CHAPTER 10 **Comments on the Draft EIR**

In total, six comment letters regarding the Draft EIR were received from four state departments, one municipality, and one regional agency. Table 10-1 (Comment Letters Received during the Draft EIR Comment Period) provides a comprehensive list of commenters in the order that they are presented in this section.

Table 10-1 Comment Letters Received during the Draft EIR Comment Period

No.	Commenter/Organization	Abbreviation	Page Where Letter Begins	Page Where Response Begins
	STATE DEPARTMENTS			
1	Department of Transportation, Daniel Kopulsky, June 6, 2011	DOT	10-2	10-27
2	Department of Toxic Substances Control, Greg Holmes, June 14, 2011	DTSC	10-5	10-28
3	Native American Heritage Commission, Dave Singleton. June 7, 2011	NAHC	10-8	10-30
4	California Department of Fish and Game, Jeff Brandt, June 23, 2011	CDFG	10-14	10-32
	MUNICIPALITIES/REGIONAL AGENCIES			
5	County of San Bernardino, Department of Public Works, John Schatz, June 16, 2011	DPW	10-18	10-36
6	South Coast Air Quality Management District, Ian McMillan, July 15, 2011	SCAQMD	10-20	10-37

This chapter of the Final EIR contains all comments received on the Draft EIR during the public review period, as well as the Lead Agency's responses to these comments. Reasoned, factual responses have been provided to all comments received, with a particular emphasis on significant environmental issues. Detailed responses have been provided where a comment raises a specific issue; however, a general response has been provided where the comment is relatively general. Although some letters may raise legal or planning issues, these issues do not always constitute significant environmental issues. Therefore, the comment has been noted, but no response has been provided. Generally, the responses to comments provide explanation or amplification of information contained in the Draft EIR.

This section contains the original comment letters, which have been bracketed to isolate the individual comments, followed by a section with the responses to the comments within the letter. As noted above, and stated in CEQA Guidelines Sections 15088(a) and 15088(b), comments that raise significant environmental issues are provided with responses. Comments that are outside of the scope of CEQA review will be forwarded for consideration to the decision makers as part of the project approval process. In some cases, a response may refer the reader to a previous response, if that previous response substantively addressed the same issues.

10.1.1 State Departments

Department of Transportation (DOT), June 6, 2011

DOT

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING
464 WEST 4th STREET, 6th FLOOR, MS 725
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-5936
TTY (909) 383-6300

Flex your power!
Be energy efficient!

June 6, 2011

08-SBd-215- PM 013.877/013.999
Palm Ave/Industrial Intersection

City of San Bernardino
Community Services Department
Attention: Aron Liang, Senior Planner
300 North "D" St
San Bernardino, CA 92415-0182

Subject: Warehouse/Distribution Center

Dear Mr. Liang:

Caltrans has reviewed the Environmental Impact Report for the Palm Avenue and Industrial Warehouse Distribution Center and our comments are as follows:

- Mitigation traffic impacts for opening Year 2010 and future 2030 conditions to install a traffic signal at North-bound Ramps and Palm Avenue, and South-bound Ramps and Palm Avenue intersections should be installed prior completion of warehouse/distribution center project. DOT-1
- To install a new signal at Northbound Ramps and Palm Ave intersection should be coordinated with the existing signal at Kendall Drive and Little League Drive and Palm Drive intersection. DOT-2
- A future (2030) signal at Industrial Parkway and Palm Avenue Intersection should coordinate adjacent traffic signal (southbound ramps and Palm Avenue intersection). DOT-3
- Please provide "Opening Year" of proposed project. DOT-4
- Please supply Caltrans with a copy of approval letter for Traffic Analysis prepared for Palm Ave Grade Separation Project. DOT-5
- Please incorporate in your revision of original TIA (Traffic Impact Analysis), Updated Figures and tables for Existing year, Opening year, and Future year (With and Without Project) showing ADT's and AM/PM Peak hour volumes for Intersections, I-215 Freeway, including Ramps at Palm Ave. DOT-6

"Caltrans improves mobility across California"

I-215-Palm Ave/Industrial Intersection
Attention: Aron Liang, Senior Planner
June 6, 2011
Page 2

The California Department of Transportation reserves the right to comment on any future revisions to this project. Should this proposal be later modified please forward copies of revised plans as necessary so that we may reevaluate all proposed changes for potential impact.

If you have any questions concerning this letter, please contact Christine Medina at (909) 383-6908 or me at (909) 383-4557.

Sincerely,

DANIEL KOPULSKY
Office Chief
Community Planning/IGR-CEQA

"Caltrans improves mobility across California"

State of California
Department of Transportation
Planning, LD-IGR-CEQA-Review
Attention: Christine Medina
464 W. Fourth St, 6th Fl, MS-725
San Bernardino, CA 92401-1400

RECEIVED
JUN 13 2011
CITY OF SAN BERNARDINO
DEVELOPMENT SERVICES
DEPARTMENT

City of San Bernardino
Community Services Department
Attention: Aron Liang, Senior Planner
300 North "D" St
San Bernardino, CA 92415-0182

92415 30162

Department of Toxic Substances Control (DTSC), June 14, 2011

DTSC

Department of Toxic Substances Control

Linda S. Adams
Acting Secretary for
Environmental Protection

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

RECEIVED
JUN 15 2011
CITY OF SAN BERNARDINO
DEVELOPMENT SERVICES
DEPARTMENT

June 14, 2011

Ms. Terri Rahhal, City Planner
City of San Bernardino Community Development Department
300 North "D" Street, 3rd Floor
San Bernardino, California 92418

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PALM/INDUSTRIAL DISTRIBUTION CENTER PROJECT, (SCH #2007081029), SAN BERNARDINO COUNTY

Dear Ms. Rahhal:

The Department of Toxic Substances Control (DTSC) has received your submitted draft Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document: "The proposed project includes the construction of a warehouse/distribution facility consisting of a single building totaling 678,275 square feet (sf) on approximately 38.4 acres. The proposed project would include a small office area and a cross-dock loading configuration. The project site is located at the southeast corner of Palm Avenue and Industrial Parkway, southwest of the Interstate 215 (I-215)/Palm Avenue interchange and approximately 3 miles east of Interstate 15 (I-15) within the City of San Bernardino. Specifically, the project site is situated on the northeast corner of the Palm Avenue and Industrial Parkway. The project site is bounded by the I-215 freeway to the north, Industrial Parkway and industrial uses to the south, industrial uses to the east, and Palm Avenue and commercial uses to the west. The project site is currently vacant. The project site was reported to have been vacant until the construction of Camp Ono, a U.S. Army installation that operated during World War II. Camp Ono served multiple purposes, including as a depot, manufacturing facility, munitions storage, and prisoner of war camp. The project site itself was reportedly used for tent manufacturing". DTSC-1

Based on the review of the submitted document DTSC has the following comments:

1) The site is located at or near the suspected source area of the Newmark Groundwater Contamination Superfund Site. Contaminants found in groundwater down-gradient from the project site include trichloroethene DTSC-2

Ms. Terri Rahhal
June 14, 2011
Page 2

(TCE), tetrachloroethene (PCE), and Freon. Therefore, DTSC recommends that during any excavation activities, handheld field instrumentation be operated by trained personnel to detect possible volatile organic compound (VOC) contamination. If any VOCs are detected, this should be reported to the U.S. EPA project manager Dr. Kim Hoang, at (415) 972-3147, or at hoang.kim@epa.gov, and the DTSC project manager Stephen Niou, P.E., at (714) 484-5458, or at sniou@dtsc.ca.gov. DTSC-2 cont.

2) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies. DTSC-3

3) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination. DTSC-4

4) If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight and approval of U.S. EPA prior to construction of the project. DTSC-5

5) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA. DTSC-6

Ms. Terri Rahhal
June 14, 2011
Page 3

If you have any questions regarding this letter, please contact me at (714) 484-5461, or at gholmes@dtsc.ca.gov.

Sincerely,

Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov.

Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
Attn: Nancy Ritter
nritter@dtsc.ca.gov

Dr. Kim Hoang
Superfund Division
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105-3901

Stacey Alstadt
General Manager
City of San Bernardino
Municipal Water Department
300 North "D" Street
San Bernardino, California 92402

CEQA # 3223

Native American Heritage Commission (NAHC), June 7, 2011

NAHC

STATE OF CALIFORNIA Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net

June 7, 2011

Ms. Terri Rahhal, City Planner
City of San Bernardino Community Development Department
300 North "D" Street, Third Floor
San Bernardino, CA 92418

Re: SCH#2007081029 CEQA Notice of Completion; draft Subsequent Environmental Impact Report (DSEIR) for the: **"Palm/Industrial Distribution Center (Development Permit Type 2 No. 06-28) Project;"** Located in the City of San Bernardino (I-215 & Palm); San Bernardino County, California

Dear Ms. Rahhal:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources. The NAHC wishes to comment on the above-referenced proposed Project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC Sacred Lands File (SLF) search resulted in; **Native American cultural resources were not identified** within the 'area of potential effect (APE), based on the USGS coordinates of the project location provided. The NAHC "Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254.10. NAHC-1

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American NAHC-2

contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to C"A Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources. NAHC-2 cont.

Furthermore we recommend, also, that you contact the California Historic Resources Information System (CHRIS) California Office of Historic Preservation for pertinent archaeological data within or near the APE, at (916) 445-7000 for the nearest Information Center in order to learn what archaeological fixtures may have been recorded in the APE.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. NAHC-3

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'. NAHC-4

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects. NAHC-5

The response to this search for Native American cultural resources is conducted in the NAHC Sacred Lands Inventory, established by the California Legislature (CA Public Resources Code 5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code 6254.10) although Native Americans on the attached contact list may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places and there may be sites within the APE eligible for listing on the California Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity. NAHC-6

2

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

3

California Native American Contact List
San Bernardino County
June 7 2011

Pechanga Band of Mission Indians
Paul Macarro, Cultural Resource Center
P.O. Box 1477 Luiseno
Temecula , CA 92593
(951) 770-8100
pmacarro@pechanga-nsn.gov
(951) 506-9491 Fax

Gabrielino Tongva Nation
Sam Dunlap, Chairperson
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
samdunlap@earthlink.net
(909) 262-9351 - cell

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, Chairman
P.O. Box 391670 Cahuilla
Anza , CA 92539
admin@ramonatribe.com
(951) 763-4105
(951) 763-4325 Fax

Morongo Band of Mission Indians
Michael Contreras, Cultural Heritage Prog.
12700 Pumarra Road Cahuilla
Banning , CA 92220 Serrano
(951) 201-1866 - cell
mcontreras@morongo-nsn.gov
(951) 922-0105 Fax

San Manuel Band of Mission Indians
James Ramos, Chairperson
26569 Community Center Drive Serrano
Highland , CA 92346
(909) 864-8933
(909) 864-3724 - FAX
(909) 864-3370 Fax

San Manuel Band of Mission Indians
Ann Brierty, Policy/Cultural Resources Departmen
26569 Community Center. Drive Serrano
Highland , CA 92346
(909) 864-8933, Ext 3250
abrierty@sanmanuel-nsn.gov
(909) 862-5152 Fax

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX

Serrano Nation of Indians
Goldie Walker
P.O. Box 343 Serrano
Patton , CA 92369
(909) 862-9883

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 local Native Americans with regard to cultural resources for the proposed SCH#2007081029; CEQA Notice of Completion; draft Environmentaql Impact Report (DEIR) for the Palm/Industrial Distribution Center Project; located at I-215 & Palm in the City of San Bernardino; San Bernardino County, California.

California Native American Contact List
San Bernardino County
June 7 2011

Ernest H. Siva
Morongo Band of Mission Indians Tribal Elder
9570 Mias Canyon Road Serrano
Banning , CA 92220 Cahuilla
siva@dishmail.com
(951) 849-4676

SOBOBA BAND OF LUISENO INDIANS
Joseph Ontiveros, Cultural Resource Department
P.O. BOX 487 Luiseno
San Jacinto , CA 92581
jontiveros@soboba-nsn.gov
(951) 663-5279
(951) 654-5544, ext 4137

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 local Native Americans with regard to cultural resources for the proposed SCH#2007081029; CEQA Notice of Completion; draft Environmentaql Impact Report (DEIR) for the Palm/Industrial Distribution Center Project; located at I-215 & Palm in the City of San Bernardino; San Bernardino County, California.

