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# CHAPTER 1

## INTRODUCTION

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# CHAPTER 1 INTRODUCTION

## 1.1 TYPE AND PURPOSE OF THE DRAFT ENVIRONMENTAL IMPACT REPORT

This Draft Environmental Impact Report (EIR) is an assessment of the impacts that reasonably could be expected from construction and implementation of the proposed Livingston's Concrete Batch Plant project (PEIR-T2005 0072). The project applicant, Livingston's Concrete Service, Inc., proposes to construct and operate a concrete batch plant on an approximately five-acre parcel near the town of Ophir in Placer County, California.

### Type of EIR

In accordance with the California Environmental Quality Act (CEQA), consideration of the Livingston's Concrete Batch Plant development proposal must include preparation of a project EIR, meeting the EIR content requirements beginning CEQA Guidelines Section (§) 15120 and meeting the definition of a project EIR provided in §15161. This Draft EIR evaluates the environmental effects of the proposed Livingston's Concrete Batch Plant project and identifies mitigation measures that will ensure any potentially significant impacts, including cumulative impacts, are minimized or compensated for. As discussed in Section 1.2 below, the scope of this EIR is focused on effects determined to have a potentially significant impact on the environment, in accordance with CEQA Guidelines §15128.

### Purpose of an EIR

CEQA requires that projects be evaluated for their possible effects on the environment. Placer County, as Lead Agency, determined that the Livingston's Concrete Batch Plant project could have a significant effect on the environment and prepared a Notice of Preparation (NOP) of an EIR for public circulation and comment.

The Draft EIR has been prepared in accordance with CEQA (Public Resources Code, §21000, et seq.), CEQA Guidelines (14 California Administrative Code, §15000, et seq.) and Placer County's Environmental Review Ordinance. The Draft EIR is an informational document prepared to provide public disclosure of potential impacts of the project. The EIR is not intended to serve as a recommendation of either approval or denial of the project.

*An EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect of the project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. [CEQA Guidelines, §15121(a)]*

The Livingston's Concrete Batch Plant Draft EIR provides an assessment of environmental impacts associated with construction and operation of the proposed project and presents the means and methods of reducing impact significance where possible.

Development of the proposed project site is governed by the goals and policies of the *Placer County General Plan* (Placer County, 1994), *Ophir General Plan* (Placer County, 1983), and the *Placer County Zoning Ordinance*. Copies of these documents and accompanying EIRs are available from the Placer County Planning Department at 3091 County Center Drive, Auburn, California, 95603. In addition, the *Placer County General Plan* can be accessed on the Internet at

<http://www.placer.ca.gov/Home/CommunityDevelopment/Planning/GenPlanPC.aspx>, and the *Placer County Zoning Ordinance*, Chapter 17 of the Placer County Code, can be accessed at <http://qcode.us/codes/placercounty/>. The Livingston's Concrete Batch Plant NOP and Initial Study are included in Appendix A of this EIR. The technical studies supporting analysis in the Initial Study are available for review from the Placer County Community Development Resource Agency.

## **1.2 SCOPE OF THE DRAFT EIR AND EFFECTS FOUND NOT TO BE SIGNIFICANT**

### **Scope**

The scope of this EIR, as provided for by the CEQA Guidelines, is focused on those specific issues and concerns identified by Placer County as being possibly significant. The County prepared an NOP, which provided a general description of the project and a preliminary evaluation of possible environmental impacts resulting from construction and operation of the proposed Livingston's Concrete Batch Plant. As noted in the Initial Study that was attached to the NOP, it is expected that the following four environmental resource areas may be significantly impacted by the proposed project:

- Land Use
- Transportation and Circulation
- Hydrology and Water Quality
- Noise

The written responses received during the NOP review period served to refine the focus of this EIR. Verbal comments were received at a public scoping meeting held on February 6, 2006. A summary of the verbal comments and copies of the written comments are provided in Appendix A. NOP comments were received from the Regional Water Quality Control Board, the California Department of Transportation, Newcastle Community Association, Newcastle/Ophir Municipal Advisory Council, Placer County Flood Control and Water Conservation District, Placer County Sheriff/Coroner/Marshal, State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit, Nelson G. Cockrum, John & Sarah Gillmore, Glenn C. Tuccinardi & Janice M. DeFelice, Sabrina Donohue, and Bryan and Debby Peterson.

