

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES

This Chapter of the *Final EIR* for the *Olive Pit Mine and Reclamation Project* presents each comment letter received on the Draft EIR during the public review period, and provides the City of Irwindale's responses to those comments. Each comment letter is numbered and the issues within each letter are bracketed and numbered. Each comment letter is followed by the City's responses, which are numbered to correspond with the bracketed comment letters.

A first version of the Final EIR was originally issued on October 19, 2014. On October 29, 2014, the City of Baldwin Park submitted a letter to the City of Irwindale at its Planning Commission hearing that noted (among other comments) some pagination references that were in error in the responses to comments on the Draft EIR. With the exception of one typographical error, the page references indicated text in the Draft EIR document that was amended in this Final EIR document in response to comments received. As a result of these additions to the text, many sections and tables are on different pages in the Final EIR than they were in the Draft EIR.

For that reason, this corrected Final EIR is being distributed to replace the earlier version, and includes numerous page references to this Final EIR, as well as correction of minor clerical and typographical errors that were detected during the editing process. These included corrections for consistency between mitigation measures as shown in the text, Executive Summary and the Mitigation Monitoring and Reporting Program. In no case were analyses, conclusions, or mitigation measures modified in any substantive way. This corrected FEIR also contains the City of Baldwin Park letter submitted at the Planning Commission hearing on October 29, 2014, and responses to those additional comments.

8.1 INTRODUCTION

The City of Irwindale's responses to comments on the Draft EIR represent a good-faith, reasoned effort to address the environmental issues identified by the commenters. Pursuant to State CEQA Guidelines §15088(a), the City has evaluated comments received and prepared these written responses. This EIR document has been prepared pursuant to CEQA and in conformance with the 2014 CEQA Guidelines.

This chapter, along with the Draft EIR and MMRP documents, constitutes the Final EIR for the *Olive Pit Mine and Reclamation Project*. Section 8.2 below presents a list of agencies and individuals that commented on the Draft EIR during the 45-day public review period. Section 8.3 contains copies of the comment letters received by the City as well as the responses to those comments. Section 8.4 contains a list of corrections, clarifications and revisions made to the Draft EIR.

The Final EIR is an informational document prepared by the Lead Agency that must be considered by decision-makers before considering approval of the proposed project, and must

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

reflect the Lead Agency's independent judgment and analysis of the potentially significant environmental effects of the proposed project on the environment; (CEQA Guidelines §15090).

CEQA Guidelines §15132 specify the following: "*The final EIR shall consist of:*

- A. *The Draft EIR or a revision of the draft.*
- B. *Comments and recommendations received on the Draft EIR either verbatim or in a summary.*
- C. *A list of persons, organizations, and public agencies commenting on the Draft EIR.*
- D. *The responses of the Lead Agency to significant environmental points raised in review and consultation process.*
- E. *Any other information added by the Lead Agency."*

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

8.2 AGENCIES AND INDIVIDUALS COMMENTING ON THE DRAFT EIR

A total of eight comment letters were received by the City during the 45-day public review period on the Draft EIR. An additional letter was submitted by the City of Baldwin Park at the City of Irwindale's Planning Commission hearing on October 29, 2014, and it has been included in this corrected Final EIR as Comment Letter 7.1. A list of the agencies and individuals that commented on the Draft EIR is provided below in **Table 8.0-1**.

**Table 8.0-1 Olive Pit Mine and Reclamation Project Draft EIR
Commenting Agencies and Individuals**

Letter Number	Agency / Individual
1	California Department of Conservation
2	California Department of Transportation
3	California Department of Fish and Wildlife
4	Native American Heritage Commission
5	South Coast Air Quality Management District
6	County of Los Angeles Fire Department
7	City of Baldwin Park and ESA (City's Consultant) (09/25/14)
7.1	City of Baldwin Park and ESA (City's Consultant) (10/29/14)
8	Ms. Jacqueline Pineda

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

8.3 WRITTEN COMMENTS ON THE DRAFT EIR AND RESPONSES TO COMMENTS

NATURAL RESOURCES AGENCY	EDMUND G. BROWN JR., GOVERNOR
	DEPARTMENT OF CONSERVATION CALIFORNIA GEOLOGICAL SURVEY
	801 K STREET • MS 12-30 • SACRAMENTO, CALIFORNIA 95814 PHONE 916 / 445-1825 • FAX 916 / 445-5718 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov
	comment letter #1
September 29, 2014	
<u>VIA EMAIL: paulakelly@ci.irwindale.ca.us</u> <u>ORIGINAL SENT BY MAIL</u>	
Ms. Paula Kelly, Senior Planner City of Irwindale 5050 North Irwindale Avenue Irwindale, California 91706	
Re: Olive Pit Mine; SCH #2014031051	
Dear Ms Kelly,	
The location of the proposed Olive Pit Mine has been reviewed and determined to lie within an area mapped by the California Geological Survey as Mineral Resource Zone 2. This designation indicates areas where adequate information indicates that significant mineral deposits are present or where it is judged that a high likelihood exists for their presence.	1
Sincerely,	
	
John G. Parrish, Ph.D., PG California State Geologist	
<i>The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.</i>	

Response to Comment Letter 1

Response 1-1: Comment noted. The City appreciates the DOC's confirmation of the Olive Pit Mine's status as a State recognized special mineral resource zone.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

<p>STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY</p>	<p>EDMUND G. BROWN Jr., Governor</p>
<p>DEPARTMENT OF TRANSPORTATION DISTRICT 7-OFFICE OF TRANSPORTATION PLANNING 100 S. MAIN STREET, MS 16 LOS ANGELES, CA 90012 PHONE (213) 897-9140 FAX (213) 897-1337 www.dot.ca.gov</p>	 <p><i>Serious drought. Help save water!</i></p>
	<p style="border: 1px solid red; display: inline-block; padding: 2px;">Comment Letter #2</p>
<p>September 8, 2014</p>	
<p>Ms. Paula Kelly City of Irwindale 5050 Irwindale Ave. Irwindale, CA. 91706</p>	
<p>RE: IGR/CEQA No. 140833/NY DEIR/Olive Pit Mine & Reclamation Project SCH# 2014031051 Vicinity: LA/I-605/23.96</p>	
<p>Dear Ms. Kelly:</p>	
<p>Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Olive Pit Mine & Reclamation Project.</p>	
<p>Caltrans has reviewed the Traffic Impact Analysis (TIA) for the above mentioned project and concurs with the analysis. The study determined that the Level of Service (LOS) at the intersection of I-605 southbound off-ramp to Arrow Highway will deteriorate to the LOS of E by the year 2035. Therefore, we concur with the proposed mitigation measure to add a second left turn lane to the southbound off-ramp.</p>	
<p>If you have any questions regarding this response, please call Mr. Nerses Yerjanian, the Project Engineer/Coordinator, at (213) 897-6536 and refer to IGR/CEQA # 140833/NY.</p>	
<p>Sincerely,</p> 	
<p>DIANNA WATSON IGR/CEQA Branch Chief Community Planning & LD IGR Review</p>	
<p>cc: Scott Morgan, State Clearinghouse</p>	
<p><i>"Caltrans improves mobility across California"</i></p>	

Response to Comment Letter 2

Response 2-1: Comment noted. The City appreciates Caltrans' confirmation of the adequacy of the traffic impact analysis and of the proposed traffic mitigation measure.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

09/29/2014 16:25 18584674239

DEPT OF FISH & GAME

PAGE 01



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



September 29, 2014

comment letter #3

Ms. Paula Kelly, Senior Planner
City of Irwindale
5050 N. Irwindale Ave.
Irwindale, CA 91706
Fax #: (626) 962-2018

Subject: Comments on the Notice of Completion/Draft Environmental Impact Report for the for the Olive Pit Mining and Reclamation Operations and Long Term Reuse Project, Irwindale, Los Angeles County, California, SCH No. 2014031051

Dear Ms. Kelly:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Completion/Draft Environmental Impact Report (DEIR) and for the Olive Pit Mining and Reclamation Operations and Long Term Reuse Project dated March 17, 2014. The Department had previously commented on the Notice of Preparation (NOP) of the Environmental Impact Report, in a letter dated April 15, 2014. The Department has reviewed the summary of our comments in the Scoping Summary Report (June 2004) (Appendix B of the DEIR) and appreciates the efforts the City of Irwindale has made to address out comments.

The proposed Project site is an approximately 190-acre parcel mining property that has been abandoned since 1974. The inactive mining site is bounded by Olive Street to the north, Azusa Canyon Road to the east, Los Angeles Street to the south, and North Park Avenue and Phelan Avenue to the west. Specifically, the Olive Pit Mine (Olive Pit) is located along the southern boundary of the City of Irwindale (City) and borders the City of Baldwin Park to the north and west. To the south of the site is the City of Baldwin Park and West Covina. The Santa Fe Dam Open Space and Recreational Center is located 0.5 miles to the north of the Project, and the San Gabriel River is located approximately 1. mile to the west of the Project.

The City of Irwindale (City) owns and maintains the inactive mining site referred to as the Olive Pit. The City's long term goal for the property is to use a portion of the site for development and the remainder for long-term use as a storm water retention area. The City intends to enter into a License and Mining Agreement with United Rock Products (URP) to extract all economically recoverable mineral resources from the Olive Pit, and reclaim the eastern 32 acres by filling to street level for future development. The remainder of the property will be reclaimed for storm water retention. The City's General Plan land use designation for the Olive Pit is Quarry Overlay Residential Commercial.

The Olive Pit mining is expected to yield a minimum of 30 million tons of aggregate that meet government standards. Average production is anticipated to be 1 million tons of aggregate per year. As materials are extracted, they will be transported to the loading area by off-road haul trucks or conveyor, and then placed in overhead hoppers. Over-the-road haul trucks will load at the hoppers then proceed to URP's processing plant. The first phase will include mining the eastern portion of the site, followed by reclamation of this area to create an approximately 32-acre pad suitable for development. Reclamation will involve filling the extraction void with inert

Conserving California's Wildlife Since 1870

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

09/29/2014 16:25 18584674239

DEPT OF FISH & GAME

PAGE 02

Ms. Paula Kelly, Senior Planner
City of Irwindale
September 29, 2014
Page 2 of 5

fill materials. The second phase will include mining the remainder of the site utilizing both dry and dredge mining processes.

The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (CESA)(Fish and Game Code § 2050 et seq.) and Fish and Game Code section 1600 et seq.

1) Biological Resources.

- a. Regional Setting. CEQA (Guidelines §§ 15125(c)) require the Lead Agency to include information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis placed on resources that are rare or unique to the region must to be incorporated into the DEIR. Even though the site has been mined, and is disturbed, natural recruitment of native vegetation has occurred that has the potential to support wildlife including, several sensitive species. The DEIR should include a more comprehensive analysis of all rare, threatened and endangered species known from the region. The Project site is located approximately 0.5 miles from the Santa Fe Dam Open Space and Recreational Area as well as approximately 1 mile from the San Gabriel River. The Santa Fe Dam Open Space and Recreational Area and the San Gabriel River provide habitat for many rare, endangered, threatened and locally significant species including; cactus wren (*Campylorhynchus brunneicapillus*), California gnatcatcher (*Poliotilia californica*), least Bell's vireo (*Vireo bellii pusillus*), coast horned lizard (*Phrynosoma coronatum*), San Diego black-tailed jackrabbit (*Lepus californicus*), kangaroo rat (*Dipodomys* sp.), Perry's spineflower (*Chorizanthe parryi* var. *parryi*), mesa horkelia (*Horkelia cuneata* var. *puberula*) among many others, which have the potential to occur on the Project site. The Department maintains that existing open space is close enough for avian and/or plant species to have repopulated the Project site since mining activities ceased on-site over 40 years ago. The Biological Assessment included one site visit in June 2014 this may not be adequate to determine if any rare, threatened or endangered species occur onsite.
- b. Vegetation Survey and Mapping. The DEIR uses the Holland vegetation classification system that is more habitat-based, instead of the more site specific plant species analysis required when using the Department's Manual of California Vegetation (https://www.dfg.ca.gov/biogeodata/vegcamp/veg_manual.asp). The method of vegetation classification presented in the Manual of California Vegetation represents the vegetation classification standards for large-scale vegetation maps adopted by the State to meet the National Vegetation Classification System standards followed by federal agencies. The difference between the Holland classification system (e.g., Diegan Sage Scrub, Riversidean Alluvial Fan Sage Scrub (RAFSS)) and the Manual of California Vegetation classification (e.g., *Eriogonum fasciculatum* – *Salvia mellifera* – *Malosma laurina* Alliance) is that Holland classification factors in geography and geology and reflects a more generalized ecological community characterization of habitat. Manual of California Vegetation is a very specific, sample based assessment of the vegetation on-site, regardless of where the site occurs in the landscape. The Manual of California Vegetation data and mapping are used to drive impact analysis and assess the quality of any proposed mitigation and success criteria in a more site specific and scientific

2

3

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

09/29/2014 16:25

18584674239

DEPT OF FISH & GAME

PAGE 03

Ms. Paula Kelly, Senior Planner
City of Irwindale
September 29, 2014
Page 3 of 5

manner.

- i. Riversidean Alluvial Fan Sage Scrub (RAFSS). The DEIR states; "Four distinct coastal sage scrub geographical associations (northern, central, Venturan, and Diegan) are recognized along the California coast. Diegan coastal sage scrub may be dominated by a variety of species depending upon soil type, slope, and aspect. Typical species found within Diegan coastal sage scrub include California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum* ssp. *fasciculatum*), laurel sumac (*Malosma laurina*), and black sage (*Salvia mellifera*). A total of 84.7 acres of sparse and disturbed Diegan coastal sage scrub was mapped onsite."

4

Habitat in the project area has historically been mapped as RAFSS, a rare Holland habitat type that has been mapped in this area associated with the alluvial fan of the San Gabriel River. RAFSS is part of a complex mosaic of plant communities that includes riparian and dry wash adapted species. Though scale broom was once considered a major component of RAFSS, it is now recognized that some assemblages of RAFSS do not contain scale broom. Use of geology and geography, along with plant assemblages put most of the habitat in the historic San Gabriel River alluvial fan in the RAFSS category. Because the site does support native vegetation, Department recommends the City re-evaluate the habitat communities in the DEIR and include RAFSS, if appropriate. In addition, the Department requests the site be mapped using the Manual of California Vegetation classifications, at the association level, using appropriately sized minimum mapping units to capture the various vegetation communities on-site.

- ii. Sensitive Natural Communities (Holland). The Department considers Alluvial Fan Sage Scrub (Holland), and in particular RAFSS an extremely rare Natural Community with very little acreage remaining. A 1998 study (Safford et al.) indicated that there was 528-acres of Alluvial Fan Sage Scrub left in the San Gabriel River system at that time. The DEIR should analyze how many acres are left, how many acres are currently protected, and the significance of the loss of roughly 70 to 100 acres of RAFSS to the local area as part of a cumulative effects analysis. A cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

5

- iii. Rare Plant Surveys. The DEIR should include comprehensive plant surveys that typically require more than one site visit on several days through the year depending on vegetation communities and weather. The Department recommends the use of the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities when conducting rare plant surveys. The above reference protocol includes visiting the site at different times of the year to capture the various bloom times of plants, as well as visiting known reference sites to verify when certain plants are actually blooming. Some annual plants bloom and die long before June, and would not be captured in the type of assessment that was done. Mesa horkelia, a rare 1.B.1 plant known to the area, has a bloom period that begins in February and ends in July. Because the site visit was conducted late in the blooming period, this plant could have been missed given the extreme drought

6

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

09/29/2014 16:25 18584674239

DEPT OF FISH & GAME

PAGE 04

Ms. Paula Kelly, Senior Planner
City of Irwindale
September 29, 2014
Page 4 of 5

conditions of the past few years.

- iv. Non-Native Grasslands - Page 13 of the Biological Assessment states "The non-native grassland onsite [6-acres] occurs as thin patches with limited biological function and value. It is not suitable for any sensitive plant species and does not provide high quality foraging habitat for raptors. For these reasons, it is not considered sensitive and impacts would not warrant mitigation."

7

Many rare plants have been documented to occur on sites dominated by non-native grasses and raptors are known to utilize non-native grasslands for foraging. The final DEIR should explain, with scientific evidence, the determination that the site does not provide forage for raptors. Many rare plants, including small-flowered morning glory (*Convolvulus simulans*), have been documented to occur on sites dominated by non-native grasses. Several raptor species commonly utilize abandoned agricultural fields and other non-native plant dominated landscapes because they provide food/seed for rodents, the raptors main food source

- c. Focus Surveys. Focused surveys for all sensitive species, including California gnatcatcher, least Bell's vireo, Perry's spireflower, and mesa horkelia, should be conducted during the appropriate season, following accepted protocols.

8

- d. California Endangered Species Act. The Department considers adverse impacts to a species protected by the CESA, for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate species that results from the project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. (b),(c)). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP. Least Bell's vireo is known to occur in the immediate vicinity of the project. To avoid unauthorized take of this CESA-listed species, the Department recommends protocol surveys be conducted for Least Bell's vireo.

9

- 2) Mitigation. The DEIR states the site will be mined of aggregate, then backfilled and used for stormwater retention. Revegetation of approximately 52 acres will occur around the edge of the property.

- a. Deferred Mitigation. The DEIR includes minimization measures to conduct biological surveys prior to ground disturbance activities. While the Department agrees that

10

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

09/29/2014 16:25 18584674239

DEPT OF FISH & GAME

PAGE 05

Ms. Paula Kelly, Senior Planner
City of Irwindale
September 29, 2014
Page 5 of 5

including measures to survey for plants and animals prior to construction, to minimize impacts, the Department recommends the City conduct appropriate surveys for species that have the potential to occur onsite prior to circulation of the FEIR to allow the significance of these impacts and any mitigation proposed to be properly assessed during the CEQA process.

- b. Long-term Sustainability and Value of Mitigation Proposed. The final EIR should evaluate how the proposed mining and backfill material, as well as stormwater retention and recreation, will affect post-project restoration of habitat in the FEIR.
- c. Proposed Mitigation for Habitat Loss. The DEIR calls for a ratio of 1:1 for impacts to both 'mulefat scrub' and 'Diegan coastal sage scrub'. Given the rarity of alluvial fan sage scrub communities, especially RAFSS, the Department typically requires a much higher mitigation ratio for any impacts, temporary or permanent, to these habitats. Based on the rarity, temporal loss, and quality of the habitat the Department would recommend a ratio between 5:1 and 10:1 for any impacts to this sensitive alluvial vegetation community. The Department is willing to meet with the City to collaborate on a mitigation plan that meets the goals of the Project and provides habitat for wildlife resources.
- i. Preservation of Habitat. Onsite revegetation of habitat is compatible with the long term goal for the site to be used as a water retention basin. The Department recommends the revegetated sites be preserved and managed as open space in perpetuity for biological resources.
- d. Mitigation Monitoring. The DEIR states a 5-year success criteria and 40-65 percent absolute cover for the proposed mitigation plantings. Each vegetation layer (i.e., shrub, tree, herbaceous, grass) should have its own cover requirements based on the coverage/diversity of the habitat being impacted. Using the vegetation map created using *Manual of California Vegetation* assemblages, each distinct vegetation unit should have a species list, and a percent cover requirement that was documented during vegetation mapping. Additionally, a 5 year success criteria is far too short for a community that is considered extremely rare and takes decades to form. A 7-10-year success criterion is recommended for RAFSS restoration.

Thank you for this opportunity to provide comments. Please contact Ms. Kelly Schmoker, Senior Environmental Scientist (Specialist) at (949) 581-1015 or Kelly.schmoker@wildlife.ca.gov if you should have any questions and for further coordination on the proposed Project.

Sincerely,

Betty J. Courtney

Betty J. Courtney
Environmental Program Manager I
South Coast Region

cc: Ms. Erinn Wilson, CDFW, Los Alamitos
Mr. Scott Harris, CDFW, Pasadena
Mr. Sarah Rains, CDFW, Newbury Park
State Clearinghouse, Sacramento
California State Mining & Geology Board, smbg@consrv.ca.gov

10

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Responses to Comment Letter 3¹

Response 3-1: The City reviewed the comment letter submitted by the California Department of Fish and Wildlife (CDFW) on the Notice of Preparation (NOP) and took the comments into consideration during the preparation of the Draft EIR for the Project, including undertaking a thorough biological assessment of the Olive Pit Mine site. That assessment recognized that despite being a wholly human-made excavated mine site, years of natural colonization by plants has produced habitat conditions that are worthy of being protected and mitigated for. As discussed in other responses below, the mitigation measures described in the DEIR have been augmented in response to CDFW's comments on the DEIR, and based upon a site visit with CDFW staff as a follow-up to receipt of their letter on the DEIR.

Response 3-2: Chapter 3.4 of the DEIR and Appendix D includes a comprehensive analysis of sensitive natural communities and special-status plant and animal species known to occur in the region and reported to natural resources databases at locations within five miles of the Project site. This analysis implemented a "nine-quad" database search, which is the acceptable standard, including records from the Baldwin Park, Sierra Madre, Azusa, Glendora, Covina, Yorba Linda, La Habra, Whittier, and El Monte, California U.S. Geological Survey (USGS) 7.5-minute topographic quadrangles.

As stated in the methodology section beginning on page 6 of the biological resources technical study, the primary databases queried for the analysis included the U.S. Fish and Wildlife Service (USFWS) species records, CDFW California Natural Diversity Database (CNDDDB), and California Native Plant Society (CNPS) Electronic Inventory. The complete list of sensitive natural communities and special-status species was compiled and recorded locations of resources were mapped and overlaid onto aerial imagery using Geographic Information Systems (GIS). As included in Appendix D and Tables 3.4-2 and 3.4-3 of the DEIR, a total of 25 special-status species reported at locations in the region were analyzed for potential to occur.

Chapter 3.4 of the DEIR and Appendix D acknowledge the presence of native vegetation and habitat that has recruited onto the site despite previous mining and disturbance. The potential for the site to support wildlife, including sensitive species, was analyzed in Appendix D and Tables 3.4-2 and 3.4-3 of the DEIR. A complete list of plant and wildlife observed or otherwise detected was included in Appendix D. Chapter 3.4 of the DEIR and Appendix D acknowledge the presence of sensitive natural communities and suitable habitat for sensitive species. Mitigation measures BIO-1 and BIO-2 will be implemented by the City to ensure avoidance of sensitive bird species and compensation for the loss of habitat.

¹ Mr. Karl Osmundson, Group Manager and Principal Biologist of Helix Environmental Planning prepared the responses to these comments from the CDFW. His resume is included in Chapter 6 of this Final EIR.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

The analysis considered rare, endangered, threatened and locally significant species reported from open space in the local area, including the Santa Fe Dam Open Space and Recreational Area and San Gabriel River. Appendix D and Tables 3.4-2 and 3.4-3 of the DEIR considered all of the special-status species noted by the commenter, including California gnatcatcher (*Polioptila californica californica*), least Bell's vireo (*Vireo bellii pusillus*), coast horned lizard (*Phrynosoma coronatum*), San Diego black-tailed jackrabbit (*Lepus californicus*), Perry's (= Parry's) spineflower (*Chorizanthe parryi* var. *parryi*), and mesa horkelia (*Horkelia cuneata* var. *puberula*). The potential for these special-status species to occur was analyzed in the DEIR and Appendix D. As included in Appendix D and Tables 3.4-2 and 3.4-3 of the DEIR, none of these species have a high potential to occur on the Project site and none were observed or otherwise detected. Additional clarification is provided below. Further, the widely-distributed cactus wren (*Campylorhynchus brunneicapillus*) mentioned by the commenter is not considered a special-status species. Clarification on the potential for the California State species of special concern subspecies coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*) to occur is provided below. Last, the commenter mentions kangaroo rat (*Dipodomys* sp.), but no specific species. Clarification on the potential for special-status kangaroo rat species to occur is also provided below.

As included in Appendix D and Table 3.4-3 of the DEIR, the potential for California gnatcatcher to occur is low. The coastal sage scrub onsite is disturbed, isolated, and surrounded by development on all sides. Most occurs on steep slopes and is strongly dominated by either *Encelia farinosa* or *Lotus scoparius*, which are not constituent elements of the species habitat. As included in Appendix D and pages 3.4-15 and 3.4-16 of the DEIR addressing wildlife corridors and linkages, gnatcatchers would not be expected to move onto the site from undeveloped land in the region due to the distance they would have to travel over urbanized land that is highly disturbed and provides little to no vegetative cover. Gnatcatchers are reported to disperse across marginal habitats such as agriculture, disturbed habitats (e.g., fallow fields, abandoned vineyards) and non-native grasslands and are capable of moving across roadways (Riverside County 2003). The closest undeveloped land is within the Santa Fe Dam Open Space and Recreational Area located approximately one mile north of the site.

The CNDDDB reports a gnatcatcher record from 2007 near the Nature Center within the Santa Fe Dam Open Space and Recreational Area. The site is separated from this area by highly urbanized land associated with residential neighborhoods of Baldwin Park. Gnatcatchers would not be expected to overland disperse through the highly urbanized area that separates the site from the Santa Fe Dam Open Space and Recreational Area. Due to the site's isolation and the fact there are no additional undeveloped parcels or habitat fragments in the local area, it does not function as a stepping-stone linkage and is not part of an archipelago chain of small open space patches amongst the urbanized area. The site is likely only used by common resident and migratory birds with the ability to fly over long distances. The site is completely isolated from potential habitat in the local area and would not be expected to support a self-sustaining population or migrating

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

or dispersing individuals. This species was not incidentally observed or detected during the June 2014 survey. Given the low potential for the species to occur, focused surveys were not conducted and should not be required. The Project is expected to have no impact on the species.

As included in Appendix D and Table 3.4-3 of the DEIR, the potential for least Bell's vireo to occur is very low. Suitable breeding habitat does not occur and the species would not be expected to establish a breeding territory at the site due to lack of suitable habitat. This species was not observed or detected by call during the June 2014 survey. Several low quality and isolated willow trees occur on the site that do not provide suitable breeding habitat for this species. The mule fat scrub on the property is poorly-developed, small in size, and not suitable for this species. The species is known from locations supporting riparian habitat in the region, including the Santa Fe Dam Open Space and Recreation Area and San Gabriel River corridor. The site does not support riparian habitat. Although it cannot be ruled out entirely that the species could migrate over the site and/or temporarily stop at the site to rest or forage, the potential is very low due to the lack of suitable habitat and resources. Given the low potential for the species to occur, focused surveys were not conducted and should not be required. The Project is expected to have no impact on the species.

As included in Appendix D and Table 3.4-3 of the DEIR, the potential for both the coast horned lizard and San Diego black-tailed jackrabbit to occur is low. These two species are not federally- or State-listed as threatened or endangered, but are designated as California State species of special concern. Suitable upland habitat occurs on the site for horned lizard; however, soils are not highly suitable and disturbance and isolation strongly reduce the potential for occurrence. This species was not observed or detected by sign during the June 2014 survey. Coast horned lizard is most commonly associated with lowlands along sandy washes with scattered low bushes. The Project site does not support sandy washes. The soils on the site are predominately coarse sands, cobbles and boulders, and are not the loose sands that the species prefers. Suitable upland habitat also occurs for the San Diego black-tailed jackrabbit; however, disturbances and isolation strongly reduce the potential for occurrence. This species was also not observed or detected by sign during the June 2014 survey. The potential for both species to occur is low and the Project is expected to have no significant adverse effect on these species. In the unlikely event that these species do occur on the Project site, they would be expected to occur in low numbers.

Any potential impacts would be expected to be limited to loss of habitat and temporary displacement of individuals into avoided areas of the site. In the unlikely event that individual horned lizards are present underground, they could be directly impacted if Project activities impact underground burrow habitat during periods of inactivity (i.e., extended periods of low temperatures or extreme heat). In the unlikely event that Project activities directly impact individuals, the number of individuals that could be affected is expected to be low and the loss would not jeopardize the long-term conservation and viability of the species. Direct impacts

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

would be less than significant. Mitigation measure BIO-2 from the DEIR requires that the City fully compensate the loss of impacted habitat, in-kind, through restoration and preservation. Implementation of mitigation measure BIO-2 would reduce impacts associated with the potential loss of habitat for these two species to less than significant levels. No additional mitigation should be required.

As included in Appendix D and Table 3.4-2 of the DEIR, the potential for Parry's spineflower to occur is very low and for mesa horkelia to occur is moderate. Marginal sage scrub habitat and suitable soils occur on the site for mesa horkelia; however, the site is situated at the low end of elevation range, and disturbance and isolation of the habitat strongly reduce the potential for this rare species to occur. Marginal sage scrub, but lack of suitable soils, occurs for Parry's spineflower. Neither of these species was observed during the June 2014 survey, which occurred within the blooming period for both species. Given that the species were not observed and that there is only a very low or moderate potential for them to occur, rare plant surveys were not conducted and should not be required. The Project is expected to have no impact on these species or other special-status plant species known to the region.

Species for which there is no suitable habitat on the Project site and therefore no potential to occur were considered in the analysis, but not included in Tables 3.4-2 and 3.4-3. One of these species is the coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*). The coastal cactus wren subspecies is reported as a California State species of special concern in San Diego and Orange Counties only (CDFW 2014). The Project site occurs in Los Angeles County. There are no records of the coastal cactus wren subspecies within five miles of the Project site, although the more widely-distributed *Campylorhynchus brunneicapillus* has been reported at several locations in the region, including the Santa Fe Dam Open Space and Recreation Area and upstream along the San Gabriel River corridor. The coastal cactus wren subspecies is associated with extensive stands of mature prickly-pear (*Opuntia* spp.) and cholla (*Cylindropuntia* spp.) below 600 meters in elevation, although records range up to approximately 950 meters. The Project site supports only scattered mission cactus or tuna (*Opuntia ficus-indica*), which is not associated with cactus wren. The scattered mission cacti occur primarily along the perimeter of the mine pit immediately adjacent to existing residential and transportation developments. The cactus on the site is not suitable for breeding cactus wrens and the species is not likely to breed on the site. Therefore, the Project is anticipated to have no impact on cactus wren.

The comment also includes mention of kangaroo rat, but no specific species. Stephens' kangaroo rat (*Dipodomys stephensi*) is not known to occur in Los Angeles County and would not be expected to occur at this location (USFWS 2014a). San Bernardino kangaroo rat (*Dipodomys merriami parvus*) is reported as ranging within portions of Los Angeles County, but nowhere near the Project site and would not be expected to occur due to lack of suitable habitat and isolation of the site (USFWS 2014b).

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

The USFWS reports that the species persists primarily within those areas where the greatest extent of suitable habitat occurred at listing; namely, in the floodplains of the Santa Ana River and tributaries, Lytle and Cajon Creeks, and in the San Jacinto River and its tributary, Bautista Creek (USFWS 2009). The Project site does not occur in the vicinity of these areas. Therefore, the Project is anticipated to have no impact on special-status kangaroo rats, namely, Stephens' and San Bernardino kangaroo rats.

Mapping and classification of vegetation communities was completed following guidance provided in *Preliminary Descriptions of the Terrestrial Natural Communities of California* (Holland; 1986), which represents an acceptable classification system that can be applied throughout California.

Vegetation community classifications provided in *A Manual of California Vegetation*, Second Edition, (MCV; Sawyer *et al.* 2009) represent the preferred classification system by CDFW for reasons that are fully acknowledged and respected.

In acknowledgement of the MCV classification system and to provide more clarification to the commenter, a 'cross-walk' analysis has been completed. Table 1 below lists the vegetation communities described in Holland and the equivalent vegetation communities described in MCV.

Table 1 Vegetation Communities 'Cross-Walk' for the Olive Pit Mine and Reclamation Project

HOLLAND	MCV	ACREAGE
Mule Fat Scrub	<ul style="list-style-type: none"> • <i>Baccharis salicifolia</i> Shrubland Alliance 	1.0
Diegan Coastal Sage Scrub – Disturbed	<ul style="list-style-type: none"> • <i>Artemisia californica</i>-<i>Eriogonum fasciculatum</i> Shrubland Alliance • <i>Encelia farinosa</i> Shrubland Alliance • <i>Eriogonum fasciculatum</i> Shrubland Alliance • <i>Lotus scoparius</i> Shrubland Alliance 	63.6
Non-native Grassland	<ul style="list-style-type: none"> • <i>Bromus (diandrus, hordeaceus)</i>-<i>Brachypodium distachyon</i> Semi-Natural Herbaceous Stands • <i>Centaurea (solstitialis, melitensis)</i> Semi-Natural Herbaceous Stands 	6.0
Eucalyptus Woodland	<ul style="list-style-type: none"> • <i>Eucalyptus (globulus, camaldulensis)</i> Semi-Natural Woodland Stands 	3.4
Non-native Vegetation	<ul style="list-style-type: none"> • <i>Schinus (molle, terebinthifolius)</i>-<i>Myoporum laetum</i> Semi-Natural Woodland Stands • (Undefined) Non-native Acacia Shrubland Stands 	5.4
Disturbed Habitat	<ul style="list-style-type: none"> • (Sparse Elements) <i>Eriogonum fasciculatum</i> Shrubland Alliance • (Sparse Elements) <i>Lotus scoparius</i> Shrubland Alliance • (Sparse Elements) <i>Tamarix</i> spp. Semi-natural Shrubland Stands • (Undefined) Bare Earth/Ruderal Herbaceous Stands 	106.8
Developed	<ul style="list-style-type: none"> • (Undefined) Developed Land 	3.8
	Total	190.0

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

In addition to the cross-walk table, the following MCV vegetation community descriptions are provided that correspond with the equivalent Holland communities found at the Olive Pit Mine and Reclamation Project site:

Baccharis salicifolia Shrubland Alliance (Mulefat thickets). Mulefat is greater than 50 percent of relative cover in the shrub canopy. Found in canyon bottoms, floodplains, irrigation ditches, lake margins, and stream channels on mixed alluvium soils. May be co-dominant with *Artemisia californica*, *Baccharis emoryi*, *B. pilularis*, *Nicotiana glauca*, *Malosma laurina*, *Pluchea sericea*, *Rubus* spp., *Salix exigua*, *S. lasiolepis*, *Sambucus nigra*, and *Tamarix* spp.

Artemisia californica-*Eriogonum fasciculatum* Shrubland Alliance (California sagebrush-California buckwheat scrub). Both *Artemisia californica* and *Eriogonum fasciculatum* have 30 to 60 percent relative cover in the shrub canopy. Usually found on steep south facing slopes. Co-dominants in the shrub canopy include *Adenostoma fasciculatum*, *Diplacus aurantiacus*, *Ephedra californica*, *Ericameria linearifolia*, *Hesperoyucca whipplei*, *Lotus scoparius*, *Malosma laurina*, *Rhus integrifolia*, *R. ovata*, and *Salvia apiana*.

Encelia farinosa Shrubland Alliance (Brittle bush scrub). Brittle bush makes up greater than 1 percent absolute cover in the shrub canopy and with greater cover than other woody species, or has greater than 50 percent relative cover or greater than 30 percent with *Ambrosia dumosa* in the shrub canopy. Found on alluvial fans, bajadas, colluvium, rocky hillsides, slopes of small washes and rills. Soils are well drained, rocky, and may be covered by desert pavement. Co-dominants include *Agave deserti*, *Ambrosia dumosa*, *Artemisia californica*, *Cylindropuntia bigelovii*, *Echinocereus engelmannii*, *Eriodictyon crassifolium*, *Eriogonum fasciculatum*, *Ferocactus cylindraceus*, *Hesperoyucca whipplei*, *Mirabilis californica*, and *Salvia apiana*.

Eriogonum fasciculatum Shrubland Alliance (California buckwheat scrub). California buckwheat is greater than 5 percent absolute cover in the shrub canopy. Found on upland slopes, intermittently flooded arroyos, canals and washes on course well drained soils. Co-dominants often include *Artemisia californica*, *A. tridentata*, *Baccharis pilularis*, *Diplacus aurantiacus*, *Encelia californica*, *E. farinosa*, *Isocoma menziesii*, *Lotus scoparius*, *Malacothamnus fasciculatus*, *Salvia apiana*, and *S. mellifera*.

Lotus scoparius Shrubland Alliance (Deer weed scrub). Deer weed is greater than 50 percent relative shrub cover in the shrub canopy. Often found in areas of recent disturbance. Co-dominants include *Adenostoma fasciculatum*, *Artemisia californica*, *Baccharis pilularis*, *Ephedra californica*, *Ericameria linearifolia*, *Eriodictyon californicum*, *Eriogonum fasciculatum*, *Hazardia squarrosa*, *Lessingia filaginifolia*, *Malacothamnus densiflorus*, *Prunus fremontii*, *Rhus ovata*, *Ribes quercetorum*, and *Salvia apiana*.

