

August 9, 2024

Board of Supervisors
Lake County
255 N Forbes Street, First Floor
Lakeport, CA 95453

RE: Highland Farms, UP 20-96
Response to Serpentine Soils Use Permit Appeal to Board of Supervisors

Dear Members of the Board:

This letter is in response to an appeal dated May 28, 2024 filed against the Highland Farms use permit project (UP 20-96), and the subsequent letter dated July 26, 2024, and specifically to address the appeals assertions regarding serpentine soils.

The appeal states:

"The Project site contains serpentine formations and soils that, when disturbed by Project construction and operation, will release naturally occurring asbestos into the air. This airborne asbestos will result in adverse health impacts to construction workers and the public. Asbestos in any form is a human carcinogen for which there is no safe level of human exposure. The part of the Project site that, with certainty, contains serpentine formations and soils 1 includes the portion of the site access road located on County-owned parcels that would connect the cultivation area to Highland Springs Road."

While the County Air Quality Management District has identified that there are areas of serpentine soil on the County owned portion of the driveway which leads to the project site, no serpentine soil is identified on the site proposed for cultivation and development.

Further, the statement that the construction "will release naturally occurring asbestos into the air" and that "This Airborne Asbestos will result in adverse health impacts to construction workers and the public" is not correct.

With proper construction techniques the naturally occurring asbestos, which may be present in serpentine materials, can be controlled from becoming airborne, and therefore minimize the risk of impacts to construction workers and the public.

Serpentine Soil is found throughout California, it is found dominantly in the Klamath Mountains, Coast Ranges, and lower elevations of the Sierra Nevada. Since 1965 Serpentine has been California's state rock, and according to the California Department of Conservation (CDC) document **Note 57** –

Serpentinite and Serpentine in California “many areas of serpentinite are on public lands, in areas that are used for recreation such as camping, hiking, hunting, mineral collecting, and off-highway vehicle activities.” The CDC document further states that “If undisturbed, these minerals are generally not harmful, but if continually disturbed by dust-generating conditions and activities, such as windstorms, excavation, or by vehicles traveling over serpentinite-covered roads, prolonged exposure may produce disease in some people.”

The approved project includes improvement to approximately 500 ft of driveway immediately adjacent to Highland Springs Road within the mapped serpentine area. The driveway is currently unpaved, and in its existing condition, vehicle traffic on the road risks creating airborne serpentine material. The project proposes to improve the driveway, including installing surface material of either non-asbestos containing gravel surfacing or asphalt pavement, which once installed will reduce the potential for the serpentine materials to become airborne due to vehicle traffic. A map generated by the Lake County Parcel Viewer geographic information system (GIS) tool is attached identifying the limits of the driveway within the mapped serpentine area.

The primary period, when there is potential for the serpentine materials to become airborne is during construction and specifically during soil disturbing activities on the first 500 ft of the driveway. To address this potential risk, the County Air Quality Management District requires all projects which disturb soils in mapped serpentine areas to prepare a Serpentine Soils Dust Control Plan. The Control Plan overseen by the Lake County AQMD is a requirement set by the California Environmental Protection Agency (CEPA) Air Resources Board and codified in the California Code of Regulations under Title 17, Section 93106. Lake County Municipal Code section 30-16 also notes the requirements for dust control during grading activities and refers to the District’s Control Plan.

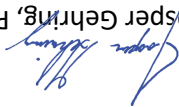
The proposed Highland Farms project will implement a Serpentine Dust Control Plan (Control Plan) and meet the requirements of the Lake County Air Quality Management District (District). A draft Serpentine Dust Control Plan has been prepared for the portion of the access road within the mapped serpentine soil area, and is attached for reference. It incorporates the requirements of the County’s Serpentine Dust Control plan template and standards best management practices (BMPs), the Lake County Air Quality Management District Rules and Regulations, and the California Air Quality Control Board Final Regulation on Asbestos Airborne Toxic Control Measures for Construction, Grading, Quarrying, and Surface Mining Operations Construction would not occur until receiving an approval letter from the District.

The BMP’s that are proposed for the project include:

- Active areas of soil disturbance and stock piles are to be wetted to control dust and reduce the potential for the serpentine materials to become airborne.
- Active soil disturbance will be suspended during periods of high winds
- Inactive stock piles are to be covered or stabilized.

- Vehicle speeds through the construction site shall be limited to the speeds recommended by the California Air Quality Control Board.
 - Construction vehicle traffic and equipment will be limited to the areas of construction.
 - All material shall be transported in a manner minimizing dust emissions.
 - Employees working on such projects shall be informed of the potential health risk of airborne asbestos, and the requirements of the asbestos-dust-hazard mitigation plan by the owner of the project.
 - Warning signs will be clearly visible to the affected public which advise of the potential exposure to airborne asbestos
 - Offsite tracking will be controlled and soil will be removed from the Paved County road with wet sweeping or Vacuum equipment with HEPA filter
- With the implementation of these measures, the project can mitigate the risk of potential exposure to serpentine materials and naturally occurring asbestos to the satisfaction of the regulatory requirements of Lake County Air Quality Management District and California Air Quality Control Board

Sincerely,


Jasper Gehring, P.E.
Principal

cc: Autumn Karcey, Alchemy 29
Sarah Bodnar, Golden State Public Affairs
Gina Giaccone, Summit Engineering