

DECEMBER 16, 2009

TAC MEETING MATERIALS

(Project Determination Hearing)

00641

**CITY OF ORLAND  
TECHNICAL ADVISORY COMMITTEE**

**\*CARNEGIE CENTER\*  
912 Third Street, Orland, CA 95963**

**Wednesday, December 16, 2009**

**AGENDA**

\* 10:00 a.m. \*

- I. **Call to Order: 10:00 a.m.**
- II. **Roll Call:**
- III. **Approval of Minutes:** Approval of the Minutes from the November 18, 2009, Technical Advisory Committee meeting. Attachment "A" to these Minutes is hereby incorporated by reference due to size and copies are available at City Hall upon request.

1) **Conditional Use Permit #2009-26, Pete Paulos**

Landowner: Mark Leiker  
2991 Esplanade, Suite 10  
Chico, CA 95973

Applicant: Pete Paulos  
1019 Capay Road, Orland, CA 95963

APN: 040-183-003 (5,000+ square foot lot)

Location: South of State Route "32" (Walker), west side of Sixth Street, north of Colusa Street, east side of Seventh Street, Orland, CA 95963

*Project:* Conditional Use Permit to allow an automotive collision repair and restoration shop with a paint booth in an existing 2,208+ square foot building.

Environmental Review: CEQA Exemption under Section 15332, "Infill".

Zoning: "C-2" (Community Commercial)

General Plan: "Commercial" (C)

Surrounding Land Uses: North, south, and west: "C-2" (Community Commercial)  
East: "M-L" (Limited Industrial)

**00642**

2) **Site Plan Review #2009-01, Crystal Geyser Water Company**

**Project Description:**

Landowner: Robert Silveira, Nancy Villalobos  
3852 County Road "99W", Orland, CA 95963

Applicant: Richard Weklych  
Crystal Geyser Water Company  
PO Box 304  
Calistoga, CA 94515

Agents: Tom Platz, Project Engineer  
Triad/Holmes Associates  
549 Old Mammoth Road, Suite 202  
Mammoth Lakes, CA 93546

Jim Strandberg, Hydrogeologist  
Malcolm Pirnie, Inc.  
2000 Powell Street, Suite 1180  
Emeryville, CA 94608

APN: 046-290-004 (10.35± acres)

Location: 1507 County Road "200", Orland, Glenn County, CA 95963; northwest corner of County Roads "200" and "N" in the City limits.

*Project:* Site Plan Review for a proposed sparkling beverage bottling facility and warehouse (112,500± square feet).

Environmental Review: CEQA: Categorical Exemption: Section 15061 (b)(3): General Rule Exemption:

The "General Rule" Exemption under CEQA states that where it can be seen with certainty that there is no possibility that the activity in questions may have a significant effect on the environment, the activity is not subject to CEQA. The project will meet this requirement with Conditions of Approval in place.

Zoning: "M-H" (Heavy Industrial)

General Plan: "Heavy Industrial" (I-H)

Surrounding uses: West: "M-H" (Heavy Industrial)  
East and South: Unincorporated Glenn County  
North: "R-1" (Residential Single Family) and "R-E" (Residential Estate)

- IV. The next TAC meeting will be held on January 16, 2010, at 10:00 a.m., in Carnegie Center.
- V. **Adjourn**

**Americans With Disabilities Act**

*In compliance with the Americans With Disabilities Act, the City of Orland will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's Office at 530.865.1601 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

**CITY OF ORLAND**  
**TECHNICAL ADVISORY COMMITTEE**

**\*CARNEGIE CENTER\***  
**912 Third Street, Orland, CA 95963**

**Wednesday, November 18, 2009**

**MINUTES**

\* 10:00 a.m. \*

**Staff Present:** Brian Elder, Senior Building Inspector; Ken Skillman, City Engineer; Nancy Sailsbery, Community Services Director; Jere Schmitke, Public Works Director; Paul H. Poczobut, Jr., City Manager; Tom Andrews, City Attorney; J. C. Tolle, Police Sergeant; and Earline Hindbaugh, Building Permit Clerk.

**Approval of Minutes:** On a Motion by Schmitke, second by Poczobut, it was unanimously voted to approve the Minutes of October 21, 2009, Technical Advisory Committee meeting.

**Staff Review:**

**1) Site Plan Review #2009-01, Crystal Geyser Water Company:**

**Project Description:**

Landowners: Robert Silveira, Nancy Villalobos  
3852 County Road "99W", Orland, CA 95963

Applicant: Richard Weklych  
Crystal Geyser Water Company  
P. O. Box 304  
Calistoga, CA 94515

Agents: Tom Platz, Project Engineer  
Triad/Holmes Associates  
549 Old Mammoth Road, Suite 202  
Mammoth Lakes, CA 93546

Jim Strandberg, Hydrogeologist  
Malcolm Pirnie, Inc.  
2000 Powell Street, Suite 1180  
Emeryville, CA 94608

APN: 046-290-004 (10.35± acres)

Location: 1507 County Road "200", Orland, Glenn County, CA 95963; northwest corner of County Roads "200" and "N" in the City limits.

Project: Site Plan Review for a proposed sparkling beverage bottling facility and warehouse (112,500± square feet).

Environmental Review: CEQA: Categorical Exemption: Section 15061(b)(3); General Rule Exemption:

**00645**

The "General Rule" Exemption under CEQA states that where it can be seen with certainty that there is no possibility that the activity in questions may have a significant effect on the environment, the activity is not subject to CEQA. The project will meet this requirement with Conditions of Approval in place.

Zoning: "M-H" (Heavy Industrial)

General Plan: "Heavy Industrial" (I-H)

Surrounding Uses: West: "M-H" (Heavy Industrial)  
East and South: Unincorporated Glenn County  
North: "R-1" (Residential Single Family) and "R-E" (Residential Estate)

Richard Weklych, Crystal Geyser Water Company, Vicky Spitzack, Crystal Geyser Water Company, Janice Almond, Crystal Geyser Water Company, Jim Strandberg, Malcolm Pirnie, Inc., Alec Van Ryan, Malcolm Pirnie, Inc., David Aladjem, Downey Brand Attorneys LLP, Dennis Sabourin, NAPCOR, and Jim Brennan, J. C. Brennan & Associates, were present representing the applicant/developer.

