

RESPONSE TO COMMENT LETTER AD

Submitted by:

Debby Peterson

AD-1 The comment provides a copy of the warning label from a bag of concrete.

No specific comments on the Draft EIR are provided. The comment submitter provided verbal comments at the Placer County Planning Commission meeting on February 29, 2008. The verbal comments included concerns regarding the hazardous materials present in concrete and the potential for the proposed project to adversely affect health of residents in the project vicinity.

Refer to Response to Comment E-22 which states that if the project is approved and constructed, the operators of the batch plant would be required to submit a Hazardous Materials Business Plan to Placer County Environmental Health Services Division (EHS). This plan is required to address standard handling and storage practices to minimize the risk of releases of hazardous materials. With approval of the Hazardous Materials Business Plan by EHS and proper implementation of that plan during operation of the proposed project, it is expected that hazardous materials used in concrete production would not be released into the environment and would not have a significant negative impact on air and water quality, residents, animals, and crops.

Also refer to Response to Comment F-2 which states that impacts to air quality, including dust emissions, are evaluated in the Initial Study. Mitigation measures are required to minimize emissions during construction and operation of the proposed project. This includes *Mitigation Measure 5.8*, which requires the project applicant to implement dust control measures to ensure that the project remains in compliance with California Health and Safety Code Section (§) 41700 emissions limits and visible emission standards of 20 percent opacity. In addition, emissions from stationary sources within the project site (operation of the batch plant) will be subject to additional conditions applied to the project through the Air Pollution Control District permitting process. The project would be required to obtain a Permit to Construct prior to construction of the batch plant, and an Authority to Operate permit prior to commencing operation of the batch plant.

Responses to each of the submitter's verbal comments are provided following the responses to Comment Letter AR.

Environmental Coordination Services
Placer County Community Development
Resource Agency
3091 County Center Drive, Suite 190
Auburn California, 95603
Attn: Leah Rosasco and Maytan

March 14, 2008

RECEIVED

MAR 17 2008

ENVIRONMENTAL COORDINATION SERVICES

Subject: Comments on Livingston Concrete Batch Plant (PREIR T20050072)

This document is submitted as part of the public comment on the Livingston Concrete Batch Plant (LCBP) Draft Environmental Impact Report (EIR) and is to be included in the public record. The LCBP EIR is inaccurate, incomplete and basically a flawed document.

AE-1

Land Use

Policy 1 E 1 of the Placer County General Plan (PCGP) states all industrial projects shall only be approved if they have an adequate urban infrastructure available. When asked at the February Newcastle Ophir Municipal Advisory Committee (MAC) meeting to define 'an adequate infrastructure for a heavy industrial project,' the county representative stated there is no definition. Septic sewer systems and well water are widely considered rural infrastructure. This concrete batch plan will be using 10,000 gallons of water a day and disposing of toxic materials on a daily basis. At the January MAC, one of Placer County's own engineers stated that there isn't a septic system in existence that doesn't pollute. Placer County needs to define "adequate infrastructure" for heavy industry in this county before an EIR can state that a rural system is adequate for a heavy industrial project. Does this project set a precedent for other heavy industries to tap into the fragile infrastructure of septic and well water within Placer County? What happens during heavy rains if holding ponds overflow? Do the toxic materials then find their way into well water or the watershed? What will be the consequences to people, fish and wildlife? The EIR fails to address these issues and is therefore inaccurate and incomplete.

AE-2

This LCBP is to be built on a five acre parcel in a buffer zone on a historic highway in a scenic corridor. This project eliminates the buffer zone for the Ophir residents (Reference PCGP 1.E. 1.c). Livingston has four batch plants in other locations that are designated for heavy industry and supported by proper infrastructure. They obviously have the experience to know what kind of property makes an appropriate site for a concrete batch plant. The Ophir Road site does not meet proper infrastructure criteria! The EIR fails to explore or offer alternative sites elsewhere in Placer County. The EIR does not address the elimination of the buffer zone. Stating that the LCBP will hook up to piped water whenever it is available is speculative and does not qualify as a mitigation measure. The EIR is incomplete, inaccurate and unacceptable.

AE-3

The LCBP parcel is zoned C3 UP DSC. C3 is heavy commercial, not heavy industrial. UP means there is a requirement for a Use Permit which is designed to regulate sensitive areas. DSC means Designated Scenic Corridor which essentially recognizes the importance of this site to the historical and cultural heritage of Placer County and the

AE-4



Ophir area in particular. Ophir Road is a historic highway which the county is obligated to preserve not destroy. This is a scenic corridor. The County itself has a big project on Ophir Road. The building being constructed on the site is designed to look like a fruit shed to preserve the historic and scenic integrity on this historic designated road. The LCBP project includes a 57 foot high lighted tower which far exceeds the 45 foot limit called out in the Ophir General Plan and will be an eyesore on the I-80 corridor. This requires yet another variance. Given the plain English of these definitions, this project violates all three descriptions.

AE-4

There is a two year gap 2006-2008 from the original Notice of Preparation (NOP). The scope of the project has changed since the January 12, 2006 NOP disclosure. Therefore the applicant should be required to update the project description and circulate a new NOP. All public comments from the previous NOP must be included in the EIR.

AE-5

The EIR discusses existing community and businesses. However the EIR is obligated to include all projects underway or proposed in the area as part of the overall analysis. This includes for example the large Baltimore Ravine residential project which has been proposed across the highway. The EIR is therefore incomplete and inaccurate.

AE-6

This project conflicts with the Ophir General Plan which is to maintain and enhance the rural character of the Ophir area. The EIR must address all points, zoning, goals and policies laid out in the Ophir General Plan.

AE-7

Other:

The EIR does not address particulant pollution at all. Air quality analysis is incomplete and insufficient for this type of project. This is a different kind of pollutant from just being in a non-attainment zone. This new pollutant is not part of normal urbanization. Just read the warning on a bag of cement and it is apparent that this project poses a serious health hazard to the neighboring community. Air quality concerns from a concrete batch plant are different than those from a highway. The EIR is incomplete and inaccurate in this area.

AE-8

Tests on impact to wells and aquifers in the residential neighborhood were not adequately studied. A well 50 feet from the site that has not been used for more than forty years was tested for 72 hours. What will be the impact on wells that are further out or on higher ground? How will neighborhood wells be affected by the LCBP use by the end of the summer when water pressure drops or during a low water or drought season? What recourse do neighbors have if their wells go dry? The EIR is incomplete.

AE-9

The EIR states that the LCBP cannot exceed the production of 300 cubic yards of concrete a day using the present infrastructure. When they eventually hook up to County water and sewer, what will be the new level of production? What is the maximum production level for this plant? Stating that someday they will be on County water and sewer does not qualify as mitigation. That project is presently not funded and there is no

AE-10



completion date. At maximum production what will be the impact on traffic, noise, air pollution infrastructure etc. etc. etc. This EIR is incomplete and inaccurate.

↑
AE-10

The County has no extra funds. Who is going to police this operation to make sure they operate within the guidelines set out? What are the consequences if they exceed the rules and limitations? Can they exceed limitations and pay fines indefinitely or at some point could they be closed down? This EIR is incomplete.

