

Exhibit H

CEQA Findings

Aesthetics

The aesthetics analysis contained in the Final EIR and Recirculated Draft EIR (collectively, “Final EIR”) remains valid and appropriate for the revisions to the proposed project. As discussed in Addendum No. 1 to the Environmental Impact Report Irwindale Materials Recovery Facility and Transfer Station Project (“Addendum”), the revisions would not increase total developed area, and the project would retain its fundamental design characteristics (e.g., the height would not be increased and the façade changes are consistent with City Planning recommendations). Accordingly, the Final EIR’s analysis and conclusions, which are summarized below, remain applicable to the revised project.

The Final EIR thoroughly analyzed the potential aesthetic impacts of the project, including possible view impacts and the potential for the project to degrade the existing environment. With respect to possible viewshed impacts, the Final EIR concluded that the proposed project would not result in significant impacts, including from public trails on the Santa Fe Dam. Likewise, the proposed project would not impact views from other vantages in the area, including views of the San Gabriel Mountains to the north. All public views across the project site of the San Gabriel Mountains, including those from Live Oak Avenue, are highly obscured by natural features (trees) and man-made features (powerlines, fences, automobiles, stoplights, and the Santa Fe Dam). These obstructions greatly impact existing views and the introduction of the proposed project, while it would further obstruct such views, would not result in a significant impact.

The Final EIR also properly analyzed the potential of the project to degrade the existing environment. The existing environment is largely characterized by industrial development, with industrial/warehouse buildings immediately to the south, west, and northwest of the project site. The Santa Fe Dam, which is a 100-foot high stone structure, is located to the east, north, and northeast of the project site. The project site, while currently largely unimproved, was previously developed. The vacant site does not have the characteristics of a high visual-quality open space, so the introduction of the building would not degrade an important aesthetic feature of the area. Moreover, the exterior of the building will conform to the City’s Commercial and Industrial Design Guidelines. The revised project includes minor revisions to the design, consistent with recommendations from the City Planning Department. As discussed in the Addendum, these changes would not result in a new significant impact.

The project would be consistent with the development of the area, merely introducing another industrial building into an area comprised of industrial and warehouse uses (including large oil tanks, distribution centers, parking lots, and waste management facilities). Like surrounding buildings, the project building would be entirely enclosed, with operations taking place within the building. Also, although the proposed project would be taller than adjacent industrial development, it would be significantly lower than the adjacent Santa Fe Dam (which is approximately 100 feet tall). Thus, the project would introduce a building that steps down heights from the Santa Fe Dam to the adjacent industrial development.

The project will not degrade the area and will not result in urban decay. First, as discussed previously, the project would be consistent with surrounding industrial uses and development. Second, as evidenced by the analysis in the Final EIR, the project's significant and unavoidable impacts would not impact area residences such that it would cause residents to relocate. The closest residences, which are located approximately 325 feet from the project site and separated from the project site by industrial uses and Live Oak Avenue, would not be impacted such that residents would choose to relocate. The construction of the project would not introduce a use substantially different from the uses already immediately adjacent to the existing residences. Likewise, the project would be constructed in an area already developed with industrial and warehousing uses, all of which are not likely to be impacted by the proposed project. There was also no evidence of any potential urban decay impacts presented prior to approval of the Final EIR.

The project also would not generate significant litter that could result in an aesthetic impact. First, the Materials Recovery Facility and Transfer Station ("MRF/TS") would be located in a fully enclosed structure designed to control odors, dust, and litter. Also, the project would implement a Litter Prevention Program, which includes routine hardscape sweeping throughout the day and a cleaning crew to remove litter from landscaped areas. The site would be fully surrounded by walls, fencing, and landscaping, which would ensure that any wind-borne litter would remain on-site. Also, all materials brought to the MRF/TS facility would be delivered by enclosed trucks or covered debris boxes, and trucks leaving must likewise be enclosed or covered. Through compliance with this Litter Prevention Program, the revised project would not result in any aesthetic impacts from litter.

Air Quality/GHG/Odor/Health Risk Assessment

The analysis in the Final EIR with respect to potential air quality, GHG, odor, and health risks remains valid and appropriate for the revised project, which would not notably impact the operational characteristics of the proposed project in a manner that could result in a new significant impact or increase the severity of an identified significant impact. The proposed revisions consist of minor internal site revisions, not changes to the operations of the proposed project (i.e., the number of trucks and maximum throughput remain the same).

Air Quality

The Final EIR properly evaluated potential air quality impacts, and adopted all feasible mitigation measures where necessary. For instance, with respect to the project's significant and unavoidable ROG and NO_x impacts, the Final EIR incorporates MM AQ-12 – MM AQ-18 to reduce those impacts to the maximum extent feasible. All other proposed mitigation measures, whether proposed by commenters or otherwise, were determined to be infeasible. For example, with respect to the use of alternative-fueled transfer trucks, the Final EIR noted that a mitigation measure mandating such use was infeasible because there are simply not enough suppliers of such trucks to reasonably satisfy fleet needs. Nevertheless, as such vehicles become available, compliance with SCAQMD Rule 1193 will ultimately result in the phasing-in of alternative-fueled transfer trucks.

