

APPENDIX B
NOTICE OF PREPARATION RESPONSES

Env.



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556

ROBERT F. LILLEY

AGRICULTURAL COMMISSIONER/SEALER

(805) 781-5910

FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: February 10, 2004

TO: James McKenzie, Project Manager

FROM: Tamara Kleemann, Agricultural Inspector/Biologist *Tk*

SUBJECT: Biorn Land Use Ordinance Amendment and Conditional Use Permit; ED03-344, -345 (G020020M/D020293D) (A.J. Diani Construction Company) NOP

This is in response to your request for comments from the Agricultural Commissioner's Office on the scope and content of the environmental information in the preparation of the Environmental Impact Report for this project.

We are in agreement with the agricultural resource issues as identified in the initial study.

Please send a printed copy of the Environmental Impact Report.

If you have questions, please call 781 - 4696.

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3111
FAX (805) 549-3329
TDD (805) 549-3259
<http://www.dot.gov/dist05>

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MAR 17 2004

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Be energy efficient!*

March 16, 2004

SLO – 101 PM 0.80
Biorn Land Use
Ordinance Amendment
and Conditional Use
Permit; Concrete
Asphalt Plant

SCH # 2004011126

Mr. John McKenzie
Planning Department
San Luis Obispo County
County Government Center, Rm. 310
San Luis Obispo, CA, 93408-2040

Dear Mr. McKenzie:

California Department of Transportation (Department) Development Review Staff has reviewed the above referenced document. As a result, the following comments were generated.

1. The applicant has provided appropriate information on the amount of traffic that will be generated by the addition of the proposed Asphaltic Concrete Plant. However, the Department looks at the effects of private-development generated traffic in terms of peak hour trip generation, not "peak daily" trip generation. The Traffic/Circulation section of the Notice of Preparation (NOP) has identified that all new trips generated by this project will be traveling on either U.S. Route 101 or State Route 166. The Department requests that the Lead Agency require the applicant to utilize a Licensed Traffic Engineer to perform a Traffic Impact Study (TIS) to be based on the following scenarios:
 - Existing Conditions – Current year traffic volumes and peak hour Level of Service (LOS) analysis of effected State highway facilities.
 - Proposed Project Only – Trip generation, distribution and assignment in the year the project is anticipated to complete construction.

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- Cumulative Conditions – (Existing conditions Plus Other Approved and Pending Projects Without the Proposed Project) – Trip assignment and peak hour LOS analysis in the year the project is anticipated to complete construction.
- Cumulative Conditions Plus Proposed Project - (Existing conditions Plus Other Approved and Pending Projects Plus the Proposed Project) – Trip assignment and peak hour LOS analysis in the year the project is anticipated to complete construction.
- Cumulative Conditions Plus Proposed (Interim years) Trip assignment and peak hour LOS analysis in the years the project phases are anticipated to complete construction.

For a complete copy of the Caltrans, *Guide for the Preparation of Traffic Impact Studies*, please utilize the following internet site:
<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>.

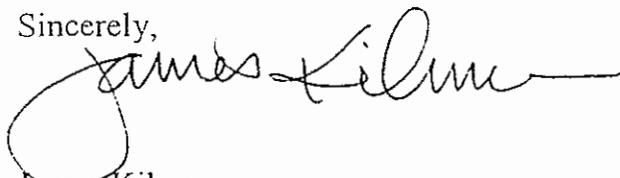
Public concern has been raised in the past regarding the traffic weaving associated with slow truck traffic merging into high-speed through traffic from Route 166 onto Route 101, specifically as it relates to this project. A weaving analysis should be scoped into the TIS with a discussion of the mitigation required to address any problem that may surface in the analysis.

2. The Department will also be concerned about the effects of additional surface water runoff interjected into the river down stream from the Santa Maria River Bridge, State highway facility, and any modification of the river banks or river course of the Santa Maria River due to grading/construction activity and/or plant operations. River modification that takes place above or below stream of a State highway bridge structure is a concern to the Department because of those affects on bridge scour. Please provide a grading & drainage plan with storm water calculations for a 50-year event.
3. Please also be advised that the San Luis Obispo Council of Governments (SLOCOG), Santa Barbara County Area Governments (SBCAG) and Caltrans have a Final Project Study Report (PSR) for the widening of the Santa Maria River Bridge. Although most of the needed Right of Way (R/W) will apparently be needed on the east-side of the bridge, the Biorn project has its' adjacency next to the bridge and therefore may conflict with the Bridge Improvement project. Please contact Ms. Lisa Lowerison, (542-4764) Caltrans Project Manager for the Santa Maria River Bridge Widening project for more information. The discussion should take place in the TIS.

