

THURSTON COUNTY CP-11 RECYCLED ASPHALT POLICY

BOARD OF COUNTY COMMISSIONERS – OCTOBER 29, 2020



CP-11 Recycled Asphalt Policy (RAP)

OVERVIEW

CP-11 Recycled Asphalt Policy

- Overview of Proposed Amendment
- PC Recommendation
- Next Steps



WHAT IS THE REQUEST

- Lakeside Industries submitted an application in 2016 for a Comprehensive Plan Amendment.
- Request is to amend Policy E.5 of the Nisqually Subarea Plan, which currently prohibits asphalt recycling based on water quality concerns.
- Item is CP-11 on the 2020/2021 Official Comprehensive Plan Docket.

WHAT THIS REQUEST DOESN'T DO

- No decisions regarding individual site permit applications will be made under this policy review.

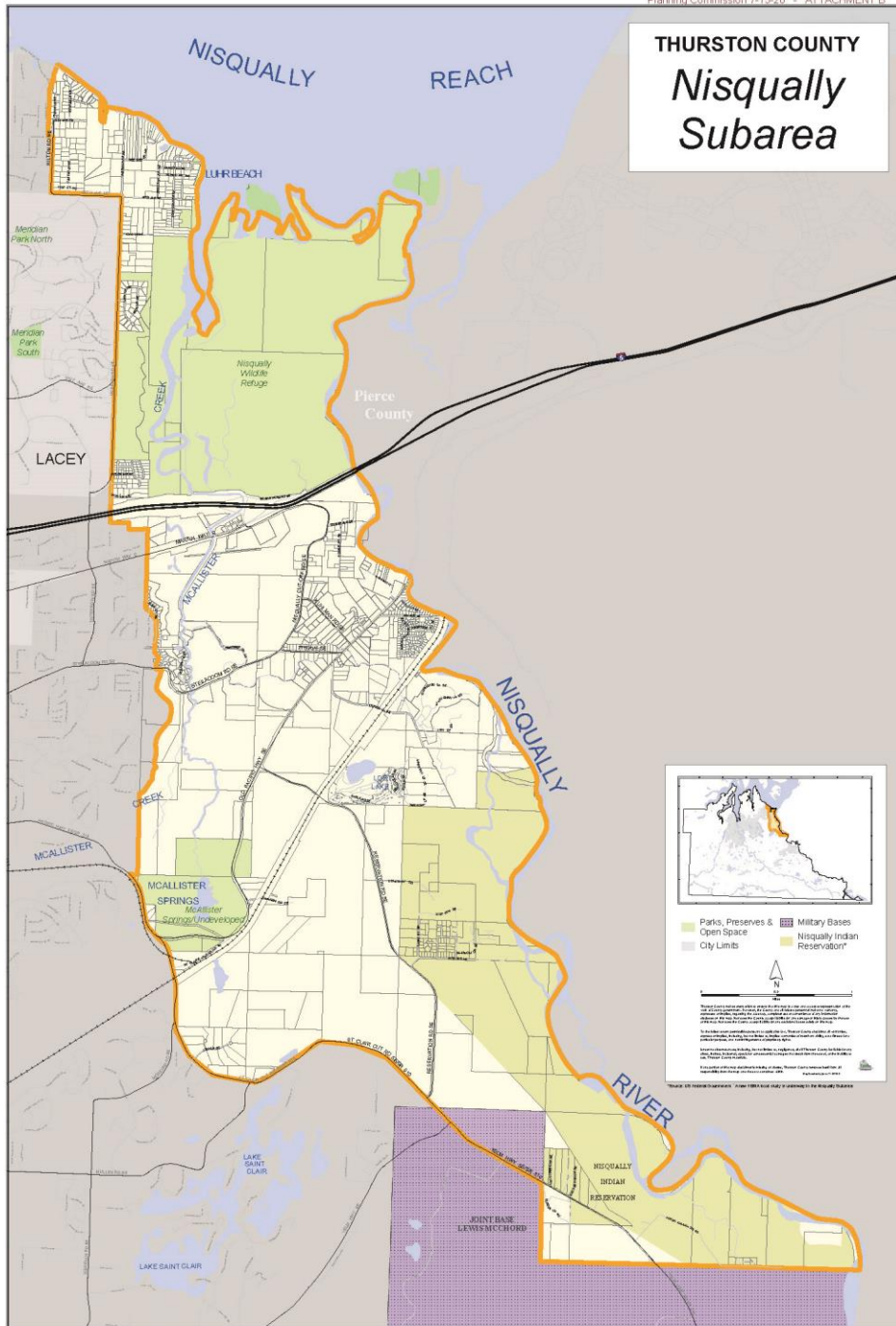
CURRENT POLICY E.5 AND REQUEST

POLICY E.5

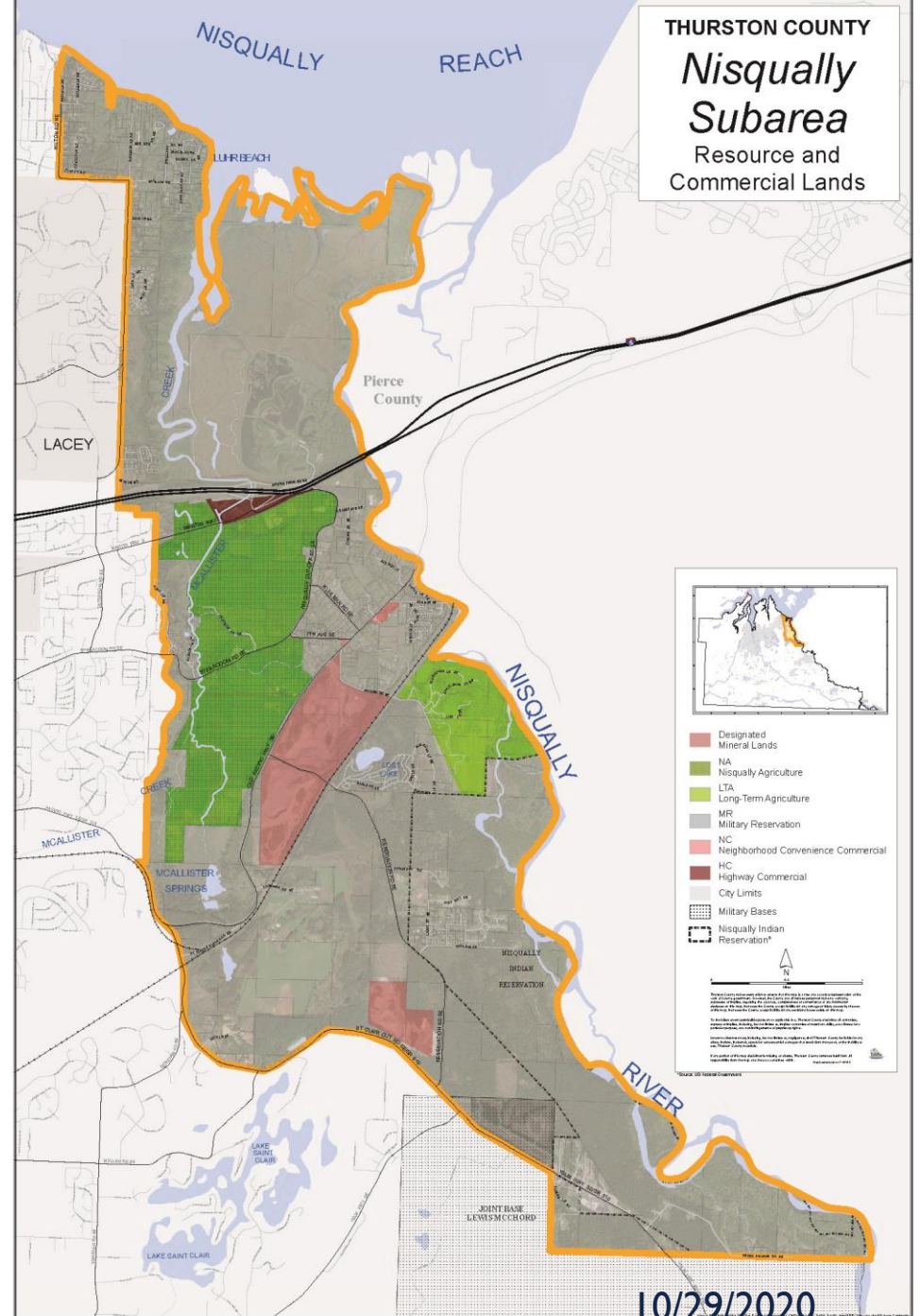
- Allow accessory activities to be considered inside the mined out portion of the gravel pit through the site plan review process. Examples of allowable accessory uses would include concrete pipe and/or septic tank construction and the recycling of used concrete and asphalt pavement. The reprocessing of imported mineral materials shall not be the primary accessory use. ~~and the reprocessing of asphalt shall not be allowed due to water quality concerns~~. These activities shall be discontinued once reclamation of the pit is completed in accordance with the WDNR standards.

