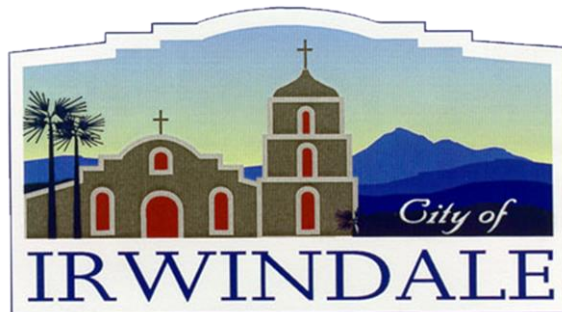


2020 Final Environmental Impact Report
Irwindale Materials Recovery Facility
and
Transfer Station Project
SCH No. 2013051029



2020 Final Environmental Impact Report

Irwindale Materials Recovery Facility and Transfer Station

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Acronyms and Abbreviations Used in the 2020 RDEIR and this 2020 Final EIR

AAQS	Ambient Air Quality Standards
AQMP	Air Quality Management Plan
APN	Assessor's Parcel Number
AQMD	Air Quality Management District
BAAQMD	Bay Area Air Quality Management District
BMPs	Best Management Practices
CAAQS	California Ambient Air Quality Standards
CAFÉ	Corporate Average Fuel Economy
CAPCOA	California Air Pollution Control Officers Association
CAP	Climate Action Plan
CARB	California Air Resources Board
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CNG	Compressed Natural Gas
CO	carbon monoxide
CO₂	carbon dioxide
COI	City of Industry
CUP	Conditional Use Permit
DEIR	Draft Environmental Impact Report
DDA	Disposition and Development Agreement
EIR	Environmental Impact Report
EISA	Energy Independence and Security Act of 2007
EPA	Environmental Protection Agency
FEIR	Final Draft Environmental Impact Report
ft²	Square-feet
GPA	General Plan Amendment
GHG	Greenhouse Gas Emissions
GWh	gigawatt hours
HRA	Health Risk Assessment
IEPR	Integrated Energy Policy Report
LCFS	Low Carbon Fuel Standard
µg/m³	microgram per cubic meter
MCF	Million Cubic Feet
Mpg	miles per gallon
MMRP	Mitigation Monitoring and Reporting Program
MRF/TS	Materials Recovery Facility and Transfer Station
MTCO^{2e}	metric ton of CO ₂ -equivalent per year
MW	megawatts
NAAQS	National Ambient Air Quality Standards
NHTSA	National Highway Traffic Safety Administration

NO₂	Nitrogen Dioxide
NO_x	Nitrogen Oxides
NOC	Notice of Completion
NOD	Notice of Determination
NOP	Notice of Preparation
O₃	Ozone
PIIRA	Petroleum Industry Information Reporting Act
PM_{2.5}	Particulate Matter 2.5 microns in diameter or less
PM₁₀	Particulate Matter 10 microns in diameter or less
Ppm	parts per million
PRC	Public Resources Code
PV	Photovoltaic
RDEIR	Recirculated Draft Environmental Impact Report
RFS	Renewable Fuel Standard
ROG	Reactive Organic Gases
RPS	Renewable Portfolio Standard
SCAB	South Coast Air Basin
SCAQMD	South Coast Air Quality Management District
SCE	Southern California Edison
SJVAPCD	San Joaquin Valley Air Pollution Control District
SMAQMD	Sacramento Metropolitan Air Quality Management District
SoCalGas	Southern California Gas Company
SO₂	Sulfur Dioxide
SUVs	Sport Utility Vehicles
TACs	Toxic Air Contaminants
Tpd	tons per day
TS	Transfer Station
U.S.	United States
USEPA	United States Environmental Protection Agency
VMT	vehicle miles traveled
VOCs	Volatile Organic Compounds

Chapter 1.0 Executive Summary

1.1 Introduction

This 2020 Final Environmental Impact Report (“2020 Final EIR”; State Clearinghouse No. 2013051029) is an informational document that supplements information that was previously presented in a 2016 Final EIR certified by the City of Irwindale on June 8, 2016 for the proposed Irwindale Materials Recovery Facility and Transfer Station (“MRF/TS” or “Proposed Project” or “Project”). As explained in more detail below, in response to a Los Angeles Superior Court’s Writ of Mandate, in December 2019 the City decertified the 2016 Final EIR, and vacated all other project-related approvals and entitlements, including the City’s adoption of Addendum No. 1 to the Final EIR. However, the decertified 2016 Final EIR and Addendum No. 1 thereto remain a part of the City’s administrative record for the Proposed Project. The entirety of the administrative record, with the exception of those portions of the prior CEQA documents invalidated by the Court, provides the evidence and support upon which the City may rely in considering the 2020 RDEIR, certification of this 2020 Final EIR (which will incorporate portions of the 2016 Final EIR and 2017 Addendum to the 2016 Final EIR), and its decision whether to re-approve the Proposed Project.

After completion of the *Irwindale Materials Recovery Facility and Transfer Station Project* 2020 Recirculated Draft EIR (RDEIR), the City of Irwindale filed a Notice of Completion (NOC)/Notice of Availability (NOA) with the Governor’s Office of Planning and Research, State Clearinghouse (SCH) on June 17, 2020 indicating that the 2020 RDEIR was complete and available for review (State CEQA Guidelines §15085-15086 and §15105(a)).

The 2020 RDEIR was made available for public review and comment for a period of 45-days ending on August 5, 2020. A copy of the SCH stamped NOA/NOC is on file with the City Planning Department.

Pursuant to State CEQA Guideline §15087, the City filed the NOA/NOC with the Los Angeles County Clerk on June 17, 2020. A copy of the County Clerk stamped NOA/NOC is on file with the City Planning Department.

The City of Irwindale mailed a copy of the NOA/NOC for the 2020 RDEIR to surrounding cities and property owners within a 500-foot radius of the project site. The EIR Notification List is also on file with the City Planning Department.

The 2020 RDEIR was also made available on the City’s website at: <http://www.ci.irwindale.ca.us/>. In addition, both hardcopies and CD copies of the 2020 RDEIR were made available for review at the City of Irwindale City Hall, City Clerk’s office and the Irwindale Public Library located at 5050 North Irwindale Avenue, Irwindale, California 91706.

The City received six comment letters. All six letters have been responded to within this 2020 Final EIR. Comments within each letter numbered on the right column of each comment letter as shown in Appendix 1 of this 2020 Final EIR. **Table 1** below lists each comment letter received.

Table 1-1 List of Comment Letters

Agency / Individual
California Department of Transportation
California Environmental Protection Agency, Department of Resources Recycling and Recovery
County of Los Angeles Department of Public Health, Solid Waste Management Program
City of Azusa
City of Baldwin Park (Brownstein Hyatt Farber Schreck)
Waste Management Collection and Recycling (Remy Moose Manly LLP)

Written responses to comments are provided in Chapter 7. As necessary, and in response to comments received, revisions to the text in the body of 2020 RDEIR are incorporated into the revised Chapters 2 through 6, with text changes shown in Chapter 8.

The City of Irwindale Planning Commission will hold a public hearing to consider its recommendation regarding adoption of the *Irwindale Materials Recovery Facility and Transfer Station Project* 2020 Final EIR and project approval on December 16, 2020. The City of Irwindale City Council will subsequently hold a public hearing to consider adoption of the 2020 Final EIR and make its decision regarding project approval. Individual responses to agency comments will be sent to each of the commenting agencies 10 days prior to the City Council public hearing for consideration of certification of the Final EIR.

1.1 Project Description

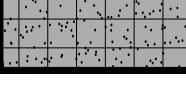
A detailed Project Description is presented in Chapter 2 of this 2020 Recirculated DEIR, including the Statement of Objectives and list of discretionary approvals. The MRF/TS involves the development of a materials recovery facility and transfer station, and a convenience store/public gas station. The Proposed Project site is addressed as 2200 Arrow Highway, Irwindale, CA 91706, and is located at the northwestern intersection of Live Oak Avenue and Arrow Highway, within the City of Irwindale, in eastern Los Angeles County, California. The Proposed Project site is 17.22 acres and is currently zoned for Heavy Manufacturing and is designated for commercial land use in the City's General Plan. The Assessor's Parcel Number for the property is 8535-001-911.

The MRF/TS includes the construction of a municipal solid waste processing facility designed to sort and recover recyclable and compostable materials, and bundle those for transport to respective

destinations. The remaining residual wastes are transported to a regional landfill for disposal. The MRF/TS also includes a convenience store/public gas station. The convenience store / public gas station will have eight vehicle fueling positions (gasoline and diesel). No CNG fueling facilities are proposed within the project site. Athens waste collection and transfer trucks would not fuel at the public gas station (see Chapter 3: Fueling Operations herein).

The MRF/TS facility would be designed to receive, process and transfer 6,000 tons per day (tpd), based upon estimated averages of 3,000 tpd of municipal solid waste, 1,000 tpd of green waste, 1,000 tpd of construction & demolition materials, and 1,000 tpd of self-haul waste. The MRF/TS is proposed to be open for waste receipt 24 hours per day, seven days per week with the majority of waste receipt typically occurring between the hours of 6:00 AM to 8:00 PM from Monday through Friday, 6:00 AM to 4:00 PM on Saturday, and from 8:00 AM to 4:00 PM on Sunday. The Proposed Project would add approximately 345 employees to the local and regional workforce. **Figure 1-1** shows the current Site Plan and **Figure 1-2** shows a rendition of the Proposed Project.

LEGEND

	OFFICE (2-STORY)		C&D
	MRF/TRANSFER		SELF HAUL - C&D
	MATERIAL STAGING		EMPLOYEE AREA (2-STORY)
	MAINTENANCE (FIRST FLOOR)		CONVENIENCE STORE
	MAINTENANCE (MEZZANINE)		SCALE HOUSE
	DECORATIVE CONCRETE PAVEMENT		EXISTING EASEMENT
	CONCRETE PAVEMENT		LANDSCAPING
	ASPHALT PAVING		PROPERTY LINE
	PAVING		

PROJECT TEAM

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PROJECT DESCRIPTION

PROPOSED MATERIALS RECOVERY AND
TRANSFER STATION WITH FUELING
FACILITY AND MAINTENANCE BUILDING

SITE ADDRESS

LIVE OAK AVENUE
IRWINDALE, CA 91706

BUILDING SUMMARY

C&D	41,500 S.F.
SELF HAUL - C&D	52,000 S.F.
EMPLOYEE AREA (2-STORY)	9,249 S.F.
CONVENIENCE STORE	2,587 S.F.
SCALE HOUSE (4-TOTAL)	200 S.F.
OFFICE (2-STORY)	12,780 S.F.
MRF/TRANSFER	104,732 S.F.
MATERIAL STAGING	25,000 S.F.
MAINTENANCE (2-STORY)	17,180 S.F.
TOTAL AREA	265,228 S.F.

SITE SUMMARY

BUILDING FOOTPRINT:	252,586 S.F.
LANDSCAPE:	110,057 S.F.
HARDSCAPE:	50,681 S.F.
CIRCULATION:	336,702 S.F.
TOTAL AREA (17.22 ACRES)	±750,026 S.F.

NET LAND AREA	
SITE	(13.65) 594,607 S.F.
T/L EASEMENT (SHOWN HATCHED)	(3.57) 155,419 S.F.
TOTAL AREA	(17.22 ACRES) ±750,026 S.F.

ZONING - M-2

PARKING SUMMARY

PARKING REQUIRED

PER EIR, PARKING REQUIREMENTS ARE BASED UPON NUMBER OF
EMPLOYEES, 345 EMPLOYEES DIVIDED BY 3 SHIFTS EQUAL 115 SPACES
REQUIRED, PLUS OFFICE AND CONVENIENCE STORE PARKING OF 32
SPACES FOR A TOTAL OF 147 REQUIRED PARKING SPACES.

PARKING PROVIDED

MRF/TS	237
STANDARD STALLS	10
ADA STALLS	247

CONVENIENCE	
STANDARD STALLS	24
ADA STALLS	2
TOTAL:	26

OTHER	
FLEXIBLE STALLS	34
TRANSFER TRUCK STALLS	19

KEYNOTES

PROPOSED

1. SCREEN WALL
2. LINE OF TUNNEL BELOW
3. RAMP TO TUNNEL
4. DECORATIVE PAVEMENT
5. PAINTED TRAFFIC STRIPING
6. LANDSCAPING
7. PAVEMENT
8. STEEL PUSHWALL
9. 9'X18' H/C ACCESSIBLE PARKING STALL
10. SLIDING GATES
11. EQUIPMENT
12. CONCRETE RETAINING WALL
13. LOADING DOCK
14. ASPHALT
15. 8' HIGH C.M.U. WALL
16. SWING GATES
17. 70' X 10' SCALE
18. TRASH ENCLOSURE
19. WROUGHT IRON FENCE
20. WROUGHT SLIDING GATE
21. RAMP
22. 6" HIGH CURB
23. 0" HIGH CURB

EXISTING

- E1. EXISTING POWER LINE TOWER
- E2. EXISTING CONCRETE PUBLIC SIDEWALK



Figure 1-1 Site Plan

Figure 1-2 Rendering of the Proposed Project



Aerial view west-northwest from above the intersection of Arrow Highway and Live Oak Avenue. Main building is the MRF/TS with the administration office incorporated in front-center, and convenience store at lower right.

1.2 History of the CEQA Process, Land Use Approvals, and Litigation that Led to this 2020 Final EIR

In May 2013, Irwindale circulated a Notice of Preparation ("NOP") of the Draft Environmental Impact Report ("DEIR") for the proposed Irwindale MRF/TS. In April 2014, the DEIR was circulated for public review and comment. In response to comments received, Irwindale elected to prepare a 2014 Recirculated DEIR (2014 RDEIR), which was circulated for comment in August 2014. The 2014 RDEIR included minor revisions to the Project Description, modified analyses of air quality, greenhouse gas emissions, and traffic circulation, eliminated one alternative and added two additional alternatives, and made a minor correction to the Notice of Completion.

Irwindale then prepared a 2016 Final EIR, which included responses to comments and revisions to the 2014 Draft EIR and 2014 RDEIR. In April 2016, the City provided notice that it would consider certification of the 2016 FEIR. On June 8, 2016, the City Council considered and certified the 2016 FEIR, and adopted Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program. The 2016 Final EIR concluded that the Project would result in several significant and unavoidable impacts to the environment, including impacts to air quality, traffic, and noise. In the 2016 Final EIR, Irwindale incorporated the 2014 DEIR and its appendices and the 2014 Recirculated DEIR and its appendices.

On June 8, 2016, the City also approved the Disposition and Development Agreement ("DDA"), agreeing to sell the Project Site to Athens. In late 2016, after the 2016 Final EIR was certified, Athens proposed final plans for the Project Site, including certain changes to the Project considered in the EIR. Thereafter Irwindale prepared Addendum No. 1 to the 2016 Final EIR addressing minor changes in the site plan, which was approved by the Irwindale City Council on October 11, 2017. In October 2017, Irwindale also approved a General Plan Amendment, a Conditional Use Permit, and other land use approvals for the Project.

Subsequently, the certified 2016 Final EIR was the subject of two Petitions for Writ of Mandate, one filed by the City of Baldwin Park and the second by Waste Management Collection and Recycling, Inc. (collectively "plaintiffs") seeking to invalidate the City's decisions. The plaintiffs alleged that the City had violated CEQA on a number of points of fact and process. Upon review, the Court found that, for the most part, the City proceeded in the manner required by law and that its decisions were supported by substantial evidence in the record, with the exception of four elements described in more detail below.

The Superior Court of California in the County of Los Angeles issued its Decision on September 5, 2019¹. The Decision concluded by issuing a writ of mandate in each case which directed

¹ (Superior Court of California, County of Los Angeles, Judge Mary Strobel: *City of Baldwin Park and Waste Management Collection and Recycling, Inc. of San Gabriel / Pomona Valley v. City of Irwindale, et al., Respondents; Arakelian Enterprises, Inc. dba Athens Services, Real Party in Interest*, September 5, 2019; 55 pages)

the City of Irwindale to set aside and vacate the certification of the 2016 Final EIR, approval of the project if it chooses to proceed with the Proposed Project.

Based on the Court's decision, the City was charged with conducting new or further analysis and/or revising four sections of the impact assessment:

- Fueling Operations
- Greenhouse Gas Emissions
- Transportation Energy Impacts
- Project-specific Health Risks from Emissions of ROG, NOx and Ozone

CEQA Guidelines Section 15234(d) provides direction that all other portions of the 2016 Final EIR, as affirmed by the Court, remain valid, and the City's responsibility for subsequent review is restricted only to those portions of the CEQA analysis that are germane to these four sections. The 2020 Recirculated DEIR is limited to the bulleted issues identified above, and pursuant to CEQA Guidelines Section 15088.5, subdivision (c), other contents of the 2014 DEIR, 2014 Recirculated DEIR, and the 2016 Final EIR were not recirculated for public review and comment.

1.3 Environmental Review Process for this 2020 Final EIR

This document constitutes the entire 2020 Final EIR, with responses to comments received on the 2020 Recirculated Draft EIR and its supporting appendices. Other environmental documents associated with the proposed project may be found on the City of Irwindale's website at <https://www.irwindaleca.gov/177/Materials-Recovery-Facility-Transfer> including the 2020 FEIR, 2020 RDEIR, 2016 Final EIR, 2017 Addendum No. 1 2014 RDEIR, and 2014 Draft EIR.

1.4 Notice of Completion

The City filed a Notice of Completion (NOC) for the 2020 RDEIR with the Governor's Office of Planning and Research to begin the 45-day public review period (Public Resources Code, Section 21161). In addition, the City provided a Notice of Availability of the 2020 RDEIR via publication in the San Gabriel Valley Tribune newspaper, via mailings and outreach to interested agencies and other parties, and by posting on the City's website.

1.5 2020 Final EIR and Certification

This 2020 Final EIR includes written responses to comments received on the 2020 RDEIR (Chapter 7). This 2020 Final EIR also includes all of the materials included and incorporated by reference in the 2014 DEIR and 2014 RDEIR, 2016 Final EIR, and 2017 Addendum No. 1 to the 2016 Final EIR. Pursuant to State CEQA Guidelines Section 15088.5(f)(2), this 2020 Final

EIR only includes responses to those comments received during the recirculation period that relate to the chapters and portions of the 2020 RDEIR that were revised and recirculated.

1.6 Certification of the EIR and Project Consideration

The City will review and consider this 2020 Final EIR at a noticed public hearing and if the City finds that this 2020 Final EIR is adequate and complete, the City will certify the 2020 Final EIR in its entirety. Upon review and consideration of this 2020 Final EIR, the City Council may take action to approve, conditionally approve, revise, or reject the Proposed Project. A decision to approve the Project must be accompanied by written findings in accordance with CEQA *Guidelines* Section 15091, and Section 15093, as applicable. A Mitigation Monitoring and Reporting Program, as described below, would also be adopted.

1.7 Mitigation Monitoring and Reporting Program

Throughout the EIR, mitigation measures have been identified and incorporated in a comprehensive Mitigation Monitoring and Reporting Program (“MMRP”). Public Resources Code Section 21081.6(a) requires lead agencies to adopt a MMRP including all measures that have been included in the Final EIR to mitigate or avoid significant adverse impacts on the environment. The MMRP will be presented to the City Council for adoption at the time of project approval. The MMRP is intended to ensure that all adopted environmental mitigation measures are carried out during project implementation.

Public Resources Code, Section 21081.6 (Assembly Bill 3180) requires that mitigation measures identified in environmental review documents prepared in accordance with California Environmental Quality Act (CEQA) are implemented after a project is approved. Therefore, this MMRP has been prepared to ensure compliance with the adopted mitigation measures during the implementation of the project.

1.8 Organization of this 2020 Final EIR

This 2020 Final EIR includes the 2020 Recirculated DEIR, and all comments received on that document, with responses to comments, the original comment letters (Appendix 1), and a supporting technical memorandum addressing air quality modeling limitations (Appendix 2). Per the Court’s directives, the City’s responsibility for revised environmental review was limited to the four sections described above. Accordingly, the 2020 RDEIR was comprised of the following, and is included with minor revisions (noted in Chapter 8) in this 2020 Final EIR:

Chapter 1: Executive Summary provides an overview of the Proposed Project and background to this 2020 Final DEIR. The Executive Summary includes an overview of the Project Description, describes the process that was followed during public review of the 2020 RDEIR and the preparation and consideration of this 2020 Final EIR, and summarizes the conclusions of the four required supplemental analyses.

Chapter 2: Project Description provides details of the proposed MRF/TS waste streams and operations, goals and objectives, and a list of agencies with related project approvals that will rely upon the 2020 Final EIR.

Chapter 3: Fueling Operations presents an assessment of fueling operations for all vehicles using the MRF/TS and distinguishes those fueling operations from the vehicles that would use the convenience store / public gas station located on the project site. The analysis concludes that there are no adverse environmental impacts caused by these fueling operations.

Chapter 4: Greenhouse Gas Emissions presents analysis of the quantitative GHG threshold, identifying a “net zero GHG” quantitative threshold and providing substantial evidence for that threshold. As with transportation energy use, the analysis recognizes that the Irwindale MRF/TS would not generate waste, rather, it would process waste that would be redirected from the Athens’ City of Industry MRF/TS or other MRF/TS facilities in the region. The regional efficiencies obtained with reduced average travel distances for waste collection and haul trucks results in a net reduction in related emissions, including greenhouse gas emissions. Therefore, the analysis concludes that there are no potentially significant GHG impacts, and no mitigation is needed.

Chapter 5: Transportation Energy Impacts presents an assessment of potential energy impacts based upon energy questions in the CEQA Guidelines *Appendix G: Environmental Checklist form, section VI., Energy*, that were added to the CEQA Guidelines in 2019, and analysis of the Proposed Project’s transportation energy use requirements and use of efficient transportation alternatives, per CEQA Guidelines, *Appendix F: Energy Conservation*. The analysis recognizes that the proposed MRF/TS would not generate waste but would instead process waste that would be redirected from the Athens’ City of Industry MRF/TS or other MRF/TS facilities in the region. The regional efficiencies obtained with reduced average travel distances for waste collection and haul trucks results in a net reduction in fuel demand. The analysis concludes that with the regional efficiencies obtained by processing materials at this site rather than at locations at greater distance from collection sources and/or processing and disposal facilities, there are no adverse environmental impacts caused by the transportation energy use required for waste collection and materials hauling operations.

Chapter 6: Project-Specific Health Risks from Emissions of ROG, NOx and Ozone provides assessment of the potential health impacts from significant and unavoidable air pollutant emissions of ROG and NOx, and related ozone. This chapter explains the health assessments that were presented in the 2014 RDEIR and explains why additional modeling to isolate project-specific health effects that may be attributable to local and regional emissions is not feasible or meaningful given the details of the Proposed Project and current state of air quality modeling.

Chapter 7: Comments on the 2020 RDEIR and Responses includes all comments received on the 2020 RDEIR and the City’s responses to those comments.

Chapter 8: Revisions to the 2020 Recirculated Draft EIR identifies errata and text changes included in Chapters 2 through 6 of this Final EIR.

Chapter 9: Report Preparation identifies the authors of this 2020 Final EIR.

Appendices to this 2020 Final EIR:

Appendix 1: Original comment letters with bracketed numbering of the comments as numbered in the responses to comments.

Appendix 2: Technical Memorandum No. 1 – Irwindale MRF/TS Assessment of Health Effects from Regional Air Emissions

Appendices to the 2020 RDEIR:

Appendix 1: Overview of Relevant Criteria Air Pollutants Status / Control in the South Coast Air Basin

Appendix 2: Friant Case: South Coast Air Quality Management District Amicus Brief, April 13, 2015

Appendix 3: Friant Case: San Joaquin Valley Unified Air Pollution Control District Amicus Brief, April 13, 2015

Appendix 4: Superior Court of California, County of Los Angeles, Judge Mary Strobel: City of Baldwin Park and Waste Management Collection and Recycling, Inc. of San Gabriel / Pomona Valley v. City of Irwindale, et al., Respondents; Arakelian Enterprises, Inc. dba Athens Services, Real Party in Interest, September 5, 2019

By incorporation, this 2020 Final EIR therefore consists of:

- The 2014 Draft EIR and appendices, April 2014
- The 2014 Recirculated Draft EIR and appendices, July 2014
- The 2016 Final EIR, including responses to all comments received on the 2014 Draft EIR and 2014 Recirculated Draft EIR
- Addendum No. 1 to the 2016 Final EIR, September 2017
- The 2020 RDEIR and appendices, June 2020
- This 2020 Final EIR and appendices, including responses to all comments received on the and 2020 Recirculated Draft EIR.

1.9 Intended Uses of this 2020 Final EIR

Once complete and certified, the 2020 Final EIR will provide the CEQA compliance documentation upon which the City of Irwindale’s reconsideration of, and action on, all applicable land use permits and other approvals for the proposed project will be based. These

include all approvals listed in the 2016 Final EIR and Resolutions, as well as any additional approvals that may be necessary to implement the proposed project. These include, but may not be limited to:

- *General Plan Amendment*
- *Zoning Ordinance Amendment*
- *Site Plan & Design Review Permit*
- *Conditional Use Permit*
- *Development Agreement*
- *Disposition and Development Agreement, or other disposition document*
- *Franchise and Facility Operations Agreement*

This 2020 Final EIR in its entirety provides the CEQA compliance documentation that will be relied upon by the City of Irwindale, and responsible agencies and trustee agencies in considering and acting upon related project approvals.

Table ES-2 provides a summary of the potential adverse effects of the proposed project, recommended mitigation measures to address those impacts, and conclusions regarding the level of impact after implementation of mitigation measures. As stated in the Table, with implementation of the Mitigation Program identified in this 2020 Final EIR, the potentially significant environmental impacts identified for resource topics throughout this EIR would be less than significant, with the exception of specified air quality, noise, and traffic impacts.

Table 1-2 Potentially Significant Effects and Mitigation Program

Irwindale Materials Recovery Facility and Transfer Station EIR

Potentially Significant Effects	Proposed Mitigation Measures	Level of Impact After Mitigation
3.2 Aesthetics		
No significant or potential significant aesthetic impacts from either construction or operational activities are anticipated with implementation of the Proposed Project.	No mitigation measures relative to this resource topic are proposed or required.	No impact.
3.3 Air Quality / Greenhouse Gas / Odor / Health Risk Assessment		
Air emissions attributable to construction activities are potentially significant, including vehicle emissions, construction equipment, and building coatings. Mitigation measures MM AQ-1 through AQ-11 are recommended to mitigate these potential effects.	MM AQ-1 In order to offset potential impacts that could occur without compliance with Rules 402 and 403, the City shall ensure the Proposed Project adheres to the provisions of SCAQMD Rules 402 and 403 regarding construction-related fugitive dust control by implementing a dust control program pursuant to the provisions of SCAQMD Rules 402 and 403. The Applicant shall ensure that contractors implement a fugitive dust control program pursuant to the provisions of SCAQMD Rules 402 and 403. This program shall include, but not limited to the following: • Prior to issuance of any grading permit, the City Engineer and Senior Building Inspector shall confirm that the grading plan and building plans stipulate that, in compliance with SCAQMD Rule 403, fugitive dust shall be controlled by the applicable best available control measures listed in Table 1 of Rule 403. • Water or a stabilizing agent shall be applied at least three times daily, preferably in the mid-morning, afternoon, and after work is done for the day, to exposed surfaces including graded and disturbed areas in sufficient quantity to prevent generation of dust plumes. • Track-out shall not extend 25 feet or more from an active operation and track-out shall be removed at the conclusion of each workday. The contractor shall use a gravel apron, 25 feet long by road width, or a pipe-grid track-out control device to reduce mud/dirt track-out from active operations and unpaved truck exit routes. • A wheel washing system shall be installed and used to remove bulk material from tires and	Less than significant with mitigation for construction impacts. Unavoidable significant regional air quality impacts from Project operations, and for contribution to cumulative impacts of criteria pollutants.

Potentially Significant Effects	Proposed Mitigation Measures	Level of Impact After Mitigation
	vehicle undercarriages before vehicles exit the project site. • All trucks hauling dirt, sand, soil, or other loose materials are to be tarped with a fabric cover and maintain a freeboard height of 12 inches. • Traffic speeds on unpaved roads shall be limited to 15 miles per hour. • Operations on unpaved surfaces shall be suspended when winds exceed 25 miles per hour. • On-site stock piles shall be covered or watered at least twice per day. • The Applicant shall use street sweepers (using reclaimed water if available) that comply with SCAQMD Rules 1186 and 1186.1. MM AQ-2 The Applicant shall ensure that construction equipment is properly tuned and maintained in accordance with manufacturer's specifications to ensure minimum emissions under normal operations. MM AQ-3 Electricity from power poles rather than temporary diesel- or gasoline-powered generators shall be used, where available. MM AQ-4 Heavy-duty diesel trucks shall be properly tuned and maintained to manufacturers' specifications to ensure minimum emissions under normal operations. MM AQ-5 Heavy equipment operations shall be discontinued-during first and second stage smog alerts MM AQ-6 The use of 2010 model or newer construction equipment shall be required, where feasible. MM AQ-7 Older (prior to 2010 model year) construction equipment shall be retrofitted with appropriate emission control devices (Tier 2 or better) prior to onsite use. MM AQ-8 Prior to commencement of operations, the Applicant shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles)	

Potentially Significant Effects	Proposed Mitigation Measures	Level of Impact After Mitigation
	would achieve a project wide fleet-average 20 percent NO_x reduction and 85 percent PM reduction compared to the most recent CARB fleet average (i.e., Tier 2 equipment or better). Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such are available. MM AQ-9 All construction vehicles, both on- and off-site, and construction equipment idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). The construction contractor shall post visible signage within construction equipment operator components notifying equipment operators of the prohibiting against idling in excess of five minutes. The construction contractor shall provide awareness training to equipment operators regarding idling limits. MM AQ-10 Contractors shall use varying-pressure-low-volume paint applicators or other application techniques with equivalent or higher transfer efficiency. MM AQ-11 Use super compliant VOC (and ROG) coatings for all architectural applications. (Rule 1113 of the SCAQMD established a schedule of VOC limits for architectural coatings. However, many manufacturers have reformulated their coatings to levels well below these limits. These are referred to as "Super-Compliant" and contain less than 10 grams of VOC per liter.)	
Air emissions of ROG and NO_x attributable to project operations are potentially significant, including heavy duty vehicle emissions, on-site machinery and equipment, employee and convenience store traffic and related vehicle trips. Mitigation measures MM AQ-12 through AQ-18 are recommended to mitigate these potential effects.	MM AQ-12 Applicant shall properly maintain ROG emission control devices within the gasoline dispensing station pursuant to SCAQMD Rule 461. MM AQ-13 All gasoline dispensing facilities shall meet the requirements of SCAQMD's Rule 461 to limit ROG emissions from gasoline dispensing facilities, including but not limited to using CARB-certified vapor recovery systems and spill boxes and periodic testing of the equipment.	Unavoidable significant regional air quality impacts from Project operation, and cumulative impacts of criteria pollutants.

	MM AQ-14 Heavy-duty diesel trucks shall be properly tuned and maintained to manufacturers' specifications to ensure minimum emissions under normal operations. MM AQ-15 The use of 2010 model or newer transfer trucks shall be required whenever older vehicles are replaced or upgraded, per SCAQMD Rule 1193. MM AQ-16 At project start, all heavy duty trucks entering the property must meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025. MM AQ-17 The Project Applicant shall require all-on-site off-road heavy-duty equipment (loaders, excavators, skid steer) to meet USEPA Tier 3 emissions standards (or Tier 4 emission standards based on availability at the initiation of the Project). In addition, these on-site off-road construction equipment used in operation of the Project shall be outfitted with the Best Available Control Technology (BACT) devices certified by CARB. Any emissions control device used by the applicant 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 the certified tier specification for each piece of heavy-duty equipment, BACT documentation, and CARB or SCAQMD operating permit shall be provided to the City prior to operation of the Project. MM AQ-18 All diesel truck operators shall strictly abide by the applicable State law requirements for idling, as described in the Airborne Toxic Control Measure (CCR, Title 13, Section 2485), which limits vehicles with gross vehicular weight ratings of more than 10,000 pounds to no more than five minutes of idling of the primary engine or the diesel-fueled auxiliary power system at any location. Trucks engaging in unloading at the Project site and load weighing/financial transactions at the scale house shall be prohibited from idling in excess of five minutes. Visible signage notifying truck operators of idling limits shall be posted near all site entrances. In the event third party collection haulers were required, all diesel truck operators that use the facility would be encouraged, and if reasonably possible by Athens to require contractually, to apply in good faith for funding from an established CARB or SCAQMD funding program to either retrofit or replace engines that are older than 2007 model year.	
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Potentially Significant Effects	Proposed Mitigation Measures	Level of Impact After Mitigation
Odors from wastes and organic materials attributable to project operations are potentially significant. MM AQ-19 through AQ-21 are recommended to mitigate these potential effects.	<u>MM AQ-19</u> Applicant shall minimize odors during operation of the MRF/TS by properly maintaining design features and equipment designed to reduce and eliminate odors and pursuant to provisions of SCAQMD Rule 410. <u>MM AQ-20</u> On-Site Management Plan No. 3; Athens Services Odor Control Program shall include a requirement that any and all odor complaints shall be referred directly to the City of Irwindale Community Development Department Code Enforcement Division. Odor complaints shall be substantiated by the City as follows: - Inspection and confirmation by Code Enforcement Division Staff; and/or - Inspection and confirmation by the SCAQMD; and/or - A qualified consultant, as determined and selected by the City, will be retained to collect samples to quantify odor intensity using a Nasal Ranger or other comparable instrument. Such consultant shall be retained by the City at the sole expense of the Applicant. Facility representatives shall conduct an odor survey as soon as practical, but not to exceed 2 hours after receiving an odor complaint or notification from the SCAQMD or the LEA. Upon substantiation of an odor complaint, Applicant shall meet with the City within 48 hours to determine actions to remedy the odor complaint. A detailed action plan shall be prepared within 72 hours of the meeting identifying the steps to be taken to remedy the issue. All remedies shall be at the sole expense of the Applicant, and shall be implemented / installed as soon as feasible. <u>MM AQ-21</u> As a means to address public concerns and complaints regarding odors, the Project Applicant shall publicly post the SCAQMD odor complaint phone number [1-800-CUT-SMOG (1-800-288-7664)] and website address (http://www.aqmd.gov/complain/reporting_aq_problems.html) on signs that are visible from the street at all entrances to the MRF/TS facility.	Less than significant with mitigation.
GHG Emissions attributable to the project are less than significant. The Irwindale MRF/TS would not generate waste, rather, it would process waste that would be redirected from the Athens'	No mitigation measures relative to this resource topic are required.	Less than significant impact.

Potentially Significant Effects	Proposed Mitigation Measures	Level of Impact After Mitigation
City of Industry MRF/TS or other MRF/TS facilities in the region. The regional efficiencies obtained with reduced average travel distances for waste collection and haul trucks results in a net reduction in related emissions, including greenhouse gas emissions. Therefore, the analysis concludes that there are no potentially significant GHG impacts, and no mitigation is needed.		
3.4 Biological Resources		
Grading and construction activities undertaken for the Proposed Project may disturb birds protected under the federal Migratory Bird Treaty Act and California Fish and Game Codes. Mitigation measure Bio-1 is recommended to address this potential effect.	<u>MM BIO-1</u> The Applicant shall comply with the regulatory requirements of the federal Migratory Bird Treaty Act and California Fish and Game Codes §3503, §3503.5, and §3513 regarding Proposed Project grading and construction activities. <i>Pre-construction Surveys for Nesting Birds</i> The Applicant shall implement the following protective measures to ensure implementation of the Migratory Bird Treaty Act and compliance with State regulations during construction. To the extent feasible, the Applicant and/or the construction contractor(s) shall trim/remove all vegetation/tree limbs necessary for Proposed Project construction between September 1 and January 31. Should construction activities or vegetation removal commence between February 1 to August 31, pre-construction surveys for nesting birds shall be conducted for any affected tree(s) located within the public right of way by a qualified biologist to ensure that no active nests would be disturbed during project implementation. A preconstruction survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities. During this survey, the qualified person shall inspect the street trees located within the public right of way and areas immediately adjacent to the project site for nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction-free buffer zone to be established around the nest until the young have fledged.	Less than significant with mitigation.

Potentially Significant Effects	Proposed Mitigation Measures	Level of Impact After Mitigation
3.5 Cultural Resources		
Although it is not expected that historical, archaeological or paleontological resources, or human remains will be found on site, it is possible that construction grading and excavations may encounter such materials. Mitigation measures MM CR-1 through CR-4 are recommended to address these potential effects.	MM CR-1 The Applicant and City shall consult with the Gabrieleño Band of Mission Indian Tribe, prior to on-site earthwork activities, to invite a Native American Monitor at the project site for the excavation and ground disturbance activities. MM CR-2 In the event any previously undetected archaeological resources are encountered during project construction, all excavation and ground disturbance activities shall cease and a qualified archaeologist will be contacted within 24 hours to evaluate the nature and significance of any such discoveries. If a discovery proves to be significant, additional work (such as data recovery excavation) may be warranted. Work may be resumed with approval of the attending archeologist and City Staff. Further, should unforeseen artifacts become uncovered during site grading, the Applicant would be required to adhere to all City and State of California procedures, including Section 21083.2(i) of the CEQA Statutes and Section 15064.5 of the CEQA Guidelines regarding stoppage of work, handling of discovered materials, and notification of proper authorities to ensure that the construction/operation of the MRF/TS project would not have an adverse effect on cultural resources. MM CR-3 In the event that any unknown (remaining) paleontological or geological resources are encountered during project implementation, the Applicant shall cease earthwork immediately and contact a qualified paleontologist or geologist within 24-hours to evaluate the nature and significance of any such discoveries. Work may be resumed with approval of the attending archeologist and City Staff. MM CR-4 If human remains are discovered during project activities, the City of Irwindale Planning Department and the Los Angeles County Coroner's office shall be notified within 24 hours under state law (California Health and Safety Code § 7050.5) and all activities in the immediate area of the find shall cease until appropriate and lawful measures have been taken. If the Coroner determines that the remains are Native American, the NAHC shall also be contacted (California Public Resources Code § 5097.98). In accordance with Section 5097.98 of the <i>California Public Resources Code</i>, the NAHC shall designate a Most	Less than significant with mitigation.

Potentially Significant Effects	Proposed Mitigation Measures	Level of Impact After Mitigation
	Likely Descendent, who may make recommendations concerning the disposition of the remains in consultation with the City and the project archaeologist.	
3.6 Environmental Justice		
Environmental justice was assessed in response to scoping comments, and is not required to be analyzed under CEQA. The assessment concludes that the Proposed Project will not have any disproportionate effects on any disadvantaged population within the Los Angeles region or among local communities, and does not raise environmental justice issues beyond those attributable to the region as a whole.	No mitigation measures specific to environmental justice are required. The City is sensitive to the environmental effects of projects on the local community, and as documented throughout this EIR, has identified a comprehensive Mitigation Program to avoid or minimize the potential impacts of this Proposed MRF/TS Project.	No impact.
3.7 Geology and Soils		
The entire region is an active seismic zone, requiring site specific consideration of foundation building requirements for safety. In addition, ground disturbance during construction could be susceptible to erosion and sedimentation during storm events. Project Design Feature Geo-1 and mitigation measure WQ-1 are recommended to address these potential impacts.	PDF GEO-1 The Applicant shall have a California Registered Geotechnical Engineer prepare a site-specific Geotechnical Report to the satisfaction of the City Engineer prior to issuance of the grading permit. This report will be undertaken in accordance with the CGS Guidelines for Evaluating and Mitigating Seismic Hazards in California. This report will provide design specification to assure the Proposed Project is developed within accepted federal, State, and local laws, regulations, and guidelines. MM WQ-1 The Applicant shall comply with the project-specific National Pollutant Discharge Elimination System (NPDES) Permit requirements (such as the Storm Water Pollution Prevention Plans (SWPPPs) and Best Management Practices (BMPs) including: limiting construction access routes and stabilizing access points; staking/marketing construction limits; protection of cut and fill surfaces from sheet, rill and gully erosion; stabilizing temporarily denuded areas with seeding, mulching, jute netting, hay bales and silt fences or other methods; designating specific areas for the stockpiling, handling, preparation and disposal of construction materials; quickly establishing groundcover and landscaping of areas	Less than significant with mitigation.

