



DUTRA ASPHALT PLANT

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Performance Task I:

Understanding the Environmental Impact Report: The EIR document uses vocabulary that is specific to the field, thus Tier III. In addition, much of the legalese of the document uses Tier II, or basic academic language. The purpose of this activity is to introduce to the student the law, definition, and interested parties to an EIR.

Instructions to the students and teacher: In groups of three to four, rewrite each answer in your own words. If you do not know a particular word, try to figure it out through context. (teachers should implement a close reading strategy here, encouraging students to underline Tier II words they may not know, and/or provide a glossary)



(students can either report out, one question per group, or have each group do all the questions. Est. time: 30 min, depending on student reading level)

Consider the following excerpt from the California Department of Natural Resources <http://resources.ca.gov/ceqa/more/faq.html#what>

What is CEQA?

CEQA, or the California Environmental Quality Act, is a statute that requires state and local agencies to <http://cityofpetaluma.net/cclerk/archives.html> identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.

When and why was it enacted?

The impetus for CEQA can be traced to the passage of the first federal environmental protection statute in 1969, the National Environmental Policy Act (NEPA). In response to this federal law, the California State Assembly created the Assembly Select Committee on Environmental Quality to study the possibility of supplementing NEPA through state law. This legislative committee, in 1970, issued a report entitled *The Environmental Bill of Rights*, which called for a California counterpart to NEPA. Later that same year, acting on the recommendations of the select committee, the legislature passed, and Governor Reagan signed, the CEQA statute.

Who must comply with CEQA?

CEQA applies to certain activities of state and local public agencies. A public agency must comply with CEQA when it undertakes an activity defined by CEQA as a "project." A project is an activity undertaken by a public agency or a private activity which must receive some discretionary approval (meaning that the agency has the authority to deny the requested permit or approval) from a government agency which may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.

Most proposals for physical development in California are subject to the provisions of CEQA, as are many governmental decisions which do not immediately result in physical development (such as adoption of a general or community plan). Every development project which requires a discretionary governmental approval will require at least some environmental review pursuant to CEQA, unless an exemption applies.

If it applies, what are the basic requirements of environmental review under CEQA?



The environmental review required imposes both procedural and substantive requirements. At a minimum, an initial review of the project and its environmental effects must be conducted. Depending on the potential effects, a further, and more substantial, review may be conducted in the form of an environmental impact report (EIR). A project may not be approved as submitted if feasible alternatives or mitigation measures are able to substantially lessen the significant environmental effects of the project.

Beyond the Text: Have students brainstorm other potential local “projects” that should or could require CEQA processes.

Have students place the proposed plant on the Watershed Atlas (www.watershedclassroom.org/watershed-atlas/)

Performance Task II: Close Reading the Environmental

Impact Analysis: The EIR separates the effects of the Dutra plant along the lines, below. An entire class can, in turn, close read the different sections in a jigsaw or simply by groups. This will then lead the groups



(and ultimately, the class, as a whole) to be able to assess the degree mitigations will help address the impacts of the project.

Instructions for the students and teacher: For this task, students should be broken into groups of about three, depending on the size of the class (ten separate groups are needed). Consider the following categories, as outlined in the Draft Environmental Impact Report.

V	Environmental Impact Analysis	
VA	Aesthetics	6.44 MB
VB	Air Quality	210 kb
VC	Biological Resources	4.60 MB
VD	Cultural Resources	460 kb
VE	Geology and Soils	261 kb
VF	Hazards and Hazardous Materials	56 kb
VG	Hydrology and Water Quality	1.77 MB
VH	Land Use	3.19 MB
VI	Noise	3.72 MB
VJ	Transportation/Traffic	303 kb

In class, or at home, students should be assigned one section per group. The objective is for students to read through each section and to:

1. List the hazards or potential problems the project will create
2. List all the mitigations (things Dutra will do) to reduce or eliminate the hazards listed in (1)
3. Restate the findings in the emboldened section, “Level of Significance After Mitigation”



4. Critically assess the findings in the EIR for your section. Does your group agree, why/why not? (Students could either write individually, or present before a class using posters/online activities)

Beyond the Text: Have students identify an interest group that would be directly affected and/or might want input into this document for each section (V A-J). Students could then research actual organizations and contact information related to each section.