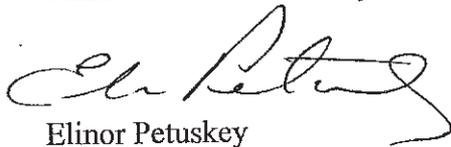
AE-11

How will the compact design and heavy weight of a cement truck and the other large trucks that deliver raw materials on a daily basis affect the structure and integrity of Ophir Road, a historic highway. These trucks will line up early in the morning to deliver materials so the LCBP can start operations at 5:30 a.m. The noise level from these trucks will greatly impact the neighborhood. The draft EIR makes no distinction between plant noise and traffic noise in terms pitch and tone. There is a great decibel difference between the consistent background noise of freeway traffic and the sudden sharp sound of concrete materials being dropped from a metal truck into a metal mixing bin and then processed. The EIR fails to completely explore the impacts of all the truck traffic, the affects on the road, the morning delivery of materials and the ongoing dust and noise from this operation. The EIR is inaccurate and incomplete.

AE-12

Land uses change and must be re-explored. This area is moving towards urbanization, not industrialization. Housing developments and businesses that support them are the norm. This is a scenic area. I don't believe Placer County wants their image, to the millions of people that travel Hwy 80, to be that of an ugly, noisy, dusty, out-of-place concrete batch plant. I believe the placement of a plant on Ophir Road is a grossly inappropriate use of those five acres of land. I think, with a little effort, Placer County can identify several sites for this operation in areas that are designed for heavy industry and offer the appropriate infrastructure as well. It is the mission of the Placer County Planning Department to make well informed decisions for the citizens of this county concerning growth and development. This project flies in the face of all reasonable consideration for not only the Newcastle Ophir communities, but the County as a whole.

AE-13



Elinor Petuskey
835 Hoyer Lane
Newcastle CA 95658
916-663-5458

cc. Supervisor Jim Holmes
Newcastle Ophir MAC
Newcastle Community Association

RESPONSE TO COMMENT LETTER AE

Submitted by:

Elinor Petuskey

AE-1 The comment states that the Draft EIR is inadequate because it is incomplete and inaccurate.

The comment serves as an introduction to the following detailed comments but does not provide any specific comments on the Draft EIR. No response or revision to the EIR is necessary.

AE-2 The comment states that the proposed project is not consistent with Placer County General Plan Policy 1.E.1 which states that “adequate infrastructure” must be provided for industrial development.

Refer to Response to Comment E-5, which summarizes the EIR analysis of the project’s consistency with Policy 1.E.1. This response addresses concerns related to the proposed use of an onsite well and onsite septic system instead of connecting to public services. As discussed in more detail below, the analysis concludes that the proposed use of onsite systems would not result in significant and unavoidable environmental impacts, and from the perspective of the impact analysis, the project is consistent with applicable County plans and policies.

AE-3 The comment states that the proposed project site is not an appropriate location for the proposed batch plant. The comment asserts that the Draft EIR does not consider alternative locations for the project. The comment states that the expectation that the project will hook up to public water is speculative and is not an appropriate mitigation measure.

Refer to Response to Comment E-5, which summarizes the Draft EIR analysis of the project’s consistency with Policy 1.E.1 of the *Placer County General Plan*. This policy states that new industrial development shall only be approved if there is adequate infrastructure available. For industrial development, Placer County typically interprets “adequate infrastructure” to include public water supply and public sewer connections. These services are not currently available at the project site, but mitigation measures in the EIR require the project to connect to these services when they are available. CEQA requires that an EIR consider the project’s consistency with plans and policies “adopted for the purpose of avoiding or mitigating an environmental effect” (CEQA Guidelines, Appendix G). To meet this requirement, the EIR considers whether development of the proposed project without provision of public water and sewage collection services would create or contribute to any significant physical environmental impacts. Analysis in the EIR demonstrates that the project’s potentially significant impacts would be mitigated to less than significant levels. Based on the determination that no significant and unavoidable environmental impacts would occur, the proposed infrastructure is determined

adequate as it relates to the environmental impacts analysis. While the EIR concludes that the proposed project is considered generally consistent with the *Placer County General Plan* and *Ophir General Plan*, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies.

Refer to Response to Comment E-3, which discusses the alternatives analysis included in **CHAPTER 8 CEQA REQUIRED DISCUSSIONS** of the Draft EIR. Several potential alternatives were considered during preparation of the analysis, including alternative locations for the proposed project. The Draft EIR determined that an offsite alternative was not feasible because the offsite parcels that were identified as potential locations for the proposed project would not adequately support the project, or would result in greater environmental impacts than the proposed site.

Mitigation Measure 6.3a requires Livingston's Concrete Batch Plant to connect to public water supply when it is available. This mitigation measure is not an observation or speculation. If the EIR is certified and the project approved, the project applicant would be required to implement all mitigation measures in the certified EIR, including *Mitigation Measure 6.3a*.

AE-4 The comment reviews the zoning designation for the project site. The comment states that the proposed project is not consistent with the C-3 designation because the project proposes an industrial land use; the comment states that the proposed project is not consistent with the UP designation because the site is in a sensitive area; and the comment states that the project is not consistent with the DC designation because it would create aesthetic impacts within a scenic corridor.

As stated on page 4-2 of the Draft EIR, the C-3 designation is for Heavy Commercial land uses, which are defined by the Placer County Zoning Ordinance to include "intensive service commercial" uses, which may require outdoor activity areas. Manufacturing and processing land uses are allowed in the C-3 zone district. The proposed project is consistent with the C-3 designation.

The proposed project would require issuance of a use permit. Issuance of use permits are not precluded in a sensitive area. The Placer County Planning Commission will consider the potential impacts of the proposed project on the scenic corridor as part of their deliberations on the project. The analysis in the Initial Study does consider the scenic corridor designation and determines all impacts related to aesthetics would be less than significant. Refer to Response to Comment H-3, which summarizes the Initial Study analysis of impacts to aesthetics. While the EIR concludes that the proposed project is considered generally consistent with the *Placer County General Plan* and *Ophir General Plan*, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies.

AE-5 The comment states that the project has changed since the Notice of Preparation (NOP) for this EIR was published. The comment states the applicant should be required to publish and distribute a new NOP. The comment states that all

comments on the original NOP should be included in the EIR.

The only change to the project description is related to the caretaker apartment. The NOP Project Description included a caretaker apartment, while the EIR Project Description indicates that a caretaker apartment may be included but is not required. The impact analysis in the EIR assumes a caretaker apartment. Thus the impact analysis is consistent with the NOP and there is no need to publish a new NOP. All comments received in response to the NOP are included in Appendix A of the Draft EIR.

AE-6 The comment states that the EIR does not include analysis of the Baltimore Ravine project.

Refer to Response to Comment E-12, which discusses the cumulative impacts analysis as it relates to the Baltimore Ravine project. The response states that the Baltimore Ravine project would not influence the cumulative impacts in the project area related to land use, noise, and hydrology and water quality. The response also states that with implementation of *Mitigation Measure 5.2a*, the proposed project would mitigate its contribution to the cumulative impact, regardless of the amount and distribution of traffic generated by the Baltimore Ravine project.

AE-7 The comment states that the project would conflict with the *Ophir General Plan* goal to maintain a rural character for the project area, and that the EIR does not adequately address policies from the *Ophir General Plan*.

