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Categorical Exemption Appeal
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DATE: February 5, 2018
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Lisa Gibson, Environmental Review Officer – (415) 575-9032
 Laura Lynch – (415) 575-9045
RE: Planning Case No. 2017-010819APL
 Appeal of Categorical Exemption for 1526 Wallace Avenue
HEARING DATE: February 13, 2018
ATTACHMENTS: A. Saba Live Field Notes 2017-010819APL, Laura Lynch, January 24, 2018
 B. Memorandum from Daniel Frattin, Reuben, Junius & Rose LLP to Laura Lynch, San Francisco Planning Department, January 22, 2018 (includes, as attachment, background paper from CalRecycle regarding the safe disposal of animal products and applicable regulations)

PROJECT SPONSOR: Daniel Frattin of Rubin Junius and Rose on behalf of Saba Live Poultry
APPELLANT: Animal Legal Defense Fund

INTRODUCTION

This memorandum and attachment are a response to the December 26, 2017, letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Department's issuance of a categorical exemption under the California Environmental Quality Act ("CEQA determination") for the proposed project at 1526 Wallace Avenue (the "project").

The Planning Department, pursuant to Title 14 of the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15300–15333), issued a categorical exemption for the project on November 30, 2017, finding that the proposed project is exempt from the California Environmental Quality Act (CEQA) as a Class 1 categorical exemption. In addition, the project qualifies for a Class 3 exemption. The Class 1 exemption applies to minor alterations of existing facilities, including additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the area in which the project is located is not environmentally sensitive (CEQA Guidelines Section 15301). A Class 3 exemption applies to projects that include new construction or changes of use under 10,000 square feet, if such change of use is principally permitted or permitted with a Conditional Use Authorization (CEQA Guidelines Section 15303). The proposed project would require alteration to an existing building including interior tenant improvements

(Class 1) and also includes a change of use under 10,000 square feet (Class 3). It is noted that the “CatEx checklist”, issued on November 29, 2017, identified the proposed project as qualifying for a Class 1 exemption and did not cite the additional Class 3 exemption for which the project qualified. This does not affect the validity of the exemption determination. If a project meets the criteria for an exemption, it is exempt from further environmental review, regardless of when that determination is made in the process.

The decision before the Board is whether to uphold the Planning Department’s decision to issue a categorical exemption and deny the appeal, or to overturn the Planning Department’s decision to issue a categorical exemption and return the project to Planning Department staff for additional environmental review.

SITE DESCRIPTION AND EXISTING USE

The project site (Block 4829, Lot 004) is on the northeast side of Wallace Avenue on the block bounded by Wallace and Van Dyke avenues and Keith and Jennings streets in the Bayview neighborhood. The 7,496-square-foot project site contains a single story, approximately 6,300-square-foot industrial building constructed in 1946, with multiply industrial spaces. The subject industrial space, which is approximately 2,100 square feet in size, is currently vacant. The project site and block are within the PDR-2 (Core Production Distribution, and Repair) Use District and a 40-X Height and Bulk District. The neighborhood contains primarily small-to-large industrial and warehouse buildings, with no residential properties abutting the project site (the closest residential use is approximately 50 feet from the project site, along Van Dyke Avenue). Types of businesses within the immediate vicinity of the property include the San Francisco Municipal Transportation Agency (SFMTA) Paint Shop, food processing facilities, automotive body shops, wood pallet manufacturers, and sheet metal fabrication businesses.

PROJECT DESCRIPTION

The proposed project would involve interior alterations to the existing building at 1526 Wallace Avenue and would not include any expansion of the building envelope. The proposed tenant improvements would accommodate a small-scale (2,100 square feet) halal live poultry slaughterhouse with direct sales to customers on site.¹ All activities would be contained within a completely enclosed building, with no openings, other than fixed windows, exits, and vents, as required by law.

On January 23, 2018, Daniel Frattin (representative for the project sponsor) provided a memorandum to Planning Department staff that detailed the anticipated operations of the proposed business, which would be operated by Saba Live Poultry, and a summary of regulations that the proposed slaughterhouse would be subject to. A background paper by CalRecycle regarding the safe disposal of animal products and applicable regulations was also provided. Additionally, on January 24, 2018, Planning Department

1 Halal generally refers to what is permissible or lawful in Islamic tradition, and here, to animals raised and prepared specifically according to traditional practices, which are similar to those in the kosher tradition. According to the project sponsor, while the chickens are being raised, they would be fed on a vegetarian diet, treated humanely, have access to the outdoors, and kept healthy prior to slaughter. A prayer would be said over the bird before it is killed by cutting its throat, then the bird would be drained of blood.

staff conducted a site visit to the Saba Live Poultry's existing Bay Area facility, which is approximately 4,000 square feet and is located in Oakland, CA.

According to the project sponsor, the project anticipates storing approximately 500 live birds on-site at any given time, with no bird anticipated to stay at the facility for longer than 48 hours. All killing and processing of poultry would be done manually, with the only exception being defeathering, which would be done by a machine that is run on electricity. In terms of waste products, while the birds are alive, animal waste would be collected in a tray of shallow water underneath the bird cages. The trays would then be collected and emptied daily into airtight drums. After the birds are killed and processed (immersed in hot water, defeathered, cleaned, and cut into pieces [if requested by customers]), at each station, waste, blood, feathers, and byproducts would be captured and placed into sealed receptacles that would be stored in a cooler room, until they are picked up by an offsite vendor for composting or recycling into other products. Drains in the facility would be equipped with grease traps to capture remaining waste before it enters into the sewage system. Air would be exhausted from the facility with a roof-mounted up-blast utility set centrifugal fan, discharging through a 10-foot high chimney. Air would be discharged from the fan at a velocity of 3,000 feet per minute, sufficient to send it more than 50 feet above ground level before it dissipates into the atmosphere. No diesel generator, incinerator, or other mechanical equipment is proposed for the project.

Poultry for the proposed facility would be sourced from the outer Bay Area and the Central Valley. The anticipated number of poultry deliveries would range from 2 to 4 deliveries per week and the poultry would be transported in typical box trucks. The sponsor anticipates that an additional 3 to 5 truck trips per week would be required to remove animal waste products.² The sponsor anticipates having an average of 20 to 30 daily customers (with possible higher numbers during some holidays) and 5 to 10 employees at any given time. A state-certified inspector would be on-site at all times to monitor the condition of animals and the facility (the inspector would be one of the 5 to 10 anticipated employees).

