CITIZENS & MYVALLEYSPRINGS.COM

INITIAL STUDY

HOT MIX ASPHALT PLANT PROPOSED AT HOGAN ROCK QUARRY, APPLICATION FOR AUTHORITY TO CONSTRUCT (ATC)

Site grading, May 2015

Prepared by Citizens and MyValleySprings.com
April 16, 2016

April 16, 2016

To: Calaveras County Air Pollution Control District, CEQA Lead Agency
Calaveras County Planning Department
891 Mountain Ranch Road, San Andreas, CA 95249
Office: (209) 754-6399

Attn: **Jason Boetzer**, REHS, Environmental Management Agency Administrator
Director of Environmental Health/Air Pollution Control Officer
Calaveras County Environmental Health Department
Peter Maurer, Planning Director
Cori Mooy, Air Pollution Control Technician

Email: JBoetzer@co.calaveras.ca.us
pmaurer@co.calaveras.ca.us
CMooy@co.calaveras.ca.us

RE: Submittal of an Initial Study for CEQA review of the application for Authority to Construct (ATC) a Hot Mix Asphalt Plant at the Hogan Rock Quarry

Citizens and MyValleySprings.com are hereby submitting an *Initial Study* on the proposed Asphalt Plant at the Hogan Rock Quarry in Valley Springs to assist the County in concluding that an EIR is needed for the project.

We are not experts but are local residents. We have done our best to discuss the many issues of concern and answer questions to the best of our abilities.

Thank you for consideration of our comments in this Initial Study.

Sincerely,

Colleen Platt, Secretary
MyValleySprings.com
P.O. Box 1501, Valley Springs, CA 95252
cplatt1@comcast.net

P.S. Please retain a copy of these comments for the administrative record.

List of Contributors to Initial Study

Janice Bassett, Valley Springs resident
Nancy Furtado, Valley Springs resident
Judy Morgan, Valley Springs resident
Colleen Platt, MyValleySprings.com
Joyce Techel, MyValleySprings.com
Facilitator: Tom Infusino, Calaveras Planning Coalition

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Print Form

Appendix G

Environmental Checklist Form

NOTE: The following is a sample form and may be tailored to satisfy individual agencies' needs and project circumstances. It may be used to meet the requirements for an initial study when the criteria set forth in CEQA Guidelines have been met. Substantial evidence of potential impacts that are not listed on this form must also be considered. The sample questions in this form are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance.

1. Project title: Authority to Construct Hot Mix Asphalt Plant at Hogan Quarry

2. Lead agency name and address:
Calaveras County Air Pollution Control District
891 Mountain Ranch Road
San Andreas, CA 95249

3. Contact person and phone number: Cori Mooey, Air Pollution Control Technician

4. Project location: 3650 Hogan Dam Road, Valley Springs, CA 95252

5. Project sponsor's name and address:
CB Asphalt, Inc.
39 California St. PMB 118
Valley Springs, CA 95252

6. General plan designation: NRL_TIMBER-MRA-2A-DIA 7. Zoning: M2

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)
Construction and operation of a Drum-Mix Asphalt Hot Plant at the Hogan Rock Quarry property, APN 50003001

9. Surrounding land uses and setting: Briefly describe the project's surroundings:
Asphalt plant to be built next to existing Hogan Rock Quarry (Foothill Materials). Rock quarry occupies approx. 75 acres of the 150 acre parcel. The rest is river, grass, chaparral, and oak woodlands. To the east is ACOE property New Hogan Reservoir. To the north and west lie the Calaveras River and the Rancho Calaveras and La Contenta residential subdivisions.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
Calif. Regional Water Quality Control Board, Calaveras Co. Env. Health Dept.-CUPA, Calaveras Co. Public Works Dept., Calaveras Co. Planning Department, Calif. Dept. of Conservation Office of Mine Reclamation, Cal/EPA ARB, USF&W, Calif. Dept. of Fish & Wildlife, CalTrans, CAL FIRE, Calaveras Consolidated Fire, Calav. Co. Sheriff Dept., CUSD

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☒ Aesthetics	☒ Agriculture and Forestry Resources	☒ Air Quality
☒ Biological Resources	☐ Cultural Resources	☐ Geology /Soils
☒ Greenhouse Gas Emissions	☒ Hazards & Hazardous Materials	☒ Hydrology / Water Quality
☒ Land Use / Planning	☐ Mineral Resources	☒ Noise
☒ Population / Housing	☒ Public Services	☐ Recreation
☒ Transportation/Traffic	☐ Utilities / Service Systems	☒ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☒ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Signature Date

_____ _____

Signature Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

    a) Earlier Analysis Used. Identify and state where they are available for review.

    b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

    c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

    a) the significance criteria or threshold, if any, used to evaluate each question; and

    b) the mitigation measure identified, if any, to reduce the impact to less than significance.

SAMPLE QUESTION
Issues:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☒	☐	☐	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☒	☐	☐	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☒	☐	☐	☐
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☒	☐	☐	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☒	☐	☐	☐
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Production (as defined by Government Code section 51104(g))?				
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
de) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☒	☐	☐	☐
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☒	☐	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☒	☐	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☒	☐	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☒	☐	☐	☐
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☒	☐	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☒	☐	☐	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of	☒	☐	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☒	☐	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☒	☐	☐	☐
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
VII. GREENHOUSE GAS EMISSIONS -- Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☒	☐	☐	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☒	☐	☐	☐
VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☒	☐	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☒	☐	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☒	☐	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
for people residing or working in the project area?				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☒	☐	☐	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☒	☐	☐	☐
IX. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☒	☐	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☒	☐	☐	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☒	☐	☐	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☒	☐	☐	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☒	☐	☐	☐
f) Otherwise substantially degrade water quality?	☒	☐	☐	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒
X. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☒	☐	☐	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒
XI. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒
XII. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☒	☐	☐	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☒	☐	☐	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☒	☐	☐	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☒	☐	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
XIII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☒	☐	☐	☐
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☒	☐	☐	☐
XIV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	☒	☐	☐	☐
Police protection?	☒	☐	☐	☐
Schools?	☒	☐	☐	☐
Parks?	☒	☐	☐	☐
Other public facilities?	☐	☐	☐	☒
XV. RECREATION --				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒
XVI. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☒	☐	☐	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☒	☐	☐	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☒	☐	☐	☐
e) Result in inadequate emergency access?	☒	☐	☐	☐
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒
XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
could cause significant environmental effects?				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☒	☐	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☒	☐	☐	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

Revised 2009

Explanation and Responses to Checklist Questions

- **Aesthetics**
- **Agriculture and Forestry Resources**
- **Air Quality**
- **Biological Resources**
- **Greenhouse Gas Emissions**
- **Hazards & Hazardous Materials**
- **Hydrology/ Water Quality**
- **Land Use/ Planning**
- **Noise**
- **Population/ Housing**
- **Public Services**
- **Transportation/ Traffic**
- **Mandatory Findings of Significance**

I. AESTHETICS

Would the project:

a) *Have a substantial adverse effect on a scenic vista?*
Potentially significant impact – The Calaveras County General Plan[1] (3.3 Areas of Outstanding Scenic Value) considers **scenic vistas to include reservoirs, rivers, streams, rolling hills with oak habitat, ridgelines and forests**. The project would be at the Hogan Rock Quarry, parcel 050-003-001 ("The quarry consists of approximately 75 acres of a 149 acre parcel", ref.190-015 Mining Reclamation Plan and Staff Report, and online Calaveras County GIS Map Information), which includes hills, ridgelines and oak habitats. The rock quarry portion of the property would not qualify as a scenic vista, but the remainder of the parcel where the asphalt plant site is located would, as defined in the General Plan. See photo below for the **scenic vista of this area**; quarry property is in the middle distance.

The proposed project would be located in this scenic area and will impact scenic vistas from surrounding properties, especially those located at higher elevations, looking down on the area. The partial construction and assembly of an asphalt plant in this area already has impacted the scenic vista of nearby residents, because of premature and unauthorized installation of **large asphalt plant equipment** on site, in/near the approximate location proposed. Completed asphalt production equipment will include additional fuel storage tanks and tall, finished product silo/s, emissions stacks, and other equipment (see asphalt plant drawing[2]). Operations at the plant could potentially add more impacts from **visible stack emissions and steam**, and additional trucks. The asphalt plant will be in addition to the present, less visually intrusive mining equipment at the quarry, therefore having an impact on the present scenic vista. **The asphalt plant site is visible from many homes** and building sites within a mile. **59 addresses have been identified with a view of the asphalt plant[3] "up close and personal."** These addresses are located on the following streets: Silver Rapids Rd., Laurent, Harper St., Cedar Ct., Dunn Rd., Huckleberry, Stage Coach, Cascade Lane, Woodpecker Ct,, Paradise Peak, Bobe Ct., parts of Hartvickson Lane, and Heney Ct.

[1] Calaveras County 1996 General Plan
[2] CB Asphalt Attachment (A) Supplement to ATC, July 01, 2015 to APCD (see Exhibit #1)
[3] List of addresses available on request from Janice Bassett 2997 Cedar Ct. Valley Springs 95252

Scenic vista already impacted by new, unauthorized asphalt plant equipment and grading

b) *Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*
No impact - According to Caltrans[4] , Silver Rapids and Hogan Dam Roads are not designated state scenic highways. Therefore, the proposed project will have no impact.

c) *Substantially degrade the existing visual character or quality of the site and its surroundings?*
Potentially significant impact – The project **will degrade the existing visual character and quality of the site and its surroundings** due to the presence and operations of new asphalt plant equipment and increased trucking operations. **There will be a new source of noise and noxious fumes adjacent to a public recreational area** (land, lake, and trails at New Hogan Reservoir), just across the road from a trailhead and parking lot, degrading the existing quality of the site and surroundings. **Visual character has already been degraded without being permitted**. See before and after photos below of the site below.

[4] http://ww.dot.ca.gov/hq/LandArch/scenicHighways/index.htm

59 homes have direct views of the asphalt plant site. 40 homes are located on the Silver Rapids Road portion of the asphalt truck route and the quality of their existing surroundings will also be degraded by increased trucking operations. See additional comments in responses under a).

d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Potentially significant impact – As the applicant **proposes to begin asphalt operations at 4 a.m.** (in order to have product ready as soon as the gate opens for trucks) and also **proposes to operate at night** when required by contracts, additional lighting will be necessary for the work site. Even though the applicant is required by County Ordinance to down shield all exterior lights, the need for adequate lighting for working conditions, site safety, and the movement of truck headlights on the site will visually disrupt nighttime views, adversely affect the night sky, and adversely affect the nearby residences overlooking the area. **Calaveras County is known for its rural dark night skies**. The existing dark sky in the quarry area will be negatively impacted by asphalt plant nighttime operations causing sky glow, and impacting nighttime views of many area residences (not only those with direct views of the plant). The Calaveras County Draft General Plan Land Use Element[5], approved by the Planning Commission, contains a Policy and Program for controlling light pollution and protecting dark skies, which reads:

> **Community Character and Design**
> **Policy LU 4.10** Retain the rural nature of the county's communities and dark skies by controlling light pollution (glare, light trespass, and night sky glow.)
> **Implementation Program**
> **LU-4B <u>Lighting & Glare</u>**
> Adopt a dark sky ordinance that addresses excessive light spillage and glare on adjacent properties and protection of the rural night sky.

[5] http://planning.calaverasgov.us/GeneralPlanUpdate.aspx

II. AGRICULTURE AND FOREST RESOURCES

A. BACKGROUND DISCUSSION

This Asphalt Plant is proposed to be allowed in at an existing rock quarry on Hogan Dam Road, located near New Hogan Lake (Hogan Reservoir) and adjacent to the Calaveras River. The Calaveras River supplies water for downstream agricultural users in both Calaveras County and San Joaquin County. The elevation is less than 1000 feet and the majority of the trees are oaks, oak woodlands, savannahs, and grey pines.

The agriculture in this area consists mostly of cattle grazing, some small wine grape vineyards, olive and nut orchards, an organic farm in Rancho Calaveras that sells to the public, and a vegetable and strawberry farm that sells commercial produce to the public on 14 acres of land just south of downtown Valley Springs, adjacent to State Route 26. Many residents have their own gardens and fruit trees, counting on these to augment their food supply.

B. RESPONSES TO CHECKLIST QUESTIONS – AGRICULTURE AND FOREST RESOURCES

Would the project:

a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agriculture use?*
Potentially Significant Impact. Calaveras County is not included in the FMMP, but Calaveras County does have prime and unique farmlands, as can be seen by the variety and quality of agricultural crops produced. Also read an excerpt below* from "Agricultural Resources" describing prime farmland in Calaveras, taken from the Calaveras County Draft General Plan Resource Element[1] (page RP-2). The 14-acre strawberry and vegetable farm in Valley Springs, located on Hogan Dam Road adjacent to SR 26, is but one example of prime farmland in the area. Noxious fumes and toxic fugitive particulates from asphalt truck traffic on SR 26 next to the farm could jeopardize the quality of the produce grown, the enjoyment of the produce and rural experience at the produce stand by customers, and lead to conversion to non-agricultural use.

> *The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) identifies state designated prime, unique or other important farmlands. Calaveras County and other foothill counties are not included in the FMMP. ***Prime farmland has been identified under the Williamson Act program based on the agricultural crop produced, including grapes, walnuts, olives, apples and other crops. The full extent of prime or unique farmlands is unknown.***

b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

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[1] http://planning.calaverasgov.us/GeneralPlanUpdate.aspx

Potentially Significant Impact: There is a very large ranch adjacent and south of the Hogan Rock Quarry land where the asphalt plant is proposed. This ranch is owned by one landowner and consists of 6 large parcels totaling over 1,500 acres which are all under Williamson Act contract. Some of these acres are being used to graze cattle. The Calaveras River runs along and crosses through this extended property at two points, downstream from the proposed asphalt plant site at the quarry. The odors, fugitive emissions and fugitive particulates from toxic materials will affect the river and the pastures being grazed by the cattle on this land. Some of this Williamson Act contract land is also protecting some of the wildlife, including endangered Steelhead and Chinook salmon spawning and rearing grounds, which are documented to be in this river. An asphalt plant in this location would be in conflict with the existing land use, Williamson Act agriculture land. A full Environmental Impact Report is called for this asphalt plant project.

c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section4526), of timberland zoned Timberland Production (as defined in Government Code section 51104(g))?*
No Impact

d) Result in the loss of forest land or conservation of forest land to non-forest use?
No Impact

e) **(de)** *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non- forest use?*
Potentially Significant Impact: The presence of the asphalt plant, diesel fumes, and fugitive particulates from the asphalt plant and associated traffic could potentially result in conversion of Farmland to non-agricultural uses. Because toxic particulates travel long distances, it could become impossible for the organic farmer nearby in Rancho Calaveras to continue selling her crops as "organic". The same fumes and particulates from large volumes of asphalt plant truck traffic on SR 26 could potentially make it difficult to market the produce at the strawberry stand in Valley Springs at the intersection of Hogan Dam Road and SR 26, leading to conversion to non-agricultural use, as this is a prime downtown location for a future commercial or industrial business. Additionally, the 1,500 acres of ranchland adjacent to the quarry property and proposed asphalt plant was formerly under application for development (27-lots, "Lakeview Equestrian Estates"). The subdivision application was eventually pulled and the property was sold to the current owner who intends to ranch and retire there. But if an asphalt plant goes in next door, he could change his mind, take the land out of Williamson Act contract, and eventually convert 1,500 acres to non-agricultural use.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied to make the following determinations.
Would the project:

a) *Conflict with or obstruct implementation of the applicable air quality plan?*
Less than Significant with Mitigation Incorporated.

b) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?*
Potentially significant impact - Project will contribute substantially to a projected air quality violation. To the extent that the asphalt plant exposes the public to frequent objectionable odors from diesel fuel combustion and production of asphaltic concrete, the applicant will not be able to comply with Air District Rule 205-Nuisance.[1] Not only does the production of asphalt, and the diesel used to heat it and run the equipment, release toxic air contaminates (TACs) but the diesel used by up to 300 truck trips per day to transport will also. This number of trucks is calculated on applicant's estimate of producing 3,000 tons per day at maximum production which equals 150 loads at 20 tons each.[2] These trucks will be in addition to the trucks that presently haul rocks and aggregate out and bring bitumen, diesel fuel, and recycled asphalt in. The major sources of emissions from hot mix plants are the drier, fuel burners, and truck transportation.[3] Asphalt fugitive emissions themselves contain TACs such as benzene[4] which may pose a potential hazard to human health.[5] Fugitive emissions of sulfur oxides, nitrogen oxides and hydrocarbons contribute to odor and smog (see footnote 3) which can cause adverse health reactions in receptors (people) as much as a mile away. See e). Particulate emissions from diesel-fueled engines (DPM) are particularly toxic as they can be smaller than one micron, are breathable, and can stay in the air for 10 days[6]. The largest fraction of DPM emissions deposit in the deepest regions of the lungs, where the lung is most susceptible to injury.[7] There are no established ambient air quality standards for TACs; instead they are managed on a case by case basis depending on the quantity and type of emissions and proximity to potential receptors.[8]

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[1] Calaveras County Planning Commission Staff Report of December 10, 2015, page 8. http://www.myvalleysprings.com/pdfs/2015/Staff%20Report%2012_10_15%20PC.pdf
[2] C.C. Planning Commission Staff Report of December 10, 2015, page 9.
[3] www.nepis.epa.gov/Exe/ZyPurl.cgi?Dockey=9101YQ77.txt, *Atmospheric Emissions from Asphalt* Dated December 1973, page 12.
[4] C.C. Planning Commission Staff Report of December 10, 2015, page 6
[5] C.C. Planning Commission Staff Report of December 10, 2015, page 5.
[6] Calif. EPA Air Resources Board Proposed Identification of Diesel Exhaust as a Toxic Air Contaminate, April,22,1998 page A-3, www.arb.ca.gov/toxics/dieseltac/part_a.pdf.
[7] Ca Air Resources Board, Overview: Diesel Exhaust and Health: www.arb.ca.gov/research/diesel/diesel-health.htm.
[8] C.C. Planning Commission Staff Report of December 10, 2015, page 5.

c) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal of state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*

Potentially significant impact – Calaveras County is located in the Mountain Counties Air Basin (MCAB) and is under the jurisdiction of the Calaveras County Air Pollution Control District (CCAPCD), a special district governed by the Calaveras County Air Pollution Control Board. CCAPCD manages the county's air quality through education and enforcement of CCAPCD rules and California Air Resources Board (CARB) measures and regulation. Relative to air quality, Calaveras County exceeds (i.e., is classified as non-attainment for) state and federal standards for ozone. Ozone exceedance is a result of "overwhelming transport", a term used by the California Air Resources Board to recognize that the precursors to ozone are emitted elsewhere (the valley and bay area) and as chemical reactions occur to create ozone it is transported to the County by the prevailing westerly winds. The county is technically exceeding state standards for particulate matter (PM10); however this was due to one record in 2013 and there have been no records of exceedance in 2014 and 2015. Ozone precursor emissions from the asphalt plant and its truck traffic may substantially contribute to the cumulatively considerable emissions that will exacerbate the current non-attainment for these criteria pollutants, and delay the day when the County comes into attainment.

d) *Expose sensitive receptors to substantial pollutant concentrations?*

Potentially significant impact – Populations more sensitive to poor air quality than others include children, the elderly, the acutely ill and the chronically ill. Facilities occupied by these sensitive populations are considered sensitive receptors. In Calaveras County, sensitive receptors include residences, schools, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and medical clinics distributed throughout the county.[9] There are 2,047 homes within 2 miles of the quarry and 521 homes within a mile of the proposed project.[10] Access from the quarry to Highway 26 is the 1.6 mile Silver Rapids Rd. on which there are 60 county approved building sites, 40 of which have homes built on them. 20 of the existing homes are within 100 feet of the road and 4 of those are within 50 feet. Implementation of the proposed project will put up to 300 more diesel truck trips on this residential road per day which will produce significantly higher levels of concentrations of pollutants and TACs. These homes are located in a valley, or "bowl", which will further concentrate pollutants.