The Final EIR also discussed potential health effects of concentrations of air pollutants that exceeded state and/or national ambient standards. Table 3.3-2 of the Final EIR, for instance, outlines the health and atmospheric effects of potential pollutants. Alone, this type of analysis satisfies the requirements of CEQA because it provides decision-makers and the public with information about the potential environmental effects of the project. See *Beverly Hills Unified School District v. Los Angeles County Metropolitan Transportation Authority* (2015) 241 Cal.App.4th 627, 667 [EIR properly included an appendix that identified the potential adverse health effects of exposure to each of the pollutants]. The Final EIR also included a Health Risk Assessment, which analyzed the potential for the project to expose sensitive receptors to TACs that could cause short-term and/or long-term adverse human health effects (i.e., disorders such as eye watering, respiratory or heart ailments, and other non-cancer related diseases). See Final EIR, Appendix C. Finally, the Final EIR's responses to comments note that the NO_x and ROG, which are the only pollutants that would exceed the significance thresholds, are ozone precursors and the health concern would be an increase in ozone, a regional pollutant. As noted in Table 3.3-2, high concentrations of ozone can directly affect lungs, causing irritation. Long-term exposure may cause damage to lung tissue. The Final EIR incorporates all feasible mitigation to minimize the impacts associated with emissions of ROG and NO_x.

GHGs

With respect to potential GHG impacts, the Final EIR included an exhaustive analysis that was based on applicable regulatory guidelines. The Final EIR concluded, using the significance thresholds proposed by the SCAQMD, that the project would result in a significant GHG impact, unless mitigation was imposed. The EIR utilized a dual-pronged approach to analyzing potential impacts from GHGs: (1) whether the project would exceed the SCAQMD threshold of 10,000 MT CO₂e per year, and (2) whether the project would be in conflict with the State of California's goals for reducing GHGs. CEQA does not mandate any one methodology for evaluating impacts from GHGs. Moreover, the California Supreme Court has recognized that the use of a numerical threshold, alone, is sufficient to analyze GHGs. See *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204. Also, courts continually recognize that lead agencies have discretion to formulate the thresholds of significance used in an EIR. *North Coast Rivers Alliance v. Marin Mun. Water Dist.* (2013) 216 Cal.App.4th 614, 625. Here, the City determined that evaluating the project's GHG impacts against the SCAQMD's 10,000 MT CO₂e threshold was reasonable and appropriate, and provided a meaningful assessment of the project's GHG emissions.

The Final EIR, which quantified both stationary and mobile source emissions to assess potential impacts, concluded that the project would generate approximately 58,834 MT CO₂e per year (making very conservative assumptions regarding truck trips). Thus, the proposed project was determined to exceed the 10,000 MT CO₂e threshold, and mitigation was required to reduce this significant impact. The revised project would likewise exceed the 10,000 MT CO₂e threshold. As discussed below, to minimize such impacts to a less than significant level, MM AQ-22 requires the applicant to purchase verifiable and certified GHG offset credits in an amount sufficient to ensure project emissions are offset such that they would not exceed 10,000 MT CO₂e.

The Final EIR was not required to conduct a business-as-usual analysis to assess emissions impacts. As discussed above, CEQA does not mandate any methodology for evaluating GHG impacts. Moreover, courts have questioned the propriety of using a business-as-usual analysis applying AB 32's standards because AB 32 focuses on statewide emissions, not project-level emissions. See *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204.

To reduce the project's impact to a less than significant level, MM AQ-22, which requires the purchase of offset credits and mandates compliance with Title 24, was imposed. Section 15126.4 of the CEQA Guidelines specifically permits the use of offsets to mitigate impacts. MM AQ-22 will be enforced by the City through verification that the offset credit program is part of CAPCOA's GHG Reduction Exchange, which was created in response to the needs of local governments and project proponents for high-quality credits that could serve as mitigation under CEQA. *CAPCOA GHG Reduction Exchange Administrative Guidelines* at 5. The CAPCOA GHG Exchange provides assurances that a local air district has verified or validated that the credits are of the highest quality. *Id.* at 6. The South Coast Air Quality Management District is a participating local air district.

An offset credit is generated as a result of an emissions reduction beyond what would otherwise be required from a separate project (i.e., the offset is generated only if the project's emissions are reduced sufficiently to create an offset credit). Thus, the offset credit system incentivizes projects to reduce GHG emissions because the offset credits generated can be purchased to account for emissions generated by other projects. The *CAPCOA GHG Reduction Exchange Administrative Guidelines* provide, for instance, that credits are derived from voluntary emission reduction projects that follow rigorous protocols and guidance approved by CAPCOA, and are implemented to ensure the credits are real, quantified, verified/validated, permanent, fully enforceable, and are additional or surplus to any reductions that are required (or would otherwise occur). *CAPCOA GHG Reduction Exchange Administrative Guidelines* at 5.

An offset credit can be purchased by another emitter of GHGs as a means of off-setting their own emissions. Therefore, the existence of the offset (and the incentives created by the potential purchase of the offset credit) results in a reduction of emissions. Thus, the efficacy of MM AQ-22 to reduce emissions is supported by CEQA Guidelines Section 15126.4 and the CAPCOA GHG Reduction Exchange. This is consistent with the CEQA Guidelines definition of mitigation, which includes, among other things, (1) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment and (2) compensating for the impact by replacing or providing substitute resources or environments. CEQA Guidelines § 15370.

