Section 4.8 NOISE
Comments

Section 4.8 is based in part on the original Noise Analysis prepared by David Dubbink Associates and in part on independent review performed by URS Corporation. Section 4.8 begins with: *A noise analysis was prepared by David Dubbink Associates (March 2010) and submitted with the application material for this project, and is included as Appendix E of this EIR. The analysis and discussions in this section of the EIR are based in part on this analysis, and on an independent review and update of some results to reflect updated traffic projections performed by URS Corporation.*

There appears to have been no formal or methodical peer review, or at least none is presented within the DEIR. Portions of the DEIR that rely on the original, applicant funded analysis and subsequent analyses is not defined. A detailed line by line accounting of what is being accepted, what is being discarded, and what is being updated should be provided. The assertion provided by our subcommittee members in scoping comments regarding the inadequacies of the David Dubbink Associates Noise Analysis in only reinforced by further review in this DEIR. This applicant funded, and directs "analysis" should <u>not</u> have been carried forward into the DEIRand should be replaced with independent analysis conducted under direction from the contractor. This speculative analysis lacks fundamentally reliable and accurate baseline measurements. The validity of the DEIR Noise Analysis and associated conclusions described in Section 4.8 are compromised by it's incorporation.

<u>Framework</u>

- The goals of the San Luis Obispo County Noise Element[1] are:
  1. To protect the residents of San Luis Obispo County from the harmful and annoying effects of exposure to excessive noise.
  2. To protect the economic base of San Luis Obispo county by preventing incompatible land uses from encroaching upon existing or planned noise-producing uses.
  3. To preserve the tranquility of residential areas by preventing the encroachment of noise-producing uses.
  4. To educate the residents of San Luis Obispo County concerning the effects of exposure to excessive noise and the methods available for minimizing such exposure.
  5. To avoid or reduce noise impacts through site planning and project design, giving second preference to the use of noise barriers and/or structural modifications to buildings containing noise-sensitive land uses.

- The Noise Element is directed at minimizing future noise conflicts whereas a noise ordinance focuses on resolving existing noise conflicts.

[1]County of San Luis Obispo General Plan; Noise Element; Chapter 3 - Goals and Policies

Background Details

1. The Noise Analysis originally prepared by David Dubbink Associates in March of 2010 was commissioned by the project applicant before the need for an Environmental Impact Report had been definitively established.
2. It is unclear whether the applicant, Dubbink Associates, or the Department of Planning ever intended the document developed to become an integral part of an EIR.
3. Consultants preparing the original applicant provided studies conducted their work under the direction of the applicant, not the county, as the lead agency.
4. The project applicant directly provided equipment and participated in the Dubbink Noise Analysis.
5. Scoping comments by agencies and individuals occurred after applicant provided studies were conducted.
6. URS Corporation's bid to prepare an EIR was done with the knowledge that applicant provided studies existed.

Foundation of Dubbink Noise Analysis

• Review of this Noise Analysis reveals a variety of areas inconsistent with the General Plan and Noise Element, county ordinances, and policies, and lacks an objective foundation to evaluate impacts from.
• Sensitive receptors appear to have been identified prior to conducting the study.

Pg. 6 *Appendix E*
The project also includes the recycling of concrete. The materials that are to be recycled will be brought to the site by the trucks coming to pick up quarried materials and processed by the same equipment used to process the granite rock.

Comments

•While this assumption appears to have been modified in Section 2.3.3, Trip Generation and Truck Traffic, of the DEIR, the incorporation of the 50 percent backhauling assumption is not apparent in Section 4.8.
• Specifically, how has this revision been applied to the Noise Analysis and other impact areas?
• Refer to our additional comments regarding this component of the project within 4.3(Air Quality), 4.11(Transportation), 4.12(Waste Water), 4.13(Water Quality), and 4.14(Land-use compatibility).

Pg. 8 *Appendix E*

The county's regulatory standards are divided in two segments; one relates to the

exposure of projects to transportation noise and the other to the allowable levels of noise that can be produced by projects. There is also a section describing classes of activities that are exempt from the regulations.

Comments

• LUO 22.10.120 - Exterior noise level standards, provides a fundamental piece of language that appears to have been overlooked in other assumptions.

B. Exterior noise level standard *The exterior noise level standards of this Section are applicable when* ***a land use affected by noise is one of the following noise-sensitive uses: residential uses listed in Section 22.06.030*** *(Allowable Land Uses and Permit Requirements), except for residential accessory uses and temporary dwellings; health care services (hospitals and similar establishments only); hotels and motels; bed and breakfast facilities; schools (pre-school to secondary, college and university, specialized education and training); churches; libraries and museums; public assembly and entertainment; offices, and outdoor sports and recreation.*

• The key language is "a land use affected by noise is one of the following noise-sensitive uses....".

The logical intent would be to protect existing uses (especially residential receptors) from encroachment on their right to quiet enjoyment. The first stated goal of the Noise Element, *to protect the residents of San Luis Obispo County from the harmful and annoying effects of exposure to excessive noise, and the third of to preserve the tranquility of residential areas by preventing the encroachment of noise-producing uses* serves to reinforce that interpretation as would this language: *The reason that you are unlikely to see a concrete batch plant next to your house is because of the regulations contained in the LUO.*[2]

Pg. 9 *Appendix E*
There are a number of exceptions and exemptions to the County standards. Several of these are relevant to the Quarry project. The initial phase of work involving clearing of the site, construction of access ways, and stockpiling of surface materials represents a construction period. Noise associated with "construction" is exempted by the ordinance as long as it occurs between 7 AM and 9 PM weekdays and 8 AM and 5 PM on weekends.

Comments

• Due to the nature of quarrying (excavation), the activities that constitute construction require further detailed definition, such that related cumulative impacts of those activities can be objectively assessed.

[2] How to Use the LUE and LUO System, SLO County Dept. of Planning and Building

• In the event that excavated material generated from initial phases of work is sold, are these activities considered construction or operations?
• Monitoring and enforcement of the mitigation measures and conditions developed in association with these activities require clear, and specific definition.
• The appropriate time periods for work classified as construction must be clearly defined. For example, is "construction" anticipated to occur throughout the life of the project or only during a specifically defined time period after issuance of a use permit?

Pg. 9 *Appendix E*
The site of the proposed quarry operations is designated as rural land (RL) in the county general plan. It is within a larger area that has an "Extractive Area" overlay. The purpose of this combining designation is to: "protect significant resource extraction and energy production areas identified by the Land Use Element from encroachment by incompatible land uses that could hinder resource extraction or energy production operations, or land uses that would be adversely affected by extraction or energy production" (Land Use Ordinance section 22.14.040). The properties closest to the quarry site are within the same extractive area overlay. The county's policies recognize the economic benefits of resource extraction and call for a balanced assessment of compatibility concerns.