### **Effects found not to be Significant and Excluded from EIR**

The analysis in the County's Initial Study determined that the project does not have the potential to result in significant impacts in certain resource areas. No information was received subsequent to the public review of the NOP contradicting the conclusions reached in the Initial Study. Based on these conclusions and in accordance with CEQA Guidelines §15128 and §31.618A of the Placer County Environmental Review Ordinance, the issues described below are not evaluated in the EIR.

#### ***Population and Housing***

The project is a commercial development proposed on undeveloped commercially-zoned land. It is not anticipated to substantially increase population growth beyond that anticipated by the

General Plan. The commercial development would provide new job opportunities, prompting employees to either move or commute to the area or transfer from existing businesses in and around Auburn. The minimal population increase that could result from the employment opportunities generated by this project is considered a less than significant impact and no further analysis in the EIR is needed.

### **Geologic Problems**

A Geotechnical Investigation of the subject property was conducted by KC Engineering Company (May, 2003). This investigation consisted of five exploratory test pits excavated to depths of up to nine feet and sampling of representative subsurface soils. The investigation indicated that the site does not feature potential geologic hazards, and structures designed to meet or exceed current California Building Code requirements should perform satisfactorily. The Geotechnical Investigation provides recommendations for grading, surface drainage, foundation design (slab-on grade construction), pavement design, and retaining walls that are considered appropriate for the proposed construction.

During construction, the proposed project would disturb  $\pm 4.9$  acres and result in significant increases in the amount of impervious surface present onsite. To construct the improvements, disruption of soils would occur, including grading, compaction for parking/circulation areas, and construction of a series of three retaining walls that vary in height from two to four feet. The ground elevation at the bottom of the first wall would be approximately 965 feet, while the elevation at the top of the third wall is proposed to be 985 feet. Ground slopes between each wall are proposed to be either 3:1 or 4:1. Preliminary calculations indicate approximately 22,500 cubic yards of cut and about 1,200 cubic yards of fill for a net of 21,300 cubic yards to be exported. A potential for soil erosion would exist during these grading activities.

Discharge of concentrated runoff after construction may also result in soil erosion. Discharge from the site is routed through roadside drainage ditches before it enters a nearby tributary to Auburn Ravine. The impacts related to the proposed project from soil disturbance or erosion would be reduced to a less than significant level through implementation of Mitigation Measures 3.1 through 3.6 as identified in the Initial Study, and no further analysis in this EIR is needed. These measures require submittal of Improvement Plans that demonstrate appropriate grading, drainage, vegetation, and tree removal practices, as well as conformance with the County's Stormwater Management Manual. See *Table 2.3* of **CHAPTER 2 EXECUTIVE SUMMARY** of this EIR for the specific mitigation measures related to Geologic impacts.

### **Air Quality**

This project is located in the Sacramento Valley Air Basin portion of Placer County. This area is designated non-attainment for federal and state ozone standards and non-attainment for the state particulate matter standard. The project would result in short-term construction related air quality impacts from diesel powered construction equipment, trucks hauling building supplies and exporting excess soil, and construction worker vehicle trips. Long term operations would result in emissions from both stationary and mobile sources. Stationary source emissions would be controlled by conditions applied to the project through the Air Pollution Control District Authority to Construct and Permit to Operate permitting requirements. Long-term emissions from the project would result primarily from operation of the batch plant equipment, vehicle exhaust, landscape maintenance equipment, and heating and air

conditioning emissions. The project's daily short and long-term air pollutant emissions are expected to be below the District's significance thresholds and therefore the project alone will not result in significant air quality impacts. The project would however, contribute to significant cumulative air quality impacts within Placer County. Implementation of Mitigation Measures 5.1 through 5.12 as identified in *Table 2.3* in **CHAPTER 2 EXECUTIVE SUMMARY** and in the Mitigation Monitoring and Reporting Program would ensure that this project's contribution to short term and cumulative air quality impacts remain less than significant, and no further analysis in this EIR is needed. At the time the NOP was circulated, the Initial Study included several mitigation measures which are no longer requirements of the project. Those measures originally numbered 5.3, 5.4, 5.5, 5.6, 5.14, and 5.15 have been deleted. Initial Study Mitigation Measures 5.3 and 5.4 required submittal of a fleet inventory and management plan to the Air Pollution Control District. This requirement has been removed based on the limited amount of construction necessary for this project. Initial Study Mitigation Measures 5.5 and 5.6 established timing restrictions for construction activities, but these measures are no longer used as standard conditions by the Air Pollution Control District. Initial Study Mitigation Measures 5.14 and 5.15 required use of alternative diesel fuels and particulate traps on construction equipment. These measures were removed because the California Air Resources Board now requires the use of ultra low sulfur diesel fuel in all diesel engines, consistent with Mitigation Measure 5.9. These deletions are shown in strikethrough font (~~strikethrough~~) in the Initial Study provided in Appendix A, and the revised mitigation measure numbering is shown in underlined font. *Table 2.3* of **CHAPTER 2 EXECUTIVE SUMMARY** lists each of the mitigation measures related to Air Quality, and each of these measures are included in the Mitigation Monitoring and Reporting Program.