Bromus (diandrus, hordeaceus)-*Brachypodium distachyon* Semi-Natural Herbaceous Stands (annual brome grasslands). *Bromus diandrus* makes up greater than 60 percent relative cover

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

with other non-natives in herbaceous layer and with a variety of annuals at low cover. Found in all topographic settings in foothills, waste places, rangelands, openings in woodlands. *Bromus diandrus*, *B. hordeaceus*, or *Brachypodium distachyon* is dominant or co-dominant with non-natives in the herbaceous layer.

Centaurea (solstitialis, melitensis) Semi-Natural Herbaceous Stands (Yellow star-thistle fields). *Centaurea solstitialis* makes up greater than 50 percent relative cover in the herbaceous layer or is dominant at greater than 90 percent relative cover with other non-natives in the herbaceous layer. Found in open disturbed sites, roadsides, upland grasslands, rangeland, and open hillsides. *Centaurea solstitialis*, *C. melitensis*, or another yellow star-thistle species is dominant or co-dominant with other non-natives in the herbaceous layer.

Eucalyptus (globulus, camaldulensis) Semi-Natural Woodland Stands (Eucalyptus groves). Eucalyptus species make up greater than 80 percent relative cover in the tree layer. Planted as trees, groves and windbreaks, they have naturalized in upland areas and along stream courses. *Eucalyptus globulus*, *E. camaldulensis*, or other gum is dominant in the canopy.

Schinus (molle, terebinthifolius)-Myoporum laetum Semi-Natural Woodland Stands (Pepper tree or Myoporum groves). *Schinus molle* makes up greater than 80 percent relative cover in the tree layer. Found in coastal canyons, washes, slopes, riparian areas, and roadsides. *Schinus molle*, *S. terebinthifolius*, or *Myoporum laetum* is dominant in the canopy.

Tamarix spp. Semi-Natural Shrubland Stands (Tamarisk thickets). *Tamarix* spp. greater than 3 percent absolute cover and greater than 60 percent relative cover compared to other microphyllous trees or shrubs. Found in arroyo margins, lake margins, ditches, washes, rivers, and other water courses. One of various *Tamarix* species dominates in the shrub canopy.

The most important conclusion from the cross-walk analysis is that neither the Holland nor the MCV classification system should be viewed as incorrect or inappropriate for use in analyzing the significance of impacts under CEQA.

The cross-walk analysis performed for the Project acknowledges the vegetated attributes of disturbed communities defined in Holland and elsewhere. For example, the disturbed habitat mapped and described for the Project has some vegetation elements that are found in the MCV alliances to also be associated with coastal sage scrub types. Conversely, the coastal sage scrub mapped and described for the Project has some vegetation elements that are found in the MCV alliances to be associated with *Bromus (diandrus, hordeaceus)-Brachypodium distachyon* Semi-Natural Herbaceous Stands, *Centaurea (solstitialis, melitensis)* Semi-Natural Herbaceous Stands, and *Tamarix* spp. Semi-natural Shrubland Stands.

Two native plant species that occur in relatively high numbers in the disturbed habitat on the site, although sparsely distributed throughout, are California buckwheat (*Eriogonum fasciculatum*)

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

and deerweed (*Lotus scoparius = Acmispon glaber*). These species are also associated with coastal sage scrub and alliances. Pages 11 and 12 of Appendix D of the DEIR describe the disturbed habitat on the site and acknowledge the presence of these and other species within the mapped areas. Although these and other native species are scattered throughout, they do not occur in sufficient densities to be considered a functioning sage scrub habitat type or alliance.

Mitigation measure BIO-2 from the DEIR requires that the City fully compensate the loss of impacted sensitive natural communities, including areas mapped as Diegan coastal sage scrub and mule fat scrub. Of the total Diegan coastal sage scrub on the site, the project would avoid 18.0 acres and restore up to 48.9 acres, all of which would be placed in open space, protected with a restrictive covenant or conservation easement, and preserved. This amounts to a total of 66.9 acres of onsite restoration and preservation mitigation. The total amount of existing Diegan coastal sage scrub on the site is 64.7 acres. With the Project contributing to 66.9 acres of onsite restoration and preservation mitigation, there will be a net gain of 2.2 acres of sage scrub on the site as a result of the Project. This net gain of 2.2 acres is sufficient to make up any perceived loss of sage scrub functions or vegetative attributes that might be provided within the impacted disturbed habitat on the site. Further, the City is committed to ensuring the native plant palette used in the restoration plan described in mitigation measure BIO-2 reflects the vegetation being impacted by the project.

In response to this and other comments, mitigation measure BIO-2 is hereby modified as follows in this Final EIR:

BIO-2 Habitat Mitigation. The project applicant shall compensate the loss of 1.0 acre of mule fat scrub through onsite restoration and preservation, which shall be provided in-kind and at a 1:1 ratio for a minimum of 1.0 acre of restored mule fat scrub preserved onsite. The project applicant shall further compensate the loss of 45.6 acres of Diegan coastal sage scrub through onsite restoration and preservation, which shall be provided in-kind and at a minimum 1:1 ratio for a total of 18.0 acres of avoided and enhanced coastal sage scrub preserved onsite and a minimum of 27.6 acres (up to 48.9 acres) of restored coastal sage scrub preserved onsite.

Areas preserved onsite shall be designated as open space and placed within a protective easement for conservation purposes, such as a restrictive covenant or conservation easement. Signage and fencing shall be provided at perimeter locations. Fencing design shall be developed to promote safety of life and property, prevent unauthorized access by pedestrians and vehicles into sensitive areas, and allow limited passage for wildlife species in the local area.

The project applicant or successors and assigns shall fund the long-term management of the open space, which shall include implementation of area specific management directives for maintenance and biological monitoring. At a minimum, maintenance

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

directives shall include trash removal, treatment of non-native invasive and exotic plants, maintenance of operation BMPs, and fencing and signage upkeep. At a minimum, biological monitoring directives shall include periodic botanical surveys, including botanical inventory and vegetation community assessment; general wildlife surveys; inspections for non-native invasive and exotic plants; inspections for pest and nuisance wildlife species; and reporting. Surveys and reporting shall be done on an annual or five-year basis. Biological monitoring directives shall be performed by a qualified biologist.

The project applicant shall retain a qualified biologist to prepare a restoration and enhancement plan for the restored and enhanced areas on the site, to be approved by the City prior to construction, which shall include the following:

- A. All final specifications and topographic-based grading (with 10-foot contours), planting, and irrigation plans (if irrigation is used). Grading for the restoration areas shall incorporate variability in the topography in a way that mimics natural conditions to the maximum extent practicable while maintaining slope stability and meeting reclamation requirements. All restoration sites shall be prepared for planting by decompacting the top soil in a way that mimics natural top soil to the maximum extent practicable while maintaining slope stability and meeting reclamation requirements. Topsoil and plant materials salvaged from avoided habitat areas onsite shall be transplanted to and/or used as a seed/cutting source for the restoration areas to the maximum extent practicable as approved by the City. Planting and irrigation shall not be installed until the City has approved site grading. All plantings shall be installed in a way that mimics natural plant distribution, and not in rows;
- B. Planting palettes (plant species, size, and number/acre) and seed mix (plant species and pounds/acre). The plant palette proposed in the plan shall include native species specifically associated with the native vegetation communities or habitat types impacted by the project. At a minimum the following local native species found to occur as dominants within the communities impacted by the project shall be considered for use in the plant palette:

- elderberry (*Sambucus sp.*)
- laurel sumac (*Malosma laurina*)
- California sagebrush (*Artemisia californica*)
- tarragon (*Artemisia dracuncululus*)
- mule fat (*Baccharis salicifolia*)
- California brittlebush (*Encelia farinosa*)
- desert croton (*Croton californicus*)
- deerweed (*Acmispon glaber*)
- white sage (*Salvia apiana*)

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

- sun cup (*Camissoniopsis* sp.)
- buckwheat (*Eriogonum fasciculatum*)
- toyon (*Heteromeles arbutifolia*)
- deergrass (*Muhlenbergia rigens*)

Unless otherwise approved by the City, only locally native species (no cultivars) obtained from as close to the project site as possible shall be used. The source and proof of local origin of all plant material and seed shall be provided;

- C. Container plant survival shall be 80 percent of the initial plantings for the first ~~5~~ seven to ten years. At the first and second anniversary of plant installation, all dead plants shall be replaced unless their function has been replaced by natural recruitment;
- D. A final implementation schedule that indicates when all native habitat impacts, as well as restoration grading, planting, and irrigation, will begin and end. Necessary site preparation and planting shall be completed during the concurrent or next planting season (i.e., late fall to early spring) after City approval of grading. In the event that the project applicant is wholly or partly prevented from performing obligations under the final plans (causing temporal losses due to delays) because of unforeseeable circumstances or causes beyond the reasonable control, and without the fault of negligence of the project applicant, including but not limited to natural disasters (e.g., earthquakes, etc.), labor disputes, sudden actions of the elements (e.g., further landslide activity), or actions or inaction by federal or state agencies, or other governments, the project applicant will be excused by such unforeseeable cause(s);
- E. ~~Five~~ Seven to ten years of success criteria for restoration areas, including: a total of 40-65 percent absolute cover; evidence of natural recruitment of multiple species; 0 percent coverage for Cal-IPC List A and B species, and no more than 10 percent coverage for other exotic/weed species.
- F. A qualitative and quantitative vegetation monitoring plan with a map of proposed sampling locations. Photo points shall be used for qualitative monitoring and stratified, random sampling shall be used for all quantitative;
- G. Contingency measures in the event of creation failure;
- H. Annual mitigation maintenance and monitoring reports shall be submitted to the City after the maintenance and monitoring period and no later than December 1 of each year. Copies shall also be provided to the California Department of Fish and Wildlife at their request.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Response 3-4: Please refer to Response to Comment 3-3 above for additional information regarding the vegetation community classification and mapping. The cross-walk analysis and associated narrative serves as a re-evaluation of the communities in light of this comment.

As stated on Page 10 of Appendix D of the DEIR, it is acknowledged that limited portions of the onsite sage scrub contain vegetation characteristics and plant species found in Riversidean alluvial fan sage scrub (RAFSS), with small concentrations of species such as yerba santa (*Eriodictyon trichocalyx*) and scale broom (*Lepidospartum squamatum*). However, the concentrations are not represented in large enough areas to reasonably map separately and, although these vegetation characteristics are present in small areas, the site does not support the physical environment or ecosystem processes associated with RAFSS. As fundamental requirements to define an area as RAFSS, an alluvial fan or wash should be present and the area should support recent or actively alluviating surfaces that experience infrequent but severe flood events (County of Riverside 2003). The Project site is an inactive excavated mine pit with no alluvial fans, washes, drainages, or outwash fans present. The site is not subject to the geomorphic processes associated with RAFSS within floodplains and upon outwashing alluvial fans. Therefore, no portions of the site are classified or mapped as RAFSS. The Project would result in no impacts to RAFSS.

Response 3-5: Please see Response to Comment 3-4 above. No portions of the site are classified or mapped as RAFSS; therefore, the Project would result in no impacts to RAFSS and would not contribute to any cumulative impact on this habitat type.

Response 3-6: Please see Response to Comment 3-2 above regarding the potential for special-status plants to occur, including mesa horkelia. Rare plant surveys were not warranted because none of the special-status plant species analyzed have a better than moderate potential to occur. As stated on pages 3.4-19 and 3.4-20 of the Draft EIR (*pages 3.4-20 and 3.4-21 of this Final EIR*), the majority of the site is characterized by scattered disturbance-tolerant plants that have naturally colonized within a wholly excavated mine pit. None of the sensitive plant species reported in the project vicinity have a high potential to occur within the project site due to lack of suitable habitat, inappropriate soil conditions, inappropriate elevations, existing disturbances, and prevalence of non-native plant species. The Project is expected to have no impact on special-status plant species known to the region.

The City is committed to improving the overall habitat quality of the site and monitoring for special-status species during project operation as part of long-term management of open space. As included within Response to Comment 3, mitigation measure BIO-2 has been modified to include biological monitoring directives for periodic botanical surveys, including botanical inventory and vegetation community assessment within the open space that will be preserved on the site. Surveys and reporting shall be done on an annual or five-year basis. Biological monitoring directives shall be performed by a qualified biologist.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Response 3-7: The comment incorrectly states that a determination was made that the site does not provide forage for raptors. Page 11 of Appendix D states that the non-native grassland onsite is considered low in habitat quality based on patch size, disturbance, and high prevalence of non-native broadleaf species that *limit foraging potential for raptors*. Page 13 further states that the non-native grassland onsite occurs as thin patches with limited biological function and value. It is not suitable for any sensitive plant species and *does not provided high quality foraging habitat for raptors*. These statements acknowledge that raptor foraging habitat exists, although it is not high quality, with a range of cited factors that limit foraging potential.

Response 3-8: Please see also discussions within Response to Comment 3-2 regarding the potential for special-status species to occur, including California gnatcatcher, least Bell's vireo, Parry's spineflower, and mesa horkelia. As stated in the DEIR, none of the sensitive plant species reported in the project vicinity have a high potential to occur within the project site due to lack of suitable habitat, inappropriate soil conditions, inappropriate elevations, existing disturbances, and prevalence of non-native plant species. None were observed during the June 2014 survey, which occurred during the blooming period for Parry's spineflower and mesa horkelia. None of the sensitive animal species reported to the project vicinity have a high potential to occur due to lack of suitable habitat; local and regional isolation of the site; highly urbanized areas completely surrounding the site; adjacency with existing developments; past and ongoing disturbances, including noise, lighting, pedestrian use, off-highway vehicle use, and evidence of occasional flooding; and evidence of domestic cat and dog use. None were observed or detected during the June 2014 survey.

As stated in Response to Comment 3-6, the City is committed to improving the overall habitat quality of the site and monitoring for special-status species during project operation as part of long-term management of open space. Mitigation measure BIO-2 has been modified to include biological monitoring directives for general wildlife surveys and periodic botanical surveys, including botanical inventory and vegetation community assessment, within the open space that will be preserved on the site. Surveys and reporting shall be done on an annual or five-year basis. Biological monitoring directives shall be performed by a qualified biologist.

Response 3-9: Please see also Response to Comment 3-2 above, which addresses least Bell's vireo. As included in Appendix D and Table 3.4-3 of the DEIR, the potential for least Bell's vireo to occur is very low. Suitable breeding habitat does not occur and the species would not be expected to establish a breeding territory at the site due to lack of suitable habitat. This species was not observed or detected by call during the June 2014 survey. Given the low potential for the species to occur, protocol-level surveys are not warranted. The Project is expected to have no impact on the species.

Response 3-10: Please see also Response to Comment 3-2 above regarding the need for surveys and Response to Comment 3 above regarding coordination with CDFW during preparation and

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

implementation of plans, the correct amount of acres, seven-to-10-year success criteria, and actions to be taken to restore, enhance, and preserve the open space on the site.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Blvd., ROOM 100
West SACRAMENTO, CA 95691
(916) 373-3710
Fax (916) 373-5471

Edmond G. Brown, Jr., Governor



August 19, 2014

Paula Kelly
City of Irwindale
5050 N. Irwindale Avenue
Irwindale, CA 91706

comment letter #4

RE: SCH# 2014031051 Olive Pit Mine and Reclamation Project, Los Angeles County.

Dear Ms. Kelly:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **USGS 7.5-minute quadrangle name, township, range, and section required**
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) Guidelines §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered cultural items that are not burial associated, which are addressed in Public Resources Code (PRC) §5097.98, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, PRC §5097.98, and CEQA Guidelines §15064.5(e), address the process to be followed in the event of an accidental discovery of any human remains and associated grave goods in a location other than a dedicated cemetery.

Sincerely,

Gayle Totton
Associate Government Program Analyst

CC: State Clearinghouse

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Native American Contacts Los Angeles County, California August 19, 2014

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.

tattnlaw@gmail.com
(310) 570-6567

Gabrielino Tongva

Gabrielino-Tongva Tribe
Linda Candelaria, Co-Chairperson

P.O. Box 180
Bonsall, CA 92003
palmsprings9@yahoo.com
(626) 676-1184 Cell
(760) 636-0854 Fax

Gabrielino

Gabrieleno/Tongva San Gabriel Band of Mission Indian
Anthony Morales, Chairperson

P.O. Box 693
San Gabriel, CA 91778
GTTribalcouncil@aol.com
(626) 483-3564 Cell
(626) 286-1262 Fax

Gabrielino Tongva

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson

P.O. Box 393
Covina, CA 91723
gabrielenoindians@yahoo.
(626) 926-4131

Gabrielino

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources

P.O. Box 490
Bellflower, CA 90707
gtongva@verizon.net
(562) 761-6417 Voice/Fax

Gabrielino Tongva

Gabrielino-Tongva Tribe
Conrad Acuna,

P.O. Box 180
Bonsall, CA 92003
(760) 636-0854 Fax

Gabrielino

Gabrielino-Tongva Tribe
Bernie Acuna, Co-Chairperson

P.O. Box 180
Bonsall, CA 92003
bacuna1@gabrielinotribe.org
(619) 294-6660 Office
(310) 428-5690 Cell
(760) 636-0854 Fax

Gabrielino

Gabrielino /Tongva Nation
Sam Dunlap, Cultural Resources Director

P.O. Box 86908
Los Angeles, CA 90086
samdunlap@earthlink.net
(909) 262-9351

Gabrielino Tongva

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting locative Americans with regard to cultural resources for the proposed Olive Pit Mine and Reclamation Project; located in the city of Irwindale; Los Angeles County, California.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Response to Comment Letter 4

Response 4-1: As noted in Chapter 3.1 of the Draft EIR, pursuant to the State CEQA Guidelines §15128: “An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.” Chapter 3.1 discusses the resource areas which were found not to pose any potentially significant effects related to the Proposed Project.

Based upon the scope, nature and location of the Proposed Project, comment letters in response to the Notice of Preparation (NOP), site visits, review of project file materials and technical reports, and additional background research on the construction and operational features of the Proposed Project, several resource topics, including cultural resources, were found to not have any potential impacts that would be considered significant or adverse. These topics, therefore, were not subject to detailed analysis in the EIR.

Response 4-2: The project proposes to re-engage mining and reclamation operations on an existing mine site that has been previously excavated to a depth of more than 100 feet. Construction of an on-site access road followed by long-term mining and reclamation phasing has no potential to impact cultural resources. The Project site has been completely excavated in use for mineral extraction over a period of decades. Therefore, the Proposed Project has no potential to cause a substantial adverse change in the significance of any historic, archaeological, or paleontological resource as defined in the CEQA Guidelines Section 15064.5, and no further analysis or discussion of this issue area was warranted for the Draft EIR.

Response 4-3: The City agrees that for most sites that have not been previously mined to depth a full consultation process would be applicable since there could be potential for subsurface cultural resources to exist. However, in this unique setting, the project site is an existing mine site for which the entire surface area has been previously excavated to a depth of more than 100 feet, and there is no potential for cultural resources to be encountered as excavation is continued to greater depth. Therefore, the standard investigation and consultation processes are not warranted in this case.

Response 4-4: The City agrees that for most sites that have not been previously mined to significant depth, there could always be a potential for subsurface archaeological materials to be encountered during excavation. However, in this unique setting, the project site is an existing mine site for which the entire surface area has been previously excavated to a depth of more than 100 feet, and there is no potential for cultural resources to be encountered as excavation is continued to greater depth. Nonetheless, as an extreme precaution, the City has included the standard condition suggested for protective actions to be taken in the event that any human remains or other archaeological materials are encountered during mining operations.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

comment letter #5

SENT VIA USPS AND E-MAIL:
PaulaKelly@ci.Irwindale.ca.us

September 26, 2014

Ms. Paula Kelly, Senior Planner
City of Irwindale, City Hall
5050 North Irwindale Avenue
Irwindale, CA 91706

Draft Environmental Impact Report (Draft EIR) for the Proposed Olive Pit Mine and Reclamation Project (SCH NO. 2014031051)

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final CEQA document.

1

The proposed project includes 1) relocation of the on-site access point from Olive Street to the southeastern portion of Los Angeles Street where a new on-site access road will be constructed; 2) phased extraction of mineral resources in two phases (Phase 1 and 2); and 3) site reclamation in two phases (Phase 1 and 2). One phase of reclamation and one phase of extraction will overlap (Phase 1 Reclamation and Phase 2 Extraction). The proposed project will yield approximately 32-million tons of recoverable aggregate reserves at an average production level of 1-million tons per year beginning in 2015. This rate of production will occur for approximately 32 years (until 2052) with filling operations for reclamation happening at the same time beginning in 2020. The proposed project will also include 262 daily truck trips hauling extracted aggregate off-site to the processing plant located 3.8 miles from the project site.

The Lead Agency analyzed regional, localized and health effects and has compared the estimates with SCAQMD thresholds of significance. Based on these analyses, the Lead Agency has determined that project regional operation NOx emissions are significant. These emissions are mainly generated by on-site extraction and reclamation equipment as well as off-site trucks hauling aggregate from the site and returning with backfill for reclamation. However, based on the SCAQMD staff's review of the localized emission impacts analysis, there is insufficient information to support the Lead Agency's determination that these impacts are less than significant.

2

Since the proposed project is located as close as 100 feet from sensitive receptors including single- and multi-family residences to the west and north of the project site; Ernest Geddes Elementary School (240 feet west of the project site); North Park High School (500 feet west of the project site); Pleasant View Elementary (690 feet to the

3

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Ms. Paula Kelly,
Senior Planner

2

September 26, 2014

north); Jerry Holland Junior High School (2,660 feet to the west); and Santa Fe Elementary (2,760 feet to the west), the SCAQMD staff has concerns about the potential regional NO_x and fugitive dust impacts, as well as localized impacts from project operations.

3 cont

The SCAQMD staff also has concerns about assumptions made in the air quality analysis emissions modeling for localized impacts and health risk effects. In addition, there are comments concerning compliance with SCAQMD rules that were not included in the Draft EIR. Further, the proposed mine area is located near several old disposal sites. The Final EIR should therefore include discussion and project actions to be taken if soil disturbance activities cause the release of potential air contaminants, dust or odors. Finally, the SCAQMD staff is concerned that all feasible mitigation measures be incorporated in the project and Final EIR. Additional details are included in the attachment.

4

Pursuant to Public Resources Code Section 21092.5, please provide the SCAQMD staff with written responses to all comments contained herein prior to the adoption of the Final Environmental Impact Report. The SCAQMD staff is available to work with the Lead Agency to address these issues and any other air quality questions that may arise. Please contact Gordon Mize, Air Quality Specialist – CEQA Section, at (909) 396-3302, if you have any questions regarding these comments.

5

Sincerely,



Edward A. Eckerle
Program Supervisor
Planning, Rule Development & Area Sources

Attachment

EE:MN:EP:RM:JB:HH:GM

LAC140815-05
Control Number

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Ms. Paula Kelly,
Senior Planner

3

September 26, 2014

Air Quality Analysis

Emissions Modeling for Localized Impacts and Health Risk Effects

1. For the dispersion modeling sections (both LST and HRA), it is not clear how the emissions for each source (roadway or on-site) were calculated and applied to the AERMOD results to get the project's impact. Although the electronic files contain spreadsheets showing the project's impacts, it is difficult to understand what factors were used. Please update Appendix C with more detailed information, such as sample calculations showing how the project's impacts were estimated, and sample calculations showing how the emissions from CalEEMod and/or EMFAC were used to determine the emission rates of the sources modeled. Without these details, it is not possible to review the Air Quality impacts stated in the Draft EIR for accuracy. 6
2. The dispersion modeling performed for this project included volume sources along the roadways used by the trucks generated from this project, as well as area sources within the project area to simulate the various stages of the mining operation. There are additional volume sources placed within the project site to simulate truck movement on unpaved roads, however, this segment is only in the middle of the project site and does not connect to the proposed paved access road being constructed. Please provide a detailed explanation as to how the on-site truck travel emissions were calculated and modeled and revise the analysis, if needed. 7
3. Some of the receptors were placed within the volume source exclusion zone and their results would be invalid. It is recommended that the LST analysis be updated so that no receptors are placed within the volume source exclusion zone either by modeling the roadway as an area source or the volume sources be reduced in size. 8
4. The emissions from within the pit were modeled in AERMOD using an area source. However, AERMOD has an open pit source type which would be more appropriate for this project. Please revise the analysis using the open pit or provide a discussion as to why the area source treatment would be more appropriate for this project. 9
5. Under Threshold AQ-3 of the Draft EIR, an LST analysis was performed for the project's operational emissions. However, there was no LST analysis for the project's construction emissions. The Final EIR should include a LST analysis for project construction. 10
6. In the modeling for the HRA, receptors were only placed in residential areas. According to SCAQMD HRA modeling procedures, the receptor grid should start at the project boundary. The cancer risks at each receptor can then be calculated for either a worker or residential receptor, based on the receptor type. 11
7. In the HRA, the project's emissions of diesel particulate matter (DPM) were evaluated to determine the health risk impacts to receptors in the project vicinity. However, it is unclear how the emissions were calculated and if any idling emissions 12

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Ms. Paula Kelly,
Senior Planner

4

September 26, 2014

were included in the estimate, as necessary. Please update the HRA in the Final EIR to include detailed information on the calculation of DPM emissions and how they were assigned to each source modeled within AERMOD.

12 con't

SCAQMD Permit Requirements

8. Based on the project description, the following comments apply for SCAQMD permit purposes. Specific permit questions can be directed to SCAQMD Engineering and Compliance staff at (909) 396-2591.

13

a) All hoppers and conveyors will require SCAQMD permits. Water sprays at the receiving hoppers and at all conveyor transfer points will also be required. Finally, a truck load out enclosure may be necessary in order to contain excess particulates.

b) Portable diesel engine generators should not be allowed since land-based power is readily available. Dredging may occur if the water table is encountered during excavation. Drag lines or cutter head dredging should also be powered by land based utility. In order to reduce NOx impacts, dredging driven by diesel engines should not be allowed.

14

c) Based on the project description, the project site is over 50 acres in size and is therefore considered a large operation under SCAQMD Rule 403 – Fugitive Dust. Although the Lead Agency cites general compliance with Rule 403 on page 3.3-13, the Lead Agency is reminded of Rule 403 provisions that specifically apply to the proposed project: 1) the project applicant is required to submit a Rule 403 Large Operation Notification (Form 403N) to the Executive Officer; 2) a sign is to be posted near the entrance of the facility with a responsible individual's name and phone number in case there are any fugitive dust control issues at the site; 3) An onsite supervisor with a current fugitive dust control class certification is also required who is available within 30 minutes to respond any fugitive dust control issue at the site during normal business hours; and 4) this operation will also need to keep onsite records of specific dust control actions taken.

15

d) In the Final EIR, the Lead Agency should cite how the proposed project will comply with the following SCAQMD rules:

16

- Rule 401- Visible Emissions;
- Rule 1157 - PM10 Emission Reductions from Aggregate and Related Operations

Potential Release of Contaminated Emissions from Older Nearby Disposal Sites

8. Based on historical records, there are four existing disposal sites located near the proposed project site: Azusa Canyon Road Dump; Consolidated Rock Products Dump; and the Irwindale Disposal Site; with the Azusa Canyon Road Dump being

17

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Ms. Paula Kelly,
Senior Planner

5

September 26, 2014

located just east of and across the street from the east side of the proposed project site at Azusa Canyon Road and Cypress Street.

17 con't

Since the contents of these old landfills from project soil disturbance operations could potentially release air emissions including odors impacting nearby communities, the Lead Agency should be aware of the potential impacts from the proposed project and provide discussion of those potential impacts in the Final EIR. Should project activities disturb soil contaminated with volatile organic compounds (VOCs) or release odors, the Final EIR should discuss compliance with requirements including SCAQMD Rule 1166 – Volatile Organic Compound Emissions From Decontaminated Soil and Rule 402 – Nuisance.

Operation Mitigation Measures

9. The Lead Agency has determined that the proposed project will generate significant operational air quality impacts for NO_x, mostly from on-site equipment excavating material from the bottom of the pit, on-road trucks hauling the mined aggregate from the site to a local processing facility and then hauling backfill material to construct a 32-acre pad for future commercial development.

18

As the Lead Agency is aware, heavy-duty trucks are the largest source of NO_x emissions in our basin and NO_x emissions must be reduced by approximately two thirds beyond existing rules and regulations in order to meet air quality standards as required by 2023. Without meeting air quality standards, our region faces federally mandated sanctions, including possible loss of transportation funding. The SCAQMD staff recommends the following changes and additional measures in addition to the measures listed starting on page 3.3-26 of the Draft EIR to further reduce significant air quality impacts:

Recommended additional measures:

- Limit the daily number of trucks allowed at each facility to levels analyzed in the Final EIR. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the project through CEQA prior to allowing this higher activity level.
- The facility operator will maintain a log of all trucks entering the facility to ensure that on average, the daily truck fleet meets the quantities and emission standards listed in the Draft EIR. This log should be available for inspection by city staff at any time.
- Design the site such that any check-in point for trucks is well inside the facility to ensure that there are no trucks queuing outside of the facility.
- On-site equipment should be alternative fueled.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Ms. Paula Kelly,
Senior Planner

6

September 26, 2014

- Have truck routes clearly marked with trailblazer signs so trucks will stay on truck routes established by the Lead Agency and not inadvertently enter residential areas or pass by nearby schools.
- Develop, adopt and enforce truck routes both in and out of city, and in and out of facilities.
- Use street sweepers that comply with SCAQMD Rules 1186 and 1186.1 (recommend sweepers using reclaimed water).
- Post signs outside of the facility providing a phone number where neighbors can call if there is a specific concern;
- Improve traffic flow by signal synchronization.

18 con't

Alternative Fueled and Other Clean Truck Phase-In Schedule

10. Because the proposed project is estimated to generate significant regional emissions, the Lead Agency should require further mitigation that requires accelerated phase-in for non-diesel powered trucks. For example, natural gas trucks, including Class 8 HHD trucks, are commercially available today. Natural gas trucks can provide a substantial reduction in health risks, and may be more financially feasible today due to reduced fuel costs compared to diesel. In the FEIR, the Lead Agency should require a phase-in schedule for these cleaner operating trucks to reduce project impacts.

19

At a minimum, require upon occupancy that all heavy duty trucks entering the property must meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025. If this isn't feasible, consider other measures such as incentives, phase-in schedules for clean trucks, etc.

Electric Vehicle (EV) Charging and CNG Fueling Availability

11. Because trucks will be available that will run on electricity and natural gas during the life of the project, the lead agency should provide information on the location and availability of electric vehicle charging and CNG fueling stations.

20

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Response to Comment Letter 5

Response 5-1: The summary of the Project Description is noted and reflects information contained within the Draft EIR.

Response 5-2: This comment is addressed in subsequent Responses to Comments 5-6 through 5-12. Based on the use of AERMOD dispersion modeling, control options (e.g., urban coefficients), emission estimates, source release characteristics, meteorological and terrain data, and receptor locations, the localized impact analysis for all pollutants (including NO₂ and PM) is less than significant with mitigation. Methodology, assumptions, data, and calculations were provided within Appendix C. Appendix C contains documentation of the on-road vehicle (page 2 to 5), onsite equipment (page 5 to 10), and fugitive dust (page 11 to 15) emission calculations. This documentation, along with the Draft EIR, includes emission factors, trip distance, idle time estimates, calculation formula, equipment specifications of size, fuel type, and equipment type (see Project Description), as well as citations of emission models used. For fugitive dust emission estimates, Appendix C includes documentation of emission estimates for aggregate processing, handling and storage, unpaved roads, and grading activity. Again, this information includes calculation formula, pertinent data assumptions (e.g., processing rates, wind speed for wind erosion, vehicle weight for unpaved road travel), emissions factors, and the emission models used.

Appendix C also contains a narrative of the methodology, assumptions, and data associated with the HRA and LST (page 15 to 32) including terms and definitions (page 16), uncertainties (page 17), hazards identifications (page 18), exposure assessment (page 19), model selection (page 20), model options (e.g., rural vs. urban coefficients), the location of receptors (page 22 to 25), meteorological data, toxicity assessment (page 29 to 31), and risk characterization (page 31 to 33).

The data files (listed within page 34 of Appendix C) include ambient monitoring data, the construction and operation emission calculation spreadsheets, fugitive dust emission calculation spreadsheets, the CALEEMod input and output, the EMFAC and OFFROAD input and output files, the AERMOD dispersion modeling files with meteorological and terrain data, and the calculation spreadsheets for the health risk assessment (HRA) and localized significance thresholds (LST) analysis.

Response 5-3: This comment is addressed in subsequent Responses to Comments 5-6 through 5-12. Based on the use of AERMOD dispersion modeling, control options (e.g., urban coefficients), emission estimates, source release characteristics, meteorological and terrain data, and receptor locations, the localized impact analysis for all pollutants (including NO₂ and PM) is less than significant with mitigation. Methodology, assumptions, data, and calculations are provided within Appendix C. See Response 5-2.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Response 5-4: This comment is addressed in subsequent Responses to Comments 5-6 through 5-12 (assumptions and methodology), Responses to Comments 5-13 through 5-16 (SCAQMD Rules), Response 5-17 (old disposal sites), and Responses to Comments 5-18 through 5-20 (additional mitigation measures). Methodology, assumptions, data, and calculations were provided within Appendix C of the Draft EIR.

Response 5-5: Proposed written responses to all SCAQMD comments will be provided to the SCAQMD staff at least ten days prior to the certification of the Final EIR as required by CEQA.

Response 5-6: Edits and corrections to Appendix C have been made for this Final EIR. The City believes the information contained within EIR Appendix C does not require additional updating as suggested since it contains all information used to develop the emission calculations, HRA, and LST analysis (see also Response 5-2 above).

CALEEMod was used to determine maximum daily construction emissions (determined to be the highest value between the summer and winter output results). CALEEMod files were part of Appendix C. AERMOD utilized unit emission rates (1 gram per second). Unit concentrations were based on the use of AERMOD dispersion modeling algorithms, control options (e.g., urban coefficients), emission estimates, source release characteristics, meteorological and terrain data, and receptor locations. The resultant unit concentrations by receptor (files entitled Modeling Results Offroad.xls and based on AERMOD output files, which are part of Appendix C) were adjusted by the actual emission rate by emission source (i.e., unpaved roads, onsite equipment, etc.) within files entitled Summary 2011.xls, which are part of Appendix C. The actual concentration by receptor was then compared to the ambient concentration thresholds. The concentration exposure values were also used to estimate the cancer risk (by accounting for exposure parameters for residences, school children, and offsite workers) and health impacts. The worst-case year of operation was used in the LST analysis and the health impacts. The 70-year average (i.e., lifetime exposure levels) emission rates were used in the cancer risk calculations. These 70-year average emission rates account for changes in combustion emissions rates as vehicles and equipment provide greater exhaust efficiency in future years and the project duration of 32 years. The HRA and LST methodology is addressed in Appendix C, pages 15 through 33.

Operational fugitive dust emission calculations were developed within a spreadsheet (Appendix C) entitled Olive Pit Mine Fugitive Dust 053014.xls. These calculations were based on emission factors with USEPA's AP-42, Section 11.19.2 Crushed Stone Processing and Pulverized Mineral Processing (for loading/unloading emissions), AP-42, Section 13.2.4 Aggregate Handling and Storage Piles, AP-42, Section 13.2.2 Unpaved Roads, and AP-42, Section 11.9 Western Surface Coal Mining/CALEEMod (for grading emissions) with methodology/assumptions documented in Appendix C. The fugitive dust emission factors include unmitigated and mitigated values for crystalline silica (for the HRA) and fugitive dust (for daily/annual emission calculations and LST

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

analysis) from processing (hopper/conveyors), loading/unloading, travel on unpaved roads, and grading. The emission calculation results show the average hourly (pounds per hour) and the grams per second emission rate for use in dispersion modeling for PM10 and PM2.5. Fugitive dust emission calculation methodology is addressed in Appendix C, pages 11 through 15.

Operational combustion emission calculations were developed within spreadsheets (Appendix C) entitled Operations Summary.xls, Operations Summary - Mitigated Tier 3.xls, and Operations Summary - Mitigated Tier 4.xls for off-site trucks along roadways, off-site trucks idling, and onsite equipment. These spreadsheets link to emission factors from EMFAC2011 (ER-2011Class-SouthCoastAQMD-Summary.xlsx) and from OFFROAD2011 (Olive Pit Mine OFFROAD 2011.xls) for off-site trucks and onsite equipment, respectively. Combustion emission calculation methodology is addressed in Appendix C, pages 1 through 10.

Response 5-7: The unpaved road within the project site was extended to include from the pit area to the paved access road to Los Angeles Boulevard. Appendix C of the Draft EIR contains documentation of the unpaved road emission calculation assumptions and methodology along with calculation spreadsheets of the calculations.