Sailsbery read a brief staff report for Site Plan Review #2009-01, Crystal Geyser Water Company, and opened the public hearing.

Sabrina Teller, an attorney from the Law Offices of Remy, Thomas, Moose & Manley, LLP, was in attendance representing SOWR (Save Our Water Resources). Teller stated that there are a lot of gray areas in CEQA where the proper course of action is not always clear. This project is as close to black letter law as you can get under CEQA that this project is not exempt from CEQA. The City must prepare an Initial Study covering all potential issues involving this project. Given the significance and scope of this project, I believe an EIR will be required. You cannot qualify for an exemption by mitigating your way into it as you have done here. There is no support in your record to support the determination that you are certain there is no possibility that there may be potential significant impacts on the environment. You need to evaluate effects in the area for harm to the environment and community. An environmental study is needed for this project. You need to comply fully with CEQA.

Joanne Overton, 3874 County Road S, Orland, a member of SOWR, discussed her many concerns about the proposed Crystal Geyser Water Company bottling plant relating to groundwater supplies and levels of water contamination, wastewater generation and treatment capacity, truck and employee traffic generation, air quality, noise, climate change with plastic bottles for this facility being produced from fossil fuels. Ms. Overton stated that there is concern with global warming. The City of Orland is breaking the law if they fail to protect their citizens and the environment by ignoring State law. An EIR would detail the potential impacts to human health, water, and air quality. Overton submitted additional signed petitions of people who are opposed to the Crystal Geyser project to be included in the record.

Sharon Ellis, 4101 County Road S, Orland, a member of SOWR, asked why the company would not say who they were when they proposed the project. Why were they being so secretive? They are not as pure and clean as they would like you to think. Bottling companies target rural communities to mine their water and it is practically free. To keep profits rolling in, they need access to as much cheap water as possible. Ellis discussed a presentation of the same project to Oxford, Wisconsin and they sent Crystal Geyser packing. Plastics were one of their concerns also. With secrecy, distrust has been fostered. The City of Orland has not done their due diligence. You have been manipulated and rushed into an unfavorable contract before the public has had a chance to weigh in. You are entrusted to protect our public resource, water. You have now made it too easy for other bottling companies to come in. This is our major concern. You have ignored the County groundwater ordinance.

Ms. Ellis continued to state that wells and bore holes tap into large aquifers. Ellis discussed the need for replenishment. The aquifer recharges but it needs surface water to assist in the recharge and as we stay in drought conditions, that aquifer will be stressed. We need to act now for sustainability of water. We depend on this aquifer. Ellis discussed Condition No. 19 in regard to independent monitoring of the well by the City, stating that this condition is vague and ambiguous. Who is the third party? Who will monitor the wells? Ellis discussed the monetary fine for Crystal Geyser going over the 160 acre feet per year water limitation and stated that this is totally flawed. Is this over 160 acre feet or is it if they overdraft? If they exceed the 160 acre feet, how does the City know that they overdrafted? Eventually, they will ask for more water upon build out. The City would have to prove that Crystal Geyser overdrafted and the blame game will begin. How do you prove who overdrafted and how do you monitor it? This will fall to landowners to drill deeper wells. If Crystal Geyser sells out, we will have to worry about the new company that takes over. Too many unknowns are jeopardizing our resource. Make them do an EIR or send them packing. We do not want them here. They are not a good fit and not compatible with what we do.

Joe Riker, 6338 Countryside Court, Orland, discussed that in 1984 the Zoning Ordinance was enacted and that included Heavy Industrial and identified bottling companies as an allowed use. This has been in two General Plan updates and their related environmental evaluations and approvals. Overall, the environmental aspects have been addressed. Groundwater is a property right. It is the responsibility of the Counties, Cities or other responsible agencies to make sure it is handled properly. Under the County Ordinance, with the following read by Mr. Riker, "*the County does not hereby intend to regulate in any manner the use of groundwater unless a safe yield is exceeded.*" The County has never determined a safe yield. They are not even sure what the best management of the aquifer is. We have development all around us. An average home annually uses about 1 acre-foot of water. The County surrounding the City of Orland has put in hundreds of small lot developments and each one of those small lots has a right to drill a well and pump. I don't hear all the people being concerned about all those wells. I don't hear any concerns regarding the agricultural wells. There was a well being drilled in an olive orchard next to me this past month. All of those are groundwater wells. If the bottling water company is going to have an impact, all those wells will have the same impact and that needs to be addressed. The City Council has emphasized a need for economic development. The City has been trying to improve its industrial economic base and I feel this is a proper project. It is being handled under the guidelines for industrial development and it will be utilized. Where was all this concern when those small lots were being developed surrounding the City. Where was all this water concern during the Regional Groundwater Management Plan with Butte, Glenn, Colusa, and Tehama Counties? In fact, they had a meeting last week and still have not come up with best management practice for the aquifer. Nobody talked about extraction, nobody talked about bottling plants, and nobody talked about your concerns at this hearing today. So where was this concern? The project can be developed, the conditions identified are reasonable, and this is a project that will benefit the citizens of the City.

Trish Saint-Evens, 6825 County Road 15, Orland, a member of SOWR, entered into the record material for everyone to read. Ms. Saint-Evens stated that at the last meeting, Mr. Poczobut asked the public to provide facts to back up our concerns. Saint-Evens discussed the agriculture in this community and the surrounding counties. This produce is consumed not only locally but around the nation and across the world. California is the leading agricultural producer and has been for the last 60 years. California is also the leading exporter of agricultural goods. Agriculture in California provides 1.1 million jobs. Many of our local farms employ more in the off-season than Crystal Geyser plans to hire for its day to day operations. On February 27, 2009, the Governor declared California to be in a severe drought and declared a state of emergency. The Governor directed that people reduce their every day water by 20%. He directed agricultural water suppliers and agricultural water users to implement efficient water management. Eighteen local water agencies have already implemented mandatory water conservation measures. We are in a dire position with water. Water shortage is not just a result of drought years, but is also a result of population increases. City officials seem to think money is more important than water. The little bit of money we get from this business will mean nothing when the water is gone.