### ***Biological Resources***

The Biological Assessment conducted for the site determined that potential habitat for 12 wildlife species and 34 plant species occurs on the site, and that the subject parcel could provide suitable habitat for special-status species including two plants (Butte County fritillary and Brandegee's clarkia), and four birds (white-tailed kite, Cooper's hawk, loggerhead shrike, and lark sparrow). However, no special status species were identified onsite or in the immediate vicinity during field surveys conducted in preparation of the Biological Assessment. As a result, this project is expected to have a less than significant impact on endangered, threatened, and rare species.

Grading for the proposed project would result in the removal of ten trees (161 inches in diameter total) that are protected by the Placer County Tree Preservation Ordinance. The impact resulting from the removal of trees is expected to remain less than significant with implementation of provisions for tree replacement required by Mitigation Measure 7.1, as identified in the Initial Study.

North Fork Associates prepared a Wetland Delineation based on the U.S. Army Corps of Engineers (Corps) protocols for the project site in 2005. The delineation has been submitted to the Corps for verification. A total of 0.26 acres of wetlands were delineated on the project site, including 0.25 acres of non-jurisdictional seasonal wetlands and 0.01 acres of a wetland swale as documented in the Wetland Delineation and Initial Study. The seasonal wetlands that occurred on the subject parcel were determined to be a result of artificial hydrologic conditions created by a leaking underground Placer County Water Agency pipeline that crosses the subject

property. As a result of repairs made to the pipeline, it is expected that wetland conditions created by the leaking water will no longer be supported onsite. The seasonal wetlands occurring on the project site were determined to be outside the Corps jurisdiction under Section 404 of the Clean Water Act because they are artificially irrigated, isolated wetlands. Impacts to these wetlands would not require permitting by the Corps.

The 0.01 acre wetland swale identified in the Wetland Delineation is located along the northern property frontage on Ophir Road on the eastern side of the project site. This swale is within the Corps jurisdiction. It is a section of the shallow roadside ditch that runs along the southern side of Ophir Road. Water draining from this swale is routed through a storm drain network that presumably discharges to Auburn Ravine. Construction of the proposed project would impact this swale. As part of the widening of Ophir Road and paving of the entrance driveway to the project site, the swale would be placed in a culvert under the paving. Onsite or offsite replacement for this wetland impact is required in Mitigation Measure 7.3 as identified in the Initial Study. It is expected that with implementation of mitigation measures, impacts to wetlands would remain less than significant. Because all potential impacts to biological resources are expected to remain less than significant through implementation of mitigation measures, no further analysis of these impacts is needed in this EIR. See *Table 2.3* of **CHAPTER 2 EXECUTIVE SUMMARY** of this EIR for the specific mitigation measures related to Biological Resources.

### ***Energy and Mineral Resources***

The project site does not support any significant mineral resources as identified in the soil classification studies prepared by the California Department of Conservation, Division of Mines and Geology, or in the *Ophir General Plan*. The proposed project would not conflict with adopted energy conservation plans nor use energy/non-renewable resources in a wasteful or inefficient manner. The proposed construction would be required to comply with provisions in Title 24 of the Uniform Building Code that address energy efficiency. No further analysis is needed in this EIR.

