

Appendix G Response to Comments

This appendix contains the comments received during the public circulation and comment period (May 27, 2008 to July 11, 2008). The comments have been numbered (Comment Set #1, Comment Set #2 and so on) in the order that they were received; a Caltrans response follows each comment set. In this appendix, comments are divided into three groups, based on whom the comment came from: individual members of the public, property owners or their representatives, or a public agency. The Governor's Office of Planning and Research, State Clearinghouse closeout letter (dated June 24, 2008) is first, acknowledging this document's compliance with the State Clearinghouse requirements for environmental documents. No response was required for this letter.

Individuals:

- Comment Set #1 – Amy Salas
- Comment Set #2 – Penny Takier
- Comment Set #3 – Cheryl Crow
- Comment Set #4 – Michael Zappas
- Comment Set #5 – Robert Miller
- Comment Set #6 – Robert Polley
- Comment Set #8 – Bryce Dilger
- Comment Set #9 – Don Simoneau
- Comment Set #10 – Kim Simoneau
- Comment Set #11 – Captain Carl

Property Owner Representatives:

APN 009-631-011

- Comment Set #7 – Jeff Wagner, North Coast Engineering
- Comment Set #12 – INS and OUTS of ROUNDABOUTS
- Comment Set #13 – North Coast Engineering, Inc.
- Comment Set #14 – Ourston Roundabout Engineering
- Comment Set #15 – Carolyn Leach Consulting, LLC
- Comment Set #19 – Matteoni O'Laughlin & Hechtman Lawyers

APNs 040-031-001, 040-091-041

- Comment Set #16 – eda design professionals

Target Retail Center

- Comment Set #17 – Ellis Partners, LLC

Public Agency Comments:

- Comment Set #18 – San Luis Obispo Council of Governments (SLOCOG)
- Comment Set #20 – Air Pollution Control District
- Comment Set #21 – San Luis Obispo County Department of Planning and Building

Comment Set 20



July 18, 2008

Michael Thomas, Senior Environmental Planner
California Department of Transportation (Caltrans)
50 Higuera Street
San Luis Obispo, CA 93401

SUBJECT: APCD Comments Regarding the Highway 101/State Route 46 West Interchange Improvement Initial Study/Mitigated Negative Declaration (EA 05-451300)

Dear Mr. Thomas,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed Caltrans highway interchange project that would reconstruct the existing southern Paso Robles US 101/State Route 46 West compact diamond interchange that has signal controlled ramp intersections into two roundabouts. *The following are APCD comments that are pertinent to this project.*

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project with the potential to cause adverse health or air quality impacts, the APCD assesses the impacts from both the project's construction and operational phases, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

CONSTRUCTION PHASE MITIGATION

Naturally Occurring Asbestos (NOA)

The proposed Mitigated Negative Declaration stated:

The Geological Map of California, San Luis Obispo Sheet, shows there are no ultramafic rocks (type of rock that may contain naturally occurring asbestos) within 12 miles of the project area, and these are generally separated from the project by the crest of the Santa Lucia Range. Therefore, the possibility of naturally occurring asbestos becoming airborne during construction is minimal. The need for minimization of naturally occurring asbestos is limited to that for fugitive dust.

This assessment is not consistent with California and APCD NOA policy. The project site is located in a candidate area for NOA (www.slcleanair.org/business/pdf/serpentine-apcd.pdf), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the**

20-1

3433 Roberto Court • San Luis Obispo, CA 93401 • 805-781-5912 • FAX: 805-781-1002
info@slcleanair.org • www.slcleanair.org

printed on recycled paper

applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. **Please ensure that this air quality mitigation measure is added to the Minimization Measures in the project's Mitigated Negative Declaration.** Please refer to the APCD web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact the APCD Enforcement Division at 781-5912.

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. **Please ensure that this air quality mitigation measure is added to the Minimization Measures in the project's Mitigated Negative Declaration.** If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.

20-2

Demolition Activities

The project referral indicated that there are existing structures on the proposed site that will be demolished. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. **Please ensure that this air quality mitigation measure is added to the Minimization Measures in the project's Mitigated Negative Declaration.** Please contact the APCD Enforcement Division at 781-5912 for further information.

