

**Lawrence E. Goldenhersh**

4292 Calf Canyon Road  
Creston, CA 93432

June 3, 2013

**VIA EMAIL (pdf) and US MAIL**

Mr. Murry Wilson, Environmental Resource Specialist  
Department of Planning and Building  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408-2040

RE: Oster/Las Pilitas Quarry, DRC2009-00025 DEIR COMMENTS

Dear Mr. Wilson:

I am writing to you both as a property owner nearby the proposed quarry who has driven Highway 58 for 30 years and as someone with over 20 years of experience in the environmental arena.

I founded and operate an environmental technology company whose software is used by the largest companies in California and some of the largest companies in the United States to improve the quality of their compliance with air, water and waste regulations and to reduce the cost of compliance. As a company, we have over 300 years of experience in managing environmental compliance, and are experts in using our deep understanding of the business process of environmental compliance to configure our software to automate that process. Our software platform is deployed in 49 countries around the world and we process billions of compliance data points per month for our customers. Prior to founding my company, I practiced law for 15 years.

I have reviewed the DEIR through the prism of my own experience, which includes a deep understanding of environmental impacts and the processes required to allow industry to conduct its important business while, at the same time, avoiding the devastation that can occur in the absence of good planning and responsible regulation.

Based on my review of the DEIR, I firmly oppose the permitting of this project and believe that the unmitigatable adverse impacts will have a devastating effect on the local environment and the health, safety and welfare of the community.

I have very specific questions I ask that you address regarding the air and water issues. My questions are as follows:

- **Air Issues.** The DEIR states that “Emission of criteria air pollutants...are considered significant and unmitigable.” I would ask that the Department of Planning and Building (DPB) answer the following questions:

- **Particulate Matter**

- In the preparation of the DEIR, was there an evaluation of the type and amount of particulate matter exposure to which the community will be subject due to project operations as presently scoped?
  - If so, what was the estimated number of truck trips per day used in the calculation and what was used to arrive at the estimated number of trips?
  - If so, what assumptions about facility operation conditions were made in the calculations (type of aggregate, etc)?
- In the preparation of DEIR was there an evaluation of the type and amount of particulate matter exposure to which the community will be subject due to idling of trucks on Route 58?
  - If the evaluation of particulate matter exposure has been done for truck idling, please provide the assumptions used to make the calculation.
- What are the health impacts associated with the estimated particulate emissions from operations, excluding truck idle time?
- What are the health impacts associated with the estimated particulate emissions from truck idling?
  - If the project generates 400 truck trips per day, would that have an impact on the magnitude of the adverse health impact and, if so, please quantify the difference.
  - If the project generates 600 truck trips per day, would that have an impact on the magnitude of the adverse health impact and, if so, please quantify the difference.
  - If the project generates 800 truck trips per day, would that have an impact on the magnitude of the adverse health impact and, if so, please quantify the difference.
  - In terms of evaluating health impact from truck idling emissions, does the weather, including air temperature and weather, impact the health effects from particulate matter?
    - If so, did the DEIR consider the different impacts in different seasons?
    - If impact is affected by season, has consideration been given to mitigating impact by adjusting allowable trips in seasons where

the health risk is most substantial.

- Could the particulate impact of truck trips be mitigated by imposition of limitations on truck operating conditions, including monitored restrictions on idling time?
  - Real time fleet monitoring systems have been commercially available for some time and have the ability to track a variety of vehicle operating conditions, including idling. In the preparation of the DEIR was consideration given to the availability of third party systems for monitoring idling real time and enforcing idling limits?
- What kind of modifications to 58 could be made to reduce the idling time for the trucks?
- Does the law impose any special limitations on particulate emissions near schools, and was this considered in the DEIR?
  - If so, has the DEIR evaluated the potential for increased emissions near schools and whether such increases exceed local, state and/or federal limitations
- **Other truck emissions increased due to Idling:** particulates are but one hazardous emission source that will be increased due to truck idling and facility operations generally. In preparation of the DEIR, was there an evaluation of the impact on the environment and community health and safety from other emissions that will be increased, including:
  - effect of increase in carbon monoxide
  - effect of increase in nitrous oxide
  - effect of increase in Greenhouse Gas
    - Is a consideration of the potential in increase of greenhouse gas emissions part of the DEIR analysis? What are the estimates for increase in greenhouse gas due to:
      - Mining operations at the quarry
      - Truck traffic
      - Truck idling
- **Silicosis:** what analysis has been done to determine the potential for this project to increase the community's risk to Silicosis? In addition, please provide responses to the following:
  - Has there been any consideration given to the analysis of the Silicosis risk contained in any other projects in the county or with respect to quarry operations anywhere in the U.S.?

- If the analysis of the Silicosis risk contained in other EIRs has been considered, please describe how the mitigation options presented in the other EIRs or DEIRs were used in the preparation of the present DEIR and which conclusions from other EIRs or DEIRs, if any, were used in this DEIR.
  - In the preparation of the DEIR, was there an estimate prepared of the projected increase in risk of exposure to Silicosis due to the proposed project?
    - If so, please explain how the estimates were used to prepare the DEIR.
    - If an analysis of this issue was received from others, please explain how the estimates contained in the materials received were used for preparation of the present DEIR.
  - Are there any mitigation measures that can be implemented to reduce any increased risk of exposure to Silicosis?
  - If mitigation measures exist, please list them and provide a rough estimate of the cost of implementation, if available?
  - Would third party air monitoring have the potential to reduce the risk of increased exposure to Silicosis?
  - If third party air monitoring could reduce the Silicosis risk, please describe air monitoring systems that have been used or considered for other projects to reduce this risk?
    - Please describe the emissions limits you consider necessary to protect the community from adverse impact from Silicosis and any other air emissions anticipated from this project.
  - Could third party wind speed monitoring and wind speed shut down limits provide mitigation for the Silicosis risk?
    - If so, please explain how this mitigation could reduce the risk and please include this measure.
  - Has the wind monitoring/wind speed shut down mitigation measure been considered or implemented for any other quarries and, if so, were the studies associated with such mitigation efforts reviewed in connection with the preparation of the present DEIR?
- **Valley Fever:** what analysis has been done to determine the potential for this proposed project to subject the community to an increased risk of Valley Fever and the mitigation steps that could be taken to reduce this risk? In addition, please provide responses to the following:
- Has any analysis of the Valley Fever issue prepared in connection with any other projects, including the EIRs or DEIRs for the two solar projects

