

CHAPTER 9.0 PUBLIC COMMENTS AND RESPONSES TO COMMENTS

Comments from the following individuals, organizations and governmental agencies listed below were received on the Draft EIR. Copies of the letters with individual numbered comments are included along with responses to these comments following each letter. Where indicated, changes in the text of the Final EIR have been made.

Individuals

- A. Jim and Mary Ann Burch

Organizations

- B. Richard D. Jackson, President, A.J. Diani Construction Co., Inc., which includes letter from Scott Cohen, P.E., West Coast Environmental and Engineering
- C. Richard D. Jackson, A.J. Diani Construction Co., Inc., which includes letter from Ingrid Elsel, West Coast Environmental and Engineering
- D. Richard D. Jackson, A.J. Diani Construction Co., Inc., which includes letter from Rob Dal Farra, P.E., West Coast Environmental and Engineering
- E. John Snyder, Koch California Ltd.
- F. Bonnie Eisner, Nipomo Community Advisory Council
- G. Andrew Christie, Sierra Club
- P. Ms. Carol Florence, Oasis Associates

Governmental Agencies

- H. James Kilmer, California Department of Transportation
- I. Larry J. Lavagnino, City of Santa Maria
- J. Bill Shipsey, City of Sacramento
- K. Melissa Guise, San Luis Obispo Air Pollution Control District
- L. Jan Di Leo, San Luis Obispo County Parks
- M. Vijaya Jammalamadaka, AICP, Santa Barbara County Air Pollution Control District
- N. David Murray, California Department of Transportation
- O. Melissa Guise, San Luis Obispo Air Pollution Control District

RESPONSES TO COMMENTS FROM MR. JIM BURCH

September 20, 2005

- A1. Comment noted. No text revisions made.
- A2. San Luis Obispo County Air Pollution Control District has reviewed and approved an Addendum to Health Risk Assessment for the Biorn Asphalt Plant (West Coast Environmental and dated January 17, 2007, which analyzed the impact of plant emissions and additional mitigation measures have been included in the EIR to reduce impacts as needed to less than significant levels.
- A3. Additional air quality measures have been included to reduce the impacts of plant emissions on down-wind receptors to less than significant levels.

RESPONSES TO COMMENTS FROM MR. RICHARD D. JACKSON, PRESIDENT, A.J. DIANI CONSTRUCTION COMPANY, WHICH INCLUDES LETTER FROM SCOTT COHEN, P.E., WEST COAST ENVIRONMENTAL AND ENGINEERING

September 26, 2005

- B1. Comment noted. No text revisions made.
- B2. Comment noted.
- B3. Reported noise values are accurate, measured early morning noise (4 a.m.) was higher than daytime, due to activity at surrounding industrial land uses.
- B4. Construction noise was estimated using the same reference values as for operation (EPA, 1971).
- B5. The 1971 U.S. EPA document remains the best source of noise reference values for construction equipment. Construction equipment has not changed substantially since 1971, and most equipment in use is at least 10 years old. Limited noise monitoring during construction by Padre Associates indicates these noise reference values are adequate. The project description is based on the use of two loaders in operation, as reflected in the Air Quality Assessment prepared by West Coast Environmental.

The Caltrans SOUND2000 model is still used for smaller roadway projects, and is accepted by Caltrans as an approved method. Mandated use of the Traffic Noise Model has not been finalized to date.
- B6. The EIR acknowledges the highly complex existing and proposed noise environment. The methods used in the EIR provide sufficient accuracy to determine significance.
- B7. The complex existing noise environment, multiple proposed noise sources, variable operating schedules and differing noise thresholds (Leq and CNEL) make it very difficult to predict the full effect of the noise wall. Mitigation Measure NOI-2 has been revised to clarify the proposed noise monitoring to determine whether the project would cause a significant noise impact.

