CHAPTER 1

INTRODUCTION

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This document is the Final Environmental Impact Report (Final EIR) for the proposed Livingston's Concrete Batch Plant in Placer County. The Livingston's Concrete Batch Plant Final EIR consists of comments on the Draft EIR, responses to those comments, and the revised text of the Draft EIR. This Final EIR has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section (§) 15132, which states:

"The Final EIR shall consist of:

- a. The Draft EIR or a revision of the draft.
- b. Comments and recommendations received on the Draft EIR either verbatim or in summary.
- c. A list of persons, organizations, and public agencies commenting on the Draft EIR.
- d. The responses of the Lead Agency to significant points raised in the review and consultation process.
- e. Any other information added by the Lead Agency."

1.1 BACKGROUND

The project proposes construction and operation of a concrete batch plant. The project site consists of 4.9 acres between Interstate 80 (I-80) and Ophir Road. The proposed plant would be operated between 5:30 a.m. and 3:30 p.m. Monday through Saturday, with a maximum daily production capacity of 300 cubic yards of concrete. Placer County prepared an Initial Study to evaluate the potential impacts of the proposed project. The Initial Study included mitigation measures for impacts in several resource areas to ensure that those impacts would remain less than significant. Placer County also determined that the proposed concrete batch plant could result in significant environmental impacts in a few resource areas, and that those topics required further analysis in an EIR. The Notice of Preparation (NOP) for the Livingston's Concrete Batch Plant, which included the Initial Study, was circulated for public review and comment between January 12, 2006 and March 3, 2006. Comments on the NOP were considered in preparation of the Draft EIR. The potentially significant impacts of the project and alternatives to the project were evaluated in a focused Draft EIR (State Clearinghouse No. 2006012090), which was circulated for a 45 day public review period between February 1, 2008 and March 17, 2008. A public hearing at the Placer County Planning Commission was held on February 28, 2008 to receive public comments on the Draft EIR. In addition, public comments were received during the Newcastle/Ophir Municipal Advisory Council (MAC) meeting on February 21, 2008.

Comment letters were received from state agencies, local agencies, local organizations, and numerous individual citizens. A list of comments received on the Draft EIR is provided on page 2-1 of this Final EIR. Subject areas in the comment letters included land use, transportation and circulation, air quality, water quality, visual resources, cultural resources, public service availability, alternatives, and cumulative conditions.

1.2 PROCESS FOR PREPARATION OF THE FINAL EIR

CEQA Guidelines §15200 states that the intent of public review of a Draft EIR is to allow for the sharing of expertise as well as disclosure of analysis methods and results in order to confirm accuracy, identify omissions and public concerns, and solicit counter proposals (i.e., suggestions for alternative development scenarios and/or mitigation measures). These objectives are met through the comment and response process that comprises public review as required by CEQA.

Upon completion of the Draft EIR, CEQA requires the Lead Agency (Placer County) to consult with and solicit comments from public agencies that have jurisdiction over the proposed project as well as provide the public with an opportunity to comment on the Draft EIR. As stated above, the Draft EIR for the Livingston's Concrete Batch Plant was circulated for at the mandatory 45 day public review period to provide opportunity for public comment, and public comments were received at the Planning Commission hearing on February 28, 2008 and at the Newcastle/Ophir MAC meeting on February 21, 2008. As required by CEQA Guidelines \$15132, the Lead Agency's responses to those comments are presented in this Final EIR.

1.3 ORGANIZATION

This Final EIR is organized into three chapters as described below:

Chapter 1: Introduction

Chapter 1 describes the CEQA process as implemented for this project, provides information on the contents of this Final EIR, and lists the text changes identified in responses to comments received on the Draft EIR and the Recirculated Draft EIR.

Chapter 2: Comments and Responses

This chapter presents the comments received on the Draft EIR and the Lead Agency's direct responses to each comment. The comments include written comments from agencies, organizations, and individuals, as well as verbal comments made at the Newcastle/Ophir MAC meeting and the Planning Commission hearing. Each comment letter is immediately followed by the responses to that letter. The individual comments within each letter and the corresponding response are numbered. The first comment/response is labeled A-1; A for it being the first letter being responded to, and -1 for it being first in the series of comments within the letter. More than 26 letters were received, thus the letters are labeled A through Z, then AA through AR. Comments received at the Newcastle/Ophir MAC meeting and the Planning Commission hearing are summarized and responses are provided following Comment Letter AR.

When responding to comments, the Lead Agency needs only to respond to significant environmental issues and does not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines §15204(a)). Some comments submitted on the Draft EIR expressed support or opposition to the project. Although these comments do not require a response, responses are included where clarification could be provided. This Final EIR responds to all comments addressing the adequacy of the Draft EIR.