Moreover, when undertaking its rulemaking pursuant to SB 97, the California Natural Resources Agency expressly identified offsets as a valid method of mitigating GHG impacts. When adopting the amendments to CEQA Guidelines Section 15126.4, specifically the provisions related to GHG mitigation, the Natural Resources Agency noted that such "measures could include, among others, the purchase of offsets...." *California Natural Resources Agency Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97* at 47. The Natural Resources Agency also stated that offsets are a way "to provide regulated entities a

source of low-cost emission reductions, and ... encourage the spread of clean, efficient technology....” *Id.* at 89. Thus, the Natural Resources Agency expressly found that “the offset concept is consistent with the existing CEQA Guidelines’ definition of ‘mitigation’....” *Id.* The agency further added that “the Natural Resources Agency finds that by expressly requiring that any mitigation measure be feasible, supported with substantial evidence, and capable of monitoring or reporting, section 15126.4(c) adequately addresses the concern ... that offsets may be of questionable legitimacy.” *Id.* at 90. All of the requirements for appropriate mitigation are, therefore, satisfied by MM AQ-22.

MM AQ-22 expressly provides that the applicant must purchase verifiable and certified GHG offset credits and provide verification of the purchase annually after the project begins operations. Through the MMRP, this measure was incorporated as a condition of approval of the project. *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1116 [the incorporation of mitigation measures into conditions of approval is sufficient to demonstrate that the measures are enforceable]. The MMRP is the identified statutory mechanism for setting forth how a public agency ensures that a project proponent complies with all adopted project changes or conditions of project approval during project implementation. Pub. Res. Code § 21081.6(a)(1). Thus, the City will enforce the measure and, as noted in the Final EIR, would verify that the offset credits are part of CAPCOA’s GHG Exchange. Final EIR at C&R-629.

Odors

The revised project would not impact the Final EIR’s analysis and conclusions with respect to the project’s potential to generate odors because project operations, which include those components potentially causing odors, would remain the same. The Final EIR concluded that the project would not result in significant odor impacts because, among other things, (1) the project includes an Odor Control Management Program, (2) transfer trucks parked outdoors would be subject to MM AQ-20, (3) the facility would have exhaust air drawn through odor-absorbing activated carbon that would neutralize odors, and (4) a non-toxic neutralizing misting system to control odors not fully absorbed by the activated carbon would be utilized. The project’s Odor Control Management Program, as outlined in the Final EIR’s technical appendices, provides the following:

- All of the areas where putrescible, green waste and commercial waste is dumped and processed will be fully enclosed with doors and exhaust fans. The exhaust fans will be equipped with spray nozzles that will spray water with an odor-controlling agent.
- All paved areas outside the buildings will be swept at least once daily. The tipping areas will be cleaned with a loader throughout the day. Work platforms and sorting equipment will also be cleaned daily.
- Materials are handled on a first-in, first-out basis such that waste, including residuals from the sorting process and waste brought to the facility for transfer, remains on-site no longer than 48 hours after its arrival.

MM AQ-20 further refines the Odor Control Management Program to require that any and all odor complaints be referred to the City of Irwindale Community Development Department Code Enforcement Division. It also requires inspections to investigate any odor complaints. Compliance with MM AQ-20 will ensure that any odor issue, should it arise, be addressed immediately. Upon identification of an odor issue consistent with MM AQ-20, a detailed plan for remedying the issue and eliminating the odor must be prepared within 72 hours. Also, in addition to MM AQ-20, mitigation measures MM AQ-19 and MM AQ-21, as well as compliance with SCAQMD Rule 410, would further ensure that odor impacts would be less than significant.

Health Risk Assessment

The Final EIR's analysis of the potential health risks associated with the project's generation of TACs, as outlined in the project's Health Risk Assessment, remains accurate and appropriate for the revised project. The minor revisions to the project do not impact the operational characteristics of the project (e.g., throughput, number of trucks, and number of employees), which would be the primary contributor to any potential health impacts. Thus, the Final EIR's conclusions that the project would result in a less than significant impact with respect to increased risks to human health are still applicable.

The Final EIR's analysis complied with the guidance and standards of the California Office of Environmental Health Hazard Assessment (i.e., the *Air Toxics Hot Spots Program Guidance*), as well as the methodologies prescribed by the SCAQMD's *Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots" Information and Assessment Act*. Very conservative health risk methodologies were used in the risk assessment in order to estimate maximum potential health risks. For instance, the analysis assumed residents would have a continuous exposure of 24 hours per day, 350 days per year for a 70-year lifetime. Because most people do not remain at home all day and average residents change homes every 11 to 12 years, this assumption is highly conservative. These conservative methodologies overestimate both non-carcinogenic and carcinogenic health risk, possibly by an order of magnitude or more. Therefore, for carcinogenic risks, the actual probabilities of cancer formation in the populations of concern due to exposure to carcinogenic pollutants are likely to be lower than the risks derived using the risk assessment methodology.

The maximum unmitigated incremental cancer risks from operations would be 8.6 (residential adult receptor), 4.2 (residential child receptor), 2.8 (off-site worker), and 0.6 (school children receptor) cancers per million, which are below the SCAQMD significance threshold of 10 in one million. Notably, Mitigation Measures AQ-1 through AQ-18 would further reduce the cancer risks. The maximum mitigated incremental cancer risks from operations would be 7.4 (residential adult receptor), 3.6 (residential child receptor), 2.5 (off-site worker), and 0.5 (school children receptor) cancers per million.