Mr. McKenzie
March 16, 2004
Page 3

Thank you for including the Department in review of the Biorn Project. If you have any questions, please contact me at 549-3683.

Sincerely,

A handwritten signature in black ink that reads "James Kilmer". The signature is written in a cursive style with a large, looping initial "J" and a long horizontal stroke at the end.

James Kilmer
District 5
Development Review

cc: File, D. Murray, R. Barnes, L. Lowerison, L. Wickham

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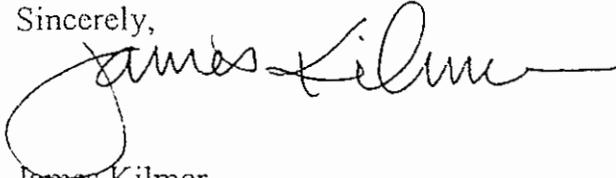
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DAN WOODSON

NCAC Contact for Biorn Land Use Ordinance Amendment

1699 Primavera Lane
Nipomo, CA 93444
929-3966

February 24, 2004

John McKenzie
Department of Planning and Building
Environmental Division
County government Center
San Luis Obispo, CA 93408

Re: Notice of Preparation of a Draft Environmental Impact for Biorn Land Use Ordinance
Amendment and Conditional Use Permit; ED03-344, -345 (G020020M/D020293D)

Dear Mr. McKenzie

Enclosed please find the promised hard copy of the NCAC response to the above document. I
hope it meets your expectations and is presented in the proper format.

If there are any problems with this document or you have suggestions for improvements to future
documents please advise me at 929-3966

Sincerely,

Dan Woodson

**NCAC Response to
Notice of Preparation of a Draft Environmental Impact Report
for
Biorn Land Use Ordinance Amendment and Conditional Use
Permit;
ED03-344, -345 (G020020M/D020293D)**

1. Name of Contact Person: Dan Woodson 929-3966
2. Permit or Approval Authority: Nipomo Community Advisory Council
3. Environmental Information: Transportation/Circulation, Water, Geology and Soils, Noise, Air Quality, Aesthetics.
4. Permit Stipulations: Require Traffic Circulation Mitigation Plan and Street Pavement Mitigation Plan. Require design based on 100 year storm occurrence. Require drainage study involving Santa Maria River, Nipomo Creek and the unnamed creek and runoff from all properties downstream from the Nipomo Creek bridge.
5. Alternatives: Not considered
6. Reasonable Foreseeable Projects, Programs or Plans: Consider effects of new housing development above Santa Maria Racetrack. Consider effects of the proposal to increase the capacity of the Santa Maria Bridge by adding lanes.
7. Relevant Information: Not considered
8. Further Comments: The NCAC recommends disapproval of the project if all of the concerns of this report are not properly addressed and mitigated.

Traffic: The proposal does not adequately address the traffic situation. The intersection consists of three single-lane one way ramps and one double-lane one way ramp entering or exiting SR 101, one two way minor arterial (Orchard), one two way collector (Thompson) and one two way service road all converging on the two way SR 166/Cuyama Lane. An increasing amount of traffic is using Orchard to go South on SR101. Visitors, quarry material trucks and concrete trucks use the service road. This road will also be used by the asphalt plant. SR166/Cuyama Lane is used by local customers visiting the businesses sited adjacent to Cuyama Lane. SR 166 is used by agricultural trucks and shippers to transfer to or from SR 101. The proposed asphalt plant will add significant traffic to the intersection especially during peak operating times. The NCAC is concerned that existing traffic patterns will be severely disturbed as a result of this project. It is feared that traffic will increase on Tefft Street at the 101 Freeway