Potentially Significant Effects	Proposed Mitigation Measures	Level of Impact After Mitigation
	designated to remain pervious; and/or waste material and litter control to prevent existing drainages).	
3.8 Hazards and Hazardous Materials		
Potential hazards and hazardous materials related to the project include the management of waste materials, and the possibility of illegally dumped hazardous wastes to be encountered in the recycling operations. Project Design Features HAZ-1 and HAZ-2 are recommended to address these potential effects.	PDF HAZ-1 The Applicant shall form a Safety Committee and include a minimum of one (1) City Staff personnel as a participating member. The Safety Committee shall function with two roles. One function will be to annually review the <i>On-Site Management Plans</i>. The second function will include monthly review of the MRF/TS Daily Operational Report for waste stream capacity review. <u>On-Site Management Plans</u> The purpose of the annual review shall be to confirm or update the standard of practice for the management plans. The review will include utilizing information obtained from operational records, vendors, and suggestions from insurance companies. <u>MRF/TS Operational Report</u> The purpose of the monthly review shall be to ensure compliance with the 6,000 tons per day (maximum). PDF HAZ-2 On-Site Management Plans The Applicant shall prepare and have approved by the City <i>On-Site Management Plans</i>. Any and all future amendments to these management plans must be approved by the City. These plans include: 1) Litter Prevention and Control Plan; 2) Pest Control Plan; 3) Odor Control Plan; 4) Noise Control Plan; 5) Hazardous Materials Exclusion and Management Plan; 6) Fire Prevention, Control and Mitigation Plan; 7) Emergency Action Plan; and 8) Emergency Response Training Plan	Less than significant impact.
3.9 Land Use and Planning		
The Proposed Project has been reviewed in consideration of all of the goals, plans, and policies in	No mitigation measures relative to this resource topic are proposed or required.	No impact.

Potentially Significant Effects	Proposed Mitigation Measures	Level of Impact After Mitigation
the City's General Plan and concludes that the Proposed Project does not conflict with any goal, plan or policy of the City's General Plan, or other land use plan, policy, or regulation. The Proposed Project also does not conflict with the City of Baldwin Park's General Plan.		
3.10 Noise		
Noise generation attributable to the Proposed Projects includes construction activities and long term operations. Operational noise includes on site waste management and recycling operations, and traffic noise along truck haul routes on Arrow Highway and Live Oak Boulevard. Mitigation measures N-1 through N-7 are recommended to address these potential impacts to the extent feasible.	<u>MM N-1</u> Prior to construction, the Construction Contractor shall obtain authorization from Irwindale's building inspector to exceed the ambient base noise level by more than five (5) dBA during construction activities at the property boundary for industrial zoned land use. <u>MM N-2</u> The Construction Contractor shall limit all construction activities from 7 a.m. to 7 p.m. Monday through Saturday. No construction activity shall be conducted on Sundays or during legal holidays. <u>MM N-3</u> The Construction Contractor shall construct the masonry soundwall around the site perimeter during the initial construction phase to establish the means for noise reduction during subsequent construction and operations. In the event that the soundwall is not constructed prior to construction of the buildings, a temporary sound barrier or curtain shall be used as a temporary measure to reduce noise impacts (by at least 5 decibels) until the soundwall can be constructed. <u>MM N-4</u> The Construction Contractor shall operate and maintain a City-approved haul truck traffic route restricted to major traffic arteries, and prohibited from using Baldwin Park Boulevard south of Live Oak Avenue. <u>MM N-5</u> The Construction Contractor shall provide construction equipment equipped, operated, and maintained with manufacturer recommended mufflers or the equivalent. The construction contractor shall locate staging and delivery areas as far as feasible from sensitive land uses or adjacent occupied buildings and schedule deliveries during daytime hours when residential areas south of the	Less than significant impacts with mitigation for most surrounding land uses. Unavoidable significant noise impacts for the adjacent commercial building to the west, and along Arrow Highway north of the Proposed Project site. Operational and traffic-related noise impacts would therefore contribute to a significant and unavoidable cumulative noise impact.

Potentially Significant Effects	Proposed Mitigation Measures	Level of Impact After Mitigation
	project site are less susceptible to annoyance from outside noise. <u>MM N-6</u> The Construction Contractor shall post rules visible to drivers that require turning-off construction equipment when not in operation (for more than 5 minutes). The construction contractor shall shield stationary equipment operating under full power for more than 60 minutes that would otherwise not be shielded by the perimeter soundwall. <u>MM N-7</u> The Applicant shall implement all of the following: • For the western/southwestern property boundary (for approximately the first 450 feet of the property boundary north of Live Oak Avenue), the Applicant shall construct the 8-foot perimeter masonry soundwall on top of a two-foot berm so that the effective height of the soundwall would be 10 feet (with the exception that the berm is not required to be constructed on any utility easements). • The Applicant shall modify nighttime operations (10 p.m. – 7 a.m.) that result in verified noise complaints to eliminate objectionable noise during the nighttime hours. The applicant shall notify the City of any noise complaints received within 24 hours of receiving the complaint and provide a proposed amendment to the On-Site Management Plans to demonstrate a reduction in ambient noise within one (1) week, subject to review and approval of the City upon a finding that the amendment will result in compliance with adopted noise standards of the City of Irwindale and the City of Baldwin Park. • The Applicant shall obtain authorization by permit from the City to exceed ambient noise levels from facility operations on the western/northwestern boundary and the southern boundary (for 5 a.m. to 7 a.m.) pursuant to IMC Section 9.28.120. If the applicant does not obtain authorization by permit to exceed noise levels, the applicant will be required to modify operations to reduce noise levels between 5 a.m. to 7 a.m. to 65 dBA.	
3.11 Public Services		
No significant impacts on public services or utilities systems would result from either construction or operation of the Proposed Project.	No mitigation measures relative to this resource topic are proposed or required.	No impacts.

Potentially Significant Effects	Proposed Mitigation Measures	Level of Impact After Mitigation
3.12 Traffic Generation and Circulation		
Potential traffic impacts attributable to the project include high volume heavy duty trucks used in waste hauling and for transport of processed materials, as well as lighter duty vehicles for self-haul operations, employee trips, and trips for convenience store customers. The traffic impact assessment examined traffic flow and routing at the site and adjacent roadways, and haul routes to and from the freeway system, including both freeway ramp and mainline analyses as requested by Caltrans. MM T-1 through T-6 are recommended to address these potential impacts.	Recommended Off-Site Improvements MM T-1 To mitigate potential traffic impacts at I-605 NB Off-Ramp (NS) / Live Oak Avenue (EW)(#8), the developer will be required to construct or fund the following improvement: • Install a traffic signal. • Construct a 2nd northbound right turn lane. • Provide a 3rd westbound through lane by modifying the existing raised median. This will also provide additional queuing storage for the westbound left turn lane at the intersection of I-605 SB On-Ramp (NS) / Live Oak Avenue (EW). MM T-2 To mitigate potential traffic impacts to I-605 SB Off-Ramp (NS) / Arrow Highway (EW)(#3), the developer will be required to construct or fund the following improvements: • Construct a 2nd southbound left turn lane. On-Site Improvements Required to Mitigate Potential Traffic Impacts from Vehicles Entering and Exiting the Site MM T-3 To mitigate potential traffic impacts to Arrow Highway (NS) / Driveway 1 (EW), the Applicant shall be required to do the following: Prior to commencement of operations, the Applicant shall install a traffic signal and construct the intersection with the following geometrics: • Northbound Approach: One left turn lane (two way turn lane) and two through lanes. • Southbound Approach: Two through lanes and one right turn lane. • Eastbound Approach: One left turn lane and one right turn lane. • Westbound Approach: N/A MM T-4 To mitigate potential traffic impacts to Arrow Highway (NS) / Driveway 2 (EW), the Applicant shall be required to do the following: Prior to commencement of operations, the Applicant shall install a stop control on the eastbound approach and construct the intersection with the following geometrics:	Significant and unavoidable. The Proposed Project is expected to contribute to cumulative impacts to existing deficiencies or projected deficiencies on the I-210 freeway mainline segments eastbound and westbound of the Irwindale Avenue on and off ramps, and the I-605 northbound off-ramp at Live Oak Avenue and the I-210 westbound off-ramp at Irwindale Avenue.

Potentially Significant Effects	Proposed Mitigation Measures	Level of Impact After Mitigation
	- Northbound Approach: One left turn lane (two way turn lane) and two through lanes. - Southbound Approach: Two through lanes and one right turn lane. - Eastbound Approach: One shared left turn and right turn lane. - Westbound Approach: N/A MM T-5 To mitigate the potential impact to Driveway 3 – Baldwin Park Boulevard (NS) / Live Oak Avenue (EW), the Applicant shall be required to do the following: Prior to commencement of operations, the Applicant shall modify traffic signal to include Project Driveway 3 (north leg) and construct the intersection with the following geometrics: - Northbound Approach: Two left turn lanes and one shared through-right turn lane. - Southbound Approach: One left turn lane and one shared through-right turn lane. - Eastbound Approach: One left turn lane (100-foot pocket length), two through lanes, and one defacto right turn lane. - Westbound Approach: One left turn lane, two through lanes, and one right turn lane. MM T-6 Arrow Highway (NS) / Driveway 4 (EW) – Install stop control on the eastbound approach and construct the right in / right out driveway intersection with the following geometrics: Northbound Approach: Two through lanes (no left turn access). Southbound Approach: One through lane and one shared through-right turn lane. Eastbound Approach: One right turn lane. Westbound Approach: N/A Arrow Highway (NS) / Driveway 5 (EW) – Install stop control on the eastbound approach and construct the right in / right out driveway intersection with the following geometrics: Northbound Approach: Two through lanes (no left turn access). Southbound Approach: One through lane and one shared through-right turn lane. Eastbound Approach: One right turn lane. Westbound Approach: N/A	

Potentially Significant Effects	Proposed Mitigation Measures	Level of Impact After Mitigation
3.13 Water Quality and Hydrology		
Potential water quality impacts attributable to the Proposed Project include the possibility for contaminants to be transported off-site in stormwater runoff. By design, discharges from the tipping floor and sorting area are enclosed within the Main Recovery Facility, eliminating the possible water runoff to stormwater discharge points. Green wastes are also stored in enclosed locations and would not be exposed to rainwater. All liquid waste from the power scrubbing of the tipping and green waste floors are proposed to be discharged to the municipal sewer system under permit from the Los Angeles County Sanitation Districts. Therefore, potential impacts are less than significant. Project Design Feature WQ-1 is recommended for implementation to assure that the facility operates at a high level of water efficiency and effective wastewater treatment.	PDF WQ-1 The Proposed Project shall be conditioned by the City to be certifiable at the Silver level utilizing U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) green building rating systems. The LEED rating system requires water efficiency in the design of a project through water use reduction, efficient landscaping, and innovative wastewater treatment technologies, as well as sustainable site selection; energy performance standards; materials and resource selection criteria; and indoor air quality practices.	Less than significant impact.
4.0 Mandatory CEQA Considerations		
Growth Inducement: The vacant site is currently zoned for Heavy Industrial use and is designated for commercial land use [now proposed for commercial/industrial land use] in fulfillment of the City's long-term economic development goals. The Project will add approximately 345 employees to the local and regional workforce. It is anticipated that prospective employees will come primarily from underemployed citizens from the City and surrounding communities, and therefore the new employment opportunities are not expected to induce substantial new population growth from outside the region. The Proposed Project does not remove any barriers to growth and does not have characteristics that could induce growth locally or regionally. Therefore, potential growth inducing impacts are found to be less than significant.		
Significant Irreversible Effects and Irretrievable Commitment of Resources: In addition to the commitment of land to urban uses, implementation of the Proposed Project would involve the consumption of energy derived from nonrenewable sources for electricity to power on-site equipment and fossil fuels for project-related vehicle trips. Building materials could be considered permanently consumed. These changes would be irreversible, but are the result of long-term land use planning, fulfill regional recycling and waste management needs, and benefit the City's long-term economic development goals and plans. These		

Potentially Significant Effects	Proposed Mitigation Measures	Level of Impact After Mitigation
	changes are also not unique to this site, and would occur anywhere a MRF/TS was developed in the region. As such, these changes do not constitute significant adverse impacts.	
	Significant and Unavoidable Adverse Impacts: With implementation of the Mitigation Program identified within the MRF/TS EIR the potentially significant environmental impacts identified for resource topics throughout this EIR would be less than significant, with the exception of air quality, noise, and traffic impacts.	
	Energy Conservation: The Proposed Project has been designed to play a role in the integration of energy saving recycling of materials as mandated by the State of California; as such, the Proposed Project is intended to help achieve existing and future recycling and waste reduction mandates, and waste management. The transfer station is also an energy efficient function, allowing processing of materials close to sources, with more efficient transport of processed materials to ultimate destinations. Numerous energy conservation mitigation measures are identified within the air quality chapter of the EIR and are included as recommended conditions of project approval.	

Chapter 2.0 Project Description

2.1 Introduction

The proposed Irwindale Materials Recovery Facility and Transfer Station Project (“MRF/TS” or “Proposed Project”) includes development of a municipal solid waste collection facility, in which materials are sorted for recovery of recyclable and compostable materials, and then transported to either shipping facilities (for recyclables), composting facilities, and landfills (for residual wastes). The MRF/TS includes associated administrative offices, and a convenience store / public gas station. The convenience store / public gas station will have eight vehicle fueling positions (gasoline and diesel). No CNG fueling facilities are proposed within the project site. The Proposed Project is described in detail below, following a brief summary of the environmental review process that has been undertaken to date.

2014 Draft Environmental Impact Report

The Project was originally described in the 2014 Draft EIR as including 247,007 square feet of development (including the main MRF/TS building (with Green Waste and Self Haul – Construction & Demolition areas, Maintenance building, Administrative / Visitor Center, and the separate convenience store/public gas station) and 170 parking stalls. The 2014 Draft EIR described the MRF/TS facility as being designed and permitted to process a daily maximum of 6,000 tons of material, including municipal solid waste, green waste / organics / food waste, construction and demolition material, and self-haul materials. As described in the 2014 Draft EIR, the MRF/TS would use a variety of equipment to efficiently import, process, and export the materials received.

2014 Recirculated Draft Environmental Impact Report

After release and circulation of the 2014 Draft EIR, revisions were made to the Draft EIR and it was recirculated for an additional public review and comment period. The 2014 Recirculated Draft EIR (“2014 RDEIR”) made only minor changes to the Project Description to clarify: (1) that the daily maximum capacity of 6,000 tons of material was an anticipated future maximum daily capacity; (2) that the estimated division of square footage amongst the Project’s various building elements provided in the Draft EIR were not absolute and may change; (3) where solid waste transferred from the Proposed Project would be sent; (4) vehicles loaded with residual materials would be removed from the Project Site within 48-hours and not 24-hours; and (5) identify additional Project objectives. The 2014 RDEIR also updated Project Description graphics to provide exhibits with higher resolution. The 2014 RDEIR was then incorporated into the Project’s Final EIR, which included an updated site plan showing the convenience store relocated to the southeast corner of the site. The Final EIR was certified by the City in June 2016.

2017 Addendum No. 1

In 2017 and after certification of the Final EIR, Addendum No. 1 was prepared to address minor internal site plan adjustments made in the final design to improve the facility's functionality and efficiency, enhance the aesthetic design of the site, and increase setbacks. In addition, there were minor off-site improvements resulting from the internal site changes, including a right-hand turn lane and installation of an intersection signal at Driveway 1 on Arrow Highway. The analyses included in Addendum No. 1 concluded that these minor changes would not result in any additional significant impacts beyond those already disclosed in the Final EIR. The City adopted Addendum No. 1 in October 2017 and approved the minor Project revisions.

2019 Superior Court Writ of Mandate

In response to the Los Angeles Superior Court's Writ of Mandate, the City decertified the Final EIR, and vacated all other project-related approvals and entitlements, including the City's adoption of Addendum No. 1, in December 2019. However, the decertified Final EIR and Addendum No. 1 thereto remain a part of the City's administrative record for the Proposed Project. The entirety of the administrative record, with the exception of those portions of the prior CEQA documents invalidated by the Court, provides the evidence and support upon which the City may rely in considering this 2020 Recirculated DEIR, certification of the 2020 Final EIR (which will incorporate portions of the 2016 Final EIR), and its decision whether to re-approve the Proposed Project.

2020 Recirculated Draft Environmental Impact Report

Since the adoption of Addendum No. 1, no additional changes to the Project Description have been made or proposed. Thus, this 2020 Recirculated DEIR does not revise or alter the Project Description, as disclosed and analyzed by Addendum No. 1, in any substantive way. This chapter of the 2020 Recirculated DEIR instead summarizes and clarifies, but does not modify, the key features of the Project Description.

2.2 Project Location and Setting

The Proposed Project is located within the City of Irwindale, which encompasses approximately 9.5 square miles within the San Gabriel Valley in eastern Los Angeles County and is located approximately 20 miles east of downtown Los Angeles. The City shares boundaries with seven neighboring municipalities, including Duarte (to the north and west), Azusa (to the north and east), West Covina (to the southeast), Baldwin Park (to the south), Monrovia (to the southwest and northwest), El Monte (to the southwest), and Arcadia (to the west); (see **Figure 2-1: Regional Map**, and **Figure 2-2: Site Location Map**).

The Project Site is addressed as 2200 Arrow Highway, Irwindale, CA 91706, and is northwest of the intersection of Live Oak Avenue and Arrow Highway. The Assessor's Parcel Number for the property is 8535-001-911.

The Project Site is approximately 17.22 acres and is currently zoned for Heavy Manufacturing and designated for commercial land use in the City's General Plan. The site is in an existing industrial area, with various commercial/industrial, and recreational land uses in the immediate vicinity. Existing land uses adjacent to the site include a mixture of commercial and industrial to the west, east, and south, recreation/open space to the north, and residential to the south beyond the commercial/industrial districts in the City of Baldwin Park bordering the south side of Live Oak Avenue.

The triangular-shaped Project Site is currently unimproved, and bordered on the south by Live Oak Avenue, on the east by the Santa Fe Dam and property owned by the U.S. Army Corps of Engineers, on the northeast by Arrow Highway, and on the west and northwest by an existing business/industrial parking lot. The site is crossed by a City of Los Angeles Department of Water and Power electricity transmission easement along the south side, which covers approximately 2.84 acres of the project site. In addition, Southern California Edison holds a 23-foot-wide, underground utility easement along the entire length of the site frontage on Arrow Highway.

2.3 Project Features and Operations

The MRF/TS is a regional facility where residential, commercial, and/or industrial municipal solid waste and recyclable materials are delivered by commercial and non-commercial haulers, and sorted and processed in one central location prior to delivery at end use distributors or regional landfills. The MRF/TS consists of a fully enclosed building with the interior designed to provide separate areas to receive, process, and transfer mixed municipal solid waste, green waste, construction and demolition materials, and waste hauled in by self-haulers. MRF/TS operations would consist of sorting, consolidating, and compacting received materials, and then re-loading all material into transfer trucks for transport to additional processing and/or disposal facilities (end use distributors). The facility also includes administrative office space.

The convenience store / public gas station would be a separate structure located in the southeastern portion of the site adjacent to Arrow Highway. The gas station would serve members of the public and surrounding community, and possibly some self-haul and employee vehicles (i.e. cars and pickup trucks taking materials to the MRF/TS), but will not be used for fueling waste collection and haul trucks. (See **Figure 2-3: Site Plan**; **Figure 2-4: Site Plan Rendering**.) Chapter 3: Fueling Operations in this 2020 RDEIR provides a detailed explanation of how and where waste collection and haul trucks will be refueled.

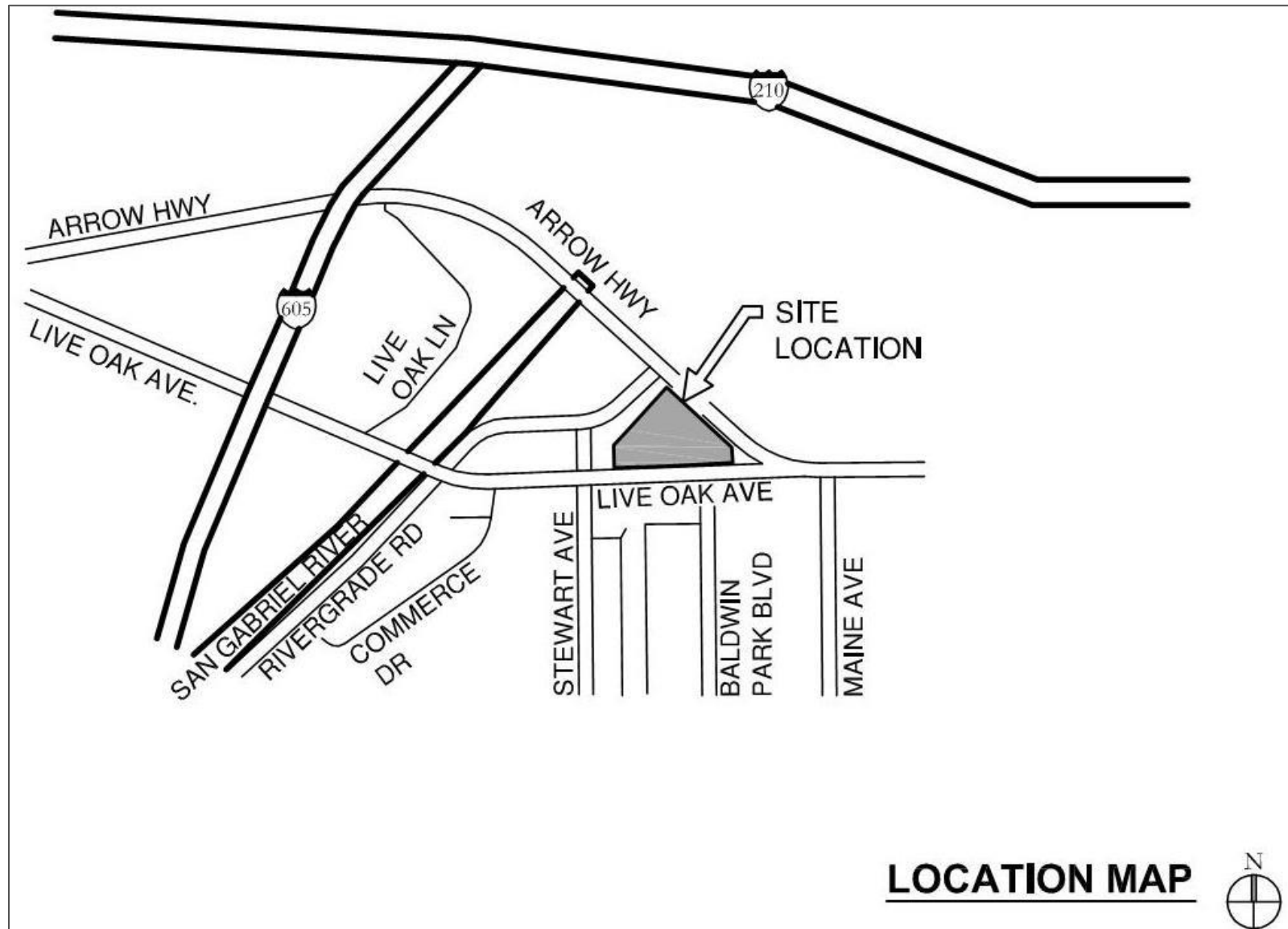
Figure 2-1 Regional Map



REGIONAL MAP



Figure 2-2 Site Location Map



2.3.1 Materials Recovery Facility/Transfer Station

The Proposed Project's MRF/TS would consist of a single building covering approximately 262,640 square-feet (ft²) that includes several dedicated areas for recovery and transfer activities (104,730 ft²), material staging (25,000 ft²), maintenance (17,180 ft²), construction and demolition materials (41,500 ft²), self-haul materials (52,000 ft²), administrative offices (12,780 ft²), and an employee area (9,250 ft²) (See **Figure 2-3: Site Plan.**). Outside of the main building are four 50 ft² scale houses (200 ft² total); one is located on the western side of the Project Site and three are located on the eastern side of the site.

Along the southside of the MRF/Transfer building is the facility's loadout tunnel, with a bridge provided over the tunnel to separate collection/commercial traffic from transfer truck traffic. The recyclable loading dock is on the south side of the Material Staging building. All commercial traffic and visitor traffic enters and exits the Project Site from Arrow Highway, while employee traffic will primarily enter and exit the Project Site from the intersection of Live Oak Avenue and Baldwin Park Boulevard. An employee parking area is also proposed along Arrow Highway. In total, the Project includes 307 employee and visitor parking stalls, and 19 transfer truck parking spaces.

The MRF/TS facility would be designed to receive, process and transfer 6,000 tons per day ("tpd"), based upon estimated maximum averages of 3,000 tpd of municipal solid waste, 1,000 tpd of green waste, 1,000 tpd of construction and demolition materials, and 1,000 tpd of self-haul waste. While actual processing volume of each type of material per day could exceed these estimated averages, in no event will the facility process more than 6,000 tpd in the aggregate on any given day. While 6,000 tpd is the maximum daily capacity, actual use may decrease significantly on Saturday and Sunday when commercial waste hauling is minimal, but self-hauling may be higher.

No hazardous wastes would be accepted or processed by the Proposed Project. Only non-hazardous solid waste and non-hazardous recyclable materials would be accepted, and the facility would comply with all State and federal statutes and regulations ensuring that any incidental hazardous wastes entering the site will be appropriately handled, temporarily stored, and transported offsite for proper disposal by a licensed hazardous waste handling contractor.

The MRF/TS is proposed to be open for waste receipt 24 hours per day, seven days per week with the majority of waste receipt typically occurring between the hours of 6:00 AM to 8:00 PM Monday through Friday, 6:00 AM to 4:00 PM on Saturday, and from 8:00 AM to 4:00 PM on Sunday. The MRF/TS would also provide 24-hour service operations and activities associated with off-hour waste management services (Caltrans off-hour road maintenance, emergency-related clean-up, etc.), and to encourage waste hauling during non-peak traffic hours to reduce traffic congestion.

The MRF/TS will employ approximately 345 full-time employees at full capacity, divided into three full-time working shifts (6:00 AM to 2:30 PM; 2:30 PM to 10:30 PM; and 10:00 PM to 6:30 AM).

2.3.2 Convenience Store / Public Gas Station

The Proposed Project would also develop a convenience store / public gas station as a separate, structure. The convenience store / public gas station would be located in the southeastern corner of the site, adjacent to and accessed from Arrow Highway. The approximately 2,590 ft² convenience store / public gas station would serve the public and surrounding community. Athens waste collection and transfer trucks would not fuel at the convenience store public gas station. Fuel dispensing will include only gasoline and diesel fuel and does not include any natural gas fueling (see Chapter 3). Anticipated hours of operation would be 4:00 AM-12:00 PM. The convenience store would have parking for its customers (26 parking stalls), separate from that of the MRF/TS facility. (See **Figure 2-3: Site Plan.**)

2.3.3 Construction Schedule

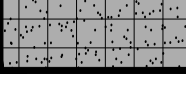
The Proposed Project would be constructed in a single phase. The schedule for the construction of the MRF/TS and convenience store / public gas station at the site is estimated to require 18 months. It is estimated that an average daily construction crew of 84 employees would be present onsite during construction.

2.4 Project Goals and Objectives

Pursuant to State CEQA Guidelines §15124(b), the Project Description includes a statement of objectives. No change to any Project Objectives has occurred since certification of the Final EIR. The City's Project objectives are:

- The City of Irwindale seeks long term economic development that provides a range of employment opportunities to local citizens.
- The City desires current and ongoing economic development of underutilized City-owned property, including lands that have been targeted for redevelopment.
- California's has a 75% recycling goal; therefore, the City of Irwindale seeks to achieve and surpass waste reduction and diversion goals and mandates, by providing additional processing capacity to increase diversion of recyclable commodities from the mixed municipal waste stream, thereby reducing the consumption of landfill capacity and prolonging the operational period of the region's current permitted landfill capacity.

LEGEND

	OFFICE (2-STORY)		C&D
	MRF/TRANSFER		SELF HAUL - C&D
	MATERIAL STAGING		EMPLOYEE AREA (2-STORY)
	MAINTENANCE (FIRST FLOOR)		CONVENIENCE STORE
	MAINTENANCE (MEZZANINE)		SCALE HOUSE
	DECORATIVE CONCRETE PAVEMENT		EXISTING EASEMENT
	CONCRETE PAVEMENT		LANDSCAPING
	ASPHALT PAVING		PROPERTY LINE
	PAVING		

PROJECT TEAM

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PROJECT DESCRIPTION

PROPOSED MATERIALS RECOVERY AND
TRANSFER STATION WITH FUELING
FACILITY AND MAINTENANCE BUILDING

SITE ADDRESS

LIVE OAK AVENUE
IRWINDALE, CA 91706

BUILDING SUMMARY

C&D	41,500 S.F.
SELF HAUL - C&D	52,000 S.F.
EMPLOYEE AREA (2-STORY)	9,249 S.F.
CONVENIENCE STORE	2,587 S.F.
SCALE HOUSE (4-TOTAL)	200 S.F.
OFFICE (2-STORY)	12,780 S.F.
MRF/TRANSFER	104,732 S.F.
MATERIAL STAGING	25,000 S.F.
MAINTENANCE (2-STORY)	17,180 S.F.
TOTAL AREA	265,228 S.F.

SITE SUMMARY

BUILDING FOOTPRINT:	252,586 S.F.
LANDSCAPE:	110,057 S.F.
HARDSCAPE:	50,681 S.F.
CIRCULATION:	336,702 S.F.
TOTAL AREA (17.22 ACRES)	±750,026 S.F.

NET LAND AREA	
SITE (13.65)	594,607 S.F.
T/L EASEMENT (SHOWN HATCHED)	(3.57) 155,419 S.F.
TOTAL AREA (17.22 ACRES)	±750,026 S.F.

ZONING - M-2

PARKING SUMMARY

PARKING REQUIRED

PER EIR, PARKING REQUIREMENTS ARE BASED UPON NUMBER OF
EMPLOYEES, 345 EMPLOYEES DIVIDED BY 3 SHIFTS EQUAL 115 SPACES
REQUIRED, PLUS OFFICE AND CONVENIENCE STORE PARKING OF 32
SPACES FOR A TOTAL OF 147 REQUIRED PARKING SPACES.

PARKING PROVIDED

MRF/TS	237
STANDARD STALLS	10
ADA STALLS	247

CONVENIENCE	
STANDARD STALLS	24
ADA STALLS	2
TOTAL:	26

OTHER	
FLEXIBLE STALLS	34
TRANSFER TRUCK STALLS	19

KEYNOTES

PROPOSED

1. SCREEN WALL
2. LINE OF TUNNEL BELOW
3. RAMP TO TUNNEL
4. DECORATIVE PAVEMENT
5. PAINTED TRAFFIC STRIPING
6. LANDSCAPING
7. PAVEMENT
8. STEEL PUSHWALL
9. 9'X18' H/C ACCESSIBLE PARKING STALL
10. SLIDING GATES
11. EQUIPMENT
12. CONCRETE RETAINING WALL
13. LOADING DOCK
14. ASPHALT
15. 8' HIGH C.M.U. WALL
16. SWING GATES
17. 70' X 10' SCALE
18. TRASH ENCLOSURE
19. WROUGHT IRON FENCE
20. WROUGHT SLIDING GATE
21. RAMP
22. 6" HIGH CURB
23. 0" HIGH CURB

EXISTING

- E1. EXISTING POWER LINE TOWER
- E2. EXISTING CONCRETE PUBLIC SIDEWALK



Figure 2-3 Site Plan

Figure 2-4 Site Plan Rendering



Aerial view west-northwest from above the intersection of Arrow Highway and Live Oak Avenue. The main building is the MRF/TS with the administration office incorporated in front-center, and convenience store / gas station at lower right.

- Provide a state-of-the-art waste processing and transfer facility that minimizes environmental impacts to the extent feasible.
- Construct the facility at a location with nearby Interstate access for both ingress and egress and which minimizes the traffic on local communities, and on the regional transportation network.
- Provide a disposal outlet accessible to local waste haulers during non-peak traffic hours with a goal to reduce traffic loading to area roads during peak hours.

The applicant, Athens Services, has stated its objectives for the Proposed Project are:

- Maximize the ability to receive, process and consolidate, for efficient transfer and disposal, municipal solid waste within the San Gabriel Valley, thereby reducing regional vehicle miles traveled by trash collection trucks to the maximum extent feasible.
- Implement a state-of-the art fully enclosed MRF/TS within City limits that reduces environmental impacts through project design (including noise, odors and air emissions) and provides environmental benefits by facilitating consolidation of refuse loads and transfer to other regional landfill sites while diverting recyclable materials for transfer to recyclables processing facilities.
- Provide state-of-the-art recycling methods, cost-effective disposal, and MRF/TS
- services that will assist Los Angeles County and cities within the County to achieve local and state mandated waste diversion goals, including those set forth in the California Integrated Waste Management Act of 1989, and which further the Recycling and Waste/High Recycling Recommended Actions contained within CARB's Climate Change Scoping Plan (2008).
- Provide expanded capacity to divert and process green and wood waste generated in the San Gabriel Valley in order to promote increased recycling of such materials, and diversion from landfills, consistent with City, County, and State goals.

2.5 Intended Uses of this 2020 Final EIR

The City of Irwindale is the Lead Agency for the Proposed Project. The purpose of the 2020 RDEIR and this 2020 Final EIR is to respond to the Los Angeles Superior Court's Writ of Mandate. In addition, the original intended uses of the Project's Final EIR remain:

- To inform the public, decision-makers, elected officials and other stakeholders regarding the Proposed Project.
- To disclose to the public, decision-makers, elected officials and other stakeholders the potential environmental effects associated with short-term construction and long-term operation of the Proposed Project, and to solicit input on the potential environmental effects.
- To identify ways to avoid or minimize potential environmental effects of the Proposed Project and evaluate alternatives to the proposed action(s). and
- To provide the Irwindale Planning Commission, and Irwindale City Council and the Successor Agency to the former Irwindale Community Redevelopment Agency with a technically and legally adequate environmental document to be used as one basis for their decision-making process for the Proposed Project; and to provide regulatory agencies with information necessary to determine if they have jurisdiction over the Proposed Project and, if so, to identify project permitting requirements.

The City of Irwindale has discretionary approval authority over the following entitlements necessary for implementation of the Proposed Project:

General Plan Amendment

The General Plan Amendment is required to change the land use designation from Regional Commercial to Commercial/Industrial so that both commercial and industrial development uses are allowed.

Zoning Ordinance Amendment

The Zoning Code Amendment is required to revise the distance requirement for alcohol sales (Section 17.58.040), and to allow an MRF/TS in the M-2 zone with approval of a Development Agreement.

Site Plan & Design Review Permit

A Site Plan and Design Review Permit is required for the construction of buildings and consistency analysis with the City of Irwindale Commercial and Industrial Design Guidelines.

Conditional Use Permit

A Conditional Use Permit is required for the approval of alcohol sales at the proposed convenience store and operation of a fueling station, unless otherwise covered by the Development Agreement.

Development Agreement

The Development Agreement is an assurance that the developer may proceed with the MRF/TS in accordance with existing policies, rules and regulations and subject to certain conditions of approval.

Disposition and Development Agreement, or other disposition document

The Disposition and Development Agreement defines the financial and development responsibilities of both the City and Applicant in carrying out the Proposed Project, and describes the process for sale of the site (currently owned by the Successor Agency), and which is subject to the approval by the State Department of Finance.

Franchise and Facility Operations Agreement

The Franchise and Facility Operations Agreement establishes the terms by which the City will grant a franchise to Athens for the exclusive operation of a MRF/TS within City limits and governs how Athens will operate the Facility and its appurtenant uses and maintain the Site.

In addition to the above approvals and entitlements, approvals from other public agencies may be required to effectuate the Project. The City's approvals and the anticipated approvals of other public agencies are summarized in **Table 2-1: Project Approvals/Agreements/Permits**.

Table 2-1 Project Approvals / Agreements / Permits

Agency	Approval / Agreement / Permit
City of Irwindale	General Plan Amendment; Zoning Ordinance Amendment; Site Plan and Design Review Permit; Conditional Use Permit; Development Agreement; Disposition and Development Agreement; Franchise and Facility Operations Agreement; Storm Water Pollution Prevention Plan; and Standard Urban Storm Water Mitigation Plan
Los Angeles County Department of Public Works	Building, Plumbing, Electrical, Industrial Wastewater Disposal, and Underground Storage Tanks containing hazardous substances permits
Los Angeles County Public Health Solid Waste Management Program (acting as the Local Enforcement Agency [LEA]) in conjunction with the California Department of Resources Recycling and Recovery (CalRecycle);	Solid Waste Facility Permit
Los Angeles County Sanitation District	Industrial Wastewater Discharge Permit

Agency	Approval / Agreement / Permit
South Coast Air Quality Management District (East San Gabriel Valley)	Permits to construct and operate odor control devices, and gasoline dispensers
California Department of Industrial Relations, Division of Occupational Safety and Health	Work area design approval and compressor air tank permits
California Department of Resources Recycling and Recovery (CalRecycle)	Beverage container recycling certifications
California Environmental Protection Agency, Division of Toxic Substance Control	Hazardous Waste Handler Identification Number, hazardous waste generator/hauler permits, electronic waste handler/hauler permit ²
California Department of Food and Agriculture Division of Measurement Standards	Weighmaster license
California State Water Resources Control Board, Regional Water Quality Control Board (Los Angeles Region 4)	Waste Discharge Identification Number in compliance with the National Pollution Discharge Elimination System, and Storm Water Pollution Prevention Plan
Southern California Edison	Access right over underground easement along Arrow Highway
United States Army Corp of Engineers	Access easement along Arrow Highway
Los Angeles Department of Water and Power	Access under transmission easement parallel to Live Oak Avenue

² Required for incidental hazardous waste that enters the site

Chapter 3.0 Fueling Operations

3.1 Introduction

This chapter addresses questions regarding fueling operations raised in the Superior Court’s decision. This discussion is also intended to remedy conflicting statements in the previous administrative record regarding fueling operations for the vehicles using the MRF/TS and distinguish those operations from the fueling of vehicles that would occur at the convenience store public gas station located on the project site and part of the Proposed Project.

3.2 Fueling Operations for MRF/TS Vehicles

Athens waste collections trucks fleet is 86 percent CNG-fueled at present and is expected to be 100 percent CNG-fueled in the future as older diesel-fueled truck are replaced. All of Athens transfer trucks are tractor-trailer trucks that will be fueled by CNG. Athens collections and transfer trucks account for 80 percent of incoming trips to the MRF/TS. Self-haul trucks account for the remaining 20 percent. Fueling operations for all the Athens waste collection and hauling trucks would occur off-site. Fueling locations and distances for these vehicles are shown in **Figure 3-1**. **Table 3-1** lists the types of vehicles, fuel type and fueling locations.

No CNG fueling facilities are proposed within the project site at either the MRF/TS or the convenience store public gas station. Athens currently operates two CNG fueling stations for its fleet in this area. These stations are located in the City of Irwindale and City of Industry (see **Figure 3-1**). CNG-fueled waste collection vehicles would fuel at the City of Irwindale and City of Industry CNG fueling stations, which would not be changed with the proposed Project.

Transfer trucks for the Irwindale MRF/TS would all be CNG and would fuel at the Athens “fast fill” station in the City of Industry or third-party retail facilities. There are several fueling location options to choose from. The three most likely fast-fill CNG fuel stations that tractor trailers would have to choose from include: (1) Athens private City of Industry MRF Fuel Station, 14048 Valley Blvd, Industry; (2) SoCal Gas public Azusa Base CNG Fuel Station, 950 N. Todd Avenue, Azusa; and (3) Ontario 76 public CNG Fuel Station, 1850 Holt Avenue, Ontario. When a haul truck dumps its load at Mid Valley Landfill in Rialto, San Timoteo Landfill in Redlands, or American Organics Composting in Victorville, the truck can get fuel if needed in Ontario or Azusa while in route returning to Irwindale.