Biological Resources

The project proposes to develop the largely vacant site, including the removal of existing vegetation and several trees. However, as discussed in the Final EIR, the proposed project was

found not to significantly impact biological resources. As outlined in the Addendum, the proposed minor revisions to the project would not require any revision of the analysis in the Final EIR.

The project site is currently vacant and is comprised of non-native grasslands. However, it was previously developed, so the site is considered highly disturbed. Although the non-native grassland does provide some biological value, the existing non-native vegetation is not considered to be of noteworthy habitat value, is not considered to have the potential to support special status species, and does not have high conservation value requiring mitigation. Consistent with this determination, there were no special status species detected on-site or adjacent to the project site during site investigations. Also, the project site would not provide a critical linkage to areas of native habitat. The surrounding area is highly developed, with the only open space being located at the Santa Fe Dam Recreation Area.

The Final EIR's conclusions regarding the absence of a significant impact on biological resources were based upon, among other things, (1) research of past records of the project site and (2) multiple habitat assessments/biological surveys. Together, this evidence supports the Final EIR's conclusions with respect to the project's potential to impact biological resources. For instance, although the habitat assessment/biological survey was conducted in 2009, there is also substantial record evidence that the project site is not a potential burrowing/nesting habitat for burrowing owls. Consistent with well-accepted practice, the potential for sensitive species to occur on the project site was assessed based on the existing biological conditions, as well as historical and currently available species data. Also, the project site's characteristics have not changed since 2009, as it remains comprised of non-native grasses, and there is existing development in the form of multiple large power line structures, which are accessible by Southern California Edison. There was no evidence presented during the comment/public review period for the Final EIR that suggests the conclusions in the Final EIR (including the observations from the biological survey) are unsupported. The determinations of the Final EIR are also based not solely on the surveys, but on a compilation of information obtained from additional resources, site observations, and existing site characteristics, which show that the project would not significantly impact biological resources. In addition to the research discussed above, a qualified biologist reviewed the site's conditions in 2009 and 2010, and several times each year from 2012 to 2016, to confirm that site conditions had not changed substantially.

The originally proposed project would have left the majority of the project site undisturbed, and the minor revisions to the site plan would not change or modify the disturbance area. As discussed in the Addendum, the minor revisions would increase the square footage of the building and include other design and site orientation changes. However, these changes do not significantly modify the overall development area of the project site, which would be entirely disturbed (as was the case with the original project). Because the minor revisions would not change the ultimate site disturbance characteristics of the project, and because the site was determined not to have any habitat or sensitive species, the conclusions in the Final EIR apply to the revised project. The Addendum's analysis further supports this conclusion. Also, MM BIO-1, which requires a pre-construction survey for nesting birds, would apply to the revised project. Thus, any potential impacts to nesting birds that could be on the project site would be reduced to a less than significant level.

Cultural Resources

The Final EIR concluded that, while it was not expected that historical, archaeological, paleontological resources, or human remains are likely to occur on-site, it is possible that such resources could be encountered during the construction, grading, and excavation associated with the proposed project. As such, the Final EIR included mitigation measures (MM CR-1, MM CR-2, MM CR-3, and MM CR-4) that would ensure any discovery of such materials would be adequately mitigated to ensure impacts are less than significant.

The Final EIR's analysis was based largely on a Phase I Cultural Resources Study performed in 2009. That study concluded that the project site, though highly disturbed, had the potential for cultural resources. The study's conclusions were also supported by analysis in the Final EIR, which discussed the history of the project site and the results of a cultural resources records search. This evidence constitutes substantial evidence supporting the conclusions of the Final EIR because, although the study and research were conducted in 2009, subsequent site investigations confirmed that the project site had not changed. Moreover, the nature of cultural resources is such that their presence or nonexistence is not likely to change over a limited amount of time. Here, there was no evidence demonstrating or suggesting that the conclusions of the study and research were no longer adequate or appropriate.

The project revisions would not result in a new significant impact to cultural resources. The revisions are minor, and would not significantly change the ultimate scope of construction, grading, excavation, or any other activities that could encounter cultural resources. Regardless, even if such resources were encountered, the mitigation measures included in the Final EIR, which are still applicable to the revised project, would ensure that any impacts associated with such encounters would be less than significant.

Environmental Justice

The Final EIR's conclusions about the potential environmental justice impacts of the proposed project also apply to the revised project. The revised project is, like the originally proposed project, a state-of-the-art recycling center located in an area that supports a wide range of long-established industrial land uses and activities, many of which are located in even closer proximity to residential areas, and some of which operate adjacent to residential uses. Further, the proposed project will not cause any new waste to be generated in the region, and the proposed facility will serve local and regional communities in pursuit of attainment of the state's 75% waste reduction goal.

The Final EIR's analysis of potential environmental justice impacts was wholly consistent with the guidelines of the California Environmental Protection Agency's California Communities Environmental Health Screening Tool Report. With or without the proposed project, the same amount of waste material will be generated and will need to be transported and processed within the Los Angeles Basin (including the San Gabriel Valley), and the effects of those waste management operations will simply occur at another location within the region in the absence of the project. Finally, the proposed site was selected in part for its location along

designated truck routes, for its efficient freeway access for trips into and out of the facility, and for its ability to avoid or minimize routing traffic through more sensitive residential routes.

