

**COUNTY OF PLACER**  
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- should be included in the final EIR, *including whether the applicant can legally and physically obtain such service at this time.*
14. As noted above, the draft EIR does not address any transportation or circulation impacts east of the project site. The final EIR should address those issues. E-13
  15. Impact 7.4 regarding operational noise concludes that no mitigation measures are necessary. This conclusion is based upon incomplete and/or inaccurate information. The environmental noise analysis conducted for the EIR (Appendix E) is over three years old, and does not include any assessment of the impact of the subsequent repaving of Interstate 80 on ambient noise levels used in the study. Furthermore, *no actual noise level testing was conducted* at any concrete batch-plant facility – the noise analysis relied on “discussions with Livingston’s Concrete staff” to determine “noise levels generated by the proposed batch-plant facility operations”. It is reasonable to conclude, therefore, that the noise analysis is based upon conjecture and is lacking in scientific foundation. The final EIR should address this shortcoming by requiring the validation of “file data for similar facilities” and actual noise measurements at the same Livingston Concrete facilities utilized in Table 5.4 of the draft report. E-14
  16. The draft EIR – while not indicating that the project will *not* impact adjacent groundwater – fails to require any ongoing monitoring of water quality long-term, and to provide for mitigation, remediation and/or compensation which accords affected adjacent landowners a meaningful recourse. The final EIR should address these issues. E-15
  17. No assessment of any risk from airborne particulate matter generated by batch-plant operations was found in the draft EIR. This contamination – including a variety of potentially hazardous chemicals and substances – could pose a significant danger to the surrounding area unless provisions are made within the final EIR for control of such “fugitive” materials. E-16
  18. The proposed project is out of date, the circumstances in existence at its initial proposal have changed, and alternatives to construction of this facility have not been explored. E-17
  19. The proposed project is located in a scenic corridor and requires the construction of a 57 foot tall tower that exceeds the zoning limitations by 26%. The full impact of this environmental degradation should be addressed in the final EIR. E-18
  20. The proposed project would be serviced by a historical highway. The draft EIR does not address the characteristics of the historical highway, what potential degradation to this highway is likely to occur, and what mitigation measures would be appropriate. These issues should all be addressed in the final EIR. E-19
  21. The Ophir Area General Plan goal of maintaining a limited industrial area based on the rural character of the community includes a policy requirement to impose design control on industrial development visible from major roads. This requirement to assure that buildings and structures, parking areas, and landscaping are consistent with the character of the area is not addressed in the draft EIR, and must be included in the final document. E-20
  22. The Ophir Area General Plan goal of preserving, enhancing, and protecting the scenic resources visible from scenic routes in the Ophir area includes a policy of *requiring* the use of aesthetic design considerations, and considering restrictions E-21

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- on the type of use permitted within view of Interstate 80. Further, design control, landscaping, sign design, grading, and project layout should all be used to enhance the area and reduce the visual impacts. These policies are not reflected in the draft EIR, and the final document must include those considerations. E-21
23. Each bag of cement or concrete purchased through a retail seller contains a Proposition 65 warning label advising the use of protective clothing when using the product. The draft EIR does not address the potential impact of any hazardous chemical or substance utilized in the concrete batch plant operation on surrounding air or water quality, or on potentially impacted residents, horses, livestock, agricultural crops, fish, or other living organisms. This oversight must be rectified in the final document. E-22
24. The Ophir Area General Plan goal of insuring public service availability includes a policy of insuring that adequate services will be available for proposed developments prior to granting approval. The draft EIR admits that no adequate public services are available for this project, and accordingly, the project will result in environmental impacts that cannot be mitigated and the project should therefore be denied. E-23
25. In 2004 the Placer County Health and Human Services Environmental Health Services Division indicated that the EIR should indicate (1) when public services will be available, (2) whether any efforts to solicit a joint effort (to obtain public services) with other adjacent and proposed uses has been attempted, (3) whether the applicant will commit to join in any future efforts to bring water and/or sewer service to the area, and (4) would the applicant in fact connect if an opportunity presents itself. None of these issues are addressed in the draft EIR, and all must be addressed in the final document. E-24
26. The draft EIR data indicates that 66 to 70 cement truck trips could be generated along Ophir Road, with airborne particles affecting the entire route taken by any truck. This impact must be fully addressed in the final document. E-25
27. No mitigation measures regarding any potential health impact from groundwater contamination due to the batch plant operation is discussed in the draft EIR. The potential for degradation of groundwater by chemicals associated with recycle ponds of similar concrete plants was known by Placer County officials in 2004, yet no mitigation measures are discussed in the draft report. This issue must be fully addressed in the final document. E-26
28. Mitigation measures 6.3a-c only address the potability of and amount of water derived from the on-site well. The mitigation measures do not address any actual concrete batch plant operational impact on groundwater. This oversight must be corrected in the final document.
29. Mitigation measures 6.6a-d fail to indicate whether any and all contaminated water runoff – whether from operational or storm water sources – must be retained on the property. This shortcoming must be clearly addressed in the final document. E-27
30. The 72 hours pump test contained in Appendix D is incomplete and inadequate. While the test concludes that a well at the proposed site will have minimal effect on the utility of a well located 70 feet away – at the same elevation – there was no data collected to indicate the impact on domestic wells located to the north and E-28