Figure 3-1 Truck Fueling Map

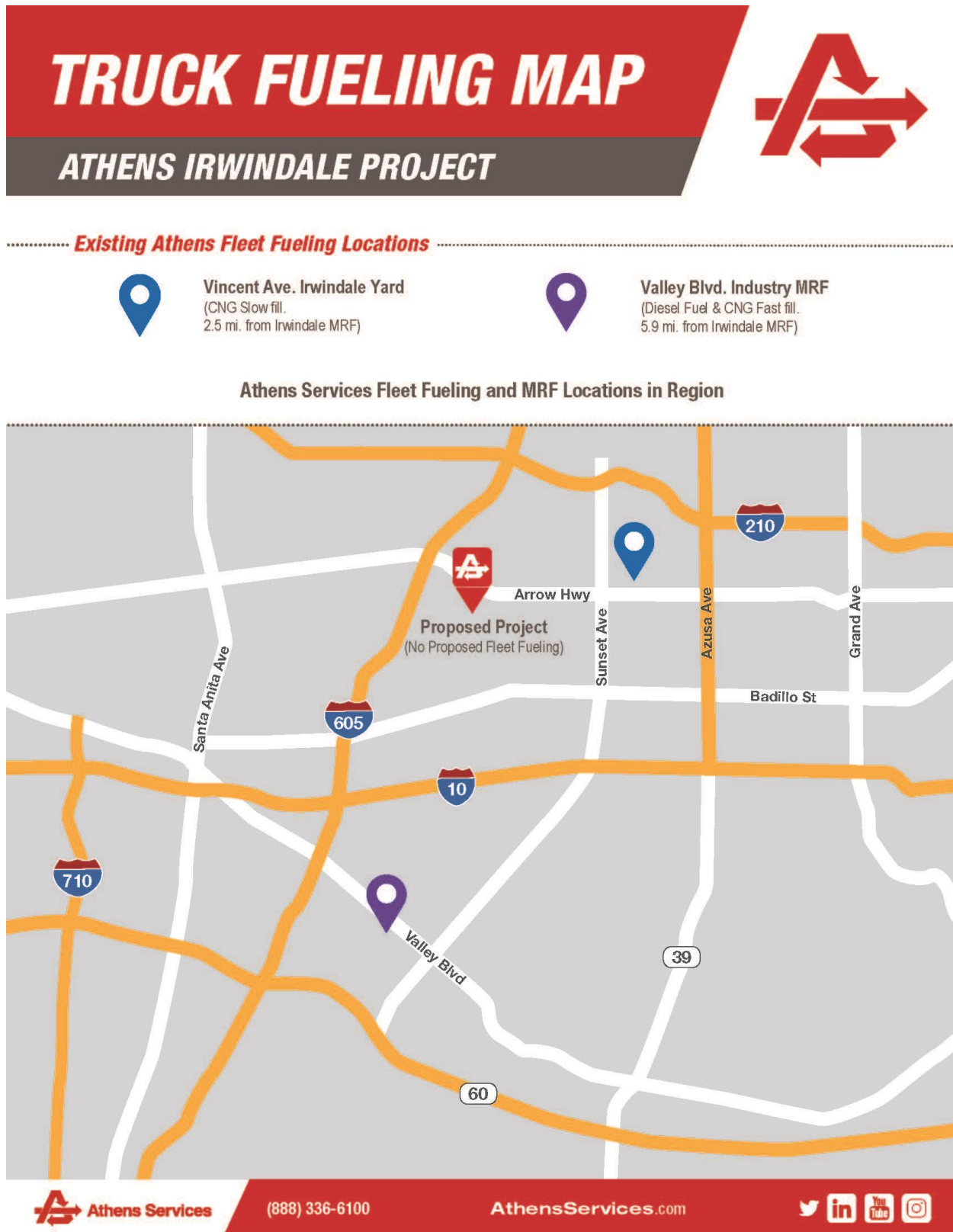


Table 3-1 Vehicle Types, Fuel Types and Fueling Locations

Function	Vehicle Type	Fuel Type (2020)	Fueling Location
Waste Collection	Collection Truck	CNG (86%) Diesel (14%)	Off-site ¹
Transfer Trucks	Tractor -Trailer	CNG (100%)	Off-site ²
Self-Haul Vehicles⁶	Dump trucks, Vans, Pick-Up Trucks, SUVs, Automobiles	Gasoline (79%) Diesel (21%)	Off-site or convenience store public gas station ³
Employee Vehicles⁶	Pick-Up Trucks, Vans, SUVs, Automobiles, Motorcycles	Gasoline (99.7%) Diesel (0.3%)	Off-site or convenience store public gas station ⁴
Convenience Store Gas Station Customers	Pick-Up Trucks, Vans, SUVs, Automobiles, Motorcycles	Gasoline (>98.5%) Diesel (<1.5%) ⁶	Off-site or convenience store public gas station ⁵

1. Locations at the Vincent Yard in Irwindale, or the City of Industry MRF/TS.
2. Three most likely CNG fuel stations include: (1) Athens private City of Industry MRF Fuel Station; (2) SoCal Gas public Azusa Base CNG Fuel Station; and (3) Ontario 76 public CNG Fuel Station.
3. Light duty vehicles that may use the convenience store gas station opportunistically on their way to and from the MRF/TS.
4. Employee vehicles that may use the convenience store gas station opportunistically on their way to and from work.
5. Light duty vehicles that may use the convenience store gas station opportunistically in route to and from other locations.
6. Source: U.S. Department of Transportation, Bureau of Transportation Statistics, *Fact Sheet, Diesel-powered Passenger Cars and Light Trucks*, by Matthew Chambers and Rolf Schmitt, October 2015

Over the past decade the fleet transition from diesel to CNG fuel started with waste collection trucks for multiple reasons including requirements from CARB, local government, cost effectiveness, and corporate greening. All CNG vehicles are capable of being fueled by either “fast-fill” or “slow-fill”. This applies to waste collection trucks and the larger transfer trucks. These fueling methods are described as follows.

3.2.1 Fast-fill

When any truck (including transfer trucks) pulls into a fueling station for CNG it will take 10 or 15 minutes to fill the tank. This is the “fast-fill” process. It generally fills a tank about 75 percent ($\frac{3}{4}$) full, and not completely full, due to the way that temperature and time affect the gaseous fuel in a confined tank. The public fueling stations and the Athens City of Industry MRF/TS private fueling station provide fast-fill CNG service to trucks (including transfer trucks).

3.2.2 Slow-Fill

“Slow-fill” and “Time-fill” are the same thing. Time-fill is the technically correct term for this fueling process, but the term slow-fill is regularly used as it is easier to understand when compared to fast-fill. Slow-fill CNG service is not provided at public fueling stations. Slow-fill is what companies with fleets of vehicles install and utilize at their own truck yards for economic and efficiency reasons since it saves time and money by eliminating a trip to the fueling station, and the tank is filled 100 percent.

The fleet of trucks is parked overnight at either the Vincent yard or Athens’ MRF/TS in the City of Industry when not in use. While parked, the CNG fueling hose is connected to the truck. The CNG compressor system slowly pumps fuel into all the connected trucks' fuel tanks over a period of six to eight hours. One of the benefits from this process is that CNG fuel slow-fills a tank more completely to provide a full tank.

3.3 Convenience Store Public Gas Station

The Proposed Project includes a small convenience store gas station (similar to Circle K or AM/PM stores) that does not serve CNG fueled trucks or tractor-trailer size transfer trucks that would bring waste materials into the MRF/TS and remove processed materials from the proposed MRF/TS. The convenience store public gas station is intended to serve pass-by vehicles and store customers and has no role in supporting refueling for collection and transfer vehicles serving or using the MRF/TS. The fuel islands are not sized or designed to serve collections trucks or transfer trucks, and will include gasoline and diesel fuel, but no CNG fuel.

The convenience store public gas station would serve primarily gasoline-fueled pass-by traffic and smaller vehicles (cars, SUVs, pickup trucks and motorcycles), and would not serve larger diesel-fueled or CNG-fueled waste collection and transfer trucks. These smaller vehicles will enter the convenience store driveway from Arrow Highway and pull up to the fuel island. After fueling they would exit the convenience store driveway back to Arrow Highway. Employees of the MRF/TS could enter the convenience store parking lot from the MRF/TS employee parking lot.

Some self-haul vehicles using the MRF/TS, including pick-up trucks, dump trucks, SUVs and automobiles, could empty their loads, and upon exiting the MRF/TS, turn right into the convenience store to access the store, and/or the public gas station. As shown in Table 3.1 above, most self-haul drivers and homeowner self-haul vehicles would be serviced by regular gasoline. Contractor self-haul vehicles on average would be 79 percent gasoline pickup trucks and 21 percent would be diesel-fueled vehicles. No tractor-trailer sized vehicles will refuel at the convenience store public gas station. Fueling operations will involve universal pumps found at any “gas station” throughout California dispensing either gasoline or diesel fuel. Customers will pull their vehicle up to the pump, insert the hose nozzle into their fuel tank port, and pull the handle to dispense fuel. After fueling, vehicles will exit the site onto Arrow Highway.

3.4 Impact Assessment

There is no recommended or standard threshold in the CEQA Guidelines for fueling operations associated with project trips or truck fleets. The Irwindale MRF/TS is a waste sorting and processing facility and would not generate new waste materials. Instead, the new MRF/TS would competitively contract to process some of the municipal solid waste now being processed at other MRF/TS facilities or diverted to landfills. Therefore, all the waste hauling and transfer truck trips would be redirected trips of waste collection vehicles that would be collecting solid wastes near the City of Irwindale with or without the Irwindale MRF/TS. Refueling of those vehicles is occurring at present as a baseline condition, although travel routes and refueling locations may be slightly different than they would be with the proposed Project.

Figure 3-1 above shows the fueling locations that would be primarily used for waste collection and transfer trucks in the surrounding region. Refueling of the Athens fleet is now done at the City of Industry MRF/TS and at the Athens “Vincent Yard” on Vincent Street in Irwindale. Athens trucks would continue to be refueled at the Vincent Yard location with the Proposed Project. The collections trucks fueling at the Vincent Yard would be closer to the Irwindale MRF/TS (2.5 miles) than the current travel distance to the City of Industry MRF/TS CNG fueling facility (5.9 miles).

Off-site CNG fueling emissions impacts are minimal. These would be pass-by trips (or fill-ups at hauling-truck yards) for CNG-fueled self-haul trucks using the MRF/TS. Any fueling emissions would occur at permitted CNG fueling stations. Athens CNG-fueled trucks would continue to refuel at the existing Athens truck yard on Vincent Avenue in Irwindale, as they do at present. CNG-fueled trucks may also occasionally fuel off-site opportunistically as needed and at the nearest possible facility if they are low on fuel in the course of hauling trips throughout the day. When a haul truck dumps its load at Mid Valley Landfill in Rialto, San Timoteo Landfill in Redlands, or American Organics Composting in Victorville, the truck can get fuel if needed in Ontario or Azusa while in route returning to Irwindale.

All Athens truck fueling operations will occur at private facilities and public fueling stations and truck stops where they are fueling now with or without the Proposed Project. These facilities are designed to accommodate large vehicles such as waste collection trucks and transfer trucks. As a part of their development each of these fueling facilities is subject to environmental review, and air emissions, safety, and type of fueling dispensers associated with their operations are accounted for in their respective operational permits. Fueling operations are already accounted for in the regional emissions inventory and fueling will occur at regulated facilities operating in compliance with pertinent rules and regulations. Therefore, the potential impacts of collection and transfer truck fueling are determined to be ***less-than-significant***, and no mitigation measures are required.

3.4.1 Threshold of Significance

The City has developed the following threshold of significance for potential impacts resulting from traffic and safety conflicts that could result from waste collection and transfer trucks driving through the convenience store parking lot and its related public gas station fuel islands, and safety risks associated with fueling at the convenience store fueling station.

Traffic and Safety Conflicts for Fueling at the Convenience Store Public Gas Station: The following threshold of significance was developed as a project-specific adaptation of the 2020 CEQA Guidelines Appendix G Environmental Checklist form for transportation, item C:

3.4.2 Threshold Fueling-1

Would the proposed Project's fueling at the convenience store public gas station result in creating traffic and safety hazards due to a design feature (internal traffic circulation pattern) or incompatible uses (waste haulers and transfer trucks circulating through the convenience store parking lot and public gas station fuel islands with smaller cars, pickup trucks, vans and motorcycles)?

No Impact

The Proposed Project includes a small convenience store gas station (similar to Circle K or AM/PM stores) that is not sized to serve collections trucks or transfer trucks that would bring waste materials into the MF/TS and remove processed materials from the proposed MRF/TS. The convenience store public gas station will only dispense gasoline and diesel fuel and the site layout precludes direct access and is not designed to serve diesel fueled tractor-trailer sized vehicles. The station will also not dispense any CNG fuel used by the collection trucks and transfer trucks. Collections trucks and transfer trucks will enter the site at the main entry from Arrow Highway and will make a right turn (north) to the scale house before proceeding west into the MRF/TS. Upon exiting east from the main driveway back onto Arrow Highway, these trucks will pass the convenience store and its public gas station in the southeast corner of the property. Fuel tanker trucks (gasoline and diesel) that will supply the fuel to be dispensed at the convenience store gas station will enter the parking lot from the main convenience store driveway on the east side from Arrow Highway, stop at the refill portals to connect and deliver gasoline and diesel fuel, and then proceed northwest to the driveway and turn right (east) on the MRF/TS main driveway to exit back to Arrow Highway.

Some self-haul vehicles using the MRF/TS (including small dump trucks, pick-up trucks, SUVs and automobiles), could empty their trucks, and turn right upon exiting the MRF/TS into the convenience store to access the store, and/or the public gas station. It is not known where self-haul vehicles would typically fuel, but it is reasonable to expect that sometimes (not often) they would be low on fuel and opportunistically use the fuel islands at the convenience store gas station to refuel. Some MRF/TS employees could also opportunistically drive their passenger vehicles (cars, SUVs, pick-up trucks and motorcycles) to the convenience store gas station on their way to and from the employee parking areas.

The Traffic Impact Assessment in the 2014 RDEIR did not analyze the impacts of diesel-fueled collection trucks and transfer trucks entering and leaving the convenience store public gas station, or potential safety impacts caused by simultaneous use of the MRF/TS by waste collection and transfer trucks and the general public because there would be no use of the convenience store public gas station by these large waste collection trucks and even larger/longer tractor-trailer transfer trucks. Because the collection trucks and transfer trucks will not be able to use the convenience store gas station, there will be no conflict between these larger trucks and public use of the convenience store gas station. These factors eliminate potential safety impacts from conflicts with collections trucks and transfer trucks and public use of the convenience store public gas station, and safety concerns are determined to be **no impact**. No mitigation measures are required.

3.4.3 Health Risk Impacts of Fueling at the Convenience Store Public Gas Station

The convenience store gas station would only serve pass-by small vehicle traffic and possibly some of the smaller self-haul vehicles and MRF/TS employee vehicles. The 2014 RDEIR based the assumption of average gasoline and diesel fuel volumes on data from an extensive database of California Retail Fuel Stations that included 7,748 gasoline and 3,847 diesel fuel stations. For purposes of the EIR air quality assessment and related Health Risk Assessment (HRA), the public gas station was assumed to dispense 0.34 million gallons of diesel per year based on 2011 average throughput for diesel fuel dispensing stations in California³.

Given the size of the proposed convenience store gas station, and understanding that the convenience store gas station does not include fueling for the larger collection trucks and transfer trucks associated with the MRF/TS operations (and likely only a small percentage of the self-haul vehicles), the average throughput of the reporting California Retail Diesel Fuel Stations (0.34 million gallons of diesel fuel per year) is confirmed to be a reasonable estimate of fuel throughput (2014 RDEIR, p. 3.3-57). For that reason, it is concluded that the diesel fuel assumptions used in the Health Risk Assessment are reasonable, and the overall air emissions health risk assessment impacts of the Proposed Project, including the dispensing of diesel fuel at the convenience store public gas station are **less-than-significant**, as determined in Threshold AQ-5 in the 2014 RDEIR (beginning on page 3.3-55). No mitigation measures are required.

There will be no CNG fuel provided at the convenience store public gas station, and for that reason, there are **no potential impacts** of CNG fueling at the convenience store gas station. No mitigation measures are required.

³ https://ww2.energy.ca.gov/almanac/transportation_data/gasoline/piira_retail_survey.html

As clarified in the Project Description, the convenience store public gas station is not intended to service any Athens' diesel-fueled waste trucks. The convenience store gas station would serve primarily gasoline-fueled pass-by traffic and smaller vehicles (cars, SUVs, pickup trucks and motorcycles), and would not serve larger diesel-fueled or CNG-fueled waste collection and transfer trucks. The volume of diesel actually pumped at the station (whether it is greater or less than 0.34 million gallons per year) would not affect the outcome of the HRA in any significant way since it is the actual combustion of diesel fuel that generates diesel particulate matter and is the primary driver of potential health impacts from diesel vehicles, not the storage of diesel fuel or fueling of diesel vehicles.

The HRA does account for the health impacts of gasoline fueling activities, which CARB notes within its *Air Quality and Land Use Handbook: A Community Health Perspective* as a specific emission source of concern. The health impacts of gasoline fueling activities were determined based on the California Air Pollution Control Officers Association's *Air Toxics "Hot Spots" Program Gasoline Service Station Industry-wide Risk Assessment Guidelines* and SCAQMD's *Emission Inventory and Risk Assessment Guidelines for Gasoline Dispensing Stations*, each of which does not include diesel fueling activities since diesel fuel has a lower volatility level than gasoline. Within the HRA, diesel combustion contributes the largest portion of the health impacts, with gasoline-fueling activities contributing less than five percent of the potential health impacts. For these reasons, it is concluded that the gasoline fuel assumptions used in the Health Risk Assessment are reasonable, and the potential impacts of dispensing gasoline fuel at the convenience store gas station are ***less-than-significant***. No mitigation measures are required.

Chapter 4.0 Greenhouse Gas Emissions

4.1 Introduction

The 2014 RDEIR analyzed the potentially significant impacts associated with greenhouse gas emissions (“GHG”) in Chapter 3.3, Air Quality, Greenhouse Gas, Odor, and Health Risk Assessment. This analysis was then updated in the 2017 Addendum No. 1 to reflect minor technical changes in the Project’s site plan.⁴ The GHG analysis considered whether the Project would conflict with implementation of State goals for reducing GHGs (Threshold AQ-7), and determined that with the incorporation of Mitigation Measure AQ-22, impacts related to GHG emissions would be less than significant. The analysis took four approaches to determining whether the Project would conflict with implementation of the State’s emissions reductions goals, including comparing the Project’s GHG emissions against a quantitative threshold developed by the South Coast Air Quality Management District (“SCAQMD”).

This Chapter 4 of the 2020 Recirculated DEIR supersedes those portions of the 2014 RDEIR and Addendum No. 1 that (1) calculated the amount of mobile GHG emissions attributable to waste hauling activities; (2) applied a 10,000 metric ton of CO₂-equivalent per year (“MTCO₂e”) quantitative significance threshold to the Project’s greenhouse gas emissions; and (3) described, incorporated, and applied Mitigation Measure AQ-22. It does not, however, revise or supersede the remainder of the Proposed Project’s GHG emissions impact analysis.

This chapter includes an analysis of the redistribution of truck trips transporting waste materials to and from the Proposed Project (“waste hauling activities”). The Proposed Project is a waste materials sorting and transfer facility designed to process municipal solid waste, sort and recover as much recyclable and reusable material as possible, and then transport processed materials to the Port of Long Beach, an organic composting facility, or a landfill. Virtually all of the waste materials transported to the Proposed Project from existing waste generating sources (i.e. “markets”) will also be transported from the Proposed Project to other existing facilities (i.e., recycling, composting, and landfill facilities).

This chapter is intended to respond to court directives seeking additional information and support for the chosen GHG significance threshold, and additional information relating to Mitigation Measure AQ-22.

⁴ The only change to the 2014 RDEIR’s greenhouse gas emissions analysis presented in Addendum No. 1 was a refinement of the Project’s construction emissions. Addendum No. 1 determined that the minor technical changes in the site plan resulted in an additional 3 metric tons of construction-related greenhouse gas emissions per year.

4.2 Selection of a Quantitative GHG Significance Threshold

Air districts typically act in an advisory capacity to local governments in establishing the framework, and oftentimes the significance thresholds, for environmental review. The SCAQMD is the regulatory agency responsible for improving air quality for large areas of Los Angeles, Orange County, Riverside and San Bernardino counties. Specifically, SCAQMD is responsible for controlling emissions primarily from stationary sources of air pollution, through development and adoption of its Air Quality Management Plan (“AQMP”).

Because of its expertise in establishing air quality analysis methodologies and comprehensive efforts to establish regional and localized significance thresholds for criteria air pollutants and toxic air contaminants, local public agencies have asked SCAQMD for guidance in identifying quantitative significance thresholds to assist them with determining whether or not the amount of GHG emissions identified in their CEQA documents result in a potentially significant impact. However, the SCAQMD has declined to adopt any quantitative GHG emissions thresholds, except for one “interim” screening threshold developed to apply only to stationary source industrial projects where the SCAQMD is the lead agency under CEQA.⁵ The SCAQMD has not adopted similar interim GHG significance thresholds for residential and commercial projects, or for mobile emissions individually.⁶

4.2.1 Types of GHG Emissions

Land development projects generate direct and indirect GHG emissions, on-site and off-site. The Proposed Project is associated with direct emissions on-site from operation of the new MRF/TS facility, convenience store and service station, and indirect emissions from off-site self-haul trucks, solid waste collection trucks, transfer trucks, and employee passenger vehicles.⁷ As with all land use projects, the Proposed Project’s transportation-related GHG emissions are a function of two parameters: emissions control technology and vehicle miles traveled (VMT).

5 SCAQMD, “Staff Report: Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans,” December 5, 2008, p.2 [available at: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2)].

6 *Ibid.*, at p. 8.

7 “Collection truck trips” are trips by Athens vehicles, or other commercial waste hauling company vehicles, that collect waste from waste generators, and bring the waste to the Proposed Project for sorting. “Transfer truck trips” are trips by Athens vehicles that take the sorted waste materials away from the Proposed Project and to existing composting, recycling and landfill facilities. “Self-haul truck trips” are trips made by members of the public, typically in passenger vehicles (e.g., pickup trucks and towed trailers), to the Proposed Project to dispose of solid waste materials.

The California Air Resources Board (“CARB”) is directly responsible for regulating mobile source emissions in the State. Regarding the first parameter, California addresses emissions control technology through a variety of legislative and regulatory schemes, including the state’s Low Carbon Fuel Standard (Executive Order S-01-07) (“LCFS”), a regulatory program designed to encourage the use of cleaner low-carbon transportation fuels in California, encourage the production of those fuels, and therefore, reduce GHG emissions and decrease petroleum dependence in the transportation sector. The regulatory standards are expressed in terms of the “carbon intensity” of gasoline and diesel fuel and their substitutes. Different types of fuels are evaluated to determine their “life cycle emissions” which include the emissions associated with producing, transporting, and using the fuels. Each fuel is then given a carbon intensity score and compared against a declining carbon intensity benchmark for each year. Providers of transportation fuels must demonstrate that the mix of fuels they supply for use in California meets these declining benchmarks for each annual compliance period. In 2018, CARB approved amendments to the LCFS, which strengthened the carbon intensity benchmarks through 2030 to ensure they are in-line with California’s 2030 GHG emission reduction target enacted through SB 32. This ensures that the transportation sector is meeting its obligations to achieve California’s GHG reduction targets.

The state is also implementing legislation and regulations to address the second parameter affecting transportation related GHG emissions: vehicle miles traveled (“VMT”). Examples of this include SB 375, which links land use and transportation funding and provides one incentive for regions to achieve reductions in VMT, and SB 743, which discourages VMT increases for passenger car trips above a region-specific benchmark. These legislative regimes and the regulations adopted to implement them are based in part upon the idea that projects generating new trips that are nonetheless shorter by a given percentage than average trips in the region would have a less than significant transportation impact under CEQA. Further, projects that do not generate any new trips, and instead reduce the length of existing trips, would also have a less than significant transportation impact, and relatedly, a less than significant impact from transportation generated GHG emissions.

In California, local air districts are primarily responsible for controlling stationary sources of pollutants and for regional air quality planning. Specifically, local air districts are responsible for overseeing the siting and operation of new and modified stationary sources. SCAQMD acts as lead agency under CEQA for stationary source projects where the AQMD has primary permitting and approval authority over the project. SCAQMD is not the lead agency for the Proposed Project.

4.2.2 2014 RDEIR's Application of a 10,000 MTCO₂e/year Threshold

In December 2008, SCAQMD adopted an “interim” screening threshold for stationary source industrial projects where the SCAQMD is the lead agency under CEQA. The threshold is considered “interim” because, at the time, SCAQMD anticipated that the CARB would be adopting a statewide significance threshold that would inform and provide guidance to SCAQMD in its adoption of a final threshold. However, no statewide threshold was ever adopted and the interim threshold remains in effect.

The interim screening threshold adopted by SCAQMD for stationary source industrial projects for which SCAQMD is the lead agency is 10,000 MTCO₂e/year. SCAQMD chose this quantitative “bright-line” threshold because it determined that this threshold achieved a capture rate of 90 percent for all new or modified projects.⁸ A 90 percent emission capture rate means that 90 percent of total emissions from all new or modified stationary source projects would exceed the 10,000 MTCO₂e/year threshold and therefore, under CEQA, would be required to identify feasible mitigation measures and project alternatives that would reduce greenhouse emissions.⁹

SCAQMD acknowledges that the threshold is conservative, and likely has a greater than 90 percent capture rate.¹⁰ In developing this threshold, SCAQMD estimated that stationary source industrial projects with GHG emissions below 10,000 MTCO₂e/year (i.e., projects that would not require additional GHG mitigation measures), would, together, emit slightly less than one percent of the future 2050 statewide GHG emissions target and thus could reasonably be determined to not contribute to a significant environmental impact, or impede the state’s ability to reach its 2050 emissions target.^{11,12} In addition, the SCAQMD reasonably determined that those projects falling below the screening threshold would likely “be subject to future applicable GHG control regulations that would further reduce their overall future contribution to the statewide GHG inventory.”¹³

8 SCAQMD, “Staff Report: Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans,” December 5, 2008, p.4.

9 *Ibid.*

10 SCAQMD, Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group, Meeting #7 (11/20/2008), p. 3.

11 SCAQMD, “Staff Report: Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans,” December 5, 2008, p.4.

12 Executive Order S-3-05 establishes California’s 2050 emissions reduction target. Thus, pursuant to the SCAQMD, stationary source industrial projects that emit GHGs below the screening threshold are consistent with Executive Order S-3-05.

13 SCAQMD, “Staff Report: Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans,” December 5, 2008, p.4.

Irwindale, like many public agencies throughout the region, relied upon the SCAQMD's 10,000 MTCO₂e/year interim threshold for industrial land uses in its 2014 RDEIR. Examples of other nearby agencies applying the 10,000 MTCO₂e/year threshold to industrial projects regardless of the percentage of emissions generated by mobile sources, include, but are not limited to: City of Azusa, *Waste Management Material Recovery Facility Transfer Station and Household Hazardous Waste Facility Draft Environmental Impact Report* (March 2011); City of Moreno Valley, *Indian Street Commerce Center Draft Environmental Impact Report* (August 2016); and City of Eastvale, *Homestead Industrial Project Draft Environmental Impact Report* (January 2020).

The City of Irwindale believes use of this threshold to evaluate the MRF/TS Proposed Project was reasonable for multiple reasons:

- When regional efficiencies (i.e., the increase in efficiency within the region, resulting from the presence of a new MRF/TS facility located within an urbanized area) are taken into account, the Project's only net positive emissions are stationary source emissions, making the 10,000 MTCO₂e/year threshold appropriate. This is because the Project results in a net reduction in actual regional vehicle miles traveled, due to the fact it does not generate new waste hauling trips and it increases regional efficiencies. The Project provides an additional MRF/TS facility in an urban area that will allow the Project Applicant, other commercial waste haulers, and self-haulers to redistribute existing solid waste collection and transfer trips in a more efficient manner. Thus, when mobile emissions are removed from consideration because they are reduced when compared against the existing environmental baseline, the Project's remaining emissions are, in fact, generated by stationary sources (i.e., the MRF/TS itself), rendering a stationary source threshold applicable.

As described below, the Project's mobile emissions net to zero, or below, due to increased regional efficiencies. Further, these already "netted out" mobile emissions are "subject to future applicable GHG control regulations that... further reduce their overall future contribution to the statewide GHG inventory" consistent with SCAQMD's description of projects falling below its 10,000 MTCO₂e/year threshold for industrial projects. As noted in California's 2017 Climate Change Scoping Plan, California is home to nearly half of the country's zero-emission vehicles, California's climate policies will reduce California's fuel demand by more than 45 percent by 2030, and improvements in clean transportation technology and low carbon fuels have had—and are anticipated to continue having—a significant contribution to reducing statewide GHG emissions.¹⁴ Consistent with this trend, the Project Applicant's waste collection trucks and transfer trucks run primarily on compressed natural gas ("CNG"), as opposed to diesel or gasoline, and as fleet turnover continues into the future, only new CNG trucks will be purchased. This means that the Project's mobile emissions, which are already netted out at zero or below, will continue to be even further reduced in the future. This further indicates that application of a stationary source threshold is appropriate given that the only remaining emissions will be stationary source emissions from the MRF/TS facility itself.

- CARB, the State agency with primary responsibility for ensuring that California reduces its GHG emissions consistent with all state plans, policies and orders, supports application of the 10,000 MTCO₂e/year threshold to industrial projects, even where the majority of emissions are due to mobile truck trips. For example, the CARB supported application of the threshold to the World Logistics Center Project, proposed in Moreno Valley, California. That project proposed 41.4 million square feet of high-cube logistics warehouses, and an additional 20,000 square feet of land for logistics support. That project's original Draft Environmental Impact Report estimated that the project would emit 751,787 MTCO₂e/year, more than half of which (465,994 MTCO₂e/year) was attributable to mobile emissions.¹⁵ CARB reviewed and commented upon the World Logistics Center Draft EIR, and took no issue with the application of the 10,000 MTCO₂e/year threshold to that project.¹⁶ Further, in a later letter to that project's lead agency, the CARB expressly supported application of the threshold to the project.¹⁷

14 California ARB, *California's 2017 Climate Change Scoping Plan*, pp. ES-8, 9, 73 [available at: https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf].

15 World Logistics Center Project Environmental Impact Report (SCH # 2012021045), Table 4.7F, p. 4.7-30 [available at: <http://www.moval.org/cdd/pdfs/projects/wlc/wcl-deir0213.pdf>].

16 California ARB, Letter to Mr. John Terrell/City of Moreno Valley, April 16, 2013, p. 3 [available at: <https://ww2.arb.ca.gov/sites/default/files/classic/toxics/ttdceqalist/worldlogistics0413.pdf>].

17 California ARB, Letter to Mr. Albert Armijo/City of Moreno Valley, September 7, 2018, p. 10 [available at: https://ww2.arb.ca.gov/sites/default/files/classic/toxics/ttdceqalist/logisticsfeir?_ga=2.194534253.1917172821.1584642583-1530301191.1580405888].

Nonetheless, the Los Angeles County Superior Court has directed Irwindale to reconsider its reliance on and support for the 10,000 MTCO₂e/year threshold. In follow-up correspondence with the SCAQMD to assist the City in its selection of an appropriate threshold for this 2020 Recirculated DEIR, SCAQMD staff stated that the 10,000 MTCO₂e/year threshold may be applied to the total GHG emissions generated by industrial projects, including their mobile emissions, and to projects for which SCAQMD is not the lead agency.¹⁸ Staff indicated that the 10,000 MTCO₂e/year threshold was derived to apply to industrial projects with the SCAQMD as the Lead or Responsible Agency. It is a project impacts threshold so would include the total of construction, operation, stationary, and mobile emissions.

In light of the above, Irwindale has evaluated whether it should once again proceed with the 10,000 MTCO₂e/year threshold or whether a more stringent quantitative threshold for the GHG impact analysis should be applied in this 2020 Recirculated DEIR.

4.2.3 Selection of a Net Zero MTCO₂e/year Threshold

Under CEQA, Irwindale recognizes that there are multiple possible pathways available for a lead agency to evaluate the significance of an individual project's GHG emissions. Such evaluations are a matter of lead agency discretion and require judgment on a project-by-project basis.

The lead agency is responsible for determining whether an adverse environmental effect identified in an EIR should be classified as "significant" or "less than significant." (State CEQA Guidelines, § 15064(b).) Significance thresholds may be "project-specific" and tailored to the type, location and context of an individual project. Project-specific thresholds are not required to be formally adopted, as the State CEQA Guidelines only require that thresholds of general application be formally adopted. (State CEQA Guidelines, § 15064(b).)

A zero threshold is lower than all GHG emissions significance thresholds either adopted or recommended by other urban-area air districts in California. To meet a zero threshold, all of a project's emissions must be eliminated or offset, and the status quo of the existing environmental baseline retained.¹⁹ State CEQA Guidelines, section 15064.4(b), addresses the significance of impacts from GHG emissions specifically, and while it does not require or imply a zero emissions threshold, it also does not preclude a lead agency from applying a net zero emissions threshold on a project-specific basis.²⁰ For example:

18 Communication between Mr. Michael Krause (SCAQMD) and Mr. Paul Miller, March 26, 2020.

19 For more information regarding the merits of a zero threshold, see California Air Pollution Control Officers Association ("CAPCOA"), *CEQA and Climate Change*, January 2008, Chapter 6, "CEQA With GHG Threshold of Zero" [available at: <https://ww2.energy.ca.gov/2008publications/CAPCOA-1000-2008-010/CAPCOA-1000-2008-010.PDF>].

20 CEQA also does not require that a project mitigate beyond the impacts actually caused by a project. (See Pub. Resources Code, §§ 21068, 21100(d) [CEQA defines significant impacts as a substantial or potentially substantial adverse change in the environment].) (Emphasis added.)

- The Bay Area Air Quality Management District (“BAAQMD”) has adopted a 1,100 MTCO₂e/year threshold for all land development projects, including industrial projects.²¹ BAAQMD determined through modeling that projects emitting less than 1,100 MTCO₂e/year would result in less than significant impacts. The BAAQMD’s *California Environmental Quality Act Air Quality Guidelines*, Appendix D “Threshold of Significance Justification,” provides the evidence upon which BAAQMD relied in developing and adopting its threshold, including a description of derivation of the state’s GHG reduction goals, consideration of foreseeable reductions reasonably anticipated from implementation of the CARB’s Scoping Plan, identification of a targeted percentage reduction for all land use emissions sectors, and modeling for projected development.²²
- The Sacramento Metropolitan Air Quality Management District (“SMAQMD”) recommends that lead agencies apply a similar 1,100 MTCO₂e/year threshold for all project types, including industrial projects.²³

While SCAQMD has not adopted a zero threshold, it acknowledges that some members of the SCAQMD’s GHG Significance Threshold Working Group have recommended a zero threshold in the past.²⁴ SCAQMD chose not to adopt a zero threshold because of concerns that it would not be feasible to implement, as too few projects would be able to meet this highly conservative threshold.²⁵ A zero threshold was not rejected on grounds it would fail to reduce emissions.²⁶

Additionally, the CARB has also not adopted a zero threshold, but its 2017 Scoping Plan Update does encourage its use where feasible, and explains that meeting a zero threshold means a project does not have any GHG emissions-related environmental impact: “Achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development.”²⁷

Despite there being no formally adopted zero threshold at either the State or local level, several other lead agencies have voluntarily chosen to apply a zero threshold in other CEQA analyses, after finding the threshold appropriate as a project-specific threshold. Examples of CEQA analyses that have applied a project-specific zero GHG emissions threshold include:

21 BAAQMD, *California Environmental Quality Act Air Quality Guidelines*, May 2017, pp. 2-2, 2-4, 3-1.

22 *Id.*, at pp. D-1 through D-21.

23 SMAQMD, *Guide to Air Quality Assessment in Sacramento County*, updated July 2019, Chapter 2 Appendix, Threshold of Significance Table, see also p. 6-11 [available at: <http://www.airquality.org/Businesses/CEQA-Land-Use-Planning/CEQA-Guidance-Tools>].

24 SCAQMD, “Staff Report: Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans,” December 5, 2008, p. 4.

25 *Id.*, at p. 5.

26 *Ibid.* See also Staff Report, Attachment E, p. 2-7, 2-8.

27 California ARB, *California’s 2017 Climate Change Scoping Plan*, p.101.

- County of San Diego Otay Ranch Village 14 and Planning Areas 16/19 Draft Environmental Impact Report (February 2018).²⁸
- Los Angeles County Landmark Village Project Final Recirculated Portions of the Environmental Impact Report (June 2017).²⁹
- California Air Resources Board Southern California Consolidation Project Draft Environmental Impact Report (March 2017).³⁰
- California State Lands Commission Venoco Ellwood Marine Terminal Final Environmental Impact Report (November 2014).³¹

Here, as explained in detail below, the Proposed Project does not generate new sources of solid waste, and thus the Proposed Project would not generate new truck trips to transport solid waste. Recognizing that the Project would only redistribute solid waste haul and transfer trips more efficiently within the region is a reasonable expectation of an MRF/TS facility in a highly urbanized area. Thus, the Proposed Project’s specific features and environmental setting make application of a net zero threshold appropriate.

Application of a net zero threshold to the Proposed Project is not intended to establish a new benchmark whereby only projects that reduce emissions to zero result in less than significant impacts under CEQA. In fact, the CARB specifically cautions against such an interpretation in its 2017 Scoping Plan, which reads, “Achieving net zero increases in GHG emissions, resulting in no contribution to GHG impacts, may not be feasible or appropriate for every project... and the inability of a project to mitigate its GHG emissions to net zero does not imply the project results in a substantial contribution to the cumulatively significant environmental impact of climate change under CEQA.”³² As stated above, Irwindale recognizes that there are multiple pathways available under CEQA for a lead agency to evaluate the significance of an individual project’s GHG emissions, and such evaluations are a matter of lead agency discretion and require judgment on an individual, project-by-project basis.

28 The Otay Ranch Village 14 and Planning Areas 16/19 project includes up to 1,119 single family residential units and other land uses on approximately 1,369 acres in San Diego County. The Draft EIR’s GHG analysis is available at: https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/OtayRanchVillage14andPlanAreas16-19/DEIR/2.7_GHG.pdf.

29 The Landmark Village Project is one of the five villages within the Newhall Ranch Specific Plan, which was litigated in *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204 (“*Newhall Ranch*”). The Recirculated Portions of the Landmark Village EIR are available at: http://planning.lacounty.gov/assets/upl/case/tr_53108_section-2-0-revised-pages-of-recirculated-eir.pdf.

30 The Southern California Consolidation Project is a motor vehicle and emissions testing and research facility. The project intends to reduce its GHG emissions as much as possible through project design, and considers purchasing GHG offsets to reduce the remaining GHG emissions to zero. The project’s Draft EIR is available at: https://www.dudek.com/SoCalConsolidationCEQA/ARB_SCCP_Draft_EIR_March2017.pdf.

31 The PRC 421 Recommissioning Project is an oil production project operated by Venoco, a private oil and gas company. The project’s Final EIR is available at: https://www.slc.ca.gov/wp-content/uploads/2014/11/FEIR_Full.pdf.

32 California ARB, *California’s 2017 Climate Change Scoping Plan*, p.102.

4.3 Methodology

To assess the significance of the Project's GHG emissions relative to the chosen net zero threshold, both quantitative and qualitative information is provided to support the significance determination presented herein. This approach is consistent with State CEQA Guidelines, section 15064.4(a), which grants lead agencies "discretion to determine, in the context of a particular project, whether to: (1) Quantify greenhouse gas emissions resulting from a project; and/or (2) Rely on a qualitative analysis or performance based standards."

4.3.1 Methodology for Non-Waste Hauling Emissions

Construction emissions, and operational emissions associated with the convenience store / public gas station, area sources, energy use, on-site MRF/TS equipment, and employee vehicle trips, were quantitatively modeled using CalEEMod³³, EMFAC³⁴, and OFFROAD³⁵. This modeling was included in the 2014 RDEIR and updated in the Addendum No. 1 (2017) and is not revised or otherwise altered by this 2020 Recirculated DEIR.

4.3.2 Methodology for Waste Hauling Emissions

Greenhouse gas emissions generated by redistributed waste hauling truck trips are also quantitatively modeled using EMFAC. Waste hauling truck trips include waste collection truck trips, which bring solid waste materials from local waste generating markets to the Proposed Project for processing and sorting. Waste hauling truck trips also include transfer truck trips, which bring processed and sorted waste materials from the Proposed Project to landfills, composting facilities, or the Port of Long Beach.

33 CalEEMod (California Emissions Estimator Model Version) is a California land use emissions computer model that estimates criteria pollutant and GHG emissions associated with both construction and operations from a variety of land use projects. This model was developed for the California Air Pollution Officers Association (CAPCOA) in collaboration with the California Air Districts. Default data (e.g., emission factors, trip lengths, meteorology, source inventory, etc.) have been provided by the various California Air Districts to account for local requirements and conditions.

34 California Air Resources Board's (CARB) EMFAC emissions inventory model. EMFAC is the latest emission inventory model that calculates emission inventories and emission rates for motor vehicles operating on roads in California. This model reflects CARB's current understanding of how vehicles travel and how much they emit. EMFAC can be used to show how California motor vehicle emissions have changed over time and are projected to change in the future.

35 CARB OFFROAD emissions inventory model. OFFROAD is the latest emission inventory model that calculates emission inventories and emission rates for off-road equipment such as loaders, excavators, and off-road haul trucks operating in California. This model reflects CARB's current understanding of how equipment operates and how much it emits. OFFROAD can be used to show how California off-road equipment emissions have changed over time and are projected to change in the future.