Geology and Soils

The project site is within a geologically active region, which necessitates site-specific investigation and consideration of foundation and other structural requirements. To ensure that the impacts associated with the project's location in an active seismic area are minimized, Project Design Feature ("PDF") GEO-1 in the Final EIR requires the project applicant to prepare a site-specific Geotechnical Report to the satisfaction of the City. This report, which is also required for the revised project, will provide design specifications to ensure that the proposed project is developed consistent with federal, state, and local requirements. For instance, the revised project would be designed and constructed in accordance with the California Building Code and the City of Irwindale Building Standards and Codes.

The revised project will, like the original project analyzed in the Final EIR, require grading as well as possible excavation and filling. As such, the erosion of stockpiled soil and/or exposed soil surfaces could result. However, the project is required to prepare a Storm Water Pollution Prevention Plan to comply with NPDES permit requirements, which mandate the implementation of best management practices to ensure that construction would not result in excessive erosion or runoff. These measures may include limiting construction access routes and stabilizing access points, staking/marketing construction limits, protecting cut and fill surfaces from sheet, rill, and gully erosion, and stabilizing temporarily denuded areas with seeding, mulching, jute netting, hay bales, and silt fences. With implementation of these measures, the revised project would not result in a significant geologic or soils impact, including at a project-specific and cumulative level.

Hazards and Hazardous Materials

The Final EIR thoroughly evaluated the potential of the project to result in hazards or hazardous material impacts. As noted in the Final EIR, a Phase I and II Environmental Site Assessment Report was prepared to identify potential hazardous conditions on the project site.

The Final EIR recognized that the proposed project may include the use of equipment or activities that could create a potential for safety hazards. The project may include the use of bulldozers and scrapers, a compactor, and/or grappler, and the facility may process ignitable, radioactive, or other hazardous materials. However, while the project may utilize equipment or handle waste that could be considered hazardous, the project applicant has established, as part of the project, several safety management plans that are mandatory conditions of the project. Moreover, the handling of hazardous waste at facilities like the project is closely and highly regulated, as discussed in detail in the Final EIR.

The proposed project's potential hazardous materials impacts will be reduced to a less than significant level through compliance with applicable standards. In addition, the incorporation of several PDFs, all of which adopted are conditions of approval, will further reduce such impacts. PDF HAZ-1, for instance, requires the project applicant to form a Safety

Committee that will (1) review the project's on-site management plans and (2) review the project's operations to ensure the MRF/TS facility is in compliance with the permitted capacity for waste streams. PDF HAZ-2 requires the applicant to obtain approval of the management plans by the City. With the implementation of these measures, as well as compliance with applicable regulations, the Final EIR concluded that the proposed project would not have a significant impact with respect to hazards or hazardous materials.

This conclusion considered the potential for release of hazardous emissions or materials near sensitive receptors (i.e., Margaret Heath Elementary School). The proposed project site layout, building orientation, and ingress and egress locations were specifically modified to direct both construction and operational traffic away from the intersection of Live Oak Avenue and Baldwin Park Boulevard. This was done to ensure that traffic from the proposed project is routed away from this intersection to minimize effects on residences south of the Live Oak Avenue industrial corridor in the City of Baldwin Park and on the Margaret Heath Elementary School. The trucks entering and exiting the facility would be more than one-quarter mile away from the Margaret Heath Elementary School.

Because the minor revisions to the project proposed by the applicant would not make changes that would augment operations of the project, the conclusions of the Final EIR remain valid. There would be no new significant environmental impact generated by the proposed revisions.

The on-site management plans required by PDF HAZ-2 have already been substantially drafted (see Final EIR Appendix B), but do require approval by the City. The plans, as outlined, include specific standards to ensure that the site will not have hazardous impacts, including requiring training for MRF/TS facility leadership, load checking/review, and ensuring disposal of hazardous waste in compliance with applicable standards. These measures are consistent with CEQA. *Berkeley Hillside Preservation v. City of Berkeley* (2015) 241 Cal.App.4th 943, 961 [a traffic management plan required as a condition of approval is appropriate]. Moreover, these measures complement the requirements imposed by state and local agencies for management of hazardous materials, which will, alone, reduce project impacts to a less than significant level. There is no evidence in this instance of any remaining hazards potential. Thus, there are no impacts to be reduced or avoided by the PDFs.

Per the MRF Hazardous Materials Program, any hazardous materials found on-site, whether brought by a self-hauler or otherwise, must be removed using the appropriate protective equipment and relocated to the Hazardous Waste Storage Cabinet. The Storage Cabinet must be emptied at least every 90 days (or whenever it is full). The storage of hazardous materials on-site would not result in a significant impact because, as discussed in the Final EIR, state and local law strictly regulate the storage and handling of such materials to ensure that there would be no significant impacts.

Land Use and Planning

The Final EIR includes a detailed analysis of the project's potential land use impacts on (1) applicable plans and policies and (2) non-applicable plans and policies, including those within the City of Baldwin Park's General Plan.