State of California
Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814

RECEIVED
JUN 13 2011
CITY OF SAN BERNARDINO
DEVELOPMENT SERVICES
DEPARTMENT

California Department of Fish and Game (CDFG), June 23, 2011

CDFG

California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-200
Ontario, CA 91764
(909) 484-0167

EDMUND G. BROWN JR., Governor
JOHN MCCAMMAN, Director

RECEIVED
JUN 27 2011
CITY OF SAN BERNARDINO
DEVELOPMENT SERVICES
DEPARTMENT

June 23, 2011

Terri Rahhal
Community Development Department
City of San Bernardino
300 North "D" Street, 3rd Floor
San Bernardino, CA 92418

Re: Draft Environmental Impact Report for the Palm/Industrial Distribution Center
SCH # 2007081029 -- City of San Bernardino

Dear Ms. Rahhal:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Palm/Industrial Distribution Center. The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code Sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) Section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as a Lake and Streambed Alteration Agreement (Section 1600 *et seq.*) or a California Endangered Species Incidental Take Permit (Fish and Game Code Sections 2080 and 2080.1). CDFG-1

The proposed project consists of the construction of a 678,275 sq. ft. warehouse/distribution facility. The existing hills will be leveled and approximately 200,000 cubic yards of soil will be exported. Two parcels within the site are labeled as "Not a Part". The 34.8-acre site is located in the City of San Bernardino, County of San Bernardino at the southeast corner of Palm Avenue and Industrial Parkway, southwest of the Interstate 215/Palm Avenue interchange.

Impacts to Species

The project site is located in a County of San Bernardino Biological Resource Management Area and includes critical habitat for the federally-listed as endangered San Bernardino kangaroo rat and federally-listed as threatened coastal California gnatcatcher. The site contains 20.91 acres of coastal sage scrub, 13.79 acres of disced area, 3.15 acres of ruderal habitat and 0.51 acres of ephemeral wash. CDFG-

Conserving California's Wildlife Since 1870

Draft Environmental Impact Report for the Palm/Industrial Distribution Center
City of San Bernardino -- SCH 2007081029
Page 2 of 4

Field biological surveys were conducted in August 2007 and September 2010. Wildlife and botanical surveys were conducted in August 2007. Species of special concern that have a moderate chance of occurring on the site include: northwestern San Diego pocket mouse, San Diego black-tailed jackrabbit, San Diego desert woodrat, Los Angeles pocket mouse, orange-throated whiptail, rosy boa and the San Diego horned lizard. The results of the gnatcatcher surveys state that the following species of special concern were observed: northern harrier, Cooper's hawk, red-tailed hawk, ferruginous hawk, peregrine falcon, American kestrel, horned lark, and sage sparrow. These bird species were not included in the biology section of the DEIR. CDFG-3

Focused surveys were conducted in 2008 for the coastal California gnatcatcher and San Bernardino kangaroo rat. Neither of these animals was observed on site. The survey conducted in September 2010 did not include focused surveys for either the coastal California gnatcatcher or the San Bernardino kangaroo rat. The species are found within a mile of the project site and it is conceivable that the species have occupied the site since 2008. Without the focused survey information, the Department cannot determine what the impact of the project is on these species and whether any proposed mitigation is adequate. Therefore, protocol surveys must be undertaken prior to any further vegetation removal or grading and the results and mitigation measures presented in the FEIR or future CEQA document. CDFG-4

Proposed Mitigation

The document proposes (MM4.3-1) that pre-construction surveys for the coastal California gnatcatcher, San Bernardino kangaroo rat and species of special concern will be undertaken within 30 days of the commencement of development. Mitigation Measure MM4.3-5 and MM4.3-6 both require pre-construction surveys to determine the presence or absence of plant and animal species of special concern. The document proposes mitigation for the loss of coastal sage scrub at 1:1. No mitigation measures were included for the loss of critical habitat, species or special concern or State jurisdictional waters. CDFG-5

Species Concerns

The measures proposed in this project to offset biological impacts are primarily for field surveys prior to grading or vegetation removal. Field surveys for biological resources are not mitigation measures but a requirement of CEQA to identify on-site species and enable the Department to assess whether proposed mitigation measures offset those impacts. For this project the Department does not have up-to-date biological information, cannot evaluate the biological impacts and, therefore, cannot issue discretionary actions that rely on the biological information contained in the document. CDFG-6

The Lead Agency should mitigate for the loss of critical habitat for the coastal California gnatcatcher and the San Bernardino kangaroo rat at a minimum 1:1 ratio. The Lead Agency should also take into account the number of species of special concern when considering mitigation measures. The Department recommends a greater than 1:1 ratio for the loss of coastal sage scrub habitat. CDFG-7

Draft Environmental Impact Report for the Palm/Industrial Distribution Center
City of San Bernardino -- SCH 2007081029
Page 3 of 4

The lead agency should contact the United States Fish and Wildlife Service (USFWS) regarding this project to ascertain whether further action is required on their part for federally-listed species. The results of any focused surveys, impact analyses and mitigation measures negotiated with the USFWS should be included in the FEIR or subsequent CEQA document. Surveys should be conducted according to established protocols. CDFG-8

If the requirements in this section of the letter are not satisfied prior to approval of the Final Environmental Impact Report (FEIR), then a subsequent CEQA document must be prepared so that it can be reviewed by the public and the Department can comply with its duties as a Responsible Agency under CEQA. CDFG-9

The site plan shows that two parcels are labeled as "Not A Part". The FEIR needs to explain why these parcels are kept separate, whether they were surveyed, and what, if any, are the plans for these two parcels. CDFG-10

Streambed Alteration Agreements and CEQA

The project contains jurisdictional State waters but a Jurisdictional Delineation was not conducted. The Department cannot make any determination as to whether the impacts to jurisdictional waters and mitigation are adequate. CDFG-11

The CEQA document does not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance, mitigation, monitoring, funding sources, a habitat management plan and reporting commitments. Additional CEQA documentation will be required prior to execution (signing) of a Department Lake and Streambed Alteration Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a stream or lake, as well as avoidance and mitigation measures need to be discussed within the FEIR or subsequent CEQA document. CDFG-12

The Department opposes the elimination of drainages, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors. CDFG-13

We recommend submitting a notification early on, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Streambed Alteration Agreement notification package, please call (562) 430-7924. CDFG-14

The following information will be required for the processing of a Streambed Alteration Agreement and the Department recommends incorporating this information to avoid subsequent CEQA documentation and project delays:

1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
2) Discussion of avoidance measures to reduce project impacts; and,
3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

Section 15370 of the CEQA guidelines includes a definition of mitigation. It states that mitigation includes: CDFG-14 cont.

1) Avoiding the impact altogether by not taking a certain action or parts of an action,
2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation,
3) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment,
4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action,
5) Compensating for the impact by replacing or providing substitute resources or environments.

In the absence of specific mitigation measures in the CEQA documents, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process deprive the public of its rights to know what project impacts are and how they are being mitigated in violation of CEQA Section 15002. Also, because mitigation to offset the impacts was not identified in the CEQA document, the Department does not believe that the Lead Agency can make the determination that impacts to jurisdictional drainages and/or riparian habitat are "less than significant" without knowing what the specific impacts and mitigation measures are that will reduce those impacts. CDFG-15

Thank you for this opportunity to comment. Please contact Robin Maloney-Rames, Environmental Scientist, at (909) 980-3818, if you have any questions regarding this letter.

Sincerely,

Jeff Brandt
Senior Environmental Scientist

cc: State Clearinghouse

10.1.2 Municipalities/Regional Agencies

County of San Bernardino, Department of Public Works (DPW), June 16, 2011

DPW

DEPARTMENT OF PUBLIC WORKS

FLOOD CONTROL • LAND DEVELOPMENT & CONSTRUCTION • OPERATIONS
SOLID WASTE MANAGEMENT • SURVEYOR • TRANSPORTATION

COUNTY OF SAN BERNARDINO

825 East Third Street • San Bernardino, CA 92415-0835 • (909) 387-8104
Fax (909) 387-8130

GRANVILLE M. "BOW" BOWMAN, P.E., P.L.S.
Director of Public Works

June 16, 2011

File: 10(ENV)-4.01

Terri Rahhal, City Planner
City of San Bernardino – Community Development Department
300 North "D" Street, 3rd Floor
San Bernardino, CA 92418

RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE PALM/INDUSTRIAL DISTRIBUTION CENTER – CITY OF SAN BERNARDINO

Dear Terri Rahhal:

Thank you for giving the San Bernardino County Department of Public Works (Department) the opportunity to comment on the above-referenced project. The DEIR was circulated to other Divisions within our Department, and the following are their comments: DPW-1

Water Resources Division (Mary Lou Mermilliod, Public Works Engineer, (909) 387-8213)

The site lies within Zone X-shaded as shown on the most recent FEMA Flood Insurance Rate Map, Panels 06071C7930H and 06071C7940H, revised August 28, 2008.

We have reviewed the submittal and our comments are as follows:

1. In general, it appears that the DEIR has indentified the major concerns of the San Bernardino County Flood Control District (District). DPW-2
2. It is noted that the accumulated drainage from the project is proposed to drain into the City of San Bernardino (City) facilities.
3. We recommend that the project include, and the City enforce, the most recent regulations for development within a floodplain.

Flood Control Planning Division (David Lovell, Public Works Engineer, (909) 387-8120)

It appears that the entire site would need to drain to the south and the east, along the interstate, into the Cable Creek facility, which is owned by the District. A Flood Control permit shall be required to discharge flows into any District facility. DPW-3

Traffic Division (Ed Petre, Public Works Engineer, (909) 387-8186)

1. Page 4.11-10, San Bernardino General Plan Policy 6.2.1 states that the acceptable level of service (LOS) at intersections is a D while on page 4.11-11 it states that the proposed project shall mitigate at the intersections to a LOS of C or better. The County of San Bernardino (County) acceptable LOS at Valley Arterial Intersections is a D. DPW-4

GREGORY C. DEVEREAUX
Chief Executive Officer

Board of Supervisors
BRAD MITZELFELT ..... First District
JANICE RUTHERFORD ..... Second District
JOSIE GONZALES ..... Fifth District
NEIL DERRY ..... Third District
GARY C. OVITT ..... Fourth District

City of San Bernardino
June 16, 2011
Page 2 of 2

2. The final traffic study shall be stamped and signed by a Registered Engineer in the State of California. Please submit a hard copy to the County Traffic Division for their records. DPW-5

3. Table 10 of the traffic study shall show a traffic signal construction cost of $400,000.00 for the two (2) intersections, which the County shares jurisdiction, Palm Avenue at Industrial Parkway and Palm Avenue at Cajon Boulevard. DPW-6

If you have any questions or require additional information, please contact the specific individuals that have provided that specific comment, as listed above. DPW-7

Sincerely,

JOHN SCHATZ, AICP
Supervising Planner
Environmental Management Division

JS:MAD:mb/CEQA Comments to DEIR Palm Distribution_City of San Bernardino.doc

cc: Mindy A. Davis, Environmental Management Division

South Coast Air Quality Management District (SCAQMD), July 15, 2011

SCAQMD

South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

E-MAILED: July 15, 2011 July 15, 2011

Ms. Terri Rahhal, City Planner, Rahhal_Te@sbcity.org
Community Development Department
City of San Bernardino
300 North "D" Street, 3rd Floor
San Bernardino, CA 92418

Draft Environmental Impact Report (Draft EIR) for the Proposed Palm/Industrial Distribution Center Project

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document and the lead agency's willingness to consider late comments. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final CEQA document. SCAQMD-1

The AQMD staff is concerned that operational health risks from diesel trucks operating at the proposed project site are potentially under reported in the Draft EIR. The AQMD staff is also concerned that localized operational air quality impacts were not estimated in the Draft EIR considering that 612 daily truck trips will operate at the proposed project site in close proximity to sensitive receptors (i.e., residences located approximately 500 feet east from the project site). In addition, construction air quality impacts from on- and off-road equipment used in exporting soil each day from the proposed project site are also potentially under estimated in the Draft EIR. Detailed comments are included in the attachment to this letter. The AQMD staff further recommends changes to the mitigation measures proposed in the Draft EIR to reduce potential project impacts and health risks. SCAQMD-2

Pursuant to Public Resources Code Section 21092.5, please provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final Environmental Impact Report. The AQMD 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. SCAQMD-3

Sincerely,

Ian MacMillan
Program Supervisor, Inter-Governmental Review
Planning, Rule Development & Area Sources