RESPONSES TO COMMENTS FROM MR. RICHARD D. JACKSON, PRESIDENT, A.J. DIANI CONSTRUCTION COMPANY, WHICH INCLUDES LETTER FROM INGRID ELSEL, WEST COAST ENVIRONMENTAL AND ENGINEERING

September 26, 2005

- C1. Comment noted. The EIR adequately separates the impacts and mitigation discussion between the proposed Conditional Use Permit and the Land Use Ordinance/Land Use Element (LUO/LUE) Amendment. As described on page 5-1 of the EIR, for each issue area, "The Impacts and Mitigation Measures subsection contains two parts: (1) Asphalt Plant Impacts; and (2) Impacts associated with the proposed land use category changes. The former discusses potential impacts to the environment resulting from construction and operation of the proposed asphalt plant, whereas the latter identifies potential impacts due to changing the land use category of 9.3 acres from Residential Suburban (RS) to Industrial (IND) and 44.7 acres from Commercial Service (CS) to IND." There is sufficient information in the EIR so that a distinction can be made and understood by the general public and the decision making bodies. Nevertheless, per comment #C2, the following has been added to Chapter 1: "

For the purposes of describing the two components, "plant site" refers specifically to the area affected by the CUP (the proposed asphalt facility), and "LUO/LUE area" refers to the entire area that will be affect by the LUO/LUE amendment (including the asphalt facility site).

- C2. See response to Comment #C1.
- C3. Comment noted. No text revisions made.
- C4. The 14.5 acre area included in the EIR refers to the area to be changed to the Industrial land use category. The actual plant area is approximately 6.15 acres.
- C5. Section 3.5.3 Structures has been revised to reflect a 5 to 6 foot concrete block wall.
- C6. Text on page 4-14 has been changed accordingly.
- C7. Comment noted. No text revisions made.
- C8. Comment noted. No text revisions made.
- C9. Impact AES-2 refers to visual impacts associated with the proposed asphaltic concrete plant being visible to motorists traveling along U.S. Highway 101 and some residences. The finding is that considering the various vantage points, there would collectively be a Significant but Mitigable impact.
- C10. See response to comment #C9.
- C11. Comment noted. No text revisions made.
- C12. Comment noted. No text revisions made.
- C13. Comment noted. No text revisions made.

- C14. Cumulative impacts are defined as “...two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” Highway 101 may be considered a sensitive viewing location; the proposed project in conjunction with future industrial development in the area, may result in significant cumulative impacts.
- C15. Detention basins are routinely constructed in the 100-year floodplain. Given that the project site is adjacent to the Santa Maria, detention basins constructed above the 100-year floodplain would not be feasible. Mitigation WR-2 has been amended accordingly.
- C16. Comment noted. No text revisions made.
- C17. Mitigation measure BIO-2B has been modified to specify that the pre-construction nesting bird surveys shall be completed two weeks prior to the initiation of construction activities conducted between February 15 and September 15.
- C18. Cross-referencing of mitigation measures is a standard practice in EIRs.
- C19. Pre-construction botanical surveys timed to occur immediately before construction would be the appropriate time to identify the Blochman’s ragwort population noted. Because the presence of the Blochman’s ragwort population is outside of the proposed area of disturbance, it has not been presented on the plant community map in Section 5.4.
- C20. See response to comment #C18.
- C21. See response to comment #C18.
- C22. See response to comment #C18. There is no need to create a sub-section “Related Mitigation Measures.”
- C23. Comment noted.
- C24. The secondary containment would serve to protect the Santa Maria River area from a potential release of asphaltic oil from the proposed facility. Measure HAZ-1(B) has been revised to refer to the current threshold per the 2002 SPCC regulations. The measure has also been revised to refer to “oil”.
- C25. Comment noted.
- C26. Impact POP-1 has been changed accordingly.
- C27. Mitigation measures included to reduce the impact of the project on fire protection services address fire protection systems and includes the payment of countywide public services facilities fees, but do not address fire protection personnel funding. This impact is significant and unmitigatable.
- C28. The condition for the 180,000 gallon water tank has been eliminated and replaced with the requirement for a 5,000 gallon water tank and an assessment to the need for fire sprinklers at the proposed asphalt plant. Refer to revised mitigation measure PUB-2.
- C29. The impact category for impact PUB-3 has been modified to be consistent with the text. This impact is considered less than significant.
- C30. Mitigation Measure PUB-3 has been re-numbered to PUB-4.