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because of the traffic disruption that large platoons of heavy trucks will cause as they attempt climb up the steep on-ramp to the 101 Freeway at highway 166. It is feared that local residential and commercial traffic will find access to the 101 Freeway much more convenient at Tefft Street than at highway 166. Such a disruption of local traffic pattern will have a devastating effect on the already critical traffic gridlock that now exists on Tefft Street. **The County and/or the developer shall provide a Traffic Mitigation Plan before the facility's vehicles are allowed to encroach on public roads.** The size and reduced acceleration of the trucks will greatly inhibit efficient traffic flow. The volume of loaded trucks and the traffic backed up behind them entering the freeway will pose a safety hazard to themselves and to freeway traffic especially to traffic crossing the river. There may not be sufficient distance to provide an acceleration lane for southbound trucks entering the freeway. **Caltrans must be made aware of this concern.**

The weight of the trucks and their turning maneuvers has the potential to severely degrade the existing pavement both on the surface roads and on the freeway. Roadway pavement removal and reconstruction must be performed along project truck routes to remove existing failed pavement and subgrade conditions so the new subgrade and roadway pavement can satisfactorily accommodate the pavement loads and frequency of use. Appropriate pavement design criteria for the number and weight of vehicles that the project intends to use in its commercial enterprise shall be utilized.

The County and/or the developer shall provide a Street Pavement Mitigation Plan before the facility's vehicles are allowed to encroach on public roads.

Noise: *Sec.8, Preliminary Noise Study (PNS), page 8, Sec. 5, Table 5:* Why is the difference in ambient noise level (NMP#2 minus NMP#1, as shown in the tabulation) exactly 5? If this difference was an average, what were the smallest and the largest differences? What is the rationale for accepting the nighttime noise level exactly 5 dB less than the daytime level? Please show the actual data.

Sec. 8, PNS, page 8, Sec. 5:

Why do the average ambient noise levels of Table 5-1 exceed the guidelines of the San Luis Obispo County Land Use Ordinance (shown as an Leq 1H of 50 dB (A))? What is the rationale for unilaterally deciding to continue the calculations and discussion with the threshold criteria capped at the measured ambient noise level plus 1 dB(A) as shown in Table 5-2? This is a critical question, because the rationale must be based on an understanding that this plant will make a considerable amount of noise during its operation. In addition, mechanical equipment, heavy equipment, and large trucks will also produce a considerable amount of noise during the hours of operation of the plant.

Sec. 8, PNS, page 8, sec. 5:

By unilaterally choosing a threshold that exceeds the guideline established by San Luis Obispo, it appears that the developer plans to justify noise levels that would not be allowed in other county locations. With the future development of Nipomo pointing to the densification of residential residences that will one day be local to this proposed plant, the developer should not be given approval to exceed noise guidelines only because there very few existing homes. We already are planning for growth. Excessive noise

should be a critical issue for this project. The developer should provide mitigating measures that reduce noise and contain it within the project area.

Sec. 8, PNL, page 1, Sec. 1.2, paragraph 2:

The 5 dB difference in noise level needs to be explained and justified. In rural areas, this might be acceptable. But, this area is shown in the General plan not to be in a rural area. The developer needs to explain how critical recognition of noise levels and mitigation of offensive noise levels are being employed to justify this project.

Sec. 8, ONS, page 6, Sec. 3.0:

Although it may be true that one residence is located 900 feet from the operating plant, the developer needs to recognize that other residential properties are planned for this region of the Nipomo community. What is the developer doing to control noise levels?

Run-off: The containment and proper handling of storm run-off must address the handling, processing and removal of contaminated and hazardous waste materials.

Monitoring: Continuing maintenance of all onsite and offsite activities of the project must be addressed and discussed by the applicant.

Reporting: Comments addressing the concerns expressed by the NCAC must be sent to Caltrans, Fish and Game, Army Corps of Engineers, Fish and Wildlife, Santa Maria Valley Water Conservation District and Salmon Enhancement.

Review: The NCAC specifically requests to formally review and approve all mitigation plans produced by the applicant that addresses the review comments and concerns expressed by the NCAC in its review of the Draft EIR report.

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County of San Luis Obispo

Department of Public Health

Division of Environmental Health

MEMORANDUM

TO: John McKinze, Env. Division, Project Manager

Robert Williamson

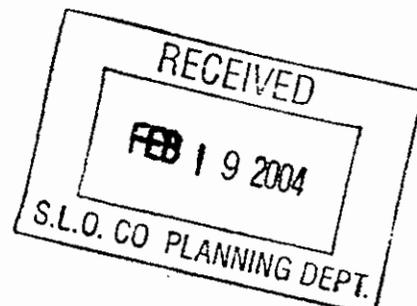
FROM: Robert Williamson, Environmental Health Division

DATE: February 17, 2004

SUBJECT: Notice of preparation of draft EIR on Biorn Land Use Ordinance and CUP

The subject document has been reviewed by this division and the only comment provided is as follows:

1. Page 9 item 7. Hazardous Materials Section -Mitigation/Conclusion The San Luis Obispo County Environmental Health Division will require completion of a hazardous materials questionnaire and a permit for storage of hazardous materials will be required.
2. if additional information is required contact me at 781-5551.





CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

February 2, 2004

John McKenzie, Environmental Division
SLO County Building and Planning
County Government Center
San Luis Obispo, CA 93408

Project Number: ED03-344, 345 Biorn, Diani Concrete Plant

Dear Mr. McKenzie,

I have reviewed the Notice of Preparation for the Biorn Land Use Ordinance. I have attempted to answer your question with the following responses:

1. Robert Lewin, Battalion Chief
Fire Marshal
CDF/San Luis Obispo County Fire
635 No. Santa Rosa St.
San Luis Obispo, CA 93405
(805)543-4244
2. All applicable Fire Law including the California Fire Code, Public Resource Codes and Health and Safety Codes
3. Unknown
4. During construction all activities, which pose an ignition source will have to comply with fire safety laws. This includes welding activities and use of heavy equipment. All equipment will have to be in compliance with fire safety laws. All buildings associated with the project will require a fire safety plan be issued by the fire department at the time the applicant applies for a building permit.
5. No alternatives.
6. Unknown
7. CDF's "Industrial Operating Fire Prevention Field Guide"
8. An emergency plan should be developed to protect employees from all types of emergencies including; fire, rescue, medical, earthquake etc.

If I can provide additional information or assistance on this mater please call me at (805)543-4244.

Sincerely

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Robert Lewin, Fire Marshal
Battalion Chief

Cc: file

County of San Luis Obispo

Department of Public Health

Division of Environmental Health

MEMORANDUM

TO: John McKinze, Env. Division, Project Manager

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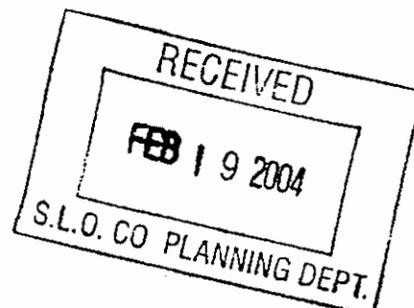
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635 N. Santa Rosa • San Luis Obispo • California 93405

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Cc: file



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Jan Boel
Acting Deputy
Director

Notice of Preparation

January 27, 2004

RECEIVED

FEB 2 2004

Planning & Bldg

To: Reviewing Agencies

Re: Biorn Land Use Ordinance Amendment and Conditional Use Permit; Concrete Asphalt Plant
SCH# 2004011126

Attached for your review and comment is the Notice of Preparation (NOP) for the Biorn Land Use Ordinance Amendment and Conditional Use Permit; Concrete Asphalt Plant draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

John McKenzie
San Luis Obispo County
County Government Center
Room 310
San Luis Obispo, CA 93408-2040

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Associate Planner, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2004011126
Project Title Blorn Land Use Ordinance Amendment and Conditional Use Permit; Concrete Asphalt Plant
Lead Agency San Luis Obispo County

Type NOP Notice of Preparation
Description Proposal by A.J. Diani construction Company for a request to 1) amend the Land Use Ordinance (South County Area Plan) by changing approximately 50 acres from Commercial Service and Residential Suburban to the Industrial land use category; and 2) concurrently process a Conditional Use Permit to develop a 14.5-acre portion of the subject area with a concrete asphalt plant (allowed in the Industrial category).

Lead Agency Contact

Name John McKenzie
Agency San Luis Obispo County
Phone 805-781.5452 **Fax**
email
Address County Government Center
Room 310
City San Luis Obispo **State** CA **Zip** 93408-2040

Project Location

County San Luis Obispo
City Santa Maria
Region
Cross Streets Hutton Road & Highway 166
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways 101, 166
Airports
Railways
Waterways Santa Maria River, Nipomo Creek
Schools Lucia Mar School District
Land Use Commercial Service / Flood Hazard

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Septic System; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Forestry and Fire Protection; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Native American Heritage Commission; Department of Fish and Game, Region 3; Caltrans, District 5; Department of Toxic Substances Control; State Water Resources Control Board, Division of Water Quality; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Board, Region 3