Even more trucks will stack up at the gate of the plant waiting for it to open in the morning. Upon leaving the plant with a load of asphalt, they will have to stop at the corner of Silver Rapids Road and Hartvickson, pass and possibly stop at several school bus stops, and finally, stop at Silver Rapids Road and Highway 26 where it will be inevitable that they will stack up waiting to turn onto the busy highway, all of the time emitting diesel TACs. California State

[9] C.C. Conservation and Open Space Element; Revised March 10, 2016.

[10] C.C. Planning Commission Staff report of November 30, 2015 and www.googlemaps.com

Law says Diesel trucks must not idle for more than 5 minutes unless you are stuck in traffic.[11] California Department of Education also addresses this issue in regards to children's health.[12] This is pertinent because many children live and play outdoors in the area affected by the project and there will be a constant flow of TACs along Silver Rapids Rd. and vicinity. In the absence of clear evidence to the contrary, EPA assumes that there are no exposures to TACs that have "zero risk.[13] **In other words, exposure to all TACs creates risk.**

ALL types and amounts of Fugitive Emissions from both diesel and asphalt transportation and production operations (load-out and silo-filling) need to be measured and analyzed, including fugitive PM, VOC emissions, CO, and TOC. Most critical, fugitive emissions from diesel exhaust and asphalt transport through adjacent residential neighborhoods needs to be calculated and the impacts on nearby sensitive receptors analyzed. For example, total organic compounds (TOCs) can be measured as per EPA (USEPA-42-Ch. 11.1 Hot Mix Asphalt Plants[14], December 2004, pg. 11.1-9):

> "Vapors from the HMA loaded into transport trucks continue following load-out operations. **The TOC emissions for the 8-minute period immediately following load-out (yard emissions) can be estimated using an emission factor of 0.00055 kg/Mg (0.0011 lb/ton) of asphalt loaded**. This factor is assigned a rating of E. The derivation of this emission factor is described in Reference 1. Carbon monoxide emissions can be estimated by multiplying the TOC emissions by 0.32 (the ratio of truck load-out CO emissions to truck load-out THC emissions)."

The applicant has specified a maximum 250,000 tons of asphalt plant annual production depending on market demand (Kindermann Letter in Response to ATC Review[15], June 24, 2015). 250,000 tons asphalt multiplied by .0011 lb/ton of TOC emissions = 275 lbs. of TOCs emitted annually just in the asphalt and quarry yard, and just for the "8-minute period immediately following load-out (yard emissions)." But emissions from transport trucks continue on through the yard gate, and continue to be emitted after 8 minutes—in this case passing through a residential neighborhood. It takes 4 minutes for a large transport truck to drive from the quarry gate to Hwy. 26 via Silver Rapids Road, through this residential neighborhood (including stopping and starting at 3 stop signs on the way; this was timed on April 13, 2016). This would be an additional 138 lbs. of TOCs emitted just in this section of residential neighborhood. These calculations for ALL types of fugitive emissions traveling at 25-30 mph through this and other residential areas need to be done to determine potential impacts.

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[11] California Air Resources Board: www.arb.ca.gov/noidle

[12] California Board of Education: Final Regulations Order-Airborne Toxic Control Measure to Limit School Bus Idling and Idling at Schools, section 2480, C1b. www.cde.ca.gov/ls/tn/or/13ccr2480final.asp

[13] EPA Risk Assessment for Toxic Air Pollutants: A Citizen's Guide. www3.epa.gov/airtoxics/3_90_024.html

[14] https://www3.epa.gov/ttn/chief/ap42/ch11/final/c11s01.pdf

[15] http://www.myvalleysprings.com/pdfs/2015/Response%20to%20ATC%20Review_1_Kindermann%20Letter_06_24_15.pdf

e) *Create objectionable odors affecting a substantial number of people?*

Potentially Significant Impact - Objectionable odors and fumes are emitted both from the mixing of hot asphalt and diesel emissions, causing adverse reactions in many people. See comments under b). According to the Dec. 10 staff report, "Both the Kapahi report and the Yorke report acknowledge that there is a potential for odors from the plant assuming normal operating conditions,"[16] and the included BAAQMD Guidelines table recommends screening for potential odors from asphalt batch plants be done for 2 miles from the source. Odors and fugitive emissions, containing such TACs as benzene, "also come off of the hot mix asphalt during transport."[17] Increased traffic of diesel trucks with open loads of asphalt on Silver Rapids Road will affect air quality for the people living in the existing 40 and potentially 60 homes on this route and in surrounding neighborhoods. The "bowl" effect of this neighborhood will trap these noxious odors. Breezes, which are variable depending on time of day, could blow plant odors towards residences. Reactions to asphalt fumes include nausea, headache, skin irritation, eye, nose, and throat irritation and lower respiratory track symptoms such as asthma and emphysema.[18] Diesel fuel emissions include hydrocarbons, aldehydes and sulfur dioxide which contribute to its distinctive and irritating odor.[19]

[16] C.C. Planning Commission Staff Report of December 10, 2015, pages 6-7.
[17] C.C. Planning Commission Staff Report of December 10, 2015, pages 6.
[18] CDC Hazard Review, Health effects of occupational exposure to asphalt. Chapter 5.1, page 47. www.cdc.gov/niosh/docs/2001-110/pdfs/2001-110.pdf
[19] Nett Technologies Inc., www.nettinc.com

IV. BIOLOGICAL RESOURCES

A. BACKGROUND DISCUSSION

The vicinity of the Calaveras River, from Hogan Dam downstream past the quarry site, through the river canyon to the Bellota weir, is populated with all kinds of wildlife. Residents' anecdotal accounts note sighting multiple species through every season. There are established wildlife corridors through much of this area. (*California Department of Fish and Wildlife BIOS viewer 5.39.30* – maps with layers depicting wildlife corridors)

After New Hogan Dam was completed, returns of winter-run Chinook were documented in the Calaveras River in 1972, 1975, 1976, 1978, 1982, and 1984 (DFG 1993). These returns, in combination with the 1995 return and the **historic spawning gravels found between Bellota and New Hogan** give reason to believe that the Calaveras River system could support small runs of fall-run and possibly winter-run Chinook salmon.

However, in many years, the timing and magnitude of stream flows below Bellota Weir are not sufficient to allow adult Chinook salmon and steelhead to migrate upstream into **the high quality spawning and rearing habitat between Bellota and New Hogan Dam** (USFWS 1993). (Oct 21, 2004, *Lower Calaveras River Chinook Salmon and Steelhead Limiting Factors*, Stillwater Sciences –Pg.4, Existing Information Review)

"The reconnaissance surveys indicate that **spawning habitat for Chinook salmon and steelhead is relatively common throughout the New Hogan and Jenny Lind reaches of the Calaveras River**. Smaller spawning patches appropriate for steelhead, but too small for Chinook salmon, are common in the upper half of the Canyon reach." (Oct 21, 2004, *Lower Calaveras River Chinook Salmon and Steelhead Limiting Factors*, Stillwater Sciences –Pg.7- Reconnaissance Surveys)

"The Canyon Reach had large, deep pools with high quality juvenile rearing habitat such as abundant summer feeding stations and good structure that also provided refuge for over-wintering juveniles. These pools may also be suitably large and deep enough to provide over-summering habitat for spring Chinook salmon." (Oct 21, 2004, *Lower Calaveras River Chinook Salmon and Steelhead Limiting Factors*, Stillwater Sciences –Pg.7)

The Mokelumne is considered a river capable of supporting a salmon run, and the condition factors for the rivers salmon are much lower than that of salmon from Calaveras. This may then suggest that Calaveras salmon are in slightly better health than the Mokelumne salmon, and backing the proposition that the **Calaveras is capable of supporting salmon, based on growth and food availability.**

Because the Calaveras' flow is controlled by New Hogan Dam, water entering the river is usually very cool and averaged about 55 degrees F at our extreme upstream site. Leitritz and Lewis

(1988) gave 56 degrees F as the best temperature for rearing eggs and juveniles, **giving Calaveras a near optimal upstream temperature for salmon spawning and rearing.** (*Maury F. Jelstad DFG, Calaveras River Chinook Salmon 1996)*

Department of Fish and Game documented *O. mykiss* in the river downstream of New Hogan Dam in March 2002.

FFC snorkel **surveys of the Calaveras River downstream of New Hogan Dam in 2002 indicate a large population of *O. mykiss* exists and naturally reproduces** in the reach (unpublished data). http://www.water.ca.gov/pubs/environment/fish/calaveras_river_fish_migration_barriers_assessment_report/calaveras_assess.pdf

DWR Fish Migration Barriers Assessment Report 2007 is the most current information on the progress in removing fish barriers in the Calaveras River. www.water.ca.gov/fishpassage/projects/calaveras.cfm

The Calaveras River is unique among Central Valley tributaries because of its high summer flows, cool temperatures, abundance of high quality juvenile rearing habitat, and presence of deep pools that provide potentially excellent conditions for resident rainbow trout, steelhead, and spring and fall Chinook salmon above Bellota Weir. (Oct 21, 2004, *Lower Calaveras River Chinook Salmon and Steelhead Limiting Factors,* Stillwater Sciences-Pg. 20)

Many of the fish barriers in the Calaveras River below Bellota have already been removed. By continuing to remove existing barriers from lower points in the Calaveras River, and after adding fish ladders at the Bellota weir, the listed endangered species of fish will have unimpeded access to the existing spawning habitat present in the river between Hogan Dam and Bellota.

Every now and then, something really good is done for our river and for our fish. Please take a few minutes to watch this fantastic video about recent improvement to the lower Calaveras River: http://youtu.be/6XKvWI4JT5Q.

B. RESPONSES TO CHECKLIST QUESTIONS – BIOLOGICAL RESOURCES

Would the project:

a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, or U.S. Fish and Wildlife Service?*

Potential Significant Impact: There are multiple documents indicating that the Calaveras River and the existing fish populations have been under study for 20 years. **There are documented Steelhead trout (*O. mykiss),* spring and summer Chinook salmon in the Calaveras River at the location of the proposed project**. These fish are all listed as designated threatened and endangered fish on the Ca. Fish and Wildlife website. *O. mykiss* found in the Calaveras River are from the Central Valley Evolutionary Significant Unit (ESU) and are federally listed as threatened (US Department of Commerce 1998). Extensive environmental review is required before allowing an asphalt plant to operate at this site.

References:

1) **Historic and Present Distribution of Chinook Salmon and Steelhead in the Calaveras River**, by Glenda Marsh, Fishery Foundation of California, July 2007
http://escholarship.org/uc/item/79w957fg

2) **Calaveras River Habitat Conservation Plan**

Thursday, May 15, 2014
FISBIO personnel have spent several years developing a Habitat Conservation Plan for steelhead and Chinook salmon in the Calaveras River. Such a plan describes how proposed actions, like water diversions for agricultural, industrial, and domestic use, will minimize or offset any incidental take of threatened or endangered species. The Calaveras River Habitat Conservation Plan describes the habitat types and environmental conditions that steelhead and Chinook require at each stage of their life cycle, the status of each species in the Calaveras River basin, and the actions that regional water districts will implement to protect and manage these species.
http://fishbio.com/projects/calaveras-river-habitat-conservation-plan

3) **DWR Fish Passage Improvement Program** (FPIP)

Background

The Calaveras River, located in Calaveras and San Joaquin counties, is in the range of historical and essential fish habitat for fall-run Chinook salmon (*Oncorhynchus tshawytscha*) and part of the historical distribution for the Central Valley steelhead (*Oncorhynchus mykiss*). In 1963, completion of the New Hogan Dam, located on the Calaveras River approximately 38 miles upstream from the confluence with the San Joaquin River, blocked all access to spawning habitat upstream of the dam. Downstream of New Hogan Dam, anadromous fish currently have access to suitable spawning habitat when flows permit. However, migration is hindered by numerous instream structures which have the potential to impair fish passage. These potential

barriers include low-flow road crossings, bridges, dams, and other structures**.**
http://www.water.ca.gov/fishpassage/projects/calaveras.cfm

4) **Calaveras River Fish Migration Barriers Assessment Report**, DWR, Sept. 2007
http://www.water.ca.gov/pubs/environment/fish/calaveras_river_fish_migration_barriers_assessment_report/calaveras_assess.pdf

> ## Calaveras River Fish Migration Barriers Assessment Report
>
> The CALFED Bay Delta Program has identified improvements to anadromous fish passage on the Calaveras River as a priority under its Ecosystem Restoration Program (ERP). To further the protection and recovery of anadromous salmonids in this river system, DWR's Fish Passage Improvement Program (FPIP) prepared the Calaveras River Fish Migration Barriers Assessment Report. This publication provides an inventory and evaluation of potential barriers downstream of New Hogan Dam on the Calaveras River, the Mormon Slough flood control channel, and the Stockton Diverting Canal in Calaveras, Stanislaus, and San Joaquin counties. In addition, the report includes possible solutions to aid fish passage at the different types of barriers found in the system. Results of the report will be used in conjunction with salmon and steelhead life history data to identify and prioritize potential fish passage improvement projects and guide modification or removal of fish passage barriers in the river system.

5) **Calaveras River Fish Migration Barriers Assessment Report**, DWR, Sept. 2007
http://www.water.ca.gov/pubs/environment/fish/calaveras_river_fish_migration_barriers_assessment_report/calaveras_assess.pdf

b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*

Potentially Significant Impact: There are pre-existing unaddressed sediment issues generated from "track-out" from the operation of Hogan quarry.

> Patches of **spawning habitat in the lower watershed have probably been degraded by intrusion of fine sediment into spawning gravels**, which has reduced permeability and would decrease survivorship of steelhead and Chinook salmon eggs and fry. Low permeability can result from the compaction of gravels and infiltration of fine sediments. **Increased levels of fine sediments may result from increased delivery of sediment to the system or a lack of flow levels adequate to mobilize the streambed.** Below New Hogan Dam, reduced gravel permeability is likely a by-product of declines in peak flow frequency and magnitude due to flow management practices in the system. (Oct 21, 2004, *Lower Calaveras River Chinook Salmon and Steelhead Limiting Factors*, Stillwater Sciences-Pg. 16)

In 2005 Ford Construction sought to increase the Hogan quarry production by 500%, but after issues arose, including sediment, the project was pulled.

"Letters from state regulators suggest environmental problems- **specifically, the possible flow into the Calaveras River of fine sediment from rock crushing and transport**- may be a sticking point." (Quarry facing hurdles, Stockton Record, December 30, 2005)
http://myvalleysprings.com/archive/Quarry%20facing%20hurdles_SR_12_30_05.pdf

"Ford Construction's 2002 pollution discharge permit from the Central Valley Regional Water Quality Control Board requires it to keep sediment from gravel washing **and other operations from reaching the river."** (Quarry facing hurdles, Stockton Record, December 30, 2005)

The added traffic to and from the quarry will increase the track-out deposits and result in much more sediment going into the river at the bridge site.

Fugitive emissions from the proposed asphalt plant and associated traffic have the potential to affect a wide range of wildlife because the area is so rich with wildlife and the river is traveling past the site, then through walled ravines and canyons. Wildlife is dependent on a clean river and clean air. **The presence of this wildlife cannot be dismissed without conducting formal surveys. A comprehensive Environmental Impact Report is called for with this project.**

c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pools, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

Potentially Significant Impact: In addition to the potential effect of this project contributing more sedimentation to the river channel, there is the unknown potential effect of greatly expanded use of diesel fuel in the production of and transportation of the asphalt and components at this site.