IM:GM

SBC110510-01
Control Number

Ms. Terri Rahhal, 2 July 15, 2011
City Planner

AIR QUALITY IMPACTS DURING OPERATIONS

Health Risk Assessment (HRA) Modeling Analysis Emission Factors

1. The emission factors presented in Appendix B of the HRA prepared by PBS&J were input incorrectly into the AERMOD model. For example, for the source labeled "Onsite Entrance to South Docks", the emission factor for each volume source along the route was calculated to be 3.613×10^{-5} grams per second. This calculation assumed there are 62 volume sources in the line source. As calculated in the spreadsheet in Appendix B of the HRA, the overall emission factor for the line source is 2.24×10^{-3} grams per second, 62 times higher than each individual volume source. However, in the AERMOD output file included in Appendix C, the individual volume source emission factor of 3.613×10^{-5} grams per second was input as the emission factor for the entire line source. The AERMOD software then divided this emission factor by 62 again to yield a final rate of 5.827×10^{-7} grams per second for each individual volume source. This rate used in the AERMOD model is therefore 62 times too low. Equivalent errors were found for all other sources in the model. In addition, for the source titled, "On-road Trucks to Entrance", the emission factor from Appendix B is reported as 1.459×10^{-5} grams per second per volume source but was entered as 1.459×10^{-6} grams per second per volume source in the model, which is 10 times lower than the spreadsheet in Appendix B. These errors may yield significant underestimation of risk, on the order of a factor of 50. SCAQMD-4

   In the revised analysis, the lead agency should also consider the impact of recent rulemaking regarding heavy duty diesel trucks from the California Air Resources Board. While the errors identified above substantially underestimate the risk, the new requirements for diesel trucks not fully considered in the HRA may at least partially offset this risk. SCAQMD-5

   AQMD staff recommends that the lead agency adjust the source parameters and revise the HRA. Should significant risks be identified, all measures should be implemented to reduce this risk to the maximum extent feasible (see comment #8 below). SCAQMD-6

Localized Significance Thresholds Analysis

2. In the Section 4.2 Air Quality, the lead agency estimated project localized construction air quality impacts but did not quantify localized operational impacts. On page 4.2-22 in Section 4.2 Air Quality, the lead agency states, in part, that "LSTs are applicable for construction emissions of CO, NOx, PM10, and PM2.5. LSTs do not apply to emissions during operation of the proposed project." This statement that localized impacts only apply to construction air quality impacts is incorrect and contrary to AQMD guidance. By not estimating operational air quality impacts from trucks and other equipment operating at the site, e.g., queuing, moving about, idling, etc., the lead agency has not demonstrated that long-term project impacts to sensitive receptors located near the site are less than significant. AQMD staff recommends that SCAQMD-7

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the lead agency follow the guidance for performing a localized air quality analysis for operations that can be found at the following web address: http://www.aqmd.gov/ceqa/handbook/LST/LST.html . These results should be compared with the applicable localized significance thresholds for operations and be incorporated into the Final EIR. SCAQMD-7 cont.

Idling Times

3. The HRA analysis assumes each truck will idle only 5 minutes per day onsite. Due to the high volume of trucks, and the very likely possibility of queuing during entrance and exit from the facility, AQMD staff recommends that the revised HRA include up to 15 minutes of total idling onsite per truck (5 minutes entering, 5 minutes exiting, and 5 minutes at the dock). If the lead agency chooses not to make this revision, it should include mitigation measures that will ensure this additional idling activity will not occur. SCAQMD-8

Mitigation Measures - Operations

4. Based on information in the Draft EIR and in comments above, the proposed project operations present a significant impact for NOx and may present a significant health risk from diesel particulate matter. In addition to the mitigation measures starting on page 4.2-31 in the Draft EIR, AQMD staff recommends the following additional measures to reduce these impacts to a less than significant level, where applicable and feasible: SCAQMD-9

Recommended Mitigation:

- Require that trucks serving the project use existing technology to reduce exhaust emissions, such as diesel particulate filters (DPF) and selective catalytic reduction (SCR). As an example, other warehousing projects in the area have committed to only allowing 2010 compliant trucks onsite (Banning Business Park), and the Mira Loma Commerce Center required 100% of its truck fleet to meet 2007 standards. In addition, the Ports of Los Angeles and Long Beach have also implemented a schedule by which trucks operating at their sites will be restricted as described above. SCAQMD-10
- If the lead agency presents substantial evidence that the above measure is infeasible, require tenants that do not already operate 2007 and newer trucks to apply in good faith for funding to replace/retrofit their trucks, such as Carl Moyer, VIP, Prop 1B, or other similar funds. Should funds be awarded, the tenant should also be required to accept and use them. SCAQMD-11
- Place signage onsite reminding drivers that idling of diesel vehicles is limited to 5 minutes.
- Create a buffer zone of at least 300 meters (roughly 1,000 feet), which can be office space, employee parking, greenbelt, etc. between the warehouse/distribution center and sensitive receptors. SCAQMD-12

- Design the warehouse/distribution center such that any check-in point for trucks is well inside the facility property to ensure that there are no trucks queuing outside of the facility. The current design appears to only allow approximately 6 trucks between the guardhouse and the street. The lead agency should demonstrate how the facility can handle all queuing onsite with over 300 trucks entering per day. SCAQMD-13
- Design the warehouse/distribution center to ensure that truck traffic within the facility is located away from the property line(s) closest to its residential or sensitive receptor neighbors. SCAQMD-14
- Restrict overnight parking in residential areas; SCAQMD-15
- Establish overnight parking within the warehouse/distribution center where trucks can rest overnight. SCAQMD-16
- Establish area(s) within the facility for repair needs. SCAQMD-17
- Post signs outside of the facility providing a phone number where neighbors can call if there is a specific issue. SCAQMD-18
- Develop, adopt and enforce truck routes both in and out of city, and in and out of facilities. SCAQMD-19
- Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas. SCAQMD-20
- Identify or develop secure locations outside of residential neighborhoods where truckers that live in the community can park their truck, such as a Park & Ride. SCAQMD-21
- Provide food options, fueling, truck repair and or convenience store on-site to minimize the need for trucks to traverse through residential neighborhoods. SCAQMD-22
- Re-route truck traffic by adding direct off-ramps for the truck or by restricting truck traffic on certain sensitive routes. SCAQMD-23
- Improve traffic flow by signal synchronization. SCAQMD-24
- Use water sweepers that comply with SCAQMD Rules 1186 and 1186.1; SCAQMD-25
- Alternative fueled off-road equipment; SCAQMD-26
- Require facility operator to become a Smart Way Partner upon start of operations; and SCAQMD-27
- Require facility operator to incorporate incentives and requirements such that at least 90% of all truck trips will be carried by Smart Way 1.0 or greater carriers within the shortest time frame feasible (e.g., 3 years). SCAQMD-28

AIR QUALITY IMPACTS DURING CONSTRUCTION

On-Road Emissions From Soil Export

5. On page 4.2-28 in the Air Quality Section, the lead agency has included in its assumptions soil export during grading of approximately 200,000 cubic yards of soil. The lead agency also states that the URBEMIS2007 land use model was used to estimate construction air quality impacts including the soil export impacts. Construction estimates including those from soil export were included in Table 4.2-9. Upon review of Appendix B – Air Quality Data including the URBEMIS2007 land SCAQMD-29

use computer model output sheets, the on-road hauling emissions associated with soil export were not included in the model run used to create Table 4.2-9. An alternative model run presented in Appendix B yields up to 504 pounds per day of NOx. Therefore the lead agency should re-evaluate this potential impact and report the peak day soil haul emissions assuming soil cannot be exported to the proposed SANBAG project nearby unless an enforceable mitigation measure requiring this export destination is included in the FEIR. These impacts from soil export should be included in the regional construction emission table footnotes, the narration or otherwise accounted for in the Final EIR. Otherwise, regional construction impacts from the soil export activities would be underestimated and may represent an undisclosed potentially significant impact. SCAQMD-29 cont.

Fugitive Dust Emissions From Construction Activities

6. The URBEMIS2007 model outputs presented in Appendix B include a variety of mitigation measures to control fugitive dust, including many identified in Tables 4.2-5 and 4.2-6 of the DEIR. Unfortunately, due to a known calculation error within the URBEMIS2007 model[1], applying all mitigation measures results in spuriously high dust control efficiencies (e.g., about 94% for this project). In order to correct this error, AQMD staff recommends that the lead agency only include the single highest control measure in the URBEMIS model run. Depending on each project, this would be either the application of water 3 times per day or chemical suppressants. The higher resultant PM10 emissions may exceed AQMD's regional thresholds and should be reported in the FEIR. SCAQMD-30

   In addition, in the modeling analysis used to evaluate localized construction impacts, the fugitive dust emissions were assumed to occur across a 171,610 square meter (approximately 42.4 acres) site. However, the URBEMIS model run used to generate PM10 emissions assumed that only 3.92 acres would be disturbed per day. The emission rate is therefore underestimated by a factor of 10.8 (42.4/3.9 = 10.8). The modeling analysis should be adjusted to include this higher emission rate for an area source located at the closest point to nearby residences in order to demonstrate potential worst case impacts. SCAQMD-31

Construction Fleet Mix

7. The URBEMIS model run used to estimate construction emissions during grading assumed that in a peak day approximately 7,926 cubic yards of soil would be exported from the site. At 20 cubic yards per truck, this requires nearly 400 trucks per day. With this extensive earth movement, the default construction fleet is 1-grader, 1-dozer, and 1-loader is likely substantially too small to accomplish this task. In the revised air quality analysis, the lead agency should reevaluate the fleet mix and provide updated air quality emissions estimates. SCAQMD-32

[1] www.aqmd.gov/ceqa/models.html

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Construction Mitigation Measures

8. The lead agency has determined that construction air quality impacts will exceed the SCAQMD's daily significance threshold for PM10 fugitive dust. The AQMD recommends the following changes and additional mitigation measures (next page) for consideration by the lead agency to further reduce fugitive dust impacts from the project, if applicable and feasible. Additional mitigation measures can be found at http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html .

Mitigation Measure PR4.2B

Recommended Changes:

- Limiting the amount of area disturbed to ~~10 acres per day or less~~ the acreage specified in the URBEMIS modeling
- Application of soil stabilizers in inactive construction areas according to manufacturer's recommendations
- Cover ~~or have water applied to the exposed surface of~~ all trucks hauling dirt, sand, soil, or other loose materials prior to leaving the site to prevent dust from impacting the surrounding areas
- Sweep streets adjacent to the project site at the end of the day if visible soil material is carried over to adjacent paved roads (recommend water sweepers with reclaimed water)

Recommended Additions: SCAQMD-33

- Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph
- Prohibit truck idling in excess of five minutes

Mitigation Measure MM4.28

- The developer shall require by contract specifications that construction equipment be EPA Tier 2 rated or higher emissions standards according to the following schedule adopted by other lead agencies in the South Coast Air Basin:
    - April 1, 2010, to December 31, 2011: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 2 off-road emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

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City Planner

- January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

- Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

- A copy of each unit's certified tier specification, BACT documentation, and CARB or AQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

For additional measures to reduce off-road construction equipment and other construction related emissions, the following mitigation measure tables are located at the following website: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html.

SCAQMD-33 cont.

10.2 RESPONSES TO COMMENTS ON THE DRAFT EIR

Department of Transportation (DOT), June 6, 2011

Response to Comment DOT-1

Please see the Mitigation Monitoring and Reporting Program. As indicated, an encroachment permit application for this improvement will be prepared and submitted to Caltrans at the same time as, or before, project building plans are submitted to the City. Assuming Caltrans is able to process the permits in a timely fashion, the improvement will be completed prior to building occupancy. However, since neither the City nor the project applicant controls the Caltrans permit review process, further guarantees cannot be incorporated into the EIR by the City.

Response to Comment DOT-2

Comment noted. The traffic mitigation for Palm Avenue and I-215 NB Ramps has been revised as follows to include the signal coordination requested by the commenter. It is further noted for the record that the signals recommended for the intersections of both the Northbound and Southbound I-215 ramps, while considered feasible mitigation, are subject to approval by Caltrans and design details (including the details of the signal coordination requirement) may be altered by Caltrans at that time. Also, it should be noted that Caltrans may not approve the signals.

MM4.11-1(b) Measures designed to mitigate operation related transportation/traffic impacts for Opening Year and Future traffic conditions:

- ***Palm Ave. & I-215 NB Ramps**: Install a traffic signal at this location. Include coordination with the existing signal at Kendall Drive/Little League Drive and Palm Avenue as well as for the signal to be installed at the I-215 Southbound Ramps and Palm Avenue. (For both Opening Year ~~2010~~2014 and Future ~~2030~~2035 Conditions)*
- ***Palm Ave. & I-215 SB Ramps/Kendall Ave.**: Install a traffic signal at this location. (For both Opening Year ~~2010~~2014 and Future ~~2030~~2035 Conditions)*
- ***Palm Ave. & Industrial Pkwy.**: Restripe the southbound approach of Palm Avenue to provide a left-turn lane and a shared right/through lane at Industrial Parkway, and a shared through/left lane and a right-turn lane on the westbound approach of Industrial Parkway at Palm Avenue. Install a traffic signal that includes a westbound right-turn phase on Industrial Parkway concurrent with the southbound left-turn phase on Palm Avenue at this location. (For Future ~~2030~~2035 Condition Only)*
- ***Palm Ave./Institution Rd. & Cajon Blvd.**: Install a traffic signal at this location. (For Future ~~2030~~2035 Condition Only)*

Response to Comment DOT-3

The City and County are responsible for the permitting and operations of this signal. However, the City will discuss inter-connection and other signal coordination methods with Caltrans during the review of the plans for this signal installation.