Pursuant to Planning Code Section 102, processing of small livestock falls under the use definition of "Livestock Processing 1." Planning Code Section 210.3 permits Livestock Processing 1 uses within the PDR-2 Zoning District. Accordingly, the project received a Conditional Use Authorization on November 30, 2017. This authorization granted the property permission to change to a Live Processing 1 use. No appeal of the Conditional Use Authorization was filed.

BACKGROUND

On August 09, 2017, Harvey Hacker of Harvey Hacker Architects on behalf of the property owner GBP 5 LP and the proposed tenant, Saba Live Poultry, filed a Conditional Use Authorization application with the Planning Department to establish Livestock Processing 1 use at the project site.

On November 29, 2017, the Planning Department determined that the project was categorically exempt under CEQA.

² At the busiest times of year, two trucks total are expected to serve the facility per day.

On November 30, 2017, the San Francisco Planning Commission approved the Conditional Use Authorization, establishing the Livestock Processing 1 use at the project site. This approval was conducted at a publicly noticed hearing. The action by the Planning Commission is the Approval Action for the project under CEQA.

On December 26 1017, Cristina Stella on behalf of the Animal Legal Defense Fund filed an appeal of the categorical exemption. The Planning Department determined that the CEQA appeal is timely.

CEQA GUIDELINES

Section 21084 of the California Public Resources Code requires that the CEQA Guidelines identify a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from further environmental review. In response to that mandate, the State Secretary of Resources found that certain classes of projects, which are listed in CEQA Guidelines Sections 15301 through 15333, do not have a significant impact on the environment and therefore are categorically exempt from the requirement for the preparation of further environmental review.

CEQA State Guidelines Section 15301(a), Existing Facilities, or Class 1, provides an exemption from further environmental review for projects that consists of interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances. The project would involve interior tenant improvements to accommodate the new use.

Additionally, CEQA State Guidelines Section 15303 (c), New Construction or Conversion of Small Structures, or Class 3, provides an exemption from further environmental review for projects that consist of the conversion of existing small structures from one use to another where only minor exterior changes are made. Specifically, Section 15303(c) exempts from further environmental review a change in use in an urbanized area involving up to four commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. The project includes the change of use of an approximately 2,100-square-foot industrial space from a vacant facility (formerly used for automotive towing and storage) to a facility that would house live poultry livestock and process it for both direct-to-customer and business-to-business sales.

The Planning Department has determined that the proposed project satisfied the criteria of these classes of exemptions and found that there were no unusual circumstances associated with the project site or with the proposed activities that could lead to a significant effect on the environment, and the project was determined to be exempt from environmental review.

In determining the significance of environmental effects caused by a project, CEQA State Guidelines Section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA State Guidelines 15064(f)(5) offers the following guidance: "Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial

evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts.”

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The concerns raised within the December 26, 2017, appeal letter are cited below and are followed by the Planning Department’s responses.

APPROPRIATE USE OF A CATEGORICAL EXEMPTION

Concern 1: The Appellant contends that the project is not exempt from the California Environmental Quality Act because it could have significant environmental impacts.

Response 1: The proposed project qualifies for a categorical exemption under Class 1, Existing Facilities, and Class 3, New Construction and Conversion of Small Structures, and no unusual circumstances exist that could result in significant environmental impacts. Therefore, an Initial Study or an Environmental Impact Report (EIR) is not required. The Appellant has not provided any substantial evidence to refute the conclusions of the Department.

The determination of whether a project is eligible for a categorical exemption is based on a two-step analysis: 1) Determining whether the project meets the requirements of the categorical exemption; and 2) Determining whether any of the exceptions listed under CEQA Guidelines section 15300.2, such as unusual circumstances, apply to the project.

The project meets the requirements of a categorical exemption under both Class 1, Existing Facilities and Class 3, New Construction and Conversion of Small Structures. The Appellant has not provided any substantial evidence supported by facts that the project does not qualify for a categorical exemption under Class 1 or 3. Class 1 categorical exemption allows for interior alterations of existing properties, while a Class 3 allows for changes of use of 10,000 square feet within urban areas. The proposed project in this case involves the change in use of an existing 2,100 square-foot vacant space, previously used as a towing facility, to a Livestock Processing 1 use, within the dense urban context of San Francisco.

The project is located within the Core Production Distribution and Repair (PDR-2) zoning district. Pursuant to Planning Code Section 210.3, the intent of the PDR-2 district is to encourage the introduction, intensification, and protection of a wide range of light and contemporary industrial activities. Thus, this district prohibits new housing, large office developments, large-scale retail, and the heaviest of industrial uses. Light industrial uses in this district may be conducted entirely within an enclosed structure, partly within enclosed structures, or some functions may occur entirely in open areas. These uses may require trucking activity multiple times per day, including trucks with up to 18 wheels or more, and occurring at any time of the day or night. As part of their daily operations, PDR activities in these areas may emit noises, vibrations, odors, and other emissions, as permitted by law. Local, state, and federal health and safety regulations, as well as Planning Code stipulations, may impose additional use size maximums and minimum distance requirements on certain activities.

Laura Lynch, Planning Department staff, conducted a site visit to the outside of the proposed project at 1526 Wallace Avenue on January 24, 2018. Neighboring businesses observed within the direct vicinity of the project site include other uses consistent with the PDR-2 zoning district, including the San Francisco Municipal Transportation Agency (SFMTA) Traffic Paint Shop, automotive repair and paint shops, food processing facilities, and sheet metal fabrication businesses. The closest residential building to the project site is located at 1447 Van Dyke Avenue, approximately 50 feet away, with no direct access to the project site.

Additionally, CEQA Guidelines Section 15300.2(c) states that a “categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” Pursuant to CEQA, a two-part test is established to determine whether there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances, as follows:

- 1) The lead agency first determines whether unusual circumstances are present. If a lead agency determines that a project does not present unusual circumstances, that determination will be upheld if it is supported by substantial evidence. CEQA Guidelines define substantial evidence as “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.”
- 2) If the lead agency determines that a project does present unusual circumstances, then the lead agency must determine whether a fair argument has been made supported by substantial evidence in the record that the project may result in significant effects. CEQA Guidelines states that whether “a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.”