20-3

Fugitive Dust Control Measures

The project's Minimization Measure for fugitive dust includes optional construction equipment combustion emission mitigation measures. These measures are not appropriate for controlling fugitive dust emissions and need to be removed from the fugitive dust Minimization Measure for the project. Construction equipment emissions requirements shall be addressed as stated below in this letter. The appropriate fugitive dust control measures for this project are identified immediately below:

20-4

The project's Mitigated Negative Declaration identifies that the project will not likely exceed the APCD's CEQA significance threshold for construction phase fugitive dust emissions. However,

construction activities can generate fugitive dust, which could be a nuisance to local residents, businesses, and roadways in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. **To minimize the potential for nuisance impacts, the "water for dust" air quality Minimization Measure in the project's Mitigated Negative Declaration needs to be expanded as follows:**

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock-pile areas should be sprayed daily as needed; and,
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

If these mitigation measures are not effective at controlling construction phase fugitive dust emissions from leaving the project site, then the project shall implement the following APCD fugitive dust control measures:

- a. Reduce the amount of the disturbed area where possible,
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible,
- c. All dirt stock pile areas should be sprayed daily as needed,
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities,
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating native grass seed and watered until vegetation is established,
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD,
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used,
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site,
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114,
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site, and
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

All of the above listed construction phase fugitive dust mitigation measures shall be shown on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and finished grading of the area.

20-5

Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. **Portable equipment, 50 horsepower (hp) or greater, used during construction activities will require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.**

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- IC engines;
- Unconfined abrasive blasting operations;
- Concrete batch plants;
- Rock and pavement crushing;
- Tub grinders; and
- Trommel screens.

Please ensure that this air quality mitigation measure is added to the Minimization Measures in the project's Mitigated Negative Declaration. To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Construction Equipment Emissions and Mitigation for these Emissions

20-6

Ozone Precursors (Nitrogen Oxides & Reactive Organic Gases) & Diesel Particulate Matter
The project's Mitigated Negative Declaration did not provide an estimate of the construction equipment emissions and did not compare these emissions against the APCD's construction emission thresholds that are found in the APCD's CEQA Air Quality Handbook. To correctly assess and mitigate to a level of insignificance, the construction equipment emissions can be evaluated using the current URBEMIS 2007 model (version 9.2.4 found at www.urbemis.com). This is the air quality emission estimation tool recommended for use by air districts throughout California and is used for evaluating operational and construction emissions associated with a project. The construction emission estimation tools that the APCD provided to Caltrans District 5 in our January 18, 2007 letter for the first phase of Highway 46 are now out of date and those tools have been replaced with the URBEMIS 2007 model. **The project's construction equipment emissions need to be evaluated, compared against the APCD's daily and quarterly construction phase thresholds, and define mitigation as appropriate. Please update the project's Mitigated Negative Declaration with this information and submit it the**

APCD for review. Please contact Andy Mutziger in the APCD Planning Division at (805) 781-5912 if you would like an initial APCD review of this work prior to resubmitting the Mitigated Negative Declaration to the APCD.

20-7

Greenhouse Gas (GHG) Emissions

The Mitigated Negative Declaration states:

Caltrans recognizes the concern that carbon dioxide emissions raise for climate change. However, modeling and gauging the impacts associated with an increase in greenhouse gas emission levels, including carbon dioxide, at the project level is not currently possible. No federal, state, or regional regulatory agency has provided methodology or criteria for greenhouse gas emissions and climate change impact analysis. Therefore, Caltrans is unable to provide a scientific- or regulatory-based conclusion regarding whether the project's contribution to climate change is cumulatively considerable.

On June 19, 2008, the State of California's Governor's Office of Planning and Research released a Technical Advisory entitled CEQA AND CLIMATE CHANGE: Addressing Climate Change Through California Environmental Quality Act Review. This document states:

Lead agencies should make a good-faith effort, based on available information, to calculate, model, or estimate the amount of CO₂ and other GHG emissions from a project, including the emissions associated with vehicular traffic, energy consumption, water usage and construction activities.

Regarding the determination of GHG impact significance, the Technical Advisory states:

The potential effects of a project may be individually limited but cumulatively considerable. Lead agencies should not dismiss a proposed project's direct and/or indirect climate change impacts without careful available information and analysis should be provided for any project that may significantly contribute new GHG emissions, either individually or cumulatively, directly or indirectly (e.g., transportation impacts).

While the operational phase of the project will likely reduce idling and associated GHG impacts, the long-term operational and short-term construction GHG impacts should be determined. The URBEMIS model can be used to estimate CO₂ emissions during the both phases of the project and Caltrans should provide this estimation in the project's Mitigated Negative Declaration.

Regarding GHG impact mitigation, the Technical Advisory states:

The lead agency must impose all mitigation measures that are necessary to reduce GHG emissions to a less than significant level. CEQA does not require mitigation measures that are infeasible for specific legal, economic, technological or reasons. A lead agency is not responsible for wholly eliminating all GHG emissions from a project; the CEQA standard is to mitigate to a level that is "less than significant."

The APCD recommends that Caltrans follows OPR's recommendations and implement measures included in the Technical Advisory's guidance regarding mitigation of GHGs for the operational and construction phase of this project and integrate this into the project's Mitigated Negative Declaration.

