

November 4, 2015

VIA ELECTRONIC MAIL & U.S. MAIL

Mr. Jason Boetzer  
Director of Environmental Health  
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**Re: Request for Additional Information – CB Asphalt’s Hot Mix Asphalt Plant at Hogan Quarry**

Dear Mr. Boetzer:

This letter responds to your correspondence, dated August 24, 2015, in which you requested additional information to evaluate the proposed hot mix asphalt (“HMA”) plant under Calaveras County Code section 17.42.035. (**EXHIBIT A.**) As the attached technical reports, plans, and relevant regulatory programs establish, the type, method of use and quantity of substances to be used or produced by the proposed HMA plant will not have a significant effect on the environment. (See **EXHIBIT B.**) Accordingly, there is no evidentiary basis to require a conditional use permit (“CUP”) under section 17.42.035.

This letter follows the order of the inquiries in your August 24 correspondence.

Air Quality

- The Technical Report on Air Quality and Environmental Risks of Hot Mix Asphalt Transport, Yorke Engineering, LLC, dated November 3, 2015 (“Yorke Report”), found that both air quality impacts and related environmental risks of HMA transport, even under the most conservative accidental release scenario, were insignificant. (**EXHIBIT C.**) Yorke Engineering has expertise on air quality emissions analysis and compliance, hazardous waste and materials management and compliance, and CalOSHA compliance and training. The resumes of the experts who prepared the Yorke Report are attached hereto as **EXHIBIT D.** The Yorke Report makes the following conclusions:
  1. Asphalt is not regulated as a hazardous material under most state or federal regulatory programs, although the County Code appears to include a broad definition of hazardous materials for planning and zoning evaluation purposes.

While it may be considered an irritant by the Occupational Safety and Health Administration (“OSHA”) and may be transported at an elevated temperature, it does not have the potential to cause significant adverse environmental impacts.

2. Based on the infrequent exposure to the transport trucks, the brief duration of the exposure to asphalt fumes, and the expected dilution of the fumes due to the speed of the trucks on the roadways and the distance from the roadways to receptor locations, the impact of odors during transport of asphalt to and from the facility will be less than significant.
3. At the proposed operating level of two (2) additional truck trips per day within the County over the baseline facility operations, the transportation emissions from the proposed Project are negligible, and well below the significance thresholds established by the air districts in the state.
4. Even if all of the hydrogen sulfide present in asphalt were release instantaneously (a very unlikely scenario), the emissions still would not pose a health risk to any exposed persons. Actual emissions of hydrogen sulfide may approach zero under conditions of transport.

#### Certified Unified Programs-Hazardous Material/Waste Programs

- CUPA Hazardous Materials/Waste Programs Documents:
  1. Draft Spill Prevention Countermeasure and Control (“SPCC”) Plan (EXHIBIT E.)
  2. Draft Hazardous Materials Business Plan & Waste Disposal Plan (EXHIBIT F.)

#### Additional Questions

In addition, as requested, we are also providing the following responses to your questions:

1. *Will RAP be crushed and stored onsite?*

No. RAP is not specific to the HMA plant and will not be crushed and stored onsite.

2. *Management of agent(s) used to clean and as release material for asphalt trucks?*

The release agent to be utilized for spraying down truck beds prior to loading with HMA will be food-grade bulk vegetable oil. Storage would

be in up to 500 gallon plastic container, set within a metal box for secondary containment.

3. *A blue smoke arrester was discussed at the PC meeting, more information on that process and equipment is needed.*

The blue smoke system is the containment system on top of the HMS silo that includes complete encapsulation of the HMA. This containment encompasses the entire area from the slat conveyor through the discharge into the gob hopper at the top of and into the silo for short term storage prior to loading into haul trucks. This completely enclosed system greatly enhances the capture of fugitive heat emissions, late release steam, and any odors.

4. *How will the facility respond to potential onsite and offsite spills of any and all chemicals used in the asphaltic concrete production and associated processes, including transportation of diesel, asphalt and asphaltic concrete?*

The C.B. Asphalt HMA plant will have spill kits placed where any hazardous materials would be handled and would use the heavy equipment available at Hogan Quarry to contain everything onsite. Hogan Quarry has historically moved its equipment off-site to assist both CHP & Caltrans with various traffic accident clean-ups and for other similar purposes, and would be available to do so for off-site HMA spills, if necessary. (Refer to Hazardous Materials Business Plan & SPCC Plan, **EXHIBITS E & F.**)

5. *What will be the estimated throughput of diesel fuel for the operations and what is the increase of delivery and transport of diesel fuel?*

Diesel fuel will be utilized in the power generator at an average hourly rate of 20 gallons per hour. Diesel fuel will be utilized as burner fuel as well. Diesel use can be expressed as a rate in gallons per ton, with some variability given ambient temperatures, percent moisture in the raw aggregate, ambient humidity, etc.

C.B. Asphalt anticipates using diesel fuel at an average rate of 1.5 gallons per ton of HMA. Assuming 250 tons of HMA per hour on average, total fuel used per hour would equal 375 gallons. This gives an average total anticipated diesel throughput (during high production runs) of 395 gallons per hour. This would require an additional 1 to 2 deliveries per week during a worse-case scenario highest level of HMA production, which is entirely dependent upon market demand which may never reach that level.

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Based on the foregoing, there will be no significant effect on the environment associated with HMA plant operations or delivery of HMA. This conclusion is also established by the analysis in the attached Technical Report and Draft CUPA plans, as well as the Calaveras County Air Pollution Control District ("APCD") "Engineering Evaluation" of the HMA plant ("Kapahi Report"). Furthermore, compliance with all applicable safety programs administered by CUPA (which has the exclusive legal authority under California law to regulate the use of hazardous materials to ensure safety for people and the environment), CalOSHA, the Regional Water Quality Control Board, and local and state emergency service agencies, among others, will ensure that the effects on the environment from ongoing operations will remain less than significant.

Accordingly, C.B. Asphalt looks forward to the County's favorable determination under section 17.42.035 that no conditional use permit is required. We look forward to working with you and your staff to expeditiously resolve any remaining issues to receive final approval of C.B. Asphalt's SPCC Plan and Hazardous Materials Business Plan and Waste Disposal Plan.

Very truly yours,



Diane G. Kindermann Henderson

DKH/sb

Enclosures

cc: Peter N. Maurer, Planning Director, Calaveras County Planning Dept.  
Julie Moss-Lewis, Deputy County Counsel  
Shawn Simmons, C.B. Asphalt, Inc. (*Via Email*)  
Nick Jones, Ford Construction Co. (*Via Email*)