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- nearly 300 feet lower than the project site. Given the reports acknowledgement of anecdotal evidence indicating “lower than optimum production rates and depth to water levels”, this oversight should be corrected in the final EIR. E-28
31. Given the seasonal fluctuations in water level, the 72 hour water test should be repeated during the height of the dry season, and data collected on any impact on wells located along the lower portion of Geraldson Road near the Auburn Ravine. E-29
32. The draft EIR does not appear to consider the impact of surface water flows from property on the south side of the project onto the project site. This apparent oversight should be addressed in the final EIR. E-30
33. As noted above, the ambient noise measurements displayed in Table 1 of Appendix E should be remeasured due to the subsequent paving of Interstate 80. Additionally, actual noise measurements taken at a distance of 100 and 300 feet from operational Livingston Concrete batch-plants should be utilized in assessing the plant and related equipment noise levels, rather than depend on “discussions with Livingston’s Concrete staff.” These shortcomings should be addressed in the final EIR. E-31
34. Although Objective 1 (see page 2-2) indicates the facility will have a daily production capacity of 300 cubic yards per day, there is evidence that a Stephens Eagle Concrete Plant is capable of producing 1,300 cubic yards per day – over four times the stated goal. The final EIR should (1) verify this information, (2) confirm whether a subsequently issued Use Permit would allow a four-fold increase in production, and (3) address whether or not the EIR impacts and mitigation measures would still be valid given such a production increase. E-32
35. No method of verifying that batch-plant production is actually limited to the stated goal of 300 cubic yards per day was identified in the draft EIR. This oversight should be corrected in the final document.
36. Impacts 5.1 and 5.2 do not appear to consider the impact of the weight of short wheelbase extremely heavy trucks on the area public roads, to include a Historic Highway, and no mitigation measures are indicated to assure the project funds a proportional share of maintenance costs due to that impact. These issues should be addressed in the final EIR. E-33
37. The draft EIR does not consider the project impact on Historic Lincoln Highway 40. It is understood that this designated roadway is intended to be preserved in its historic form, and not broken down or replaced. The final EIR should address this issue in detail.
38. The draft EIR does not address the safety of bicyclists on the adjacent bike path, and Mitigation Measure 5.3a uses the ambiguous term “delineate” rather than to clearly indicate precisely the responsibilities of the applicant in mitigating their impact on the existing bicycle facilities. This ambiguity should be rectified in the final EIR. E-34
39. Chapter 5 of the draft EIR does not address the use of Ophir Road as a detour – official or otherwise – during times of congestion on Interstate 80. This intermittent but extremely heavy use could have a serious impact on the project, and should be addressed in the final EIR. E-35
40. Although Mitigation Measure 6.3a requires the applicant to connect to a public water supply when available, there is no concomitant requirement for the facility E-36

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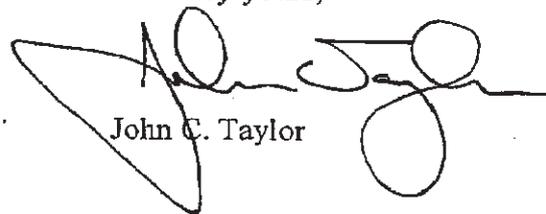
production limit to remain at 300 cubic yards per day once such a connection is made. The final EIR should clearly and unambiguously address whether or not such a production increase is contemplated or allowed, and if so, whether the impacts and mitigations contained in the report would still be valid if such a production increase were to occur.

- 41. Impact 4.1 fails to consider the impact of this project on adjacent property values, particularly given the clearly articulated primary goal of the Ophir Area General Plan – “to maintain and enhance the rural character of the Ophir area.” This oversight should be corrected in the final EIR.
- 42. Section 2.6 of the draft EIR failed to consider the option of importing potable water for recycled use on the project, in lieu of utilizing upwards of 15,000 gallons of ground water per day.
- 43. The draft EIR failed to consider the impact of the project on available ground water supplies during a “drought year”. This oversight should be corrected in the final EIR.
- 44. Although the draft EIR acknowledges anecdotal evidence indicating “lower than optimum production rates and depth to water levels”, the report failed to consider the impact on domestic wells located as much as a mile northwest of the proposed site and up to 300 feet lower in elevation. Public testimony indicated that at least three properties near the bottom of Geraldson Road have suffered “dry wells” in the past three years. This impact should be fully addressed in the final EIR.

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E-40

On behalf of the Newcastle/Ophir Municipal Advisory Council, and the many members of the public who attended meetings to discuss this proposed project, thank you for the opportunity to comment on the project. Please do not hesitate to contact me if there are any questions regarding the foregoing comments.

Sincerely yours,



John C. Taylor

Cc: Supervisor Jim Holmes  
Ruth Alves  
Newcastle/Ophir MAC  
Leah Rosasco

Type of admixture	Desired effect	Material
Accelerators (ASTM C 494, Type C)	Accelerate setting and early-strength development	Calcium chloride (ASTM D 66) Triethanolamine, sodium thiocyanate, calcium formate, calcium nitrite, calcium nitrate
Air detrainers	Decrease air content	Tributyl phosphate, dibutyl phthalate, octyl alcohol, water-insoluble esters of carbonic and boric acid, silicones
Air-entraining admixtures (ASTM C 260)	Improve durability in environments of freeze-thaw, deicers, sulfates, and alkali reactivity Improve workability	Salts of wood resins (Vinecol resin) Some synthetic detergents Salts of sulfonated lignin Salts of petroleum acids Salts of proteinaceous material Fatty and resinous acids and their salts Alkylbenzene sulfonates Salts of sulfonated hydrocarbons
Alkali-reactivity reducers	Reduce alkali-reactivity expansion	Pozzolans (fly ash, silica fume), blast-furnace slag, salts of lithium and barium, air-entraining agents
Bonding admixtures	Increase bond strength	Rubber, polyvinyl chloride, polyvinyl acetate, acrylics, butadiene-styrene copolymers.
Coloring agents	Colored concrete	Modified carbon black, iron oxide, phthalocyanine, umber, chromium oxide, titanium oxide, cobalt blue (ASTM C 979)
Corrosion inhibitors	Reduce steel corrosion activity in a chloride environment	Calcium nitrite, sodium nitrite, sodium benzoate, certain phosphates or fluosilicates, fluoaluminates
Dampproofing admixtures	Retard moisture penetration into dry concrete	Soaps of calcium or ammonium stearate or oleate Butyl stearate Petroleum products
Finely divided mineral admixtures		
Cementitious	Hydraulic properties Partial cement replacement	Ground granulated blast-furnace slag (ASTM C 989) Natural cement Hydraulic hydrated lime (ASTM C 141)
Pozzolans	Pozzolanic activity Improve workability, plasticity, sulfate resistance; reduce alkali reactivity, permeability, heat of hydration Partial cement replacement Filler	Diatomaceous earth, opaline cherts, clays, shales, volcanic tuffs, pumicites (ASTM C 618, Class N); fly ash (ASTM C 618, Classes F and C), silica fume
Pozzolanic and cementitious	Same as cementitious and pozzolan categories	High calcium fly ash (ASTM C 618, Class C) Ground granulated blast-furnace slag (ASTM C 989)
Nominally inert	Improve workability Filler	Marble, dolomite, quartz, granite
Fungicides, germicides, and insecticides	Inhibit or control bacterial and fungal growth	Polyhalogenated phenols Dieldrin emulsions Copper compounds
Gas formers	Cause expansion before setting	Aluminum powder Resin soap and vegetable or animal glue Saponin Hydrofized protein
Grouting agents	Adjust grout properties for specific applications	See Air-entraining admixtures, Accelerators, Retarders, Workability agents
Permeability reducers	Decrease permeability	Silica fume Fly ash (ASTM C 618) Ground slag (ASTM C 989) Natural pozzolans Water reducers Latex

