

COUNTY OF TULARE
RESOURCE MANAGEMENT AGENCY



5961 South Mooney Boulevard
Visalia, CA 93277

Papich Construction Asphalt Batch Plant
Project

Final Environmental Impact Report

May 2015

Prepared by

County of Tulare Resource Management Agency
Planning Branch
Environmental Planning Division

May 2015

**Papich Construction Asphalt Batch Plant Project
Final Environmental Impact Report (SCH No.2014071069)**

These attached documents complete the Final Environmental Impact Report (FEIR) for the above referenced project

- I. Responses to Comments (Chapter 10 of the FEIR)
- II. Mitigation Monitoring and Reporting Program.
- III. Correction made to pages of the Draft EIR, and a summary table of corrections)
- IV. Statement of Overriding Consideration
- V. Finding of Fact (Exhibit “B” for FEIR Resolution

INTRODUCTION & RESPONSE TO COMMENTS

Chapter 10

INTRODUCTION

The Draft Environmental Impact Report (Draft EIR or EIR) for the Papich Construction Asphalt Batch Plant was made available for public review and comment for a period of 45 days from March 6, 2015 through April 20, 2015. The purpose of this document is to present public comments and responses to comments received on the Papich Construction Asphalt Batch Plant Draft Environmental Impact Report (SCH # 2014071069).

Individual responses to each of the comment letters received regarding the Draft EIR are included in this chapter. Comments that do not directly relate to the analysis in this document (i.e., that are outside the scope of this document) will be considered.

In order to provide commenters with a complete understanding of the comment raised, the County of Tulare Resource Management Agency (RMA), Planning Branch staff prepared a comprehensive response regarding particular subjects. These comprehensive responses provide some background regarding an issue, identify how the comment was addressed in the Draft EIR, and provide additional explanation/elaboration while responding to a comment. In some instances, these comprehensive responses have also been prepared to address specific land use or planning issues associated with the proposed Project, but unrelated to the EIR or environmental issues associated with the proposed Project.

Comments received that present opinions regarding the Project that are not associated with environmental issues or raise issues that are not directly associated with the substance of the EIR are noted without a detailed response.

REVISIONS OUTLINED IN THE RESPONSE TO COMMENTS

Revisions and clarifications to the EIR made in response to comments and information received on the Draft EIR are indicated by strikeout text (e.g., ~~strikeout~~), indicating deletions, and underline text (e.g., underline), indicating additions. Corrections of typographical errors have been made throughout the document and are not indicated by ~~strikeout~~ or underline text. Revisions and clarifications are included as Errata pages within this document.

PUBLIC REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT REPORT

Consistent with the California Environmental Quality Act (CEQA), the potential environmental effects of the Papich Construction Asphalt Batch Plant (SCH # 2014070169) have been analyzed in a Draft Environmental Impact Report (DEIR) dated January, 2015. Consistent with Section 15205 of the State CEQA Guidelines, the DEIR for the Papich Construction Asphalt Batch Plant is subject to a public review period. Section 21091(a) of the Public Resource Code specifies a 30-day public review period; however, if a Draft EIR is submitted to the State Clearinghouse for review, the review period shall be a minimum of 45-days. The County of Tulare provided a 45-day review period.

The Papich Construction Asphalt Batch Plant Draft EIR was distributed to responsible and trustee agencies, other affected agencies/departments/branches within the RMA, interested parties, and all parties who requested a copy of the Draft EIR in accordance with Section 21092 of the *California Public Resources Code*. The Draft EIR's Notice of Availability (NOA) was also published in the *Visalia Times Delta*, a newspaper of general circulation, on March 6, 2015, as required by CEQA.

During the 45-day review period, the DEIR and the technical appendices were also made available at the following locations:

Tulare County Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277
(559) 624-7000

Visalia Main Branch Library – Tulare County
200 W. Oak Street
Visalia, CA 93291

In addition, the Papich Construction Asphalt Batch Plant DEIR was posted on the Tulare County website at:

<http://www.tularecounty.ca.gov/rma/index.cfm/documents-and-forms/planning-documents/environmental-planning/environmental-impact-reports/>

RELEVANT CEQA SECTIONS (SUMMARY)

See Complete Sections in CEQA Guidelines Sections 15088 to 15384, et seq. which can be accessed at:

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I95DAAA70D48811DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I95DAAA70D48811DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

Section 15088. Evaluation of and Response to Comments.

- (a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response...
- (b) The lead agency shall provide... response to a public agency on comments made ... at least 10 days prior to certifying.
- (c) The written response shall describe the disposition of significant environmental issues raised. In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations, and objections raised in the comments must be addressed in detail

Section 15088.5. Recirculation of an EIR Prior to Certification.

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.
- (b) Recirculation is not required where the new information merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.
- (e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

Section 15089. Preparation of Final EIR.

- (a) The lead agency shall prepare a final EIR before approving the project. The contents of a final EIR are specified in Section 15132 of these guidelines.

Section 15090. Certification of the Final EIR.

- (a) Prior to approving a project the lead agency shall certify that:
 - (1) The final EIR has been completed in compliance with CEQA;
 - (2) The final EIR was presented to the decision making body...and the decision making body reviewed and considered the information contained in the final EIR prior to approving the project; and
 - (3) The final EIR reflects the lead agency's independent judgment and analysis.

Section 15091. Findings.

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.... (a) shall be supported by substantial evidence in the record.

Section 15092. Approval.

- (b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless:
 - (2) The agency... (B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

Section 15093. Statement of Overriding Considerations.

a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Section 15095. Disposition of a Final EIR.

The lead agency shall:

(a) File a copy of the final EIR with the appropriate planning agency of any city, county, or city and county where significant effects on the environment may occur.

(b) Include the final EIR as part of the regular project report which is used in the existing project review and budgetary process if such a report is used.

(c) Retain one or more copies of the final EIR as public records for a reasonable period of time.

(d) Require the applicant to provide a copy of the certified, final EIR to each responsible agency.

Section 15151. Standards for Adequacy of an EIR.

An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

Section 15364. Feasible. “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, and environmental, legal, social, and technological factors.

Section 15384. Substantial Evidence. “Substantial evidence”... means enough relevant information and reasonable inferences that a fair argument can be made to support a

conclusion, even though other conclusions might also be reached. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.

RESPONSES TO COMMENTS

COMMENT LETTERS RECEIVED ON THE DRAFT EIR

The County of Tulare received five comment letters on the Draft EIR during the designated comment period (between March 6, 2015 and April 20, 2015). In addition, correspondence or conversations regarding comments from the public are also provided in this document. Each comment letter is also numbered. For example, comment letter “1” is from the State of California Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit, December 16, 2014.

Consistent with Section 15132 of the CEQA Guidelines, the following is a list of persons, organizations, and public agencies that submitted comments regarding the Draft EIR received as of close of the public review period on April 20, 2015.

Oral comments were received from or conversations occurred with the following individuals:

No oral comments were received.

Comments from Federal, State, or County Agencies:

Comment Letter 1	State of California Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit, April 22, 2015
Comment Letter 2	State of California Department of Transportation District 6, April 23, 2015
Comment Letter 3	San Joaquin Valley Unified Air Pollution Control District, April 24, 2015
Comment Letter 4	San Joaquin Valley Unified Air Pollution Control District, April 30, 2015
Comment Letter 5	San Joaquin Valley Unified Air Pollution Control District, May 4, 2015

Comments from adjacent property owner’s:

None received.

Comments from supporters of the proposed Project:

None received.

COMPREHENSIVE LIST OF RESPONSES

Comment Letter 1 – State of California Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit, Dated April 22, 2015

Comment: The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on April 20, 2015, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Response: Staff appreciates the Office of Planning and Research (OPR) comment that OPR indicates that the Papich Construction Environmental Quality Act Project has complied with State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act (CEQA).

Comment Letter 2 - Department of Transportation, April 23, 2015

Comment: *“The DEIR indicates that raw material will be imported from the Oroshi Rock facility approximately 30 miles northeast of the subject project. The project will generate approximately 464 heavy duty truck trips per day with a maximum of 16 import and 16 export heavy duty truck trips per hour. Caltrans anticipates significant impacts to the State Highway System and concern with the heavy duty truck routes to and from the site.”*

Response: The DEIR and TIS study the potential project-related and cumulative impacts to the surrounding roadway system using standard industry and Caltrans approved methodologies. This includes operational analysis of peak hour traffic conditions at area intersections in the near- and long-term conditions. Based on the findings of the TIS, near- term impacts are identified at the Betty Drive at SR 99 SB ramps intersection, with and without the proposed Project. However, these impacts are mitigated by the planned interchange improvement project scheduled to be completed in the next 5 years. The Project will contribute its proportionate fair share towards improvements study area roadways, as identified in the DEIR, Chapter 3.16.

The Project’s other potential impacts to the other surrounding roadways and the surrounding intersections were analyzed in

Chapter 3.16 and the impacts were also found to be less than significant.

Given this, the County has included all of your roadway and operational related comments as “Caltrans Conditions of Approval” in COA’s 41-43. COA 43 specifically requires that the Project, “will contribute its proportionate fair share towards improvements [within the] study area roadways.” In addition, the Project Specific Conditions require specific public improvements to the Goshen Complete Streets Program and Road 64 “Off-site” Improvements.

As such, we concluded that Project-related and cumulative traffic-related impacts were not significant.

Given this, the County has included all of your roadway and operational related comments as “Caltrans Conditions of Approval” in COA’s 41-43. COA 43 specifically requires that the Project, “will contribute its proportionate fair share towards improvements [within the] study area roadways.” In addition, the Project Specific Conditions require specific public improvements to the Goshen Complete Streets Program and Road 64 “Off-site” Improvements.

As such, we concluded that Project-related and cumulative traffic-related impacts were not significant.

Comment: *“Page 2-3, Figure 2-1, “Vicinity Map”, under the “Legend”: Please correct the color for the State highway. Only State Route (SR) 99 and SR 198 comprise the State Highway System, the rests are either the County or City roadways.”*

Response: As Noted, the map has been corrected in the Final EIR.

Comment: *“Page 3.1-11, Mitigation Measure 1-1 (associated Figure 3.1-5): Caltrans agrees with the project requirement to install a 10-foot high berm, with fencing and landscaping along SR 198 to minimize visual impacts. However, all landscape improvements along SR 198 shall be located outside of Caltrans right of way.”*

Response: As Noted, the landscape improvements will be constructed as identified in DEIR Chapter 3. Mitigation Measure 52, Conditional of Approval 51 and 52, with the coordination of the County and Caltrans.

Comment: *“Page 3.16-6, paragraph below Table 3.16-3, states that traffic*

counts were taken during the time period that school was out of session (summer time) and assumptions would be made to include school traffic in the analysis.

- *Please clarify what type of factor (method or assumption) was used for the operational analysis in Section 3 of the Appendix H.”*

Response:

The existing traffic counts for the following intersections were taken as a part of the Goshen Community Plan TIS, which accounts for school traffic:

1. Betty Drive at Frontage Road
2. Betty Drive at SR 99 SB Ramps
3. Betty Drive at SR 99 NB Ramps
4. SR 198 at Road 64

These intersections already account for school traffic and were not adjusted in any way. The remaining intersections were adjusted by calculating trip generation for Goshen Elementary School, using ITE rates for an elementary school and the school’s enrollment (678 students). The calculated trips were then distributed to the area roadways as follows: 70% east and 10% in each of the other cardinal directions, using the major roadways (Betty Drive, Avenue 308, and SR 99. It should be noted that the remaining study intersections are not in the immediate vicinity of the school and are not located along routes for home-school or school-work trips, therefore the addition of the school trips did not largely affect the actual counted traffic at the intersections.

Along routes for home-school or school-work trips; therefore, the addition of the school trips did not largely affect the actual counted traffic at the intersections.

Comment:

“Page 3.16-11, “Project Trip Distribution”: Caltrans agrees with the routes indicated for the project trip distribution.

- *However, Caltrans has a concern with the potentially large number of slow moving trucks crossing the 4 lanes of SR 198 traffic to head eastbound on SR 198 from Road 64. Therefore, Caltrans strongly recommends that truck traffic needing to go eastbound on SR 198 or north/south bound on SR 99 utilize northbound Road 68 to access SR 99 at Betty Drive. Trucks can then travel south to use the SR 99/SR198 interchange to continue eastbound on SR 198. Alternatively, trucks could utilize southbound Road 68 to access SR 99 at the Caldwell*

Avenue interchange. Please note that the SR 99 ramps at Road 304 will be closed upon completion of the new SR 99 interchange at Betty Drive.

- *Due to the large slow moving trucks, it is recommended that truck trips be restricted during peak traffic hours. Peak traffic hours are from 6am to 8am and from 4pm to 6pm.*
- *Additionally, it is recommend that truck trips should be staged 5 to 10 minutes apart to avoid a long platoon of large, slow moving vehicles entering the State Highway System causing significant delays on the freeway and freeway ramps.”*

Response:

The trip distribution does not propose trucks traveling from southbound Road 64 to eastbound SR 198. The only scenario where this may occur is during construction of the Betty Drive at SR 99 interchange improvements. Even then, this route will only be used if it is recommended by the interchange project’s traffic control plan and trucks are directed to use this route.

The nature of the Project’s trips is that they occur on demand for various roadway projects throughout the Valley. Production and travel times are dictated by the various roadway projects’ timelines. In general, major roadway construction projects are typically scheduled to avoid work during peak travel times whenever possible. This practice will likely reduce the Project’s traffic during these peak time periods.

The loading of virgin aggregate at the quarry and production of asphalt on-site will limit the frequency at which the Project’s trips arrive/depart. During peak production times, it is not possible for multiple asphalt trucks to leave at the same time since the on-site equipment cannot produce asphalt and fill trucks that quickly.

Comment:

“TIS Appendix H, page 20, Section 3.3 “Traffic Signal Warrants”: Caltrans does not disagree that signal warrants at SR 99 and Betty Drive ramps were met. However, typical engineering practice for traffic signal warrants analysis would include all the available warrants (some warrants may not be applicable to the condition) when evaluating the signal warrants for an intersection as guided by the MUTCD. Per Section 4C.04 of the MUTCD, peak hour (warrant 3) signal warrant is intended for a specific location only. A complete peak hour (Warrant 3) warrant would also include a delay study (in terms of vehicle-hours) at the intersection.”

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Response: Typically, traffic impact studies limit the scope of analysis for certain criteria and areas. As such, Part B of Warrant 3 (as included in the TIS) is the typical standard for preliminary evaluation of the need for traffic signals in traffic impact studies. However, it is agreed that a full warrant analysis should be prepared before a traffic signal is programmed for installation. Caltrans has already conducted a complete evaluation of the proposed traffic signals at the Betty Drive at SR 99 interchange as a part of the environmental analysis of the interchange upgrade. The traffic signals are already warranted, planned, and awaiting funding today. The TIS did not include further detailed analysis once the results of the limited analysis (Warrant 3, part B) mirrored the results already determined in the Betty Drive at SR 99 environmental analysis as well as the Goshen Community Plan analysis.

Comment: *“Appendix H, Printout of Appendix C - “Traffic Signal Warrant Analysis”: Please correct the “approach speed” at the off-ramps. Please be advised that typical off-ramp speed ranges from 35 mph to 50 mph, depending on the location of the off-ramp. The approach speed can be very low approaching the “stop” sign at the ramp terminal.”*

Response: Noted. The revised Appendix C is attached. An approach speed of 45 mph is shown and Figure 4C-4 of the MUTCD is utilized to determine the warrant results. However, in the event that a lower approach speed is used and Figure 4C-3 of the MUTCD is utilized, then the warrant is approximately 97% met for the SB Ramps and 100% met for the NB ramps.

Comment Letter 3 – San Joaquin Valley Unified Air Pollution Control District, Dated April 24, 2015

Comment: ***RE: Off-Site Truck Emissions:** “As presented in the EIR, Chapter 3.3: Air Quality, page 3-3-16, Table 3.3.5, Existing and Proposed Non-Permitted Operational Emissions, the table includes emissions for on-site Truck travel/Hauling. However, emissions from off-site vehicle trips are not provided.”.*

Response: Figure 2 of the emissions study details the potential roadway paths to and from the site. To be conservative the analysis evaluates the longest distance from the site to the freeway. This distance is estimated to be 1 mile or a round trip of 2 miles.

Attachment D evaluates the emissions from the Haul Trucks. The round trip distance on site is 0.7 miles. The off-site round trip

distance is 2 miles. Table D-1a and Table D-1b utilize a round trip distance of 2.7 miles. The calculated distance incorporates both on-site and off-site truck travel. This distance represent the worst case scenario for the truck travel paths provided. For these reasons, Alta does not believe any additional adjustment is necessary for the off-site truck travel emissions.

Comment: ***RE: Authority to Construct:*** “...any modification that would result in a change in emissions or change in method of operation/equipment requires the submittal of an Authority to Construct permit application.”

Response: We concur. The asphalt plant permit from SJVAPCD limits production and fuel usage below the production capacity of the plant (which is currently 3,700 tons per day). The existing equipment can (without modification) achieve the additional production proposed to a maximum of 8,000 tons per day as contained in the project description. Once appropriate approval is obtained through the CEQA process an application will be prepared and submitted to the Air District requesting an increase in production through the plant.

Comment: ***RE: Asbestos Survey and Notification:*** “The Asbestos Program covers most renovation and all demolition projects in the San Joaquin Valley air basin. Elements of the program include Survey and Notification Requirements prior to beginning a project...”

Response: We concur. The location of the future office building and shop will require the demolition of the existing house on the site. In accordance with the asbestos requirements, an Asbestos Survey will be completed and a work plan will be developed and asbestos abatement will be performed by a licensed contractor. The Applicant will comply with all Air District rules and regulations applicable to asbestos removal if the Asbestos Survey determines it is necessary.

Comment: ***RE: Compliance with Current District Rules:*** “The proposed project may be subject to District Rules and Regulations, including...”

Response: We concur. As noted earlier, Papich currently has a permit with San Joaquin Valley APCD for their asphalt plant and have been operating under that permit for some time. Papich operates within the limits of the permit and the associated SJVAPCD rules. As such, Papich is confident it can operate in compliance with applicable SJVAPCD rules and regulations and looks forward to

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working the Air District to ensure all necessary permits are secured.

Comment: ***RE: District Rule 9510 (Indirect Source Review)*** “...the District concludes that the proposed project is not subject to District Rule 9510.”

Response: Thank you for your confirmation that this project is not subject to Rule 9510.

Comment: ***RE: Health Risk Assessment:*** “Health Impacts: A health risk assessment (HRA) was performed for the project, but the District has not received the input and out files for the AERMDOD and Hot Spots Analysis and Reporting Program (HARP) model. The District has requested these files and will provide comments on the HRA after reviewing the modeling files for the project.”

Response: Per SJVAPCD’s request, the modeling files were sent on Friday April 24, 2015. Upon receipt of the Air District’s review of the HRA modeling files, Alta will be able to respond to any questions/comments the Air District May have.

Comment Letter 4 - San Joaquin Valley Unified Air Pollution Control District, Dated April 30, 2015

Comment: ***RE: On-Highway Truck Emission:*** “Truck travel emission for public highways outside of the project boundaries were modeled despite District guidance to include only emission within project boundaries.”

Response: On-Highway emissions were included for consistency between the Ambient Air Quality analysis and the HRA. As stated in the response, the inclusions of these emissions make the analysis more conservative and removing them from the analysis would not change the conclusion of the report.

Comment: ***RE: HRA Emission Estimates Utilizing PM-10:*** “...Since toxic emission estimate for some processes are based on the speciating PM-10 emission, toxic emission estimate would be low.”

Response: The Analysis includes nine different exhibits detailing emissions from different sources. Of those exhibits four of them utilize PM-10 emissions as the basis for the toxic emission estimates. The response refers to differences in emissions calculations and control levels for some of those sources as compared to the emissions analysis used for the expansion, but the response provides no

details about which sources the comment pertains to or what the differences are.

The four emission sources which utilize speciated PM-10 are the Silo Loading, Cold Feed, Silo Loadout and Storage Piles.

- Silo Loading - Emissions from Silo loading are vented through the drag slat conveyor through the Drum and finally to the asphalt plant baghouse. The emissions from this baghouse combined the emissions from silo loading and the asphalt dryer. That baghouse was source tested on August 8-9 of 2013 and the source test demonstrated results of 0.0053 lbs/ton which was below Condition 21 listed in the permitted of 0.007 lbs/ton. For the purposes of the HRA, and in order to be conservative, we have included line items for both emissions from the asphalt plant dryer and emissions from silo loading separately. The combine emission from the two sources would be more conservative than what was used for permitting purposes. Please note, if the facility is allowed to move forward with the production increase, it does not intend to modify 0.007 lbs/ton listed in Condition 21 on the permit.
- Cold Feed - The emission calculations detailed under Attachment A of the report for the cold feed system utilize emission factors from AP-42 for Crushed Stone Processing published by the U.S EPA. Additionally, the facility utilizes water sprays for emissions control. As a result, controlled emission factors were selected. The use of AP-42 is supported by APR 1110 "Using Revised Emission Factors" published by SJVAPCD. The factors used in the HRA are consistent with the AP-42 guidance and APR 1110. The previous HRA prepared for the permitting of the production increase and provided to Papich for this facility does not detail emission from the Cold Feed system. As a result, it is unlikely there is a conflict with this emission source since it was originally not included.
- Silo Load Out - The emission factor for the silo load out is derived from a single equation. That equation is from AP-42 for "Hot Mix Asphalt Plants. The calculations are detailed in Attachment F of the analysis and supported by APR 1110 discussed above. This calculation does not utilize control factors. The emission estimates are based on the increased annual production and a mix temperature of 325 deg F. Since the emissions are based on a single equation, the requested production and no control factoris applied, there is little that can be disputed regarding this calculation. As a result, it is unlikely there is a conflict with this emission source.

- Storage Piles - The HRA analysis prepared by SJVAPCD and provided to Papich for the previous production increase stated the emission rate of 0.5 lb/hr and 183 lbs per year from Sand, aggregate & RAP stock piles. The current analysis calculated 0.89 lbs/hr and 7837.50 lbs/yr of PM10 emission from the storage piles. Comparing the emissions from the current and previous analysis do not appear to be lower and are reflective of the production increase proposed in the Cumulative Analysis. As a result it appears this section is not in conflict with the previous analysis.

Comment:

RE: Diesel Particulate Emission Factor: “A diesel particulate emission factor was calculated based on the burdened emissions estimate for Tulare County. Because this emission factor is based upon a burdened rate which includes emissions from trucks traveling at the full range of speeds on County roads and exhaust emission factors decrease with increased speed, the diesel particulate emission for trucks operation on site at speed of 15 mph or less are underestimated.....”

Response:

The analysis calculated the operation of the on highway trucks utilizing two different operating modes: 1) Trucks traveling at 15 miles per hour and 2.) Idling. Both emissions were calculated and the resulting impact included in the analysis. The emissions for the truck travel are based on T6 and T7 trucks only, a 15 mile per hour rate of speed, and a 2014 calendar year. The resulting grams/mile emission rate is utilized with a distance of 2.7 miles and the truck volumes presented for the project. This data was used to arrive at the total truck emissions. As discussed previously, although the truck travel on site will only be 0.7 miles, the analysis includes on-highway travel to the freeway. Attached is the EMFAC model analysis which details the results used in the analysis. The emissions from the trucks are not burdened rates. Although the analysis could be changed to reduce the travel distance, that change would only reduce the risk and would not change the conclusion of the analysis.

Comment Letter 5 - San Joaquin Valley Unified Air Pollution Control District May 4, 2015

Comment 1:

RE: Off-Site Truck Travel, I.a.: “It appears the 2.0 mile round trip distance used in the Draft EIR accounts only for the distance from the asphalt plant site and Highway 99 to the east of the site.”

Response 1:

The Air District is correct in noting the 2.0 mile round-trip distance from the asphalt plant site to State Route 99. As the ultimate

destinations of asphalt are unknown it would be speculative to estimate potential emissions. Also, see response to comments Off-Site Truck Travel, 1.b. and c, below.

Comment 2: ***RE: Off-Site Truck Travel, 1.b. and c.:*** “Based on the distance from the Orosi facility to the asphalt plant site, a round trip is approximately 50 miles. The distance traveled should be: 47,000 trucks/year X round miles/round trip = 2,256,000 miles/year.” **And** “Per the Draft EIR, the trip from the Orosi facility to the asphalt plant site is the only known trip identified for this project.”

Response 2: The Air District is correct in noting that the trips to and from the Orosi Facility (Orosi Rock) are the only known origin/destination points for this project. However, according to Table 3.16-6 (Proposed Annual Trip Generation; see page 3.16-12 of the DEIR), approximately 11,000 trucks trips will make the roundtrip from Orosi rock to the asphalt batch plant and vice versa. Further, the applicant anticipates 200 annual operational days (see page 3.16-12 of the DEIR). As such, the project would result in: 11,000 trucks/year X 50 miles/round trip = 550,000 miles/year.

Comment 3: ***RE: Off-Site Truck Travel, 1.d.:*** “The distance traveled would have been underestimated in the Draft EIR. Therefore, the District recommends the emissions due to heavy duty diesel off-site truck travel be recalculated based on a round trip distance of 50 miles to appropriately reflect the project related impact from off-site mobile trips.”

Response 3: RMA staff (Jessica Willis, Planner IV) prepared a CalEEMOD run to estimate potential emissions from heavy duty trucks traveling to and from Orosi Rock and the proposed project site based on 11,000 trucks/year X 50 miles/round trip and 200 annual operational days. The model estimates that approximately 4.115 tpy of NOx, 1.993 tpy of CO, and less than one tpy of the remaining criteria pollutants, would occur as a result of the heavy duty trucks traveling to and from Orosi Rock and the proposed project site. Cumulatively, the project will remain below Air District thresholds for all criteria pollutant. Table 3.3-5 (Existing and Proposed Non-Permitted Operational Emissions, page 3.3-16 in the DEIR) will be revised to include emissions from heavy duty trucks traveling to and from Orosi Rock and the proposed project site. Also, the CalEEMOD run is attached to this response letter and will be incorporated into the final EIR.

Comment 4: ***RE: Provide District's comments to project proponent: "The District recommends that a copy of the District's comments be provided to the project proponent."***

Response 4: We concur. The County has provided the District's comments to the project proponent.