### ***Hazards***

Operation of the proposed batch plant would include use and storage of diesel fuel, lubricants, and other liquids that contain hazardous ingredients. This use and storage would create a risk of accidental explosion or release of liquid hazardous substances. The quantity of chemicals that will be stored onsite is unknown at this time, but will be similar to that of other concrete batch plants operated by the applicant. The applicant has also prepared a Hazardous Materials Business Plan documenting the storage and use of hazardous materials onsite, which includes a list of over 25 chemicals that are typically used in the concrete batch plant operations. This plan will be submitted to Placer County EHS as part of their hazardous materials handling permitting requirements. In addition, the applicant proposes to store diesel fuel in aboveground storage tanks (ASTs) on the site. The potential for a chemical spill is considered a potentially significant impact. Through compliance with the local regulations as stipulated in *Mitigation Measure 9.1* of the Initial Study, the potential for impact would be less than significant and no further analysis is needed in this EIR. See *Table 2.3* of **CHAPTER 2 EXECUTIVE SUMMARY** of this EIR for the specific mitigation measures related to Hazards and Hazardous Materials.

### **Public Services & Utilities**

The project and its proposed uses do not specifically create an increase in fire hazard, however the project could have an effect upon local fire protection agencies should their services be required. Fire department fees would be paid upon issuance of a building permit for the project. As a result, the impacts of the project on fire protection services are considered less than significant.

Similarly, the type of use proposed does not specifically create an environment associated with unlawful activities that would require the services of the sheriff's department. Nevertheless, the project could have an effect upon local protective services should such services be required. Due to the unlikely event or infrequent need for protective services, this impact is considered a less than significant.

As discussed above, the proposed project is expected to generate a less than significant increase in County population. Based on this determination, the potential project impacts to other public services (such as education, recreation, and general governmental services), and to most utility services (such as electrical supply, telecommunications, and solid waste disposal) are expected to remain less than significant and no further analysis of these public services and utilities is needed in this EIR.

The project proposes to obtain water from an existing onsite well in the short-term, and would be required to connect to public water supply when services are available at the project site. The project also proposes to use an onsite wastewater disposal system in the short-term, and would be required to connect to public sewer when services are available at the project site. Impacts related to provision of water supply and wastewater treatment for the proposed project are evaluated in **CHAPTER 6 HYDROLOGY AND WATER QUALITY** of this EIR.

### **Aesthetics**

The proposed project would convert the parcel from undeveloped land supporting trees, shrubs and grasses to a concrete batch plant. Onsite facilities would include the batch plant (including a 57-foot tall tower), a 1,440 square-foot office building, a 1,800 square-foot warehouse building, a 15,000 gallon water storage tank, wash areas for concrete trucks, parking for concrete trucks and employee vehicles, concrete trucks and various large equipment associated with the proposed operation. The project may also include a 900 square-foot caretaker's apartment. The proposed project would also construct a series of three tiered retaining walls which range in height from two feet to four feet with backfill slope ratios of either 3:1 or 4:1. The ground elevation at the bottom of the first retaining wall would be approximately 965 feet, while the elevation at the top of the third retaining wall is proposed to be 985 feet. Many features of the proposed project would be visible from Ophir Road. In addition, the proposed 57-foot tall batch plant tower would be located approximately 220 feet from the northern edge of the right-of-way for I-80. After grading, the base of the tower is expected to be at an approximate elevation of 963 feet above mean sea level, and the top of the tower would be at 1,020 feet. The elevation of I-80 in the area upslope from the proposed tower is approximately 1,000 feet. Therefore the tower would be approximately 20 feet higher than the edge of pavement. Although the tower would be visible from I-80 (both eastbound and westbound) it would be partially obscured by existing trees in the freeway right-of-way. Furthermore, the project site is located in an industrial/heavy commercial area, where other structures and equipment are

visible from I-80. Therefore, the addition of the plant tower to this viewshed is considered a less than significant impact.

The project site is visible from several residences in the area as well as from Ophir Road, which is a historic highway, the Lincoln Highway/Highway 40. Although the proposed tower would be setback from Ophir Road by approximately 120 feet, due to its height, it would be visible from portions of Ophir Road and from surrounding properties. However, the project is located in an industrial/heavy commercial area where predominant views are of equipment, machinery, and materials storage; the site is also adjacent to I-80 and associated signage. Views of the tower would not significantly change the existing viewshed conditions in the area.

The project also includes a 15,000 gallon water tank to be located onsite. The water tank is expected to be between 12 and 20 feet in height. After grading, the base of the water tank would be at an elevation of 961 feet. At a maximum height of 20 feet, the tank would not be visible from I-80. The tank would be setback from Ophir Road (after it is widened) by approximately 60 feet and would be partially screened from view by the existing cluster of trees in the northwest corner of the project site.