To quantitatively determine the amount of vehicle miles reduced from the existing condition, and thus the quantity of greenhouse gas emissions reduced from the existing condition, a quantitative regional efficiencies analysis was completed. The regional efficiencies analysis identifies existing nearby waste generating markets, the distances from those markets to existing MRF/TS facilities, and the distances between existing MRF/TS facilities and the landfill, composting, and port facilities that currently accept sorted and processed materials. These distances were then compared against the distances that would be traveled after opening of the Proposed Project, using a weighted average reduction approach.

The analysis considers the location of the following facilities:

- Athens Services Materials Recovery Facility/Transfer Station (“Industry MRF/TS”), located in the City of Industry. This existing facility currently accepts waste materials from several markets in the vicinity of the Proposed Project.
- Grand Central Transfer Station (“Grand Central TS”) located in the City of Industry. This existing facility currently accepts waste materials from regional markets from non-Athens Services commercial waste haulers.
- Mid-Valley Landfill located in the City of Rialto. This existing landfill facility currently accepts solid waste materials transferred from the existing MRF/TS facilities in the region.
- Chiquita Canyon Landfill located in the City of Castaic. This existing landfill facility currently accepts solid waste materials transferred from the existing MRF/TS facilities in the region.
- Port of Long Beach. Recyclable materials transferred from the existing Industry MRF/TS are currently brought to the Port.
- American Organics Composting Facility located in the City of Victorville. This composting facility currently accepts composting materials transferred from the existing Industry MRF/TS.

The regional efficiencies analysis in the 2020 RDEIR differs from the approach applied in the 2014 RDEIR to calculate mobile emissions generated by the Proposed Project. The 2014 RDEIR assumed that all waste hauling truck trips were new truck trips, even though the Proposed Project does not generate new solid waste or new waste hauling truck trips. Instead, the Proposed Project redistributes existing waste hauling trips in a more efficient manner. Treating redistributed existing truck trips as new truck trips may make sense in the context of an air pollutant emissions analysis, because air pollutant impacts on human health, for example, are location specific.

Air pollutant emissions redistributed to occur closer or farther from sensitive receptors may affect the significance of the air pollutant emissions and the extent of the impact. In contrast, GHG emissions impacts do not change based on the specific street, neighborhood, or even city within which they occur. Thus, a redistributed existing truck trip that still occurs in the same region, if not along the same route, would not cause an increase or decrease in the significance of that truck's GHG emissions. On an intraregional basis, the significance or extent of a GHG emissions impact is based solely on the amount of emissions, not their location within the region. For this reason, a different methodology has been applied in this 2020 Recirculated DEIR than was applied in the 2014 RDEIR to analyze GHG emissions impacts.

4.4 Impact Analysis

This analysis augments the GHG analysis contained within the 2014 RDEIR, specifically the quantitative emissions threshold.

4.4.1 Thresholds of Significance

As discussed in detail above this analysis will use net zero GHG emissions as the significance threshold.

4.4.2 THRESHOLD GHG EMISSIONS-1

Would the GHG emissions attributable to project construction and operations be potentially significant?

Less Than Significant Impact

4.4.3 Non-Waste Hauling Trip Emissions

Non-waste hauling trip emissions include all Project-generated emissions with the exception of mobile emissions from waste collection and waste transfer truck trips.

Construction emissions were updated in Addendum No. 1 to account for minor changes in the Proposed Project's site plan. As disclosed in Addendum No. 1, which remains part of the Proposed Project's administrative record, the changes resulted in an incremental increase in GHG emissions from construction. From Addendum No. 1:

The construction emissions associated with the Proposed Project at 32,400 cubic yards of material import during grading would be approximately 1,035 metric tons of CO₂e, an increase of 95 metric tons of CO₂e compared to the 940 metric tons of CO₂e estimated in the [2014] RDEIR for 15,000 cubic yards of material export. This would be an increase of approximately 3 metric tons of CO₂e per year when amortized over the life of the project (assumed to be 30 years in the RDEIR). (Addendum No. 1, p. 21.)

The construction emissions of 1,035 MTCO₂e amortized over 30 years results in 34.5 MTCO₂e/year. The 2020 RDEIR does not revise or modify the quantitative calculation of construction related GHG emissions, and it is provided here for informational purposes.

The 2014 RDEIR determined the greenhouse gas emissions associated with area, energy, waste and water; on-site MRF/TS equipment; mobile emissions associated with the convenience store/public gas station; and mobile emissions associated with Project employees (including both the MRF/TS and the convenience store/public gas station). The 2014 RDEIR modeled these emissions using CalEEMod, EMFAC, and OFFROAD. The 2020 RDEIR does not revise or modify these quantitative calculations, which are presented below, in **Table 4-7**.

4.4.4 Waste Hauling Trip Emissions: Collection Trucks

The Proposed Project would not cause the generation of any new waste materials in the region and would instead process waste materials that are, in the baseline condition, currently processed at other existing waste sorting and transferring facilities within the region. Therefore, nearly all, if not all, waste hauling trips to and from the Proposed Project would be redirected existing trips by waste collection vehicles. These vehicles would be (and are, already) collecting solid waste near the City of Irwindale with or without the Proposed Project, and these trips would (and do currently) go to other existing materials processing and sorting facilities, if the Proposed Project were never constructed.

Construction and operation of new MRF/TS facilities in urban areas will generally always result in improved waste hauling trip regional efficiencies. The primary purpose of an MRF/TS is to maximize resource recovery and increase the quantity of compostable and recyclable materials diverted from landfills. Locating more MRF/TS facilities closer to urban waste generation markets (i.e., the neighborhoods and communities from which solid waste is collected), minimizes the travel distance of waste collection vehicles, which in turn, reduces GHG emissions.

More MRF/TS facilities in urban areas provide more opportunities to reduce vehicle fuel consumption in getting materials from generation sources to the processing facility. When fewer MRF/TS facilities are available within a region, waste collection trucks must travel farther distances to processing sites, or instead take all collected waste to distant landfills for material separation. Thus, and as described in more detail below, trip lengths to and from the Proposed Project from the nearby waste generation markets anticipated to be rerouted to the Proposed Project will generally be shorter than the trip lengths to existing MRF/TS facilities.

Waste collection trips bring solid waste materials from surrounding waste-generating markets to MRF/TS facilities. They include both commercial waste collection trucks and self-haulers, which are individuals or small construction contractors who haul their own waste, usually in personal passenger vehicles, pick-up trucks, or small trailers, to the MRF/TS for disposal. Commercial waste haulers utilizing the Project will include both Athens Services' own waste collection truck fleet, and other collection trucks run by other commercial haulers, who choose, for one reason or another, to dispose of and process their waste at an Athens Services facility.

Because the Proposed Project does not generate waste, it can be reasonably expected that new contracts—either between other haulers and the Proposed Project, or between other communities and Athens—would not represent new waste hauling trips, given that any market redirected to the Proposed Project in the future, currently exists and currently already generates waste that is hauled to another existing MRF/TS and/or landfill. For the same reasons that Athens will reroute waste collection trips from its existing markets, future markets would also be expected to reroute in the manner that is most efficient and cost effective, and cost savings are typically associated with shorter haul distances.

To determine the impact that rerouting waste collection truck trips will have on miles traveled, and in turn, GHG emissions, a conservative, per trip miles reduction was calculated. This per trip miles reduction was multiplied by the anticipated number of total waste collection truck trips. From here, an anticipated GHG emissions reduction was modeled using EMFAC.

To determine a conservative per trip miles reduction, two separate analyses were done. First, an average total trip reduction was calculated based on the location of current Athens Services markets and routes, and the amount of waste currently collected by Athens from these markets. Then, an average total trip reduction was calculated based on the location of markets anticipated to contract with Athens Services in the future, or that contract with other commercial waste haulers that are anticipated to bring their collected waste to the Proposed Project. As shown below, the average trip reduction based upon general markets is less than the average trip reduction based upon Athens Services' current markets, and so, to present the most conservative analysis, this average trip reduction is used to calculate GHG emissions reductions.

Athens Services currently stations a truck fleet at its Vincent Truck Yard, located within the City of Irwindale, near the Proposed Project site. Currently, this fleet collects waste from surrounding markets, and takes this waste to the existing Industry MRF/TS in the City of Industry. The Applicant will reroute these trucks to the Proposed Project upon its opening to maximize operational efficiency and significantly reduce miles traveled by the existing Athens Services' truck fleet. Currently, a typical Athens Services truck route begins at the Vincent Truck Yard in Irwindale, travels to a specified market, and then carries the collected solid waste materials to the existing Industry MRF/TS. At the end of the day, the truck then travels from the existing Industry MRF/TS back to the Vincent Truck Yard. A single truck may travel to and from the MRF/TS to the market more than once before returning to the Vincent Truck Yard at the end of the day, but no more than three times per day.

Table 4-1 compares the Athens Services collection truck miles traveled under the existing condition, to the Athens collection truck miles traveled under the Proposed Project condition. To do so, the table identifies those markets and Athens waste collection routes that the Applicant will reroute after completion of the Proposed Project. The table identifies the number of miles currently traveled by an Athens waste collection truck from each market to the existing Industry MRF/TS in the City of Industry, as well as the number of miles that will be traveled from each market to the Proposed Project. As shown in **Table 4-1**, for all but two local markets, there will be a reduction in miles traveled between the market and the MRF/TS once the route is redirected to the Proposed Project. As discussed below, for even those local markets with a slight increase in miles shown in **Table 4-1**, the miles saved due to closer proximity to the Vincent Truck Yard will nonetheless result in an overall reduction in miles traveled.

The “Market to Project Miles Reduction” identified in **Table 4-1** is the reduction per one-way trip between the identified market and the Proposed Project. However, frequently a single truck makes multiple trips between the market and the MRF/TS before returning to the Vincent Truck Yard at the end of the day, further increasing the reductions presented in **Table 4-1**. For example, if a waste collection truck traveled from Azusa to the MRF/TS, then back to Azusa, and then back to the MRF/TS before completing its shift, the total miles traveled would be 35.4 under the existing condition (11.8 x 3), and 10.2 (3.4 x 3) under the Proposed Project resulting in a reduction of 25.2 miles (8.4 x 3).

In addition, Athens waste collection truck trips will see further reductions in miles traveled due to the Proposed Project's close proximity to the Vincent Truck Yard, located in the City of Irwindale, approximately 2.5 miles from the Proposed Project. As shown in **Table 4-2**, when accounting for the closer distance of the Vincent Truck Yard, which is the starting and ending location for each Athens Services waste collection truck trip utilizing the Proposed Project, each market, including San Gabriel/San Marino/Monrovia and South Pasadena, sees an overall decrease in miles traveled. The Vincent Truck Yard is located 7.9 miles from the existing Industry MRF/TS, and thus each trip from the Proposed Project to the Vincent Yard will result in a reduction of 5.4 miles traveled.

Table 4-1 Athens Market to MRF/TS One-Way Trip Miles Reduction

Athens Marketa	Existing Condition	Proposed Condition	Market to Project Miles Reduction
	(Miles to Industry MRF/TS)	(Miles to Proposed Project)	
Altadena	21.0	16.0	5.0
Azusa	11.8	3.4	8.4
Covina	10.4	3.7	6.7
Glendora	15.0	6.9	8.1
Irwindale	6.6	1.0	5.6
La Canada Flintridge	28.0	23.0	5.0
Miscellaneous San Gabriel Valley	21.0	16.0	5.0
Monrovia	11.8	7.7	4.1
Pasadena	19.7	14.5	5.2
San Gabriel/Rosemead/Pasadena	16.0	14.0	2.0
San Gabriel/San Marino/Monrovia	12.4	13.6	-1.2
Sierra Madre	14.8	9.7	5.1
South Pasadena	15.0	17.2	-2.2
Temple City	8.7	7.5	1.2
West Covina	4.3	2.8	1.5

a. Source: Athens Services, 2020.

Table 4-2 accounts for each leg of an Athens Services waste collection truck trip, which begins at the Vincent Truck Yard and then proceeds to each individual market. No change in miles traveled from the Vincent Truck Yard to each individual market will occur as a result of the Proposed Project. From each market, the waste collection truck would proceed to the Proposed Project, and, as indicated in **Table 4-1** and in the third column of **Table 4-2**, all but two markets would see a reduction in vehicle miles traveled on this leg. An Athens Services waste collection vehicle may proceed from the Proposed Project back out to the market for additional loads, which for all but two markets, would further increase the reduction indicated in the “One-Way Trip Miles Reduction” column. After dumping its last load at the Proposed Project, the Athens’ waste collection truck would travel 2.5 miles back to the Vincent Truck Yard. As indicated in **Table 4-2**, this final leg would result in an additional reduction of 5.4 miles from the existing condition, wherein the collection trucks travel 7.9 miles from the existing Industry MRF/TS to the Vincent Truck Yard.

The “Total Reduction Per Round Trip” column in **Table 4-2** assumes only one, one-way trip between each market and the Proposed Project. While trucks often make more than one trip between the market and the MRF/TS, for all but two markets the total reduction would only increase with each additional trip.

Table 4-2 Athens Collection Truck Round Trip Miles Reduction

Athens Market^a	Vincent Yard to Market Reduction	Market to Project Miles Reduction^b	Project to Vincent Yard Reduction	Total Reduction Per Round Trip
Altadena	0	5.0	5.4	10.4
Azusa	0	8.4	5.4	13.8
Covina	0	6.7	5.4	12.1
Glendora	0	8.1	5.4	13.5
Irwindale	0	5.6	5.4	11
La Canada Flintridge	0	5.0	5.4	10.4
Miscellaneous San Gabriel Valley	0	5.0	5.4	10.4
Monrovia	0	4.1	5.4	9.5
Pasadena	0	5.2	5.4	10.6
San Gabriel/Rosemead/Pasadena	0	2.0	5.4	7.4
San Gabriel/San Marino/Monrovia	0	-1.2	5.4	4.2
Sierra Madre	0	5.1	5.4	10.5
South Pasadena	0	-2.2	5.4	3.2
Temple City	0	1.2	5.4	6.6
West Covina	0	1.5	5.4	6.9

^a Source: Athens Services, 2020.

^b See Table 4-1.

For the two markets that do not see a trip reduction for each one-way trip between the market and the MRF/TS—San Gabriel/San Marino/Monrovia and South Pasadena—an overall reduction would still occur, given the reduction in miles traveled as a result of the proximity of the Vincent Truck Yard to the Proposed Project. Trucks often make two trips to a market in a given day, and sometimes three. Trucks do not proceed back to an individual market more than three times in a single day.

To determine an average miles reduction per trip upon which to base the GHG emissions reduction, a weighted average was calculated. This is because some markets are smaller, and require fewer waste collection trips, thus their miles reduction per trip is not as significant as the miles reduction per trip from larger markets requiring more waste collection trips. **Table 4-3** identifies a weighted average reduction per trip, which accounts for the varying sizes of each individual Athens Services market.

As shown in **Table 4-3**, based upon the location of existing Athens Services markets, the Proposed Project results in an average trip reduction of 9.6 miles, when accounting for the relative size of each individual market (and thus, the percentage of truck trips traveling to and from each market).

As described above, an average trip reduction based upon the location of anticipated future markets was also calculated.

Table 4-3 Athens Collection Truck Weighted Average Trip Miles Reduction

Athens Market ^a	Total Reduction Per Round Trip ^b	Market Percentage of Total ^a	Market Percentage x Reduction Per Round Trip
Altadena	10.4	5.2%	0.5
Azusa	13.8	7.9%	1.1
Covina	12.1	12.4%	1.5
Glendora	13.5	11.1%	1.5
Irwindale	11	2.2%	0.2
La Canada Flintridge	10.4	2.0%	0.2
Miscellaneous San Gabriel Valley	10.4	1.1%	0.1
Monrovia	9.5	11.7%	1.1
Pasadena	10.6	9.3%	1.0

Athens Market ^a	Total Reduction Per Round Trip ^b	Market Percentage of Total ^a	Market Percentage x Reduction Per Round Trip
San Gabriel/Rosemead/Pasadena	7.4	1.2%	0.1
San Gabriel/San Marino/Monrovia	4.2	3.5%	0.1
Sierra Madre	10.5	2.4%	0.3
South Pasadena	3.2	5.9%	0.2
Temple City	6.6	6.0%	0.4
West Covina	6.9	18.2%	1.3
Average Weighted Miles Reduction Per Trip^c			9.6

^a Source: Athens Services, 2020.

^b See Table 4-2.

^c Average Weighted Miles is the sum of all “Market Percentage x Reduction Per Round Trip” values.

While the exact locations and quantities of possible future contracts cannot, at this time, be known, **Table 4-4** nonetheless identifies several local markets within the region, some of which currently contract a portion (but not all) of their solid waste collection to Athens, and many of which currently contract with other commercial waste haulers. After construction of the Proposed Project, some of these markets may choose to contract with Athens, or the other commercial haulers serving these markets may choose to bring their solid waste materials to the Proposed Project instead of to other MRF/TS facilities farther away.

While it is too speculative to identify the exact markets and tonnage that may be directed to the Proposed Project in the future, **Table 4-4** illustrates that for local markets that may currently utilize one of two other MRF/TS facilities in the region, providing an additional MRF/TS option within the region results in significant reductions in miles traveled by commercial waste collection trucks. As indicated in **Table 4-4**, the two MRF/TS facilities that currently serve the area are the Grand Central TS³⁶ and the Industry MRF/TS, both of which are located within the City of Industry. While it cannot be known whether a market is currently sending their waste to the Grand Central TS or the Industry MRF/TS, reductions were calculated for each, and the lowest reduction reported in the “Lowest Trip Reduction” column.

³⁶ Grand Central TS was not included in the analysis of Athens own waste hauling routes given that the Athens Services MRF/TS is located within the same city—the City of Industry—and Athens sends its own waste collection trucks to the existing Athens Services MRF/TS.

As was done above with Athens Services' existing markets, to determine an average miles reduction per trip, a weighted average was calculated. This weighted average accounts for the different amount of waste generated in different sized markets. **Table 4-5** identifies a weighted average reduction per trip. As shown in **Table 4-5**, based upon the location of regional markets, the Proposed Project results in an average round trip reduction of 8.7 miles. As this reduction is lower than the reduction calculated using Athens Services' existing markets, to provide for the most conservative analysis, an average trip reduction of 8.7 miles is used to calculate anticipated GHG emissions reductions.

The Proposed Project is anticipated to operate at a maximum processing capacity of 6,000 tons of waste material per day, with approximately 80% (or 4,800 tons) of the total coming from commercial waste collection trucks. Applying the reasonable assumption that commercial waste collection trucks on average carry 9 tons (90 percent of the truck's 10-ton capacity), approximately 533 waste collection truck trips per day are expected. This is notably lower than the number of waste collection truck trips assumed in the 2014 RDEIR (1,648) and which provided the basis for the Project's air quality and traffic analyses. This reduction in assumed trips is to provide the most conservative analysis.

Assuming that maximum operating capacity is only reached on weekdays, this results in an annual reduction in miles of approximately 1,205,646 commercial waste collection truck trip miles. The modeled GHG emissions reduction associated with this reduction in annual commercial waste collection truck miles is 4,868 metric tons at project buildout. The remaining 1,200 tons of self-haul waste is anticipated to be brought to the MRF/TS by way of 249 self-haul vehicle trips, which is the number of self-haul trips assumed in the 2014 RDEIR. It is expected that self-haul trips will originate from the same regional markets as are depicted in **Table 4-4**, and with a similar average weighted miles reduction as shown in **Table 4-5**. This results in a self-haul annual miles reduction of 563,238 miles. The modeled GHG emissions reduction associated with this reduction in annual self-haul vehicle miles is 487 metric tons. Together, the GHG emissions reduction associated with commercial waste collection and self-haul waste collection is 5,355 metric tons.

Table 4-4 One-Way Regional Markets Commercial Collection Truck Miles Reduction

Regional Market	Miles to Proposed Project	Miles to Grand Central TS	One-Way Trip Miles Reduction (Rerouted from Grand Central TS)	Miles to Industry MRF/TS	One-Way Trip Miles Reduction (Rerouted from Industry MRF/TS)	Lowest One-Way Trip Reduction
Irwindale	1.0	9.7	8.7	6.6	5.6	5.6
Azusa	3.4	9.6	6.2	11.8	8.4	6.2
Covina	3.7	7.5	3.8	10.4	6.7	3.8
Arcadia	7.8	18.1	10.3	13.4	5.6	5.6
Duarte	4.1	17.2	13.1	9.4	5.3	5.3
Bradbury	4.5	17.3	12.8	9.5	5.0	5.0
Sierra Madre	9.3	22.0	12.7	14.2	4.9	4.9
Monrovia	7.7	18.5	10.8	11.8	4.1	4.1
San Gabriel	14.0	14.8	0.8	16.0	2.0	.8
Temple City	7.5	14.8	7.3	8.7	1.2	1.2
Pasadena	14.5	27.0	12.5	19.7	5.2	5.2
La Canada Flintridge	23.0	32.3	9.3	28.0	5	5
San Dimas	12.5	14.7	2.2	13.8	1.3	1.3
La Verne	13.9	14.8	0.9	15.6	1.7	0.9

Source: Athens Services, 2020.

4.4.5 Waste Hauling Trip Emissions: Transfer Trucks

Once materials are sorted and processed at an MRF/TS facility, transfer trucks carry the solid waste materials to landfills, recyclables to the Port of Long Beach, and compostable materials to a composting facility. Solid waste materials that are currently sorted at the existing Industry MRF/TS are transferred to either the Mid-Valley Landfill, located in the City of Rialto, or the Chiquita Canyon Landfill, located in Castaic. Recyclable materials are taken to the Port of Long Beach, and compostable materials are taken to the American Organics facility, located in the City of Victorville. As described above, due to rerouting, some materials that are currently taken to the existing Industry MRF/TS will be taken to the Proposed Project upon its opening. Solid waste, recyclable, and compostable materials leaving the Proposed Project are anticipated to have the same destinations as materials leaving the Industry MRF/TS. Athens transfer trucks in the Vincent Truck Yard fleet that would serve the Proposed Project, are 100 percent CNG-powered.

Table 4-5 Regional Markets Collection Truck Weighted Average Trip Miles Reduction

Regional Market	Round Trip Reduction ^a	Market Percentage of Total ^b	Market Percentage x Reduction Per Round Trip
Irwindale	11.2	5.8%	0.6
Azusa	12.4	8.1%	1.0
Covina	7.6	8.1%	0.6
Arcadia	11.2	9.0%	1.0
Duarte	10.6	3.7%	0.4
Bradbury	10	0.6%	0.1
Sierra Madre	9.8	1.8%	0.2
Monrovia	8.2	6.4%	0.5
San Gabriel	1.6	7.2%	0.1
Temple City	2.4	3.9%	0.1
Pasadena	10.4	34.3%	3.6
La Canada Flintridge	10	3.2%	0.3
San Dimas	2.6	2.3%	0.1
Las Verna	1.8	5.5%	0.1
Average Weighted Miles Reduction Per Trip^c			8.7

^a Calculated by doubling “Lowest One-Way Trip Reduction” of Table 4-4.

^b Source: Athens Services, 2020.

^c Average Weighted Miles is the sum of all “Market Percentage x Reduction Per Round Trip” values.

Table 4-6 provides the round-trip miles saved as a result of the Proposed Project. Based upon the reasonable assumption that a transfer truck carries an average of 22 tons of material (truck capacity ranges from 22 to 24 tons) to its final destination of landfill, composting facility, or Port of Long Beach, a total of 272 transfer truck trips per day is assumed. This is notably lower than the number of transfer truck trips assumed in the 2014 RDEIR (559) and which provided the basis for the Project’s air quality and traffic analyses. This reduction in assumed trips is to provide the most conservative analysis.

The 272 transfer truck trips were divided between the four destination points, based upon the following: Waste materials leaving the Proposed Project are estimated to be 46 percent landfill material, 35 percent recycling material, and 19 percent composting material. Under typical conditions, of the materials leaving the Proposed Project for transfer to a landfill, 99 percent are transferred to the Mid Valley Landfill, and only 1 percent are transferred to the Chiquita Canyon Landfill.³⁷ However, laws and regulations are likely to increase the required percentage of composting diversion; thus in the future more than 19 percent may be transferred to American Organics, with or without the Proposed Project. As shown in **Table 4-6**, the Proposed Project's location results in an approximately 11 mile per round trip reduction for loads transferred to the American Organics facility, and would result in a total reduction of 2,035 metric tons MTCO₂e/year generated from transfer trucks over existing conditions.

4.4.6 Total Quantified Emissions

Table 4-7 presents all GHG emissions associated with the Proposed Project, including those emissions previously modeled in the 2014 RDEIR (area/energy, convenience store/public gas station mobile emissions, onsite equipment, and employee trips), refined in Addendum No. 1 (construction) and reassessed as described above (waste collection truck trips, self-haul truck trips, and transfer truck trips).

As shown in **Table 4-7**, the GHG emissions from the Proposed Project would provide a net benefit when compared against the existing condition, and GHG emissions would be below the significance threshold of 0 MTCO₂e/year. Thus, impacts would be less than significant.

4.5 Mitigation Measures

The 2014 RDEIR identified Mitigation Measure AQ-22 to reduce the potentially significant GHG emissions impacts that were identified in that analysis. However, at the direction of the court, the GHG emissions analysis for the Proposed Project has been redone in the 2020 RRDEIR. The analysis in this chapter supersedes those portions of the 2014 RDEIR and Addendum No. 1 that (1) applied a 10,000 metric tons of CO₂-equivalent per year ("MTCO₂e") quantitative significance threshold to the Project's greenhouse gas emissions, and (2) described, incorporated, and applied Mitigation Measure AQ-22. Thus, the applicability of any mitigation to the Proposed Project is based upon the analysis contained herein.

³⁷ While this is representative of normal operating conditions, sometimes loads are diverted for day-specific reasons, such as when a facility has reached its daily capacity and thus is required to turn away loads, or when a facility may have reached its maximum diversion for a given type of material and thus must turn loads away and direct them to other facilities. While the VMT impacts for such diversions are too speculative to calculate, they are uncommon and would occur equally for Industry MRF/TS or Proposed Project loads. Accordingly, this GHG analysis would not meaningfully change due to such diversions.

The quantitative analysis in the impact analysis above (Section 4.3), indicates that overall GHG emissions would be less than the existing condition with implementation of the Proposed Project. As shown in **Table 4-7**, applying a net zero emissions threshold to the Proposed Project results in a determination that GHG impacts will be less than significant, and no mitigation measures are required.

Table 4-6 Athens Transfer Truck Round Trip Miles Reduction

	Existing Condition	Proposed Condition	Daily Trips (Based on 272 Transfer Truck Trips/Day)	Daily Miles Reduction
	(Round Trip Miles from Industry MRF/TS)	(Round Trip Miles from Proposed Project)		
Mid-Valley Landfill (Solid Waste)	79.4	69.0	124	1,289.6
Chiquita Canyon Landfill (Solid Waste)	111.4	108.2	1	3.2
Port of Long Beach (Recyclable Materials)	60.2	66.2	52	-312.0
American Organics (Compostable Materials)	154.0	143.0	95	1,045
<i>Total Daily Miles Reduction</i>				<i>2,025.8</i>
<i>Total Annual Miles Reduction (assuming 5 days/week)</i>				<i>526,708</i>

Source: Athens Services, 2020.

Table 4-7 Quantified Annual Greenhouse Gas Emissions (6,000 TPD)

Emission Source	MTCO ₂ e/year
Construction (amortized over 30 years)	34.5
Area/energy	1,544
Convenience store/public gas station mobile	1,653
Onsite Equipment	843
Employee trips	1,501
Waste collection truck trips	-4,868
Transfer truck trips	-2,035
Self-Haul trips	-487
Total	-1,814
Significance threshold	0
Significant impact?	No

Source: The RCH Group, 2020.

Chapter 5.0 Transportation Energy Use

5.1 Introduction

This chapter augments the energy evaluation in 2014 RDEIR, to include more detailed analysis of energy use associated with transportation components of the Proposed Project, specifically including transportation energy use associated with passenger vehicles, waste collection trucks, and transfer trucks. While the 2014 RDEIR identified how the project would reduce overall energy consumption by reducing the transfer truck trip mileage within the region and reducing the amount of solid waste material that is ultimately disposed of at a landfill, this chapter and Chapter 4 (Greenhouse Gas Emissions) of the 2020 RDEIR more thoroughly evaluate the relationship between improved regional efficiencies and overall transportation energy use.

In addition to transportation energy, operation of the Proposed Project would require energy in the form of electricity and natural gas for building heating, cooling, cooking, lighting, water demand and wastewater treatment, consumer electronics, and other energy needs. Those energy demands were analyzed in the 2014 RDEIR and this chapter of the 2020 RDEIR does not revise or replace that discussion. The Superior Court decision found that the discussion of recycling and energy efficiency measures in the EIR provides sufficient analysis to satisfy CEQA. Thus, the analyses presented in this chapter are focused solely on the Proposed Project's transportation energy use.

5.2 Environmental Setting: Energy Demand and Conservation

CEQA requires that EIRs address the potential energy impacts of proposed projects, and include mitigation measures proposed to minimize a project's significant effects on the environment, including, but not limited to, measures to reduce the wasteful, inefficient, or unnecessary consumption of energy. The CEQA Guidelines also provide guidance that an EIR's analysis of wasteful and inefficient energy consumption shall address a project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

5.2.1 Overview of Energy Resources in California

The following discussion describes the different transportation energy resources that would be consumed by the Proposed Project.

Electricity and Renewable Energy

Electricity is a consumptive commodity. The production of electricity requires the consumption or conversion of energy resources, including water, wind, oil, gas, coal, solar, geothermal, and nuclear resources, into energy. The delivery of electricity involves many components, including substations and transformers that lower transmission line power (voltage) to a level appropriate for onsite distribution and use. The electricity generated is distributed through a network of transmission and distribution lines commonly called a power grid.

Conveyance of electricity through transmission lines is typically responsive to market demands. California's electricity generation capacity is composed of multiple fuel sources, including hydroelectric, natural gas, nuclear, oil, petroleum coke, waste heat, biomass, geothermal, solar photovoltaic, solar thermal, wind and coal. The composition of California's in-State generation capacity (in megawatts, or MW) has increasingly shifted toward renewable resources in recent years since the 2002 passage of Senate Bill 1078, which required that 20 percent of electric production come from renewable resources by 2017, referred to as a Renewable Portfolio Standard (RPS). Subsequently, SB X1-2 in 2011 increased the RPS to 33 percent by 2020; and SB 350 in 2015 increased the RPS again to 50 percent renewables by the end of 2030.

Since adoption of the first RPS requirements, the State has significantly increased its portfolio of renewable resources. While natural gas-fired capacity is still the primary source of electricity generation, in the last few years, significant amounts of renewable resources have been brought on-line. Between 2001 and 2018, the generation capacity of electricity from renewable sources (including rooftop solar) has more than quadrupled, rising from 6,800 MW in 2001 to 30,800 MW in 2018³⁸. The most significant increase in renewable sources is from utility-scale solar photovoltaic (PV) panels.

In 2018, the statewide generation was 194,727 gigawatt hours (GWh) of electric power.³⁹ Southern California Edison (SCE) estimates that electricity consumption within the SCE planning area will be approximately 124,287 GWh per year by 2027, when the Proposed Project would be fully operational.⁴⁰ SCE expects to have adequate electricity supply and transmission capability to meet the needs of its customers well beyond 2027.

38 California Energy Commission, *2018 Integrated Energy Policy Report Update*, https://www2.energy.ca.gov/2018_energy_policy/

39 California Energy Commission, *California Energy Almanac*, Electric Generation Capacity & Energy, In-State Electric Generation by Fuel Type. http://www.energy.ca.gov/almanac/electricity_data/electric_generation_capacity.html

40 California Energy Commission, Demand Analysis Office, "California Energy Demand Updated Forecast, 2017–2027, January 2017, <http://www.energy.ca.gov/>

Natural Gas

Natural gas represents approximately one-third of the energy consumed in California each year. Its use falls mainly into four sectors—residential, commercial, industrial, and electric power generation—but it is also used as an alternative to petroleum for fuel in cars, trucks, and buses. Nearly 45 percent of the natural gas burned in California is used for electricity generation, with the remaining 55 percent consumed by residential (28%), industrial (53%), commercial (16%), and transportation (3%) uses. California relies on out-of-state imports for nearly 90 percent of all-natural gas consumed in the State. Statewide consumption of natural gas totaled 1,573 trillion Btu in 2018 (2,137 billion cubic feet).⁴¹

The 2018 California Gas Report indicates that sufficient capacity exists in the utility network to meet demand in Southern California for the foreseeable future. The total gas supply available in 2025 is estimated to be 2,456 million cubic feet per day; Southern California Gas Company (SoCalGas) anticipates it will have sufficient capability to meet future needs.⁴² SoCalGas is responsible for providing natural gas supply to the City of Irwindale and is regulated by the California Public Utilities Commission and other state agencies. According to SoCalGas data, natural gas sales have been relatively stable over the past few years with a slight increase from 287 billion cubic feet to 294 billion cubic feet.⁴³

Petroleum

California's production of gasoline in December 2018 was approximately 6.5 million barrels per week, and the State had an inventory of gasoline and blend stocks of about 10.9 million barrels per week. Over the preceding five years, production ranged from about 5.3 to 8.1 million barrels per week, while inventories averaged about 10.7 million barrels per week.⁴⁴

The State's diesel fuel production in December 2018 was approximately 2.3 million barrels per week, with an inventory of about 3.6 million barrels per week. Over the preceding five years, production ranged from roughly 1.6 to 3.3 million barrels per week, while inventories ranged from about 2.7 to 4.7 million barrels per week.⁴⁵

41 United States Energy Information Administration, California State Profile and Energy Estimates, Data, Table F18: Natural Gas Consumption Estimates, 2018,

https://www.eia.gov/state/seds/data.php?incfile=/state/seds/sep_fuel/html/fuel_use_ng.html&sid=US&sid=CA

42 California Gas and Electric Utilities, 2018 California Gas Report,

https://www.socalgas.com/regulatory/documents/cgr/2018_California_Gas_Report.pdf

43 California Gas and Electric Utilities, 2018 California Gas Report,

https://www.socalgas.com/regulatory/documents/cgr/2018_California_Gas_Report.pdf

44 California Energy Commission, Energy Assessments Division, Supply Analysis Office, *Petroleum Watch December 2018*, Figure 8: Gasoline Production and Inventories, 2018,

https://www.energy.ca.gov/almanac/petroleum_data/petroleum_watch/2018_Petroleum_Watch/

45 California Energy Commission, Energy Assessments Division, Supply Analysis Office, *Petroleum Watch December 2018*, Figure 9: Diesel Production and Inventories, 2018,

https://www.energy.ca.gov/almanac/petroleum_data/petroleum_watch/2018_Petroleum_Watch/

The Petroleum Industry Information Reporting Act (PIIRA) requires all retail transportation fueling stations in California to file a Retail Fuel Outlet Annual Report (CEC-A15). These stations report retail sales of gasoline, diesel, and other transportation fuels. The California Energy Commission (CEC) compiles these reports into statewide data, which it compares to California Board of Equalization data, which tracks all gasoline and diesel sales in California for taxation purposes. Based on the results of this data tracking, the CEC reports that retail sales of gasoline throughout the State in 2018 totaled 13.475 billion gallons.⁴⁶ Statewide retail diesel sales in 2018 totaled 1.602 billion gallons.⁴⁷ Statewide retail natural gas sales in 2018 totaled 37.82 million gallons (gasoline gallons equivalent). Sales data reported does not include commercial fleets, government entities, or rental facilities/equipment yards.

According to the CEC, transportation accounts for nearly 37 percent of California's total energy consumption. According to the California Air Resources Board (CARB) On-road Vehicle Emissions Factor Model, the average fuel economy for the fleet-wide mix of vehicles operating in the South Coast Air Basin region is approximately 20.2 miles per gallon for gasoline-fueled vehicles and approximately 7.8 miles per gallon for diesel-fueled vehicles. Gasoline-fueled vehicles account for approximately 96.1 percent of the total vehicles and diesel-fueled vehicles account for approximately 3.6 percent of the total. Electric vehicles account for approximately 0.3 percent of the total vehicles.⁴⁸ These vehicle type percentages are continually changing due to availability, buyer preferences and regulations, with a recent trend being a small increase in the percent of electric and hybrid electric vehicles, and a small decrease in diesel vehicles.

5.3 Regulatory Setting

Federal and State agencies regulate energy consumption through various policies, standards, and programs. At the federal level, energy standards apply to numerous products (e.g., the U.S. Environmental Protection Agency's [USEPA's] EnergyStar™ program) and transportation (e.g., fuel efficiency standards). At the state level, Title 24 of the California Code of Regulations sets forth energy standards for buildings. Further, the State provides rebates/tax credits for installation of renewable energy systems and offers the "Flex Your Power" program that promotes conservation in multiple areas. At the local level, individual cities and counties can establish policies in their general plans and climate action plans (CAPs) related to the energy efficiency of new development and land use planning and to the use of renewable energy sources. Applicable federal, state, and local regulations are discussed below.

46 California Energy Commission, California Retail Fuel Outlet Annual Reporting (CEC-A15) Results, 2018, http://www.energy.ca.gov/almanac/transportation_data/gasoline/piira_retail_survey.html

47 California Energy Commission, California Retail Fuel Outlet Annual Reporting (CEC-A15) Results, 2018, http://www.energy.ca.gov/almanac/transportation_data/gasoline/piira_retail_survey.html

48 California Air Resources Board, EMFAC2014 User's Guide, April 30, 2014, <http://www.arb.ca.gov/msei/downloads/emfac2014/emfac2014-vol1-users-guide-052015.pdf>

Federal Energy Policy and Conservation Act

In 1975, Congress enacted the Federal Energy Policy and Conservation Act, which established the first fuel economy standards for on-road motor vehicles in the U.S. Pursuant to the act, the National Highway Traffic Safety Administration is responsible for establishing additional vehicle standards. In 2010, fuel economy standards were set at 27.5 miles per gallon for new passenger cars and 23.5 miles per gallon for new light trucks. Fuel economy is determined based on each manufacturer's average fuel economy for the fleet of vehicles available for sale in the U.S., referred to as the Corporate Average Fuel Economy (CAFE) standards.

Energy Independence and Security Act of 2007

On December 19, 2007, the Energy Independence and Security Act of 2007 (EISA) was signed into law. In addition to setting increased CAFE standards for motor vehicles, the act includes other provisions related to energy efficiency:

- Renewable fuel standard (RFS) (Section 202)
- Appliance and lighting efficiency standards (Sections 301–325)
- Building energy efficiency (Sections 411–441)

EISA requires increasing use of renewable fuels over time to replace petroleum (Section 202, RFS). The USEPA is responsible for developing and implementing regulations to ensure that transportation fuel sold in the United States contains a minimum volume of renewable fuel. The RFS program regulations were developed in collaboration with refiners, renewable fuel producers, and many other stakeholders. The RFS program was created under the Energy Policy Act of 2005 and established the first renewable fuel volume mandate in the United States. As required under the act, the original RFS program (RFS1) required 7.5 billion gallons of renewable fuel to be blended into gasoline by 2012.

Under EISA, the RFS program was expanded in several key ways that laid the foundation for achieving significant reductions of greenhouse gas (GHG) emissions through the use of renewable fuels, for reducing imported petroleum, and for encouraging the development and expansion of our nation's renewable fuels sector. The updated program is referred to as RFS2 and includes the following:

- Expanded the RFS program to include diesel, in addition to gasoline.
- Increased the volume of renewable fuel required to be blended into transportation fuel from 9 billion gallons in 2008 to 36 billion gallons by 2022.
- Established new categories of renewable fuel and set separate volume requirements for each one.
- Required the USEPA to apply lifecycle GHG performance threshold standards to ensure that each category of renewable fuel emits fewer GHGs than the petroleum fuel it replaces.

USEPA and NHTSA Joint Rule for Vehicle Standards

On April 1, 2010, the USEPA and the National Highway Traffic Safety Administration (NHTSA) announced a joint final rule to establish a national program consisting of new standards for light-duty vehicles for model years 2012 through 2016. The joint rule is intended to reduce GHG emissions and improve fuel economy. The USEPA promulgated the first-ever national GHG emissions standards under the Clean Air Act, and NHTSA promulgated CAFE standards under the Energy Policy and Conservation Act. The final rule became effective on July 6, 2010 (EPA and NHTSA 2010).

The USEPA GHG standards require new passenger cars, light-duty trucks, and medium-duty passenger vehicles to meet an estimated combined average emissions level of 250 grams of carbon dioxide (CO₂) per mile in model year 2016, equivalent to 35.5 mpg if the automotive industry were to meet this CO₂ level through fuel economy improvements alone. The CAFE standards for passenger cars and light trucks will be phased in between 2012 and 2016, with the final standards equivalent to 37.8 mpg for passenger cars and 28.8 mpg for light trucks, resulting in an estimated combined average of 34.1 mpg. The rules will simultaneously reduce GHG emissions, improve energy security, increase fuel savings, and provide clarity and predictability for manufacturers (EPA and NHTSA 2010).