The Appellant has not provided any evidence that the exemption determination does not qualify for a Class 1 or 3 exemption. A Class 1 exemption allows for improvements to existing facilities (i.e. interior tenant improvements) and Class 3 exemptions allow for changes of use of 10,000 square feet within urban areas. The project involves the change the use of an existing 2,100-square-foot former automotive storage and towing facility to an animal containment and processing facility, within the dense urban environment of San Francisco. The proposed use of the project is permitted within the PDR-2 Zoning District, a district in which the project site is located. Pursuant to Planning Code Section 210.3, a Conditional Use Authorization is required to change the use of a property from one category to another. The surrounding area consists of a varying range of uses including light to heavy industrial (i.e. food processing, paint shops, sheet metal fabrication) to single family residential. A Conditional Use Authorization was granted by the San Francisco Planning Commission on November 30, 2017, approving the site for the proposed animal containment and processing facility. Although the Appellant indicated concern with regards to the type of use and the proposed operations at the subject property, the size, scope and location of the project allow for it to qualify for a Class 1 and 3 categorical exemption.

On the whole, the Planning Department finds that no unusual circumstances exist that would disqualify the proposed project from a categorical exemption under Class 1 or Class 3.

Even if one were to find that an unusual circumstance is present, any potential environmental impacts associated with the proposed use would not rise to a significant level given the nature (manual processing) and small scale (500 birds at any given time) of the proposed operations and given the existing regulations that would apply to the project (regarding waste disposal, for example). Contrary to the Appellant's claim, the Department considered both construction and operations in making its determination, and concluded that the proposed small-scale slaughterhouse could not result in significant impacts related to air quality, noise, solid waste, water quality or any other CEQA topics.

Based on the above, neither the project location nor the scope of the proposed project would present unusual circumstances. For informational purposes, the Planning Department has provided analysis and information with regards to the varying points of concern raised by the Appellant, including air quality, water quality, animal byproduct disposal, and existing local and state regulations. This information can be found within subsequent responses.

Additionally, the proposed project and its location do not involve any unusual circumstances that would require further environmental review, as described below under other responses. The location of the project site within the Bayview neighborhood, in and of itself, does not constitute an unusual circumstance, unless a direct link between the project location and significant impacts on the environment caused by the proposed project can be shown. The Appellant has not provided any substantial evidence to refute the Department's determination that the proposed project qualifies for a Class 1 and 3 categorical exemption; nor has the Appellant demonstrated that the project would result in a significant impact on the environment due to unusual circumstances necessitating the preparation of an Initial Study or EIR.

Procedurally, the CEQA Guidelines do not require a written determination to be provided to confirm that a project is exempt from CEQA review. However, Chapter 31 of the San Francisco Administrative Code establishes local procedures and requirements necessary to implement CEQA analysis for its projects; this includes procedures and requirements for the preparation of categorical exemptions. Per Section 31.08(1)(a) of the Administrative Code, the categorical exemption determination document for a project that is found to be exempt from CEQA must include the following information:

- 1) Project description in sufficient detail to convey the location, size, nature and other pertinent aspects of the scope of the proposed project as necessary to explain the applicability of the exemption;
- 2) Type or class of exemption determination applicable to the project;
- 3) Other information, if any, supporting the exemption determination;
- 4) Approval Action for the project, as defined in Section 31.04(h); and
- 5) Date of the exemption.

In compliance with Section 31.08(1)(a) of the Administrative Code, the proposed project's categorical exemption determination document provides the required information confirming that the project is exempt from CEQA review and eligible for a categorical exemption under Class 1, Existing Facilities, and Class 3, New Construction and Conversion of Small Structures. Specifically, the exemption determination document contains the following:

- 1) Project description for determining that the project is exempt from CEQA;
- 2) Class of categorical exemption (as discussed above in the Introduction, the “CatEx checklist” identified the proposed project as qualifying for a Class 1 exemption and did not cite the additional Class 3 exemption for which the project also qualified);
- 3) Applicable information to support the categorical exemption determination;
- 4) Approval action for the project (i.e., approval of a Conditional Use Authorization by the Planning Commission); and
- 5) Date of the categorical exemption (November 29, 2017).

Based on the discussion above, the 2,100 square foot project was appropriately exempt from CEQA under a Class 1 and Class 3 exemption based on the size and scope of the proposed project. Additionally, the Planning Department finds that no unusual circumstances exist that would disqualify the proposed project from a categorical exemption under Class 1 or Class 3.

PROJECT OPERATIONS

Concern 2: The Appellant contends that the Planning Commission made inaccurate assumptions related to the halal method of processing poultry, which led it to underestimate potential environmental impacts.

Response 2: The size and scale of the project as well as the fact that no sources of air quality emissions (such as generators, heavy machinery, incinerators, etc.) would be required would ensure that no significant impacts would result from its construction or operation.

The Appellant states that the proposed halal style slaughtering does not dictate the way that the animals are disposed of. The Department maintains that the proposed project, regardless of the methods used in the slaughtering of the animals (i.e., halal), would nevertheless be subject to local state and federal regulations with regards to water usage and waste disposal and, given the size and scale of the project, would still be categorically exempt from additional CEQA review, based on reasoning provided in Response 1.

Moreover, the halal method of processing chickens would dictate how the project operates and would further constrain the volume of poultry that could be processed in the facility. The halal style of animal processing would require the slaughtering of animals individually, by hand. The only processing machinery that would be present at the site would be a single machine used to remove feathers from the bird, once it has been slaughtered (this machine is electric-powered). However, whether or not the proposed operation is halal was not the main consideration in the Department’s determination that it is categorically exempt from additional CEQA review. Rather, the Department considered the size, scale, and lack of air quality emission sources, among other triggers listed in the CEQA Categorical Exemption Determination checklist under Step 2 (included in the Appellant’s packet), in its review.

In issuing a categorical exemption, the Department inquired about the type of machinery that would be required to operate the proposed project. The use of the project site as a halal slaughterhouse means that no heavy duty machinery would be needed that could otherwise result in possible air quality emissions.