When a vehicle travels over an unpaved road, the force of the wheels on the road surface causes pulverization of surface material. Particles are lifted and dropped from the rolling wheels, and the road surface is exposed to strong air currents in turbulent shear with the surface. The turbulent wake behind the vehicle continues to act on the road surface after the vehicle has passed. The emission factors were calculated using the methodology found in Section 13.2, of the USEPA's AP-42². The equation for developing the emission factor is:

$$EF = k (S/12)^a (W/3)^b [(365-p)/365] (1-CE)$$

where:

EF	=	size-specific emission factor (lb/VMT)
k	=	empirical constant (PM ₁₀ = 1.5, PM _{2.5} = 0.15)
S	=	Silt content of 8.3 percent (use whole number value)
W	=	Mean vehicle weight (58 tons, the average of empty and full)
p	=	Number of days with measurable precipitation (35 days)
a	=	0.9 (empirical constant)
b	=	0.45 (empirical constant)
CE	=	Control efficiency rate of 84 percent

² United States Environmental Protection Agency. Compilation of Air Pollutant Emission Factors, AP-42, Fifth Edition, Volume I: Stationary Point and Area Sources, Section 13.2.2 *Unpaved Roads* (<http://www.epa.gov/ttn/chief/ap42/ch13/final/c13s0202.pdf>), November 2006.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Based on available data, the emission factor for unpaved roads is 4.1 and 0.41 pounds of PM₁₀ and PM_{2.5} per vehicle mile traveled (uncontrolled), respectively; and 0.6 and 0.06 pounds of PM₁₀ and PM_{2.5} per vehicle mile traveled (controlled), respectively. To account for emission controls, a control efficiency of 84 percent was applied.³ The number of days with measurable precipitation in Irwindale, California, was acquired from the Western Regional Climate Center.⁴

Emissions are based on a material process rate of 200 tons per hour, 3,268 tons per day, and one million tons per year. The project condition provides for 58 daily and 17,857 annual vehicle trips (56 ton truck capacity); each vehicle is presumed to be traveling a distance of 0.38 miles (2,000 feet) one-way from the pit to the hopper to the access road on an unpaved circulation area. A silica content of 78 percent was assumed for this analysis.⁵ A silt content of 8.3 percent was used based on AP-42 Section 13.2.2 (Unpaved Roads), Table 13.2.2-1 (for haul road to/from pit at stone quarrying and processing).

Access onto the site would be relocated from Olive Street to the southern portion of the property along Los Angeles Street. The new access road would be constructed with a combination of on-site materials and inert fill materials from off-site sources. The access road would ascend from the bottom of the pit along the southern edge of the property to the southeastern portion of the site where it would exit at Los Angeles Street. The new access road would be constructed with a 45-foot wide road bed at a maximum grade of eight percent. Beginning at Los Angeles Street, the first 200 feet of the access road would be paved. The remaining length of the road would be treated with dust palliatives and watered for dust control and soil stabilization. The unpaved road emission calculation methodology is addressed in Appendix C, page 13.

Table 3.3-6 (page 3.3-31 of the Draft EIR, *page 3.3-32 of this Final EIR*) documents the daily unmitigated fugitive dust emissions at 162 and 17.6 pounds for PM₁₀ and PM_{2.5}, respectively. Tables 3.3-7 and 3.3-8 (pages 3.3-33 and 34 of the Draft EIR, *pages 3.3-35 and 3.3-36 of this Final EIR*) document the daily mitigated fugitive dust emissions at 26.7 and 2.98 pounds for PM₁₀ and PM_{2.5}, respectively. For dispersion modeling purposes, fugitive dust emissions from unpaved roads occurs for 12 hours from 6 am to 6 pm (see Project Description).

See Response to Comment 5-9 for the results (HRA and LST analysis) of the adjustment in unpaved road location in conjunction with THRESHOLD AQ-3 (Draft EIR page 3.3-34; *Final EIR page 3.3-36*).

³ South Coast Air Quality Management District, Table XI-B - *Mitigation Measures Examples: Fugitive Dust From Material Handling and WRAP Fugitive Dust Handbook*, September 7, 2006

(http://www.wrapair.org/forums/deif/fdh/content/FDHandbook_Rev_06.pdf)

⁴ Western Regional Climate Center, <http://www.wrcc.dri.edu/summary/ont.ca.html>

⁵ Rhyolite silica content (SiO₂) approximately 70 to 78 percent <http://www.flashcardmachine.com/civil220-igneous-rocks.html>

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Response 5-8: Pursuant to Commenter's request, the LST analysis has been adjusted such that no receptors are within the volume source exclusion zone. The volume source for roadways has been modeled with a plume width of 10 meters and therefore separated by 2 times the width (regulatory standard).⁶ In this configuration, volume source centers are separated by 2 times volume source width, as required by USEPA. If there is not sufficient space to place another volume source then the line source is truncated. The plume width is the actual width of the road plus six meters. The additional width represents turbulence caused by the vehicle as it moves along the road.

See also Response to Comment 5-9 for the results (HRA and LST analysis) of the adjustment in roadway source separation algorithm in conjunction with THRESHOLD AQ-3 (Draft EIR page 3.3-34; *Final EIR page 3.3-36*).

Response 5-9: Per the request of SCAQMD, the City has included a supplemental analysis to estimate the air quality impacts using the open pit option for source representation instead of an area source, a modification to the roadway volume source representation (see Response 5-8), and the location of the unpaved road (see Response 5-7). The results of the supplemental analysis are presented in this response. The conclusions reached within the supplemental analysis are consistent with the Draft EIR.

The open pit source option is used to model fugitive particulate emissions from open pits, such as surface coal mines and rock quarries. That is, it is not suited for combustion emissions. The open pit source option uses an effective area for modeling pit emissions, based on meteorological conditions, and then utilizes the numerical integration area source algorithm to model the impact of emissions from the effective area sources. AERMOD accepts rectangular pits with an optional rotation angle specified relative to a north-south orientation. The rotation angle is specified relative to the vertex used to define the source location (e.g., the southwest corner). Open pit sources have no plume rise. The parameters needed are the open pit emission rate, the average release height, the lengths of the sides of the open pit, the volume of the open pit, and the orientation angle in degrees from the north.

The HRA and LST analysis were modified to account for particulate fugitive dust emissions from an open pit source type. Combustion sources continued to be analyzed within an area source. The open pit was assigned a source length and width of 470 meters and a depth of 53 meters; centered on the pit location.

⁶ U.S. Environmental Protection Agency, 1995. *User's Guide for the Industrial Source Complex (ISC3) Dispersion Models - Volume II - Description of Model Algorithms*. USEPA-454/B-95-003a. U.S. Environmental Protection Agency. Research Triangle Park, NC 27711.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Health Risk Assessment

The following presents a comparison of the chronic health impacts (from crystalline silica) and LST impacts of PM₁₀ and PM_{2.5} due to the incorporation of the open pit source type (Comment 5-9), adjustment in roadway volume source designation (Comment 5-8), and adjustments for the unpaved road location (Comment 5-7) in conjunction with THRESHOLD AQ-5 (Draft EIR page 3.3-38; Final EIR page 3.3-40). Notably, the adjustment to fugitive dust modeling characteristics effect only the chronic health impact results as crystalline silica does not provide for cancer risks and acute health impacts.

As reported in the Draft EIR (THRESHOLD AQ-5 page 3.3-38; *Final EIR page 3.3-40*), the unmitigated maximum chronic hazard index for the Proposed Project is 0.2 for residence and 0.3 for off-site worker and thus, less than 1.0 and less than significant. The revised unmitigated maximum chronic hazard index for the Proposed Project is 0.2 for residence and 0.4 for off-site worker and thus, less than significant.

As reported in the Draft EIR (THRESHOLD AQ-5 page 3.3-38; *Final EIR page 3.3-40*), the mitigated maximum chronic hazard index for the Proposed Project is less than 0.1 for all receptors and less than significant. The revised mitigated maximum chronic hazard index for the Proposed Project is 0.1 and thus, less than significant.

Localized Significance Thresholds

The following are modifications to the LST results in conjunction with THRESHOLD AQ-3 (Draft EIR page 3.3-34; *Final EIR page 3.3-36*) and the adjustment of unpaved road location and roadway source separation algorithm:

As reported in the Draft EIR (THRESHOLD AQ-3, page 3.3-35; *Final EIR page 3.3-38*), the project incremental PM₁₀ impacts are 9.4 for 24-hour impact and 1.2 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) for annual impacts. The project incremental PM_{2.5} impacts are 1.7 $\mu\text{g}/\text{m}^3$ for 24-hour impacts. The unmitigated PM₁₀ impacts are potentially greater than the 24-hour threshold of 2.5 $\mu\text{g}/\text{m}^3$ and the annual threshold of 1.0 $\mu\text{g}/\text{m}^3$. However, the unmitigated impacts for 24-hour PM_{2.5} are well below the 24-hour threshold of 2.5 $\mu\text{g}/\text{m}^3$.

As reported in the Draft EIR (THRESHOLD AQ-3, page 3.3-35; *Final EIR page 3.3-38*), under the mitigated condition (Tier 3 emission standards and fugitive dust reduction measures), the project incremental PM₁₀ impacts are 2.2 for 24-hour impact and 0.3 $\mu\text{g}/\text{m}^3$ for annual impacts. The project incremental PM_{2.5} impacts are 0.6 $\mu\text{g}/\text{m}^3$ for 24-hour impacts.

The revised unmitigated project incremental PM₁₀ impacts are 14.1 for 24-hour impact and 1.5 $\mu\text{g}/\text{m}^3$ for annual impacts. The revised unmitigated project incremental PM_{2.5} impacts are 2.1 $\mu\text{g}/\text{m}^3$ for 24-hour impacts. The revised unmitigated PM₁₀ impacts are potentially greater than the 24-hour threshold of 2.5 $\mu\text{g}/\text{m}^3$. The revised unmitigated PM₁₀ impacts are potentially

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

greater than the annual threshold of $1.0 \mu\text{g}/\text{m}^3$. The revised unmitigated PM_{2.5} impacts are less than the 24-hour threshold of $2.5 \mu\text{g}/\text{m}^3$.

Under the mitigated condition (Tier 3 emission standards and fugitive dust reduction measures), the revised project incremental PM₁₀ impacts are 2.6 for 24-hour impact and $0.2 \mu\text{g}/\text{m}^3$ for annual impacts. The revised project incremental PM_{2.5} impacts are $0.6 \mu\text{g}/\text{m}^3$ for 24-hour impacts.

Under the mitigated condition (Tier 4 emission standards and fugitive dust reduction measures), the revised project incremental PM₁₀ impacts are 2.3 for 24-hour impact and $0.2 \mu\text{g}/\text{m}^3$ for annual impacts. The revised project incremental PM_{2.5} impacts are $0.3 \mu\text{g}/\text{m}^3$ for 24-hour impacts.

Thus, with regard to the ambient concentrations, the CO, NO₂, SO₂, and PM_{2.5} operational emissions from the Proposed Project are less than significant while PM₁₀ operational emissions are less than significant with mitigation. This is consistent with the conclusions reached in the Draft EIR.

Response 5-10: The following information is added after the 2nd paragraph on page 3.3-26 of the Draft EIR (*Final EIR page 3.3-26*):

“The SCAQMD’s Localized Significance Threshold (LST) Methodology (revised July 2008) and the LST lookup tables provide the basis for the LST analysis for the project construction.”⁷ The determination of significance is based on the following items:

- Maximum daily emissions of CO, NO_x, PM_{2.5} and PM₁₀ in pounds per day (lb/day)
- Distance from the boundary of the proposed project site to the nearest off-site receptor
- Geographic location of the construction site in terms of district source/receptor area

Table 3.3-5 of the Draft EIR provides the maximum daily emissions of CO, NO_x, PM_{2.5} and PM₁₀ in pounds per day. The distance from the boundary of the proposed construction project site to the nearest off-site receptor⁸ is approximately 100 meters. The source receptor

⁷ South Coast Air Quality Management District, Localized Significance Threshold Methodology (July 2008), <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>

⁸ Receptor locations are off-site locations where persons may be exposed to the emissions from project activities. Receptor locations include residential, commercial and industrial land use areas; and any other areas where persons can be situated for an hour or longer at a time. These other areas include parks, bus stops, and sidewalks but would not include the tops of buildings, roadways, or permanent bodies of water such as, oceans or lakes. For the purposes of CEQA analysis, the SCAQMD considers a sensitive receptor to be to be a receptor such as a residence, hospital,

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

area is East San Gabriel Valley. The construction project area is estimated to be two to three acres.

The LST lookup tables allow a user to readily determine if the daily emissions for proposed construction activities could result in significant localized air quality impacts. If the calculated emissions for the proposed construction activities are below the LST emission levels found on the LST lookup tables, then the proposed construction activity is not significant. If the project exceeds any applicable LST when the mass rate lookup tables are used as a screening analysis, then project specific refined air quality modeling is performed. In the event that the project area exceeds five acres, it is recommended that lead agencies perform project-specific air quality modeling for these larger projects. As shown in the following table, the daily construction emissions would be less than the LST, therefore, the proposed construction activities would be less than significant.

Table 3.3-5b Localized Significance Thresholds for Project Construction
(pounds/day)

<u>Construction</u>	<u>NO_x</u>	<u>CO</u>	<u>PM₁₀</u>	<u>PM_{2.5}</u>
<u>Maximum Daily Emissions</u>	<u>32.5</u>	<u>23.0</u>	<u>8.4</u>	<u>5.0</u>
<u>SCAQMD Localized Significance Thresholds</u>	<u>104</u>	<u>2,445</u>	<u>42</u>	<u>12</u>
<u>Significant (Yes or No)?</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>

The added text revisions do not change the EIR conclusions regarding Threshold AQ-1, the construction LST impact is less than significant as shown in Table 3.3-5b.

Response 5-11: The HRA included residential areas and schools as well as off-site workers per guidance. Within Appendix C, Exhibit 4 presents the residential and school receptors and Exhibit 5 presents the off-site worker receptors (also the public access receptors for the LST analysis).

As included in the Draft EIR (pages 3.3-39 to 40; *Final EIR page 3.3-41*), for the unmitigated Proposed Project, the maximum incremental cancer risks from all equipment and trucks would be 2.2 (residential adult receptor), 1.1 (residential child receptor), 0.4 (off-site worker), and 0.2 (school children receptor) cancers per million, which are less than the SCAQMD significance threshold of 10 in one million.

or convalescent facility where it is possible that an individual could remain for 24 hours. Commercial and industrial facilities are not included in the definition of sensitive receptor because employees do not typically remain onsite for a full 24 hours, but are present for shorter periods of time, such as eight or ten hour shifts.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

For the mitigated Proposed Project (Tier 3 emission standards and fugitive dust reduction measures), the maximum incremental cancer risks from all equipment and trucks would be 1.8 (residential adult receptor), 0.9 (residential child receptor), 0.4 (off-site worker), and 0.2 (school children receptor) cancers per million, which are less than the SCAQMD significance threshold of 10 in one million.

Thus, the maximum exposure individual is located at a residence and lower impacts occur at off-site worker and school receptors.

Response 5-12: CALEEMod was used to determine maximum daily construction emissions (determined to be the highest value between the summer and winter output results). CALEEMod files were part of Appendix C to the Draft EIR.

Operational combustion emission calculations were developed within spreadsheets (Appendix C) entitled Operations Summary.xls, Operations Summary - Mitigated Tier 3.xls, and Operations Summary - Mitigated Tier 4.xls for off-site trucks along roadways, off-site trucks idling, and onsite equipment. These spreadsheets link to emission factors from EMFAC2011 (ER-2011Class-SouthCoastAQMD-Summary.xlsx) and from OFFROAD2011 (Olive Pit Mine OFFROAD 2011.xls) for off-site trucks and onsite equipment, respectively. Haul truck idle emission factors are found in Appendix C, Table AQ-3, and were based on EMFAC2011.

AERMOD utilized unit emission rates (1 gram per second). The resultant exposure concentration by receptor was adjusted by the actual emission rate by emission source (i.e., unpaved roads, onsite equipment, etc.). The actual exposure concentration by receptor was then compared to the ambient concentration thresholds and used to estimate the cancer risk (by accounting for exposure parameters for residences, school children, and offsite workers) and health impacts. The worst-case year of operation was used in the LST analysis and the health impacts. The 70-year average (i.e., lifetime exposure levels) emission rates were used in the cancer risk calculations.

Methodology, assumptions, and supporting data for the emission calculations, HRA, and LST analysis are provided within Appendix C. Appendix C contains the AERMOD modeling input and output files, the supporting terrain data, meteorological data, the emission calculations for construction activities (CALEEMod), fugitive dust and combustion sources (with EMFAC2011 and OFFROAD2011), and the estimate of cancer risk and health impacts and LST analysis.

Response 5-13: The Draft EIR includes the mitigation measure for continuous water spray of the screening/hoppers and conveyors (page 3.3-32 of the Draft EIR; *Final EIR page 3.3-34*). The measure will be clarified to indicate that SCAQMD permits would be needed.

MM AQ-10 on page 3.3-32 of the Draft EIR (*Final EIR page 3.3-34*) is revised to read:

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

“All hoppers and conveyors will require SCAQMD permits. The screening/hoppers and conveyor system shall provide continuous water spray to suppress fugitive dust under normal operations.”

Of note, a truck load-out enclosure is not required to reduce the fugitive dust emissions and PM10/PM2.5 local impacts to less than significant. That is, MM AQ-1 reduces the fugitive dust impacts below the significance threshold without additional truck load-out enclosure.

Response 5-14: The Draft EIR included the mitigation measure for the use of electrical power instead of diesel equipment. The measure will be clarified to indicate the applicable emission sources.

MM AQ-3 on page 3.3-28 of the Draft EIR (*Final EIR page 3.3-28*) is revised to read:

“Electricity from power poles rather than temporary diesel- or gasoline-powered generators shall be used, ~~where available~~. Drag lines or cutter head dredging shall use electricity from power poles rather than diesel- or gasoline-powered equipment.”

Response 5-15: MM AQ-1 on page 3.3-27 of the Draft EIR (*Final EIR page 3.3-27*) is revised to add the following text:

“Under SCAQMD Rule 403 – Fugitive Dust, the following provisions apply: 1) the project applicant is required to submit a Rule 403 Large Operation Notification to the Executive Officer; 2) a sign is to be posted near the entrance of the facility with a responsible individual’s name and phone number in case there are any fugitive dust control issues at the site; 3) an onsite supervisor with a current fugitive dust control class certification is also required who is available within 30 minutes to respond any fugitive dust control issue at the site during normal business hours; and 4) the operation shall keep onsite records of specific dust control actions taken.”

Response 5-16: The following will be added to page 3.3-13 of the Draft EIR (*Final page 3.3-13*) to address Rule 401 and 1157.

- **Rule 401 (Visible Emissions):** This rule states that a person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is above certain opacity levels.
- **Rule 1157 (PM10 Emission Reductions from Aggregate and Related Operations):** This rule provide measures to reduce PM10 emissions from aggregate and other operations including but not limited to, limits on opacity of fugitive emissions, street sweepers, track-out controls, and recordkeeping.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

The following will be changed on pages 3.3-25 and 3.3-26 of the Draft EIR (*Final EIR pages 3.3-25 and 3.3-26*) to address SCAQMD Rules 401 and 1157.

As shown in **Table 3.3-5 Estimated Daily Emissions from Project Construction (pounds)**, the estimated daily emissions for all construction related emissions (including combustion engines and evaporative emissions), would be less than the significance criteria, assuming compliance with Rules 401, 402, 403, and 1157. The available air modeling software (CalEEMOD) assumes compliance with Rule 401, 402, 403, and 1157. Based on that modeling, the estimated daily ROG, NO_x, CO, PM₁₀, and PM_{2.5} emissions would not exceed the SCAQMD threshold and would not conflict with or obstruct implementation of the applicable air quality plan or violate any air quality standards or contribute substantially to an existing or projected air quality violation. Emissions of SO₂ and lead would be less than 0.1 pounds per day and less than the respective significance thresholds.

Table 3.3-5 Estimated Daily Emissions from Project Construction (pounds), which was prepared using CalEEMod software, assumes compliance with Rules 401, 402, 403, and 1157 which are required; without compliance however, nuisance impacts (especially uncontrolled fugitive dust emissions or excessive exhaust from poorly maintained heavy equipment) could occur.

In order to ensure there are no potential impacts that could occur without compliance with Rules 401, 402, 403, and 1157, the City is proposing **MM AQ-1**.

The first sentence of MM AQ-1 on page 3.3-27 of the Draft EIR (*Final EIR page 3.3-27*) is revised as follows:

MM AQ-1

The Applicant shall ensure that contractors implement a fugitive dust control program pursuant to the provisions of SCAQMD Rules 401, 402, 403, and 1157.

Response 5-17: The Proposed Project is not expected to cause soil disturbance within the four existing disposal sites nearby. Thus, compliance with requirements including SCAQMD Rule 1166 – Volatile Organic Compound Emissions from Decontaminated Soil and Rule 402 – Nuisance would not be required.

Response 5-18: This comment is requesting that the City monitor the terms of project operations that are the basis of the project analyzed in the EIR. The City will prepare a Development Agreement (DA) with that applicant to assure that the project is built and operated consistent with the project description and analyses in the Draft EIR. The City shall include the following monitoring items as part of the Development Agreement:

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

- Limit the daily number of trucks to 262 round trips (per Project Description). If higher daily truck volumes are anticipated to visit the site, the Lead Agency shall commit to re-evaluating the project through CEQA prior to allowing this higher activity level.
- The facility operator shall maintain a log of all trucks entering the facility to ensure that on average, the daily truck fleet meets the quantities and emission standards set forth within the EIR. This log shall be available for inspection by city staff at any time.
- The site shall be designed such that any check-in point (i.e., scale house) for trucks is well inside the facility to ensure that there are no trucks queuing outside of the facility (i.e., along Los Angeles Boulevard).
- Have truck routes clearly marked with trailblazer signs so trucks will stay on truck routes established by the Lead Agency and not inadvertently enter residential areas or pass by nearby schools.
- The Project Operator shall develop, adopt and enforce truck routes both in and out of city, and in and out of facilities so that trucks will stay on the established truck route and not inadvertently enter residential areas or pass by nearby schools.

MM AQ-1 on page 3.3-27 of the Draft EIR (*Final EIR page 3.3-27*) is revised to add additional text as follows:

- The Project Applicant shall use street sweepers (using reclaimed water) that comply with SCAQMD Rules 1186 and 1186.1. The street sweepers shall operate for the length of the truck route.
- A publically visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The SCAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Response 5-19: MM AQ-8 on page 3.3-31 of the Draft EIR (*Final EIR page 3.3-33*) is revised to add additional text at the end of the measure as follows:

At a minimum, the Project Operator shall require upon occupancy that all heavy duty trucks entering the property must meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025."

The Project Operator shall require the phase-in of non-diesel powered trucks (e.g., natural gas trucks) as commercially-available and as part of the bidding and proposal process used for the replacement of the diesel-powered trucks used at the project site.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Response 5-20: There is an electric charging station at 6090 North Irwindale Avenue in Irwindale and approximately a dozen electric charging stations within ten miles of the Proposed Project. There are 190 electric charging stations within 25 miles of Irwindale. There is a CNG station at 950 North Todd Avenue in Azusa and three CNG stations within ten miles of the Proposed Project. There are 627 different public alternative fuel stations within 25 miles of Irwindale (such as CNG, E85 Ethanol, Biodiesel, Propane, LNG, or electric charging stations.)

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

comment letter #6

September 8, 2014

Paula Kelly, Senior Planner
City of Irwindale
Planning Department
5050 North Irwindale Avenue
Irwindale, CA 91706

Dear Ms. Kelly:

NOTICE OF COMPLETION/AVAILABILITY, "OLIVE PIT MINE AND RECLAMATION PROJECT," SUBMITTED APPLICATION TO CONSTRUCT, OPERATE AND RECLAIM (BACKFILL) THE EXISTING INACTIVE OLIVE PIT MINE, 4407 ARROW HIGHWAY, IRWINDALE (FFER #201400142)

1

The Notice of Completion/Availability has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department. The following are their comments:

PLANNING DIVISION:

1. We have no comments at this time.

LAND DEVELOPMENT UNIT:

1. This project does not propose construction of structures or any other improvements at this time. Therefore, until actual construction is proposed the project will not have a significant impact to the Fire Department, Land Development Unit.
2. When developing the infrastructure and when actual construction is proposed, the following requirements shall be incorporated into the project proposals.

2

3

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS	CALABASAS	DIAMOND BAR	HIDDEN HILLS	LA MIRADA	MALIBU	POMONA	SIGNAL HILL
ARTESIA	CARSON	DUARTE	HUNTINGTON PARK	LA PUENTE	MAYWOOD	RANCHO PALOS VERDES	SOUTH EL MONTE
AZUSA	CERRITOS	EL MONTE	INDUSTRY	LAKEWOOD	NORWALK	ROLLING HILLS	SOUTH GATE
BALDWIN PARK	CLAREMONT	GARDENA	INGLEWOOD	LANCASTER	PALMDALE	ROLLING HILLS ESTATES	TEMPLE CITY
BELL	COMMERCE	GLENORA	IRWINDALE	LAWDALE	PALOS VERDES ESTATES	ROSEMEAD	WALNUT
BELL GARDENS	COVINA	HAWAIIAN GARDENS	LA CANADA FLINTRIDGE	LOMITA	PARAMOUNT	SAN DIMAS	WEST HOLLYWOOD
BELLFLOWER	CUDAHY	HAWTHORNE	LA HABRA	LYNWOOD	PICO RIVERA	SANTA CLARITA	WESTLAKE VILLAGE
BRADBURY							WHITTIER

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Paula Kelly
September 8, 2014
Page 2

3. The statutory responsibilities of the County of Los Angeles Fire Department, Land Development Unit, are the review of, and comment on all projects within the unincorporated areas of the County of Los Angeles. Our emphasis is on the availability of sufficient water supplies for firefighting operations and local/regional access issues. However, we review all projects for issues that may have a significant impact on the County of Los Angeles Fire Department. We are responsible for the review of all projects within contract cities (cities that contract with the County of Los Angeles Fire Department for fire protection services). We are responsible for all County facilities, located within non-contract cities. The County of Los Angeles Fire Department, Land Development Unit, may also comment on conditions that may be imposed on a project by the Fire Prevention Division, which may create a potentially significant impact to the environment. 4

4. Should any questions arise regarding subdivision, water systems, or access, please contact the County of Los Angeles Fire Department, Land Development Unit Inspector, Claudia Soiza, at (323) 890-4243. 5

5. The County of Los Angeles Fire Department, Land Development Unit, appreciates the opportunity to comment on this project.

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

1. The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed. 6

HEALTH HAZARDOUS MATERIALS DIVISION:

1. The Health Hazardous Materials Division has no additional comments than those already provided. 7

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Paula Kelly
September 8, 2014
Page 3

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,



FRANK VIDALES, CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

FV:jl

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Response to Comment Letter 6

Response 6-1: Comment noted.

Response 6-2: Comment noted.

Response 6-3: Comment noted.

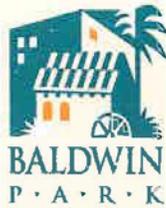
Response 6-4: Comment noted.

Response 6-5: Comment noted.

Response 6-6: The analysis of the potential for erosion, hydrology, drainage and water quality impacts associated with the Project are addressed in Chapters 3.5 and 3.10 of the Draft EIR. Potential effects on biological resources are described in Chapter 3.4 of the Draft EIR. The Project site is not located within any Wildland Urban Interface (WUI) or identified Very High Fire Hazard Severity Zone or Fire Zone 4. As discussed in Chapter 3.1 of the Draft EIR, the project site is an existing mine site for which the entire surface area has been previously excavated to a depth of more than 100 feet, and there is no potential for cultural resources to be encountered as excavation is continued to greater depth. No oak trees were detected on site, and the County Oak Tree Ordinance does not apply to incorporated City lands.

Response 6-7: Comment noted.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



comment letter #7

September 29, 2014

Ms. Paula Kelly, Senior Planner
City of Irwindale
5050 N. Irwindale Avenue
Irwindale, CA 91706

RE: Comments related to the Irwindale Olive Pit Draft EIR (State Clearinghouse #2014031051)

Dear Ms. Kelly:

The City of Baldwin Park hereby respectfully submits comments on the proposed Draft Environmental Impact Report (Draft EIR) for the Olive Pit Mine and Reclamation Project, in the City of Irwindale.

To protect the public good and the vital interests of the City, its residents, businesses, and potential visitors the City of Baldwin Park has retained the services of Environmental Science Associates' Dan Sicular, PhD, to review and assess the information contained in the Draft EIR. Dr. Sicular has over 20 years of consulting experience in environmental review. He is the author of numerous academic and professional papers on local, national and international trends in the waste management and has provided his expertise in managing the environmental analysis of several mining and reclamation projects statewide. Dr. Sicular has reviewed the Olive Pit Mine and Reclamation Project Draft EIR and provided his analysis on behalf of the City of Baldwin Park. His review and analysis, which details numerous deficiencies in the Draft EIR, is attached.

As detailed in the attached analysis prepared by Dr. Sicular, the Draft EIR for the proposed Olive Pit Mine and Reclamation Project in the City of Irwindale fails to meet the standards of legal adequacy under the California Environmental Quality Act (CEQA), and also fails to meet current standards of practice for environmental review of major mining and reclamation projects as discussed in the attached letter.

Therefore, based on the legal standards of adequacy established by CEQA and current standards of practice for environmental review of a major mining and reclamation project, the City of Baldwin Park hereby requests that this Draft EIR be re-written and re-circulated.

CITY OF BALDWIN PARK • 14403 EAST PACIFIC AVENUE • BALDWIN PARK • CA • 91706 • (626)960-4011 • FAX (626)962-2625

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Baldwin Park Comment Letter to Irwindale Olive Pit Mining & Reclamation Project
September 29, 2014
Page 2 of 2

Respectfully,

CITY OF BALDWIN PARK



Shannon Yauchzee
Chief Executive Officer

Attachment: ESA letter – September 25, 2014

cc: City of Baldwin Park Mayor and City Council
Honorable Congresswoman Grace F. Napolitano
Honorable State Senator Dr. Ed Hernandez
Honorable State Assemblyman Roger Hernandez
Honorable Gloria Molina, Los Angeles County Supervisor, District 1
City of Arcadia Mayor and Councilmembers
City of Azusa Mayor and Councilmembers
City of Duarte Mayor and Councilmembers
City of El Monte Mayor and Councilmembers
City of Irwindale Mayor and City Councilmembers
Baldwin Park Unified School District Board of Directors
Main San Gabriel Basin Watermaster
Upper San Gabriel Valley Water District Board Members
Valley County Water District Board Members
Valley View Mutual Water District Board of Directors
California Air Resources Board
California EPA—State Water Resources Control Board
California Department of Health Services
California Department of Toxic Substances Control
California Department of Transportation (District #7)
California Public Resources—Department of Conservation
California Regional Water Quality Control Board (Region #4)
CalRecycle Department of Resources, Recycling & Recovery
City of Los Angeles Department of Water and Power
Los Angeles County Department of Public Health
Los Angeles County Sanitation District
South Coast Air Quality Management District
Rivers and Mountains Conservancy
U.S. Army Corp. of Engineers, Los Angeles District
U.S. Environmental Protection Agency

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



350 Frank H. Ogawa Plaza
Suite 300
Oakland, CA 94612
510.839.5066 phone
510.839.5825 fax

www.esaassoc.com

September 25, 2014

Mr. Shannon Yauchzee
Chief Executive Officer
City of Baldwin Park
14403 Pacific Ave.
Baldwin Park, CA 91706

Subject: Comments on Draft Environmental Impact Report for the Olive Pit Mine and Reclamation Project (State Clearinghouse Number 2014031051)

Dear Mr. Yauchzee:

At the request of the City of Baldwin Park, we have completed our review of the Olive Pit Mine and Reclamation Project (Olive Pit; the “project”) Draft Environmental Impact Report (DEIR). This letter details the results of our review, which focused on identification of areas of the document that fail to meet standards of legal adequacy under the California Environmental Quality Act (CEQA), or that do not meet current standards of practice for environmental review of major mining and reclamation projects. Our comments are organized by chapter of the DEIR, preceded by general comments.

2

General Comments

CEQA *Guidelines* Section 15088.5 requires recirculation of an EIR prior to certification when, “...significant new information is added to the EIR after public notice is given of the availability of the DEIR for public review... but before certification.” The comments below, and information that should be included in an adequate response to these comments, add such significant new information, requiring recirculation of the document. Specifically, the comments below identify significant new environmental impacts that the DEIR fails to identify; point out feasible mitigation measures or the need to develop such measures to reduce these impacts; and identify feasible alternatives that would avoid or substantially reduce some of the significant impacts of the project, and which should be included in a recirculated DEIR.

3

Specific Comments

Project Description

The Project Description, on page 2.0-20, states that the project’s extractive and reclamation activities would be required to adhere to four City of Irwindale guidance documents relating to open pit mines: *Guidelines for Stability Analysis of Open Pit Mine Slopes* (December 2003); *Guidelines for Drainage and Erosion Control for Open Pit Mines* (July 2004); *Guidelines for Underwater Backfilling of Open Pit Mines* (May 2005); and *Guidelines for Above Water Backfilling of Open Pit Mines* (November 2005). Complete citations for these crucial documents are not included in the Project Description or in Chapter 7, References. Neither are the provisions contained in these guidance documents summarized, nor are particular requirements cited that would pertain to

4

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



Shannon Yauchzee
September 25, 2014
Page 2

the project. These documents are included as appendices to Appendix A, Reclamation Plan of the DEIR, but they are lengthy, highly technical documents that are not easily accessible or understandable for the lay public. It is therefore impossible for the reader of the DEIR to gain a full understanding of the project, or of the standards or practices that the project would be required to adhere to.

Elsewhere in the DEIR (Chapter 3.10, Hydrology and Water Quality), it is stated that these guideline documents were adopted as policy by the City of Irwindale. However, it appears that they were not subjected to CEQA review, nor any kind of public review process. It appears, therefore, that crucial standards that the project is expected to adhere to for protecting the environment and ensuring public safety have not had the benefit of a public review and adoption process, and have not undergone CEQA review. Therefore, any particular standards contained in these documents that the project would be required to adhere to should themselves be fully described and analyzed in the DEIR to ensure that they constitute adequate mitigation for potential impacts, and that they would not cause secondary environmental effects. The Project Description itself should be re-written to summarize the pertinent guidance provided by these documents, to the extent that these would be incorporated in the project design. The Geology and Soils, Hydrology and Water Quality, and Hazards and Hazardous Materials chapters should be re-written to describe applicable standards from these documents and to analyze their effectiveness in avoiding or mitigating potential project impacts.

4
cont'

Chapter 3.0, Environmental Setting, Impacts, and Mitigation Measures

Chapter 3.0 includes a discussion of the DEIR's approach to the required cumulative impact analysis. The cumulative impact analysis must include two determinations: 1) a determination whether the combined impact of the project with other projects causing related impacts would be significant; and 2) a determination whether the project's incremental contribution to a cumulative impact is cumulatively considerable. If a lead agency finds that the cumulative impact is not significant, the EIR must include an explanation of the basis for the finding, supported by facts and analysis.

5

The cumulative impacts conclusions in the DEIR are not supported by substantial evidence and analysis. At the conclusion of each of the chapters, in the discussion of cumulative impacts, a cursory reference to the cumulative projects list in Chapter 3.0 is the only supporting evidence provided, but little analysis is given. The DEIR simply makes a conclusory statement with no level of supporting detail. This fails to meet the standard of adequacy for analysis of cumulative impacts in an EIR. Each cumulative impact discussion should include a summary of the expected environmental effects of the listed cumulative projects related to the resource being analyzed, and whether the project would make a cumulatively considerable contribution to any identified cumulative impact.

Neither does the DEIR disclose the particular impacts associated with the 67 cumulative projects listed in Chapter 3, or whether their impacts would have the potential to combine with those of the project in a cumulative manner; the list is therefore meaningless. The DEIR also fails to define the geographic area used in the cumulative analysis of each resource area. In Chapter 3.0, the DEIR provides a brief explanation and some broad examples of

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



Shannon Yauchzee
September 25, 2014
Page 3

the geographic regions associated with certain resources when analyzing cumulative impacts, but provides no specifics with regard to which of the projects from the cumulative project list are relevant in the analysis of each resource. The DEIR should include an explanation of the criteria for determining geographic area of impact analysis, and should provide information on the expected impacts from listed cumulative projects located within the geographic area.

5
cont'

Chapter 3.1, Effects Not Found to be Significant

The brief discussion of Cultural Resources on pages 3.1-1 and 3.1-2 states that the project site does not have any buildings, structures, or other on-site locations designated as containing cultural, historic, or prehistoric features. However, the project description notes that mining of the site began in the 1920s, and several photos of the project site, including Figure 2.0-7, depict structures on the site that could be greater than 50 years old, and could therefore potentially have historical significance. Any structures on the project site that would be disturbed or demolished by the project should be evaluated for historical significance. Because the mine pit itself dates to the early 1920s, it should be evaluated as an example of early twentieth century mining of the San Gabriel River's alluvial fan, including its contribution to the historic growth of the San Gabriel Valley and the Los Angeles Basin.

