
San Francisco Bay Regional Water Quality Control Board

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November 10, 2016
CIWQS Place ID 767268

Dutra Group
1000 Point San Pedro Road
San Rafael, CA 94901
Attn.: Ross Campbell
Email: rcampbell@dutragroup.com

Subject: Invalid Application for Water Quality Certification for Dutra Haystack Asphalt Plant Project, Sonoma County

Dear Mr. Campbell:

We have reviewed the alternatives analysis (Alternatives Analysis) prepared in accordance with the U.S. EPA's Section 404(b)(1), "Guidelines for Specification of Disposal Sites for Dredge or Fill Material," dated December 24, 1980" (Guidelines). Alternatives Analysis was submitted to complete the CWA Section 401, Water Quality Certification Application (Application) for the Dutra Haystack Asphalt Plant Project (Project). This letter is being sent to inform you that the Alternatives Analysis does not provide all the information and items needed to determine whether the Project complies with State water quality standards. As a result of not providing the necessary information for us to evaluate compliance with State standards, the Application is invalid. Accordingly, this letter outlines the information needed for us to adequately determine whether the Project will comply with State water quality standards.

Information Item 1: Basic Project Purpose and Overall Project Purpose

We agree the overall project purpose provided in Section 3.3 of the Alternatives Analysis. This overall project purpose is "to provide recycled asphalt pavement (RAP) and aggregate and sand products to be used for public and private construction projects in northern and western Marin County, and southern Sonoma County." However, the basic project purpose in the Alternatives Analysis and overall project purpose in Sections 4 and 5 of the Alternatives Analysis are not consistent with the overall project purpose listed in Section 3.3. The basic project purpose in the Alternatives Analysis is "to construct a new asphalt plant and associated features", and the overall project purpose is "to replace an asphalt plant and to provide aggregate products to serve public and private construction projects in southern Sonoma County and northern and western Marin County." To correct this, the basic project purpose needs to be revised to: "to provide recycled asphalt pavement (RAP) and aggregate and sand products to

be used for public and private construction projects.” Further, the overall project purpose in Sections 4 and 5 needs to be revised to “to provide recycled asphalt pavement (RAP) and aggregate and sand products to be used for public and private construction projects in northern and western Marin County, and southern Sonoma County.”

Once the revisions a made to the basic project purpose and overall project purpose, the No Project Alternative in Section 5 would meet the overall project purpose if there were enough asphalt facilities in the area to meet the market demand for RAP, and aggregate and sand products. Therefore, the Alternatives Analysis will need to clearly demonstrate that the project is clearly needed to meet the market demand for RAP, and aggregate and sand products in the area. Otherwise, the No Project Alternative will meet the overall project objective and therefore be the least environmentally damaging practicable alternative.

Information Item 2: Project Schedule

The Alternatives Analysis indicates that the Port Sonoma, Redwood Landfill, Downtown Petaluma, Pomeroy Site, and Lakeville Hwy 37 alternatives are not practicable because additional permitting triggered by these alternatives would result in the project missing its intended schedule. Accordingly, delays resulting from additional permitting are not a valid logistical constraint for the Project, and as such, needs to be removed from the Alternatives Analysis.

Information Item 3: Barge Access

The Alternatives Analysis indicates that the Port Sonoma alternative is not practicable because the site lacked barge access thereby significantly increasing the cost of delivering materials. Further, the Alternatives Analysis indicates that the Redwood Landfill, Downtown Petaluma, Pomeroy Site, and Lakeville Hwy 37 alternatives are all not practicable because of logistical constraints and/or costs associated with dredging to maintain barge access. There are, however, asphalt plants in operation that do not have barge access and the cost analysis does not show the cost difference between delivering materials via barge and delivering materials via truck or rail. As a result, the Alternatives Analysis does not clearly demonstrate the these alternatives are not practicable. Accordingly, the Alternatives Analysis needs to be revised to clearly show the cost difference between all technically and logistically feasible delivery methods.

Information Item 4: Truck and Rail Access

The Alternatives Analysis indicates that Downtown Petaluma and Pomeroy Site alternatives are not practicable because poor highway access (trucks would have to use local streets to reach highway 101) makes these alternatives logistically infeasible. The Alternatives Analysis does not, however, provide documentation of the characteristics that make using local streets logistically infeasible. Further, the evaluation of the Port Sonoma, Redwood Landfill and Lakeville Hwy 37 alternatives do not include any information on the logistical feasibility of using truck or rail to deliver materials and/or transport products. As a result, the Alternatives Analysis does not clearly demonstrate that these alternatives are not practicable. Accordingly, the Alternatives Analysis needs

to be revised to evaluate the logistical feasibility of using trucks and/or rail to deliver materials and/or transport products with appropriate documentation to support determinations of infeasibility.