The compatibility of the proposed project with the existing and planned land uses in the vicinity is discussed in Response to Comment E-4 based on the analysis presented in **CHAPTER 4 LAND USE** of the Draft EIR. The analysis in Impact 4.3 demonstrates that the proposed project is consistent with the land use and zoning designations for the site, and that uses similar to the proposed project already exist west and northwest of the site. This analysis also notes that physical impacts such as traffic, water quality, and noise, are evaluated in detail in other chapters of the Draft EIR. Based on the determinations in the other chapters that the physical impacts of the proposed project would be less than significant, the analysis of Impact 4.3 concludes that the project would not have a direct impact on nearby residential land uses and the project is considered to be compatible with all existing and planned land uses in the vicinity.

The potential impacts to the aesthetic character of the project area are discussed in Response to Comment E-21 based on the analysis in the Initial Study, which was also summarized on pages 1-6 and 1-7 in **CHAPTER 1 INTRODUCTION**. The analysis considered the visibility of the proposed batch plant from both Ophir Road and I-80. The analysis concluded that the top 20 feet of the batch plant tower would be visible from I-80, but that this feature would be somewhat obscured by existing trees along the edge of the highway. The analysis also concluded that project structures could be visible from Ophir Road and from surrounding residences, but that the project would be similar in nature and appearance to other existing businesses in the vicinity, and the project would not substantially change the character of the area. Thus, the

addition of the batch plant would not represent a significant change from existing conditions.

As noted above, while the EIR concludes that the proposed project is considered generally consistent with the *Placer County General Plan* and *Ophir General Plan*, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies.

- AE-8** The comment states that the Draft EIR does not address air quality, and indicates concerns related to hazardous materials used in concrete production and potential impacts to the health of existing residents in the vicinity.

Refer to Response to Comment E-22 which states that if the project is approved and constructed, the operators of the batch plant would be required to submit a Hazardous Materials Business Plan to Placer County Environmental Health Services Division (EHS). This plan is required to address standard handling and storage practices to minimize the risk of releases of hazardous materials. With approval of the Hazardous Materials Business Plan by EHS and proper implementation of that plan during operation of the proposed project, it is expected that hazardous materials used in concrete production would not be released into the environment and would not have a significant negative impact on air and water quality, residents, animals, and crops.

Also refer to Response to Comment F-2 which states that impacts to air quality, including dust emissions, are evaluated in the Initial Study. Mitigation measures are required to minimize emissions during construction and operation of the proposed project. This includes *Mitigation Measure 5.8*, which requires the project applicant to implement dust control measures to ensure that the project remains in compliance with California Health and Safety Code Section (§) 41700 emissions limits and visible emission standards of 20 percent opacity. In addition, emissions from stationary sources within the project site (operation of the batch plant) will be subject to additional conditions applied to the project through the Air Pollution Control District permitting process. The project would be required to obtain a Permit to Construct prior to construction of the batch plant, and an Authority to Operate permit prior to commencing operation of the batch plant.

- AE-9** The comment states that the impact to wells in the project vicinity was not adequately evaluated and suggests that the 72-hour test is not sufficient to evaluate impacts from the proposed daily pumping of 10,000 gallons. The comment questions whether the analysis is applicable to drought conditions.

As discussed in Response to Comment E-5, the Draft EIR analysis concluded that the proposed use of groundwater would not have an adverse effect on existing wells in the project vicinity. Impact 6.3 in **CHAPTER 6 HYDROLOGY AND WATER QUALITY** of the Draft EIR specifically addresses potential impacts to groundwater from operation of the proposed project, including the proposed use of a daily maximum of 10,000 gallons of water from the onsite well. The determination that use of a daily maximum of 10,000 gallons of water would have a less than significant impact was

based on the results of the 72-hour pump test and compliance with a State of California guideline regarding groundwater use for public water systems. The conclusions in the Draft EIR were based on the state guideline, which was later codified as California Code of Regulations Section §64554. This law was promulgated as guidance for public water supplies drilled in hard rock fracture formations, and provides the methodology to determine the allowable water usage based on a 72-hour pump test. Because public water supplies are a long-term use, application of this guideline to the analysis of the proposed project is appropriate for considering both short- and long-term usage and reflects consideration of drought conditions.

It is expected that the proposed pumping rate would be sustainable and would not result in significant impacts to existing groundwater wells in the project vicinity. As explained in Response to Comment E-11, the results of the 72-hour pump test and review of the Well Completion Reports for wells within one-fourth of a mile of the project site indicate that there is minimal communication or lateral connectivity between the existing well on the project site and other wells in the project area. The proposed water usage for the project is not expected to adversely affect groundwater supplies or the operation of existing wells in the project vicinity.

- AE-10** The comment states that the EIR indicates the proposed infrastructure would support a maximum production capacity of 300 cubic yards of concrete daily, and questions if the production would be increased when public water and sewer services are provided to the project site. The comment states that the requirements to connect to public water and sewer are not appropriate mitigation measures because there are no specific and current plans to provide those services. The comment states that the impacts to traffic, noise, and air quality from maximum production at the proposed plant should be evaluated in the EIR.

As discussed in Response to Comment E-32, CEQA requires that the EIR evaluate the project as proposed. The project objectives provided on page 3-6 of the Draft EIR include the specific objective of establishing a “batch plant facility with a daily production capacity of 300 cubic yards.” The analysis and mitigation measures in the Draft EIR are based on a maximum daily production of 300 cubic yards.

Mitigation Measure 6.3a states that the Conditions of Approval for this project would establish 300 cubic yards as the maximum daily production allowed. If the project applicant wanted to increase the maximum daily production, the applicant would be required to request a modification to their Conditional Use Permit. Any modifications to the approved Use Permit require approval from Placer County Planning, Engineering and Surveying, and Environmental Health Services Departments, as part of the process for modifications to use permits established in Section 17.58.180 of the Placer County Code. Any modification that would increase the production of concrete or could increase environmental impacts from the batch plant would be subject to additional environmental review under CEQA. If the project applicant requested a modification to the Use Permit to increase the daily production, Placer County would be required to consider whether the Draft EIR

adequately addresses impacts and mitigation requirements. If additional environmental review would be necessary, CEQA Guidelines §15162 allows preparation of a "Subsequent EIR" if substantial changes to a project are proposed that would require substantial revisions to the Draft EIR, and CEQA Guidelines §15163 allows preparation of a "Supplemental EIR" if changes to a project are proposed that would require minor revisions to the Draft EIR. Any environmental review process to consider changes to the project description that would increase the maximum daily production or could otherwise increase environmental impacts of the project would be subject to additional public review.

As discussed in Response to Comment E-5, the impact analysis in the Draft EIR found that there would be no significant and unavoidable impacts to the physical environment from the proposed use of the onsite well and an onsite septic system. Because the impacts analysis does not support placing a maximum time limit on use of the well and septic system, the fact that there are no current and specific plans for extending public water and sewer services to the project site does not change the impact analysis and conclusions.

AE-11 The comment questions how the mitigation measures and Conditions of Approval would be enforced.