In August 2012, the USEPA and NHTSA approved a second round of GHG and CAFE standards for model years 2017 and beyond (EPA and NHTSA 2012). These standards will reduce motor vehicle GHG emissions to 163 grams of CO₂ per mile, which is equivalent to 54.5 mpg if this level were achieved solely through improvements in fuel efficiency, for cars and light-duty trucks by model year 2025. A portion of these improvements, however, will likely be made through improvements in air conditioning leakage and through use of alternative refrigerants, which would not contribute to fuel economy, but would reduce GHG emissions. The first phase of the CAFE standards (for model years 2017 to 2021) are projected to require, on an average industry fleet-wide basis, a range from 40.3 to 41.0 mpg in model year 2021.

The second phase of the CAFE program (for model years 2022 to 2025) is projected to require, on an average industry fleet-wide basis, a range from 48.7 to 49.7 mpg in model year 2025. The second phase of standards has not been finalized due to the statutory requirement that NHTSA set average fuel economy standards not more than five model years at a time. The regulations also include targeted incentives to encourage early adoption and introduction into the marketplace of advanced technologies to dramatically improve vehicle performance, including the following:

- Incentives for electric vehicles, plug-in hybrid electric vehicles, and fuel cell vehicles
- Incentives for hybrid technologies for large pickups and for other technologies that achieve high fuel economy levels on large pickups
- Incentives for natural gas vehicles

- Credits for technologies with potential to achieve real-world GHG reductions and fuel economy improvements that are not captured by the standards' test procedures.

Senate Bill 1389

Senate Bill 1389 (SB 1389, Bowen and Sher, Chapter 568, Statutes of 2002) requires the CEC to *"conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices. The commission shall use these assessments and forecasts to develop and evaluate energy policies and programs that conserve resources, protect the environment, ensure energy reliability, enhance the State's economy, and protect public health and safety."* In compliance with SB 1389, the CEC – in collaboration with federal, State, and local agencies and a wide variety of stakeholders – prepares a biannual Integrated Energy Policy Report (IEPR) that assesses current energy trends and prescribes policies to further the goals established by SB 1389. The most recent IEPR was adopted in February 2017 and updates have been published for 2018 and 2019.

CARB Heavy-Duty On-Road and Off-Road Vehicle Regulations

In 2004, the CARB adopted an Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling in order to reduce public exposure to diesel particulate matter emissions (Title 13 California CCR Section 2485). The measure applies to diesel-fueled commercial vehicles with gross vehicle weight ratings greater than 10,000 pounds that are licensed to operate on highways, regardless of where they are registered. This measure does not allow diesel-fueled commercial vehicles to idle for more than 5 minutes at any given location. While the goal of this measure is primarily to reduce public health impacts from diesel emissions, compliance with the regulation also results in energy savings in the form of reduced fuel consumption from unnecessary idling.

In addition to limiting exhaust from idling trucks, CARB also promulgated emission standards for off-road diesel construction equipment of greater than 25 horsepower (hp) such as bulldozers, loaders, backhoes and forklifts, as well as many other self-propelled off-road diesel vehicles. The In-Use Off-Road Diesel-Fueled Fleets regulation adopted by CARB on July 26, 2007 aims to reduce emissions by installation of diesel soot filters and encouraging the retirement, replacement, or repower of older, dirtier engines with newer emission-controlled models (13 CCR Section 2449).

The compliance schedule requires full implementation by 2023 in all equipment for large and medium fleets and by 2028 for small fleets. While the goal of this measure is primarily to reduce public health impacts from diesel emissions, compliance with the regulation has shown an increase in energy savings in the form of reduced fuel consumption from more fuel-efficient engines.

Irwindale Energy Conservation General Plan Goals

The Resource Management Element of the Irwindale General Plan (Section 5) meets the State's requirements for an open space element and a conservation element. This Element also identifies those programs that will aid in preventing their loss or wasteful exploitation.⁴⁹

The Resource Management Element Policies included in the Resource Management Element focus on natural resources, open space resources, resource preservation, and mining and reclamation issues. Policy 11 supports the conservation of non-renewable resources that include transportation fuels.

Resource Management Element, Resource Management Element Policies, Policy 11

The City of Irwindale supports the ethic of conservation of non-renewable resources. This includes efforts to reduce energy use (in any form), greenhouse gas (GHG) emissions (consistent with AB 32) and efforts to find new and more energy efficient methods for delivering services. The City supports the development of building standards that enable the community to design energy saving features such as solar energy systems, water efficient landscaping, and sustainable, green, and energy efficient building standards. The Resource Management Element Programs are provided to effectively implement the policies contained in the Resource Management Element, and all programs are implemented following the guidelines contained in the General Plan, Section 7.⁵⁰

Resource Management Element, Resource Management Element Programs

The City shall continue to enforce the energy conservation standards in Title 24 of the California Administrative Code, the Uniform Building Code, and other State laws on energy conservation design, insulation, and appliances. Energy needs shall be evaluated and conservation measures incorporated into new development in accordance with Appendix F of the State CEQA Guidelines. Other measures that would reduce energy consumption during construction and subsequent operation of new development shall be encouraged. The City will continue to work with Sempra and the Southern California Gas Company to promote energy conservation practices.

5.4 Impact Assessment

This analysis augments the energy conservation analysis contained within the 2014 RDEIR, and specifically analyzes the transportation energy impacts of the Proposed Project.

49 City of Irwindale, 2020 General Plan, *Section 5 Resource Management Element*
<https://www.irwindaleca.gov/documentcenter/view/38>

50 City of Irwindale, 2020 General Plan, *Section 7 Implementation Element*
<https://www.irwindaleca.gov/documentcenter/view/38>

Transportation energy use impacts would be associated with passenger vehicle trips and solid waste hauling trips. New passenger vehicle trips would include employee trips, and trips generated by the Project's convenience store / public gas station. Solid waste hauling trips would include trips by self-haulers (i.e., individuals or small construction contractors who haul their own waste, usually in personal passenger vehicles, pick-up trucks, or small trailers), commercial waste collection trucks (which pick up waste from various markets in the region and deliver it to the MRF/TS), and commercial transfer truck trips (which transport sorted and processed materials from the MRF/TS to a landfill, recycling processor, or a composting facility).

5.4.1 THRESHOLDS OF SIGNIFICANCE

The standards of significance for the analysis of transportation energy impacts are based on energy questions in Appendix G (Environmental Checklist form) and Appendix F (Energy Conservation) of the CEQA Guidelines.

Neither the CEQA Guidelines (Appendix G) nor Public Resources Code Section 21100(b)(3) provide a specific threshold for impacts associated with transportation energy consumption. However, Appendix F of the CEQA Guidelines (14 CCR 15000 et seq.) provides guidance for evaluating whether a development project may result in significant energy impacts. Based on Appendix F of the CEQA Guidelines, the standard of significance for this analysis of transportation energy impacts will evaluate whether the project would:

- Result in wasteful, inefficient, or unnecessary consumption of transportation energy resources.
- Require the construction of new or expanded energy production facilities or infrastructure, the construction of which could cause significant environmental impacts.

5.4.2 THRESHOLD TRANSPORTATION ENERGY-1

Would the Project result in wasteful, inefficient, or unnecessary consumption of transportation energy resources?

Less Than Significant Impact

Pursuant to the 2014 RDEIR and its Traffic Impact Analysis, the Proposed Project is anticipated to generate 345 new employee trips⁵¹ and 741 new convenience store/public gas station trips.⁵² The average one-way travel distances for the Proposed Project are estimated to be 16.6 miles for

51 Based on CARB's EMFAC, approximately 99.7 percent of employee vehicle trips are gasoline vehicles and 0.3 percent of vehicle trips are diesel vehicles. Employee trips were modeled using the light-duty auto classification.

52 Based on CARB's EMFAC, approximately 99.7 percent of convenience store/service station vehicle trips are gasoline vehicles and 0.3 percent of vehicle trips are diesel vehicles. Convenience store/service station trips were modeled using the light-duty auto classification.

employees, and 8.4 miles for the convenience store/public gas station trips.^{53,54} These values were identified in the 2014 RDEIR and are not revised or modified by this 2020 Recirculated DEIR.

The 2016 Final EIR explained that the Proposed Project would not create new waste to be processed, and therefore does not generate new waste hauling truck trips. Instead, the Proposed Project would facilitate redistribution of existing waste hauling trips in a more efficient manner. Treating redistributed existing truck trips as new truck trips may make sense in the context of an air pollutant emissions analysis, because some air pollutant impacts on human health are location specific. Air pollutant emissions redistributed to occur closer or farther from sensitive receptors may affect the significance of the air pollutant emissions and the extent of the impact. However, in the transportation energy use context, location does not matter.⁵⁵ This is because a redistributed existing truck trip that still occurs in the same region, if not along the same route, would not cause an increase or decrease in the significance of that truck's energy use, unless it substantially increased the miles travelled (and therefore, the amount of energy expended). Here, as explained in more detail below, the Proposed Project reduces the vehicle miles traveled, and thus reduces the amount of energy expended.

As explained in detail in Chapter 4 (Greenhouse Gas Emissions), of this 2020 Recirculated DEIR, implementation of the Proposed Project is anticipated to result in a reduction of waste hauling truck trip miles. After accounting for the various locations of local markets, the distance between those markets and existing MRF/TS, landfill and composting facilities, and the Port of Long Beach (recycling), existing commercial waste collection truck trips and self-haul truck trips are anticipated to be reduced by approximately 1,205,646 miles annually, and existing commercial transfer truck trips are anticipated to be reduced by approximately 526,708 miles annually.⁵⁶ These reductions are from the existing condition, not from a hypothetical baseline.⁵⁷ Because CEQA is concerned with the change from existing condition caused by a proposed project, a reduction in vehicle miles traveled (and therefore a reduction in energy consumption) resulting from this

53 *Proposed Irwindale MRF/TS – Regional Efficiency Study*, May 28, 2009.

54 CalEEMod User's Guide, July 2013, <http://www.caleemod.com/>

55 Notably, the Los Angeles Superior Court Judgment addressed by this 2020 RDEIR opined that the City of Irwindale could use a different assumption regarding the number of new trips for transportation energy impacts analysis than was used in the Project's air quality analysis, so long as the discrepancy is explained. (See Judgment, p. 17.)

56 See Chapter 4 (Greenhouse Gas Emissions), Table 4-5 and Table 4-6.

57 In *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 210, the Court of Appeal rejected a lead agency argument that transportation energy impacts were less than significant because mitigation measures would reduce vehicle trips. The court found that the city could not determine how much less transportation energy is needed and could not conclude that an environmental impact is something less than some previously unknown amount. However, here, this 2020 RDEIR has quantitatively determined how much less energy would be required to move waste that would now be processed at the Proposed Project, as opposed to the existing condition, where the same waste is processed at facilities further away.

Project indicates that transportation energy use associated with waste hauling trips would not result in the wasteful or inefficient consumption of energy.

However, even if all waste collection trips were new trips (and they are not, as discussed above and as detailed within Chapter 4 Greenhouse Gas Emissions), the energy expended on waste collection trips, together with the new employee and convenience store / public gas station trips, would still not result in wasteful or inefficient energy consumption.

The Proposed Project proposes a maximum throughput of 6,000 tons per day. The maximum number of daily waste haul truck trips analyzed in the 2014 RDEIR was 2,456 truck round trips (including collection trucks, transfer trucks and self-haul trucks). At maximum throughput, the daily truck round trips would include 1,137 packer truck trips, 66 end dump truck trips, 445 roll-off truck trips, and 559 transfer truck trips.⁵⁸ The Proposed Project also includes 345 employee round trips,⁵⁹ 249 self-haul round trips,⁶⁰ and 741 convenience store/service station round trips.⁶¹ As assumed in the 2014 RDEIR, the average one-way travel distances for the Proposed Project are estimated to be 9.1 miles for the collection/roll-off trucks and 8.4 miles for self-haul trucks.^{62,63}

Standard fuel consumption estimates and estimates of the project-related trips and mileage were used to determine haul truck, self-haul, employee, and convenience store/public gas station activities. Table 5-1 provides the results of the analysis.

58 Transfer trucks, roll-off trucks, packer trucks, and end-dump trucks were modeled using the T7 Solid Waste Collection Vehicle classification, which is a worst-case heavy-heavy duty truck classification for solid waste collection vehicles. Approximately 32 percent of haul truck trips would be diesel vehicles and 68 percent of haul truck trips would be CNG vehicles.

59 Based on CARB's EMFAC, approximately 99.7 percent of employee vehicle trips are gasoline vehicles and 0.3 percent of vehicle trips are diesel vehicles. Employee trips were modeled using the light-duty auto classification.

60 Based on CARB's EMFAC, approximately 79.2 percent of self-haul vehicle trips are gasoline vehicles and 20.8 percent of vehicle trips are diesel vehicles. Self-haul trucks would have substantially smaller payload capacities and were modeled using light-heavy duty truck classification.

61 Based on CARB's EMFAC, approximately 99.7 percent of convenience store/service station vehicle trips are gasoline vehicles and 0.3 percent of vehicle trips are diesel vehicles. Convenience store/service station trips were modeled using the light-duty auto classification.

62 *Proposed Irwindale MRF/TS – Regional Efficiency Study, May 28, 2009.*

63 CalEEMod User's Guide, July 2013, <http://www.caleemod.com/>

Table 5-1 Project Transportation Use (6,000 TPD)

Vehicle Type	Miles/ Year	Fuel Use (gallons or MCF)	Fuel Efficiency (mpg)	Diesel fuel Equivalent (gallons)
Diesel	4,347,155	564,670 gal	7.7 mpg	564,670
Gasoline	9,967,033	443,748 gal	22.5 mpg	384,197
CNG	24,580,504	566 MCF	6.1 mpg CNG diesel fuel equivalent	4,062,893
Total	38,894,692	--	--	5,011,761

Source: RCH Group, 2020

The analysis determined that transportation would annually require approximately five million gallons of diesel fuel equivalent (or 565,000 gallons of diesel fuel, 444,000 gallons of gasoline, and 566 million cubic feet of CNG)⁶⁴, based on approximately 38,900,000 vehicle miles traveled.⁶⁵ This equates to a fuel efficiency of approximately 7.7 miles per gallon for diesel trucks, 22.5 miles per gallon for gasoline vehicles, and approximately 6.1 miles per gallon of diesel fuel equivalent for CNG trucks, which is reasonably consistent with the CEC estimates for the average fuel economy for the fleet-wide mix of vehicles operating in the South Coast Air Basin region.

Because the Proposed Project would develop a new MRF/TS facility within an extremely urbanized area close to existing waste markets, and because the fuel efficiency of the Project's associated passenger and commercial waste hauling vehicles would be similar to average fuel economy in the region, it can reasonably be concluded that the Project would not result in the wasteful or inefficient consumption of transportation-related energy resources. Impacts of transportation energy use would be *less than significant*.

⁶⁴ One DGE equals 139.3 cubic feet of natural gas and 1.155 DGE equals one gasoline gallon, https://afdc.energy.gov/fuels/equivalency_methodology.html

⁶⁵Fuel usage is estimated using a 10.2 kilograms CO₂/gallon conversion factor for diesel, 8.78 kilograms CO₂/gallon conversion factor for gasoline, and 120 pounds per cubic feet for CNG, as cited in the *U.S. Energy Information Administration Voluntary Reporting of Greenhouse Gases Program*, [https://www.eia.gov/environment/pdfpages/0608s\(2009\)index.php](https://www.eia.gov/environment/pdfpages/0608s(2009)index.php)

Further, according to SoCalGas data, natural gas sales have been relatively stable over the past few years with a slight increase from 287 billion cubic feet to 294 billion cubic feet.⁶⁶ The CNG consumption of the Proposed Project – even assuming all CNG truck trips are new trips, and not existing redistributed trips – would account for approximately two-tenths of one percent (0.2 percent) of SoCalGas sales. However, because the waste hauling trips would be redistributed and reduce the length existing trips, the Proposed Project would create a decrease in natural gas consumption compared to existing conditions. Therefore, the existing and planned natural gas supplies of SoCalGas would be sufficient to support the Proposed Project’s demand for natural gas from transportation-related operation activities. Therefore, impacts related to natural gas consumption would be a ***less-than-significant impact*** on energy resources, and no mitigation is required.

Retail sales of gasoline in California in 2018 totaled 13.475 billion gallons.⁶⁷ Statewide retail diesel sales in 2018 totaled 1.602 billion gallons.⁶⁸ With respect to operational transportation-related fuel usage, the Proposed Project would support statewide efforts to improve transportation energy efficiency because the Proposed Project would offer a facility that would, provide a new, MRF/TS located in closer proximity to many potential market communities (i.e., waste generation) and result in lower energy consumption from the regional efficiencies of adding the new MRF/TS.⁶⁹

The Project’s total gasoline consumption (fuel from all gasoline and diesel vehicles) would account for less than one-one-hundredth of one percent (0.01 percent) of regional petroleum sales. Therefore, existing and planned supplies would be sufficient to support the Project’s demand for diesel and gasoline and potential impacts related to diesel and gasoline transportation energy use would be a ***less-than-significant impact*** on transportation energy resources, and no mitigation is required.

Given the regional efficiencies that would occur from the redistribution of waste hauling trips, and the minimal percent of regional fuel use calculated (even when not accounting for the fact that most trips would be reduced in length from the existing condition), it is concluded that the Proposed Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. Therefore, the project would have a ***less-than-significant impact*** on transportation energy resources, and no mitigation is required.

66 California Gas and Electric Utilities, 2018 California Gas Report, https://www.socalgas.com/regulatory/documents/cgr/2018_California_Gas_Report.pdf

67 California Energy Commission, California Retail Fuel Outlet Annual Reporting (CEC-A15) Results, 2018, http://www.energy.ca.gov/almanac/transportation_data/gasoline/piira_retail_survey.html

68 California Energy Commission, California Retail Fuel Outlet Annual Reporting (CEC-A15) Results, 2018, http://www.energy.ca.gov/almanac/transportation_data/gasoline/piira_retail_survey.html

69 California Gas and Electric Utilities, 2018 California Gas Report, https://www.socalgas.com/regulatory/documents/cgr/2018_California_Gas_Report.pdf

5.4.3 THRESHOLD TRANSPORTATION ENERGY-2

Would the Proposed Project require the construction of new or expanded energy production facilities or infrastructure, the construction of which could cause significant environmental impacts?

No Impact

As analyzed in Threshold Transportation Energy-1, the Proposed Project would have a less-than-significant impact on fuel consumption . Even under the most conservative analysis (assuming all trips are new trips), fuel use would only increase in the range of one-hundredth of one percent for natural gas and petroleum fuels. The analysis indicated that Proposed Project would not require construction of new or expanded energy production facilities or infrastructure. No significant or potentially significant transportation energy impacts (or other energy impacts) are anticipated with implementation of the Proposed Project. Therefore, no mitigation measures relative to this resource topic are proposed or required.

Chapter 6.0 Project-Specific Health Risks from Air Emissions

6.1 Introduction

This chapter is intended to supplement the assessment of health risks that was presented in Chapter 3.3 of the 2014 RDEIR. According to the Superior Court decision, the EIR should be revised to relate the expected adverse air quality impacts to likely health consequences or explain in meaningful detail why it is not feasible to provide such an analysis. In its Friant Ranch decision, the California Supreme Court conceded that an explanation of the connection between an individual project's air pollutant emissions in excess of thresholds and human health effects may not be possible given the current state of environmental science modeling. However, the California Supreme Court concluded that the Friant Ranch Project EIR itself must explain, in a manner reasonably calculated to inform the public, the scope of what is and is not yet known about the effect of the Project's significant and unavoidable air quality impacts on human health, or explain why such an analysis is infeasible.

As explained in detail below, modeling of the Irwindale MRF/TS Proposed Project's ozone emissions is not feasible and would not provide meaningful information given the magnitude of the emissions and the number of variables that affect ozone formation (e.g., mass of precursor emissions, background concentrations for all other emission sources in the air basin, location of activity and weather on that day that results in conversion of precursor emissions into ozone).

Consistent with the California Supreme Court's Friant Ranch decision, the analyses presented here provide additional details regarding the potential health effects from the proposed Irwindale MRF/TS's significant and unavoidable criteria pollutant emissions of NO_x and ROG. It also explains why it is not scientifically feasible to substantively connect this individual Proposed Project's air quality impacts to likely health consequences. The criteria air pollutant emissions of NO_x and ROG for the project are too small to model and obtain meaningful regional concentrations of criteria air pollutants and ozone.

The following information is intended to fulfil the requirements of the Superior Court decision related to the health impacts from significant and unavoidable air pollutant emissions of ROG and NO_x, and related ozone. This chapter explains the health assessments that were presented in the 2014 RDEIR and describes, in a manner intended to inform the public, why additional modeling is not feasible or meaningful given the details of the Proposed Project and current state of air quality modeling.

6.2 Criteria Air Quality Pollutant Emissions and Health Impacts

In response to the California Supreme Court’s *Sierra Club v. County of Fresno* decision (issued on December 24, 2018, and commonly referred to as the “Friant Ranch” decision), this response addresses the potential for adverse health effects from the emissions of criteria air pollutants associated with the proposed Irwindale MRF/TS, based on scientific information and technological methods available at this time. The Friant Ranch decision addresses the relationship between significant and unavoidable pollutant emissions to specific health consequences, where “*The EIR must provide an adequate analysis to inform the public how its bare numbers translate to create potential adverse impacts or it must explain what the agency does know and why, given existing scientific constraints, it cannot translate potential health impacts further.*” (*Sierra Club v. County of Fresno*, 2018).

Given that the air quality analysis for the Proposed Project identifies a significant and unavoidable project level and cumulative impacts with regard to reactive organic gases (ROG) and nitrogen oxides (NOx) emissions, the following response serves to address the requirements imposed under the Friant Ranch decision. [See 2014 RDEIR Threshold AQ-2 (pp. 3.3-34 to 3.3-47) and Cumulative Impacts (p. 3-3-73)]. As summarized in the 2014 RDEIR and reproduced in **Table 6-1** below, the Proposed Project’s operational ROG and NOx emissions would exceed applicable SCAQMD regional mass daily thresholds. Per SCAQMD significance guidance, these impacts at the project level are also considered cumulatively significant and could persist (assuming maximum operations of 6,000 TPD at the MRF/TS) over the life of the Proposed Project. ROG and NOx are ozone precursors and emissions of ROG and NOx have the potential to contribute to existing ozone non-attainment conditions within the South Coast Air Basin (Air Basin)⁷⁰.

As seen in **Table 6-1**, estimated daily emissions of ROG and NOx exceed the SCAQMD Thresholds of Significance for those air pollutants. As explained in more detail in this chapter, it is not possible to correlate the project-specific emissions identified in **Table 6-1** with adverse health impacts distinct from the total of emissions and resulting air quality within the surrounding air basin.

⁷⁰ Ozone (O₃) is a highly reactive gas composed of three oxygen atoms. It is both a natural and a man-made molecule that occurs in the Earth's upper atmosphere (the stratosphere) and lower atmosphere (the troposphere). Depending on where it is in the atmosphere, ozone affects life on Earth in either good or bad ways. Ozone is formed in the lower atmosphere as a result of sunlight breaking down ROG and NOx molecules, where it is considered a pollutant.

The discussion below provides information on:

- Criteria air pollutants - health impacts of O₃, NO_x, PM₁₀ and PM_{2.5}, and ROGs
- Health impacts that were thoroughly evaluated in the 2014 RDEIR
- Amicus Brief by the South Coast Air Quality Management District (SCAQMD) in the Friant Ranch decision
- Amicus Brief by the San Joaquin Valley Air Pollution Control District (SJVAPCD) in the Friant Ranch decision
- Conclusions

Appendix 1 – Criteria Air Pollution Regulations and Local Status has been added to this 2020 RDEIR with updated information on:

- USEPA and CARB Ambient Air Quality Standards (NAAQS and CAAQS)
- Criteria air pollutants - status and control/regulation in the South Coast Basin

Table 6-1 Estimated Daily Mitigated Proposed Project Emissions from Project Operation (lbs./day)

Project Phase	ROG	NO _x	CO	PM ₁₀	PM _{2.5}
Truck Idle	1.92	19.4	10.4	0.08	0.07
Collection Trucks (Local)	22.2	421	88.8	5.57	5.13
Transfer Trucks to Landfill	14.3	327	57.2	4.00	3.68
Transfer Trucks to Recycling	9.82	224	39.2	2.74	2.52
Transfer Trucks to Composting	11.4	261	45.7	3.20	2.94
Self-Haul Trucks	1.73	29.8	15.5	0.40	0.37
Employee Vehicles	0.90	2.79	33.2	0.05	0.05
On-site Equipment	1.66	32.4	54.6	1.66	1.64
Convenience Store	0.99	3.07	36.6	0.06	0.05
Service Station	8.46	-	-	-	-
Area Sources	7.77	1.24	1.08	0.09	0.09
Total Proposed Project	81	1,323	382	18	17
Significant (Yes or No)?	Yes	Yes	No	No	No
SCAQMD Thresholds of Significance	55	55	550	150	55

Source: Irwindale Materials Recovery Facility and Transfer Station Project 2014 RDEIR
(Table 3.3-15 on page 3.3-45)

6.3 Criteria Air Pollutant Health Impacts

“Criteria” air pollutants refer to those air pollutants for which the USEPA has established NAAQS under the Federal Clean Air Act, including CO, NO_x, SO₂, PM₁₀, PM_{2.5}, O₃ and lead. California has adopted ambient standards (known as CAAQS) that are more stringent than the federal standards for some criteria air pollutants. The following provides a brief summary of the potential health and welfare effects and typical sources of each of the criteria air pollutants and air toxics.

Numerous scientific studies published over the past 50 years point to the harmful effects of air pollution. The AAQS are designed to prevent these effects. The adverse health effects associated with air pollution are diverse and include⁷¹:

- Premature mortality
- Cardiovascular effects
- Increased health care utilization (hospitalization, physician and emergency room visits)
- Increased respiratory illness and other morbidity (symptoms, infections, and asthma exacerbation)
- Decreased lung function (breathing capacity)
- Lung inflammation
- Potential immunological changes
- Increased airway reactivity to a known pharmacological agent exposure - a method used in laboratories to evaluate the tendency of airways to have an increased possibility of developing an asthmatic response
- A decreased tolerance for exercise
- Adverse birth outcomes such as low birth weights

The evidence linking these effects to air pollutants is derived from population-based observational and field studies (epidemiological) as well as controlled laboratory studies involving human subjects and animals. There have been an increasing number of studies focusing on the mechanisms (that is, on learning how specific organs, cell types, and biomarkers are involved in the human body’s response to air pollution) and specific pollutants responsible for individual effects. Yet the underlying biological pathways for these effects are not always clearly understood.⁷²

71 South Coast Air Quality Management District, 2016 Air Quality Management Plan Appendix I, Health Effects, March 2017, <https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/appendix-i.pdf?sfvrsn=14>

72 South Coast Air Quality Management District, 2016 Air Quality Management Plan Appendix I, Health Effects, March 2017, <https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/appendix-i.pdf?sfvrsn=14>

Although individuals inhale pollutants as a mixture under ambient conditions, the regulatory framework and the control measures developed are pollutant-specific for six major outdoor pollutants covered under Sections 108 and 109 of the Clean Air Act. This is appropriate, in that different pollutants usually differ in their sources, their times and places of occurrence, the kinds of health effects they may cause, and their overall levels of health risk. Different pollutants, from the same or different sources, oftentimes occur together. Evidence for more than additive effects has not been strong and, as a practical matter, health scientists, as well as regulatory officials, usually must deal with one pollutant at a time in adopting AAQS.⁷³

Health effects associated with criteria air pollutants are discussed below. Similar information was provided in the 2014 RDEIR [pp. 3.3-4 to 3.3-7], however, the following descriptions add to the information in the 2014 RDEIR (for O₃, NO_x, PM₁₀, PM_{2.5} and ROG) with more current health effects references.

6.3.1 Ozone (O₃)

O₃ is a respiratory irritant and an oxidant that increases susceptibility to respiratory infections and that can cause substantial damage to vegetation and other materials. O₃ is not emitted directly into the atmosphere but is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving ROG and NO_x. ROG and NO_x are therefore known as precursor compounds for O₃. Substantial ozone production generally requires O₃ precursors to be present in a stable atmosphere with strong sunlight for approximately three hours. O₃ is defined as a regional air pollutant because it is not emitted directly by specific sources but is formed downwind of sources of ROG and NO_x under the influence of wind and sunlight. O₃ concentrations tend to be higher in the late spring, summer, and fall, when long sunny days combine with regional air subsidence inversions to create conditions conducive to the formation and accumulation of secondary photochemical compounds.

Inhalation of O₃ causes inflammation and irritation of the tissues lining human airways, causing and worsening a variety of symptoms. Exposure to O₃ can reduce the volume of air that the lungs breathe in and cause shortness of breath. O₃ in sufficient doses increases the permeability of lung cells, rendering them more susceptible to toxins and microorganisms. The occurrence and severity of health effects from O₃ exposure vary widely among individuals, even when the dose and the duration of exposure are the same. Research shows adults and children who spend more time outdoors participating in vigorous physical activities are at greater risk from the harmful health effects of O₃ exposure.

73 South Coast Air Quality Management District, 2016 Air Quality Management Plan Appendix I, Health Effects, March 2017, <https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/appendix-i.pdf?sfvrsn=14>

While there are relatively few studies of ozone's effects on children, the available studies show that children are no more or less likely to suffer harmful effects than adults. However, there are a number of reasons why children may be more susceptible to O₃ and other pollutants. Children and teens spend nearly twice as much time outdoors and engaged in vigorous activities as adults. Children breathe more rapidly than adults and inhale more pollution per pound of their body weight than adults. Also, children are less likely than adults to notice their own symptoms and avoid harmful exposures. Further research may be able to better distinguish between health effects in children and adults. Children, adolescents and adults who exercise or work outdoors, where O₃ concentrations are the highest, are at the greatest risk of harm from this pollutant.⁷⁴

A number of population groups are potentially at increased risk for O₃ exposure effects. In the ongoing review of O₃, the USEPA has identified populations as having adequate evidence for increased risk from O₃ exposures include individuals with asthma, younger and older age groups, individuals with reduced intake of certain nutrients such as Vitamins C and E, and outdoor workers. There is suggestive evidence for other potential factors, such as variations in genes related to oxidative metabolism or inflammation, gender, socioeconomic status, and obesity. However further evidence is needed.⁷⁵ The adverse effects reported with short-term O₃ exposure are greater with increased activity because activity increases the breathing rate and the volume of air reaching the lungs, resulting in an increased amount of O₃ reaching the lungs.⁷⁶

6.2.2 Nitrogen Oxides (NO_x)

When combustion temperatures are extremely high, as in aircraft, truck and automobile engines, atmospheric nitrogen combines with oxygen to form various oxides of nitrogen. Nitric oxide (NO) and nitrogen dioxide (NO₂) are the most significant air pollutants generally referred to as NO_x. Nitric oxide is a colorless and odorless gas that is relatively harmless to humans, quickly converts to NO₂ and can be measured. Nitrogen dioxide has been found to be a lung irritant capable of producing pulmonary edema. Inhaling NO₂ can lead to respiratory illnesses such as bronchitis and pneumonia. Nitrate particles and NO₂ can also block the transmission of light, reducing visibility in urban areas.

74 California Air Resources Board, Ozone & Health, 2019, <https://ww2.arb.ca.gov/resources/ozone-and-health>

75 South Coast Air Quality Management District, 2016 Air Quality Management Plan Appendix I, Health Effects, March 2017, <https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/appendix-i.pdf?sfvrsn=14>

76 South Coast Air Quality Management District, 2016 Air Quality Management Plan Appendix I, Health Effects, March 2017, <https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/appendix-i.pdf?sfvrsn=14>

A large body of health science literature indicates that exposure to NO₂ can induce adverse health effects. The strongest health evidence, and the health basis for the AAQS for NO₂, results from controlled human exposure studies that show that NO₂ exposure can intensify responses to allergens in allergic asthmatics. In addition, a number of epidemiological studies have demonstrated associations between NO₂ exposure and premature death, cardiopulmonary effects, decreased lung function growth in children, respiratory symptoms, emergency room visits for asthma, and intensified allergic responses.

As with other pollutants, infants and children are particularly at risk because they have disproportionately higher exposure to NO₂ than adults due to their greater breathing rate for their body weight and their typically greater outdoor exposure duration. Several studies have shown that long-term NO₂ exposure during childhood, the period of rapid lung growth, can lead to smaller lungs at maturity in children with higher compared to lower levels of exposure. In addition, children with asthma have a greater degree of airway responsiveness compared with adult asthmatics. In adults, the greatest risk is to people who have chronic respiratory diseases, such as asthma and chronic obstructive pulmonary disease.⁷⁷

6.3.2 Particulate Matter (PM₁₀ and PM_{2.5})

PM₁₀ and PM_{2.5} represent fractions of particulate matter that can be inhaled into the air passages and the lungs, causing adverse health effects. Particulate matter in the atmosphere results from many kinds of dust- and fume-producing industrial and agricultural operations, fuel combustion, wood burning stoves and fireplaces, and atmospheric photochemical reactions. Some sources of particulate matter, such as demolition, construction activities and mining, are more local in nature, while others, such as vehicular traffic and wood burning stoves and fireplaces, have a more regional effect.

For PM_{2.5}, short-term exposures (up to 24-hours duration) have been associated with premature mortality, increased hospital admissions for heart or lung causes, acute and chronic bronchitis, asthma attacks, emergency room visits, respiratory symptoms, and restricted activity days. These adverse health effects have been reported primarily in infants, children, and older adults with preexisting heart or lung diseases. In addition, of all of the common air pollutants, PM_{2.5} is associated with the greatest proportion of adverse health effects related to air pollution, both in the United States and world-wide based on the World Health Organization's Global Burden of Disease Project. Short-term exposures to PM₁₀ have been associated primarily with worsening of respiratory diseases, including asthma and chronic obstructive pulmonary disease, leading to hospitalization and emergency room visits.⁷⁸

77 California Air Resources Board, 2019, Nitrogen Dioxide & Health, <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health>

78 California Air Resources Board, 2019, Inhalable Particulate Matter Health, <https://ww2.arb.ca.gov/resources/inhalable-particulate-matter-and-health>

Long-term (months to years) exposure to PM_{2.5} has been linked to premature death, particularly in people who have chronic heart or lung diseases, and reduced lung function growth in children. The effects of long-term exposure to PM₁₀ are less clear, although several studies suggest a link between long-term PM₁₀ exposure and respiratory mortality.

The International Agency for Research on Cancer published a review in 2015 that concluded that PM in outdoor air pollution causes lung cancer.⁷⁹ People with influenza, people with chronic respiratory and cardiovascular diseases, and older adults may suffer worsening illness and premature death as a result of breathing PM. People with bronchitis can expect aggravated symptoms from breathing PM. Children may experience a decline in lung function due to breathing in PM₁₀ and PM_{2.5}.

Very small particles of certain substances (e.g., sulfates and nitrates) can cause lung damage directly, or can contain adsorbed gases (e.g., chlorides or ammonium) that may be injurious to health. Particulates can also damage materials and reduce visibility. Dust comprised of large particles settles out rapidly and is easily filtered by human breathing passages. This dust is of concern more as a soiling nuisance rather than a health hazard. The remaining fractions, PM₁₀ and PM_{2.5}, are a health concern particularly at levels above the Federal and State ambient air quality standards. PM_{2.5} (including diesel exhaust particles) is thought to have greater effects on health, because these particles are so small and thus are able to penetrate to the deepest parts of the lungs.

Acute and chronic health effects associated with high particulate levels include the aggravation of chronic respiratory diseases, heart and lung disease, and coughing, bronchitis, and respiratory illnesses in children. Mortality studies since the 1990s have shown a statistically significant direct association between mortality (premature deaths) and daily concentrations of particulate matter in the air. Despite important gaps in scientific knowledge and continued reasons for some skepticism, a comprehensive evaluation of the research findings provides persuasive evidence that exposure to fine particulate air pollution has adverse effects on cardiopulmonary health. The CARB has estimated that achieving the ambient air quality standards for PM₁₀ could reduce premature mortality rates by 6,500 cases per year.⁸⁰

79 California Air Resources Board, 2019, Inhalable Particulate Matter Health, <https://ww2.arb.ca.gov/resources/inhalable-particulate-matter-and-health>

80 California Air Resources Board, 2019, Inhalable Particulate Matter Health, <https://ww2.arb.ca.gov/resources/inhalable-particulate-matter-and-health>

6.3.3 Reactive Organic Gases (ROGs) / Volatile Organic Compounds (VOCs)

The terms ROG and VOC are often used interchangeably, and the terminology will vary from air district to air district. Volatile organic compounds (VOC) means any compound of carbon, excluding carbon monoxide, carbon dioxide (CO₂), carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions and thus, a precursor of ozone formation. ROGs are any reactive compounds of carbon, excluding methane, CO, CO₂ carbonic acid, metallic carbides or carbonates, ammonium carbonate, and other exempt compounds.

ROGs include a variety of chemicals, some of which may have short- and long-term adverse health effects. ROGs are emitted by a wide array of products numbering in the thousands. Examples include paints and lacquers, paint strippers, cleaning supplies, building materials and furnishings as well as fuel storage and use.

ROGs can cause eye, nose, and throat irritation, headaches, loss of coordination, nausea, and damage to liver, kidney, and central nervous system. Some organics can cause cancer in animals; some are suspected or known to cause cancer in humans. The ability of organic chemicals to cause health effects varies greatly from those that are highly toxic, to those with no known health effect. As with other pollutants, the extent and nature of the health effect will depend on many factors including level of exposure and length of time exposed. Eye and respiratory tract irritation, headaches, dizziness, visual disorders, and memory impairment are among the immediate symptoms that some people have experienced soon after exposure to some organics.

6.4 Health Impacts Evaluations in the 2014 RDEIR

The 2014 RDEIR included two analyses that quantified the air emission and health impacts at receptors near the project site. These were the Health Risk Assessment (HRA) for the Toxic Air Contaminants (TACs) and evaluation of project construction and operation on the AAQS concentrations for criteria pollutants near the Project site (a modified [refined] Local Significance Threshold [LST] analysis).

The 2014 RDEIR included all the air quality modeling recommended by the SCAQMD at the time. The EIR preparation team communicated with the Air District regarding the appropriate baseline assumptions and modeling that was included in the Final EIR. Although the 2014 RDEIR did not include photochemical ozone modeling, or other regional air quality modeling, the 2014 RDEIR air quality analysis does include a Health Risk Assessment (HRA) for toxic air contaminants and a site-specific localized impact analysis that does review the concentrations of criteria air pollutants of concern at sensitive receptor locations, including the nearest residences. The TAC HRA evaluated the potential local health (cancer) impacts to adjacent land uses due to exposure to diesel exhaust from trucks accessing the site (see Pages 12 through 14 of SCAQMD Amicus Brief).

6.4.1 Toxic Air Contaminant Health Risk Assessment

The 2014 RDEIR Threshold AQ-5 analysis included an HRA that evaluated TACs (beginning on page 3.3-55 and also Appendix C) for construction and operations. The risk level at all receptors was less than the SCAQMD significance threshold of 10 in one million. The 2014 RDEIR also evaluated the non-cancer chronic and acute project health impact risks (with comparisons to the Hazard Index) from the TACs and non-cancer chronic and acute impacts of the Proposed Project were both less than significant (RDEIR p. 3.3-57).

6.4.2 Local Air Quality Impact and Health Risk Assessment

As documented within the 2014 RDEIR, under the unmitigated operational condition, the carbon monoxide (CO) impacts including background concentrations are 3.2 and 1.4 parts per million (ppm) for the 1-hour and 8-hour averaging periods, respectively; well below the thresholds of 20 and 9 ppm, respectively. Under the unmitigated operational condition, the NO₂ impacts including background concentrations are 0.19 and 0.02 ppm for the 1-hour and annual averaging periods, respectively. The unmitigated 1-hour NO₂ impact is above the threshold of 0.18 ppm. The SO₂ impacts are less than 0.01 ppm as a result of ultra-low sulfur diesel. Diesel fuel does not contain lead emissions and gasoline fuel is unleaded.

The project operation incremental PM₁₀ impacts are 2.1 for 24-hour impact and 0.3 microgram per cubic meter (µg/m³) for annual impacts. The unmitigated impacts for 24-hour PM₁₀ is above the 24-hour threshold of 2.5 µg/m³. The project operation incremental PM_{2.5} impacts are 1.9 µg/m³ for 24-hour impacts; well below the 24-hour threshold of 2.5 µg/m³.