With respect to the adjacent City of Baldwin Park, the Final EIR analyzed the project's consistency with the Baldwin Park 2020 General Plan, although that plan is not "applicable" to the project. The Final EIR concluded that, because the project is adjacent to the Baldwin Park North Industrial Focus Area, which is characterized by a variety of older manufacturing and heavy commercial land uses with interspersed non-conforming residential uses, the project would not conflict with the 2020 General Plan. The Final EIR's general analysis of consistency with applicable plans complies with CEQA, which mandates that an EIR discuss potential inconsistencies between a proposed project and *governing* plans. *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 918-919 [EIR must identify and discuss any inconsistencies between a proposed project and the governing general plan]. Here, although the Baldwin Park 2020 General Plan does not govern the project, the EIR nevertheless included a general discussion showing the project's consistency with the land uses proposed by that plan. As discussed in the Final EIR, the project would be consistent with the surrounding land uses, would be buffered from residential uses in Baldwin Park by industrial uses in that city, and represents an improvement over current conditions. Finally, the site layout, building orientation, and other characteristics of the project were designed to ensure that project operations (e.g., traffic) would not impact Baldwin Park residences or impede the attainment or implementation of the 2020 General Plan. The proposed revisions would not change the project substantially or result in a new significant environmental impact.

Regarding the City's General Plan, the Final EIR concluded that the proposed project would be consistent with applicable policies and standards. Table 3.9-3 of the Final EIR, for instance, identifies specific policies or programs of the General Plan and discusses the project's consistency with those measures. Additionally, the project's proposed General Plan designation of Commercial/Industrial would be appropriate because that designation "***supports either industrial development ... or commercial...***" General Plan at 40 (emphasis added). Table 2-7 of the General Plan, *Land Use Designation and Development Standards*, likewise notes that light industry, heavy industry, distribution, or commercial uses are typical land uses that are permitted within the Commercial/Industrial designation. Thus, the proposed designation clearly contemplates not only industrial development, but heavy industrial and distribution uses.

The revisions to the proposed project, which consist of minor revisions to site characteristics, would not impact operations of the project, and would not result in a new significant impact. Therefore, the analysis and conclusions set forth in the Final EIR remain appropriate.

Noise

The Final EIR analyzed whether the proposed project would have a significant noise impact, both during its construction and operation. The Final EIR concluded that the project

would result in short-term significant and unavoidable construction noise impacts, even with mitigation, as well as long-term operational noise impacts from operations (i.e., truck trips). The minor revisions to the proposed project would not change the operational characteristics of the proposed project (e.g., throughput, truck trips, number of employees), and thus the analysis and conclusions of the Final EIR remain appropriate. With respect to construction, the minor revisions to the project would result in similar minor revisions to construction (e.g., new square footage, movement of certain facilities, and additional grading), although not a substantial change in construction (e.g., would not substantially extend construction time period, would not require the use of additional construction equipment not previously analyzed). The revised project would require additional grading trucks, but those trucks would be utilized only during the short grading phase (30 days), only during the hours of 7:00 AM – 7:00 PM, and would represent only a minor contributor to traffic noise. Thus, the minor revisions to the project would not substantially increase the severity of an identified significant impact, or result in a new significant impact.

The Final EIR's noise analysis was based, in part, on a noise assessment that was performed at an existing MRF/TS facility in the City of Industry. That study modeled noise generated by a MRF/TS facility that handles 8,500 tons of throughput per day, which far exceeds that of the proposed project. That study, although conducted in 2003, still accurately represents the anticipated noise from a facility similar to the proposed project. Moreover, as discussed above, that study represents a conservative (worst-case) scenario, because it identified noise from a project with a substantially greater throughput than the proposed project. Also, the assumptions in that study do not reflect recent improvements in noise insulation and other improvements that could reduce noise beyond the estimates contained in the study. The noise levels at the City of Industry facility were also taken on March 31, 2009, and identified an L90 (continuous noise from the facility) of 50 dBA. The Final EIR relied upon these studies and calculations, as well as existing conditions, to determine that the operation of the proposed project (excluding traffic generated by the project) would not exceed applicable standards.

The Final EIR also evaluated the potential of construction noise to result in significant impacts, concluding that construction noise would result in a short-term significant and unavoidable impact. To assess this impact, the Final EIR considered all aspects of construction noise impacts, including the potential contribution of haul trips. As noted in the Final EIR, however, construction trucks would have a minimal effect on existing traffic noise levels because they would represent a very small percentage of overall existing traffic. For instance, the Final EIR concluded that there would be 1,875 haul trips during the grading phase of construction (which would last approximately 30 days). The revised project would increase this number of haul trips during the 30-day grading period to 4,050 trips. Thus, there would be approximately 73 additional haul trips per day over the 30-day grading period, which would be spread throughout the 12-hour construction day. The Final EIR acknowledged that haul trips would raise ambient noise levels along haul routes (dump trucks would generate 88 dBA at 50 feet). However, these trucks would travel on highly used roads only infrequently and during only a short period of the project's overall construction schedule. For instance, the haul trips are a fraction of the project's operational truck trips (3,897 daily trips), which would result in a significant impact at only one location.

The Final EIR determined that the project would have a cumulatively considerable noise impact, based upon the analysis contained in the Final EIR. For instance, the Final EIR concluded that the project would have a significant operational impact from truck trips, including at both existing (2013) and future (2016 and 2035) years. See *Table 3.10-10, Peak-Hour Traffic Noise Levels in the Vicinity Existing (2013) Versus Future (2016 and 2035)*. These calculations inherently included traffic increases from cumulative projects, supporting the Final EIR's conclusions about cumulative impacts of the proposed project. The Final EIR concluded that construction noise from the project would not result in a cumulative impact. There are no cumulative projects within the vicinity of the project that could contribute to a significant cumulative impact. For instance, the nearest cumulative project in the City of Irwindale – the approved KARE Youth League/Santa Fe Dam Sports Park – is located a substantial distance (more than 3,000 feet) from the project site. Because the proposed project's construction impacts would be limited to noises emanating from the project site, the project's construction noise would not combine with other construction projects to result in a cumulative impact.