Saint-Evens asked how many people from our community will actually see a full-time job. Just what kind of a town will we become without our water resources? Will we become another Owens Valley? Will our water resources dry up? Will our citizens begin selling out because their livelihood is gone? Crystal Geysers is wrong for our town. Water bottling plants have destroyed large and small communities with their promises. They wreak havoc in our country and other countries such as India and Africa. The next war will be a war on water. We are running out of water. Think about what water does for us and how Crystal Geysers usage will affect us. Water tables don't lie and reservoirs don't lie. California is going through its fourth year of drought. The snow pack on the Sierra Cascade is lowering. Consider Crystal Geysers may provide a hand full of jobs, and minor road repair. Consider the families in the vicinity of the plant. It takes five liters of water to make one liter of bottled water. Once you say yes to this project, you will be giving away our most valuable asset. Consider the plume and resulting problems. We demand an EIR to ensure the benefits for all in this plan.

Tammie Stanley, 4294 County Road N, Orland, a member of SOWR, addressed the TAC with questions regarding the Crystal Geysers bottling plant, and requested more information on the monitoring of water used, the water table level and quality of the water. How is the water able to recharge the aquifer through the thick layer of clay by just placing it in the pond at Lely Park? Are there plans to have the water table monitored? Will the water quality be monitored at all? Will the local, city and domestic test wells, such as mine, continue to be monitored for levels and quality if the bottling plant is approved? Is the City going to require that Crystal Geysers Water Company fund an Orland Well Insurance Program? This would insure that if any wells go dry after the bottling company starts pumping, the fund would cover the cost of deepening the well if a 3<sup>rd</sup> party deems that the Crystal Geysers pumping was the cause of it going dry. Who is looking out for Glenn County and the surrounding area? A complete EIR performed by a third party would provide unbiased information that could put all of our minds at ease on several issues.

Dalene Shippelhouse, 4300 County Road N, Orland, a member of SOWR, stated that she felt she would be greatly affected by the plans as will all her neighbors. Shippelhouse discussed the noise consultant who came to her house to install the noise meter and stated that he would be testing the ambient noise levels prior to the project. Shippelhouse mentioned to the noise consultant that much of the noise that day was caused by the well testing and vehicle traffic going on to the site. When the noise impact report came out, it talked about the mitigation of the noise. She discussed her trips to Calistoga and to Weed to listen to noise from the bottling plants which were loud shrill and high-pitched sounds from the compressors and cooling towers. Let's anticipate the problems and do something about them while we still can. Let's not make an irreversible mistake that will affect our entire area forever. An EIR is the only way we can make an educated decision. This project is totally surrounded by a residential area and would adversely affect hundreds of people. It is not a good fit for the quiet neighborhood. The noise consultant, geologist, hydrologist, and chemists are all paid for by the applicant. For your own protection as well as for the community, let's do the right thing. Demand an impartial EIR.

Helen Duree, 238 Stony Creek Drive, Orland, stated that she believes this would be a very valuable project for Orland. One of the concerns stated is that they are going to take all this water. A couple of years ago we had plans to expand this City by a proposed 1700 homes. Those homes would have taken 2550 acre feet of water per year. Duree stated that she understands Crystal Geysers will be hiring people from Orland. We need jobs to keep our kids here so that they will raise their kids here. Duree stated that she has talked to a lot of people who feel this project would be a good idea, but a lot of those people are afraid to say anything because they do not want to get into a huge battle. The plume should not be a concern based on the technical information received. The plume cannot permeate the clay soil. Duree stated that a lot of untruths have been told about Crystal Geysers that have made me very uncomfortable like Crystal Geysers polluted the water in Calistoga. The Calistoga City Manager stated it was caused by the fuel storage tanks owned by the City of Calistoga that contaminated the water, and Crystal Geysers had to buy water elsewhere and truck it in. It is the truth that we really want and hope TAC takes the time to make sure you have the truth.

Duree stated that she does not feel 160 acre feet of water annually is a concern. This property is zoned Heavy Industrial and if you are to argue about the zoning, it should have been argued when the Heavy Industrial zone was originally done. Industrial businesses tend to be a little noisy, and they can mitigate those issues to the best of their ability. Duree discussed really feeling for the people in that area who never expected it to become an industrial use. However, the time to argue was the time it was changed to Heavy Industrial and not now when we finally have a business coming into Orland. The Economic Development Commission is actively trying to bring businesses to Orland. Towns die out without business. You either grow or die. Go for the truth.

Don Snyder, 3992 County Road M, Orland, a member of SOWR, questioned why the City won't do an EIR.

Bob Bishop, 224 Mellane Circle, Orland, a member of SOWR, questioned why the big hurry for this project. Crystal Geyser is being held to a lesser standard than Ray Hobbs with the renovation of the Booth Hotel. Why isn't Crystal Geyser being asked to pay impact fees which include traffic signals at Papst. Bishop asked Crystal Geyser at the Open House if they plan to participate in these costs, and they answered no. Fire, police, traffic signals and turn lanes need to be provided and we are getting 25 jobs in return. Papst Avenue is a narrow road. Will land be taken from landowners to widen this road? It would be nice if Crystal Geyser provided money to pay for this expense to show their heart is in the right place. Crystal Geyser is trying to keep their expenses to a minimum and their profits to a maximum. Twenty-five jobs equal two Round Table Restaurants. Businesses need to be brought into the Sapphire Plaza and this would be a whole lot simpler for the entire town.

Vincent Cleek, 112 Guilford Circle, Orland, a member of SOWR, stated that there should be more trust between Crystal Geyser, the City of Orland, the employees of Orland, and the citizens of Orland. This feeling will improve if we have an EIR. Cleek presented a letter from the Glenn County Health Services Agency dated October 16, 2009, and requested Condition No. 7 be read into the record as follows: "*The application does not mention or address the Orland Dry Cleaners PCE Plume which is located roughly 2,000 feet west of the proposed Crystal Geyser Site. The applicant shall address the issue of whether or not continuous pumping of groundwater at the Crystal Geyser Site will affect or change the migration of the PCE Plume. We recommend that this issue be addressed in an Environmental Impact Report.*" Did you have an EIR when the Health Department recommended an EIR? Cleek demanded an answer to this question now. Our health is more important. Why didn't you have an EIR? Who made that decision, was it voted on, and who voted to approve it without an EIR? Cleek requested that the members who voted against an EIR stand up and state why they voted against an EIR.