Proposed Identification of Diesel Exhaust as a Toxic Contaminant, CEPA, April 22, 1998, Appendix III, Page A-3: "As mentioned above, **diesel exhaust is a complex mixture of substances, and each substance will remain in the air, or react with other substances according to the substance's individual chemical properties. The diesel particles are typically smaller than 1 micron and are expected to remain in the air for about 10 days."**

A comprehensive Environmental Impact Report needs to address all aspects of this proposed project and its potential impact on this extensive natural system around the Calaveras River.

d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

Potentially Significant Impact: As discussed earlier in this section, there **are naturally reproducing Steelhead Trout and Chinook Salmon** in the Calaveras River from Hogan Dam down to the Bellota weir. California Fish and Wildlife **maps depict wildlife corridors all along the Calaveras River** from Hogan Dam, through the Canyon reach and down to the Bellota weir. There are extensive undeveloped areas which lay along both sides of the river which offer protection and passage for all wildlife. The quarry, as it operates today, does not use any toxic chemicals. There is a definite significant impact from the deposition of track-out sediment into

the river at the bridge used to enter and exit the quarry, as confirmed in earlier studies noted above. Potential spills, large or small, fugitive emissions, and emissions from truck traffic all suggest that cumulative impacts could be potentially significant impacts and need to be explored in a comprehensive Environmental Impact Report before this project moves forward. **There will be no second chances to get this right.**

e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

No Impact. (no local policy or ordinance)

f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

Potential Significant Impact: The Habitat Conservation Plan (HCP) discussed below has been under development for several years and has not been adopted yet.

> "Stockton East once denied there were steelhead in the Calaveras, even as fishermen were catching them. Even now, determining how many steelhead live in the river is tricky, because threatened oceangoing steelhead are nearly identical in appearance to resident rainbow trout.
>
> Tuesday's plan says the Calaveras River has high potential for steelhead, thanks to good spawning habitat between Bellota and New Hogan Dam.
>
> The trick is coaxing the fish through the lower stretches of the river below Bellota, where the stream is often dry and offers little quality habitat."

Fixing that problem is the **goal of the long-delayed habitat conservation plan between the feds and the district.**

Calaveras advocates have called publicly for the groups to finish the plan, which was supposed to be released as early as 2005." (Calaveras River featured in feds' 'recovery plan', Stockton Record/Breitler/ July 23, 2014)

Calaveras River Habitat Conservation Plan

Thursday, May 15, 2014

FISHBIO personnel have spent several years developing a Habitat Conservation Plan for steelhead and Chinook salmon in the Calaveras River. Such a plan describes how proposed actions, like water diversions for agricultural, industrial, and domestic use, will minimize or offset any incidental take of threatened or endangered species. The Calaveras River Habitat Conservation Plan describes the habitat types and environmental conditions that steelhead and Chinook require at each stage of their life cycle, the status of each species in the Calaveras River basin, and the actions that regional water districts will implement to protect and manage these species.

References

Historic and Present Distribution of Chinook Salmon and Steelhead in the Calaveras River, Brenda A. Marsh, Fishery Foundation of California (http://escholarship.org/uc/item/79w957fg)

DWR Fish Migration Barriers Assessment Report, 2007. The Department in cooperation with Stockton East Water District and with assistance from the Department of Fish and Game, NOAA's National Marine Fisheries Service, and US Fish and Wildlife Service produced this document to be used for improving access into the lower Calaveras River for migrating seaward rainbow trout (Oncorhynchus mykiss) and Chinook salmon (Oncorhynchus tshawytscha).
www.water.ca.gov/fishpassage/projects/calaveras.cfm

Lower Calaveras River Chinook Salmon and Steelhead Limiting Factors, Stillwater Sciences, Oct 21, 2004
http://www.fws.gov/lodi/anadromous_fish_restoration/documents/Final_Report_mrs091004_jrr091704.pdf

http://bos.calaverasgov.us/Portals/bos/Docs/BCC_SupplementalDocs/Planning_Commission/General%20Plan/Appendix%20B%20Bio%20Study.pdf

VII. GREENHOUSE GAS EMISSIONS

A. BACKGROUND DISCUSSION

The greenhouse gas effect is a natural process by which some of the radiant heat from the sun is captured in the lower atmosphere of the earth, thus maintaining the temperature and making the earth habitable. The gases that help capture the heat are called greenhouse gases (GHGs). GHGs can occur naturally in the atmosphere or result from human activity. Some naturally occurring GHGs include water vapor, carbon dioxide, methane, nitrous oxide and ozone. GHGs from human activity include combustion of fossil fuels from energy use in buildings, at major stationary sources such as cement plants and refineries, and in vehicles. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors.

B. RESPONSES TO CHECKLIST QUESTIONS - GREENHOUSE GAS EMISSIONS

Would the project:

a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Potentially Significant Impact. Operation of the proposed asphalt plant project would result in the burning of fossil fuels through equipment exhaust, plant operations, heating, electricity usage , plus generate additional GHGs due to increased use of explosives at the quarry site (to generate more aggregate). Construction of the asphalt plant would generate additional GHGs. Transportation of product and delivery of diesel fuels and liquid asphalt and other materials such as RAP (recycled asphalt pavement) would generate more GHG emissions. There is a potential of at least 150 additional daily diesel truck trips to and from the site, a significant increase in existing daily traffic.

The asphalt truck route starts on Silver Rapids Road, a busy road in a residential neighborhood; trucks will then travel onto SR 26 (and likely through downtown Valley Springs). SR 26 is one of the most congested and busy highways in western Calaveras County (with a LOS of D). The intersection of SR 26 with SR 12 in downtown Valley Springs at the four-way stop is congested and includes much heavy truck traffic. New GHGs generated would add to GHG emissions currently generated by heavy traffic on these roads.

Consistent with California's 2006 Assembly Bill 32 reduction targets for greenhouse gases, the California Air Resources Board (CARB) has developed preliminary significance thresholds for industrial, as well as residential and commercial, projects[1]. The preliminary recommended significance threshold for GHG for industrial projects was proposed by CARB to be 7,000 MTCO2e per year for operational emissions (excluding transportation). **GHG estimates for the Proposed Asphalt Plant Project at Hogan Quarry, including transportation, needs to be**

[1] California Air Resources Board. *Preliminary Draft Staff Proposal Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases Under the California Environmental Quality Act*. October 24, 2008.

calculated to determine the level of significance. The total estimated GHGS for the proposed Newman Ridge project in Amador County was estimated at 15,425 MTCO2e per year, substantially exceeding the threshold of significance.

GHGs are cumulative in nature. The impacts related to GHGs are considered cumulative impacts. Estimated emissions for the project could potentially exceed the applicable thresholds of significance, so project GHG emissions would be considered cumulatively considerable and impacts significant.

Operation of the proposed Hogan Quarry asphalt plant plus transportation needs and the increase in daily vehicular truck trips is anticipated to potentially create a significant new source of GHGs, causing a significant impact to the environment. The project's incremental contribution to global climate change could result in a substantial increase in GHG emissions on both a local and regional scale, and would be considered significant. GHG emissions estimates for project operations, construction, and transportation-related needs must be calculated through an EIR. Impacts may be significant and unavoidable.

b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*
Potentially Significant Impact. Even though Calaveras County has not adopted a plan for the purpose of reducing emissions of greenhouse gasses, the County must demonstrate to the State that it is doing its part under AB 32 and making efforts to reduce GHG emissions. **Recognizing and mitigating project GHG impacts (if possible) through an EIR would conform to State policy.**

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
Potentially Significant Impact – Asphalt oils (bitumen) and diesel fuel will be transported and used, and are defined as hazardous materials pursuant to the California Health and Safety Code, H&SC Chapter 6.95, Section 25501(n) (1) (2) et. seq[1]. They are both petroleum products and as such are flammable and will be stored on the site. Both release toxic air contaminates into the environment, and will be routinely transported through residential neighborhoods. These residents are "sensitive receptors" living adjacent to the truck route and will suffer from exposure to hazardous air emissions. "Even assuming compliance with HMBP requirements, spills and releases such as piping leaks, overfills, and spills of hazardous materials do regularly occur at facilities working with hazardous materials. The type, quantity and method of use concerning the hazardous materials proposed for the asphalt plant do give rise to a potentially significant impact on the environment, and it would be disingenuous to assert that there is no potential for a significant accidental release. Environmental statutes and regulations recognize that, even assuming compliance with rules and regulations, releases of hazardous materials into the environment may occur due to human and mechanical failure." "I have personally investigated spills from aboveground storage tanks systems that have complied with environmental laws, but due to equipment failure and operator error significant releases ocurr."[2]

b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*
Potentially Significant Impact – The additional from 5,800 to 27,162 gallon diesel storage tank/s (applicant's figures vary)[3] and the storage of bitumen would create conditions involving the release of hazardous materials or toxic air contaminant (TACs) into the environment in case of an accident. California Health and Safety Code 39655, defines TAC as an air pollutant that may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a potential hazard to human health.[4] In addition, loads of fuel, bitumen and RAP for the quarry and asphalt plant operation coming in, along with loads of asphalt going out, will travel the sometimes winding 1.6 mile, 2 lane, Silver Rapids Road, along the Calaveras River and Cosgrove Creek, past 35 private driveways, 7 neighborhood connecting streets, and several wildlife corridor crossings between the project and Hwy 26**. All of this makes the possibility of a traffic accident including upset and spillage a quite possible occurrence**. A vehicle accident with spillage would cause a significant hazard to residents living along the route **and to the river along the winding, narrow section** (see photo on next page of asphalt spill into a river, 'Truck crash spills asphalt into Coquille River'[5], KMTR TV 16, November 12, 2104). The quarry property is in a high fire area and an accidental fire or explosion and subsequent release of toxic and hazardous gases and smoke caused by spillage or equipment malfunction poses a danger to surrounding residential properties and environment (see photo on following pages of accidental asphalt plant fire). Also see Transportation section e) "emergency access" for more examples of asphalt truck accidents and fires, explosions, and accidents at asphalt plants.

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[1] C.C. Planning Commission Staff Report dated December 10, 2015, page 10.
[2] C.C. Planning Commission Staff Report dated December 10, 2015, page 12.
[3] C.C. Planning Commission Staff Report dated December 10, 2015, page 10.
[4] C.C. Planning Commission Staff Report dated December 10, 2015, page 5.
[5] http://nbc16.com/news/local/truck-crash-spills-asphalt-into-coquille-river

'Truck Crash Spills Asphalt into the Coquille River' November 12, 2014

c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*
Potentially Significant Impact – Hazardous emissions from diesel and asphalt will be emitted by project's diesel trucks hauling diesel fuel, liquid asphalt, and hot mix asphalt. These trucks will be traveling on Highway 26 and through the 12/26 intersection in Valley Springs, then continuing on Hwy. 12. The Jenny Lind Elementary School is adjacent to Highway 26. The Valley Springs Elementary School is approx. 1000 feet from the 12/26 intersection. The Toyon Middle School is adjacent to Hwy. 12.

d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65926.5 and, as such a result, would it create a significant hazard to the public or the environment?*
No Impact. The project is not listed as a hazardous materials site.

e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*
No impact. The project is not located within two miles of a public or private airport.

f) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*
No Impact. The project is not located within the vicinity of a known private airstrip.

g) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*
Potentially Significant Impact – The use of hazardous, flammable, and explosive materials at the project site will increase emergency risks and the need for emergency evacuation routes and plans. Is there an emergency response or evacuation plan for the area?

h) *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

Potentially Significant Impact – The project is located at 3650 Hogan Dam Road in Valley Springs and **is adjacent to wildlands, residences intermixed with wildlands**, and wildland recreational areas (the Army Corp of Engineers New Hogan Dam and Reservoir). **Materials used in the production of asphalt at the site (diesel fuel, asphalt oil) are hazardous, highly flammable, and can be explosive**, **exposing residents to greater risk of wildland fires**. There is no fire hydrant or well water on the quarry site. According to the County's General Plan, the subject parcel is located within the FRAP **High Fire Hazard**. Areas in this location are designated as having low elevation with rolling hills, oak trees and grassland. Winds often carry sparks which spread fires. The California Department of Forestry and Fire Protection (CAL FIRE) and Calaveras Consolidated Fire are responsible for providing wildfire protection within their jurisdiction. In the event of a fire or other emergency at the project, (fires and explosions have been known to happen at asphalt plants) residents further south on Hogan Dam would possibly have no way out as the road south is sometimes impassable, especially during or after wet weather. **Below is an oil furnace fire at an asphalt plant**, September 2015. ('Asphalt plant damaged by fire near Black River Falls' Leader-Telegram, Sept. 9, 2015[6])

Oil furnace fire at an asphalt plant, September 2015

[6] http://www.leadertelegram.com/News/Local/Briefs/2015/09/25/Asphalt-plant-damaged-by-fire.print

IX. HYDROLOGY AND WATER QUALITY

A. BACKGROUND DISCUSSION

Ford Materials and CB Asphalt are applying for an Authority to Construct (ATC) for an asphalt plant at the site of the existing Hogan Quarry (operated under the title of Foothill Materials) which is **adjacent to the Calaveras River**. **The Calaveras River is a "sensitive receptor"**—the **drinking water source for 10,000 local residents**, the City of Stockton, and **spawning grounds for steelhead trout and Chinook salmon** (see IV Biological Resources). **The Calaveras River impacts California's native fisheries, as it flows into the San Joaquin River.** Water quality at this location on the Calaveras River is a major concern.

The following is from a recent email[1] sent to Planning Director Peter Maurer by Bob Dean, vice-president of the Mother Lode Land Trust and former Calaveras County Water District Director:

> - ...*The Commission is ignorant of the* ***potential impact the Calaveras River will have of California's native fisheries.*** *One very important point was mentioned by Kevin Wright, our County Ag Commissioner, and that was the flow of water into the San Joaquin. This is a necessary component for a successful fishery if the water is of sufficient quality. Additionally, there are two things happening now which will impact the fisheries issue. The first is the San Joaquin River Restoration. The other is the mandate imposed upon Stockton East Water District to remove several fish barriers including Bellota Weir. These two projects will enhance the future of the Calaveras River as an anadromous fishery's water body.* ***The canyon of the Calaveras, a stretch of the Calaveras River below New Hogan, is an ideal location for fish spawning and smolt development****. There are reaches in this canyon which could be quite productive for migrating fish because of deep water pools, assured low temperatures, and guaranteed water flow from releases out of New Hogan.* ***All this might be in jeopardy should water quality be degraded to the point that it could impact fish health and development.***
>
> - *There is currently being developed a* ***Habitat Conservation Plan for the Lower Calaveras which has not taken into consideration the presence of an asphalt plant. What impact this could have on future management of the Calaveras in unknown and it should be considered****.*

Sedimentation, track-out, hazardous materials, polluted stormwater runoff or waste discharge, and non-point source pollution are serious threats to water quality.

The main access to the quarry site is via Silver Rapids Road, which crosses and follows Cosgrove Creek for .5 miles (past the intersection with McClintock Ct.), then follows the Calaveras River for .25 miles, and ends at Hogan Dam Road. Traffic then turns right, traveling over a bridge that crosses the Calaveras River, and makes an immediate right turn into the quarry yard. The Calaveras River Bridge has a series of drain holes in the curbing on both sides of the bridge which allow rainwater to drain into the river. **These bridge drains also deposit sediment**

[1] Bob Dean asphalt plant EIR email, February 25, 2016 (see Exhibit #2)

“track-out”, which falls from the quarry gravel trucks onto the bridge and, eventually, into the river (see photos below).

Photos of Calaveras River Bridge and Track-out adjacent to Hogan Quarry, 2005




Photos of Calaveras River Bridge, gravel, Hogan Quarry entrance, quarry and river, 2015




In 2005 Ford Construction sought to increase the Hogan quarry production by 500%, but after issues arose, **including sediment**, the project was pulled. "Letters from state regulators suggest **environmental problems- specifically, the possible flow into the Calaveras River of fine sediment from rock crushing and transport- may be a sticking point**." ('Quarry facing hurdles', Stockton Record, December 30, 2005[2]) "Ford Construction's 2002 pollution discharge permit from the Central Valley Regional Water Quality Control Board **requires it to keep sediment from gravel washing and other operations from reaching the river."** But as the photos clearly show, sediment and gravel gets on the bridge and drains into the river. **A significant increase in trucking operations from the quarry grounds would cause an increase in sediment track-out**.

It was reported on Jan 26, 2006, "County interim Planning Director Robert Sellman said in a written news release that both county staffers and Ford representatives agreed **the mine may have to update its reclamation plan before it can resubmit its application to expand**." ('Valley Springs Quarry plan withdrawn'/Stockton Record, January 26, 2006[3])

In 2007, the *Calaveras River Fish Migration Barriers Assessment Report*[4] discussed Water Quality in the "Habitat Conditions" chapter on page 3-8, "Results of the water quality assessments and **impacts on cold water fisheries in the Calaveras River** watershed are not conclusive at this time. **Potential impacts** in the lower watershed may be related to nutrient, bacteria, **sediment loading,** water management practices, and migration barriers. The anthropogenic sources of the potential water quality impacts include livestock grazing, residential ranchettes septic system failure, point and **non-point industrial discharge,** golf course drainage, water diversions, flashboard dams, dewatering of the Calaveras River channel, and agricultural practices. Streambank erosion associated with Indian Creek, streambank undercutting and mass wasting along the **Calaveras River**, **and historical gravel mining pits in the active channel may also impact water quality in the system (USACE 1989, CCWD 2002)"**

The sediment problem at the bridge persists today.