6

Chapter 3.3 Air Quality, Greenhouse Gas (GHG), Odor, and Health Risk Assessment Air Quality and Greenhouse Gases

Review of Chapter 3.3 for the DEIR identified numerous errors, inconsistencies, and a substantial lack of references, supporting data, and information needed to properly evaluate the emissions estimates and associated conclusions.

7

The methodology section fails to provide a detailed account of how impacts were assessed for the project, it merely states what topical areas the chapter addresses. The methodology section should provide a complete and thorough summary of the analysis approach, including assumptions and data sources used in the project's emission estimates.

Threshold AQ-1: The document states "Daily emissions during construction were estimated by applying the mobile-source and fugitive dust emission factors." This description of the methodology used is substantially lacking in detail and fails to include emissions associated with off-road construction equipment. The models used to obtain the emission factors should be identified as well as any assumptions that were made in the calculations (hours of operation, days per week, etc). While some of this information is provided in the chapter, it is scattered and not clear what assumptions were used for the emission estimates. A description of how the emission factors were utilized should also be included. Sources should be provided for all regulations and assumptions stated in the chapter. In particular, page 3.3-25 of the DEIR makes assumptions about the efficacy of water and chemical dust control but does not provide a source for the assumptions. These should be provided in the chapter and in the

8

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



Shannon Yauchzee
September 25, 2014
Page 4

references as well. Also, the parameters for the worst-case scenario indicated on this page should be clearly defined and in the supporting documentation.

8

Emission estimates provided in Table 3.3-5 do not provide a clear summary of the project's various emissions sources (mobile, off-road, and fugitive dust). Additionally, the discussion does not identify the associated data sources and assumptions that were used in the calculations. The table indicates that KB Environmental Sciences, Inc., 2014 is the source document for the emission estimates. Without the inclusion of this reference in Chapter 7.0, References, the reader would have to infer what the source document is for the tables from the appendices provided. The proper reference should be added to Chapter 7.0. For the purposes of this review, it is assumed that KB Environmental Sciences, Inc., 2014 is referring to the Air Quality and Health Risk Assessment Prepared by KB Environmental Sciences, Inc., RCH Group on July 18, 2014. For comments on the adequacy of this document, see below.

9

Beneath Table 3.3-5, the text states that this table was prepared using CalEEMod software; however, this conflicts with the reference provided in the table. The reference is for a document prepared by KB Environmental Sciences, Inc., 2014, which includes a CalEEMod file as an attachment. The document itself describes how OFFROAD and EMFAC emissions factors were utilized and the formula used to calculate emissions. This inconsistency should be corrected. Further, the data in the table does not correspond to the CalEEMod model output provided in the Supplementary Air Quality and Health Risk Assessment Files. The table states that estimated daily emissions from construction of the project would result in 6.5 pounds of ROG, 32.5 pounds of NOx, 23 pounds of CO, 8.4 pounds of PM10 and 5.0 pounds of PM2.5. The CalEEMod output file presents data in tons per year making comparison difficult for the layperson. Further, when converted to pounds per day using the stated assumptions (306 working days per year), the overall construction emissions summary contained in the CalEEMod output file are not the same as those included in Table 3.3-5. Instead, the emissions only represent approximately half of the emissions included in the DEIR chapter.

The last bullet of MM AQ-1 appears to be a formatting error and should be a new paragraph.

10

Page 3.3-30 refers to Appendix AQ of the DEIR. This appears to be an internal inconsistency and should refer to Appendix C. This inconsistency should be corrected, or Appendix AQ should be provided, if it exists.

11

The calculations behind emission estimates provided in Table 3.3-6 are not clearly provided by the referenced KB Environmental Sciences, Inc., 2014 document and therefore the emission estimates cannot be verified.

12

The DEIR states that application of appropriate emission control devices, use of newer equipment, or other exhaust mitigation measures during project construction would reduce emissions by utilizing Tier 4 emission standard equipment. However, the DEIR is unclear about how the percentage reduction was derived and which equipment would be expected to be Tier 4. The DEIR should specifically disclose which of the listed mitigation

13

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



Shannon Yauchzee
September 25, 2014
Page 5

measures would be responsible for achieving the reduction of exhaust emissions. In short, the DEIR fails to provide substantial evidence that the stated reduction in project emissions would be achieved. Further, Tables 3.3-7 and 3.3-8 cite KB Environmental Sciences, Inc., 2014 as the reference document for the mitigated emissions; however, this document includes no information on mitigated emissions and thus the data in the tables is unsubstantiated.

13
con't

Threshold AQ-3 identifies whether the project would cause an exceedance of the Ambient Air Quality Standards. The analysis utilized AERMOD to estimate emissions from the project in combination with background concentrations currently in the area. The AERMOD results are not properly cited in Chapter 3.3 and the Air Quality Supporting Files provided were corrupted and could not be opened for review. Further, another reference is made to Appendix AQ, which is not listed in the DEIR as being available.

14

Page 3.3-42 provides an estimate of GHG emissions for the project; however, there is no methodology or source reference provided for these emissions estimates and therefore the validity of the estimates cannot be verified. The DEIR should include a table summarizing construction and operation-related GHG emissions and note in the discussion that the construction emissions were amortized for the analysis. The appropriate calculations should be included in Appendix C.

15

Health Risk Assessment

The Health Risk Assessment section provides the rationale for impacts identified under Threshold AQ-5, beginning on page 3.3-38. Several deficiencies were identified in this section.

16

A proper citation should be included for the thresholds of significance.

This section does not clearly state up-front which models were used to calculate health risk.

No citations for the Cancer Potency Factor were provided.

The approach described in Chapter 3.3 conflicts with that described in Appendix C. The model used for the analysis should be clarified.

A complete citation for the OEHHA guidance was not provided.

No summary data from the modeling was included, which makes it difficult to confirm the validity of the modeling. The AERMOD files are included as an attachment to the Air Quality and Health Risk Assessment which makes data verification more difficult than it needs to be and near impossible for the layperson to access and utilize to confirm the findings in the DEIR.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



Shannon Yauchzee
September 25, 2014
Page 6

Page 3.3-39 identified the assumptions used in the HRA as being located in Appendix AQ, which doesn't exist and therefore cannot be reviewed. | 17

There is a partial discussion of the HRA in Appendix C, however, the data itself is provided in supplementary files, not in a comprehensive summary. A comprehensive summary of how the HRA was conducted is needed in both Chapter 3.3 and Appendix C. | 18

The Chapter 3.3 cumulative impact discussion does not address the significance of the project's contribution to cumulative health risks. This serious deficiency needs to be corrected. Other sources of toxic air contaminants that affect the same sensitive receptors should be identified and quantified. The combined health risk of the project with these other projects should be disclosed. | 19

Regarding the reference material in Chapter 7.0, References, many of the included links are broken and do not provide adequate justification for assumptions stated in the text. The Reference chapter should be updated to include all appropriate weblinks and all citations used in Chapter 3.3. There is a general lack of proper citation in Chapter 3.3. All references listed in Chapter 7.0 should be cited in the text and all cited sources must be included in Chapter 7.0. | 20

Further, several of the supporting air quality and health risk files provided on the City of Irwindale website are corrupted and could not be reviewed. | 21

Air Quality and Health Risk Assessment by KB Environmental Sciences, Inc., RCH Group on July 18, 2014
Review of the Air Quality and Health Risk Assessment by KB Environmental Sciences, Inc., RCH Group on July 18, 2014 (found in Appendix C of the DEIR) reveals a very piecemeal and confusing source document for Chapter 3.3. This document attempts to explain air quality emission calculations, but fails to provide a clear and comprehensive justification for the emissions presented in the DEIR. This document is cited by the DEIR as the source for construction and operational emission estimates, but fails to provide the methodologies or assumptions associated with the two phases. The document should be updated to clearly explain how the emissions for construction and operation of the project were calculated and include all appropriate references. Specific deficiencies in the document are identified below. | 22

The Air analysis is split into Section A.1, On-Road Vehicles, Section A.2, Off-Road Equipment, and a section on fugitive dust. The fugitive dust section is missing the appropriate heading which leads to confusion. The fugitive dust discussions address emissions from aggregate processing, handling and storage, unpaved roads, and grading. The document should include appropriate numbering to group discussions on emission type appropriately. Further, each of the sections includes several errors, which are identified below. | 23

The source for Table AQ-1 is CARB EMFAC2007, which conflicts with source material stated in the text, EMFAC2011. This discrepancy should be rectified. Also, references should be provided for Tables AQ-2 and | 24

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



Shannon Yauchzee
September 25, 2014
Page 7

AQ-3 as well as an explanation of how idling emission factors were incorporated into the overall emission rate. Also, there is no source provided for the idling emission factors. Further, Chapter 3.3 fails to discuss emissions from idling. The DEIR should clearly state how many idling events were assumed to occur daily. 24 cont'

Section A.2, Off-Road Equipment states that heavy-duty equipment emission estimates used emission factors from OFFROAD 2011, as included in CalEEMod. Then confusingly, the section presents parameters used and Equation 2, which was apparently used to calculate off-road emissions. It is unclear how CalEEMod was used to calculate off-road emission. This should be clarified and the source emission factors should be included with appropriate citations. 25

Tables AQ-4 through AQ-10 do not include references and the document should be amended to include them. 26

The section on Aggregate Processing appears to be the beginning on the discussion on fugitive dust emissions. Aggregate processing emissions were calculated using AP-42. Table AQ-11 appears to incorrectly present Controlled Emission Factors, and should be corrected as appropriate. Table AQ-11 indicates that the Controlled Emission Factor for Conveyors is 0.00084 while AP-42 Table 11.19.2-2, Emission Factors for Crushed Stone Processing Operations indicates the emission factor to be 0.000046. Also, the title should be corrected to indicate these emission factors are for PM10. 27

The section also fails to provide a source for the following statement: "Based on available data, the emission factors for handling and storage activities are 0.004 and 0.006 pounds per ton of material processed (uncontrolled) of PM10 and PM2.5, respectively; and 0.0010 and 0.0002 pounds per ton of material processed (controlled) of PM10 and PM2.5 respectively." The correct references for the Western Regional Climate Center data and SCAQMD data are not provided. References for the entire document are largely lacking, improperly cited in the text and should be provided. Also, the reference for the use of a 75 percent control efficiency for fugitive dust was not cited in the section. 28

The calculation for unpaved roads assumes 35 days of precipitation. This conflicts with the assumption of 33 days of precipitation assumed in the CalEEMod files. The inconsistency should be corrected, or the use of 35 days explained, an appropriate reference should be included. 29

The health risk section does not provide a clear explanation of the methodology used to develop the health risk analysis. The section should clearly state the models and guidance document used. Chapter 3.3 identifies AERMOD as the model used for the analysis, while Appendix C also indicated the HARP model was used. A description of the HARP model and an explanation of how it was used should be provided in Appendix C and the chapter. Exhibits 4 and 5 identify receptors in the project vicinity but it is not clear from this exhibit if the emissions were assumed to take place in the center of the project site (as identified by the star) or on the periphery, which is closer to the receptors. The Project Description indicates the mining would take place over 52 30

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



Shannon Yauchzee
September 25, 2014
Page 8

acres for phase I and 137 acres for phase II, therefore, emissions would not be limited to the very center of the project site as indicated in Exhibits 4 and 5. The figures should illustrate the location of the emission source releases in relation to the receptors and project components. A citation for Exhibit 6 was not provided. In general, citations should be provided for all exhibits, figures and tables. This document does not provided adequate citations for data and assumptions used in the HRA.

30
con't

CalEEMod Output

Please note the inconsistency described above with regard to assumed number of days of precipitation.

Section 1.1 of the CalEEMod output states that the lot size is 2 acres, but the site preparation phase indicates that 3 acres of grading would occur. The assumptions made for the basis of calculating criteria pollutant and GHG emissions should be clearly stated in the Air Quality chapter, and should be internally consistent with the project description and the supporting appendices. The Project Description does not include any construction figures or diagrams for comparison.

31

Chapter 3.4, Biological Resources

While Chapter 3.4 (Threshold BIO-3) examines potential impacts on federally-protected wetlands, neither this chapter nor the Hydrology and Water Quality chapter examines the potential impacts of the project on Waters of the State of California. Waters of the State are defined much more broadly than federal jurisdictional waters. Waters of the State are defined as “any surface water or groundwater, including saline waters, within the boundaries of the state. Examples include, but are not limited to, rivers, streams, lakes, bays, marshes, mudflats, unvegetated seasonally ponded areas, drainage swales, sloughs, wet meadows, natural ponds, vernal pools, diked baylands, seasonal wetlands, and riparian woodlands.” Unlike federal wetlands, Waters of the State include isolated waters. The seasonally ponded water that occurs on the project site may therefore be considered Waters of the State. Unauthorized filling of Waters of the State would constitute a significant impact. The DEIR should examine whether the project would have an adverse effect on Waters of the State, and if so, should offer and analyze the effectiveness of mitigation measures to avoid or reduce such impacts.

32

Chapter 3.5 Geology, Soils, and Mineral Resources

Threshold GEO-1 sites a 2008 slope stability study as the basis for the discussion of slope stability within the Olive Pit. This study examines current conditions and was apparently prepared for a different project. It does not address the potential for the project to increase slope instability through deepening of the pit and construction of the access road. Slope stability is of particular concern for this site, as slope failure could affect adjacent residential areas. A new slope stability analysis should be prepared that specifically addresses the potential slope instability issues posed by the proposed project, including static and dynamic slope stability during each proposed mining and reclamation phase.

33

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



Shannon Yauchzee
September 25, 2014
Page 9

The DEIR fails to establish an acceptable factor of safety for static and dynamic slope stability during mining and reclamation and for the post-reclamation land use. This deprives the public and decision makers of the ability to ascertain whether the site would be maintained in a safe condition during and after mining and reclamation. The basis for an acceptable factor of safety should also be provided. 34

The discussion of Threshold GEO-1 notes that the 2008 slope stability analysis identified areas of unacceptable instability in portions of the site, and states that design features of the project would address these areas. Such design features are not described, nor their adequacy in achieving adequate slope stability analyzed. A full description and analysis should be provided, including effects of access road construction and phase 1 and phase 2 mining and reclamation on areas of instability, and calculation of static and dynamic factors of safety in these areas of known instability during each mining and reclamation phase. 35

Chapter 3.6 Hazards and Hazardous Materials

Chapter 3.6 discusses the fact that groundwater beneath the site is contaminated and that the site is included within a superfund site. Groundwater contaminants at the site include tetrachloroethylene (PERC) and trichloroethylene. Trichloroethylene is recognized by the USEPA as a human carcinogen, and also has acute toxic effects on the central nervous system, kidneys, and liver. The International Agency for Research on Cancer has classified tetrachloroethylene as a Group 2A carcinogen, indicating that it is likely carcinogenic to humans. Tetrachloroethylene is a central nervous system depressant and can enter the body through respiratory or dermal exposure. Exposure pathways include inhalation when volatilized, drinking contaminated water, and skin contact with contaminated water. 36

Through mining the project site to a greater depth, the project would expose more contaminated groundwater, increasing the potential for human exposure. Chapter 3.6 fails to examine the potential health effects on site workers, nearby residents, and school children (there are several schools in close proximity to the project site, as noted in the discussion of Threshold Haz-3). The DEIR should conduct a full health risk assessment examining potential exposure to tetrachloroethylene and trichloroethylene, including a current study of contamination levels at the site, potential exposure pathways, and resulting cancer, acute, and chronic health risks. Without such a study, there is a possibility that the project will cause unacceptable health risk for site workers, nearby residents, and school children.

Chapter 3.6 also claims that backfilling of the project site will not adversely affect groundwater. However, there are no stated provisions for testing backfill materials to ensure that they are not contaminated. The discussion of Threshold HAZ-4 states that the Regional Water Quality Control Board (RWQCB) will require the project to obtain Waste Discharge Requirements (WDRs), but fails to conduct an analysis of the potential for groundwater contamination. Instead, the discussion states that the WDRs will require monitoring of groundwater on site. The DEIR thus improperly defers mitigation to a future regulatory process, without fully disclosing potential impacts related to groundwater contamination, and without describing standards and measures for avoiding or mitigating 37

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



Shannon Yauchzee
September 25, 2014
Page 10

any contamination that does occur. The DEIR does not provide substantial evidence that groundwater contamination would not occur, and fails to provide adequate mitigation in the event that it would occur.

37
con't

The cumulative impact discussion at the conclusion of Chapter 3.6 fails to analyze the potential for the project to combine with other mining and reclamation projects in the vicinity to cause cumulative impacts related to exposure of contaminated groundwater and the potential to further contaminate groundwater.

38

Chapter 3.7 Land Use and Planning

Chapter 3.7 fails to review or consider the consistency of the proposed project with land use policies and plans of neighboring communities adjacent to the project site, including the City of Baldwin Park and the City of West Covina.

39

Chapter 3.7 does not examine land use conflicts of the proposed project with surrounding land uses, including residential uses in the City of Baldwin Park and the City of West Covina. Mining operations are fundamentally incompatible with residential land uses. One purpose of the California Surface Mining and Reclamation Act (SMARA) is to ensure that local agencies protect the ability to recover mineral resources from designated mineral resource sites, through land use designation, zoning, and other local controls. Mining of the Olive Pit ceased prior to passage of SMARA. Post-SMARA, the site was designated as a mineral resource site. However, at that time (the 1980s) the surrounding residential neighborhoods were already there. Therefore, it was, and is, too late to avoid land use conflicts between the proposed re-initiation of mining of the site and the surrounding land uses.

The absence of a significance threshold in Chapter 3.7 that addresses the essential issue of land use compatibility is a serious oversight in the DEIR. Chapter 3.7 should be re-written to include land use compatibility as a significance threshold, and should examine whether mining of the site would be incompatible with surrounding residential land uses. It is interesting to note that land use incompatibility is considered in the analysis of the Reduced Daily Mining Intensity Alternative in Chapter 5.0, Alternatives (pages 5.0-14 and 5.0-18), because this alternative would extend the mining period longer than the project as proposed. There is therefore an internal inconsistency in the document with regard to the consideration of land use compatibility impacts.

40

Chapter 3.8, Noise

Noise impacts resulting from construction of the project are discussed on page 3.8-17 of the DEIR. The DEIR identifies noise impacts from project construction as less than significant because construction would take place between the hours of 7 am and 7 pm. The EIR should be revised to consider noise experienced by residences in the City of Baldwin Park and should provide noise attenuation estimates for construction equipment listed in Table 3.8-6. Page 3.8-9. Sensitive receptors in Baldwin Park may be as close as 80 feet from the project site. The impact should be identified as significant, and appropriate mitigation measures should be identified if construction-related noise would exceed the City of Baldwin Park noise standards. Similar calculations should be provided for sensitive receptors in the City of West Covina. Table 3.8-6 indicates that paving activities generating

41

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



Shannon Yauchzee
September 25, 2014
Page 11

noise levels up to 89 dBA Leq would occur during construction of the access road. The Chapter should clearly indicate how close to residences the proposed paving would take place and provide the appropriate noise level at the nearest residences.

41
con't

The EIR fails to identify noise impacts resulting from operation of the project. Noise impacts should be evaluated for sensitive receptors located as close as 80 feet from the project site within the City of Baldwin Park. Table 3.8-8, Mining Equipment Noise Levels, provides mining equipment noise levels from the Applicant's URP Pit No. 3; however, the EIR fails to identify why these noise levels are applicable to the project. Also, the source for the table, RCH Group, 2014 is not included in the references in Chapter 7.0. Page 3.8-20 identifies that operational impacts were identified using "The Barrier Noise Reduction Formula" to calculate noise reduction due to the pit walls. This formula was obtained from Continental Placer Inc., 2013, which is a Draft EIS prepared for another project. This source is an unreliable document as it was a Draft EIS, not a final, for a project in New York State, not California. The methodology should be revised to cite industry standards for evaluating noise impacts and the potential noise reduction resulting from the pit walls. A worst case scenario approach should be taken if an objective methodology for assessing the noise reduction does not exist. However, the analysis in the EIR does not seem to address a worst-case scenario, as it appears to assume that all noise generating equipment would be located within the pit. This does not appear to be the case, as the access road, processing, and reclamation activities would take place at approximately the same elevation as the residences and other sensitive receptors, at least at some times during the life of the project. Noise-generating equipment such as overhead hoppers, haul trucks and grading equipment could occur outside the pit as well.

42

Table 3.8-9 identifies the distance from sensitive receptors to phase I excavation at the project site. A map should be provided to support these numbers and assumptions. Page 3.8-9 indicates that residences are located in the City of Baldwin Park approximately 80 feet from the property line. The estimates of noise generated from phase I excavation fail to account for any activities taking place at the same elevation and in close proximity to these identified sensitive receptors.

43

The EIR indicates that the project's operational-related noise levels would be considered significant if they exceed the City of Baldwin Park's interior and exterior noise standards that are shown in Table 3.8-4. However, the City of Baldwin Park's noise limits shown in Table 3.8-5 of the EIR should also be applied to the project's operations, including any applicable corrections. Page 3.8-21 states that phase I extraction sound levels in West Covina would be masked by traffic noise on Los Angeles Street and train noise, but no calculations or references are provided to support this statement.

44

Page 3.8-22 states that based on values in Table 3.8-7 and 3.8-8, excavation noise levels are expected to be approximately 70 to 75 Leq at 100 feet. This statement should be supported by calculations or references. Further, as sensitive receptors have been identified as close as 80 feet to the property line, the DEIR should explain why 100 feet was used as the stated distance. This analysis should also include equipment operating at the same

45

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



Shannon Yauchzee
September 25, 2014
Page 12

elevation as sensitive receptors, rather than assuming all equipment would be within the pit. A map should be provided to support the distances used in Table 3.8-10.

45
cont

Mitigation Measure N-1 should be revised to require that the earthen berm be constructed prior to project construction to ensure the maximum amount of noise attenuation is provided to the residences along Olive Street, Parker Ave. and Phelan Ave. to mitigate noise generated during construction and phase I extraction. Supporting documentation should be provided for the estimated 10 dBA reduction in noise. Mitigation Measure N-1 should also be revised to include monitoring requirements to ensure that if the berm does not adequately mitigate noise impacts below levels in Table 3.8-5, additional measures would be taken to ensure noise impacts would be less than significant.

46

Mitigation N-2 should be revised to address noise from project operations impacting residents in the Cities of Baldwin Park and West Covina as well as the City of Irwindale. Noise should be mitigated to levels established in Table 3.8-5 and page 3.8-15.

47

The EIR identifies noise generated from project traffic as potentially significant and cumulatively significant and recommends mitigation measure N-3 to address these impacts. The EIR fails to explain how the mitigation measure would effectively reduce the stated noise impacts. Therefore, there is insufficient basis for the conclusion that the mitigation measure would effectively reduce the impact to less than significant.

48

The analysis under Threshold N-2 fails to calculate groundborne vibration created by heavy equipment used during construction and operation of the project and provides a very brief and insubstantial discussion on groundborne vibration. This discussion should be expanded to explain how sources of groundborne vibration and noise would result from operation of heavy mining and construction equipment such as bulldozers, excavators, and loaded haul trucks during construction and operation of the project.

49

The analysis under Threshold N-3 provides noise estimates at various locations but fails to provide the basic assumptions and calculations used. Additionally, on pages 3.8-29 and -30, the EIR states "phase I reclamation noise would not affect these residences because reclamation activities would only occur on the east side of the proposed project site. Phase II excavation noise levels at these residences would be approximately 56 to 60 dBA Leq. Therefore, the proposed project would not result in a substantial permanent increase in ambient noise levels to residences to the west of the proposed project site as existing measured noise levels are already 44 to 66 dBA Leq." The assertions made in these statements are unclear: if existing noise levels could be as low as 44 dBA and the project would increase that to 60 or 66 dBA, the statement that the project would not result in a substantial permanent increase in ambient noise levels would be incorrect.

50

The analysis under Threshold N-4 is lacking in detail. The analysis only assessed compliance with the construction hours of operation allowed by Section 130.37 of the City of Baldwin Park Development Code. It

51

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



Shannon Yauchzee
September 25, 2014
Page 13

should also include an analysis of impacts of project-construction on nearby sensitive receptors pursuant to the fourth CEQA Appendix G noise threshold. Impacts associated with the generation of a temporary substantial noise increase in ambient noise levels during project construction are not adequately addressed by the DEIR.

51
con't

The Noise Appendix has numerous flaws and should be revised as follows:

A map should be included to visually depict the locations of the noise measurements.

52

The appendix relies on a Barrier Noise Reduction Formula derived from Continental Placer Inc., 2013, which is a Draft EIS prepared for another project in New York State. This source is an unreliable document as it has not been certified and the methodology should be revised to cite industry standards for evaluating noise impacts.

Calculations used in the DEIR should be fully explained in the appendix. The Noise Appendix only includes one scenario and does not explain the assumptions used. All noise data should be presented in the Noise Appendix and all assumptions for each calculation should be clearly stated.

The Noise Appendix fails to include calculations for construction-generated noise.

The tables identifying traffic noise (mitigated and unmitigated) fail to explain the calculations. The mitigated noise estimates do not explain the calculations or why the mitigation measures would effectively reduce noise as estimated.

Chapter 3.9, Traffic Generation and Circulation

The DEIR seriously underestimates the vehicle trip generation associated with the proposed project. By basing the impact analysis on an annualized average trip generation, it does not inform readers (including decision makers) of an estimated number of project trips on days of higher-than-average mining extraction that would occur. In addition, the analysis fails to analyze potential impacts during the 15 years (2020-2035) when phase 1 Reclamation activity would happen simultaneously with phase 2 Extraction activity. There also is no documentation of how peak-hour vehicle trips were derived from the daily vehicle trips, or citation of the source/basis of the 40 employees/visitors traveling to the project site on an average day.

53

Mining activity has seasonal/monthly differences, as well as day-to-day differences over the six-day week, as demand for material fluctuates. The DEIR (page 2.0-30) refers to that by saying that "production may vary depending on demands and other market conditions." For that reason, the use of average extraction rates and associated truck trips to off-haul the material (i.e., 131 truck round trips per day, based on one million tons per year, 306 working days per year, and a 25-ton truck load capacity), understates the number of trucks that would be traveling on area roads during peak-production periods.

54

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



Shannon Yauchzee
September 25, 2014
Page 14

On page 3.9-12 of the DEIR, it is stated that “traffic activity levels for phase 1 reclamation, phase 2 extraction, and phase 2 reclamation will generate traffic at a level commensurate to or less than phase 1 mining operations described previously.” No quantification of traffic activity during reclamation is presented, so the reader is asked to take it on faith that reclamation activities would generate less traffic than extraction activities. In addition, even if one accepts that reclamation activities generate fewer truck and worker trips than extraction activities, the above-quoted statement hides the fact that the project would have extraction and reclamation operations running concurrently (as shown in Table 2.0-1 on page 2.0-19 of the DEIR, and as stated on page 2.0-30). The higher traffic generation during concurrent activities would be higher than what the DEIR uses for its analysis, resulting in greater impacts on traffic operating conditions than reported in the DEIR. 55

One can surmise from Table 3.9-5 (page 3.9-13 of the DEIR) that there would be 40 employees / visitors traveling to and from the project site on an average day, but there is no description of the project employment (or who would visit the project site) in Chapter 3.9, or even in the Project Description chapter. Also, one can do the math to determine that the analysis sets the peak-hour truck trips at 15 percent during the am peak hour (39 / 262) and 10 percent during the pm peak hour (26 / 262), but standard practice for traffic analyses is to inform the reader of the basis of peaking characteristics, and neither the DEIR nor the TIA provide such documentation. 56

On page 3.9-5, the DEIR analysis of future conditions assumes that intersection traffic signal timing would be automatically optimized (i.e., as stated on this page, potential signal optimization timing opportunities, such as longer green times and separate/protected left turn phases, were used to calculate “With Project” levels of service). Unless such optimization occurs automatically (i.e., the cities that maintain the traffic signals regularly monitor and adjust signal timing settings), then this analytical assumption potentially understates the project’s impact. The DEIR must clarify why the assumed automatic optimization is warranted. Otherwise, the signalized intersections must be analyzed under “With Project” conditions using the existing signal timing plans, and if a significant impact would occur, then a mitigation measure must be required wherein the project would be responsible for the funding of city staff time to adjust the signal timing plan appropriately. 57

On page 3.9-12, the DEIR needs to add a statement that trucks leaving at or near to 7:00 am will be on the roadway system during the typical morning peak period (7:00am – 9:00pm), parallel to the statement in the DEIR about trucks leaving at or near to 5:00 pm and the typical evening peak period. 58

On page 3.9-14, the DEIR is missing the rest of Table 3.9-6. 59

On page 3.9-76, the DEIR needs to elaborate/clarify what is meant by “modify striping” in the mitigation measure for the Azusa Canyon Road / Arrow Highway (#4) intersection. Would no physical widening of the Arrow Highway pavement, or removal of on-street parking spaces, be required? Also, how long (i.e., how far back from Azusa Canyon Road) would the Arrow Highway intersection approaches be modified? 60

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



Shannon Yauchzee
September 25, 2014
Page 15

Chapter 3.10, Water Quality and Hydrology

Figure 3.10-2, which shows location and contaminant concentration in the plume of contaminated groundwater in the vicinity of the project site, does not show the project location.

61

Please refer to the comments on Chapter 3.6, Hazards and Hazardous Materials, regarding the DEIR's inadequate analysis of the potential contamination of groundwater, and to the comments on Chapter 3.4, regarding potential impacts of the project on Waters of the State of California.

The discussion of groundwater quality impacts under Threshold WQ-1 states that mining and reclamation would be required to adhere to Best Management Practices (BMPs) and site monitoring. However, the BMPs are not described; neither is the monitoring program for determining effectiveness. Without a full description of the BMPs that will or may be employed, the reader cannot determine their effectiveness, and the conclusion of a less than significant impact is not adequately supported by factual evidence or reasoning.

62

The cumulative impact discussion at the conclusion of Chapter 3.10 fails to consider cumulative impacts on groundwater quality, and the project's potential contribution to what is clearly an ongoing cumulative impact in the area.

63

Chapter 5.0, Alternatives to the Proposed Project

Chapter 5.0 examines the required No Project alternative and three others. The alternatives chapter does not, however, examine an obvious alternative that would reduce or avoid most or all project impacts: immediate reclamation of the site, with no further mining. This alternative would meet some of the City of Irwindale's basic project objectives (the two objectives addressing reclamation of the Olive Pit site), and would return the site to a condition suitable for beneficial use in the least time. This alternative would reduce or avoid traffic, air quality, health risk, greenhouse gas, and water quality impacts of the project as proposed. While this alternative would not meet the basic project objectives related to recovery of a known mineral resource, the CEQA *Guidelines* Section 15126.6(b) state that, "...the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, *even if these alternatives would impede to some degree the attainment of the project objectives*, or would be more costly" (emphasis added). While an EIR need not examine every possible alternative, an alternative examining immediate site reclamation would add considerably to the consideration of a range of reasonable alternatives to the project, and would help inform decision-making regarding the project.

64

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



Shannon Yauchzee
September 25, 2014
Page 16

We hope these comments result in a revised and recirculated Draft EIR that fulfills the purpose and intent of CEQA, and that fully discloses the potential environmental impacts of the proposed Olive Pit project. Should you have any questions regarding our review, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Sicular", is positioned below the word "Sincerely".

Dan Sicular, Ph.D.
Senior Managing Associate

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Response to Comment Letter 7

Response 7-1: Comment noted. The City of Irwindale, as the CEQA Lead Agency for the Project, disagrees with the assessment and affirms that the Draft EIR meets the required standards for adequacy of an EIR as a full disclosure informational document as defined in the 2014 State CEQA Guidelines §15121.

Response 7-2: Comment noted. Please also see the Response to Comment 7-1 above.

Response 7-3: The City of Irwindale does not agree. The City is not required to recirculate the EIR prior to certification (CEQA §15088.5) because none of the criteria that would require recirculation have been triggered by either the comments received on the Draft EIR or in the responses to comments provided by the City of Irwindale.

Relevant portions of CEQA §15088.5 are included below for reference:

15088.5 (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the projects proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:

- 1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*
 - 2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*
 - 3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the projects proponents decline to adopt it.*
 - 4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.*
- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.*

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Some clarifications have been made by the City of Irwindale in response to comments received on the Draft EIR and revisions and clarifications to this Final EIR have been made in response to comments received however no “significant new information” as defined above in CEQA §15088.5(a)(1)(2)(3) or (4) has been received by the City of Irwindale in the comments on the Draft EIR and thus recirculation is not warranted.

Response 7-4: Reference to these four City of Irwindale guiding policy documents was provided in Chapter 2.0, Project Description of the Draft EIR. In addition, and as correctly noted by the commenter, these documents were included in full in Appendix A of the Draft EIR. These documents are also available for public review at Irwindale City Hall during normal business hours. The complete citations to these documents are provided below and have been added to Chapter 7.0 (References) of the Final EIR.

City of Irwindale. 2003. *Guidelines for Stability Analyses of Open-Pit Mine Slopes, Irwindale, California*; Irwindale Slope Stability Committee, December 23, 2003.

City of Irwindale. 2004. *Guidelines for Drainage and Erosion Control for Open-Pit Mines, Irwindale, California*; Irwindale Drainage and Erosion Control Committee, July 6, 2004.

City of Irwindale. 2005. *Guidelines for Underwater Backfilling of Open-Pit Mines, Irwindale, California*; Irwindale Backfilling Committee, May 20, 2005.

City of Irwindale. 2005. *Guidelines for Above Water Backfilling of Open-Pit Mines, Irwindale, California*; Irwindale Backfilling Committee, November 2005.

These four guiding policy documents have been used by the City for nearly a decade and are used as references on mining-related projects including operations, backfilling and reclamation planning as well as all related CEQA documents prepared by the City. These policy documents were developed over a period of years by the City of Irwindale and committees made up of representatives of various public agencies, academia, industry and consulting geotechnical engineers and geologists. The documents contains maps, photos, diagrams and charts and are necessarily somewhat technical as they address complex geotechnical and slope stability engineering and scientific issues of primary importance to the City and its residents given the number of existing mining operations in the City. Each of these guidelines are intended to provide a basis for developing site-specific recommendations, fill procedures, quality assurance measures, engineering evaluations and documentation for mine fills. Each of the policy documents begins with an “Abstract” which summarizes the focus, goals and recommendations of the report. The summaries are provided below and have been added to Chapter 2.0 of this Final EIR.

Summary: Guidelines for Stability Analyses of Open-Pit Mine Slopes, Irwindale, California - The Irwindale Slope Stability Committee (the Committee) has developed

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

technical guidelines for stability analyses of existing and proposed earth slopes in several open-pit sand-and-gravel mines located within the City of Irwindale, California. These guidelines pertain to both static and seismic stability and are based on the results of surface and subsurface mapping, laboratory tests, field tests, literature searches, and other activities. These guidelines are intended to be a resource for professional geotechnical engineers and engineering geologists in their site-specific slope evaluations and designs.

Summary: Guidelines for Drainage and Erosion Control for Open-Pit Mines, Irwindale, California – The Irwindale Drainage and Erosion Control Committee (the Committee) has developed these guidelines for drainage and erosion control at open-pit sand-and-gravel mines located within the City of Irwindale, California. The erosion and drainage control issues are:

1. Providing appropriate measures to keep surface water from flowing over the rims of the pits, thus avoiding overtopping-induced erosion.
2. Protecting pit slopes from incident-precipitation induced erosion.
3. Protecting pit slopes that are exposed to groundwater lakes from wave-lap erosion.

Summary: Guidelines for Underwater Backfilling of Open-Pit Mines, Irwindale, California – The City of Irwindale is a unique 9.5 square mile community located in the San Gabriel Valley. Incorporated in 1957, Irwindale is home to sand and gravel quarries that are operated by some of the nation’s major mining companies: Vulcan Materials, United Rock Products and Hanson Aggregates. Approximately 2,376 acres (39 percent) of the City’s land area is devoted to mining activities, with approximately twenty-two sand and gravel mines within the city limits, six of which are being actively mined. Some of these mines are limited to the aggregate reserves located above the groundwater table, while others have been or will be excavated below the groundwater table through the use of dredges, thus creating groundwater lakes.

As the various mining operations reach the end of their lifespan, some of them will be reclaimed by backfilling with inert fill materials, thus transforming the depleted pits into land that will be suitable for commercial and/or industrial development. Both the City and the property owners have an interest in facilitation this kind of land reclamation. The Irwindale Business park is an example of a successfully reclaimed mine quarry. This business park, which encompasses 123 acres of land with 2.2 million square feet of commercial and light-industrial building area, had a pre-development assessed value of approximately \$3 million before filling began in the mid-1980s and finished with a 2002 post-development assessed value of approximately \$63 million.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Five of the open-pit mines have already been backfilled, six are currently being backfilled and others are planned to be backfilled. In order to better guide the technical aspects of these ongoing and future backfilling operations, the Irwindale Backfilling Committee was formed to develop guidelines for backfill design, construction and quality assurance. The Committee's work has been divided into two phases: Phase 1- underwater backfills, and Phase 2 above-water backfills, each of which is reported separately. These guidelines addressed in this document are for Phase 1 underwater backfills only and are intended to provide a basis for developing site-specific recommendations, quality assurance measures, engineering evaluations and documentation for underwater fills. The Phase 2 follow up set of guidelines will address the design and placement of above-water fills.