Sailsbery stated his questions would be answered later.

Carmen Willingham, 6368 County Road 13, Orland, a member of SOWR, stated that it has been mentioned there will be 25 jobs, but at a prior meeting Crystal Geyser said there would only be two jobs. Orland is not going to benefit from the company coming into our town. Crystal Geyser will be taking away from the town and they will not help bring any jobs to our town.

Patricia Shuman, owner of property on State Highway 45 in Glenn, stated that not requiring an EIR will have ramifications on future projects coming into the area.

Ray Collette, 6833 County Road 200, Orland, stated that this is about water. Anyone who has an 80 foot well will probably not be directly affected by the testing. Collette stated that his domestic well showed a static water level with unrecovered loss during this testing. No one from Malcolm Pirnie called to find out how this information was realized. Collette stated he did his own testing similar to what was done in a few other places with a commonly used test called a sounder. This is a simple device with a two wire probe that has a response when it shows conductivity with a sound or a deflection in an analog meter or a digital readout machine. Collette used the analog himself and he lost 25% or four feet – this was during their pumping.

Collette stated that prior to the pumping, background testing was done on these domestic wells – 11 wells plus three of the applicant's. Collette's neighbor next door had a 175 foot deep well that did not test very well. Two weeks of background testing where no pumping was done, nine days of pumping, and one week of recovery. Collette stated his well has not recovered and he had no explanation. There was a negative effect by Malcolm Pirnie's testing to some domestic wells. Collette discussed the depth and water sources of his well. Due to the rain the previous night, the well did show a recovery. The way Crystal Geyser reports things is not entirely factual. Action today or tomorrow should be taken very seriously. Collette stated he had requested information back in August, and to date has heard nothing. Crystal Geyser is proposing a second production well on the site. What is the horsepower, depth, and will it be monitored? If this is good for Orland, it needs to be proven to us with an EIR.

Carol Perkins, Butte County resident, Water Resource Advocate for the Butte Environmental Council, and a member of SOWR, discussed being here because this is a regional issue and she will talk on the project's impact to the dry cleaner plume. Stating that the City's wells have not had an impact and therefore Crystal Geyser's wells will not have an impact is not good science. Impact on the plume from pumping has never been assessed or modeled by an independent hydrogeologist, by DTSC, or URS. URS gave Malcolm Pirnie models to run in an analysis and given that we haven't seen a report it can be concluded that Malcolm Pirnie has failed to perform due diligence regarding the plume. DTSC and URS conclude the plume may be retreating. This could be due to dilution, PCE source having been plugged years ago or as a consequence of lower groundwaters. URS states that retreat may be a temporary result of recent drought conditions. Further testing and assessment is necessary regarding the PCE plume. Appropriate modeling must occur under an Environmental Impact Study. Potential impacts need to be determined during long term extraction of water. Perkins presented a letter for the record from Butte Environmental Council.

Greg Wickert, 4438 County Road M1/2, Orland, a member of SOWR, stated that every concern comes down to an EIR. Every question that has come up could be adequately addressed and mitigated from an EIR by an impartial party that is qualified and that knows the business. Under the conditions of approval, there are nine items that could be potential problems and an attempt has been made to mitigate them. Why just nine? What about the other questions that have been asked? An EIR is the only protection we have. Your job is to take all the issues, look at them, and evaluate them. Make sure all issues are covered. There is plenty of case law to require an EIR. You are not doing your due diligence. It is EIR – that is the game.

Michele Stenquist, 6826 County Road 16, Orland, a member of SOWR, discussed her concerns with Crystal Geyser coming into the neighborhood with hearing, smelling, seeing the lights that will glow every night, and being the first to have her well go dry. Stenquist discussed concern about the plastic bottles being blown at this site, the air quality, wastewater, the processed water being discharged, changed, or cleaned, the phthalates in the rinse water being used for landscape irrigation, facility cleaning, and discharge into the city's sewer system. Further concern is that the City has not done enough to protect the neighbors and citizens of this community and that she believes an EIR will provide facts needed to protect the neighbors and citizens of the community.

Grace Martin, 1621 N. Cherry Street, Chico, a member of SOWR, discussed her concerns about the aquifer in Orland extending to five counties, and what aquifers will be used to get the water. Ms. Martin stated that we need to keep our water here until we have better data about just how much water we have. Crystal Geyser is an international company which sells water all over the world. Martin discussed possible law suits for the City of Orland by Crystal Geyser relating to potential risks from the PCE plume in their bottling water, Crystal Geyser possibly seeking rights to get more water than the original contract indicated, reduction of the Sierra snow cap due to climate change leaving little water for farmers and citizens, bottled water trucks production of CO2 emissions which requires an EIR.

Ms. Martin stated that other reasons for an EIR include PM2.5 diesel emissions, population's water needs, effects of aquifers and wells, noise from chillers and trucks, climate change, and the impacts of trucks on the roads and traffic. Martin discussed the Sierra Club taking a strong stand against bottled water. EPA has strict water quality standards for tap water but does not oversee bottled water. In California, an independent lab tested chemicals in 38 brands of California bottled water. Two samples had arsenic contamination, six had chemical byproducts of chlorination, and six had measurable levels of toxic chemical toluene. Every year 1.5 million tons of plastic go into manufacturing water bottles for the global market, using processes that release toxics such as nickel, ethyl benzene, ethylene oxide and benzene. In the U. S. alone, 1.4 million barrels of oil are consumed in making the bottles. Most bottles end up in landfills adding to the landfill crisis. Industry is needed in Orland, but not one that causes so much damage. A minimum requirement to get there is to do an EIR.

Dennis Wiedeman, 4380 County Road N, Orland, addressed the transportation and amount of truck traffic for this operation. He estimated that 18,000 trucks is an impact to the City of Orland. Road deterioration is an important issue. Calistoga's biggest problem is truck traffic and noise from this company.

Nina Bates, 7083 Highway 32, Orland, a member of SOWR, requested that an EIR be done for this project.

Ann Schuenemann, 14 Country Drive, Orland, a member of SOWR, requested than an EIR be done for a lot of reasons and presented Donna Cook to address TAC.