Comments

• Use Ordinance 22.14.040 - Extractive Resource Area (EX) is not the applicable ordinance. The action of designating a mineral resource area pursuant to Sections 2710 et seq. of the Public Resources Code (SMARA) triggers the applicability of 22.14.040. This action has not occurred at this time.
• The applicable section of the LUO is 22.14.050 - Extractive Resource Area (EX1)
A. Purpose and applicability. The Extractive Resource Area (EX1) combining designation is used to identify areas of the county which the California Department of Conservation's Division of Mines and Geology has classified as containing or being highly likely to contain significant mineral deposits.
The purpose of this combining designation is to protect existing resource extraction operations from encroachment by incompatible land uses that could hinder resource extraction. In addition, Framework for Planning - Inland Portion, Part I of the Land Use Element contains guidelines which call for proposed land use category amendments to give priority to maintaining land use categories which allow and are compatible with resource extraction.
B. Processing requirements. The following standards apply to proposed land uses within the EX1 combining designation which are required to have Minor Use Permit or Conditional Use Permit approval by Section 22.06.030 (Allowable Land Uses and Permit Requirements), Article 22.04 (Standards for Specific Land Uses), or by planning area standards in Article 9.
1. All proposed mineral or petroleum extraction uses are subject to the requirements of Sections 22.14.040 through 22.14.044 and 22.08.170 through 22.08.198.
2. Approval of any use other than mineral resource extraction may be granted only when the finding is made that the proposed use will not adversely affect the continuing operation or expansion of a mineral resource extraction use.

Further Comments

• A mining proposal does not constitute an existing operation.
• The existence of a combining designation provides no special protection from the requirements of the discretionary use permit process involved with application for a Conditional Use Permit (CUP) and Reclamation Plan.
• Not all properties adjacent to the quarry site are within the same extractive area. Comments regarding the EX-1 Combining Designation in other sections, predominantly 4.14(Land-Use). Parcel inventory, permits issued since classification of the mineral resource, etc., are located in 4.14.
• Combining designations are applied in addition to, not to the exclusion of, nor do they supercede other requirements within a particular land use category.
• For the above reasons, as stated in Section 2.0 and other sections of our comments, reference to the EX1 Combining Designation should be removed from any and all further discussions, descriptions, and related EIR materials.

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pg. 9 *Appendix E*
The County's noise standards do not apply to "agricultural land uses" listed in Section 22.06.030 of the Land Use code. Table 2-2 of this section includes "mines and quarries" among the allowable uses for Agriculture, Rural Lands and Rural Residential lands.

Comments

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ag·ri·cul·ture The science, art, and business of cultivating soil, producing crops, and raising livestock; farm·ing The activity or business of growing crops and raising livestock.

• Presumably, LUO 22.10.120 is being referenced. This section of the LUO details Exceptions to noise standards relating to agricultural land uses.
• Mining and quarrying does not constitute an agricultural land use.

Pg. 10 of 35 *Forecasting Noise*

Comments

• The base noise level on Hwy. 58 near the project was not measured but modeled using TNM.

• While TNM is the recognized tool for projecting future noise levels, it does not replace taking real-time measurements of current on-site conditions.
• Instead, real-world measurement data is fed into TNM to calibrate the model and make it an accurate noise prediction tool.
• Since it is not based on current measurements of existing noise levels, the DEIR analysis is not adequate.
• Subsequent conclusions based on flawed input must be dismissed.

Pg. 12 *Appendix E*
Sound levels for gravel extraction activities were measured at the neighboring Hanson quarry on December 8, 2009 and January 7, 2010. Table 2 shows noise levels for various pieces of quarry equipment. Measurements were made using a Brüel & Kjær Precision Integrating Sound Level Meter, Type 2230. The meter was calibrated before and after the survey using a B&K Acoustic Calibrator Model 4231. The readings were determined to be accurate. Both the meter and the calibrator were laboratory calibrated in February, 2009.

Comments

Land Use Ordinance 22.10.120:
E. Noise level measurement. *For the purpose of evaluating conformance with the standards of this Chapter, noise levels shall be measured as follows.*
1. Use of meter. Any noise measurement in compliance with this Section shall be made with a sound level meter using the A-weighted network (scale). Calibration of the measurement equipment utilizing an acoustical calibrator shall be performed immediately prior to recording any noise data.

• The most important parameter for any measurement device is sensitivity.
• For this reason, calibration is required "immediately prior" to recording any noise data.
• Sufficient information regarding the methodology of sample collection should be provided such that the procedures can be replicated by an independent analyst. This includes providing manufacturer specifications for equipment assumptions.
• In order to verify the information cited in the Noise Analysis is accurate, provide receipts from testing laboratory verifying accuracy of dates and specific equipment calibrated.

Pg. 14 *Appendix E*
Blasting takes place periodically at the Hanson Quarry. An event was monitored on January 7, 2010. Figure 7 shows the setting and the event as seen from the monitoring location. The blast site was at the base of the extraction area which was partially filled with water from recent rains. The vertical distance between the site and the monitoring position is about 150 feet. The straight line distance from the blast location to the monitoring site is 1,400 feet allowing for the change in elevation. Two Type I "precision" meters were used to record the event. One was a Larson Davis integrating sound level meter, Model 870 and

the other was a Brüel & Kjær Integrating Sound Level Meter, Model 2230.
The equipment descriptions and calibration dates are as follows: Larson Davis Integrating SLM Model 870 SN# 0177. Meter, preamp, and microphone calibrated Nov 16, 2009; Brüel & Kjær Integrating SLM Model 2230 SN # 1033493. Meter and microphone calibrated Sep 29, 2009; Brüel & Kjær Calibrator Model 4231 SN # 2052124, calibrated Sep 29, 2009. The laboratory reports on the calibration of each of the instruments and its components are available.

Comments

• Provide laboratory test reports and receipts for each of the instruments cited as being calibrated.
• Provide citations supporting the application of the methodology selected for this assessment.

Pg. 17 *Appendix E*
The closest residence is 1,699 feet away (Residence 2); more than one-quarter mile distant. The table below shows the air-overpressure and dB levels at these distances. Sounds are likely to be less than shown on the table because in most cases there is topography separating quarry operations from the residences.

Residence	Distance	PSI	dB(L)	dB(A)
1	1,920	0.0014	113.7	78.7
2	1,688	0.0016	115.1	80.1
3	1,822	0.0015	114.3	79.3
4	1,861	0.0015	114.1	79.1
5	1,920	0.0014	113.7	78.7

Comments

• Land Use Ordinance 22.10.120 - Noise Standards states:
This Section establishes standards for acceptable exterior and interior noise levels and describe how noise shall be measured. These standards are intended to protect persons from excessive noise levels, which are detrimental to the public, health, welfare and safety and contrary to the public interest because they can: interfere with sleep, communication, relaxation and full enjoyment of one's property; contribute to hearing impairment and a wide range of adverse physiological stress conditions; and adversely affect the value of real property.
E. Noise level measurement. For the purpose of evaluating conformance with the standards of this Chapter, noise levels shall be measured as follows.
2. Measuring exterior noise levels. Except as otherwise provided in this Section, exterior noise levels shall be measured at the property line of the affected noise-sensitive land use listed in Subsection B. Where practical, the microphone shall be positioned five feet

above the ground and away from reflective surfaces.