Response to Comment DOT-4

As in the 2007 traffic study, the project is anticipated to require 3 years for *(a)* approval, *(b)* construction-level plan development and approval, and *(c)* construction. Therefore, the project is anticipated to be completed and occupied in 2014.

Response to Comment DOT-5

The commenter does not specify the agency issuing the Grade Separation approval letter. The traffic analysis for the Grade Separation project was prepared under the direction of the San Bernardino Association of Governments (SANBAG) as part of that agency's approval of the Grade Separation project. Specific requests regarding the Grade Separation project should be made directly to SANBAG.

Response to Comment DOT-6

The traffic impact analysis for this project was prepared in December 2007 and circulated as an appendix to this EIR (refer to Appendix L2). As was determined by a careful reexamination of the current conditions (refer to technical letter also part of Appendix L2) the study still adequately describes the anticipated project and cumulative traffic impacts. No revisions to the volume projections were deemed necessary or appropriate. However, please refer to Section 9.2 (Text Changes), which reflects changes of the dates to 2014 for the opening year and 2035 for the long-term analysis year.

Department of Toxic Substances Control (DTSC), June 14, 2011

Response to Comment DTSC-1

This comment contains introductory language and accurately describes the past and proposed uses at the project site and is not a comment on the adequacy of the Draft EIR. No further response is required.

Response to Comment DTSC-2

The comment accurately states that the proposed project site is located at or near a suspected source of the Newark Groundwater Contamination Superfund Site and recommends monitoring for VOCs during excavation activity. As stated on Draft EIR page 4.7-10:

> The project site is located near the Newark and Muscoy plumes… Groundwater wells located immediately southeast of and downgradient from the site have indicated no detectable to low concentrations of TCE (up to 1 microgram per liter [µg/L]) and PCE (up to 7 µg/L) (Ardent 2007). The Maximum Contaminant Level (MCL) for drinking water is 5 µg/L for TCE and PCE. Furthermore, the EPA has reviewed the project site and concluded that there are no known potential TCE or PCE sources of soil contamination at the project site and in their best professional opinion of the hydrogeology in the area of the project site it is unlikely that there is contaminated groundwater underneath any portion of the subject property (EPA Region 9, 2000).

Further as stated on Draft EIR page 4.6-10, a Phase II ESA found that the likelihood that historical land uses contributed to the regional groundwater issues was low. Soil samples collected in the vicinity of possible runoff locations from the off-site storm drains indicated no detectable concentration of VOCs,

and no detectable to low concentrations of petroleum hydrocarbons and metals. The contaminated plumes associated with the Newmark and Muscoy Groundwater Operable Units have been reported to a depth of 138 to 230 feet below the ground surface, and grading and excavation activities would not occur at depths greater than 50-feet below ground surface. Further, mitigation measure MM4.6-1 would reduce the risk of unknown or unidentified soil and/or groundwater contamination would occur. As required by MM4.6-1, the appropriate agencies, including, but not limited to, DTSC and USEPA, would be contacted and appropriate measures would be identified to protect workers and the environment.

Response to Comment DTSC-3

The comment suggests that any buildings or structures to be demolished be tested for potentially hazardous materials. The project site is vacant and undeveloped and contains no structures. Comment is noted.

Response to Comment DTSC-4

The comment states that any contaminated soils must be properly disposed of and not placed elsewhere on site. As stated on Draft EIR page 4.6-19, grading activities during construction of the proposed project will involve the transportation and subsequent disposal of soil and bedrock No hazardous materials are present in the existing soil, as determined by the Phase I and Phase II investigations conducted for the project site. If contaminated soils or other materials are encountered during construction activities, they would be disposed of in compliance with all applicable regulations for the handling of such waste, reducing the potential impacts of disposal of site-generated hazardous wastes to a level that is less than significant.

Response to Comment DTSC-5

The comment states that if the project site was used for agricultural activities, proper investigation should be performed. Historical records indicate that the project site was not utilized for agricultural activities. Further, the Phase I and Phase II investigations concluded that no hazardous materials are present in the existing soil or storm drains within the project site. No remedial action would be required.

Response to Comment DTSC-6

The comment states that if the proposed project operations generate hazardous waste, the waste must be managed in accordance with state and federal regulations. As stated on Draft EIR page 4.6-18, under Impact 4.6-1, the proposed project is a warehouse distribution facility and would not be classified as a generator of hazardous waste. However, should the use and/or storage of hazardous materials at the project site rise to a level subject to regulation, those uses would be required to comply with federal and state laws to eliminate or reduce the consequence of hazardous materials accidents resulting from routine use, disposal and storage of hazardous materials on the project site during both the construction and operation phases of the project. In this case, the operator of the facility would request and obtain all the necessary permits as required by law.

Native American Heritage Commission (NAHC), June 7, 2011

Response to Comment NAHC-1

This comment includes general information regarding the federal and state regulatory framework relating to Native American resources of religious and cultural significance and does not comment on the adequacy of the EIR. In addition, this section provides the results of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) database search completed for the project area. The NAHC search of the SLF database returned negative results for the presence of SLF-listed Native American resources within the project area. No further response is required.

Response to Comment NAHC-2

Comment 2 recommends early, project-related consultation with Native American Tribes and individuals in the vicinity of the project area, and urges communication with the contacts listed in the *Native Americans Contact List* attachment to the response letter. Further, the NAHC requests that pertinent project-related information be distributed to the entities listed in the attachment. As described on Draft EIR pages 4.4-4 and 4.4-5, Atkins (formerly PBS&J) completed an archaeological survey report for the project area in 2007 which included background research with the NAHC and contact with nine individuals named by the NAHC as having knowledge of the project area. During the course of this study, project-related information was sent via letter to all of the individuals named by the NAHC, and follow-up telephone calls were made to ensure the receipt of the information. These efforts to gain information on the presence or absence of resources did not result in the identification of any Native American resources within the project area. Two individuals did express interest in the project and asked to be advised of project progress (Anthony Madrigal, Jr., Interim Chairperson for the Cahuilla Band of Indians and Goldie Walker of the Serrano Nation of Indians). In 2011, Atkins completed an updated records search for the project area, including the request of an NAHC SLF database search. The NAHC SLF search returned negative results for SLF-listed resources within the project area, and provided an updated contacts list naming ten individuals. Project-related information was then sent to the ten individuals named by the NAHC as having knowledge of the project area. No responses were received that indicated the presence of specific Native American resources. However, one response was received that indicated the project area was located within close proximity to known village sites and within an area identified as a trade zone for Luiseno and Cahuilla Tribes. For these reasons, the Soboba Band of Indians found the project area to have a high sensitivity for resources important to the Tribe (Joseph Ontiveros of the Soboba Cultural Resources Department). Through the letters sent during the completion of archeological resources studies completed in 2007 and 2011, all of the contacts named in the *Native Americans Contact List* attachment were provided project-related information and were asked to comment on the project.

The latter portion of this comment includes general information regarding the state regulatory framework relating to Native American consultation and the treatment of resources. Further, this section recommends contact with the nearest California Historical Resources Information System (CHRIS) center for information about archaeological resources within the project area. During the completion of the 2007 archaeological survey report, a records search was completed for the project area and a 0.25-

mile radius at the Archaeological Information Center (AIC). The AIC is the CHRIS center for San Bernardino County. The 2011 updated records search also completed a records search at the AIC for the project area and a 1-mile radius. The results of these records searches provided information about the types and frequency of known resources within the project area and the records search radius, and indicated that three historic age resources were known within the project area. These resources were detected during the 2007 archaeological survey, were recorded onto appropriate state-level records (Department of Parks and Recreation [DPR] 523 Forms), and were evaluated for eligibility in the California Register of Historical Resources (CRHR). None of the resources known within the project area were found to be eligible for the CRHR. No further response is required.

Response to Comment NAHC-3

This comment includes general information regarding the federal regulatory framework relating to Native American consultation and the treatment of resources of religious and cultural significance. The project is subject to the state-level regulatory setting, and a summary of contact made with local Native American Tribes and individuals is provided above in Response to Comment NAHC-2. This section does not comment on the adequacy of the EIR, and no further response is required.

Response to Comment NAHC-4

This comment contains general information regarding the regulatory framework relating to the inadvertent discovery of archaeological resources and human remains during project implementation. This section does not comment on the adequacy of the EIR, and no further response is required.

Response to Comment NAHC-5

This comment provides the opinion of the NAHC regarding effective consultation and coordination efforts between Native American Tribes and Lead Agencies. The Lead Agency has been advised of the results of the contact made with local Native American Tribes and individuals as outlined above in Response to Comment NAHC-2. This section does not comment on the adequacy of the EIR, and no further response is required.

Response to Comment NAHC-6

This comment includes general information about the SLF search and provides the federal and state regulatory framework established to protect the confidentiality of resources of Native American religious and cultural significance. The results of the NAHC SLF search have been described above in Response to Comment NAHC-1 and Response to Comment NAHC-2. The comment is not related to the adequacy of the EIR, and no further response is required.

California Department of Fish and Game (CDFG), June 23, 2011

Response to Comment CDFG-1

This comment contains introductory and general information regarding the CDFG's status as a Responsible and a Trustee Agency under CEQA, and accurately summarizes the proposed project and is not a comment on the adequacy of the Draft EIR or its findings. No further response is required.

Response to Comment CDFG-2

This comment accurately summarizes the proposed project site and identified habitat and potential species that may occur on site, and is not a comment on the adequacy of the Draft EIR or its findings. No further response is required.

Response to Comment CDFG-3

The comment states that special-status bird species observed during the focused California gnatcatcher surveys were not included or addressed in EIR. A discussion of the following species northern harrier, Cooper's hawk, red-tailed hawk, ferruginous hawk, peregrine falcon, American kestrel, Bell's sage sparrow, and California horned lark that were observed during the focused California gnatcatcher surveys has been added to the EIR, including a discussion of impacts and mitigation measures. In response to this comment, mitigation measure MM4.3-8 on Draft EIR page 4.3-30 has been modified to require pre-construction surveys for these species and implementation of avoidance and/or off-site habitat replacement measures to reduce potential impacts to these species to less-than-significant levels. Implementation of this mitigation measure will result in no new environmental impacts.

It should be noted that there is no on-site nesting habitat for several of these species, including northern harrier, Cooper's hawk, ferruginous hawk, peregrine falcon, and American kestrel; therefore, these species would only utilize the project site for foraging.

Response to Comment CDFG-4

The comment states that the focused surveys for California gnatcatcher and San Bernardino kangaroo rat are out of date. As reported in the Draft EIR, the surveys were conducted in the 2007/2008 season, and the commenter is correct that the survey results are now over three years old. Results of protocol surveys for listed species in areas where suitable habitat is present are typically only valid for one to two years, depending on the species. Given the presence of suitable habitat on the site, and the proximity of known populations of both California gnatcatcher and San Bernardino kangaroo rat to the project site, it is possible that these species may have moved into the area since the last focused surveys were performed. Therefore, an update to the focused surveys for these species is appropriate. In response to this comment, the following mitigation measures have been added to Section 4.3 (Biological Resources) in order to ensure that impacts to these species due to loss of potential habitat remains less than significant. Implementation of these new mitigation measures will ensure that adverse impacts to the California gnatcatcher and the San Bernardino kangaroo rat would not occur.