Refer to Response to Comment E-32, which explains the County's standard process and procedures for enforcement of Conditions of the Conditional Use Permit and mitigation measures. Projects found to be in violation of the Conditions of Approval are referred to the Code Enforcement Division, which works with the applicant to bring the project into compliance. If the project does not come into compliance with the required conditions of their Use Permit they are subject to revocation of their use permit. In addition to permit revocation the County will withhold approval of a Business License for any operation found to be in violation of their Use Permit.

AE-12 The comment questions whether the truck traffic generated by the proposed project would contribute to deterioration of Ophir Road. The comment states that the EIR does not adequately evaluate the noise impacts from truck traffic and from the pitch and tone of noise generated from operation of the batch plant.

As discussed in Response to Comment E-20, the Cultural Resources section of the Initial Study states that the Placer County Department of Museums determined that the proposed project is not expected to damage Ophir Road because Ophir Road was constructed to support heavy truck traffic. It currently supports heavy truck traffic associated with the existing heavy commercial development in the vicinity.

Impacts related to the noise generated by traffic associated with the proposed project are evaluated in Impact 7.5 on pages 7-13 and 7-14 of the Draft EIR. This analysis finds that the project-generated traffic could increase noise levels on Ophir Road by up to one decibel. This is considered a less than significant impact.

Refer to Responses to Comments E-15, E-31, and F-7, which discuss the analysis of noise impacts in **CHAPTER 7 NOISE** of the Draft EIR. As discussed in Responses to

Comments E-15 and E-31, the noise impacts analysis was based on file data for batch plant facilities. This file data was developed through measurements of facilities similar to the proposed project, which does consider the pitch and tone of noise generated by batch plant operation. On page 7-11, the Draft EIR states that a complete cycle of concrete production at the maximum production rate would generate a noise level of approximately 75 dB at a distance of 100 feet. Based on the anticipated operating conditions at the proposed plant, the calculated noise level is 68 dB at a distance of 100 feet. This provides the estimated noise level that would be generated by the proposed plant, including the effects of intermittent noises or noises with varying pitches and tones created during the production cycle.

AE-13 The comment states that changes to the land use and zoning designations of the project area should be considered to reflect the trend toward urbanization of the area. The comment states that the project would adversely affect the aesthetics of the scenic corridor and that the project should be placed in a different location.

Revising the land use and zoning designations for the project vicinity is a responsibility of Placer County, and not of the project applicant. The project applicant filed a complete project application, and in accordance with state law, the County must process the application at the time it is deemed complete. The County does not have any ability to place this project application on-hold pending completion of amendments to the *Ophir General Plan* and Placer County Zoning Ordinance. The project must be evaluated within the timelines set by state law, and must be evaluated under the existing *Ophir General Plan*.

Refer to Response to Comment E-21, which discusses the Initial Study analysis of the aesthetic impacts of the proposed project when viewed from Ophir Road and from I-80. The Initial Study analysis of aesthetic impacts is summarized on pages 1-6 and 1-7 in **CHAPTER 1 INTRODUCTION**. The Initial Study concludes that the project site is adjacent to existing heavy commercial land uses and the project would not substantially change the character of views in the project vicinity.

Refer to Response to Comment E-3, which summarizes the Draft EIR analysis of alternative locations for the proposed project. No feasible alternative locations for the project were identified.

Placer County Planning Commission
Draft EIR Public Review & Comment - Livingston Concrete Batch Plant
February 28, 2008

Commissioners:

This document consisting of three pages is submitted as part of the public comment on the Livingston Concrete Batch Plant Draft EIR and is to be included in the public record as part of this meeting.

AF-1

The Livingston Concrete Batch Plant Draft EIR is a seriously flawed document and fails to adequately address numerous issues as set forth below.

The original NOP for this project was published on January 12, 2006 and the Draft EIR published in February, 2008. During the passage of more than two years from the publication of the NOP to the publication of the Draft EIR, the project description has changed from what was disclosed in the original NOP. Therefore, the applicant should be required to publish and distribute a new NOP.

AF-2

The Draft EIR does not fully and adequately address the NOP public comments.

AF-3

The analysis of air quality issues is incomplete and insufficient for a project of this type. There is no discussion of pollutants specific and particular to this project – pollutants which are not part of a typical residential development and use and are different from a non-attainment zone.

AF-4

There is insufficient alternative site analysis. This project is situated on only 5 acres. Alternative analysis should consider other sites with proper zoning and infrastructure that are not currently in the process of urbanization as this site is.

AF-5

The consultants analysis incorrectly assumes that ambient noise is constant. This assumption is flawed. The plant violates the noise ordinance and because the plant operation exceeds noise ordinance it will, at times, exceed ambient noise.

AF-6

The Draft EIR makes no distinction between plant noise and traffic noise in terms of pitch and tone. This inadequacy must be addressed. Despite the extensive discussion of decibels in the Draft EIR, there is an obvious distinction between the consistent background noise of freeway traffic and the sudden and sharply different sound of concrete materials being dropped into a metal mixing bin and from there into a metal transit truck.

AF-7

The Placer County General Plan stipulates that C-3 zoning must have piped water and be connected to a municipal wastewater treatment facility. Neither are available at the proposed site.

AF-8

Impacts to aquifers and adjoining wells are not adequately studied, disclosed or mitigated. AF-9

Simply observing that the batch plant would hook up to piped water whenever it is available is speculative and does not qualify as a mitigation measure. AF-10

Even if C-3 zoning allows heavy industrial, it also allows many possible uses and the current proposal is no longer appropriate for the area. This area has changed and is no longer heavy industrial in light of developments around the site. AF-11

Land use decisions are not static. The Draft EIR must question if the current zoning is compatible with current land use in the area.

No zoning changes should be allowed to accommodate this project.

The Draft EIR incorrectly discusses commercial zoning in the Ophir General Plan. Historically, Ophir has used this zoning for commercial uses that EXCLUDES heavy industrial. This project violates that historical zoning. AF-12

Ophir has never granted an exception to height and noise ordinances and no consideration of this was given in the Draft EIR.

The Draft EIR incorrectly ignores the importance of the scenic corridor even while acknowledging that the site is within the scenic corridor. The proposed use and height of structures is inappropriate for this site given its designation as a scenic corridor and the other historical uses within this zone.

A use permit is designed to regulate sensitive areas. A use permit is required for this site thereby acknowledging that this site is located in a sensitive area. Additionally, the site's inclusion within the scenic corridor further recognizes the importance of this area to the historical and cultural heritage of Placer County. Based on historical and applied interpretations as well as plain English understanding of the zoning requirements, this project violates all three zoning standards. AF-13

The Draft EIR must consider all reasonably foreseeable projects in its analysis. The Livingston Draft EIR was published in February, 2008. The Baltimore Ravine NOP was published December, 2007. The Draft EIR fails to consider Baltimore Ravine in its analysis. It is well-known that PCWA is in the process of planning treated water pipelines along Ophir Road as referred to in the Draft EIR itself. The Draft EIR fails to consider PCWA projects in its analysis. AF-14

The Draft EIR fails to consider the nature of the traffic generated by the proposed plant. The impact of transit trucks and heavy material delivery trucks is different than the usual automobile traffic. The nature of the mass, velocity and momentum of concrete transit trucks and heavy materials delivery trucks was not considered in the Draft EIR.

AF-15

The Draft EIR is deficient in that it fails to detail truck trips for delivery of raw materials used in concrete batch plants.