- C31. Rubber tires would not be disposed in landfills located in San Luis Obispo County; therefore, the impact has been appropriately classified.
- C32. Comment noted. No text revisions made.
- C33. The EIR text has been modified to reflect the results of meetings with CAL FIRE representatives to address fire water needs for the asphalt plant and the LUE/LUO amendments. Future development within the LUE/LUO amendment area will be required to pay public facilities fees for police and fire protection as required on all development per Board of Supervisors policy.

RESPONSES TO COMMENTS FROM MR. RICHARD D. JACKSON, PRESIDENT, A.J. DIANI CONSTRUCTION COMPANY, WHICH INCLUDES LETTER FROM ROB DAL FARRA, VICE PRESIDENT, WEST COAST ENVIRONMENTAL AND ENGINEERING

September 26, 2005

- D1. Comment noted.
- D2. Thresholds used in the EIR were taken from Table 2-1 of the APCD's CEQA Air Quality Handbook. As stated on page 2 of the Handbook, Table 2-1 is used to determine the significance of the total emissions from project operations. CEQA requires the assessment of the impacts of the entire project, as the public would be exposed to both stationary sources of emissions (permitted by the APCD) and mobile sources (not permitted). A health risk assessment was completed to determine the significance of air toxic emissions, as the threshold is based on risk values and not source emissions.
- D3. CARB Mail-out 99-32 provides input data to the OFFROAD model, an inventory model developed specifically to produce a Statewide inventory and not to estimate project emissions. The OFFROAD model is not available to the public, and cannot be used to estimate project emissions. Mail-out 99-32 provides only three uncontrolled emission factors for the entire population of off-road engines, including stationary and mobile. EPA's 1991 Non-road Engine and Vehicle Emission Study provides specific emission factors for each type of construction equipment, which allows for the preparation of project-specific emissions estimates for construction. This data is not out of data, as most construction equipment is over 10 years old.
- D4. The APCD's fugitive dust screening factor (0.75 tons/acre-month) was not used as a more detailed approach was considered necessary. Use of this factor would result in the project construction emissions exceeding the PM10 significance threshold (2.5 tons/quarter).

Emission factors used to estimate fugitive dust from project construction were taken from Table 13.2.3-1 (Recommended Emission Factors for Construction Operations) of *Compilation of Air Pollutant Emission Factors* developed by U.S. EPA. Table 13.2.3-1 was last updated in 1995. Therefore, the emission factors used are appropriate. However, the unpaved road emissions factors referenced in Table 13.2.3-1 are found in Section 13.2.2 which was revised in 2003. The primary change was the deletion of vehicle speed as a factor in estimating fugitive dust from unpaved roads. Table 5.3-3 of the EIR has been revised to reflect the 2003 unpaved road emission factors.

The fugitive dust emissions analysis assumed a peak quarter would include removal of existing concrete rubble and other materials at the project site and require full time use (65 days) of vehicles. The actual number of miles traveled by trucks per day on unpaved roads was estimated at 10 miles, which reflects 20 round trips (40 one way trips) with 0.25 miles on unpaved surfaces per one-way trip. Emission factors from Table 13.2.3-1 and other U.S EPA sources does not account for wind erosion of exposed soil, which may be a substantial source of dust based on extensive construction monitoring experience of the consultant. Therefore, the South Coast AQMD graded surface factor was used to estimate wind erosion. It is the consultants understanding that this factor accounts for emissions from a graded surface, and not the grading process. In any case, PM10 emissions from construction would exceed the 2.5 tons per quarter threshold even if wind erosion was ignored.