Type of admixture	Desired effect	Materials
Flowing agents	Improve pumpability	Organic and synthetic polymers Organic flocculants Organic emulsions of paraffin, coal tar, asphalt, acrylics Bentonite and pyrogenic silicas Natural pozzolans (ASTM C 618, Class N) Fly ash (ASTM C 618, Classes F and C) Hydrated lime (ASTM C 141)
Retarders (ASTM C 494, Type B)	Retard setting time	Lignin Borax Sugars Tartaric acid and salts
Superplasticizers* (ASTM C 1017, Type 1)	Flowing concrete Reduce water-cement ratio	Sulfonated melamine formaldehyde condensates Sulfonated naphthalene formaldehyde condensates Lignosulfonates
Superplasticizer* and retarder (ASTM C 1017, Type 2)	Flowing concrete with retarded set Reduce water	See Superplasticizers and also Water reducers
Water reducer (ASTM C 494, Type A)	Reduce water demand at least 5%	Lignosulfonates Hydroxylated carboxylic acids Carbohydrates (Also tend to retard set so accelerator is often added)
Water reducer and accelerator (ASTM C 494, Type E)	Reduce water (minimum 5%) and accelerate set	See Water reducer, Type A (Accelerator is added)
Water reducer and retarder (ASTM C 494, Type D)	Reduce water (minimum 5%) and retard set	See Water reducer, Type A
Water reducer—high range (ASTM C 494, Type F)	Reduce water demand (minimum 12%)	See Superplasticizers
Water reducer—high range—and retarder (ASTM C 494, Type G)	Reduce water demand (minimum 12%) and retard set	See Superplasticizers and also Water reducers
Workability agents	Improve workability	Air-entraining admixtures Finely divided admixtures, except silica fume Water reducers

\*Some admixtures are also referred to as high-range water reducers or plasticizers. These admixtures often meet both ASTM C 494 and C 1017 specifications simultaneously.

## AIR-ENTRAINING ADMIXTURES

Air-entraining admixtures are used to purposely entrain microscopic air bubbles in concrete. Air-entrainment will dramatically improve the durability of concrete exposed to moisture during cycles of freezing and thawing. Entrained air greatly improves concrete's resistance to surface scaling caused by chemical deicers. The workability of fresh concrete is also improved significantly, and segregation and bleeding are reduced or eliminated.

Air-entrained concrete contains minute air bubbles that are distributed uniformly throughout the cement paste. Entrained air can be produced in concrete by use of an air-entraining cement, by introduction of an air-entraining admixture, or by a combination of both methods. An air-entraining cement is a portland cement with an air-entraining addition interground with the clinker during manufacture. An air-entraining admixture, on the other hand is added directly to the

concrete materials either before or during mixing. The primary ingredients used in air-entraining admixtures are listed in Table 6-1. Specifications and methods of testing air-entraining admixtures are given in ASTM C 260 and C 233. Air-entraining additions for use in the manufacture of air-entraining cements must meet requirements of ASTM C 226. Applicable requirements for air-entraining cements are given in ASTM C 150. Refer to Chapter 5 for more information.

## WATER-REDUCING ADMIXTURES

Water-reducing admixtures are used to reduce the quantity of mixing water required to produce concrete of a certain slump, reduce water-cement ratio, or increase slump. Typical water reducers reduce the water content by approximately 5% to 10%. High-range water reducers reduce water content by 12% to 30% (see

## RESPONSE TO COMMENT LETTER E

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Submitted by:

John C. Taylor

County of Placer, Newcastle/Ophir Municipal Advisory Council

- E-1** The comment identifies February 21, 2008 and March 13, 2008 as dates of Newcastle/Ophir Municipal Advisory Council (MAC) meetings at which the Draft EIR was discussed. The comment introduces the summarized comments from MAC members and members of the public that follow.

No specific comments on the EIR are provided. No response or revision to the EIR is necessary.

- E-2** The comment states the Draft EIR fails to address sealing the concrete paved areas or onsite retention basin to ensure that hazardous concrete additives from plant operations do not impact ground or surface water. The comment states the final EIR should provide assurances that potential water contaminants would not enter groundwater supplies or Auburn Ravine, and would not impact neighbors to the north.

*Mitigation Measure 6.6c* requires the project applicant to submit a Report of Waste Discharge and obtain and comply with Waste Discharge Requirements (WDR) from the Central Valley Regional Water Quality Control Board (RWQCB). As noted on page 6-18 of the Draft EIR, in order to obtain the WDR, the project applicant must demonstrate that the collection and treatment system for water used by the proposed plant would not allow any connection or discharge of contaminated water to surface drainage. As part of issuing the WDR, the RWQCB will determine whether or not sealing concrete paved areas or lining and/or sealing the onsite detention basin is required to protect water quality.

The analysis of Impact 6.3 evaluates the potential for the project to adversely affect groundwater quality and quantity. Because the soils in the project area do not allow substantial percolation of water from the ground surface into groundwater supplies, the primary route of potential groundwater contamination would be through discharge of contaminants to surface water. The potential for operation of the project to contaminate surface water in the vicinity is evaluated in Impact 6.6. That discussion identifies the types of pollutants associated with a batch plant, the possible pathways by which these pollutants could enter surface water drainage, and the mechanisms that must be implemented as part of the project to ensure that the project does not have a significant adverse impact on surface water quality.

Review of the analysis in Impact 6.3, Impact 6.4, and Impact 6.6 during preparation of these responses to comments revealed that the analysis did not clearly explain the project's proposed three-pond drainage collection and treatment system. The analysis incorrectly states that the detention basin would be concrete-lined. The

other two ponds in the drainage system would be concrete-lined, while the detention basin is proposed as an unlined holding pond. The discussions on pages 6-18 through 6-31 have been revised to correct these errors, and the proposed drainage system is summarized below. With appropriate design and function of the drainage system, the project would not contaminate groundwater supplies or surface water quality, and the proposed onsite drainage and collection system complies with the RWQCB requirement to prevent any connection to surface drainage.

The production area of the project site is shown as AREA 2 in *Figure 6-4 Proposed Site Hydrology* of Draft EIR CHAPTER 6 HYDROLOGY AND WATER QUALITY. This area would be graded and paved to direct all process wastewater and stormwater from this area to the onsite settling pond and the Enviromatic Recycling System, which recycles unused or leftover concrete. Water not used in the recycling process would be directed to the onsite settling pond, which would be concrete-lined and plumbed to the concrete plant to allow for reuse of process water, water used for truck cleaning onsite, and stormwater.