PROJECT SUMMARY

The Applicant is currently operating an asphalt batch plant at the site under a County-issued Temporary Use Permit (PSP 13-005 issued February 19, 2013) and is permitted to produce and distribute up to 3,700 tons/day of asphalt. The Temporary Use Permit restricts the existing operation to supply asphalt materials only for the Road 80 and State Route 99 projects (to be completed by mid-2015) with no provision for additional retail sales. The Applicant is pursuing a Special Use Permit through Tulare County for the following: (1) Permanent establishment of the asphalt batch plant on the existing site; (2) Expansion of the existing permitted operation from 3,700 tons/day to 8,000 tons/day of asphalt; and (3) To conduct retail/commercial sales of asphalt.

The proposed Project will be located at the northwest corner of State Route 198 and Road 68, about $\frac{1}{2}$ mile west of State Route 99 and north of State Route 168 which provide regional access for the site. The 32-acre proposed Project site, with a build-out "footprint" for the proposed facility of approximately 17.6 acres, is located within an unincorporated area of Tulare County. Specifically, the proposed Project is located on APN: 073-080-010 with a physical address of 29779 Road 68, Visalia, California. The Visalia Urban Area Boundary is located immediately adjacent to the east and Kings County is located approximately three miles to the west.

LOCAL REGULATORY CONTEXT

The Tulare County General Plan Update 2030 was adopted on August 28, 2012. As part of the General Plan an EIR was prepared as was a background report. The General Plan background report contained contextual environmental analysis for the General Plan. The Housing Element for 2009-2014 was adopted on May 8, 2012, and certified by State of California Department of Housing and Community Development on June 1, 2012.

SCOPE AND METHODOLOGY

The County of Tulare has determined that a project level EIR fulfills the requirements of CEQA and is the appropriate level evaluation to address the potential environmental impacts of the proposed project. A project level EIR is described in Section 15161 of the State CEQA Guidelines as one that examines the environmental impacts of a specific development project. A project level EIR must examine all phases of the project, including planning, construction, and operation.

This document addresses environmental impacts to the level that they can be assessed without undue speculation (CEQA Guidelines Section 15145). This *Final Environmental*

Impact Report (FEIR) acknowledges this uncertainty and incorporates these realities into the methodology to evaluate the environmental effects of the Plan, given its long term planning horizon. The degree of specificity in an EIR corresponds to the degree of specificity of the underlying activity being evaluated (CEQA Guidelines Section 15146). Also, the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project (CEQA Guidelines Sections 15151 and 15204(a)).

CEQA Guidelines Section 15002 (a) specifies that, “[t]he basic purposes of CEQA are to:

- (1) Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.
- (2) Identify ways that environmental damage can be avoided or significantly reduced.
- (3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- (4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.”¹

CEQA Guidelines Section 15002 (f) specifies that, “[a]n environmental impact report (EIR) is the public document used by the governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage... An EIR is prepared when the public agency finds substantial evidence that the project may have a significant effect on the environment... When the agency finds that there is no substantial evidence that a project may have a significant environmental effect, the agency will prepare a “Negative Declaration” instead of an EIR...”²

Pursuant to CEQA Guidelines Section 15021 Duty to Minimize Environmental Damage and Balance Competing Public Objectives:

- “(a) CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible.
- (1) In regulating public or private activities, agencies are required to give major consideration to preventing environmental damage.
 - (2) A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.
- (b) In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors.
- (c) The duty to prevent or minimize environmental damage is implemented through the findings required by Section 15091.

¹ CEQA Guidelines, Section 15002 (a)

² CEQA Guidelines, Section 15002 (f)

(d) CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. An agency shall prepare a statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment.”³

IDENTIFICATION OF POTENTIALLY SIGNIFICANT IMPACTS

CEQA Guidelines Section 15002 (h) addresses potentially significant impacts, to wit, “CEQA requires more than merely preparing environmental documents. The EIR by itself does not control the way in which a project can be built or carried out. Rather, when an EIR shows that a project could cause substantial adverse changes in the environment, the governmental agency must respond to the information by one or more of the following methods:

- (1) Changing a proposed project;
- (2) Imposing conditions on the approval of the project;
- (3) Adopting plans or ordinances to control a broader class of projects to avoid the adverse changes;
- (4) Choosing an alternative way of meeting the same need;
- (5) Disapproving the project;
- (6) Finding that changes in, or alterations, the project are not feasible.
- (7) Finding that the unavoidable, significant environmental damage is acceptable as provided in Section 15093.”⁴ (See Chapter 7)

This *Final EIR* identifies potentially significant impacts that would be anticipated to result from implementation of the proposed Project. Significant impacts are defined as a “substantial or potentially substantial, adverse change in the environment” (Public Resources Code Section 21068). Significant impacts must be determined by applying explicit significance criteria to compare the future Plan conditions to the existing environmental setting (CEQA Guidelines Section 15126.2(a)).

The existing setting is described in detail in each resource section of Chapter 3 of this document and represents the most recent, reliable, and representative data to describe current regional conditions. The criteria for determining significance are also included in each resource section in Chapter 3 of this document.

³ Ibid., Section 15021

⁴ 2013 CEQA Guidelines, Section 15002 (h)

CONSIDERATION OF SIGNIFICANT IMPACTS

Pursuant to CEQA Guidelines Section 15126.2, “[a]n EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there. Similarly, the EIR should evaluate any potentially significant impacts of locating development in other areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas) as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.”⁵

As the Project will have no significant and unavoidable effects; a Statement of Overriding Considerations is not necessary or required as part of this Final EIR.

MITIGATION MEASURES

CEQA Guidelines Section 15126.4 specifies that:

- “(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.
 - (A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.
 - (B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be

⁵ Ibid., Section 15126.2

- identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.
- (C) Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant. Examples of energy conservation measures are provided in Appendix F.
 - (D) If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed. (*Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986.)
- (2) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.
 - (3) Mitigation measures are not required for effects which are not found to be significant.
 - (4) Mitigation measures must be consistent with all applicable constitutional requirements, including the following:
 - (A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); and
 - (B) The mitigation measure must be “roughly proportional” to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Where the mitigation measure is an ad hoc exaction, it must be “roughly proportional” to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.
 - (5) If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination.”⁶

ORGANIZATION OF THE EIR

With the exception of Chapter 10, Response to Comments, of the EIR consists of the following sections:

Executive Summary

The Executive Summary Chapter summarizes the analysis in the Draft Environmental Impact Report.

CHAPTER 1

⁶ 2013 CEQA Guidelines, Section 15126.4

Provides a brief introduction to the Environmental Analysis required by the California Environmental Quality Act (CEQA) and Response to Comments received on the Draft EIR.

CHAPTER 2

Describes the proposed Project. The chapter also includes the objectives of the proposed Project. The environmental setting is described and the regulatory context within which the proposed Project is evaluated is outlined.

CHAPTER 3

Includes the Environmental Analysis in response to each Checklist Item. Within each analysis the following is included:

Summary of Findings

Each chapter notes a summary of findings.

Introduction

Each chapter begins with a summary of impacts, pertinent CEQA requirements, applicable definitions and/or acronyms, and thresholds of significance.

Environmental Setting

Each environmental factor analysis in Chapter 3 outlines the environmental setting for each environmental factor. In addition, methodology is explained when complex analysis is required.

Regulatory Setting

Each environmental factor analysis in Chapter 3 outlines the regulatory setting for that resource.

Project Impact Analysis

Each evaluation criteria will be reviewed for potential Project-specific impacts.

Cumulative Impact Analysis

Each evaluation criteria is reviewed for potential cumulative impacts.

Mitigation Measures

Mitigation Measures are proposed as deemed applicable.

Conclusion

Each conclusion outlines whether recommended mitigation measures will, based on the impact evaluation criteria, substantially reduce or eliminate potentially significant environmental impacts. If impacts cannot be mitigated, unavoidable significant impacts are identified.

Definitions/Acronyms

Some sub-chapters of Chapter 3 have appropriate definitions and/or acronyms.

References

Reference documents used in each chapter are listed at the end of each sub-chapter.

CHAPTER 4

Summarizes the cumulative impacts addressed in Chapter 3.

CHAPTER 5

Describes and evaluates alternatives to the proposed Project. The proposed Project is compared to each alternative, and the potential environmental impacts of each are analyzed.

CHAPTER 6

Evaluates or describes CEQA-required subject areas: Economic Effects, Social Effects, and Growth Inducement.

CHAPTER 7

Evaluates or describes CEQA-required subject areas: Environmental Effects That Cannot be Avoided, Irreversible Impacts, and Statement of Overriding Considerations.

CHAPTER 8

Provides a Mitigation Monitoring and Reporting Program that summarizes the environmental issues, the significant mitigation measures, and the agency or agencies responsible for monitoring and reporting on the implementation of the mitigation measures.

CHAPTER 9

Outlines persons preparing the EIR and sources utilized in the Analysis.

CHAPTER 10

Contains the Response to Comments received during the 45-day review period.

APPENDICES

Following the main body of text in the EIR, several appendices and technical studies have been included as reference material.

ENVIRONMENTAL REVIEW PROCESS

Pursuant to CEQA Guidelines §15082, the Notice of Preparation (NOP) for the Proposed Project was circulated for review and comment beginning on July 18, 2014 for a 30-day comment period ending August 18, 2014. Tulare County RMA received the following two comments on the NOP. Comments were received from the following agencies, individuals, and/or organizations:

- Native American Heritage Commission, July 25, 2014
- David Deel, Department of Transportation, District 6, July 25, 2014
- San Joaquin Valley Air Pollution Control District, August, 2014

A copy of the NOP is included in **Appendix A**, along with copy of the letters received in response to the NOP.

Consistent with CEQA Guidelines Section 15103, “Responsible and Trustee Agencies, and the Office of Planning and Research shall provide a response to a Notice of Preparation to the Lead Agency within 30 days after receipt of the notice. If they fail to reply within the 30 days with either a response or a well justified request for additional time, the lead agency may assume that none of those entities have a response to make and may ignore a late response.”⁷

A scoping meeting was duly noticed in a newspaper of general circulation (Visalia Times-Delta) and held on August 7, 2014. No comments were received during this meeting.

Section 15093 of the State CEQA Guidelines requires decision-makers to balance the benefits of a proposed project against any unavoidable adverse environmental effects of the project. If the benefits of the project outweigh the unavoidable adverse environmental effects, then the decision-makers may adopt a statement of overriding considerations, finding that the environmental effects are acceptable in light of the project’s benefits to the public.

⁷ CEQA Guidelines, Section 15103

Final Environmental Impact Report
Papich Construction Asphalt Batch Plant

As noted in CEQA Guidelines § 15105 (a), a Draft EIR that is submitted to the State Clearinghouse shall have a minimum review period of 45 days. The Draft EIR was circulated publicly for comment beginning on March 6, 2015. Following completion of the 45-day public review period ending on April 20, 2015, staff prepared responses to comments and a Final EIR has been completed. The Final EIR was then forwarded to the County of Tulare Planning Commission for consideration of certification. Notwithstanding an appeal to the County of Tulare Board of Supervisors, a Notice of Determination will then be filed with the County Tulare County Clerk and also forwarded to the State of California, Office of Planning and Research.

ORGANIZATIONS CONSULTED

- 1) California Department of Transportation (Caltrans), District 6
- 2) Regional Water Quality Control Board, Central Valley Region 5
- 3) Southern San Joaquin Valley Information Center, California State University, Bakersfield
- 4) California Energy Commission
- 5) California Department of Resources Recycling and Recovery (Cal Recycle)
- 6) California Department of Conservation
- 7) California Department of Fish and Game Region 4
- 8) Native American Heritage Commission
- 9) California Highway Patrol
- 10) California Air Resources Board (ARB) , Industrial Projects
- 11) California Department of Toxic Substances Control
- 12) San Joaquin Valley Unified Air Pollution Control District
- 13) Tulare County Farm Bureau
- 14) Tulare County Department of Environmental Health and Human Services Agency
- 15) Tulare County Fire Department
- 16) Tulare County Sherriff's Office
- 17) Tulare County Resource Management Agency (Planning and Public Works Branches)
- 18) Tulare County Solid Waste Department
- 19) Airport Land Use Commission
- 20) Tulare County Supervisor Districts 1 and 4
- 21) Kaweah Delta Water Conservation District
- 22) Edison International

23) The Gas Company

ATTACHMENT “A”

Comments from State of California Governor’s Office of Planning and Research State
Clearinghouse and Planning Unit



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

April 22, 2015

Tulare County
Resource Management
Agency
ADR 27 CUD

Hector Guerra
Tulare County Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277-9394

Subject: Papich Construction Asphalt Batch Plant
SCH#: 2014071069

Dear Hector Guerra:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on April 20, 2015, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the **ten-digit State Clearinghouse number when contacting this office.**

Sincerely:.,_-- ... //

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Sc rgan
Director, State Clearinghouse

Document Details Report
State Clearinghouse Data Base

SCH# 2014071069
Project Title Papich Construction Asphalt Batch Plant
Lead Agency Tulare County

Type EIR Draft EIR
Description The proposed Project includes a centrally located processing plant, 20,000 sf office/warehouse building, and equipment storage areas. The proposed Project site will also include piles of recycled asphalt and aggregate materials. At full capacity, the proposed Project would produce and distribute up to 8,000 tons/day of asphalt.

Lead Agency Contact

Name Hector Guerra
Agency Tulare County Resource Management Agency
Phone 559-624-7121 *Fax*
email
Address 5961 South Mooney Boulevard
City Visalia *State* CA *Zip* 93277-9394

Project Location

County Tulare
City Visalia
Region
Lat/ Long 36° 33.05' N / 119° 14.46' W
Cross Streets SR 198, Road 68
Parcel No. 073-080-010
Township 18S *Range* 23E *Section* 25 *Base* MDB&M

Proximity to:

Highways SR 99, 198
Airports Visalia Municipal
Railways Union Pacific
Waterways Mill Creek Ditch
Schools Goshen
Land Use The proposed project lies within the jurisdiction of the County of Tulare and is within the Rural Valley Lands Plan Planning Area. It is zoned AE-40 (Exclusive Agriculture - 40 acre minimum). The proposed project site is located outside of the Goshen Urban Development Boundary (UDB) and the Urban Area Boundary (UAB) of the City of Visalia. The Tulare County General Plan Designation is Agricultural. The site is within the designated Airport Safety Zone for the Visalia Municipal Airport.

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Minerals; Noise; Population/Housing Balance; Public Services; Sewer Capacity; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 6; Air Resources Board; Regional Water Quality Control Bd., Region 5 (Fresno); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Date Received 03/06/2015 *Start of Review* 03/06/2015 *End of Review* 04/20/2015

ATTACHMENT “B”

Response to Comments – San Joaquin Valley Air Pollution
Control District



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA. 93277
PHONE (559) 624-7000
FAX (559) 730-2653

Michael Washam	Planning
Mike Bond	Public Works
Roger Hunt	Administration

MICHAEL C. SPATA, DIRECTOR

May 14, 2015

Arnaud Marjollet, Director of Permit Services
San Joaquin Valley Unified Air Pollution Control District
1990 E. Gettysburg Avenue
Fresno, CA 93726-6061

Subject: Response to Comments, DEIR – Papich Construction Asphalt Batch Plan Project, SCH No. 2014071069; District CEQA Reference No. 20150326

Dear Mr. Marjollet,

Thank you for providing the San Joaquin Valley Unified Air Pollution Control District's (Air District) written comments (see Attachments 1-3) regarding DEIR - Papich Construction Asphalt Batch Plan Project (Project), SCH No. 2014071069; District CEQA Reference No. 20150326. The County of Tulare acknowledges and recognizes the Air District's authority and expertise regarding the air quality resource and matters. The Final EIR (Attachment 4) includes responses to Air District Comments 1-6 dated April 24, 2015; Air District Comments 1-3 dated April 30, 2015 which were prepared by consultants Alta Environmental (see "Draft Environmental Impact Report for Papich Construction Asphalt Batch Plan Project (SCH No. 2014071069) District CEQA Reference No. 20150326") Response to Comments Dated May 6, 2015 prepared by Mr. Scott Taylor, Alta Environmental) and Resource Management Agency (RMA) staff's responses to Air District Comments 1-2 dated May 4, 2015.

Air District Comments dated April 24, 2015

Comment: **RE: Off-Site Truck Emissions:** *"As presented in the EIR, Chapter 3.3: Air Quality, page 3-3-16, Table 3.3.5, Existing and Proposed Non-Permitted Operational Emissions, the table includes emissions for on-site Truck travel/Hauling. However, emissions from off-site vehicle trips are not provided."*

Response: Figure 2 of the emissions study details the potential roadway paths to and from the site. To be conservative the analysis evaluates the longest distance from the site to the freeway. This distance is estimated to be 1 mile or a round trip of 2 miles.

Attachment D evaluates the emissions from the Haul Trucks. The round trip distance on site is 0.7 miles. The off-site round trip distance is 2 miles. Table D-1a and Table D-1b utilize a round trip distance of 2.7 miles. The calculated distance incorporates both on-site and off-site truck travel. This distance represent the worst case scenario for the truck travel paths provided. For these reasons, Alta does not believe any additional adjustment is necessary for the off-site truck travel emissions.

Comment: **RE: Authority to Construct:** *"...any modification that would result in a change in emissions or change in method of operation/equipment requires the submittal of an Authority to Construct permit application."*

Response: We concur. The asphalt plant permit from SJVAPCD limits production and fuel usage below the production capacity of the plant (which is currently 3,700 tons per day). The existing equipment can (without modification) achieve the additional production proposed to a maximum of 8,000 tons per day as contained in the project description. Once appropriate approval is obtained through the CEQA process an application will be prepared and submitted to the Air District requesting an increase in production through the plant.

Comment: **RE: Asbestos Survey and Notification:** *"The Asbestos Program covers most renovation and all demolition projects in the San Joaquin Valley air basin. Elements of the program include Survey and Notification Requirements prior to beginning a project..."*

Response: We concur. The location of the future office building and shop will require the demolition of the existing house on the site. In accordance with the asbestos requirements, an Asbestos Survey will be completed and a work plan will be developed and asbestos abatement will be performed by a licensed contractor. The Applicant will comply with all Air District rules and regulations applicable to asbestos removal if the Asbestos Survey determines it is necessary.

Comment: **RE: Compliance with Current District Rules:** *"The proposed project may be subject to District Rules and Regulations, including..."*

Response: We concur. As noted earlier, Papich currently has a permit with San Joaquin Valley APCD for their asphalt plant and have been operating under that permit for some time. Papich operates within the limits of the permit and the associated SJVAPCD rules. As such, Papich is confident it can operate in compliance with applicable SJVAPCD rules and regulations and looks forward to working the Air District to ensure all necessary permits are secured.

Comment: **RE: District Rule 9510 (Indirect Source Review)** *"...the District concludes that the proposed project is not subject to District Rule 9510."*

Response: Thank you for your confirmation that this project is not subject to Rule 9510.

Comment: **RE: Health Risk Assessment:** *"Health Impacts: A health risk assessment (HRA) was performed for the project, but the District has not received the input and out files for the AERMDOD and Hot Spots Analysis and Reporting Program (HARP) model. The District has requested these files and will provide comments on the HRA after reviewing the modeling files for the project."*

Response: Per SJVAPCD's request, the modeling files were sent on Friday April 24, 2015. Upon receipt of the Air District's review of the HRA modeling files, Alta will be able to respond to any questions/comments the Air District May have.

Air District Comments dated April 30, 2015

Comment: **RE: On-Highway Truck Emission:** "Truck travel emission for public highways outside of the project boundaries were modeled despite District guidance to include only emission within project boundaries."

Response: On-Highway emissions were included for consistency between the Ambient Air Quality analysis and the HRA. As stated in the response, the inclusions of these emissions make the analysis more conservative and removing them from the analysis would not change the conclusion of the report.

Comment: **RE: HRA Emission Estimates Utilizing PM-10:** "...Since toxic emission estimate for some processes are based on the speciating PM-10 emission, toxic emission estimate would be low."

Response: The Analysis includes nine different exhibits detailing emissions from different sources. Of those exhibits four of them utilize PM-10 emissions as the basis for the toxic emission estimates. The response refers to differences in emissions calculations and control levels for some of those sources as compared to the emissions analysis used for the expansion, but the response provides no details about which sources the comment pertains to or what the differences are.

The four emission sources which utilize speciated PM-10 are the Silo Loading, Cold Feed, Silo Loadout and Storage Piles.

- Silo Loading:- Emissions from Silo loading are vented through the drag slat conveyor through the Drum and finally to the asphalt plant baghouse. The emissions from this baghouse combined the emissions from silo loading and the asphalt dryer. That baghouse was source tested on August 8-9 of 2013 and the source test demonstrated results of 0.0053 lbs/ton which was below Condition 21 listed in the permitted of 0.007 lbs/ton. For the purposes of the HRA, and in order to be conservative, we have included line items for both emissions from the asphalt plant dryer and emissions from silo loading separately. The combine emission from the two sources would be more conservative than what was used for permitting purposes. Please note, if the facility is allowed to move forward with the production increase, it does not intend to modify 0.007 lbs/ton listed in Condition 21 on the permit.
- Cold Feed-The emission calculations detailed under Attachment A of the report for the cold feed system utilize emission factors from AP-42 for Crushed Stone

Processing published by the U.S EPA. Additionally, the facility utilizes water sprays for emissions control. As a result, controlled emission factors were selected. The use of AP-42 is supported by APR 1110 "Using Revised Emission Factors" published by SJVAPCD. The factors used in the HRA are consistent with the AP-42 guidance and APR 1110. The previous HRA prepared for the permitting of the production increase and provided to Papich for this facility does not detail emission from the Cold Feed system. As a result, it is unlikely there is a conflict with this emission source since it was originally not included.

- Silo Load Out- The emission factor for the silo load out is derived from a single equation. That equation is from AP-42 for "Hot Mix Asphalt Plants. The calculations are detailed in Attachment F of the analysis and supported by APR 1110 discussed above. This calculation does not utilize control factors. The emission estimates are based on the increased annual production and a mix temperature of 325 deg F. Since the emissions are based on a single equation, the requested production and no control factor is applied, there is little that can be disputed regarding this calculation. As a result, it is unlikely there is a conflict with this emission source.
- Storage Piles- The HRA analysis prepared by SJVAPCD and provided to Papich for the previous production increase stated the emission rate of 0.5 lb/hr and 183 lbs per year from Sand, aggregate & RAP stock piles. The current analysis calculated 0.89 lbs/hr and 7837.50 lbs/yr of PM10 emission from the storage piles. Comparing the emissions from the current and previous analysis do not appear to be lower and are reflective of the production increase proposed in the Cumulative Analysis. As a result it appears this section is not in conflict with the previous analysis.

Comment: **RE: Diesel Particulate Emission Factor:** "A diesel particulate emission factor was calculated based on the burdened emissions estimate for Tulare County. Because this emission factor is based upon a burdened rate which includes emissions from trucks traveling at the full range of speeds on County roads and exhaust emission factors decrease with increased speed, the diesel particulate emission for trucks operation on site at speed of 15 mph or less are underestimated....."

Response: The analysis calculated the operation of the on highway trucks utilizing two different operating modes: 1) Trucks traveling at 15 miles per hour and 2.) Idling. Both emissions were calculated and the resulting impact included in the analysis. The emissions for the truck travel are based on T6 and T7 trucks only, a 15 mile per hour rate of speed, and a 2014 calendar year. The resulting grams/mile emission rate is utilized with a distance of 2.7 miles and the truck volumes presented for the project. This data was used to arrive at the total truck emissions. As discussed previously, although the truck travel on site will only be 0.7 miles, the analysis includes on-highway travel to the freeway. Attached is the EMFAC model analysis which details the results used in the analysis. The emissions from the trucks are not burdened rates.

Although the analysis could be changed to reduce the travel distance, that change would only reduce the risk and would not change the conclusion of the analysis.

Air District Comments dated May 4, 2015

Comment: RE: Off-Site Truck Travel, 1.a.: *"It appears the 2.0 mile round trip distance used in the Draft EIR accounts only for the distance from the asphalt plant site and Highway 99 to the east of the site."*

Response: The Air District is correct in noting the 2.0 mile round-trip distance from the asphalt plant site to State Route 99. As the ultimate destinations of asphalt is unknown it would be speculative to estimate estimate potential emissions. Also, see response to comments Off-Site Truck Travel, 1.b. and c, below.

Comment: RE: Off-Site Truck Travel, 1.b. and c.: *"Based on the distance from the Orosi facility to the asphalt plant site, a round trip is approximately 50 miles. The distance traveled should be: 47,000 trucks/year X round miles/round trip = 2,256,000 miles/year." And "Per the Draft EIR, the trip from the Orosi facility to the asphalt plant site is the only known trip identified for this project."*

Response: The Air District is correct in noting that the trips to and from the Orosi Facility (Orosi Rock) are the only known origin/destination points for this project. However, according to Table 3.16-6 (Proposed Annual Trip Generation; see page 3.16-12 of the DEIR), approximately 11,000 trucks trips will make the roundtrip from Orosi rock to the asphalt batch plant and vice versa. Further, the applicant anticipates 200 annual operational days (see page 3.16-12 of the DEIR). As such, the project would result in: 11,000 trucks/year X 50 miles/round trip = 550,000 miles/year.

Comment: RE: Off-Site Truck Travel, 1.d.: *"The distance traveled would have been underestimated in the Draft EIR. Therefore, the District recommends the emissions due to heavy duty diesel off-site truck travel be recalculated based on a round trip distance of 50 miles to appropriately reflect the project related impact from off-site mobile trips."*

Response: RMA staff (Jessica Willis, Planner IV) prepared a CalEEMOD run to estimate potential emissions from heavy duty trucks traveling to and from Orosi Rock and the proposed project site based on 11,000 trucks/year X 50 miles/round trip and 200 annual operational days. The model estimates that approximately 4.115 tpy of NOx, 1.993 tpy of CO, and less than one tpy of the remaining criteria pollutants, would occur as a result of the heavy duty trucks traveling to and from Orosi Rock and the proposed project site. Cumulatively, the project will remain below Air District thresholds for all criteria pollutant. Table 3.3-5 (Existing and Proposed Non-Permitted Operational Emissions, page 3.3-16 in the DEIR) will be revised to include emissions from heavy duty trucks traveling to and from Orosi Rock and the proposed project site.