Thus, because the project is limited to 2,100 square feet in size, which is well within the 10,000 square foot limitations for a Class 3 exemption, and as discussed in Response 1, no unusual circumstances exist that would result in significant environmental impacts, it was deemed qualified for a categorical exemption.

WASTEWATER AND SOLID WASTE

Concern 3: The Appellant contends that the Department improperly relied on the assumption that the project would comply with applicable local, state, and federal regulations concerning wastewater and solid waste operations, in determining that it qualifies for a CEQA exemption.

Response 3: The proposed project, like all businesses in the City and County of San Francisco, would be required to comply with local, state and federal regulations applicable to its proposed construction and operations. These regulations are not considered an unusual circumstance in the context of CEQA review and would be considered an integral part of the project itself. Assuming otherwise (e.g., that the project would not comply with such regulations) would be speculative; speculation is not considered substantial evidence under CEQA (Guidelines §15384).

The Appellant asserts that wastewater discharge from the proposed project would disqualify the project from an exemption; however, the Appellant does not substantiate this claim with facts. As discussed in Response 1, the project was correctly classified as exempt from CEQA. For informational purposes, Planning Department staff includes the following discussion analyzing the existing local, state and federal regulations related to wastewater discharge from industrial businesses.

With respect to the proposed use, wastewater would be properly filtered and monitored to ensure that high levels of contaminants do not enter the sewer systems. Additionally, as mentioned above, Planning Department staff conducted a site visit to an existing Saba Live location in Oakland on January 24, 2018 (Saba Live Field Notes: 2017-010819APL, attached). Based on this site visit, Planning Department staff confirmed that drains with grease traps were present at Saba's existing facility, capturing runoff within the existing building. Additionally, the solid waste from slaughtered chickens was separated out by feathers and other waste, and stored in closed containers within a locked, refrigerated room. According to the project sponsor, this solid waste is picked up and disposed of at a qualified animal waste disposal and recycling center, as would be done for the proposed facility. The Appellant provides no evidence as to how the proposed project would not qualify as a categorical exemption, or how the proposed operations would trigger any unusual circumstances with regards to wastewater or solid waste.

The project would be required to comply with all local, state and federal regulations applicable to the proposed operations. For informational purposes, below is a non-exhaustive list of local, state and federal regulations that the proposed project could be subject to, based on communication with the project sponsor, Department of Public Health staff and U.S. Department of Agriculture (USDA) staff:

U.S. Department of Agriculture (USDA). The USDA Food Safety and Inspection Service (FSIS) is responsible for ensuring the safety and wholesomeness of poultry through the enforcement of the Poultry Products Inspection Act (PPIA). These laws require federal inspection and regulation of poultry prepared for distribution in commerce for use as human food.

California Department of Food and Agriculture (CDFA). The Meat Poultry and Egg Safety Branch (MPES) licenses and inspects meat, poultry, and egg production establishments, including retail poultry plants that sell live poultry and slaughter them for customers. The MPES Branch reviews operational plans prior to issuing a license to the plant owner or an employee. The MPES Branch trains, licenses, and evaluates these Poultry Meat Inspectors (PMIs) who are responsible for enforcing sanitation standards, pest control measures, and the humane handling and slaughter of the poultry on site. (See CDFA, MPES Branch Overview, <https://www.cdffa.ca.gov/ahfss/MPES/> (accessed January 23, 2018).)

California Department of Resources Recycling and Recovery (CalRecycle). CalRecycle regulates the collection, handling, and disposal of animal tissue to prevent the spread of disease, protect the environment from inappropriate and illegal dumping of discarded animal tissue, and encourages the recycling of waste products to reduce the amount of animal material disposed in landfills.

San Francisco Department of Public Health (SFPDH). Environmental Health Inspectors from SFPDH monitor compliance of local and state food safety regulations. Because Saba Live would include a retail component, SFPDH would inspect the operation for cleanliness, safe food storage, vermin infestation, adequate equipment, regular refuse collection, and good employee hygiene and work habits. In addition, SFPDH ensures compliance with California law requiring every retail food facility to employ a Certified Food Handler. (Cal. Health & Safety Code § 113790 defines "food handler" as anyone involved in the "preparation, storage, or service of food in a food facility.") Pursuant to Cal. Health & Safety Code § 113948, food handlers must obtain a food handler card from the American National Standards Institute (ANSI), an accredited training provided upon completion of a food handler training course and exam.

San Francisco Public Utilities Commission (SFPUC). SFPUC enforces the City's Pretreatment Program, which regulates discharges from non-domestic sources into the City's sewage. Non-domestic sources include discharges from industrial and commercial sources, including food processing. Regular users who discharge non-domestic sources, as Saba Live will, must obtain an Industrial Use Wastewater Discharge Permit. (San Francisco Public Works Code, Art. 4.1). Under this program, solids would be captured before entering the sewer system. Specifically, nothing from the livestock operation would go into the regular garbage. The drains at the facility would have grease traps and would filter out grease and other waste before entering the sewer system. Additionally, SFPUC enforces the City's regulations for waste haulers, which include vendors who transport food processing. Saba Live's vendors who would be transporting their animal byproducts would be subject to such requirements. (San Francisco Public Works Code, Art. 4.1).

Failure to comply with the above regulations would preclude the business from opening or could impede its operations; therefore, these mandatory regulations are considered to be an integral part of the proposed project and are not speculative. As such, it is appropriate to assume that the sponsor would comply with them. Adherence to these regulations would preclude any environmental impacts related to air quality, noise, water quality and/or solid waste that could otherwise occur. The types of permits that the project would be required to obtain relate to its scale, operations, and expected emissions and wastes, none of which would be considered unusual within the city or the surrounding neighborhood (for example, similar permits are granted to restaurants, supermarkets and other businesses throughout the city that handle animal wastes or dispose wastewater).

Within the surrounding neighborhood, there are much larger industrial food processing facilities including Molinari, Happy Noodle, Evergood, etc., which also are subject to existing local, state and federal regulations. Thus, the project's requirement to obtain necessary permits from various agencies in order to operate is not considered an unusual circumstances and the proposed project appropriately qualifies for a Class 1 and 3 categorical exemption.

AIR QUALITY

Concern 4: The Appellant contends that the project would emit substantial pollutant concentrations from diesel trucks. The Appellant states that the Department did not consider emissions and effects from the project as a whole, including the trucks and transport that are essential to its operation.