*Figure 3-4 Site Plan* and *Figure 6-4* in the Draft EIR show the settling pond south of the batch plant tower and the Enviromatic Recycling System west of the tower (labeled as EM 40L Reclaimer). The settling pond would capture all runoff water from the production area. The pond would be sized to capture process water, water from truck washing, and stormwater runoff from this area. Page 6-27 of the Draft EIR describes this pond as "a 30-foot by 40-foot boat ramp style basin." The pond would have a holding capacity of 30,000 gallons, which is  $\pm 4,000$  cubic feet.

In a very heavy rain event, runoff may leave the settling pond and production area. This runoff would combine with runoff from AREA 1 shown in *Figure 6-4* and would flow into the concrete-lined treatment pond located in the northwest corner of that area. The eastern portion of the project site, shown as AREA 3 on *Figure 6-4*, and the entrance and exit driveways for the site would not drain to the treatment pond. Page 6-29 of the Draft EIR describes how stormwater would be treated before reaching the detention basin. The runoff would be routed through an oil/grit separator to filter particulates, oils, and greases from the water. The runoff would then flow through a bark media to provide further filtering of solids and reduce the pH of the runoff. After passing through the bark media, the runoff water would be discharged to the proposed detention basin.

The detention basin is located in the northwest corner of the project site, north of the treatment pond. This facility is labeled "storm detention basin" in *Figure 3-4* and *Figure 6-4*, and would be an unlined basin with 6,000 cubic feet ( $\pm 44,800$  gallons) of storage. The basin would also be plumbed to the batch plant to allow use of the captured stormwater. As noted on page 6-29 of the Draft EIR, the project would use approximately 50 to 70 percent of the collected stormwater in the batch plant operations. Before water is discharged offsite, it would be detained in the stormwater basin to allow solids to settle out. The water in the detention basin would be sampled and monitored prior to discharge offsite to ensure that no contaminated water is released offsite. This system has been used effectively at

existing concrete facilities operated by the project applicant.

Pages 6-29 and 6-30 of the Draft EIR also discuss the National Pollutant Discharge Elimination System (NPDES) requirements applicable to the project. *Mitigation Measures 6.6a* and *6.6b* indicate that the project must comply with the NPDES requirements and prepare and implement a Storm Water Pollution Prevention Plan. Compliance with these mitigation measures would require the use of Best Management Practices in construction and operation of the proposed batch plant to ensure that runoff released from the project site is not contaminated and would not adversely affect the quality of surface water in the project area.

With implementation of *Mitigation Measures 6.6a* through *6.6d*, the constituents present in the process water would not be discharged to the surface water in the vicinity. By preventing discharge of contaminated waters to surface water, contamination of groundwater would also be prevented. The soils underlying the project site do not allow substantial percolation. Groundwater recharge in the vicinity primarily occurs through major drainageways. By preventing any connection to surface drainage, the constituents present in the process water would not enter groundwater supplies.

**E-3** The comment states the Draft EIR fails to include a discussion of alternative project locations.

The analysis suggested in this comment was completed and is described in **CHAPTER 8 CEQA REQUIRED DISCUSSIONS** of the Draft EIR. Several potential alternatives were considered, including alternative locations for the proposed project.

CEQA requires that alternatives to the project must be capable of meeting most of the project objectives (refer to CEQA Guidelines §15126.6(a)). Project Objective 4, listed on page 3-6 of the Draft EIR, is to “operate in a location that allows Livingston’s to serve projects in the general Auburn area within the narrow timeframe (90 minutes) allowed for delivery of their product in its optimum form.” This objective influenced the area in which Placer County and the EIR preparers searched for an alternative location for the project site.

A review of land use designations for vacant lands in the general Auburn area was conducted to evaluate the potential for locating the proposed project at a different site. As described in the Draft EIR, vacant parcels were selected as potential alternative locations if they carried either an industrial or heavy commercial land use designation (and appropriate zoning designation), if public water and sewage treatment services were available to the parcel, and if the parcel was approximately the same size as the proposed site. The proposed site is approximately 4.9 acres; potential alternative locations were considered feasible if they were in the range of four to nine acres. Several parcels were identified that met these conditions. These sites are discussed on pages 8-9 and 8-10 of the Draft EIR. The EIR preparers conducted site visits to each of these parcels to identify whether physical conditions at each parcel would support the proposed project. Based on these surveys, it was determined that an offsite alternative was not feasible because the offsite parcels that

were identified as potential locations for the proposed project would not adequately support the project, or would result in greater environmental impacts than the proposed site. Specifically, the parcels were found to be inadequate due to road access constraints, inadequate road conditions to support heavy truck traffic, development constraints due to physical site characteristics, proximity to existing rural residential land uses; and/or more prominent visibility from Interstate 80 (I-80) as compared to the proposed site.

- E-4** The comment suggests the analysis of the project's compatibility with surrounding land uses is incomplete and incorrect and should be addressed in greater detail. The comment indicates concern with impacts to surrounding residential and retail uses related to transportation, water quality, noise, and air quality.

Existing land uses are described and identified in **CHAPTER 4 LAND USE** of the Draft EIR. Surrounding land uses are shown in *Figure 4-1* on page 4-3 of the Draft EIR. The majority of businesses on surrounding properties provide goods and services that support construction-related activities, and are considered heavy commercial and light industrial land uses. These existing land uses are considered complementary to and compatible with the proposed concrete batch plant. Development of manufacturing and processing uses at the project site is considered consistent with the County's plan for land use in the area.

The Draft EIR recognizes that rural residential land uses exist north, northeast, and south of the project site. On page 4-7, the Draft EIR states that the nearest residence is located approximately 300 feet from the project site's northern boundary and that a series of residences is located on the south side of I-80. The analysis in Impact 4.3 demonstrates that the proposed project is consistent with the land use and zoning designations for the site, and that uses similar to the proposed project already exist to the west and northwest of the site. This analysis also notes that physical impacts such as traffic, water quality, and noise, are evaluated in detail in other chapters of the Draft EIR. Based on the determinations in the other chapters that the physical impacts of the proposed project would be less than significant, the analysis of Impact 4.3 concludes that the project would not have a direct impact on nearby residential land uses and the project is considered to be compatible with all existing and planned land uses in the vicinity.

- E-5** The comment states that the analysis of potential impacts related to inconsistency with county plans and policies (Impact 4.4) is incomplete. The comment states that the project is not consistent with Policy 1.E.1 of the Placer County General Plan and that the EIR does not provide adequate evidence to support the conclusion that any impacts related to this inconsistency would be short term. The comment asserts that the EIR should evaluate the potential impacts should the project never comply with this policy.