- D5. Comment noted.
- D6. See discussion above for construction off road emissions. The transcription error in Tables 5.3-6 and 5.3-8 has been corrected.
- D7. The unpaved road fugitive dust emissions were calculated based on 13,300 miles per year total loader travel, which includes two loaders and a backhoe. The average daily miles would be 44 (13,000 miles/303 days), similar to the value suggested in the comment. Peak day miles per day would be greater. The fugitive dust emissions estimates have been revised in the EIR, using the most recent emission factors in Section 13.2.2 of Compilation of Air Pollutant Emission Factors. Annual unpaved road dust emissions are estimated as 38.8 tons per year, similar to the value (37.9) reported in the Draft EIR.
- D8. Thresholds used in the EIR were taken from Table 2-1 of the APCD's CEQA Air Quality Handbook. As stated on page 2 of the Handbook, Table 2-1 is used to determine the significance of the total emissions from project operations. CEQA requires the assessment of the impacts of the entire project, as the public would be exposed to both stationary sources of emissions (permitted by the APCD) and mobile sources (not permitted). The EIR used the most appropriate emission factors available to estimate asphalt plant emissions. In fact, the Air Quality Assessment prepared for the project by West Coast Environmental used the same source of emission factors (Section 11.1 of AP-42).
- D9. The construction PM10 emissions would exceed 2.5 tons per quarter such that Mitigation Measure AQ-1 is warranted. Operational PM10 emissions would exceed 25 tons per year such that Mitigation Measures AQ-2A, 2B and 2C are warranted. Mitigation Measure AQ-2D has been revised to allow alternative technologies to reduce CO emissions as determined by the APCD. A more comprehensive health risk assessment was prepared following the Draft EIR public comment period. This assessment meets the intent of Mitigation Measure AQ-3.

RESPONSES TO COMMENTS FROM MR. JOHN SNYDER, VICE PRESIDENT, KOCH CALIFORNIA LTD.

September 30, 2005

- E1. The DEIR incorrectly identified the Nipomo Mesa Hydrologic sub-area as the “Nipomo Mesa Hydrologic sub-basin.” As shown in Figure 14-1, the project site is within the Nipomo Mesa Hydrologic sub-area, which is a sub-area of the Santa Maria Groundwater Basin. Impacts to water resources have been adequately analyzed and appropriate mitigation proposed.
- E2. Comment noted. The EIR identifies a less than significant impact on groundwater supply, but recommends water conservation measures because the asphalt plant would utilize groundwater resources from the Nipomo Mesa Hydrologic sub-area.

RESPONSES TO COMMENTS FROM MS. BONNIE EISNER, NIPOMO COMMUNITY ADVISORY COUNCIL.

September 30, 2005

- F1. Short-term visual impacts due to construction are identified as insignificant; however, long-term visual impacts are identified as Significant but Mitigable and Mitigation Measure AES-2 is proposed. Mitigation Measure AES-2 will require the applicant to prepare and submit for approval a revised landscape plan and landscape maintenance plan to the County of San Luis Obsipo prior to construction.
- F2. Impact AES-1 identifies short-term impacts due to actual construction activities. The presence of the proposed asphaltic concrete plant is considered a long-term visual impact. Impact AES-1 and AES-2 are not in conflict.
- F3. US Highway 101 is not a State Scenic Highway, but is eligible for consideration within San Luis Obsipo County. Mitigation Measure AES-4 is proposed, requiring the applicant to prepare a visual analysis if sound walls will be constructed and to amend the landscape plan identified in Mitigation Measure AES-2 (A).
- F4. Noise impacts were identified based on the County’s land Use Ordinance. Engine braking could occur at the U.S. 101 off-ramp, but would not be located near any residences.
- F5. The condition for the 180,000 gallon water tank has been eliminated and replaced with the requirement for a 5,000 gallon water tank and an assessment to the need for fire sprinklers at the proposed asphalt plant. Refer to revised mitigation measure PUB-2.
- F6. Section 5.14 Water Resources proposes Mitigation Measure WR-12, which would require the applicant to obtain an NPDES permit from the RWQCB. The requirements of the Permit shall be fully implemented including waste discharge limitations, and monitoring and reporting requirements.
- F7. Water use associated with the proposed asphaltic concrete plant has been analyzed in the DEIR. Total water demand for the project is 2.3 acre-feet per year, with the amount used for landscaping declining over time as the plants become established. Mitigation Measure WR-4 has been proposed to minimize the insignificant impact on water resources that would result from the proposed plant.
- F8. The proposed asphalt plant will not generate 3.02 million gallons of wastewater per year. It will use approximately 3.02 million gallons of water per year to produce asphalt. The project will generate approximately 420 gallons per day (12 employees @ 35 gallons per