The Sutter Buttes are located to the northwest of the project area and can be briefly seen from westbound I-80 on clear days. However, as discussed in the Initial Study, existing vegetation at the southern edge of the I-80 right-of-way obscures views of the Sutter Buttes across the project site. The proposed plant tower could block or encroach on the already obscured view of the Sutter Buttes, however, because the existing view lacks vividness and exposure, the introduction of the tower to this viewshed is considered a less than significant impact.

The proposed project includes a 30-foot waterline easement along the entire frontage on Ophir Road, and proposes landscaping within this easement. Based on the zoning designation of the site the project would be subject to approval of a Design/Site Agreement. The Design/Site Agreement review process would include review of proposed landscaping plans. The setback of structures from the road, provision of a 30-foot deep landscaped buffer along the road, and compatibility of the proposed improvements with the existing heavy commercial character of the project vicinity would ensure that the project's effect on the aesthetics of the area remains less than significant. Operation of the proposed concrete batch plant would include the use of yard lights that could create adverse impact to the surrounding land uses resulting from light or glare. During Design Review, lighting and photometric plans would be reviewed to ensure that no significant amount of light is allowed to be emitted beyond the project site boundaries, particularly to ensure that no light is allowed to shine towards eye level of drivers on I-80. As necessary, the Design Review process would identify conditions of approval for the project to ensure that light and glare impacts remain less than significant.

Because all impacts to aesthetics are expected to remain less than significant, no further analysis of these impacts is needed in this EIR.

### **Cultural Resources**

While there are no known cultural resources onsite, the proposed project requires grading and excavation that may result in the discovery of paleontological or archaeological resources. The halting of construction work and analysis of any unearthed paleontological or archaeological



resources as stipulated in Mitigation Measure 14.1 in the Initial Study would ensure that any potential impacts to these resources would be less than significant.

The proposed project would be accessed off of Ophir Road, which is a historic highway. Because the majority of the traffic that would access the site would be concrete trucks there is potential for this project to affect a historical resource. However the Placer County Department of Museums has determined that the proposed project would not create a negative impact on the historic highway as the highway was constructed to withstand the weight of concrete trucks during the construction of I-80 and currently supports heavy truck traffic associated with the existing businesses on Ophir Road. The proposed project would have a less than significant impact on this historic resource. No further analysis of impacts to Cultural Resources is needed in this EIR. See *Table 2.3* of **CHAPTER 2 EXECUTIVE SUMMARY** for the specific mitigation measures related to Cultural Resources.

### ***Recreation***

The proposed project is a commercial development of a vacant site with no significant impact on population growth (it may result in a minor increase in employees and households). Impacts related to recreation are anticipated to be less than significant as a result of the proposed project and no further analysis is needed in this EIR.

### ***Agriculture***

The project site is not designated as significant farmland and is not under a California Land Conservation Act (Williamson Act) contract. Development of the site would have no impact on agriculture. No further analysis is needed in this EIR.

## **1.3 DEFINITION OF BASELINE**

Pursuant to CEQA Guidelines §15125(a), the EIR must include a description of the “physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published.” This setting constitutes the “baseline physical conditions by which a lead agency determines whether an impact is significant.” Impacts can include direct and indirect physical changes to the baseline conditions. In this EIR, the baseline condition is identified in the Environmental Setting section of each chapter.

## **1.4 SIGNIFICANCE CRITERIA**

Appendix G of the CEQA Guidelines as well as Placer County policies established in the General Plan and ordinances identified in each chapter of this EIR were used to establish the significance criteria for determining whether the proposed project would have a significant environmental impact on existing resources.

## **1.5 MITIGATION MONITORING AND REPORTING PROGRAM**

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with §21081.6 of the Public Resources Code and is included in this Draft EIR. The MMRP describes the implementation program for each mitigation measure included in this EIR to avoid impacts or reduce them to less than significant levels. In accordance with §18.28 of the

Environmental Review provisions of the Placer County Code, mitigation measures shall be included in the conditions of approval for this project. The County monitors compliance with conditions of approval through a variety of permit processes as listed below.