As stated on page 7 of the Initial Study (Appendix A of the Draft EIR), Policy 1.E.1 is typically interpreted as requiring public water and sewage collection services for heavy commercial and all industrial development. These services are not currently available at the project site, but *Mitigation Measures 4.4a* and *4.4b* in the EIR require

the project to connect to these services when they are available. CEQA requires that an EIR consider the project's consistency with plans and policies "adopted for the purpose of avoiding or mitigating an environmental effect" (CEQA Guidelines, Appendix G). To meet this requirement, the EIR considers whether development of the proposed project without provision of public water and sewage collection services would create or contribute to any significant physical environmental impacts. Analysis in the EIR demonstrates that the project's potentially significant impacts would be mitigated to less than significant levels.

Analysis of Impact 6.2 considers whether reliance on an onsite septic system instead of public sewage treatment would impact surface water or groundwater. This analysis finds that if the septic system provides an effective infiltration rate into the receiving soils, wastewater will be contained within the soil and will not enter surface drainage. The proposed project would provide for sewage treatment with the use of a sand filtration septic system that complies with all requirements of Placer County, particularly the requirements expressed in Placer County Code Article 8.24 and the Placer County *On-Site Sewage Manual*. The requirements are established to ensure that septic systems function properly and do not lead to significant environmental impacts. With proper design and maintenance as required by *Mitigation Measures 6.2a* and *6.2b*, the proposed septic system use would not negatively impact the physical environment. The EIR did not identify any significant impacts that require a specific time limit on use of the sand filtration septic system as mitigation.

Additionally, analysis of Impact 6.3 considers whether reliance on well water instead of a public water supply would impact groundwater in the project vicinity. This analysis finds that the existing onsite well is capable of providing up to 36,000 gallons per day. However, in order to provide assurance of a reliable water supply, use of the well will be limited to 10,000 gallons of water daily, as required by *Mitigation Measure 6.3a*. The EIR did not identify any significant impacts that require a specific time limit on well usage to ensure that impacts remain less than significant. It is noted that the text of *Mitigation Measure 6.3a* contains two typographic errors - it does not include the full name of the proposed project, and it uses 7,500 gallons as the maximum daily water usage instead of 10,000 gallons. These errors in *Mitigation Measure 6.3a* have been corrected consistent with the analysis in Impact 6.3, as summarized below. The revised text of *Mitigation Measure 6.3a* is shown in **CHAPTER 3 REVISIONS TO THE DRAFT EIR** of this Final EIR.

The methodology by which the maximum allowable daily volume of water pumped from the existing onsite well was determined was based on a State of California guideline for determining capacity for public water systems drilled into consolidated formations (fractured hard rock). As discussed in more detail on page 6-19 of the Draft EIR, the analysis in the Draft EIR was based on this state guideline. After the Draft EIR was published, this guideline was adopted into state law.

On March 9, 2008 this guideline was codified as California Code of Regulations Division 4, Chapter 16, Article 2, SubSection 64554 (g). Consistent with the previous guideline, this regulation was promulgated to regulate public water supplies drilled

in “bedrock formation, such that the water produced is yielded by secondary permeability features (e.g. fractures or cracks).” Because public water supplies are a long-term use, application of this guideline to the analysis of the proposed project is appropriate for considering both short- and long-term usage.

Also consistent with the previous guideline, the recently adopted regulation requires that water usage be limited to approximately 25 percent of the sustained pumping capacity when a 72-hour pump test is conducted. As stated on page 6-19 of the Draft EIR, the proposed use of between 7,000 and 10,000 gallons of water per day reflects a pumping rate of between 19 and 28 percent of the sustained yield indicated by the 72-hour pump test. For the proposed project, which does not include development of a public water supply, this is considered within an acceptable range of the water usage allowed by state law.

California Code of Regulations Section (§) 64554 specifies that the 72-hour pump test should be conducted during the months of August, September, or October. This section also sets forth the following requirements for conducting a 72-hour pump test:

1. Determine and record the static water level;
2. Pump the well continuously for 72 hours to determine the sustained yield;
3. Measure and record water drawdown levels and pump discharge rate;
4. Plot the drawdown and pump discharge rate data; and
5. Record water recovery level and time elapsed.

As stated on page 4-9 of the Draft EIR and summarized above, the analysis in the Initial Study and in **CHAPTER 6 HYDROLOGY AND WATER QUALITY** of the Draft EIR demonstrated that impacts associated with the lack of public water and sewer services are considered less than significant. Based on the determination that no significant and unavoidable environmental impacts would occur, the proposed infrastructure is determined adequate as it relates to the environmental impacts analysis. While the EIR concludes that the proposed project is considered generally consistent with the *Placer County General Plan* and *Ophir General Plan*, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies.

**E-6** The comment states the Final EIR should clearly indicate whether the mitigation measures indicated in *Table 2.3* apply to the project.

*Table 2.3* lists each of the mitigation measures identified in the Initial Study to address the impacts evaluated in that document. **CHAPTER 1 INTRODUCTION** of the Draft EIR (pages 1-2 through 1-8) provides a detailed explanation of the resource areas found to be less than significant with implementation of the identified mitigation measures, based on the analysis in the Initial Study. Where mitigation measures are identified in the Initial Study, the discussions in **CHAPTER 1 INTRODUCTION** indicate that those

mitigation measures are applicable to the project.

In addition, text has been added to page 2-5 to clarify that all mitigation measures included in *Tables 2.2 and 2.3* would be requirements of the project.

- E-7** The comment expresses confusion relating to peak hour traffic levels. Specifically, the comment requests clarification as to whether the data summarized in *Table 5.4* and *Table 5.5* correlates to the peak hour data indicated on page 5-4 of the Draft EIR.

The comment incorrectly states that the data was submitted by the applicant. *Table 5.4* identifies the data collected in observation of existing Livingston's Concrete Batch Plant sites throughout the Sacramento area. This data was collected by the County's traffic consultant, Kimley-Horn and Associates (Kimley-Horn), not the applicant.

The appropriate time for collecting data at the sample batch plants was determined from traffic patterns on Ophir Road. The goal was to identify the times when Ophir Road experiences the highest traffic volumes because it is during those times that there is the highest likelihood of the project creating a significant impact.

A 24-hour traffic volume count was conducted on Ophir Road to identify the AM and PM peak traffic periods in the project area. The peak hour is the one-hour period with the highest traffic volumes under existing conditions. As stated on page 5-4, based on the traffic data collected, the County's traffic consultant identified the AM peak hour as occurring between 7:15 and 8:15 a.m., and the PM peak hour as occurring between 4:30 and 5:30 p.m.