Response 4: The construction and operations of the proposed project would not include air emissions of sufficient type or scale to result in significant air quality impacts.

The Appellant asserts that the proposed project would result in air quality impacts, but does not present any substantial evidence to support such claims. The information below describes how the Department typically conducts analysis of air quality impacts under CEQA and why the proposed project would not result in any air quality impacts. This is provided for informational purposes only, since the project qualifies for Class 1 and Class 3 categorical exemption and no unusual circumstances exist that could result in air quality impacts.

The Appellant contends that complying with the above laws would "likely require the facility to be properly ventilated confirming that it will impact air quality in the neighborhood." As discussed above, under Project Description, air from the facility would be discharged from the fan at a velocity of 3,000 feet per minute, sufficient to send it more than 50 feet above ground level before it dissipates into the atmosphere. However, no air quality pollutants would be dispersed into the atmosphere due to ventilation, since the project does not propose any diesel generators, incinerators, or other mechanical equipment.

Pursuant to CEQA, the Department typically reviews proposed projects with respect to two primary types of air quality emissions – *criteria air pollutants*, which are regional impacts for which federal and state air quality standards as well as impact screening levels have been established, and *toxic air contaminants*, which are localized impacts for which no ambient standards have been established and which are regulated by the BAAQMD using a risk-based approach to determine which sources and pollutants to control as well as the degree of control. These are described in more detail below.

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO₂), sulfur dioxide (SO₂) and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area Air Quality Management District (BAAQMD) in their *CEQA Air Quality Guidelines* (May 2011), has developed screening criteria to determine if projects would violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the San Francisco Bay Area Air Basin. If a proposed project meets the screening criteria, then the project would result in less-than-significant criteria air pollutant impacts. A project that exceeds the screening criteria may require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds.

The proposed project would not exceed criteria air pollutant screening levels for operation or construction. The screening category that would be most applicable to the proposed project is that of “general light industry.” According to BAAQMD, the operational criteria pollutant screening size for projects that fall under the “general light industry” category is 541,000 square feet in size and the construction criteria pollutant screening size for projects that fall under this category is 259,000 square feet in size.³ Since the proposed project would construct and operate a use well below both of these screening sizes, no significant operational or construction impacts related to criteria air pollutants would occur.

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long-duration) and acute (i.e., severe but short-term) adverse effects to human health, including carcinogenic effects. The City and County of San Francisco (City) partnered with the BAAQMD to identify the areas of San Francisco that are most adversely affected by the sources of TACs and conduct an assessment of air pollution and exposure from vehicles, stationary sources, and area sources within the city. For this assessment, the City conducted citywide dispersion modeling, using AERMOD, to assess emissions from the following primary sources: roadways, permitted stationary sources, port and maritime sources, and Caltrain. This analysis resulted in a comprehensive assessment of existing cumulative exposures to air pollution throughout the city. Based on this assessment, the City identified areas with poor air quality as an Air Pollutant Exposure Zone (APEZ).

The proposed project is not within an Air Pollutant Exposure Zone. Moreover, the proposed project would not result in significant impact related to TACs because it would not include any sources of TACs that could affect the surrounding residences (which are considered sensitive uses for purposes of CEQA analysis). With respect to construction impacts, the proposed project would require interior tenant

3 Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, Updated May 2011. Table 3-1.

improvements, which would not require heavy construction equipment that typically emit TAC. Once operational, no substantial TAC emissions would be anticipated, given the relatively small scale and manual nature of the proposed operations, as well as lack of mechanical equipment (such as diesel generators or incinerators). In terms of mobile sources, the California Air Resources Board, in its *Air Quality and Land Use Handbook*, recommends that sensitive land uses not be located within 1,000 feet of a distribution center that accommodates more than 100 trucks per day. The proposed project would require deliveries from trucks ranging from 2 to 10 times per week, much smaller than this 100 truck recommendation, and therefore, would not be expected to result in significant impacts related to TAC emissions. Moreover, the proposed project would be subject to, and comply with, California regulations limiting idling to no more than five minutes,⁴ which would further reduce nearby sensitive receptors' exposure to temporary and variable TAC emissions. Therefore, delivery TAC emissions would not result in a significant impact with respect to exposing sensitive receptors to substantial levels of air pollution.

There are no emission sources related to chicken confinement and processing, specifically, that could result in air quality emissions. Any volatile organic compounds or dust and animal wastes resulting from the proposed operations would not be of sufficient amount to result in air quality impacts to the surrounding residences. As most businesses in the city, the project would be subject to Occupational Safety and Health Administration rules that would protect its workers from injuries and any other health effects.

In conclusion, based on the above, the proposed project would not result in unusual circumstances nor include any criteria air pollutant or toxic air contaminant sources that could result in significant air quality impacts.

SOCIOECONOMIC AND ENVIRONMENTAL JUSTICE IMPACTS

Concern 5: The Appellant asserts that the Planning Department did not analyze socioeconomic and environmental justice impacts on the surrounding community.

Response 5: Pursuant to CEQA Guidelines Sections 15131 and 15064(e), economic and social impacts are not environmental impacts and are generally not studied in environmental analyses unless there is substantial evidence of related physical impacts on the environment.

CEQA Section 15064(e) states, in part: Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project.

The Appellant cites information published within an Environmental Justice Analysis for Bayview-Hunters Point by the San Francisco Public Utilities Commission, stating that residents of Bayview-Hunters Point experience disproportionately greater environmental impacts (specifically, air quality)

⁴ California Code of Regulations, Title 13, Division 3, § 2485 (on-road) and § 2449(d)(2) (off-road).

compared to San Francisco as a whole or to other neighborhoods in San Francisco. As noted above under Responses 2, 3 and 4, the project would not result in any air quality impacts due to unusual circumstances.

Although CEQA does not specifically analyze impacts related to socioeconomic and environmental justice, the project was analyzed to determine if there were any unusual circumstances related to the proposed business or the location of the project that would disqualify the project from being exempt from CEQA. As discussed throughout this document, the proposed project would consist of a relatively small-scale animal processing facility that would not be expected to result in any significant physical environmental impacts. The Appellant presented no evidence of economic and social impacts and specifically, of economic and social impacts that could result in physical impacts on the environment.