Summary: Guidelines for Above Water Backfilling of Open-Pit Mines, Irwindale, California - - The City of Irwindale is a unique 9.5 square mile community located in the San Gabriel Valley. Incorporated in 1957, Irwindale is home to sand and gravel quarries that are operated by some of the nation's major mining companies: Vulcan Materials, United Rock Products and Hanson Aggregates. Approximately 2,376 acres (39 percent) of the City's land area is devoted to mining activities, with approximately twenty-two sand and gravel mines within the city limits, six of which are being actively mined. Some of these mines are limited to the aggregate reserves located above the groundwater table, while others have been or will be excavated below the groundwater table through the use of dredges, thus creating groundwater lakes.

As the various mining operations reach the end of their lifespan, some of them will be reclaimed by backfilling with inert fill materials, thus transforming the depleted pits into land that will be suitable for commercial and/or industrial development. Both the City and the property owners have an interest in facilitating this kind of land reclamation. The Irwindale Business park is an example of a successfully reclaimed mine quarry. This business park, which encompasses 123 acres of land with 2.2 million square feet of commercial and light-industrial building area, had a pre-development assessed value of approximately \$3 million before filling began in the mid-1980s and finished with a 2002 post-development assessed value of approximately \$63 million.

Five of the open-pit mines have already been backfilled, six are currently being backfilled and others are planned to be backfilled. In order to better guide the technical aspects of these ongoing and future backfilling operations, the Irwindale Backfilling Committee was formed to develop guidelines for backfill design, construction and quality assurance. The Committee's work has been divided into two phases: Phase 1- underwater backfills, and Phase 2 above-water backfills, each of which is reported separately. The results of the Phase 1 work were presented in the May 20, 2005 *Guidelines for Underwater Backfilling of Open-Pit Mines, Irwindale, California*. The Phase 2 work is presented in this report. Both of these guidelines are intended to provide a basis for developing site-specific

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

recommendations, fill procedures, quality assurance measures, engineering evaluations and documentation for mine fills.

It would be impractical for all lay readers to understand all technical reference materials cited in an EIR due to the multi-disciplined nature of an EIR and the number of technical professionals involved in its preparation. As required by 2014 State CEQA Guidelines §15147 “Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses to the main body of the EIR.”

In addition, the documents contain identification of key issues, policy guidelines and technical solutions and recommendations for avoiding and/or minimizing potential environmental effects associated with mining and backfilling operations in the City.

The Project Description contained in the EIR clearly explains how the project will be operated consistent with City all mining and reclamation policy guidelines referenced above. All precipitation that falls on the Olive Pit is retained in the pit. Runoff from the surrounding streets and neighborhoods is intercepted and drained away from the Olive Pit. All active quarry slopes, will meet the requirements of the "Guidelines for Drainage and Erosion Control for Open-Pit Mines in Irwindale, California," July 6, 2004. Provisions for controlling incident erosion and slope vegetative cover will be applied to permanent slopes above the level of anticipated high groundwater and only applies to slopes created or disturbed by this project. This also applies to all final reclamation fill slopes.

Final quarry slopes that are created or disturbed by this project shall conform to the approved Reclamation Plan and shall meet all of the provisions of the "Guidelines for Stability Analyses of Open-Pit Mine Slopes, Irwindale, California", February 7, 2005 and applicable amendments. Phase I final reclamation fill slopes shall be revegetated in accordance with the "Guidelines of Drainage and Erosion Control, Irwindale, California", July 6 2004 and will also be in line with the Revegetation Plan provided in Section 4.8 of this report. Phase I reclamation fill shall be placed in accordance with the requirements of the "Guidelines for Underwater Backfilling of Open-Pit Mines, Irwindale California", May 20, 2005 and with the "Guidelines for Above Water Backfilling of Open-Pit Mines, Irwindale, California", November 23, 2005. Chapters 3.5, 3.10 and 3.6 of the Draft EIR all describe how the project has been designed to comply with these guidelines and need not be revised.

Response 7-5: As discussed in the EIR beginning on page 3.0-4, in reference to the geographical scope, some of the potential cumulative impacts associated with the Proposed Project are more localized in nature and, thus, are analyzed at a project level (for example: cultural resources, geology and soils, noise). Other cumulative impacts are regional in nature and are, therefore, analyzed at a regional level rather than at a project level (for example, air quality, greenhouse gas emissions). As such, these impacts are evaluated on a regional basis to analyze potential cumulative impacts. Projects that may have a cumulative effect on the resources of this area are

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

referred to as “related projects” in this cumulative impacts analysis. Table 3.0-1 in the EIR contains the “Cumulative Project List” that was used as the basis of determining whether implementation of the Proposed project could result in incremental impacts that would be “cumulatively considerable” when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (as defined by §15130).

As defined in the State CEQA Guidelines §15355, a cumulative impact consists of an impact that is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. The State CEQA Guidelines require the use of a list of past, present, and probable future projects and/or the use of adopted projections from a general plan, other regional planning document, or a certified EIR for such a planning provides the list of approved, proposed, and reasonably foreseeable projects used in the cumulative analysis. The City of Irwindale compiled a cumulative projects list in 2013 after consultation with neighboring cities. Responses were received from the cities of Azusa, Baldwin Park, Duarte, Glendora, and West Covina. In total, there are 68 cumulative projects used in the cumulative impact analysis. Cumulative impacts can occur when there is an overlap of significant impacts.

Both the severity of impacts and the likelihood of their occurrence are to be reflected in the discussion, “but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion of cumulative impacts shall be guided by standards of practicality and reasonableness, and shall focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.” 14 Cal Code Regs §15130(b). Most of the projects listed in the cumulative projects table contained in Chapter 3.0 are, or will be, required to undergo their own independent environmental review under either CEQA. Significant adverse impacts of the cumulative projects would be required to be reduced, avoided or minimized through the application and implementation of mitigation measures. The net effect of these mitigation measures is assumed to be a general lessening of the potential for a contribution to cumulative impacts. The key consideration is whether the remaining physical change or effect on the environment represents an adverse environmental impact. The analysis contained in the Draft EIR concludes that the following resources would not have cumulatively considerable impacts: aesthetics (Chapter 3.2), geology and soils (Chapter 3.5), hazards and hazardous materials (Chapter 3.6), land use and planning (Chapter 3.7), noise (Chapter 3.8), and water quality and hydrology (Chapter 3.10).

The Draft EIR concludes that the following resources would result in cumulatively considerable impacts: air quality, biological resources, and traffic. The cumulative impact analysis for these three topics is summarized below based on the analysis in the Draft EIR.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

As noted in Chapter 3.3 of the Draft EIR, implementation of the Project would result in cumulatively considerable (significant and unavoidable) impacts for NO_x emissions. The Proposed Project would result in potentially significant NO_x emissions during operations and the South Coast Air Basin is nonattainment for ozone and particulate matter. Therefore, the Proposed Project would result in a regional cumulative impact given that the Basin is in nonattainment for ozone and particulate matter. The other criteria air pollutants are far below the SCAQMD significance thresholds and would not result in a cumulatively considerable contribution to the Basin.

As noted in Chapter 3.4 of the Draft EIR, the project-specific potential impacts to biological resources are limited to nesting birds and raptors protected under the MBTA and CFG Code, and the sensitive natural communities, mule fat and coastal sage scrub. Therefore, the project would have a contribution to the cumulative impact with respect to these issue areas.

Impacts of other projects within the cumulative study area would be unique to each site, but would likely contribute to a potential cumulative impact on nesting birds and raptors, given that these species nest within a variety of habitat types and settings. All projects within the cumulative study area, including the proposed project, are required to avoid impacts to nesting birds and raptors pursuant to the MBTA and CFG Code, thus resulting in no effect or reducing the cumulative impact to less than significant levels. The project's contribution to the cumulative impact would be reduced to less than significant levels through the implementation of BIO-1.

A significant cumulative impact has already occurred on mule fat and coastal sage scrub, as these sensitive natural communities have been largely eliminated from the region. The project would contribute to the significant impact in that it would result in a temporal loss of habitat onsite. However, the project proposes to fully compensate the loss of habitat, in-kind and onsite, which would result in no net loss of the habitat within the cumulative study area. The project's contribution to the cumulative impact would be reduced to less than significant levels through the implementation of BIO-2.

As described in Chapter 3.9 of the Draft EIR, Cumulative effects are assessed and described above in the Long Range project scenarios. The Proposed Project does contribute to cumulative impacts at the intersection of Arrow Highway and the I-605 off-ramp. This cumulative impact is addressed in mitigation measure T-3, and with implementation of this measure, potential cumulative impacts could be reduced to less than significant. However, neither Caltrans nor the State has adopted a fee program that can ensure that locally-contributed impact fees will be tied to these improvements, and only Caltrans has the jurisdiction over implementation of these improvements. Because Caltrans has exclusive control over these freeway ramp improvements, ensuring that fair share contributions to improvements are actually part of a program tied to implementation of mitigation is within the jurisdiction of Caltrans. Based upon this, this cumulative impact is stated to be significant and unavoidable.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Response 7-6: The existing remaining structures and equipment that are located within the Olive Pit mine site are typical structures used in mining operations throughout the City. The remaining structures have not been maintained for several decades and are not in good repair and do not have any unique or special historical integrity in such a way that would make them eligible for special status as cultural resources. Furthermore, none of the buildings and structures fall within the definitions of either a “Mandatory” or “Presumptive” Historical Resource as defined by CEQA Guidelines, section 15064.5(a)(1) and (2) and there is no substantial evidence in the record to support a determination that any of the buildings or structures would qualify for listing on the California Register of Historical Resources. As noted in the Irwindale 2020 General Plan, Chapter 5, the existence of abundant sand and gravel resources in the City has contributed to its development and history. The first homes in what would later become Irwindale were constructed of the abundant native river rocks moved from the wide flood plain of the San Gabriel River. When the City was incorporated in 1957, it was named Jardin de Roca (Garden of Rocks) which became the new municipality’s motto. In 1976, the City was renamed Irwindale. While there are a number of identified historic resources, sites, and structures in City, the City’s General Plan has not identified any mine sites, facilities or structures as historical resources or as potentially eligible for such resource designation.

Response 7-7: Additional details regarding the analyses are addressed in Responses 5-2 and 5-6 through 5-12. Based on the use of AERMOD dispersion modeling, control options (e.g., urban coefficients), estimated emission estimates, source release characteristics, meteorological and terrain data and receptor locations, the localized impact analyses for all pollutants are less than significant with mitigation. Methodology, assumptions, data, and calculations were provided within Appendix C. The City believes the information contained within Appendix C does not require updating as it contains all information used to develop the emission calculations, HRA, and LST analysis (see Response 5-2). The City believes that the information is scientifically accurate, consistent, and properly referenced (See also Response 5-7, Response 7-16 clearing up confusion between the use of AERMOD or HARP, and updates to reference materials with internet links within Section 8.4).

Response 7- 8: CalEEMod was used to determine maximum daily construction emissions (determined to be the highest value between the summer and winter output results). Please also see Response 7-9 for further information on construction emission calculation assumptions. Please also see Response 5-10 for further information on the construction LST analysis. Please also see Response 5-7 for additional information on fugitive dust control efficiency for unpaved roads.

Response 7- 9: The reference to KB Environmental Sciences, Inc., 2014 below the Table 3.3-5 indicates that KB Environmental Science compiled Table 3.3-5 as it is presented in the Draft and Final EIR. This is a common practice for EIRs. KB Environmental Sciences, Inc. (KBE) was the primary preparer of the EIR Section 3.3 in the Draft EIR. Mike Ratte is identified in the EIR

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Preparers (Chapter 6 – page 6.0-1 of the Draft and Final EIR) as the preparer of the Air Quality/Greenhouse Gas Emissions/Odors/Health Risk Assessment. Mike Ratte’s resume, along with the resumes of other key senior technical staff involved with the preparation of the Draft and Final EIR, is included in Chapter 6 of the Final EIR. As the resume shows, Mr. Ratte has more than 25 years of experience preparing air quality analyses that include many major projects.

For construction activities, CalEEMod produces three outputs: annual emissions, maximum daily emissions for summer conditions, and maximum daily emissions for winter conditions. The total annual emissions (in tons) are reported as 0.52 of ROG, 3.26 of NO_x, 2.53 of CO, less than 0.01 of SO₂, 0.28 of PM₁₀, and 0.22 of PM_{2.5}. The maximum daily emissions (in pounds) (for either summer or winter) are reported as 6.5 of ROG, 32.5 of NO_x, 23.0 of CO, 0.03 of SO₂, 8.4 of PM₁₀, and 5.0 of PM_{2.5}. Thus, Table 3.3-5 of the Draft EIR on page 3.3-26 (*Final EIR page 3.3-26*) is based on CalEEMod (California Emissions Estimator Model Version 2013.2.2 and CalEEMod User’s Guide, July 2013, <http://www.caleemod.com/>). The maximum daily emissions are not simply the annual emissions divided by the number of construction days but are the maximum daily emissions by pollutant for any given construction phase (i.e., grading, building, coating, etc.). The CALEEMod output files for annual, daily summer, and daily winter are contained in Appendix C.

CalEEMod provides the assumptions such as duration of each construction phase, the type of equipment used, its size (horsepower), hours of operation, and vehicle trips based on project-specific information such as overall duration, project size, etc. The assumptions were based on the project size of two acres, which translates to a grading area of three acres. The maximum daily emissions of ROG occur during the coating phase, of NO_x occur during the site preparation, and of CO, PM₁₀, and PM_{2.5} occur during the grading phase. Approximately 80 percent of the unmitigated particulate matter emissions occur in the form of fugitive dust and remainder are combustion emissions. Table 7-9 shows the maximum daily emissions (both onsite equipment and offsite vehicles) for each construction phase by pollutant. The maximum daily construction emissions for any given phase (i.e., 23 pounds of NO_x) are then compared to the significance thresholds. These maximum daily values were presented in the first row in Table 3.3-5 on page 3.3-26 of the Draft and Final EIR.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Table 7-9: Estimated Unmitigated Daily Emissions from Project Construction (pounds)

Construction Emissions	ROG	NO _x	CO	PM ₁₀	PM _{2.5}
Maximum Daily	6.5	32.5	23.0	8.4	5.0
Demolition – Onsite Equipment	3.07	29.7	22.1	1.87	1.75
Demolition – Offsite Vehicles	0.06	0.08	0.99	.15	0.04
Site Preparation - Onsite Equipment	2.82	32.5	18.7	3.19	1.64
Site Preparation - Offsite Vehicles	0.04	0.05	0.61	0.09	0.02
Grading - Onsite Equipment	2.97	31.3	20.2	8.30	4.98
Grading - Offsite Vehicles	0.05	0.06	0.76	0.11	0.03
Building Construction - Onsite Equipment	4.03	25.8	17.0	1.76	1.69
Building Construction - Offsite Vehicles	0.32	1.61	4.38	0.53	0.16
Paving - Onsite Equipment	2.47	19.8	12.3	1.24	1.14
Paving - Offsite Vehicles	0.07	0.09	1.15	0.17	0.05
Coating - Onsite Equipment	6.46	2.57	1.90	0.22	0.22
Coating - Offsite Vehicles	0.03	0.04	0.54	0.08	0.02

Note: For each pollutant, bolded numbers represents the maximum daily emissions that would occur under any construction phase.

Response 7- 10: The last bullet of MM AQ-1 on page 3.3-27 of the Draft EIR (*Final EIR page 3.3-28*) is deleted and will be replaced by a separate paragraph (no bullet), below the bullet list, that included the same text. It was obviously meant to be a summary paragraph but was formatted as a bullet by mistake. The text is revised as follows:

- ~~With the implementation of MM AQ-1, the impacts are less than significant. Although the impacts are expected to be less than significant with MM AQ-1, the City has developed and the applicant has agreed to further reduce potential emissions by implementing, MM AQ-2 through AQ-6, which are designed to minimize combustion emissions during construction activities.~~

“With the implementation of MM AQ-1, the impacts are less than significant. Although the impacts are expected to be less than significant with MM AQ-1, the City has developed and the applicant has agreed to further reduce potential emissions by implementing, MM AQ-2 through AQ-6, which are designed to minimize combustion emissions during construction activities.”

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Response 7- 11: References to Appendix AQ should be treated as Appendix C. As identified in the Draft EIR Table of Contents: Appendix C – Air Quality and Health Risk Assessment (plus supplemental CD).

Response 7- 12: Please see also Responses 5-6 and 5-7 above. As can be seen in Responses 5-6 and 5-7 the analyses have a high degree of complexity. We appreciate that the reviewer is unable to independently verify the results. The results in Table 3.3-6 are consistent with major projects that rely upon diesel equipment (both on-road and off-road types); in that the worst-case year of operations shows that the unmitigated Project would result in potentially significant impacts related to NO_x and PM₁₀ emissions.

Response 7- 13: The reference to KB Environmental Sciences, Inc., 2014 below the Table 3.3-7 and Table 3.3-8 indicates that KB Environmental Science compiled these tables as they are presented in the Draft EIR. This is a common practice for EIRs. Please also see Response 7-9.

MM AQ-1 through AQ-6 (Threshold AQ-1, beginning on page 3.3-26 of the Draft EIR; *Final EIR page 3.3-27*) are proposed for construction activities. With these mitigation measures, the construction impacts would be less than significant. Application of appropriate emission control devices, use of newer equipment, or other exhaust mitigation measures, including the use of Tier 4 emission standard equipment, would not be required for construction equipment nor were these measures included in the Draft EIR.

For operational emissions, the emissions factors used in Table 3.3-6 on page 3.3-31 of the Draft EIR (*Final EIR page 3.3-32*) are summarized, by equipment type and construction year, in Appendix C of the Draft EIR (Tables AQ-4 through AQ-10). For operational emissions, the emissions factors used in Tables 3.3-7 (on Draft EIR page 3.3-33; *Final EIR page 3.3-35*) and 3.3-8 (on Draft EIR page 3.3-34; *Final EIR page 3.3-36*) in the EIR are summarized in Appendix C of the Draft EIR (Exhibit 1). MM AQ-7 through AQ-15 (Threshold AQ-1) are proposed for operational activities.

Response 7- 14: The Air Quality Supporting Files were provided via the project website. In response to this comment, KBE tested the files on the project website and none of them were corrupt or inaccessible. Other commenters such as SCAQMD did not have accessibility issues with the files within Appendix C and were able to conduct a review.

References to Appendix AQ should be treated as Appendix C (please also see Response 7-11). The AERMOD results were based on source emission characteristics (e.g., exhaust height), control options (e.g., urban coefficients), source locations, source emission rates (please also see Response 5-6), source operating conditions (6 am to 6 pm), meteorological conditions, terrain data, and receptor locations. The AERMOD analysis utilized unit emission rates (i.e., 1 gram per second) and the resultant concentration output by receptor was adjusted by multiplying by the actual emission rate by source (i.e., unpaved road, onsite equipment, etc.) for both fugitive dust

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

and combustion exhaust. Fugitive dust emissions were developed based on USEPA's AP-42, and combustion emissions were based on EMFAC2011 and OFFROAD2011. The total project concentrations of CO, NO₂, and SO₂ by receptor were added to background concentrations and compared to the significance thresholds. The total project concentrations of PM₁₀ and PM_{2.5} by receptor were compared to the significance thresholds.

Response 7-15: Operational GHG emissions were based on CARB's OFFROAD2011 and EMFAC2011 and included employee vehicles, haul truck trips, haul truck idling activities, and onsite equipment. GHG emissions of CO₂ and CH₄ were estimated and converted to CO₂ equivalent (CO₂e) emissions. The Proposed Project would result in maximum annual operational GHG emissions of 3,272 metric tons and average annual GHG emissions of 2,722 metric tons during the lifetime of the Proposed Project.

The following will be added to page 3.3-44 of the Draft EIR (*Final EIR page 3.3-44*):

Construction of the proposed project would generate 326 metric tons of CO₂e. The 30-year amortized annual construction related GHG emissions would be 11 metric tons of CO₂e. Because construction emissions would be short-term and would cease upon completion, GHG from construction activities would not substantially contribute to the global GHG emissions burden.

The GHG emissions results were converted to CO₂ equivalent values using the Global Warming Potential (GWP) values of 1 for CO₂ and 25 for CH₄ (based on a 100 year period) as presented in the IPCC's Assessment Report. (with footnote 19, *Fourth Assessment Report of the Intergovernmental Panel on Climate Change, Cambridge University Press, New York City, NY. 2007.*)

These GHG emissions are well below the SCAQMD significance threshold of 10,000 metric tons CO₂e per year. Methodology, assumptions, data, and calculations were provided within Appendix C; (see Response to 5-2).

Response 7-16: The EIR is focused on the findings and significance of the Health Risk Assessment rather than discussing the overly technical scientific model descriptions and principles. Appendix C provides key supporting information to gain a basic understanding of the methodologies, assumptions, and data used to complete the analysis. We believe the layperson and the City decision-makers can understand the results and significance of the Health Risk Assessment, and this is the appropriate level of information that should be transmitted in the Draft EIR. It would be impractical for all lay readers to understand all technical reference materials cited in an EIR due to the multi-disciplined nature of an EIR and the number of technical professionals involved in its preparation. As required by 2014 State CEQA Guidelines §15147 "Placement of highly technical and specialized analysis and data in the body of an EIR

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR.”

Significance Thresholds are based on the South Coast Air Quality Management District. *CEQA Air Quality Handbook*, 1993. <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>

The text in the third paragraph on page 3.3-39 of the Draft EIR (*Final EIR page 3.3-41*) is revised as follows (new text is underlined and strikethrough is used for ~~deleted text~~):

“The SCAQMD has established the CEQA significance threshold for individuals exposed to TAC sources as the increased incremental cancer risk of 10 in one million or greater. The HRA analyzed the potential incremental cancer risks to residents in the project vicinity of the Proposed Project, using emission rates from CARB’s CalEEMod, EMFAC2011 and OFFROAD2011 emission models for combustion sources and EPA’s AP-42 emission factors for fugitive dust. Emissions were input into the USEPA approved dispersion model AERMOD to calculate ambient air concentrations at receptors in the project vicinity. This assessment is intended to provide a worst–case estimate of the increased exposure by employing a standard emission estimation program and an accepted pollutant dispersion model.”

AERMOD utilized unit emission rates (1 gram per second). The resultant exposure concentration by receptor was adjusted by the actual emission rate by emission source (i.e., unpaved roads, onsite equipment, etc.). The actual exposure concentration by receptor was then compared to the ambient concentration thresholds and used to estimate the cancer risk (by accounting for exposure parameters for residences, school children, and offsite workers) and health impacts. Methodology, assumptions, data, and calculations were provided within Appendix C.

Appendix C provides the methodology for toxicity assessment, risk characterization, and exposure assessment.

Conservative health risk methodologies were used in the risk assessment in order to estimate maximum potential health risks. These methodologies overestimate both non-carcinogenic and carcinogenic health risk, possibly by an order of magnitude or more. Therefore, for carcinogenic risks, the actual probabilities of cancer formation in the populations of concern due to exposure to carcinogenic pollutants are likely to be lower than the risks derived using the risk assessment methodology. In accordance with OEHHA guidelines⁹, the HRA was accomplished by applying the highest estimated concentrations of TAC at the receptors analyzed to the established cancer potency factors and acceptable reference concentrations for non-cancer health effects.

⁹ Office of Environmental Health Hazard Assessment. *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessment*. August 2003. http://oehha.ca.gov/air/hot_spots/pdf/HRAguidefinal.pdf

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

On page 29 of Appendix C of the Draft EIR, in the first paragraph under the subheading Toxicity Assessment, the text is revised as follows (new text is underlined and strikethrough is used for ~~deleted text~~):

“The Cancer Potency Factor for DPM was established by the OEHHA as 1.1 mg/kg-day for 70 years. ~~The HARP incorporates OEHHA cancer potency factors for additional air toxics included in the analysis.~~ Cancer potency factors were based on California Office of Environmental Health Hazards Assessment Toxicity Criteria Database, 2013, <http://www.oehha.ca.gov/tcdb/>.”

Response 7- 17: References to Appendix AQ should be treated as Appendix C. Please also see Response 7-11.

Response 7- 18: Appendix C (pages 15-33) of the Draft EIR provides comprehensive information (and maps) related to the methodology and assumptions associated with the emission estimates, dispersion modeling, and toxicity assessment for the HRA. An overview of the HRA modeling and presentation of the results are found on pages 3.3-38 through 3.3-40 of the Draft EIR (*Final EIR pages 3.3-39 and 3.3-40*).

Response 7- 19: The significance thresholds for health risks are increases in risk caused by projects. The approach is essentially a cumulative approach because it looks at increases over the existing background. Any representation of cumulative risk associated with other future projects is typically qualitative. The following information related to existing health risks in Irwindale was included in the Draft and Final EIR on pages 3.3-8 and 3.3-9.

“Due to City concerns about possible cancer risks from the industrial activity in the City, the City funded a study by Soil Water Air Protection Enterprise (SWAPE) in 2013 to evaluate the cancer rates in the City of Irwindale. The effort was in collaboration with the Cancer Surveillance Program. The Cancer Surveillance Program manages a database of all cancer diagnoses, recorded by the patient's residential address within Los Angeles County, and reports these data to the California Cancer Registry. In addition to total cancer cases, four common cancers were evaluated from 2001 through 2010: breast, colon, lung and oropharyngeal, and prostate. Other cancers could not be evaluated for confidentiality reasons, because they occurred in such low numbers. Annual age-adjusted incidence rates were calculated for Irwindale, bordering census tracts, Los Angeles County, and California. Irwindale's rates were then evaluated against the rates of the other three regions.

The cancer assessment found that the Irwindale area has no significant excess of breast, prostate, colon, and lung/oropharyngeal cancers relative to neighboring census tracts, Los

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Angeles County, and California. In fact, Irwindale was found to have lower cancer incidence than surrounding census tracts, Los Angeles County, and California.¹⁰”

Response 7- 20: Subsequent to publication of the Draft EIR in August 2014, the SCAQMD made website adjustments effecting documentation links. The following represents updated website links:

South Coast Air Quality Management District. *CEQA Air Quality Handbook*, 1993. <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>

South Coast Air Quality Management District. Risk Assessment Procedures for Rules 1401 and 212. July 1, 2005. <http://www.aqmd.gov/home/permits/risk-assessment/risk-assessment-procedures-for-rules-1401-and-212>

South Coast Air Quality Management District. *Air Quality Significance Thresholds*. March 2011. <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>

US Environmental Protection Agency. *AirData*. <http://www.epa.gov/airdata/>

Response 7- 21: The Air Quality Supporting Files were provided via the project website. In response to this comment, KBE tested the files on the project website and none of them were corrupt or inaccessible. Other commenters such as SCAQMD did not have accessibility issues with the files within Appendix C and were able to conduct a review.

Response 7- 22: Methodology, assumptions, data, and calculations were provided within Appendix C of the Draft EIR. Appendix C (pages 15-33) provides comprehensive information (and maps) related to the methodology and assumptions associated with the emission estimates, dispersion modeling, and toxicity assessment for the HRA.

Please also see Response 7-9 for construction emission calculations and Responses 5-6 and 5-7 for operational calculations.

Response 7- 23: The text on page 11 of Appendix C of the Draft EIR is revised to add a new header as follows (new text is underlined and strikethrough is used for ~~deleted text~~):

“A.3 Fugitive Dust Sources

Aggregate Processing

Generally, rock and crushed stone products are loosened and extracted, loaded by front-end loader into large haul trucks that transport the material to the screening/hoppers.

¹⁰ Soil Water Air Protection Enterprise, *Air Quality and Cancer Incidence Assessment of Irwindale, California*, January 2014.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Typically, quarried stone is dumped into hopper feeders, usually a vibrating grizzly type, or onto screens. The feeder or screens separate large stones from finer rocks that do not require primary crushing, thus, reducing the load to the primary crusher.”

Response 7- 24: Tables AQ-1 through AQ-3 are based on EMFAC0211, <http://www.arb.ca.gov/msei/modeling.htm> and its documentation <http://www.arb.ca.gov/msei/emfac2011-release-document-final-updated-0712v03.pdf> including running emissions (updated January 2013) and idling emissions (based on spreadsheet tool entitled emfac2011_idling_emission_rates.xls in the AQ supporting files).

Response 7- 25: For construction activities, off-road equipment emissions were based on CalEEMod. For operational emissions, off-road equipment emissions were based on OFFROAD2011.

Response 7- 26: Table AQ-4 through AQ-10 are based on CARB’s OFFROAD2011.

Response 7- 27: The controlled PM10 emission factor for conveyors should be 0.000046 instead of 0.00084. Table AQ-11 represents PM10 emission factors. PM2.5 emissions were assumed to represent 15 percent of PM10 emissions.

Table AQ-11 in Appendix C of the Draft EIR is revised as follows (new text is underlined and strikethrough is used for ~~deleted text~~):

Table AQ-11 – Aggregate Processing PM10 Emission Factors

Emission Point	Number of Transfer Points	Uncontrolled Emission Factor (lbs/ton of material)	Controlled Emission Factor (lbs/ton of material)
Screens/Hoppers	6	0.0087	0.00074
Conveyors	6	0.0011	0.00084 <u>0.000046</u>
Truck Unloading/Loading	6	0.0001	-
Source: USEPA, AP-42, Section 11.19.2 - <i>Crushed Stone Processing and Pulverized Mineral Processing</i> , August 2004; and AQMD, Table XI-B - <i>Mitigation Measures Examples: Fugitive Dust From Material Handling</i> .			

Response 7- 28: Fugitive particulate matter emissions are expected from the handling and storage of raw materials from quarry processing. The methodology for the calculation of particulate emissions from the handling and storage of raw materials is described in Section 13.2.4 of USEPA’s AP-42¹¹ for aggregate handling and storage piles. The quantity of dust emissions from aggregate handling and storage operations varies with the volume of aggregate

¹¹ USEPA. Compilation of Air Pollutant Emission Factors, AP-42, Fifth Edition, Volume I: Stationary Point and Area Sources, Section 13.2.4 *Aggregate Handling and Storage Piles* (<http://www.epa.gov/ttnchie1/ap42/ch13/final/c13s0204.pdf>), November 2006.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

passing through the storage cycle. The emission factor for the quantity of emissions per quantity of material is estimated using the following equation:

$$EF = k(0.0032) \frac{\left[\frac{U}{5}\right]^{1.3}}{\left[\frac{M}{2}\right]^{1.4}}$$

where:

EF	=	emission factor (lb emissions/ton material)
k	=	particulate size multiplier (PM ₁₀ = 0.35, PM _{2.5} = 0.053)
U	=	mean wind speed (4.3 mph)
M	=	material moisture content (0.7 percent)

Based on available data, the emission factors for handling and storage activities are 0.004 and 0.0006 pounds per ton of material processed (uncontrolled) of PM₁₀ and PM_{2.5}, respectively; and 0.0010 and 0.0002 pounds per ton of material processed (controlled) of PM₁₀ and PM_{2.5}, respectively. Weather data (wind speed) was acquired from the Western Regional Climate Center¹² and SCAQMD data from Azusa. To account for emission controls, a control efficiency of 75 percent was applied.^{13 14} A silica content of 78 percent was assumed for this analysis.¹⁵

Response 7- 29: The number of days with measurable precipitation (i.e., 35 days) were acquired from the Western Regional Climate Center.¹⁶

Response 7- 30: AERMOD utilized unit emission rates (1 gram per second). The resultant exposure concentration by receptor was adjusted by the actual emission rate by emission source (i.e., unpaved roads, onsite equipment, etc.). The actual exposure concentration by receptor was then compared to the ambient concentration thresholds and used to estimate the cancer risk (by accounting for exposure parameters for residences, school children, and offsite workers) and health impacts.

¹² Western Regional Climate Center, <http://www.wrcc.dri.edu/summary/ont.ca.html>.

¹³ USEPA. Compilation of Air Pollutant Emission Factors, AP-42, Fifth Edition, Volume I: Stationary Point and Area Sources, Section 13.2.4 *Aggregate Handling and Storage Piles* (<http://www.epa.gov/ttnchie1/ap42/ch13/final/c13s0204.pdf>), November 2006.

¹⁴ SCAQMD, Mitigation Measures and Control Efficiencies (<http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies/fugitive-dust>)

¹⁵ Rhyolite silica content (SiO₂) approximately 70 to 78 percent <http://www.flashcardmachine.com/civil220-igneous-rocks.html>

¹⁶ Western Regional Climate Center, <http://www.wrcc.dri.edu/summary/ont.ca.html>

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Appendix C provides the methodology for toxicity assessment, risk characterization, and exposure assessment.

Conservative health risk methodologies were used in the risk assessment in order to estimate maximum potential health risks. These methodologies overestimate both non-carcinogenic and carcinogenic health risk, possibly by an order of magnitude or more. Therefore, for carcinogenic risks, the actual probabilities of cancer formation in the populations of concern due to exposure to carcinogenic pollutants are likely to be lower than the risks derived using the risk assessment methodology. In accordance with OEHHA guidelines¹⁷, the HRA was accomplished by applying the highest estimated concentrations of TAC at the receptors analyzed to the established cancer potency factors and acceptable reference concentrations for non-cancer health effects.

The HARP model was not used for this HRA. Please see the edit to Appendix C in Response 7-16 to delete the reference to HARP.

Figures 2.0-12 through 2.0-18 of the Project Description represent the detailed project plans for the location of the operational activities. The notation with Exhibits 4 and 5 (within Appendix C) represent the general location of the Proposed Project relative to the sensitive receptors.

Response 7- 31: Construction activities would include a new on-site access road and relocation of the on-site access point. Construction of the new access road will occur six days a week (Monday through Saturday) from 7am to 7pm and is anticipated to take approximately one year (2015) to complete. Minimal building construction would occur. The construction area was estimated to be two acres; the CalEEMod estimate grading would occur over three acres. Figure ~~2.0-19~~ 2.0-14 on page ~~2.0-31~~ 2.0-27 (*Draft and Final EIR*) in the Project Description is a design map of the on-site access road construction.

Response 7-32: Pages 3.4-14 and 3.4-15 of the *Draft and Final EIR* and pages 14 and 15 in Appendix D of the DEIR adequately address potential Waters of the State regulated by the Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the Clean Water Act and State Porter-Cologne Water Quality Control Act. Lower elevations within the mine pit are characterized by man-made depressions and imprints in the land that were created wholly within uplands by previous mining activities. These same features are characteristic of the many other mining pits in the local area. Aerial imagery suggests that the depressions have the ability to temporarily inundate depending on the amount of precipitation received, groundwater recharge, and depth to water table during the winter. The underlying soils are gravel and sand. There is no indication of an underlying hardpan. Percolation rates are expected to be high. Depth

¹⁷ Office of Environmental Health Hazard Assessment. *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessment*. August 2003. http://oehha.ca.gov/air/hot_spots/pdf/HRAguidefinal.pdf

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

and duration of standing water is likely largely dependent on groundwater recharge and depth to water table. The features are not natural and do not support a dominance of wetland or riparian vegetation. No evidence of recent flooding or ponding was observed during the June 2014 survey. The areas are considered dry, isolated, man-made depressions wholly created within uplands with no evidence of recent flooding or ponding. For these reasons, the depressions were not considered jurisdictional, including isolated Waters of the State subject to RWQCB jurisdiction pursuant to the State Porter-Cologne Water Quality Control Act. Therefore, the Project site does not support Waters of the State and the Project would have no adverse effect on such resources.

Response 7-33: The 2008 GeoLogic Associates (GLA) report analyzes the “existing condition,” that is the condition of the Olive Pit Mine since essentially 1974. This is the necessary analysis to establish a baseline condition. The 2008 report identified a number of slope areas around the existing excavation where over-steepened or eroded slopes would not be in compliance with the City's Guidelines for Slope Stability Analyses of Open-Pit Mines at, or beyond the property line during an earthquake event, or in some cases under static conditions. In some areas there is sufficient setback between the top of slope and the property line so that the calculated permanent deformation of the slopes is 1.0 centimeters or less, which is less than the lower allowable limit stipulated in the City's Guidelines. In each case where GLA has recommended remedial grading (e.g., Sections 4.6 and 7.0), surface water runoff control, erosion protection (e.g., Section 5.0), and/or property line setbacks, this work should be done as a part of the proposed project to stabilize the existing slopes to within City guidelines.