*Table 5.4* identifies trip generation data collected in observation of existing Livingston's Concrete Batch Plant sites. The sample site trip generation data was collected during the AM and PM peak periods identified for Ophir Road. The data from the sample sites was then used to identify the number of trips the proposed project would add to Ophir Road during these peak hours, as presented in *Table 5.5*. The impact analysis and mitigation requirements are based on this trip generation and the traffic counts conducted during the peak hours noted above.

- E-8** The comment states the Draft EIR fails to include trips for employees or vehicles delivering raw materials in daily trip generation rates. The comment asserts that the Final EIR should examine the detailed trip generation of the proposed plant over the entire weekly operation (i.e., including Saturday).

The trip generation analysis for the proposed project is described on pages 5-9 and 5-10 of the Draft EIR. That discussion states that Kimley-Horn, the County's traffic consultant, conducted AM and PM peak hour traffic counts at existing Livingston's Concrete Batch Plants in the greater Sacramento area, using the AM and PM peak hours identified through the 24-hour traffic volume count on Ophir Road. The traffic counts at existing Livingston's Concrete Batch Plants included all vehicles entering and leaving the sample sites, including employees, vehicles delivering raw materials, and concrete delivery trucks. The trip generation data is presented for AM and PM

peak hours, not a daily or weekly total. To evaluate project impacts, the 70th percentile trip generation rate for similar sites was used, as required by the County. The 70th percentile represents the number of peak hour trips that are expected to occur 70 percent of the time. Based on the data collected from the three existing Livingston's Concrete Batch Plant sites, the 70th percentile trip generation for the proposed project is expected to be 26 AM peak hour trips and 12 PM peak hour trips during every day of operation. This includes trips from employees, raw material delivery, and concrete delivery trucks. Weekday peak hours were analyzed since those hours typically have the highest volume of traffic and therefore, the highest likelihood of impact.

- E-9** The comment states **CHAPTER 5 TRANSPORTATION AND CIRCULATION** of the Draft EIR fails to address potential impacts to 66 percent of intersections adjacent to the project site. The comment suggests an analysis of impacts to the following intersections should be included in the EIR: Ophir Road/Lozanos Road; Ophir Road/Werner Road; Ophir Road/Wise Road; and Ophir Road/I-80 interchange at Old Town.

Consistent with the requirements of CEQA, the Traffic Impacts Analysis focused on those intersections identified as having the potential to be significantly impacted by the project. *Figure 5-4* indicates the project will result in fewer than thirteen site trips using Ophir Road east or west of the site during any peak hour. In addition, the roadways mentioned in the comment were observed have low traffic volumes and no traffic control (such as stop signs or signals) on Ophir Road. As a result of the anticipated trip generation from the site and observations of the intersections noted in the comment, it was concluded the project is not likely to result in a significant impact at those intersections.

- E-10** The comment states that *Mitigation Measure 5.4a*, requiring a left-turn lane into the project site entrance driveway, is inaccurate. The comment states that the site plan shows a left-turn lane leaving the project exit driveway. The comment suggests that left-turn lanes are needed for both driveways.

The site plan, which is provided as *Figure 3-4* of the Draft EIR, correctly identifies the location of a proposed left-turn pocket that would serve the westbound left-turn movements into the project entrance. This access is the only location where left-turn movements have the greatest potential to conflict with traffic on Ophir Road. Without this mitigation, vehicles waiting to make a left-turn into the facility could conflict with westbound traffic along Ophir Road by temporarily blocking the throughtraffic lane. Vehicles exiting the facility would not create comparable conflicts; therefore, the Draft EIR does not require provision of a left-turn pocket at the western driveway.

- E-11** The comment states that the Draft EIR fails to include data to support the claim that 10,000 gallons of well water used daily for plant operations would not negatively impact surrounding ground water supply.

**CHAPTER 3 PROJECT DESCRIPTION** of the Draft EIR explains that the plant is expected

to require 7,000 to 10,000 gallons of well water per day during the summer months, with much less required during the winter months when captured stormwater would be used to augment the well supply. In addition, all process water used at the proposed plant would be recycled through an EM40 Enviromatic Recycling System.

As discussed in Response to Comment E-5, Impact 6.3 in **CHAPTER 6 HYDROLOGY AND WATER QUALITY** of the Draft EIR specifically addresses potential impacts to groundwater from operation of the proposed project, including the proposed use of a daily maximum of 10,000 gallons of water from the onsite well. The determination that use of a daily maximum of 10,000 gallons of water would have a less than significant impact was based on a pump test methodology provided in a State of California guideline for determining capacity of public water wells drilled into consolidated formations (fractured hard rock). The purpose of this guideline was to ensure a reliable water source when wells are drilled into consolidated formations (fractured rock), such as that found at this site. This guideline recommends water usage should be limited to approximately 25 percent of the sustained pumping capacity when a 72-hour pump test is conducted in these types of consolidated formations. As discussed in Response to Comment E-5, this guideline was codified as California Code of Regulations §64554 following publication of the Draft EIR.

As discussed on pages 6-18 and 6-19 of the draft EIR, a 72-hour pump test for the onsite well was conducted at the site. This test indicated a sustained yield of 25 gallons per minute, which is equal to 36,000 gallons per day. The Placer County Environmental Health Services Division (EHS) determined that the proposed use of 7,000 to 10,000 gallons per day, which would represent 19 to 28 percent of the sustained pumping rate, was consistent with the state guideline, demonstrating that the existing well would provide a reliable water source for the proposed use. Therefore, the use of 10,000 gallons per day is considered a less than significant impact.

As noted in Response to Comment E-5, California Code of Regulations §64554 was promulgated to regulate public water supplies drilled in hard rock fracture formations. Because public water supplies are a long-term use, application of this guideline to the analysis of the proposed project is appropriate for considering both short- and long-term usage. Based on compliance with California Code of Regulations §64554, it is expected that the proposed pumping rate would be sustainable and would not result in significant impacts to groundwater in the project vicinity.

