

Jeff Oliveira
SLO County Department of Planning & Building
976 Osos St. #300
San Luis Obispo, CA 93408

9 Aug 2010

Mr. Oliveira,

Thank you for the opportunity for public comments/concerns regarding the Oster/Las Pilitas Aggregate Quarry and Asphalt and Concrete Recycling Facility Conditional Use Permit and Reclamation Plan (DRC2009-00025).

My Name is Andy Mutziger and my wife Jeanné and I live at 22110 J. Street, Santa Margarita, CA (APN 069-132-027). Our home faces Highway 58/Estrada and is on the southwest of Highway 58 at the 90 degree corner at J. Street and Highway 58.

The Revised Initial Study states that the project would mine and sell materials at 6660 Calf Canyon Way for the following uses: 1) The high quality, sorted material would be sold for use in the manufacturing of building materials and specialty applications and 2) the remaining material would be sold for commercial applications that do not require high quality specifications (e.g. road base).

The study also states that the project proposes to import asphalt and concrete debris from construction sites where it would be recycled at the Calf Canyon location using the portable crushing and screening equipment that would be used in the processing of the mined material. The recycled material would then be stockpiled and sold for reuse.

I am writing to you today because I have concerns about the proposed project that I want County Planning to ensure are adequately addressed in the Draft and Final Environmental Impact Reports. My concerns are:

1. Accurate Quantification of the Potential Truck Trips

The Initial Study states that the mining operation would have a proposed maximum annual extration limit of 500,000 tons. This study also states that "operating at maximum capacity" that the project would result in 198 one-way truck trips per day. It is not clear if these truck trips are associated with the mining or the recycling operations or both.

Therefore, to ensure that the project impacts are accurately assessed, please ensure that the Draft and Final Environmental Impact Reports accurately defines the following information:

- a. The maximum amount of mined material that the County would allow being removed from the site by truck annually and daily. In addition, the maximum number of associated annual and daily round truck trips for this material export and the assumptions behind those estimates.
- b. The maximum amount of old asphalt and concrete that the County would allow being brought into the site by truck annually and daily. In addition, the maximum number of associated annual and daily round truck trips for this material import and the assumptions behind those estimates.
- c. The maximum amount of recycled asphalt and concrete that the County would allow being removed

from the site by truck annually and daily. In addition, the maximum number of associated annual and daily round truck trips for this material export and the assumptions behind those estimates.

2. Accurate Quantification of the Toxic Impacts from Truck Options

I am concerned about the toxic impacts of the new proposed diesel truck trips to the sensitive receptors along the proposed project's route. The sensitive receptors include Santa Margarita Elementary School students and sensitive staff, residents who live along or near the route such as my wife and I, and patrons of both the Santa Margarita Community Park and the Senior Center.

Therefore, to ensure that the project's toxic impacts to sensitive receptors is accurately assessed, please ensure that the Draft and Final Environmental Impact Reports and the associated human health risk work address the following:

a. Acceptable Risk

This proposed project is a Type A project as defined in the SLO County Air Pollution Control District's (APCD) 2009 CEQA Air Quality Handbook (Page 3-6: www.slocleanair.org/business/pdf/2010/CEQA/CEQA_Handbook_Final_2009_v03.pdf). The risk threshold for these project types is 10 in a million. This handbook also indicates that the specific aspects of the affected sensitive receptors may also need to be considered in the risk evaluation. **Therefore, prior to any risk evaluation work by the applicant, the applicant should work with the APCD to identify if this project would be subject to the typical Type A project risk or a more constrained level.**

b. Accurate Definition of Project Constraints to Ensure that Toxic Impacts are Acceptable

The Initial Study indicates that at a minimum, the mitigation for Vehicular Emissions would be to "require or provide incentives to use diesel particulate filters for truck engines." This mitigation is too nebulous for an accurate assessment of project impacts to the above listed sensitive receptors. Concrete information about the trucks is needed to properly assess sensitive receptors impacts.