- employee [Table K-3 of the Uniform Plumbing Code]) of wastewater, which would be handled by a proposed septic tank. Mitigation Measure WW-1 is proposed to minimize water quality impacts.
- F9. The need for an air monitoring station was determined to be not necessary for this project. Mitigation measures have been revised per the results of the Addendum to the Health Risk Assessment to reduce the air quality impacts to less than significant levels.
- F10. The asphalt plant has been designed to minimize asphalt-related odors. Regarding health hazards, a health risk assessment has been conducted and the findings included in the EIR. Mitigation measures have been included to reduce the potential air quality impacts to less than significant levels.
- F11. All potential long-term effects that the industrial operations may have on flora and fauna in the area have been identified. Appropriate mitigation measures to mitigate potential impacts to special-status species have been developed.
- F12. Parcels 090-302-034 and 090-302-035 were not surveyed because no site access was granted. To the extent feasible, the baseline conditions of these two parcels were ascertained based on written document and surveys via binoculars. The general habitat classifications for these parcels were documented and pre-construction surveys have been recommended. No construction associated with the asphalt plant would occur on these parcels. All appropriate measures have been incorporated into the EIR to protect wildlife, plants, and water resources and to safeguard other environmental concerns that may be present on or around the site. Any future industrial development that would take on these two parcels would require subsequent environmental review pursuant to CEQA.
- F13. Comments noted. No changes necessary.
- F14. The traffic trips are considered worst-case scenario for the purposes of CEQA. The number of peak day truck trips was used for the determination of significance and the need for mitigation. Mitigation measures for traffic impacts have been added to the Traffic and Circulation section following meetings with Caltrans.
- F15. Following discussions with Caltrans, mitigation measure TRA-2A has been added to include for a contribution of the project's pro-rata share of the costs for the Santa Maria River bridge improvement project. New measure TRA-2B provides for the completion of asphalt pavement resurfacing for on and off ramps at the Highway 101/166 interchange.
- F16. Refer to response to comment F15.
- F17. Refer to response to comment F15.
- F18. The correct distance is approximately 800 feet north of the proposed asphalt plant site. This correction has been made to the EIR.
- F19. The total LPG stored onsite would range from 1,000 to 1,500 gallons. Impacts were analyzed based on 1,500 gallons stored onsite.
- F20. The 8,000 gallon portable tank always would be onsite.

- F21. Mitigation Measures HAZ-1 and HAZ-3 present measures to prevent the release of hazardous materials in the event of flooding at the proposed asphalt plant site
- F22. The project was found to have a less than significant impact on police protection services, therefore no mitigation is required. The project was identified with a significant and unavoidable impact on fire protection staffing requirements. Mitigation measures have been added to reduce potential fire hazards under measures PUB-2 and PUB-6.
- F23. The timing of biological surveys is adequate for purposes of impacts under CEQA.
- F24. Comment noted.
- F25. Impacts to wildlife from the construction and operation of the proposed asphalt plant are address under impacts BIO-1 through BIO-3. Mitigation measures have been included to reduce those impacts to less than significant levels.
- F26. The Nipomo Creek Watershed Plan has been reviewed. Impacts to Nipomo Creek under either the Biorn asphalt plant or projects under the LUE/LUO would be required to provide mitigation for wetland and riparian habitat. Project considered under the Nipomo Creek Watershed Plan may be required to provide funding for off-site mitigation to compensate for those impacts.
- F27. Potential impacts to groundwater, air quality, and land use have been identified and mitigation measures developed to minimize impacts. The proposed asphalt plant would have a less than significant impact to groundwater from constructive activities; therefore, no mitigation is required. Adequate measures have been developed to mitigate all potential impacts to Nipomo Creek and the Santa Maria River to a level of less than significant. During construction, a third-party monitor would ensure that all mitigation measures are implemented to minimize short-term impacts. County staff would monitor the project on a long-term basis to ensure that all mitigation measures are carried out to mitigate long-term impacts.