The analysis of Impact 6.3 also notes that there is expected to be minimal or no connection between the onsite well and existing wells in the vicinity. This determination was based on review of the Well Completion Reports for the onsite well and other wells in the vicinity as well as observation of a neighboring well throughout the 72-hour pump test. During the test, the water level in the neighboring well declined by less than one foot. As stated on page 6-2, this demonstrates that there is minimal communication or lateral continuity between the onsite well and neighboring wells. Lateral continuity would have been demonstrated

if there was a proportional drawdown between the onsite well and the neighboring well during the pump test. The results of the test indicated that the onsite well was drawn down 247 feet, while the neighboring well dropped less than one foot over the same time period. This proportionally insignificant drawdown indicates that there is minimal lateral continuity between the onsite well and neighboring wells. The wells in the project vicinity are completed at least in part in bedrock; thus they derive their water supply from fracture flow. While there may be some communication or continuity between wells, usually through fractured intervals within the bedrock mass, which are typically 1 to 2 feet in thickness at various depths, because the communication is minimal, pumping from the onsite well is not expected to have a significant effect on the production of any other existing well in the vicinity.

- E-12** The comment states that the EIR does not correctly describe the cumulative development scenario in the project vicinity. The comment suggests that the cumulative impact analysis should address impacts associated with the Baltimore Ravine project in the City of Auburn, pending Placer County Water Agency (PCWA) pipeline projects, and expansion of A&A Stepping Stone and Robinson Sand & Gravel.

As described on page 8-5 of the Draft EIR, the cumulative scenario considered in this EIR is buildout of the Placer County General Plan through the year 2025. As A&A Stepping Stone and Robinson Sand & Gravel are existing land uses in areas designated for heavy commercial development, the potential expansion of these facilities is considered within the scope of the buildout conditions of the General Plan.

Based on the analysis in the Initial Study, the cumulative analysis in this EIR focuses on four topics: Land Use, Transportation and Circulation, Hydrology and Water Quality, and Noise. The Baltimore Ravine project site is located in the southwest portion of the City of Auburn, approximately one mile east of the Livingston's Concrete Batch Plant project site. Land uses and noise generation at the project site have no influence on and are not influenced by land uses and noise generation at the Baltimore Ravine site. The Baltimore Ravine project site is in a different drainage basin than the proposed project site, with drainage predominantly to the southwest. Thus the Baltimore Ravine project does not need to be included in the cumulative scenario for these three topics.

A portion of the traffic associated with the Baltimore Ravine project is likely to use I-80, and would access the freeway using Ophir Road and Werner Road. A traffic analysis has not yet been prepared for the Baltimore Ravine project. Total daily trips and the distribution of the traffic associated with the Baltimore Ravine project are not known. However, it is expected that traffic from the Baltimore Ravine project would contribute to cumulative impacts in the vicinity of the proposed project site. The Draft EIR evaluates the proposed project's contribution to cumulative traffic volumes based on the existing Placer County traffic model, which assumes increases in traffic volumes throughout the region but does not specifically include traffic associated with the Baltimore Ravine project. The Draft EIR identifies the potential impacts of

the proposed Livingston's Concrete Batch Plant to levels of service at intersections in the project vicinity. *Mitigation Measure 5.2a* requires that the proposed project contribute a fair share to improvements needed in the cumulative condition to maintain acceptable levels of service. CEQA Guidelines Section 15130(a)(3) states that "a project's contribution [to a cumulative impact] is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact." With implementation of *Mitigation Measure 5.2a*, the proposed project would mitigate its contribution to the cumulative impact, regardless of the amount and distribution of traffic generated by the Baltimore Ravine project.

The PCWA pipeline projects would not directly contribute to any cumulative impacts in the resource areas considered in this EIR. The pipeline projects could induce additional growth in the project region, which might contribute to cumulative impacts. However, predicting where additional growth might occur and what type of land uses might be constructed is speculative and is not appropriate for consideration in the cumulative impacts analysis.

- E-13** The comment states that the EIR should provide more detail regarding current plans to extend public sewer and public water to the project site and neighboring businesses. The comment states that the EIR should disclose whether the project applicant can legally and physically obtain public water and sewer service currently.

Page 3-8 of the Draft EIR states that PCWA "plans to extend treated water to the project area, although construction of this extension is not currently funded and it is unknown when construction will occur." The EIR preparers, County staff, and project applicant contacted PCWA several times throughout preparation of this EIR, but PCWA is unable to provide a specific timeframe for construction of this planned extension. This is because funding for this waterline extension project is not available currently, and is dependent on the economy, particularly on residential development in the region. As of April 17, 2008, PCWA Engineering staff indicated that the earliest time by which funding could be made available is 2010. Construction of the waterline extension is expected to take between 18 months and two years. Therefore the earliest that water would be available at the Livingston's Concrete Batch Plant site is 2012 (pers. comm. Lund).

The Department of Facility Services master sewer plan indicates a future public sewer system for this area. The timeline for this improvement is unknown at this time and is based primarily on funding, economic factors, and demand. Upon completion of this improvement, *Mitigation Measure 4.4b* requires the applicant to connect to the public sewer system.

- E-14** The comment states that the EIR does not evaluate impacts to transportation and circulation east of the project site.

Refer to Response to Comment E-9, which discusses the rationale for selecting intersections for analysis. As discussed in that response, it is expected that the majority of trips to and from the project site would use the I-80 on and off ramps west

of the project site.

- E-15** The comment states that the noise impacts analysis does not adequately consider the effect of the recent repaving of I-80. The comment also asserts that no noise measurements were conducted at existing Livingston's Concrete Batch Plants, but that the noise analysis is based only on discussions with Livingston's Concrete staff.

CEQA Guidelines §15125(a) stipulates that the environmental impact analysis should consider the impacts of the proposed project compared to the conditions that existed at the time the Notice of Preparation (NOP) was circulated. Specifically, CEQA Guidelines §15125 states that the EIR must contain "a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published" and that "this environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." The NOP for this project was published on January 12, 2006. The repaving of I-80 occurred during the spring and summer of 2007, which was after the NOP was published. Thus the repaved highway does not represent the "existing conditions" for this EIR under CEQA.

Although CEQA requires that the impact analysis be based on the physical conditions at the time the NOP was published, page 7-4 of the Draft EIR also identifies the likely affect of the I-80 repaving. In this repaving, Caltrans replaced the base layer of the freeway with Dense Grade Asphalt Concrete and overlaid a one to one-and-a-half inch thick layer of Open Grade Asphalt Concrete. The open grade overlay provides some noise attenuation (pers. comm. Berexa). The Draft EIR states that this repaving could provide a reduction in traffic noise of approximately 3 decibels (dB) compared with conventional overlays. Bollard Acoustical Consulting (BAC) data collected for Sacramento County indicated that noise reducing pavement reduced noise levels along Alta Arden Expressway by 4 dB. This roadway carries very little heavy truck traffic. The noise generation of I-80 is more heavily influenced by heavy trucks and noise-reducing asphalt primarily affects tire noise (not heavy truck engine and exhaust noise). Based on these factors and a review of file data related to noise-reducing pavements, BAC approximated that the noise reducing pavement on I-80 would lower noise levels by 3 dB.