Donna Cook, a member of SOWR, stated that the citizens of Orland are entitled to an analysis of the potential impacts from heavy trucks carrying Crystal Geyser water products – an EIR would provide those analyses. Cook discussed truck traffic, damage to roads, the need and cost of a four-way signal being \$260,000, maintenance of the roads for the heavy trucks, safety and health factors, problems created by damaged roads, potential traffic problems and accidents, and truck emissions. An EIR should be done.

William Copper, Attorney at Law, 417 E. Street, Davis, representing Gregory Appel and Matt Vereschagin, who are residents of the City of Orland and a group called Friends of Orland, who are concerned about the bottling plant. A letter has been submitted into the record addressing the issues. The people that are asking you to do CEQA review and an EIR are doing a favor to the City. They are saving you costly litigation and delay. The decision to go forward without environmental review would be reversed by the Court. Crystal Geyser may have the zoning for an industrial use, but does not have a right to just go in and get a building permit. Your ordinance, the Site Plan Review is an ordinance that provides discretion as to the conditions of approval: noise, noise mitigation, and a number of other areas where discretion can be exercised. When an approval is discretionary, then CEQA is triggered. Three cases are cited on Page 2 of the letter submitted to the record where even a building permit can be discretionary. Because in issuing the building permit the local agency placed conditions on the project, and when they started putting conditions on the building permit it became discretionary. It is absolutely necessary to do CEQA review. It makes sense to do an EIR up front, that way it can satisfy the community and all of the issues of concern can be looked at. There is no way to look at this project and say there may not be significant environmental impacts. One of the most obvious is the noise impact. Copper stated he did not see any real analysis in the loading facility from dropping pallets, from moving around pallet loaders, and the beepers. These types of impacts were not considered. The other impact that was ignored is the single event noises such as a big rig truck that would wake up residents in the night. An EIR or noise study should consider this and this has not been considered at all. These are entirely missing from this study. PCE was not tested in different strata and that was probably necessary to conclude that the wells would be completely clean. Parking issues have not been raised for 20 to 25 employees, only 13 parking spaces and no off-street parking. Where will trucks park? There are only ten parking spaces for trucks on site. Is this adequate parking? A request for an EIR by the citizens should be honored.

Judy Noffsinger, 4261 County Road MM, Orland, a member of SOWR, stated that all of the facts she is presenting are documented. Crystal Geysers is a toxic company manufacturing and selling a potentially toxic product. Petroleum based (PET) bottles leach chemicals out of the bottles into the bottle contents. One of the chemicals is Bisphenol-A or BPA which has been linked to cancer, ADHD, brain damage, decreased immune function, erectile dysfunction, low sperm count, heart disease, diabetes, and birth defects. PET bottles stored in a hot environment release Antimony, a toxic semi-metal. Every liter of bottled water represents 3 liters of water used in production. The total amount of energy used to make 1 bottle of water is the same as filling each bottle ¼ full of oil. Every ton of PET bottles produces 3 tons of CO<sub>2</sub> (carbon dioxide). PET bottles have a very low recycle rate, which leads to more pollution. PET pellets (or nurdles) used to manufacture plastic bottles pose a significant threat to marine life. The plastic often contains potentially harmful chemicals such as phthalates, BPA styrene and vinyl chloride which can leach into the water. Peter Gordon, CEO of Crystal Geysers, told us they will be using preforms to blow into bottles at the site. The rinse water will have trace chemicals and small particles of plastic in it. Crystal Geysers proposes to use 40% of the rinse water to irrigate the plant landscaping and the rest will go into the city sewer system. Noffsinger discussed the PCE plume and the four maps made by the California Dept. of Toxic Substances dated 1996, 1998, 2000, and 2009. The 1998 map is not much different from the 1996 map. The 2000 map shows a much larger plume which has gone to Road 200 and the City Maintenance yard. The 2009 map shows a decrease in size. 2000 was in the middle of wet years and 2009 is the fourth year of the drought. The plume migrates larger during wet years. The 2000 map has not been included in any of the Crystal Geysers information. Crystal Geysers will be pumping 160 acre feet 24/7 and could create a void and draw the plume to the site. Homeowners in the plume area and the area of concern near it are now required to seal their wells at 140 feet. The plume is at 130 feet and when that much water is sucked out of the ground, it creates a zone of depression, a cone that can affect water flow. Monitoring of the Crystal Geysers wells would be done quarterly, most likely by Public Works. How can we trust the City to do this correctly and accurately when the city cannot and/or will not enforce the city codes of food business sanitation and downtown business sign codes? Also the building department has given a pass to two new businesses in regards to the city code requiring paved parking lots. The parking lots are still dirt and gravel, one over 3 years and the other over 2 years. Who do we trust to make sure Crystal Geysers does not exceed their proposed 160 acre feet per year? My husband and I visited the Calistoga facility. The plant exterior did not look in good shape. It was rather rundown. Noffsinger discussed the noise from the cooling towers and the difficulty in having a conversation. Janice Almond of Crystal Geysers stated they may or may not close the plant but would keep the corporate offices there as they own the property. They may or may not bring staff and/or plant workers. They may or may not hire only Glenn County workers, or they may hire out of the area. Noffsinger said that Almond would not state what the base pay or average pay would be. They contract out to independent truckers. The Calistoga Chamber of Commerce heard Crystal Geysers may close, and they do not get involved in the community like Calistoga Bottled Water does. Several business people in Calistoga said there have been several near misses with tourists, and a Jaguar was totaled twice by the water trucks while it was parked. The trucks were going too fast. Some key employees do not live in Calistoga. Noffsinger questioned if the independent truckers were adequately insured, who checks, how do we know, and are the plant employees union or non-union? The ten acres is zoned Heavy Industrial and does not exempt the project from an entire EIR. If the County does not know what is going on with our groundwater, this is another reason for an EIR. The difference between agricultural wells and residential wells is that at least half of the irrigation water goes back into the groundwater. With residential use, when they water their landscape, it goes back into the groundwater. Every single gallon that Crystal Geysers takes out is gone. It does not replenish. Also one lady kept alluding to rumors; she needs to quit listening to rumors and find out the true facts. Also, someone talked about bring in business. There are good businesses and bad businesses. Noffsinger requested that a full and independent EIR be done before a final decision is made on this facility. What are all of you afraid of? Mr. Andrews, who is the City Attorney, lives in Redding – is that correct?