With regard to the planned excavation to extract additional resources as proposed for the project, GLA recommended maintaining a 1.5:1 (horizontal to vertical) above the design high groundwater surface (285-feet amsl for the project) and 2:1 below the high groundwater level. This will meet the slope stabilization requirements recommended in the City's Technical Guidelines for Slope Stability and Erosion. Taken together with the recommendations for existing slopes these mine development recommendations provide a complete description of GLA's proposed slope stabilization program. In addition, further analysis is required by MM-GEO1 as follows:

“The Applicant shall prepare a site-specific Geotechnical Report(s) to the satisfaction of the City Engineer prior to commencing mining, for each phase of reclamation, and for post-reclamation construction. This report shall be prepared by a California Registered Geotechnical Engineer and a California Certified Engineering Geologist. This report will provide design specifications to assure the Olive Pit Mine is developed within accepted federal, State, local and City of Irwindale guidelines for open-pit mines as these relate to THRESHOLDS GEO-1, -2, -3, and -5.”

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Together this demonstrates the feasibility of the proposed project and the requirement to meet existing applicable regulations and guidelines.

In addition, an analysis provided by TetraTech BAS GeoSciences (*Stability of Perimeter Slopes, Olive Pit, Irwindale, California*, October 13, 2014, added as an attachment to the Reclamation Plan in Appendix A of this Final EIR) found that the proposed project will not have an effect on stability of the existing slopes. The analysis made the following conclusions:

- The static stability of the existing slopes is not adversely impacted by the construction of the mining slope. Even with the mining slope excavated below the existing slope the critical slip surface remains within the existing slope.
- Static stability of the existing slope and the entire slope consisting of the existing slope and the future mining slope is adequate with a Factor of Safety greater than 1.5.
- The presence and width of a bench cut at the toe of the existing slopes up to 50 feet wide has a negligible effect on the slope stability.

Based upon TetraTech's findings, the City concludes that the proposed plan will not adversely affect existing slopes.

Response 7-34: The 2008 GeoLogic Associates (GLA) report discusses the factors of safety used in the analyses of the existing slopes. They reference the City's Technical Guidelines for Slope Stability and Erosion and the Guidelines for Slope Stability Analyses of Open-Pit Mines. Within these documents, static and dynamic stability factors of safety are discussed. The GLA report demonstrates the feasibility of the proposed project. As indicated in the response to Comment 33, mitigation measure MM-GEO1 requires that new geotechnical reports be prepared for each phase of the proposed development. These will define specific details for the final slope designs that will fall within the general parameters of the GLA analyses.

Response 7-35: Please see the Responses to Comments 7-33 and 7-34 above.

Response 7-36: The plume of contaminated groundwater is an existing condition and not an effect of the Project nor is it unique to this mine site. As discussed in Chapter 3.6 of the Draft EIR, the analysis contained in this section of the EIR was based in part on the written comments received by the City on the NOP from the Los Angeles Regional Water Quality Control Board (April 4, 2014); Los Angeles County Department of Public Works (April 15, 2014); and the Main San Gabriel Basin Watermaster (April 7, 2014). A copy of each letter can be found in Appendix B of the Draft EIR.

Page 3.6-3 of the EIR states that significant groundwater contamination was discovered in the San Gabriel Valley in the late 1970s and early 1980s. The groundwater contamination was caused by past industrial and agricultural practices in the basin. Industrial practices resulted in

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

the improper disposal of solvents into the groundwater; thereby, resulting in Volatile Organic Carbons (VOC) contamination. Poor agricultural practices by farmers have resulted in contamination of the groundwater with nitrates (NO₃). Much of the San Gabriel Valley groundwater is considered a CERCLA and NPL cleanup site. In addition, a health risk assessment (HRA) for toxic air contaminants was prepared for the project and was contained in Appendix to the Draft EIR.

The Watermaster historical information identified the general areas of high concentration of VOC contaminants in the groundwater. VOC contamination has been centered in a few areas within the San Gabriel Groundwater Basin. The main area of concern near the Irwindale area has been a plume of VOC that extends from the northeast to the southwest. This plume originated in the City of Azusa and extends to the southwest of the City of Baldwin Park. A secondary plume of VOC contamination has been identified toward the southern part of the City of El Monte. Both of these plumes have VOC levels that exceed the Mean Contamination Level (MCL).

Most of the groundwater in the San Gabriel Valley near the Proposed Project site is considered a CERCLA Superfund site with varying levels of contamination. Consequently, the area of the City of Irwindale and surrounding Cities is within the overall San Gabriel Valley Superfund site. This Superfund site has been and currently is under groundwater remediation. However, the Proposed Project site is currently vacant with no improvements and has not contributed to contamination associated with the Superfund site.

Protection of groundwater will be ensured through the following procedures. Existing slopes created prior to the approval of this reclamation plan shall remain in an "as is" condition. Erosion and sedimentation of slopes disturbed by this project will be managed during all phases of mining and reclamation in accordance with the "Guidelines for Drainage and Erosion Control, Irwindale, California."

Mineral resource recovery operations will be conducted through the use of earthmoving equipment in dry conditions and a dredge or other equipment suitable for subsurface extraction after groundwater has been reached.

The EIR also identifies compliance with the San Gabriel Basin Watermaster Resolution No. 3-88-57 regarding inert landfills or mining reclamation plans as required for the project. The EIR concluded that with implementation of the following requirements, the Proposed Project's potential impacts on groundwater quality will be less than significant.

1. Inert landfills shall be filled directly by the site operator pursuant to a written plan.
2. Inert landfills may not be filled with tires, wood, plasterboard, or contain organic material such as tree stumps, branches or similar material.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

3. There shall be no placing of any material classified as a hazardous waste by the State Department of Health Services, County Health Department, U.S. Environmental Protection Agency, State Water Resources Control Board, the Solid Waste Management Board, or any other responsible federal, State or local agency.
4. The site must be secured.
5. No Materials shall be dumped directly into standing groundwater.
6. The landfill operator shall provide reasonable and adequate monitoring by appropriate test wells to protect the water quality.
7. The landfill operator must maintain a record of all material placed in the site.
8. The landfill operator must provide adequate closure of the site.

In addition to requiring compliance with Resolution No. 3-88-57, the EIR also states that the Reclamation Plan will be required to adhere to the following measures per the San Gabriel Watermaster:

1. Water quality monitoring program - Groundwater quality samples shall be regularly collected up gradient and down gradient of mining operations and performed in accordance with Regional Water Quality Control Board's waste discharge requirements.
2. Site Security - There will be restricted access to the site. Adequate and regularly maintained fencing is included, and regular patrols will be performed to inspect and remove any unauthorized or potentially hazardous materials. The site will remain fenced, and all gates will be locked after normal business hours. (This is in detail as Appendix L of the Reclamation Plan.)
3. An "Emergency Response Plan" to be approved by the City will define actions to protect people, property and water quality in the event of hazardous materials releases to the soil or exposed groundwater.
4. Financial assurances will be provided and maintained to guarantee completion of post mining security and reclamation activities.

The Olive Pit project will have no toxic or hazardous substances used for the purposes of extracting construction aggregate materials. The equipment used to extract and transport materials utilizes diesel fuel, motor oil, and standard lubricants. Refueling of over-the-road trucks will be performed at United Rock's existing processing facility maintenance shop located on Arrow Highway. Off-road equipment operating in the pit will be fueled by mobile fuel trucks. Routine equipment and machinery repairs requiring the use of lubricants, solvents, solutions, grease or other substances will be performed off-site at United Rock's maintenance facilities, and these maintenance operations will not be performed at the Olive Pit mine. Only maintenance of

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

the dredge and other pieces of heavy/stationary equipment that cannot be readily moved offsite will be performed onsite.

Additionally, all active quarry slopes, shall meet the requirements of the City's *Guidelines for Drainage and Erosion Control for Open-Pit Mines* (2004). Provisions for controlling incident erosion and slope vegetative cover need only be applied to permanent slopes above the level of anticipated high groundwater and only applies to slopes created or disturbed by this project. This also applies to all final reclamation fill slopes.

Final quarry slopes that are created or disturbed by this project shall conform to the approved Reclamation Plan and shall meet all of the provisions of the City's *Guidelines for Stability Analyses of Open-Pit Mine Slopes* (2005 and applicable amendments).

Due to the prescribed measures cited above and required conformance with the City's adopted guidelines intended to prevent water quality impacts, the City concludes that potential water quality impacts are less than significant.

As noted on page 3.6-12 of the EIR, the nearest public schools to the site are the Geddes Ernest Geddes Elementary (240 feet), North Park High School (500 feet), Pleasant View Elementary (690 feet), Jerry Holland Junior High (2,660 feet), and Santa Fe Elementary (2,760 feet). Surface exposure of groundwater is an existing condition in many parts of the City and throughout the region as noted above and in the EIR. Implementation of the Proposed Project would not change this existing condition and would not expose children or other sensitive receptors to groundwater.

The air quality chapter discussed the results of the health risk assessment (HRA) of these land use types in the project vicinity. To summarize, the maximum incremental cancer risks from all equipment and trucks would be 2.2 (residential adult receptor), 1.1 (residential child receptor), 0.4 (off-site worker), and 0.2 (school children receptor) cancers per million, which are less than the SCAQMD significance threshold of 10 in one million. Other than those potential emissions discussed in the HRA, there are no other potential hazardous emissions, hazardous materials, substances or wastes that are expected to occur at the site or during operations of the Project. Therefore, this impact is less than significant.

Response 7-37: As stated in the EIR on page 3.6-11, the Project would involve backfilling of inert materials in groundwater consistent with the requirements of Watermaster Resolution No. 3-88-57. The EIR states on Page 2.0-23 that backfill material will originate from the United Rock processing location where it is currently collected from various sources throughout the greater urban area, including construction demolition materials from construction projects associated with United Rock. United Rock trucks will exit the Olive Pit with a load of mined material from the Phase II extraction and return loaded from the processing plant with material to fill the pit. Material intended for backfilling will be processed and checked to ensure compliance

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

with inert material guidelines and the inert debris fill permit requirements as stipulated by the Los Angeles County Health Department.

As noted in the Draft EIR in Chapter 3.6, and by the commenter, the existing groundwater beneath a portion of the site is contaminated. All precipitation that falls on the Olive Pit is retained in the pit. Runoff from the surrounding streets and neighborhoods is intercepted and drained away from the Olive Pit. All active quarry slopes, shall meet the requirements of the "Guidelines for Drainage and Erosion Control for Open-Pit Mines in Irwindale, California," July 6, 2004. Provisions for controlling incident erosion and slope vegetative cover are applied to permanent slopes above the level of anticipated high groundwater and for slopes created or disturbed by this project. This also applies to all final reclamation fill slopes.

Storm water runoff to and from the site would continue to be controlled during mining and reclamation activities by a berm or other devices during operation and reclamation activities at the Project site. A NPDES storm water permit would not be required during mining and reclamation activities, because runoff from the site does not occur.

Response 7-38: As noted above in the response to comment 7-36 and 7-37, much of the San Gabriel Valley groundwater is considered a CERCLA and NPL cleanup site. In fact, contaminated groundwater exists beneath many of the mine sites in the City and in adjacent cities. Implementation of the Proposed Project will not affect the existing groundwater contamination. Ongoing remediation efforts continue to clean up/remediate the contamination, reduce its spread and monitor plume migration. Backfilling operations at the Olive Pit mine would be conducted in accordance with City guidelines to ensure only inert materials are used in backfilling operations and to ensure the protection of groundwater resources under the approvals issued by the City of Irwindale, Department of Conservation, Office of Mine Reclamation, Main San Gabriel Basin Watermaster and the Los Angeles County Health Department.

Response 7-39: The Project site is located wholly within the City of Irwindale and therefore the EIR is required to analyze whether the Proposed Project conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project. Neither Baldwin Park nor West Covina have jurisdiction over the project site. Therefore, the EIR was not required to analyze this Project for consistency with those Cities' plans and policies.

The Olive Pit mine is an existing inactive mine that is now surrounded by development (that was built after mining operations were initiated onsite) and located within Irwindale and adjacent city of Baldwin Park and West Covina. As noted in Chapter 3.7 of the Draft EIR, Land Use and Planning, mineral resources within the Olive Pit mine are located within the San Gabriel Valley Production-Consumption Region and were first classified as MRZ-2 in 1982. Later, the site was designated as regionally significant in 1984. The area was further incorporated into the SMARA California Administrative Code as Section 3550.5 (Title 14, Div. 2, Chapter 8, Subchapter 1).

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Approximately 40 percent of the land in the City of Irwindale is an active quarry or reclamation site. The key goals of this project to recover remaining aggregate materials by extraction of remaining resources that have been designated as a Regionally Significant Construction Aggregate Source by the State Mining and Geology Board (SMGB), identified as having statewide and regional significance. The materials provide important regional benefit which is the provision of construction aggregate materials for the greater Los Angeles Basin.

Following mining, and beginning as early as 2020 the site will be reclaimed for future land development that would provide economic development opportunities for the city, including providing jobs and/or tax revenue. The remainder of the site would be retained for public uses, such as a storm water retention, flood control facility, groundwater recharge basin, and/or open space recreational land uses. Reclamation of the Olive Pit site would occur consistent with reclamation policies of the State Surface Mining and Reclamation Act (SMARA) as noted in the Draft EIR and Reclamation Plan (Appendix A to the Draft EIR).

The Baldwin Park and the City of West Covina noise standards and policies were taken into account in the noise analysis in the Draft EIR in an effort to minimize potential noise effects on surrounding land uses. Please also see the response to comment 7-40 below.

Response 7-40: As noted above in the Response to Comment 7-39, the Project site is located wholly within the City of Irwindale and therefore the EIR is required to analyze whether the Proposed Project conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project. Neither Baldwin Park nor West Covina have jurisdiction over the project site. Therefore, the EIR was not required to analyze this Project for consistency with those cities' plans and policies. Therefore, there is no internal inconsistency within the EIR regarding land use compatibility.

The significance of land use and planning impacts was determined based on the State CEQA Guidelines, Appendix G. Using these thresholds, the Proposed Project would be considered to have a significant impact related to land use and planning if the project were to:

- A. Physically divide an established community;
- B. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance adopted for the purpose of avoiding or mitigating environmental effects; and/or
- C. Conflict with any applicable Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP).

The Olive Pit mine site first began operations in the 1920s and has remained inactive and is in the same configuration that existed when mining ceased in the 1970s. The Olive Pit mine pre-

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

dates many of the homes that were built along its edges. The ultimate goal of the project is site reclamation to develop onsite uses that are compatible with the surrounding communities.

There are numerous other existing mine sites in the area including the Durbin Pit located on the west side of Baldwin Park which is operated similar to how the Olive Pit will be operated. The City of Irwindale is not aware of any reports of complaints of land use incompatibilities associated with the Durbin Pit and therefore has no reason to believe that a reopening of the Olive Pit would result in land use incompatibilities.

Further, to ensure maximum avoidance of land use incompatibilities, the City of Irwindale has routed all traffic associated with the Proposed Project to strictly remain within Irwindale City streets, has limited the daily hours of operation in recognition of the need to avoid noise conflicts, in requiring full fencing, sound berms and security of the site to ensure compatibility and public safety. In addition, specific mitigation measures have been included in the EIR to ensure compatibility with surrounding land uses. The mitigation measures are listed below.

MM N-1

Once reclamation backfill has been completed to within 10 feet of the existing street grade, the mine operator (United Rock) shall construct an earthen berm 20 feet in height along the entire length of the northern boundary of the backfilled 32 acre pad as a noise barrier to residences along Olive Street, extending west from Azusa Canyon Road. This earthen berm would be constructed of aggregate extracted from the Olive Pit or back-hauled materials from United Rock Products for development of Phase I reclamation and would essentially be a stockpile of material that is designed to function as a noise reduction buffer.

With imposition of MM N-1, the potential noise impacts from reclamation activities north of Olive Street would be reduced by a minimum of 10 dBA, which would result in average noise levels of approximately 60 to 65 dBA Leq, a level acceptable under the City of Baldwin Park Noise Standards.

MM N-2

The applicant shall prepare an operations plan to reduce noise level along the eastern property boundary to less than 75 dBA Leq during the completion of Phase I reclamation;

Or

The applicant shall obtain a permit from the City authorizing noise along the eastern property boundary in excess of City of Irwindale standards during the completion of Phase I reclamation.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

With imposition of MM N-1 and MM N-2, the potential noise impacts from Phase I reclamation activities would be reduced to a level acceptable under the City of Irwindale and Baldwin Park Noise Standards. The impacts from Phase I reclamation activities would be less than significant with mitigation including measure 3 below.

MM N-3

The applicant will include the following mitigation measures as part of the Proposed Project. The applicant shall ensure the following:

- All trucks shall be equipped with Diesel Particulate Filters or a resonator to reduce noise by 3 to 6 dBA.
- No Jake Brakes shall be used.
- All trucks shall be equipped with single exhaust, vertical straight stacks and no turndown.
- Trucks shall also be equipped with automatic transmissions to eliminate unnecessary engine revving.

With implementation of MM N-3, road segments along the access route from the Proposed Project site to the processing area would have noise levels shown in Table 3.8-12 (above). The columns with significant impacts are “C-A” and “E-A”, which both include the impact of cumulative traffic growth not related to the project; and therefore, the overall increase in noise (from the cumulative traffic growth and the project traffic) would be a significant cumulative impact. Columns “B-A” and “E-D” are the project contributions to the near term and future cumulative traffic noise impacts. These increases in these project-contribution columns are 1.0 dBA or less in all cases. Since most people cannot perceive a 1 dBA increase in sound levels (unless in controlled conditions in an acoustics lab), the project contribution (of 1 dBA or less) is not considered to be a cumulatively considerable contribution to the overall cumulative traffic noise impact.

Response 7-41: As discussed in the first paragraph on page 3.8-9 of the EIR, residential land uses are situated approximately 80 feet north of the property line (Baldwin Park). However, construction activities (as discussed in the first paragraph on page 3.8-18 of the EIR) would only take place along the southern edge and southeast corner of the project site. Therefore, construction activities would be approximately 400 feet away from Baldwin Park residences and approximately 120 feet away from West Covina residences.

As discussed in the second paragraph on page 3.8-19 of the EIR, construction-related noise from Proposed Project would not exceed the noise standards of the Cities of Irwindale, Baldwin Park, and West Covina because Proposed Project construction activities would be limited to the hours

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

of 7 am to 7 pm. Therefore, this impact would be less-than-significant as identified in the Draft and Final EIR on page 3.8-19.

The commenter is incorrect in stating that, “Table 3.8-6 indicates that paving activities generating noise levels up to 89 dBA Leq would occur during construction of the access road.” It is important to note that Table 3.8-6 on page 3.8-18 of the Draft EIR lists construction equipment noise levels as maximum noise levels (Lmax) not as average noise levels (Leq) (see Table 3.8-6 Title and Footnote). Average noise levels (Leq) are typically 10-30 decibels less than the maximum noise levels (Lmax).

In order to make it clear how close construction activities would be to residences and what the estimated noise level would be at the residences, the text in the paragraph that begins at the bottom of page 3.8-18 of the Draft EIR (*Final EIR page 3.8-18*) is revised as follows (new text is underlined and strikethrough is used for ~~deleted text~~):

“The values in Table 3.8-6 are maximum noise levels that would occur intermittently throughout each day of construction and average noise levels from construction would be much lower. As shown above in Table 3.8-6, paving would be the loudest noise source taking place during the construction phase. Construction activities would take place approximately 400 feet away from Baldwin Park residences to the west of the Proposed Project site. Since paving would only take place on the first 200 feet of the access road, the loudest noise source would be a scraper (88 dBA Lmax at 50 feet). Based on noise attenuation by distance over hard site conditions (a 6 dBA reduction for every doubling of distance), maximum construction noise levels at Baldwin Park residences to the west would be approximately 70 dBA Lmax at 400 feet. According to Table 3.8-2 and pages 4, 5, and 6 of Noise Appendix E, existing noise levels on N Park Avenue range from 57-60 dBA CNEL and 67-87 dBA Lmax during construction hours. However, most of the construction would occur well below street level and the pit face would provide a substantial noise barrier reduction. Construction activities would take place approximately 120 feet away from West Covina residences to the south of the Proposed Project site. Based on noise attenuation by distance over hard site conditions (a 6 dBA reduction for every doubling of the reference distance), maximum construction noise levels at West Covina residences to the south would be approximately 81 dBA Lmax at 120 feet when occurring at street level. According to Table 3.8-2 and pages 1, 2, and 3 of the Noise Appendix E, existing noise levels on Los Angeles Street range from 75-78 dBA CNEL and 82-111 dBA Lmax during construction hours. Even when paving takes place near street level, intermittent construction noise would be masked by traffic noise on Los Angeles Street.”

Response 7-42: As discussed in Response to Comment 7-41, residential land uses are situated approximately 80 feet north of the property line (Baldwin Park). However, the 80 feet discussed in the first paragraph on page 3.8-18 of the Draft EIR is describing the project site and distances between land uses (property line to property line). The Draft EIR does not discuss noise impacts

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

for sensitive receptors as close as 80 feet because operational activities would not take place 80 feet from sensitive receptors. Appropriate distances between operational activities and sensitive receptors used to calculate noise impacts from operations are listed in each phase of operations, because each phase occurs at different elevations and different locations throughout the project site. See Table 3.8-9 on page 3.8-21 of the Draft EIR for Phase I excavation noise levels and Table 3.8-10 on page 3.8-22 of the Draft EIR for Phase II excavation noise levels.

The first paragraph on page 3.8-16 of the EIR explains why equipment noise levels in Table 3.8-8, Mining Equipment Noise levels, are applicable to the project. The first paragraph on page 3.8-16 of the EIR states:

“To gather background data and comparable site use data, a site visit was conducted on May 23, 2014 at the Applicant’s URP Pit No. 3 located in the City of Irwindale. During the site visit, short-term noise measurements were taken for operating equipment that would have equivalent noise levels to the mining operations of the Proposed Project.”

The mining equipment noise levels in Table 3.8-8 were measured inside an open pit mine similar to Olive Pit and the equipment was owned and operated by United Rock Products (the applicant of the Proposed Project discussed the Draft EIR). The source is not listed in Chapter 7.0 because it was a site visit and the details of the site visit are fully explained in the first paragraph on page 3.8-16 of the EIR.

The Barrier Noise Reduction Formula was used in a Draft EIS prepared by Continental Placer Inc. for a project very similar to the Proposed Project (an open pit mining and reclamation project). The commenter says it is an unreliable document because it was a Draft EIS and not a Final EIS. The Draft EIS was cited on page 3.8-20 of the Draft EIR because the formula was used in the detailed analysis in the Draft EIS. However, the Draft EIS is part of the Final EIS. The Draft EIS was accepted in December of 2013 and a Final EIS for the project was accepted in April of 2014. The New York State Department of Environmental Conservation was the lead agency under the New York State Environmental Quality Review Act.

The commenter also states that the Barrier Noise Reduction Formula is also unreliable because the project was in New York rather than California. We disagree. The noise reduction formulas analyzing mine pit walls would be similar for any open pit regardless of the geographic location – the same formulas apply whether a mine is in California or New York. RCH Group consulted with Continental Placer’s Senior Geologist and Noise Specialist (John Hellert, M.S.) by phone on June 20 and June 26 of 2014 regarding “The Barrier Noise Reduction Formula.” Based upon the information provided by Continental Placer, RCH Group used the “Barrier Noise Reduction Formula” as an objective methodology for assessing noise reduction in an open pit mine. The methodology was explained in more detail in Appendix E of the Draft EIR (see pages 11 and 12 of Appendix E of the EIR). The methodology takes into consideration all the key aspects of noise

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

attenuation (i.e., the source strength, distance of the noise source to the pit wall, distance of the noise receiver to the pit wall, and height of the wall).

The Draft EIR does analyze “noise-generating equipment such as overhead hoppers, haul trucks, and grading equipment could occur outside the pit as well.” Haul truck noise is thoroughly discussed in the EIR starting at page 3.8-25 under the subheading Traffic-Related Noise. Traffic noise is summarized in Table 3.8-11 on page 3.8-27 of the Draft EIR (*Final EIR page 3.8-28*). Table 3.8-11 includes existing noise level estimates and estimates for two future years (2016, and 2035). Six key intersections are analyzed for each scenario (existing, 2016 and 2035). Table 3.8-12 on page 3.8-28 of the Draft EIR (*Final EIR page 3.8-29*) estimates Proposed Project traffic noise levels after implementation of recommended mitigation measures.

Grading equipment occurring outside the pit (at street level) would only take place during Phase I reclamation, which is analyzed in the third paragraph on page 3.8-23 of the Draft EIR (*last paragraph, Final EIR page 3.8-23*). Mitigation Measure N-1 (on page 3.8-23 of the Draft EIR; (*Final EIR page 3.8-24*) was designed to mitigate noise from construction equipment at street level.

Overhead hopper noise from loading over-the-road haul trucks would be similar or less than the levels measured on site from the combination of (loader + truck + hopper + conveyor) noise as reported in Table 3.8-8 on page 3.8-20 of the EIR. The noise levels from these loading events would be approximately 76 dBA at a reference distance of 90 feet. The overhead hoppers would be at least 200 feet from residences south of Los Angeles Street (the closest sensitive receptors). Based on noise attenuation by distance over hard site conditions (a 6 dBA reduction for every doubling of distance) the noise level from overhead hoppers loading over-the-road haul trucks would be 69 dBA Leq at 200 feet. Noise levels on Los Angeles Street range from 75-78 dBA CNEL (see Table 3.8-2 on pages 3.8-6 and 3.8-7 of the EIR). Intermittent loading noise from overhead hoppers and over-the-road haul trucks would be masked by traffic and train noise on Los Angeles Street.

Response 7-43: The Draft EIR analyzed Phase I excavation activities and the noise levels. Table 3.8-8 on page 3.8-20 of the Draft EIR (*and Final EIR*) provides mining equipment noise levels and Table 3.8-9 on page 3.8-21 of the Draft EIR (*and Final EIR*) provides estimated noise levels at sensitive receptor locations from Phase I excavation. Figure 2.0-14 on page 2.0-27 in Chapter 2.0 Project Description of the Draft EIR is a site plan that shows where excavation activities would take place during Phase I excavation. The first paragraph on page 3.8-21 of the Draft EIR (*last paragraph page 3.8-21 of the Final EIR*) describes the distances used for calculations in Table 3.8-9 were chosen. The closest Phase I excavation activities would be 240 feet away from Baldwin Park residences on Olive Street, as stated in the first paragraph on page 3.8-21 of the Draft EIR (*last paragraph page 3.8-21 of the Final EIR*). The activities at 240 feet away would be temporary and would only occur while they are excavating a high elevation area left from the

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

extraction of previous mining activities. As seen in Table 3.8-9 other sensitive receptors in Baldwin Park range would be 265 to 515 feet from Phase I excavation activity and excavation activity would be below the elevations of the sensitive receptors. See Response 7-42 that addresses noise impacts at the same elevation of sensitive receptors during Phase I excavation.

Response 7-44: As discussed in the first paragraph on page 3.8-17 of the Draft and Final EIR, noise standards in Table 3.8-4 on page 3.8-14 of the Draft and Final EIR [City of Baldwin Park Interior and Exterior Noise Standards] are used as the significance thresholds for operational impacts on sensitive receptors in Baldwin Park. The Baldwin Park 2020 General Plan explicitly says, “For the project to be approved, the analysis must demonstrate that the project is designed to attenuate noise to meet the City noise standards, as defined in Table NE-2 [The Draft and Final EIR’s Table 3.8-4]. If the project is not designed to meet noise standards, mitigation measures can be recommended in the analysis. If the analysis demonstrates that the noise standards can be met with implementation of the mitigation measures, the project can be approved with the mitigation measures required as conditions of project approval.”

As pointed out in Response to Comment 7-42, calculations and references have been included to support that Phase I extraction noise levels would be masked by traffic and train noise on Los Angeles Street. See Response 7-42 regarding noise impacts from Phase I extraction activities on West Covina sensitive receptors

Response 7-45: The excavation noise levels of approximately 70 to 75 dBA Leq at 100 feet were calculated by applying noise attenuation by distance over hard site conditions (a 6 dBA reduction for every doubling of distance) to the mining equipment measured noise levels found in Table 3.8-8 on page 3.8-20 (CalTrans, 1998). Use of reference distances is a standard aspect of estimating noise levels at any distance from a noise source. Noise levels are often measured at one distance, but have to be estimated at other distances. Which is why, for example, the noise levels are stated as 70 to 75 dBA at 100 feet. The measured noise level and reference distance allow for estimation of noise levels at other distances (using the distance attenuation formulas). Any distance can be used as a reference distance in analyses, 50 feet and 100 feet are perhaps the most common reference distances cited in most noise studies and the location of actual noise measurements (when it is possible to measure at exact distances from a noise source).

The following text is revised in the paragraph that begins below Table 3.8-8 on page 3.8-20 of the Draft and Final EIR (new text is underlined and strikethrough is used for ~~deleted text~~):

“Based upon applying noise attenuation by distance over hard site conditions (a 6 dBA reduction for every doubling of distance) to the values in Table 3.8-7 and Table 3.8-8, excavation noise levels are expected to be approximately 70 to 75 dBA Leq at 100 feet. When excavation activities take place close to the surface, noise levels would have a greater potential to impact nearby residences; as the mined pit becomes deeper, noise levels would drop off since there would be no clear line of sight between the source and

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

the receptor. The barrier noise reduction formula is discussed below for use in identifying noise reduction inside the Olive Pit Mine. “

See also Response to Comment 7-42 that addresses operational noise impacts at the same elevation of sensitive receptors during Phase I excavation.

As discussed in Response 7-43, Figure 2.0-14 in Chapter 2.0 Project Description of the Draft and Final EIR is a site plan that clearly shows where excavation activities would take place during Phase I excavation.

Response 7-46: Mitigation Measure N-1 (construction of a noise berm) would not need to be required prior to the Proposed Project’s construction because Baldwin Park residences to the north of the project site would experience less-than-significant noise impacts because the Proposed Project’s construction activities only take place along the southern edge and southeast corner of the project site (As discussed in the first paragraph on page 3.8-18 of the Draft and Final EIR and in Response 7-41). Baldwin Park residences to the north would also experience less-than-significant noise impacts from Phase I excavation activities (as discussed in the first and second paragraph on page 3.8-21 of the Draft EIR; *last paragraph page 3.8-21 of the Final EIR*). Mitigation Measure N-1 would be required during Phase I reclamation (as discussed in the third and fourth paragraph on Page 3.8-21 of the Draft EIR; *Final EIR pages 3.8-21 and 3.8-22*) because calculated noise levels would exceed significance thresholds when reclamation activities occur close to street level elevation.

The commenter states that, “Supporting documentation should be provided for the estimated 10 dBA reduction in noise.” The last paragraph on page 3.8-23 of the Draft EIR; *Final EIR page 3.8-24*) is revised as follows (new text is underlined and strikethrough is used for ~~deleted text~~):

“With imposition of MM N-1, the potential noise impacts from reclamation activities north of Olive Street would be reduced by a minimum of 10 dBA, which would result in average noise levels of approximately 60 to 65 dBA Leq, a level acceptable under the City of Baldwin Park Noise Standards. ~~The minimum 10 dBA reduction is consistent with the general rule that a noise barrier reduces noise levels by approximately 1 dBA per foot of height. Per the FHWA Highway Traffic Noise: Analysis and Abatement Guidance document, a noise barrier can achieve a 5 dBA noise level reduction when it is tall enough to break the line-of-sight from the highway to the receiver and it can achieve an approximate 1 dBA additional noise level reduction for each 2 feet of height after it breaks the line-of-sight (FHWA, 2011). Therefore, by conservatively assuming that the 20 foot earthen berm would break the line-of-sight at 10 feet (a 5 dBA reduction), an additional 5 dBA reduction would be achieved by the 10 feet of additional height after breaking the line-of-sight (for a total reduction of 10 dBA). Assuming that the line-of-sight would be broken at 10 feet is conservative because the line-of-sight would generally be much less than 10 feet, because most noise emanating from equipment comes from the engine and the ground (due to movement and ground disturbance from excavation).~~ The

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

minimum 10 dBA reduction is also a conservative estimate because noise reduction from the earthen berm could be much greater depending on the location of Phase I reclamation activities and type of equipment used.”

Monitoring requirements for Mitigation Measure N-1 would be included in the Mitigation Reporting or Monitoring Program (MMRP) (as required by Public Resources Code Section 21081.6). Section 21081.6 requires a public agency to adopt a monitoring and reporting program to ensure efficacy and enforceability of any mitigation measures applied to a proposed project. The lead agency must adopt an MMRP for mitigation measures incorporated into the project or proposed as conditions of approval. The MMRP must be designed to ensure compliance during project implementation.

Response 7-47: Mitigation Measure N-2 addresses noise from Proposed Project operations impacting the City of Irwindale. Mitigation Measure N-1 addresses noise from Proposed Project operations impacting the City of Baldwin Park. See also Response to Comment 7-44 explaining why noise standards in Table 3.8-4 City of Baldwin Park Interior and Exterior Noise Standards were used as the significance thresholds for operational impacts.

Noise from the Proposed Project’s operations would not impact residents in the City of West Covina, as discussed in the Draft EIR in the second paragraph on page 3.8-21 and the last paragraph on page 3.8-22 (*Final EIR page 3.8-22*), therefore noise would not need to be mitigated. The high ambient noise levels on Los Angeles Street, which are documented by long-term noise measurements at Location 1 (see Table 3.8-2 on pages 3.8-6 and 3.8-7 of the Draft and Final EIR), would mask operational noise from the Proposed Project going towards residences in West Covina.

Response 7-48: Mitigation Measure N-3 on page 3.8-26 of the Draft EIR (*Final EIR page 3.8-27*) lists several noise reducing modifications to over-the-road haul trucks that would be implemented with the Proposed Project. One of the modifications alone (a Diesel Particulate Filter or resonator) would reduce truck noise by 3 to 6 dBA (stated in the first bullet under MM N-3 on page 3.8-27 of the *Final EIR*). The analysis assumed a conservative 3 dBA reduction (see Table 3.8-12, footnote (d)) for Proposed Project trucks and then ran the traffic noise model to calculate mitigated peak-hour traffic noise levels in the project vicinity.

The following text is revised in footnote (d) in Table 3.8-12 on page 3.8-28 of the Draft EIR (*Final EIR page 3.8-29*) (new text is underlined and strikethrough is used for ~~deleted text~~):

“The analysis assumed the noise reduction measures in MM N-3 ~~N-2~~. A conservative 3 dBA reduction was assumed for Proposed Project trucks.”

Response 7-49: Excavation and reclamation activities would be more than 100 feet away from any structures. At this distance, the only mining activities that could cause vibration impacts

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

would be blasting, pile driving or pavement breaking and the project does not including these activities.

In response to the commenter, additional information has been added to the text of the first paragraph on page 3.8-29 of the Draft EIR (3.8-30 of this Final EIR), as follows (new text is underlined and strikethrough is used for ~~deleted text~~):

“Depending on the excavation or reclamation equipment used, ground-borne vibrations can be perceptible within 30 to 100 feet of a source. According to the California Department of Transportation’s Transportation and Construction- Induced Vibration Guidance Manual, literature on the subject of adverse vibration effects shows that only blasting, pile driving, and pavement breaking have documented examples of potential damage to buildings. Structural damage from pile driving typically does not occur in buildings more than 50 feet from the location of the activity (Caltrans, 2004). Pile driving and blasting would not be required for excavation or reclamation of the site. In addition, neighboring buildings are more than 100 feet away from excavation activities and reclamation areas. With continuous vibrational events, such as the movement and operation of construction and excavation equipment, 0.1 Peak Particle Velocity (PPV) is the threshold where vibration begins to annoy people and 0.2 PPV is the threshold at which there can be damage to normal dwelling houses (Caltrans, 2004). Equipment used during the Proposed Project’s construction and operations, such as loaders, excavators and haul trucks would generate a vibration level of approximately 0.09 PPV at 25 feet (Caltrans, 2004). Vibration levels from the Proposed Project would be below Caltrans vibrational thresholds at 25 feet, which means they would well below vibration thresholds at the closest residences, which are more than 100 feet away. Therefore, it is not reasonably foreseeable that the Proposed Project would result in substantial ground-borne vibrations or noise levels. Therefore, ground-borne vibrations and ground-borne noise impacts would be less than significant.”

The modified text affirms the conclusion that ground-borne noise impacts would be less than significant.

Response 7-50: The analysis under threshold N-3 only discusses noise estimates in one jurisdiction (residences to the west in Baldwin Park), because it is the only area of concern near the project site that could potentially experience a substantial permanent increase due to excavation activities. The noise estimates discussed in Threshold N-3 are found in Table 3.8-9 (page 3.8-21 of the Draft and Final EIR;) for Phase I excavation and Table 3.8-10 (page 3.8-22 of the Draft EIR; *Final EIR page 3.8-23*) for Phase II excavation. Basic assumptions and calculations are previously discussed in the Draft EIR (*and FEIR*) on pages 3.8-20 through 3.8-22.

