



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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June 3, 2013

Murray Wilson, Environmental Resource Specialist
San Luis Obispo County
Department of Planning and Building
976 Osos St, Rm. 300
San Luis Obispo, CA 93408

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STATE CLEARING HOUSE

SUBJECT: **SCH No. 2010071013** (DRC 2009-00025) – Revised Notice of Availability of Draft Environmental Impact Report for Las Pilitas Quarry, San Luis Obispo County

Dear Mr. Wilson:

Department of Resources Recycling and Recovery (CalRecycle) staff has reviewed the Draft Environmental Impact Report (DEIR) and offer the following project description and analysis for the proposed project based on CalRecycle staff's understanding of the project. If CalRecycle's project description varies substantially from the project as understood by the Lead Agency, CalRecycle staff request notification of any significant differences before adoption of this Draft Environmental Impact Report and approval of the project. Significant differences in the project description could qualify as "significant new information" about the project that would require recirculation of the document before adoption pursuant to California Environmental Quality Act (CEQA) Section 15073.5 or possibly the preparation of a new environmental document.

PROJECT DESCRIPTION

The County of San Luis Obispo Department of Planning & Building, acting as Lead Agency, has prepared and circulated a DEIR in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

The project will produce up to 500,000 tons per year of aggregate for use in Portland cement concrete (PCC) and asphaltic concrete (AC). The proposal does not include a hot plant for mixing asphaltic concrete, but it would include a storage area for recycled PCC and AC pavement that will be crushed and sold within the 500,000-ton-per-yr permit limit. Depending on market conditions, the life of the quarry is estimated to range from 25 to 58 years. If the full production rate is achieved, then the average daily truck traffic associated with the project would range from 198 to 273 trips per day; this range is discussed further in Section 2.3.3.

The recycling component of the project would include the receipt, temporary storage, and resale of PCC and AC material within the local market area. This proposed activity is intended to help conserve aggregate resources; the amount of this recycled material would be within the maximum of 500,000 tons of product per year anticipated with the project.



COMMENTS

CalRecycle currently serves as the solid waste enforcement agency in San Luis Obispo County. This includes issuing operating permits for solid waste handling and disposal activities according to Titles 14 and 27 of the California Code of Regulations (14 or 27 CCR). The recycling of asphalt and concrete is included in CalRecycle's regulations, which may be viewed at <http://www.calrecycle.ca.gov/Laws/Regulations/Title14/ch3a59a.htm>.

Based on the project description, the receipt, storage, crushing, and resale of PCC and AC, this part of the project may not be subject to the Construction and Demolition/Inert Debris regulatory requirements if the operation meets the requirements as an "Inert Debris Recycling Center," as provided in 14 CCR, Section 17381.1(a)(2) and (b), otherwise known as the Three-Part Test.

Three-Part Test

The first part of the test is that an inert debris recycling center shall only receive Type A inert debris [14 CCR, Section 17381(k)] that has been separated for reuse or source separated prior to receipt [14 CCR, Section 17381(a)(2)].

Separated for reuse material is defined in 14 CCR, Section 17381(y) as follows:

"Separated for Reuse" means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace, and includes materials that have been "source separated."

In other words, the term "separated for reuse" would typically mean the final product sent to a recycling center after being processed by an intermediary (like a transfer/processing facility). "Separated for reuse" recyclable material could also include "source separated" recyclable material.

Source separated material is defined in 14 CCR, Section 173981(d) as follows:

"Source Separated" means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

The term "source separated" means the recyclable material that is separated at the point of generation and is sent to a recycler, which is analogous with a homeowner taking his/her recyclables to a recycler. "Source separated" recyclable material does not include "separated for reuse" recyclable material.

The second part of the test is the determination that the residual is less than 10 percent by weight of the amount of debris received, calculated on a monthly basis [14 CCR, Section 17381.1(b)(1)]. The "10 percent residual" part of the test is intended to provide a minimal objective standard to supplement the more subjective first part of the test (and statute). The allowance for 10 percent residual is recognition of the fact that it is not uncommon for materials that are legitimately separated for reuse to still include minimal levels of contamination.

Residual is defined in 14 CCR, Section 17381(x), in part, as follows:

"Residual" means the solid waste destined for disposal, further transfer/processing as defined in 14 CCR, Section 17402 (a)(30) or (31), or transformation which remains after processing has taken place and is calculated in percent as the weight of residual divided by the total incoming weight of materials.

The third part of the test is the determination that the amount of putrescible wastes in the separated for reuse material is less than one percent of the amount of material received by weight and the putrescible wastes shall not cause a nuisance, as determined by the Enforcement Agency (EA) [14 CCR, Section 17402.5 (d)(3)]. The EA staff contact person is Randy Friedlander, and he may be reached at 916.341.6718 or at Randy.Friedlander@CalRecycle.ca.gov. The "1 percent putrescible" part of the test provides additional objectivity to supplement the subjective first part of the test (and statute). The restriction of one percent putrescible wastes is recognition of the fact that putrescible wastes can pose a significant risk to public health, safety, and the environment and, therefore, any site receiving putrescible wastes should be regulated. The regulation allows up to one percent putrescible wastes rather than taking a zero tolerance stance because it is not uncommon for materials that are legitimately separated for reuse to still include minimal levels of putrescible wastes.

The EA is responsible for making a determination as to whether the proposed operation meets the requirements of an "Inert Debris Recycling Center." If the proposed operation is determined not to be an "Inert Debris Recycling Center," then the Construction and Demolition/Inert Debris regulations would apply and CalRecycle staff should be contacted for potential permitting requirements. The Construction and Demolition/Inert Debris Regulatory Requirements may be viewed at the CalRecycle website at: <http://www.calrecycle.ca.gov/Laws/Regulations/Title14/ch3a59a.htm>.

Inert Debris Handling

Tonnage

What is the estimated daily tonnage for the recycled PCC and AC component of the proposed project? Please include methods and calculations to determine the maximum daily capacity.

Days and Hours of Operation

The DEIR does not mention the hours of operation for the inert debris recycling activities. Please provide specifics as to the operating and maintenance cycle of the facility including the hours that waste is received, processed, transferred, etcetera.

Equipment

Please describe the equipment (quantity and type) to be used during the operational phases.

Residual Solid Waste Handling

Please include a description of the waste/residual removal frequency and the final deposition of these wastes, including route, distance, and time to travel to an authorized facility (e.g., recycling center, transfer station or disposal site).

Storage Limits

The Construction and Demolition/Inert Debris regulations include storage limits of up to six months for unprocessed inert debris and 18 months for processed inert debris. Inert debris stored longer than these

limits is considered unlawful disposal and subject to enforcement action. How will the operator ensure the storage time limits are met?

Hazardous Waste Storage

Describe the load checking program that will be implemented to identify unacceptable materials. Please indicate where the temporary hazardous materials storage area will be located and describe the removal frequency and end destination.

Litter and Dust Controls

Please describe the design and operational features to attenuate for litter and dust both on-site and off-site.

CONCLUSION

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the environmental document and hopes that this comment letter will be useful to the Lead Agency in carrying out their responsibilities in the CEQA process.

CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this project are sent to the Permitting and Assistance Branch.

If you have any questions or comments regarding this letter, please contact me at 916.324.3753 or by e-mail at Patrick.Snider@calrecycle.ca.gov.

Sincerely,



Patrick Snider
Permitting and Assistance Branch – South Unit
Waste Permitting, Compliance and Mitigation Division
Department of Resources, Recycling, and Recovery - CalRecycle

cc: Randy Friedlander, Jeff Hackett – CalRecycle