Date Received 01/27/2004 **Start of Review** 01/27/2004 **End of Review** 02/25/2004



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Jan Boel
Acting Deputy
Director

Notice of Preparation

January 27, 2004

RECEIVED

FEB 2 2004

Planning & Bldg

To: Reviewing Agencies

Re: Biorn Land Use Ordinance Amendment and Conditional Use Permit; Concrete Asphalt Plant
SCH# 2004011126

Attached for your review and comment is the Notice of Preparation (NOP) for the Biorn Land Use Ordinance Amendment and Conditional Use Permit; Concrete Asphalt Plant draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

John McKenzie
San Luis Obispo County
County Government Center
Room 310
San Luis Obispo, CA 93408-2040

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Associate Planner, State Clearinghouse

Attachments
cc: Lead Agency

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State Clearinghouse Data Base**

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Address County Government Center
Room 310
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Project Location

County San Luis Obispo
City Santa Maria
Region
Cross Streets Hutton Road & Highway 166

Parcel No.	Township	Range	Section	Base
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Proximity to:

Highways 101, 166
Airports
Railways
Waterways Santa Maria River, Nipomo Creek
Schools Lucia Mar School District
Land Use Commercial Service / Flood Hazard

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Septic System; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

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Date Received 01/27/2004 **Start of Review** 01/27/2004 **End of Review** 02/25/2004

Resources Agency
 Resources Agency
 Nadell Gayou
 Dept. of Boating & Waterways
 Suzi Betzler
 California Coastal Commission
 Elizabeth A. Fuchs
 Colorado River Board
 Gerald R. Zimmerman
 Dept. of Conservation
 Roseanne Taylor
 California Energy Commission
 Environmental Office
 Dept. of Forestry & Fire Protection
 Allen Robertson
 Office of Historic Preservation
 Hans Kreutzberg
 Dept. of Parks & Recreation
 B. Noah Tilghman
 Environmental Stewardship Section
 Reclamation Board
 Lori Buford
 Santa Monica Mountains Conservancy
 Paul Edelman
 S.F. Bay Conservation & Dev't. Comm.
 Steve McAdain
 Dept. of Water Resources
 Resources Agency
 Nadell Gayou
fish and Game
 Dept. of Fish & Game
 Scott Flint
 Environmental Services Division
 Dept. of Fish & Game 1
 Donald Koch
 Region 1
 Dept. of Fish & Game 2
 Banky Curtis
 Region 2

Dept. of Fish & Game 3
 Robert Floerke
 Region 3
 Dept. of Fish & Game 4
 William Laundermilk
 Region 4
 Dept. of Fish & Game 5
 Don Chadwick
 Region 5, Habitat Conservation Program
 Dept. of Fish & Game 6
 Gabriela Gatchel
 Region 6, Habitat Conservation Program
 Dept. of Fish & Game 6 I/M
 Tammy Allen
 Region 6, Inyo/Mono, Habitat Conservation Program
 Dept. of Fish & Game M
 George Isaac
 Marine Region
Other Departments
 Food & Agriculture
 Steve Shaffer
 Dept. of Food and Agriculture
 Dept. of General Services
 Robert Sleppy
 Environmental Services Section
 Dept. of Health Services
 Wayne Hubbard
 Dept. of Health/Drinking Water
Independent Commissions/Boards
 Delta Protection Commission
 Debby Eddy
 Office of Emergency Services
 John Rowden, Manager
 Governor's Office of Planning & Research
 State Clearinghouse

 Native American Heritage Comm.
 Debbie Treadway

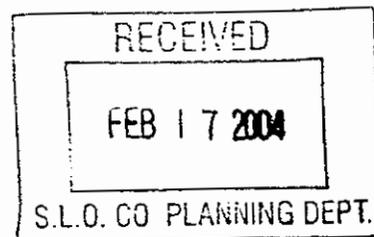
Public Utilities Commission
 Ken Lewis
 State Lands Commission
 Jean Sarino
 Tahoe Regional Planning Agency (TRPA)
 Cherry Jacques
Business, Trans & Housing
 Caltrans - Division of Aeronautics
 Sandy Hesnard
 Caltrans - Planning
 Ron Helgeson
 California Highway Patrol
 John Olejnik
 Office of Special Projects
 Housing & Community Development
 Cathy Creswell
 Housing Policy Division
Dept. of Transportation
 Dept. of Transportation 1
 Mike Eagan
 District 1
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 Don Anderson
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 Sue O'Leary
 State Water Resources Control Board
 Jim Hockenberry
 Division of Financial Assistance
 State Water Resources Control Board
 Student Intern, 401 Water Quality Certification Unit
 Division of Water Quality
 State Water Resources Control Board
 Steven Herrera
 Division of Water Rights
 Dept. of Toxic Substances Control
 CEQA Tracking Center