REVIEW PROCESS OF THIS POLICY AMENDMENT

- **Phase I** – Consultant Review on Contaminant Leaching of RAP
 - **Part A** – Develop inventory list of literature and data
 - **Part B** – Issue paper on potential impacts of leachate, based on existing literature
- **Phase 2** – County review of current regulations, permit process, court rulings, conditions in the Subarea, and Best Management Practices.



THURSTON COUNTY
Nisqually Subarea
Resource and Commercial Lands



CURRENT COUNTY REGULATIONS

- Asphalt recycling is allowed as an accessory use in Thurston County outside of the Nisqually Subarea. Operations must meet county regulations. The most relevant are:
 - Thurston County Environmental Health Code
 - Chapter 17.10 – State Environmental Policy Act
 - Chapter 17.20 – Mineral Extraction and Asphalt Production
 - Title 20 – Zoning
 - Title 24 – Critical Areas

WATER QUALITY CONSIDERATIONS

- When industrial facilities are exposed to stormwater, they can leach pollutants.
- To what extent industrial activities and asphalt recycling impact water quality depends on a number of factors:
 - Geographic location
 - Topography
 - Hydrogeology
 - Extent of impervious surfaces
 - Type of ground cover
 - Type of activities occurring
 - Size of the operation
 - Type, duration and intensity of precipitation events

HERRERA ENVIRONMENTAL CONSULTANT – LITERATURE REPORT

- Thurston County contracted with a consultant to review literature and summarize research on contaminant leaching from Recycled Asphalt Pavement (RAP).
- The literature review did not address:
 - Source control or Best Management Practices
 - Fate and Transport (how chemicals travel through and bind to soils)
 - Specific conditions of the Nisqually Subarea

HERRERA ENVIRONMENTAL CONSULTANT – LITERATURE REPORT

SUMMARY

DUE TO MANY VARIABLES WITH TESTING ONLY BROAD SUMMARIES CAN BE DRAWN FROM THE RESEARCH

- RAP is highly variable; manufacturing process, where it came from and how long it was in use, material size, storage and weathering.
- Although metals are leached they are rarely at concentrations that exceed GW standards, it is organic compounds (e.g., PAHs) that are the bigger concern.
- There were 4 PAHs consistently detected above GW standards in both batch and column studies.
- Detections and exceedances of PAHs were associated with initial flushing; contaminants were often below detection after the initial flush.
- A number of researchers suggested that the impact to the environment would be negligible if dilution and assimilation were considered.
- There was only one study of field conditions and it indicated that laboratory studies may not adequately account for real life conditions.