MM4.3-1 *Update protocol level surveys for the federally threatened coastal California gnatcatcher and for the federally endangered San Bernardino kangaroo rat: Prior to the issuance of any grading permits for the project and within 30 days of any ground disturbing activities, the project applicant shall retain a qualified, permitted biologist(s) familiar with California gnatcatcher and San Bernardino kangaroo rat to conduct protocol level surveys for each species in suitable habitat on the site. If neither California gnatcatcher nor San Bernardino kangaroo rat are found then no compensation measures would be required. If either species is discovered on the site, then the following mitigation measures shall apply.*

MM4.3-2 *If California gnatcatcher or San Bernardino kangaroo rat is discovered to occupy the site, then to the extent feasible, habitat for these species shall be avoided through the establishment of a buffer area of 200 feet. Such areas shall be flagged, and encircled with an exclusionary fence. These areas shall be preserved in a conservation easement or other acceptable agreement with a USFWS and/or CDFG approved agency. Any such agreements shall be conducted in coordination with the USFWS and/or CDFG.*

If impacts on California gnatcatcher or San Bernardino kangaroo rat or their occupied habitat are unavoidable, then formal consultation with the USFWS pursuant to either Section 7 (with federal nexus) or Section 10 (without federal nexus) of FESA, and with CDFG pursuant to the CESA would be required. Specific mitigation measures would be developed as a part of the agency consultation, but would include a combination of on-site avoidance and preservation, and/or creation and preservation of off-site habitat, or payment into an off-site mitigation bank. The mitigation ratio for compensation of suitable habitat lost will not be less than 1:1, and an additional 1:1 for the loss of Critical Habitat.

Implementation of the above mitigation measures would require new protocol-level surveys for each species and provide for the protection of these species on site to the extent feasible. If an impact to these species through habitat loss is determined to be unavoidable as a result of implementation of the project, the project applicant will be required to compensate for the loss by providing for off-site habitat in consultation with and approved by the USFWS and/or CDFG, as appropriate. Implementation of this mitigation measure will result in no new environmental impacts.

Response to Comment CDFG-5

The comment states that no mitigation for critical habitat, state species of concern, or waters of the state is included in the EIR. Refer to Response to Comment CDFG-5 for a description of the mitigation measures that would ensure that no adverse impacts to state species of special concern would occur, including habitat preservation and compensation for off-site habitat. Additionally, the Draft EIR contains mitigation measure MM4.3-9 on Draft EIR page 4.3-31 that provides for the protection of Coastal Sage Scrub habitat on site that could accommodate the California gnatcatcher and San Bernardino kangaroo rat, or, if such preservation measures are found to be infeasible, for off-site compensation at a ratio of 2:1 for Coastal Sage Scrub habitat. Further, additional mitigation measures are identified in response to this comment with regard to waters of the state. The following mitigation measures shall be implemented with regards to waters of the state located within the boundaries of the proposed project site:

MM4.3-10 *Prior to the issuance of any grading permits, the project applicant shall apply for and receive a Certificate of Waste Discharge from the RWQCB for the removal of the wash.*

MM4.3-11 *Prior to the issuance of any grading permits, the project applicant shall apply for a Sections 1600–1616 Lake and Streambed Alteration Agreement from the CDFG for the removal of the wash. If the CDFG determines that a Sections 1600–1616 Lake and Streambed Alteration Agreement is not required, then no further mitigation measures would be required. If the CDFG does require a Sections 1600–1616 Lake and Streambed Alteration Agreement, payment of fees to cover the cost of the agreement, and compliance with the conditions of the agreement will be required. These conditions will likely include will likely include measures to preserve and/or replace habitat of similar or better quality at an on-site, or if on-site preservation is not feasible, at a CDFG approved off-site location.*

Implementation of mitigation measures MM4.3-10 and MM4.3-11 would ensure that the project applicant apply for and receive the appropriate permits from the RWQCB and CDFG prior to removal of the ephemeral wash located on site. MM4.3-11 would require that the applicant preserve or replace the wash habitat on site, or if on-site preservation is determined to be infeasible, the project applicant will coordinate with the CDFG for preservation of off-site habitat. Implementation of the identified mitigation measures would ensure that impacts to on-site habitat, including Coastal Sage Scrub and the ephemeral wash would be less than significant. Implementation of these mitigation measures will result in no new environmental impacts.

Response to Comment CDFG-6

The comment states that mitigation consisting only of field surveys is not adequate and that adequate mitigation must include avoidance or compensation measures. Regarding species of concern, a follow-up reconnaissance survey for plants and wildlife was conducted in September 2010 and to confirm that overall site conditions have not changed since the previous studies in 2007 and 2008. Site conditions were found not to have changed since the 2007/2008 surveys. Special-status species observed incidental to the 2007/2008 protocol-level surveys for California gnatcatcher are primarily species that would be transient at the project site, rather than resident or nesting, because of the physical barriers to the site (freeway on one side and roadways on the other) as well as the level of development and human disturbance in the area. There would be no additional surveys required to determine their presence, as these species are actually less likely to occur on site currently than they were during the earlier survey period because the development in the area has increased since that time. Additionally, preconstruction surveys will be required to identify any additional special-status species that may have moved into the site since the last surveys were conducted. Finally, mitigation measures have been provided for avoidance and compensation for the loss of habitat for these species. Refer to Response to Comment CDFG-4 for a description of the avoidance and compensation measures that have been identified and included as a response to this comment. Mitigation measure MM4.3-2 would provide for avoidance and/or compensation to reduce impacts to species of concern to less-than-significant levels.

Response to Comment CDFG-7

The comment states that the mitigation for loss of critical habitat for California gnatcatcher or San Bernardino kangaroo rat should be a minimum of 1:1, but recommends a greater than 1:1 ratio to account for other special-status species inhabiting Coastal Sage Scrub habitat. Mitigation measures covering the loss of critical habitat and increasing the mitigation ratio for other special-status species inhabiting sage scrub habitat have been identified and added to Section 4.3 (Biological Resources) in

response to this comment. Specifically, mitigation measure MM4.3-9 identifies that sage scrub habitat be mitigated for at a 2:1 ratio.

Response to Comment CDFG-8

Refer to Response to Comment CDFG-5 for a description of updated protocol surveys for California gnatcatcher and San Bernardino kangaroo rat. Mitigation measures requiring consultation with USFWS should listed species be found to inhabit the project site are contained in the Draft EIR. If no listed species are found as a result of protocol surveys, no consultation will be required.

Response to Comment CDFG-9

Refer to Responses to Comments CDFG-3 through CDFG-8 for a description of the new mitigation measures and revisions to the EIR that have been made in response to the CDFG's comment letter.

Response to Comment CDFG-10

The area identified on Figure 3-5 (Site Plan) as N.A.P. is not owned by the project applicant and is not part of the proposed project site. It is currently developed with a gas station and Denny's restaurant.

Response to Comment CDFG-11

The comment states that the site contains waters of the state, but no jurisdictional delineation was performed. The wash feature on the site was examined during the biological surveys conducted in 2007 and 2010. This feature contains no hydrophytic vegetation, nor is there a defined bed and bank for this feature, so this feature would not meet the definition of a wetland or water of the U.S. as defined by Section 404 of the federal Clean Water Act. Additionally, this feature has no connectivity to other federally jurisdictional waters and would be considered isolated and exempt from the CWA. Therefore, no jurisdictional delineation is required.

However, this feature would qualify as a water of the state pursuant to the Porter–Cologne Act (defined as all surface and subsurface waters), and may also meet the criteria to require a DFG Sections 1600–1616 Lake and Streambed Alteration Agreement. A discussion of waters of the state, including mitigation measures, has been added to Section 4.3 of the EIR. This feature has been mapped and acreage has been calculated such that impacts related to its loss can be quantified. Refer also to Response to Comment CDFG-6.

Response to Comment CDFG-12

The comment states that CEQA document does not adequately address impacts on waters of the state, or provide mitigation measures including avoidance of waters of the state, and/or replacement of waters that cannot be avoided. Refer to Response to Comment CDFG-5 for a discussion of the wash as a water of the state that has been added to the setting and impacts analysis portion of the EIR, and mitigation measures including obtaining permits from RWQCB and CDFG, and possible off-site compensation.

Response to Comment CDFG-13

This comment states that the avoidance of drainages, lakes, and associated habitat is preferred over elimination. Refer to Response to Comment CDFG-5. Implementation of mitigation measures MM4.3-10 and MM4.3-11 that were identified in response to this comment letter would ensure that the project applicant apply for and receive the appropriate permits from the RWQCB and CDFG prior to removal of the ephemeral wash located on site. MM4.3-11 would require that the applicant preserve or replace the wash habitat on site, or if on-site preservation is determined to be infeasible, the project applicant will coordinate with the CDFG for preservation of off-site habitat.

Response to Comment CDFG-14

This comment describes the process by which a streambed alteration agreement is applied for including the required information. This comment does not address the adequacy of the Draft EIR, therefore no response is required.

Response to Comment CDFG-15

The comment states that the CDFG cannot fulfill its obligations as a Trustee and Responsible Agency without the additional information detailed in their comment letter. Please refer to Responses to Comments CDFG-1 through CDFG-14, which address the information being requested by the CDFG, and detail the additional information provided in the Draft EIR.

County of San Bernardino, Department of Public Works (DPW), June 16, 2011

Response to Comment DPW-1

This comment contains introductory language and is not a comment on the adequacy of the Draft EIR. No further response required.

Response to Comment DPW-2

The comment states that potential flooding issues were identified and requests that the project be developed in accordance with the most recent floodplain regulations. The proposed projects would be developed in accordance with the most recent local, state, and federal regulations, including those regarding development in a floodplain. Comment is noted and will be forwarded to the decision makers for their consideration.

Response to Comment DPW-3

The comment accurately states that the proposed project would drain into Cable Creek, a District owned facility. The project applicant would apply and obtain all necessary permits, including a Flood Control Permit prior to construction activities. Comment is noted and will be forwarded to the decision makers for their consideration.

Response to Comment DPW-4

The mitigation measures at the four significantly impacted intersections would improve the LOS value to a better level than would be required under the CMP standard or the City significance criteria consistent with the CMP standard. The statement in the EIR cited by the commenter reflects the better level of service that would be achieved with the recommended mitigation.

Response to Comment DPW-5

Copies of the traffic study were included for the County's and others' review as Draft EIR Appendix L2. Preparing and distributing additional signed and stamped copies for reviewing agencies or others is not warranted.

Response to Comment DPW-6

The $400,000 cited by the commenter is the correct approximate amount shown in Table 10 of the traffic study for these two intersections.

Response to Comment DPW-7

This comment contains general closing language and is not a comment on the adequacy of the Draft EIR. No further response is required.

South Coast Air Quality Management District (SCAQMD), July 15, 2011

Response to Comment SCAQMD-1

This comment contains introductory language and is not a comment on the adequacy of the Draft EIR. No further response is required.

Response to Comment SCAQMD-2

This comment contains a summary of the SCAQMD's concerns regarding the Draft EIR's findings regarding the Health Risk Evaluation (HRA), localized operational air quality impacts, construction-related pollutant emissions, and the efficacy of the identified mitigation measures. Detailed responses to each of these concerns are described in Response to Comment SCAQMD-4 through Response to Comment SCAQMD-36 below.

Response to Comment SCAQMD-3

The SCAQMD will receive written responses to all comments in accordance with Public Resources Code Section 21092.5. No further response is required.

Response to Comment SCAQMD-4

The comment states that the emission factors used in the HRA modeling were incorrectly input into the model, resulting in the underestimation of potential risk. In response, Atkins reviewed and remodeled the DPM emissions. There were several revisions made to the model and associated risk calculations based on the review. The results of the revised analysis are summarized here and detailed in the *Palm-Industrial Distribution Center Health Risk Assessment Revised Modeling Memorandum* (August 2011) and included as Appendix C1 to this EIR. These revisions include the following:

1. To reduce modeling time, each source was modeled as its own source group with a factor of 1. This allowed for the model to be run once and for the cumulative impacts from each source to be determined based on source-specific emission factors. Cumulative emissions at each source were determined based on the combined modeled estimates for each receptor as well as source-specific emission factors. Detailed emission factors and source contributions are included with the modeling for each scenario.
2. The original risk calculation conservatively used the emissions rate for DPM from EMFAC for 2013 as the default emission rate for all vehicles over the 70 years' estimated lifetime exposure. Emissions of DPM are estimated to reduce over time as older vehicles are taken off the road and replaced by new, more efficient vehicles. Due to this, the revised analysis used a composite emission factor for DPM based on the EMFAC emissions from 2013 through 2040 and assumed that the emission rate for 2040 continued through the remainder of the 70-year exposure lifetime.
3. The original risk calculation also conservatively assumed that nearby workers and students would be exposed to the full operational emissions during the hours they were at work or school. Because the distribution center is anticipated to operate 24 hours per day, 7 days per week, the conservative calculation in the original risk estimate overestimated the potential risk for these receptors. The revised analysis takes into account a 40-hour workweek for a total of 240 workdays for on-site and off-site worker exposure, and a 45-hour school week with a yearly attendance of 200 days for students. These revisions more accurately represent the risk at these receptor locations.
4. The original model included trucks idling for 5 minutes at the loading docks. Based on comments received by the SCAQMD, idling times were increased to 15 minutes total per truck. The revised modeling assumes that a truck idles for 5 minutes at a time while queuing to enter the site, queuing to leave the site, and while at the loading dock. Queuing to exit the site was limited to the southern side of the building, away from the closest sensitive receptors.