*Response to Comments from Mr. Arnaud Marjollet, Director of Permit Services
San Joaquin Valley Unified Air Pollution Control District
RE: Papich Construction Asphalt Batch Plan Project, SCH No. 2014071069
District CEQA Reference No. 20150326
May 14, 2015*

Also, the CalEEMOD run is attached to this response letter and will be incorporated into the final EIR.

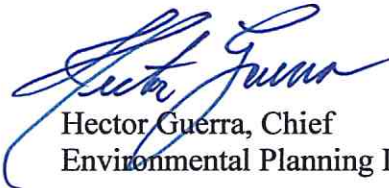
Comment: **RE: Provide District's comments to project proponent.:** *"The District recommends that a copy of the District's comments be provided to the project proponent."*

Response: We concur. The County has provided the District's comments to the project proponent.

In closing, we sincerely appreciate the Air District's comments and commend your staff for their professionalism and expertise regarding the air resource in particular and as applied to this Project. Your comments have been very insightful and useful toward ensuring that the proposed Project complies with Air District rules/regulations and with the California Environmental Quality Act.

If you have any questions regarding the above, please contact me at (559) 624-7121.

Best Regards,



Hector Guerra, Chief
Environmental Planning Division

*Attachment (1) Air District comment letter dated April 24, 2015; District CEQA Reference No. 20150326
(2) Air District comment letter dated April 30, 2015 ADDENDUM; District CEQA Reference No. 20150326
(3) Air District comment letter dated May 4, 2015 ADDENDUM; District CEQA Reference No. 20150326
(4) CalEEMOD run*

*c: Papich Construction, Inc. (David Cruse, Project Manager)
file*

April 24, 2015

Hector Guerra
County of Tulare
Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277

Project: Draft Environment Impact Report for Papich Construction Asphalt Batch Plant Project (SCH # 2014071069)

District CEQA Reference No: 20150326

Dear Mr. Guerra:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft EIR for the Papich Construction Asphalt Batch Plant project. Per the EIR, the applicant is currently operating an asphalt batch plant at the site under a County-issued Temporary Use Permit (PSP 13-005). The proposed project consists of the following: (1) permanent establishment of an asphalt batch plant on an existing site; and (2) expansion of the existing permitted operation from 3,700 tons per day to 8,000 tons per day of asphalt and to conduct retail/commercial sales of asphalt. The existing on-site residential structure will be demolished and replaced with a 20,000 square foot office/warehouse building. The 32-acre project site is located at 29779 Road 68, Visalia, CA, in unincorporated Tulare County. (APN: 073-080-010) The District offers the following comments:

1. The majority of project specific impacts on air quality result from operation of mobile source equipment, most notably heavy-duty trucks used to import materials and to export finished materials. As presented in the EIR, Chapter 3.3: Air Quality, page 3.3-16, Table 3.3.5, *Existing and Proposed Non-Permitted Operational Emissions*, the table includes emissions from on-site truck travel/hauling. However, emissions from off-site vehicle/truck trips are not provided.
 - a. The District recommends that an emissions analysis of off-site vehicle/truck trips be performed using CalEEMod which uses the most recent approved version of relevant Air Resources Board (ARB) emissions models and emission factors.

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Executive Director/Air Pollution Control Officer

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- b. If the project's operational emissions (which are to include emissions from the off-site vehicle/truck trips) are found to be significant, the District recommends that the County evaluates mitigation measures.
 - c. An example of a feasible mitigation measure is the mitigation of project emissions through a Voluntary Emission Reduction Agreement (VERA). The VERA is an instrument by which the project proponent provides monies to the District, which is used by the District to fund emission reduction projects that achieve the reductions required by the lead agency. District staff is available to meet with project proponents to discuss a VERA for specific projects. For more information, or questions concerning this topic, please call District Staff at (559) 230-6000.
2. The proposed project is subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review). Since this facility is currently permitted with the District (Papich Construction Company Inc., Facility # S-8277), any modification that would result in a change in emissions or change in method of operation/equipment requires the submittal of an Authority to Construct permit application. To obtain information about District permit requirements, the District recommends the applicant contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

In addition, please note that starting construction before receiving an ATC may result in a violation of District regulations and be subject to enforcement action.

3. The project includes the demolition of an existing building. In the event that any portion of an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The Asbestos Program covers most renovations and all demolition projects in the San Joaquin Valley air basin. Elements of the Program include Survey and Notification Requirements prior to beginning a project. If you have any questions concerning asbestos related requirements, please contact the District's Compliance Division at (559) 230-6000.

The District's Asbestos Requirements for Demolitions and Renovations can be found online at <http://www.valleyair.org/busind/comply/asbestos-0514.htm>

4. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601

(Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). The above list of rules is neither exhaustive nor exclusive. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm

5. Pursuant to Section 4.3 of District Rule 9510 (Indirect Source Review) projects whose primary functions are subject to District Rules 2010 and 2201 are exempted from the requirements of District Rule 9510. Therefore, the District concludes that the proposed project is not subject to District Rule 9510.
6. Health Impacts: A health risk assessment (HRA) was performed for the project, but the District has not received the input and out files for the AERMOD and Hot Spots Analysis and Reporting Program (HARP) model. The District has requested these files and will provide comments on the HRA after reviewing the modeling files for the project.
7. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please contact Georgia Stewart by phone at (559) 230-5937 or by e-mail at georgia.stewart@valleyair.org.

Sincerely,

Arnaud Marjollet
Director of Permit Services



For: Chay Thao
Program Manager

AM: gs

April 30, 2015 **Addendum**

Hector Guerra
County of Tulare
Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277

Project: Draft Environment Impact Report for Papich Construction Asphalt Batch Plant Project (SCH # 2014071069)

District CEQA Reference No: 20150326

Dear Mr. Guerra:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft EIR for the Papich Construction Asphalt Batch Plant project. Per the EIR, the applicant is currently operating an asphalt batch plant at the site under a County-issued Temporary Use Permit (PSP 13-005). The proposed project consists of the following: (1) permanent establishment of an asphalt batch plant on an existing site; and (2) expansion of the existing permitted operation from 3,700 tons per day to 8,000 tons per day of asphalt and to conduct retail/commercial sales of asphalt. The existing on-site residential structure will be demolished and replaced with a 20,000 square foot office/warehouse building. The 32-acre project site is located at 29779 Road 68, Visalia, CA, in unincorporated Tulare County. (APN: 073-080-010)

The District has reviewed the Health Risk Assessment (HRA) prepared as part of the Draft EIR for the Papich Construction Asphalt Project and offers the following comments:

1. Truck travel emissions for public highways outside of the project boundaries were modeled despite District guidance to include only emissions within project boundaries. Including these additional emissions in the HRA increases the predicted cancer risk. Any risk from trucks traveling on public highways should be removed from the risk estimate.
2. In comparison to previous permitted PM-10 emission rates for this facility, the HRA uses low estimates of PM10 emissions. Since toxic emissions estimates for some

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processes are based on speciating PM10 emissions, toxic emission estimates would also be low. PM10 emission rates for permitted sources used in the analysis must be the same as those obtained from the District for the expansion or the analysis must be redone.

3. A diesel particulate emission factor was calculated based on the burdened emissions estimate for Tulare County. Because this emission factor is based upon a burdened rate which includes emissions from trucks traveling at the full range of speeds on County roads and exhaust emission factors decrease with increased speed, the diesel particulate emissions for trucks operating on-site at speeds of 15 mph or less are underestimated. The estimate for risk from truck travel in the analysis should be corrected using a more appropriate emission factor.

In general, the project's emission sources were properly characterized in the modeling analysis. Issues regarding the HRA are primarily related to the emission estimates used based upon assumptions made regarding control levels and upon emission factors used for truck travel. The estimated risk should be corrected based on the comments above.

The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please contact Georgia Stewart by phone at (559) 230-5937 or by e-mail at georgia.stewart@valleyair.org.

Sincerely,

Arnaud Marjollet
Director of Permit Services



For: Chay Thao
Program Manager

AM: gs



May 4, 2015 **Addendum**

Hector Guerra
County of Tulare
Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277

Project: Draft Environment Impact Report for Papich Construction Asphalt Batch Plant Project (SCH # 2014071069) – Addendum – Off-Site Truck Travel

District CEQA Reference No: 20150326

Dear Mr. Guerra:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft EIR for the Papich Construction Asphalt Batch Plant project. The 32-acre project site is located at 29779 Road 68, Visalia, CA, in unincorporated Tulare County. (APN: 073-080-010)

The District offers the following clarification regarding off-site truck travel:

1. The Executive Summary, page ES-4, states: “The raw material for the proposed Project operations will be brought in from Oroshi (from an Applicant-owned site)...” The sand and gravel operation, located at 14600 Avenue 420, Oroshi, CA, is approximately 25 miles one-way from the site of the proposed asphalt plant project. Off-Site Traveling Diesel: Source 42-215, page 238 out of 558 of the Complete Appendices, states the following:
 - Additional Trucks (truck/year): 47,000
 - Round Trip Distance (miles/truck): 2.0.
- a. It appears the 2.0 mile round trip distance used in the Draft EIR accounts for only the distance from the asphalt plant site and Highway 99 to the east of the site.
- b. Based on the distance from the Oroshi facility to the asphalt plant site, a round trip is approximately 50 miles. The distance traveled should be:
 - 47,000 trucks/year x 50 miles/round trip = 2,256,000 miles/year

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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- c. Per the Draft EIR, the trip from the Orosi facility to the asphalt plant site is the only known trip identified for this project.
 - d. The distance traveled would have been underestimated in the Draft EIR. Therefore, the District recommends the emissions due to heavy duty diesel off-site truck travel be recalculated based on a round trip distance of 50 miles to appropriately reflect the project related impact from off-site mobile trips.
2. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please contact Georgia Stewart by phone at (559) 230-5937 or by e-mail at georgia.stewart@valleyair.org.

Sincerely,

Arnaud Marjollet
Director of Permit Services



For: Chay Thao
Program Manager

AM: gs

ATTACHMENT “C”

Response to Comments – Department of Transportation



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD

VISALIA, CA. 93277

Planning

PHONE (559) 624-7000

Public Works

Roger Hunt

Michael

Washam

Mike Bond

FAX (559)

Administration

730-2653

MICHAEL C. SPATA, DIRECTOR

May 14, 2015

Mr. David Deel, Associate Transportation Planner
State of California Department of Transportation, District 6
1352 West Olive Avenue
P.O. Box 12616
Fresno, CA 93778-2616

**RE: Responses to Caltrans District 6 Comments on the Papich Asphalt
Batch Plant Project Draft EIR (DEIR) SCH# 2014071069**

Dear Mr. Deel,

Thank you for providing the Caltrans District 6 written comments (attached) regarding the Papach Construction Batch Plant DEIR (Project), SCH No. 2014071069. We sincerely appreciate your timely response. The County of Tulare acknowledges and recognizes Caltrans' authority and expertise regarding the traffic/transportation resource and matters. Following is the County of Tulare Resource Management Agency (RMA) responses to the Caltrans' comments (please also see the Traffic Consultant 4 Creeks Responses attached):

Your comments are being responded to as follows and have been incorporated into the Papich Final EIR, and Papich Special Use Permit (PSP 14-041) Conditions of Approval.

Comment 1: The DEIR indicates that raw material will be imported from the Orosi Rock facility approximately 30 miles northeast of the subject project. The project will generate approximately 464 heavy duty truck trips per day with a maximum of 16 import and 16 export heavy duty truck trips per hour. Caltrans *anticipates significant impacts* to the State Highway System and concern with the heavy duty truck routes to and from the site.

Response 1: "The DEIR and TIS study the potential project-related and cumulative impacts to the surrounding roadway system using standard industry and Caltrans approved methodologies. This includes operational analysis of peak hour traffic conditions at area intersections in the near- and long-term conditions. Based on the findings of the TIS, near term impacts are identified at the Betty Drive at SR 99 SB ramps intersection, with and without the proposed Project. However, these impacts are "mitigated" by the planned interchange improvement project scheduled to be completed in the next 5 years. The Project will contribute its

proportionate fair share towards improvements [within the] study area roadways, as identified in the DEIR, Chapter 3.16.” (See attached Response Letter).

The Project’s other potential impacts to the other surrounding roadways and the surrounding intersections were analyzed in Chapter 3.16 and the impacts were also found to be less than significant.

Given this, the County has included all of your roadway and operational related comments as “Caltrans Conditions of Approval” in COA’s 40-43. COA 43 specifically requires that the Project, “will contribute its proportionate fair share towards improvements [within the] study area roadways.” In addition, the Project Specific Conditions require specific public improvements to the Goshen Complete Streets Program and Road 64 “Off-site” Improvements.

As such, we concluded that Project-related and cumulative traffic-related impacts were not significant.

Comment 2: Page 2-3, Figure 2-1, “Vicinity Map”, under the “Legend”: Please correct the color for the State highway. Only State Route (SR) 99 and SR 198 comprise the State Highway System, the rest are either the County or City roadways.

Response 2: As noted, the map has been corrected in the Final EIR (revised map attached).

Comment 3: Page 3.1-11, Mitigation Measure 1-1 (associated Figure 3.1-5): Caltrans agrees with the project requirement to install a 10-foot high berm, with fencing and landscaping along SR 198 to minimize visual impacts. However, all landscape improvements along SR 198 shall be located outside of Caltrans right of way.

Response 3: As noted, the landscape improvements will be constructed, as identified in DEIR Chapter 3.1, Mitigation Measure 52, Condition of Approval 51 and 52, with the coordination of the County and Caltrans.

Comment 4: Page 3.16-6, paragraph below Table 3.16-3, states that traffic counts were taken during the time period that school was out of session (summer time) and assumptions would be made to include school traffic in the analysis.

- Please clarify what type of factor (method or assumption) was used for the operational analysis in Section 3 of the Appendix H.

Response 4: The existing traffic counts for the following intersections were taken as a part of the Goshen Community Plan TIS (June 2014), which accounts for school traffic:

- 1. Betty Drive at Frontage Road*
- 2. Betty Drive at SR 99 SB Ramps*
- 3. Betty Drive at SR 99 NB Ramps*
- 4. SR 198 at Road 64*

These intersections already account for school traffic and were not adjusted in any way. The remaining intersections were adjusted by calculating trip generation for Goshen Elementary School, using ITE rates for an elementary school and the school's enrollment (678 students). The calculated trips were then distributed to the area roadways as follows: 70% east and 10% in each of the other cardinal directions, using the major roadways (Betty Drive, Avenue 308, and SR 99). It should be noted that the remaining study intersections are not in the immediate vicinity of the school and are not located along routes for home-school or school-work trips; therefore, the addition of the school trips did not largely affect the actual counted traffic at the intersections.

Comment 5: Page 3.16-11, "Project Trip Distribution": Caltrans agrees with the routes indicated for the project trip distribution.

- However, Caltrans has a concern with the potentially large number of slow moving trucks crossing the 4 lanes of SR 198 traffic to head eastbound on SR 198 from Road 64. Therefore, Caltrans strongly recommends that truck traffic needing to go eastbound on SR 198 or north/south bound on SR 99 utilize northbound Road 68 to access SR 99 at Betty Drive. Trucks can then travel south to use the SR 99/SR198 interchange to continue eastbound on SR 198. Alternatively, trucks could utilize southbound Road 68 to access SR 99 at the Caldwell Avenue interchange. Please note that the SR 99 ramps at Road 304 will be closed upon completion of the new SR 99 interchange at Betty Drive.
- Due to the large slow moving trucks, it is recommended that truck trips be restricted during peak traffic hours. Peak traffic hours are from 6am to 8am and from 4pm to 6pm.
- Additionally, it is recommend that truck trips should be staged 5 to 10 minutes apart to avoid a long platoon of large, slow moving vehicles entering the State Highway System causing significant delays on the freeway and freeway ramps.

Response 5: The trip distribution does not propose trucks traveling from southbound Road 64 to eastbound SR 198. The only scenario where this may occur is during construction of the Betty Drive at SR 99 interchange improvements. Even then, this route will only be used if it is recommended by the interchange project's traffic control plan and trucks are directed to use this route.

The nature of the Project's trips is that they occur on demand for various roadway projects throughout the Valley. Production and travel times are dictated by the various roadway projects' timelines. In general, major roadway construction projects are typically scheduled to avoid work during peak travel times whenever possible. This practice will likely reduce the Project's traffic during these peak time periods.

The loading of virgin aggregate at the quarry and production of asphalt on-site will limit the frequency at which the Project's trips arrive/depart. During peak production times, it is not

possible for multiple asphalt trucks to leave at the same time since the on-site equipment cannot produce asphalt and fill trucks that quickly.

TIS – Appendix H

Comment 6: Appendix H, page 20, Section 3.3 “Traffic Signal Warrants”: Caltrans does not disagree that signal warrants at SR 99 and Betty Drive ramps were met. However, typical engineering practice for traffic signal warrants analysis would include all the available warrants (some warrants may not be applicable to the condition) when evaluating the signal warrants for an intersection as guided by the MUTCD. Per Section 4C.04 of the MUTCD, peak hour (warrant 3) signal warrant is intended for a specific location only. A complete peak hour (Warrant 3) warrant would also include a delay study (in terms of vehicle-hours) at the intersection.

Response 6: Typically, traffic impact studies limit the scope of analysis for certain criteria and areas. As such, Part B of Warrant 3 (as included in the TIS) is the typical standard for preliminary evaluation of the need for traffic signals in traffic impact studies. However, it is agreed that a full warrant analysis should be prepared before a traffic signal is programmed for installation. Caltrans has already conducted a complete evaluation of the proposed traffic signals at the Betty Drive at SR 99 interchange as a part of the environmental analysis of the interchange upgrade. The traffic signals are already warranted, planned, and awaiting funding today. The TIS did not include further detailed analysis once the results of the limited analysis (Warrant 3, part B) mirrored the results already determined in the Betty Drive at SR 99 environmental analysis as well as the Goshen Community Plan analysis.

Comment 7: Appendix H, Printout of Appendix C - “Traffic Signal Warrant Analysis”: Please correct the “approach speed” at the off-ramps. Please be advised that typical off-ramp speed ranges from 35 mph to 50 mph, depending on the location of the off-ramp. The approach speed can be very low approaching the “stop” sign at the ramp terminal.

Response 7: Noted. The revised Appendix C is attached. An approach speed of 45 mph is shown and Figure 4C-4 of the MUTCD is utilized to determine the warrant results. However, in the event that a lower approach speed is used and Figure 4C-3 of the MUTCD is utilized, then the warrant is approximately 97% met for the SB Ramps and 100% met for the NB ramps.

*Responses to Comments from Mr. David Deel
State of California, Department of Transportation, District 6
RE: Papich Asphalt Batch Plant Project, Draft Environmental Impact Report (SCH# 2014071069)
May 14, 2015*

If you have any questions regarding the above, please contact me at (559) 624-7121.

Sincerely,



Hector Guerra, Chief
Environmental Planning Division

Attachments:

- 1) Caltrans District 6-CEQA Reference No. 2135 IGR/CEQA comment letter dated April 23, 2015.
- 2) 4Creeks Inc, response to Caltrans District 6 comments, letter dated April 28, 2015.
- 3) 4Creeks Inc, revised – Vicinity Map
- 4) 4Creeks Inc, revised Appendix C - Traffic Signal Warrant Analysis.

c: Papich Construction, Inc. (David Cruse, Project Manager)
Wally Hutcheson, TE, 4Creeks
file

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

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April 23, 2015

*Tulare County
Resource Management
Agency
APR 27 2015*

6-TUL-198-2.96
2135-IGR/CEQA
DRAFT EIR / TIS
PAPICH ASPHALT BATCH PLANT
SCH # 2014071069

Mr. Hector Guerra, Chief Environmental Planner
Tulare County Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

Dear Mr. Guerra:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) and associated Traffic Impact Study (TIS) for the Papich Construction Asphalt Batch Plant. The project proposes to change the status of the batch plant from temporary to permanent use. The project proposes:

1. Increasing production from 3,700 to 8,000 tons/day.
2. Operate 24 hours/day - 7 days/week.
3. Allow retail/commercial sale of asphalt, and.
4. Construct a new 7,000 square foot office on the approximately 18 acre site.

The project is located at the northwest corner of State Route (SR) 198 and Road 68, approximately ½ mile west of the SR99/SR198 interchange.

Caltrans has the following comments:

DEIR:

1. The DEIR indicates that raw material will be imported from the Orosi Rock facility approximately 30 miles northeast of the subject project. The project will generate approximately 464 heavy duty truck trips per day with a maximum of 16 import and 16 export heavy duty truck trips per hour. Caltrans anticipates significant impacts to the State Highway System and concern with the heavy duty truck routes to and from the site.
2. Page 2-3, Figure 2-1, "Vicinity Map", under the "Legend": Please correct the color for the State highway. Only State Route (SR) 99 and SR 198 comprise the State Highway System, the rests are either the County or City roadways.

3. Page 3.1-11, Mitigation Measure 1-1 (associated Figure 3.1-5): Caltrans agrees with the project requirement to install a 10-foot high berm, with fencing and landscaping along SR 198 to minimize visual impacts. However, all landscape improvements along SR 198 shall be located outside of Caltrans right of way.
4. Page 3.16-6, paragraph below Table 3.16-3, states that traffic counts were taken during the time period that school was out of session (summer time) and assumptions would be made to include school traffic in the analysis.
 - Please clarify what type of factor (method or assumption) was used for the operational analysis in Section 3 of the Appendix H.
5. Page 3.16-11, "Project Trip Distribution": Caltrans agrees with the routes indicated for the project trip distribution.
 - However, Caltrans has a concern with the potentially large number of slow moving trucks crossing the 4 lanes of SR 198 traffic to head eastbound on SR 198 from Road 64. Therefore, Caltrans strongly recommends that truck traffic needing to go eastbound on SR 198 or north/south bound on SR 99 utilize northbound Road 68 to access SR 99 at Betty Drive. Trucks can then travel south to use the SR 99/SR198 interchange to continue eastbound on SR 198. Alternatively, trucks could utilize southbound Road 68 to access SR 99 at the Caldwell Avenue interchange. Please note that the SR 99 ramps at Road 304 will be closed upon completion of the new SR 99 interchange at Betty Drive.
 - Due to the large slow moving trucks, it is recommended that truck trips be restricted during peak traffic hours. Peak traffic hours are from 6am to 8am and from 4pm to 6pm.
 - Additionally, it is recommend that truck trips should be staged 5 to 10 minutes apart to avoid a long platoon of large, slow moving vehicles entering the State Highway System causing significant delays on the freeway and freeway ramps.

TIS – Appendix H:

6. Appendix H, page 20, Section 3.3 "Traffic Signal Warrants": Caltrans *does not disagree* that signal warrants at SR 99 and Betty Drive ramps were met. However, typical engineering practice for traffic signal warrants analysis would include all the available warrants (some warrants may not be applicable to the condition) when evaluating the signal warrants for an intersection as guided by the MUTCD. Per Section 4C.04 of the MUTCD, peak hour (warrant 3) signal warrant is intended for a specific location only. A complete peak hour (Warrant 3) warrant would also include a delay study (in terms of vehicle-hours) at the intersection.

Mr. Hector Guerra - PAPICH ASPHALT BATCH PLANT

April 23, 2015

Page 3 of 3

7. Appendix H, Printout of Appendix C - "Traffic Signal Warrant Analysis": Please correct the "approach speed" at the off-ramps. Please be advised that typical off-ramp speed ranges from 35 mph to 50 mph, depending on the location of the off-ramp. The approach speed can be very low approaching the "stop" sign at the ramp terminal.

Please be advised that any future development adjacent to a State Route, whether the entitlement is deemed by the lead agency to be discretionary or ministerial should be sent to Caltrans for review. Please send a response to our comments prior to staff's recommendations to the Planning Commission and the Board of Supervisors. If you have any other questions, please call me at (559) 488-7396.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Deel', with a stylized flourish at the end.

DAVID DEEL
Associate Transportation Planner
North Planning Branch



April 28, 2015

Mr. Hector Guerra, Chief Environmental Planner
Tulare County Resource Management Agency
5961 S. Mooney Blvd
Visalia, CA 93277

Dear Mr. Guerra,

This letter is prepared to address the comments provided by Mr. David Deel or Caltrans District 6 (April 23, 2015) regarding the DEIR and TIS for the Papich Construction Asphalt Batch Plant. 4 Creeks has the following responses to the comments:

DEIR

Comment 1: The DEIR indicates that raw material will be imported from the Orosi Rock facility approximately 30 miles northeast of the subject project. The project will generate approximately 464 heavy duty truck trips per day with a maximum of 16 import and 16 export heavy duty truck trips per hour. Caltrans anticipates significant impacts to the State Highway System and concern with the heavy duty truck routes to and from the site.

Response 1: The DEIR and TIS study the potential project-related and cumulative impacts to the surrounding roadway system using standard industry and Caltrans approved methodologies. This includes operational analysis of peak hour traffic conditions at area intersections in the near- and long-term conditions. Based on the findings of the TIS, near-term impacts are identified at the Betty Drive at SR 99 SB ramps intersection, with and without the proposed Project. However, these impacts are mitigated by the planned interchange improvement project scheduled to be completed in the next 5 years. The Project will contribute its proportionate fair share towards improvements study area roadways, as identified in the DEIR, Chapter 3.16.

Comment 2: Page 2-3, Figure 2-1, "Vicinity Map", under the "Legend": Please correct the color for the State highway. Only State Route (SR) 99 and SR 198 comprise the State Highway System, the rests are either the County or City roadways.

Response 2: Noted. This will be corrected.

Comment 3: Page 3.1-11, Mitigation Measure 1-1 (associated Figure 3.1-5): Caltrans agrees with the project requirement to install a 10-foot high berm, with fencing and landscaping along SR 198 to minimize visual impacts. However, all landscape improvements along SR 198 shall be located outside of Caltrans right of way.

Response 3: Noted. The landscape improvements will be constructed as identified in DEIR Chapter 3.1 and with the coordination of the County and Caltrans.

Comment 4: Page 3.16-6, paragraph below Table 3.16-3, states that traffic counts were taken during the time period that school was out of session (summer time) and assumptions would be made to include school traffic in the analysis.