Have students place these interested parties on the Watershed Atlas (www.watershedclassroom.org/watershed-atlas/)

Performance Task III: Summary

Analysis: The EIR has a section that summarizes impacts into those that are significant and unavoidable, those that impact growth, and those that impact the environment, as a whole. This section also contains information related to economic benefit. This is an ideal section to use in a class for a summative assessment, both in terms of students' progress, but also in terms of their final judgement as to the worth of the Dutra plant.



Instructions for the students and teacher: Students should access this part of the EIR (the copy of the text is below): Students should, in small groups, read through and discuss Part VI of the EIR. Then, students should consider the following question that uses notes from previous tasks and this document: Should the Dutra plant be built?

Student should write individual responses to this question as letters to the editor, City Councilors, Sonoma County supervisors, or even to Dutra, itself. The teacher should review with the students which audiences would be the most appropriate for them to send their opinions.

VI General Impact Categories 23 kb

VI. GENERAL IMPACT CATEGORIES

A. SUMMARY OF SIGNIFICANT UNAVOIDABLE IMPACTS Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts which cannot be avoided. Specifically, Section 15126.2(b) states: "Describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reason why the project is being proposed, notwithstanding their effect, should be described." Based on the analysis contained in this Draft EIR, implementation of the proposed project would result in significant unavoidable project-specific impacts related to: aesthetics (scenic vistas, visual character), air quality (operational emissions and inconsistency with the Clean Air Plan), land use (conflict with applicable plans, land use incompatibility), traffic (access for neighboring residential land uses) and noise (from barge unloading facility, asphalt plant, recycling facility and operation of all equipment simultaneously). The proposed project would also result in significant and unavoidable cumulative impacts related to: aesthetics, air quality, water quality, land use, and noise.

B. GROWTH INDUCING IMPACTS OF THE PROPOSED PROJECT Section 15126.2(d) of the CEQA Guidelines requires a discussion of the ways in which a proposed action could induce growth. This includes ways in which the project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Section 15126.2(d) of the CEQA Guidelines reads as follows: "Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this



are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some project which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment." The proposed project would result in the construction of an asphalt production and recycling facility. As noted in the Initial Study included as Appendix A, the proposed project would not directly induce substantial population growth in the area because it would employ only ten individuals. The ten employees are also not anticipated to result in substantial indirect population growth, as such, employees likely already live within a commuting distance from the project site. Additionally, the facility is a re-location of an existing facility that would be closed. Therefore, the project would not result in long-term employment growth in the area. Sonoma County Permit & Resource Management Dept. January 2008 Dutra Haystack Landing Asphalt & Recycling Facility VI. General Impact Categories Draft Environmental Impact Report Page VI-2 The proposed project would include the sale of raw aggregate to area contractors which would result in some economic growth. However, the proposed project would also assist in the construction of residential, commercial and industrial development as well as public infrastructure that serves growth. Overall the project would serve planned growth outlined in applicable General Plans (e.g. Sonoma County General Plan and Marin County General Plan) and would be considered growth accommodating instead of growth inducing. Other considerations include whether the proposed project would remove an obstacle to growth. There are three existing asphalt plants in Sonoma and Marin counties, including: 1) Bodean, 1060 Maxwell Drive, Santa Rosa; 2) Syar, 260 Todd Road, Santa Rosa; and 3) Dutra, 1000 Point San Pedro Road, San Rafael. Based on these plant locations, it appears the region's needs would still be met for asphalt production and recycling without the proposed project, although implementation of the proposed project would reduce distances and costs for trucks delivering asphalt to projects in southern Sonoma County and northern Marin County. The project would not result in population increases that would tax existing community service facilities, or require the construction of new community service facilities that could cause significant environmental effects. The project would contribute materials (e.g. asphalt and aggregate) that could be used in the construction of these facilities, however. Therefore, the project would not result in significant growth inducing impacts and project impacts on public services would be less than significant. Potable water for the proposed project would be served by an existing water connection from the North Marin Water District (NMWD) pipeline that runs along the westerly side of the site. The project also proposes to pump water from the Petaluma River, filter it, and use it for dust suppression in Areas A and C. Other options for future water supply include purchasing Petaluma Ellis Creek Water Treatment Facility reclaimed water, which would need to be trucked to the site. The applicant proposes to install two 20,000 gallon water tanks at the southern boundary of Area C to be used as needed for dust suppression. As such, the project would not require or result in the construction of new water or wastewater



treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Sufficient water supplies are available to serve the project from existing entitlements and resources. The proposed project involves the creation of a new septic system that would only serve the project. The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. The project would comply with federal, state, and local statutes and regulations related to solid waste. Due to the project's proposed location and scope, the proposed project could also facilitate other activities that could significantly impact the environment. Specifically, the proposed project could provide asphalt to and thus facilitate construction of the Novato Narrows/Highway 101 Widening Project and associated freeway interchange at Petaluma Boulevard South. While the environmental documentation for these highway improvements is not yet available, it is reasonable to assume that without mitigation, these cumulative or related projects would result in impacts to the environment.

C. SIGNIFICANT IRREVERSIBLE CHANGES TO THE ENVIRONMENT Section 15126.2© of the CEQA Guidelines requires a discussion of the significant irreversible environmental changes of the proposed project, including the following: • Uses of nonrenewable resources during the initial and continued phases of the project that may be irreversible because a large commitment of such resources makes removal or nonuse thereafter unlikely; Primary impacts and, particularly, secondary impacts (such as highway improvement that provides access to a previously inaccessible area), which generally commit future generations to similar uses; and • Irreversible damage that could result from environmental accidents associated with the project. Development of the proposed project would represent a long-term commitment to a more intensive land use of the site. The project would, therefore, involve an irreversible commitment to the use of nonrenewable resources during the construction and operation phases in the form of refined petroleum-based fuels, natural gas for space and water heating, and mineral resources used in construction materials. However, this longterm commitment of such non-renewable resources would not be sufficient to cause removal or nonuse thereafter unlikely. The project includes constructing an asphalt production and recycling facility and restoring 19 acres of wetlands. Such development would help commit future users on the project site and other businesses off the site to similar development. However, the project site is near other industrial uses to the north, and agricultural and open space lands to the south. The project site and surrounding areas are already served by an existing roadway system. Other than the existing access to the off-site residential uses along the River, the roadway infrastructure that would be developed as part of the project would serve the project only and not any adjacent undeveloped lands. During project construction the project applicant would follow all applicable requirements to ensure safe use, transportation, storage and disposal of any hazardous materials or wastes that could be used or generated. By conforming with existing regulations and the EIR mitigation measures, including the preparation of an Emergency Response Action Plan, the project would not result in any significant hazards to the public or the environment through the routine transport, use, storage, or disposal of hazardous materials or wastes, or through upset or accident conditions. Operational impacts related to hazards and hazardous materials would be



reduced to less-than-significant levels via the recommended mitigation measures included in Section IV.F (Hazards and Hazardous Materials).

Beyond the Text: Have students evaluate the compatibility of the Dutra plant with the Sonoma County General Plan for 2020. Key sections are listed below:

<u>Land Use Element</u>	August 5, 2014	2.19 MB
<u>Housing Element</u>	December 2, 2014	1.21 MB
<u>Agricultural Resources Element</u>		345 kB
<u>Open Space and Resource Conservation Element</u>	September 10, 2013	797 kB
<u>Water Resources Element</u>		416 kB
<u>Public Safety Element</u>	September 9, 2014	518 kB
<u>Circulation and Transit Element</u>	August 24, 2010	692 kB
<u>Air Transportation Element</u>	January 24, 2012	438 kB
<u>Public Facilities and Services Element</u>		290 kB
<u>Noise Element</u>	October 23, 2012	194 kB
<u>Glossary</u>	August 5, 2014	220 kB



Have students place alternative sites, as discussed in the EIR onto the Classroom Atlas:

(www.watershedclassroom.org/watershed-atlas/)

VII Alternatives to the Proposed Project 115 kb

Have students then critically evaluate, using the data on the atlas, which of the proposed site/Alternatives is the best, and why.