The following table presents the results of the remodeling. As shown, the unmitigated emissions result in an exceedance of the 10 in a million SCAQMD threshold for new sources at four off-site residential receptors.

Receptor		Unmitigated		Red. A[1]	Red. B[2]	Red. C[3]
Description	#	Risk	HI	Risk	Risk	Risk
Cresthaven Complex	1	20.13	0.01212	9.72	9.73	6.65
Verdemont Ranch Road	2	9.32	0.00561	4.64	4.65	3.18
Olive Avenue	3	17.28	0.01040	8.12	8.13	5.39
Norma Lane	4	11.94	0.00719	5.96	5.97	3.93
W. White Pine Avenue (West End)	5	7.57	0.00455	3.99	4.00	2.62
W. White Pine Avenue (South)	6	5.54	0.00333	2.84	2.85	1.87
Rito Ct (West End)	7	5.15	0.00310	2.62	2.63	1.73
Rito Ct (South)	8	4.59	0.00276	2.32	2.33	1.53
Highest Res. (Cresthaven)	HR—21	21.68	0.01305	9.97	9.98	6.72
Palm Elementary School (SE)	9	0.04	0.00022	0.02	0.02	0.01
Palm Elementary School (NW)	10	0.02	0.00009	0.01	0.01	0.01
Denny's Restaurant (SW)	11	3.97	0.05413	1.91	1.92	1.32
Denny's Restaurant (NE)	12	3.04	0.04144	1.58	1.58	1.10
Com. S. of Ind. Pkwy (NW)	13	3.14	0.04277	1.19	1.20	0.77
Com. S. of Ind. Pkwy (NC)	14	2.26	0.03084	0.98	0.98	0.64
Com. S. of Ind. Pkwy (NE)	15	1.82	0.02486	0.82	0.82	0.54
Com. SW of Prop. (W. End)	16	0.60	0.00822	0.33	0.33	0.22
Com. SW of Prop. (NW corner)	17	0.50	0.00688	0.28	0.28	0.19
Com. SW of Prop. (N Center)	18	0.37	0.00499	0.19	0.19	0.13
Com. SW of Prop. (NE)	19	0.26	0.00357	0.13	0.13	0.09
Low on site worker	20	0.39	0.00531	0.24	0.24	0.15
Highest on-site/off-site worker	HP/HW—23	8.79	0.11988	3.27	3.28	2.13
Crestview Baptist Church	C—22	1.17	0.00070	0.63	0.63	0.43
Significance Criteria		10	1	10	10	10
Significant?		**Yes**	No	No	No	No

a. Red. A refers to the risk resulting from the implementation of MM4.2-2(a) Item A.

b. Red. B refers to the risk resulting from the implementation of MM4.2-2(a) Item B.

c. Red. C refers to the risk resulting from the implementation of MM4.2-2(a) Item C.

Implementation of the following mitigation will reduce risk to below the 10 in a million SCAQMD threshold for new sources. Mitigation measure MM4.2-2(a) Items A and C will reduce risk by reducing the diesel emissions generated by each truck trip, while MM4.2-2(a) Item B will reduce risk by reducing the amount of fuel consumed by each truck and thereby reducing the particulates generated.

MM4.2-2(a) The owner/operator of the distribution center shall ensure that one of the following is implemented, pursuant to California Air Resources Board regulations:

A. A minimum of 11 percent of the truck fleet accessing the site be equipped with or retrofitted to accommodate a diesel particulate filter of 80 percent reduction or better

B. The facility operator must become a Smart Way Partner upon the start of operation and require that at least 90 percent of all truck trips will be carried by Smart Way carriers with a minimum fuel efficiency increase of 10 percent

C. All trucks serving the project be a 2007 model year or newer

MM4.2-2(b) Trucks queuing to exit the site shall not idle along the northern property boundary. Instead, queuing shall follow the truck route to and from the southern loading dock area.

In addition to the mitigation measures outlined above, potential risk can be reduced for facility-owned trucks by making sure that if the vehicle fleet is not comprised of 2007 or newer models the facility owner should apply in good faith for funding to replace/retrofit their trucks. Funding programs may include but are not limited to Carl Moyer, VIP, and Proposition 1B. Should funds be awarded, they are should be accepted and used to retrofit/replace older trucks in the vehicle fleet. While this will further reduce risk, it has not been included in the quantified reductions.

Response to Comment SCAQMD-5

The comment states that the analysis as presented did not take into consideration recent rule making regarding heavy-duty diesel trucks as implemented by the California Air Resources Board (ARB). As indicated in Response to Comment SCAQMD-4, the revised modeling takes into account more refined emissions factors based on implementation of a newer fleet. As shown in Response to Comment SCAQMD-4 above, mitigation measure MM4.2-2(a) has been developed to ensure that all vehicles utilizing the facility will meet California ARB rules regarding heavy-duty diesel trucks and the implementation of mitigation will reduce risk to below the SCAQMD threshold of 10 in a million for cancer risk.

Response to Comment SCAQMD-6

The comment suggests that the lead agency adjust source parameters and revise the HRA including mitigation for risk that exceeds the SCAQMD threshold of 10 in a million. Response to Comment SCAQMD-4 above details the remodeling efforts undertaken and provides mitigation to reduce cancer risk to below the District thresholds.

Response to Comment SCAQMD-7

The comment states that the Draft EIR failed to quantify localized operational impacts with respect to nearby sensitive receptors. In addition, the comment states that the statement made in the Draft EIR suggesting that Localized Significant Thresholds (LST) do not apply to operational emissions is in error. The statement as made in the Draft EIR is correct, in that this subsection pertains only to construction. However, a text change has been made on Draft EIR page 4.2-20 in the following subsection pertaining to operation, to make it clear that LSTs can apply to operational emissions as well.

Localized ~~CO~~ Pollutant Concentrations for Operation

As noted previously, LSTs, which are voluntary, only apply to CO, NO_2, PM_{10}, and $PM_{2.5}$ emissions at the discretion of the lead agency. The SCAQMD recommends that ambient air quality effects of traffic emissions be evaluated using the CALINE4 dispersion model …

Regardless, as remodeling activities were conducted for the health risk and localized construction impacts, an analysis of the operational LSTs was conducted. The analysis used the peak daily emissions as presented in the Draft EIR to evaluate operational impacts with respect to nearby receptors. The analysis used the SCREEN3 dispersion model to provide a conservative screening analysis. Based on the analysis the unmitigated project emissions none of the criteria pollutants would exceed the localized significance thresholds established by the SCAQMD for operational activities. With the implementation of mitigation anticipated to reduce Cancer Risk (MM4.2-2(a) and MM4.2-2(b) as indicated in Response to Comment SCAQMD-4 above), the emissions of PM_{10} with respect to operational activities are anticipated to be further reduced. Calculations and SCREEN3 output for the operational LST analysis are included as revisions to EIR Appendix B.

Table 4.2-12a (Total Operational Emissions and Localized Significance Thresholds) shows the localized impacts from operational activities on sensitive receptors based on a various distances using a worst-case scenario as obtained from the SCREEN3 model. The nearest sensitive receptor is over 130 meters from the site; therefore, results for distances of 100 meters or more are reported. Table 4.2-12a shows impacts anticipated from the emissions of CO, NO_X, PM_{10}, and $PM_{2.5}$.

Table 4.2-12a Total Operational Emissions and Localized Significance Thresholds

Receptor Distance (m)	CO 1-hr	CO 8-hr	NO_2 1-hr	$PM_{2.5}$ 24-hr	PM_{10} 24-hr	PM_{10} Red. A	PM_{10} Red. B	PM_{10} Red. C
100	3.18	4.53	0.0965	0.1189	0.7900	0.3700	0.3700	0.2500
200	3.20	4.54	0.1004	0.0012	0.0100	0.0000	0.0000	0.0000
500	3.18	4.53	0.1099	0.0000	0.0000	0.0000	0.0000	0.0000
800	3.10	4.47	0.1075	0.0000	0.0000	0.0000	0.0000	0.0000
1,000	3.08	4.46	0.1069	0.0000	0.0000	0.0000	0.0000	0.0000
SCAQMD Threshold	20	9	0.18	2.5	2.5	2.5	2.5	2.5
Significant?	No	No	No	No	**Yes**	No	No	No

Response to Comment SCAQMD-8

The comment suggest that the assumption of trucks idling for only 5 minutes on site at the loading docks underestimates the amount of idling that will actually take place when trucks are entering and exiting the site. The comment suggest that trucks be modeled to idle for a total of 15 minutes; 5 minutes queuing to enter, 5 minutes queuing to leave, and 5 minutes at the loading dock. As discussed in Response to Comment SCAQMD-4 above, the remodeling activities included the added 10 minutes of idling for trucks queuing to enter or leave the site.

Response to Comment SCAQMD-9

The EIR has been revised in response to this comment, as outlined in the following responses. Response to Comment SCAQMD-10 through SCAQMD-28 details the response to each of the mitigation measures identified below and the application and/or feasibility thereof to the proposed project.

Response to Comment SCAQMD-10

The comment states that mitigation should be incorporated to require the use of existing technology to reduce exhaust emissions, such as diesel particulate filters (DPF) and selective catalytic reductions (SCR). As discussed in Response to Comment SCAQMD-4 above, the use of existing technology to reduce emissions was included as mitigation to reduce DPM emissions associated with the operation of the distribution center. Such measures include the requirement of newer vehicle fleets or the incorporation of diesel particulate filters into fleets with vehicles older than 2007 model year. The implementation of SCR technology would reduce NO_X emissions which would not reduce potential health risks from DPM. As discussed in Response to Comment SCAQMD-7 above, NO_X emissions are not anticipated to exceed localized significant thresholds, nor, as indicated in the Draft EIR, exceed regional thresholds. Therefore the inclusion of SCR technology was not further analyzed.

The comment further states that if the lead agency presents substantial evidence that the inclusion of existing technology to reduce exhaust emissions as described is infeasible, then alternative actions can be implemented. This would require that owners of vehicle fleets not already operating 2007 or newer trucks apply in good faith for funding to replace/retrofit their trucks. While this would provide for additional future reductions in DPM, it is anticipated that the mitigation implemented as a response to the revised modeling would reduce emissions to below risk thresholds. This measure has been included as a voluntary measure in order to further reduce DPM emissions from operational activities of the proposed project.

Response to Comment SCAQMD-11

The comment states that signs should be posted on site to remind drives that idling of diesel vehicles is limited to 5 minutes. In response to this comment, the following mitigation measure MM4.2-6(f) has been added to Draft EIR page 4.2-32:

MM4.2-6(f) *Operator of the project shall place signage on site reminding drivers that idling of diesel powered vehicles is limited to 5 minutes.*

Implementation of this mitigation measure would serve to remind on-site truck drivers that ARB regulations require that vehicles idling in place must shut off their engines. While this would reduce the emissions of NO_X, this reduction would not be below SCAQMD significance levels, and the operational impact would remain significant and unavoidable.

Response to Comment SCAQMD-12

The comment states that a buffer zone of roughly 1,000 feet should be developed between the warehouse and sensitive receptors. As stated on Draft EIR page 3-4, the project site and a large contiguous area to the south, east, and west are currently zoned Industrial, while immediately to the north is I-215. As stated on Draft EIR page 4.2-23, the closest sensitive receptors to the project site are the residences located to the northeast of the project site, on the opposite side of the I-215 freeway. The closest school, Palm Elementary, is 4,669 feet north/northwest of the center of the Project site, and Crestview Baptist Church is located approximately 2,087 feet north. An industrial use, TK Machine, is located directly adjacent and to the west across Industrial Parkway, and to the south across Industrial Parkway is a similar warehouse/distribution center.

As shown in Figure 3-5 (Site Plan), the warehouse/distribution center would be designed in such a manner that the truck docking and trailer docking stations would be located along the western and eastern portion of the facility. With this configuration, the majority of the truck docking and trailer activities would take place adjacent either Industrial Parkway on the western portion of the site, or adjacent the I-215 freeway. The industrial uses to the west of the project site do not constitute a sensitive receptor. To the east of the project site, the closest sensitive receptor would be the residential uses located at Kendal Drive and New Pine Avenue. These uses are approximately 1,100 feet from the warehouse/distribution center buildings. The northern portion of the project site that is closest to the sensitive receptors described above would be utilized for employee and guest parking. Therefore, the proposed project is designed to maximize the existing buffers between the warehouse/distribution center activities and the off-site receptors. No further mitigation or action would be required.