#	APN	Scale house to PL
1	070-154-032	896'
2	070-154-009	1433'
3	070-154-005	1900'
4	070-142-017	923'
5	070-142-032	1585'
6	070-142-016	927'
7	070-142-026	2028'
8	070-141-059	2958'
9	070-142-027	
10	070-142-033	2210'
26	070-154-001	1215'
27	070-154-024	780'

• The distance to the closest residences is not the point of reference in the LUO.
• A measurement of distance more appropriate to the language within the LUO would denote distance from the noise source to various property boundaries.
• Measuring from the scale house represents a conservative location blending transportation related noise with on-site operations.
• The table denotes approximate distances as calculated in Google Earth. These are approximate lengths intended to be conservative as Google Earth measures terrain, not a straight line.
• The parcel directly to the south (APN 070-154-024) is the closest using distance as the only parameter.
• APN 070-142-016 is as close as APN 070-154-032 and is not listed in the table of pg. 17.
• The distances originally cited are inaccurate and must be recalculated.
• It is unclear why the DEIR is selectively presenting data associated with certain residences, when those that are closest to the proposed project site are not included in the analysis.

Pg. 21 of 35
Changes in Noise Levels
The blue circles on Figure 12 show the locations of the closest residences to the Las Pilitas Quarry operation14. It is apparent from inspection of the previous figures, that the most significant impacts on the project's neighbors take place during Phase 1B. While the later, Phase 3A, operation involves a similar area of impact, there are no nearby homes that are affected. The contour shadings on the map show the decibel change from existing to future conditions. In this diagram, the green color code shows changes in excess of 3 dB, the blue area changes greater than 5 and the orange shaded area shows the changes exceeding 12 decibels. (These numbers reflect standards used by various agencies for evaluating the significance of changes in noise levels).

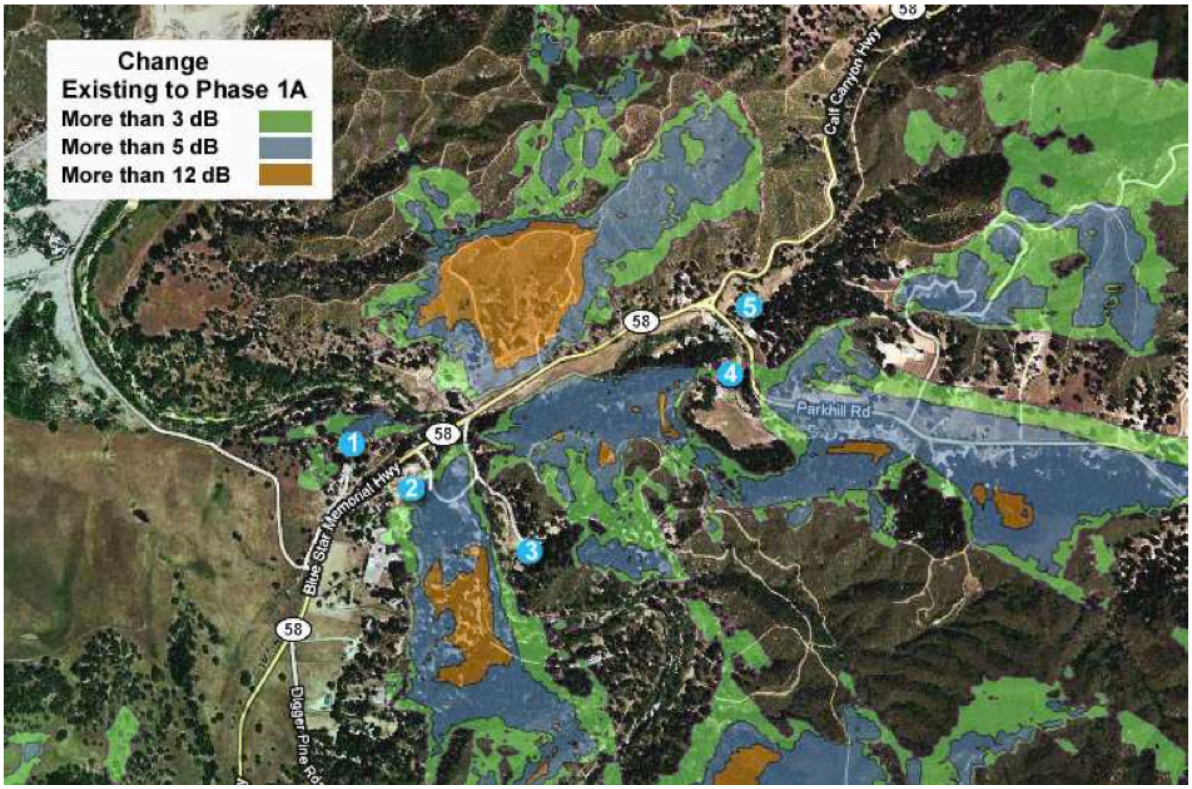
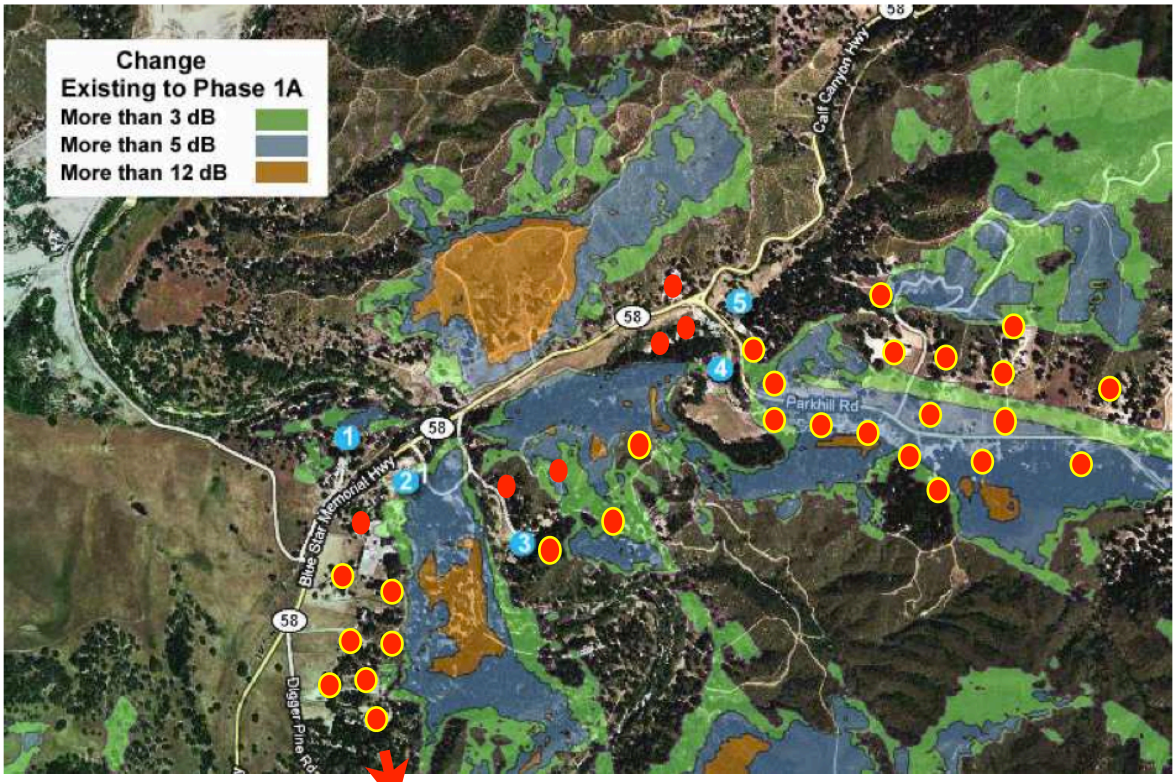