Public Services and Utilities

The Final EIR analyzed the project's potential to result in impacts to public services and utilities, including water supply, electricity, and solid waste. As discussed in the Final EIR, all impacts were determined to be less than significant. With respect to water supply, for instance, the project would result in a water demand of 945,871 cubic feet (21.7 acre feet) of water per year. Final EIR Table 3.11-2. The project's water would be supplied by the Valley County Water District, which, as discussed in the Final EIR, has sufficient surpluses of water (including during multiple dry years) to accommodate the project's future demand. For instance, based upon the Valley County Water District's 2010 Urban Water Management Plan ("UWMP"), it would have a surplus of approximately 782 acre feet of water during Year 3 of a Multi-Dry Year. This surplus far exceeds the 21.7 acre feet per year demanded by the proposed project. Thus, the project's water demand impacts were considered less than significant.

The Final EIR relied upon the 2010 UWMP, as that was the plan in existence at the time of the Notice of Preparation ("NOP"). The 2010 UWMP represents the Valley County Water District's best understanding of the state of water management at the time of its adoption (June 2011). Thus, the Final EIR properly relied upon that plan. Nevertheless, the Valley County Water District's 2015 UWMP, like the 2010 UWMP, concluded that the district continues to have a stable and reliable water supply.

Because the minor revisions to the proposed project would not result in a substantial increase in public service or utility use, the Addendum concluded that supplemental subsequent analysis was not required. The minor revisions will not change the operational characteristics of the project, which are the primary factors for determining public services and utility usage. Therefore, the revisions would not result in a new significant impact or increase the severity of an identified significant impact.

Traffic Generation and Circulation

The Final EIR analyzed the potential for the project to generate traffic, whether truck or otherwise, that could result in a significant impact. After a thorough analysis, the Final EIR concluded that, because the project would contribute to cumulative existing or projected deficiencies on (1) the I-210 freeway mainline segments eastbound and westbound of the Irwindale Avenue on- and off-ramps, (2) the I-605 northbound off-ramp at Live Oak Avenue, and (3) the I-210 westbound off-ramp at Irwindale Avenue, the project's traffic impact was significant. Moreover, because the improvements necessary to mitigate such impacts are not within the jurisdiction of the City (Caltrans has jurisdiction), the mitigation measures would not reduce the significant and unavoidable impact. It should be noted, however, that the City and Caltrans are closely coordinated and working cooperatively to complete the necessary improvements identified in MM-1 and MM-2.

To evaluate potential traffic impacts at intersections, the Final EIR utilized the 2000 Highway Capacity Manual ("HCM 2000") as the technical guide for evaluation of traffic operations. The HCM 2000 was used and deemed appropriate by Caltrans because the 2010 Highway Capacity Manual had not been fully implemented at the time. The HCM 2000 defines level of service ("LOS") as a qualitative measure which describes operational conditions within a traffic stream, generally in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. The criteria used to evaluate LOS conditions vary based on the type of roadway and whether the traffic flow is considered interrupted or uninterrupted. The LOS is typically dependent on the quality of traffic flow at the intersections along a roadway. The HCM 2000 methodology expresses the LOS at an intersection in terms of delay time for the various intersection approaches and uses different procedures depending on the type of intersection control. For signalized intersections, for example, average total delay per vehicle for the overall intersection is used to determine LOS.

The methodology used in the Final EIR represented a conservative estimate of existing conditions (2013) for the AM and PM Peak Hours. The Final EIR used trip counts obtained in 2011 combined with a growth factor formulated by the traffic engineer to provide a conservative estimate of 2013 existing conditions. The conservative nature of the analysis with respect to the PM Peak Hour is evidenced by the Final EIR using trip counts for key intersections in 2013, and determining that there was an approximately 4.0% overall (among studied intersections) decrease from 2011 to 2013 in traffic counts for the PM Peak Hour. With respect to the AM Peak Hour, the study intersections showed a roughly 1.80% increase from 2011 to 2013 overall. Thus, to account for this increase, the Final EIR applied an AM Peak Hour adjustment factor of 1.018. This analysis is considered both conservative and consistent with the City's Policy Guidelines for Traffic Impact Reports.

Also, the Final EIR and Traffic Impact Assessment included updated peak hour count data (using the same methodology) to assess conditions in 2016. The updates confirmed the Final EIR's conclusions, as well as the applicability and appropriateness of mitigation measures, when accounting for additional cumulative projects.