20-8

OPERATIONAL PHASE MITIGATION

The APCD staff recognizes that the URBEMIS model is not sophisticated enough to discern the operational phase emission differences from the three alternatives. With that said, there are models available that can determine the emission benefits due to the congestion relief of roundabouts like those proposed by this project. The APCD recently reviewed these kinds of emission estimates that were provided for a project by a local consultant that used an Australian model called SIDRA. This model calculates comparative fuel use and operational phase vehicular emissions associated with alternatives for a roadway project. The model used Australian fleet information and the consultant corrected the model results using local fleet adjustment factors that they determined from the California EMFAC2007 model.

The APCD agrees that the proposed roundabouts will likely reduce the operational emissions for this project. However it is important for the CEQA evaluation of this project that those benefits are quantified for both traditional pollutants as well as GHGs and for a discussion of those benefits to be included in the project's Mitigated Negative Declaration.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,



Andy Mutziger
Air Quality Specialist

AAG/AJM/arr

cc: Tim Fuhs, Enforcement Division, APCD
Karen Brooks, Enforcement Division, APCD
Gary Willey, Engineering Division, APCD

Attachments:

1. Naturally Occurring Asbestos – Construction & Grading Project Exemption Request Form, Construction & Grading Project Form

Response to Comment 20-1:

The attached map (Attachment A) compares the areas that have been classified as having the potential to contain ultramafic rock, source rocks for naturally occurring asbestos (from California Division of Mines and Geology open file report 2000-19), with the broad areas designated by San Luis Obispo Air Pollution Control District as having the potential to contain naturally occurring asbestos (striped area in Attachment A).

Specifically, the project area that is located at the junction of State Route 46 West and US 101 is not located within an area where naturally occurring asbestos has been documented as occurring (see pink colored areas in Attachment A). The project area is, however, located just within the outer limits of an area designated by San Luis Obispo Air Pollution Control District as having the potential to contain naturally occurring asbestos (striped area in Attachment A). However, the geotechnical studies done for the proposed project did not reveal the presence of naturally occurring asbestos; the absence of naturally occurring asbestos is consistent with the experience of the Caltrans Hazardous Waste Coordinator for the project area.

Under Caltrans' Standard Specifications, the contractor is required to follow all rules regulations and ordinances pertaining to air quality established by state, local and federal agencies. Naturally occurring asbestos is covered by the California Air Resources Board Airborne Toxic Control Measure. Adherence to this measure is normally dealt with in the Hazardous Waste Report.

Attachment A:

A General Location Guide for Ultramafic Rocks in California – Areas More Likely to Contain Naturally Occurring Asbestos Map



Response to Comment 20-2:

The City of Paso Robles in conjunction with Caltrans acknowledges the requirements for a burn permit; however, no burning is proposed as part of the project.

The contact information provided for the Air Pollution Control District Enforcement Division is acknowledged. Thank you for the information.

Response to Comment 20-3:

The City of Paso Robles in conjunction with Caltrans is aware of the requirements for National Elimination System for Elimination of Hazardous Air Pollutants notification when structural demolition takes place. These activities are fully addressed in the project Hazardous Waste Report. The construction contractor is responsible for obtaining the appropriate inspections and permits.

Response to Comment 20-4:

Fugitive dust minimization measures have been corrected and listed in Section 2.2.6 Air Quality, under Avoidance, Minimization, and/or Mitigation Measures under AQ-4. The optional fugitive dust control measures would be provided to the resident engineer in case standard dust control measures contained in Caltrans Standard Specifications (Chapter 7-1.0IF, Chapter 10 and Chapter 17) are insufficient to keep dust from blowing off-site. Note that Section 2.26 Air Quality, Environmental Consequences subsection, under Construction (Short-term) Emissions, of this document established that fugitive dust from construction would be well within the guidelines established by San Luis Obispo Air Pollution Control District in its California Environmental Quality Act Guidelines.

The contractor is required to develop a plan to meet applicable air quality standards. That plan is subject to approval before the start of construction. If the contractor violates Rule 402 (Nuisance Dust), then the contractor is responsible for any corrective measures.

Response to Comment 20-5:

The City of Paso Robles in conjunction with Caltrans is aware of the permitting requirements for stationary equipment. The construction contractor is responsible for obtaining all required permits after the construction contract is signed (sometime after January 2015). Until that time, it is not known what equipment would be used on the project. The project Air Quality Report includes calculations of anticipated construction emissions and shows that these are

well within the thresholds established by San Luis Obispo Air Pollution Control District in its California Environmental Quality Act Guidelines.

Because the area is in attainment or unclassified for all National Ambient Air Quality Standards, air quality conformity (calculations) are not required under the National Environmental Policy Act, and because the fugitive dust thresholds aren't exceeded, there are no significant impacts under the California Environmental Quality Act.