Figure 12 - Change in Sound Levels Showing Closest Residences
as originally presented by David Dubbink Associates

Figure 12 Comments

- The underlying existing baseline noise contours used are from the 1992 Noise Element.
- More recent information should be employed to reflect the increased density of residences within the immediate vicinity of the proposed project site since 1992, and the influence of those structures on noise contours.
- Useful noise contours should be less than five years old.
- Analysis predicated on less than accurate underlying assumptions unravels subsequent conclusions.
- The baseline noise contours are then apparently used to model what appears in Figure 12.
- Parcel Mapping and APNs are not cited.
- Three of the four closest parcels are not identified in Figure 12. The four closest parcels are APN 070-054-032, APN 070-142-016, APN 070-154-024, and APN 070-154-001.

• Below is Figure 12 with additional impacted receptors.



(Noise Analysis) Figure 12 - Change in Sound Level Showing Closest Residences

LEGEND (MP Revised Figure 12)

- **Blue** - Five Residences originally identified in Noise Analysis as being "closest".
- **Red** - Residences NOT identified in Noise Analysis that are as close to proposed site as those identified.
- **Red w/ yellow boundary** - Residences on parcels within one mile of the quarry site that SHOULD be considered sensitive receptors based on the noise contours.
- **Direction** where expanding map size reveals more parcels and residences within one mile of proposed quarry operations. Note: Digger Pine Rd. and Parkhill Rd. are the only two concentrations of Residential Rural parcels within the entirety of the Las Pilitas Planning Area.

Figure 12 MPRevised

• The two residences on APN 070-141-070 and APN 070-141-071 (proposed project site) are not depicted.
• Additional parcels that currently have no residences are not depicted but should be given consideration as receptors due to existing ministerially exercisable entitlements.

• Many of the residence locations, including most of the five originally mapped (blue) residences, do not appear to fall squarely within the colored noise contours indicating significant level increases.
• Land Use Ordinance 22.10.120 states that noise levels from activities are to be evaluated at the property boundary.
• If Figure 12 is an accurate representation, then there are far more "sensitive receptors" that fall within the blue and brown zones indicating "significant" increases in noise levels. The red and red with yellow border dots super-imposed on Figure 12 represent clearly impacted residences (see Parcel Inventory Table 4.9-1).
• This is a plausible conclusion considering that many Parkhill Road residents have commented on atmospheric conditions that blow directly up Parkhill Road from the proposed Las Pilitas site. Residents near CDF Station 40 have reported hearing railroad traffic adjacent to El Camino Real, a distance of nearly 4.5 miles.

As expected there is substantial change in the immediate vicinity of the quarry but changes in the sound environment are also experienced in more distant locations. Areas that are very quiet will become less quiet. But, much of this area is rugged land where there are no residences.

Comments

• While much of it may be rugged land, there are many EXISTING residences and ministerially exercisable entitlements to future residences that EXIST nearby.
• Without overlaying a parcel map onto the area map, existing uses are not evident. These uses should be clearly indicated as part of a full disclosure document that all decision makers will rely upon the accuracy of.
• The number of receptors identified is grossly misrepresented.
• The existing residential areas are primarily east, southeast, south, and southwest of proposed operations. These are misrepresented in Table 4.14-2 on pg. 4.14-5 of the DEIR.
• Based on anecdotal descriptions of sound levels and the movement of sound through the rugged terrain surrounding the proposed operations, a minimum one mile radius to evaluate and potentially rule out these impacts should be more than reasonable.
• Figure MP4.14-2 depicts what a one mile radius looks like when taken from the scale house. (scale house chosen as a reasonable point of reference)