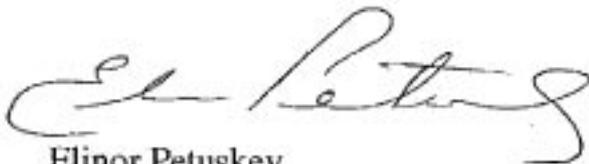
AF-16

Land uses change and zoning must be reviewed and changed to reflect current realities. This area is sensitive to history and the nature of our area. An illuminated fifty-seven foot tower is not acceptable in this area.

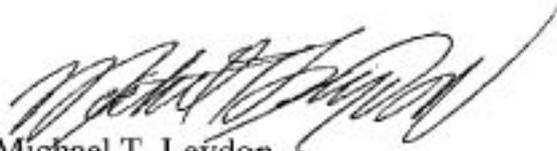
It will additionally be noted that Livingston initially attempted to move this project through without benefit of an EIR. They attempted to move forward with a farcical negative declaration. At no time in the four year history of this proposal has Livingston ever presented this project to the Ophir Area Property Owners Association, the Ophir/Newcastle MAC, or the Newcastle Community Association. At no time has Livingston ever solicited input on this project from these organizations. Had Livingston worked with local organizations and individuals, rather than ignoring them, the Draft EIR may have addressed the above-noted deficiencies.

AF-17

Signed,



Elinor Petuskey



Michael T. Leydon

RESPONSE TO COMMENT LETTER AF

Submitted by:

Elinor Petuskey and Michael Leydon

AF-1 The comment states that the Draft EIR is inadequate because it is incomplete and inaccurate.

The comment serves as an introduction to the following detailed comments but does not provide any specific comments on the Draft EIR. No response or revision to the Draft EIR is necessary.

AF-2 The comment states the Project Description in the EIR differs from the Project Description in the Notice of Preparation (NOP) for this EIR. The comment states the applicant should be required to publish and distribute a new NOP.

The only change to the project description is related to the caretaker apartment. The NOP Project Description included a caretaker apartment, while the EIR Project Description indicates that a caretaker apartment may be included but is not required. The impact analysis in the EIR assumes a caretaker apartment. Thus the impact analysis is consistent with the NOP and there is no need to publish a new NOP.

AF-3 The comment states the Draft EIR does not fully and adequately address the NOP public comments.

Subject areas in the comment letters on the NOP included concerns related to land use, transportation and circulation, air quality, hydrology and water quality, noise, visual resources, and public service availability. The written responses received during the NOP review period served to refine the focus of the Draft EIR.

Impacts related to land use, traffic, water, and noise are analyzed and discussed in the Draft EIR. **CHAPTER 4 LAND USE, CHAPTER 5 TRANSPORTATION AND CIRCULATION, CHAPTER 6 HYDROLOGY AND WATER QUALITY, and CHAPTER 7 NOISE** address impacts related to those respective resources and are responsive to the concerns raised in the NOP comment letters. 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, and the comments on the NOP did not provide any evidence to contradict the conclusions of the Initial Study. Those resource areas were not described in the Draft EIR and included air quality, public services and utilities, and aesthetics.

AF-4 The comment states the analysis of air quality issues is incomplete and insufficient. The comment states there is no discussion of pollutants specific and particular to a concrete plant, pollutants which are "different from a non-attainment zone," which is understood to indicate concern for pollutants other than the six criteria air pollutants

regulated by the Clean Air Act.

Refer to Responses to Comments E-22 and G-7 which summarize the analysis of air quality impacts and potential for the project to release hazardous materials, including hazardous air pollutants, into the environment. With approval of the Hazardous Materials Business Plan and proper implementation of that plan and all mitigation measures for air quality identified in the Initial Study, it is expected that hazardous materials used in concrete production would not be released into the environment and would not have a significant negative impact on air quality. In addition, emissions from operation of the batch plant would be subject to additional conditions applied to the project through the Air Pollution Control District permitting process.

- AF-5** The comment suggests the alternative site analysis was insufficient. The comment states that other sites with proper zoning and infrastructure that are not in the process of urbanization should have been considered in the alternative analysis.

Refer to Response to Comment E-4, which discusses the alternatives analysis included in **CHAPTER 8 CEQA REQUIRED DISCUSSIONS** of the Draft EIR. Several potential alternatives were considered during preparation of the analysis, including alternative locations for the proposed project. Because CEQA requires that alternatives to the project must be capable of meeting most of the project objectives, and one of the objectives is to provide concrete to the Auburn area, the search for an alternative location was limited to property in the Auburn area. In addition, to ensure compliance with Placer County General Plan Policy 1.E.1, the properties considered as an alternative location were those where public water and sewage collection and treatment services are available. The Draft EIR determined that an offsite alternative was not feasible because the offsite parcels that were identified as potential locations for the proposed project would not adequately support the project, or would result in greater environmental impacts than the proposed site.

- AF-6** The comment notes concern regarding the assumption in the noise analysis that ambient noise is constant. The comment states that operation of the plant would violate the noise ordinance because it will exceed ambient noise at times.

To quantify ambient noise levels at the residences closest to the project site, a continuous noise level measurement survey was conducted at three locations between August 21 and August 23, 2004, for a consecutive period of 72 hours at each site. The locations where noise level measurements were obtained are indicated on *Figure 7-1* in the Draft EIR. The measurements revealed that daytime noise levels averaged approximately 60 dB L_{eq} at locations A and B, and 65 dB L_{eq} at site C. The measurements, which are shown in *Table 7.2*, also reflect the variations in ambient noise levels in the project vicinity.

Refer to Responses to Comments E-15, E-31, F-7, and M-3, which summarize the analysis of the proposed project's noise impacts in **CHAPTER 7 NOISE** of the Draft EIR. The Draft EIR states on page 7-12 that the average noise level of the plant at a distance of 300 feet (the distance to the property line of the nearest residence) would be 60 dB L_{eq} and 58 dB L_{dn} . In comparison, the existing noise levels at the nearest

residence range between 53 and 65 dB L_{eq} and 63 to 66 dB L_{dn} . The analysis concludes that the project would not generate a substantial increase in the existing noise levels in the vicinity, thus the impacts of the proposed project would remain less than significant.

- AF-7** The comment suggests the Draft EIR makes no distinction between plant noise and traffic noise in terms of pitch and tone. The comment states that traffic noise is generally constant while the project would be expected to create intermittent noises.

As discussed in Response to Comment M-3, on page 7-11, the Draft EIR states that a complete cycle of concrete production would generate an average noise level of approximately 75 dB at a distance of 100 feet. This provides the estimated noise level that would be generated by the proposed plant, including the effects of intermittent noises created during the production cycle.

- AF-8** The comment states that the Placer County General Plan requires land uses within the C-3 zone district to be served by public water and sewer, but that neither service is available at the project site.