**RESPONSES TO COMMENTS FROM MS. ANDREW CHRISTIE, CHAPTER COORDINATOR,
SIERRA CLUB, SANTA LUCIA CHAPTER**

September 30, 2005

- G1. The County of San Luis Obispo, as the CEQA Lead Agency, is responsible for ensuring that all mitigation measures contained in the EIR to mitigate impacts to less than significant, are carried out pursuant to CEQA. The County would ensure that such measures are implemented pursuant to CEQA.
- G2. The EIR objectively analyzed the potential impacts associated with the LUO/LUE Amendment and CUP for construction and operation of the proposed asphalt plant. All feasible mitigation measures have been development to avoid, minimize, or compensate for potentially significant impacts.
- G3. Mitigation Measure AG-2 recommends measures that are already being implemented for future development with San Luis Obispo County. The measures identified in AG-2 fall under the responsibility of the County of San Luis Obispo Planning and Building Department, the County's Agricultural Commissioner's Office, and the San Luis Obispo Air Pollution Control District. This measure is designed to mitigate potential direct and

- indirect impacts to agricultural resources. Potential impacts to surrounding habitats and wildlife species are addressed under Section 5.4 Biological Resources.
- G4. Page 5.3-13 of the EIR acknowledges that Measures AQ-2A through AQ-D would not reduce emissions below the level of significance. No additional measures are available to reduce project emissions; therefore, off-site mitigation is proposed. About \$13,600 per ton of project emissions would be paid by the applicant to the APCD for use in regional emissions reductions. Therefore, project-related emissions would be offset by off-site emission reductions, resulting in less than significant residual impacts. As discussed under Impact AQ-4, violation of APCD Rule 402 is not expected due to the blue smoke controls to be used at the asphalt plant.
- G5. Mitigation Measure REC-2 is not intended to mitigate impacts to habitat and wildlife, but to mitigate recreational impacts. Secondary impacts to biological resources resulting from implementation of Mitigation Measure REC-2 are described in Impact BIO-6; Mitigation Measure BIO-8 would minimize indirect impacts to biological resources.
- G6. See response to comment #F12 from Ms. Bonnie Eisner, Nipomo Community Advisory Council.
- G7. Biological surveys have been conducted of the LUO/LUE amendment area, except for parcels 090-302-034 and 090-302-035 were not surveyed because no site access was granted. Protocol-level biological surveys for special-status wildlife species and for plants, such as the Black-flowered figwort, are only valid for a specific period of time. Considering that the timing of future industrial development within the LUO/LUE amendment area is unknown, Mitigation Measure BIO-9 is appropriate and adequate pursuant to CEQA.
- G8. Pursuant to CEQA, potential impacts associated with the proposed LUO/LUE amendment were based on a "worst-case permissible land use", which is intended to analyze the potentially most significant impacts that could occur if the land designation of the LUO/LUE amendment area were to be changed to industrial. The worst-case land use is not based on the probability of the land use occurring, but rather the intensity of the use and the intensity or severity of its potential impacts. No significant impacts to groundwater from construction have been identified; therefore, not mitigation is proposed. All potential impacts associated with the proposed LUO/LUE amendment and the construction and operation of the asphalt plant have been disclosed. Furthermore, all feasible mitigation measures to mitigate impacts to a level of less than significant have been developed.