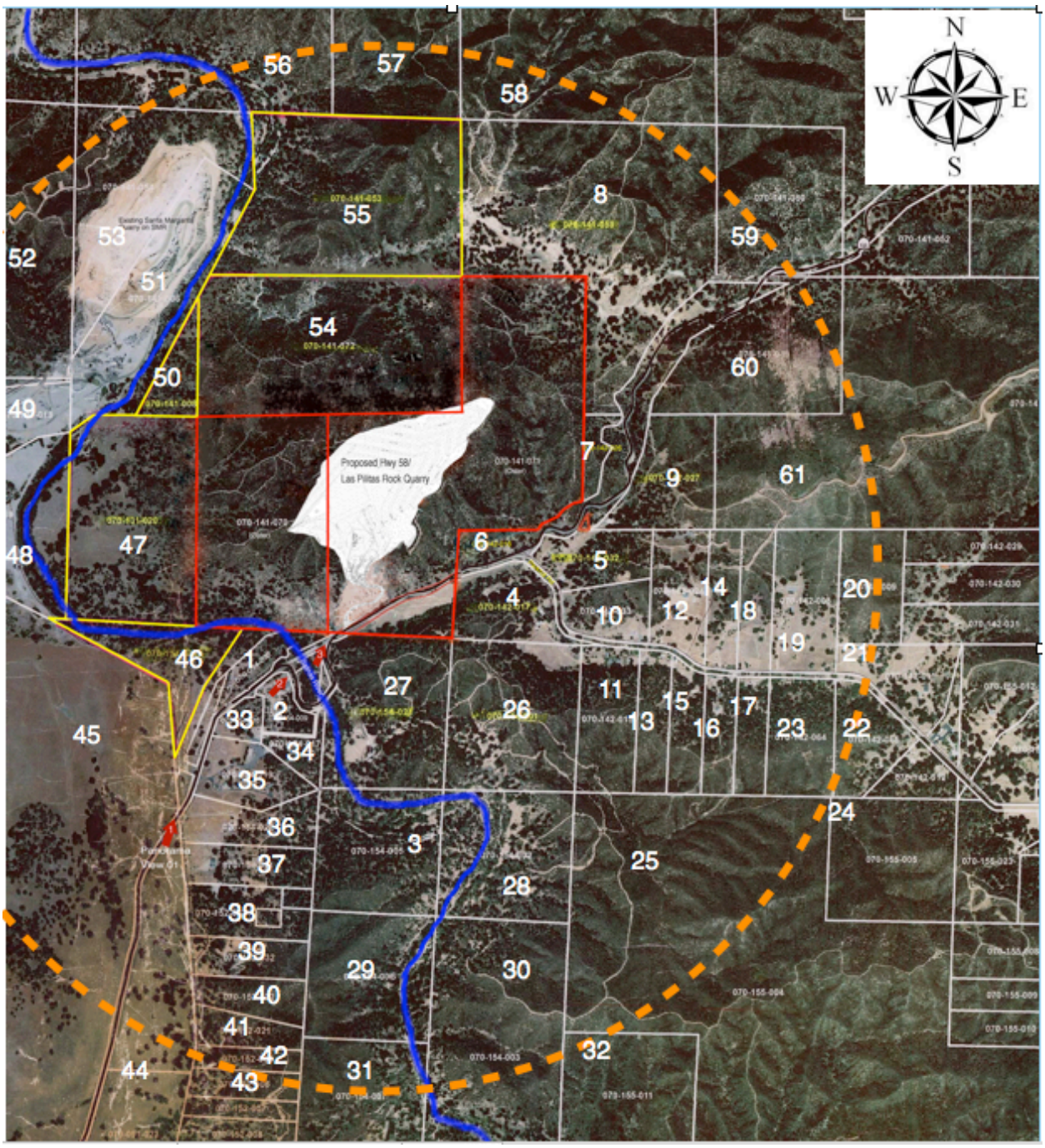


Figure MP4.14-2 Parcel Map overlaid onto Area Map (orange = one mile (5280') from scale house @ proposed quarry operations.

Figure MP4.14-2

• We can reasonably conclude that although the original (blue) receptors and the additional red receptors are potentially subject to significant impacts as a result of the proposed quarrying operations, the greater number of receptors are the most impacted by noise should the noise contours depicted in Figure 12 be accepted as accurate.
• Below is a parcel inventory listing the APN of all parcels with boundaries within one mile from the scale house (orange line). The box on the left is colored to correspond with dots placed on Figure 12, as revised by Margarita Proud for these comments.

Table MP4.8-1 - Parcel Inventory (parcels falling into one mile radius from scale house)

#	APN	Description of Location	status
1	070-154-032	residence 1 in Figure 12	included
2	070-154-009	residence 2 in Figure 12	included
3	070-154-005	residence 3 in Figure 12	included
4	070-142-017	residence 4 in Figure 12	included
5	070-142-032	residence 5 in Figure 12	included
6	070-142-016	adjacent to Oster 071 north of 58	not incld.
7	070-142-026	adjacent to Oster 071 on east boundary	not incld.
8	070-141-059	adjacent to Oster 071 on north and boundary	not incld.
9	070-142-027	Northeast on Hwy. 58	not incld.
10	070-142-033	Parkhill Rd.	not incld.
11	070-142-015	Parkhill Rd.	not incld.
12	070-142-024	Parkhill Rd. (included in NRV)	not incld.
13	070-142-020	Parkhill Rd.	not incld.
14	070-142-025	Parkhill Rd.	not incld.
15	070-142-022	Parkhill Rd.	not incld.
16	070-142-021	Parkhill Rd.	not incld.
17	070-142-019	Parkhill Rd.	not incld.

#	APN	Description of Location	status
18	070-142-007	Parkhill Rd.	not incld.
19	070-142-008	Parkhill Rd.	not incld.
20	070-142-009	Parkhill Rd.	not incld.
21	070-142-011	Parkhill Rd.	not incld.
22	070-142-065	Parkhill Rd.	not incld.
23	070-142-064	Parkhill Rd.	not incld.
24	070-155-005	southeast of operations Parkhill Rd.	not incld.
25	070-155-004	southeast of operations	not incld.
26	070-154-001	adjoins Oster 071 SE corner	not incld.
27	070-154-024	adjoins Oster 071 south boundary	not incld.
28	070-154-002	south of operations	not incld.
29	070-154-006	south of operations	not incld.
30	070-154-003	south of operations	not incld.
31	070-154-007	south of operations	not incld.
32	070-155-011	south of operations	not incld.
33	070-154-018	SW of operations (58)	not incld.
34	070-154-017	SW of operations (adj. to 009)	not incld.
35	070-154-019	SW of operations (58)	not incld.
36	070-154-022	SW of operations (58)	not incld.
37	070-154-021	SW of operations (Digger Pine Rd.)	not incld.
38	070-152-033	Digger Pine Road	not incld.
39	070-152-032	Digger Pine Road	not incld.
40	070-152-022	Digger Pine Road	not incld.
41	070-152-021	Digger Pine Road	not incld.
42	070-152-005	Digger Pine Road	not incld.

#	APN	Description of Location	status
43	070-152-006	Digger Pine Road	not incld.
44	070-091-023	between Digger Pine and 58	not incld.
45	unknown parcel #	SMR SW of operations	not incld.
46	070-154-033	SW of operations (Hanson owned buffer)	not incld.
47	070-131-020	West of operations (Hanson owned buffer)	not incld.
48	070-131-021	West of operations (Hanson owned)	not incld.
49	070-131-018	West of operations (Hanson staging site on SMR)	not incld.
50	070-141-008	NW of operations (Hanson owned buffer)	not incld.
51	070-141-006	NW of operations (Hanson quarried site) on SMR (Mission Lakes LLC)	not incld.
52	070-131-003	NW of operations (west of 141-006)	not incld.
53	070-141-054	NW of operations (Hanson quarried site) on SMR (Mission Lakes LLC)	not incld.
54	070-141-072	adjoins north boundary of both Oster parcels (Hanson owned buffer)	not incld.
55	070-141-053	North of operations (Hanson owned buffer)	not incld.
56	070-141-001	North of operations (RL)	not incld.
57	070-141-041	North of operations (RL)	not incld.
58	070-141-061	North of operations (RL)	not incld.
59	070-141-060	North of operations (RL)	not incld.
60	070-141-049	NE of operations (RL on 58)	not incld.
61	070-141-039	East of proposal (RL)	not incld.

Pg. 25 *Appendix E*
The Land Use Ordinance states that noise levels from activities are to be evaluated at the property line of adjoining uses. But, this is not well-suited to rural residential development and rolling terrain. At the source side, there are problems in pinpointing the source of quarry events since these are dispersed over multiple locations and the intensity of activities changes with time. At the receiver end there can be problems if the property line is shielded by topography and the residence is not. The County's regulations related to winery events and locations of composting facilities include provisions that measure setback distance to neighboring residential structures as well as property lines. ***This seems a reasonable perspective to adopt in this analysis.***

Comments

• A reasonable perspective to adopt in this analysis is the language in the Land Use Ordinance.
• The language within the LUO is very clear:
Measuring exterior noise levels. Except as otherwise provided in this Section, exterior noise levels shall be measured at the property line of the affected noise-sensitive land use listed in Subsection B. Where practical, the microphone shall be positioned five feet above the ground and away from reflective surfaces.