To accurately analyze long-range (2035) traffic impacts, the Final EIR utilized a “generalized growth factor” (1.106) from the 2010 Congestion Management Program for the County of Los Angeles (“2010 CMP”), as contained in Appendix D, Exhibit D-1, General Traffic Volume Growth Factors. The 2010 CMP is recognized as an appropriate source for traffic impact methodology, including with respect to anticipated growth. The generalized growth factors identified in the 2010 CMP, as explained in that document, are based upon regional modeling efforts, and estimate the general effect of cumulative development and other socioeconomic changes on traffic throughout the region. Moreover, the Final EIR applied the growth factor *in addition to* the cumulative project/other development data to develop the Long Range 2035 baseline peak hour data (cumulative projects + background growth were also used to derive the 2016 interim year (without project) traffic). See Final EIR Section 3.12.6. The Final EIR’s analysis was reasonable and appropriate under CEQA, and based upon substantial evidence. The Traffic Study Report for I-605/Live Oak Avenue/Arrow Highway Interchanges (December 14, 2012), as cited by the Final EIR, provides further evidence that the use of the 2010 CMP growth factor was reasonable to assess potential traffic impacts in 2035.

The Final EIR’s analysis, by converting truck trips to passenger cars using passenger car equivalents (PCE), considered the potential for safety issues due to truck and car mixing. PCE values have been used in the traffic impact analysis to convert flows of mixed traffic into equivalent flows of passenger cars. Through the use of such conversions, the Final EIR’s analysis captures the potential for trucks to impact traffic and cause possible safety issues (because, as traffic increases, the potential for safety issues also increases). Thus, the impact of trucks on existing traffic flows was properly analyzed in the Final EIR, and that analysis implicitly included an analysis of the potential for truck/car conflicts. It should also be noted that the Final EIR (and Addendum) includes mitigation measures to ensure that potential conflicts from turning movements in the vicinity of the project’s driveways would be adequately mitigated. Moreover, the project site is located in a highly industrial and developed area that is accustomed to truck traffic (i.e., traffic from the Waste Management San Gabriel/Pomona Valley facility). The paths of travel for future trucks would be primarily on high-capacity roads such as Live Oak Avenue and Arrow Highway, both of which are four-lane roads. These factors, along with the measures included in the Final EIR, and project design would further ensure all car/truck conflicts would be minimized appropriately.

The Final EIR’s analysis was also based upon substantiated assumptions about the number of trucks that would enter the site, based upon average trip generation and throughput capacity. As shown on the site plan, the revised project has numerous locations of ingress and egress, and separates transfer trucks from self-haul vehicles. This separation, along with the queuing and parking spaces and distinct paths of travel, ensures that internal circulation will function efficiently and that traffic safety issues will not result.

The Final EIR includes all feasible mitigation measures to minimize the project’s significant traffic impacts. However, with respect to necessary improvements that are within the jurisdiction of Caltrans, the Final EIR mandates that the developer either construct or fund its fair share of the improvements. See Final EIR MM T-1 and MM T-2. Because these improvements are within the jurisdiction of Caltrans, and thus the City of Irwindale cannot mandate they be

constructed, the Final EIR concludes that the impacts would remain significant and unavoidable. This analysis complies with CEQA.

The revised project's minor changes in site design do not impact traffic, as throughput and truck trips would remain the same. Thus, no new significant impacts or an increase in the severity of an identified significant impact would result.

Water Quality and Hydrology

The Final EIR included a comprehensive analysis of potential water quality and hydrology impacts, including the potential for the project to adversely impact water supplies. As outlined above in the *Public Services and Utilities* discussion, the Final EIR relied on the Valley County Water District's 2010 Urban Water Management Plan, which was the applicable UWMP in existence at the time of the NOP and EIR preparation. That UWMP concluded that the Valley County Water District would have a surplus of approximately 782 acre feet of water during Year 3 of a Multi-Dry Year. This surplus far exceeds the 21.7 acre feet per year demanded by the proposed project. Thus, the project's water demand impacts were considered less than significant.

The 2015 UWMP, like the 2010 UWMP, concluded that the district has a stable and reliable water supply. Moreover, that updated plan identifies numerous measures that have been implemented within the past five years to reduce water usage and ensure water is utilized efficiently. For example, prior to the adoption of two water reduction measures by the Valley County Water District (Resolution No. 07-15-765 and Ordinance No. 05.15-127), the water use rate averaged about 159 gallons per day per capita. After the adoption of the reduction measures, the water use rate decreased approximately 44 gallons per day to 115 gallons per day per capita (for FY 2014–2015). The reduction in average water usage is reflective of the fact that recently implemented measures (both local and statewide) designed to conserve water have been extremely effective. Also, per the 2015 UWMP, during a multiple dry year sequence (i.e., FY 2011–2012 to FY 2013–2014, where total amount of rainfall was below historical averages), groundwater production has remained stable and did not compromise the ability of the Valley County Water District to provide a reliable source of water to its customers. As such, the 2015 UWMP concluded that, based on current management practices, the Valley County Water District has an adequate supply over the next 20 years under single- and multiple-year drought conditions. *2015 UWMP, Section 7.2.*

As discussed in the Addendum, the minor revisions to the proposed project would not result in new significant impacts to hydrology and water quality. The operational characteristics of the project (i.e., maximum throughput, truck trips, and employees) would remain the same as for the originally proposed project. The minor revisions to the site plan would also not result in a new significant impact because (1) the project site would not be subject to a greater overall development (i.e., disturbance) and (2) mandatory compliance with applicable regulations, such as NPDES permitting and stormwater and water management plan preparation, would ensure potential impacts remain less than significant. Also, with respect to water supply, the minor site changes, including additional square footage, would not substantially increase water demand because the operational characteristics would not change.