- Please clarify what type of factor (method or assumption) was used for the operational analysis in Section 3 of the Appendix H.

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Response 4: The existing traffic counts for the following intersections were taken as a part of the Goshen Community Plan TIS, which accounts for school traffic:

1. *Betty Drive at Frontage Road*
2. *Betty Drive at SR 99 SB Ramps*
3. *Betty Drive at SR 99 NB Ramps*
4. *SR 198 at Road 64*

These intersections already account for school traffic and were not adjusted in any way.

The remaining intersections were adjusted by calculating trip generation for Goshen Elementary School, using ITE rates for an elementary school and the school's enrollment (678 students). The calculated trips were then distributed to the area roadways as follows: 70% east and 10% in each of the other cardinal directions, using the major roadways (Betty Drive, Avenue 308, and SR 99. It should be noted that the remaining study intersections are not in the immediate vicinity of the school and are not located along routes for home-school or school-work trips, therefore the addition of the school trips did not largely affect the actual counted traffic at the intersections.

Comment 5: Page 3.16-11, "Project Trip Distribution": Caltrans agrees with the routes indicated for the project trip distribution.

- However, Caltrans has a concern with the potentially large number of slow moving trucks crossing the 4 lanes of SR 198 traffic to head eastbound on SR 198 from Road 64. Therefore, Caltrans strongly recommends that truck traffic needing to go eastbound on SR 198 or north/south bound on SR 99 utilize northbound Road 68 to access SR 99 at Betty Drive. Trucks can then travel south to use the SR 99/SR198 interchange to continue eastbound on SR 198. Alternatively, trucks could utilize southbound Road 68 to access SR 99 at the Caldwell Avenue interchange. Please note that the SR 99 ramps at Road 304 will be closed upon completion of the new SR 99 interchange at Betty Drive.
- Due to the large slow moving trucks, it is recommended that truck trips be restricted during peak traffic hours. Peak traffic hours are from 6am to 8am and from 4pm to 6pm.
- Additionally, it is recommend that truck trips should be staged 5 to 10 minutes apart to avoid a long platoon of large, slow moving vehicles entering the State Highway System causing significant delays on the freeway and freeway ramps.

Response 5: The trip distribution does not propose trucks traveling from southbound Road 64 to eastbound SR 198. The only scenario where this may occur is during construction of the Betty Drive at SR 99 interchange improvements. Even then, this route will only be used if it is recommended by the interchange project's traffic control plan and trucks are directed to use this route.

The nature of the Project's trips is that they occur on demand for various roadway projects throughout the Valley. Production and travel times are dictated by the various roadway projects' timelines. In general, major roadway construction projects are typically scheduled to avoid work during peak travel times whenever possible. This practice will likely reduce the Project's traffic during these peak time periods.

The loading of virgin aggregate at the quarry and production of asphalt on-site will limit the frequency at which the Project's trips arrive/depart. During peak production times, it is not possible for multiple asphalt trucks to leave at the same time since the on-site equipment cannot produce asphalt and fill trucks that quickly.

TIS – Appendix H

Comment 6: Appendix H, page 20, Section 3.3 "Traffic Signal Warrants": Caltrans does not disagree that signal warrants at SR 99 and Betty Drive ramps were met. However, typical engineering practice for traffic signal warrants

analysis would include all the available warrants (some warrants may not be applicable to the condition) when evaluating the signal warrants for an intersection as guided by the MUTCD. Per Section 4C.04 of the MUTCD, peak hour (warrant 3) signal warrant is intended for a specific location only. A complete peak hour (Warrant 3) warrant would also include a delay study (in terms of vehicle-hours) at the intersection.

Response 6: Typically, traffic impact studies limit the scope of analysis for certain criteria and areas. As such, Part B of Warrant 3 (as included in the TIS) is the typical standard for preliminary evaluation of the need for traffic signals in traffic impact studies. However, it is agreed that a full warrant analysis should be prepared before a traffic signal is programmed for installation. Caltrans has already conducted a complete evaluation of the proposed traffic signals at the Betty Drive at SR 99 interchange as a part of the environmental analysis of the interchange upgrade. The traffic signals are already warranted, planned, and awaiting funding today. The TIS did not include further detailed analysis once the results of the limited analysis (Warrant 3, part B) mirrored the results already determined in the Betty Drive at SR 99 environmental analysis as well as the Goshen Community Plan analysis.

Comment 7: Appendix H, Printout of Appendix C - "Traffic Signal Warrant Analysis": Please correct the "approach speed" at the off-ramps. Please be advised that typical off-ramp speed ranges from 35 mph to 50 mph, depending on the location of the off-ramp. The approach speed can be very low approaching the "stop" sign at the ramp terminal.

Response 7: Noted. The revised Appendix C is attached. An approach speed of 45 mph is shown and Figure 4C-4 of the MUTCD is utilized to determine the warrant results. However, in the event that a lower approach speed is used and Figure 4C-3 of the MUTCD is utilized, then the warrant is approximately 97% met for the SB Ramps and 100% met for the NB ramps.

Thank you for your input, corrections, and comments. Please let me know if you have any additional questions or concerns.

Sincerely,



Wally Hutcheson, TE

Peak Hour Traffic Signal Warrants MUTCD Warrant 3, Part B

Intersections	Approach Lanes		Approach Speed		Existing			Existing Plus Approved			Existing Plus Approved Plus Project		
	N-S	E-W	N-S	E-W	Major Street	Minor Street	Warrant Met?	Major Street	Minor Street	Warrant Met?	Major Street	Minor Street	Warrant Met?
Betty Drive at Frontage Road	AM PM	1 1	45 45	45 45	420 - E/W 375 - E/W	298 - N/S 253 - N/S	Y Y	420 - E/W 375 - E/W	298 - N/S 253 - N/S	Y Y	431 - E/W 386 - E/W	313 - N/S 268 - N/S	Y Y
Betty Drive at SR 99 SB Ramps	AM PM	1 1	45 45	45 45	849 - E/W 768 - E/W	231 - N/S 229 - N/S	Y Y	852 - E/W 771 - E/W	235 - N/S 236 - N/S	Y Y	869 - E/W 788 - E/W	244 - N/S 245 - N/S	Y Y
Betty Drive at SR 99 NB Ramps	AM PM	2 1	45 45	45 45	1015 - E/W 923 - E/W	251 - N/S 248 - N/S	Y Y	1028 - E/W 938 - E/W	253 - N/S 252 - N/S	Y Y	1041 - E/W 951 - E/W	255 - N/S 254 - N/S	Y Y
Avenue 304/SR 99 SB Ramps at Road 68	AM PM	1 1	55 55	55 55	172 - N/S 210 - N/S	77 - E/W 129 - E/W	N N	172 - N/S 210 - N/S	77 - E/W 129 - E/W	N N	198 - N/S 236 - N/S	77 - E/W 129 - E/W	N N
Avenue 296 at Road 68	AM PM	1 1	55 55	55 55	128 - N/S 129 - N/S	45 - E/W 39 - E/W	N N	128 - N/S 129 - N/S	45 - E/W 39 - E/W	N N	139 - N/S 140 - N/S	60 - E/W 54 - E/W	N N
Avenue 296 at Project Driveway	AM PM	1 1	35 55	35 55	55 - E/W 63 - E/W	10 - N/S 13 - N/S	N N	55 - E/W 63 - E/W	10 - N/S 13 - N/S	N N	72 - E/W 80 - E/W	27 - N/S 30 - N/S	N N
Avenue 296 at Road 64	AM PM	1 1	55 55	55 55	66 - N/S 73 - N/S	10 - E/W 27 - E/W	N N	66 - N/S 73 - N/S	10 - E/W 27 - E/W	N N	72 - N/S 79 - N/S	12 - E/W 29 - E/W	N N
SR 198 at Road 64	AM PM	1 2	55 65	55 65	2031 - E/W 2279 - E/W	14 - N/S 34 - N/S	N N	2037 - E/W 2289 - E/W	14 - N/S 34 - N/S	N N	2043 - E/W 2295 - E/W	16 - N/S 36 - N/S	N N

Intersections	Approach Lanes		Approach Speed		2040 No Project			2040 Plus Project		
	N-S	E-W	N-S	E-W	Major Street	Minor Street	Warrant Met?	Major Street	Minor Street	Warrant Met?
Betty Drive at Frontage Road	AM PM	2 2	45 45	45 45	Signalized			Signalized		
Betty Drive at SR 99 SB Ramps	AM PM	2 2	45 45	45 45	Signalized			Signalized		
Betty Drive at SR 99 NB Ramps	AM PM	2 2	45 45	45 45	Signalized			Signalized		
Avenue 304/SR 99 SB Ramps at Road 68	AM PM				Does not Exist			Does not Exist		
Avenue 296 at Road 68	AM PM	1 1	55 55	55 55	161 - N/S 162 - N/S	45 - E/W 38 - E/W	N N	161 - N/S 162 - N/S	45 - E/W 38 - E/W	N N
Avenue 296 at Project Driveway	AM PM	1 1	35 55	35 55	68 - E/W 79 - E/W	10 - N/S 13 - N/S	N N	85 - E/W 96 - E/W	27 - N/S 30 - N/S	N N
Avenue 296 at Road 64	AM PM	1 1	55 55	55 55	87 - N/S 96 - N/S	23 - E/W 44 - E/W	N N	104 - N/S 113 - N/S	40 - E/W 61 - E/W	N N
SR 198 at Road 64	AM PM	1 2	55 65	55 65	2739 - E/W 2954 - E/W	18 - N/S 37 - N/S	N N	2741 - E/W 2956 - E/W	20 - N/S 39 - N/S	N N

MITIGATION MONITORING REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Chapter 8

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and the Environmental Impact Report (EIR) (State Clearinghouse No.) prepared for the project by the County of Tulare.

The California Environmental Quality Act (CEQA) Section 21081.6 requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment.¹ The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation. The Mitigation Monitoring and Reporting Program contains the following elements:

- **Action and Procedure.** The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- **Compliance and Verification.** A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
- **Flexibility.** The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the Mitigation Monitoring and Reporting Program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

¹ Public Resource Code §21081.6

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MITIGATION MONITORING PROGRAM

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
Aesthetics							
1-1	Landscape screening shall be placed and effectively maintained along the periphery of the Project site to sufficiently screen the Project’s structures and activities from the public right-of-way and views from State Routes 198 and 99, and Road 68. The landscaping plan depicted in Figure 3.1-5 shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.	Prior to issuance of building permits Ongoing monitoring during subsurface excavation	Issuance of building permits	County of Tulare Planning Department			
1-2	The asphalt silo shall be painted in earth-toned colors to allow it to blend into the surrounding scenery to the fullest extent.	Ongoing monitoring	Issuance of building permits	County of Tulare Planning Department			
Biological							
4-1	Pre-construction surveys shall be conducted to determine the presence of nesting birds if ground clearing or construction activities will be initiated during the breeding season (February 15 through September 15). Potential nesting areas on the proposed Project site and potential nesting areas within 500 feet of the site should be surveyed prior to June 5 th . Surveys shall be performed by a qualified biologist to verify the presence or absence of nesting birds. Construction shall not occur within a 500 foot buffer surrounding active nests of raptors or a 250 foot buffer surrounding active nests of migratory birds. If construction within these buffer areas is required or if nests must be removed to allow continuation of construction, then approval and specific removal methodologies should be obtained from California Department of Fish and Wildlife.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
4-2	All trees which are suitable for Swainson's hawk nesting that are within 2,640 feet of construction activities shall be inspected by a qualified biologist	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-3	If potential Swainson's hawk nests are found during the inspection, then surveys shall be conducted at the following intensities, depending upon dates of initiation of construction: See page 3-4-16 for specific dates	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-4	If Swainson's hawks are detected to be actively nesting in trees within 2,640 feet of the construction area, construction shall not occur within this zone until after young Swainson's hawks have fledged (this usually occurs by early June). The nest shall be monitored by a qualified biologist to determine fledging date.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-5	If Ferruginous hawks (foraging) or other raptors are found actively nesting within 250 feet of the construction area, construction should be postponed until after young have fledged. The date of fledging should be determined by a qualified biologist. If construction cannot be delayed, the CDFW shall be consulted and alternative protection measures required by the CDFW shall be followed.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
4-6	If other nesting birds (particularly non-raptor species listed on the MBTA) are found actively nesting within 250 feet of the construction area, construction should be postponed until after young have fledged. The date of fledging should be determined by a qualified biologist. If construction cannot be delayed within this zone, the CDFW and/or the USFWS shall be consulted and alternative protection measures required by the CDFW and/or the USFWS shall be followed	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-7	A standardized pre-construction/ pre-activity shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities or any Project activity likely to impact the San Joaquin kit fox. Surveys shall identify kit fox habitat features on the Project site and evaluate use by kit fox and, if possible, assess the potential impacts to the kit fox by the proposed activity. The status of all dens shall be determined and mapped. Written results of pre-construction/pre-activity surveys must be received by the Service within five days after survey completion and prior to the start of ground disturbance and/or construction activities.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-8	Disturbance to all San Joaquin kit fox dens shall be avoided to the maximum extent possible.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-9	If a natal/pupping den is discovered within the Project area or within 200-feet of the site boundary, USFWS shall be immediately notified and under no circumstances should the den be disturbed or destroyed without prior authorization. If the pre-construction/pre-	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of	County of Tulare Planning Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	activity survey reveals an active natal pupping or new information, the Project applicant shall contact USFWS immediately to obtain the necessary take authorization/permit.		Report of Findings, if applicable				
4-10	If a natal/pupping den is discovered within the Project area or within 200-feet of the site boundary, USFWS shall be immediately notified and under no circumstances should the den be disturbed or destroyed without prior authorization. If the pre-construction/pre-activity survey reveals an active natal pupping or new information, the Project applicant shall contact USFWS immediately to obtain the necessary take authorization/permit.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-11	If at any point during excavation, a kit fox is discovered inside the den, the excavation activity shall cease immediately and monitoring of the den as described above shall be resumed. Destruction of the den may be completed when, in the judgment of the qualified biologist, the animal has escaped without further disturbance from the partially destroyed den.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-12	Project-related vehicles shall observe a daytime speed limit not to exceed 20-mph throughout the site in all proposed Project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction shall be minimized to the extent possible. However if it does occur, then the speed limit shall be reduced to 10-mph. Off-road traffic outside of designated project areas shall be prohibited.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-13	To prevent inadvertent entrapment of kit fox or other animals during the construction phase of the proposed Project, all excavated, steep-walled holes or trenches more than 2-feet deep shall be covered at the close of each working day by plywood or	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of	County of Tulare Planning Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the California Department of Fish and Wildlife shall be contacted as noted under Mitigation Measure 4-20 referenced below.		Report of Findings, if applicable				
4-14	Kit fox are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit fox before the pipe is used or moved, buried, or capped in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the CFW has been consulted. If necessary, and under the direct supervision of a qualified biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-15	All food-related trash outside of the enclosed facility such as wrappers, cans, bottles, and food scraps shall be disposed of daily in securely closed containers and removed at least once a week during both construction and operational phases.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-16	No pets, such as dogs or cats, shall be allowed on the Project site in order to prevent harassment, mortality of kit fox, or destruction of dens.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if	County of Tulare Planning Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
			applicable				
4-17	Use of rodenticides and herbicides in Project areas shall be restricted. If rodent control must be used it shall be limited to the use of zinc phosphide because of its demonstrated lower risk to kit fox.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-18	A representative shall be appointed by the Project Applicant to serve as the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name, telephone number, or other pertinent contact information shall be provided to the Service.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-19	An employee education program shall be conducted to alert employees of potential impacts to kit fox or other species of concern. The program shall consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program shall include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the Project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during Project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	the Project site.						
4-20	<p>Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. The Sacramento Fish and Wildlife Office and CFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The Sacramento Fish and Wildlife Office contact is:</p> <p style="text-align: center;">Mr. Paul Hoffman 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670 (530) 934-9309</p>	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-21	<p>New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to Fish and Wildlife at the address below.</p> <p style="text-align: center;">Endangered Species Division 2800 Cottage Way, Suite W2605 Sacramento, California 95825-1846 (916) 414-6620 or (916) 414-6600</p>	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-22	<p>In accordance with CDFG's 2012 <i>Staff Report on Burrowing Owl Mitigation</i>, a qualified biologist shall conduct three surveys for burrowing owls where potential burrowing owl habitat occurs within 500 feet of Project activities. Surveys shall occur during the peak breeding season for this species (15 April through 15 July), and spaced three weeks apart. If active burrowing owl burrows are identified within 500 feet of the Project site, then avoidance, take avoidance surveys, site surveillance, minimization, and buffer</p>	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	mitigation measures shall be implemented, in accordance with the 2012 CDFG <i>Staff Report</i> and direct consultation with CFW.						
Cultural Resources							
5-1	In the event that archaeological or paleontological resources are discovered during site excavation, the County shall require that grading and construction work on the project site be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist. In this event, the property owner shall retain a qualified archaeologist/paleontologist to make recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, or a unique paleontological resource or to undertake data recover, excavation analysis, and curation of archaeological or paleontological materials. County staff shall consider such recommendations and implement them where they are feasible in light of Project design as previously approved by the County.	Prior to issuance of building permits Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/on going monitoring / submittal of Report of Findings, if applicable	County of Tulare Planning Department			
5-2	The property owner shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources requires further study. The owner shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Resource Management Agency and the project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Resource Management Agency determines avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with applicable	Prior to issuance of building permits Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/on going monitoring / submittal of Report of Findings, if applicable	County of Tulare Planning Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval. Upon approval, the plan shall be incorporated into the project.						
5-3	<p>Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:</p> <ol style="list-style-type: none"> 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: <ol style="list-style-type: none"> a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and b. If the coroner determines the remains to be Native American: <ol style="list-style-type: none"> i. The coroner shall contact the Native American Heritage Commission within 24 hours. ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. 	<p>Prior to issuance of building permits</p> <p>Ongoing monitoring during subsurface excavation</p>	Retention of professional paleontologist/on going monitoring / submittal of Report of Findings, if applicable	County of Tulare Planning Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	<p>iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or</p> <p>2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p> <p>a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</p> <p>b. The descendant fails to make a recommendation; or</p> <p>c. The landowner or his authorized representative rejects the recommendation of the descendent</p>						
Geology & Soils							
6-1	Comply with construction BMPs for erosion and a SWPPP (if required) during construction-related activities. Provide sound civil design for surface water management, and employ post-construction operational controls to limit erosion, such as measures to effectively control dust.	Prior to issuance of building permits	Issuance of building permits	County of Tulare Planning Department			

Final Environmental Impact Report
Papich Construction Asphalt Batch Plant Project

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
6-2	Secure a permit from the Tulare County Environmental Health Department (TCEHD or EHD) for an on-site septic disposal system and comply with permit conditions. The permit application will require an engineered design report. The engineered design report should include percolation testing and address the recommendations of the Geologic and Geotechnical Feasibility Report	Prior to issuance of building permits	Issuance of EHD permits	County of Tulare Planning Department			
Hazards & Hazardous Materials							
8-1	The Project shall prepare a Hazardous Materials Business Plan for review and approval by the Tulare County Health & Human Services Agency, Environmental Health Services Division. The Plan shall be in effect prior to issuance of a building permit for the proposed expansion.	Prior to issuance of grading permits	Ongoing monitoring	County of Tulare Planning Department			
8-2	Because the facility proposes an above ground storage capacity over 1,320 gallons of a petroleum based product, the site shall be required to prepare a Spill Prevention Control and Countermeasure (SPCC) plan in accordance with the U.S. Code of Federal Regulations, Title 40, Part 112 (40CFR112) prior to the final inspection of the building permit. The plan shall be submitted to the Tulare County Environmental Health Services Division. The applicant shall contact the TCEHSD's CUPA inspector at (559) 624-7400 for any additional questions.	Prior to issuance of grading permits		County of Tulare Planning Department			
Hydrology & Water Quality							
9-1	The Project shall obtain a General Stormwater Industrial Facility Permit from the Central Valley Water Board, prior to obtaining building permits for the expansion. The facility operators shall prepare, retain on site, and implement a SWPPP as part of the General Stormwater Industrial Facility Permit.	Prior to issuance of building permits	Permit from Central Valley Water Board	County of Tulare Planning Department			
9-2	Existing and future leach fields should not be located under structures.	Prior to issuance of building permits	Permit to Operate from	County of Tulare			

Final Environmental Impact Report
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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
			Central Valley Water Board	Environmental Health Department			
9-3	New sewage disposal systems shall be designed by an Engineer, Registered Environmental Health Specialist, Geologist, or other competent persons, all of whom must be registered and/or licensed professionals knowledgeable and experienced in the field of sewage disposal system and design. The specifications and engineering data for the system shall be submitted to the TCEHD for review and approval prior to the issuance of a building permit.	Prior to issuance of building permits	Issuance of building permits	County of Tulare Planning Department			
9-4	Truck and vehicle washing shall be conducted exclusively in the one location. Employees shall be instructed not to dump vehicle fluids, pesticides, solvents, fertilizers, organic chemicals, or toxic chemicals into catch basins.	Prior to issuance of building permits	Issuance of EHD permits	County of Tulare Environmental Health Department			
9-5	The Truck and Vehicle washing area shall have oil/water separators, sediment traps, and a collection sump large enough to handle all the wastewater. This wastewater shall not be discharged into the septic system.	Prior to issuance of building permits	Issuance of EHD permits	County of Tulare Planning Department			
9-6	All new construction shall have water conserving fixtures (water closets, low flow showerheads, low flow sinks, etc.) New urinals shall also conserve water through waterless, zero flush, or other water conservation technique and/or technology.	Prior to issuance of building permits	Issuance of building permits	County of Tulare Planning Department			
9-7	The proposed Project shall conform to the Tulare County Water Efficient Landscaping Ordinance.	Prior to issuance of building permits	Issuance of building permits	County of Tulare Planning Department			
9-8	No ground water shall be transported off-site for any use.	Prior to issuance of	Issuance of	County of Tulare			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
		building permits	building permits	Planning Department			
Noise							
12-1	Construction and demolition activities (excluding emergency work and activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Construction and demolition activities shall be prohibited on Sundays and federal holidays.	Prior to issuance of building permits	Issuance of building permits and complaint responsive	County of Tulare Planning Department			
12-2	Construction and demolition equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and shrouds, in accordance with manufacturers' recommendations.	Prior to issuance of building permits	Issuance of building permits and complaint responsive	County of Tulare Planning Department			

**Changes to Papich Construction
Asphalt Batch Plant Project
DEIR**

Papich Construction Asphalt Batch Plant Project
Changes in Draft EIR

Executive Summary

Page ES-2; Original:

- evaluate the environmental consequences of the Peña Material Recovery Facility and Transfer Station Project,

Page ES-2; Revised:

- evaluate the environmental consequences of the ~~Peña Material Recovery Facility and Transfer Station~~ Papich Construction Asphalt Batch Plan Project,

Page ES-16 to 27

Mitigation Measure		Action Indicating Compliance
1-1	Landscape screening shall be placed and effectively maintained along the periphery of the Project site to sufficiently screen the Project's structures and activities from the public right-of-way and views from State Routes 198 and 99, and Road 68. The landscaping plan depicted in Figure 3.1-5 shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.	Verification by County of incorporation of project design features subject to issuance of building permits
1-2	The asphalt silo shall be painted in earth-toned colors to allow it to blend into the surrounding scenery to the fullest extent.	Verification by County of incorporation of project design features subject to issuance of building permits
4-1	Pre-construction surveys shall be conducted to determine the presence of nesting birds if ground clearing or construction activities will be initiated during the breeding season (February 15 through September 15). Potential nesting areas on the proposed Project site and potential nesting areas within 500 feet of the site should be surveyed prior to June 5 th . Surveys shall be performed by a qualified biologist to verify the presence or absence of nesting birds. Construction shall not occur within a 500 foot buffer surrounding active nests of raptors or a 250 foot buffer surrounding active nests of migratory birds. If construction within these buffer areas is required or if nests must be removed to allow continuation of construction, then approval and specific removal methodologies should be obtained from California Department of Fish and Wildlife.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable

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Changes in Draft EIR

4-2	All trees which are suitable for Swainson's hawk nesting that are within 2,640 feet of construction activities shall be inspected by a qualified biologist.	Retention of professional biologist/ submittal of Report of Findings, if applicable.
4-3	If potential Swainson's hawk nests are found during the inspection, then surveys shall be conducted at the following intensities, depending upon dates of initiation of construction: See Pg. 3.4-16 for specific dates	Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable
4-4	If Swainson's hawks are detected to be actively nesting in trees within 2,640 feet of the construction area, construction shall not occur within this zone until after young Swainson's hawks have fledged (this usually occurs by early June). The nest shall be monitored by a qualified biologist to determine fledging date.	Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable. Verification of take permit, if applicable.
4-5	If Ferruginous hawks (foraging) or other raptors are found actively nesting within 250 feet of the construction area, construction should be postponed until after young have fledged. The date of fledging should be determined by a qualified biologist. If construction cannot be delayed, the CDFW shall be consulted and alternative protection measures required by the CDFW shall be followed.	Various Actions: Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable. Verification of take permit if applicable.
4-6	If other nesting birds (particularly non-raptor species listed on the MBTA) are found actively nesting within 250 feet of the construction area, construction should be postponed until after young have fledged. The date of fledging should be determined by a qualified biologist. If construction cannot be delayed within this zone, the CDFW and/or the USFWS shall be consulted and alternative protection measures required by the CDFW and/or the USFWS shall be followed.	Various Actions: Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable. Verification of take permit if applicable.