In addition to an increase in sediment and track-out, **the new use of and potential release of hazardous materials transported to and used by the asphalt plant poses a threat to the Calaveras River's water quality, and the water quality of Cosgrove Creek**. There will be a significant increase in **diesel fuel** used, and large quantities of **asphalt oil (bitumen)** will be used and transported (see December 10, 2015, "Planning Commission Staff Report"[5], and quotes with figures below). T**hese hazardous materials can lead to toxic asphalt emissions and diesel particulates in the air, causing 'nonpoint source pollution' to the adjacent Calaveras River,**

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[2] http://myvalleysprings.com/archive/Quarry%20facing%20hurdles_SR_12_30_05.pdf

[3] http://myvalleysprings.com/archive/Valley%20Springs%20quarry%20plan%20withdrawn_SR_01_06.pdf

[4] http://www.water.ca.gov/pubs/environment/fish/calaveras_river_fish_migration_barriers_assessment_report/calaveras_assess.pdf

[5] http://www.myvalleysprings.com/pdfs/2015/Staff%20Report%2012_10_15%20PC.pdf

Cosgrove Creek, and New Hogan Reservoir. Nonpoint source pollution can include "Atmospheric deposition and hydromodification." "States report that **nonpoint source pollution is the leading remaining cause of water quality problems**. The effects of nonpoint source pollutants on specific waters vary and may not always be fully assessed. However, we know that **these pollutants have harmful effects on drinking water supplies, recreation, fisheries and wildlife**." (EPA, "What is Nonpoint Source Pollution?"[6]). Undetected toxic contamination could affect the local drinking water, fisheries, and wildlife.

Leaks and spills of diesel fuel and asphalt oil may also release hazardous materials into the environment, including the Calaveras River. **Spills could cause shutdown of a State regulated water system,** Calaveras County Water District's Jenny Lind Water Treatment Plant. From the 2015-029 Appeal of Health Officer Determination Under Sec. 17.42.035, December 10, 2015, "Planning Commission Staff Report", Page 12 of 15:

> *Even assuming compliance with HMBP requirements,* ***spills and releases such as piping leaks, overfills, and spills of hazardous materials do regularly occur at facilities working with hazardous materials.*** *The type, quantity and method of use concerning the hazardous materials proposed for the asphalt plant do give rise to a potentially significant impact on the environment, and it would be disingenuous to assert that there is no potential for a significant accidental release. Environmental statutes and regulations recognize that,* ***even assuming compliance with rules and regulations, releases of hazardous materials in to the environment may occur due to human and mechanical failure.***
>
> *H&SC Chapter 6.95 states, for example, that a handler or an employee, authorized representative, agent, or designee of a handler, shall, upon discovery, immediately report any release or threatened release of a hazardous material to the unified program agency.* ***Due to the amount of diesel fuel and asphalt oil stored and processed at the proposed asphalt plant, a spill may be significant and would result in a response by a hazardous materials response team. This impact may require shutdown of a State regulated water system, due to the proximity of the Calaveras River, and limit drinking water supplies to over 10,000 residents.*** *The proposed storage for diesel fuel and asphalt oils are well above the 55 gallon reporting threshold in H&SC Chapter 6.95. These spills/leaks can occur during filling of the diesel and or asphalt oil tanks, the generator day tank, and/or piping leak/breakage. I have personally investigated spills from aboveground storage tanks systems that have complied with environmental laws, but* ***due to equipment failure and operator error significant releases occur.*** *While existing rules and regulations may serve to reduce the impact of an accidental release of hazardous materials, their existence certainly does not remove the potential for a significant release to occur—even assuming a vigilant and proactive applicant.*

Leaks or spills from increased large amounts of diesel fuel may degrade both surface and

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[6] https://www.epa.gov/polluted-runoff-nonpoint-source-pollution/what-nonpoint-source

groundwater quality. From 2015-029 Appeal of Health Officer Determination Under Sec. 17.42.035, December 10, 2015, "Planning Commission Staff Report", Page 13 of 15:

> *If the plant operates at maximum production 83 days a year, (based on maximum production information provided by the applicant), that would result in an annual throughput of 262,280 gallons of diesel fuel.* ***If the asphalt plant operated 310 days a year, based on the maximum production information provided in the Yorke report that would result in annual throughput of 979,600 gallons of diesel fuel****. These numbers, whichever is accurate, represent a significant increase of diesel fuel that will be used at the site beyond what the applicant is currently using at its quarry, and this increased use may result in a significant effect if leaks and/or overfills occur****. The proposed plant will be situated on top of gravel, which is permeable. The applicant has not discussed the potential of waste discharges from the process both to surface and sub-surface areas, which may impact both surface water and/or groundwater. In addition, the applicant did not discuss* ***the potential long-term effects to the environment from day-to-day operations, including long-term effects to the Calaveras River, which is a public drinking water source****. The fact that* ***a drinking water source is approximately 800 feet away*** *and that 521 homes are within 1 mile, signifies that there may be both short-term and long-term significant effects to the environment and public health.*
>
> ***The Calaveras River is a sensitive receptor and a drinking water source for over 10,000 local residents, along with serving as a drinking water source for Stockton East Water District-City of Stockton.*** *The* ***water intake*** *for the Jenny Lind drinking water plant, operated by the Calaveras County Water District (CCWD), is* ***less than 2,000 feet down river*** *and processes up to 3.5 million gallons of drinking water per day. This is not addressed in any of the documents submitted by the applicant nor is it adequately addressed by laws enforced by the local Health Officer.* ***Even assuming applicant's compliance with all laws and regulations, EMA cannot responsibly assert that there is no potential for a significant impact to this source of drinking water****.*

Polluted stormwater runoff or waste discharge may also impact surface and groundwater hydrology and water quality. Ford Construction, Inc., and Foothill Materials, Inc., the owner / operator of the Hogan Quarry, are currently regulated by Waste Discharge Requirements[7] Order No. R5-2002-0226 (WDRs), a General Permit for Storm Water Order No. 97-03 DWQ, and an existing Stormwater Pollution Prevention Plan (SWPPP). **Asphalt plants** and their accompanying hazardous runoff, fugitive emissions and non-point source pollution of surface water, potential spills, and potential hazardous waste discharges **are not authorized in any of the above regulating documents**—in fact, **any discharge of waste other than from aggregate processing and any addition of chemicals to aggregate processing operations is prohibited** (see WDRs "Discharge Prohibitions"). Construction and operation of **the proposed asphalt plant will be on the same legal parcel regulated by the above plans and orders**.

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[7] Order No. R5-2002-0226 Waste Discharge Requirements for Ford Construction Company, highlighted: http://www.myvalleysprings.com/pdfs/2016/Hilited_RegWaterBoard_WDR_5-2002-0226.pdf

B. RESPONSES TO CHECKLIST QUESTIONS - HYDROLOGY AND WATER QUALITY

Would the project:

a) *Violate any water quality standards or waste discharge requirements?*

Potentially Significant Impact. A new asphalt plant would be **a new industrial operation in a sensitive watershed, with many potentially harmful impacts to water quality from the hazardous materials used—to both surface and groundwater**. The staff report quoted above expresses the Health Officer's and EMA's concern that impacts to the Calaveras River and groundwater have not been adequately addressed in the review process for this project.

Because operation of the asphalt plant could more than double aggregate production at the rock quarry (see Transportation/Traffic figures), **this could more than double existing harmful impacts to water quality in the Calaveras River from sedimentation and track-out from trucks leaving the site**. Both the WDRs and the SWPPP require the Hogan Quarry to keep sediment from operations from washing into the river, but as has been demonstrated, there is a history of problems controlling track-out, and sediment enters the river from the bridge drains.

This asphalt plant will use the hazardous materials liquid asphalt oil (bitumen) and hundreds of thousands of gallons of diesel fuel, as noted in the Background Discussion. Asphalt plants also have "baghouses" for removing particulates and "scrubbers" for removing particulates and gaseous pollutants. **Wet scrubbers can discharge hazardous wastes in spent liquids, which could impact water quality if not mitigated.**

Asphalt plants and their accompanying hazardous runoff, fugitive emissions and non-point source pollution of surface water, potential spills, and potential hazardous waste discharges **are not authorized under the Hogan Quarry's existing Waste Discharge Requirements or its existing General Permit for Storm Water and Stormwater Pollution Prevention Plan.** Revised SWPPP and WDRs must be produced and approved by the California Regional Water Quality Control Board. Effects on water quality at this time remain potentially significant due to proposed asphalt plant operations, potentially polluted stormwater runoff, potential liquid waste discharge from scrubbers, and the lack of updated WDRs and SWPPP. The applicant already tried to operate the plant in July 2015[8] without updating any of these plans first, including the stormwater permit, thus risking water quality.

The existing stormwater runoff retention pond at the quarry pit has not been approved for potentially polluted stormwater retention. Attorney Diane Kindermann, advocating for the applicant at a planning commission hearing on June 25, 2015[9], said the quarry pit "is a big rock slab, it's impermeable and would not seep into the fractured water system here." Ms.

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[8] APCD Cease-and-Desist Letter to Asphalt Plant, July 23, 2015, available at: http://www.myvalleysprings.com/pdfs/2016/Asphalt%20cease%20and%20desist_07_23_15_DOC112.pdf

[9] http://calaverascap.com/june-25-2015-calaveras-planning-commission-part-2/ (at approx. 36 min. in)

Kindermann is not an expert hydrologist or geologist, and she provided no evidence for this blanket statement. **It has not been adequately shown that there is no seepage from this unlined quarry pit into the river or groundwater. Rock has fractures and cracks.**

To-date, the applicant has not revised or updated either the WDRs or the SWPPP. In fact, they have rejected the Water Board's request to update WDRs, claiming 1) they will have no waste discharge and 2) the asphalt plant site is "separate from aggregate mining and processing operations." We have seen no evidence proving no waste discharge from this asphalt operation that will use hazardous materials and that will need water to wash equipment and gravel. And one look at an aerial photo or one site visit shows how close the asphalt plant equipment is to existing aggregate operations. Gravel piles are all that lie between them. The sites are so close as to be nearly indistinguishable. <u>If the asphalt plant is to be considered a "separate site" "away from the Hogan Quarry" for purposes of the WDRs, then it is not "grandfathered in" with the Hogan Quarry mining operation, and the asphalt plant needs a separate, new mining permit</u>.

<u>Only a complete Environmental Impact Report will show whether or not there will be violations of water quality standards or waste discharge requirements. An EIR requires full disclosure, allows for thorough review of the proposed project and its components by all agencies, allows for commenting by State agencies on concerns about asphalt plant equipment and operations proposed, and provides mitigation for impacts.</u>

There is the potential for significant impacts to water quality standards and possible violation of WDRs and SWPPPs. A thorough EIR is necessary for this asphalt plant project.

b) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*

Potentially Significant Impact. The applicant's attorney, Ms. Kinderman, stated on June 25 at a planning commission hearing[10] that "This operation doesn't use any water." This is not correct. The aggregate used in making asphalt must be very clean, so it is washed first with water. **Gravel used in the production of asphalt must be washed cleaner than the current rock quarry's gravel is—more water will be required** to wash gravel cleaner for the asphalt plant. Additionally, since the asphalt plant may potentially more than double quarry aggregate production, **more gravel will need to be washed, requiring even more water**. Both these factors will lead to a **greater demand for gravel wash water beyond the amount now being used**.

[10] http://calaverascap.com/june-25-2015-calaveras-planning-commission-part-2/ (at approx. 37 min. in)

The current WRDs (pages 1-2) state the Hogan Quarry facility "discharges a monthly average of 38,000 gallons of wastewater from the aggregate washing operations to a wash water settling/recycling pond," "Water is pumped from the Calaveras River for use in dust control and makeup water for washing the rock," and "Peak flows are approximately 1,200 gallons per day." **We are currently in a five-year drought, and we question whether even the current allowance of 38,000 gallons a month is available to be pumped from the river, much less an unknown increase in water demand to wash more gravel even cleaner for the asphalt plant**. There was a well drilled at the quarry in 1999 (WDRs pg.3) but well production dropped to 2 gpm after six months of use so **they stopped using the well in 2001**. Groundwater availability is a problem in the area. The river may not be capable of groundwater recharge here, and may or may not be capable of providing more water. It is possible ground water supplies and recharge are not an issue, but **if there is actually a need for more water because of asphalt plant operations or materials requirements, that needs to be clearly described in the project description, and a water usage estimate provided.** Without a good well, the only other potential source of additional water at the site is the river and if that turns out to be the source of the project water, there may be permits necessary to do new pumping or increase existing pumping. **There is the potential for significant impact to groundwater and recharge. An EIR is needed**.

c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course or a stream or river, in a manner which would result in substantial erosion, or siltation on- or off-site?*

Potentially Significant Impact. The background portion of this section offers sufficient reason to justify potentially significant impacts from siltation. **The existing sediment/siltation problem will only increase with the asphalt plant addition** to this site, but now hazardous materials will be added to the siltation equation. **There has been no site grading plan provided to determine if alterations to existing drainage patterns will be required for construction, operations, driveways, or for stormwater runoff purposes. A comprehensive EIR is necessary**.

d) *Substantially alter existing drainage pattern of the site area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

Potentially Significant Impact. There has been **no site grading plan provided to determine if alterations to existing site drainage patterns could contribute to flooding. There is a portion of the quarry facility within the 100-year flood zone of the Calaveras River (WDRs pg. 3, 19.).** Additionally, the existing wash water settling/recycling **ponds may not be adequate for a 100-year precipitation event. "The water balance provided in the RWD indicates that the settling/recycling pond does not have sufficient storage and disposal capacity to meet average annual precipitation" (WDRs pg. 2, 10.). A comprehensive EIR is necessary**.

e) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

Potentially Significant Impact. Asphalt plant operations and transportation could potentially be a source for substantial new polluted stormwater runoff. The capacity of stormwater drainage systems has not been established.

First, hazardous materials will be transported to the site and used in operations. **Polluted stormwater runoff from drips and spills from asphalt trucks onto Silver Rapids Road and on the Calaveras River Bridge will go into the Calaveras River**.

Second, the Hogan Rock Quarry currently operates under a stormwater General Permit and has an existing Storm Water Pollution Prevention Plan (SWPPP) which does NOT include an asphalt plant. The current SWPPP has not been re-engineered and updated to reflect the presence of an asphalt plant or its potentially polluted runoff, and has not been approved by the State Regional Water Quality Control Board. **Stormwater for the rock quarry operations area currently drains into a large, existing, unlined quarry pit. If asphalt plant runoff will also drain into this existing quarry pit, is the "pit" adequately sized for all potential runoff? Is it designed to hold polluted runoff? Will it seep? See comments about quarry pit under question a) above. At this point in time, without an approved SWPPP and study of site conditions, there is no way of knowing. There is a potential for additional polluted runoff**.

Additionally, large amounts of hazardous materials will be in use or stored at this asphalt plant site and will not be allowed to flow into the quarry pit. The applicant has not discussed the possibility of accidental discharges, spills, or malfunctions of equipment. **Accidents and spills could also provide new sources of polluted runoff**. **An EIR would address all of these issues.**

f) *Otherwise substantially degrade water quality?*

Potentially Significant Impact. Increased production and output from the quarry will increase truck traffic over the Calaveras River Bridge, causing **increased sedimentation in the river from track-out**. The transport of hazardous materials (diesel fuel and asphalt bitumen) over the bridge and on Silver Rapids Road for 1/4 mile next to the river and 1/2 mile next to Cosgrove Creek adds the **potential for toxic spills, accidental discharge into the creek and river**, and degradation of water quality. The transport of hazardous materials also adds the **potential for an accumulation of hazardous oils and liquid leakage from trucks and spillage of materials falling from trucks onto the Calaveras River Bridge and the sharp turn onto Silver Rapids Road, leading to surface runoff into the river** which would further degrade water quality. The amount of **diesel particulates and other toxins released in the air from asphalt trucks and asphalt plant operations will increase, leading to an increase in non-point source pollution of the creek and river from routine deposition of airborne toxins**, and further degradation of water quality.

The effects of increased diesel fuel, increased sedimentation, particulates, hazardous materials, toxic spills, and fugitive emissions and all of the above impacts to the Calaveras River's water quality and riparian habitat (including resident fish and wildlife) have not been studied or addressed to date, including cumulative effects. **Cumulative effects to water quality must be**

considered. The river has already suffered from harmful impacts due to sedimentation from track-out and now the Butte Fire. Recently, because of the Butte Fire, Calaveras River water quality has *worsened* due to increased sediments, ash, and solids coming from the watershed above. The Jenny Lind Water Treatment plant just downstream from the quarry had to shut down in January because the water filters plugged up from the added solids[11]. **This existing deteriorated condition of the river, with possible added impact from even a minor asphalt spill and routine deposition of airborne toxins, could significantly affect water quality. Cumulative impacts to degradation of water quality must be studied.**

The CCWD water intake which is across the river and a short distance further downstream from the quarry has been all but ignored by the applicant in their appeals of all county requirements for environmental review and a conditional use permit. **The asphalt plant would operate 800 feet away from the Calaveras River. Anadromous salmon can spawn and develop there, but only if water quality is adequate. 10,000 Valley Springs residents use the river for their domestic water supply. A comprehensive EIR is called for to protect water quality from degradation.**

g) *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*

No impact

h) *Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

No Impact

i) *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*

No Impact

j) *Inundation by seiche, tsunami, or mudflow?*

No Impact

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[11] **'Runoff could close Jenny Lind treatment plant', Calaveras Enterprise, March 8, 2016**
http://www.calaverasenterprise.com/news/article_317aa752-e4bb-11e5-b19f-5790b0c2ffc1.html

X. LAND USE AND PLANNING

A. BACKGROUND DISCUSSION

Ford Construction and CB Asphalt are applying to operate an asphalt plant at the Hogan Quarry at 3650 Hogan Dam Road, Valley Springs**.**

Calaveras County Code "Section 17.42.035 requires the County Health Officer to review plans for uses proposed in M1, M2 and M4 zones to determine if the 'type, method of use or quantity of substance(s) is such that there may be a significant effect on the environment associated with the substances."'(Dec. 10, 2015, Planning Commission Staff Report[1], EHD Director, Pg 3)

"**The Environmental Management Agency Administrator**, acting as the Health Officer, having reviewed the proposed type, quantity, and method of use of materials and substances for the asphalt plant, **determined that there may be a significant environmental effect**. The Health Officer communicated the finding to the Planning Director, who, pursuant to Sec. 17.42.035 of the County Code, notified the applicant that **a conditional use permit is required**."(Staff Report Pg.3)

"The applicant continues to submit **constantly changing and inconsistent information on the type of hazardous materials, quantity, and method of use, including transportation of hazardous materials and location of tanks.**" (Staff Report, Analysis Pg. 4)

"The Air District's rules and regulations and Mr. Kapahi's report do not consider the questions asked by 17.42.035—whether or not there may be potential significant effects to the environment. **The .035 analysis is a broader review that looks at all potential impacts to public health and the environment**."(Staff Report, Air Quality Pg.5)

"Because there are no ambient air quality standards for Toxic Air Contaminates (TACs), existing rules and regulations would not adequately protect the public against their health effects. Instead, **the public would need to rely upon the imposition of permit conditions requiring regular testing**." (Staff Report , Air Quality Pg.6)

"…San Joaquin Air Pollution Control District's Guidance for Assessing and Mitigating Air Quality Impacts… In Chapter 8, Table 6, this document **recommends a more detailed analysis when an Asphalt Batch Plant lies within one mile of sensitive receptors** (residences, schools, hospitals, etc.). **There are 521 sensitive receptors (residences) within one mile of the proposed asphalt plant. Neither engineer, to date, has conducted this more detailed analysis**." (Staff Report, Odors Pg. 6)

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[1] http://www.myvalleysprings.com/pdfs/2015/Staff%20Report%2012_10_15%20PC.pdf

"Because there is an acknowledged potential for members of the public to be frequently exposed to objectionable odors as a result of the asphalt plant, and the odors are the product of substances to be used in the production of asphalt, **this odor issue alone requires a finding that there may be a significant impact on the environment**.