CONCLUSION

The Appellant has not presented substantial evidence to the Planning Department that would support the conclusion that (1) there are unusual circumstances that justify removing the project from the exempt class, and (2) there is a reasonable possibility of significant environmental impacts due to those unusual circumstances. For the reasons stated above, the CEQA determination complies with the requirements of CEQA and the project is appropriately exempt from environmental review. The Planning Department therefore recommends that the Board uphold the CEQA determination and deny the appeal.



SAN FRANCISCO PLANNING DEPARTMENT

Field Notes: 2017-01081APL

Site Visit Date: January 24, 2018
Site Visit Time: 2:30 P.M.
Case No.: **2017-010819APL**
Project Title: **1526 Wallace Avenue**
Sit Visit Location: Saba Live
 845 Kennedy St
 Oakland, CA 94066
Staff Attendees: Laura Lynch
 Tania Sheyner

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Purpose:

1. This document is to capture field notes from San Francisco's Planning Department staff visit to the Saba Live, Oakland location.
2. This site visit was organized to allow for Planning Staff to better understand the intensity and scope of the proposed project at 1526 Wallace Street, SF, CA.

NOTES

Outside the facility:

- Odor: No noticeable odor present.
- Noise: No noticeable noise present.
- This location is roughly 4,000 square feet.

Inside the facility- Live bird storage area and retail space:

- Odor: No substantial livestock odor present.
- Noise: No noises present from livestock.
- Noise: Vent noise present from circulating air.
- Floor was wet, looks as if it was recently cleaned. Water leads to drains with grease traps.
- 5-7 employees present.
- Customers are able to watch the slaughtering, cleaning and butchering on a live video feed in entry.
- Birds are kept separated from processing area.
- Cages contain individual trays that collect waste.
- Birds are kept for no longer than 48 hours.

Inside the facility – Slaughtering and processing area:

- The birds are slaughtered individually.
- There are individual catch basins to capture blood from the birds.
- Bird is transferred to warm water to clean the bird
- Bird is then transferred to an electric powered, de-feathering machine – Ashley Sure-Pick
 - <http://www.ashleymachine.com/index.asp>
- The bird then moves to a neighboring room where 3 employees work to clean, butcher and package the bird for customers.

Solid Waste:

- Waste is separated between feathers and other waste.
- The containers are kept in a locked refrigerated room.
- Containers are picked up by Darling Ingredients- <https://www.darlingii.com/>

www.sfplanning.org

REUBEN, JUNIUS & ROSE, LLP

MEMORANDUM

DATE: January 22, 2018
TO: Laura Lynch, San Francisco Planning Department
FROM: Daniel Frattin, Reuben, Junius & Rose LLP
REGARDING: Operations of Saba Live
OUR FILE NO.: 10849.01

This office represents Abdul Mused, owner of Saba Live Poultry (“Saba Live”). The Planning Commission granted a Conditional Use Authorization (“CU”) on November 20, 2017, for a livestock processing facility (the “Project”) at 1526 Wallace Avenue (the “Property”). A Class 1 (existing facilities) CEQA Exemption Determination (“Cat Ex”) was properly issued by the Planning Department prior to the Planning Commission hearing on the CU. On December 26, 2017, the Animal Legal Defense Fund appealed the Cat Ex to the Board of Supervisors. On January 19, 2018, Laura Lynch requested a memo summarizing the operations of Saba Live. We submit this memo in response to that request.

A. Background

Saba Live is a family-owned business that currently operates nine facilities, primarily on the East Coast. Their only West Coast facility, in Oakland, has been operating successfully for about five years. Saba Live is a halal live butcher facility—a small poultry processing facility with direct-to-consumer sales on site. The Project would be the only live halal butcher shop in San Francisco that will handle poultry exclusively

1. Cultural Importance of Halal Facility

Halal generally refers to what is permissible or lawful in Islamic tradition, and here, to animals raised and prepared specifically according to traditional practices, which are similar to those in the kosher tradition. While many consumers may want to keep their distance from what happens to animals between the farm and their kitchens, some consumers, both Muslim and non-Muslim, want to see the conditions live animals are kept in and how they are prepared for consumption for themselves. Saba takes a lifecycle approach to the final product it sells. While the chickens are being raised, they are fed on a vegetarian diet, treated humanely, have access to the outdoors, and kept healthy prior to slaughter. A prayer is said over the bird before it is killed by cutting its throat, then the bird is drained of blood.

2. Customers

Customers from immigrant communities—primarily Asians, Latinos, and Muslims—make up about 80% of Saba Live’s Oakland customers. The majority are not Muslim but prefer fresh meat from a small-scale facility where they can see into the processing area and select their

own bird, versus a plastic-wrapped product from industrial scale production facilities. Many of Saba Live's 20-30 daily customers travel long distances and buy in bulk due to the sparsity of the halal and live butchers. To our knowledge, Saba Live's facility in Oakland is the only live halal butcher in the Bay Area.

B. Operation

1. Processing

Saba Live anticipates storing approximately 500 birds on-site on a typical day to support daily sales of 200-400 birds with higher numbers present during peak holiday sales. There will be no other animals on-site besides poultry. Animal waste will be collected in a tray of shallow water underneath the chicken cages. The trays are then collected and emptied daily into airtight drums.

The chickens' throats are cut over a sink containing a tray where they are placed to drain the blood, which is captured in a tank underneath the sink. The birds are then immersed in hot water, before being placed in a machine that removes feathers. Once the feathers are removed, the chickens are taken to a separate area for cleaning, cut into pieces if requested by the customer, and bagged.

At each station, waste, blood, feathers, and byproducts are captured and then placed into sealed receptacles that are stored in a cooler room, until they are picked up by an offsite vendor for composting or recycling into other products. Drains in the facility are equipped with grease traps to capture remaining waste before it enters into the sewage system.

2. Transportation

Trucking to and from the facility will be typical for a small industrial use. Poultry will be sourced from the outer Bay Area and Central Valley. All chickens sold at Saba are from Pittman Family Farms, which sells chickens in grocery stores under the "Mary's Natural" brand name. Most of the chickens sold are organic. They are trucked to the site in a box truck, with 2-4 deliveries per week, and another 3-5 trucks per week to remove waste products. At the busiest times of year, two trucks total are expected to serve the facility per day.