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4-7	<p>A standardized pre-construction/ pre-activity shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities or any Project activity likely to impact the San Joaquin kit fox. Surveys shall identify kit fox habitat features on the Project site and evaluate use by kit fox and, if possible, assess the potential impacts to the kit fox by the proposed activity. The status of all dens shall be determined and mapped. Written results of pre-construction/pre-activity surveys must be received by the Service within five days after survey completion and prior to the start of ground disturbance and/or construction activities.</p>	<p>Verification of employee/ operators State issued license to operate vehicle and construction equipment.</p>
4-8	<p>Disturbance to all San Joaquin kit fox dens shall be avoided to the maximum extent possible.</p>	<p>Various Actions: Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable. Verification of take permits if applicable.</p>
4-9	<p>If a natal/pupping den is discovered within the Project area or within 200-feet of the site boundary, USFWS shall be immediately notified and under no circumstances should the den be disturbed or destroyed without prior authorization. If the pre-construction/pre-activity survey reveals an active natal pupping or new information, the Project applicant shall contact USFWS immediately to obtain the necessary take authorization/permit.</p>	<p>Various Actions: Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable. Verification of take permit, if applicable.</p>
4-10	<p>Destruction of any den shall be accomplished by careful excavation until it is certain that no kit foxes are inside. The den shall be fully excavated, filled with dirt and compacted to ensure that kit foxes cannot reenter or use the den during the construction period.</p>	<p>Construction Manager</p>
4-11	<p>If at any point during excavation, a kit fox is discovered inside the den, the excavation activity shall cease immediately and monitoring of the den as described above shall be resumed. Destruction of the den may be completed when, in the judgment of the qualified biologist, the animal has escaped without further disturbance from the partially destroyed den.</p>	<p>Retention of professional biologist/ archeologist/ ongoing monitoring/ submittal of Report of Findings, if applicable.</p>

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4-12	Project-related vehicles shall observe a daytime speed limit not to exceed 20-mph throughout the site in all proposed Project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction shall be minimized to the extent possible. However if it does occur, then the speed limit shall be reduced to 10-mph. Off-road traffic outside of designated project areas shall be prohibited.	Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable.
4-13	To prevent inadvertent entrapment of kit fox or other animals during the construction phase of the proposed Project, all excavated, steep-walled holes or trenches more than 2-feet deep shall be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the California Department of Fish and Wildlife shall be contacted as noted under Mitigation Measure 4-20 referenced below.	Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable.
4-14	Kit fox are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit fox before the pipe is used or moved, buried, or capped in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the CFW has been consulted. If necessary, and under the direct supervision of a qualified biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.	Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable.
4-15	All food-related trash outside of the enclosed facility such as wrappers, cans, bottles, and food scraps shall be disposed of daily in securely closed containers and removed at least once a week during both construction and operational phases.	
4-16	No pets, such as dogs or cats, shall be allowed on the Project site in order to prevent harassment, mortality of kit fox, or destruction of dens.	Various Actions: Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable. Verification of take permit, if applicable.

Papich Construction Asphalt Batch Plant Project
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4-17	Use of rodenticides and herbicides in Project areas shall be restricted. If rodent control must be used it shall be limited to the use of zinc phosphide because of its demonstrated lower risk to kit fox.	Various Actions: Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable. Verification of take permit, if applicable.
4-18	A representative shall be appointed by the Project Applicant to serve as the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name, telephone number, or other pertinent contact information shall be provided to the Service.	Various Actions: Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable. Verification of take permit if applicable.
4-19	An employee education program shall be conducted to alert employees of potential impacts to kit fox or other species of concern. The program shall consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the project. The program shall include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the Project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during Project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter the Project site.	Various Actions: Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable. Verification of take permits if applicable.

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4-20	<p>Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. The Sacramento Fish and Wildlife Office and CFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The Sacramento Fish and Wildlife Office contact is:</p> <p style="text-align: center;">Mr. Paul Hoffman 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670 (530) 934-9309</p>	<p>Various Actions: Retention of professional biologist/ ongoing monitoring/ submittal of Report of Findings, if applicable. Verification of take permit, if applicable.</p>
4-21	<p>New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to Fish and Wildlife at the address below.</p> <p style="text-align: center;">Endangered Species Division 2800 Cottage Way, Suite W2605 Sacramento, California 95825-1846</p> <p>(916) 414-6620 or (916) 414-6600</p>	<p>Verification by County of incorporation of project design features and issuance of building permits</p>
<u>4-22</u>	<p><u>In accordance with CDFG's 2012 <i>Staff Report on Burrowing Owl Mitigation</i>, a qualified biologist shall conduct three surveys for burrowing owls where potential burrowing owl habitat occurs within 500 feet of Project activities. Surveys shall occur during the peak breeding season for this species (15 April through 15 July), and spaced three weeks apart. If active burrowing owl burrows are identified within 500 feet of the Project site, then avoidance, take avoidance surveys, site surveillance, minimization, and buffer mitigation measures shall be implemented, in accordance with the 2012 CDFG <i>Staff Report</i> and direct consultation with CFW."</u></p>	<p><u>Verification by County of incorporation of project design features and issuance of building permits</u></p>
5-1	<p>In the event that archaeological or paleontological resources are discovered during site excavation, the County shall require that grading and construction work on the project site be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist. In this event, the property owner shall retain a qualified archaeologist/paleontologist to make recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, or a unique paleontological resource or to undertake data recover, excavation analysis, and curation of archaeological or paleontological materials. County staff shall consider such recommendations and implement them where they are feasible in light of Project design as previously approved by the County.</p>	<p>Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable</p>

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5-2	<p>The property owner shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources requires further study. The owner shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Resource Management Agency and the project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Resource Management Agency determines avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval. Upon approval, the plan shall be incorporated into the project.</p>	<p>Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable</p>
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5-3	<p>Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:</p> <ol style="list-style-type: none">1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:<ol style="list-style-type: none">a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; andb.If the coroner determines the remains to be Native American:<ol style="list-style-type: none">i. The coroner shall contact the Native American Heritage Commission within 24 hours.ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.<ol style="list-style-type: none">a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.b. The descendant fails to make a recommendation; orc. The landowner or his authorized representative rejects the recommendation of the descendent.	
<u>6-1</u>	<u>Comply with construction BMPs for erosion and a SWPPP (if required) during construction-related activities. Provide sound civil design for surface water management, and employ post-construction operational controls to limit erosion, such as measures to effectively control dust.</u>	<u>Verification by County of approval</u>

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6-1 6-2	Secure a permit from the Tulare County Environmental Health Department (TCEHD or EHD) for an on-site septic disposal system and comply with permit conditions. The permit application will require an engineered design report. The engineered design report should include percolation testing and address the recommendations of the Geologic and Geotechnical Feasibility Report	Verification by County of approval
8-1	The Project shall prepare a Hazardous Materials Business Plan for review and approval by the Tulare County Health & Human Services Agency, Environmental Health Services Division. The Plan shall be in effect prior to issuance of a building permit for the proposed expansion.	Verification by County of approval
8-2	Because the facility proposes an above ground storage capacity over 1,320 gallons of a petroleum based product, the site shall be required to prepare a Spill Prevention Control and Countermeasure (SPCC) plan in accordance with the U.S. Code of Federal Regulations, Title 40, Part 112 (40CFR112) prior to the final inspection of the building permit. The plan shall be submitted to the Tulare County Environmental Health Services Division. The applicant shall contact the TCEHSD's CUPA inspector at (559) 624-7400 for any additional questions.	Verification by County of approval
9-1	The Project shall obtain a General Stormwater Industrial Facility Permit from the Central Valley Water Board, prior to obtaining building permits for the expansion. The facility operators shall prepare, retain on site, and implement a SWPPP as part of the General Stormwater Industrial Facility Permit.	County Verification prior to Issuance of Grading Permit
9-2	Existing and future leach fields should not be located under structures.	County Verification prior to Issuance of Grading Permit
9-3	New sewage disposal systems shall be designed by an Engineer, Registered Environmental Health Specialist, Geologist, or other competent persons, all of whom must be registered and/or licensed professionals knowledgeable and experienced in the field of sewage disposal system and design. The specifications and engineering data for the system shall be submitted to the TCEHSD for review and approval prior to the issuance of a building permit.	County Verification prior to Issuance of Grading Permit
9-4	Truck and vehicle washing shall be conducted exclusively in the one location. Employees shall be instructed not to dump vehicle fluids, pesticides, solvents, fertilizers, organic chemicals, or toxic chemicals into catch basins.	County Verification prior to Issuance of Grading Permit
9-5	The Truck and Vehicle washing area shall have oil/water separators, sediment traps, and a collection sump large enough to handle all the wastewater. This wastewater shall not be discharged into the septic system.	County Verification prior to Issuance of Grading Permit
9-6	All new construction shall have water conserving fixtures (water closets, low flow showerheads, low flow sinks, etc.) New urinals shall also conserve water through waterless, zero flush, or other water conservation technique and/or technology.	County Verification prior to Issuance of Grading Permit
9-7	The proposed Project shall conform to the Tulare County Water Efficient Landscaping Ordinance.	County Verification prior to Issuance of Grading Permit
<u>9-8</u>	<u>No ground water shall be transported off-site for any use.</u>	<u>County Verification</u> <u>prior to Issuance of</u> <u>Grading Permit</u>
12-1	Construction and demolition activities (excluding emergency work and activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Construction and demolition activities shall be prohibited on Sundays and federal holidays.	Construction Manager

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12-2	Construction and demolition equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and shrouds, in accordance with manufacturers' recommendations.	Construction Manager
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Chapter 2

Page 2-3; Original:

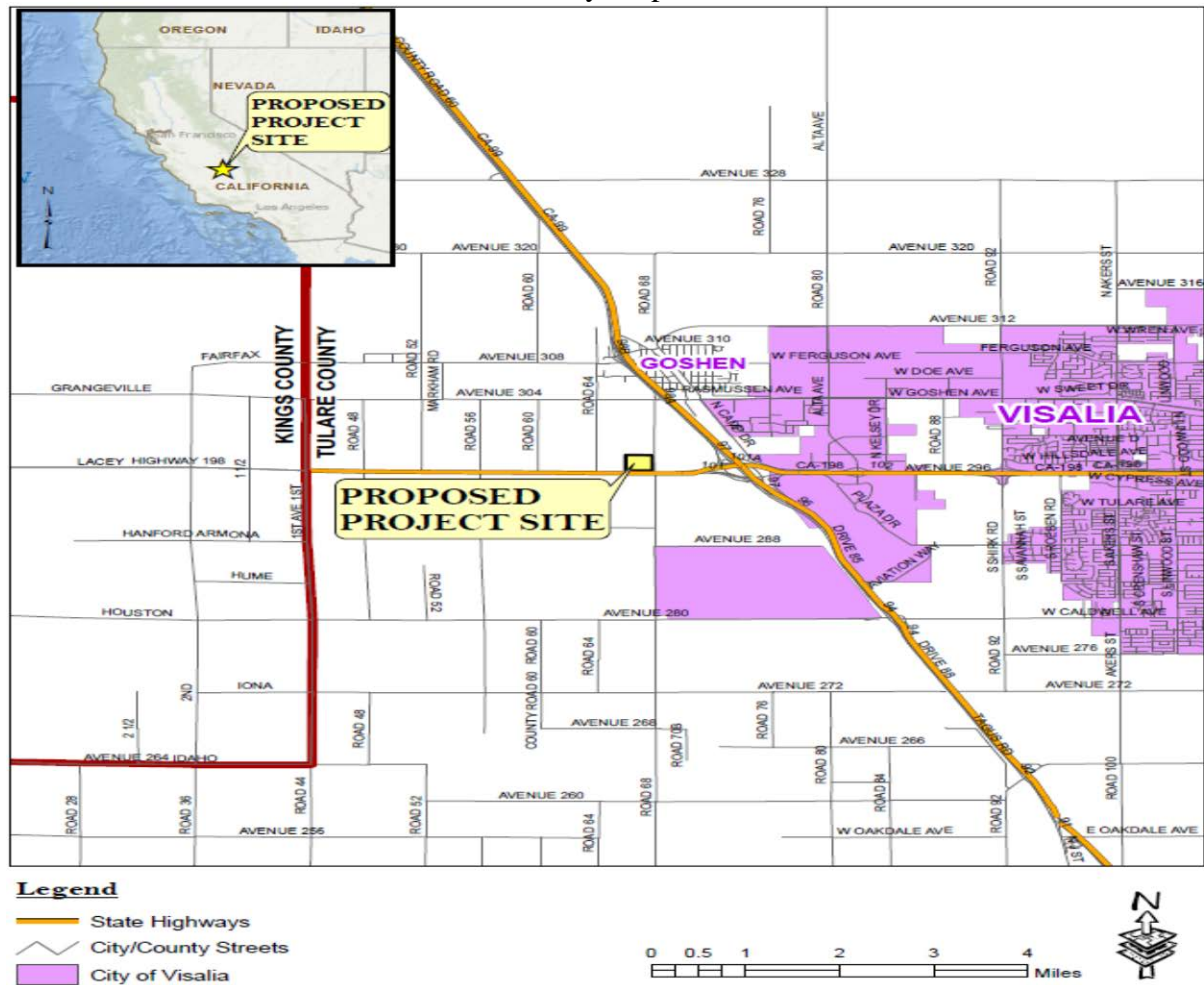
- Figure 2-1, Vicinity Map, color of County and City roadways do not match color on "Legend".

Page 2-3; Revised

- Revised color of County and City roadways to match the color on Vicinity Map "Legend" (See Figure 2-1 below)

Papich Construction Asphalt Batch Plant Project
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Figure 2-1
Vicinity Map



Chapter 3.6 Geology & Soils

Page 3.6-9 to 3.6-10; Original:

b) Result in substantial soil erosion or the loss of topsoil?

Project Impact Analysis:

Less Than Significant Impact With Mitigation

The proposed Project area is primarily flat and as such, soil erosion is not anticipated. The majority of the proposed Project site will remain non-vegetated in order to accommodate operations/maintenance (O&M) considerations and to decrease fire risks. Project O&M staff will ensure maintenance of any vegetation as necessary to minimize noxious weeds, pests, and/or fire hazard.

In addition, as required by the Clean Water Act (CWA) and the Central Valley Regional Water Quality Control Board (CVRWQCB), a Stormwater Pollution Prevention Plan (SWPPP) will be developed by a qualified engineer or erosion control specialist and implemented before construction begins. The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the CVRWQCB. The objectives of the SWPPP will be to identify pollutant sources that may affect the quality of stormwater associated with construction activity and to identify, construct, and implement stormwater pollution prevention measures to reduce pollutants in stormwater discharges during and after construction. To meet these objectives, the SWPPP will include a description of potential pollutants, a description of methods of management for dredged sediments, and hazardous materials present on site during construction (including vehicle and equipment fuels). The SWPPP will also include details for best management practices (BMPs) for the implementation of sediment and erosion control practices. Implementation of the SWPPP will comply with state and federal water quality regulations and will reduce this impact to a less-than-significant level. Compliance with local grading and erosion control ordinances will also help minimize adverse effects associated with erosion and sedimentation. Any stockpiled soils will be watered and/or covered to prevent loss due to wind erosion as part of the SWPPP during construction and reclamation. As a result of these efforts, loss of topsoil and substantial soil erosion during the construction and reclamation periods are not anticipated. The impact will be ***Less Than Significant***. No mitigation is required.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, Tulare County General Plan Background Report, and/or the Tulare County 2030 General Plan EIR.

The proposed Project site is not located on slope or adjacent to a designated waterway. The proposed Project also does not involve changes that will affect off-site hillsides or designated waterways. Therefore, ***Less Than Significant*** impacts related to this Checklist Item will occur.

Mitigation Measures: **None required.**

Conclusion: ***Less Than Significant Impact***

Implementation of the proposed Project will not cause a significant impact, potential Project-specific impacts related to this Checklist Item will be reduced to a level considered *Less Than Significant* and *No Cumulative Impacts* related to this Checklist Item will occur.

Page 3.6-9 to 3.6-10; Correction:

b) Result in substantial soil erosion or the loss of topsoil?

Project Impact Analysis: *Less Than Significant Impact With Mitigation*

The proposed Project area is primarily flat and as such, soil erosion is not anticipated. The majority of the proposed Project site will remain non-vegetated in order to accommodate operations/maintenance (O&M) considerations and to decrease fire risks. Project O&M staff will ensure maintenance of any vegetation as necessary to minimize noxious weeds, pests, and/or fire hazard.

In addition, as required by the Clean Water Act (CWA) and the Central Valley Regional Water Quality Control Board (CVRWQCB), a Stormwater Pollution Prevention Plan (SWPPP) will be developed by a qualified engineer or erosion control specialist and implemented before construction begins. The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the CVRWQCB. The objectives of the SWPPP will be to identify pollutant sources that may affect the quality of stormwater associated with construction activity and to identify, construct, and implement stormwater pollution prevention measures to reduce pollutants in stormwater discharges during and after construction. To meet these objectives, the SWPPP will include a description of potential pollutants, a description of methods of management for dredged sediments, and hazardous materials present on site during construction (including vehicle and equipment fuels). The SWPPP will also include details for best management practices (BMPs) for the implementation of sediment and erosion control practices. Implementation of the SWPPP will comply with state and federal water quality regulations and will reduce this impact to a less-than-significant level. Compliance with local grading and erosion control ordinances will also help minimize adverse effects associated with erosion and sedimentation. Any stockpiled soils will be watered and/or covered to prevent loss due to wind erosion as part of the SWPPP during construction and reclamation. As a result of these efforts, loss of topsoil and substantial soil erosion during the construction and reclamation periods are not anticipated. The impact will be *Less Than Significant*. No mitigation is required.

Cumulative Impact Analysis: *Less Than Significant Impact*

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General

Plan, Tulare County General Plan Background Report, and/or the Tulare County 2030 General Plan EIR.

The proposed Project site is not located on slope or adjacent to a designated waterway. The proposed Project also does not involve changes that will affect off-site hillsides or designated waterways. Therefore, *Less Than Significant* impacts related to this Checklist Item will occur.

Mitigation Measures: ~~None required.~~

6-1 Comply with construction BMPs for erosion and a SWPPP (if required) during construction-related activities. Provide sound civil design for surface water management, and employ post-construction operational controls to limit erosion, such as measures to effectively control dust.

Conclusion: *Less Than Significant Impact With Mitigation*

Implementation of the proposed Project will not cause a significant impact, potential Project-specific impacts related to this Checklist Item will be reduced to a level considered *Less Than Significant* and *No Cumulative Impacts* related to this Checklist Item will occur.

Page 3.6-11 to 3.6-12; Original:

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Project Impact Analysis: *Less Than Significant Impact With Mitigation*

There is an existing septic tank and leach field on the proposed Project site. The proposed Project would install an additional septic tank to address the sewage needs of the proposed administrative offices and expansion of the existing use. The installation of a septic tank is regulated and monitored by the Tulare County Environmental Health Department (TCEHD). Upon submission of an application to install a septic system, TCEHD requires that percolation tests are performed, in accordance with U.S. Environmental Protection Agency's "Manual of Septic Tank Practice".¹ The final design will be based off the percolation testing results, ensuring

¹ U.S. Environmental Protection Agency, Public Health Service Publication No. 526.

that the soils at the proposed Project site will support the use of the septic system. By complying with existing TCEHD regulations/permit requirements through project design features and Mitigation Measures, ***Less Than Significant*** Project-specific impacts to this Checklist Item will occur.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

As noted above, by complying with existing TCEHD regulations/permit requirements through project design features and implementation of Mitigation Measures, ***Less Than Significant Cumulative Impacts*** will occur.

Mitigation Measure

- 6-1 Secure a permit from the Tulare County Environmental Health Department for an on-site septic disposal system and comply with permit conditions. The permit application will require an engineered design report. The engineered design report should include percolation testing and address the recommendations of the Geologic and Geotechnical Feasibility Report.**

Conclusion: ***Less Than Significant Impact With Mitigation***

As noted earlier, implementation of project design features and Mitigation Measure 6-1 will reduce impacts Project-specific impacts to a ***Less Than Significant*** level. ***Less Than Significant Cumulative Impacts***.

Page 3.6-11 to 3.6-12; Corrections:

- e) **Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

There is an existing septic tank and leach field on the proposed Project site. The proposed Project would install an additional septic tank to address the sewage needs of the proposed administrative offices and expansion of the existing use. The installation of a septic tank is regulated and monitored by the Tulare County Environmental Health Department (TCEHD). Upon submission of an application to install a septic system, TCEHD requires that percolation tests are performed, in accordance with U.S. Environmental Protection Agency's "Manual of Septic Tank

Practice”.² The final design will be based off the percolation testing results, ensuring that the soils at the proposed Project site will support the use of the septic system. By complying with existing TCEHD regulations/permit requirements through project design features and Mitigation Measures, *Less Than Significant* Project-specific impacts to this Checklist Item will occur.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

As noted above, by complying with existing TCEHD regulations/permit requirements through project design features and implementation of Mitigation Measures, *Less Than Significant Cumulative Impacts* will occur.

Mitigation Measure

~~6-1~~ 6-2 Secure a permit from the Tulare County Environmental Health Department for an on-site septic disposal system and comply with permit conditions. The permit application will require an engineered design report. The engineered design report should include percolation testing and address the recommendations of the Geologic and Geotechnical Feasibility Report.

Conclusion: ***Less Than Significant Impact With Mitigation***

As noted earlier, implementation of project design features and Mitigation Measure ~~6-1~~ **6-2** will reduce impacts Project-specific impacts to a *Less Than Significant* level. *Less Than Significant Cumulative Impacts*.

Chapter 3.9 Hydrology and Water Quality

Pages 3.9-22 to 27; Original

IMPACT EVALUATION

Would the project:

a) Violate any water quality standards or waste discharge requirements?

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

Septic System

² U.S. Environmental Protection Agency, Public Health Service Publication No. 526.

The existing facility currently has a septic system that accommodates the sewage flows from the employee kitchen and bathroom via on-site, self-sustaining septic tanks and leach fields due to the absence of an adjacent or accessible public sewer trunk line near the Project site. This septic system does not handle storm water or other free liquids.

The proposed Project will include the addition of a new septic tank and leach field which will be reviewed by the Tulare County Health and Human Services Agency, Health Services Division. Recommendations for this proposed Project are included as Mitigation Measures 91- through 9-6. Implementation of these Measures will reduce potential impacts related to this specific resource to a ***Less Than Significant Impact***.

Stormwater (Surface Water Quality)

The proposed Project site is located in the Kaweah River Watershed, as seen in Figure 3.9-1. “The Kaweah River begins in Sequoia National Park, flows west and southwest, and is impounded by Terminus Dam. It subsequently spreads into many distributaries around Visalia and Tulare trending toward Tulare Lake. The Tule River begins in Sequoia National Forest and flows southwest through Lake Success toward Tulare Lake.”³ The proposed Project site is not located along a natural water feature such as a lake, river or stream and there are no other water features that are adjacent to or within immediate proximity to the site.

The existing site has 20% of impervious surfaces (building area, concrete paving, and asphalt paving) and 80% of pervious surfaces (such as compacted road base, landscaping, and drainage basin). With implementation of the proposed Project, the total impervious surface will be 30% and the pervious surface will be 70%. The drainage basin for the proposed Project is designed for a 50 year flood event and is considered sufficient to prevent off-site discharge of stormwater.⁴

With the appropriate water quality permit from the Central Valley Regional Water Quality Control Board (RWQCB) potential impacts related to this specific topic will be reduced to a less than significant level.

The existing facility has been issued a Waste Discharger Identification number (5F54I024218) by the State Water Resources Board regarding the facility’s General Permit to Discharge Storm Water Associated with Industrial Activity. As part of the National Pollutant Discharge Eliminations System (NPDES), the applicant has prepared a Storm Water Pollution Prevention Plan (SWPPP) (updated June 20, 2014) and Storm Water Monitoring Plan (SWMP). Within this SWPPP/SWMP it is noted

³ California Water Plan Update 2009, Tulare Lake, page TL-7

⁴ 4Creeks Engineering. Email correspondence August 2014.

that the proposed Project will comply with the General Permit for Industrial Dischargers. As part of this compliance the applicant will be required to fulfill the following: (1) demonstrate compliance with permit requirements, (2) evaluate changing conditions and practices at the site to control pollutants in stormwater discharges, (3) implement the SWPPP, and (4) measure effectiveness of Best Management Practices. In addition, the General Permit requires annual testing and reporting of results to the RWQCB. The proposed Project Applicant will be required to update these documents with the RWQCB to reflect the proposed expansion and permanent establishment of the proposed Project.

According to the SWPPP, site drainage is toward the south and west of the property toward the collection basin located on the southwest corner of the property. Any discharge of water from the site would be from overland flow and exit the site through silt fencing or collected in the drainage basin. Excessive water collected in the basin would be either removed using a vacuum truck and disposed of offsite or pumped out of the basin and discharged off site. Most of the surface water drains naturally into the subsurface through infiltration⁵.

Potential sources of pollution⁶ during Project operation include:

- Maintenance and repair
- Asphalt plant
- Crushing plant

Potential pollutants⁷ during Project operation include:

- Asphalt Oil
- Oil and Grease
- Petroleum Hydrocarbons
- Propane
- Benzene, Toluene, Ethylbenzene, Xylenes (BTEX)
- Suspended solids
- Volatile Organic Compounds (VOCs)

The site SWPPP provides an extensive list of site-specific Best Management Practices (BMPs)⁸. They are summarized here:

- Minor spills are cleaned up promptly by site personnel.
- Spill kits are stored on site in the service vehicle and operations area.
- Used fluids and waste are placed in marked containers, properly stored, and removed from the site for recycling or disposal.

⁵ SWPPP, Sierra Pacific Materials Asphalt Plan. Pg. 4. (June 2014)

⁶ SWPPP, Sierra Pacific Materials Asphalt Plan. Pg. 4. (June 2014). Page. 5

⁷ Ibid. Page 7

⁸ Ibid. Page 8

- The materials storage areas are checked weekly by the Plant or Materials Manager.
- When serviced, all vehicles and equipment are checked for faulty parts and hydraulic hose wear; these are replaced as potential problems are discovered.
- Large equipment associated with the Plant are checked weekly by the Plant or Materials Manager for potential leaks.
- All on-site holding tanks such as the two 30,000-gallon asphalt oil tanks, 12,000-gallon propane tank and degreaser totes are inspected weekly by the Plant or Materials Manager for leaks or spills.
- Installation of subsurface concrete washout in the crushing operations area.
- Installation of an asphalt driveway at the plant entrance/exit. The roadway leaving the Plant will be swept on a regular basis to prevent tracking of materials off of the site.
- Installation of a surface water catch basin and collection swale between the asphalt plant and crushing operations area.
- Installation of a silt fence along the southwest portion of the property.
- When servicing large equipment or fueling of vehicles, drip pans will be used to prevent surface spills to the extent practicable.
- Other BMPs as outlined in the SWPPP.