Response to Comment SCAQMD-13

The comment states that trucks entering the facility may result in vehicles queuing outside the facility. Truck trips to the site have been estimated based on data in the standard national literature. Specifically, in *Trip Generation, 8th Edition*, Institute of Transportation Engineers (the ITE manual) under land use code Section 152 (High Cube Warehouse), an average rate of 0.64 weekday truck trips per 1,000 square feet is given for projects such as that proposed. As with the rest of the ITE manual, this trip generation rate is based on the results of empirical studies. For the proposed project, comprised of 682,408 square feet of high-cube warehouse use, applying the ITE rate results in an estimate of 437 daily truck trips, 219 of which will be inbound (half). The 24-hour workday for which the entrance kiosk is to be open is comprised of 1,440 minutes. On average, the site would have a truck arrival every about 6 minutes. Using a peaking and safety factor of four, the project's arrival kiosk would have a demand peak rate of about a truck arriving every 1⅓ minutes. Table 10-2 (Average Daily Truck Trips to Project Site) summarizes these calculations.

Table 10-2 Average Daily Truck Trips to Project Site

ITE Rate for Truck Trips per Weekday (152-High-Cube Warehouse		0.64	Trips/1000 SF
Project Size	x	682.408	KSF
Inbound Percentage for Weekday	x	50	percent
Inbound Truck Trips per Weekday for Project Site	=	219	Truck Trips
Minutes per Day	/	1440	Minutes
Average Truck Arrivals per Minute	=	0.152	Truck Trips
Peaking & Safety Factor	x	5.0	
Peak Arrivals per Minute	=	0.760	Truck Trips

SOURCE: Crain & Associates (2011).

The queuing area for the gate (i.e. driveway length outside the public right-of-way) can accommodate five or more full size (60-foot) trucks at one time. Given less than one truck arrival per minute, no more than 5 minutes' wait time (or four total queued trucks) is anticipated for the arrival gate. In order to ensure that queues do not exceed the capacity, the following mitigation measure has been added to the EIR:

MM4.2-6(g) A computerized tracking system will be available in the entry kiosk to minimize arrival processing time for delivery truck check-ins; and at least one truck gate to the site shall be open 24 hours each weekday, with federal holidays exempted.

In summary, the supplied on-site area for the queuing of trucks with a capacity of 5 large trucks will exceed the maximum demand of 4 trucks.

Response to Comment SCAQMD-14

The comment states that the facility should be designed such that truck traffic within the facility is located away from the closest sensitive receptor. Refer to Response to Comment SCAQMD-12. The proposed project site is designed so that internal truck traffic would be located at least 1,100 feet from the nearest residential sensitive receptor. Therefore, the proposed project is designed to maximize the existing buffers between the warehouse/distribution center activities and the off-site receptors. No further mitigation or action would be required.

Response to Comment SCAQMD-15

The comment states that trucks parking in residential areas should be restricted. The City of San Bernardino Municipal Code, Title 10, Section 10.16.120(A) prohibits any commercial vehicle, truck tractor, semitrailer, or trailer having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more on any street, alley, or parkway in any residential district, or on any residentially zoned property in the City. As such, the restriction requested by this comment is already in place in the City of San Bernardino. No further mitigation or action would be required.

Response to Comment SCAQMD-16

The comment states that the project should establish overnight parking areas within the project site. The proposed project site would be in operation 24-hours a day, and it is anticipated that vehicles utilizing the facility would have a quick turn-around, reducing the number of drivers that would be required to rest or sleep on premises. However, the proposed project would provide a surplus of vehicle parking spaces that could potentially be utilized by drivers for rest. Additionally, the commercial restaurant located adjacent the project site has spaces available for commercial vehicles and could be utilized by drivers for rest. The comment is noted and will be forwarded to the decision-makers for their consideration.

Response to Comment SCAQMD-17

The comment states that areas for repair should be established on site. Individual owners and operators of the trucks utilizing the warehouse/distribution center would be responsible for maintaining their vehicles in accordance with manufacture specifications and California Air Resources Board requirements. The provision of a repair area would not be required to meet the objectives of the proposed project, nor would the provision of a repair area result in a measureable reduction of identified criteria pollutants. This comment is noted and will be forwarded to the decision-makers for their consideration.

Response to Comment SCAQMD-18

The comment states that signs should be posted outside the site with phone numbers where neighbors can call if there is a specific issue. The project site and a large contiguous area to the south, east, and west are currently zoned Industrial. The proposed development would be consistent with the planned and existing developments around the project site, since surrounding land uses are predominantly industrial, with two small commercial developments northwest of the proposed project site. All residential areas are separated from the proposed project by I-215. Existing and future adjacent uses would also be industrial uses. Therefore, the provisions of signs for neighbors would not be warranted, nor would the provision of such signs result in a measureable reduction of identified criteria pollutants. This comment is noted and will be forwarded to the decision-makers for their consideration.

Response to Comment SCAQMD-19

The comment states that truck routes should be adopted and enforced both in and out of the City and the proposed project site. As stated on Draft EIR page 3-8:

> The vast majority of traffic would access Industrial Parkway via Palm Avenue, off I-215, although some traffic may utilize I-215 to University and Industrial Parkway.

The proposed project is located in an area zoned for Industrial uses and adjacent to I-215. Direct access to the site would be from I-215 and Industrial Parkway via Palm Avenue or from the south at I-215 and University. Residential uses in the vicinity of the proposed project site are located east of I-215. To the east of these residential neighborhoods are the San Bernardino Mountains, with no connecting roadways traversing through the residential development other than Palm Avenue. Trucks would have no reason

or need to enter the residential areas. As such, the development of dedicated truck routes would not be warranted or necessary to reduce emissions that may potentially affect residential receptors.

Response to Comment SCAQMD-20

The comment states that truck routes should be clearly marked to avoid trucks from entering residential areas. The proposed project is located adjacent to I-215 and away from residential uses, so as big-rig traffic moves to and from the project site quickly and efficiently, trucks would completely avoid utilization of surface streets within residential neighborhoods. Refer also to Response to Comment SCAQMD-19.

Response to Comment SCAQMD-21

The comment states that locations outside of residential areas should be identified where truckers who live in the community can park their trucks. Development of a dedicated Park & Ride is outside the control of the project applicant and would be up to the discretion of the City to provide. Refer to Response to Comment SCAQMD-15 and Response to Comment SCAQMD-16. The City of San Bernardino Municipal Code prohibits the parking of commercial trucks within residential neighborhoods. Mitigation measure MM4.2-6(d) provides for shuttle service during construction to the adjacent residential neighborhood during the morning and evening commute hours for workers on the project site. The comment is noted and will be forwarded to the decision-makers for their consideration.

Response to Comment SCAQMD-22

The comment states that the proposed project should provide for food options, fueling, and truck repair on site to reduce trucks travelling through residential neighborhoods. Mitigation measure MM4.6-2(d) provides for a shuttle that provides service to nearby food establishments during lunch hours, while mitigation measure MM4.6-2(e) provides for employee services on site, including lunch vending machines or other lunch options. Refer also to Response to Comment SCAQMD-17.

Response to Comment SCAQMD-23

The comment suggests that direct off-ramps for trucks to the project site, or restricting trucks from certain sensitive neighborhoods should be provided. As stated in Response to Comment SCAQMD-19, trucks would access the site from Industrial Parkway via the Palm Avenue/I-215 off-ramp. Further, the City of San Bernardino Municipal Code restricts commercial vehicles from utilizing residential streets. The proposed project is sited and designed such that truck traffic would avoid residential areas and only traverse through areas zoned for Industrial uses. Refer also to Response to Comment SCAQMD-19 and Response to Comment SCAQMD-20.

Response to Comment SCAQMD-24

The comment suggests that signal synchronization should be incorporated to improve traffic flow. Mitigation measure MM4.11-1(b) includes the installation of a traffic signal at the Palm Avenue and I-215 NB Ramps, and has been revised to incorporate synchronization with the signal at Kendall Drive/Little

League Drive and Palm Avenue. The mitigation also includes the installation of a signal at the I-215 SB Ramps and Palm Avenue. Please note, however, that this mitigation is not within the control of the project applicant. Refer to Response to Comment DOT-2.

Response to Comment SCAQMD-25

The comment suggests the use of mitigation that requires the use of water sweepers that comply with SCAQMD Rules 1186 and 1186.1. This mitigation will reduce fugitive dust emissions from construction activities and has been included as additional mitigation as detailed in Response to Comment SCAQMD-29 below.

Response to Comment SCAQMD-26

The comment suggests the use of alternative-fueled off-road equipment to reduce exhaust emissions from project construction. While the use of alternative-fueled vehicles would reduce exhaust emissions, project construction emissions from exhaust are less than significant and the requirement of alternative-fueled vehicles would not substantially reduce emissions. Therefore, while the construction contractors' use of alternative-fueled vehicles would reduce overall emissions if implemented, this mitigation measure was not included as part of the mitigation required during project construction activities.

Response to Comment SCAQMD-27

The comment suggests mitigation that requires the facility operator to become a Smart Way Partner upon the start of operations. As discussed in Response to Comment SCAQMD-4, this mitigation measure has been included as part of the mitigation implemented to reduce DPM emissions from project operations.

Response to Comment SCAQMD-28

The comment suggests mitigation that requires the facility operator to incorporate incentives and requirements such that at least 90 percent of all truck trips will be carried by Smart Way 1.0 or greater carriers within the shortest time frame feasible. As discussed in Response to Comment SCAQMD-4, this mitigation measure has been incorporated as part of the mitigation implemented to reduce DPM emissions from project operations.

Response to Comment SCAQMD-29

The Comment states that the on-road emissions from soil export were not included in Table 4.2-9 (Estimated Peak Daily Construction Emissions in Pounds per Day) of the Draft EIR. Originally it was understood that 1.4 million cubic yards would be exported from the site to an unknown location. Using the URBEMIS default trip length of 20 miles, the estimated NO_X emissions from on-road trucks and on-site construction equipment resulted in emissions of 504 lbs/day. However, while 1.4 million cubic yards will be disturbed, only 200,000 will be exported from the site, resulting in only a fraction of the on-road truck trips that the Alternative analyzed. URBEMIS output for the revised analysis are included as revisions to EIR Appendix B.

The emissions reported in Table 4.2-9 of the Draft EIR did include emissions from on-road truck trips. However, these trips were based on the reduced export volume of 200,000 cubic yards and the assumption that the soil would be transported to the SANBAG site approximately 0.5 mile from the project site. Therefore, while there was a large volume of truck traffic, the total distance traveled results in minimal emissions from on-road vehicles.

Acknowledging the fact that transport to the SANBAG site is not a guarantee, as well as taking into account other comments, the construction were remodeled using the following assumptions:

1. 200,000 cubic yards would be exported from the site over a seven-month period, with 8.3 acres disturbed per day.
2. A total of 7,926 cubic yards is estimated to be disturbed daily, with a maximum daily export of 57 truckloads per day.
3. This scenario assumes that export would be to a currently unknown site and the default distance in URBEMIS of 20 miles per round trip was used.
4. On-site equipment anticipated to be necessary to accomplish this daily amount of earthwork is four graders, dozers, and loaders, with one water truck.

Table 4.2-9 has been revised based on these emissions. As shown, without the incorporation of mitigation, the project would result in significant emissions of VOC, NO_X, PM_{10}, and $PM_{2.5}$. The project has updated existing mitigation outlined in the Draft EIR or incorporated new mitigation to reduce emissions to below the SCAQMD regulatory thresholds during construction. The new mitigation includes requirements that the project applicant develop a construction schedule that would result in a maximum amount of cut and fill operations of no more than 4,375 cubic yards per day and an export of no more than 65 truckloads per day. Additionally, the in consultation with the project applicant, the construction equipment utilized in order to comply with those requirements would result in three graders, three dozers, three loaders, and one water truck. Implementation of the new mitigation measures and the new equipment mix reduced criteria pollutant emissions to less than significant levels. Therefore, there is no change in significance determination from what was reported in the Draft EIR. These changes and updates are anticipated to have a maximum reduction to fugitive dust of 75 percent[1] and are as follows:

PR4.2B *As required by South Coast Air Quality Management District Rule 403—Fugitive Dust, all construction activities that are capable of generating fugitive dust are required to implement dust control measures during each phase of project development to reduce the amount of particulate matter entrained in the ambient air. These measures include the following:*

- *Limiting the amount of area disturbed during site grading to 10 acres per day or less*
- *Application of soil stabilizers to inactive construction areas* *according to manufacturers recommendations*
- *Quick replacement of ground cover in disturbed areas*
- *Watering of exposed surfaces* ~~*three*~~ *four times daily*
- *Watering of all unpaved haul roads* ~~*three*~~ *four times daily*

[1] Bay Area Air Quality Management District, *California Environmental Quality Act, Air Quality Guidelines* (May 2011).