Andrews stated his Office was in Redding.

Noffsinger stated: I know the City Manager lives in Orland. I know Schmitke lives in Orland. I know that the City Planner lives in Willows. Skillman I believe lives in Paradise, but his Office is in Chico. Where do you live Mr. Elder.

Elder stated that he lives in Magalia.

Noffsinger stated that out of the five voting members and the one advisor, two voting members live in Orland. Three of the voting members who do not live in this town, I would say something like, let's just dump this facility in Orland because its not in my town, its not in my backyard, and I don't think that's funny because I think that has a big impact on what is going on. Thank you.

Aileen Porter, Orland, stated she has had a real estate office for over 45 years. Do they realize we are a farming community and with a bottling company, the water never comes back? Every once in a while they have to get the pigeons out of the water tank here where they have come in and died, and also the road that goes by where this is going to go, it floods.

TAC took a break at 12:35 P.M. and resumed the meeting at 12:55 P.M.

John Noffsinger, 4261 County Road MM, Orland, a member of SOWR, lives less than ½ mile from the proposed Crystal Geyser site and in the plume of PCE. Noffsinger discussed being an environmental guy who is against any business that takes more resources than they give, and being against any business that pollutes the environment. Bottling plants fit both categories. They take more than they give and they pollute. Paradise and Chico are experiencing water problems. Paradise has no excess water and Chico has large areas of water that border on undrinkable due to nitrate content from orchard use of fertilizer. Orland is in their 3<sup>rd</sup> or 4<sup>th</sup> year of drought with no end in sight. Areas are going dry and other areas are forced to put in deeper wells. The Orland PCE plume has recessed due to the drought. At one time, the plume reached Road 200 bordering on the Heavy Industrial zone. The travel of the plume is not in the Crystal Geyser presentation. If the rains every come back that plume, along with Crystal Geyser's pumping will bring the PCE to the Crystal Geyser wells. No one knows how much PCE affects each individual. Over time pools of contamination will slowly be dissolved and leach into aquifers. An aquifer contaminated by dioxane, PCE and TCE is a serious environmental problem and can become lethal to habitats and people. Noffsinger discussed four children from Orland aged two to three years of age who developed leukemia in the 1990's, not saying they got the leukemia from the PCE and not saying they did not. Two of the children lived in the plume area. 75% of the world's water is salt water, 25% is fresh water, and 50% of the fresh water is undrinkable. We are fast losing our fresh water and Orland wants to give it away. It takes millions of barrels of oil to produce the final water product from pumping the water, to making the bottles, to trucking the products and other processes. It takes three gallons of water from the well to make one gallon of finished product. Two gallons are wasted and polluted with oil residues leaking into the water from the bottling process. Crystal Geyser says they will put the wastewater back into the environment by irrigating their plants and trees, and the excess will be put into the sewer system. It takes four ounces of oil to produce one bottle of the finished product. Noffsinger stated he hoped the TAC, the City Council and people in general realize that bottling plants rape the environment and add greatly to the world's pollution problems. Take into consideration the potential health problems to the public. Say "no" to Crystal Geyser and sleep with a conscious that you did what is best for Orland and the world environment, and that the EIR is definitely needed. It is time you started listening to we the people of Orland and what's best for Orland.

Joe Edgar, 4236 County Road M, Orland, discussed dealing with PCE in that area for at least 8 or 9 years that we have known of. Edgar stated that he heard the City of Orland knew of the PCE before us and the State of California knew even before that. The State has taken all of the money that the cleaner and their insurer gave to them – we never have heard how much it was and whether it was adequate to do the job or not. We are not getting adequate information in relation to the testing of the wells that are out there. There are four wells on my property at various levels.

Edgar stated that they test these but have not heard of or received any information about their findings for the last 3 or 4 years. Let's not screw this up like they did the PCE from the cleaners. We have other problems underground. One of them is petroleum. That's why a lot of gas tanks were dug up and removed and put above ground because the grounds that were contaminated from that particular source had to be moved to Coalinga and they paid \$57 per ton to move that soil. Edgar urged that this be done right as he did not want to filter his drinking water for the rest of his life.

Ron Barnes, 6214 County Road 15, Orland, retired owner of Monarch Laboratory in Chico for 37 years, stated he has done the water work here in Orland, so he knows to some degree what he is talking about. There are concerns when you overdraft, you are going to put water back into the aquifer and replenish that aquifer. The State of California had not figured out the best management program for water management of our aquifers. They don't even know how to put in test wells. Yet our own City of Orland has it figured out. When a lawyer calls an expert, an expert can prove anything. Lawyers do that all the time. We as people of Orland need to know what is happening to our water table, and you do not do that with one month of data. The State Department of Water Resources has been trying to accomplish that for 30 years with their data base and they still have no idea, but a lot of people are working on that. Bottle rejects - where are those going and what is the percentage of rejects? The purpose of an EIR is to communicate at different levels to different people the information. The site plan system is not addressing the EIR. It would have been simpler to do the job right from the beginning. An EIR addresses long term problems. Barnes stated that he has a masters degree in soils, water and chemistry, and considers himself knowledgeable. Noise factors should be addressed in the report.

