



COUNTY COMMISSIONERS

Cathy Wolfe
District One
Sandra Romero
District Two
Karen Valenzuela
District Three

PLANNING DEPARTMENT

Creating Solutions for Our Future

Scott Clark
Director

**Final Report to the Board of County Commissioners from the Asphalt
Advisory Task Force:
Recommendations on the Permitting of Asphalt Plants**

Prepared by: Olivia Terwilleger, Assistant Planner

Background

RCW 36.70A.170 requires that governments planning under the Growth Management Act (GMA) designate Mineral Lands of Long Term Commercial Significance (LTCS). Seeking compliance with the GMA, the Board of County Commissioners (Board) adopted a policy in November 2003, which designated lands that were already active mining sites as LTCS. Shortly after this policy was implemented, concerns over the location of gravel mines and asphalt plants prompted the Board to reconsider its earlier policy.

In January 2004, the Board took two steps to facilitate a comprehensive review of mineral lands policy. First, the Board established an interim ordinance that prohibited the designation of new mineral lands, permitting of new gravel mining operations, and the permitting of new asphalt plants outside the Rural Resource Industrial zone. The second step was to form the Mineral Lands Task Force (MLTF).

The Mineral Lands Task Force was tasked with:

- Addressing concerns about the location of mines and asphalt plants;
- Reviewing existing County policies and regulations;
- Familiarizing themselves with case law;
- Comparing scientific studies;
- Evaluating maps and related technical information;
- Listening to experts on mining and asphalt plant regulation; and
- Developing recommendations for the Board.

The MLTF made their final recommendations in July 2004. Action on the recommendations was deferred due to the County's commitment to the Critical Areas Ordinance review process, and then yet again due to the appeal of the Comprehensive Plan to the Growth Management Hearings Board.

The Asphalt Advisory Task Force

The Board appointed a second task force in September 2007. The Asphalt Advisory Task Force (AATF) was established to build upon the work of the MLTF. The nine-member AATF met for ten facilitated work sessions, toured two asphalt plants and invited an expert panel for a question and answer session so they could gain perspective on the current technology and state-of-the-knowledge regarding asphalt processing, operation, environmental permitting, and regulation. The guests included Mike Kain, County Planning Manager, to speak about County permitting process, John Libby from the County Health Department, Jason Shira from DOE, Mark Goodin from ORCAA, and Gary Fore from NAPA. The objective of this group was the development of recommendations report regarding the siting and permitting of asphalt plants and use of recycled asphalt in these plants.

A balanced membership of the AATF was sought, first from those who participated previously in the MLTF and then from referrals from those members and solicitation from the public. These members donated their time and effort in participating in meetings, preparing assignments between meetings, and even agreed to meet several times beyond the original scheduled meetings in order to complete the work.

Current Regulations

20.54.070 Use--Specific standards.

21. Mineral Extraction. Mineral extraction (including expansions of existing conforming and legal nonconforming mines) and accessory uses are subject to the following provisions and the provisions of Chapter 17.20 of this code, the Thurston County Mineral Extraction Code:

a. Accessory Uses.

i. The following accessory uses are allowed only when expressly permitted in a special use permit issued by the approval authority: washing, sorting or crushing of rock or gravel, asphalt production (batching or drum mixing), concrete batching, storage or use of fuel, oil or other hazardous materials, and equipment maintenance. Limited manufacturing of concrete products from sand and gravel excavated on-site may be allowed by the department as an accessory use to a permitted concrete batching facility; provided, that retail sales of such products are prohibited. All other accessory uses are allowed only when approved after administrative review by the development services and the roads and transportation services departments.

ii. Accessory units are permitted only in conjunction with an existing mineral extraction operation. Recycling of asphalt or concrete is permitted as an accessory use only in conjunction with a permitted crusher and in accordance with any health department requirements. Temporary asphalt and concrete production may be permitted only to fulfill a contract for one specific public project and for a period not to exceed twelve months or the length of the contract, whichever is shorter. There must be at least twelve months between the end of one temporary use period and the beginning of another on the same site.

Recommendations

The focus of the majority of discussions among the members was whether asphalt plants should be an accessory use in gravel pits or if they should require a special use permit siting. Issues including property values, air quality, noise, odor, truck traffic, groundwater impacts, and oil storage, as well as potential contaminants in recycled asphalt were also discussed. The recommendations below represent the varying levels of agreements reached by the AATF. Additional issues discussed, but not voted on, are listed in the “Other Comments and Considerations” section.