Refer to Response to Comment E-5, which summarizes the Draft EIR analysis of the project's consistency with Policy 1.E.1 of the *Placer County General Plan*. This policy states that new industrial development shall only be approved if there is adequate infrastructure available. For industrial development, Placer County typically interprets "adequate infrastructure" to include public water supply and public sewer connections. These services are not currently available at the project site, but mitigation measures in the EIR require the project to connect to these services when they are available. CEQA requires that an EIR consider the project's consistency with plans and policies "adopted for the purpose of avoiding or mitigating an environmental effect" (CEQA Guidelines, Appendix G). To meet this requirement, the EIR considers whether development of the proposed project without provision of public water and sewage collection services would create or contribute to any significant physical environmental impacts. As discussed in detail in Response to Comment E-5, analysis in the EIR demonstrates that the project's potentially significant impacts would be mitigated to less than significant levels. Based on the determination that no significant and unavoidable environmental impacts would occur, the proposed infrastructure is determined adequate as it relates to the environmental impacts analysis. While the EIR concludes that the proposed project is considered generally consistent with the *Placer County General Plan* and *Ophir General Plan*, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies.

- AF-9** The comment states that impacts to aquifers and adjoining wells are not adequately studied, disclosed, or mitigated.

As discussed in Responses to Comments E-5 and E-11, the Draft EIR analysis concluded that the proposed use of groundwater would not have an adverse effect on existing wells in the project vicinity. Impact 6.3 in **CHAPTER 6 HYDROLOGY AND WATER QUALITY** of the Draft EIR specifically addresses potential impacts to

groundwater from operation of the proposed project, including the proposed use of a daily maximum of 10,000 gallons of water from the onsite well. The determination that use of a daily maximum of 10,000 gallons of water would have a less than significant impact was based on the results of the 72-hour pump test and compliance with a State of California guideline regarding groundwater use for public water systems. The conclusions in the Draft EIR were based on the state guideline, which was later codified as California Code of Regulations Section §64554. It is expected that the proposed pumping rate would be sustainable and would not result in significant impacts to existing groundwater wells in the project vicinity. As explained in Response to Comment E-11, the results of the 72-hour pump test and review of the Well Completion Reports for wells within one-fourth of a mile of the project site indicate that there is minimal communication or lateral connectivity between the existing well on the project site and other wells in the project area. Thus the proposed well use is not expected to adversely affect production rates in other existing wells in the vicinity.

- AF-10** The comment states the Draft EIR observation that the batch plant would hook up to piped water whenever it is available is speculative and does not qualify as a mitigation measure.

Mitigation Measure 6.3a requires Livingston's Concrete Batch Plant to connect to public water supply when it is available. This mitigation measure is not an observation. If the EIR is certified and the project approved, the project applicant would be required to implement all mitigation measures in the certified EIR, including *Mitigation Measure 6.3a*.

- AF-11** The comment states that there are other allowable uses in the C-3 zone district, and that the proposed project is not compatible with existing land uses in the project vicinity. The comment states that even though the proposed project is allowed in the C-3 zone district, it is not an appropriate land use for this site.

Refer to Response to Comment E-4, which summarizes the analysis of land use compatibility presented in **CHAPTER 4 LAND USE** of the Draft EIR. The analysis in Impact 4.3 demonstrates that the proposed project is consistent with the land use and zoning designations for the site, and that uses similar to the proposed project already exist west and northwest of the site. This analysis also notes that physical impacts such as traffic, water quality, and noise, are evaluated in detail in other chapters of the Draft EIR. Based on the determinations in the other chapters that the physical impacts of the proposed project would be less than significant, the analysis of Impact 4.3 concludes that the project would not have a direct impact on nearby residential land uses and the project is considered to be compatible with all existing and planned land uses in the vicinity. While the EIR concludes that the proposed project is considered generally consistent with the *Placer County General Plan* and *Ophir General Plan* for the purposes of the environmental impact analysis, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies.

The comment is correct that other uses are allowed in the C-3 zone. The alternatives

analysis included consideration of developing a different land use on the project site. Specifically, Alternative B considered development of a mini-storage facility instead of the proposed concrete batch plant.

- AF-12** The comment states that no zoning changes should be allowed to accommodate the proposed project. The comment also states that the Draft EIR incorrectly discusses commercial zoning in the *Ophir General Plan* because historically heavy industrial land uses have been excluded from the commercial zone districts. The comment states that no height variances or exceptions to the noise ordinance have been granted in the Ophir area, and that the EIR does not consider this.

The proposed land use is considered a manufacturing and processing use, which Placer County designates as a heavy commercial land use. The proposed project is allowed in the C-3 zone district under the Placer County Zoning Ordinance. As discussed in Response to Comment Q-5, although a variance would be necessary to allow the proposed tower height, the analysis in the Initial Study found that the tower height would not result in a significant environmental impact. Because the analysis in the Initial Study found that the height of the tower would not create any significant environmental impacts, analysis of the need for a variance is not necessary in the EIR. Similarly, as discussed in Response to Comment F-7, the analysis of Impact 7.2 found that the noise generated by the proposed project would exceed some of the General Plan standards for noise levels at sensitive receptors. The noise emissions from the proposed batch plant would be similar to or less than the existing traffic noise levels at the nearest residences and the noise generated by the project is not expected to result in a noticeable change in the background noise levels in the area. The impact is considered less than significant and no mitigation measures are required.

Based on the conclusion that the aesthetic and noise impacts would be less than significant, the proposed project is determined consistent with County plans and policies as the plans and policies relate to the environmental impacts analysis. While the EIR concludes that the proposed project is considered generally consistent with the *Placer County General Plan* and *Ophir General Plan*, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies.

- AF-13** The comment states the Draft EIR ignores the importance of the scenic corridor designation. The comment states the proposed land use and height of structures is inappropriate for this site given its designation as a scenic corridor. The comment states that a use permit is required for the site because the site is located in a sensitive area important to the historical and cultural heritage of Placer County.

The analysis in the Initial Study considers the scenic corridor designation and determines all impacts related to aesthetics would be less than significant. Refer to Response to Comment H-3, which summarizes the Initial Study analysis of impacts to aesthetics. The Initial Study acknowledged that the plant tower would be visible from Interstate 80 which is considered a scenic highway and that the project site is visible from several residences in the area as well as from Ophir Road, which is an

historic highway and highly traveled corridor between Ophir and Auburn. The Initial Study also stated that the project site is located in proximity to existing light industrial and heavy commercial land uses, thus the project vicinity is not a pristine natural landscape. The Initial Study explains that the setback of structures from Ophir Road, provision of a 30-foot wide landscaped buffer along the road, and completion of the Design Review process will ensure that the project does not substantially change the character of the area and the project's affect on the aesthetics of the area viewed from Ophir Road would remain less than significant. In addition to the proposed landscaping, the project would preserve an existing cluster of vegetation (including oak and willow trees) located in the northwest corner of the site.

The Initial Study also acknowledged the tower would be visible from portions of Ophir Road, Interstate 80 (I-80), and surrounding properties. However, views of the tower would not significantly change the existing viewshed conditions in the area. The proposed project would be similar in appearance to the existing businesses along Ophir Road. Construction of the proposed project would not result in a significant change from the existing conditions.

The decision to grant a use permit is a policy decision that will be made by the Placer County Planning Commission. The Planning Commission will consider the concerns for the historical and cultural heritage of the area raised in this comment, along with all other comments made on the project and the EIR, as part of their deliberations regarding approval or denial of the project.

AF-14 The comment states that the Draft EIR should consider the Baltimore Ravine project and pending Placer County Water Agency (PCWA) pipeline projects as part of the cumulative development scenario.