Angus Saint-Evens, 6826 County Road 15, Orland, a member of SOWR, wanted to thank everyone who had helped him learn information about this project. This project even in my own conservative world is not a good fit for Orland. All my questions have been addressing the reasonableness and viability of this project. There is much divisiveness within the City. My wife and I have lost friends, we have made friends, and we have had friends accuse us of being anti-growth, anti-business, anti-jobs. Nothing could be farther from the truth. This is about process, not private property. When it comes to water, there are no private property rights. Where there are no controls is where we see so many water battles. The largest block of water companies are in California because of the looseness of water law here. Saint-Evens stated he lived ½ mile from the project. He had his well developed in 1993 and the static water was 23 feet. When Malcolm Pirnie monitored the well, the static water level was 36 feet. Why has it dropped 13 feet in 16 years? The aquifer is not as long lasting as we are being lead to believe. All of these people are here because of the water. The taking of this water is not in compliance with the County Water Ordinance. The safe yield is not currently being met. So we are depriving our aquifer without adequate flow in or recharge. There is more to lose than to gain so it is crucial to get it right. Thirteen people have asked me to speak on their behalf. CEQA is crucial because Crystal Geyser will be taking 160 acre feet a year forever. The County Environmental Health Department recommended an environmental analysis on the plume. The DTSC feels this is an issue. There is talk about Lely Park where the well is off line, there are plans that it may soon go deeper and it will go on line. This well will be drawing from the same aquifer in a short period of time. Lely Park used to be the City sewer plant. What untold and undiscovered substances are waiting to cause us problems in the future? Lely Park contains 80% of all of the City's storm water runoff. Lely Park floods out and County Road 200 has been closed by the City due to this flooding. It goes down 200 right to this property where it runs into the Tehama Colusa Canal which acts as a dike. This property has historically been the repository of storm drainage or storm water runoff from the City of Orland. Under the first draft condition, there are findings required by Section 17.82.060. Two findings are not required by code. It is the finding that the project is adequate with the Conditions of Approval in place is a violation of CEQA in determining impacts without an environmental review of the extent of those impacts. There is a finding that the project will create jobs and provide sales tax to the city – no sales tax to the City. The sales tax is collected at the point of sale. This information from Malcolm Pirnie is erroneous. Findings must be supported by evidence. Where is the evidence that show an increase in tax base other than mere supposition?

The Economic Development Corporation is presently defunct, but they would be the one that would be analyzing a project for the positive economic impacts. A further finding is that this will not negatively affect the general welfare. What about the people who have to listen to the trucks and have to absorb the fumes and diesel exhaust from the trucks? What about the people who live within a reasonable range who will suffer the visual impacts of this operation. Those are impacts you are not addressing here. How can they be ignored? Saint-Evens discussed Figure 4.1 of the Crystal Geyser presentation. This talks about drawdown over periods of time. This is a variable rate step down drawdown test that talks about what happens at various gallons per minute. There is a general downward trend here. We need an EIR to assess this sort of effect. PCE pools underground and unless there is a strong cross current, it will go down or will sit forever or until it leaches through the more impermeable layers or finds an old abandoned well or a weakness in the strata where it will go into the next aquifer. It is insoluble in water. The DTSC is concerned about this and has come up with a plan of remediation with soybean emulsifiers. We have no way of knowing when this process is going to start, how effective it is going to be, nor when it will be a conclusion. Is this a risk you need to take in order to get it right? The plume has shrunk because we are in a drought. It remains to cause us future problems. It is traveling in a southeasterly direction. All water within the State is the property of the people of the State, but the right to use of water may be acquired by appropriation in the manner provided by law. The State shall determine what water of the State, surface and underground, can be converted to public use or controlled for public protection. Development of water resources of the State is of vital concern to the people of the State and the State shall determine in what way the water of the State, both surface and underground should be developed for the greatest public benefit. The use of water for domestic purposes is the highest use of water and that the next highest use is irrigation. We are an agricultural community. With the year 2010 possibly being a drought year, it is critical that California continue to conserve as much water as we can to help stretch our supply. High agricultural usage coincides with the high usage of Crystal Geyser. Contingency plans should be addressed over usage of water. What is the effect of pumping on water quality? There is no recharge from the Crystal Geyser project. We need to think about budgeting water before the well runs dry. What is the City of Orland going to get from this? How were proposed property taxes calculated at \$117,000? Is this property actually zoned Heavy Industrial in its entirety or is part of it zoned Planned Development? What about the annexation agreement – there was a monetary split between the City and the County – property tax will come to the City at a rate of 54% and the balance of 46% going to the County. Ten to 12 trucks per day proposed and 20 to 25 permanent employees – where is their business plan? What time period will the seasonal employees be hired. Saint-Evens stated he had also heard that there would be 30 to 35 employees – which is it? Why the need for a backup well? Can't they wait for the well to be fixed? They should not be allowed to have a backup well. This facility will be 39 feet high and lighting will be a problem with neighbors. This is commercial zoned property surrounded by residential. Perhaps the towers could be placed on their sides to they would not be so tall. Noise, visual, roads, trucks, plume – cumulative impacts need to be considered. The agreement with the City Attorney between Orland and the applicant – what are they going to do in this agreement? Will there be a well insurance program? Alpine Spring Water was on their website, but is no longer on the website. The picture of the finished project is not to scale – the building will be much larger than shown. Why can't you say the words 52 million gallons – why do you use acre feet? There is concern about noise and monitoring conditions. There should be further monitoring. How about a filter in the line to take out particulates before they get to the sewer system? If the power is down on the sewer, a process needs to be developed on their wastewater with wells on site. There should be a reduction in the amount of water they use based on drought years as part of the approval for Crystal Geyser. CEQA needs to be considered prior to approval. The City needs to consider cumulative impacts. There is a lot of information here that needs to be digested. Saint-Evens offered to prepare model motions to deny the project.

Sailsbery closed the public hearing. Questions presented will be answered.

TAC took a break at 2:25 P.M. and resumed their meeting at 2:43 P.M.

Sailsbery stated that Alec Van Ryan of Malcolm Pirnie, Inc. is going to give a presentation and answer some of the questions asked by the public.

Van Ryan, Malcolm Pirnie, Inc., thanked everyone for their contribution. In deference to the time he will talk about some of the highlights of the questions because they do fall into certain categories. Van Ryan stated that the applicant will go through all of the notes and prepare a comprehensive response because 30 people spoke today and 30 people asked questions. It is important that we address each one of those in order. Van Ryan stated that the applicant will put that together in a document, and submit answers in writing before the end of the month and post the document on Crystal Geyser's webpage with copies available at City Hall. Van Ryan stated that this is the way we believe most accurately brings everything into the record. Eighty people signed up and attended the open house. We had a lot of curious people who wanted to know about the operation and we greatly appreciate all of those for coming to the open house

Spitzack, Crystal Geyser Water Company, stated that the company produces water that is a mineral water not to be confused with another company that is a large volume water company who produce low TDS (total dissolved solids) water and that is usually tap water. Crystal Geyser water is a mineral water that needs about 250 TDS and that the sparkling water would be all that Crystal Geyser Orland would be producing.