Response to Comment 20-6:

Refer to responses to comments 20-5 and 20-7.

Response to Comment 20-7:

As the San Luis Obispo Air Pollution Control District stated in its comments, the project would not increase operational (long-term) emissions of the primary greenhouse gas, carbon dioxide, because by improving the circulation at the new interchanges, the project would greatly reduce idling time, and would improve the movement of vehicles through the two new roundabouts.

The optimum emissions for CO₂, the main constituent of greenhouse gas, occur at speeds of 45-50 miles per hour according to the CALTRANS Emission Factors (EMFAC) Version 2.5 curves, while the highest emissions occur at idle to 15 miles per hour. The project would remove existing stoplights that cause (approximately half of) the vehicles passing through the existing intersection with signals to sit idling (for approximately half of the time) and would allow all vehicles to circulate through the new roundabouts at a safe speed without the stopping and idling, which would better match the optimal emissions for CO₂.

Section 2.5 Climate Change under the California Environmental Quality Act of this document has been updated to include additional qualitative discussion of greenhouse gas emissions for each alternative, including Build Alternatives 1 and 2 and the No-Build Alternative, associated with vehicle operations at the interchange area.

The qualitative analysis indicates that due to reduction in traffic delay, Build Alternative 1 would reduce CO₂ emissions at the interchange when compared to the no-build scenario, and Build Alternative 2 would further reduce daily CO₂ emissions at the interchange compared to Build Alternative 1.

In summary, Build Alternatives 1 and 2 would have the following greenhouse gas emissions-reducing benefits:

- **Reduced congestion:** High traffic volumes and inadequate intersection geometry contribute to congestion, delays, and undesirable operating conditions at the interchange. Congestion relief would reduce long lines of traffic.
- **Improved traffic flow control:** Consistent movement would reduce the CO₂ emissions due to the relatively non-varying traffic speeds and flow through the Build Alternatives 1 and 2 as compared to the no-build scenario. Consistent flow through the roundabouts would reduce idling time, which in turn would reduce CO₂ emissions.
- **Reduced greenhouse gas emissions:** Both roundabout Build Alternatives 1 and 2 would result in fewer CO₂ emissions due to reduced stop-and-go movement as compared to the No-Build Alternative.
- **Traffic growth management:** Taking into account current growth variables projected by the U.S. Bureau of the Census, the build alternatives would better facilitate the projected increased number of vehicles in the project area.
- **Caltrans Standard Specification Provisions:** According to Caltrans Standard Specification Provisions, idling time for lane closure during construction is to be restricted; in addition, the contractor must comply with the San Luis Obispo County Air Pollution Control District's rules, ordinances, and regulations with regard to air quality restrictions.
- **County's Regional Transportation Plan:** The project is consistent with the Transportation Plan, which discusses improved traffic flow and reduction of congestion and accidents for the region.
- **Compliance with AB 32:** The roundabout in Build Alternatives 1 and 2 supports the climate change strategies of Assembly Bill 32. In addition, roundabouts decrease through speeds and accident severity while providing for "shared use paths," thereby encouraging the use of these alternative transportation modes that reduce greenhouse gas emissions.

In summary, both Build Alternatives 1 and 2 would result in less delay time and are therefore anticipated to reduce future greenhouse gas emissions compared to the No-Build Alternative. Because of the congestion relief anticipated with the implementation of the project, project operations would not contribute to the climate change effect, but rather would produce long-term greenhouse gas emissions benefits through improved operation.

Absolute and completely accurate quantification of the anticipated construction emissions is not possible, as the number, types and years of the vehicles that would be used on the project

is unknown. Note that construction is not anticipated to begin on the project at the ramp termini until sometime in the future as funding is programmed. Furthermore, existing emissions models that have been approved by Caltrans do not adequately predict CO₂ for future years, as the effect of proposed and enacted legislation requiring cleaner engines in both on- and off-road vehicles is not accounted for in the current EMFAC Version 2.5 model. The emissions from construction activities would be added to current emissions produced at the intersections during the construction period, but the benefits from reducing idling emissions at these intersections would more than offset the construction emissions. The project would incorporate feasible mitigation measures as further detailed in Section 2.2.6 Air Quality of this document to minimize construction-related emissions, including those known to contribute to climate change.

With regard to energy costs, the net benefit of the project is also true. The new intersections would improve local traffic flow, but are not anticipated to increase the number of trips. The same number of vehicles would use the intersections at slightly higher speeds (and without the impediment of stop-and-go traffic), more efficiently using fuel. Energy costs of construction are anticipated to be offset by long-term benefits to the travelling public in terms of reduced energy use while idling during stop-and-go delay.

Response to Comment 20-8:

Refer to response for comment 20-7. The benefits of the reduction have been discussed and are presented in Section 2.5 of this document.