- Design Review Committee Approval
- Improvement Plan Approval
- Improvement Construction Inspection
- Encroachment Permit
- Building Permit Approval
- Certification of Occupancy

The issuance of permits or the approval of improvement plans must be preceded by verification from County staff that certain Conditions of Approval and/or mitigation measures have been met. The issuance of any of the listed County approvals or permits shall serve as the necessary monitoring of those Conditions of Approval and/or mitigation measures that are identified as prerequisites for the listed approvals and permits.

## **1.6 ORGANIZATION OF THE EIR AND DEFINITION OF TERMS**

Each resource chapter in the EIR includes the following four sections:

- Environmental Setting – this section identifies existing conditions in the project area that could be affected by the proposed project.
- Regulatory Framework – this section identifies federal, state, and local policies, regulations, and laws that are applicable to the proposed project.
- Impacts – this section identifies the potential impacts of the project on the existing environment, including the level of significance of the impact before and after implementation of mitigation measures.
- Mitigation Measures – this section lists the full text of each mitigation measure required to be implemented as discussed in the Impacts section.

In the Impacts section, each impact is numbered with the chapter number followed by the impact number – for example, the first impact in the Land Use chapter is Impact 4.1. The mitigation measures specifically associated with that impact carry the same number, and multiple mitigation measures for the same impact are denoted by a letter. For example, the first two mitigation measures for Impact 4.1 would be numbered Mitigation Measure 4.1a and Mitigation Measure 4.1b. The impact numbers and mitigation measures for each are identified in a table format that lists the impact number and title, the significance before mitigation is implemented, the proposed and recommended mitigation measures (refer to definition of terms below), and the impact significance after implementation of all mitigation measures. If a mitigation measure applies to more than one impact, it is repeated and/or referenced for each impact.

The following are the definitions of the terms used to denote the significance of each impact:

**No change:** No change in existing conditions is anticipated if the project is implemented.

**Less than Significant:** No substantial adverse environmental change is anticipated. Mitigation for a less than significant impact is usually not necessary.

**Potentially Significant:** Substantial environmental change may result from implementing the project. Mitigation is identified to reduce the magnitude of the impact.

**Significant:** Adverse environmental change is likely to occur. Mitigation is identified to reduce the magnitude of this impact.

**Significant and Unavoidable:** Substantial adverse environmental change will occur. This impact cannot be avoided. While the magnitude may be reduced with implementation of mitigation, there is no feasible mitigation that would reduce the impact to a less than significant level.

**Residual Significance:** The level of significance of the impact after implementation of all proposed and recommended mitigation measures.

The EIR includes mitigation measures intended to reduce identified impacts. Mitigation measures may be proposed by the project applicant or they may be recommended by the County in the EIR. The proposed mitigation measures are those that have been incorporated into the project design or have been agreed to by the project applicant, while the recommended mitigation measures are those that have been identified by Placer County and the EIR preparers as necessary to reduce impacts to less than significant levels. If the EIR is certified and the project approved (refer to Section 1.7 below), the project applicant/developer would be required to implement all mitigation measures included in the EIR as certified. As discussed in CEQA Guidelines §15370, mitigation strategies can include:

- Avoiding the impact altogether by not taking a certain action or parts of an action.
- Minimizing the impact by limiting the degree of magnitude of the action and its implementation.
- Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- Compensating for the impact by replacing or providing substitute resources or environments.

## 1.7 PROJECT REVIEW AND CEQA PROCESS

### CEQA Statute

CEQA was adopted in 1970 with the goal of protection of the environment.

*It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is*

*given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian. [CEQA Statutes, §21000(g)]*

This legislative intent is met through the preparation of comprehensive, multi-disciplinary analyses of environmental impacts. The analyses are required to disclose to decision makers and the public the significant impacts to the environment of proposed activities and to identify feasible alternatives and mitigation measures to avoid or reduce impacts. Section 21002 of the CEQA Statutes requires that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental impacts of such projects.”

### **CEQA Guidelines**

In addition to the requirements expressed in the CEQA Statutes, the State Office of Planning and Research developed the CEQA Guidelines (Guidelines) to provide guidance to public agencies in the appropriate implementation of the CEQA Statutes. The Guidelines were adopted by the State Resources Agency at the direction of the Legislature, as expressed in §21083 of the CEQA Statutes. They are updated regularly in response to legislative amendments to the CEQA Statutes and changes in interpretations of CEQA based on judicial decisions.