3. Employees

Saba will hire their 5 to 10 employees locally by advertising in the local newspaper as well as nearby mosques—a practice they use successfully at their Oakland facility, where nearly all of their employees are local residents. A state-certified inspector is on-site at all times to monitor the condition of animals and the facility.

4. Facility

Saba Live's decision to locate its second California facility in an industrial area in the Bayview is driven both by the limited number of locations in San Francisco where zoning allows this type of operation, along with the anticipated demand from nearby communities that will have easy access via the MUNI T-Third line. Saba Live's use here—a 2,100 square foot facility that will be completely enclosed—is consistent with the zoning and considerably less intense than other nearby uses, which include a number of noisy auto-body and metal-working shops and storage yards and buildings with high-volumes of truck traffic.

The Property is a fully enclosed building without windows and has been designed to minimize noise and odors. Noise from the chickens will be minimal, as the animals are not noisy and are stored at the rear of the building with no openings from the exterior. They will be separated from the customer service area by a solid glass wall. The customer service area, in turn, is separated from the street by a steel door and enclosed entry hall.

The facility is cleaned several times daily to maintain hygienic conditions, waste collection trays are cleaned daily, and byproducts and waste are stored in sealed containers in a refrigerated room, so odors are minimal. Air will be exhausted from facility with a roof-mounted up-blast utility set centrifugal fan, discharging through a 10-foot high chimney. Air is discharged from the fan at 3,000 feet per minute, sufficient velocity to send it more than 50 feet above ground level before it dissipates into the atmosphere.

C. Oversight Agencies

In addition to the Planning Department's CEQA review and the Planning Commission's approval of the CU, several other agencies regulate livestock processing facilities in California to ensure hygienic conditions, humane treatment of animals, and proper disposal of waste and byproducts.

1. U.S. Department of Agriculture (USDA)

The USDA Food Safety and Inspection Service (FSIS) is responsible for ensuring the safety and wholesomeness of poultry through the enforcement of the Poultry Products Inspection Act (PPIA). These laws require federal inspection and regulation of poultry prepared for distribution in commerce for use as human food.

2. California Department of Food and Agriculture (CDFA)

The Meat Poultry and Egg Safety Branch (MPES) licenses and inspects meat, poultry, and egg production establishments, including retail poultry plants that sell live poultry and slaughter them for customers. The MPES Branch reviews operational plans prior to issuing a license to the plant owner or an employee. The MPES Branch trains, licenses, and evaluates these Poultry Meat Inspectors (PMIs) who are responsible for enforcing sanitation standards,

pest control measures, and the humane handling and slaughter of the poultry on site. (See CDFA, MPES Branch Overview, <https://www.cdfa.ca.gov/ahfss/MPES/> (accessed January 23, 2018).)

3. *California Department of Resources Recycling and Recovery (CalRecycle)*

CalRecycle regulates the collection, handling, and disposal of animal tissue to prevent the spread of disease, protect the environment from inappropriate and illegal dumping of discarded animal tissue, and encourages the recycling of waste products to reduce the amount of animal material disposed in landfills. (See CalRecycle, *Safely Disposing of Waste Meat, Poultry, and Fish Material Guidance and FAQs* (printed January 22, 2018).)

4. *San Francisco Department of Public Health (SFDPH)*

Environmental Health Inspectors from SFDPH monitor compliance of local and state food safety regulations. Because Saba Live will include a retail component, SFDPH will inspect the operation for cleanliness, safe food storage, vermin infestation, adequate equipment, regular refuse collection, and good employee hygiene and work habits. In addition, SFDPH ensures compliance with California law requiring every retail food facility to employ a Certified Food Handler. (Cal. Health & Safety Code § 113790 defines "food handler" as anyone involved in the "preparation, storage, or service of food in a food facility." Pursuant to Cal. Health & Safety Code § 113948, food handlers must obtain a food handler card from the American National Standards Institute (ANSI), an accredited training provided upon completion of a food handler training course and exam. (See <https://www.sfdph.org/dph/EH/Food/default.asp>; <https://www.sfdph.org/dph/EH/Food/inspections.asp> (last accessed January 23, 2018).)

5. *San Francisco Public Utilities Commission (SFPUC)*

SFPUC enforces the City's Pretreatment Program, which regulates discharges from non-domestic sources into the City's sewage. Non-domestic sources include discharges from industrial and commercial sources, including food processing. Regular users who discharge non-domestic sources, as Saba Live will, must obtain an Industrial Use Wastewater Discharge Permit. (San Francisco Public Works Code, Art. 4.1). Under this program, solids will be captured before entering the sewer system. Specifically, nothing from the livestock operation goes into the regular garbage. The drains at the facility will have grease traps and will filter out grease and other waste before entering the entering the sewer system

Additionally, SFPUC enforces the City's regulations for waste haulers, which include vendors who transport food processing. Saba Live's vendors who will be transporting their animal byproducts are subject to such requirements. (San Francisco Public Works Code, Art. 4.1).

Safely Disposing Of Waste Meat, Poultry, and Fish Material Guidance and FAQs

Disposal of waste meat, poultry, and fish material must be carefully managed to protect public health and the environment. The California Department of Food and Agriculture (CDFA) and the Department of Resources Recycling and Recovery (CalRecycle) regulate the collection, handling, and disposal of animal tissue for the following purposes:

- Prevent the spread of disease to people, such as anthrax, rabies, botulism and Salmonellosis;
- Prohibit fraudulent activity that diverts contaminated, diseased and unclean animal tissue into food for humans;
- Prevent the spread of disease to animals, including livestock and poultry;
- Protect the environment from inappropriate and illegal dumping of discarded animal tissue; and
- Encourage the recycling of waste products and reduce the amount of animal material disposed in landfills.

Meat, poultry, and fish material that is not fit for human consumption is sent to renderers that process these materials into fats, oils, and protein for feed in the animal, poultry, and pet food industries, as well as ingredients in soaps, paints and varnishes, cosmetics, explosives, toothpaste, pharmaceuticals, leather, textiles, and lubricants.