Chapter 3: Draft EIR Revisions

Some comments received on the Draft EIR necessitated revisions or additions to the text of that document. Each response to a comment that required a revision or addition to the Draft EIR text notes that the text edits occurred, while the revised text of the Draft EIR is included in the third chapter of the Final EIR. In addition, the Lead Agency identified the need for general text edits to correct errors or provide clarification. Those edits are also included in Section 3.

Only those pages on which changes were made are included in this Final EIR. The text deleted from the Draft EIR is shown in strikethrough font (strikethrough) and text added to the EIR is shown in underline font (underline). In addition, *Table 1.1* in Section 1.4 below, identifies the specific pages where changes were made to the Draft EIR, provides a summary of the text changes, and notes the reason for each text edit.

1.4 **New Information**

CEQA Guidelines §15088.5 requires that an EIR be recirculated for public review and comment when "significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review." The definition of "significant new information" is clarified under §15088.5(a)(1)-(4). This could include disclosure of a new significant environmental impact, a substantial increase in the severity of an impact, identification of a feasible project alternative or mitigation measure considerably different from those previously analyzed, or a fundamental and basic inadequacy in the Draft EIR.

The comments received on the Draft EIR did not identify the need for additional research to be conducted. No additional studies or analysis have been completed and no significant additions have been made to the Draft EIR text or supporting appendices. Therefore, there is no need to recirculate this EIR.

1.5 TEXT CHANGES IN THE DRAFT EIR

Responding to comments required revisions to some chapters of the Draft EIR. Specific revisions and changes to the text of the Draft EIR are discussed in the responses to individual comments provided in Chapter 2 of this Final EIR. Chapter 3 of this Final EIR presents the revised Draft EIR text. Only those pages on which changes were made are included in this Final EIR. These revisions are summarized in *Table 1.1* on the following pages. The changes made to EIR text and mitigation measures are minor and were made based on comments received, and to correct typographical errors, provide updated information, and clarify the project description and impact analysis. No substantive changes requiring recirculation of the EIR were made.

Table 1.1
Index of Changes Made to the Draft EIR Text

Draft EIR page number	Primary Change Made	Reason for Change
	Chapter 1 Introduction	<u> </u>
1-4 and 1-5	Revision to text describing the status of the wetland delineation for the project site.	Reflect wetland delineation verification
	Chapter 2 Executive Summary	
2-2	Addition of text describing the status of the wetland delineation for the project site.	Reflect wetland delineation verification
2-4 and 2-5	Revision to Table 2.1 listing required approvals for the project to omit the Clean Water Act Section 404 Nationwide Permit, based on the determination that there are no wetlands onsite. Revision of text describing the required approvals from the Regional Water Quality Control Board.	Reflect wetland delineation verification
2-6	Addition of text specifying that all mitigation measures in tables 2.2 and 2.3 would be requirements of the project, if approved.	Response to Comment E-6
2-10	Addition of text to Mitigation Measure 6.3a consistent with the text of this measure presented in Chapter 6 Hydrology and Water Quality.	Correct mitigation measure to match chapter 6
2-21	Deletion of Mitigation Measure 7.3 regarding the Clean Water Act Section 404 Nationwide Permit	Reflect wetland delineation verification
	Chapter 3 Project Description	
3-5	Revision to text describing the status of the wetland delineation for the project site.	Reflect wetland delineation verification
3-11	Revision to Table 3.1 listing required approvals for the project to omit the Clean Water Act Section 404 Nationwide Permit, based on the determination that there are no wetlands onsite.	Reflect wetland delineation verification
	Chapter 6 Hydrology and Water Quality	
6-18 through 6-21, 6-26, 6-27, 6-29, and 6-30	Revisions to description of the proposed three-pond drainage collection and treatment system.	Clarify proposed wastewater treatment system
6-32	Revisions to <i>Mitigation Measure 6.3a</i> to correct the project name and the total maximum daily water use (from 7,500 gallons to 10,000 gallons, consistent with the impact analysis discussion).	Response to Comment E-38

Draft EIR page number	Primary Change Made	Reason for Change
	Chapter 7 Noise	
7-11	Revisions to text reporting average and maximum noise levels generated by batch plant to make the text consistent with the data provided in the Noise Impacts Analysis.	Response to Comment F-7
7-12	Revisions to Table 7.6 reporting predicted noise levels at Receiver #3 to make the table consistent with the data provided in the Noise Impacts Analysis.	Response to Comment M-2
	Chapter 9 Mitigation Monitoring and Reporting Program	
9-5	Revisions to Mitigation Measure 5.3 to consistent with text in the Initial Study.	Reflect text of Initial Study
9-6 and 9-7	Text deletion on pages 9-6 and 9-7 to omit Mitigation Measure 7.3.	Reflect wetland delineation verification
9-10	Revisions to Mitigation Measure 6.3a consistent with the revisions made in Chapter 6.	Response to Comment E-38
	Appendix A Initial Study	
16 and 17	Revision to text describing the status of the wetland delineation for the project site.	Reflect wetland delineation verification

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