From the 2014 RDEIR, **MM AQ-12 through MM AQ-18** would reduce the 1-hour NO₂ impacts including background concentrations to 0.15 ppm, which is below the threshold of 0.18 ppm. The 24-hour PM₁₀ and PM_{2.5} impacts would be 1.1 µg/m³, below the 24-hour threshold of 2.5 µg/m³. Thus, air quality impacts from NO_x and PM₁₀ emissions from the Proposed Project are **less than significant with mitigation**.

6.5 South Coast Air Quality Management District (SCAQMD) Amicus Brief⁸¹

The proposed Irwindale MRF/TS is in the South Coast Air Basin, under the jurisdiction of the SCAQMD. The 2020 RDEIR includes this information from the SCAQMD because it is the legal brief on the Friant Ranch decision from the local air district for the proposed Irwindale MRF/TS. The SCAQMD brief describes why it is not feasible to accurately model changes in regional air quality concentrations resulting from specific projects or accurately correlate predicted minor air quality changes with specific health outcomes.

81 South Coast Air Quality Management District Amicus Brief, April 13, 2015, <https://www.courts.ca.gov/documents/9-s219783-ac-south-coast-air-quality-mgt-dist-041315.pdf>

As noted in the SCAQMD brief (Appendix 2 herein), SCAQMD has among the most sophisticated air quality modeling and health impact evaluation capability of any of the air districts in the State, and thus it is uniquely situated to express an opinion on how lead agencies should correlate air quality impacts with specific health outcomes. SCAQMD receives as many as 60 or more CEQA documents each month (around 500 per year) in its role as commenting agency or an agency with "jurisdiction by law" over air quality. The SCAQMD staff provides comments on as many as 25 or 30 such documents each month (SCAQMD brief, p. 7). Therefore, the 2014 RDEIR Irwindale MRF/TS air quality analysis appropriately relied on SCAQMD expertise, significance thresholds, and guidance to disclose the Proposed Project's air quality impacts, including two types of health risk analyses recommended by SCAQMD as described above (the Local Air Quality Impact and Health Risk Assessment, and the Toxic Air Contaminant Health Risk Assessment).

The SCAQMD brief makes it clear that SCAQMD does not believe that there must be a quantification of a project's health risks in all CEQA documents prepared for individual projects, and in fact, the SCAQMD brief is clear that for individual projects the results of such an assessment would be meaningless. Also, the Proposed Project would not generate anywhere near 6,620 pounds per day of NO_x or 89,180 pounds per day of ROG emissions, which SCAQMD stated was a large enough emission to quantify ozone-related health impacts. (SCAQMD brief, page 12) Therefore, the emissions from the Proposed Project are not sufficiently high to use a regional modeling program to correlate health effects on a basin-wide level.

The SCAQMD's numeric regional thresholds of significance (see **Table 6-1**) are based in part on Section 180 (e) of the federal Clean Air Act (CAA). The numeric regional mass daily thresholds have not changed since their adoption as part of the CEQA Air Quality Handbook published by SCAQMD in 1993 (over 20 years ago). The numeric regional mass daily significance thresholds are also intended to provide a means of consistency in significance determination within the environmental review process.

Simply exceeding the SCAQMD's numeric regional mass daily thresholds does not constitute a particular health impact to an individual receptor. The reason for this is that the mass daily thresholds are in pounds per day (lbs./day) emitted into the air whereas health effects are determined based on the concentration of emissions in the air at a particular receptor (e.g., parts per million by volume of air, or micrograms per cubic meter of air) and usually over a longer duration such as one year of an 80-year lifetime. State and federal ambient air quality standards (CAAQS & NAAQS) were developed to protect the most susceptible population groups from adverse health effects and were established in terms of parts per million or micrograms per cubic meter for the applicable emissions.

With regard to the analysis of air quality-related health impacts, the SCAQMD, the air quality authority for the South Coast Air Basin, has stated that “*EIRs must generally quantify a project’s pollutant emissions, but in some cases it is not feasible to correlate these emissions to specific, quantifiable health impacts (e.g., premature mortality; hospital admissions).*” In such cases, a general description of the adverse health impacts resulting from the pollutants at issue may be sufficient. (SCAQMD brief, page 1)

The SCAQMD has further stated that from a scientific standpoint,

...it takes a large amount of additional precursor emissions to cause a modeled increase in ambient ozone levels over an entire region. For example, the SCAQMD’s 2012 AQMP showed that reducing NOx by 432 tons per day and reducing VOC by 187 tons per day would only reduce ozone levels at the SCAQMD’s monitor site with the highest levels by 9 parts per billion.⁸² (SCAQMD brief, page 11)

A few comparisons to this SCAQMD brief and the Irwindale MRF/TS are appropriate. The Irwindale MRF/TS calculated total daily NOx emissions are 1,323 lbs./day (see **Table 5-1**) or approximately 0.15 percent of the 432 tons per day in the above example. The Irwindale MRF/TS calculated total daily ROG emissions are 81 lb./day (see **Table 5-1**) or approximately 0.02 percent of the 187 tons per day in the above example.

A ratio comparison will help add perspective to inform the public. Using the higher 0.15 percent value for the change in ozone levels at the SCAQMD’s monitor site with the highest levels would change by (0.0015 x 9 parts per billion) or 0.0138 parts per billion of ozone. The lowest ozone standard is the California 8-hour standard of 0.070 ppm or 70 ppb. So, if there were a direct ratio correlation given the Irwindale MRF/TS daily emissions, those emissions would change ozone levels by 0.0138 ppb compared to the most stringent 70 ppb California 8-hour standard or 0.02 percent (0.0138/70).

The extremely small change in the ozone numbers (0.02 percent of the standard) from this approximated calculation is an indication of why the SCAQMD does not require relatively small projects to undertake regional modeling. Even if it were a valid ozone change calculation, the correlation to health impacts from the change would be impossible to determine. SCAQMD staff does not currently know of a way to accurately quantify ozone-related health impacts caused by NOx or VOC precursor emissions from relatively small projects such as the proposed Irwindale MRF/TS. (SCAQMD brief, page 12)

82 South Coast Air Quality Management District, Final 2012 AQMP, February 2013, www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan/final-2012-air-quality-management-plan; then follow “Appendix V: Modelling & Attainment Demonstrations” hyperlink, pp. v-4-2, v-7-4, v-7-24

Current scientific, technological, and modeling limitations prevent the relation of expected adverse air quality impacts to likely health consequences. Since SCAQMD staff does not currently know of a way to accurately quantify ozone-related health impacts caused by NO_x or VOC emissions from relatively small projects like the Proposed Project, then a general description of the adverse health impacts resulting from the criteria and toxics pollutants (as previously described) is all that can be meaningfully provided at this time.

6.6 San Joaquin Valley Air Pollution Control District Amicus Brief⁸³

The proposed Friant Specific Plan is in the San Joaquin Valley Air Basin, under the jurisdiction of the SJVAPCD. The San Joaquin Valley Air Pollution Control District Amicus Brief (SJVAPCD brief (Appendix 3 herein) addresses whether it is scientifically feasible to correlate an individual project's air quality emissions of criteria air pollutants to specific health impacts. Human health impacts associated with criteria air pollutants are analyzed and taken into consideration when the USEPA sets the NAAQS for each criteria pollutant. The health impact of a particular criteria pollutant is analyzed on a regional, not a facility level, based on how close the area is to complying with (attaining) the NAAQS. As discussed in the SJVAPCD brief, it is not feasible to conduct a criteria air pollutant analysis detailing health impacts, as currently available computer modeling tools are not equipped for this task.

In requiring a health risk type analysis for criteria air pollutants, it is important to understand how the relevant criteria pollutants (ozone and particulate matter) are formed, dispersed and regulated. Ground level ozone (smog) is not directly emitted into the air but is instead formed when precursor pollutants such as NO_x and ROG are emitted into the atmosphere and undergo complex chemical reactions driven by sunlight. Once formed, ozone can be transported long distances by wind. Because of the complexity of ozone formation, a specific tonnage amount of NO_x or ROG emitted in a particular area does not equate to a particular concentration of ozone in that area. In fact, even rural areas that have relatively low tonnages of emissions of NO_x or ROG can have high levels of ozone concentrations simply due to wind transport. Conversely, areas that have substantially more NO_x and ROG emissions could experience lower concentrations of ozone simply because sea breezes disperse the emissions.⁸⁴ Secondary PM, like ozone, is formed via complex chemicals such as SO_x and NO_x.⁸⁵ Because of the complexity of secondary PM formation, the tonnage of PM-forming precursor emissions in an area does not necessarily result in an equivalent concentration of secondary PM in that area.

83 San Joaquin Valley Air Pollution Control District Amicus Brief, April 13, 2015, <https://www.courts.ca.gov/documents/7-s219783-ac-san-joaquin-valley-unified-air-pollution-control-dist-041315.pdf>

84 San Joaquin Valley Air Pollution Control District, 2007 Ozone Plan, www.valleyair.org/Air_Quality_Plans/AQ_Final_Adopted_Ozone2007.htm

85 USEPA, Particulate Matter: Basic Information, www.epa.gov/airquality/particlepollution/basic.html

The disconnect between the tonnage of precursor pollutants and the concentration of ozone or PM formed is important because it is not necessarily the tonnage of precursor pollutants that causes health effects; rather, it is the concentration of resulting ozone or PM that causes these effects. As such, the NAAQS, which are statutorily required to be set by USEPA at levels that are requisite to protect the public health, are established as concentrations of ozone and not as tonnages of their precursor pollutants. Because the NAAQS are focused on achieving a particular concentration region-wide, the SJVAPCD's tools and plans for attaining the NAAQS are regional in nature.

In regard to regional concentrations and air basin attainment, the SJVAPCD emphasized that attempting to identify a change in background pollutant concentrations that can be attributed to a single project, even one as large as the entire Friant Ranch Specific Plan, is a theoretical exercise. The SJVAPCD brief noted that it *“would be extremely difficult to model the impact on NAAQS attainment that the emissions from the Friant Ranch project may have”*. The situation is further complicated by the fact that background concentrations of regional pollutants are not uniform either temporally or geographically throughout an air basin but are constantly fluctuating based upon wind speed and direction, precipitation, and topography. The currently available modeling tools are equipped to model the impact of all emission sources in the San Joaquin Valley Air Basin on attainment. The SJVAPCD indicated that, *“Running the photochemical grid model used for predicting O₃ attainment with the emissions solely from the Friant Ranch project (which equate to less than one-tenth of one percent of the total NO_x and VOC [ROG] in the Valley) is not likely to yield valid information given the relative scale involved”*. (SJVAPCD brief, p. 9-10)

The computer models used to simulate and predict an attainment date for ozone are based on regional inventories of precursor pollutants, atmospheric chemistry and meteorology within the air basin. At a very basic level, the models simulate future ozone levels based on predicted changes in precursor emissions basin wide. The computer models are not designed to determine whether the emissions generated by an individual development project will affect when the air basin attains the NAAQS. Instead, the models help inform regional planning strategies based on the extent to which all of the emission-generating sources within the air basin must be controlled in order to reach attainment.

6.7 Conclusions

In the case of the Irwindale MRF/TS, operational emissions exceed the SCAQMD's recommended daily significance thresholds for NO_x and ROG. However, this does determine the concentration of ozone that will be occur at or near the Project Site or within the region on a particular day or month of the year, or the specific health impacts that may occur as a result of that concentration. Wind speed and direction, and the presence or absence of sunlight, and other complex chemical factors all combine to determine the ultimate concentrations and locations of ozone. This is especially true for a project like the Irwindale MRF/TS, where most of the criteria pollutant emissions derive not from a single “point source,” but from mobile sources driving to, from and around the Project Site.

The air quality analysis for the Irwindale MRF/TS includes a site-specific localized impact analysis and a toxic air contaminant (TAC) health risk assessment, both of which found less than significant impacts. These were focused on the impacts locally on receptors adjacent to the Project site.

Models such as USEPA's AERMOD have been used for years to estimate local concentrations for air permitting and environmental planning. However, even these dispersion models are not suited for the chemical transformation related to the formation of ozone due to emissions of NO_x and ROG and the interaction with sunlight. Ozone concentrations are dependent upon a variety of complex factors, including the presence of sunlight and precursor pollutants, natural topography, atmospheric stability, atmospheric chemistry and wind patterns. Because of the dynamic nature of ozone formation and the complexities of predicting ground-level ozone concentrations in relation to ambient standards, air districts instead develop mass emissions thresholds for ROG and NO_x that are used to make significance determinations. Air districts also recommend mitigation measures for projects that exceed the significance thresholds.

On a regional scale, it is not possible to accurately model the impact on NAAQS attainment that emissions from the MRF/TS may have. The currently available tools are equipped to model the impact of all emission sources in the air basin on attainment, not to evaluate an individual project. Both the SCAQMD and SJVAPCD have expressed serious concerns that the regional modeling for individual projects such as the MRF/TS project, will not generate meaningful results.

In summary, modeling of the Irwindale MRF/TS Proposed Project's ozone emissions is not feasible and would not provide meaningful information given the magnitude of the emissions and the number of variables that affect ozone formation (e.g., mass of precursor emissions, background concentrations for all other emission sources in the air basin, location of activity and weather on that day that results in conversion of precursor emissions into ozone).

Consistent with the California Supreme Court's Friant Ranch decision, the analyses presented here provide additional details regarding the potential health effects from the proposed Irwindale MRF/TS's significant and unavoidable criteria pollutant emissions of NO_x and ROG. It also explains why it is not scientifically feasible to substantively connect this individual Proposed Project's air quality impacts to likely health consequences. The criteria air pollutant emissions of NO_x and ROG for the project are too small to model and obtain meaningful regional concentrations of criteria air pollutants and ozone, which makes it infeasible to more precisely correlate these future unknown minor concentration changes to resulting health effects.

The 2014 RDEIR also identified health effects from NO_x and ROG emissions. Threshold AQ-2 from the 2014 RDEIR (p. 3.3-34) identified the impact of ROG and NO_x emissions as Significant and Unavoidable based on the mass emissions thresholds of the SCAQMD. Mitigation Measures MM AQ-12 – MM AQ-18 were recommended to reduce this impact.

Chapter 7.0 Comments on the 2020 RDEIR and Responses

This chapter presents comments submitted during the public review period for the 2020 Recirculated Draft EIR, and responses to those comments. Comments contained in the letters are reproduced here, with each comment followed by the City of Irwindale's response.

A total of six comment letters were submitted. These include:

- California Department of Transportation (“Caltrans”) – **CT** for purposes of numbering comments and responses.
- California Environmental Protection Agency, Department of Resources Recycling and Recovery (“CalRecycle”) – **CR** for purposes of numbering comments and responses.
- Los Angeles County Department of Public Health, Solid Waste Management Program, acting as Local Enforcement Agency (“LEA”) - **LEA** for purposes of numbering comments and responses.
- City of Azusa – **AZ** for purposes of numbering comments and responses.
- City of Baldwin Park - **BP** for purposes of numbering comments and responses.
- Waste Management – **WM** for purposes of numbering comments and responses.

The original comment letters are presented in Appendix 1 to this 2020 Final EIR. Within each comment letter, separate comments are bracketed and labeled with a number in the margin that corresponds to the comment and response to comment numbering used in this chapter.

California Department of Transportation (“Caltrans”) – CT

Letter dated August 6, 2020 (2 pages)

Comment CT-1

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-mentioned project’s Recirculated Draft Environmental Impact Report (DEIR). The proposed Irwindale Materials Recovery Facility and Transfer Station ("MRF/TS") Project includes development of a municipal solid waste collection facility, in which materials are sorted for recovery of recyclable and compostable materials, and then transported to either shipping facilities (for recyclables), composting facilities, and landfills (for residual wastes). The MRF/TS includes associated administrative offices, and a convenience store/public gas station within the City of Irwindale. This 2020 Recirculated Draft EIR presents analyses of fueling operations, transportation energy use, greenhouse gas emissions and health effects of criteria air emissions.

Response to Comment CT-1

This comment is introductory in nature, does not raise any issues with the analysis contained in the 2020 RDEIR, and therefore no response is required.

Comment CT-2

Under Senate Bill 743 (2013), CEQA review of transportation impacts of a proposed development are adapting to eliminate consideration of delay-and capacity-based metrics such as level of service (LOS) and are instead focusing analysis on another metric of impact, “Vehicle Miles Traveled (VMT). Effective July 1st, 2020, Caltrans is replacing LOS with VMT when evaluating traffic impacts. For any future project, like the proposed Final EIR, we encourage the Lead Agency to adopt or develop a verifiable performance-based Vehicle Miles Travelled (VMT) criteria as required by SB 743.

Response to Comment CT-2

As stated on page 1-6, the 2020 RDEIR is of limited scope. The 2020 RDEIR does not recirculate the Proposed Project’s transportation analysis. Given this, and pursuant to State CEQA Guidelines, section 15088.5(f)(2), comments that are not related to the specific issues reviewed in the 2020 RDEIR are not further addressed in this FEIR. The requirement to conduct a traffic impact assessment based upon VMT applies to projects that initiating CEQA review after July 1, 2020. The traffic impact assessment for the MRF/TS project has been completed for several years, and challenges to that part of the EIR were rejected in the Superior Court’s decision. However, the 2020 Recirculated Draft EIR does include an assessment of VMT as an integral part of the assessment of greenhouse gas emissions (Chapter 4) and transportation energy use (Chapter 5).

Comment CT-3

- *Due to the nature and scale of the project a potentially significant impact may occur to the transportation/circulation system. In the future Final EIR please consider including a Construction Traffic Management Plan and Truck Haul Route Program for Caltrans review.*

Response to Comment CT-3

As stated on page 1-6, the 2020 RDEIR is of limited scope. The 2020 RDEIR does not recirculate the Proposed Project's transportation analysis. Given this, and pursuant to State CEQA Guidelines, section 15088.5(f)(2), comments that are not related to the specific issues reviewed in the 2020 RDEIR are not further addressed in this FEIR.

The City worked closely with Caltrans in preparation of the traffic impact assessment for the draft EIR for the project, including identification of roadway and freeway ramp improvements that are included as required conditions of project approval. The operational haul route circulation identified is specifically intended to provide the shortest and most efficient route for waste collection and materials transfer from the freeway system (I-210 and I-605) to major arterial streets in the City of Irwindale (Arrow Highway and Live Oak Avenue) into the project site, and back to the freeway.

Comment CT-4

- *Please consider scheduling the construction working hours during off peak hours to the maximum extent possible. This may minimize congestion and provide higher levels of safety to the pedestrians and vehicular traffic on the streets and freeway.*
- *Please consider including a VMT analysis that looks at potential safety concerns to Caltrans facilities as part of proposed DEIR.*
- *If the project develops VMT analysis please consider utilizing the latest version of the Technical Advisory and Guidelines on Evaluating Transportation Impacts in CEQA by the Governor's Office of Planning and Research, and the latest version of Caltrans' Transportation Impact Study Guide.*

Response to Comment CT-4

As stated on page 1-6, the 2020 RDEIR is of limited scope. The 2020 RDEIR does not recirculate the Proposed Project's transportation analysis. Given this, and pursuant to State CEQA Guidelines, section 15088.5(f)(2), comments that are not related to the specific issues reviewed in the 2020 RDEIR are not further addressed in this FEIR.

Comment CT-5

Further information included for your consideration:

Caltrans seeks to promote safe, accessible multimodal transportation. Methods to reduce pedestrian and bicyclist exposure to vehicles improves safety by lessening the time that the user is in the likely path of a motor vehicle. Caltrans recommends the project consider the use of methods such as, but not limited to, the construction of physically separated facilities such as sidewalks, raised medians, refuge islands, and off-road paths and trails, or a reduction in crossing distances through roadway narrowing.

Additionally, pedestrian and bicyclist warning signage, flashing beacons, crosswalks, signage and striping can be used to indicate to motorists that they should expect to see and yield to pedestrians and bicyclists. Visual indication from signage can be reinforced by road design features such as lane widths, landscaping, street furniture, and other design elements.

Also, storm water run-off is a sensitive issue for Los Angeles County. Please be mindful that projects should be designed to discharge clean run-off water. Discharge of storm water run-off is not permitted onto State Highway facilities without a storm water management plan.

As a reminder, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods.

Response to Comment CT-5

Comments noted. As stated on page 1-6, the 2020 RDEIR is of limited scope. The 2020 RDEIR does not recirculate the Proposed Project's transportation analysis. Given this, and pursuant to State CEQA Guidelines, section 15088.5(f)(2), comments that are not related to the specific issues reviewed in the 2020 RDEIR are not further addressed in this FEIR. However, the intersection of Arrow Highway and Live Oak Avenue is equipped with traffic lights and a striped crosswalk indicating that motorists must yield to pedestrians and bicyclists. The project is also required to obtain a Waste Discharge Identification Number in compliance with the National Pollution Discharge Elimination System, and to implement a Storm Water Pollution Prevention Plan to be reviewed and approved by the Regional Water Quality Control Board (Los Angeles Region 4). It is not anticipated at this time that construction will require the use of oversized-transport vehicles. If such vehicles are needed, the applicant and contractor will be responsible for coordinating with Caltrans and obtaining a Caltrans transportation permit for oversized-transport truck trips and scheduling those trips to off-peak commute periods.

California Environmental Protection Agency, Department of Resources Recycling and Recovery (CalRecycle) – CR

Letter dated July 30, 2020 (3 pages)

Comment CR-1

CalRecycle staff's comments on the Proposed Project are listed below. Where a specific location in the document is noted for the comment, please ensure the comment is addressed throughout all sections of the 2020 Recirculated Draft EIR, in addition to the specific location noted. Comments on the 2020 Recirculated Draft EIR are summarized below:

Response to Comment CR-1

This comment is introductory in nature, does not raise any issues with the analysis contained in the 2020 RDEIR, and therefore no response is required.

Comment CR-2

Page 5-11, Chapter 5 – Second paragraph states that the Proposed Project includes 741 convenience store/service station round trips, which is inconsistent with the 2016 Final EIR and the 2014 Recirculated Draft EIR, which states: “An additional 751 daily trips would be associated with the convenience store/service station.” Please clarify which number is the accurate one for convenience store/service station traffic volume.

Response to Comment CR-2

This was a typographical error, and the correct number of estimated daily round trips associated with the convenience store/service station is 751, which was the number of trips used in the 2020 RDEIR's analysis. The Final 2020 Recirculated EIR will identify this correction in an errata sheet.

Comment CR-3

Solid Waste Regulatory Oversight

The Los Angeles County Department of Public Health is the Local Enforcement Agency (LEA) for Los Angeles County and responsible for providing regulatory oversight of solid waste handling activities, including inspections and permitting. Please contact Dorcas Hanson-Lugo of the LEA at 626.430.5540 to discuss the regulatory requirements for the Proposed Project.

Response to Comment CR-3

Comment noted. If the City Council approves the proposed MRF/TS project, the City and Applicant will conduct pre-construction coordination with the LEA.

Comment CR-4

CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this proposed project.

If the environmental document is adopted during a public hearing, CalRecycle staff requests 10 days advance notice of this hearing. If the document is adopted without a public hearing, CalRecycle staff requests 10 days advance notification of the date of the adoption and proposed project approval by the decision-making body.

Response to Comment CR-4

Comment noted. The City will provide all notices and documents as requested.

**Los Angeles County Department of Public Health, Solid Waste Management Program,
acting as Local Enforcement Agency (LEA) – LEA**

Letter dated August 5, 2020 (2 pages)

Comment LEA-1:

Conclusion: The LEA requests copies of any subsequent and/or related environmental documents, Notices of Determination, etc., for the proposed project. In addition, the LEA requests notification of any public hearings pertaining to the project at least ten days in advance. Documents/notices may be mailed to the Solid Waste Management Program address shown above, or emailed dlugo@ph.lacountv.gov. In addition, a Solid Waste Facility Permit (SWFP) issued by the LEA and concurred with by The State of California Department of Resources Recycling and Recovery (CalRecycle) must be obtained for the proposed new operation.

Response to Comment LEA-1:

Comment noted. The City of Irwindale is committed to working cooperatively with the LEA and will provide copies of all notices and documents as requested.

City of Azusa – AZ

Letter dated August 5, 2020 (5 pages)

Comment AZ-1

The City of Azusa appreciates the opportunity to comment on the June 2020 Recirculated Draft EIR (RDEIR) for the City of Irwindale Materials Recovery Facility/Transfer Station (MRF/TS or the Project). As provided in the RDEIR, the MRF/TS is the proposed Project, and the RDEIR was prepared pursuant to the California Environmental Quality Act (CEQA). The RDEIR was prepared to specifically reevaluate potential impacts to the following topics:

- 1) Fueling Operations*
- 2) Greenhouse Gas Emissions*
- 3) Transportation Energy Impacts*
- 4) Project-specific Health Risks from Emissions of ROG, NO_x and Ozone*

As such, the focus of Azusa's comments is on the adequacy of the analyses for these specific impact areas, in relation to their conformance with the State CEQA Guidelines. The following comments are organized and provided based on these main impact topics.

Response to Comment AZ-1

This comment is introductory in nature, does not raise any issues with the analysis contained in the 2020 RDEIR, and therefore no response is required.

Comment AZ-2:

FUELING OPERATIONS

The following are comments specific to Chapter 3, Fueling Operations outlined in the RDEIR, dated June 2020. The following comments are identified for each section or subsection of the chapter.

Section 3.3 Convenience Store Public Gas Station

This section provides details as to what type of vehicles will utilize the gas station. It may be worth referencing Table 6.1 or the 2014 RDEIR Table 3.3-15 that references the emission estimates. Also, discuss briefly or reference where information can be found (Chapter 3.3 of the 2014 document).

Response to Comment AZ-2:

Estimated project air quality emissions (criteria air pollutants) are presented in Table 6-1 of the 2020 RDEIR with reference to Table 3.3-15 in the 2014 RDEIR. As noted in the comment, this table includes estimates from the 2014 RDEIR for the Convenience Store and Service Station.

Comment AZ-3:**Section 3.4 Impact Assessment**

This section discusses the potential impact from fueling operations regarding fleet trucks etc. It also references the locations they will be refueling which require their own permit regardless of the proposed project. This section is missing a key discussion as to whether the proposed gas station requires its own permit. There is reference to that type of permitting in the 2014 RDEIR. Consider adding a discussion regarding the need or lack thereof of permitting the gas station.

Response to Comment AZ-3:

As noted in the comment, waste hauling fleet trucks will not refuel on the project site, and instead will fuel at existing permitted fueling facilities. The public gas station proposed on the project site is part of the proposed project, and therefore, the project's approvals include approvals of permits necessary for the public gas station. As described on page 2-11 of the 2020 RDEIR, a City of Irwindale Conditional Use Permit is required for the approval of alcohol sales at the proposed convenience store and operation of the proposed public gas station.

Further, the public gas station would be required to comply with the South Coast Air Quality Management District Rule 461 regulating gasoline transfer and dispensing. Rule 461 establishes requirements gas station operation within the District, including requirements for control systems and vapor recovery systems, testing/report/record-keeping, signage, etc. Also, the public gas station would also be subject to the air permit requirements for Authority to Construct and Permit to Operate (ATC/PTO) with the South Coast Air Quality Management District, including permits for the fuel storage tanks. The proposed convenience store and public gas station would also need approval of a Hazardous Materials Business Plan from the Los Angeles County Department of Public Works.

Comment AZ-4:

Section 3.4.3 - This section should validate that the 2011 average throughput values remain representative for 2020 and beyond. Confirm that the database of stations hasn't been updated after the 2014 RDEIR. Consider adjusting these values as appropriate. If the assumption that the public gas station dispenses 0.34 million gallons of diesel per year is no longer representative, the Diesel HRA may require updating if not conservative enough.

Response to Comment AZ-4:

The assumptions made for the volume of gasoline pumped at the convenience store/public gas station are, and remain, reasonable. In fact, they likely assume a much greater amount of gasoline and diesel sales than under existing conditions in summer 2020, due to reduced levels of fuel demand. Furthermore, average diesel sales per station were lower in 2018 than they were in 2011,

and on a downward trend.⁸⁶ Due to the increased use of hybrid and electric vehicles, and given current world and national events, such as the COVID-19 pandemic that have significantly disrupted and limited commuting to work and school, gasoline and diesel pumping volumes will likely continue to trend downward (and likely are significantly lower than 2018) because of long-term and permanent trends likely to emerge from the pandemic (e.g., reduced office time, meetings via Zoom, etc.).⁸⁷ For example, gasoline sales were slowing as early as March 2020, in response to the COVID-19 pandemic.

Finally, the Proposed Project includes only a typical-sized convenience store/public gas station, with only eight total pumps. Only a limited number of pumps will dispense diesel fuel (i.e., no more than two of the eight), as is typical at public gas stations. The public gas station will not serve diesel-fueled tractor-trailer sized vehicles, or larger diesel-fueled trucks. The type of gas station proposed is smaller than those proposed at big box retail stores, such as Costco, or those that serve long-haul trucks.

Given the above, the estimate of 0.34 million gallons of diesel per year is still reasonable. The most recent reported data from the California Energy Commission (“CEC”) is from 2018.⁸⁸ Based on CEC data, the average annual throughput for California retail fuel outlets dispensing diesel fuel was 0.33 million gallons of diesel in 2018. As such, no adjustments are needed for the Health Risk Assessment (HRA). As indicated on page 3.3-57 of the 2014 RDEIR, this level of throughput would be below the 3.6 million-gallon threshold established by CARB *Air Quality and Land Use Handbook* for a large fuel dispensing station.

Comment AZ-5:

GREENHOUSE GAS EMISSIONS

The following are comments specific to Chapter 4, Greenhouse Gas Emissions, outlined in the RDEIR. The following comments are identified for each section or subsection of the chapter.

⁸⁶ CEC, 2020. *California Retail Fuel Outlet Annual Reporting (CEC-A15) Results*, Accessed August 18th, 2020 at: <https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy/california-retail-fuel-outlet-annual-reporting>

⁸⁷ <http://ethanolproducer.com/articles/17036/same-store-gasoline-sales-start-to-show-impact-of-covid-19> [“We are likely to see weekly gasoline demand numbers slide below 6 million barrels per day – volumes last witnessed during the Nixon Administration”]; see also <https://luskin.ucla.edu/covid-19-pandemic-could-cost-california-transportation-billions-in-revenue> [anticipating California will lose up to \$20 billion in gas and vehicle tax revenue over the next decade], see also <https://www.cnn.com/2020/08/25/business/office-space-remote-work-pandemic/index.html> [anticipating permanent reductions in workforce commuting].

⁸⁸ CEC, 2020. *California Retail Fuel Outlet Annual Reporting (CEC-A15) Results*, Accessed August 18th, 2020 at: <https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy/california-retail-fuel-outlet-annual-reporting>

Section 4.1 Introduction

It appears that the 2014 RDEIR is referenced throughout. It is understood that the 2020 RDEIR should be a standalone report. Therefore, rather than referencing Section 3.3 of the previous document, which does not adhere to a standalone study, this comment letter will focus on the 2020 RDEIR only. If the current RDEIR is not required to be a standalone document, please disregard this general comment.

Response to Comment AZ-5:

The 2020 RDEIR is a recirculated portion of the environmental review completed for the Proposed Project. Pursuant to State CEQA Guidelines, section 15088.5(c), where revision to a previously circulated EIR “is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.” As indicated on page 1-5 of the 2020 RDEIR, the 2020 RDEIR revises, and therefore recirculates, only those portions of the 2016 Final EIR that address fueling operations, greenhouse gas emissions, transportation energy impacts, and health risks.

CEQA Guidelines Section 15234(d) provides direction that all other portions of the 2016 Final EIR, as affirmed by the Court, remain valid, and the City’s responsibility for subsequent review is restricted only to those portions of the CEQA analysis that are germane to these four elements. As this document is limited to only for issues, pursuant to CEQA Guidelines Section 15088.5, subdivision (c), other contents of the DEIR and the FEIR are not being recirculated for public review and comment.

Comment AZ-6:

Section 4.2 Selection of a Quantitative GHG Significance Threshold

The document revisits the 2014 RDEIR application of the South Coast Air Quality Management District (SCAQMD) 10,000 MTCO_{2e}/year threshold. Justification is given for applying the 10,000 MTCO_{2e}/year to the Project based on correspondence with the SCAQMD and examples of the California Air Resources Board (CARB) supporting the threshold in other CEQA projects. Following this discussion, the document states whether or not it should proceed with the 10,000 MTCO_{2e}/year threshold or “whether a more stringent quantitative threshold for the GHG impact analysis” should be used for the Project.

Section 4.2.3 states that a zero threshold would be used to assess the significance of the Project’s GHG emissions, which contradicts the justification given for the above stated 10,000 MTCO_{2e} threshold. Inclusion and justification of two thresholds lacks clarity and understanding in which threshold the RDEIR is relying upon.

Response to Comment AZ-6:

The 2020 RDEIR justifies the 10,000 MTCO₂e/year threshold previously used in the 2014 RDEIR. Then the 2020 RDEIR describes the reasons for selecting an even more stringent GHG threshold, the net-zero threshold, used and relied upon in the 2020 RDEIR. Choosing a more stringent threshold of significance is always within a lead agency's discretion. (See State CEQA Guidelines, § 15064(b).) Further, all justification for a 10,000 MTCO₂e threshold would also justify any more stringent threshold.

Despite the fact that the 2020 RDEIR explains why a 10,000 MTCO₂e threshold was used in the prior environmental review, the 2020 RDEIR is also clear that it will be applying the more stringent net zero threshold. (See, e.g., p. 1-8 ["Chapter 4: Greenhouse Gas Emissions presents analysis of the quantitative GHG threshold, identifying a 'net zero GHG' quantitative threshold and providing substantial evidence for that threshold"]; p. 4-7 ["Selection of a Net Zero MTCO₂3/year Threshold"]; p. 4-9 ["Thus, the Proposed Project's specific features and environmental setting make application of a net zero threshold appropriate"]; p. 4-10 ["To assess the significance of the Project's GHG emissions relative to the chosen net zero threshold..."]; p. 4-12 ["As discussed in detail above this analysis will use net zero GHG emissions as the significance threshold"]; p. 4-24 ["As shown in Table 4-7, applying a net zero emissions threshold to the Proposed Project results in a determination that GHG impacts will be less than significant"]; p. 4-24, Table 4-7 [comparing the Proposed Project's emissions against a zero emissions threshold].)

Comment AZ-7:

It should be noted that although a Project's GHG emissions should be quantified, a quantitative threshold is not required to evaluate significant impacts of GHGs.

Response to Comment AZ-7:

Comment noted. The first paragraph on page 4-10 of the 2020 RDEIR, notes that a quantitative GHG threshold is not required by the State CEQA Guidelines, section 15064.4(a).

Comment AZ-8:

Overall, the GHG analysis is thorough with explanations for its reductions in VMT and the associated GHG emissions. The analysis evaluated the significance of its GHG impacts using a net zero threshold. The document justified the use of a net zero-threshold based on its use in other CEQA projects and provided names of the projects. Although the document provides supporting information for the use of a net zero threshold, the use of a net zero threshold for CEQA projects is uncommon and may invite further debate on its validity. The Court directed the City to reconsider using the 10,000 MTCO₂e/year threshold as an appropriate quantitative threshold for the Project; this did not indicate the Project must use a quantitative GHG threshold to evaluate the significance of GHG impacts. As stated above, a quantitative GHG threshold is not required to evaluate a project's GHG impacts. Furthermore, Section 15064.4(a)(2) of the State CEQA

Guidelines explicitly state that a lead agency has the discretion to “rely on a qualitative analysis or performance based standards” for evaluating significance of greenhouse gas emissions.

Response to Comment AZ-8:

See responses to comments AZ-5, AZ-6 and AZ-7.

Comment AZ-9:

CEQA projects under jurisdictions such as the SCAQMD, which do not have quantitative GHG thresholds for land development projects, have used qualitative approaches. A widely accepted qualitative approach is a consistency analysis, and this is supported by language in Section 15064.4(b)(3) of the CEQA Guidelines. This approach evaluates a project’s consistency with applicable state, regional, and local goals and policies for addressing climate change and reducing GHG emissions. Based on review of the GHG analysis, the Project would be better suited to conduct a consistency analysis. It is recommended that the Project’s GHG impacts be evaluated using a consistency analysis rather than using a net zero threshold for the following reasons:

- *Consistency analysis is a widely used approach for CEQA projects in the absence of quantitative GHG thresholds;*
- *The use of a net zero threshold is fairly uncommon and its validity may be critiqued and/or challenged;*
- *The use of a net zero threshold may have unintended consequences, such as requiring the Project to implement additional measures to ensure the Project remains net zero throughout its lifetime, potentially resulting in a loss of flexibility for Project operations and additional costs for implementing the measures.*

Response to Comment AZ-9:

See Responses to Comments AZ-6 and AZ-7, above, regarding application of the quantitative net zero threshold. In addition to review of the quantitative threshold (total annual GHG emissions), Threshold AQ-7 in the 2014 RDEIR included three consistency-type reviews (i.e., qualitative analyses) of the project GHG emissions, beginning on page 3.3-67 of the 2014 RDEIR. These analyses were not revised or replaced by the 2020 RDEIR, and included:

- Analysis of the potential conflicts with CARB’s 39 recommended actions identified in Table 3.3-14, List of Recommended Actions by Sector.
- Analysis of the basic project parameters that determine whether its design is inherently energy efficient, will lead to wasteful energy use, or is neutral with regard to future energy use.
- Analysis of potential conflicts with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The above qualitative analyses also determined that impacts related to GHG emissions would be less than significant. As shown in the 2020 RDEIR, application of a quantitative net-zero threshold arrived at the same conclusion.

Comment AZ-10:

Section 4.4 Impact Analysis

1. *This section thoroughly explains how the reductions in trips and trip lengths were derived. Although the section establishes a net zero threshold will be used, the following Appendix G checklist questions for GHGs are not addressed¹:*
 - a) *Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*
 - b) *Would the Project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

The RDEIR will need to include an analysis of the Project's impacts under these two thresholds of significance.

Response to Comment AZ-10:

The 2020 RDEIR thoroughly considered whether the Proposed Project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. (See 2020 RDEIR, p. 4-12 ["Would the GHG emissions attributable to project construction and operations be potentially significant?"]. To determine whether the Proposed Project's direct and indirect greenhouse gas emissions would result in a significant impact, the 2020 RDEIR applies a net zero threshold, quantified all greenhouse gas emissions attributable to the Project's construction and operation, and determined that the Project would result in a net (-)1,814 MTCO₂e/year, which is below the chosen threshold of net zero, and therefore indicates that the Project would result in less than significant impacts.

The 2020 RDEIR did not revise, replace, or recirculate analysis of whether the Proposed Project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. This analysis remains part of the 2016 Final EIR.

See also Response to Comment AZ-9 regarding threshold b); consistency with applicable plans, including the California GHG Scoping Plan.

Comment AZ-11:

TRANSPORTATION ENERGY IMPACTS

The following are comments specific to Chapter 5, Transportation Energy Use, outlined in the RDEIR, dated June 2020. The following comments are identified for each section or subsection of the chapter.

Section 5.4 Impact Assessment

1. *Although the document is specifically addressing energy impacts for transportation energy resources, the appropriate Appendix G checklist questions for energy should be addressed as stated below²:*
 - a) *Would the Project result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*
 - b) *Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Response to Comment AZ-11:

As stated on page 1-6, the 2020 RDEIR is of limited scope. The 2020 RDEIR did not recirculate the prior environmental review's analysis of wasteful, inefficient, or unnecessary consumption of energy resources.

Specifically, Energy Conservation was evaluated in Section 4.4 of the 2014 RDEIR (page 4.0-6). Energy Efficiency Measures of the Project were analyzed on page 4.0-10 of the 2014 RDEIR and the GHG emissions evaluations (see page 3.3-67) directly and indirectly affect energy efficiency. See also Response to Comment AZ-9.

Comment AZ-12:

Although the document explains that the Project would result in reduced annual vehicle miles traveled, it is unclear how the Project would result in reductions of VMT and transportation fuel for waste trucks. A quantitative demonstration of the baseline energy consumption and the Project energy consumption is needed to explain these reductions.

Response to Comment AZ-12:

Table 4-3 in the 2020 RDEIR shows the weighted average reduction of miles traveled by Athens Collection Trucks. Table 4-6 shows the reduction for transfer trucks going to the end markets. The reduced annual Vehicle Miles Travelled (VMT) directly results in a reduction in the amount required fuel. The analysis in Chapter 4 shows the reduced miles from the different types of trips, including collection truck trips and transfer truck trips.

Comment AZ-13:

It is recommended the document should also include a discussion of transportation fuels used during construction activities and include a table summarizing annual fuel consumption during construction.