### **CEQA Implementation**

CEQA applies to all discretionary activities of public agencies. A discretionary activity is one in which the public agency has the authority to approve or deny issuance of permits or project approvals. Section 15002(i) of the Guidelines defines a discretionary action as one in which “a governmental agency can use its judgment in deciding whether and how to carry out or approve a project.” In formulating the decisions of “whether and how” to act, the public agency must adhere to the CEQA requirements for evaluating the potential environmental impacts of the action.

A primary goal of CEQA is to inform decision makers and the public of the potential environmental impacts of discretionary actions, and to disclose to the public the reasoning used by the agency to reach their decision. To facilitate this disclosure, both the CEQA Statutes and Guidelines establish requirements for public notice and review of CEQA documents. (CEQA Statute §21105, CEQA Guidelines §15082, 15083, 15087).

CEQA requires that governmental agencies establish standards and procedures by which to conduct the required environmental review of their actions. Placer County’s Environmental Review Ordinance, Chapter 18 of the Placer County Code, serves this function. At the time that the applications for the Livingston’s Concrete Batch Plant were filed, this ordinance required that an Initial Project Application and Environmental Impact Assessment Questionnaire be completed for each proposed project. These documents provide the first level of environmental information and facilitate completion of the environmental review required by CEQA.

Preparation of the EIR proceeds upon completion of the NOP circulation period. The contents of the EIR are governed by Sections 21100 and 21100.1 of the CEQA Statutes and by Sections 15120 through 15132 of the Guidelines. In short, the EIR must describe the proposed project and the existing environmental setting of the project area; evaluate the potential environmental

impacts of the project, including cumulative impacts in the project vicinity; and consider mitigation measures and alternatives to the project that could avoid or reduce those impacts.

### **Public Review Process**

The review process for the Draft and Final EIR will involve the following general procedural steps:

#### ***Notice of Preparation***

When the Lead Agency identifies potentially significant environmental impacts of a proposed project or action, an NOP of an EIR is prepared pursuant to CEQA Guidelines §15082. The NOP, which includes a description of the project and its probable environmental effects, is circulated to the public and to agencies that may have jurisdiction over some aspect of the project or the resources that would be affected by the project. An NOP for the Livingston's Concrete Batch Plant Project was released for public circulation on January 12, 2006. The State Clearinghouse distributed the NOP to State Agencies on February 3, 2006; thus the NOP review period extended to March 3, 2006. A public scoping meeting to inform the public of the CEQA process and the proposed scope of the EIR was conducted on February 6, 2006. The general public and agencies were thus provided the opportunity to comment on the scope and content of the EIR. CEQA Guidelines §15084(c) requires that "the Lead Agency must consider all information and comments received" from the general public and from other agencies. The comments generated during the circulation of the NOP were considered during preparation of this EIR and are included in Appendix A.

#### ***Draft EIR***

In accordance with CEQA Guidelines §15087 the County provided public notice of availability of the Draft EIR and submitted the Draft EIR to the State Clearinghouse for distribution to State agencies.

A public hearing regarding the information contained in this Draft EIR will be held during the 45-day public comment period. Public notice of the meeting will be provided.

Public comment on the Draft EIR will be accepted in written form and shall be limited to the scope and content of the EIR. All comments or questions regarding the Draft EIR should be addressed to:

Environmental Coordination Services  
3091 County Center Drive, Suite 190  
Auburn, CA 95603  
Email: [cdraecs@placer.ca.gov](mailto:cdraecs@placer.ca.gov)

### **Response to Comments/Final EIR**

The Final EIR will be prepared upon completion of the Draft EIR review period. The Final EIR will provide direct responses to each comment submitted on the Draft EIR. Responding to some comments may also require revisions to the text of the Draft EIR; those revisions will also be presented in the Final EIR. The Final EIR will be made available for review by the agencies,

organizations, and individuals who commented on the Draft EIR as well as by the general public.

**Certification of the EIR/Project Consideration**

The County will review and consider the Final EIR. If the County finds that the Final EIR is “adequate and complete,” pursuant to CEQA Guidelines §15090 the County will certify the Final EIR. Upon review and consideration of the Final EIR, the County may take action to approve, revise, or reject the project. The Mitigation Monitoring and Reporting Program (see section 1.5) would also be adopted to ensure that mitigation measures required by the EIR to reduce or avoid significant effects on the environment are carried out during project implementation.

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