"To the extent that the asphalt plant exposes the public to frequent objectionable odors, the **applicant will not be able to comply with Air District Rule 205**.

- **Rule 205- Nuisance**: A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons, or to the public, or which endanger the comfort, repose, health or safety of any such persons, or the public, or which cause to have a natural tendency to cause injury or damage to business or property.

"The applicant was asked to estimate fugitive asphalt emissions during transport, and to estimate long-term mobile source emissions. **However, the York report not only neglected to look at outgoing asphalt transportation, it failed to estimate TACs, either from diesel particulate or fugitive asphalt emissions.**"(Staff Report Pg. 8)

Conclusion

"**The language of 17.42.035 is very broad and does not limit the Health Officer's focus to human health risks or potential air impacts**. It requires the Health Officer to **consider 'the environment' as a whole,** considering whatever potential impacts may arise from the new industrial land use vis-`a-vis its use, storage, or production of 'substances'……..EMA …cannot in good conscience assert that the applicant's compliance with all existing rules and regulations would preclude the potential for a significant environmental impact- be it an air quality impact, a hazardous material impact, an odor impact, or a water quality impact. **The addition of the proposed asphalt plant to the existing quarry site involves a significant increase in the amount of diesel fuel and asphalt oil being stored onsite and a significant increase in the potential for toxic levels of TACs to be released into the air. The proximity of a major source of drinking water to the plant heightens the risk of a potentially significant impact despite applicant's best efforts at compliance with existing rules.** Finally, the **potential for noxious odors** as a result of the applicant's proposed use of asphalt oil is **acknowledged by both engineers**, and- depending on which air quality management district's guidelines one wishes to rely on—**either hundreds or thousands of sensitive receptors reside within a radius of concern**. The applicant has not adequately demonstrated its ability to comply with Rule 205 regarding nuisance odors, and- even if Rule 205 did not exist- has not demonstrated how it will eliminate the potential for a significant environmental effect related to the release of noxious odors." (Staff Report Pg. 14)

B. RESPONSES TO CHECKLIST QUESTIONS – LAND USE AND PLANNING

Would the project:

a) *Physically divide an established community?*
No Impact

b) *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*
Potentially Significant Impact. The proposed asphalt plant would conflict in many ways with applicable land use policies, plans, zoning, and regulations adopted in Calaveras County to avoid or mitigate environmental effects. These conflicts include but are not limited to: 1) Non-compliance with Air District Rule 205; 2) Non-compliance with County Code 17.042.035 requirements for a Conditional Use Permit for hazardous materials; 3) County Noise Ordinance concerns; 4) Non-conforming, "grandfathered" land Uses; and 5) Inadequacy of the current 1996 Calaveras County General Plan. See explanations:

1) **Rule 205**. The proposed asphalt plant project will expose the public to frequent objectionable odors and violates Air District Rule 205.

2) **No CUP**. The proposed asphalt plant is a new industrial operation using hazardous and toxic materials and conflicts with neighboring residential land use and zoning. By not being required to obtain a Conditional Use Permit, the proposed project conflicts with at least two sections of County Zoning Code:
17.82.010 Purpose – Conditional Use Permits

> The purpose of a conditional use permit is to **provide the general public with an opportunity to review a proposed land use that is generally consistent with the purpose of a base zoning** district, but **has the potential to cause conflicts with neighboring land use and zoning**. The conditional use permit is a discretionary permit and shall be reviewed consistent with this chapter. This chapter shall also apply to mineral excavation permits and reclamation plan. (Ord. 1808 § 1(part), 1986).

17.42.035 - Hazardous or toxic materials

> Prior to a change of use, issuance of a business license, or issuance of a building permit, whichever occurs first, a project proponent shall submit to the county health officer or his designee a list or plan of all substances to be used or produced by the proposed business. The health officer shall review the plan or list to determine if the type, method of use or quantity of substance(s) is such that **there may be a significant effect on the environment associated with the substances**. If there is a significant effect, the health officer shall notify the planning director. **Such uses shall require approval and validation of a conditional use permit, regardless of whether the use is prescribed as a permitted or conditional use in this chapter**. (Ord. 2320 § 3 Exh. A(part), 1993: Ord. 1781 § 1(part), 1986).

3) **Noise**. The strict general limitations of the County Noise Ordinance will apply to this project, because no project-specific noise conditions will be incorporated into a conditional use permit, because the Planning Department has determined that no land use conditional use permit is required for asphalt plants in the M1 and M2 zones. (Calaveras County Code, Section 9.02.060.) A noise study is needed in the EIR to determine if noise from the proposed plant can be mitigated to comply with the County Noise ordinance.

4) **Non-conforming land uses, and the ultimate elimination, not expansion, of "grandfathering."** It must be remembered that the object of zoning is ultimately to eliminate nonconforming uses, not to extend or enlarge such uses. (*County of San Diego v. McClurken* (1951) 37 Cal.2d 683, 686-687.) Consistent with state law, the Calaveras County General Plan allows for legal non-conforming uses to "**continue"** pursuant to the provisions for such uses in the zoning code. (1996 General Plan, Policy II-22A, Implementation II-22A-2.) However, once the non-conforming use discontinues for a specified period, any resumption of the use requires a permit from the planning commission. The Zoning Code has a special provision that applies when non-conforming uses like mining are discontinued.

> "Uses, such as mining operations and farm operations, which have a history of infrequent use, although such use does not conform to the provisions of this title, may be continued, although if such use is discontinued for a period of three years, any further use of such property will require approval in accordance with Section 17.92.020 of this chapter. (Zoning Code, Sec. 17.92.040 - Nonconforming infrequent use.)

Re-occupation of any such building to resurrect a nonconforming use is subject to approval of a permit from the planning commission. (Zoning Code, Section 17.92.020.) In addition, Calaveras County restricts the "grandfathering" effect land uses to the part of the parcel that was actually in the non-conforming zone, and does not extend it to other lands in common ownership. (1996 General Plan, Policy II-22C.)

In Calaveras County, one instance requiring updating the use to the current zoning standards is when "expansion of legally existing nonconforming uses is proposed." (1996 General Plan, Implementation Measure 22C-1.) Furthermore, when such expansion of **use** is proposed, the County requires **"**project-specific improvements meeting the provisions of the Circulation Element and County Road Ordinance, Chapter 12.02 of County Code. (1996 General Plan, Implementation Measure II-22D-1.)

At a Planning Commission hearing, and again on July 25, 2015, long-time resident Clyde Clapp testified that the Hogan Quarry operated to build the Hogan Dam from around 1961-1965. When the lake was filled, the access road to the quarry was inundated. As a

result, the quarry closed down from a period of approximately 1965 to 1978. When Silver Rapids Road was built, access to the quarry was again available. He testified that it was re-opened for a short period under a short-term federal emergency permit to assist in flood relief efforts, possibly around 1999-2000. At this time the quarry expanded beyond the original "pot hole" used when the Hogan Dam was constructed. He indicated that Teichert Construction operated the quarry for a while, followed by Ford. He also testified that the original quarry had a much smaller footprint than the existing quarry, and that the proposed asphalt plant is much farther out than the original footprint.

While they have repeatedly concluded compliance, there has been no evidence produced by the Applicant, the Planning Department or County Counsel to indicate the existing quarry or the proposed plant conforms to the aforementioned provisions of the general plan and the zoning code. There is no evidence that the use at the quarry has been continuous during the period it has been a non-conforming use. There has been no evidence to show that any resumption of activity at the quarry was accompanied by a permit from the Planning Commission. To the contrary, the assertion has been that no permit exists. There has been no evidence provided to show that the current location of the quarry or the proposed asphalt plant is properly within the grandfathered boundaries of the quarry, or whether the quarry has already expanded without coming into compliance with the Zoning Code. As to the time when the non-conforming use will be terminated, the draft resolution indicates that the reclamation plan states the life of the operation will extend to the year 2100. It is not consistent with state zoning law to allow non-conforming uses to perpetuate for a century or more. An EIR is needed to provide evidence and analysis to answer the many questions regarding the proposed asphalt plants conformity to the aforementioned general plan and zoning code provisions.

5**) Inadequacy of current 1996 Calaveras County General Plan**. As explained in the Calaveras County General Plan Evaluation prepared by Mintier and Associates, the current general plan has numerous substandard aspects in its Land Use, Circulation, Conservation, and Noise elements. (Mintier and Associates, Calaveras County General Plan Evaluation, 10/12/06, incorporated herein by reference.) There is confusion regarding the industrial land use designation. (Mintier, *Ibid.,* p. 24.) There is no clear correlation between the land use and circulation elements, and the circulation diagrams are outdated. (Mintier, *Ibid*., pp. 30-32) The Noise Element lacks up to date noise contours. (Mintier, *Ibid*., p. 39) The Safety Element lacks evacuation routes, peak-load water supplies for emergencies, and minimum road widths for emergency vehicle access. (Mintier, *Ibid*., pp. 42-43) An EIR is need to determine if the proposed facility will have a nexus to the aforementioned flaws in the current general plan.

The asphalt plant project must have comprehensive, broad environmental review to study these issues, and a Conditional Use Permit must be required before considering approval of the project. There are conflicts with applicable land use policies, plans, zoning, and regulations and conflicts with neighboring land uses and zoning, and the potential for significant impact to the environment from the use and transportation of hazardous and toxic materials (see all other sections of this submitted Initial Study for environmental factors potentially affected).

c) *Conflict with any applicable habitat conservation plan or natural community conservation plan?*

No Impact

XII. NOISE

Would the project result in:

a) *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*
Potentially Significant Impact – County code states that excessive noise is a serious hazard to the public health, welfare and safety of the people of the unincorporated areas of the County of Calaveras and is contrary to the public interest by interfering with restful sleep, communication, relaxation and the full use of one's property.[1] Though the project will be located on the site of an existing rock quarry, which is qualified as a mining operation, the project itself is not exempt from sound level limitations, as it not an existing industrial use and it **does significantly change existing on-site activities** and **results in a change in the number of days or daily hours of operation**.[2] There is concern from local residents that noise generated may exceed standards, especially at night and on weekends.

b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels*?
Potentially Significant Impact – Project site is already developed as a rock quarry which exposes persons in the area to excessive groundborne vibration and noise from rock blasting explosions. Blasting and rock operations can be heard miles away. Windows are rattled and walls crack. Asphalt production will call for aggregate production above the present demand, therefore more blasting will be needed and increased truck traffic will also contribute to more groundborne vibration and noise.

c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*
Potentially Significant Impact - The project will increase ambient noise levels in the project vicinity above existing levels during working hours, which will typically begin at 4 a.m. and often run during nighttime hours when contracts call for it. Asphalt production equipment noise will add to that made by present mining equipment. Noise from the operation of the Drum-Mix dryer equipment will be continuous during production of product. At present, residents from at least a mile away from the project site can hear equipment operations and truck back up warning alarms. Trucks coming on site and leaving with asphalt will also contribute to increased ambient noise along Silver Rapids Rd. and vicinity all day and at night during normal sleeping hours, in particular at the four way stop at Hartvickson and the stop at Highway 26 when they have to stop and then accelerate to proceed on. Constant and annoying noise is known to have physiological and psychological effects on people.

d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

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[1] C. C. Noise Ordinance, Chapter 9.02.010.
[2] C. C. Noise Ordinance, Chapter 9.02.060

Potentially Significant Impact – At peak production of 3,000 tons of asphalt a day the project will create a substantial temporary or periodic increase in ambient noise levels in the vicinity during working hours which will typically begin at 4 a.m. and run during night time hours when contracts call for it. Rock crushing to form the aggregate for asphalt will increase causing more noise. Homes at least a mile away from the site will be affected by operational noise all day and during normal sleeping hours. The running of production equipment will add to ambient noise levels along with the sound of asphalt loads falling into truck beds. The increased number of trucks coming on site and leaving with asphalt will also contribute to ambient road noise along Silver Rapids Rd. and vicinity all day and during normal sleeping hours, especially during peak production periods. Peak production is likely to be seasonal and to occur during warm weather when residents are more likely to have their windows open, thus being more affected by increased noise levels.

e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*
No Impact – The proposed project is not located within two miles of a public airport nor located in an airport land use plan.

f) *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*
No Impact – The proposed project is not located within the vicinity of a private airstrip.

XIII. POPULATION AND HOUSING

A. BACKGROUND DISCUSSION

Home owners on Silver Rapids Road have been asked why they bought a home in a location: 1) where there was a quarry operation, and 2) where an asphalt plant could be sited.

First, the quarry was developed in the early 60's for the purpose of building New Hogan Dam, and no gravel was being hauled out. Hogan Dam Road was used to access the quarry and dam. The New Hogan Dam was completed in 1964. Silver Rapids Road did not go through to the rock quarry until sometime after October, 1967*. By then, the County had already allowed the Rancho Calaveras subdivision and development of residential lots on Silver Rapids Road. *Rancho Calaveras Units No 8 and 9, Tract No. 179 parcel map, dated October 1967, shows a temporary turnaround at the end of Silver Rapids Road at that time. The only access to the quarry site then was Hogan Dam Road. So residential lots were sold and homes built on Silver Rapids Road BEFORE there was any quarry truck traffic on that road or nearby.

Second, asphalt plants were not and are not listed in the county code as a permitted use in the quarry's industrial zoning. Any potential home buyer who checked county code would not discover that an asphalt plant could be sited at the quarry location.

Hogan Rock Quarry, the proposed location for the Hot Mix Asphalt Plant, is accessed only by traveling down Silver Rapids Road, for 1.6 miles, through a residential neighborhood. Silver Rapids Roads did not go through to the quarry before 1967, and the County approved the Rancho Calaveras subdivision and allowed residential lots to be subdivided and homes built in the surrounding area. There are 521 residences within 1 mile and 2,047 residences within 2 miles of the proposed asphalt plant location today. If the asphalt plant is allowed to move forward there will be children, parents and senior residents who will need to move immediately because of existing medical and health issues. It is known, from looking at other asphalt plants placed in or near residential areas, home values can decrease up to 50%. If home owners can't retrieve their value, many will be forced to move and convert houses to rental units, destroying the cohesive community of residents that exists in that area now.

B. RESPONSES TO CHECKLIST QUESTIONS – POPULATION AND HOUSING

Would the project:

a) *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*
No Impact. No new homes are being proposed. A new asphalt business will not generate a significant increase in local jobs. No substantial population growth.

b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

Potentially Significant Impact. Local residents state, "They should have to buy out all the houses on Silver Rapids Road before allowing asphalt plant truck traffic." It is doubtful the County or the project proponent would do this; some homes may end up being abandoned. There should have never been houses allowed on this road if the quarry was going sell rock off site and trucks would travel on this road. The big rock trucks ran 24/7 during the levee emergency several years back. A better plan would have been to have the road to the quarry devoted to that truck traffic and create a buffer zone on both sides of Silver Rapids, then start placing homes. People aren't going to want to give up their homes but some may feel forced to.

c) *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

Potentially Significant Impact. Many people will be displaced for health and safety reasons. Any child, adult, or senior with existing respiratory, asthma, auto-immune, heart, or other health issues potentially impacted by hazardous air pollutants and toxic emissions from asphalt plant operations and transportation will be forced to leave these neighborhoods when the asphalt plant starts operation and pollution of the air begins. There are many sensitive receptors in the Valley Springs area and this community. Others may experience health problems that are activated by the emissions from the asphalt plant into their neighborhood. The local Valley Springs physician, Dr. Estoesta, stated at the February 9, 2015, public appeals hearing that most of his hundreds of patients in the area had significant health issues that would be further compromised by hazardous air pollutants and toxic air contaminants. Some homeowners have already put homes up for sale, wanting to get out before the plant goes in and their property loses value or their health suffers. Others have stated they will sell if the plant goes in. If people feel forced to leave their homes, they may not accept relocation locally. They would most likely leave the community and, possibly, the county. Wherever they go, affordable replacement housing will be needed.

XIV. PUBLIC SERVICES

A. BACKGROUND DISCUSSION

Calaveras County is very rural and has very few heavy industrial sites in the county. Except for Ebbetts Pass FPD, all independent fire districts are made up of volunteers with limited paid personnel. Firefighters have little or no experience fighting industrial fires and explosions or dealing with hazardous industrial materials, spills, and risks.