Ground Water Quality

There is no data available from the California Department of Water Resources with regard to groundwater quality in the immediate vicinity of the proposed Project site. According to the California Department of Public Health's water system permit application, any well that serves drinking water to at least 25 persons for at least 60 days out of the year is a public water system. As the facility does not employ more than 25 workers for more than 60 days a year, the wells are considered a Non-community water system. The proposed Project will utilize the existing residential water well for potable uses associated with the proposed on-site office building.

The Project will result in a ***Less Than Significant Impact***.

Cumulative Impact Analysis: Less Than Significant Impact with Mitigation

The geographic area of this cumulative analysis is the Tulare Lake Basin. This cumulative analysis is based on information provided in the Water Quality Control Plan for the Tulare Lake Basin and the requirements of Tulare County Environmental Health.

The proposed Project will be required to comply with the all requirements of the Central Valley Water Board and Tulare County Health Services Division (TCHSD).

The proposed Project will be required to comply with Central Valley Water Board and TCHSD rules/regulations and permit requirements as a component of project design features, the proposed Project will not contribute to any cumulative impacts related to this Checklist Item.

Mitigation Measure(s):

- 9-1 The Project shall obtain a General Stormwater Industrial Facility Permit from the Central Valley Water Board, prior to obtaining building permits for the expansion. The facility operators shall prepare, retain on site, and implement a SWPPP as part of the General Stormwater Industrial Facility Permit.**
- 9-2 Existing and future leach fields should not be located under structures.**
- 9-3 New sewage disposal systems shall be designed by an Engineer, Registered Environmental Health Specialist, Geologist, or other competent persons, all of whom must be registered and/or licensed professionals knowledgeable and experienced in the field of sewage disposal system and design. The specifications and engineering data for the system shall be submitted to the TCEHSD for review and approval prior to the issuance of a building permit.**
- 9-5 Truck and vehicle washing shall be conducted exclusively in the one location. Employees shall be instructed not to dump vehicle fluids, pesticides, solvents, fertilizers, organic chemicals, or toxic chemicals into catch basins.**

The Truck and Vehicle washing area shall have oil/water separators, sediment traps, and a collection sump large enough to handle all the wastewater. This wastewater shall not be discharged into the septic system.

Conclusion: ***Less Than Significant Impact With Mitigation***

With implementation of design features and the above mentioned Mitigation Measures, potential Project-specific and cumulative impacts related to this Checklist Item will be reduced to a ***Less Than Significant Impact***.

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

A Water Supply / Water Quality Technical Memorandum was prepared for the project (See Appendix F) and the analysis herein is partially based on that analysis.

There are two existing wells on-site. One residential well that will be used for the future office building, and an agricultural well that will be used for the sprinkler system, water truck (dust control), visual buffer landscaping, and the GENCOR plant. The pumping capacities⁹ of the existing wells are:

- Residential well: 20 gallons per minute
- Agricultural well: 300 gallons per minute

According to water well measurements maintained by the California Department of Water Resources between the years 2000 and 2010, water surface elevations in the proposed Project area has ranged from 143 feet to 170 feet¹⁰. The site has continually had sufficient water supplies for the previous agricultural operations (pre-2010) as well as the previous concrete plant located on the site (2010-2013).

All aspects of the proposed Project were taken into consideration when quantifying projected water use. In all cases, a worst-case scenario was used in order to provide the most conservative analysis of the proposed Project's water use impacts. Water use on site will be from five primary sources (see Table 3.9-3):

1. **Office space (7,000 sq. ft.):** The office building will include work areas, reception area, restroom facilities, a kitchen area, and landscaping in the immediate vicinity. Water use associated with an office is approximately 127 gallons per employee day¹¹. This includes assumptions for restroom and kitchen use, cooling systems and landscaping around the office building. According to the Project description, the office facility will employ up to 10 persons over a single shift. Because office work is not as dependent on good weather as the outdoor components of the operation (which is assumed to have 200 operating days), it is estimated that office staff will be present up to 225 days per year. At 10 employees X 127 gallons per day X 225 days, the estimated water usage from the on-site office is 285,750 gallons per year.
2. **Dust control – automatic sprinklers:** To control potential dust from the stock piles, the site will include automatic sprinklers that will be directed onto the piles. The sprinkler system will be used to keep the dust down during use of each of the piles for drop off and loading. The facility includes approximately 20 sprinkler heads that release approximately 2 gallons per minute per head. There is variation as to the frequency and length of time that sprinklers need to run, but essentially, they are used as needed to suppress dust sufficient to meet Air District

⁹ Kevin Bakker, landowner. Email correspondence August 2014.

¹⁰ California Department of Water Resources, Water Data Library. <http://www.water.ca.gov/waterdatalibrary/>. Accessed June, 2014.

¹¹ Pacific Institute study: "Details of Commercial Water Use and Potential Savings, by Sector" (http://www.pacinst.org/reports/urban_usage/appendix_e.pdf) Accessed June, 2014

- rules/regulations. For example, summer months (due to higher temperatures and subsequent water evaporation) would require longer and more frequent watering than winter months (due to lower temperatures and less water evaporation, plus occasional precipitation such as rain or fog) and the total number of stock piles can vary seasonally. Based on existing water use at the facility and information provided by the Project Applicant, it can be reasonably estimated that the sprinklers will run 200 days out of the year for approximately 6 hours each day. At 2,400 gallons per hour X 6 hours per day X 200 days, the estimated water usage from automatic dust control sprinklers is 2,880,000 gallons per year.
3. **Dust control – water truck:** The facility will also have a water truck on-site to be utilized for internal road dust control. The water truck carries up to 4,000 gallons and will be used 2-3 times per day on the days that the facility is operating (estimated to be 200 days per year). At 12,000 gallons per day X 200 days per year, this equates to approximately 2,400,000 million gallons per year.
 4. **Landscaping/Visual Buffer:** As part of the proposed Project and to provide a visual buffer, the Applicant will install trees along select perimeter segments of the site (refer to the proposed landscape plan seen in Figure 3.1-5). The landscape plan will require an estimated 3,250 gallons per day (3 times per week during the summer) until the trees are established¹². Once established, watering will be reduced to once per week (or more frequent during the summer and less frequent during the winter). It can be reasonably estimated that after the trees are established, on average over the course of a year, the trees will require one watering per week (3,250 gallons X 52 weeks). This equates to approximately 169,000 gallons per year.
 5. **GENCOR Plant.** The GENCOR plant uses 1.75 to 2.0 gallons per minute when in high fire (that is, operating at its optimum heat) and no water during low heat preheat. It is estimated that the plant will be mixing approximately 10 hours per day (at varying heat levels) at 150 days per year¹³. At 2 gallons per minute X 60 minutes X 10 hours X 150 days, this equates to approximately 180,000 gallons per year.

Construction of the new office building will require minimal water for dust control.

¹² Bill Gurnea, EMB Design Group and Chris Mitchell, Russel D. Mitchell and Associates, Irrigation Design. (Consultants who prepared the landscape plan). Email correspondence August 2014.

¹³ Applicant provided information based on Gencor specifications.

Papich Construction Asphalt Batch Plant Project
Changes in Draft EIR

**Table 3.9-3
Proposed Water Use**

Project Component	Gallons Per Year (GPY)	Acre Feet Per Year
1. Office Space	286,000 GPY	0.88 ac/ft/yr
2. Dust Control – automatic sprinklers	2,880,000 GPY	8.84 ac/ft/yr
3. Dust control – water truck	2,400,000 GPY	7.36 ac/ft/yr
4. Landscaping/visual buffer	169,000 GPY	0.52 ac/ft/yr
5. GENCOR plant	180,000 GPY	0.55 ac/ft/yr
Total:	5,915,000 GPY	18.15 ac/ft/yr

Water Use Comparison

Prior to use as the asphalt plant, the proposed Project site was used as a concrete plant (2010-2013) and prior to that it was planted primarily in corn (see Chapter 3.2 – Agricultural Land and Forestry Resources). It is estimated that corn would likely require between 2.8 ac/ft and 3.4 ac/ft per year per acre (depending on the planting and harvest date)¹⁴. A total of 17 acres in silage corn would require an estimated 47.6 to 57.8 ac/ft per year of irrigated water. As shown in Table 1, the proposed Project would require approximately 18.2 ac/ft per year, a reduction of between 29.4 - 39.6 ac/ft per year from the historic use.

Based on these figures, the maximum daily output of the combined existing wells is approximately 460,800 gallons per day. A worst-case water-use scenario is that the Project would use up to 32,120 gallons per day (gpd) during peak production during the summer (1,270 gpd for the office, 14,400 gpd for dust control sprinklers, 12,000 gpd for dust control water truck, 3,250 gpd for landscape visual buffer, and 1,200 gpd for the GENCOR plant). The output of the existing wells is sufficient for the proposed Project. The site has continually had sufficient water supplies for the previous agricultural operations (pre-2010) as well as the previous concrete plant located on the site (2010-2013). Given the reliable water source, and since the proposed Project will use substantially less water than what was historically used on the site, it can be concluded that sufficient water supplies are available to serve the proposed Project's anticipated needs.

¹⁴ Hanson B., L. Schwankl, A. Fulton, Scheduling Irrigations: When and How Much Water to Apply, University of California Irrigation Program, University of California, Davis 1999.

In order to further reduce the demand for water from the proposed Project the following Mitigation Measures have been established to limit flows for human consumption and landscaping. Standard water conservation measures have been added as Mitigation Measures 9-9 through 9-11. In addition, per Tulare County Ordinance 3029, water efficient landscaping is required to conserve water. As noted in the Mitigation Measures 9-10, the proposed Project shall conform to this Water Efficient Landscaping Ordinance. With the implementation of these Mitigation Measures, proposed Project impacts related to this checklist item (specific to the facility expansion) will be reduced to a ***Less Than Significant Impact***.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is the Tulare Lake Basin. This cumulative analysis is based on the information provided in the California Water Plan Update 2009, Regional Report 3, Tulare Lake.

As part of the Tulare County General Plan 2030, a number of large projects were identified in the General Plan Draft EIR. After considering these projects, it was noted in the General Plan Draft EIR that a cumulative unavoidable impact to ground water supply would occur.

As noted previously, the proposed Project will use less water than what was historically used on the site. In addition, water conservation measures will be implemented to further reduce water use. For these reasons, the cumulative impacts related to this Checklist Item are ***Less Than Significant***.

Mitigation Measure(s):

- 9-9 All new construction shall have water conserving fixtures (water closets, low flow showerheads, low flow sinks, etc.) New urinals shall also conserve water through waterless, zero flush, or other water conservation technique and/or technology.**
- 9-10 The proposed Project shall conform to the Tulare County Water Efficient Landscaping Ordinance.**
- 9-11 No ground water shall be transported off-site for any use.**

Conclusion: ***Less Than Significant Impact***

Pages 3.9-22 to 27; Corrections:

IMPACT EVALUATION

Would the project:

a) Violate any water quality standards or waste discharge requirements?

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

Septic System

The existing facility currently has a septic system that accommodates the sewage flows from the employee kitchen and bathroom via on-site, self-sustaining septic tanks and leach fields due to the absence of an adjacent or accessible public sewer trunk line near the Project site. This septic system does not handle storm water or other free liquids.

The proposed Project will include the addition of a new septic tank and leach field which will be reviewed by the Tulare County Health and Human Services Agency, Health Services Division. Recommendations for this proposed Project are included as Mitigation Measures 91- through 9-6. Implementation of these Measures will reduce potential impacts related to this specific resource to a ***Less Than Significant Impact***.

Stormwater (Surface Water Quality)

The proposed Project site is located in the Kaweah River Watershed, as seen in Figure 3.9-1. “The Kaweah River begins in Sequoia National Park, flows west and southwest, and is impounded by Terminus Dam. It subsequently spreads into many distributaries around Visalia and Tulare trending toward Tulare Lake. The Tule River begins in Sequoia National Forest and flows southwest through Lake Success toward Tulare Lake.”¹⁵ The proposed Project site is not located along a natural water feature such as a lake, river or stream and there are no other water features that are adjacent to or within immediate proximity to the site.

The existing site has 20% of impervious surfaces (building area, concrete paving, and asphalt paving) and 80% of pervious surfaces (such as compacted road base, landscaping, and drainage basin). With implementation of the proposed Project, the total impervious surface will be 30% and the pervious surface will be 70%. The drainage basin for the proposed Project is designed for a 50 year flood event and is considered sufficient to prevent off-site discharge of stormwater.¹⁶

With the appropriate water quality permit from the Central Valley Regional Water Quality Control Board (RWQCB) potential impacts related to this specific topic will be reduced to a less than significant level.

¹⁵ California Water Plan Update 2009, Tulare Lake, page TL-7

¹⁶ 4Creeks Engineering. Email correspondence August 2014.

The existing facility has been issued a Waste Discharger Identification number (5F54I024218) by the State Water Resources Board regarding the facility's General Permit to Discharge Storm Water Associated with Industrial Activity. As part of the National Pollutant Discharge Eliminations System (NPDES), the applicant has prepared a Storm Water Pollution Prevention Plan (SWPPP) (updated June 20, 2014) and Storm Water Monitoring Plan (SWMP). Within this SWPPP/SWMP it is noted that the proposed Project will comply with the General Permit for Industrial Dischargers. As part of this compliance the applicant will be required to fulfill the following: (1) demonstrate compliance with permit requirements, (2) evaluate changing conditions and practices at the site to control pollutants in stormwater discharges, (3) implement the SWPPP, and (4) measure effectiveness of Best Management Practices. In addition, the General Permit requires annual testing and reporting of results to the RWQCB. The proposed Project Applicant will be required to update these documents with the RWQCB to reflect the proposed expansion and permanent establishment of the proposed Project.

According to the SWPPP, site drainage is toward the south and west of the property toward the collection basin located on the southwest corner of the property. Any discharge of water from the site would be from overland flow and exit the site through silt fencing or collected in the drainage basin. Excessive water collected in the basin would be either removed using a vacuum truck and disposed of offsite or pumped out of the basin and discharged off site. Most of the surface water drains naturally into the subsurface through infiltration¹⁷.

Potential sources of pollution¹⁸ during Project operation include:

- Maintenance and repair
- Asphalt plant
- Crushing plant

Potential pollutants¹⁹ during Project operation include:

- Asphalt Oil
- Oil and Grease
- Petroleum Hydrocarbons
- Propane
- Benzene, Toluene, Ethylbenzene, Xylenes (BTEX)
- Suspended solids

¹⁷ SWPPP, Sierra Pacific Materials Asphalt Plan. Pg. 4. (June 2014)

¹⁸ SWPPP, Sierra Pacific Materials Asphalt Plan. Pg. 4. (June 2014). Page. 5

¹⁹ Ibid. Page 7

- Volatile Organic Compounds (VOCs)

The site SWPPP provides an extensive list of site-specific Best Management Practices (BMPs)²⁰. They are summarized here:

- Minor spills are cleaned up promptly by site personnel.
- Spill kits are stored on site in the service vehicle and operations area.
- Used fluids and waste are placed in marked containers, properly stored, and removed from the site for recycling or disposal.
- The materials storage areas are checked weekly by the Plant or Materials Manager.
- When serviced, all vehicles and equipment are checked for faulty parts and hydraulic hose wear; these are replaced as potential problems are discovered.
- Large equipment associated with the Plant are checked weekly by the Plant or Materials Manager for potential leaks.
- All on-site holding tanks such as the two 30,000-gallon asphalt oil tanks, 12,000-gallon propane tank and degreaser totes are inspected weekly by the Plant or Materials Manager for leaks or spills.
- Installation of subsurface concrete washout in the crushing operations area.
- Installation of an asphalt driveway at the plant entrance/exit. The roadway leaving the Plant will be swept on a regular basis to prevent tracking of materials off of the site.
- Installation of a surface water catch basin and collection swale between the asphalt plant and crushing operations area.
- Installation of a silt fence along the southwest portion of the property.
- When servicing large equipment or fueling of vehicles, drip pans will be used to prevent surface spills to the extent practicable.
- Other BMPs as outlined in the SWPPP.

Ground Water Quality

There is no data available from the California Department of Water Resources with regard to groundwater quality in the immediate vicinity of the proposed Project site. According to the California Department of Public Health's water system permit application, any well that serves drinking water to at least 25 persons for at least 60 days out of the year is a public water system. As the facility does not employ more than 25 workers for more than 60 days a year, the wells are considered a Non-

²⁰ Ibid. Page 8

community water system. The proposed Project will utilize the existing residential water well for potable uses associated with the proposed on-site office building.

The Project will result in a *Less Than Significant Impact*.

Cumulative Impact Analysis: *Less Than Significant Impact with Mitigation*

The geographic area of this cumulative analysis is the Tulare Lake Basin. This cumulative analysis is based on information provided in the Water Quality Control Plan for the Tulare Lake Basin and the requirements of Tulare County Environmental Health.

The proposed Project will be required to comply with the all requirements of the Central Valley Water Board and Tulare County Health Services Division (TCHSD). The proposed Project will be required to comply with Central Valley Water Board and TCHSD rules/regulations and permit requirements as a component of project design features, the proposed Project will not contribute to any cumulative impacts related to this Checklist Item.

Mitigation Measure(s):

- 9-1 The Project shall obtain a General Stormwater Industrial Facility Permit from the Central Valley Water Board, prior to obtaining building permits for the expansion. The facility operators shall prepare, retain on site, and implement a SWPPP as part of the General Stormwater Industrial Facility Permit.**
- 9-2 Existing and future leach fields should not be located under structures.**
- 9-3 New sewage disposal systems shall be designed by an Engineer, Registered Environmental Health Specialist, Geologist, or other competent persons, all of whom must be registered and/or licensed professionals knowledgeable and experienced in the field of sewage disposal system and design. The specifications and engineering data for the system shall be submitted to the TCEHSD for review and approval prior to the issuance of a building permit.**
- 9-5 9-4 Truck and vehicle washing shall be conducted exclusively in the one location. Employees shall be instructed not to dump vehicle fluids, pesticides, solvents, fertilizers, organic chemicals, or toxic chemicals into catch basins.**
- 9-5 The Truck and Vehicle washing area shall have oil/water separators, sediment traps, and a collection sump large enough to handle all the wastewater. This wastewater shall not be discharged into the septic system.**

Conclusion: *Less Than Significant Impact With Mitigation*

With implementation of design features and the above mentioned Mitigation Measures, potential Project-specific and cumulative impacts related to this Checklist Item will be reduced to a ***Less Than Significant Impact***.

- b) **Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

A Water Supply / Water Quality Technical Memorandum was prepared for the project (See Appendix F) and the analysis herein is partially based on that analysis.

There are two existing wells on-site. One residential well that will be used for the future office building, and an agricultural well that will be used for the sprinkler system, water truck (dust control), visual buffer landscaping, and the GENCOR plant. The pumping capacities²¹ of the existing wells are:

- Residential well: 20 gallons per minute
- Agricultural well: 300 gallons per minute

According to water well measurements maintained by the California Department of Water Resources between the years 2000 and 2010, water surface elevations in the proposed Project area has ranged from 143 feet to 170 feet²². The site has continually had sufficient water supplies for the previous agricultural operations (pre-2010) as well as the previous concrete plant located on the site (2010-2013).

All aspects of the proposed Project were taken into consideration when quantifying projected water use. In all cases, a worst-case scenario was used in order to provide the most conservative analysis of the proposed Project's water use impacts. Water use on site will be from five primary sources (see Table 3.9-3):

6. **Office space (7,000 sq. ft.):** The office building will include work areas, reception area, restroom facilities, a kitchen area, and landscaping in the immediate vicinity. Water use associated with an office is approximately 127 gallons per employee day²³. This includes assumptions for restroom and kitchen use, cooling systems and landscaping around the office building. According to the Project description, the office facility will employ up to 10 persons over a single shift. Because office work is not as dependent on good weather as the outdoor

²¹ Kevin Bakker, landowner. Email correspondence August 2014.

²² California Department of Water Resources, Water Data Library. <http://www.water.ca.gov/waterdatalibrary/>. Accessed June, 2014.

²³ Pacific Institute study: "Details of Commercial Water Use and Potential Savings, by Sector" (http://www.pacinst.org/reports/urban_usage/appendix_e.pdf) Accessed June, 2014

components of the operation (which is assumed to have 200 operating days), it is estimated that office staff will be present up to 225 days per year. At 10 employees X 127 gallons per day X 225 days, the estimated water usage from the on-site office is 285,750 gallons per year.

7. **Dust control – automatic sprinklers:** To control potential dust from the stock piles, the site will include automatic sprinklers that will be directed onto the piles. The sprinkler system will be used to keep the dust down during use of each of the piles for drop off and loading. The facility includes approximately 20 sprinkler heads that release approximately 2 gallons per minute per head. There is variation as to the frequency and length of time that sprinklers need to run, but essentially, they are used as needed to suppress dust sufficient to meet Air District rules/regulations. For example, summer months (due to higher temperatures and subsequent water evaporation) would require longer and more frequent watering than winter months (due to lower temperatures and less water evaporation, plus occasional precipitation such as rain or fog) and the total number of stock piles can vary seasonally. Based on existing water use at the facility and information provided by the Project Applicant, it can be reasonably estimated that the sprinklers will run 200 days out of the year for approximately 6 hours each day. At 2,400 gallons per hour X 6 hours per day X 200 days, the estimated water usage from automatic dust control sprinklers is 2,880,000 gallons per year.
8. **Dust control – water truck:** The facility will also have a water truck on-site to be utilized for internal road dust control. The water truck carries up to 4,000 gallons and will be used 2-3 times per day on the days that the facility is operating (estimated to be 200 days per year). At 12,000 gallons per day X 200 days per year, this equates to approximately 2,400,000 million gallons per year.
9. **Landscaping/Visual Buffer:** As part of the proposed Project and to provide a visual buffer, the Applicant will install trees along select perimeter segments of the site (refer to the proposed landscape plan seen in Figure 3.1-5). The landscape plan will require an estimated 3,250 gallons per day (3 times per week during the summer) until the trees are established²⁴. Once established, watering will be reduced to once per week (or more frequent during the summer and less frequent during the winter). It can be reasonably estimated that after the trees are established, on average over the course of a year, the trees will require one watering per week (3,250 gallons X 52 weeks). This equates to approximately 169,000 gallons per year.
10. **GENCOR Plant.** The GENCOR plant uses 1.75 to 2.0 gallons per minute when in high fire (that is, operating at its optimum heat) and no water during low heat

²⁴ Bill Gurnea, EMB Design Group and Chris Mitchell, Russel D. Mitchell and Associates, Irrigation Design. (Consultants who prepared the landscape plan). Email correspondence August 2014.

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preheat. It is estimated that the plant will be mixing approximately 10 hours per day (at varying heat levels) at 150 days per year²⁵. At 2 gallons per minute X 60 minutes X 10 hours X 150 days, this equates to approximately 180,000 gallons per year.

Construction of the new office building will require minimal water for dust control.

**Table 3.9-3
Proposed Water Use**

Project Component	Gallons Per Year (GPY)	Acre Feet Per Year
6. Office Space	286,000 GPY	0.88 ac/ft/yr
7. Dust Control – automatic sprinklers	2,880,000 GPY	8.84 ac/ft/yr
8. Dust control – water truck	2,400,000 GPY	7.36 ac/ft/yr
9. Landscaping/visual buffer	169,000 GPY	0.52 ac/ft/yr
10. GENCOR plant	180,000 GPY	0.55 ac/ft/yr
Total:	5,915,000 GPY	18.15 ac/ft/yr

Water Use Comparison

Prior to use as the asphalt plant, the proposed Project site was used as a concrete plant (2010-2013) and prior to that it was planted primarily in corn (see Chapter 3.2 – Agricultural Land and Forestry Resources). It is estimated that corn would likely require between 2.8 ac/ft and 3.4 ac/ft per year per acre (depending on the planting and harvest date)²⁶. A total of 17 acres in silage corn would require an estimated 47.6 to 57.8 ac/ft per year of irrigated water. As shown in Table 1, the proposed Project would require approximately 18.2 ac/ft per year, a reduction of between 29.4 - 39.6 ac/ft per year from the historic use.

Based on these figures, the maximum daily output of the combined existing wells is approximately 460,800 gallons per day. A worst-case water-use scenario is that the Project would use up to 32,120 gallons per day (gpd) during peak production during the summer (1,270 gpd for the office, 14,400 gpd for dust control sprinklers, 12,000 gpd for dust control water truck, 3,250 gpd for landscape visual buffer, and 1,200 gpd for the

²⁵ Applicant provided information based on Gencor specifications.

²⁶ Hanson B., L. Schwankl, A. Fulton, Scheduling Irrigations: When and How Much Water to Apply, University of California Irrigation Program, University of California, Davis 1999.

GENCOR plant). The output of the existing wells is sufficient for the proposed Project. The site has continually had sufficient water supplies for the previous agricultural operations (pre-2010) as well as the previous concrete plant located on the site (2010-2013). Given the reliable water source, and since the proposed Project will use substantially less water than what was historically used on the site, it can be concluded that sufficient water supplies are available to serve the proposed Project's anticipated needs.

In order to further reduce the demand for water from the proposed Project the following Mitigation Measures have been established to limit flows for human consumption and landscaping. Standard water conservation measures have been added as Mitigation Measures 9-9 through 9-11. In addition, per Tulare County Ordinance 3029, water efficient landscaping is required to conserve water. As noted in the Mitigation Measures 9-10, the proposed Project shall conform to this Water Efficient Landscaping Ordinance. With the implementation of these Mitigation Measures, proposed Project impacts related to this checklist item (specific to the facility expansion) will be reduced to a ***Less Than Significant Impact***.

Cumulative Impact Analysis: ***Less Than Significant Impact***

The geographic area of this cumulative analysis is the Tulare Lake Basin. This cumulative analysis is based on the information provided in the California Water Plan Update 2009, Regional Report 3, Tulare Lake.

As part of the Tulare County General Plan 2030, a number of large projects were identified in the General Plan Draft EIR. After considering these projects, it was noted in the General Plan Draft EIR that a cumulative unavoidable impact to ground water supply would occur.

As noted previously, the proposed Project will use less water than what was historically used on the site. In addition, water conservation measures will be implemented to further reduce water use. For these reasons, the cumulative impacts related to this Checklist Item are ***Less Than Significant***.