- *Covering all stock piles with tarp*
- *Reduction of vehicle speed on unpaved roads*
- *Post signs on site, limiting traffic on unpaved roads to 15 miles per hour or less*
- *Sweep streets adjacent to the project site at the end of the day if visible soil material is carried over to adjacent paved roads (using sweepers that comply with SCAQMD Rules 1186 and 1186.1)*
- *Cover ~~or have water applied to the exposed surface of~~ all trucks hauling dirt, sand, soil, or other loose materials prior to leaving the site to prevent dust from impacting the surrounding areas*
- *Install wheel washers where vehicles enter and exit unpaved roads onto paved roads to wash off trucks and any equipment leaving the site each trip*
- *Appoint a construction relations officer to act as community liaison concerning on-site construction activity including resolution of issues related to PM_{10} generation*
- *Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph*
- *Prohibit truck idling in excess of 5 minutes*

MM4.2-5(a) *The developer shall extend the grading/excavation period such that a maximum on-site cut and fill equals 4,375 cubic yards or less per day, with a maximum export of 65 truck loads per day.*

PR4.2-5(b) *All roadways, driveways, and sidewalks to be paved and building pad shall be completed as soon as possible. If building pad is to be left completed for more than 14 days, seeding or soil binders shall be implemented. Prior to paving, site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.*

PR4.2-5(c) *Excavation, grading, an/or demolition activities shall be suspended when average wind speeds exceed 20 mph.*

PR4.2-5(d) *The Mass grading/excavation phase shall not overlap with fine grading and/or trenching activity phases.*

Table 4.2-9 Estimated Peak Daily Construction Emissions in Pounds per Day

Construction Phase	Peak Day Emissions in Pounds per Day					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$[a]
~~Mass Grading[a]~~	~~4~~	~~32~~	~~18~~	~~0~~	~~63~~	~~14~~
~~Fine Grading[b]~~	~~4~~	~~30~~	~~17~~	~~0~~	~~12~~	~~4~~
~~Trenching~~	~~2~~	~~15~~	~~9~~	~~0~~	~~1~~	~~1~~
~~Construction~~	~~9~~	~~71~~	~~104~~	~~0~~	~~4~~	~~3~~
~~Paving~~	~~4~~	~~16~~	~~11~~	~~0~~	~~1~~	~~1~~
~~Architectural Coating[c]~~	~~61~~	~~0~~	~~3~~	~~0~~	~~0~~	~~0~~
~~***Maximum Daily Emissions***~~	~~***61***~~	~~***71***~~	~~***104***~~	~~***0***~~	~~***63***~~	~~***14***~~
~~SCAQMD Thresholds~~	~~75~~	~~100~~	~~550~~	~~150~~	~~150~~	~~55~~
~~Significant Impact?~~	~~No~~	~~No~~	~~No~~	~~No~~	~~No~~	~~No~~

Table 4.2-9 Estimated Peak Daily Construction Emissions in Pounds per Day

Construction Phase	Peak Day Emissions in Pounds per Day					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$[a]
UNMITIGATED						
Mass Grading[a]	12.29	111.30	58.78	0.05	1,023.88	217.71
Fine Grading[a]/Trenching	4.55	37.30	21.41	0	167.82	36.34
Construction	9.38	71.07	104.12	0.19	4.10	3.32
Paving	4 3.50	16.17	10.97	0.01	1.25	1.13
Architectural Coating[b]	68.01	0.02	3.34	0.01	0.04	0.02
Maximum Daily Emissions	***68.01***	***111.30***	***104.12***	***0.19***	***167.82***	***217.71***
SCAQMD Thresholds	75	100	550	150	150	55
Significant Impact?	**Yes**	**Yes**	No	No	**Yes**	**Yes**
MITIGATED						
Mass Grading[a]	10.26	96.97	48.98	0.06	146.35	33.85
Fine Grading[a]/Trenching	4.32	34.78	20.80	0.00	101.68	22.43
Construction[c]	8.54	63.67	96.21	0.19	3.75	2.99
Paving[c]	3.44	16.02	10.91	0.01	1.25	1.13
Architectural Coating[b,c]	63.56	0.17	2.97	0.00	0.04	0.02
Maximum Daily Emissions	***63.56***	***96.97***	***96.21***	***0.06***	***146.35***	***33.85***
SCAQMD Thresholds	75	100	550	150	150	55
Significant Impact?	No	No	No	No	No	No

SOURCE: URBEMIS 2007. Calculation sheets are provided in Appendix B.

a. Assumes watering of the project site would occur four times per day.

b. Assumes Low-VOC coating and 80 percent reduction from URBEMIS estimate.

c. Although the activities for these phases are not adjusted in the remodeling, the extension of the Mass Grading phase moves these phases to a later year, thus resulting in reduced emissions based on the URBEMIS modeling.

Response to Comment SCAQMD-30

The comment states that the reduction in fugitive PM_{10} emissions is spuriously high due to an error in the modeling program. The SCAQMD recommends that in order to correct for this error, only the single highest control measure in the URBEMIS model be included. The model was adjusted to account for the inaccurate calculations as well as to include additional edits as addressed in Response to Comment SCAQMD-29 above. While the application of water three times per day will reduce emissions from fugitive dust, it does not account for the additional reductions that are achieved by implementing the additional control features, such as limiting acreage of disturbance, covering haul trucks, replacing ground cover, increasing daily watering, employing street sweepers and wheel washers, paving and laying concrete as soon as possible, and eliminating overlap of construction phasing activities that result in fugitive dust emissions. While the SCAQMD does not provide a maximum anticipated reduction from

the incorporation of these measures, other air districts have indicated that a maximum reduction of 75 percent[2] can be achieved.

The remodeled construction emissions employ this 75 percent reduction in URBEMIS by replacing the default reduction percentage for watering three times daily with 75 percent. Even with this reduction, the proposed project would exceed the PM_{10} and $PM_{2.5}$ emission thresholds. As detailed under Response to Comment SCAQMD-29 above, the extension of the mass grading/excavation phase along with limiting the amount of daily disturbance will reduce daily emissions to below the SCAQMD thresholds. Therefore, there is no change in significance determination from what was reported in the Draft EIR.

Response to Comment SCAQMD-31

The comment states that the analysis used to evaluate the localize construction impacts incorporated the whole site rather than the limited acreage indicated in the URBEMIS modeling, and thereby underestimated emissions to nearby sensitive receptors. The model was set up in this fashion to provide a more uniform level of impact to the sensitive receptors over the duration of grading/excavation phase, assuming that exposure would increase on days where the equipment is working closest to the receptor and decrease as the equipment moved further away. However, because the average daily emissions were revised with Responses to Comments SCAQMD-29 and -30, the localized significance determination needed to be remodeled. Calculations and output for the revised construction LST analysis are included as revisions to EIR Appendix B.

With respect to the new modeling, the worst-case scenario was modeled. The model employed a maximum area of 5 acres, equal to the mitigated conditions outlined in Response to Comment SCAQMD-29, and situated the construction adjacent to the project boundary closest to the sensitive receptors. As anticipated with the increase in PM emissions as well as the decreased area of evaluation, the exposure at the nearest receptors observed with the new modeling increased. In addition, the Draft EIR mislabeled the maximum modeled concentrations as ppm for CO and NO_2 when the concentrations were reported in micrograms per meter cubed. Table 4.2-12b (Total Construction Emissions and Localized Significance Thresholds) has been updated to reflect the revised emissions converts micrograms per meter cubed to ppm for CO and NO_2 so the results can be more easily compared to the standards.

The Draft EIR presented a significant and unavoidable impact for PM_{10} and $PM_{2.5}$ with respect to exposure of sensitive receptors. While the emissions of all four criteria pollutants increased, neither CO nor NO_2 increases to a level of significance. Emissions of PM_{10} and $PM_{2.5}$ are significant impacts with respect to the new modeling as well as the results presented in the Draft EIR; therefore, the remodeled emissions do not change the significance findings presented within the Draft EIR.

[2] Bay Area Air Quality Management District, *California Environmental Quality Act, Air Quality Guidelines* (May 2011).

Table 4.2-12b Total Construction Emissions and Localized Significance Thresholds

Pollutant	*Averaging Time*	*Standard*	*Maximum Modeled Concentration*
CO	1-Hour	17 ppm	~~4.20 ppm~~1140.60 g/m^3 / 0.9973 ppm
	8-Hour	7 ppm	~~1.43 ppm~~345.42 g/m^3 / 0.3099 ppm
NO_2	1-Hour	0.08 ppm	~~2.88 ppm~~88.76 g/m^3 / 0.0472 ppm
PM_{10}	24-Hour	10.4 µg/m^3	~~12.06 µg/m^3~~61.93 µg/m^3
$PM_{2.5}$	24-Hour	10.4 µg/m^3	~~1.77 µg/m^3~~19.49 g/m^3

SOURCE: PBS&J 2011; AERMOD (Lakes Environmental Software version 6.0) SCAQMD 2003, Localized Significance Threshold Methodology (calculation data sheets provided in Appendix B)

Response to Comment SCAQMD-32

The Comment states that the URBEMIS modeling understated the amount of earth-moving equipment required to export peak day volumes of 7,926 cubic yards of soil. The 7,926 cubic yards of maximum daily soil movement refers to the 1.4 million total cubic yards of cut and fill that will occur during the mass grading phase of the construction activities. However, only 200,000 cubic yards will eventually be exported. Still, it is unlikely that the URBEMIS-defined default equipment for this project, one grader, dozer, and loader, would be able to accomplish the on-site balancing of 1.2 million cubic yards and export of 0.2 million cubic yards in a seven-month period.

Responses to Comments SCAQMD-29 and -30 required remodeling of the construction activities in URBEMIS. As part of the remodeling, the equipment list was adjusted to show four graders, dozers, and loaders operating per day for the unmitigated scenario. While there is the potential for the mitigated scenario to accomplish the level of activity with half of the equipment, the remodeling assumed three graders, dozers, and loaders to represent a worst-case scenario and actual equipment utilized would likely be less than that modeled.

The results of the revised modeling are detailed in Response to Comment SCAQMD-29. As indicated, the remodeling does not change the significance determination identified in the Draft EIR with respect to construction emissions.

Response to Comment SCAQMD-33

The comment suggests changes be made to some of the project requirements identified in the Draft EIR in order to further reduce emissions impacts. As suggested, the following edits have been incorporated into the project requirements and mitigation measures of the Draft EIR.

PR4.2B *As required by South Coast Air Quality Management District Rule 403—Fugitive Dust, all construction activities that are capable of generating fugitive dust are required to implement dust control measures during each phase of project development to reduce the amount of particulate matter entrained in the ambient air. These measures include the following:*

- *Limiting the amount of area disturbed during site grading to 10 acres per day or less*

- *Application of soil stabilizers to inactive construction areas according to manufacturers recommendations*
- *Quick replacement of ground cover in disturbed areas*
- *Watering of exposed surfaces ~~three~~ four times daily*
- *Watering of all unpaved haul roads ~~three~~ four times daily*
- *Covering all stock piles with tarp*
- *Reduction of vehicle speed on unpaved roads*
- *Post signs on site, limiting traffic on unpaved roads to 15 miles per hour or less*
- *Sweep streets adjacent to the project site at the end of the day if visible soil material is carried over to adjacent paved roads (using sweepers that comply with SCAQMD Rules 1186 and 1186.1)*
- *Cover ~~or have water applied to the exposed surface of~~ all trucks hauling dirt, sand, soil, or other loose materials prior to leaving the site to prevent dust from impacting the surrounding areas*
- *Install wheel washers where vehicles enter and exit unpaved roads onto paved roads to wash off trucks and any equipment leaving the site each trip*
- *Appoint a construction relations officer to act as community liaison concerning on-site construction activity including resolution of issues related to PM_{10} generation*
- *Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph*
- *Prohibit truck idling in excess of 5 minutes*

MM4.2-8 *The developer shall require by contract specifications that construction equipment be EPA Tier 2 rated or higher~~.~~ emissions standards according to the following schedule adopted by other lead agencies in the south Coast Air Basin:*

- *April 1, 2010, to December 31, 2011: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 2 off-road emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by California ARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by California ARB regulations.*
- *January 1, 2012, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by California ARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by California ARB regulations.*
- *Post-January 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emissions standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by California ARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by California ARB regulations.*

- *A copy of each unit's certified tier specification, BACT documentation, and California ARB or AQMD operating permit shall be provided to the contractor at the time of mobilization of each applicable unit of equipment and kept on record at the project site during construction activities.*