

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660
FAX: (650) 589-5062

amcguire@adamsbroadwell.com

SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721

TEL: (916) 444-6201
FAX: (916) 444-6209

KEVIN T. CARMICHAEL
CHRISTINA M. CARO
THOMAS A. ENSLOW
KELILAH D. FEDERMAN
RICHARD M. FRANCO
ANDREW J. GRAF
TANYA A. GULESSERIAN
DARION N. JOHNSTON
RACHAEL E. KOSS
AIDAN P. MARSHALL
ALAUARA R. MCGUIRE
ISABEL TAHIR

Of Counsel

DANIEL L. CARDOZO
MARC D. JOSEPH

April 4, 2025

Via U.S. Mail and Email

Mardy Thomas, Director
Glenn County
Planning & Community Development Services
225 N. Tehama Street
Willows, CA 95988
Email: planning@countyofglenn.net

Via Email Only

Andy Popper, Principal Planner
Email: planning@countyofglenn.net

Re: Request to Extend the Public Review and Comment Period for the Mitigated Negative Declaration – Carriere/Syntech CF1, LLC Advanced Thermal Conversion Project (CUP 2024-004; SCH No. 2024120076)

Dear Mr. Thomas and Mr. Popper:

On behalf of **California Unions for Reliable Energy (“CURE”)**, we respectfully request that Glenn County (“County”) extend the public review and comment period for the Mitigated Negative Declaration (“MND”)¹ for the Carriere/Syntech CF1, LLC Advanced Thermal Conversion Project (CUP No. 2024-004, SCH No. 2024120076) (“Project”) proposed by Wayne McFarland (“Applicant”). The public comment period currently ends April 16, 2025, the same date as the Planning Commission’s proposed hearing on the Project.² The comment period should be

¹ Glenn County, Mitigated Negative Declaration for the Carriere/Syntech CF1, LLC Advanced Thermal Conversion Project (“MND”) (March 12, 2025), available at: <https://www.countyofglenn.net/sites/default/files/resources/CUP2024-004%2C%20Carriere%20Syntech%20CF1%2C%20LLC%2C%20NOI%2C%20Staff%20Report%2C%20COAs%2C%20MM%2C%20MND%2C%20IS%2C%20and%20Appendix.pdf>.

² Glenn County, Legal Notice of Intent and Public Hearing to Adopt a Mitigated Negative Declaration (“Notice”), available at: <https://www.countyofglenn.net/sites/default/files/resources/CUP2024->

extended by at least 30 days due to the County's failure to provide timely access to documents referenced and relied upon in the MND. The Planning Commission hearing should also be continued to a later date after the close of the public comment period so that the Planning Commission can meaningfully consider all public comments submitted on the MND, as required by CEQA.³

On March 26, 2025, our office submitted a request, pursuant to the California Environmental Quality Act ("CEQA"),⁴ for access to any and all documents referenced or relied upon in the MND.⁵ ⁶ CEQA section 21092(b)(1) and CEQA Guidelines section 15072(g)(4) require that "all documents referenced" and "all documents incorporated by reference" in a negative declaration shall be "readily accessible to the public during the lead agency's normal working hours" during the entire public comment period.⁷ On April 2, 2025, our office followed up with the County via email regarding the request.⁸ To date, the County has not provided CURE with access to any responsive records. The County has also failed to advise CURE when (or whether) the County would provide access to the MND reference documents.

We ask the County to fully and immediately comply with our March 26, 2025, request by providing access to all documents referenced and incorporated by reference in the MND, including, but not limited to the following:

1. Supporting Documents for the MND and appendices:

[004%2C%20Carriere%20Syntech%20CF1%2C%20LLC%2C%20NOI%2C%20Staff%20Report%2C%20COAs%2C%20MM%2C%20MND%2C%20IS%2C%20and%20Appendix.pdf](#).

³ 14 Cal Code Regs. ("C.C.R.") § 15074(b) (prior to approving project, decision-making body of lead agency must consider the proposed mitigated negative declaration together with any comments received during the public review process, and cannot adopt a mitigated negative declaration unless "the whole record before it (including the initial study and any comments received)" demonstrates no significant effects).