Many government agencies encourage composting food waste (including animal, poultry, and fish waste) to divert these materials from landfills and to help meet statewide solid waste diversion goals. The suggested order for management of food waste is: (1) [prevent food waste](#), (2) [feed people](#), (3) [convert to animal feed and/or rendering](#), and (4) [compost](#). Additional information on each of these options is available on the CalRecycle website at <http://www.calrecycle.ca.gov/Organics/Food/>. CalRecycle regulations¹ prohibit the composting of unprocessed mammalian tissue (except in the case of an authorized research project) because of public health and safety concerns associated with mammalian tissue.

CDFA regulations^{2,3} require parts and products of animals generated by certain food-processing establishments to be disposed of through licensed renderers or pet food processors. Those food-

¹ **Title 14, CCR, Section 17855.2.**

(a) The composting of unprocessed mammalian tissue, including but not limited to, flesh, organs, hide, blood, bone and marrow is prohibited, except when from the food service industry, grocery stores, or residential food scrap collection, or as part of a research composting operation for the purpose of obtaining data on pathogen reduction or other public health, animal health, safety, or environmental concern, in accordance with section 17862.

² **Title 3, CCR, Section 1180.39.**

Any parts or products of animals disposed of by inspected establishments, retail stores, custom slaughterers and custom processors and which are not intended for use as human food shall be disposed of through licensed renderers, licensed pet food processors, licensed collection centers or other method approved by the Director.

³ **Title 3, CCR, Section 1180.41.** Transporters of parts or products of animals, which are not intended for use as human food, including those operating under public authority, shall register with the Director the destination and method of disposal of the inedible and condemned material.

Vehicles and containers used by transporters shall be kept clean.

processing establishments are required to obtain a permit from CDFA, which specifies where animal material is disposed and who may transport it. Transporters of animal parts and products must also register with CDFA.

CDFA and CalRecycle have developed the following list of Frequently Asked Questions to provide guidance to generators, haulers, and solid waste facilities in safely managing waste meat, poultry, and fish materials in California. If you have concerns or suggestions regarding this document, please send comments to Ken Decio at Ken.Decio@CalRecycle.ca.gov

Frequently Asked Questions

Generators

What materials are regulated?

All meat and poultry material from the following businesses:

- All establishments inspected by the United States Department of Agriculture, Food Safety Inspection Service, or California Department of Food and Agriculture
- All retail establishments that handle waste meat, poultry, and fish products
 - butcher shops
 - delicatessens
 - grocery stores, supermarkets
 - large retail stores that also sell fresh or frozen meat
- Custom exempt facilities (e.g. cut and wrap operations)

Waste meat, poultry, and fish material from restaurants and residents is not regulated. It is handled together with other commercial and household solid wastes.

How should I dispose of waste meat and poultry material?

A business like those listed in Question 1 must have a permit from CDFA that authorizes where the material may be disposed unless the business generates a very small amount of material.⁴

⁴ CDFA is proposing the following regulation: **Title 3, CCR, Section 1180.46**

(b) Inspected establishments, retail stores, custom slaughterers, and custom processors that have only a small amount of parts or products of animals to dispose of may place them in a container for removal by a waste disposal company or public waste utility if the amount does not exceed 4 pounds on any day or 60 pounds during any month, and the gross sales of meat and poultry do not exceed \$1,000 per month, adjusted for inflation from the date of this regulation and further provided that such practice does not violate any law of any other government unit.

How long can I store meat and poultry waste?

This would vary according to the temperature, type, or condition of the material and storage methods. Contact your local health department for further advice on storage methods and times.

Where do I find a service provider?

CDFA maintains a list of licensed collection centers, haulers, and rendering service providers, as well as additional information pertaining to animal food waste.
http://www.cdfa.ca.gov/ahfss/animal_health/Emergency_Management.html

What if rendering service is not offered in my area?

Businesses must still apply for and receive a permit from CDFA that specifies where and how the material will be disposed.

Can I self-haul meat and poultry waste? If yes, what are the rules?

Yes, but a permit must still be obtained from CDFA.

Haulers

Can a person or business collect and transport waste meat and poultry from inspected establishments?

Only if the person or business is registered or licensed by CDFA.

Solid Waste Facilities

Do I have to consider the source of the waste to determine if it should be coming to my facility?

The generator and hauler should be working together to determine the appropriate transportation and disposal options. However, if you receive loads consisting of mostly

meat and poultry waste, you should take the appropriate steps to assure the material is delivered to a facility as described in Question 4.

Is the disposal of fish waste regulated?

Disposal of fish waste is regulated by CalRecycle. CDFA regulates the recycling, processing, and conversion of fish material and carcasses, because these activities constitute rendering. Those rendering facilities are required to be licensed and adhere to standards of processing and sanitation to prevent spread of disease and prevent nuisances.

Regulatory Agencies

What are the roles of the agencies involved in the regulation of the handling and disposal of meat, poultry, and fish waste?

- California Department of Food and Agriculture: Regulates disposal of meat and poultry material from all operations inspected by USDA & CDFA, as well as retail stores; regulates the rendering industry, including fish waste, and pet food businesses processing or producing fresh or frozen animal tissue; regulates the transportation of animal parts and material, including carcasses.
- CalRecycle: Provides general regulatory oversight of the handling and disposal of solid waste, concurs in the issuance of solid waste facilities permits, and certifies and evaluates locally designated enforcement agencies (typically city or county environmental health departments).
- Local Enforcement Agencies: CalRecycle-certified LEAs are responsible for implementing state solid waste law, including inspections, permitting, and enforcement.
- California Department of Public Health: Plays a supporting role in the enforcement of State retail food laws by providing technical expertise to evaluate processes and procedures and to answer technical and legal inquiries from local agencies, industry, and consumers.
- Local Environmental Health Agencies: Enforce provisions of the State's retail food laws and all applicable local laws.

Resources

California Department of Food and Agriculture

<http://www.cdfa.ca.gov/ahfss/mpes/index.html>

CalRecycle

Food Scrap Management: <http://www.calrecycle.ca.gov/Organics/Food/>

Local Assistance & Market Development Contacts:

<http://www.calrecycle.ca.gov/LGCentral/Reports/Contacts.aspx>

Staff Assignments by Local Enforcement Agency Jurisdiction:

<http://www.calrecycle.ca.gov/LEA/CountyAssign.asp>

California Fats, Oils, and Grease Work Group

<http://www.calfog.org/>

National Renderers Association

<http://www.nationalrenderers.org/>