Pg. 27 *Appendix E pg. 4.8-14*

Comments

• Accepting a 3db increase in noise levels to be significant is a reasonable threshold to use.
• Even if "significant" is not assigned until a 5db increase, many parcels experiencing significant noise impacts have been left unidentified.
• What are current noise levels in relationship to allowable standards? How have those been measured?

Pg. 29 *Appendix E thru* ***Recommended Mitigations***
The noise evaluations and forecasts presented above do not include specific actions to mitigate the noise produced by the project. This section of the report describes actions that may be taken to lessen noise impacts.

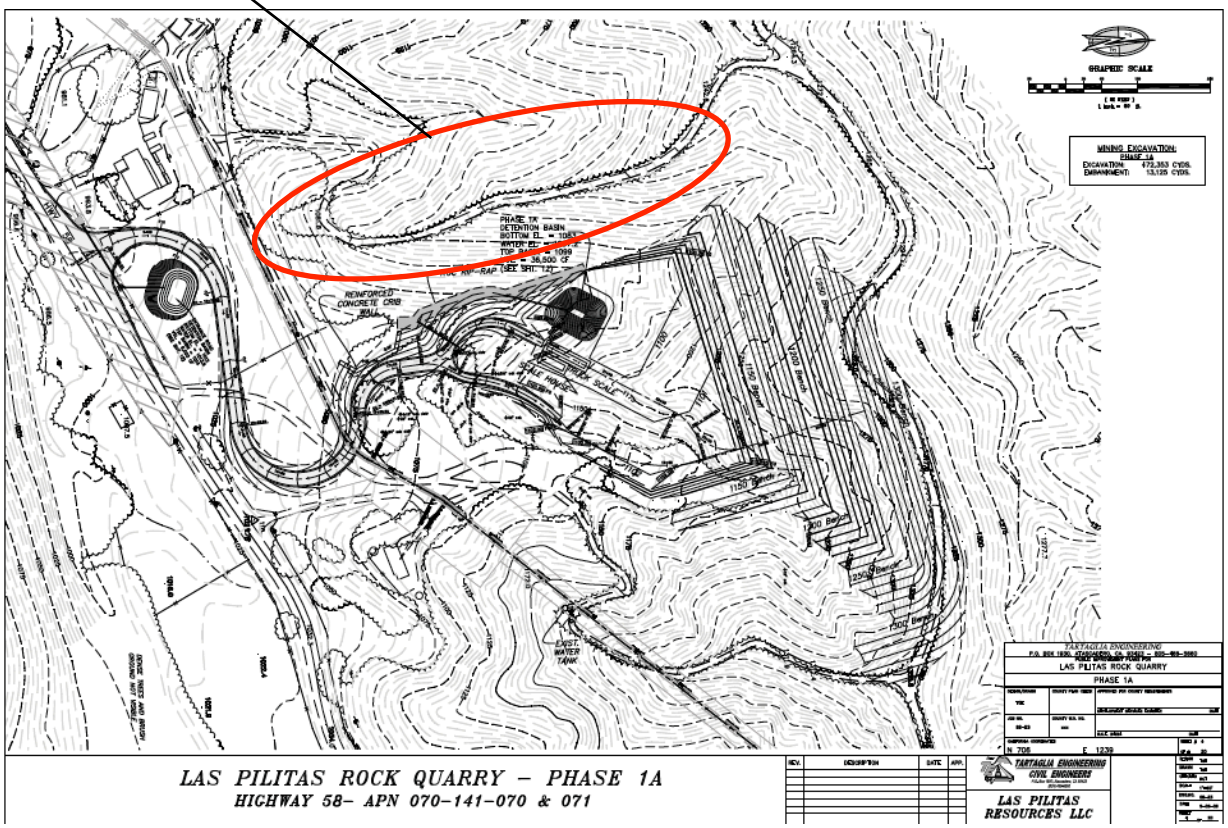
Quarry activities
The Las Pilitas quarry project was designed to retain the natural ridgelines on either side of the quarry area (see Figure 4). As work progresses, the excavation into the hillside will deepen, and with this topographic change, provide an opportunity to locate noise producing equipment in locations that are shielded from neighboring property. At the conclusion of the first phase of construction, the floor of the quarry is fifty feet lower than the present elevation at the southwest entry to the quarry. It is recommended that Noise producing equipment such as crushers, screening equipment and recycling be sited as close as practical to the southwest face of the

quarry. Such positioning can substantially block the levels of noise experienced to the west of the site where the most noise impacted residences are located.

Comments

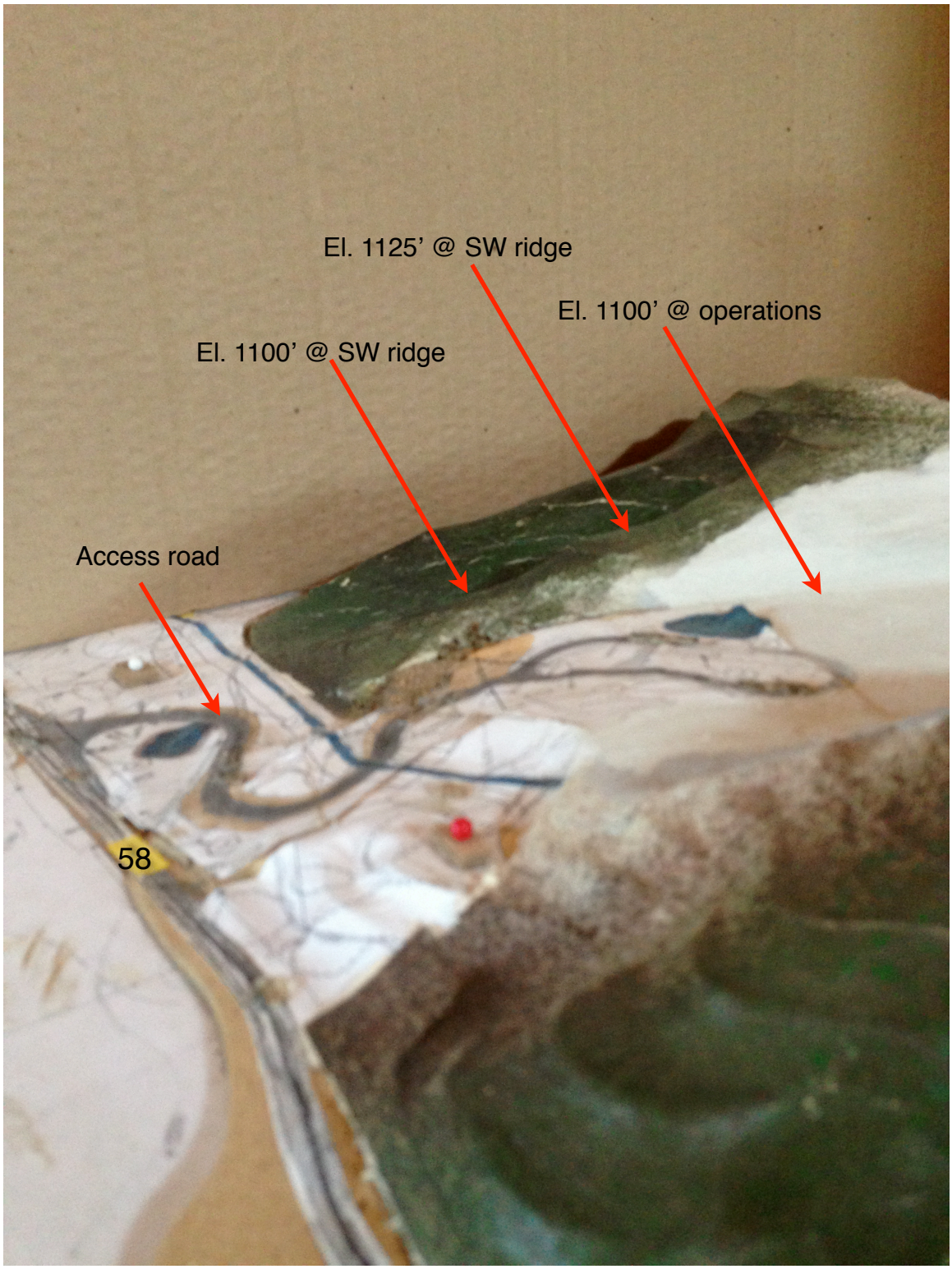
• The engineered drawings as prepared by Tartaglia Engineering are within Appendix B and include a complete topographical survey. The floor of Phase 1A is at 1100'.