Information Item 5: Natural Gas Line Availability

The Alternatives Analysis indicates that the Port Sonoma and Lakeville Hwy 37 alternatives are not practicable because a natural gas line is not available to power the plant. Although the Alternatives Analysis indicates that natural gas is needed to make asphalt, it does not provide documentation on why it is not feasible to install a natural gas line at locations that lack an existing pipeline or the locations of existing gas pipelines at locations where they exist. As a result, the Alternatives Analysis does not clearly demonstrate that these alternatives are not practicable. Accordingly, the Alternatives Analysis needs to be revised to evaluate the feasibility of installing natural gas lines to power the plant.

Information Item 7: Site Size

The Alternatives Analysis indicates that the Downtown Petaluma alternative is not practicable because it is too small. The Alternatives Analysis does not, however, evaluate the practicability of constructing and operating of a smaller asphalt plant as part of this alternative. As a result, the Alternatives Analysis does not clearly demonstrate that this alternative is not practicable. Accordingly, the Alternatives Analysis needs to be revised to evaluate the practicability of constructing and operating of a smaller asphalt plant as part of this alternative.

Information Item 8: Timely Delivery of Asphalt Materials to Market

The Alternatives Analysis indicates that the Sonoma County Landfill, Port Sonoma, and Lakeville Hwy 37 alternatives are not practicable because logistical and technical constraints prevent delivery of asphalt at a high enough temperature to meet specifications required to place asphalt. The Alternatives Analysis also lists distance, speed, traffic delays, ambient temperature, wind speed, quantity of asphalt and general weather as factors that affect asphalt temperature. The Alternatives Analysis, however, does not provide any quantitative models or a qualitative analysis to document how long it takes for asphalt to cool down to an unusable temperature. For instance, larger highway projects are typically undertaken at night when traffic is presumably less thereby reducing haul times. In addition, the U.S. Department of Transportation's Advisory Circular indicates that hot mix asphalt will remain at a suitable temperature in a truck bed for two to three hours¹. Therefore, it is unclear why any of the offsite alternatives are not practicable because logistical and technical constraints preventing timely delivery of asphalt.

In addition, the Alternatives Analysis does not provide a justification for why hot mix asphalt is necessary. Warm mix asphalt can be hauled longer distances and has been

¹ Federal Aviation Administration. 2013. *Hot Mix Asphalt Paving Handbook, Appendix 1, Part III*. Available at https://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.information/documentID/1025447.

used by Caltrans on past projects². Therefore, it is unclear why warm mix asphalt could not be produced and sold to meet the overall project purpose.

As a result, the Alternatives Analysis does not clearly demonstrate that the Sonoma County Landfill, Port Sonoma, and Lakeville Hwy 37 alternatives are not practicable because logistical and technical constraints prevent delivery of asphalt at a high enough temperature to meet specifications required to place asphalt and the Alternatives Analysis needs to be revised accordingly.

Information Item 9: Selection of Offsite Locations

The Alternatives Analysis indicates that the sites need to be close to Highway 101 for transport of the products to market, but does not indicate how the locations of off-site alternatives were identified. The Novato Landfill, for instance, would appear to be close enough to Highway 101, but was not included in the Alternatives Analysis. As a result, the Alternatives Analysis does not clearly demonstrate that these alternatives are not practicable. Accordingly, the Alternatives Analysis needs to be revised to include a detailed discussion of how off site locations were identified and include any additional available sites.

Information Item 10: Cost Analysis

The cost analysis in the Alternatives Analysis appears to underestimate the cost of the Original Proposed Project Alternative because it does not include the cost of leasing the Shamrock Material, Inc. Landing Way Off Loading Facility, easements across the Sonoma-Marin Rail Transit District's rail line and utility lines, or permits from State Lands Commission to use a tideland. As a result, the cost analysis in Alternatives Analysis is inadequate. Accordingly, the Alternatives Analysis needs to be revised to provide an adequate cost analysis.

Information Item 11: Feasibility of Original Proposed Project Alternative

The Alternatives Analysis indicates that under the Original Proposed Project Alternative, Dutra will use the Shamrock Material, Inc. Landing Way Off Loading Facility. It is unclear, however, whether Dutra has permission to use this facility. As a result, it is not clear that the Original Proposed Project Alternative is available and therefore may not be practicable. Accordingly, the Alternatives Analysis needs to be revised to demonstrate that the Original Proposed Project Alternative is available by providing documentation that Dutra has permission to use the Shamrock Material, Inc. Landing Way Off Loading Facility.

Information Item 12: Other Environmental Factors

The Alternatives Analysis does not include an evaluation of other environmental factors, including, but not limited to, air quality, navigation, noise, and special status species impacts. To be adequate, the Alternatives Analysis must take other environmental factors under consideration. Accordingly, the Alternatives Analysis needs to be revised

² National Asphalt Pavement Association. 2012. *Warm-Mix Asphalt: Best Practices 3rd Edition*. Available on-line at http://driveasphalt.org/assets/content/resources/QIP-125_Warm_Mix_Asphalt_3rd_edition.pdf.

to include an evaluation of other environmental factors for all alternatives that are feasible from technical, logistical, and cost stand point.

Closing

If you have any questions, please contact me at (510) 622-5685 or by e-mail at xavier.fernandez@waterboards.ca.gov .

Sincerely,

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Environmental Scientist

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