Refer to Response to Comment E-12, which discusses the cumulative impact analysis with respect to the projects mentioned in this comment.

AF-15 The comment states the Draft EIR fails to consider the nature of the traffic that would be generated by the proposed project. The comment expresses concerns with the impact to area roads from heavy concrete trucks.

Response to Comment E-20 states that the Cultural Resources section of the Initial Study reports the determination of the Placer County Department of Museums that the proposed project is not expected to damage Ophir Road because Ophir Road was constructed to support heavy truck traffic. It currently supports heavy truck traffic associated with the existing heavy commercial development in the vicinity.

AF-16 The comment states the Draft EIR is deficient because it fails to detail truck trips for delivery of raw materials to be used at the batch plant.

Refer to Response to Comment E-8, which discusses the trip generation analysis. Trip assumptions for the EIR analysis were based on traffic counts at other Livingston's Concrete Batch Plants. These counts included all traffic to and from the

other sites, including raw material delivery. Thus the trip generation assumptions for the proposed project include all traffic to and from the project site, including for raw material delivery.

AF-17 The comment notes concerns with existing general plan and zoning designations as well as the applicant's lack of consultation with neighborhood groups.

Revising the land use and zoning designations for the project vicinity is a responsibility of Placer County, and not of the project applicant. The project applicant filed a complete project application, and in accordance with state law, the County must process the application at the time it is deemed complete. The County does not have any ability to place this project application on-hold pending completion of amendments to the *Ophir General Plan* and Placer County Zoning Ordinance. The project must be evaluated within the timelines set by state law, and must be evaluated under the existing *Ophir General Plan*.

CEQA does not require the project applicant to consult with the local community. CEQA requires that Placer County provide opportunities for public comment on the EIR. By providing Notice of Availability of the Draft EIR, allowing for a 45-day public comment period, and providing these responses to all comments received on the Draft EIR, Placer County has met the CEQA requirements for public review, as expressed in CEQA Guidelines §15087.

Placer County Planning Commission

March 15, 2008

RECEIVED

MAR 18 2008

3091 County Center Dr.

ENVIRONMENTAL COORDINATION SERVICES

Re: Livingston Concrete Plant Draft EIR

Emissions and Flaws

The most blatant flaws are as follows:

Ignoring the County General Plan on 2 major issues-

- 1. C-3 zone sites must be served by piped water
- 2. C-3 zone sites must be connected to a municipal waste water treatment plant

AG-1

UNTIL THESE TWO ISSUES ARE PUT INTO PLACE, NOTHING FURTHER FOR THIS PLANT SHOULD BE APPROVED.

Other problems not addressed to date:

- 1. The effect of the huge water use from the present well will have on the local residential wells.
- 2. Air quality and noise impacts from the depositing of the raw materials at the site.
- 3. Traffic increase caused by the delivery of raw materials.

AG-2

Find a different site for this unwelcome cement plant.

AG-3

Joyce Richter

300 Geraldson Road

Newcastle, Ca. 95658

RESPONSE TO COMMENT LETTER AG

Submitted by:
Joyce Richter

AG-1 The comment states that the Draft EIR ignores the *Placer County General Plan* requirement that land uses within the C-3 zone district receive public water and sewer services. The comment states that the project should not be approved without these services.

Refer to Response to Comment E-5, which summarizes the Draft EIR analysis of the project's consistency with Policy 1.E.1 of the *Placer County General Plan*. This policy states that new industrial development shall only be approved if there is adequate infrastructure available. For industrial development, Placer County typically interprets "adequate infrastructure" to include public water supply and public sewer connections. These services are not currently available at the project site, but mitigation measures in the EIR require the project to connect to these services when they are available. CEQA requires that an EIR consider the project's consistency with plans and policies "adopted for the purpose of avoiding or mitigating an environmental effect" (CEQA Guidelines, Appendix G). To meet this requirement, the EIR considers whether development of the proposed project without provision of public water and sewage collection services would create or contribute to any significant physical environmental impacts. As described in detail in Response to Comment E-5, analysis in the EIR demonstrates that the project's potentially significant impacts would be mitigated to less than significant levels. Based on the determination that no significant and unavoidable environmental impacts would occur, the proposed infrastructure is determined adequate as it relates to the environmental impacts analysis. While the EIR concludes that the proposed project is considered generally consistent with the *Placer County General Plan* and *Ophir General Plan*, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies.

AG-2 The comment states that the EIR does not address impacts of the proposed water use on other wells in the vicinity and air quality, noise, and traffic impacts from the delivery of raw materials to the project site.

Refer to Responses to Comments E-5 and E-11, which summarize the Draft EIR analysis regarding the proposed use of groundwater presented in Impact 6.3 in **CHAPTER 6 HYDROLOGY AND WATER QUALITY** of the Draft EIR. The determination that use of a daily maximum of 10,000 gallons of water would have a less than significant impact was based on the results of the 72-hour pump test and compliance with a State of California guideline regarding groundwater use for public water systems. The conclusions in the Draft EIR were based on the state guideline, which was later codified as California Code of Regulations Section §64554. Because public water supplies are a long-term use, application of this guideline to the analysis of the

proposed project is appropriate for considering both short- and long-term usage.

The 72-hour pump test indicated a yield of 25 gallons per minute (gpm), which is equal to 36,000 gallons per day. California Code of Regulations §64554 allows a production capacity of 25 percent of the pumping rate for wells drilled into hard rock formations, such as the existing well onsite, when a 72-hour pump test is conducted. It is expected that the proposed pumping rate would be sustainable and would not result in significant impacts to existing groundwater wells in the project vicinity.

Also refer to Response to Comment F-2 which summarizes the analysis of noise, air quality, and traffic impacts presented in the Draft EIR and Initial Study.

AG-3 The comment states that the project should be located at a different site.

Refer to Response to Comment E-3, which summarizes the consideration of alternative sites for the project provided in **CHAPTER 8 CEQA REQUIRED DISCUSSIONS** of the Draft EIR. A review of vacant parcels with an industrial or heavy commercial land use designation (and appropriate zoning designation) and served by public water and sewage collection and treatment services was conducted to identify potential alternative locations for the proposed project. The EIR preparers conducted site visits to each of the identified parcels to identify whether physical conditions at each parcel would support the proposed project. Based on these surveys, it was determined that an offsite alternative was not feasible because the offsite parcels that were identified as potential locations for the proposed project would not adequately support the project, or would result in greater environmental impacts than the proposed site. Specifically, the parcels were found to be inadequate due to road access constraints, road conditions, development constraints due to physical site characteristics, proximity to existing rural residential land uses; and/or more prominent visibility from I-80.

From: Deedee Ross
To: Placer County Environmental Coordination Services;
Subject: Livingston Concrete Batch Plant
Date: Monday, March 17, 2008 9:02:53 AM

I have three concerns regarding the Livingston's Concrete Batch proposal I have outlined below.

I am very concerned that the proposals in the Newcastle/Auburn area are being reviewed independant of each other. Livingston's proposal should include proposals from A&A Stepping Stone and Baltimore Ravine, and Livingston's proposal should be included in the review of Baltimore Ravine and A&A. These all are in close proximity to each other and will affect each other.

AH-1

The second concern I have regarding Livingston's proposal is that the project description has changed in the past 2 years since the original proposal. The applicant should be required to publish and distribute a new NOP.