• The ridgeline referenced declines rapidly in elevation from north to south, exposing the entry as viewed from the west far further down the ridge than the above language would suggest.

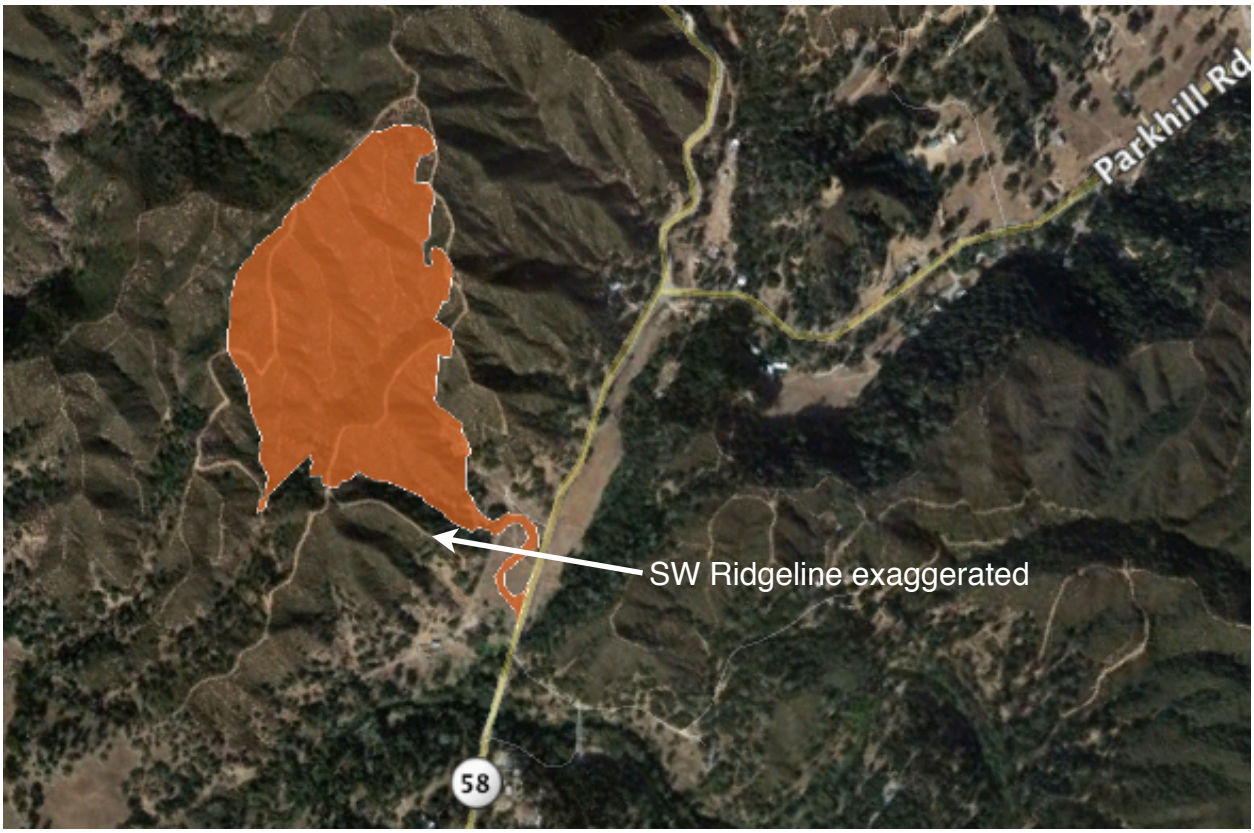


• Proposed mitigation is built on misrepresentation of the terrain.

• There may be more impacts than being presented across other impact areas if inaccurate topographical information is typical throughout the input into the noise contour modeling.



Model of proposed Las Pilitas Quarry



It is also recommended that noise production be considered in the selection of quarry equipment.

Comments

• We agree with this recommendation.
• However, it needs to be effective and enforceable to be considered mitigation. Independent monitoring and enforcement would need to be in place to ensure the applicant is accountable to the community and that promises made are carried out.

The backup signals produced by trucks and loaders are designed to be insistently audible. However, there are newer models of beepers that include proximity sensors or variable level controls related to ambient noise. It is recommended that equipment be outfitted with warning beepers that are effective in protecting workers but that produce no more than the necessary amount of noise.

Comments

• This is a reasonable concession to nearby residents. Noise carries directly up Parkhill Rd. as previously mentioned (with residents over 2 miles away from the proposed quarry hearing rail traffic along the El Camino Real corridor).

The quarry supervisor should act as project noise manager and if a complaint is received the noise manager should see that it is formally recorded, investigated, and responded to both in writing and, where possible, through corrective action.

Comments

• The quarry supervisor is accountable to Las Pilitas Resources, LLC, and the economic feasibility of operations.
• A Noise Management Plan (NMP) needs to be developed prior to issuance of a use permit, not at some future date, so that the public has ample opportunity to comment on the details of that plan.
• Independent monitoring and enforcement of a NMP will be necessary to assure residents that their concerns are routinely recorded, investigated, and responded to adequately and consistently over the duration of the project.