Taken from Herrera presentation, dated June 20, 2019



PUBLIC COMMENT

- **92 written comments, 35 oral comments**
- Most comments have been against the proposed amendment (64 against, 37 for)

Themes (Against Proposal)

- Concerns about the Holroyd mine and possible proposal to mine below the water table
- Water quality and aquifer concerns
- Wildlife concerns
- Preference that the policy be reviewed holistically with the Nisqually Subarea Plan
- Impacts to drinking water
- Transportation Impacts

Themes (For Proposal)

- Recycling, reuse is responsible
- Allows for more bids on RAP, less expense to public and private entities
- Less use of raw materials
- Asphalt recycling is sustainable
- It is consistent with other county plans

PC RECOMMENDATION

On October 7, 2020, the Planning Commission recommended approval of the Comprehensive Plan Docket Item CP-11, Recycled Asphalt Policy Review, which amends Policy E.5 in the Nisqually Subarea as denoted in **Option 3**.

OPTIONS

Option 1:

No Change of Policy E.5. Continue to prohibit RAP in Nisqually Subarea.

Option 2:

Adopt the applicant's proposed amendment of Policy E.5, removing the prohibition on asphalt recycling as an accessory use in the Nisqually Subarea.

Option 3 (Planning Commission Recommended Option):

Adopt the applicant's proposed amendment, with additional amendments that would require Best Management Practices to cover RAP stockpiles be employed.

OPTION I – NO CHANGE TO CURRENT POLICY

POLICY E.5

- Allow accessory activities to be considered inside the mined out portion of the gravel pit through the site plan review process. Examples of allowable accessory uses would include concrete pipe and/or septic tank construction and the recycling of used concrete. The reprocessing of imported mineral materials shall not be the primary accessory use and the reprocessing of asphalt shall not be allowed due to water quality concerns. These activities shall be discontinued once reclamation of the pit is completed in accordance with the WDNR standards.

OPTION 2 TEXT

Policy E.5

Allow accessory activities to be considered inside the mined out portion of the gravel pit through the site plan review process. Examples of allowable accessory uses would include concrete pipe and/or septic tank construction and the recycling of used concrete and asphalt pavement. The reprocessing of imported mineral materials shall not be the primary accessory use. ~~and the reprocessing of asphalt shall not be allowed due to water quality concerns.~~ These activities shall be discontinued once reclamation of the pit is completed in accordance with the WDNR standards.

OPTION 3 TEXT (PC RECOMMENDATION)

Policy E.5

Allow accessory activities to be considered inside the mined out portion of the gravel pit through the site plan review process. Examples of allowable accessory uses would include concrete pipe and/or septic tank construction and the recycling of used concrete and asphalt pavement. Operators shall employ best management practices for covered storage of recycled asphalt to ensure minimal environmental harm and impact due to leachate. Best management practices will be determined through the site-level permit review process, but may include tarping, storage sheds, or other methods. The reprocessing of imported mineral materials shall not be the primary accessory use. ~~and the reprocessing of asphalt shall not be allowed due to water quality concerns.~~ These activities shall be discontinued once reclamation of the pit is completed in accordance with the WDNR standards.

OPTION 3 ASSOCIATED CODE CHANGE (PC RECOMMENDATION)

20.54.070 – Use – Specific Standards.

...

3.1 Asphalt Production. Asphalt plants (hot mix or batch plants) are subject to the following provisions:

...

1. For operations that process and store Recycled Asphalt Pavement (RAP) within the Nisqually Subarea, operators shall employ best management practices to mitigate leachate by providing covered storage of processed/recycled asphalt stockpiles. Specific practices will be determined through the site-level permit review process, but may include tarping, storage sheds, or other methods.

NEXT STEPS

■ Next Meeting

- What additional information would the Board like, prior to directing staff to set a public hearing?

Option 1

Direct staff to set public hearing (set on 11/3 for 12/1)

November 3, 2020

- Request Public Hearing

Early December 2020

- Board of County Commissioner's Public Hearing 12/1
- Board Brief, tbd – public hearing follow-up

December 15, 2020

- Final action on *all comprehensive plan amendments* for the year

Option 2

Request additional briefings, options, etc.

Delays adoption until 2021

Questions?

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EXISTING FACILITIES THAT HANDLE RAP IN THURSTON COUNTY