The commenter is concerned that an increase from 44 dBA, Leq would be a substantial permanent increase. However, these low noise levels only occur during nighttime hours (see

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Noise Appendix E in the Draft EIR – pages 4, 5, and 6 that show 24-hour noise data on N Park Avenue). It is the nighttime noise that drops to 44 dBA, Leq. During the day, the average hourly measured levels were as high as 66 dBA, Leq. The following text is revised in the last paragraph on page 3.8-29 of the Draft EIR; (*Final EIR page 3.8-30*) (new text is underlined and strikethrough is used for ~~deleted text~~):

“Phase I excavation noise levels at these residences would be approximately 53 to 55 dBA Leq. Phase I reclamation noise would not affect these residences because reclamation activities would only occur on the east side of the Proposed Project site. Phase II excavation noise levels at these residences would be approximately 56 to 60 dBA Leq. Therefore, the Proposed Project would not result in a substantial permanent increase in ambient noise levels to residences west of the Proposed Project site as existing measured noise levels are already ~~44 to~~ as high as 66 dBA Leq during the Proposed Project’s operational hours (see Table 3.8-2).”

Response 7-51: The Draft EIR Threshold N-4 discussion on page 3.6-30 of the Draft EIR (*Final EIR page 3.8-31*) refers to the previous Threshold N-1 discussion. Threshold N-I discusses impacts associated with the generation of temporary substantial noise increases in ambient noise levels during project construction.

The following text is added as the last paragraph under Threshold N-4 on page 3.8-30 of the Draft EIR; (*Final EIR page 3.8-31*) (new text is underlined and strikethrough is used for ~~deleted text~~):

“Construction activities would take place approximately 400 feet away from Baldwin Park residences to the west of the Proposed Project site. Since paving would only take place on the first 200 feet of the access road, the loudest noise source would be a scraper (88 dBA Lmax at 50 feet). Based on noise attenuation by distance over hard site conditions (a 6-dBA reduction for every doubling of distance), maximum construction noise levels at Baldwin Park residences to the west would be approximately 70 dBA Lmax at 400 feet. According to Table 3.8-2 and pages 4, 5, and 6 of Noise Appendix E, existing noise levels on N Park Avenue range from 57-60 dBA CNEL and 67-87 dBA Lmax during construction hours. Construction activities would also take place approximately 120 feet away from West Covina residences to the south of the Proposed Project site. Based on noise attenuation by distance over hard site conditions (a 6-dBA reduction for every doubling of the reference distance), maximum construction noise levels at West Covina residences to the south would be approximately 81 dBA Lmax at 120 feet when occurring at street level. According to Table 3.8-2 and pages 1, 2, and 3 of Noise Appendix E, existing noise levels on Los Angeles Street range from 75-78 dBA CNEL and 82-111 dBA Lmax during construction hours. While the construction activity could slightly increase Lmax noise levels or the frequency of Lmax noise events, it would not substantially change the Lmax noise

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

levels experienced during construction hours at these locations. This would not be considered a substantial change because the noise would (1) be from the initial temporary construction, (2) the levels would not be substantially higher than existing Lmax levels, and (3) construction noise is exempt during the hours that it would occur.”

The modified text affirms the conclusion that temporary substantial noise impacts would be less than significant.

Response 7-52: The commenter indicates that a map should be included to visually depict the locations of the noise measurements. Figure 3.8-1 of the EIR titled Noise Monitoring Locations clearly visually depicts the locations of the noise monitoring locations.

See also Response to Comment 7-42 discussing the reliability and legitimacy of the Barrier Noise Reduction Formula as an objective methodology for assessing noise reduction from pit walls and the reliability of the Draft EIS the formula came from; as it was certified as a Final EIS.

Calculations in the Draft EIR are explained throughout the document and an example calculation from the Barrier Noise Reduction Formula is provided in the appendix. The EIR calculated noise levels using two methods: noise attenuation by distance (explained on page 3.8-4 under the subheading Noise Attenuation and in added text in Responses 7-41 and 7-42) and the Barrier Noise Reduction Formula (explained on page 3.8-20 and assumptions provided in the last paragraph of page 3.8-20) (*Final EIR page 3.8-21*). All noise data obtained from noise measurements at the project site are included in the appendix, and the assumptions of the noise calculations are clearly stated within the Draft EIR in the aforementioned pages.

See also Responses to Comments 7-41 and 7-51 regarding noise impacts resulting from construction.

See also Response to Comment 7-48 regarding Traffic Noise tables and the effectiveness of the truck noise mitigation measures.

Response 7-53: The TIA evaluated maximum worst case trip generation associated with maximum production, but seasonal or annual variation due to reduced market demand may result in fewer trips on any given day.

Simultaneous reclamation and extraction activity are not anticipated to increase trip generation. Rather, the same quantity of truck activity will occur between extraction and processing site, but trucks returning that are empty in Phase 1 will be full when Phase 1 and 2 occur simultaneously.

As stated in footnote 3 of Table 3.9-5, peak hour to daily relationships have been based upon ITE Land Use Code 140 EMP (Manufacturing). Evaluation of 40 employees / visitors is

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

conservative, as the EIR project description includes 6 employees for Phase I and 5 employees for Phase II.

Response 7-54: The TIA evaluated maximum worst case trip generation, but seasonal variation may result in fewer trips on any given day.

Response 7-55: Simultaneous reclamation and extraction activity are not anticipated to increase trip generation. Rather, the same quantity of truck activity will occur between extraction and processing site, but trucks returning that are empty in Phase 1 will be full when Phase 1 and 2 occur simultaneously.

Response 7-56: Evaluation of 40 employees / visitors is conservative, as the EIR project description as the EIR project description includes 6 employees for Phase I and 5 employees for Phase II. Some traffic studies do include as standard practice an assessment of peaking characteristics represented as percent of daily traffic. The peak hour percent of daily truck trips calculated by the commenter is correct.

Response 7-57: Signal timing is and can be adjusted for a variety of reasons, including changes in transportation policies, background growth, etc. Future intersection analysis in this TIA assumes reasonable signal timing and does not preclude modification for any number of reasons.

Response 7-58: In the last paragraph on page 3.9-12 of the EIR, after the 2nd sentence, the following language has been added, “Trucks leaving at or near to 7:00am will be on the roadway system during the typical morning peak period (7:00am – 9:00pm).”

Response 7-59: Page 3.9-14 of the EIR has been updated to include the rest of Table 3.9-6.

Response 7-60: “Modify striping” implies no physical widening of the roadway, but may involve removal of on-street parking. Length of approach modification would be adequate to allow for traffic to queue up for the intersection. It is anticipated that approximately 500’ would be appropriate to serve traffic at this intersection. Further information would be determined during the design phase.

Response 7-61: Figure 3.10-2 is referenced from a document prepared by the San Gabriel Basin Water Quality Authority and it is intended to show the magnitude and extent of the existing groundwater contamination plume, not the Project site. As noted in Chapter 3.10 and Chapter 3.6 of the Draft EIR, it is known that the plume has migrated to a location beneath a portion of the Project site. The Project site is located at 4407 Azusa Canyon Road, City of Irwindale, Los Angeles County, California. The site is located along the south eastern boundary of Irwindale. The Olive Pit is an approximate 190-acre site and is generally bounded by Olive Street to the north, Azusa Canyon Road to the east, Los Angeles Street to the south, and both Phelan Avenue and Park Avenue to the west. The Project site would be located within the lower northeast

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

quadrant of the map shown in Figure 3.10-2. Please also refer to the Responses to Comments 7-32, 36, 37 and 38.

Response 7-62: Standard groundwater protection BMP's for this site are built into Project design and planned operations (extraction and reclamation) and would include measures implemented once resource extraction begins below the existing level of groundwater and would continue until backfilling activities are well above the water table. Existing and proposed storm water runoff from the surrounding streets and neighborhoods is intercepted and drained away from the Olive Pit. All active quarry slopes will be required to meet the requirements of the City's Guidelines for Drainage and Erosion Control for Open-Pit Mines (2004). Provisions for controlling incident erosion and slope vegetative cover need only be applied to permanent slopes above the level of anticipated high groundwater and only applies to slopes created or disturbed by this project. This also applies to all final reclamation fill slopes.

Standard design features and construction measures incorporated in the Project are listed below and are intended to minimize water quality impacts. To address potential water quality impacts due to Project implementation, BMPs would be implemented to reduce pollutants to maximum levels. Minimizing the Proposed Project's effects on water quality, as well as compliance with State and local requirements will be achieved by using a combination of BMPs which include reducing or eliminating post-project runoff; controlling sources of pollutants; and capturing and treating storm water runoff before discharging it to the storm drain system. Short-term erosion impacts during the construction of the project would be prevented through implementation of an erosion control plan which may include silt fence, fiber rolls, or street sweeping, stabilized Project site entrance/exit, vehicle and equipment maintenance, cleaning, and fueling, material delivery and storage, stockpile management, spill prevention and control and solid waste management. In addition, the primary BMP associated with backfilling is assuring that only inert materials are used for site reclamation. Screening and monitoring of backfill materials will be directed through the Inert Debris Fill Permit that is ultimately issued by the Los Angeles County Department of Health.

Response 7-63: Please refer to the Response to Comments 7-36 through 7-38.

Response 7-64: CEQA requires that an EIR describe a range of reasonable alternatives to the project or to the location of the project that could feasibly avoid or lessen significant environmental impacts while substantially attaining the basic objectives of the project (State CEQA Guidelines §15126.6). Pursuant to State CEQA Guidelines §15124(b), the Project Description shall include a statement of objectives. These objectives assist the City in developing a reasonable range of alternatives to evaluate in the EIR, and aid the decision-makers in preparing findings or a statement of over-riding considerations, if necessary. The objectives are designed to demonstrate the underlying purpose of the project. The City of Irwindale and United

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Rock Products have identified the following list of criteria as the objectives for the Olive Pit Mining & Reclamation Project.

City of Irwindale Project Objectives

- Recovery of aggregate materials by extraction of remaining resources that have been designated as a Regionally Significant Construction Aggregate Source by the State Mining and Geology Board (SMGB), identified as having statewide and regional significance.
- Extraction of all economically recoverable mineral resources from the Olive Pit to provide the Los Angeles Basin with construction aggregate materials.
- Reclamation of the Olive Pit property for use of a portion of the site for future land development that would provide economic development opportunities for the city, including providing jobs and/or tax revenue. The remainder of the site would be retained for public uses, such as a storm water retention, flood control facility, groundwater recharge basin, and/or open space recreational land uses.
- Reclamation of the Olive Pit site consistent with reclamation policies of the State Surface Mining and Reclamation Act (SMARA).
- Further the goals of the Irwindale General Plan policies, including the following:
 - City of Irwindale General Plan, Resource Management Element Policy 4; The City of Irwindale will continue to protect the use of the area's resources through appropriate land use controls and planning.
 - City of Irwindale General Plan, Resource Management Element Policy 12; The City recognizes the mineral information classified by the California State Geologist and incorporated by the State Mining and Geology Board into the State Mining and Geology Board Reclamation Regulations, at Section 3550.5 for Sectors D and E. Through measures in this Element, City will encourage the conservation and development of identified mineral deposits, subject to environmental considerations and the City's discretionary authority over land use entitlements.
 - *City of Irwindale General Plan, Resource Management Element Policy 13; The City will encourage environmental considerations and the City's discretionary authority over land use entitlements, the conservation and possible future extraction of areas classified by the State Geologist and designated by the State Mining and Geology Board Reclamation Regulations as regionally significant*

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

mineral deposits through designation of such areas under the City's Quarry Zone overlay or "Q Zone" and attendant standards and regulations.

As noted in Chapter 3.7 of the Draft EIR, Land Use and Planning, mineral resources within the Olive Pit mine are located within the San Gabriel Valley Production-Consumption Region and were first classified as MRZ-2 in 1982. Later, the site was designated as regionally significant in 1984. The area was further incorporated into the SMARA California Administrative Code as Section 3550.5 (Title 14, Div. 2, Chapter 8, Subchapter 1).

Evaluation of an alternative that fails to extract the remaining regionally significant State-designated mineral resources was not included in the analysis since it fails to attain the City's basic project objectives of resource extraction. Such an alternative would be deemed infeasible by the City as the CEQA Lead Agency and property owner because it fails to attain the most basic objectives of the project which include recovery of aggregate materials by extraction of remaining resources that have been designated as a Regionally Significant Construction Aggregate Source by the State Mining and Geology Board which have been identified as having statewide and regional significance, to provide the Los Angeles Basin with construction aggregate materials.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



*read @ PC mtg
10/29/14*

Comment Letter 7.1

Community Development

October 29, 2014

Ms. Paula Kelly, Senior Planner
City of Irwindale
5050 N. Irwindale Avenue
Irwindale, CA 91706

RE: Comments related to the Irwindale Olive Pit Final EIR (State Clearinghouse #2014031051)

Dear Ms. Kelly:

The City of Baldwin Park hereby respectfully submits comments on the proposed Final Environmental Impact Report (FEIR) for the Olive Pit Mine and Reclamation Project, in the City of Irwindale.

To protect the public good and the vital interests of the City, its residents, businesses, and potential visitors the City of Baldwin Park has retained the services of Environmental Science Associates' Dan Sicular, PhD, to review and assess the information contained in the Final EIR. Dr. Sicular has over 20 years of consulting experience in environmental review. He is the author of numerous academic and professional papers on local, national and international trends in the waste management and has provided his expertise in managing the environmental analysis of several mining and reclamation projects statewide. Dr. Sicular has reviewed the Olive Pit Mine and Reclamation Project Draft EIR, submitted comments and review the Final EIR including responses to the comments submitted and provided his analysis on behalf of the City of Baldwin Park. His review and analysis, which details numerous deficiencies in the Final EIR, is attached.

As detailed in the attached analysis prepared by Dr. Sicular, the Final EIR for the proposed Olive Pit Mine and Reclamation Project in the City of Irwindale fails to meet the standards of legal adequacy under the California Environmental Quality Act (CEQA), and also fails to meet current standards of practice for environmental review of major mining and reclamation projects as discussed in the attached letter.] 1

CITY OF BALDWIN PARK • 14403 EAST PACIFIC AVENUE • BALDWIN PARK, CA 91706 • (818) 813-5204 • FAX (818) 337-2965

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Baldwin Park Comment Letter to Irwindale Olive Pit Mining & Reclamation Project
October 29, 2014
Page 2 of 2

Therefore, based on the legal standards of adequacy established by CEQA and current standards of practice for environmental review of a major mining and reclamation project, the City of Baldwin Park hereby requests that this FINAL EIR be re-written and re-circulated.

1 Cont.

Respectfully,

CITY OF BALDWIN PARK



Shannon Yauchzee
Chief Executive Officer

Attachment: ESA letter – Memorandum, October 29, 2014

cc: City of Baldwin Park Mayor and City Council

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS



350 Frank H. Ogawa Plaza
Suite 300
Oakland, CA 94612
510.839.5086 phone
510.839.5825 fax

www.esassoc.com

memorandum

date October 29, 2014
to Marc Castagnola, Amy Harbin, City of Baldwin Park
from Dan Sicular
subject Preliminary review of responses to comments on Olive Pit EIR

Per your request we have conducted a preliminary review of responses to the City of Baldwin Park's comments on the City of Olive Pit Draft EIR, contained in the Final EIR recently released. In sum, we find that the Final EIR fails to address many of the concerns raised in comments regarding the EIR's completeness, accuracy, and compliance with the requirements of CEQA.

The following provide specific points noted in our review. Comments and responses are referenced using the numbering system established in the Final EIR.

7-1, 7-2, 7-3: New information provided in the responses to City of Baldwin Park comments, or that should have been included to make responses adequate, accurate, and complete, does constitute "significant new information" requiring recirculation of the EIR.

2

7-4: The response inadequately addresses concerns regarding the EIR's reliance on vague "policy guidelines" contained in City of Irwindale documents that were not adopted pursuant to a public process or reviewed under CEQA. Mere reference to these guidelines and inclusion of a general description of the issues addressed in the documents are not an adequate substitutions for a clear statement in the EIR of standards and methods for the proposed mining and reclamation. The EIR is flawed because it fails to disclose and analyze the specific nature and parameters of the project.

3

7-5: The response to comments on the cumulative impact analysis does not fully or adequately address points raised on the fundamentally flawed and cursory approach to that analysis.

4

7-6: The response to comments regarding the potential for disturbance or destruction of historical resources skirts the issues raised and is non-responsive.

5

7-9: All citations listed in an EIR section must also be included in the applicable reference section and in the administrative record. KB Environmental Sciences, Inc. 2014 is still not listed as a reference for Chapter 3.3. Documentation must be provided to support the calculations presented in the EIR. In addition ALL tables must have proper citations and supporting documentation. This flaw was identified previously and not rectified by the Final EIR.

6

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

7-10: The revised text is not clearly indicated in the Final EIR with underline and strike through. The Final EIR does not consistently indicate all changes to the Draft EIR and therefore the reader cannot discern what changes were made.

7

7-12: The results in ALL tables must be supported with proper citations and supporting documentation. Particularly given the complexity of the issue, reviewers must be provided with all data used to support the conclusions in the EIR. Data relied upon in the EIR remains improperly cited and missing from the record and therefore the results cannot be properly reviewed. The supporting documentation for all tables must be provided and properly cited in the section itself, Chapter 7 References and in the administrative record.

8

7-13: Failing to provide proper citations and all supporting documentation for calculations presented in an EIR is not common practice. Proper practice is to list all references relied upon for each section in the References section and for a copy to be provided in the administrative record for review.

9

7-15: The added text cannot be located on page 3.3-42 of the EIR and further the changes were not properly indicated with underlining to show the reader what changed.

10

7-16: The changes cannot be found on page 3.3-9 as indicated.

11

7-19: The response does not adequately address concerns raised regarding the absence of a cumulative health risk analysis.

12

7- 22: Appendix C fails to provide a clear and concise summary of emissions and the associated methodology and should be revised. The stoichiometry associated with formulas 1 and 2 is incorrect and therefore the results of the EIR are in question as the supporting documentation for tables in the EIR are not provided.

13

7- 29: It is not clear from the response whether the inconsistency noted in our previous comment has been rectified with a revised CalEEMod run. The model assumes 33 days of precipitation and the source states there are 35 days of precipitation. The EIR must be internally consistent.

14

7-36 and 7-38: Response to this comment does not address concerns regarding the potential for the project to increase human health risk, due to increased exposure of contaminated groundwater and release of toxic chemicals contained in the groundwater.

15

7-39 and 7-40: The Final EIR still does not address the crucial issue of land use compatibility between the proposed mining operation and the adjoining residential uses. The response skirts the issues raised in the original comments.

16

7-46: The new reference is not provided in the EIR and the change is not clearly identified in the Final EIR.

17

7-53: This response is totally inadequate, with wrong information, reference to a non-existent mitigation measure, and an unreasonable/unjustified assumption. The response states that the analysis evaluated maximum worst case trip generation, but the daily trip generation was annualized, meaning it did not take into account the fluctuations in production, which the DEIR states "may vary depending on demands and other market conditions". The response goes on to claim that seasonal variation may result in fewer trips than used for the impact analysis on any given day. An annualized average cannot have days with fewer-than-average trips without also having greater-than-average trips. They almost pulled their untruths "out of the fire" by stating that a project mitigation measure has been included (added since the DEIR was published) to create a cap of 262 daily truck trips. However, I find no such mitigation measure in the Final EIR. Nothing in the MMRP, and nothing in Chapter 3.9.

18

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Also in the response to comment 7-53, it is claimed that during simultaneous reclamation and extraction activity, trucks will be used at peak efficiency to ensure that the trip generation during this concurrent activity will be no higher than Phase 1 extraction activities. That is, that there will be no “dead-end runs” whereby a truck hauling extracted material from Point A to Point B travels empty on its return trip from Point B to Point A. The respondent claims that the empty truck trips made during an extraction-only phase will instead be full truck trips during the simultaneous reclamation and extraction phase. That is an unreasonable assumption that results in an underestimation of potential impacts.

18 Cont.

7-54, 7-55 and 7-56: Responses to these comments are the same as Response 7-53, and the inadequacy of Responses 7-54 and 7-55 are the same as pointed out above for Response 7-53.

19

7-60: This response is incomplete because the analyst should know enough now (i.e., not have to wait for the design phase) to inform the EIR readers and decision makers what the physical pavement width from curb-to-median currently is on Arrow Highway and whether providing a third through lane in each direction will require removal of on-street parking. The adequacy/acceptability of the proposed 10-foot lane width and its consistency with City standards, needs to be disclosed in the EIR, to ascertain whether the mitigation measure is feasible.

20

7-64: This response indicates that the City of Irwindale has already decided to reinstate mining of the Olive Pit, since no alternative that does not involve mining would be considered “infeasible.” The City should examine alternative uses of the site, including alternatives to mining. Not doing so deprives the public and decision makers of a comparison and consideration of reasonable range of alternatives, as required by CEQA.

21

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Responses to City of Baldwin Park Comment Letter 7.1, dated October 29, 2014

Response to Comment 7.1-1

Comment noted. The City of Irwindale, as the CEQA Lead Agency for the Project affirms that the Draft EIR meets the required standards for adequacy of an EIR as a full disclosure informational document as defined in the 2014 State CEQA Guidelines §15121. The City is not required to recirculate the EIR prior to certification because none of the criteria that would require recirculation (CEQA §15088.5) have been triggered by either the comments received on the Draft EIR or in the responses to comments provided by the City of Irwindale.

Response to Comment 7.1-2:

The comment is incorrect to assert that responses to comments on the Draft EIR constitutes new information that requires recirculation of the Draft EIR. Criteria for recirculation of an EIR prior to certification are clearly stated in the CEQA Guidelines (CEQA §15088.5), and include:

15088.5 (a) ... “Significant new information” requiring recirculation includes, for example, a disclosure showing that:

- 1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*
- 2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*
- 3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the projects proponents decline to adopt it.*
- 4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.*

(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

Revisions and clarifications included in this Final EIR have been made in response to comments received. None of the responses or changes constitute “significant new information” as defined above in CEQA §15088.5(a)(1)(2)(3) or (4), and the commenter does not cite any specific “significant new information” that they believe would trigger the requirements for recirculation. In addition, Commenter has failed to provide any legal authority that supports its interpretation of what constitutes “significant new information” that would require the recirculation of a Draft EIR.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Response to Comment 7.1-3

The four policy guidelines governing mining operations in the City of Irwindale were developed in a public process and were reviewed by the City's Planning Commission and adopted by the City Council between 2003 and 2005. The question of whether these guidelines should have been subject to CEQA review is moot a decade later. The EIR does describe in detail the methods and standards for both mining and reclamation in the Project Description and supporting technical appendices, including the Reclamation Plan that provides more than 600 pages of technical specifications, site plans, reclamation standards, and supporting technical and regulatory details. The analyses presented in the EIR provide a very thorough full disclosure of all aspects of the mine operation and reclamation activities, ranging from geologic and biologic parameters, to traffic, air quality, noise, and land use considerations, and constitute a good faith effort at full disclosure as prescribed by CEQA.

Response to Comment 7.1-4

The cumulative impact assessment in the EIR uses a very standard approach prescribed in the CEQA Guidelines (CEQA 15130 (b)(1)(A)), and is neither flawed nor cursory. Here again, the commenter fails to provide any specific examples of what they consider to be the "flawed and cursory", or what cumulative effects they believe have not been disclosed and analyzed.

Response to Comment 7.1-5

As discussed in Chapter 3.1 of the EIR, the project site is an existing mine site for which the entire surface area has been previously excavated to a depth of more than 100 feet, and there is no potential for cultural resources to be encountered as excavation is continued to greater depth for mining and reclamation, or as backfill is undertaken for reclamation of the eastern portion of the site.

Response to Comment 7.1-6

The reference to KB Environmental Sciences, Inc., 2014 below the Table 3.3-5 indicates that KB Environmental Sciences compiled Table 3.3-5 as it is presented in the Draft and Final EIR. This is a common practice for EIRs. KB Environmental Sciences, Inc. (KBE) was the primary preparer of the EIR Chapter 3.3 in the Draft and Final EIR. Mike Ratte of KBE is identified in Chapter 6.0 EIR Preparers & Persons Consulted (Chapter 6 – page 6.0-1 of the Final EIR) as the preparer of the Air Quality/Greenhouse Gas Emissions/Odors/Health Risk Assessment. Mike Ratte's resume is found at the end of Chapter 6.0 EIR Preparers & Persons Consulted in the Final EIR. As the resume shows, Mr. Ratte has more than 25 years of experience preparing air quality analyses for a variety of major projects.

Response to Comment 7.1-7

There is no requirement in CEQA for the Final EIR to show editorial changes in the main body of the report in underline and strike through text. The main body of the text of the Final EIR is a

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

clean version with all text changes noted and explained in this Chapter 8 of the Final EIR. All revised and added text changes are shown herein using underline and ~~striketrough~~ in section 8.3 *Written Comments On The Draft EIR And Responses To Comments* and in section 8.4: *Revisions and Clarifications Reflected in the Final EIR*.

Response to Comment 7.1-8

The Draft and Final EIR have included additional references to further support the information in the EIR. The commenter does not indicate any specific information that commenter believes needs more reference or citations. In Chapter 8.3 *Written Comments On The Draft EIR And Responses To Comments*, we added several additional references in the Responses in the Final and additional references in the Appendix C (Air Quality and Health Risk Assessment). For example, proper citations were added using underline under Tables AQ-1- AQ-10 of Appendix C. Furthermore, the EIR preparers have used very standard modeling tools and estimators in preparing the Draft EIR, such as AERMOD, CalEEMod, CARB's EMFACC2011 and OFFROAD2011, and also the EPA's AP-42 methodologies.

Response to Comment 7.1-9

Please see responses 7.1-6 and 7.1-8 above. Please also see Response to Comment 7-9 from the City's September 25 comment letter starting at page 8.0-75 above in this Final EIR.

Response to Comment 7.1-10

The text added is shown using underline in sections 8.3 and 8.4 of this chapter. The page reference was to the Draft EIR, and with text edits and additions made in response to comments, pagination has changed in the Final EIR.

Response to Comment 7.1-11

The changes were made to page 3.3-39 of the Draft EIR (not page 3.3-9 which was a typographical error that has been corrected in this document), and are now found on page 3.3-41 of the Final EIR.

Response to Comment 7.1-12

The health risk assessment is inherently a cumulative impact assessment because it examines increases in potential adverse human health effects over the existing background in the project vicinity and region.

Response to Comment 7.1-13

All formulas in Appendix C are cited in footnotes at the bottom of the page describing the formula. The formulas used are from the EPAs AP 42 methodologies.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Response to Comment 7.1-14

Both the Western Regional Climate Center and CalEEMod Version: CalEEMod.2013.2.2 are legitimate sources for precipitation days, and we believe that using either 33 days or 35 days would be appropriate. There would be a negligible difference in the modeling results between using 33 or 35 days of precipitation in a year.

Response to Comment 7.1-15

Exposure of groundwater in mining pits is an existing condition in mines throughout the City and region and does not produce release of toxic chemicals or increased health risks. The mine site will be secured with fencing and patrolled, and there is no proposed public use or exposure of persons to the water body.

Response to Comment 7.1-16

Chapter 3.7 Land Use and Planning of the EIR does address land use compatibility, and specifically analyses the CEQA criteria recommended in Appendix G of the CEQA Guidelines. Compatibility with surrounding land uses is also addressed as an inherent part of the aesthetics, air quality, noise, and traffic analyses (chapters 3.2, 3.3, 3.8 and 3.9 respectively).

Response to Comment 7.1-17

The response 7-46 to the September 25 letter from Baldwin Park does not indicate that a new reference will be added to the document. The text modifications described in that response pertain to page 3.8-23 of the Draft EIR, which – with the changes made throughout the chapter – is now found on page 3.8-24 of this Final EIR

Response to Comment 7.1-18

This comment is incorrect. The trip generation figure (131 truck round trips, for a total of 262 trips), is a daily worst-case condition reflecting maximum production of up to one million tons per year and is not an “annualized average”. If market conditions do not warrant maximum production, fewer daily trips will occur. The comment is correct that no mitigation measure has been added to impose a trip generation cap, and that statement in the responses to comments 7-53 and 7-54 of the September 25 City of Baldwin Park letter is an error that has been corrected in this Final EIR to read: *“The TIA evaluated maximum worst case trip generation associated with maximum production, but seasonal or annual variation due to reduced market demand may result in fewer trips on any given day.”*

The traffic efficiency during simultaneous mining and reclamation backfill operations is unique to this applicant (United Rock), since the mined material will be transported for processing at its existing plant on Arrow Highway, and the inert backfill material to be used in reclamation is stockpiled within that same site. Trucks loaded at the Olive Pit will transport their loads to the processing plant, and then be loaded with the backfill material for transport back to the site.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

There would be no logical reason to send an empty truck from the processing plant to the Olive Pit site, and then send another loaded truck from the processing plant to the Olive Pit as well, and the methodology used is valid.

Response to Comment 7.1-19

Please see the response to comment 7.1-18 above.

Response to Comment 7.1-20

No physical widening of the roadway is required, and the explanation that striping can be modified to accommodate the lane reconfiguration is correct. A negligible volume of on-street parking will be eliminated for the intersection approach length of approximately 500 feet. Final design of the intersection improvements will be subject to review and approval of the City Engineer prior to construction.

Response to Comment 7.1-21

The commenter is correct to observe that the project proposal is to resume mining at an existing mine pit in the City of Irwindale in fulfillment of the City's stated goals and objectives, and recognition of the State's designation of the site as a "Regionally Significant Construction Aggregate Source", and mapped by the California Geological Survey as "Mineral Resource Zone 2" recognizing significant mineral deposits; (see also Comment Letter 2 above from the Department of Conservation).

The No Project Alternative – a non-mining option – is examined in the EIR as required by CEQA. CEQA requires that an EIR describe a range of reasonable alternatives to the project or to the location of the project that could feasibly avoid or lessen significant environmental impacts while substantially attaining the basic objectives of the project (State CEQA Guidelines §15126.6). Pursuant to State CEQA Guidelines §15124(b), the Project Description includes very clear statements of the City's and the applicant's objectives (EIR Chapter 2, Project Description, pages 2.0-35 and 36). An alternative that fails to extract the remaining regionally significant State-designated mineral resources would be deemed infeasible by the City as the CEQA Lead Agency and property owner because it fails to attain the most basic objectives of the project.

CEQA does not restrict a lead agency's discretion to identify and pursue a particular project designed to meet a particular set of objectives. A lead agency may structure its EIR alternatives analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic purpose. As such, Irwindale was not required to consider non-mining alternatives as such alternatives would not achieve the basic purpose of this project.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

1/10/2017

comment letter #8

To Whom It May Concern,
I'm writing in half of Olive
Pit project. The project involves
many components.

Construction sites, new Roads,
traffic jams, Court hearings,
more tickets. Dust, rocks
flying all around us, dirty cars,
and houses, dirty streets.

"NO WATER" Accidents injuries,
law suits to the City.

I live on Park Ave. Phelan-Crosser
me. Code section 65962-5 hazardous
waste. Extraction mineral resources
fill materials that will make
us sick with cancer. Underwater
processes.

Environmental process installing
traffic signals at Los Angeles,

Are you Crazy.

Mining, now I no your nuts.

I no of a good Psychiatrist.

Only 1 million tons of materials.

Truck traffic about 262 trips

Whos paying for the Gas.

y

Environmental effects.

2

Hazardous materials
Water Quality
air Quality
Greenhouse Gas
Health risk
NOISE
traffic
Hydrology
Aesthetics
Hazardous Materials
Biological Resources
soils and minerals More NOISE.
plus fire works
guns -- drugs
murder
suicides
side effects More Cancer
Chemo therapy
Brain tumors
Retardation
Liver and Kidney side effects.
law suits for the City.
lung Cancer
miscarriages
attorneys and Courts
News Media.
Parkinsons deorder
and Autism

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

2 con't

Why don't you develop
a new community. That will
bring in more money.
we will lose property values,
house sales will go down.
Who would want to live here,
would you?
foreclosers will go higher.
Your killing us for suppose
gain.

3

My daughter died in 2007 of brain
tumor at the age of 20 yrs.
A friend's son died of leukemia
at age 18. An other friend son died
at age 17 yrs. in Baldwin Park Calif.
there's more. I believe it was
environmental.

My name is Jacqueline Pineda
and I've lived here in Baldwin Park
for about 30 years. So far it's
been good here.

You have a NO Vote

4

Rain storm - Are houses
will fall into olive pit,
sink hole.

Sun flares hitting are 2 p.m.
we have no back up.
a black out for about 3 months
to one year.

Do we have shelters with
plenty of water. and blankets.
back up to lets.
stored up emergency food.

Are we ready for a possible
world war three.

Marshal law - looters

If Ebola hits here are
we ready.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Response to Comment Letter 8

Response 8-1: The City acknowledges public concerns about the project and has prepared this EIR as required by CEQA with an intent to fully disclose potential environmental effects that could be attributed to the Proposed Project. The Project Description has been narrowly defined to include only resource extraction and backfilling of the site as part of a reclamation plan. No new offsite roads are planned as part of the project. A new road is planned to be developed onsite to provide access to the bottom of the mine site and route project traffic on to Los Angeles Street rather than utilizing the existing Olive Street access point.

Dust containment is planned to be implemented as part of the Project. Please see Chapter 3.3, Air Quality which describes the specific measures to be implemented on a daily basis to ensure that fugitive dust impacts and minimized. It should be noted that it is mandatory for all construction projects in the Basin to comply with SCAQMD Rule 403 for fugitive dust. Specific Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the project site, and maintaining effective cover over exposed areas.

No hazardous wastes will be used onsite for operations or for future backfilling. The material to be recovered is aggregate which is comprised of sand and gravel. The site will be backfilled with inert material that has been pre-screened offsite prior to delivery at the Olive Pit mine. Underwater extraction and backfilling operations are proposed as part of the Project. A Health Risk Assessment (HRA) was prepared for the Project and is included in Appendix C of the EIR. An HRA is accomplished in four steps; hazards identification, exposure assessment, toxicity assessment, and risk characterization. These steps cover the estimation of air emissions, the estimation of the air concentrations resulting from a dispersion analysis, the incorporation of the toxicity of the pollutants emitted, and the characterization of the risk based on exposure parameters such as breathing rate, age adjustment factors, and exposure duration; each depending on receptor type. With implementation of the proposed mitigation measures, potential health impacts would be further reduced. For the mitigated Proposed Project, the maximum incremental cancer risks from all equipment and trucks would be 1.8 (residential adult receptor), 0.9 (residential child receptor), 0.4 (off-site worker), and 0.2 (school children receptor) cancers per million, which are less than the SCAQMD significance threshold of 10 in one million.

The maximum incremental cancer risk is relatively small compared with the overall lifetime cancer incidence of 200,000 to 250,000 per million in the United States. Conservative health risk methodologies were used in the risk assessment in order to estimate maximum potential health risks. These methodologies are anticipated to overestimate both non-carcinogenic and carcinogenic health risk, possibly by an order of magnitude or more. For carcinogenic risks, the actual probabilities of cancer formation in the populations of concern due to exposure to

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

carcinogenic pollutants are likely to be lower than the risks derived using the risk assessment methodology.

Exposure to non-carcinogenic substances would be significant if the Hazard Index (HI) exceeds 1.0. The Hazard Index is the ratio of a hazardous air pollutant concentration to its Reference Concentration, or safe exposure level. If this “hazard index” exceeds one, people are exposed to levels of hazardous air pollutants that may pose non-cancer health risks. The maximum chronic hazard index for the Proposed Project is 0.1 and thus less than significant. The maximum acute hazard index for the Proposed Project is 0.1 and thus less than significant.

Response 8-2: The listed potential environmental effects are addressed in the Draft EIR in Chapters 3.1 through 3.10. No fireworks, drugs, or guns are proposed to be used onsite. The site will be fully fenced and will be secured at all times to prevent anyone from unlawfully entering the site.

Please see the response to Comment 8-1 above about the HRA that was prepared for the Project and was summarized in Chapter 3.2 of the Draft EIR. The full text of the HRA is contained in Appendix C to the Draft EIR.

Please refer to Chapter 5.0 of the Draft EIR which addressed alternatives to the Proposed Project. CEQA is concerned with physical changes to the environment and not necessarily economic effects and as such are not evaluated in the Draft EIR pursuant to the 2014 State CEQA Guidelines §15131.

Response 8-3: The City acknowledges this comment. Please also see the response to Comment 8-2 above. The mine was operated from the 1920s to the 1970s and has been inactive for more than 40 years. The Proposed Project is to reinstate mining and backfilling operations (similar in size, scope and nature to many other mining operations in the City of Irwindale and surrounding cities) so that the significant mineral resources can be utilized and the site can be reused for other purposes in the future.

Response 8-4: Under existing conditions and future conditions with the Project, no storm water will flow into the site from offsite. In addition, implementation of the Proposed Project addresses existing slope stability concerns that have existed since mining operations ceased in the 1970s.