This asphalt plant project will add numerous tanker-truck trips traveling down Silver Rapids Road carrying hazardous, flammable diesel fuel through that neighborhood of 521 homes, down beside an unprotected river, across the bridge and into the quarry yard. The asphalt production process includes pumping flammable diesel fuel into burner storage tanks, pumping and heating asphalt oil, and various other equipment operations using hazardous, flammable materials. Daily, additional multiple tanker trucks will transport loads of hot, hazardous asphalt oil (bitumen) to the asphalt plant, pump it into storage tanks, heat this material to just below the flash point, then mix this hot material with gravel. Once the mixing is done, while still hot, 20 tons of finished hot asphalt is dropped into a waiting truck. When at full production of 3,000 tons per day, there could be a truck loaded with hot asphalt leaving every four minutes. Trucks carrying hot asphalt then retrace their track back through the neighborhood on Silver Rapids Road to State Route 26 and from there they will travel past more homes and neighborhoods, and finally to downtown Valley Springs. After leaving Valley Springs these trucks will likely continue upcountry where most of their contract jobs are located.

What could possibly go wrong here? With the amount of increased heavy truck traffic carrying large quantities of hazardous and flammable materials, and the daily operational use and production of hazardous, flammable materials at the proposed asphalt plant project site, there is an increased possibility of big-rig truck accidents and collisions, hazardous materials spills on roads and in the river, and explosions and fires at the asphalt plant. <u>See multiple examples, documentation, and photos of asphalt truck and asphalt plant accidents, spill, explosions, and fires in the Transportation/Traffic section e), and in Hazardous Materials sections b) and g).</u>

The asphalt plant site is in a High Fire Hazard Severity zone in CAL FIRE's State Responsibility Area (SRA) (shown on SRA maps) but **it is unclear exactly which fire protection agency is the responsible district for the Hogan Quarry property**. **Who will be the first responder in fires?** The quarry property used to be located just <u>outside</u> the boundaries of both local Jenny Lind Fire and Foothill Fire districts. Those two fire districts recently merged and formed a new fire district called Calaveras Consolidated (CalCo). They have proposed new and greatly expanded boundaries / Sphere of Influence (SOI) that now <u>include</u> the quarry property, but we cannot determine if those new boundaries have been formally adopted. If not, the quarry property

remains in CAL FIRE SRA only. CAL FIRE has a Seasonal Fire Station located in Valley Springs at the New Hogan Reservoir, about 2.25 miles from the quarry site. CalCo's nearest Fire Station is in Valley Springs, about 3.25 miles from the quarry site.

The following questions were submitted a short time ago to CalCo. We have not had a response yet, but we believe these are important questions that should be reviewed and addressed by any possible responding emergency and fire response agencies through a full Environmental Impact Report on this Asphalt Plant Project. The following questions should be submitted to CAL FIRE in addition to CalCo:

1) Does the agency/ district have the necessary apparatus, at this time, to respond to an incident of this potential size?
2) Does the agency/ district have personal that are trained to the level necessary to deal with this type of incident or will the procedure involve calling in to another agency, and if so, where will they be traveling from?
3) Usually there aren't a large number of personal on site during production (these plants don't seem to be labor intensive) but it would be possible that several trucks and drivers might be present if they were at full production. Will agency/ district need a special Emergency Response Plan to deal with this industrial site?
4) We know the one well Foothill Materials had was capped because it did not have the capacity they needed. We know they are allowed to pump a prescribed amount of water from the river. We don't know if they will seek permission to draw more water from the river. In summer and late fall will there be enough water in the river to help overcome a fire caused by malfunction of the plant or an explosive fire? They will need more than a fire extinguisher. Will a fire hydrant be put on site? Will water tenders be used to control a blaze of large size? We know a lot of the quarry area is rock surface and gravel, but it is surrounded by flammable wildlands and we have seen what the wind can do around here and a fire that ignites from an explosion could send off embers or burning material for some distance.
5) A fire agency/ district probably has personal who are trained to deal with toxic and hazardous chemicals (Meth/drug situations) but here an accident could be a diesel or toxic bitumen hazardous-materials-carrying tanker spill off a roadway, or into the river or a multiple vehicle accident. Have they been trained in controlling spills of these hazardous materials?
6) We also know water is not appropriate control with asphalt emergencies under certain circumstances. Will the asphalt company be charged with dealing with this type of emergency or will the fire agency/ district be called to assist?
7) We believe that all emergency situations that might occur at the proposed asphalt plant will be required to be recorded and reported to a government authority. Do we understand this correctly?

B. RESPONSES TO CHECKLIST QUESTIONS – PUBLIC SERVICES

a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

Fire protection?

Possible Significant Impact: CAL FIRE needs to be notified about the potential of a hazardous materials operation at this site in their jurisdiction—an industrial fire / explosion risk project in a SRA High Fire Hazard Severity area—so they will have an opportunity for review and comment regarding impacts and possible improvements needed to their Seasonal Fire Station nearby. The Fire Station may need to be staffed for more months of the year than it is currently if the asphalt plant increases fire risks.

CalCo needs to be notified of the project and fire risks if this area is in their boundary/ SOI. CalCo may need additional equipment or facilities to address this new area and fire risk. Certainly additional training for volunteers to respond to possible accidental spills, explosions or fires involving hazardous and toxic materials is needed.

The quarry property is located in a high fire hazard area and though much of the surface is rock at the quarry portion of the property, this is only 75 acres of 150. The rest of property is undeveloped and is highly flammable wildlands. The asphalt plant would be located at the edge of the quarry operations, adjacent to and surrounded on two sides by flammable wildlands vegetation. There is no public water source on the property, no well, and no fire hydrants nearby. The only water source on the site is pumping from the Calaveras River or pumping from the wastewater ponds. Are these pumping systems set up for large amounts of water for fire control or does a new water system need to be constructed? There seems to be no plan for on-site water or fire-fighting. Even fighting a small initial fire could get out of control because of the lack of fire-fighting water available for employees to fight a fire. Winds could complicate the situation.

Because it is unique in Calaveras County to have a business using large quantities of toxic and hazardous materials, this project proposal of an asphalt plant at this location should require an individual Emergency Response Plan to be developed involving all appropriate districts and agencies. It is not a question of IF there is an accident, explosion, or fire—it is a question of **WHEN** and **HOW** adequate response will be provided.

New facilities may be needed, resulting in substantial adverse environmental impacts. CAL FIRE or CalCo may need to upgrade their existing facilities in order to provide

services for the project, causing potential environmental impact. The quarry may need to upgrade and/or expand its water pumping system.

Additionally, a better source of high-pressure, high-volume water may be needed at this new high-risk site for fire protection in a high fire hazard area near residential development. This may necessitate the construction of a new public water main to supply water for fire protection. Shouldn't a new water main and fire hydrant be required to be constructed to the asphalt plant location from the water plant, so that a fire hydrant and plenty of readily-accessible water are available to fight fires on-site? The Calaveras County Water District supplies public water to adjacent areas. Their water treatment plant and water main is close to the Hogan Quarry property, but located on the other side of the Calaveras River. **This extension of the CCWD water main would cause potential environmental impacts.**

Police Protection?

Less Than Significant with Mitigation Incorporated. Facility location reception needs to be tested for public safety emergency radio service. Sheriff Dept. and 911 Dispatch needs to be able to respond to emergencies and personnel to be able to communicate from the site. **Additional capacity for emergency response and a new cell tower may be needed in case of accidents, explosions, fires, truck spills on the road, etc.** Possible need for additional planning and agreements regarding new responsible areas and tasks.

Schools?

Possible Significant Impact. There are three schools that may experience some effect from odor, fumes and/or toxic particulates. The schools are Jenny Lind Elementary, Valley Springs Elementary, and Toyon Middle School. There are also several school bus stops for children on the asphalt truck route. Will these bus stops need to be relocated for the health and safety of schoolchildren? What are the health impacts of exposing children to hazardous pollutants at their schools? The EIR should evaluate the toxic exposures at the school and propose mitigation if needed.

Parks?

Possible Significant Impact. The impacts of odors and toxic emissions on recreation at Hogan Reservoir needs to be evaluated in the EIR.

Other public facilities?

No Impact

XVI. TRANSPORTATION/TRAFFIC

A. BACKGROUND DISCUSSION

The proposed asphalt plant is to be located at the existing Hogan rock quarry property at 3650 Hogan Dam Road, four miles south of Valley Springs, CA. Hogan Dam Road is a County 'Minor Connector' road. From the quarry south it is gravel. In 1990 this segment was rated by Public Works as Level of Service C (LOS C), but other paved segments of Hogan Road to the north of the quarry have been rated LOS D & E. The Hogan quarry "Foothill Materials" business entrance gate and driveway is approx. 300 feet south of the intersection of Hogan Road and Silver Rapids Road. The Calaveras River and Bridge lie in between. **All project truck traffic would exit the quarry driveway, turn left (north) on Hogan Dam Road, immediately cross the Calaveras River Bridge, and turn left on Silver Rapids Road, traveling 1.5 miles, through a residential area, to reach Highway 26. This is the normal commute route to and from the quarry.** There are no prohibitions on trucks turning right past the bridge on Hogan Dam Road, but there is a 7-ton weight limit, and it's a longer route with steep grades, sharp curves, and narrow bridges).

Silver Rapids Road is paved and is a 'County Connector' road. This 1.5-mile segment of Silver Rapids from Hogan Dam Road to Hwy. 26 has had no traffic studies done since 1988 to show LOS or daily traffic counts. For .25 miles, Silver Rapids Road follows the steep bank and curves of the Calaveras River, with no guardrail or shoulders on either side (and a steep hill on the right), and then it turns to follow Cosgrove Creek and pass through a residential neighborhood for 1.2 miles, intersecting with seven other residential roads, until meeting SR Highway 26. Before then, there is a four-way stop at the intersection of Silver Rapids and Hartvickson Lane. There is a two-way stop at the intersection of Silver Rapids and Hwy. 26.

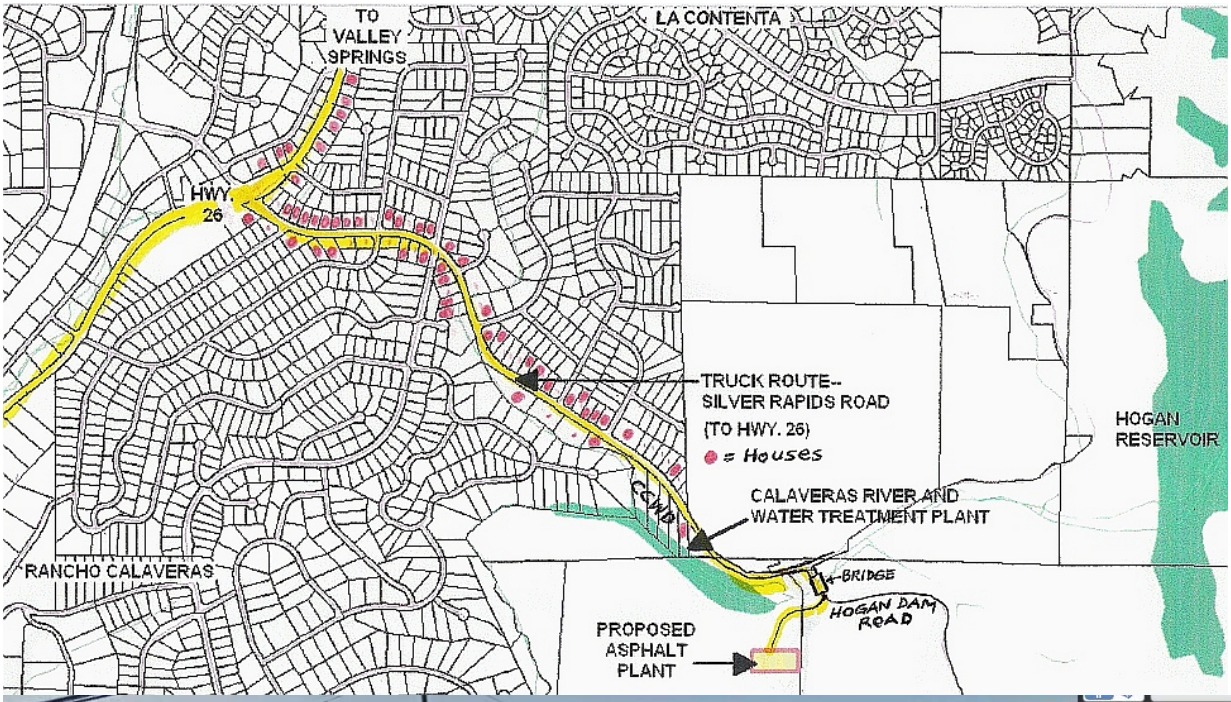
When reaching Hwy. 26, asphalt trucks will turn right and travel 2.7 miles on Hwy. 26 to the SR 12/26 intersection in Valley Springs. This likely turn direction is because the majority of CB Asphalt / Chester Bross current Caltrans highway contracts[1] are in upper Amador and Alpine Counties. **Hwy. 26 from Silver Rapids Road north to the intersection at State Route 12 is existing LOS D**, with PM peak hour trips of 657 (CCOG 2012 Regional Transportation Plan[2], Table 2.6 Existing Deficiencies, page 37). The Caltrans 2014 Annual Average Daily Truck Traffic on the California State Highway System report[3] shows that **Vehicle Average Annual Daily Traffic for this segment of Hwy. 26 is 10,700 trips, with 482 Truck AADT Trips** (4.5%) (pg. 52).

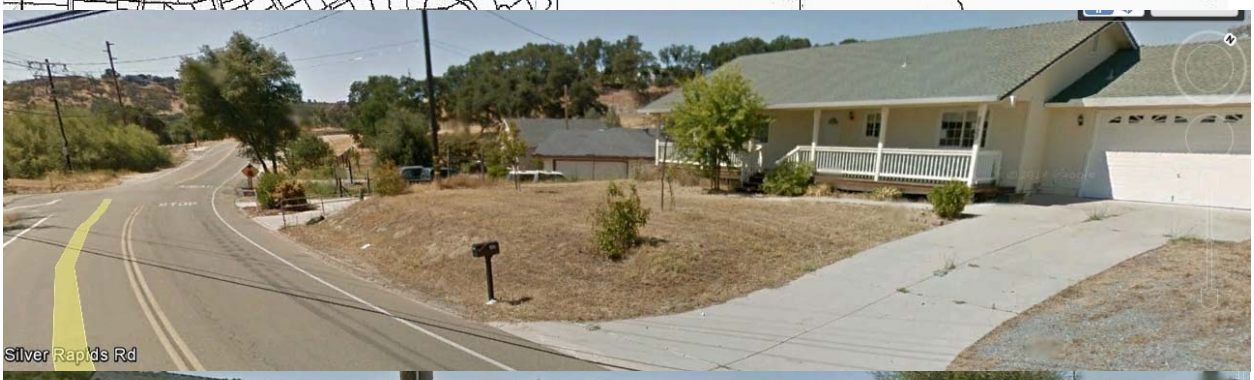
The asphalt plant truck route goes through residential neighborhoods. There are at least forty existing residences along the path of truck traffic on Silver Rapids Road (and over 20 vacant lots, potential future home sites). **Existing residences continue along Hwy. 26 (in both**

[1] http://www.myvalleysprings.com/pdfs/2016/Chester%20Bross%20Caltrans%20Awarded%20Search_contracts%20D10_March%2030%202016.pdf
[2] http://calacog.org/project/rtp-update/
[3] http://traffic-counts.dot.ca.gov/docs/2014_aadt_truck.pdf

directions) where asphalt trucks will then drive. Existing houses and parcels along the truck route can been seen in Figure 1. Parcel Map and Asphalt Truck Route below. **Some of these homes are 50 feet or less from the road** (see photos below). Many children live in the neighborhood. Residents report that school buses stop regularly for children on Silver Rapids at the intersection with McClintock Court (about 75 feet from the Hartvickson 4-way stop), and then school buses stop to turn onto Huckleberry from Silver Rapids Road.

Figure 1. Parcel Map and Asphalt Truck Route; House Photos





B. RESPONSES TO CHECKLIST QUESTIONS—TRANSPORTATION/TRAFFIC

Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

a-b) Potentially significant impact. The asphalt plant project will cause **significant increases in heavy truck traffic over existing conditions, impacting performance of our circulation system, congestion at intersections, and congestion and safety on roads and highways**. Currently, truck traffic generated from the existing Hogan rock quarry is variable, depending on the season and demand for rock and aggregate. Local residents accept and live with existing levels of truck traffic. Despite requests for information, the **project applicant has not provided accurate truck trip data for existing conditions of quarry plant truck traffic (both in and out), so baseline conditions are unknown**.

Because of this lack of baseline information, a local resident on Silver Rapids near the quarry conducted their own 1-day truck traffic study in February[4]. They timed arrivals, departures, and described and counted truck traffic. **As per this local resident's traffic count, existing baseline conditions on February 8, 2016, were <u>nine</u> "big-rig" diesel trucks going to and from the Hogan Rock Quarry**. According to the December 10, 2015, Planning Commission Staff Report[5] (pg. 9), the applicant's stated maximum plant production of **3,000 tons per day of asphalt could generate <u>150 asphalt truck trips a day</u>** (plus additional trucks delivering diesel fuel). **An increase from 9 truck trips to 150 truck trips a day is an increase of 1,667%, or 16-fold.**

That is one way to estimate the increase in truck traffic. Obviously a traffic study or other traffic records and information would be helpful. **But we can also estimate the potential for significant increase in quarry truck traffic another way—by the potential for significant increase in quarry production.** The quarry is not operating at capacity now. **If the quarry operated at <u>maximum production capacity</u> in order to provide additional aggregate for the maximum production of the new asphalt plant, <u>existing output and truck traffic could more than double</u>**.