The AATF agreed overall on some significant issues:

- Asphalt plants should not be outright prohibited;
- There has been a reduction in potential environmental impacts from asphalt plants with improvements in technology and best management practices;
- There is concern not only about the impacts generated by asphalt plants themselves but from increased truck traffic through transporting resource (gravel/sand) to the plant and transporting processed product (asphalt) from the plant to end use sites;
- There should be an attempt in the siting of asphalt plants to reduce conflicts with rural residential uses.



In order to distinguish where there was agreement on certain issues, and where there was opposing views, the issues and recommendations were made available to the AATF. The AATF approached the major concerns and replied with: yes, I support the recommendation, yes, I support the recommendation but have reservations or, no, I do not support the recommendation. This allowed them to focus on the areas of discussion where there were deferring views.

Generally, there were areas of consensus with the majority of the Task Force supporting the recommendation. Below, each of the recommendations is identified, and a color dot indicates the feelings of an individual task force member.

■ = Yes, I support ■ = Yes, I support, but... ■ = No, I do not support








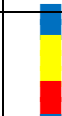

COMPREHENSIVE PLAN POLICY GUIDELINES

Consistent with Comprehensive Plan and sub-area designations.	■
Asphalt plants must meet all CAO requirements.	■
Obtain NPDES permit.	■
Locate asphalt plants to minimize adverse impacts to surrounding uses, human health and the environment.	■ ■
Must obtain ORCAA permit.	■ ■
Must comply with County storm water regulations.	■ ■

Must undergo SEPA review.	
When not in a gravel mine, asphalt plants can be sited in -Rural Resource Industrial - Industrial/Commercial Center	


SPECIAL USE SITING CRITERIA FOR FOLLOWING ZONES:

- Long Term Forestry
- Military Reservations
- Rural 1/20
- Rural 1/10
- Rural Residential/Resource 1/5
- Rural Residential

Permitting process for gravel mines and asphalt plants can run concurrently.	
Asphalt plants can be located on a parcel size of at least 40 acres. Will allow under 40 acres if the asphalt plant is located adjacent to an operating or permitted gravel mine or asphalt plant.	
Asphalt plants are 500 feet from residential district denser than 1 dwelling unit per 5 acres.	
Asphalt plants are at least 300 feet from adjacent residential area, park, or public preserves. Hearing examiner may lessen this requirement if appropriate, i.e., adjacent to intensive use, such as other industry, airport, freeway, etc.	
Plants may remain after depletion of mine.	
Plants may remain after depletion of mine <i>if another source is "nearby" (nearby = 1/2 to 1 mi).</i>	
Plants may remain after depletion of mine if another source is "nearby" <i>and can begin importing gravel when 90% of gravel is depleted.</i>	
Asphalt plants must be in, or adjacent to, an active gravel mine that will at the time of permitting, have a life-span of at least 10 years.	
50% of gravel used by asphalt plants comes from mine or "nearby".	

SITING CRITERIA FOR THE FOLLOWING ZONES:

- Light Industrial
- Rural Resource Industrial

Asphalt plants have no special requirements in these 2 zones.	
---	---

OPERATIONAL CRITERIA (Special Conditions for Asphalt Plants)

County road ordinance: space required for delivery trucks on property.	■
Asphalt plants should have County approved haul routes.	■
AATF supports the use of “highway RAP” (i.e. highway, roadway, runway, parking lot, etc.) All other sources of RAP must be tested.	■
The County should develop annual road wear mitigation fees based on tonnage used by asphalt plants.	■
Asphalt plants should be fueled by natural gas or propane (or an alternative fuel with the same or less hazardous emissions).	■
Support existing code: TCC §20.54.070(21.e) (5 year review)	■
RAP must be covered before use.	■

Other Comments and Considerations

The comments and considerations listed below may be part of the overall evaluation of asphalt plant regulations. They do not, however, represent majority or minority opinions for which votes were taken. The following ideas were expressed, but did not receive enough support by the group to discuss further. Generally, they focus on the need to:

1. Avoid particular sensitive/hazardous areas-suggested to reduce potential conflicts with surrounding uses.
2. Allow plants to remain active at depleted mines- suggested to minimize the number of locations/neighborhoods that would be subjected to impacts caused by asphalt plants and transport of resources and product to and from the plant.
3. Establish volume or time limit restrictions to plant activity-suggested to reduce the truck traffic required for importing gravel.

Community Vision:

The citizens of Thurston County recognize mining as an important part of the rural economy. Asphalt plants supply materials for road maintenance and construction projects throughout the region. The community seeks a balance between the need for asphalt plants and the need to protect the environment and the community from adverse impacts. Good stewardship of operations requires a partnership among asphalt operators, county citizens, and regulatory agencies.