As noted in Table 1 of the noise impact analysis presented in Appendix E of the Draft EIR, and in *Table 7.2* of the Draft EIR, measured background noise levels at the two locations representing the nearest residences to the project site (Sites A & C), ranged from 61 to 65 dB  $L_{eq}$  during daytime hours. The predicted batch plant noise level at the nearest residences (Receptors 1, 4 & 5) ranged from 50 to 54 dB  $L_{eq}$ . At these nearest residences, the project noise levels are approximately 10 dB below measured ambient conditions during daytime hours. With a 3 dB reduction in noise levels on I-80 due to the noise-reducing pavement, daytime ambient noise levels would still exceed project noise levels by approximately 7 dB.

The proposed plant would start operations at 5:30 a.m. Monday through Saturday. During the hours of 5 a.m. and 6 a.m., noise level measurements on Saturday, August 23<sup>rd</sup> 2004 and Monday, August 25<sup>th</sup> 2004, revealed average noise levels ranging from

59 to 63 dB  $L_{eq}$  at measurement sites A & C, although one sample of 54 dB  $L_{eq}$  was measured at Site A during the Saturday 5 a.m. hour. With an estimated 3 dB reduction in ambient levels due to the noise-reducing pavement on I-80, project noise levels of 50 to 54 dB would be at or below measured ambient conditions during these early morning hours. As a result, the noise from the proposed project is not expected to substantially change the existing conditions and noise impacts for the residences nearest the project site during the proposed hours of operation would remain less than significant. This determination is consistent with noise standards established by the *Placer County General Plan* and *Placer County Code*. The note below *Table 7.4* and text preceding *Table 7.5* in the Draft EIR indicate that when existing noise levels meet or exceed the standards expressed in those tables, the allowable noise levels would be the same or 5 dB higher than the ambient noise level.

It should be noted that if the noise level standards are applied at the property lines of the nearest residential uses, rather than at the residences themselves, ambient noise levels would be higher due to a closer proximity to I-80 at those property line locations. Although project noise generation would be higher at the property lines of the nearest residences, so too would the masking noise provided by I-80.

The comment is correct that no noise measurements were taken at existing Livingston's Concrete Batch Plants. Instead, the analysis was based on file data for similar batch plant facilities, which is considered reasonably representative of the noise generation of the proposed facility. To estimate batch plant noise emissions at the proposed project site, BAC used noise level data collected at the A&R Ready-Mix facility (Sierra Ready Mix) in Placerville, California on March 29, 2004. The noise level measurement results indicate that a complete cycle of the batch plant generated varying noise levels based upon the location of the measurement site relative to the plant. The noise level data obtained indicated that reference noise levels at a distance of 100 feet were measured to be between 68 and 72 dB. Lower levels at this location were measured in positions where the plant equipment shielded the trucks from view. The A&R Ready Mix data was checked against manufacturers' data used by BAC staff in analyzing the Manual Brothers Concrete Batch Plant in Colfax, California. That data indicates that concrete batch plant noise emissions at the Colfax facility would be 70 dB at a reference distance of 100 feet, consistent with the data used to evaluate the proposed Livingston's Concrete Batch Plant. In addition, noise level tests conducted by BAC staff of an older vintage plant operated by Teichert Aggregates in Winters yielded an average noise level of 75 dB at 100 feet. Because modern batch plant equipment tends to be quieter than older equipment due to advances in the state of the art, the reference noise level of 70 dB  $L_{eq}$  at 100 feet for the Livingston's facility is believed to be reasonably representative of anticipated facility noise generation.

As noted on page 7-11, the County's noise consultant discussions with Livingston's Concrete staff served to inform the noise consultant about the operations of the proposed plant (i.e., daily production capacity, hours of operation, use of equipment). The noise consultant then applied the appropriate file data for batch plant facilities, as discussed above, to the operational characteristics of the proposed project to

determine the likely noise generation associated with the project. The noise analysis was not based on conjecture by the project applicant.

- E-16** The comment states the Draft EIR fails to require long-term, ongoing monitoring of water quality and fails to provide “mitigation, remediation and/or compensation” as recourse for affected adjacent landowners.

As discussed in Response to Comment E-2, *Mitigation Measure 6.6c* requires the project applicant to obtain WDR from the Central Valley RWQCB. In order to obtain the WDR, the project applicant must demonstrate that the process water collection and treatment system would not allow any connection to surface drainage in order to avoid any impacts to water quality. As discussed in Response to Comment E-2, the project is not expected to adversely affect groundwater quality, and this potential impact is considered less than significant. Most of the operational portion of the site would be paved. Runoff water from the paved areas would be directed to the concrete-lined settling basin and treatment basin. Much of this water would be returned to the batch plant for use in the plant operations. Treated water from the treatment basin may be released to the unlined detention basin, and water from the detention basin would be sampled and monitored prior to discharge offsite to ensure that no contaminated water is released offsite. The RWQCB would review the proposed three-pond drainage collection and treatment system, and may require additional improvements (such as sealing the concrete lining for the settling and treatment basins) to ensure that the project would not significantly impair water quality. Because the impact was determined to be less than significant, monitoring and other mitigation, as suggested by this comment, is not necessary. In addition the suggested mitigation measure would violate constitutional law, as expressed in CEQA Guidelines §15126.4(4)(B), which states that mitigation measures must be roughly proportional to the impacts of the proposed project.

- E-17** The comment states the Draft EIR fails to assess risks associated with airborne particulate matter generated by batch plant operations.

As discussed in **CHAPTER 1 INTRODUCTION** of the Draft EIR, the analysis in the Initial Study determined that the project does not have the potential to result in significant impacts to air quality. The Initial Study found the project’s daily air pollutant emissions are expected to be below the Air Pollution Control District’s (APCD’s) significance thresholds, including thresholds for particulate matter, and therefore the project alone will not result in significant air quality impacts.

The Initial Study found that the project would contribute to significant cumulative air quality impacts within Placer County. Implementation of *Mitigation Measures 5.1* through *5.12* as identified in *Table 2.3* in **CHAPTER 2 EXECUTIVE SUMMARY** and in the Mitigation Monitoring and Reporting Program would ensure that this project’s contribution to short term and cumulative air quality impacts remain less than significant, requiring no further analysis in the EIR. *Table 2.3* of **CHAPTER 2 EXECUTIVE SUMMARY** lists each of the mitigation measures related to Air Quality, and each of these measures are included in the Mitigation Monitoring and Reporting