The Project has no potential to affect GPS systems or cause effects on the electrical transmission grid. The comments are noted and no additional responses are warranted.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

8.4 REVISIONS AND CLARIFICATIONS REFLECTED IN THE FINAL EIR

In the preparation of the responses to comments received on the Draft EIR, some changes have been made to the document as reflected in this section of the Final EIR. New text is shown in redline below and deleted text is shown as strikeout. For clarity, any changed text in the Final EIR has been accepted by the City and is shown as clean text (e.g., not in redline or strikeout).

The additional information includes text clarifications and modifications to tables within the EIR to correct for omissions and in some cases elaboration to further clarify the text or support conclusions. Additional text provisions have been suggested by the SCAQMD and have been incorporated into the Project as noted below.

Clarifications to the Draft EIR have been made in response to comments received on the Draft EIR, however, no “significant new information” as defined in CEQA §15088.5(a)(1)(2)(3) or (4) has been received by the City of Irwindale in the comments on the Draft EIR and thus recirculation is not warranted.

Chapter 2.0 Project Description

The following four City of Irwindale policy guideline abstracts have been added beginning at Page 2.0-2 of the Final EIR:

Summary: Guidelines for Stability Analyses of Open-Pit Mine Slopes, Irwindale, California -
The Irwindale Slope Stability Committee (the Committee) has developed technical guidelines for stability analyses of existing and proposed earth slopes in several open-pit sand-and-gravel mines located within the City of Irwindale, California. These guidelines pertain to both static and seismic stability and are based on the results of surface and subsurface mapping, laboratory tests, field tests, literature searches, and other activities. These guidelines are intended to be a resource for professional geotechnical engineers and engineering geologists in their site-specific slope evaluations and designs.

Summary: Guidelines for Drainage and Erosion Control for Open-Pit Mines, Irwindale, California – The Irwindale Drainage and Erosion Control Committee (the Committee) has developed these guidelines for drainage and erosion control at open-pit sand-and-gravel mines located within the City of Irwindale, California. The erosion and drainage control issues are:

1. Providing appropriate measures to keep surface water from flowing over the rims of the pits, thus avoiding overtopping-induced erosion.
2. Protecting pit slopes from incident-precipitation induced erosion.
3. Protecting pit slopes that are exposed to groundwater lakes from wave-lap erosion.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Summary: Guidelines for Underwater Backfilling of Open-Pit Mines, Irwindale, California

The City of Irwindale is a unique 9.5 square mile community located in the San Gabriel Valley. Incorporated in 1957, Irwindale is home to sand and gravel quarries that are operated by some of the nation's major mining companies: Vulcan Materials, United Rock Products and Hanson Aggregates. Approximately 2,376 acres (39 percent) of the City's land area is devoted to mining activities, with approximately twenty-two sand and gravel mines within the city limits, six of which are being actively mined. Some of these mines are limited to the aggregate reserves located above the groundwater table, while others have been or will be excavated below the groundwater table through the use of dredges, thus creating groundwater lakes.

As the various mining operations reach the end of their lifespan, some of them will be reclaimed by backfilling with inert fill materials, thus transforming the depleted pits into land that will be suitable for commercial and/or industrial development. Both the City and the property owners have an interest in facilitation this kind of land reclamation. The Irwindale Business park is an example of a successfully reclaimed mine quarry. This business park, which encompasses 123 acres of land with 2.2 million square feet of commercial and light-industrial building area, had a pre-development assessed value of approximately \$3 million before filling began in the mid-1980s and finished with a 2002 post-development assessed value of approximately \$63 million.

Five of the open-pit mines have already been backfilled, six are currently being backfilled and others are planned to be backfilled. In order to better guide the technical aspects of these ongoing and future backfilling operations, the Irwindale Backfilling Committee was formed to develop guidelines for backfill design, construction and quality assurance. The Committee's work has been divided into two phases: Phase 1- underwater backfills, and Phase 2 above-water backfills, each of which is reported separately. These guidelines addressed in this document are for Phase 1 underwater backfills only and are intended to provide a basis for developing site-specific recommendations, quality assurance measures, engineering evaluations and documentation for underwater fills. The Phase 2 follow up set of guidelines will address the design and placement of above-water fills.

Summary: Guidelines for Above Water Backfilling of Open-Pit Mines, Irwindale, California

The City of Irwindale is a unique 9.5 square mile community located in the San Gabriel Valley. Incorporated in 1957, Irwindale is home to sand and gravel quarries that are operated by some of the nation's major mining companies: Vulcan Materials, United Rock Products and Hanson Aggregates. Approximately 2,376 acres (39 percent) of the City's land area is devoted to mining activities, with approximately twenty-two sand and gravel mines within the city limits, six of which are being actively mined. Some of these mines are limited to the aggregate reserves located above the groundwater table, while others have been or will be excavated below the groundwater table through the use of dredges, thus creating groundwater lakes.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

As the various mining operations reach the end of their lifespan, some of them will be reclaimed by backfilling with inert fill materials, thus transforming the depleted pits into land that will be suitable for commercial and/or industrial development. Both the City and the property owners have an interest in facilitating this kind of land reclamation. The Irwindale Business park is an example of a successfully reclaimed mine quarry. This business park, which encompasses 123 acres of land with 2.2 million square feet of commercial and light-industrial building area, had a pre-development assessed value of approximately \$3 million before filling began in the mid-1980s and finished with a 2002 post-development assessed value of approximately \$63 million.

Five of the open-pit mines have already been backfilled, six are currently being backfilled and others are planned to be backfilled. In order to better guide the technical aspects of these ongoing and future backfilling operations, the Irwindale Backfilling Committee was formed to develop guidelines for backfill design, construction and quality assurance. The Committee's work has been divided into two phases: Phase 1- underwater backfills, and Phase 2 above-water backfills, each of which is reported separately. The results of the Phase 1 work were presented in the May 20, 2005 Guidelines for Underwater Backfilling of Open-Pit Mines, Irwindale, California. The Phase 2 work is presented in this report. Both of these guidelines are intended to provide a basis for developing site-specific recommendations, fill procedures, quality assurance measures, engineering evaluations and documentation for mine fills.

Chapter 3.3 Air Quality, Greenhouse Gases and Health Risk Assessment

The following information is added after the 2nd paragraph on page 3.3-26 of the Draft EIR (*Final EIR page 3.3-26*):

“The SCAQMD’s Localized Significance Threshold (LST) Methodology (revised July 2008) and the LST lookup tables provide the basis for the LST analysis for the project construction.”¹⁸ The determination of significance is based on the following items:

- Maximum daily emissions of CO, NO_x, PM_{2.5} and PM₁₀ in pounds per day (lb/day)
- Distance from the boundary of the proposed project site to the nearest off-site receptor
- Geographic location of the construction site in terms of district source/receptor area

Table 3.3-5 of the Draft EIR provides the maximum daily emissions of CO, NO_x, PM_{2.5} and PM₁₀ in pounds per day. The distance from the boundary of the proposed construction project

¹⁸ South Coast Air Quality Management District, Localized Significance Threshold Methodology (July 2008), <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

site to the nearest off-site receptor¹⁹ is approximately 100 meters. The source receptor area is East San Gabriel Valley. The construction project area is estimated to be two to three acres.

The LST lookup tables allow a user to readily determine if the daily emissions for proposed construction activities could result in significant localized air quality impacts. If the calculated emissions for the proposed construction activities are below the LST emission levels found on the LST lookup tables, then the proposed construction activity is not significant. If the project exceeds any applicable LST when the mass rate look-up tables are used as a screening analysis, then project specific refined air quality modeling is performed. In the event that the project area exceeds five acres, it is recommended that lead agencies perform project-specific air quality modeling for these larger projects. As shown in the following table, the daily construction emissions would be less than the LST, therefore, the proposed construction activities would be less than significant.

Table 3.3-5b Localized Significance Thresholds for Project Construction (pounds/day)

<u>Construction</u>	<u>NO_x</u>	<u>CO</u>	<u>PM₁₀</u>	<u>PM_{2.5}</u>
<u>Maximum Daily Emissions</u>	<u>32.5</u>	<u>23.0</u>	<u>8.4</u>	<u>5.0</u>
<u>SCAQMD Localized Significance Thresholds</u>	<u>104</u>	<u>2,445</u>	<u>42</u>	<u>12</u>
<u>Significant (Yes or No)?</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>

MM AQ-10 on page 3.3-32 of the Draft EIR (*Final EIR page 3.3-34*) is revised to read:

“All hoppers and conveyors will require SCAQMD permits. The screening/hoppers and conveyor system shall provide continuous water spray to suppress fugitive dust under normal operations.”

MM AQ-3 on page 3.3-27 of the Draft EIR (*Final EIR page 3.3-28*) is revised to read:

“Electricity from power poles rather than temporary diesel- or gasoline-powered generators shall be used, where available. Drag lines or cutter head dredging shall use electricity from power poles rather than diesel- or gasoline-powered equipment.”

¹⁹ Receptor locations are off-site locations where persons may be exposed to the emissions from project activities. Receptor locations include residential, commercial and industrial land use areas; and any other areas where persons can be situated for an hour or longer at a time. These other areas include parks, bus stops, and sidewalks but would not include the tops of buildings, roadways, or permanent bodies of water such as, oceans or lakes. For the purposes of a CEQA analysis, the SCAQMD considers a sensitive receptor to be to be a receptor such as residence, hospital, convalescent facility where it is possible that an individual could remain for 24 hours. Commercial and industrial facilities are not included in the definition of sensitive receptor because employees do not typically remain onsite for a full 24 hours, but are present for shorter periods of time, such as eight hours.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

MM AQ-1 on page 3.3-26 of the Draft EIR (*Final EIR page 3.3-27*) is revised to add the following text:

“Under SCAQMD Rule 403 – Fugitive Dust, the following provisions apply: 1) the project applicant is required to submit a Rule 403 Large Operation Notification to the Executive Officer; 2) a sign is to be posted near the entrance of the facility with a responsible individual’s name and phone number in case there are any fugitive dust control issues at the site; 3) an onsite supervisor with a current fugitive dust control class certification is also required who is available within 30 minutes to respond any fugitive dust control issue at the site during normal business hours; and 4) the operation shall keep onsite records of specific dust control actions taken.”

MM AQ-1 on page 3.3-26 of the Draft EIR (*Final EIR page 3.3-27*) is revised as follows:

The Applicant shall ensure that contractors implement a fugitive dust control program pursuant to the provisions of SCAQMD Rules 401, 402, and 403 and 1157.

MM AQ-1 on page 3.3-26 of the Draft EIR (*Final EIR page 3.3-27*) is revised to add additional text as follows:

- The Project Applicant shall use street sweepers (using reclaimed water) that comply with SCAQMD Rules 1186 and 1186.1. The street sweepers shall operate for the length of the truck route.
- A publically visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The SCAQMD’s phone number shall also be visible to ensure compliance with applicable regulations.

The last bullet of MM AQ-1 on page 3.3-27 of the Draft EIR (*Final EIR page 3.3-28*) is deleted and will be replaced by a separate paragraph (no bullet), below the bullet list, that included the same text.

“With the implementation of MM AQ-1, the impacts are less than significant. Although the impacts are expected to be less than significant with MM AQ-1, the City has developed and the applicant has agreed to further reduce potential emissions by implementing, MM AQ-2 through AQ-6, which are designed to minimize combustion emissions during construction activities.”

MM AQ-8 on page 3.3-31 of the Draft EIR (*Final EIR page 3.3-33*) is revised to add additional text as follows:

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

At a minimum, the Project Operator shall require upon occupancy that all heavy duty trucks entering the property must meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025.”

The Project Operator shall require the phase-in for non-diesel powered trucks (e.g., natural gas trucks) as commercially-available and as a part of the bidding process during the replacement of diesel-powered trucks used at the project site.

Page 3.3-42 of the Draft EIR (*Final EIR page 3.3-44*) is revised to add additional information regarding construction GHG emissions as follows:

Construction of the proposed project would generate 326 metric tons of CO₂e. The 30-year amortized annual construction related GHG emissions would be 11 metric tons of CO₂e. Because construction emissions would be short-term and would cease upon completion, GHG from construction activities would not substantially contribute to the global GHG emissions burden.

The GHG emissions results were converted to CO₂ equivalent values using the Global Warming Potential (GWP) values of 1 for CO₂ and 25 for CH₄ (based on a 100 year period) as presented in the IPCC’s Assessment Report. (with footnote 19, *Fourth Assessment Report of the Intergovernmental Panel on Climate Change, Cambridge University Press, New York City, NY. 2007.*)

The following corrections, adding in the emissions from the hopper/conveyor, were made to Tables 3.3-6 through 3.3-8:

Table 3.3-6 Estimated Daily Unmitigated Proposed Project Emissions (pounds)

Project Phase	ROG	NO _x	CO	PM ₁₀	PM _{2.5}
On-site Equipment	8.92	105	48.6	4.24	3.91
Employee Trips	0.01	0.02	0.17	<0.01	<0.01
Offsite Haul Truck Trips	0.23	30.5	1.16	0.15	0.14
Haul Truck Idle	0.15	1.54	0.91	0.01	0.01
Fugitive Dust	-	-	-	162	17.6
<u>Hopper/Conveyor</u>	=	=	=	<u>32.4</u>	<u>4.95</u>
Total Proposed Project	9.31	137	50.8	166 <u>199</u>	21.6 <u>26.5</u>
Significant (Yes or No)?	No	Yes	No	Yes	No
SCAQMD Thresholds of Significance	55	55	550	150	55

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Table 3.3-7 Estimated Daily Mitigated (Tier 4) Proposed Project Emissions (pounds)

Project Phase	ROG	NOx	CO	PM10	PM2.5
On-site Equipment	6.90	43.8	48.6	0.55	0.54
Employee Trips	<0.01	0.01	0.17	<0.01	<0.01
Offsite Haul Truck Trips	0.35	22.1	1.16	0.09	0.08
Haul Truck Idle	0.18	1.14	0.91	0.01	0.01
Fugitive Dust	-	-	-	26.7	2.98
<u>Hopper/Conveyor</u>	=	=	=	<u>4.11</u>	<u>0.62</u>
Total Proposed Project	7.43	67.0	50.8	27.331.5	3.64.22
Significant (Yes or No)?	No	Yes	No	No	No
SCAQMD Thresholds of Significance	55	55	550	150	55

Table 3.3-8 Estimated Daily Mitigated (Tier 3) Proposed Project Emissions (pounds)

Project Phase	ROG	NOx	CO	PM10	PM2.5
On-site Equipment	8.14	81.1	48.6	3.12	2.87
Employee Trips	<0.01	0.01	0.17	<0.01	<0.01
Offsite Haul Truck Trips	0.27	22.1	1.16	0.12	0.11
Haul Truck Idle	0.16	1.14	0.91	<0.01	<0.01
Fugitive Dust	-	-	-	26.7	2.98
<u>Hopper/Conveyor</u>	=	=	=	<u>4.11</u>	<u>0.62</u>
Total Proposed Project	8.57	104	50.8	30.034.1	5.96.58
Significant (Yes or No)?	No	Yes	No	No	No
SCAQMD Thresholds of Significance	55	55	550	150	55

The following additions were made to EIR Appendix C (page 11):

“A.3 Fugitive Dust Sources

Aggregate Processing

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

The following citations to sources were made to Appendix C (page 13):

Based on available data, the emission factor for unpaved roads is 4.1 and 0.41 pounds of PM₁₀ and PM_{2.5} per vehicle mile traveled (uncontrolled), respectively; and 0.6 and 0.06 pounds of PM₁₀ and PM_{2.5} per vehicle mile traveled (controlled), respectively. To account for emission controls, a control efficiency of 84 percent was applied.²⁰ The number of days with measurable precipitation in Irwindale, California, was acquired from the Western Regional Climate Center.²¹

The following changes were made to Appendix C (Table AQ-11):

Table AQ-11 – Aggregate Processing PM10 Emission Factors

Emission Point	Number of Transfer Points	Uncontrolled Emission Factor (lbs/ton of material)	Controlled Emission Factor (lbs/ton of material)
Screens/Hoppers	6	0.0087	0.00074
Conveyors	6	0.0011	0.00084 0.000046
Truck Unloading/Loading	6	0.0001	-

Source: USEPA, AP-42, Section 11.19.2 - *Crushed Stone Processing and Pulverized Mineral Processing*, August 2004; and AQMD, Table XI-B - *Mitigation Measures Examples: Fugitive Dust From Material Handling*.

The following changes were made to Appendix C (page 28):

Source Release Characteristics

Facility trucks idling at the facility and on-site equipment were treated as an area source with a release height of 3.1 meters. The facility trucks along roadways were treated as line sources along the haul routes to the United Rock Products (URP) processing plant located at 1245 E Arrow Highway in Irwindale. These sources were modeled with a release height of 3.1 meters and a plume height of 4.2 meters which accounts for the turbulence of vehicle movement and a width of 10 meters. Onsite equipment was treated as an area source with a release height of 3.1 meters and a vertical dimension of 4.2 meters. The unpaved route from the pit to the processing pad will be treated as a line source with a vehicle height of ~~4.2~~2.1 meters and a vehicle width of ~~24~~10 meters.²² Terrain elevations for emission source locations and receptors were based on available USGS information for the area.

²⁰ South Coast Air Quality Management District, Table XI-B - *Mitigation Measures Examples: Fugitive Dust From Material Handling and WRAP Fugitive Dust Handbook*, September 7, 2006
http://www.wrapair.org/forums/dejf/fdh/content/FDHandbook_Rev_06.pdf

²¹ Western Regional Climate Center, <http://www.wrcc.dri.edu/summary/ont.ca.html>

²² Haul Road Workgroup Final Report Submission to EPA-OAQPS, March 2, 2012, http://www.epa.gov/scram001/reports/Haul_Road_Workgroup-Final_Report_Package-20120302.pdf

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

The following changes were made to Appendix C (page 29):

“The Cancer Potency Factor for DPM was established by the OEHHA as 1.1 mg/kg-day for 70 years. ~~The HARP incorporates OEHHA cancer potency factors for additional air toxics included in the analysis.~~ Cancer potency factors were based on California Office of Environmental Health Hazards Assessment Toxicity Criteria Database, 2013, <http://www.oehha.ca.gov/tcdb/>.”

Chapter 3.4 Biological Resources

The following changes (shown as underlined text) were made to mitigation measure BIO-2 (Draft EIR pages 3.4-25 and 26, and 3.4-29 and 30; *Final EIR pages 3.4-25 through 27, and pages 3.4-30 through 32*):

BIO-2 Habitat Mitigation. The project applicant shall compensate the loss of 1.0 acre of mule fat scrub through onsite restoration and preservation, which shall be provided in-kind and at a 1:1 ratio for a minimum of 1.0 acre of restored mule fat scrub preserved onsite. The project applicant shall further compensate the loss of 45.6 acres of Diegan coastal sage scrub through onsite restoration and preservation, which shall be provided in-kind and at a minimum 1:1 ratio for a total of 18.0 acres of avoided and enhanced coastal sage scrub preserved onsite and a minimum of 27.6 acres (up to 48.9 acres) of restored coastal sage scrub preserved onsite.

Areas preserved onsite shall be designated as open space and placed within a protective easement for conservation purposes, such as a restrictive covenant or conservation easement. Signage and fencing shall be provided at perimeter locations. Fencing design shall be developed to promote safety of life and property, prevent unauthorized access by pedestrians and vehicles into sensitive areas, and allow limited passage for wildlife species in the local area.

The project applicant or successors and assigns shall fund the long-term management of the open space, which shall include implementation of area specific management directives for maintenance and biological monitoring. At a minimum, maintenance directives shall include trash removal, treatment of non-native invasive and exotic plants, maintenance of operation BMPs, and fencing and signage upkeep. At a minimum, biological monitoring directives shall include periodic botanical surveys, including botanical inventory and vegetation community assessment; general wildlife surveys; inspections for non-native invasive and exotic plants; inspections for pest and nuisance wildlife species; and reporting. Surveys and reporting shall be done on an annual or five-year basis. Biological monitoring directives shall be performed by a qualified biologist.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

The project applicant shall retain a qualified biologist to prepare a restoration and enhancement plan for the restored and enhanced areas on the site, to be approved by the City prior to construction, which shall include the following:

- I. All final specifications and topographic-based grading (with 10-foot contours), planting, and irrigation plans (if irrigation is used). Grading for the restoration areas shall incorporate variability in the topography in a way that mimics natural conditions to the maximum extent practicable while maintaining slope stability and meeting reclamation requirements. All restoration sites shall be prepared for planting by decompacting the top soil in a way that mimics natural top soil to the maximum extent practicable while maintaining slope stability and meeting reclamation requirements. Topsoil and plant materials salvaged from avoided habitat areas onsite shall be transplanted to and/or used as a seed/cutting source for the restoration areas to the maximum extent practicable as approved by the City. Planting and irrigation shall not be installed until the City has approved site grading. All plantings shall be installed in a way that mimics natural plant distribution, and not in rows;
- J. Planting palettes (plant species, size, and number/acre) and seed mix (plant species and pounds/acre). The plant palette proposed in the plan shall include native species specifically associated with the native vegetation communities or habitat types impacted by the project. At a minimum the following local native species found to occur as dominants within the communities impacted by the project shall be considered for use in the plant palette:
- elderberry (*Sambucus* sp.)
 - laurel sumac (*Malosma laurina*)
 - California sagebrush (*Artemisia californica*)
 - tarragon (*Artemisia dracunculus*)
 - mule fat (*Baccharis salicifolia*)
 - California brittlebush (*Encelia farinosa*)
 - desert croton (*Croton californicus*)
 - deerweed (*Acmispon glaber*)
 - white sage (*Salvia apiana*)
 - sun cup (*Camissoniopsis* sp.)
 - buckwheat (*Eriogonum fasciculatum*)
 - toyon (*Heteromeles arbutifolia*)
 - deergrass (*Muhlenbergia rigens*)

Unless otherwise approved by the City, only locally native species (no cultivars) obtained from as close to the project site as possible shall be used. The source and proof of local origin of all plant material and seed shall be provided;

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

- K. Container plant survival shall be 80 percent of the initial plantings for the first 5 seven to ten years. At the first and second anniversary of plant installation, all dead plants shall be replaced unless their function has been replaced by natural recruitment;
- L. A final implementation schedule that indicates when all native habitat impacts, as well as restoration grading, planting, and irrigation, will begin and end. Necessary site preparation and planting shall be completed during the concurrent or next planting season (i.e., late fall to early spring) after City approval of grading. In the event that the project applicant is wholly or partly prevented from performing obligations under the final plans (causing temporal losses due to delays) because of unforeseeable circumstances or causes beyond the reasonable control, and without the fault of negligence of the project applicant, including but not limited to natural disasters (e.g., earthquakes, etc.), labor disputes, sudden actions of the elements (e.g., further landslide activity), or actions or inaction by federal or state agencies, or other governments, the project applicant will be excused by such unforeseeable cause(s);
- M. Five Seven to ten years of success criteria for restoration areas, including: a total of 40-65 percent absolute cover; evidence of natural recruitment of multiple species; 0 percent coverage for Cal-IPC List A and B species, and no more than 10 percent coverage for other exotic/weed species.
- N. A qualitative and quantitative vegetation monitoring plan with a map of proposed sampling locations. Photo points shall be used for qualitative monitoring and stratified, random sampling shall be used for all quantitative;
- O. Contingency measures in the event of creation failure;
- P. Annual mitigation maintenance and monitoring reports shall be submitted to the City after the maintenance and monitoring period and no later than December 1 of each year. Copies shall also be provided to the California Department of Fish and Wildlife at their request.

Chapter 3.8 Noise

The text in the paragraph that begins at the bottom of page 3.8-18 of the Draft and Final EIR has been revised as follows (new text is underlined and strikethrough is used for ~~deleted text~~):

“The values in Table 3.8-6 are maximum noise levels that would occur intermittently throughout each day of construction and average noise levels from construction would be much lower. As shown above in Table 3.8-6, paving would be the loudest noise source taking place during the construction phase. Construction activities would take place approximately 400 feet away from Baldwin Park residences to the west of the Proposed Project site. Since paving would only take place on the first 200 feet of the access road,

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

the loudest noise source would be a scraper (88 dBA Lmax at 50 feet). Based on noise attenuation by distance over hard site conditions (a 6 dBA reduction for every doubling of distance), maximum construction noise levels at Baldwin Park residences to the west would be approximately 70 dBA Lmax at 400 feet. According to Table 3.8-2 and pages 4, 5, and 6 of Noise Appendix E, existing noise levels on N Park Avenue range from 57-60 dBA CNEL and 67-87 dBA Lmax during construction hours. However, most of the construction would occur well below street level and the pit face would provide a substantial noise barrier reduction. Construction activities would take place approximately 120 feet away from West Covina residences to the south of the Proposed Project site. Based on noise attenuation by distance over hard site conditions (a 6 dBA reduction for every doubling of the reference distance), maximum construction noise levels at West Covina residences to the south would be approximately 81 dBA Lmax at 120 feet when occurring at street level. According to Table 3.8-2 and pages 1, 2, and 3 of the Noise Appendix E, existing noise levels on Los Angeles Street range from 75-78 dBA CNEL and 82-111 dBA Lmax during construction hours. Even when paving takes place near street level, intermittent construction noise would be masked by traffic noise on Los Angeles Street.”

The following text is revised in the paragraph that begins below Table 3.8-8 on page 3.8-20 of the Draft and Final EIR (new text is underlined and strikethrough is used for ~~deleted text~~):

“Based upon applying noise attenuation by distance over hard site conditions (a 6 dBA reduction for every doubling of distance) to the values in Table 3.8-7 and Table 3.8-8, excavation noise levels are expected to be approximately 70 to 75 dBA Leq at 100 feet. When excavation activities take place close to the surface, noise levels would have a greater potential to impact nearby residences; as the mined pit becomes deeper, noise levels would drop off since there would be no clear line of sight between the source and the receptor. The barrier noise reduction formula is discussed below for use in identifying noise reduction inside the Olive Pit Mine. “

The last paragraph on page 3.8-23 of the Draft EIR (*Final EIR 3.8-24*) is revised as follows (new text is underlined and strikethrough is used for ~~deleted text~~):

“With imposition of MM N-1, the potential noise impacts from reclamation activities north of Olive Street would be reduced by a minimum of 10 dBA, which would result in average noise levels of approximately 60 to 65 dBA Leq, a level acceptable under the City of Baldwin Park Noise Standards. ~~The minimum 10 dBA reduction is consistent with the general rule that a noise barrier reduces noise levels by approximately 1 dBA per foot of height.~~ Per the FHWA Highway Traffic Noise: Analysis and Abatement Guidance document, a noise barrier can achieve a 5 dBA noise level reduction when it is tall enough to break the line-of-sight from the highway to the receiver and it can achieve an approximate 1 dBA additional noise level reduction for each 2 feet of height after it breaks the line-of-sight (FHWA, 2011). Therefore, by conservatively assuming that the 20 foot earthen berm would break the line-of-sight at 10 feet (a 5 dBA reduction), an

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

additional 5 dBA reduction would be achieved by the 10 feet of additional height after breaking the line-of-sight (for a total reduction of 10 dBA). Assuming that the line-of-sight would be broken at 10 feet is conservative because the line-of-sight would generally be much less than 10 feet, because most noise emanating from equipment comes from the engine and the ground (due to movement and ground disturbance from excavation). The minimum 10 dBA reduction is also a conservative estimate because noise reduction from the earthen berm could be much greater depending on the location of Phase I reclamation activities and type of equipment used.”

Additional information has been added to the text of the first paragraph on page 3.8-29 of the Draft EIR (*Final EIR page 3.8-30*), as follows (new text is underlined and strikethrough is used for ~~deleted text~~):

“Depending on the excavation or reclamation equipment used, ground-borne vibrations can be perceptible within 30 to 100 feet of a source. According to the California Department of Transportation’s Transportation and Construction- Induced Vibration Guidance Manual, literature on the subject of adverse vibration effects shows that only blasting, pile driving, and pavement breaking have documented examples of potential damage to buildings. Structural damage from pile driving typically does not occur in buildings more than 50 feet from the location of the activity (Caltrans, 2004). Pile driving and blasting would not be required for excavation or reclamation of the site. In addition, neighboring buildings are more than 100 feet away from excavation activities and reclamation areas. With continuous vibrational events, such as the movement and operation of construction and excavation equipment, 0.1 Peak Particle Velocity (PPV) is the threshold where vibration begins to annoy people and 0.2 PPV is the threshold at which there can be damage to normal dwelling houses (Caltrans, 2004). Equipment used during the Proposed Project’s construction and operations, such as loaders, excavators and haul trucks would generate a vibration level of approximately 0.09 PPV at 25 feet (Caltrans, 2004). Vibration levels from the Proposed Project would be below Caltrans vibrational thresholds at 25 feet, which means they would well below vibration thresholds at the closest residences, which are more than 100 feet away. Therefore, it is not reasonably foreseeable that the Proposed Project would result in substantial ground-borne vibrations or noise levels. Therefore, ground-borne vibrations and ground-borne noise impacts would be less than significant impacts.”

The following text is revised in the last paragraph on page 3.8-29 of the Draft EIR (*Final EIR page 3.8-30*) (new text is underlined and strikethrough is used for ~~deleted text~~):

“Phase I excavation noise levels at these residences would be approximately 53 to 55 dBA Leq. Phase I reclamation noise would not affect these residences because reclamation activities would only occur on the east side of the Proposed Project site. Phase II excavation noise levels at these residences would be approximately 56 to 60

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

dBA Leq. Therefore, the Proposed Project would not result in a substantial permanent increase in ambient noise levels to residences west of the Proposed Project site as existing measured noise levels are already ~~44 to~~ as high as 66 dBA Leq during the Proposed Project's operational hours (see Table 3.8-2)."

The following text is added as the last paragraph under Threshold N-4 on page 3.8-30 of the Draft EIR (*Final EIR page 3.8-31*) (new text is underlined and strikethrough is used for ~~deleted text~~):

"Construction activities would take place approximately 400 feet away from Baldwin Park residences to the west of the Proposed Project site. Since paving would only take place on the first 200 feet of the access road, the loudest noise source would be a scraper (88 dBA Lmax at 50 feet). Based on noise attenuation by distance over hard site conditions (a 6-dBA reduction for every doubling of distance), maximum construction noise levels at Baldwin Park residences to the west would be approximately 70 dBA Lmax at 400 feet. According to Table 3.8-2 and pages 4, 5, and 6 of Noise Appendix E, existing noise levels on N Park Avenue range from 57-60 dBA CNEL and 67-87 dBA Lmax during construction hours. Construction activities would also take place approximately 120 feet away from West Covina residences to the south of the Proposed Project site. Based on noise attenuation by distance over hard site conditions (a 6-dBA reduction for every doubling of the reference distance), maximum construction noise levels at West Covina residences to the south would be approximately 81 dBA Lmax at 120 feet when occurring at street level. According to Table 3.8-2 and pages 1, 2, and 3 of Noise Appendix E, existing noise levels on Los Angeles Street range from 75-78 dBA CNEL and 82-111 dBA Lmax during construction hours. While the construction activity could slightly increase Lmax noise levels or the frequency of Lmax noise events, it would not substantially change the Lmax noise levels experienced during construction hours at these locations. This would not be considered a substantial change because the noise would (1) be from the initial temporary construction, (2) the levels would not be substantially higher than existing Lmax levels, and (3) construction noise is exempt during the hours that it would occur."

Chapter 3.9 Traffic and Circulation

In the last paragraph on page 3.9-12 of the Draft and Final EIR, after the 2nd sentence, the following language has been added:

"Trucks leaving at or near to 7:00am will be on the roadway system during the typical morning peak period (7:00am – 9:00pm)."

Page 3.9-14 of the Draft and Final EIR has been updated to include the rest of Table 3.9-6 which lists all of the intersections studied as part of the EIR analysis.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Chapter 7.0 References

The following references have been added to Chapter 7.0 of the Final EIR.

California Department of Fish and Wildlife (CDFW). 2014. Special Animals List. September. Available at: <http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/spanimals.pdf>

City of Irwindale. 2003. *Guidelines for Stability Analyses of Open-Pit Mine Slopes, Irwindale, California*; Irwindale Slope Stability Committee, December 23, 2003.

City of Irwindale. 2004. *Guidelines for Drainage and Erosion Control for Open-Pit Mines, Irwindale, California*; Irwindale Drainage and Erosion Control Committee, July 6, 2004.

City of Irwindale. 2005. *Guidelines for Underwater Backfilling of Open-Pit Mines, Irwindale, California*; Irwindale Backfilling Committee, May 20, 2005.

City of Irwindale. 2005. *Guidelines for Above Water Backfilling of Open-Pit Mines, Irwindale, California*; Irwindale Backfilling Committee, November 2005.

County of Riverside. 2003. *Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), Volume II - Section C, Habitat Accounts*. June 17. Available at: http://www.wrc-rca.org/Permit_Docs/MSHCP_Docs/volume2/vol2-secC_HabitatAccts.pdf

HELIX Environmental Planning, Inc. 2014. *Biological Resources Letter Report for the Olive Pit Mine and Reclamation Project*. July 22.

Holland R.F. 1986. *Preliminary Descriptions of the Terrestrial Natural Communities of California. Nongame-Heritage Program, State of California, Department of Fish and Game, Sacramento*. 156 pp.

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. *A Manual of California Vegetation, Second Edition*. California Native Plant Society, Sacramento, CA.

South Coast Air Quality Management District. *CEQA Air Quality Handbook*, 1993. <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>

South Coast Air Quality Management District. *Risk Assessment Procedures for Rules 1401 and 212*. July 1, 2005. <http://www.aqmd.gov/home/permits/risk-assessment/risk-assessment-procedures-for-rules-1401-and-212>

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

South Coast Air Quality Management District. *Air Quality Significance Thresholds*. March 2011. <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>

Tetra Tech BAS Geoscience. 2014. *Stability of Perimeter Slopes Assessment, Olive Pit, Irwindale, California*, October 13, 2014.

US Environmental Protection Agency. *AirData*. <http://www.epa.gov/airdata/>

U.S. Fish and Wildlife Service (USFWS). 2014a. Species Profile for Stephens' kangaroo rat (*Dipodomys stephensi*). Available at: <http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=A08Q>

U.S. Fish and Wildlife Service (USFWS). 2014b. Species Profile for San Bernardino kangaroo rat (*Dipodomys merriami parvus*). Available at: <http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=A0G8>

U.S. Fish and Wildlife Service (USFWS). 2009. *San Bernardino kangaroo rat (Dipodomys merriami parvus) 5-Year Review Summary and Evaluation*. Available at: http://ecos.fws.gov/docs/five_year_review/doc2558.pdf

EIR Technical Appendix A

The complete letter report regarding slope stability of the Olive Pit submitted to the City October 13, 2014 has been added as an attachment at the end of Appendix A: Olive Pit Reclamation Plan, and cited above as: Tetra Tech BAS Geoscience. 2014. *Stability of Perimeter Slopes Assessment, Olive Pit, Irwindale, California*, October 13, 2014.

EIR Technical Appendix C

This appendix has been updated to correct some data as noted in the responses to comments and replaces the version of the Appendix C attached to the Draft EIR. Changed text is shown in redline and strikeout in the Appendix.

Additional Errata Notes

Mitigation Measure AQ-1

The first bullet point in MM AQ-1 includes identification of 3 dust control provisions, the first of which was not numbered. The number 1) has been added to the text of the measure in the Air Quality chapter, the MMRP, and the Executive Summary.

Mitigation Measure AQ-8

The second paragraph of this measure was missing from the MMRP, and has now been added to be consistent with the text of the Air Quality chapter.

8.0 DRAFT EIR COMMENT LETTERS AND RESPONSES TO COMMENTS

Mitigation Measure T-4

The traffic mitigation measures in the Draft EIR included a duplicate measure (numbered as T-3 and T-4), and a fourth measure that was numbered as T-5 as a result. In addition, the City Engineer and applicant agreed that traffic control at the Project driveway on Los Angeles Street should include a full traffic signal rather than a simple stop control. These edits were made inconsistently between the chapter text, the Executive Summary and the MMRP. In this corrected Final EIR, the traffic measures have been corrected to eliminate the redundancy, renumber T-5 as T-4, and the stipulation in T-4 requiring installation of a full traffic signal at the Project Driveway / Los Angeles Street intersection is correctly and consistently noted in the text, Executive Summary and MMRP.

Chapter 3.8 Noise, page 3.8-20

The word “applying” was missing in the first sentence following Table 3.8-8, and has now been corrected so that the first line now reads: *Based upon ~~the~~ applying noise attenuation by distance over hard site conditions...*

Chapter 3.8 Noise, page 3.8-29, Table 3.8-12

The final note identified as “d.” in the table incorrectly referred to mitigation measure N-2 (MM N-2), and has been corrected herein to refer to MM N-3 instead.