⁴ Pub. Resources Code §§ 21000 *et seq.*

⁵ **Exhibit A**– Letter to Mardy Thomas, Andy Popper, and County Clerk-Recorder, Glenn County from Lauren Q. Evans, Adams Broadwell Joseph & Cardozo ("ABJC") re: Request for Immediate Access to Documents Referenced in the Mitigated Negative Declaration – Carriere/Syntech CF1, LLC Advanced Thermal Conversion Project (CUP No. 202-004, SCH No. 2024120076) (March 26, 2025).

⁶ The same day, our office submitted a separate public records request pursuant to the Public Records Act ("PRA") for access to other *public records* related to the Project. **Exhibit B** – Letter to Mardy Thomas, Andy Popper, and County Clerk-Recorder, Glenn County from Lauren Q. Evans, ABJC re: Public Records Act Request – Carriere/Syntech CF1, LLC Advanced Thermal Conversion Project (CUP No. 202-004, SCH No. 2024120076) (March 26, 2025).

⁷ Pub. Resources Code § 21092(b)(1); 14 C.C.R. § 15072(g)(4).

⁸ Email to Glenn County from Lauren Q. Evans, ABJC (April 2, 2025).

- a. Emissions modeling and health risk assessment supporting MND Section III (Air Quality) (including but not limited to CalEEMod and other emissions modeling input and output files)
 - b. Sound mapping⁹ and noise impact assessment of existing and expected noise levels to support MND Section XIII (Noise)
 - c. Site assessment for biological resources supporting MND Section IV (Biological Resources).
 - d. Hydrology and water quality assessment supporting MND Section X (Hydrology and Water Quality)
 - e. Hazardous materials assessment supporting MND Section IX (Hazards and Hazardous Materials)
2. Missing Weblinks for Documents Referenced in the MND's Biological Resources Impact Analysis:
 - a. Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Department of the Army, Waterways Experiment Station, Vicksburg, Mississippi 39180-0631.
 - b. California Department of Fish and Game. 1994. A Field Guide to Lake and Streambed Alteration Agreements, Sections 1600-1607, California Fish and Game Code. Environmental Services Division, Sacramento, CA.
 - c. Glenn County Environmental Impact Report
3. Corrected Weblinks for Documents Referenced in MND's Mineral Resources Impact Analysis:
 - a. California Department of Conservation. 1997. Mined Land Classification Map for Central Glenn County. <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>
4. Accessible Weblinks for Documents Referenced in MND's Resources Section:
 - a. California Department of Fish and Wildlife. 2014. California Central Valley Wetlands and Riparian GIS Data Sets: <http://www.dfg.ca.gov/biogeodata/wetlands/>.

These missing reference documents form the basis of much of the MND's environmental and health impact analyses and its proposed mitigation measures. Without access to these fundamental reference documents during the public comment period, CURE and other members of the public are prevented from meaningfully commenting on the Project's potentially significant environmental impacts. This directly violates the procedural mandates of CEQA.

⁹ Referenced in Syntech replies to Cover Letter and Agency comments, p. 3 ("The Project has previously provided sound mapping documents for the County's use.").

April 4, 2025
Page 4

CEQA compels a lead agency to make all documents referenced in a negative declaration “available for review” during the entire public comment period.¹⁰ The courts have held that the failure to provide even a few pages of a CEQA document for a portion of the public review period invalidates the entire CEQA process, and that such a failure must be remedied by permitting additional public comment.¹¹ It is also well settled that a CEQA document may not rely on hidden studies or documents that are not provided to the public.¹²

Accordingly, we request the County:

- 1) Extend the public review and comment period **for at least 30 days from the date on which the County releases *all* MND reference documents** for public review.
- 2) Immediately provide access to all documents referenced and incorporated by reference in the MND.
- 3) Continue the Planning Commission hearing, currently scheduled for April 16, 2025, to a later date after the close of the public comment period so that Planning Commission meaningfully considers all public comments submitted on the MND, as required by CEQA.

Given the short time before the current comment deadline ends, please contact me as soon as possible with your response to this request, but no later than close of business on **Wednesday April 9, 2025**.

Thank you for your prompt attention and response to this matter.

Sincerely,



Alaura McGuire

Attachments
ARM:acp

¹⁰ Pub. Resources Code § 21092(b)(1); 14 C.C.R. § 15072(g)(4).

¹¹ *Ultramar v. South Coast Air Quality Man. Dist.* (1993) 17 Cal.App.4th 689, 699.

¹² *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3rd 818, 831 (“Whatever is required to be considered in an EIR must be in that formal report; what any official might have known from other writings or oral presentations cannot supply what is lacking in the report.”).