Balancing conflicts:

Asphalt plants do pose potential conflicts with surrounding uses, particularly rural residential uses and critical areas. During the process of locating asphalt plants, the County evaluates the location and proximity to existing residential areas (see below). For permitting asphalt plants, the County considers groundwater protection, air quality impacts, hazards posed by gravel truck travel, and residential densities surrounding the plant, among other concerns. In response to these concerns, the County implements conditions and Best Management Practices (BMP) through

Special Use Permit process to ensure that asphalt plants are in keeping with public health and safety and environmental protection. The policies provide that generally, asphalt plants “should minimize adverse impacts on the environment and wildlife, and should minimize its effect on surface water, groundwater, and air quality.”

Asphalt Plants. . .

- are not located near certain areas of County (sub-area plan);
- are not located near rivers of statewide significance;
- are not located near wildlife refuge;
- are not located within the Black River corridor;
- are not located near the McAllister Springs;
- are located to reduce neighborhood impacts, i.e., roads, utilities, noise, odor, light, etc;
- are buffered to protect people, animals, and the environment; buffer distances should be defined.

Additional Buffering Considerations:

Geologic criteria

- Plants located at least 1000 ft from a seismic fault, not within an area of subsidence, and not within an area of slope or soil instability.

Water

- Boundary is located at least 500 ft from any perennial surface water body.
- Plant is located outside of the 100-year-floodplain (FEMA) and outside areas subject to slides or coastal flooding.
- Boundary is at least 500 ft from class 1 & 2 wetlands.
- Plant is located outside of areas where there is less than 20 ft separation between plant and seasonal high groundwater level.
- Plant is located at least 1000 ft from any surface water intake (domestic use) and 500 ft from any ground water intake for domestic use.

Air

- Plant is not located in Class 1 airspace nor in a non-attainment area (unless compensating emission offset can be met).

Wildlife Habitat

- Boundary is at least 1000 ft from wilderness area as defined by Wilderness Act of 1964 (Federal).
- Boundary is at least 500 ft from natural areas acquired or voluntarily dedicated under RCW 79.70.
- Boundary is at least 500 ft from habitat designated by WDFW as essential to maintenance or recovery of listed endangered, threatened or sensitive wildlife species.
- Boundary at least 500 ft from designated habitat for endangered or threatened species (Federal ESA).

Public Open Space

- Boundary is at least 1000 ft from public preserves, including parks, wildlife refuges, state conservation areas and wildlife areas.

Developed Community

- Plant is located outside any archeological site or historic site.
- Boundary is at least 1000 ft from Agricultural Lands of Long Term Commercial Significance.

- Plant is at least 200 ft from the facility property line.
- Boundary is located at least ½ mile from residences or public gathering places.

Infrastructure

- Plant is sited where natural gas or propane is available, or an alternative fuel that produces the same or less hazardous emissions.
- Space is provided for delivery truck queue parking on-site to minimize haul road & neighborhood impacts.
- Plant will be located within 1-mile of a city /county arterial road or a state highway.
- Traffic impact study will be required in order to obtain permit. Fees or improvements to improve roads used for access will be required as necessary. [Permitting requirement, not siting requirement]
- An asphalt plant may not be sited where a subarea plan prohibits it.
- The use of best available technology for asphalt processing will be required.

Monitoring

- The permit authority may require additional monitoring ... [per discussion on 11/27]

Recycled Asphalt (RAP) Conditions (Permitting requirements)

- RAP will be stored under a roofed structure.
- The source of RAP will be identified.
- RAP composition will be tested when it is not from a highway source.
- The County, or cities within the County, should provide urban industrial zoned locations for asphalt plants.

Conclusion

The AATF met at work sessions, toured asphalt plants, and had experts speak with them. The objective of this group was to formulate a recommendations report regarding the siting and permitting of asphalt plants and use of recycled asphalt in these plants. These members gave their time and effort in the meetings, assignments, and met several times beyond the original scheduled meetings, including one final meeting one year after the close of the Task Force, in order to complete their work.

Both the recommendations and the additional consideration criteria opinions are the result of lengthy discussions and consultation with experts and technical information. The Task Force hopes that the outcome of their work will result in better planning for asphalt plant permitting with a balanced approach for the protection of rural character and the environment.

Asphalt Advisory Task Force Membership:

Citizen/Environmental

Susan Markey, Black Hills Audubon

Howard Glastetter

Don Leaf

Ron Nelson

Agency/Municipal

Lester Olson, Thurston County Roads & Transportation

Matt Brookshier, WA DNR

Building /Development (end user)

Dave Lewis, Miles Sand and Gravel

Mining/Asphalt Industry

Tom Zamzow, Wilder Construction

Mark Segale, MAS Resources

Facilitator

John Kliem and Debbie Holden, Creative Community Solutions

Thurston County Planning Staff

Cinde Donoghue