- on the Carrizo, been considered in connection with the preparation of the present DEIR?
  - If the analysis of the Valley Fever risk contained in other EIRs or DEIRs has been considered, please indicate whether discussion of mitigation measures was considered in preparation of this DEIR.
  - In connection with the preparation of the present DEIR was an estimate of the projected increase in risk of exposure to Valley Fever due to the proposed project prepared?
  - Are there any mitigation measures that can be implemented to reduce any increased risk of exposure to Valley Fever?
  - If mitigation measures exist, please list them and provide a rough estimate of the cost of implementation, if available?
  - Would third party air monitoring have the potential to reduce the risk of increased exposure to Valley Fever?
  - If third party air monitoring could reduce the Valley Fever risk, please describe air monitoring systems that have been used or considered for other projects to reduce this risk?
  - Could third party wind speed monitoring and wind speed shut down limits provide mitigation for the Valley Fever risk?
  - Has there been any consideration of the wind monitoring/wind speed shut down mitigation measure considered or implemented for any other quarries and, if so, have any of the studies associated with such mitigation efforts been reviewed in connection with the preparation of the present DEIR?
    - Would the implementation of the mitigation measures studied and/or implemented in other projects reduce the impacts anticipated for this project?
- **Water Issues:** Page 3-1 of the Las Pilitas Area Plan highlights an important water scarcity issue our community faces, stating that the area is “mostly without water-bearing geologic formations, and water availability will be a problem for future development”. The fact that many Parkhill residents are already trucking water into their parcels shows that the water scarcity issue has become very real. Because the proposed project could have a dramatic, adverse impact on water availability, I ask that you address the following questions:
  - In the preparation of the DEIR, was there an estimation prepared for water usage in connection with each facet of the proposed operation?
    - If so, please provide the estimates used.
  - In the preparation of the DEIR was there an evaluation of whether an increase in water consumption by the project beyond the estimates contained in the DEIR would adversely affect the community’s access to water?

- Has water consumption impact been evaluated at the source level, differentiating between water usage from Moreno Creek and usage of well water coming from the Salinas?
  - Has any study been made of the water levels in the wells located in the project vicinity?
    - Has any study been made of the water shortages in these wells over the last 10 years?
  - Has any analysis been performed to determine the impact the proposed operation will have on well water levels in the wells in the project vicinity?
    - Has this analysis been performed with respect to the estimated water consumption associated with the production of Portland Cement Concrete (PCC)?
    - Has this analysis been performed with respect to the estimated water consumption associated with the production of Construction Grade Concrete (CGC)?
    - If the analysis for either PCC or CGC reveals that the wells in the vicinity surrounding the project will be adversely impacted, is it possible to install well monitors in the wells outside the project but within the vicinity to protect these wells from impact by forcing the shutdown of operations when the well water level falls beneath a certain level?
    - If the analysis for either PCC or CGC reveals that the wells in the vicinity surrounding the project will be adversely impacted, is it possible to install well monitors in the wells on the project to enforce a limit on water consumption rates determined by this process to be necessary to protect the water levels in wells in the vicinity of the project?
    - If the trucking of water will be required to replace the water loss from the wells in the vicinity of the project, have these extra truck trips been included in the air analysis, referred to in the air section of this letter?
- If the project intends to truck in water as one component of mitigation, has the increase in truck traffic associated with the water hauling been calculated into the impacts assessments for air pollution, including particulate matter from idling?
- Does the type of quarry operation affect the amount of water consumption?
- Is more water required for the production of Portland Cement Concrete aggregate than for construction grade concrete, and what are the water consumption estimates for each type of operation?
  - If it is concluded that water consumption required for a Portland Cement Concrete operation exceeds the water consumption limits that must be in place to protect the community, can this risk be mitigated by including in any permit a prohibition against use of the site for a Portland Cement Concrete operation?

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Page 7

- If the washing process required for PCC is going to be conducted at a site different from the site in the permit, shouldn't the impact of the washing operations be the subject of this DEIR?
- Are the water consumption estimates contained in the DEIR consistent with industry estimated water consumption for the type of quarry operation anticipated? If so, please identify the industry studies that substantiate that the water consumption estimates in the DEIR falls within the range estimated for the quarry activity anticipated.
- Can third party monitors be installed at the site to measure precise water consumption and prevent excess use and, if so, are these mitigation measures being considered?
- Is water recycling being considered as a possible way to reduce water consumption at the site?
  - If so, is the need for third party monitoring of water consumption being considered as a way to enforce water cycling requirements
- **Waste Water:** Is the waste water runoff from the washing and other quarry-related operations being considered for potential impact to the surrounding environment?

Thank you, in advance, for your consideration of the issues I have raised in this letter

Sincerely,



Lawrence E. Goldenhersh  
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