Mitigation Measure(s):

~~9-9~~ 9-6 All new construction shall have water conserving fixtures (water closets, low flow showerheads, low flow sinks, etc.) New urinals shall also conserve water through waterless, zero flush, or other water conservation technique and/or technology.

~~9-10~~ 9-7 The proposed Project shall conform to the Tulare County Water Efficient Landscaping Ordinance.

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9-11 9-8 No ground water shall be transported off-site for any use.

Conclusion: *Less Than Significant Impact*

Chapter 3.14, Public Services

Page 3.14-6; Original

**Table 3.14-5
Fire Staffing and Reponses Time Standards²⁷**

	Demographics	Staffing/Response Time	% of Calls
Urban	> 1,000 people/sq. mi.	15 FF/9 min.	90
Suburban	500-100 people/sq. mi.	10 FF/10 min.	80
Rural	< 500 people/sq. mi.	6 FF/14 min.	80
Remote*	Travel Dist. > 8 min.	4 FF/no specific response time	90
<i>*Upon assembling the necessary resources at the emergency scene, the fire department should have the capacity to safely commence an initial attach within 2 minutes, 90% of the time. (FF = Fire Fighters)</i>			

Page 3.14-6; Correction:

**Table 3.14-5- 3
Fire Staffing and Reponses Time Standards²⁸**

	Demographics	Staffing/Response Time	% of Calls
Urban	> 1,000 people/sq. mi.	15 FF/9 min.	90
Suburban	500-100 people/sq. mi.	10 FF/10 min.	80
Rural	< 500 people/sq. mi.	6 FF/14 min.	80
Remote*	Travel Dist. > 8 min.	4 FF/no specific response time	90
<i>*Upon assembling the necessary resources at the emergency scene, the fire department should have the capacity to safely commence an initial attach within 2 minutes, 90% of the time. (FF = Fire Fighters)</i>			

Chapter 3.16, Transportation and Traffic

Page 3.16-14; Original:

²⁷ Tulare County General Plan 2030 Update, Policy PFS – 7.5.

²⁸ Tulare County General Plan 2030 Update, Policy PFS – 7.5.

Page 3.16-19; Original:

Result in inadequate emergency access?

Project Impact Analysis: *No Impact*

The Project site is currently accessed via two entrances from Avenue 298. Therefore, emergency access to the site will remain adequate. The site is currently, and will remain, accessible to emergency vehicles of all sizes. Due to the number and size of access points to the Project site, the proposed Project will result in *No Impacts* related to this Checklist item.

Cumulative Impact Analysis: *No Impact*

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

The existing site currently has adequate access for emergency vehicles.

Mitigation Measure(s): *See Mitigation Measure 16.2.*

Conclusion: *No Impact*

As noted earlier, *No Project-specific or Cumulative Impacts* related to this Checklist Item will occur.

Page 3-16-19; Correction:

Result in inadequate emergency access?

Project Impact Analysis: *No Impact*

The Project site is currently accessed via two entrances from Avenue 298. Therefore, emergency access to the site will remain adequate. The site is currently, and will remain, accessible to emergency vehicles of all sizes. Due to the number and size of access points to the Project site, the proposed Project will result in *No Impacts* related to this Checklist item.

Cumulative Impact Analysis: *No Impact*

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

The existing site currently has adequate access for emergency vehicles.

Mitigation Measure(s): ~~*See Mitigation Measure 16.2.*~~

None Required

Conclusion:

No Impact

As noted earlier, ***No Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

Chapter 8 MMRP

Pages 8-1 to 8-36; Corrections:

MITIGATION MONITORING AND REPORTING PROGRAM

Chapter 8

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and the Environmental Impact Report (EIR) (State Clearinghouse No.) prepared for the project by the County of Tulare.

The California Environmental Quality Act (CEQA) Section 21081.6 requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment.²⁹ The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation. The Mitigation Monitoring and Reporting Program contains the following elements:

- **Action and Procedure.** The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- **Compliance and Verification.** A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
- **Flexibility.** The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the Mitigation Monitoring and Reporting Program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

²⁹ Public Resource Code §21081.6

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MITIGATION MONITORING PROGRAM

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
Aesthetics							
1-1	Landscape screening shall be placed and effectively maintained along the periphery of the Project site to sufficiently screen the Project’s structures and activities from the public right-of-way and views from State Routes 198 and 99, and Road 68. The landscaping plan depicted in Figure 3.1-5 shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.	Prior to issuance of building permits Ongoing monitoring during subsurface excavation	Issuance of building permits	County of Tulare Planning Department			
1-2	The asphalt silo shall be painted in earth-toned colors to allow it to blend into the surrounding scenery to the fullest extent.	Ongoing monitoring	Issuance of building permits	County of Tulare Planning Department			
Biological							
4-1	Pre-construction surveys shall be conducted to determine the presence of nesting birds if ground clearing or construction activities will be initiated during the breeding season (February 15 through September 15). Potential nesting areas on the proposed Project site and potential nesting areas within 500 feet of the site should be surveyed prior to June 5 th . Surveys shall be performed by a qualified biologist to verify the presence or absence of nesting birds. Construction shall not occur within a 500 foot buffer surrounding active nests of raptors or a 250 foot buffer surrounding active nests of migratory birds. If construction within these buffer areas is required or if nests must be removed to allow continuation of construction, then approval and specific removal methodologies	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	should be obtained from California Department of Fish and Wildlife.						
4-2	All trees which are suitable for Swainson's hawk nesting that are within 2,640 feet of construction activities shall be inspected by a qualified biologist	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-3	If potential Swainson's hawk nests are found during the inspection, then surveys shall be conducted at the following intensities, depending upon dates of initiation of construction: See page 3-4-16 for specific dates	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-4	If Swainson's hawks are detected to be actively nesting in trees within 2,640 feet of the construction area, construction shall not occur within this zone until after young Swainson's hawks have fledged (this usually occurs by early June). The nest shall be monitored by a qualified biologist to determine fledging date.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
4-5	If Ferruginous hawks (foraging) or other raptors are found actively nesting within 250 feet of the construction area, construction should be postponed until after young have fledged. The date of fledging should be determined by a qualified biologist. If construction cannot be delayed, the CDFW shall be consulted and alternative protection measures required by the CDFW shall be followed.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-6	If other nesting birds (particularly non-raptor species listed on the MBTA) are found actively nesting within 250 feet of the construction area, construction should be postponed until after young have fledged. The date of fledging should be determined by a qualified biologist. If construction cannot be delayed within this zone, the CDFW and/or the USFWS shall be consulted and alternative protection measures required by the CDFW and/or the USFWS shall be followed	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-7	A standardized pre-construction/ pre-activity shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities or any Project activity likely to impact the San Joaquin kit fox. Surveys shall identify kit fox habitat features on the Project site and evaluate use by kit fox and, if possible, assess the potential impacts to the kit fox by the proposed activity. The status of all dens shall be determined and mapped. Written results of pre-construction/pre-activity	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	surveys must be received by the Service within five days after survey completion and prior to the start of ground disturbance and/or construction activities.						
4-8	Disturbance to all San Joaquin kit fox dens shall be avoided to the maximum extent possible.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-9	If a natal/pupping den is discovered within the Project area or within 200-feet of the site boundary, USFWS shall be immediately notified and under no circumstances should the den be disturbed or destroyed without prior authorization. If the pre-construction/pre-activity survey reveals an active natal pupping or new information, the Project applicant shall contact USFWS immediately to obtain the necessary take authorization/permit.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-10	If a natal/pupping den is discovered within the Project area or within 200-feet of the site boundary, USFWS shall be immediately notified and under no circumstances should the den be disturbed or destroyed without prior authorization. If the pre-construction/pre-activity survey reveals an active natal pupping or new information, the Project applicant shall contact USFWS immediately to obtain the necessary take authorization/permit.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
4-11	If at any point during excavation, a kit fox is discovered inside the den, the excavation activity shall cease immediately and monitoring of the den as described above shall be resumed. Destruction of the den may be completed when, in the judgment of the qualified biologist, the animal has escaped without further disturbance from the partially destroyed den.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-12	Project-related vehicles shall observe a daytime speed limit not to exceed 20-mph throughout the site in all proposed Project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. Night-time construction shall be minimized to the extent possible. However if it does occur, then the speed limit shall be reduced to 10-mph. Off-road traffic outside of designated project areas shall be prohibited.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-13	To prevent inadvertent entrapment of kit fox or other animals during the construction phase of the proposed Project, all excavated, steep-walled holes or trenches more than 2-feet deep shall be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	or injured kit fox is discovered, the USFWS and the California Department of Fish and Wildlife shall be contacted as noted under Mitigation Measure 4-20 referenced below.						
4-14	Kit fox are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit fox before the pipe is used or moved, buried, or capped in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the CFW has been consulted. If necessary, and under the direct supervision of a qualified biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-15	All food-related trash outside of the enclosed facility such as wrappers, cans, bottles, and food scraps shall be disposed of daily in securely closed containers and removed at least once a week during both construction and operational phases.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-16	No pets, such as dogs or cats, shall be allowed on the Project site in order to prevent harassment, mortality of kit fox, or destruction of dens.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of	County of Tulare Planning Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
			Findings, if applicable				
4-17	Use of rodenticides and herbicides in Project areas shall be restricted. If rodent control must be used it shall be limited to the use of zinc phosphide because of its demonstrated lower risk to kit fox.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-18	A representative shall be appointed by the Project Applicant to serve as the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program and their name, telephone number, or other pertinent contact information shall be provided to the Service.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-19	An employee education program shall be conducted to alert employees of potential impacts to kit fox or other species of concern. The program shall consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	project. The program shall include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the Project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during Project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter the Project site.						
4-20	Any contractor, employee, or military or agency personnel who are responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. The Sacramento Fish and Wildlife Office and CFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The Sacramento Fish and Wildlife Office contact is: Mr. Paul Hoffman 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670 (530) 934-9309	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
4-21	New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed shall also be provided to Fish and Wildlife at the address below. Endangered Species Division	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if	County of Tulare Planning Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	2800 Cottage Way, Suite W2605 Sacramento, California 95825-1846 (916) 414-6620 or (916) 414-6600		applicable				
4-22	In accordance with CDFG's 2012 <i>Staff Report on Burrowing Owl Mitigation</i> , a qualified biologist shall conduct three surveys for burrowing owls where potential burrowing owl habitat occurs within 500 feet of Project activities. Surveys shall occur during the peak breeding season for this species (15 April through 15 July), and spaced three weeks apart. If active burrowing owl burrows are identified within 500 feet of the Project site, then avoidance, take avoidance surveys, site surveillance, minimization, and buffer mitigation measures shall be implemented, in accordance with the 2012 CDFG <i>Staff Report</i> and direct consultation with CFW.	Prior to issuance of grading permits	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department			
Cultural Resources							
5-1	In the event that archaeological or paleontological resources are discovered during site excavation, the County shall require that grading and construction work on the project site be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist. In this event, the property owner shall retain a qualified archaeologist/paleontologist to make recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, or a unique paleontological resource or to undertake data recover, excavation analysis, and curation of archaeological or paleontological materials. County staff shall consider such recommendations and implement them where they are feasible in light of Project design as previously approved by the County.	Prior to issuance of building permits Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/ongoing monitoring / submittal of Report of Findings, if applicable	County of Tulare Planning Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
5-2	The property owner shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources requires further study. The owner shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Resource Management Agency and the project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Resource Management Agency determines avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with applicable standards. <u>The plan shall be submitted to the Tulare County Resource Management Agency for review and approval. Upon approval, the plan shall be incorporated into the project.</u>	Prior to issuance of building permits Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/on going monitoring / submittal of Report of Findings, if applicable	County of Tulare Planning Department			
5-3	<u>Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:</u> 1. <u>There shall be no further excavation or disturbance of the</u>	Prior to issuance of building permits Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/on going monitoring / submittal of Report of Findings, if applicable	County of Tulare Planning Department			

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	<p><u>site or any nearby area reasonably suspected to overlie adjacent human remains until:</u></p> <p>a. <u>The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and</u></p> <p>b. <u>If the coroner determines the remains to be Native American:</u></p> <p>i. <u>The coroner shall contact the Native American Heritage Commission within 24 hours.</u></p> <p>ii. <u>The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.</u></p> <p>iii. <u>The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or</u></p> <p>2. <u>Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with</u></p>						

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Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	<p><u>appropriate dignity on the property in a location not subject to further subsurface disturbance.</u></p> <p>a. <u>The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</u></p> <p>b. <u>The descendant fails to make a recommendation;</u> <u>or</u></p> <p>c. <u>The landowner or his authorized representative rejects the recommendation of the descendent</u></p>						
Geology & Soils							
6-1	<u>Comply with construction BMPs for erosion and a SWPPP (if required) during construction-related activities. Provide sound civil design for surface water management, and employ post-construction operational controls to limit erosion, such as measures to effectively control dust.</u>	<u>Prior to issuance of building permits</u>	<u>Issuance of building permits</u>	<u>County of Tulare Planning Department</u>			
6-1 6-2	Secure a permit from the Tulare County Environmental Health Department (TCEHD or EHD) for an on-site septic disposal system and comply with permit conditions. The permit application will require an engineered design report. The engineered design report should include percolation testing and address the recommendations of the Geologic and Geotechnical Feasibility Report	Prior to issuance of building permits	Issuance of EHD permits	County of Tulare Planning Department			
Hazards & Hazardous Materials							
8-1	The Project shall prepare a Hazardous Materials Business Plan for review and approval by the Tulare County Health & Human	Prior to issuance of grading permits	Ongoing monitoring	County of Tulare			

Papich Construction Asphalt Batch Plant Project
Changes in Draft EIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	Services Agency, Environmental Health Services Division. The Plan shall be in effect prior to issuance of a building permit for the proposed expansion.			Planning Department			
8-2	Because the facility proposes an above ground storage capacity over 1,320 gallons of a petroleum based product, the site shall be required to prepare a Spill Prevention Control and Countermeasure (SPCC) plan in accordance with the U.S. Code of Federal Regulations, Title 40, Part 112 (40CFR112) prior to the final inspection of the building permit. The plan shall be submitted to the Tulare County Environmental Health Services Division. The applicant shall contact the TCEHSD's CUPA inspector at (559) 624-7400 for any additional questions.	Prior to issuance of grading permits		County of Tulare Planning Department			
Hydrology & Water Quality							
9-1	The Project shall obtain a General Stormwater Industrial Facility Permit from the Central Valley Water Board, prior to obtaining building permits for the expansion. The facility operators shall prepare, retain on site, and implement a SWPPP as part of the General Stormwater Industrial Facility Permit.	Prior to issuance of building permits	Permit from Central Valley Water Board	County of Tulare Planning Department			
9-2	Existing and future leach fields should not be located under structures.	Prior to issuance of building permits	Permit to Operate from Central Valley Water Board	County of Tulare Environmental Health Department			
9-3	New sewage disposal systems shall be designed by an Engineer, Registered Environmental Health Specialist, Geologist, or other competent persons, all of whom must be registered and/or licensed professionals knowledgeable and experienced in the field of sewage disposal system and design. The specifications and engineering data for the system shall be submitted to the TCEHD for review and	Prior to issuance of building permits	Issuance of building permits	County of Tulare Planning Department			

Papich Construction Asphalt Batch Plant Project
Changes in Draft EIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	approval prior to the issuance of a building permit.						
9-4	Truck and vehicle washing shall be conducted exclusively in the one location. Employees shall be instructed not to dump vehicle fluids, pesticides, solvents, fertilizers, organic chemicals, or toxic chemicals into catch basins.	Prior to issuance of building permits	Issuance of EHD permits	County of Tulare Environmental Health Department			
9-5	The Truck and Vehicle washing area shall have oil/water separators, sediment traps, and a collection sump large enough to handle all the wastewater. This wastewater shall not be discharged into the septic system.	Prior to issuance of building permits	Issuance of EHD permits	County of Tulare Planning Department			
9-6	All new construction shall have water conserving fixtures (water closets, low flow showerheads, low flow sinks, etc.) New urinals shall also conserve water through waterless, zero flush, or other water conservation technique and/or technology.	Prior to issuance of building permits	Issuance of building permits	County of Tulare Planning Department			
9-7	The proposed Project shall conform to the Tulare County Water Efficient Landscaping Ordinance.	Prior to issuance of building permits	Issuance of building permits	County of Tulare Planning Department			
9-8	<u>No ground water shall be transported off-site for any use.</u>	<u>Prior to issuance of building permits</u>	<u>Issuance of building permits</u>	<u>County of Tulare Planning Department</u>			
Noise							
12-1	Construction and demolition activities (excluding emergency work	Prior to issuance of	Issuance of	County of			

Papich Construction Asphalt Batch Plant Project
Changes in Draft EIR

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	and activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Construction and demolition activities shall be prohibited on Sundays and federal holidays.	building permits	building permits and complaint responsive	Tulare Planning Department			
12-2	Construction and demolition equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and shrouds, in accordance with manufacturers' recommendations.	Prior to issuance of building permits	Issuance of building permits and complaint responsive	County of Tulare Planning Department			

Papich Construction Asphalt Batch Plant Project
Changes in Draft EIR

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TOC; Original:

Table 2.2	page TOC-5
Table 2.3	page TOC-5

Correction:

ES-1	page ES-3
Table 2-2	page TOC-5
Table 2-3 <u>2-2</u>	page TOC-5

STATEMENT OF OVERRIDING CONSIDERATIONS

As the Project will have no significant and unavoidable effects; a Statement of Overriding Consideration is not necessary or required as part of this Final EIR

Findings of Fact

EXHIBIT B
FINDINGS OF FACT
Papich Construction Asphalt Batch Plant Project
Tulare County, California
State Clearinghouse No. 2014071069
May 27, 2015

CEQA FINDINGS

CERTIFYING THAT THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PAPICH CONSTRUCTION ASPHALT BATCH PLANT PROJECT IS IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING PROJECT FINDINGS AND A MITIGATION MONITORING PLAN; AND APPROVING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THIS PROJECT.

I

INTRODUCTION

The Tulare County ("County") Planning Commission ("Commission") intends to approve this Project identified, as the Papich Construction Asphalt Batch Plant Project ("Project"). The Project includes a Special Use Permit (PSP 14-041), to allow i) permanent establishment of the asphalt batch plant on the existing site, ii) expansion of the existing operation from 3,700 tons/day to 8,000 tons/day of asphalt, iii) increase of heavy-duty truck trips, iv) expansion of hours and days of operation, and v) to conduct retail/commercial sales of asphalt. The 32 acre site is zoned AE-40 and is located at 29779 Road 68, Visalia, CA 93291, on the northwest corner of SR 198 and Road 68, approximately 1/2 mile west of SR 99, in unincorporated Tulare County (APN: 073-080-010, South ½ of Section 25, Township 18S, Range 23E, MDB&M).

To approve this Project, the Commission must consider and take action on the Project application for PSP 14-041. The Commission is the final decision-making body for the Project's Special Use Permit, unless duly appealed to the County Board of Supervisors. In the context of the California Environmental Quality Act ("CEQA"), the County is the "lead agency" in consideration and approval of this Project.

II

CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE PAPICH CONSTRUCTION ASPHALT BATCH PLANT PROJECT

The Commission hereby certifies and finds that it has considered the information presented in the Final EIR, and other relevant evidence to determine compliance with the CEQA Statute and Guidelines. The Commission further certifies and finds that prior to taking action on the Project; the Commission independently reviewed and considered the information contained in the Final EIR, and other relevant evidence presented thereto. Accordingly, based on the Commission's exercise of its independent judgment when reviewing and considering the Final EIR, and other relevant evidence presented thereto, the Commission further certifies and finds that the Final EIR required for the Project is adequate, and has been prepared and completed in compliance with the CEQA Statute and Guidelines.

III

CEQA FINDINGS REQUIRED FOR ENVIRONMENTAL IMPACTS

The recitals contained in the accompanying **Resolution No. XXX** have been independently reviewed and considered by the Commission, are found to be true, and are hereby adopted in support of approval of the Project.

CEQA requires that certain findings be made with respect to significant environmental impacts, Mitigation Measures, and alternatives. To satisfy this requirement, the Commission hereby adopts and incorporates by reference the Papich Construction Asphalt Batch Plant Project Environmental Impact Report (EIR), which includes the Final EIR, the Draft EIR, and the Technical Appendices thereto, the Comments to the Draft EIR, and the Responses to Comments and related appendices thereto.

In approving these findings, the Commission has independently reviewed, considered, and relied on (1) the information contained in the EIR and appendices thereto; (2) the various reports (both oral and written) provided by County Staff to the Commission; (3) the information submitted during the public comment period; and (4) other evidence contained in the public record. In doing so, the Commission finds and declares that the factual discussion and analysis contained in the EIR, the staff reports, and other evidence in the Public Record of Proceedings provide a sufficient basis for approval of the Project pursuant to CEQA.

A. Environmental Impacts and Mitigation Measures

As to the potentially significant environmental impacts identified in the EIR, the Commission finds either that: (1) changes or alterations have been required in, or incorporated into the Project that mitigate, avoid, or substantially lessen the significant environmental impacts identified in the EIR; (2) such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such changes or alterations have been, or can and should be, adopted by such agencies; and (3) that no impacts require specific economic, legal, social, technological, or other considerations make any of the Mitigation Measures or Project alternatives identified in the EIR infeasible.

1. Project Impacts.

Consistent with Public Resource Code section 21081 and Guidelines sections 15091 through 15093 (including Public Resources Code section 21061.1 and Guidelines section 15364 relating to the definition of "feasibility"); the Commission hereby makes various findings relating to the significant effects identified in the Final EIR for the Project.

a. Impact 3.1 a) – b) (Scenic Resources)

Pursuant to the discussion in Sections 3.1 a) – b) of the Final EIR, there will be a less than significant impact to the visual character of the scenic resources, or degrade the visual quality within the Project's vicinity.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant impact to the environment involving scenic resources because i) there are no scenic vistas on the proposed Project site or in the vicinity, and ii) the Project site is not visible from an Eligible State Scenic Highways or Scenic County Roads.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the proposed Project will not have any significant impacts involving scenic resources. There is no evidence to the contrary in the Public Record of Proceedings.

b. Impact 3.1 c) - d) (Visual Character)

Pursuant to the discussion in Sections 3.1 c) - d) of the Final EIR, there will be a less than significant impact to the visual character resulting from the Project. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that Mitigation Measures have been required which will mitigate all Project related visual impacts to a less than significant level.

Mitigation to reduce the impacts are set forth in Mitigation Measures: 3.1-1 landscape screening around the periphery of the site; and 3.1-2 facilities painted with earth-toned colors, are hereby adopted for this Project. These Mitigation Measures shall be incorporated into the Special Use Permit conditions of approval for this Project, and it shall be the responsibility of the applicant to implement the Mitigation Measures. The Code Enforcement Division of the Resource Management Agency (RMA) shall monitor compliance with these Mitigation Measures and shall enforce these conditions pursuant to their enforcement powers allowed by law and the mitigation monitoring program adopted for this Project. Therefore, the Project will have a ***Less Than Significant Impact With Mitigation.***

c. Impact 3.2 a) – e) (Agricultural Land and Forestry Resources)

Pursuant to the discussion in Section 3.2 of the Final EIR, there will not be a significant impact to the surrounding environment involving the loss of farmland based on the applicant's voluntary conserving adjacent farmland, as part of the project, and alternatively on farmland within the County at the proscribed ratio of 1:1. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Conditions of Approval, Final EIR and the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant impact to the environment involving the loss of farmland because the project site; i) the applicant will immediately purchase a temporary agricultural easement at a 1:1 ratio, ii) does not have a Williamson Act contract, iii) contains no lands zoned or identified as forest land or timberland, and iv) is not located within a forest land zone. The Project's Special Use Permit would not result in the rezoning of designated forestland, and will not cause the adjacent agricultural uses to be converted into a non-agricultural use, or cause any other land that would convert farmland or the conversion of forestlands.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the proposed Project will not have any significant impacts involving Agricultural Land and Forestry Resources. There is no evidence to the contrary in the Public Record of Proceedings.

d. Impact 3.3 a) – e) (Air Quality Criteria Pollutants (Ozone precursors, PM 10 and PM 2.5, toxic air contaminants, and odor)

Pursuant to the discussion in Section 3.3 of the Final EIR, there will not be a significant air quality impact. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant impact to the environment involving air quality because i) verification of compliance is performed by the San Joaquin Valley Unified Air Pollution Control District (SJVAPCD or Air District) through inspections, ii) annual emission rates of PM10, VOC and NOx for proposed Project operations are below the thresholds of significance as established by the SJVAPCD, iii) The Project will be required to receive applicable permits from the Air District and comply with applicable standards and rules/regulations, iv) the Project will not cumulatively increase the

impact to other sensitive receptors, and v) the Best Available Control Technologies (BACT) utilized by the proposed Project will not create objectionable odors.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the proposed Project will not have any significant impacts involving Air Quality Resources. There is no evidence to the contrary in the Public Record of Proceedings.

e. Impact 3.4 a) (Species)

Pursuant to the discussion in Section 3.4 a) of the Final EIR, there will be a less than significant impact to candidate, sensitive, or special status species resulting from the Project. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that Mitigation Measures have been required which will mitigate all Project related species impacts to a less than significant level.

Mitigation to reduce the impacts are set forth in Mitigation Measures: 3.4-1 through 3.4-6 to protect raptors and migratory birds; 3.4-7 through 3.4-21 to protect San Joaquin kit fox; and 3.4-22 to protect burrowing owls, are hereby adopted for this Project. These Mitigation Measures shall be incorporated into the Special Use Permit conditions of approval for this Project, and it shall be the responsibility of the applicant to implement the Mitigation Measures. The Code Enforcement Division of the Resource Management Agency (RMA) shall monitor compliance with these Mitigation Measures and shall enforce these conditions pursuant to their enforcement powers allowed by law and the Mitigation Monitoring and Reporting Program adopted for this Project. Therefore, the Project will have a ***Less Than Significant Impact With Mitigation***.

f. Impact 3.4 b) – f) (Biological Resources)

Pursuant to the discussion in Section 3.4 b) – f) of the Final EIR, there will not be a significant impact to biological resources. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant impact to the environment involving biological resources because i) the proposed Project does not result in loss of habitat, ii) there was no wetland habitat identified at the proposed Project site, iii) the proposed Project does not impact federally protected wetlands, iv) there will be no impacts to policies or ordinances relating to biological resources, and v) none of the species outlined in the Recovery Plan for Upland Species in the San Joaquin Valley were identified on the Project site.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the proposed Project will not have any significant impacts involving Biological Resources. There is no evidence to the contrary in the Public Record of Proceedings.

g. Impact 3.5 a) – d) (Cultural Resources)

Pursuant to the discussion in Section 3.5 a) – d) of the Final EIR, there will be a less than significant impact to cultural resources resulting from the Project. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that Mitigation Measures have been required which will mitigate all Project related species impacts to a less than significant level.