Regional Water Quality Control Board (RWQCB)
 RWQCB 1
 Cathleen Hudson
 North Coast Region (1)
 RWQCB 2
 Environmental Document Coordinator
 San Francisco Bay Region (2)
 RWQCB 3
 Central Coast Region (3)
 RWQCB 4
 Jonathan Bishop
 Los Angeles Region (4)
 RWQCB 5S
 Central Valley Region (5)
 RWQCB 5F
 Central Valley Region (5)
 Fresno Branch Office
 RWQCB 5R
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 Redding Branch Office
 RWQCB 6
 Lahontan Region (6)
 RWQCB 6V
 Lahontan Region (6)
 Victorville Branch Office
 RWQCB 7
 Colorado River Basin Region (7)
 RWQCB 8
 Santa Ana Region (8)
 RWQCB 9
 San Diego Region (9)
 Other
 Last Updated on 01/12/04



AIR POLLUTION
CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO



DATE: February 13, 2004

TO: John McKenzie, Project Manager
San Luis Obispo County Department of Planning and Building

FROM: Heather Tomley, Air Quality Specialist III 
San Luis Obispo County Air Pollution Control District

SUBJECT: Nipomo Asphaltic Concrete Plant (A.J. Diani/G020020M)

Thank you for including the APCD in the environmental review process. We have completed our review of the Notice of Preparation and description of the project to be located at 2280 Hutton Road in southern Nipomo. We are providing the following information to assist you with the development of the environmental impact analysis.

1. NAME OF CONTACT PERSON

Heather Tomley
Air Pollution Control District
3433 Roberto Court
San Luis Obispo, CA 93401
(805) 781-4654

2. PERMIT(S) OR APPROVAL(S) AUTHORITY:

The portable stand-alone asphaltic concrete plant and portable rubberized asphalt blending system will require APCD permits or California portable equipment registration. In addition, the portable lime treatment system may also require an APCD permit or California portable equipment registration. Information and downloadable application forms are available under the Business Assistance section of our website at www.slocleanair.org. For more information on these requirements, contact David Dixon of our Engineering Division at 781-5912.

3. ENVIRONMENTAL INFORMATION:

A complete air quality analysis should be included in the DEIR to adequately evaluate the new air quality impacts associated with the proposed project. This analysis should address both short-term and long-term emissions impacts from the project. The following is an outline of items that should be included in the analysis:

- a) A description of existing air quality and emissions in the impact area, including the attainment status of the District relative to State Air Quality Standards and any existing

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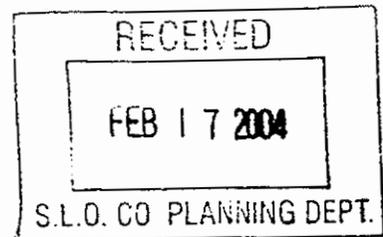
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AIR POLLUTION
CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO



DATE: February 13, 2004

TO: John McKenzie, Project Manager
San Luis Obispo County Department of Planning and Building

FROM: Heather Tomley, Air Quality Specialist III 
San Luis Obispo County Air Pollution Control District

SUBJECT: Nipomo Asphaltic Concrete Plant (A.J. Diani/G020020M)

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- a) A description of existing air quality and emissions in the impact area, including the attainment status of the District relative to State Air Quality Standards and any existing

regulatory restrictions to development. The most recent Clean Air Plan (CAP) should be consulted for applicable information.