AH-2

The third concern is that there is no piped water to the proposed site, nor is the site connected to a municipal wastewater treatment facility. Both of these are required for any facility in a C-3 zone.

AH-3

Please address my concerns in the final EIR for Livingston's proposal.

Thank you,

Diane Ross
2670 Burl Lane
Newcastle, CA 95658
916-663-4818

RESPONSE TO COMMENT LETTER AH

Submitted by:

Diane Ross

AH-1 The comment expresses concern that development proposals in the Newcastle/Auburn area are being reviewed independent of each other. The comment states the Livingston's Concrete Batch Plant project should be considered in conjunction with the A & A Stepping Stone and Baltimore Ravine projects.

Refer to Response to Comment E-12, which discusses the analysis of cumulative impacts with respect to the projects mentioned in this comment. The cumulative impacts of the A & A Stepping Stone project are considered consistent with the cumulative impacts analysis in the General Plan EIR. The Baltimore Ravine project site is located in the southwest portion of the City of Auburn, approximately one mile east of the Livingston's Concrete Batch Plant project site. Land uses and noise generation at the project site have no influence on and are not influenced by land uses and noise generation at the Baltimore Ravine site. The Baltimore Ravine project site is in a different drainage basin than the proposed project site, with drainage predominantly to the southwest. Thus the Baltimore Ravine project does not need to be included in the cumulative scenario for these three topics. As discussed in Response to Comment E-12, with implementation of *Mitigation Measure 5.2a*, the proposed project would mitigate its contribution to the cumulative impact, regardless of the amount and distribution of traffic generated by the Baltimore Ravine project.

AH-2 The comment states the Project Description has changed and the applicant should be required to publish and distribute a new Notice of Preparation (NOP) for this EIR.

The only change to the Project Description is related to the caretaker apartment. The NOP Project Description included a caretaker apartment, while the EIR Project Description indicates that a caretaker apartment may be included but is not required. The impact analysis in the EIR assumes a caretaker apartment. Thus, the impact analysis is consistent with the NOP and there is no need to publish a new NOP.

AH-3 The comment expresses concern that there is no public water at the site or available connections to a municipal wastewater treatment facility. The comment states both services are required for facilities in a C-3 zone.

Refer to Response to Comment E-5 which discusses the Draft EIR analysis of the project's consistency with County plans and policies. This response demonstrates that the proposed use of a well and onsite septic system would not result in any significant and unavoidable environmental impacts, including impacts to existing wells in the vicinity. Based on the determination that no significant and unavoidable environmental impacts would occur, the proposed infrastructure is determined adequate as it relates to the environmental impacts analysis. While the EIR concludes

that the proposed project is considered generally consistent with the *Placer County General Plan* and *Ophir General Plan*, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies.

From: Jack Sanchez
To: Placer County Environmental Coordination Services;
Subject: Livingston Concrete Batch Plant
Date: Monday, March 17, 2008 2:33:21 PM

March 15, 2008

Environmental Coordination Services Re: Livingston Concrete Batch Plant in Ophir

I am writing about the Livingston Concrete Batch Plant to be placed in Ophir. The DEIR drafted by Placer County is incomplete, speculative and misleading and a stain on the way a great county like Placer does its business. The FEIR must be a complete revision of the Draft, starting over completely.

AI-1

First, the Ophir General Plan precludes the building of this type of facility in our beautiful valley. Second, the pollution generated by this plant would fill the air with concrete particles, which when inhaled, are a proven source of lung cancer. The number of daily truck trips to the plant is grossly and unrealistically understated. The large amounts of water used to wash trucks would ultimately pollute the several streams and canal in the immediate vicinity, would use a disproportionate amount of ground water putting many of the existing well at risk of going dry. The test performed by Diamond Well Drilling on the effect of this plants well is general, speculative and completely unacceptable as a scientific support for building this plant. The ultimate effect of all this polluted water which is not adequately planned for in the sewage system or for excessive rainfall and flooding would in the final analysis pollute the Auburn Ravine, the crown jewel of the Ophir Valley.

AI-2

AI-3

AI-4

AI-5

We own three homes and several parcel of land in Ophir, I was born in Ophir, raised in Ophir and still consider it my home. I mother still lives on the Auburn Ravine in Ophir in the home in which I was born. I will not accept the degradation of my home.

AI-6

No alternate site for this plant is listed so this Ophir location is presented to the people of Ophir and the general public as a *fait accompli*, which is an affront to the public and to the great EIR procedure and to the honorable people elected to represent us.

AI-7

The only possible explanation for the location of this plant in Ophir is the greed inherent is the Planning Commission in attempting to collect business taxes at the expense of people whose lives will be negatively impacted by the plant.

AI-8



This plant should never have been accepted as a business for this location because it violates the very essence of why people live in the Ophir Valley. My family has lived in Ophir since 1888; we will not suffer lightly the attempt by the County to force this plant upon us.

If this issue cannot be resolved through the normal process, the citizens of Ophir are prepared to litigate this attempt to degrade our way of life to whatever extent necessary to stop this plant being foisted upon us.

Jack and Valerie Sanchez
3675 Larkin Lane
Auburn, Ca 95602
530 888 0281



AI-8

Climb to the top of the charts! Play the word scramble challenge with star power.
Play now!

RESPONSE TO COMMENT LETTER AI

Submitted by:

Jack Sanchez

AI-1 The comment states that the Draft EIR is inadequate and misleading.

No specific comments on the Draft EIR are provided. No response or revision to the EIR is necessary.

AI-2 The comment states that the *Ophir General Plan* precludes the proposed project.

The comment provides no evidence to contradict the conclusion in the Draft EIR that the proposed project is consistent with the County plans and policies applicable to the project site. The proposed use is allowed in the C-3 zone district, and as discussed in Responses to Comments E-4 and E-5, the proposed project is expected to be compatible with existing and planned land uses in the vicinity and is consistent with policies adopted for the purpose of limiting environmental impacts. While the EIR concludes that the proposed project is considered generally consistent with the *Placer County General Plan* and *Ophir General Plan*, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies.

AI-3 The comment states that the proposed project would generate air pollution that would adversely affect health of residents in the project vicinity.

As discussed in Response to Comment E-22 in addition to the mitigation requirements, emissions from operation of the batch plant would be subject to additional conditions applied to the project through the Air Pollution Control District permitting process and would be subject to the provisions of a Hazardous Materials Business Plan which must be approved by the Placer County Environmental Health Services Division. The project would be required to obtain a Permit to Construct prior to construction of the batch plant, and an Authority to Operate permit prior to commencing operation of the batch plant.

AI-4 The comment states that the Draft EIR undercounts the number of daily truck trips that would be generated by the proposed project.

Refer to Response to Comment E-8, which describes the trip generation analysis for the proposed project. The County's traffic consultant conducted AM and PM peak hour traffic counts at existing Livingston's Concrete Batch Plants in the greater Sacramento area. The traffic counts at existing Livingston's Concrete Batch Plants included all vehicles entering and leaving the sample sites, including employees, vehicles delivering raw materials, and concrete delivery trucks. The trip generation data is presented for AM and PM peak hours, not a daily or weekly total. To evaluate project impacts, the 70th percentile trip generation rate for similar sites was