Mitigation to reduce the impacts are set forth in Mitigation Measures: 3.5-1 to suspend excavation when archaeological or paleontological resources are discovered; and 3.5-2 to cease all construction within a 100-foot radius of a find. These Mitigation Measures shall be incorporated into the Special Use Permit conditions of approval for this Project, and it shall be the

responsibility of the applicant to implement the Mitigation Measures. The Code Enforcement Division of the Resource Management Agency (RMA) shall monitor compliance with these Mitigation Measures and shall enforce these conditions pursuant to their enforcement powers allowed by law and the mitigation monitoring program adopted for this Project. Therefore, the Project will have a ***Less Than Significant Impact With Mitigation***.

h. Impact 3.6 a) i) – iv) (Seismic Activity)

Pursuant to the discussion in Section 3.6 a) i) – iv) of the Final EIR, there will not be a significant seismic activity impact. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant impact to the environment involving seismic activities because i) no substantial faults are known to traverse Tulare County, ii) Tulare County is characterized as Severity Zone “Nil” and “Low” for ground-shaking events, iii) the proposed Project area is not located within an area mapped to have a potential for soil liquefaction, and iv) landslides are not a significant threat as the topography in the proposed Project area is relatively flat.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the proposed Project will not have any significant impacts involving Seismic Activity. There is no evidence to the contrary in the Public Record of Proceedings.

i. Impact 3.6 b) – d) (Soil Hazards)

Pursuant to the discussion in Section 3.6 b) - d) of the Final EIR, there will not be any significant impacts involving expansive soil hazards. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that an investigation of the site did not indicate the presence of potentially expansive soils in the near surface soils. Thus, it is not anticipated that typical mitigation measures for soil erosion, landslides, and expansive soils would be required for the proposed improvements.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the proposed Project will not have any significant impacts involving expansive soil hazards. There is no evidence to the contrary in the Public Record of Proceedings.

j. Impact 3.6 e) (Unstable Soils and Domestic Disposal)

Pursuant to the discussion in Section 3.6 e) of the Final EIR, the proposed Project has the potential to result in a significant impact to the environment involving domestic disposal.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that changes or alterations have been required in, or incorporated into the Project which will avoid, mitigate, or substantially lessen any impacts to the environment involving domestic disposal.

Mitigation is set forth in Mitigation Measure 3.6-1 which requires the applicant to secure a permit from the Tulare County Environmental Health Department for an on-site septic disposal system, and comply with permit conditions. Such mitigation is hereby adopted for this Project. Therefore, the Project will have a ***Less Than Significant Impact With Mitigation***.

k. Impact 3.7 a) – b) (Greenhouse Gas Emissions)

Pursuant to the discussion in Section 3.7 a) – b) of the Final EIR, there will not be any significant impacts involving greenhouse gas emissions. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that the proposed Project is consistent with applicable plans, policies, and regulations, and will continue to be required to comply with all requirements of the Tulare County CAP, the SJVAPCD, and AB32.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the proposed Project will not have any significant impacts involving greenhouse gas emissions. There is no evidence to the contrary in the Public Record of Proceedings.

l. Impact 3.8 a) – b) (Hazardous Materials)

Pursuant to the discussion in Section 3.8 a) – b) of the Final EIR, the proposed Project has the potential to result in a significant impact to the environment involving hazardous materials.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that changes or alterations have been required in, or incorporated into the Project which will avoid, mitigate, or substantially lessen any impacts to the environment involving hazardous materials.

Mitigation is set forth in Mitigation Measures: 3.8-1 which requires the applicant to prepare a Hazardous Materials Business Plan, and 3.8-2 which requires the applicant to prepare a Spill Prevention Control and Countermeasure plan. Such mitigation is hereby adopted for this Project. Therefore, the Project will have a ***Less Than Significant Impact With Mitigation***.

m. Impact 3.8 c) – h) (Hazardous Emissions)

Pursuant to the discussion in Sections 3.8 c) – h) of the Final EIR, there will not be any significant impacts involving hazardous emissions. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that an investigation confirmed that the site i) did not indicate the presence of hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, ii) is not included on a list of hazardous materials sites, iii) is not within two miles of a public airport, iv) will not result in a safety hazard, v) will not interfere with an adopted emergency response plan, and vi) will not expose people or structures to a significant risk of loss. Therefore, no mitigation is necessary or required.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the proposed Project will not have any significant impacts involving hazardous emissions. There is no evidence to the contrary in the Public Record of Proceedings.

n. Impact 3.9 a) (Water Quality)

Pursuant to the discussion in Section 3.9 a) of the Final EIR, the proposed Project has the potential to result in a significant impact to the environment involving water quality.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that changes or alterations have been required in, or incorporated into the Project which will avoid, mitigate, or substantially lessen any impacts to the environment involving domestic disposal.

Mitigation is set forth in Mitigation Measures 3.9-1 through 3.9-5 which requires the applicant to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP), and obtain a General Stormwater Industrial Facility Permit from the Central Valley Water Board. Such mitigation is hereby adopted for this Project. Therefore, the Project will have a ***Less Than Significant Impact With Mitigation***.

o. Impact 3.9 b) (Groundwater)

Pursuant to the discussion in Section 3.9 b) of the Final EIR, the proposed Project has the potential to result in a significant impact to the environment involving groundwater.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that changes or alterations have been required in, or incorporated into the Project which will avoid, mitigate, or substantially lessen any impacts to the environment involving domestic disposal.

Mitigation is set forth in Mitigation Measure 3.9-9 through 3.9-11 which requires the applicant to utilize water conserving fixtures and technology, and be in compliance with the Water Efficient Landscaping Ordinance. Such mitigation is hereby adopted for this Project. Therefore, the Project will have a ***Less Than Significant Impact With Mitigation***.

p. Impact 3.9 c) – j) (Drainage, Water Quality, Flood Hazards)

Pursuant to the discussion in Sections 3.9 c) through j) of the Final EIR, there will not be any significant impacts involving existing drainage, water quality, or flood hazards. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that an investigation confirmed that the project will not i) substantially alter the existing drainage pattern of the site or area, ii) create or contribute runoff water which would exceed the approved capacity, iii) substantially degrade water quality, or iv) place housing within a 100-year flood hazard area. Therefore, no mitigation is necessary or required.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the proposed Project will not have any significant impacts involving existing drainage, water quality, or flood hazards. There is no evidence to the contrary in the Public Record of Proceedings.

q. Impact 3.10 a) – c) (Conflict with Land Use Policy)

Pursuant to the discussion in Section 3.10 a) – c) of the Final EIR, there will not be significant impacts involving Land Use, Zoning, or Conservation Plans. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant impact, and therefore no mitigation is required.

In support of this finding, evidence is contained in the Final EIR and the Public Record of Proceedings that the Asphalt Batch Plant has been operating since 2013 under a Temporary Use Permit (13-005), and the proposed Project is an allowable use within the AE-40 Zone District, with an approved Special Use Permit. The proposed Project is an appropriate use for the site, and is consistent with the applicable objectives, goals and policies outlined in the Tulare County General Plan 2030 Update. Therefore, the Project will have a ***Less Than Significant Impact***. There is no evidence to the contrary in the Public Record of Proceedings.

r. Impact 3.11 a) and b) (Statewide or Local Mineral Resources)

Pursuant to the discussion in Section 3.11 a) and b) of the Final EIR, the proposed Project would result in no impact to mineral resources locally or of statewide importance. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant impact involving the loss or availability of known mineral resources, no mitigation is necessary or required.

In support of this finding, the evidence indicates that the proposed Project is not located within a known mineral resource zone, does not include a mining operation, and is not located in or near a mineral resource zone. Accordingly, there is no impact. There is no evidence to the contrary in the Public Record of Proceedings.

s. Impact 3.12 a) – c) (Noise)

Pursuant to the discussion in Section 3.12 a) – c) of the Final EIR, there will not be significant impacts involving noise. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that an investigation confirmed that the project will not i) exposure of persons to or generation of noise levels in excess of standards, ii) expose people to excessive groundborne vibration or noise levels, or iii) increase the ambient noise levels in the project vicinity. Therefore, no mitigation is necessary or required.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the proposed Project will not have any significant impacts involving noise. There is no evidence to the contrary in the Public Record of Proceedings.

t. Impact 3.12 d) (Increase in Ambient Noise Levels)

Pursuant to the discussion in Section 3.12 d) of the Final EIR, the proposed Project has the potential to cause an increases in ambient noise levels. Noise associated with demolition and construction activities would be temporary. The nearest noise-sensitive land uses are rural residential dwellings, the nearest of which is located approximately 1,000 feet (0.2 miles) north of the Project site.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that changes or alterations have been required in, or incorporated into the Project which will avoid, mitigate, or substantially lessen any impacts to the environment involving noise.

Mitigation is set forth in Mitigation Measures: 3.12-1 which limits construction and demolition activities to between the hours of 7:00 a.m. and 7:00 p.m., and 3.12-2 which requires noise-reduction intake and exhaust mufflers and shrouds. Such mitigation is hereby adopted for this Project. Therefore, the Project will have a ***Less Than Significant Impact With Mitigation***.

u. Impact 3.12 e) and f) (Airport Noise)

Pursuant to the discussion in Section 3.12 e) and f) of the Final EIR, the proposed Project would result in less than significant impacts from exposure to excessive airport noises. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant impact involving an airport land use plan within two miles of a public airport, or locate persons within the vicinity of an operating airstrip; no mitigation is necessary or required.

In support of this finding, the evidence indicates that the Project is not located near an operating airport, runway, airfield, or airstrip. Accordingly, there is no impact. There is no evidence to the contrary in the Public Record of Proceedings.

v. Impact 3.13 a) – c) (Population and Housing)

Pursuant to the discussion in Section 3.13 a) – c) of the Final EIR, there will be a less than significant impact to the environment involving population and housing. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant impact to population and housing, and thus, no mitigation is necessary or required.

In support of this finding, the evidence indicates that the project will not encourage additional population growth in this rural area of the County. No dwellings on the Project site or rural homes in the surrounding area will be relocated, built, or demolished as a result of the Project. Accordingly, there will be not be any impacts on population or housing conditions in the Project area vicinity. There is no evidence to the contrary in the Public Record of Proceedings.

w. Impact 3.14 a) (Public Services – Fire, Police, Schools, Parks, and other Public Facilities)

Pursuant to the discussion in Section 3.14 a) Fire, Police, Schools, Parks, and other Public Facilities of the Final EIR, there will not be a significant impact to the environment involving public services. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant impact to the services rendered by police, the use of parks, or the need for additional schools, libraries, or other public facilities due to this Project, and thus, no mitigation is necessary or required.

In support of this finding, the evidence indicates that construction of the Project will not impact the County's Sherriff support needs, the use of the surrounding parks, or increase the need for additional library or school facilities. Accordingly, there will not be any impacts on sheriff's services, parks, or school services in the Project area vicinity. There is no evidence to the contrary in the Public Record of Proceedings.

x. Impact 3.15 a) and b) (Recreational Facilities)

Pursuant to the discussion in Section 3.15 a) and b) of the Final EIR, there will not be a significant impact to recreational facilities within the Project's vicinity. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant impact to recreational facilities within the Project's vicinity and thus, no mitigation is necessary or required.

In support of this finding, the evidence indicates that no new housing is proposed as part of the proposed Project and it does not include new recreational facilities or the expansion of recreational facilities. The nearest neighborhood park (Plaza Park) is located within the City of Visalia, approximately two miles east of the site. Therefore the impact on existing recreation facilities will be less than significant. There is no evidence to the contrary in the Public Record of Proceedings.

y. Impact 3.16 a) - f) (Transportation/Traffic)

Pursuant to the discussion in Sections 3.16 a) through f) of the Final EIR, there will not be any significant impacts involving transportation or traffic. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that an investigation confirmed that the project will not i) conflict with an applicable plan, ordinance or policy, ii) conflict with an applicable congestion management program, iii) result in a change in air traffic patterns, iv) substantially increase hazards, v) result in inadequate emergency access, or vi) conflict with adopted policies, plans, or programs. In addition, the Project will contribute its proportionate fair share towards improvements study area roadways. Therefore, no mitigation is necessary or required.

In support of this finding, evidence is contained in the Final EIR, and the Public Record of Proceedings that the proposed Project will not have any significant impacts involving transportation or traffic. There is no evidence to the contrary in the Public Record of Proceedings.

z. Impact 3.17 a) – g) (Utilities and Service Systems)

Pursuant to the discussion in Sections 3.17 a) through g) of the Final EIR, there will be a less than significant impact involving utilities and service systems. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that an investigation confirmed that the project will not i) exceed wastewater treatment requirements, ii) require the construction or expansion of new water or wastewater treatment facilities, iii) require the construction or expansion of new storm water drainage facilities. The investigation also confirmed that the project will iv) have sufficient water supplies available to serve the project, v) result in an adequate capacity determination for wastewater treatment, vi) be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs, and vii) comply with federal, state, and local statutes and regulations related to solid waste.

In support of this finding, the evidence indicates that the proposed Project will not discharge liquid waste to a wastewater treatment facility, or result in a new or an expansion of a public storm water drainage facility. There is an existing septic system and water well on the site with adequate service capacities. The Project will not have any significant impacts involving transportation or traffic. There is no evidence to the contrary in the Public Record of Proceedings.

aa. Impact 3.18 a) (Mandatory Findings of Significance: Cultural Resources)

Pursuant to the discussion in Section 3.18 a) of the Final EIR, the proposed Project has the potential to result in a significant impact to historic or prehistoric resources. However, any potentially significant impact can be reduced to a level of insignificance with mitigation. The Commission concurs with this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that changes or alterations have been required in, or incorporated into the Project which will avoid, mitigate, or substantially lessen any impacts to historic or prehistoric resources.

Mitigation is set forth in Mitigation Measures 3.5-1 and 3.5-2. Such mitigation is hereby adopted for this Project. All Mitigation Measures shall be implemented by the applicant, construction contractor, the County Environmental Assessment Officer, County Coroner, Native American Heritage Commission (NAHC), or local Native American organizations, and shall be a condition of Special Use Permit (PSP 14-041). Monitoring shall be the responsibility of the RMA. Therefore, the Project will have a ***Less Than Significant Impact With Mitigation***.

bb. Impact 3.18 b) (Cumulative Impacts)

See Section IV Cumulative Impacts below.

cc. Impact 3.18 c) (Substantial Adverse Effects)

Pursuant to the discussion in Section 3.18 c) of the Final EIR, there will not be any significant impacts involving substantial adverse effects. The Commission concurs in this analysis.

Accordingly, based on substantial evidence in the Final EIR and the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant impact involving substantial adverse effects within the Project's vicinity and thus, no mitigation is necessary or required.

In support of this finding, the evidence indicates that there are no significant environmental adverse effects from this Project to human beings. There is no evidence to the contrary in the Public Record of Proceedings.

IV

CUMULATIVE IMPACTS

"CEQA Guidelines Section 15130 (a) requires that an EIR discuss the cumulative impacts of a Project when the Project's incremental effect is "cumulatively considerable," meaning that the Project's incremental effects are considerable when viewed in connection with the effects of past, current, and probable future Projects. A consideration of actions included as part of a cumulative impact scenario can vary by geographic extent, time frame, and scale. They are defined according to environmental resource issue and the specific significance level associated with potential impacts. CEQA Guidelines 15130(b) requires that discussions of cumulative impacts reflect the severity of the impacts and their likelihood of occurrence. The CEQA Guidelines note that the cumulative impacts discussion does not need to provide as much detail as is provided in the analysis of Project-only impacts and should be guided by the standards of practicality and reasonableness and focus on the cumulative impact to which the identified other Projects contribute rather than the attributes of other Projects which do not contribute to the cumulative impacts."

A. Cultural Resources

Pursuant to the discussion in Section 3.5 a) through d) of the Final EIR, the construction related incremental impact of the Project may cause a potentially cumulatively significant impact to cultural resources. The Commission concurs with this analysis. Accordingly, based on substantial evidence in the Public Record of Proceedings, the Commission finds and declares that the Mitigation's required in Mitigation Measures 3.5-1, 3.5-2 and 3.5-3 will reduce all cumulative impacts to cultural resources to a level of insignificance.

In support of this finding, the evidence indicates that there is no recorded evidence of archeological sites at the Project site. The adopted Mitigation Measure will assure that any Native American burial sites or unidentified skeletal remains encountered are either avoided, treated in accordance with the recommendations of the most likely descendant, or relocated, and will assure that any historical or cultural resources are properly evaluated, thereby reducing this impact to a less than significant level. With implementation of Mitigation Measures 3.5-1, 3.5-2 and 3.5-3, potential cumulative impacts related to this checklist item will be reduced to a level considered less than significant.

B. Hydrology and Water Quality

Pursuant to the discussion in Section 3.9 a) of the Final EIR, the incremental impact of the Project may have a cumulative impact to water quality standards and waste discharge requirements. The

Commission concurs with this analysis. Accordingly, based on substantial evidence in the Public Record of Proceedings, the Commission finds and declares that Mitigation Measures 3.9-1 through 3.9-5 will reduce all cumulative impacts to water quality standards and waste discharge requirements to a level of insignificance.

The cumulative impacts to water supplies will be reduced to a level of insignificance. The Commission further finds that the geographic area of this cumulative analysis is Tulare County. And the cumulative analysis is based on the requirements of the Central Valley Regional Water Quality Control Board. In support of this finding, the evidence indicates that the Project will be required to comply with the all requirements of the Central Valley Water Board and Tulare County Health Services Division. With implementation of Mitigation Measures 3.9-1 through 3.9-5, potential cumulative impacts related to this checklist item will be reduced to a less than significant level.

C. Conclusion

In further support of the foregoing discussion, the applicant complies with Mitigation Measures outlined in the Mitigation Monitoring and Reporting Program.

V

GROWTH INDUCING IMPACTS

Pursuant to the discussion in Chapter 6 of the EIR and consistent with Public Resources Code Section 21100(b)(5) and CEQA Guidelines Section 15126.2(b), the Commission finds and declares that there are no direct growth-inducing impacts resulting from this Project.

Based on substantial evidence in the EIR and the Public Record of Proceedings, the Commission finds and declares that the Project will not cause a significant growth inducing impact, and as such, no mitigation is necessary or required. There is no evidence to the contrary in the Public Record of Proceedings.

In support of this finding, the evidence indicates that the development of the Project is unlikely to result in or contribute to population growth inducement because the Project will not result in a significant increase in employment, population, or demand for housing in the area. For these reasons, the Project is not anticipated to result in growth inducement. Therefore, the operation of the proposed Project would not result in new growth in the area relating to the potential population increase.

The Project does not include new homes, and will result in a total of 15 employees. It will not be necessary to recruit higher skilled person beyond the Project and it is anticipated that the most of the new employees will be current residents within or near the Visalia-Goshen communities.

The increase in the size of this existing business will not induce population growth because of the relative size of the growth. In addition, the Project site is located in a rural area and this increase in the size of this business will not induce new residential construction or new business creation. As such, the proposed Project does not have the potential to induce significant growth in Tulare County.

VI

SIGNIFICANT AND UNAVOIDABLE IMPACTS OF THE PROJECT

Pursuant to Chapter 11 of the FEIR and consistent with Public Resources Code Section 21100(b)(2)(A) and the State CEQA Guidelines Section 15126.2(b), the Commission finds and declares that there are no significant and unavoidable impacts. All cumulative impacts have been reduced below a level of significance through mitigation.

Notwithstanding the significant and unavoidable environmental impacts, the Project is proposed and approved to enable the applicant to achieve the Project's basic objectives; including: (1) to establish and operate an economically viable and competitive Project in compliance with applicable laws and regulations; (2) to optimally utilize available land resources; and (3) to mitigate environmental impacts to the extent feasible. In addition, alternative designs or locations that would possibly achieve these objectives would not reduce the identified cumulative impacts to a level of insignificance. Feasible Mitigation Measures have been required for this Project, and with the imposition of feasible Mitigation Measures, there will be no cumulative environmental impacts that remain significant and unavoidable.

VII

ANALYSIS OF ALTERNATIVES

In connection with alternatives, CEQA and the State CEQA Guidelines require that an EIR provide a reasonable range and discussion of alternatives (Public Resources Code §§ 21002, 21002.1; Guidelines § 15126.6).

A. Alternatives:

The Project includes a Special Use Permit (PSP 14-041), to allow i) permanent establishment of the asphalt batch plant on the existing site, ii) expansion of the existing operation from 3,700 tons/day to 8,000 tons/day of asphalt, iii) increase of heavy-duty truck trips, iv) expansion of hours and days of operation, and v) to conduct retail/commercial sales of asphalt. The basic objectives of the Project, as described in the EIR, are to operate an economically viable and competitive asphalt batch plant in compliance with applicable laws and regulations, optimally utilizing the available land resource and mitigating environmental impacts to the extent feasible.

CEQA requires that an EIR analyze a reasonable range of alternatives. (Public Resources Code Sections 21102, 21002.1 and Guidelines Section 15126.6.) The alternatives to the Project that were considered in the EIR are described as:

Alternative 1: No Project

Alternative 2: Alternate Site

Alternative 3: Reduced (50%) Project

The comparison of various factors was considered in Chapter 5 of the EIR. Table 5.1 and 5.2 below of the EIR (made a part hereof) provides matrices that compares the environmental impacts of differing Project Alternatives against the Project.

<p align="center">Table 5-1 Alternate Sites Considered</p>						
Site	Substantially reduce environmental impacts?	Available Land?	Adequate size?	Efficient Access?	Correct land use / zoning?	Determination
West Goshen	No	No	No	Yes	N/A	No available parcels were found that were of adequate size to accommodate the proposed project. In addition, locating the proposed project in this area would not substantially reduce environmental impacts.
Sierra Pacific Rock Plant (Orosi)	Yes	Yes	No	Yes	Yes	Constructing the proposed project at an existing rock plant owned by the applicant would theoretically reduce environmental impacts. However, the site does not provide enough space to accommodate the proposed project.
City of Dinuba Business Park	No	Yes	Yes	Yes	No	No parcels were available with the correct zoning. In addition, the plant would be located within City limits and closer to urban development. The site would not result in reduced environmental impacts.
Kaweah River Rock (Woodlake)	Some reduced, some increased	Yes	Yes	Yes	Yes	Locating the proposed project here would result in increased truck travel and increased impacts in an environmentally sensitive area of the County.

Table 5-1 Alternate Sites Considered						
Old Mill (Dinuba)	No	Yes	Yes	Yes	Yes	Locating the proposed project in this area would not substantially reduce environmental impacts.

Table 5-2 Alternatives Potential Impact Analysis			
Environmental Issues	No. 1 No Project	No. 2 Alternate Site	No. 3 Reduced (50%) Project
Aesthetics	Less	Similar	Similar
Agriculture and Forestry Resources	Less	Similar	Similar
Air Quality	Less	Similar	Less
Biological Resources	Similar	Similar	Similar
Cultural Resources	Similar	Similar	Similar
Geology and Soils	Less	Similar	Similar
Greenhouse Gas Emissions	Less	Similar	Less
Hazards and Hazardous Materials	Less	Similar	Similar
Hydrology and Water Quality	More	Similar	Similar
Land Use and Planning	Less	Similar	Similar
Mineral Resources	Less	Similar	Similar
Noise	Less	Similar	Less
Population and Housing	Less	Similar	Similar
Public Services	Less	Similar	Similar
Recreation	Less	Similar	Similar
Transportation and Traffic	Less	Similar	Less
Utilities and Service Systems	Less	Similar	Similar
Mandatory Findings of Significance	Less	Similar	Similar
Cumulative Impacts	Less	Similar	Less
Impact Reduction	Yes & No	Generally No, but	Yes

Table 5-2 Alternatives Potential Impact Analysis			
Environmental Issues	No. 1 No Project	No. 2 Alternate Site	No. 3 Reduced (50%) Project
		depends on the site	

B. Environmentally Superior Alternative:

CEQA requires that, in addition to the analysis of individual Alternatives, the Alternatives must be ranked according to which Alternatives have the lesser environmental effects. This ranking is shown above in Tables 5-1 and 5-2.

Apart from the No Project Alternative, Alternative #3 Reduced (50%) Project would be the Environmentally Superior alternative because it would result in less adverse physical impacts to the environment with regard to air, noise and traffic. However, the Reduced (50%) Project does not meet all of the Applicant's project objectives, particularly with regard to the financial feasibility of this Alternative.

The proposed Alternatives were analyzed based on the ten evaluation criteria listed earlier. All the Alternatives considered would not meet all of the objectives of the proposed Project. In addition, each of the Alternatives has other individual deficiencies. Only Alternatives 1 and 3 could potentially result in fewer impacts than the proposed Project's impacts. These Alternatives; however, would not meet the objectives of the proposed Project, nor would they meet most of the criteria established herein. After this full, substantial, and deliberate analysis the proposed Project remains the Preferred Alternative.

The Commission finds that the County has required that this applicant undertake Mitigation Measures. These Measures are restrictive and are applied to asphalt batch plant facilities. Thus, it is in the public interest for the County to advance socially desirable, necessary and enlightened progress, which is both environmentally and economically sound. In light of the foregoing discussion, and when balancing these interests, the Commission finds and concludes that these considerations and benefits are deemed to be substantial, that the Project will not cause a significant or unavoidable environmental impact, and that the Project should be approved.

The EIR is available at Tulare County Resource Management Agency at 5961 South Mooney Boulevard, Visalia, California 93277 (Telephone No. (559) 624-7000). The custodian for these documents and other materials is Mr. Hector Guerra, Chief Environmental Planner, Environmental Planning Division.