RESPONSES TO COMMENTS FROM MR. JAMES KILMER, CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 5

September 28, 2005

- H1. A revised Traffic Impact Study was not prepared in response to Caltrans concerns. Instead, the applicant, the County, and Caltrans met on several occasions to negotiate a mutually acceptable mitigation package, which is included in response to comments N1 and N2. The mitigation measures are included as measures TRA-2A through 2C.
- H2. See response to H1.

- H3. See response to H1.
- H4. See response to H1.
- H5. Comment noted. Revised mitigation measure TRA-2A has been included in response to comment N1 below.
- H6. Comment noted.
- H7. Comment noted. Revised mitigation measure TRA-2B includes the requirement for approval of an encroachment permit to complete the required asphalt pavement overlay on the Highway 101/166 on and off-ramps.

RESPONSES TO COMMENTS FROM MR. LARRY J. LAVAGNINO, MAYOR, CITY OF SANTA MARIA

September 30, 2005

- I1. A comprehensive health risk assessment has been prepared and the findings included in the Final EIR. Residential receptors in the City of Santa Maria were included in the analysis and the project will be conditioned to prevent exceedances of the health risk thresholds in the City. Please see response to comment #K16. Potential impacts associated with odors have also been addressed; see response to comments #K17. Lastly, noise impacts have also been addressed. See response to comment #B6.

RESPONSES TO COMMENTS FROM MR. BILL SHIPSEY, PLANNER III, COMMUNITY DEVELOPMENT DEPARTMENT, CITY OF SANTA MARIA

October 3, 2005

- J1. The EIR has been revised to include an assessment of project impacts relative to the City of Santa Maria noise standards.
- J2. Mitigation Measure AES-2 will require the applicant to submit for approval a revised landscape plan that utilizes a minimum 75 percent fast/tall-growing evergreen tree species. The plan specifies use of well-drained soils and tree species that are non-invasive to riparian vegetation. Language has been added requiring, where feasible, the use of species and varieties that are low or non-emitters of Biogenic Volatile Organic Compounds (BVOCs).

RESPONSES TO COMMENTS FROM MS. MELISSA GUISE, AIR QUALITY SPECIALIST, SAN LUIS OBISPO AIR POLLUTION CONTROL DISTRICT

September 29, 2005

- K1. The reference on Page 3-13 is in error, it should reference Table 3-3 and not 3-4. This error has been corrected in the Final EIR.
- K2. Comment noted.
- K3. Concrete rubble currently at the plant site would be relocated to an adjacent area. This rubble may contain small amounts of asbestos, and handling may result in this material becoming airborne. The EIR has been revised to include mitigation measure AQ-2B to require proper handling and disposal, if asbestos is found.

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- K4. Mitigation measure AQ-2B has been included to address potential asbestos containing materials in on-site structures and utilities.
- K5. The 2003 version of the APCD CEQA Air Quality Handbook was used as noted on page 5.3-7. The 1997 date on page 5.3-6 is in error and has been corrected in the Final EIR.
- K6. The 550 lb/day CO threshold from the APCD CEQA Air Quality Handbook was used as noted in Table 5.3-8. The 50 lb/day CO value on page 5.3-6 is in error and has been corrected in the Final EIR.
- K7. A Clean Air Plan consistency analysis has been added to the Final EIR.
- K8. As stated in Section 3.5.2 of the Draft EIR, a water truck would be on-site during construction to apply water for dust control. The referenced statement was meant to clarify that fugitive dust would be produced until facilities were constructed. The construction period is not phased such that interim dust control measures, such as vegetation planting or application of soil stabilizers is not feasible.
- K9. The referenced dust control measures have been added to the EIR. A discussion of the potential for naturally-occurring asbestos to become airborne during construction has been added to the EIR, including mitigation measures.
- K10. The recommended measures have been added to Mitigation Measure HAZ-4.
- K11. Comment noted.
- K12. Comment noted. VEE certification would be helpful, but not essential in detecting excessive dust emissions.
- K13. As indicated in the project description under "Water Source and Use," water would be used for dust control. The EIR has been revised to clearly indicate a water truck would be on-site during operation to apply water for dust control.
- K14. Comment noted.
- K15. Comment noted.
- K16. Table 5.3-6 has been corrected in the EIR. All feasible mitigation measures have been applied to the project. The Health Risk Assessment (HRA) included an evaluation of diesel PM emissions from project operation, see the response below concerning the HRA.
- K17. As stated in the EIR, the project includes odor control measures and residences are not located nearby. However, a discussion has been added to the EIR addressing the potential for a nuisance based on complaints to the APCD.
- K18. A Clean Air Plan consistency analysis has been added to the Final EIR.
- K19. The HRA has been revised based on coordination with APCD staff. The findings of the revised HRA have been added to the EIR. Mitigation measures to reduce mobile source diesel PM emissions have also been added. The recommended measures for diesel particulate emissions have been added.