Response to Comment AZ-13:

As stated on page 1-6, the 2020 RDEIR is of limited scope, and did not revise and recirculate an analysis of construction transportation fuels. Construction details were provided in a series of tables in the 2014 RDEIR. **Table 3.3-5** provided the overall construction schedule in days, **Table 3.3-6** identified the construction equipment, **Table 3.3-7** provided Construction Trips and Trip Lengths. The air quality emissions from all these trips were calculated with the California Emissions Estimation Model (CalEEMod) and analyzed in the air quality Chapter 3.3. Using the data within these tables the total miles traveled the total transportation trip fuel for project construction are shown in the table below. The table assumes worker and vendor trips use gasoline and haul trucks use diesel fuel. The total amounts are far below the fuel use per year for the project as shown in Table 5-1 of the 2020 RDEIR. Total construction transportation would use approximately 14% of gasoline use for project transportation and 2% of diesel fuel use for project transportation.

Table 7-1 Construction Phase Transportation Trips Fuel Use

Fuel Type	Total (miles)	Construction	Total (gallons)	Construction	Construction total as Percent of MRF/TS Annual Transportation (gallons) ¹
Gasoline	1,351,741		60,077		14%
Diesel	75,000		9,740		2%

1. Comparison to annual fuel use as provided in Table 5-1 of the 2020 RDEIR.

Comment AZ-14:**PROJECT-SPECIFIC HEALTH RISKS FROM EMISSIONS OF ROG, NOX AND OZONE**

The following are comments specific to Chapter 6, Project Specific Health Risks from Air Emissions, outlined in the RDEIR, dated June 2020. The following comments are identified for each section or subsection of the chapter.

Section 6.1 Introduction

It appears that the 2014 RDEIR is referenced throughout. It is understood that the 2020 RDEIR should be a standalone report. Therefore, rather than referencing Section 3.3 of the 2014 RDEIR, which does not adhere to a standalone study, this comment letter will focus on the 2020 RDEIR

only. If the current RDEIR is not required to be a standalone document, please disregard this general comment.

Response to Comment AZ-14:

See Response to Comment AZ-5 above.

Comment AZ-15:

A statement suggesting that the nitrogen oxide (NO_x) and reactive organic gases (ROG) emissions are too small to model is included. Consider including a follow up discussion explaining support for this conclusion. Potentially reference section 6.5 of the 2020 RDEIR for clarification.

Response to Comment AZ-15:

The comment suggests adding a reference to the information supporting the statement that NO_x and ROG are too small to model. The following text is added to the end of the third paragraph in Section 6.1 of the 2020 RDEIR.

“Further information regarding regional pollution models and the magnitude of emissions that can be modeled is presented in Section 6.4.1.”

See also Appendix 2 in this 2020 Final EIR: *Technical Memorandum No. 1 – Air Quality Modeling Limitations and the Friant Decision*.

Comment AZ-16:

The 2014 RDEIR discusses a 2013 toxics study commissioned by the City and in Appendix C, but project specific toxic emissions (or discussion) do not appear to be quantified in the 2020 version until Section 6.4.1. Considered a brief sentence or two here and reference section 6.4.1.

Response to Comment AZ-16:

In response to the California Supreme Court’s decision in *Sierra Club v. County of Fresno* (issued on December 24, 2018, and commonly referred to as the “*Friant Ranch*” decision), Chapter 6 addresses the potential for adverse health effects from the emissions of criteria air pollutants associated with the Proposed Project, based on scientific information and technological methods available at this time.

Criteria air pollutants are different air pollutants than toxic air contaminants (TACs). Criteria air pollutants are further described in Section 6.3 of the 2020 RDEIR. Section 6.4 of the RDEIR describes two site specific health risk assessments that were included in the 2014 RDEIR. One of those two health risk assessments from the 2014 RDEIR focused on TACs (see Section 6.4.1). As described in Section 6.4.1, the impacts evaluated in the TAC Health Risk Assessment were less

than the significance thresholds for cancer risk and non-cancer chronic and acute impacts (2014 RDEIR, p. 3.3-57).

Comment AZ-17:

Section 6.2 Criteria Pollutant Emissions and Health Impacts

The document outlines what is required per the court decision and states that the project impacts are significant and unavoidable, but it does not provide rationale as to why. Discussion must be included to address the explanation behind why the project impacts are significant and unavoidable. Again, the 2014 RDEIR is referenced. Potentially discuss the mitigation measures MM AQ-12 through 18. Outlining the measures here would provide the reader a better understanding of why the emissions are unavoidable.

Response to Comment AZ-17:

With the conservative air quality analysis in the 2014 RDEIR, the maximum daily NO_x emissions are 1,323 (lbs./day) compared to the SCAQMD threshold of 55 (lbs./day). These emissions are generated primarily by the collection and transfer trucks moving up to 6,000 tons of materials to the facility and from the facility to landfills, compost, and recycling destinations. There is no technologically feasible way to transport this amount of material by truck and remain below the daily threshold for NO_x.

The most updated list of Mitigation Measures MM-12 to MM-18 is included in the Mitigation Monitoring and Reporting Program (MMRP) of this 2020 Final EIR. These measures cover gasoline dispensing, diesel truck engine specifications and maintenance, truck purchase goals, application to truck purchase grant programs, and idling restrictions.

Comment AZ-18:

Section 6.4 Health Impacts Evaluations in the 2014 RDEIR

Section 6.4.1 – Consider incorporating some or all of the 2014 RDEIR discussion.

Response to Comment AZ-18:

Section 6.4.1 (Toxic Air Contaminant (TAC) Health Risk Assessment (HRA) is an overview of the 2014 RDEIR and the 2016 updated information related to the TAC HRA. The TACs were thoroughly analyzed in the EIR, and no additional analysis was required for TACs by the Superior Court for the 2020 RDEIR. The TAC HRA is summarized in the 2014 RDEIR in Threshold AQ-5 beginning on page 3.3-55.

Comment AZ-19:

Section 6.4.2 – It is unclear whether MMAQ12-18 will reduce NO_x to less than significant or not. Either the document states that the NO_x is unavoidable as is stated in the 2014 RDEIR, but here it

suggests mitigation will reduce the NOx. Please provide rationale or clarification regarding primary NOx emissions and secondary NOx formation, if applicable. Also clarify whether NOx is unavoidable or can be mitigated to a less than significant level.

Response to Comment AZ-19:

Section 6.4.2 in the 2020 RDEIR summarized the local air quality impacts of construction and operations of criteria pollutants from the 2014 RDEIR (Threshold AQ-3). This evaluation begins on page 3.3-47 of the 2014 RDEIR and found that, with mitigation, the Proposed Project would be consistent with ambient air quality standards. This analysis is for the directly emitted criteria air pollutants from the Proposed Project. It did not include regional pollutant modeling, which is the subject of Chapter 6 in the 2020 RDEIR.

Even with the incorporation of mitigation measures AQ-12 through AQ-18, this local impact of NOx cannot be mitigated to a less than significant level. The mass emissions of NOx are above the SCAQMD significance threshold (55 lbs./day) and is considered a significant and unavoidable impact despite the fact that they are primarily (97%) mobile emissions dispersed throughout the basin rather than a stationary source. Exceedance of the mass emissions threshold means that feasible mitigation measures must be implemented. There is no secondary NOx formation. Ozone and secondary particulate matter (PM) are regional pollutants formed from complex chemical reactions in the atmosphere that include criteria air pollutants NOx, ROG, and SOx.

City of Baldwin Park – BP

Letter from Brownstein Hyatt Farber Schreck dated August 5, 2020 (18 pages and Attachment 1)

Comment BP-1:

We respectfully submit this letter on the 2020 Recirculated Draft Environmental Impact Report (2020 RDEIR) for the City of Irwindale's proposed Materials Recovery Facility and Transfer Station Project (the Waste Project) on behalf of the City of Baldwin Park (Baldwin Park).

Response to Comment BP-1:

This comment is introductory in nature, does not raise any issues with the analyses contained in the 2020 RDEIR, and therefore no response is required. Referring to the Proposed Project as “the Waste Project” is misleading. As discussed in detail within the 2020 RDEIR, the Proposed Project is a Materials Recovery Facility and Transfer Station (“MRF/TS”), which does not produce or generate any waste. A detailed Project Description is presented in Chapter 2 of the 2020 RDEIR. As discussed there, the Proposed Project will be designed to sort and recover a variety of recyclable and compostable materials, and bundle those for transport to respective destinations, including residual materials that will be transported to a landfill disposal site. It will be a new state-of-the-art MRF designed to maximize the recovery of compostable materials and recyclable materials consistent with statewide goals for waste reduction and recycling. The Proposed Project also includes a convenience store/public gas station.

Comment BP-2:

Due to the development's magnitude and location directly across the street from Baldwin Park businesses and residents, Baldwin Park residents are directly impacted by the [Proposed] Project. Since 2009, when the initial draft environmental impact report was released, Baldwin Park has consistently raised its concerns with the [Proposed] Project. Baldwin Park provided detailed comments on prior environmental analyses for the Waste Project, including the 2016 Final Environmental Impact Report (2016 FEIR), the 2014 Recirculated Draft Environmental Impact Report (2014 RDEIR), and the 2014 Draft Environmental Impact Report (2014 DEIR), along with the 2017 Addendum to the 2016 FEIR (2017 Addendum) and the various land use approvals adopted after the 2016 FEIR.

Response to Comment BP-2:

This comment does not raise any issues with the analysis contained in the 2020 RDEIR, and therefore no response is required. As noted, the environmental impacts of the Proposed Project have been documented in several CEQA documents. A summary of the CEQA process through which the Proposed Project has been studied is provided on pages 1-2 through 1-5 of the 2020 RDEIR. Prior comment letters received in relation to the Proposed Project are part of the Project's

administrative record. As clearly stated on page 1-6, the 2020 RDEIR is of limited scope. Given this, and pursuant to State CEQA Guidelines, section 15088.5(f)(2), comments that are not related to the specific issues reviewed in the 2020 RDEIR will not be responded to in this FEIR.

Comment BP-3:

The majority of Baldwin Park's prior comments on the Waste Project's environmental analysis remained unaddressed when the City of Irwindale originally certified the 2016 FEIR, adopted the 2017 Addendum, and approved the Waste Project's entitlements. Therefore, Baldwin Park had no alternative but to seek judicial review of the Waste Project's compliance with the California Environmental Quality Act (CEQA). In October 2019, the Los Angeles Superior Court held that the City of Irwindale violated CEQA and ordered Irwindale to vacate its approvals for the Waste Project because the EIR was deficient in five (5) key ways:

- *The project description and analysis was inadequate as to truck fueling operations;*
- *The EIR failed to analyze transportation energy impacts adequately;*
- *The EIR ignored health risks associated with the Waste Project's emissions of ROG, NOx, and ozone, or failed to explain why this analysis would be infeasible;*
- *The EIR inadequately analyzed greenhouse gas (GHG) emissions; and*
- *The EIR failed to properly assess the effectiveness of mitigation in reducing GHG emissions to a less than significant level.*

Response to Comment BP-3:

This comment does not raise any issues with the analysis contained in the 2020 RDEIR, and therefore no response is required. Page 1-5 of the 2020 RDEIR summarizes the prior litigation over the Proposed Project's CEQA analysis and summarizes the Los Angeles Superior Court's September 5, 2019 Ruling ("2019 Ruling") on the same.

The 2020 RDEIR revises the Proposed Project's prior environmental review documents to address and comply with the 2019 Ruling. Despite the fact that Petitioners in the prior litigation challenging the Proposed Project alleged more than 50 distinct deficiencies with the Proposed Project's CEQA analysis and approval, the 2019 Ruling denied all claims except for those relating to the following limited issues: (1) the way in which fueling operations were described; (2) the threshold against which greenhouse gas emissions were compared and the details associated with the mitigation measure included to address greenhouse gas emissions impacts; (3) transportation energy impacts; and (4) project-specific health risks associated with emissions of ROG, NOx and ozone. The Court affirmed and upheld all other aspects of the Proposed Project's CEQA analysis. Therefore, all other portions of the Proposed Project's environmental review, as affirmed by the Court, remain valid.

Comment BP-4:

Our review of the 2020 RDEIR concludes that there are still deficiencies and missing analysis in each of these areas, in violation of the Court's decision and CEQA, which mandates full disclosure to the public and a thorough analysis of the Waste Project's environmental impacts. (Pub. Res. Code § 21000, et seq.)

Response to Comment BP-4:

This comment does not identify any specific issues with the environmental analyses of the RDEIR, therefore no response is required. See also Response to Comment 3 above.

Comment BP-5:

In particular, we note that the 2020 RDEIR erroneously states that the Court's decision requires changes to only four elements of the environmental analysis for the Waste Project. (2020 RDEIR at 1-5.) That is not the case-the Court's decision found the 2016 FEIR's project description defective, and the analysis of the Waste Project's transportation energy, health risks, and GHG emissions impacts insufficient. Because the Court mandated updates to the project description, the City of Irwindale is required to analyze the environmental impacts stemming from the changes to the project description for all resource categories. The City of Irwindale failed to conduct this analysis, depriving the public and decision-makers of information.

Response to Comment BP-5:

This comment proposes an erroneous legal analysis of the 2019 Ruling, as opposed to specific environmental issues relating to the 2020 RDEIR requiring a response. The 2019 Ruling did not order the City of Irwindale to revise and recirculate the environmental impact analyses for all resource categories. Instead, the 2019 Ruling points out that statements in the Proposed Project's earlier CEQA analyses were unclear as to whether diesel and/or CNG-fueled waste hauling trucks will be fueled on the Project site. In regards to CNG-fueled waste hauling trucks, the 2019 Ruling states, "[T]he EIR admits that 68 percent of collection trucks are CNG-fueled, but it does not analyze the impact of those trucks fueling near the Project site." In regards to diesel-fueled waste hauling trucks, the 2019 Ruling states, "Since there appears to be no condition of approval or operational mechanism to prevent the trucks from using the [public gas station], the potential use should be analyzed." (2019 Ruling, p. 12.)

These concerns are addressed in Chapter 3.0 of the 2020 RDEIR. In regard to CNG-fueled trucks, page 3-1 of the 2020 RDEIR clarifies that no CNG fueling facilities are proposed within the Project Site, at either the MRF/TS or the convenience store/public gas station. Instead, Athens fuels its CNG-fueled trucks at existing CNG fueling facilities, located in the City of Irwindale and City of Industry. These fueling stations currently fuel Athens' truck fleet and will continue to fuel Athens' truck fleet in the future, with or without the Proposed Project. Further, on page 3-1, the 2020 RDEIR includes updated information explaining that Athens' waste collections truck fleet is

currently 86 percent CNG-fueled and is moving towards 100 percent CNG-fueled in the near future. This will occur with or without the Proposed Project.

The discussion starting on page 3-4 of the 2020 RDEIR explains that the small convenience store gas station is not designed to and would not serve large, diesel-fueled waste collection and transfer trucks. While there is access between the convenience store/public gas station and the MRF/TS employee parking lot, there is no access between the MRF/TS and convenience store/public gas station for waste collection and tractor-trailer hauling trucks. Just as waste hauling trucks are not seen fueling at any typical corner store neighborhood gas station (for example, a Circle K or an AM/PM), such trucks would not be fueling here either. The fuel islands will be designed and sized like any typical neighborhood gas station, and like almost all neighborhood gas stations, will include both gasoline and diesel pumps. However, these pumps will serve passenger vehicles—cars, SUVs, pickup trucks, motorcycles, and the like. While some self-haul vehicles, such as pickup trucks, SUVs, with or without towing trailers, could choose to empty their self-haul load at the MRF/TS and then avail themselves of the adjacent gas station, even contractor self-haul vehicles are, on average, 79 percent gasoline-fueled, as opposed to diesel-fueled.

As with CNG-fueled Athens waste collection trucks, the smaller portion of the Athens fleet that is still diesel-fueled would be fueled just as it is now – at private or public commercial truck fueling stations throughout the region, designed to cater to large, diesel-fueled trucks, such as waste collection trucks (as opposed to public gas stations of the type proposed here). These large, diesel truck fueling stations are in operation now, and will continue to operate with or without the Proposed Project. Athens’ waste hauling trucks, and waste hauling trucks of other waste hauling companies, will continue to fuel as they do in the baseline condition, with or without the Proposed Project. See Chapters 4.0 and 5.0 of the 2020 RDEIR for additional discussion on why the Proposed Project does not generate new truck trips.

Pages 3-5 through 3-8 of the 2020 RDEIR analyze the potential impacts of the fueling operations described above. Specifically, the analysis focuses on traffic and safety conflicts, and health risk impacts, associated with fueling. The analysis concludes that the Proposed Project’s fueling operations would not result in any significant environmental impacts.

Chapter 3.0 of the RDEIR did not analyze whether truck fueling would result in impacts to “all resource categories” as requested in this comment. This is because none of the truck fueling-related clarifications made in the 2020 RDEIR would result in any change in the environmental analysis of other “resource categories” addressed in the prior CEQA documents. The clarifications in the 2020 RDEIR explains that no waste collection or hauling truck fueling, whether CNG or diesel, will occur on site, and no change to existing CNG or diesel fueling of waste trucks offsite would occur either. Page 3-5 of the 2020 RDEIR expressly addresses offsite CNG fueling emissions impacts. Therefore, no changes to the prior CEQA documents’ analysis of other resource categories are required. This comment does not provide any evidence that such changes would

occur, contrary to the evidence provided in the 2020 RDEIR, the prior CEQA documents, and this Response to Comment. Therefore, no additional analysis is required.

Comment BP-6:

Additional changes to the 2020 RDEIR's truck fueling analysis, GHG emissions analysis and mitigation, the transportation energy use analysis, and the analysis of project-specific health risks caused by pollutant emissions are also required. We ask the City of Irwindale to address our comments and fully update the impacts analysis and recirculate the entirety of the environmental document for complete public review. Without a full environmental analysis of the changes to the Waste Project, the EIR will again be deficient under CEQA and a decision to adopt the Waste Project cannot be supported by substantial evidence.

Importantly, these continuing deficiencies expose the residents of Baldwin Park and the greater Southern California region to unmitigated and potentially unknown adverse impacts of the Waste Project. Therefore, Baldwin Park must continue to strongly oppose the development of the Waste Project at the proposed location adjacent to the jurisdictional boundary between the two cities.

Response to Comment BP-6:

This comment does not allege any specific deficiencies with the analyses contained within the 2020 RDEIR. Instead, the comment alleges only general, vague deficiencies to which the City cannot directly respond. General comments require only a general response. Here, the 2020 RDEIR meets all of CEQA's substantive and procedural requirements, and together with those portions of the prior CEQA analysis affirmed by the 2019 Ruling, provide a complete accounting of the potentially significant impacts of the Proposed Project. No further response is required.

Comment BP-7:

Implementation of the Waste Project would detrimentally impact the health, safety, and quality of life of Baldwin Park residents and other residents living throughout the Southern California region.

Response to Comment BP-7:

See Response to Comment 6, above. This comment does not allege any specific deficiencies with the analyses contained within the 2020 RDEIR. Instead, the comment alleges only general, vague deficiencies to which the City cannot directly respond. General comments require only a general response. Here, the 2020 RDEIR meets all of CEQA's substantive and procedural requirements, and together with those portions of the prior CEQA analysis affirmed by the 2019 Ruling, provide a complete accounting of the potentially significant impacts of the Proposed Project. No further response is required.

Comment BP-8:

Since its founding more than 100 years ago, Baldwin Park has grown into a culturally diverse community of over 75,000 residents and an employment base of over 18,000 jobs. The City spans 4,337 acres (approximately 6.77 square miles) with an additional 344 acres within its sphere of influence. Baldwin Park is uniquely situated sitting east of the San Gabriel River with almost 50 percent of the City footprint bordered by Irwindale to the north, west, and east. There are almost 17,000 households in Baldwin Park. Over 65 percent of the approximately 17,000 households have children under 18 years of age and another 20 percent of these households are home to persons over 65 years of age. To support this population, Baldwin Park has 25 schools serving kindergarten through 12th grade.

Baldwin Park has made a concerted planning effort over recent years to institute new programs to preserve the quality of life for its citizens including adopting the health and sustainability element of its General Plan, and the "Keep Baldwin Park Beautiful Program." All of these efforts would be undermined by the massive Waste Project development, located directly across the street from Baldwin Park.

Response to Comment BP-8:

This comment does not allege any specific deficiencies with the analyses contained within the 2020 RDEIR. Instead, the comment alleges only a general, vague allegation that the Proposed Project would impact land use planning efforts described in the City of Baldwin Park. However, as stated on page 1-6, the 2020 RDEIR is of limited scope. Given this, and pursuant to State CEQA Guidelines, section 15088.5(f)(2), comments that are not related to the specific issues reviewed in the 2020 RDEIR will not be responded to. Land use and planning issues were not recirculated and are not being reconsidered as part of the 2020 RDEIR.

Comment BP-9:

The Waste Project would also further exacerbate the environmental impacts felt by residents in the Cities of Baldwin Park and Irwindale, as well as the greater Southern California region. As you may know, Baldwin Park and Irwindale's shared zip code is designated as one of the "highest pollution burdened areas with sensitive population characteristics in the State" due to factors including air quality, toxic releases from facilities, traffic density, solid waste sites, and population characteristics. The San Gabriel Valley Air Basin, which encompasses the two cities and is the proposed location of the Waste Project is already one of the most polluted air basins in the country and is in "extreme" nonattainment for ozone. Due to these air quality factors, Baldwin Park has been identified as a "disadvantaged community" by CalEPA under SB 535. Disadvantaged communities include areas that are disproportionately affected by environmental pollution and other hazards and include concentrations of sensitive populations.

Response to Comment BP-9:

This comment does not allege any specific deficiencies with the analyses contained within the 2020 RDEIR. Instead the comment alleges only a general, vague allegation that the Proposed Project would exacerbate unspecified environmental impacts on Baldwin Park and Irwindale residents. In addition, the comment contains generalized statements regarding the existing air quality in the vicinity of the Proposed Project. However, the comment does not allege that the environmental baseline as described in the 2020 RDEIR is in error.

However, as stated on page 1-6, the 2020 RDEIR is of limited scope. Given this, and pursuant to State CEQA Guidelines, section 15088.5(f)(2), comments that are not related to the specific issues reviewed in the 2020 RDEIR will not be responded to. With the exception of project-specific health risk associated with the Proposed Project's previously disclosed emissions of ROG, NOx and ozone, the Proposed Project's air quality analysis was not recirculated and is not being reconsidered as part of the 2020 RDEIR.

Comment BP-10:

In addition to causing pollution, the Waste Project, if constructed at the proposed location, would stand in stark contrast to the surrounding community, dwarfing neighboring Baldwin Park businesses and residential neighborhoods. With its 24/7 operations, the Waste Project will cause significant traffic, air quality, and noise impacts, all of which will be felt by Baldwin Park's neighboring residential community. The Waste Project will destroy the peacefulness and quality of life so important to the safety of playing children and elderly adults. Baldwin Park urges Irwindale to reject the Waste Project to help it maintain the low density feeling, which the surrounding area has enjoyed for years.

Response to Comment BP-10:

This comment does not allege any specific deficiencies with the analyses contained within the 2020 RDEIR. Instead, the comment alleges only general, vague allegations that the Proposed Project would result in unspecified traffic, air quality, noise, and community character impacts. However, as stated on page 1-6, the 2020 RDEIR is of limited scope. Given this, and pursuant to State CEQA Guidelines, section 15088.5(f)(2), comments that are not related to the specific issues reviewed in the 2020 RDEIR will not be responded to. With the exception of (1) the project-specific health risks associated with the Proposed Project's previously disclosed emissions of ROG, NOx and ozone; and (2) transportation energy use, the 2020 RDEIR does not recirculate or reconsider the prior analysis of traffic, air quality, noise, or land use planning impacts. These analyses were upheld by the Court in the prior litigation challenging the Proposed Project. The 2019 Ruling found no deficiencies in any of these analyses. Therefore, they are not included in this 2020 RDEIR. No further response is required.

Comment BP-11:

The 2020 RDEIR's inconsistent incorporation by reference of three (3) prior environmental documents is misleading and confusing, failing CEQA's purpose of informing the public and decision-makers of the Project's environmental impacts.

Response to Comment BP-11:

Chapter 2.0 of the 2020 RDEIR describes and summarizes the prior CEQA documents completed for the Proposed Project and explains their relationship to the 2020 RDEIR. Pages 2-1 and 2-2 describe the 2014 DEIR, the 2014 RDEIR, and the 2017 Addendum No. 1.

As Baldwin Park is aware, the 2014 RDEIR replaced in whole the 2014 DEIR. The 2014 RDEIR was then incorporated into the Project's Final EIR, which was certified by the City of Irwindale in June 2016. As CEQA permits and encourages, the 2017 Addendum No. 1 was used to address minor internal site plan adjustments. Although the 2019 Ruling directed the City of Irwindale to decertify the Final EIR and vacate its adoption of the 2017 Addendum No. 1, these documents remain in the Proposed Project's administrative record. This 2020 RDEIR only revises and replaces those specific portions of the prior environmental review documents that the 2019 Ruling found inadequate. The 2019 Ruling upheld and affirmed all other portions of the Final EIR and 2017 Addendum No. 1. Within each individual chapter of the 2020 RDEIR, the text clearly delineates which portion of the prior CEQA documents are being revised and replaced by the 2020 RDEIR.

Comment BP-12:

The structure of the 2020 RDEIR requires the reader to refer to analysis found in the 2014 RDEIR, the 2016 FEIR, the 2017 Addendum, and now this 2020 RDEIR, making it impossible for the public and decision-makers to understand exactly what the Waste Project entails. See, e.g., CEQA Guidelines § 15150 (incorporation by reference). This structure also creates substantial discrepancies amongst the documents, many of which we point out below, and whether intentional or not, create confusion preventing the public from fully understanding the entire scope of environmental impacts created by the Waste Project. The 2020 RDEIR should be revised as a stand-alone document that incorporates both the updated analysis, as well as the portions of the Waste Project's past environmental analysis still applicable, to present an entire description of the project's full environmental impacts. Only then will it reveal the categories of environmental impacts requiring new analysis, which extend beyond the five areas of deficiency identified by the Court.

Response to Comment BP-12:

See Response to Comment 11, above, regarding the relationship of the 2020 RDEIR to the Proposed Project's prior CEQA documents. To understand "exactly what the [Proposed] Project entails," please see Chapter 2.0 of the 2020 RDEIR. As described on page 2-3, the Proposed Project

entails both a regional MRF/TS and a convenience store/public gas station. No substantive changes to “what the [Proposed] Project entails” have occurred. The only “change” to the Project Description is a clarification that no on-site fueling of either CNG-fueled collection trucks or diesel-fueled tractor-trailer hauling trucks will occur.

The 2020 RDEIR represents the City of Irwindale’s best good faith effort to address each of the specific issues identified in the 2019 Ruling in as clear and transparent a way as possible. The City’s decision to revise and recirculate only a portion of the prior CEQA analysis, while leaving those portions upheld and affirmed by the 2019 Ruling in place and unchanged, is consistent with State CEQA Guidelines, section 15088.5(c) and (f), which encourage a lead agency to recirculate only those chapters or portions of a prior CEQA document that have been modified.

Each chapter of the 2020 RDEIR clearly delineates which portion of the prior CEQA documents are being revised and replaced by the 2020 RDEIR. Specifically, Chapter 3.0 of the 2020 RDEIR adds additional detail and analysis of truck fueling operations; however, this chapter does not identify new impacts or change any of the impacts identified in the 2014 RDEIR. (See 2020 RDEIR, p. 3-1.)

Chapter 4.0 of the 2020 RDEIR “supersedes those portions of the 2014 RDEIR and 2017 Addendum No. 1 that (1) calculated the amount of mobile GHG emissions attributable to waste hauling activities; (2) applied a 10,000 metric ton of CO₂-equivalent per year (“MTCO₂e”) quantitative significance threshold to the Project’s greenhouse gas emissions; and (3) described, incorporated, and applied Mitigation Measure AQ-22. It does not, however, revise or supersede the remainder of the Proposed Project’s GHG emissions impact analysis.” (See 2020 RDEIR, p. 4-1.)

Chapter 5.0 of the 2020 RDEIR “augments [which means “adds to” and not “replace”] the energy evaluation in the 2014 RDEIR, to include more detailed analysis of energy use associated with transportation components of the Proposed Project, specifically including transportation energy use associated with passenger vehicles, waste collection trucks, and transfer trucks.” (See 2020 RDEIR, p. 5-1.)

Chapter 6.0 of the 2020 RDEIR states that the analysis therein “supplement[s] [again, this means “add to” and not “replace”] the assessment of health risks that was presented in Chapter 3.3 of the 2014 RDEIR.” (See 2020 RDEIR, p. 6-1.)

Finally, the comment claims that other environmental resource impact analyses should have been included in the 2020 RDEIR. However, the 2019 Ruling did not order that the City of Irwindale revise and recirculate the environmental impact analyses for all resource categories. See also Responses to Comments BP-3 and BP-5, above.

Comment BP-13:

The 2020 RDEIR is deficient because it wrongly asserts that the Waste Project will generate no new truck or self-haul trips, directly contradicting SCAQMD's recommendation and disregarding the prior environmental documents

Despite acknowledging, for example, that the Waste Project's thousands of truck trips will cause significant and unavoidable criteria pollutant emissions (see, e.g., 2020 RDEIR at 6-14), the 2020 RDEIR now contradicts earlier versions of the EIR and asserts that the Waste Project will generate no new collection or transfer truck trips because the Waste Project will simply take business away from neighboring materials recycling facilities (MRFs) and will generate no new business. On this basis, the 2020 RDEIR wrongly finds no significant impacts associated with fueling operations, GHG emissions, or transportation energy use. The "no new trips" assumption makes no sense and is therefore problematic, as more specifically explained below.

Notably, the new assumption is contrary to the South Coast Air Quality Management District's (SCAQMD) previous direction that that all truck trips should be considered as new. The 2014 RDEIR was revised to incorporate SCAQMD's direction, leading to higher emissions, stating: "The Draft EIR used what the City still considers to be a conservative baseline of air emissions for the Proposed Project. However, the SCAQMD noted that while many MRF projects in the region were using similar baselines, the SCAQMD would like the project to consider 100% of vehicle trips to be considered "new trips". . . . Chapter 3.3 has been revised to evaluate the project using this approach and consequently the regional air quality emissions are estimated to be higher than the emissions estimated in the Draft EIR." (2014 RDEIR at ES-6; [emphasis added].)

Response to Comment BP-13:

The recommendation of the SCAQMD to treat all truck trips entering and leaving the Proposed Project as “new” trips was made in the context of analyzing criteria air pollutants, not greenhouse gas emissions. As explained on page 4-11 of the 2020 RDEIR, “Treating redistributed existing truck trips as new truck trips may make sense in the context of an air pollutant emissions analysis, because air pollutant impacts on human health, for example, are location specific.” If a truck trip is redistributed from one street to another, or one neighborhood to another, or one city to another, the impacts to sensitive receptors along those different streets, or in those different neighborhoods or cities, may change. However, greenhouse gas impacts are not felt on a location-specific basis, as GHG emissions are considered global. Within the same region, whether a given amount of greenhouse gas emissions occur on Street A or Street B, or in Neighborhood C or Neighborhood D, or in City E or City F, does not change the impacts felt by any individual sensitive receptor. In fact, we do not consider greenhouse gas impacts on specific sensitive receptors at all. Given this, the methodology applied in the 2020 RDEIR for GHG emissions is sound, supported with factual evidence, and not in conflict with any directives from SCAQMD.

The Proposed Project does not generate new sources of waste and the comment does not argue that it does either. Therefore, it is unclear how the comment can assert that the Proposed Project will result in new waste hauling truck trips, that would not otherwise occur to process regional waste streams, with or without the Proposed Project.

Comment BP-14:

The truck trip assumption range has been a moving target, for the reader, who is left to guess what the Waste Project will actually entail. In 2014, the DEIR assumed that only a portion of the Waste Project's truck trips would be "new," as the Waste Project would allegedly redirect truck trips already in existence. After receiving objections to that assumption from SCAQMD, the 2014 RDEIR analyzed the Waste Project's truck trips as entirely new, and the project applicant conceded that at least one-third of the truck trips would be new. The 2020 RDEIR ignores this history, and assumes without any evidence that all of the Waste Project's truck trips are not new - i.e., that the Waste Project's truck trips are part of the environmental baseline.

Response to Comment BP-14:

As described on page 1-1 of the 2020 RDEIR, the 2020 RDEIR supplements, and in some limited instances replaces, information previously presented in the Proposed Project's CEQA documents. State CEQA Guidelines, section 15088.5, unambiguously directs lead agencies to prepare a recirculated environmental document when new information needs to be presented to the public for review and comment. New information can include information that contradicts, updates, revises, changes, or clarifies the information contained in prior CEQA documents. That is the express purpose of recirculated environmental documents.

Here, the change in methodology relating to how truck trips are analyzed is described in detail in Chapter 4.0 of the 2020 RDEIR. There is no prohibition against applying a new or different methodology within a recirculated environmental document. Factual evidence supports the application of a new methodology, and this evidence is laid out on pages 4-10 through 4-12 of the 2020 RDEIR. Again, the Proposed Project does not generate new sources of waste. The comment does not purport that the Proposed Project does generate new sources of waste. Therefore, it is unclear how the comment can assert that the Proposed Project will result in new waste hauling truck trips, that would not otherwise occur, with or without the Proposed Project.

The prior CEQA documents differentiated between Athens-controlled trips (i.e., trucks that would be rerouted to the Proposed Project by Athens) and non-Athens-controlled trips (i.e., trucks utilizing the Proposed Project but that were controlled by commercial haulers other than Athens or that were self-haul trips). Non-Athens controlled trips and self-haul trips were assumed to together comprise approximately one third of trips utilizing the Proposed Project. However, as explained in Chapter 4.0 of the 2020 RDEIR, even non-Athens controlled trips and self-haul trips will not be "new" or generated by the Proposed Project; vehicle miles saved from these trips can

be quantified just as vehicle miles saved from Athens trips can be quantified. Regarding “*what the [Proposed] Project will actually entail,*” see Response to Comment BP-12, above.

Comment BP-15:

Moreover, at page 3.3-36, the 2014 RDEIR states: "As seen in Table 3.3-12, the trip lengths to the Irwindale MRF/TS would be less than the trip lengths to some competing MRFs but would be more than the trip lengths to other competing MRFs. However, because the Proposed Project does not include reducing waste volumes going to other MRF/TS or reducing the permits at other MRF/TS locations, the most conservative analysis is to assume all the trips to the Irwindale MRF/TS would be new trips." In other words, the 2014 RDEIR acknowledges that the best approach is to assume that all trips associated with the Waste Project would be new.

Response to Comment BP-15:

As described above in Response to Comment BP-14, and on page 1-1 of the 2020 RDEIR, the 2020 RDEIR supplements, and in some limited instances replaces, information previously presented in the Proposed Project’s CEQA documents. Chapter 4.0 of the 2020 RDEIR acknowledges that some existing trip lengths will be greater after being rerouted to the Proposed Project, and other trip lengths will be shorter after being rerouted. The sentence cited by the comment on page 3.3-36 of the 2014 RDEIR describes the methodology used in the 2014 RDEIR, which treated all the trips to the Proposed Project as new trips. For all the reasons stated and supported in Chapter 4.0 of the 2020 RDEIR, the City is now implementing a different methodology, also supported by factual evidence. This evidence includes, but is not limited to, the fact that the Proposed Project does not generate any new sources of waste and that waste collection truck trips in the vicinity of the Proposed Project will be the same in number, with or without the Proposed Project. Whether the trips will be the same in length of miles is analyzed in detail within Chapter 4.0 of the 2020 RDEIR.

Comment BP-16:

In a fundamental about face, the 2020 RDEIR fails to explain its surprising departure from SCAQMD's recommendation, the project applicant's admission, and the assumptions set forth in the 2014 RDEIR that all or a substantial portion of vehicle and truck trips would be new. Common sense would question expending millions of dollars developing a facility capable of processing more than 6,000 tons of waste per day when it will not serve a single new customer, but would instead divert waste already processed by other facilities (at least one of which is owned by the Waste Project applicant).

Response to Comment BP-16:

The 2020 RDEIR explains its departure from a methodology that treats all trips as new trips on page 4-11, which reads: “Treating redistributed existing truck trips as new truck trips may make

sense in the context of an air pollutant emissions analysis, because air pollutant impacts on human health, for example, are location specific.” See also Response to Comment BP-13.

The 2020 RDEIR applies a different methodology than that utilized in the 2014 RDEIR, which is a permissible use of a recirculated environmental review document. The evidence supporting the use of a different methodology is set forth in Chapter 4.0 of the 2020 RDEIR. See also Response to Comment BP-15, above.

Neither the 2014 RDEIR, nor any other prior environmental review document prepared for the Proposed Project included a project applicant “admission” that the Proposed Project would generate new sources of waste or that all or a substantial portion of the truck trips hauling waste to or from the Proposed Project would be new, and not exist in the region if the Proposed Project did not move forward.

The 2020 RDEIR’s greenhouse gas analysis is not predicated on an assumption that the Proposed Project “will not serve a single new customer.” In fact, the greenhouse gas analysis goes to great lengths to analyze the environmental impacts that would occur if other waste hauling companies and markets that do not currently utilize Athens’ existing MRF/TS facility, were to redirect their existing trips to the Proposed Project. Page 4-14 of the RDEIR states (emphasis added):

“To determine a conservative per trip miles reduction, two separate analyses were done. First, an average total trip reduction was calculated based on the location of current Athens Services markets and routes, and the amount of waste currently collected by Athens from these markets. **Then, an average total trip reduction was calculated based on the location of markets anticipated to contract with Athens Services in the future, or that contract with other commercial waste haulers that are anticipated to bring their collected waste to the Proposed Project.** As shown below, the average trip reduction based upon general markets is less than the average trip reduction based upon Athens Services’ current markets, and so, to present the most conservative analysis, this average trip reduction is used to calculate GHG emissions reductions.”

The comment implies that the Project Applicant’s intention to divert waste hauling truck trips from its own existing MRF/TS is contrary to common sense. However, as described in detail within Chapter 4.0 of the 2020 RDEIR, providing additional MRF/TS facilities closer to existing markets would permit the Project Applicant to reduce the miles traveled by its waste hauling fleet. However, this is just one benefit of the Proposed Project. The Proposed Project also provides myriad other benefits to the local community and region as a whole. These benefits include, but are not limited to, the Proposed Project’s ability to increase diversion rates as a result of its state-of-the-art technology; redevelopment of an existing underutilized parcel which the City had previously identified as targeted for redevelopment; new employment opportunities for local

citizens, including both construction jobs and long-term operations-related jobs; generation of property tax, utility user tax, and host fees for the City of Irwindale; and construction of a project that is consistent with several City of Irwindale 2020 General Plan objectives and goals.

None of these benefits are tied to the Proposed Project generating new sources of waste, or new truck trips. Thus, the comment's conclusion that the Proposed Project is "admittedly not needed" and therefore all construction-related trips are "wasteful and inefficient" is flawed. No further analysis is required. See also Responses to Comments BP-17 through BP-21, below.

Comment BP-17:

Many of the project objectives cannot be met if it is true that the Waste Project will not expand waste treatment but simply divert existing trucks to other waste collection facilities.

For the first time, the 2020 RDEIR now claims that all of the waste to be processed at the Waste Project's facilities is already being treated at other facilities. This assumption apparently applies over the entire life of the Waste Project. If it is true that the Waste Project will process only redistributed-rather than collect new waste, many of the project objectives cannot be met.

Response to Comment BP-17:

The methodology used in the 2020 RDEIR's analysis of greenhouse gas emissions does not impede the Proposed Project's ability to satisfy the Project Objectives, which are included on pages 2-7 and 2-10 of the 2020 RDEIR. The 2020 RDEIR does not state that all materials to be processed over the life of the Proposed Project is currently being processed at other facilities. It states that the Proposed Project does not generate any new sources of waste. Materials disposal – waste generation - will continue to be generated by residential, commercial, and industrial uses throughout the region now and in the future, with or without the Proposed Project. See Responses to Comments BP-18 through BP-21, below, regarding specific comments on the Project Objectives.

Comment BP-18:

For example, if it is true that the Waste Project would not actually expand waste treatment, then:

The Waste Project will not contribute to meeting the goals in the statutes referenced in the project objectives, which promote increased not redistributed recycling and reuse. (2020 RDEIR at 2-7, 2- 10.)

The Waste Project will not meet the objectives to "increase diversion of recyclable commodities from the mixed municipal waste stream, thereby reducing the consumption of landfill capacity and prolonging the operational period of the region's current permitted landfill capacity," provide "services that will assist Los Angeles county and cities within the county to achieve local and state

mandated waste diversion goals," or provide "expanded capacity to divert and process green and wood waste". (2020 RDEIR at 2-7, 2-10.)

Response to Comment BP-18:

The Proposed Project will provide a state-of-the-art materials processing and transfer facility that will maximize the ability to receive, process and consolidate, for efficient transfer and disposal, municipal solid waste within the San Gabriel Valley. The Proposed Project will also provide state-of-the-art recycling methods and aims to provide a better diversion rate than existing, older MRF/TS facilities within the region, and reduce demand for landfill capacity. As a result, the Proposed Project will contribute to statutorily mandated increased diversion rates, with or without any new sources of waste generated elsewhere in the region.