Sabourin, NAPCOR, stated that PET is not made from BPA. BPA is a chemical all to itself. PET is a package that has been available commercially for 35 years. It has a Number 1 on the bottom identifying it as PET, is being recycled at 68% here in California, and is not made from toxic chemicals. NAPCO supports PET bottles and Sabourin stated that his office is in Sonoma, California.

Almond, Crystal Geyser Water Company, stated that there would be 20 to 25 full time regular year round jobs at the Orland facility. When necessary, at peak season, Crystal Geyser will employ through a temporary agency for a third shift. 75% of those jobs will be local residents.

Strandberg, Malcolm Pirnie, Inc., stated that the Colusa Sub-Basin has 13 million acre feet of capacity and that the 160 acre feet, or 52 million gallons, that they will be using at the facility represents less than 1/1000 of a percent of the water storage within the basin. The City recently received a letter from DTSC dated November 5<sup>th</sup>. In that letter DTSC suggested that Malcolm Pirnie perform groundwater modeling. Strandberg stated that they have done the modeling and have submitted a letter to the City on November 16<sup>th</sup> which is part of the record. Strandberg stated that we updated the model that URS prepared on behalf of DTSC, we updated it with the August 2009 data that was most recent and available, and we ran the model with the 100 gallon per minute average annual rate and we found our test well will have no impact on the plume size or concentration, and will remain at its current distance of more than 2500 feet from the site.

Brennan, J. C. Brennan & Associates, stated he was going to touch on three issues. The ambient noise survey done during some of the pump testing - we looked at the data and realized we had bad data, and we re-did the test. In terms of criteria, we evaluated the project against the criteria of the City of Orland. The criteria was patterned after the model Noise Ordinance and the criteria recommended by the State of California. People have visited the Calistoga plant and it is much noisier. It is a different design of the building and noisier equipment. The compressors are outside with the cooling towers at the Calistoga plant, and here, the compressors will be inside.

Van Ryan stated that he had 30 pages of notes. Everyone here took significant notes and we are going to put them together, and before the end of the month, we will have the submittal to the TAC and we are going to post that on Crystal Geyser's webpage. When this meeting concludes, we will remain here for any additional questions.

Poczobut stated that one individual brought up about 18,000 trucks per year. Could you expound on that? How much out of the 160 acre feet will be trucked out?

Weklych, Crystal Geysers Water Company, stated that some of the annual 160 acre feet, which is equivalent to 52 million gallons per year, will be used for rinse water. Weklych said that we are going to use some of the water for cleaning filters. Not all of that water goes into the bottles. The individual said 9,000 trucks, so that is 18,000 truck trips. Weklych stated that we are not near that number at all. At full capacity, it will be around 8,000 trucks per year. We will average around 25 trucks per day, that's 50 round trips. The route we are taking is at the direction of the City – Road 200 to Papst to Highway 32.

Andrews stated that Saint-Evens was talking about the proposed agreement as a part of these conditions and not having the opportunity to review it. If we get to that point, that agreement is going to be drafted between Crystal Geysers's counsel and myself, and then presented to the City Council for approval just like any other contract. The agreement would be on the agenda during open session, so you would all have an opportunity to come in and weigh in on that in case there are some concerns you may have about the language and the commitment made in there. It is common in agreements with people that do business with the City that we have some indemnity language that says that they will take responsibility that might potentially impose liability to the City. There are still more steps to be taken. You have heard arguments that further environmental review is necessary from three attorneys. There are some legal issues to look at and we still need to get on the same page. We will take this under submission. There has been a lot of different information provided today. This Committee will take the additional material that Crystal Geysers is going to provide by the 30th, and review all of that and come back and finally make a decision at the next meeting of December 16, 2009. That is my recommendation at this point.

Saint-Evens questioned whether a response to the comments of Crystal Geysers would be allowed and if you can give us a date to submit our responses.

Sailsbery stated that a response to comments should be submitted by December 8<sup>th</sup> so that we can prepare it for the December 16<sup>th</sup> meeting.

Andrews stated both the materials represented by Crystal Geysers and Saint-Evens' reply would be made part of the agenda packet so that will be available to the public a number of days in advance of the next meeting.

Poczobut stated everyone has been dealing with Sailsbery. Sailsbery has been inundated with calls, comments, and concerns. There was talk about lack of communication. Poczobut stated he feels she has done an outstanding job in communicating and responding to each and every one, and that he was very proud to have her on Staff because she takes extreme pride in ensuring she is communicating with you all and thanked her for the work she has done on this so far and up to this point.

The meeting was adjourned at 3:00 P.M.

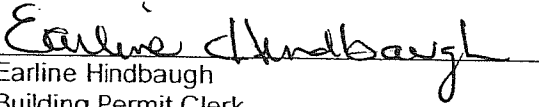
The following correspondence was received at the Public Hearing and identified as Attachment A:

- Letter from Malcolm Pirnie dated 11-16-09;
- Letter from Ray Collette dated 11-18-09;
- Email from Victoria Yelland dated 11-17-09;
- Letter from Joanne Overton dated 11-18-09;
- Letter from Joanne Overton with signatures of citizens opposed to plant dated 11-18-09;
- Letter from Trish Saint-Evens;
- Letter from Tammie Stanaley;
- Letter from Dalene Shippelhoute;
- Letter from Glenn County Health Services Agency dated 10-16-09;
- Letter from Carol Perkins, Butte Environmental Council dated 11-18-09;
- Letter from Michelle Stenquist dated 11-18-09;
- Letter from Grace M. Marvin dated 11-09;
- Letter from Donna Cook and Ann Schuenemann, members of SOWR;

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- Letter from William D. Kopper dated 11-17-09;
- Letter from Judy Noffsinger dated 11-18-09;
- Letter from John Noffsinger dated 11-17-09
- Letter from Hendrik Feenstra;
- List of citizens yielding their time for Angus Saint-Evens to speak;
- Letter from Angus Saint-Evens;
- Crystal Geyser Orland Open House sign-in sheet dated 11-12-09; and
- Letter and materials from Save Our Water Resources (SOWR) dated 10-30-09.

Respectfully submitted,

  
Earline Hindbaugh  
Building Permit Clerk