Ford Construction is permitted to operate (by APCD) for a maximum annual production of 300,000 tons of aggregate a year (Ford Construction Co. Permit to Operate[6] No. 21915006 for Hogan Rock Plant, December 2015), but the quarry is currently nowhere near production capacity. According to Nick Jones, the owner of the quarry property / Foothill Materials Inc. and President of Ford Construction, **"We're probably at 40% of production now,"** and when asked by Commissioner Tunno if operating at maximum permitted capacity would more than double what the operation is now, Mr. Jones replied **"Yes, it could be more than double what the**

[4] 'Hogan Rock Quarry Truck Traffic Silver Rapids Road' (see Exhibit #3)

[5] http://www.myvalleysprings.com/pdfs/2015/Staff%20Report%2012_10_15%20PC.pdf

[6] http://www.myvalleysprings.com/pdfs/2015/2015%20Permit%20to%20Operate_Ford_quarry_20151202.pdf

operation is now." This topic of production was discussed at the Planning Commission public appeals hearing on December 10, 2016 (see Dec. 10, 2015, PC meeting video[7], Part 2, at 1 hr. 22 min. in). **Operating at 40% means the quarry is currently producing about 120,000 tons of rock and aggregate. If production increases to the maximum permitted 300,000 tons, this would be a production AND truck traffic increase of 250%.**

So what kind of production increase will there be? CB Asphalt plans to furnish asphalt for Chester Bross Construction's current (five) large highway paving contracts with Caltrans, and to offer asphalt "for sale to local Calaveras County Contractors and the Calaveras County Raod Department" (from CB Asphalt application for Authority to Construct[8] (ATC)). Shawn Simmons, Western Division Manager for CB Asphalt, Inc. "a sister company to Chester Bross Construction" stated in the ATC application that the proposed asphalt plant's maximum capacity is 3,000 tons/day. At the same December 10, 2015 Planning Commission hearing mentioned above, Mr. Simmons said, **"We could do that—we would love 3,000 ton days. 1200 tons is an average production shift, spread out over 12 hours. At 1200 tons/day with a 10-hr. paving window that would be 60 trucks a day. If we're at 40% now, yes we would increase [quarry] production to 300,000.**" (see Dec. 10, 2015 PC meeting video[9], Part 2, at approx. 2 hrs. 23-25 minutes in). So we have at least part of the answer—**the project applicant would be happy to increase production by 250%.**

With current operations and trucking at 40% capacity, and the applicant hoping to increase quarry production to 100% of capacity, this means **annual truck trips hauling product from the quarry could increase up to 250% from current levels.** The applicant's estimate was that an average asphalt truck hauls 25 tons; other industry estimates are 20 tons (see Dec. 10, 2015, Planning Commission Staff Report, pg.9). At 40% output, or 120,000 tons, that would mean 4,800 current annual truck trips leaving the quarry. At 100% output, or 300,000 tons, that would mean 12,000 potential annual truck trips leaving the quarry, an increase of 7,200 trucks. Plus the applicant states there will be an additional 625 trucks needed annually to deliver asphalt bitumen to the plant to mix with the aggregate. Plus there will be an *as-yet unidentified number of additional trucks needed to deliver increased amounts of diesel fuel for the asphalt plant*. This means a potential increase of *at least* 7,825 additional trucks annually on Silver Rapids Road and on Hwy. 26. **An additional 7,825 truck trips annually would have major impacts to local roads, highways, congestion, and safety**.

No baseline traffic studies have been done to determine current average daily existing truck trips on Silver Rapids Road or existing quarry truck traffic. These numbers could likely be provided using the quarry's computerized scale reports. No truck trip answers were provided to the Environmental Health Director's request for information on truck trips to and from the facility (Dec. 10 Planning Commission Staff Report, Attachment 6. "Nov25th emails"). Any references by the applicant or attorney to "maximum buildout" and "vested truck trips" are irrelevant to what existing traffic conditions are. **"Maximum allowed" figures quoted do not reflect "existing conditions or existing plus project conditions", which are required by CEQA guidelines**. **"Existing conditions" is the standard required by CEQA for environmental review**

[7] http://calaverascap.com/december-10-2015-calaveras-planning-commission-part-2/
[8] http://www.myvalleysprings.com/pdfs/2015/ATC%20app_complete_05_18_15.pdf
[9] http://calaverascap.com/december-10-2015-calaveras-planning-commission-part-2/

of impacts of a project. Traffic impact studies should be done to determine project impacts to highways, local roads, and the community, and what mitigations are needed.

Peak asphalt production of 3,000 tons/day could be needed when meeting demands and deadlines for the existing Caltrans highway paving contracts. To haul 3,000 tons a day will take 120-150 trucks daily (at 20-25 tons/truck), more than doubling existing impacts to local roads, intersections and highways. **There has been no discussion of whether the applicant will be required to pay RIM fees or Valley Springs Benefit Basin fees to mitigate road impacts**.

This project will produce a significant impact to the road system, and could conflict with policies for an effective circulation system. Potential significant impacts of the project include a substantial increase in asphalt truck traffic leading to:

- Degradation to LOS for both Silver Rapids Road and for Highway 26;
- Delays and traffic congestion around at least three intersections: Silver Rapids Road./Hartvickson; Silver Rapids Road/Hwy. 26; and Hwy. 26/Hwy. 12;
- Danger to local residents exiting and entering 35 driveways on Silver Rapids Road.
- Degradation of existing road maintenance problems; road surface conditions on Silver Rapids Road are already poor, showing many cracks.

c) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

c) No Impact. No impact to air traffic patterns.

d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

d) Potentially Significant Impact. Project will substantially increase hazards due to increased truck traffic transporting hazardous materials on roads with existing sharp curves, steep banks, busy and dangerous intersections, and other design features. Along the asphalt plant's truck route, there are narrow roads, sharp curves, no shoulders, steep banks, no safety barriers along the river, and dangerous and busy intersections, especially at Silver Rapids Road and SR 26. The 1/4 mile section of Silver Rapids Road that follows along the Calaveras River is especially hazardous, and the sharp turn onto Silver Rapids from Hogan Road and the bridge often causes gravel spills as trucks round the corner. Other large vehicles and **trucks hauling horse trailers use this same route regularly to access the equestrian trail** at the New Hogan Lake Monte Vista Fishing Access and Trailhead, **directly across the street from the rock quarry entrance**. The road along the river contains sharp curves, has steep banks (adjacent to the road above and below), with no shoulders or turnoffs, and no guard railings along the riverbank. **At peak production, 150 trucks a day could be going in and out on this road**. The applicant has also stated they intend to operate at night time, as they have a "Caltrans project that mandates night operations for approximately 15 work shifts" (from Authority to Construct application). **During night operations, trucks will be driving this dangerous riverside section of Silver Rapids Road in the dark, as there are no street lights**. One turn taken too fast, or one swerve to avoid

an oncoming truck, could lead to a crash or an asphalt or bitumen truck overturned in the road or in the river.

Additionally, the intersection of Silver Rapids Road and Hwy. 26 has a sharp angle of approach, in addition to a vertical grade change. Making the turn onto Silver Rapids from Hwy 26 is tricky, even for a car. Traffic on Hwy. 26 travels approx. 50-55 mph. Increased heavy asphalt truck traffic entering and exiting SR 26 at this intersection will increase the likelihood of collisions.

e) *Result in inadequate emergency access?*

e) Potentially Significant Impact. Due to the transportation and use of hazardous, flammable, and explosive materials, the proposed new asphalt plant at the rock quarry will increase the potential for explosions, fires, hazardous spills, and the need for emergency access. Access to the site is limited; there may be inadequate emergency access and emergency evacuation routes. The bridge over the Calaveras River and Hogan Dam Road is the access to the quarry and to the many residences and ranches past the quarry, farther south on Hogan Dam Road. The quarry and proposed asphalt plant are adjacent to the river, bridge, and road. **The proposed asphalt plant adds a daily potential of 150 hot asphalt trucks and 2 liquid asphalt tankers, plus many additional diesel fuel trucks, and will be storing large amounts of diesel and hazardous materials on-site, significantly increasing hazards, risks and need for adequate emergency access.** If there is an asphalt trucks collision, explosion, hazardous materials spill, or other emergency on the bridge or on Hogan Dam Road in front of the quarry, **emergency access across the bridge could be blocked.** If there is a fire or explosion at the asphalt plant itself, Hogan Dam Road access could be blocked from black smoke and toxic fumes. **There is no other viable way in and out for local residents**. Emergency responders could be doubly at risk due to the hazardous and explosive materials on-site, and due to the restricted access. The asphalt plant fire last October, shown below, took personnel from two fire departments to control, but "**Three firefighters were hurt in an explosion while fighting a fire at an Owasso quarry**." ('Three Firefighters Hurt Battling Owasso Quarry Fire', Newson6, October 12, 2015[10]).

[10] http://www.newson6.com/story/30239745/fire-at-owasso-quarry-causes-huge-plume-of-smoke

Emergency access to the proposed asphalt plant at the Hogan Rock Quarry is limited by physical location and geographical restrictions of the surrounding hillsides and river and bridge, and poor or narrow access roads. The only other way in or out besides over the bridge is via the very limited-access continuance of Hogan Dam Road south 10-12 miles to the remote Salt Spring Reservoir area, which turns into a very poor dirt road, impassable to most vehicles. **What would be the emergency evacuation route for local Hogan Road residents put at risk from a major explosion or fire at the asphalt plant, or a hazardous spill on the bridge? How would emergency responders access these residents in a medical or health emergency if the road or bridge was blocked from a hazardous spill?**

Hazardous spills from hot asphalt tankers happen (see 'Overturned asphalt tank truck in Peoria closes westbound Grand Ave', Dec. 17, 2015[11]). The tanker below swerved to avoid another vehicle and overturned. It took a day to clean up. **What if this happened on the corner of Silver Rapids and Hogan Dam Road, making the sharp turn onto the Calaveras River Bridge?**

Overturned Hot Asphalt Tanker Truck December 2015

Accidents and explosions and fires at asphalt plants happen. In addition to the 2015 explosion at the Owasso Quarry above, an explosion occurred at a quarry in Clements in 2001. "The explosion sent pieces of pipe - some as large as a small vehicle - flying across the plant site." (see 'Asphalt plant explosion under investigation'[12], Lodi News-Sentinel, April 19, 2001).

An oil drum caught fire at an asphalt plant near Indio, California, last fall. The clouds of toxic black smoke shown below spewed for hours, carried for miles, and the fire took a day to control ('Skanska asphalt plant fire under investigation', The Desert Sun, Sept. 29, 2015[13] and 'Fire hits desert asphalt plant', Inland News Today, Oct. 1, 2015[14]). Luckily, the Skanska asphalt plant was located in the desert, miles from residential development, with good emergency access, and with no flammable chaparral and oak woodlands surrounding it—**unlike the Hogan Quarry location.**

[11] http://www.yourwestvalley.com/peoria/article_02b23c36-a4f2-11e5-b1ab-8f83e55204c8.html
[12] http://www.lodinews.com/article_c26aa18a-926f-5d72-a5b0-14c2ca7f20b4.html
[13] http://www.desertsun.com/story/news/2015/09/28/skanska-plant-indio-fire/72978260/
[14] http://www.inlandnewstoday.com/story.php?s=39644

Skanska Asphalt Plant Fire September 2015

f) *Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*

f) No Impact. No conflict with facilities plans.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

A. BACKGROUND DISCUSSION –CUMULATIVE IMPACTS

CB Asphalt and Ford Materials are seeking to put an asphalt plant at an existing rock quarry on Hogan Dam Road, next to the Calaveras River, just outside of the town of Valley Springs, in Calaveras County.

For purposes of this discussion, the impacted area will include the Calaveras River from Hogan Dam to the Bellota weir, Hogan Reservoir, the subdivisions of Rancho Calaveras and La Contenta, and State Route 26 to Toyon.

The Calaveras River is a small but hard working river. The river affects thousands of people here in Calaveras County and hundreds-of-thousands of people in Stockton, on its way to the Delta.

The only way to access or exit the quarry is to cross the Calaveras River. There is already a sediment problem from track-out dropping from gravel trucks and entering the river through drain holes which allow rainwater to drain from the bridge (See Biological section). Operation of the asphalt plant will add anywhere from 65 to 150 truck trips a day going over the Calaveras River bridge. The rock quarry currently operates without the use of any hazardous or toxic chemicals. If the asphalt plant operates at the proposed site, there will be either 262,280 (maximum production for 83 days) or 979,600 (maximum production for 310 days a year) gallons of diesel fuel, per EMA's Dec. 10, 2015 Planning Commission Staff Report[1] (Pg.13), transported to the site, burned as part of the production process of asphalt, and pumped from a tank into loaders which are used at the site. Bitumen (a highly toxic substance) shipments will cross the bridge several times a day during production periods. The air quality of the area will be degraded. Diesel particulates will settle on land and water. The noise level from over 100 trucks going through the neighborhood will drastically change people's enjoyment of their homes and yards. Some adults and children will suffer health problems from the toxic fumes from the diesel trucks and asphalt. Family vegetable gardens may have to be discontinued because of chemicals from the asphalt plant and from trucks traveling in front of homes, making the vegetables unsafe for consumption.

Trucks transporting asphalt, bitumen and diesel fuel will travel State Route 26 to Silver Rapids Road, then travel 1.6 miles through residential neighborhoods to the quarry. There are 521 residences within a mile and 2047 residences within 2 miles of the proposed plant site. On leaving the quarry transporting hot asphalt, the trucks will most likely travel from Silver Rapids to Valley Springs, again traveling through residential communities, to the 4-way stop, turn right and proceed up country where most of the paving contracts seem to be located. All of the many residents and business owners will feel the effects of this plant personally. They will experience noise, odor, traffic, and truck fumes as they travel through their community, or sit in their homes.

At present residents on Silver Rapids Road can sit on their porches, have dinner outside in nice weather, enjoy company in their homes or in their yards, and children can play outside all day. One family has built a ball diamond and batter's cage adjacent to the road for all the neighborhood children to enjoy. If

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[1] http://www.myvalleysprings.com/pdfs/2015/Staff%20Report%2012_10_15%20PC.pdf

the plant goes into operation the smell of asphalt will permeate the entire area. The trucks transporting the hot asphalt will be leaving the plant every 4 minutes during full production periods and the odor will not dissipate. If the plant is allowed to operate there will be no sitting outside, no outside BBQs, no children playing outside. If any family members have any respiratory conditions they will not be leaving the house and the family may need to move from that location.

This area was very hard hit by the recent recession. Home values dropped and were just starting to recover. If the plant goes into operation it is anticipated that many of the residences within a mile of the plant will lose value again, and homes will end up rentals, because people will move, be unable to sell their homes and end up renting them out. This will dramatically change the sense of neighborhood community that exists today.

The people in the subdivision of La Contenta, although some are further than a mile away, will also be affected by the asphalt plant in operation. The subdivision is small lots among rolling hills and many residents now have a view of the asphalt equipment from their homes. They will also experience the odor of asphalt because of the wind flows through the area. It is not known if these residents will hear the plant in operation but it is likely due to the geography.

The Calaveras County Water District's (CCWD) intake for the Jenny Lind Water Treatment facility is approximately 2,000 feet from the proposed asphalt plant and processes 3-5 million gallons of drinking water per day. This facility serves 10,000 people. If the asphalt plant goes into operation, any air borne fugitive emissions from the toxic materials used in production of the asphalt could reach the river and cause contamination of the only available water supply for this community at present. The presence of the asphalt plant near this water intake could make it necessary for CCWD to install more filtering equipment, at great expense to rate payers, to maintain their water quality. If a large spill were to occur there would not be an existing alternative supply available for this community. Either water would have to be trucked in from another location and/or bottled water would have to be made available for CCWD customers.

In addition to CCWD, Stockton East Water District (SEWD) has also expressed concern for the safety of their water supply. They serve a population of 298,118 (2013 population) and also serve many agricultural customers. If the Calaveras River were to become contaminated from an accidental spill it would affect the river water users in Joaquin County, too. They have other water sources available to them but possibly they could not fully meet the demands of the community if the Calaveras River water were suddenly cut off.

Hogan Reservoir, which sits up-stream of the project site and behind the New Hogan Dam, is a very important element of the Greater Valley Springs region. Besides providing flood protection for parts of San Joaquin County, Hogan is significant for the recreational opportunities it affords the citizens of the county. Wrinkle Cove allows the locals to enjoy swimming and fishing at no charge. Boats can be launched, campsites are available year-round, and many hiking, biking, and equestrian trails exist around the lake and in the area. There is a Frisbee golf course on the shores of Hogan. The reservoir draws visitors from a wide area for fishing, water skiing and other water related sports. This activity also is beneficial for the gas stations, restaurants, hardware stores and grocery stores in the town of Valley Springs. If the asphalt plant goes into production the odor could travel and effect recreation and

enjoyment of the reservoir. If fugitive emission are blown to the reservoir, the fish population could be effected and become unsafe for consumption by both humans and wildlife.

Below Hogan Dam and adjacent to the quarry is a trailhead which is heavily used by equestrian enthusiasts and hikers. There is adequate parking for trucks with horse trailers. Many locals own horses and this area is the most convenient trail available for their use. If the asphalt plant goes into production few riders will choose to subject their animals or themselves to the odor, traffic and noise. Semi-trucks waiting for the quarry gate to open at 7 a.m. already stack up and overflow into the parking lot across the street, meant for trail users. An increase in truck traffic caused by the asphalt plant will further exacerbate this parking lot problem.

The Calaveras River is a wild fish river. There are spawning and rearing areas from Hogan Dam, down through the canyon reach, to the Bellota weir. The sediment deposited in the river from existing gravel truck traffic at the bridge will increase with the added traffic. Sediment damages spawning areas and needs to be avoided. The river draws a large variety of wildlife and functions as a corridor for much of that wildlife. Without the asphalt plant going into operation the fish will thrive. There are plans to put fish ladders in at the Bellota weir and down-river the removal of fish barriers is continuing. Eventually there will be clear passage for the fish to reach the spawning areas. If the asphalt plant goes into production at this location there is the potential for multiple large and small spills in or near the river. This would dramatically and suddenly change the river. There will be fugitive emissions from this plant and from trucks transporting asphalt. Potential spills and fugitive emissions could have a dramatic effect on the wildlife and habitat along both sides of the river. Local residents enjoy the river, fishing, bird watching, and just observing these creatures in their world. If the asphalt plant goes into operation the wildlife in the area may move beyond the odors and emissions. There could be some animals and fish that die.