For example, if approved, the project would not likely start delivering product for a number of years. By that time, the State's In-Use On-road Truck and Bus regulation would necessitate that most heavy, heavy duty trucks operating in SLO County have State verified diesel emission control systems (VDECS or particulate filteres). These filters will remove at least 85% of the toxic diesel particulate matter emissions from these trucks. The regulation does have particulate filter exemptions for some trucks (e.g. trucks designated low use, agricultural trucks designated limited use, etc).

Therefore, it would be reasonable for the applicant's Vehicular Emissions mitigation measure to state that only diesel haul trucks that have particulate filters installed would be allowed to enter the facility - this would be quite health protective.

It would also be reasonable for the applicant's mitigation measure to state that the applicant will agree to County conditions that are approved by the APCD to address the project's human health risk.

Examples of project constraints that the applicant can optimize to reduce human health risk impacts include:

- **Fleet age constraints: e.g. does the project need to constrain the fleet to certain model years or can it operate with the SLO County average heavy, heavy duty fleet**
- **Daily limit on truck trips**
- **The best route to limit impacts to sensitive receptors**

c. New Route

The proposed project route would result in a significant amount of heavy, heavy duty truck trips through Santa Margarita. The Initial Study indicates that a majority of those trips will be south bound. This traffic, combined with that identified in the Santa Margarita Ag Cluster project and the traffic from the proposed future development scenarios of Santa Margarita Ranch will place a substantial, unsafe burden on our existing roads that were not designed for the impacts of this new traffic. With this in mind, should the County choose to move this project forward, **I recommend that the project applicant, Santa Margarita Ranch, the County, Cal Trans, and Union Pacific hammer out and implement a plan for additional roads (e.g. realignment of Highway 58) now that will accommodate the anticipated growth of our area.**

If this does not happen, then I recommend that any new project affecting traffic in Santa Margarita be conditioned by the County to pay their fair share of the changes needed to accommodate safe growth. Although the Ag Cluster project was approved, during the appeal process, I urge the County to make sure that the Ag Cluster project pay its fair share for these changes.

3. School Safety

With the lack of school crosswalk visibility for vehicles traveling west on Highway 58, that crosswalk at H Street and Highway 58 is an accident waiting to happen. Any expansion of traffic at this crosswalk necessitates that this safety issue be resolved. Clearly this project applicant should not shoulder the full burden. **If a new route is not going to be realized by the start of the proposed project, I urge the County Planning to condition that all stakeholders work together to fix the crosswalk visibility issue. Stakeholders would include the project applicant, Santa Margarita Ranch, the County, Cal Trans, and other others whose future project will add traffic to this crosswalk.**

4. Cycling/Pedestrian Safety

Highway 58 from J. Street to the Pozo Road/58 intersection does not have shoulders to accommodate cyclist/pedestrian traffic. This too is an accident waiting to happen and is a gap where good shoulders exist on either side (e.g. El Camino to J. Street and Pozo Road). In many areas, the asphalt/dirt interface in this gap has severe dropoffs. These conditions are unsafe and should be fixed now, but most certainly needs to be resolved with any expansion of traffic on this stretch. **Clearly this project applicant should not shoulder the full burden. I urge the County Planning to condition that all stakeholders work together to add shoulders to this section of Highway 58. Stakeholders would include the project applicant, Santa Margarita Ranch, the County, Cal Trans, and other others whose future project will add traffic to this unsafe stretch of Highway 58. As a cyclist, I know that this would vastly improve the safety of this section.**

5. Cumulative Impacts

EIRs are required to address cumulative impacts of the project and other projects. From my reading of these documents, they seldom provide a descent discussion of cumulative impacts and they seldom quantify cumulative impacts in a meaningful way. **With the proposed project being one of many proposed projects that would impact Santa Margarita, I urge County Planning to ensure that this project's EIR identifies cumulative impacts and condition that collaborative stakeholder solutions to issues be implemented to truly demonstrate the minimization of cumulative impacts.**

Thank you again for the opportunity to identify my concerns about this project. If you have any questions,

please contact me at 805-235-0606.

Sincerely,

Andy Mutziger

cc: John Nall, Jim Patterson, CSA23, Jeanné Mutziger