RESPONSES TO COMMENTS FROM MS. JAN DILEO, COUNTY OF SAN LUIS OBISPO PARKS

September 1, 2005

L1. Comment noted.

RESPONSES TO COMMENTS FROM MS. VIJAYA JAMMALAMADAKA, AICP, AIR QUALITY SPECIALIST III, SANTA BARBARA COUNTY AIR POLLUTION CONTROL DISTRICT

September 30, 2005

M1. The San Luis Obispo Air Pollution Control District requested that the following be included in a revised HRA:

- Use of a 70-year risk rather than a 20-year risk;
- Include emergency generators;
- Perform chronic and acute risk analyses;
- Include sensitive receptors;
- Include maps with 1e-6 cancer risk, 1e-5 cancer risk, and 1.0 HI isopleths, if they exist;
- Include the point of maximum impact (acute receptor), the maximum exposed worker (worker cancer receptor), and the maximum exposed resident (residential cancer receptor);
- Use worst-case meteorological data from three years;
- Include elevations in the model; and,
- Include electronic model input and output files.

The Addendum to the HRA satisfies all of these requirements.

M2. See response to comment #M1

M3. The revised HRA calculated emissions based on the maximum operating schedule.

M4. The revised HRA used toxic pollutants listed in AP-42 and Ventura County APCD AB 2588 Combustion Emission Factors.

M5. The revised HRA included the diesel particulate matter emissions from testing and maintenance.

M6. The revised HRA evaluated the risk at both residential receptors and business receptors.

M7. An electronic copy of the HARP input and output files have been made available to both the San Luis Obsipo APCD and the Santa Barbara County APCD.

RESPONSES TO COMMENTS FROM MR. DAVID MURRAY, CHIEF OF OFFICE OF REGIONAL PLANNING AND DEVELOPMENT REVIEW, CALIFORNIA DEPARTMENT OF TRANSPORTATION

March 28, 2007

- N1. The Caltrans requirement for an Agreement for Pro-Rata Share for Improvements has been included as mitigation measure TRA-2A.
- N2. The Caltrans requirement for provision of asphalt concrete pavement overlay on the State Route 101/166 on/off ramps has been included as mitigation measure TRA-2B.

RESPONSES TO COMMENTS FROM MELISSA GUISE, AIR QUALITY SPECIALIST, SAN LUIS OBISPO COUNTY AIR POLLUTION CONTROL DISTRICT

May 3, 2007

- O1. Comment noted. Please see responses to comments K1 through K19.
- O2. Per APCD comments and the results of the an addendum to the Health Risk Assessment prepared for the project, three mitigation measures have been added to the Air Quality section under AQ-3A through 3D.

April 11, 2007

- O3. This letter states that the San Luis Obispo County Air Pollution Control District has approved the Addendum to the Health Risk Assessment dated January 17, 2007.

RESPONSES TO COMMENTS FROM CAROL FLORENCE, AICP, OASIS LANDSCAPE ARCHITECTURE AND PLANNING

July 25, 2007

- P1. The proposed mitigation measure has been approved by the County Fire Marshal, Mr. Rick Swan, and has been included in mitigation measure PUB-2.
- P2. The proposed mitigation measure has been approved by the County Fire Marshal, Mr. Rick Swan, and has been included in mitigation measure PUB-6.