), as well as the overall effectiveness of the OMP, and will identify any necessary updates or other changes. Changes shall only be made if they enhance the effectiveness of the OMP for odor minimization or increase the accuracy of the information.

Significance after Mitigation

Implementation of Mitigation Measure 3.1-4 would further minimize the potential for increased odor exposure associated with the proposed increase in production by requiring the OMP to be updated a minimum of every 5 years, or as needed based on determination of the City, SJVAPCD, or DPF-Ripon. Keeping the OMP updated reduces the potential for changes in technology or in agency procedures/contacts to diminish the effectiveness of the OMP; therefore, with mitigation, the impact would be **less than significant**.

Revisions to Appendix D, “Odor Management Plan”

In response to comments, the Odor Management Plan, which was provided as Appendix D to the Draft EIR is revised and included as Appendix B of this Final EIR.

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4 REFERENCES

No new references cited.

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