

From: Amy Irani <Amy.Irani@nevadacountyca.gov>
Sent: Tuesday, June 11, 2024 5:10 PM
To: Dave.Kereazis@dtsc.ca.gov
Cc: scott.wiley@dtsc.ca.gov; Trisha Tillotson <Trisha.Tillotson@nevadacountyca.gov>; Kyle Smith <Kyle.Smith@nevadacountyca.gov>; OKeefe, Kerri@Waterboards <Kerri.Keefe@waterboards.ca.gov>; Douglas Johnson <Douglas.Johnson@nevadacountyca.gov>; Catrie Levenson <Catrie.Levenson@nevadacountyca.gov>; Marc Benchimol <Marc.Benchimol@nevadacountyca.gov>; CEQAReview@dtsc.ca.gov; OPR State Clearinghouse <State.Clearinghouse@opr.ca.gov>; Tamara.Purvis@dtsc.ca.gov; Kyle Smith <Kyle.Smith@nevadacountyca.gov>
Subject: June 11, 2024 DTSC MND Comment letter

You don't often get email from amy.irani@nevadacountyca.gov. [Learn why this is important](#)

Good Evening Mr. Kereazis,
I am writing to you regarding the letter you sent on June 11, 2024, to Kyle Smith, Senior Planner, in our Planning Department. Mr. Smith forwarded the letter to me for comment.

I take great exception and believe it is warranted and necessary to address your comments for recommendation #2 in which you state:
"The Nevada County Department of Environmental Health (NCDEH) apply to become an approved oversight on the list of Certified Local Agencies. There have been several instances wherein NCDEH has acted as a certified local agency providing oversight when they are not on the aforementioned list. It is our understanding that the Lahontan Regional Water Quality Control Board (LRWQCB) is the coordinating agency for oversight and cleanup for the purposes of this project as outlined in a Kerri O'Keefe (LRWQCB) email to the Project Applicant, David Mercer on June 6, 2024. The Project Applicant shall adhere to oversight guidance provided by the LRWQCB."

At no time for this project (PLN23-0054 MND), or the MND for Lake Wildwood PW Maintenance Facility project (which you also provided comment in writing) did our department (NCDEH) intend, project, or infer to be the Certified Local Agency. It has been the consistent practice with my Solid Waste/LEA staff to defer any complex projects to DTSC for evaluation and recommendation on next steps.

Regarding PLN23-0054, the most recent request by the property owner, David Mercer and his consultant, Pamela Raynak with NV5 was to meet with our planning department and environmental health department at the County of Nevada ERAC building. On Monday March 18, 2023, a meeting was held with Mr. Mercer, Ms. Raynak and present at that meeting were Kyle Smith, Brian Foss-Planning Director, and me. Mr. Mercer and his consultant requested to proceed with clean closure of the property and my response to both was that such a request would need clearance and approval by the Lahontan WB and CalRecycle. After that meeting, I sent an email on March 19, 2023, email to Steve Levine, Counsel for CalRecycle and Kerri O'Keefe Lahontan WB. I relayed the following:

From: Amy Irani <Amy.Irani@nevadacountyca.gov>
Sent: Tuesday, March 19, 2024 1:56 PM
To: Levine, Steve@CalRecycle <Steve.Levine@CalRecycle.ca.gov>; OKeefe, Kerri@Waterboards <Kerri.Keefe@waterboards.ca.gov>
Cc: Douglas Johnson <Douglas.Johnson@nevadacountyca.gov>; Gomez, Angela@CalRecycle <Angela.Gomez@CalRecycle.ca.gov>; Sara Lyon <Sara.Lyon@nevadacountyca.gov>
Subject: Mercer - Silverado Sawmill project - 10375 Silverado Way 29-AA-0023

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Good Afternoon Steve and Kerr,

I do hope my email finds you both doing very well. Steve, I want to thank you for speaking with Doug Johnson regarding the movement forward of the Planning land use entitlements for the Sawmill project, and providing your assessment that said movement could be done concurrently/parallel track with conditions. This project is highly supported by our District 5 Board Supervisor, and I am looking to you both to see how we can cooperatively move the project forward while still meeting the clean closure requirements.

Yesterday, I had a meeting with the owner David Mercer, engineering company (NV5) Pamela Raynak, assisting with clean closure work plan and owner's designer Gavin Ball along with our County Planning Director, Brian Foss, and Sr. Planner Kyle Smith. The meeting went well, and we discussed in detail with NV5's Pamela Raynak about the current work plan resubmittal that she is working on to send to the County for review.

As such, wanted to reach out to you both to find out your feedback on a question posed by the owner, David Mercer:

The owner wishes to conduct the removal of all the solid waste that is part of the parcel and the subject of the clean closure requirements. He will have NV5 outline all the work (in a revised work plan submittal) for air monitoring, using a grid-based pattern for 19 additional sampling points recommended by CalRecycle, which strategically move outwards from the solid waste location to check if the waste has migrated. They will also conduct the radiological **Question:** If the owner, pending the approved resubmitted work plan, wishes to move forward with all the requirements for the clean closure; does the initial testing still need to be done? The owner, NV5 and designer have submitted this request as this involves a lot of extra expense, and they will be clearing the entire area for compliance.

I realize your response is pending review of the resubmitted work plan, however would you be able to provide your feedback on the possibility of agreeing to the path forward as requested by the owner? Your responses would be helpful to me with my response to my District 5 Board Supervisor.

I thank you both for your time and your feedback.

Kind Regards,

Amy



As you can see in the email, at no time was there the indication that the NCDEH was taking the lead as the Certified Local Agency for this project.

Our departmental staff has always been respectful and collaborative with Ms. O'Keefe and our partners at both CVRWQCB and Lahontan WB. And at no time would our department presume to step over jurisdiction intentionally. We have always recognized our staffing expertise limitations and have consistently over the years deferred complex cases to DTSC or our Waterboard partners.

Therefore, I respectfully request that you resubmit your response letter to Mr. Smith after removing the highlighted comments above as they are stated without any substantive backing and are disingenuous in their implied intent.

Thank you, Mr. Kereazis, for your attention to this email and my request.

Respectfully,
Amy Irani



**NEVADA
COUNTY**
CALIFORNIA

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