While blasting produces levels of noise that may be experienced as "strongly perceptible to mildly unpleasant", there are ways of lessening annoyance. The 2004 Caltrans manual on transportation construction noise includes a section on how to deal constructively with the potential disruption from blasting. The recommendations in the manual are appropriate as mitigations for the Las Pilitas project. These include sponsorship of pre- project meetings with residents who may be impacted or concerned about blasting. At such a meeting the project blast plan would be explained. The warning signals that accompany blasting would be explained so that residents might anticipate the blast and not be startled. People that would like to receive notification of proposed blasting could sign up to receive information. The Caltrans plan even includes a recommendation that people be invited to witness the blasting if they choose to do so. As is that case with other noise issues, there should be a designated contact person at the quarry to deal with issues. The recording, investigation and reporting would be part of the overall noise management plan.

Comments

• The quarry supervisor would be accountable to Las Pilitas Resources, LLC, and the economic feasibility of their operations.
• Independent monitoring and enforcement of a NMP will be needed to assure residents that their concerns are routinely recorded, investigated, and responded to adequately and consistently over the duration of the project.

Mufflers on trucks should be in good condition. The scale house should post a notice that trucks that don't have effective mufflers will not be admitted to the quarry. When problems are received by the quarry manager, or trucks are observed to have defective mufflers, notice should be given to drivers that repairs are needed in order to maintain access to the site. In measuring truck noise for this project it was noted that the truck used in our sound tests that was equipped with a well functioning exhaust system designed to AB 32 compliance was quieter than "average" trucks (Table 6).

Comments

• A Noise Management Plan (NMP) needs to be developed prior to issuance of a use permit so that the public has ample opportunity to comment on the details of that plan.
• Mitigation measures such as a NMP cannot be based on some future actions, such as being prepared and approved at some future date. The County Planning Dept. has no special capability in either noise abatement or validation of controls, but cannot escape it's responsibility for ensuring adequacy of the NMP program.
• CEQA requires that impacts must be clearly stated and mitigations both effective and enforceable.

Comments RE: **Additions/Revisions to Mitigation Measures for 4.8**

MM Noise-1 for Impact Noise-1: Truck traffic noise

- "Advising" all truck drivers about residential uses and asking them not to use compression (jake) brakes does not constitute effective mitigation.
- MM must provide soundproofing at impacted residences along haul route. Precedent language for sound proofing MM's exists in numerous other project conditions. A few to reference would be SFO noise abatement procedures in the city of South San Francisco, the Roblar Road Quarry (Sonoma County) conditions of approval, and the Biorn-Diani Mine (Santa Barbara County).
- An example of such language would be; The applicant/operator shall fund residential noise mitigation upgrades, as agreed to by the property owners, on the residences (list APNs) sufficient to maintain existing interior noise levels with the increased truck traffic. The applicant shall contact the property owners in writing with an offer to fund insulation upgrades. If approved by the property owners, upgrades, or compensation for upgrades, shall be made prior to the commencement of any preliminary construction or mining activity.

Applicant Proposed Mitigation Measure APM LU-1 for Impact Noise-1

- A Traffic Management Plan MUST be presented in the EIR and its effectiveness both quantified and made available for public comment prior to implementation.
- The County Planning Department has no special capability in either traffic management or validation of controls for such a plan.
- To be effective and enforceable will require independent management. Voluntary compliance is not an acceptable option for a Traffic Management Plan. Residents have

experienced firsthand the ineffectiveness of this approach with the temporary traffic associated with construction of the solar projects.

MM Noise-2a, 2b, and 2c for Impact Noise-2

- Impact Noise-2 acknowledges that quarry operations would exceed the county daytime Leq standard of 50 dBA. The nearby residents are existing uses permitted by the county within the RR land use category.
- Any mitigation measures proposed must be effective and enforceable.
- Sound proofing as at MM Noise-1 needs to be funded by applicant and legally defined prior to issuance of any use permits. At a minimum, legal agreements to fund need to be on file prior to issuance of any use permits.
- Any Noise Management Plan MUST be presented in the DEIR, quantified and made available to the public.
- Over-the-road diesel truck traffic shall be limited to the hours of 7:00 a.m. to 7:00 p.m. so as not to increase the ambient Leq noise level to nearby residents.
- A maximum daily number of truck trips shall be a part of any conditions of approval.
- The public must be informed of what the mitigations are and for how long they will be maintained and by whom they will be enforced.
- 2c-Noise complaint procedures must include a provision to shut down operations until the complaint is responded and remedial action has been taken and verified. Independent monitoring of complaint resolution will be necessary to for this MM to be effective.

MM Noise-3a for Impact Noise-3a - Blasting Noise

- Blasting Noise is considered significant and not mitigable.
- Blasting Notification Plan cannot be based on some future action, such as a BNP to be prepared and approved at a future date.
- The Blasting Notification Plan MUST be presented in the Draft EIR.
- Blasting Noise is annoying and stressful to both humans and animals. This is a public health and safety consideration that needs to be completely mitigated.
- It's effectiveness must be quantified as complete and made available for public comment.
- The public must be informed of what the mitigations are and for how long they will be maintained and enforced.
- Sound proofing as at MM Noise-1 for existing residences impacted by blasting noise must be provided. Direct impacts created need to be directly mitigated.
- Private property rights include the right to quiet enjoyment of real property. An allowable use in the Land Use Ordinance does not grant an applicant the privilege to usurp that right.

MM Noise-3b for Impact Noise 3b - Blasting Ground Vibration

- There appears to be an exemption from the ordinance that is being said not to apply because of the proximity to the URL (pg. 4.8-7).
- There is much evidence that blasting vibration may damage nearby wells, crack foundations, and generally places nearby residents on edge.

- Appropriate mitigation would be to not blast on a site that is in such close proximity to pre-existing homes, wells, and the Coastal Branch of the California Aqueduct.
- A legal guarantee to nearby residents that damage from vibration to structures and water supply will be compensated for shall be in place prior to the issuance of any use permits.
- This would require effective (independent) monitoring of wells and structures, and a bond in place prior to issuance of any use permit. The bond would need to be specifically maintained and earmarked for this purpose.

Additional Comments - Section 4.8

- Flawed assumptions used in underlying baselines are introduced into Section 4.8 through the Dubbink Analysis.
- Management Plans must be presented in the EIR and their effectiveness must be both quantified and made available for public comment prior to adoption.
- Mitigation measures need to be effective and enforceable. Measures to achieve this need to be meaningfully addressed in the EIR.
- Several of the requirements for an acoustical analysis found in Table 4-2 of the Noise Element do not appear to have been met.
- Even though some assumptions based on outdated noise contours may still be accurate, Section 4.8 of this EIR is reduced to conjecture by not having actually measured current real-world existing noise levels in the original analysis being brought forward into 4.8.
- A valid EIR is based on credible, reproducible tests and measurements.
- The conclusions presented in Section 4.8 regarding consistency with Noise Element Policy 3.3.5 c are rendered unusable by not actually knowing what the existing noise levels are because they were never measured in the original analysis brought forward into 4.8.