B. RESPONSES TO CHECKLIST QUESTIONS – MANDATORY FINDINGS OF SIGNIFICANCE

a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of the fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

Potentially Significant Impact:

The asphalt plant has the potential to degrade the quality of the environment and negatively impact fish and wildlife. See Biological section, Hydrology Section, and Background Discussion above. The Calaveras River is a wild fish river. The project has the potential to degrade the quality of the environment and degrade the habitat of Steelhead trout and Chinook salmon which are present in the Calaveras River from Hogan Dam down to the Bellota weir. The project will add an asphalt plant at an existing quarry site. The quarry is located adjacent to the Calaveras River and the single access to the quarry is to drive

1.6 miles through a residential area, making a right-hand turn, crossing a bridge over the Calaveras River, and making an immediate right turn to enter the quarry yard. The design of the bridge includes a series of drain holes in curbing on each side of the bridge which allows rain to drain into the river. Unfortunately these drain holes also allow sediment to reach the river. There is an existing problem from rock crushing and transport with track-out from gravel trucks exiting the quarry and dropping fine sediment. "Letters from state regulators suggest environmental problems-**specifically, the possible flow into the Calaveras River of fine sediment from rock crushing and transport**- may be a sticking point." (Quarry facing hurdles, Stockton Record, December 30, 2005) (Pictures of track-out on bridge included in this document and in Hydrology Section)

At the present time no toxic materials are used at the quarry. If the asphalt plant is permitted to operate at this site there will be large undetermined amounts of diesel fuel stored, used for diesel burner fuel tank and generator, and dispensed for use in loaders. "The applicant proposes to store and handle diesel fuel in total capacity of either 27,162 gallons, 12,000 gallons or 5,800 gallons(depending on which submission is correct), and the applicant proposes to store and handle asphalt oil in an amount of either 18,083 gallons or 27,162 gallons(depending on which submission is correct). These two materials, diesel fuel and asphalt oil, meet the definition of hazardous materials pursuant to the California Health and Safety Code, (H&SC) Chapter 6.95, Section 25501(n) (1) (2) et. seq. "(Planning Commission Staff Report, Page 10, Dec. 10, 2015, Jason Boetzer, EH)

"A substance that is listed as a hazardous air pollutant pursuant to subsection (b) of Section 112 of the federal act (42 U.S.C. Sec. 7412 (b)) is a toxic air contaminant**.** TACs are suspected, or known, to cause cancer, birth defects, neurological damage, or death. **There are no established ambient air quality standards for TACs; instead they are managed on a case-by-case basis depending on the quantity and type of emissions, and proximity to potential receptors**. This is important to understand, as it is one example of how existing rules and regulations do not suffice to mitigate all potential effects. Their effects tend to be localized and directly attributable to a specific stationary source. Health risks, are human health risks, cancer and non-cancer risks, such as emphysema or reproductive disorders, but does include short or long term environmental impacts, **such as impacts to land, air, water,** minerals, **flora, fauna,** noise, or objects of historic or aesthetic significance." (Planning Commission Staff Report, page 5, Dec. 10, 2015, Jason Boetzer. EHA)

b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of other current projects, and the effects of probable future projects)?*

Potentially Significant Impact

Diesel particulates from increased tanker truck traffic and diesel fuel emissions will settle on land and water. Air quality impacts from hazardous diesel and asphalt plant emissions are cumulative. Calaveras County is in an area that consistently fails to meet air quality standards due to migration of pollutants from the valley. The addition of an asphalt plant only further complicates our local challenge. The Calaveras River seems like a small body of water but it supplies CCWD's 10,000 customers with their domestic water. It also supplies hundreds-of-thousands of additional water users in SEWD area. A

tanker truck accident at the river crossing or entrance to the quarry that ends up in the river would affect all of those water users and destroy the Steelhead and chinook salmon habitat which has been documented to exist between the Hogan Dam and the weir at Bellota.

c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Potentially Significant Impacts:

The asphalt plant will impact the health of human beings. The following information is contained in a letter to the Calaveras County Board of Supervisors[2] from Dr. Benedicto M. Estoesta, M.D.,F.A.A.F.P., D.A.B.H.I.M., Dated August 10, 2015:

> Asphalt Plants release millions of chemicals into the air during yearly production, many of which can cause Chronic Illness and Cancers. In particular ARSENIC and CADMIUM are known respiratory carcinogens causing lung cancer, mesothelioma, cancers of the Bronchial Tree, mouth, esophagus and pharynx. These toxic chemicals when inhaled together with nicotine from cigarette smokers double the chance of early production of cancer to the above symptoms mentioned.
>
> BENZENE is another toxic byproduct that can cause cancer of the urinary bladder, prostate, uterus and kidney and has been shown in numerous medical journals of cumulative effects in the genital urinary system to cause cancer, and in reproductive organs, this toxic agent can cause birth defects in babies and children.
>
> FORMALDEHYDE and POLYCYCLIC AROMATIC HYDROCARBONS are fine particulate toxic substances emitted into the air as Asphalt is loaded into trucks and hauled from the plant site. Together with fine condensed particulate matter and fine organic compounds, these air toxins could cause shortness of breath, difficulty of breathing, wheezing, coughing to all age groups but in particular could damage the lungs of our young children doing their outdoor sporting events and physical education classes outside their classrooms. For our known patients with Chronic Obstructive Lung Disease, Bronchial Asthma, Congestive Heart Failure and Primary Lung Diseases, these toxic pollutants will quadruple their frequency of wheezing, shortness of breath and their emergent need to use their hand held nebulizing therapeutics frequently. This will aggravate established lung and heart patients for more frequent intensive hospitalization and will double the rate of intubation and premature death.

[2] Letter included in Estoesta Appeal:
http://www.myvalleysprings.com/pdfs/2016/ESTOESTA%20appeal_12_28_15.pdf

Exhibit 1

CB ASPHALT, INC.

ATTACHMENT (A)

GENERAL PURPOSE OF THE DRUM-MIX ASPHALT CONCRETE HOT PLANT

The plant to be utilized in this application by C.B. Asphalt Inc., is a Drum-Mix Asphalt Concrete Hot Plant. Drum mix plants have replaced almost all of the continuous mix plants and gradually replacing batch mix plants. Almost all new mixing plants produced today are drum mix plants. There are two types of drum mix plants, parallel flow and counter flow. Drum plants do all the mixing in the same drum that is used to dry and heat the aggregate. Drum plants do not resize the material or use a screen deck, hot bins, and a mixer. Drum plant advantages over batch or continuous plants are higher production rates, less moving parts, lower maintenance, and the ability to use a higher percentage of RAP (recycled asphalt pavement). By eliminating the screening process and the batch time sequence, production rates have become greater with decreased noise measurements and overall product agitation lending additional favor to clean air requirements. When RAP is introduced into a drum mix plant, it is heated both by aggregate heat transfer and by the exhaust gases of the burner. This dual heating action allows the drum mix plant to run higher RAP percentage than batch mix plants with like or lower emission parameters. It is not uncommon to have drum mix plants producing HMA with 50 percent RAP or greater. Presently, and in an effort to recycle lending favor to "green" operations, C.B. Asphalt is planning on utilizing at or near 25% RAP in the HMA produced at this facility though exact proportions will be determined by possible contract specification restriction requirements and product mix designs. RAP is usually introduced by a conveyer near the center or latter part of the drum mixer.

A drum mix plant consists of five major components, the cold aggregate feeds, bitumen supply, combination drum dryer and mixer, surge or storage silos, and the dust collection system (bag house). The cold feeds are similar to those in a batch plant with the additional function of proportioning the aggregate for the mixture. Since there is no hot bin or weigh hopper, the cold feeds must be able to accurately feed and control the blend of aggregates. Also, since there is no weigh hopper in a drum plant, the aggregate must be weighed prior to its introduction into the dryer. This is accomplished by equipping the conveyor that charges the aggregate into the dryer with a belt speed sensor. The aggregates are proportioned out of each cold feed bin onto a feeder belt according to the percentages given by the mixture design. These percentages must be based on a total percent by aggregate basis, instead of a weight by total mixture. Belt speed used to determine the wet weight of aggregate entering the drum per hour. Using the aggregate wet weight per hour and its moisture content, the correct proportion of bitumen can be mixed with the aggregate.

The aggregate is mixed with the bitumen in the dryer and the mixture is discharged onto a conveyor or bucket elevator for storage in a surge bin more commonly referred to as a silo. The asphalt binder is stored at the plant during production in the same manner as at the batch plants, either in a vertical or horizontal storage tank. Burner fuel is also stored on site in the same manner though most typically this tank is substantially smaller than the liquid bitumen tank.

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209-920-3595 – Phone
209-263-0123 – Facsimile

The original drum mix plant design is a parallel flow system. Parallel flow drum mix plants are the most common, however newer designs are counter flow systems like the plant C.B. Asphalt is utilizing with this application. The counter flow designs are slowly replacing older parallel flow plants as most typically, parallel flow plants provide yet further reductions in emissions. This fact lends additional favor to being considered and measured as cleaner with respect to pertinent environmental considerations. A parallel flow dryer or drum mixer has the aggregate flow in the direction of the exhaust gases or towards the burner. The parallel flow drum mixer mixes the aggregate with bitumen at the opposite end of the dryer from the burner while the counter flow is inverse allowing for greatly reduced burner mixing exposure times thereby reducing given emissions.

The next page is a basic schematic drawing reflecting this specific plant and its respective components. The schematic is not to scale and though extremely close, actual configuration may vary slightly to accommodate the Foothill locations truck ingress and egress etc.

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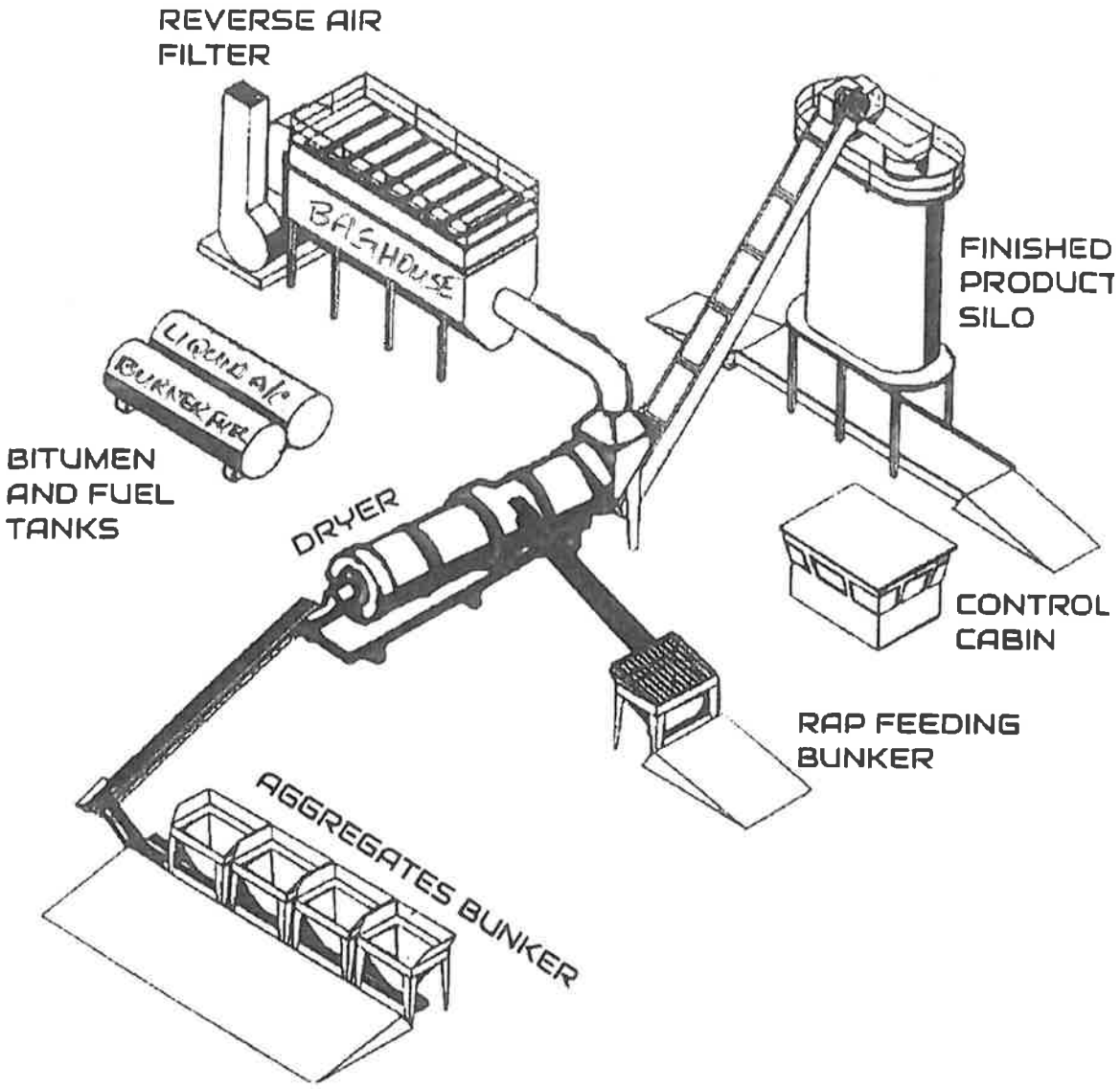
REVERSE AIR
FILTER
BAGHOUSE
FINISHED
PRODUCT
SILO
LIQUID AIR
BURNER FUEL
BITUMEN
AND FUEL
TANKS
DRYER
CONTROL
CABIN
RAP FEEDING
BUNKER
AGGREGATES BUNKER

Exhibit 2

From: Robert Dean goldrushdean@yahoo.com
Date: Thursday, February 25, 2016 9:36 AM
To: pmaurer@co.calaveras.ca.us pmaurer@co.calaveras.ca.us
Subject: asphalt plant EIR

Peter;
Unfortunately I have not been as attentive to the issues revolving around the asphalt plant as I should have been. My participation has been spotty at best and I've been only able to capture snippets of material and therefore may have an incomplete picture of all that has transpired. There do seem to be several things that have been glossed over or ignored which may be critical to the decision making process regarding the asphalt plant' EIR.

- At the Planning Commission Meeting which approved the asphalt plant I recall that the proponent's attorney stating that there could be some minor accidental discharges into the Calaveras River which would be well below the threshold level of contamination and would pose no threat. I have to raise the issue of cumulative effect as a concern. We all know that there were huge questions regarding long term effects of the oil spill with the Exxon Valdez. As a result of that event, while the surface area of the spill currently shows little or no long term impact, the beneath the surface area is severely degraded. This, of course, has tremendous impact on invertebrates and the food chain. This is in a water body which for all intents and purposes is unlimited in scale. Imagine, in a very minor way, a similar thing happening in the channel of the Calaveras. This is a water body of limited area and does not benefit from massive water turnover. I would seriously question the simple remediation of water flow as a solution to minor spills and would further question the lack of cumulative effect, especially given the gluey nature of petroleum distillates.

- Another area of concern is the massive movement of ash and eroded material as a result of the Butte Fire. For all intents it can be said that 1/2 of the Calaveras drainage was destroyed in the fire. A lot of the solids moved by the water flowing into the river settle out before reaching New Hogan and many are captured behind the dam itself. This natural settling system will go a long way in preserving some water quality but unless and until there is an effort to remove these solids there will always be the potential for degraded water quality- once again impacting cumulative effect. Of course, there is the issue of dissolved solids which will not leave the water system through sedimentation and will impact all downstream areas of the river. Many of these contaminants are estrogenic in nature and have huge health implications for all living things. This, with possible added impact from even a minor asphalt spill, could significantly effect water quality.

- This will all take place upstream of a public water infiltration gallery.

- Finally, there was some discussion at the Planning Commission meeting regarding the issue of fisheries. The Commission is ignorant of the potential impact the Calaveras River will have of California's native fisheries. One very important point was mentioned by Kevin Wright, our County Ag Commissioner, and that was the flow of water into the San Joaquin. This is a necessary component for a successful fishery if the water is of sufficient sufficient quality. Additionally, there are two things happening now which will impact the fisheries issue. The first is the San Joaquin River Restoration. The other is the mandate imposed upon Stockton East Water District to remove several fish barriers including Bellota Weir. These two projects will enhance the future of the Calaveras River as an anadromous fishery's water body. The canyon of the Calaveras, a stretch of the Calaveras River below New Hogan, is an ideal location for fish spawning and smolt development. There are reaches in this canyon which could be quite productive for migrating fish because of deep

water pools, assured low temperatures, and guaranteed water flow from releases out of New Hogan. All this might be in jeopardy should water quality be degraded to the point that it could impact fish health and development.

-There is currently being developed a Habitat Conservation Plan for the Lower Calaveras which has not taken into consideration the presence of an asphalt plant. What impact this could have on future management of the Calaveras in unknown and it should be considered.

I believe these are all important reasons that a detailed EIR must be considered before the asphalt plant project is allowed to be constructed.
The short term economic benefit to be derived does not outweigh the long term impacts of further degradation of a seriously compromised river which has critical import to the people of Calaveras County.
Thank You;
Bob Dean

Exhibit 3

Hogan Rock Quarry
Truck Traffic
02-08-2016
Silver Lapias Rd.

	Arrival	Departure	Type of Truck Big Rig
1.	6:29 am	7:05 am	single trailer (Red)
2.	6:45 am	7:14 am	double trailer transfer (Yellow)
3.	7:48 am	8:05 am	"
4.	8:42 am	8:51 am	"
5.	9:37 am	9:56 am	single trailer (Red)
6.	10:00 am	10:13 am	double trailer transfer (Yellow)
7.	10:17 am	10:29 am	double trailer transfer
8.	12:06pm	12:28 pm	double trailer transfer (Yellow)
9.	2:15 pm	2:23 pm	"