- b) A thorough emissions analysis should be performed on all relevant emission sources, using emission factors from the EPA document AP-42 "Compilation of Air Pollutant Emission Factors", EMFAC2000, or other approved sources. The emissions analysis should include calculations for estimated emissions of all criteria pollutants and toxic substances released from the anticipated land use mix on a quarterly and yearly basis. Documentation of emission factors and all assumptions (i.e. anticipated land uses, truck trips, average daily trip rate from trip generation studies, etc.) should be documented in the appendix to the DEIR.
- c) The DEIR should include a range of alternatives to the proposed project that could effectively minimize air quality impacts. A thorough emissions analysis should be conducted for each of the proposed alternatives identified. The DEIR author should contact the District if additional information and guidance is required. All calculations and assumptions used should be fully documented in an appendix to the DEIR.
- d) A cumulative impact analysis should be performed to evaluate the combined air quality impacts of this project and impacts from existing and proposed future construction in the area. This should encompass all planned construction activities within 1 mile of the project.
- e) The data analyses requested above should address local and regional impacts with respect to maintaining applicable air quality standards at build out. Authors should consult the District to determine if a modeling analysis should be performed and included in the EIR.
- f) Temporary construction impacts and ongoing operational impacts, such as fugitive dust and combustion emissions from construction and grading activities, should be quantified and mitigation measures proposed. In addition, naturally occurring asbestos may exist at the site. A geological survey is required for the site, and if naturally occurring asbestos is found, the EIR should indicate that a plan will be developed to comply with the requirements listed in the Air Resources Board's Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations.
- g) Mitigation measures should be recommended, as appropriate, following the guidelines presented in Sections 5 and 6 of the District's "CEQA Air Quality Handbook". Based upon a preliminary analysis of truck trip emissions this project may require idling limitations and off-site mitigation. The District should be consulted for assistance in developing these mitigation measures.

4. PERMIT STIPULATIONS/CONDITIONS:

The CEQA Air Quality Handbook provides various significance thresholds that should be referenced in the EIR for determining the significance of impacts and the level of mitigation necessary. The Handbook breaks the impacts into construction phase (Section 6) and operational phase (Section 2) emissions, with separate significance thresholds for each. The level of mitigation necessary will be based upon the new emissions emitted from the project.

5. ALTERNATIVES:

Any alternatives described in the DEIR should involve the same level of air quality analysis as described in bullet items 3.b and 3.c listed above.

6. REASONABLY FORSEEABLE PROJECTS, PROGRAMS OR PLANS:

An important component of an EIR is a consistency analysis of a proposed project with respect to pertinent planning and environmental guidance documents (i.e. general and specific plans, clean air plans, etc.). The District's CAP is such a document and contains land use policies designed to lessen automobile dependence through greater pedestrian access, increased transit access, mixed use and compact zoning, and a balance of jobs and housing. Projects, with potential size and character to impact the assumptions made in the CAP, can impede the District's attempts to achieve the State ozone standard. Therefore, the consistency analysis obtained through the DEIR process is very important from a decision-making standpoint. Please refer to the District's CEQA Air Quality Handbook, Section 2.2, for additional instructions on performing the consistency evaluation.

7. RELEVANT INFORMATION:

As mentioned earlier, the Handbook should be referenced in the EIR for determining the significance of impacts and level of mitigation recommended. Additionally, emission factors from AP-42, EMFAC2000, or other approved sources should be used when performing emission calculations.

8. FURTHER COMMENTS:

The APCD submitted a letter regarding this project to Brian Pedrotti with the Current Planning Division of the San Luis Obispo County Department of Planning and Building on November 18, 2003. That letter should be consulted for assistance with identifying the potential air quality impacts and proposing appropriate mitigation measures. To request a copy of the letter, please call 805-781-5912.

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Tim Tomlinson
02/23/2004 08:41 AM

To: John McKenzie/CountyofSLO@Wings
cc:
Subject: Biorn Land Use Ordinance Amendment

In reference to item 7, Hazards and Hazardous Materials, under Combining Designations, Title 22.14.060 D.2. "Storage and processing. The storage or processing of materials that in time of flooding are buoyant, flammable, or explosive; that could be injurious to human, animal or plant life;...is not permitted." It then goes on to describe what you may do to make it permissible.

Tim Tomlinson
805 781-5271

"Bridges prohibit the progress they promote"

Nipomo Asphaltic Concrete Plant

February 13, 2004

Page 4 of 4

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

HAT/sll

cc: Karen Brooks, Enforcement Division
David Dixon, Engineering Division

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Tim Tomlinson

02/23/2004 08:41 AM

To: John McKenzie/CountyofSLO@Wings

cc:

Subject: Biorn Land Use Ordinance Amendment

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