Comment BP-19:

The Waste Project will not contribute to creating or meeting economic development goals, where it simply re-distributes existing business, rather than generating new business. (2020 RDEIR at 2-7, 2-10.)

Response to Comment BP-19:

The comment is unclear as to what “new” waste generating business the Proposed Project will purportedly bring to the City of Irwindale. As discussed through the 2020 RDEIR and these responses to comments, the Proposed Project does not generate new sources of waste. There is no connection between the Proposed Project’s lack of generation of new waste sources and City of Irwindale economic development. Economic development is realized through the repurposing and development of a state-of-the-art materials sorting facility on a currently underutilized parcel located within the industrial heart of the Los Angeles Metropolitan Area. Economic development is also realized by the number of new jobs the Proposed Project will bring to the City of Irwindale, and the provision of a new source of city tax revenue. Finally, the provision of a convenience store/public gas station on a currently underutilized parcel also provides economic development opportunities to the City.

Comment BP-20:

The Waste Project will not create net new jobs or new employment opportunities by simply taking jobs from existing facilities. (2020 RDEIR at 2-7, 2-10.)

Response to Comment BP-20:

Neither the 2020 RDEIR nor any prior CEQA document prepared for the Proposed Project states that all employees at the Proposed Project will be “taken” from other facilities within the region. It is entirely speculative to predict how redistribution of the waste processing the Proposed Project would affect other MRFs in the region or their labor force. Many factors would influence future waste processing including population growth, per capita waste generation and waste processing

regulatory goal, requirements and mandates. The region surrounding the Proposed Project will continue to grow at the rate it will grow with or without the Proposed Project; however, the Proposed Project will create new jobs at the Project Site regardless. See also Response to Comment BP-19 above for additional discussion on how the Proposed Project will contribute to economic development.

Comment BP-21:

Given the new revelation that the Waste Project cannot meet the project objectives because it will only re- divert waste that would have gone to competing facilities, the 2020 RDEIR must re-examine the alternatives that were previously rejected, which may now better meet the project objectives than the proposed Waste Project. This was not done in the 2020 RDEIR. The Waste Project's failure to meet project objectives demonstrates the lack of substantial evidence to reject project alternatives, such as the reduced tonnage alternative, and the lack of substantial evidence to support the statement of overriding considerations per CEQA Guidelines section 15124(b), as discussed further below.

Response to Comment BP-21:

As discussed above in Response to Comments BP-18 through BP-20, the methodology utilized in the 2020 RDEIR's greenhouse gas analysis does not affect the Proposed Project's ability to meet the stated Project Objectives. Further, no revisions to the 2014 RDEIR's analysis of project alternatives is required. None of the new information provided within the 2020 RDEIR changes the conclusions and analyses of the prior alternatives analysis. This includes the findings supporting rejection of the Reduced Tonnage Alternative, which was rejected on several grounds, none of which are dependent on the number of new trips generated by the Proposed Project, or the methodology utilized in the 2020 RDEIR's greenhouse gas emissions analysis. For example, the Reduced Tonnage Alternative was rejected on grounds it provided fewer jobs (a projected loss of nearly 100 employment opportunities) and would provide reduced ability to meet the State's diversion goals due to reduced capacity; these findings still apply. The evidence supporting rejection of certain project alternatives remains unchanged.

The evidence supporting adoption of a Statement of Overriding Considerations also remains unchanged. The Proposed Project provides myriad benefits to the local community and region as a whole, as listed in Response to Comment BP-19 above. These benefits include, but are not limited to, the Proposed Project's ability to increase diversion rates as a result of its state-of-the-art technology; redevelopment of an existing underutilized parcel which the City had previously identified as targeted for redevelopment; new employment opportunities for local citizens, including both construction jobs and long-term operations-related jobs; generation of property tax, utility user tax, and host fees for the City of Irwindale; and construction of a project that is consistent with several City of Irwindale 2020 General Plan objectives and goals. None of these benefits are tied to the Proposed Project generating new sources of waste, or new truck trips. Thus,

the comment's conclusion that the Proposed Project is "admittedly not needed" and therefore all construction-related trips are "wasteful and inefficient" is flawed. The comment provides no cogent connection to the 2020 RDEIR's methodology and the findings previously made by the City in relation to the Proposed Project. No further analysis is required.

Comment BP-22:

There is no rationale to justify eight (8) significant adverse unmitigated impacts if the Waste Project will not generate new truck trips and expand waste treatment.

An agency must make a "fully informed and publicly disclosed" decision that "[s]pecifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project." (Kostka & Zischke, Practice Under the California Environmental Quality Act, 17.33, citing 15043 (b).)

The 2014 RDEIR, incorporated by reference into the 2020 RDEIR, admits that the Waste Project would have at least eight (8) significant adverse unavoidable impacts with regard to air quality (including operational and regional air quality impacts associated with emissions of the ozone precursors ROG and NOx and cumulative impacts associated with emissions of these pollutants), traffic generation and circulation (including cumulatively considerable contributions to already existing and forecasted deficient freeway segments), and noise (including both short-term and operational impacts along the Waste Project boundaries and traffic-related noise impacts)." (2014 RDEIR at ES-22.)

There is no justification to shove these significant, unavoidable impacts onto residents in Baldwin Park and the region, when the 2020 RDEIR admits the Waste Project will treat no new waste.

Response to Comment BP-22:

The significant and unavoidable impacts identified in the 2014 RDEIR remain applicable to the Proposed Project, since all trips were treated as new trips in the air quality analysis in the 2014 RDEIR. Given that the Proposed Project will result in significant and unavoidable impacts, the City will be required to adopt a Statement of Overriding Considerations prior to re-approving the Proposed Project. However, the methodology used in the 2020 RDEIR's greenhouse gas emissions analysis does not in any way alter or diminish the previously identified project benefits, which the City determined in 2016 outweighed the significant and unavoidable impacts of the Proposed Project. These benefits included, but were not limited to, the Proposed Project's ability to increase diversion rates as a result of its state-of-the-art technology; redevelopment of an existing underutilized parcel which the City had previously identified as targeted for redevelopment; new employment opportunities for local citizens, including both construction jobs and long-term operations-related jobs; generation of property tax, utility user tax, and host fees for the City of Irwindale; and the Proposed Project's consistency with several City of Irwindale

2020 General Plan objectives and goals. None of these project benefits are tied to the Proposed Project generating new sources of waste or generating new truck trips.

Comment BP-23:

The 2020 RDEIR project description remains flawed and the impacts analysis must be updated to analyze all environmental impacts associated with the modified project description.

For the 2020 RDEIR to comply with CEQA, several changes must be made to both the project description and the impacts analysis, to ensure that the EIR adequately analyzes the environmental impacts of the updated Waste Project.

Response to Comment BP-23:

This comment does not allege any specific deficiencies with the analyses contained within the 2020 RDEIR. Instead, the comment alleges only general, vague deficiencies to which the City cannot directly respond. General comments require only a general response. Here, the 2020 RDEIR meets all of CEQA's substantive and procedural requirements, and together with those portions of the prior CEQA analysis affirmed by the Court, provides a complete accounting of the potentially significant impacts of the Proposed Project. No further response is required.

Comment BP-24:

The project description must be updated to incorporate legible site plans and to identify all necessary project approvals with certainty.

*The text of the Site Plan, Figures 1-1 and 2-3, is illegible due to the 2020 RDEIR's poor resolution. (2020 RDEIR at 1-3, 2-8.) Please include a legible copy of the Site Plan in the analysis. Without a legible copy of the Site Plan, it is impossible to understand whether any changes to the Site Plan are proposed, other than those discussed in the 2020 RDEIR. (See *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 18 [project description violated CEQA where it was "not simply inconsistent, it fails to describe the siting, size, mass, or appearance of any building proposed to be built at the project site" and because the "draft EIR does not describe a building development project at all. Rather, it presents different conceptual scenarios that Millennium or future developers may follow for the development of this site. These concepts and development scenarios-none of which may ultimately be constructed-do not meet the requirement of a stable or finite proposed project."].)*

Response to Comment BP-24:

There are no changes to the site plan proposed as part of the 2020 RDEIR. The site plan remains the same as the site plan provided in the 2017 Addendum No. 1. Given this, and pursuant to State CEQA Guidelines, section 15088.5(f)(2), comments that are not related to the specific issues reviewed in the 2020 RDEIR will not be responded to in this FEIR.

Regardless, the site plan included in the 2020 RDEIR is legible. The City has verified that zooming in on the PDF file posted to the City's website permits a viewer to read the Site Plan's legend, the names and square footage of each building, and all other pertinent information provided by the graphic. In addition, full size site plans are, and always have been, available for viewing via the Irwindale Planning Department upon request. In addition, the City of Irwindale Planning Department is, and always has been, happy to send additional, higher resolution digital versions to those who request them. However, no such request for a higher resolution copy or hard copy of the site plan has been received by the City to date.

Regarding the Proposed Project's "siting, size, mass, or appearance" these details have not changed via the 2020 RDEIR. Each of these aspects nonetheless are clearly depicted in Figure 1-2, Rendering of the Proposed Project. As indicated by the detailed site plan included in the 2020 RDEIR, the 2020 RDEIR has one stable project description and does not provide mere "concepts and development scenarios"; accordingly, the *Stopthemillenniumhollywood.com* case cited by the commenter is inapplicable.

Comment BP-25:

Additionally, the 2020 RDEIR must be updated to specify all necessary project approvals. As presently drafted, the 2020 RDEIR does not specifically identify all of the approvals necessary to implement the Waste Project. (See 2020 RDEIR at 1-9 [approvals "include, but may not be limited to"]; id. at 2-12 ["in addition to the above approvals and entitlements, approvals from other public agencies may be required to effectuate the Project."].) Each necessary approval, the agency responsible for issuing each approval, and the entity responsible for obtaining each approval must be identified in the 2020 RDEIR. (CEQA Guidelines § 15124(d).)

Response to Comment BP-25:

The list of approvals required for completion of the Proposed Project has not changed via the 2020 RDEIR and is detailed in Table 2-1 on page 2-12 of Chapter 2. As stated on page 1-6, the 2020 RDEIR is of limited scope. Given this, and pursuant to State CEQA Guidelines, section 15088.5(f)(2), comments that are not related to the specific issues reviewed in the 2020 RDEIR will not be responded to in this FEIR. Regardless, the list of project approvals provided in the 2020 RDEIR is complete, to the extent known to the Lead Agency (CEQA Guidelines, section 15124(d)(1)).

Comment BP-26:

The revisions to the project description require more extensive updates to the 2020 RDEIR's impacts analysis.

The Court's holding that the project description was flawed requires a more extensive reanalysis of the environmental impacts of the Waste Project than is set forth in the 2020 RDEIR. The changes to the project description, such as to truck fueling operations, must be analyzed throughout the

EIR's impacts analysis-including the air quality, traffic, transportation energy, and GHG emissions analyses-which already acknowledge several significant and unavoidable impacts.

Response to Comment BP-26:

No substantive changes to the Project Description have been made via the 2020 RDEIR. The 2020 RDEIR clarifies that no on-site fueling of waste collection or transfer tractor-trailer hauling trucks will occur on the Project Site. See also Response to Comment BP-5, above.

Comment BP-27:

It is not enough to simply amend the project description without a full update to the impacts analysis, because the project description provides the foundation for the impacts analysis. (Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association (1986) 42 Cal.3d 929, 938 [failure to analyze the "actual project" to be constructed "compromise[s] the goal of public participation in the environmental review process" and "deprive[s] the public of any meaningful assessment of the actual project chosen by the agency"]; County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 193, 199 ["An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR" because "[the] defined project and not some different project must be the EIR's bona fide subject"].)

Response to Comment BP-27:

See Response to Comments BP-5, BP-12 and BP-26, above. The 2020 RDEIR, together with those portions of the 2014 RDEIR that were affirmed and not overturned by the 2019 Ruling, together with the 2017 Addendum No. 1, provide a full, good faith accounting of all potentially significant environmental impacts of the “actual project.” Further, the Project Description contained within the 2020 RDEIR provides substantial detail on what the “actual project” includes and what will be constructed if the Proposed Project is approved.

Comment BP-28:

CEQA serves two basic, interrelated functions: ensuring environmental protection and informed self-government. (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 564.) CEQA requires full disclosure of a project's significant environmental effects so that decision-makers and the public are informed of these consequences before the project is approved, to ensure that government officials are held accountable for these consequences. (Laurel Heights Improvement Assn. of San Francisco v. Regents of the Univ. of Cal. (1988) 47 Cal.3d 376, 392.) The environmental impact report process is the "heart of CEQA" and is the chief mechanism to effectuate its statutory purposes. (In Re Bay Delta Programmatic EIR Coordinated Proceedings (2008) 43 Cal.4th 1143, 1162.)

Response to Comment BP-28:

This comment does not raise any specific issues relating to the analysis contained in the 2020 RDEIR. No response is required.

Comment BP-29:

Failure to update the impacts analysis to analyze the Waste Project as actually proposed and described in the project description would undercut CEQA's basic functions and deprive the public and decision-makers of key information regarding the Waste Project's true environmental impacts. (See San Joaquin Raptor Wildlife Rescue Center v. County of Stanislaus (1994) 27 Cal.App.4th 713, 730-35 [project description cannot fail to accurately describe key elements of the project]; see also County of Inyo, supra, 71 Cal.App.3d at 193.)

Response to Comment BP-29:

This comment does not raise any specific issues relating to the analysis contained in the 2020 RDEIR. No response is required.

Comment BP-30:

As discussed in greater detail below, the 2020 RDEIR must be updated to account fully for the environmental impacts associated with the modifications to the project description related to truck fueling. For example, the change from on-site to off-site truck fueling will require an update to the traffic impacts analysis to fully address the impacts associated with the thousands of off-site truck trips that will now occur for fueling.

Response to Comment BP-30:

The 2020 RDEIR clarifies that no onsite collection or transfer truck fueling will occur at the Project Site. Clarifying that no truck fueling will occur onsite does not logically lead to a conclusion that “thousands of offsite truck trips will now occur for fueling.” As described in detail in Chapter 3.0 of the 2020 RDEIR, Athens CNG-powered waste hauling trucks currently fuel at Athens’ own offsite CNG fueling stations. This will remain so with or without the Proposed Project. The Proposed Project does not result in any additional truck fueling trips, let alone “thousands” of trips. Trucks are also fueled at third-party retail facilities when fuel is needed for a vehicle that is out of range from the Athens facilities.

Most likely fueling locations are described and shown in Figure 3-1 and Table 3-1 on pages 2 and 3 in Chapter 3 of the 2020 RDEIR. Again, this is part of the existing baseline condition, and will remain so with or without the Proposed Project. Athens’ small, and continuously shrinking, fleet of diesel-fueled trucks also currently refuels as needed in the existing condition, and will continue to do so (although, less so as the fleet changes over to 100 percent CNG-powered) with or without the Proposed Project. Finally, the fleet’s turnover to 100 percent CNG-powered is not related to

the Proposed Project, and will occur regardless, to comply with CARB regulations, local government preferences, cost effectiveness, and corporate greening.

Chapter 3.0 of the 2020 RDEIR does address the potential for traffic-related design hazard impacts relating to fueling at the convenience store/public gas station. The analysis concludes that no impact would occur. No other traffic-related impacts are implicated by the clarification that no waste collection or transfer tractor-trailer haul truck fueling will occur on the Project Site. See also Response to Comment BP-5.

Comment BP-31:

Likewise, prior versions of the EIR relied upon onsite compressed natural gas (CNG) fueling in responding to SCAQMD's comments about the Waste Project's significant NOx emissions. (2016 FEIR at C&R 279 [responding to a comment by SCAQMD requesting options for alternative fueling by stating: "The Proposed Project includes a CNG fueling facility to provide alternative fueling operations for the project- related truck operations."].) However, the 2020 RDEIR now states that the Waste Project will not include any CNG fueling operations. (2020 RDEIR at 3-1.) The 2020 RDEIR's impacts analysis therefore must be updated to analyze the change in the project description vis-a-vis alternative fueling. In sum, as discussed in more detail below, the changes in the project description with respect to truck fueling must be fully accounted for in the entirety of the environmental analysis for the Waste Project, including, but not limited to, the air quality, transportation, transportation energy and GHG analyses.

Response to Comment BP-31:

The 2016 Final EIR did not rely upon onsite CNG fueling to address any potentially significant impact or respond to any request from SCAQMD. The citation provided in the comment is taken out of context. On page C&R-267 of the 2016 Final EIR, SCAQMD recommended “that the project proactively take measures that could reduce emissions sooner rather than later.” The comment went on to recommend that “the Lead Agency ensure the availability of [an] alternative fueling facility... prior to operation of any large truck operation uses within the project area.” On page C&R-279, the 2016 Final EIR responded that the Proposed Project is proactively addressing emissions. The response points out that the Project will be LEED certifiable and built to the Green Building Code standard. The response also points out that all buildings and electrical infrastructure will be designed to accommodate potential future solar panel upgrades, and that electrical panels will be appropriately sized for expanded use. The response also assures SCAQMD that CNG fueling will be available for the CNG-fueled fleet, albeit incorrectly stating that CNG fueling will be provided on-site.

As clarified in the 2020 RDEIR, CNG fueling will not be provided on-site. However, CNG fueling will be available, as it is currently available, in the vicinity of the Project Site to fuel Athens’ CNG-fueled waste hauling trucks in the same manner that they are fueled today without the Proposed Project. Current fueling is described in detail in Chapter 3 of the 2020 RDEIR, including Figure

3-1 (Truck Fueling Map) that shows Athens fleet fueling locations (diesel, slow-fill CNG and fast-fill CNG). As discussed above, in Responses to Comments BP-5 and BP-30, no further revisions to the environmental analyses, beyond those included in the 2020 RDEIR, are required.

Comment BP-32:

Moreover, the project description must be stable. (See County of Inyo, supra, 71 Cal.App.3d at 193.) For this requirement to be met, "the DEIR, the FEIR, and the final approval must describe substantially the same project." (Washoe Meadows Community v. Dept. of Parks and Rec. (2017) 17 Cal.App.5th 277, 288.) Here, however, as discussed in further detail below, the Waste Project is described differently in the 2014 RDEIR, the 2016 FEIR, the 2017 Addendum, the prior project approvals, and the 2020 RDEIR. The 2020 RDEIR should therefore be revised to fully describe the Waste Project as presently proposed and include a full environmental analysis of that project, rather than leaving the reader and decision-makers to guess at the full scope of the Waste Project and its environmental impacts. The 2020 RDEIR's failure to fully describe and analyze the Waste Project as proposed is prejudicial because it precludes informed decision-making and public participation, thwarting the goals of CEQA. (Id. at 290.)

Response to Comment BP-32:

The comment seems to imply that no changes to a project may occur via a recirculated environmental review document. This is directly contrary to State CEQA Guidelines, section 15088.5(a), which expressly directs a lead agency to prepare and recirculate all or portions of an environmental review document to present “changes in the project.” However, the only change to the Project Description to occur via the 2020 RDEIR is a clarification that no waste collection or transfer tractor-trailer hauling truck fueling operations will occur on the Project Site. See Chapter 3.0 of the RDEIR, and Responses to Comments BP-5, BP-30, and BP-31 above.

Comment BP-33:

Significantly, by omitting an analysis of each category of impacts set forth in Appendix G of the CEQA Guidelines, the 2020 RDEIR impermissibly avoids analyzing whether additional mitigation measures can offset some of the already-identified significant impacts. (CEQA Guidelines § 15043; City of San Diego v. Board of Trustees of California State University (2015) 61 Cal.4th 945, 967.)

Response to Comment BP-33:

See Responses to Comments BP-5, BP-30, BP-31, and BP-32 above regarding why no additional environmental review analyses must be revised and recirculated. The comment seems to imply that additional mitigation measures are available to “offset some of the already-identified significant impacts.” It is wholly unclear which impacts the comment is referring to. Further, the comment does not propose any specific mitigation measures. As stated on page 1-6, the 2020 RDEIR is of limited scope. Given this, and pursuant to State CEQA Guidelines, section

15088.5(f)(2), comments that are not related to the specific issues reviewed in the 2020 RDEIR will not be responded to in this FEIR.

Comment BP-34:

The EIR's impacts analysis must be updated to reconcile inconsistent analysis.

The Waste Project has gone through repetitive changes, not all of which have been analyzed as required by CEQA. There are numerous examples of discrepancies between the project described in the project description and that analyzed in the prior environmental documents. These inconsistencies must be rectified and the updated Waste Project, as presently proposed, must be analyzed.

Response to Comment BP-34:

See Response to Comment BP-33 above.

Comment BP-35:

Specific examples of discrepancies between the 2020 RDEIR and the prior analyses for the Waste Project include:

Construction phasing uncertainty: The 2020 RDEIR explains that: "[t]he Proposed Project would be constructed in a single phase. The schedule for the construction of the MRF/TS and convenience store / public gas station at the site is estimated to require 18 months." (2020 RDEIR at 2-7.) In contrast, the prior versions of the Development Agreement and Operations Agreement reveal that Project construction would occur in three phases over 26 months, rather than 18 months. Will the new Development Agreement and the Operations Agreement for the Waste Project reflect the one phase, 18 month construction schedule or the three phase, 26 month schedule? If the intent is to proceed with a three phase, 26 month schedule, the impacts of this extended schedule, including noise and traffic, must be analyzed throughout each section of the impacts analysis.

Response to Comment BP-35:

The anticipated construction schedule described in the 2020 RDEIR is the anticipated construction schedule. This is the same construction schedule presented in the Development Agreement approved in 2017. No change in the anticipated schedule has occurred since 2017. Prior agreements referenced in this comment were unsigned, unapproved drafts, making the commenter's request to analyze a construction schedule shown in those drafts meaningless. No analysis of other construction schedules is required.

Comment BP-36:

Parking space numbers vary: The 2020 RDEIR explains that the Waste Project will entail construction of "307 employee and visitor parking stalls, and 19 transfer truck parking spaces"

(2020 RDEIR at 2-6), whereas prior versions of the EIR inconsistently examined the impacts of constructing either 147 or 180 parking spaces. Although the 2017 Addendum increased the number of employee and visitor parking spaces to 307, with another 26 spaces for the Convenience Store and "34 flexible parking stalls" (2017 Addendum at 9), the air quality analysis attached to the Addendum analyzed the impacts of constructing only 147 parking spaces. (See 2017 Addendum Appendix AQ at 1.) Therefore, the air quality analysis and all other sections of the impact analysis must be updated to ensure that the 2020 RDEIR adequately analyzes the impacts of construction and use of 307 employee and visitor parking stalls and 19 transfer truck parking spaces-e.g., air quality, truck circulation, traffic in surrounding communities, and GHG emissions.

Response to Comment BP-36:

No changes to the Proposed Project's onsite parking have occurred via the 2020 RDEIR. The onsite parking presented in the 2020 RDEIR is the same as that included in the 2017 Addendum No. 1, and the environmental impacts of the site were determined by that document to be the same as those disclosed in the 2014 RDEIR. As indicated on page 9 of the 2017 Addendum #1, the increase in parking spaces from the 2014 RDEIR was made possible by coordination with the Los Angeles Department of Water and Power (LADWP) to allow parking under their transmission line easement at the south area of the site and adding parking in the easement along the east side of the site along Arrow Highway. The increased parking spaces allow for a smoother employee shift change.

As stated on page 1-6, the 2020 RDEIR is of limited scope. Given this, and pursuant to State CEQA Guidelines, section 15088.5(f)(2), comments that are not related to the specific issues reviewed in the 2020 RDEIR will not be responded to in this FEIR. The Proposed Project's prior air quality analysis was upheld by the 2019 Ruling and the air quality analysis was not recirculated as part of the 2020 RDEIR. No undisclosed impacts relating to air quality, truck circulation, traffic, or greenhouse gas emissions will occur as a result of the Proposed Project's onsite parking, and the comment does not tie the Project's parking spaces to any discernable, specific impact, let alone any specific environmental analysis included within the 2020 RDEIR. No further response is required.

Comment BP-37:

Convenience store/gas station varying descriptions: The 2020 RDEIR explains that the convenience store and gas station would be "located in the southeastern corner of the site, adjacent to and accessed from Arrow Highway" and would consist of an "approximately 2,590 [SF] convenience store / public gas station" with 26 parking stalls for customers. (2020 RDEIR at 2-7.) The gas station is described as dispensing only gasoline and diesel fuel, not natural gas fuel. (Id.) Hours of operation would be 4:00 AM-12:00 PM. (Id.) In contrast, the 2014 RDEIR describes the convenience store/gas station as a 2,390 SF facility with 32 parking stalls. (2014 RDEIR at 2-10.) Likewise, the air quality analysis attached to the 2017 Addendum demonstrates that only a 2,390

SF facility was analyzed for the purposes of air quality impacts. (2017 Addendum Appendix AQ at 1.) It also appears that Addendum Appendix AQ omits analysis of impacts associated with construction of the convenience store and gas station parking lot. (See id.) Therefore, the air quality and traffic analysis and all other sections of the impact analysis must be updated to ensure that the 2020 RDEIR adequately analyzes the impacts of construction and operation of the convenience store and gas station as described in the 2020 RDEIR.

Response to Comment BP-37:

No changes to the Proposed Project's convenience store have occurred via the 2020 RDEIR. The convenience store site plan and layout presented in the 2020 RDEIR is the same as that included in the 2017 Addendum No. 1, and the environmental impacts of the site were determined by that document to be the same as those disclosed in the 2014 RDEIR. As stated on page 1-6, the 2020 RDEIR is of limited scope. Given this, and pursuant to State CEQA Guidelines, section 15088.5(f)(2), comments that are not related to the specific issues reviewed in the 2020 RDEIR will not be responded to in this FEIR. The Proposed Project's prior air quality and traffic analyses were upheld by the 2019 Ruling and these analyses were not recirculated as part of the 2020 RDEIR. No undisclosed impacts relating to air quality or traffic will occur as a result of the Proposed Project's convenience store construction or operation, and the comment does not tie any purported minor change in square footage of the convenience store to any discernable, specific impact. No further response is required.

Comment BP-38:

Number of fuel pumps: The 2020 RDEIR identifies that the "convenience store / public gas station will have eight vehicle fueling positions (gasoline and diesel). No CNG fueling facilities are proposed within the project site." (2020 RDEIR at 2-1.) In contrast, prior versions of the EIR analyzed only a six pump gas station. For example, the 2016 FEIR, in response to Baldwin Park's comment, explains that its analysis of reactive organic gas (ROG) emissions is based on the understanding that the gas station would have only six pumps. (2016 FEIR at C&R-117 ["The applicant is proposing to include a six pump vehicle fueling facility. Fuel dispensing operations would result in reactive organic gas (ROG) emissions which include TACs such as benzene, 1,3-butadiene, and formaldehyde (although the 16 air toxics contained within gasoline fuel were all included in the analysis). These ROG emissions would result from four activities; loading and breathing losses (both related to the underground storage tanks), as well as refueling and spillage (both related to the fuel pumps)"]; see also 2014 RDEIR Appendix C at 11.) Each of the sections of the impacts analysis should be updated to examine the impacts of an eight pump gas station, including the volume of fuel dispensed and traffic impacts associated with an eight pump station as compared to a six pump station.

Response to Comment BP-38:

The number of pumps has not changed since the 2016 FEIR. Please see the 2016 Final EIR, Response to Comment 25-20, which explains that Appendix C, page 11 of the 2016 RDEIR has been revised to reflect that the Proposed Project and its analysis includes an eight-pump gas station. Response to Comment 25-20 in the 2016 Final EIR reads:

Response 25-20: Appendix C, page 11 of the Recirculated Draft EIR has been revised to reflect the analysis and the project description of eight fueling pumps (new text is underlined and ~~striketrough~~ is used for deleted text):

“Secondly, the applicant is proposing to include a ~~six~~ eight pump vehicle fueling facility. Fuel (gasoline) dispensing operations would result in reactive organic gas (ROG) emissions which include TACs such as benzene, 1,3-butadiene, and formaldehyde (although the 16 air toxics contained with gasoline fuel were included in the analysis). These ROG emissions would result from four activities; loading and breathing losses (both related to the underground storage tanks), as well as refueling and spillage (both related to the fuel pumps).”

Further, as stated on page 1-6, the 2020 RDEIR is of limited scope. The number of pumps is not a change made via this 2020 RDEIR. Given this, and pursuant to State CEQA Guidelines, section 15088.5(f)(2), comments that are not related to the specific issues reviewed in the 2020 RDEIR will not be responded to in this FEIR. No further response is required.

Comment BP-39:

The fueling operations analysis should be corrected to accurately reflect the environmental impacts caused by off-site fueling of the thousands of truck trips per day generated by the Waste Project and to incorporate other necessary updates and analyses.

The Court found that the EIR's "project description and analysis is inadequate as to truck fueling operations." The 2020 RDEIR does not resolve the issue. Rather, the description of the Waste Project's truck fueling operations omits significant information, creates additional inconsistencies, and raises numerous potential impacts that remain unanalyzed in the 2020 RDEIR.

Response to Comment BP-39:

This comment repeats and restates Comments BP-5, BP-6, BP-26, BP-27, BP-30, and BP-31. Thus, see Responses to Comments BP-5, BP-6, BP-26, BP-27, BP-30, and BP-31 above.

Comment BP-40:

Perhaps most surprising is the 2020 RDEIR's claim, without any factual support, "that there are no adverse environmental impacts caused by [Project] fueling operations." (2020 RDEIR at 1-8.)

How can the Waste Project's approximately 2,456 transfer and collection truck trips, let alone the hundreds of employee trips and gas station trips, have no adverse environmental impacts? The 2020 RDEIR posits that this conclusion follows because the Waste Project will create no new truck trips. But, as explained above, this conclusion runs contrary to the assumptions in the 2014 RDEIR and 2016 FEIR, which admit that between approximately 33 percent and 100 percent of Waste Project truck trips will be new. Even if the conclusion that the Waste Project would generate no new truck trips were supported factually, which it is not, the 2020 RDEIR would still be inadequate under CEQA because it fails to analyze the environmental impacts associated with off-site fueling and diverting truck trips from other neighboring facilities.

Response to Comment BP-40:

Chapter 3.0 of the 2020 RDEIR analyzes potential impacts relating to fueling operations. Factual evidence supporting the conclusion that fueling will not result in any new, previously undisclosed impacts is provided within the chapter. This evidence includes, but is not limited to, the fact that the Proposed Project will not generate new sources of solid waste and therefore no new truck trips associated with hauling that waste; the Proposed Project will not provide new CNG or diesel fueling operations for waste collection or transfer hauling vehicles, and instead those vehicles will continue to fuel as they do now, at existing fueling facilities within the region. Impacts associated with “employee trips and gas station trips” are already considered in the Proposed Project’s environmental analyses, and no changes to the number of employees or numbers of gas station trips has occurred via this 2020 RDEIR. Those analyses were therefore not recirculated as part of the 2020 RDEIR.

Comment BP-41:

The 2020 RDEIR fails to support the conclusion that the Waste Project would not generate new truck trips and if, in fact, the Waste Project will generate new trips, the 2020 RDEIR's environmental analysis must be updated.

In support of the far-fetched conclusion that the Waste Project will cause no new truck trips, the 2020 RDEIR argues that:

The Irwindale MRF/TS is a waste sorting and processing facility and would not generate new waste materials. Instead, the new MRF/TS would competitively contract to process some of the municipal solid waste now being processed at other MRF/TS facilities or diverted to landfills. Therefore, all the waste hauling and transfer truck trips would be redirected trips of waste collection vehicles that would be collecting solid wastes near the City of Irwindale with or without the Irwindale MRF/TS. Refueling of those vehicles is occurring at present as a baseline condition, although travel routes and refueling locations may be slightly different than they would be with the proposed Project. (2020 RDEIR at 3-5.)

Response to Comment BP-41:

This comment does not allege any specific deficiencies with the analyses contained within the 2020 RDEIR. Instead, the comment alleges only general, vague deficiencies to which the City cannot directly respond. General comments require only a general response. Further, the quotation included in this comment is a statement of fact. If this proposed MRF/TS were not developed, there would not be any less waste generated within the region requiring collection and transport to a MRF/TS. There would similarly not be any less processing and recovery of recyclable and compostable materials as required by State law, transport of materials to recycling and composting facilities, or transport of residuals disposal at a landfill. All the waste hauling and transfer truck trips associated with the proposed Irwindale MRF/TS would otherwise exist at other locations, at present and under all future conditions, and including self-haul MRF/TS users, with or without the Proposed Project.

The 2020 RDEIR meets all of CEQA's substantive and procedural requirements, and together with those portions of the prior CEQA analysis affirmed by the Court, provide a complete accounting of the potentially significant impacts of the Proposed Project. No further update to the Proposed Project's environmental impacts analysis is required.

Comment BP-42:

However, the idea that the Waste Project would generate no new collection and transfer truck trips is undercut by the 2014 RDEIR's premise that the Waste Project will create at least approximately one-third new truck trips. (2014 RDEIR at 3.3-35 [Athens "provided information to the City that more than two-thirds of the materials that will drive to and away from the Proposed Project facility are currently being taken to other facilities in the South Coast Air Basin."].) Moreover, as discussed in Section I.C., above, SCAQMD previously objected to the assumption in the 2014 DEIR's air quality analysis that only one-third of the trips would be new, and on that basis Chapter 3.3 of the 2014 RDEIR was revised to incorporate the assumption that all trips would be new. (2014 RDEIR at ES-6.)

Response to Comment BP-42:

This comment repeats and restates Comments BP-13, BP-14, and BP-16. Therefore, see Responses to Comments BP-13, BP-14, and BP-16 above.

Comment BP-43:

The Court also acknowledged the assumption that at least one third of all truck trips will be new at page 17 of its Ruling, which states:

“The RDEIR admits that 'the trip lengths to the Irwindale MRF/TS would be less than the trip lengths to some competing MRFs but would be more than the trip lengths to other competing MRFs.' (AR 3569.) The RDEIR also admits that 'the Proposed Project does not

include reducing waste volumes going to other MRF/TS or reducing the permits at other MRF/TS locations.' (Ibid.) Assuming that the Waste Project's truck trips are not all new, as Respondents claim (Oppo. 9), the 2016 FEIR admits that at least one third of the trips will be new. (AR 3568.) The energy use impacts of those trips were not analyzed.”

The 2020 RDEIR fails to explain how or why it abandoned these prior assumptions. Without justification there is no factual support for the conclusion that the Waste Project will not generate new trips. At a minimum, the 2020 RDEIR must be updated to explain why, contrary to SCAQMD's recommendation and the Waste Project applicant's own admission, the analysis now assumes that the Waste Project will generate no new truck trips. No reasonable explanation has been provided.

Response to Comment BP-43:

This comment repeats and restates Comments BP-13, BP-14, and BP-16. Therefore, see Responses to Comments BP-13, BP-14, and BP-16 above.

In addition, the prior CEQA documents differentiated between Athens-controlled trips (i.e., trucks that would be rerouted to the Proposed Project by Athens) and non-Athens-controlled trips (i.e., trucks utilizing the Proposed Project but that were controlled by commercial haulers other than Athens or that were self-haul trips). Non-Athens controlled trips and self-haul trips were assumed to together comprise approximately one third of trips utilizing the Proposed Project. However, as explained in Chapter 4.0 of the 2020 RDEIR, even non-Athens controlled trips and self-haul trips will not be “new” or generated by the Proposed Project; vehicle miles saved from these trips can be quantified just as vehicle miles saved from Athens trips can be quantified

Comment BP-44:

If, in fact, the Waste Project will generate new trips, then the 2020 RDEIR is deficient because it fails to analyze the emissions caused by increased fueling related to the new truck trips that the 2014 RDEIR and 2016 FEIR admits will occur, undermining the 2020 RDEIR's conclusion that impacts would be less than significant. (See 2014 RDEIR at 3.3-35; 2020 RDEIR at 3-5.) If the Waste Project will generate new trips, the 2020 RDEIR must be updated to account for the impacts of the increased fueling associated with the trips and all other environmental impacts not analyzed in the 2020 RDEIR on the basis of the assumption.

Response to Comment BP-44:

The Proposed Project will not generate new trips, as explained in detail in Chapter 4.0 of the 2020 RDEIR. See also Response to Comment BP-14 above. The 2020 RDEIR corrects and modifies prior assumptions and statements in the prior environmental documents that trips would be “new.” As explained in Chapter 4.0 of the 2020 RDEIR, the Proposed Project does not generate any new solid waste, has no impact on regional development that will generate new solid waste, and locates a state-of-the-art MRF/TS in a highly urbanized area and closer to Athens’ existing waste generating markets. Therefore, the Proposed Project will not generate new waste hauling truck

trips, but instead seeks to reduce the length of existing trips and reduce the amount of waste that is ultimately sent to landfills. Thus, one third of the Proposed Project's waste hauling truck trips will not be new. The Proposed Project will generate new employee trips, and new trips associated with the convenience store/public gas station. Greenhouse gas emissions from these new trips are incorporated into the greenhouse gas emissions analysis of the 2020 RDEIR. No updates to the 2020 RDEIR are required.

Comment BP-45:

Even assuming the Waste Project will generate no new trips, which the 2020 RDEIR fails to substantiate, the change in truck fueling operations will still create impacts that must be analyzed, given the additional miles that trucks will need to travel from the Waste Project to the City of Industry MRF/TS and other sites to refuel. Even CNG fueling has some emissions which require analysis. The environmental impacts from this change must be analyzed, as discussed in further detail below.

Response to Comment BP-45:

This comment again repeats and restates Comments BP-5, BP-6, BP-26, BP-27, BP- BP-30, and BP-31 above. Thus, see Responses to Comments BP-5, BP-6, BP-26, BP-27, BP- 30, and BP-31 above.

Comment BP-46:

The 2020 RDEIR fails to identify the composition of trucks servicing the Waste Project, the fueling locations to be utilized by certain trucks, and the environmental impacts associated with off-site truck fueling.

Response to Comment BP-46:

Page 3-1 of 2020 RDEIR does identify the composition of trucks delivering materials to the Proposed Project, including the anticipated breakdown of Athens trucks and non-Athens trucks, and the anticipated percentage of CNG-fueled trucks to diesel-fueled trucks. Additional information is also provided on pages 3-4 [describing self-haul vehicles], 4-13 [describing waste collection trucks], and 4-21 [describing transfer trucks].

Pages 3-1 through 3-4 of the RDEIR do describe the fueling locations and fueling procedures that will be utilized by CNG-fueled commercial haul trucks, diesel-fueled commercial haul trucks, and self-haul and other passenger vehicles. A specific breakdown of exactly how many trucks will refuel at each specific location is too speculative for meaningful analysis. However, Chapter 3.0 of the 2020 RDEIR represents the City's best good faith attempt to identify and disclose any possible impacts associated with fueling operations.

Additional detail is not required to determine whether offsite impacts relating to fueling operations will occur. As addressed in Responses to Comments BP-5, BP-6, BP-26, BP-27, BP-30, and BP-31, above, no new, previously undisclosed environmental impacts will occur as a result of commercial waste hauling trucks fueling at existing, currently operational, CNG and/or diesel fueling facilities. Offsite fueling takes place now, in the existing condition, and will continue to take place, with or without the Proposed Project. No further analysis is required.

Comment BP-47:

The 2020 RDEIR states that Athens' waste collection fleet is "86 percent CNG fueled at present and 100 percent in the future," and that all of its transfer trucks "will be fueled by CNG." (2020 RDEIR at 3-2.) The 2020 RDEIR, however, fails to disclose the composition of the remaining commercial trucks that will service the Waste Project. Indeed, the 2020 RDEIR at page 4-14 states that "[c]ommercial waste haulers utilizing the Waste Project will include both Athens Services' own waste collection truck fleet, and other unidentified collection trucks run by other commercial haulers, who choose, for one reason or another, to dispose and process their waste at an Athens Services facility." However, the 2020 RDEIR is missing significant information and underrepresents impacts by failing to disclose where these trucks will refuel, or whether these trucks are CNG fueled or diesel fueled. This missing information is particularly troublesome as the 2014 RDEIR expressly rejected a mitigation measure (which is also omitted from the 2020 RDEIR) requiring all trucks that utilize the facility to be CNG fueled on the basis that such a measure would force "third party collection trucks" to use other facilities. (2014 RDEIR at 3.3-47.)

Response to Comment BP-47:

Neither the City of Irwindale, nor the Project Applicant, are able to determine at the present time the fleet composition of third-party trucks that may choose, in the future, to utilize the Proposed Project. The future composition of non-Athens trucks will be a product of future federal and state regulatory changes, local requirements put into place by other municipalities and public agencies outside of the City of Irwindale, and operational decisions of competing commercial waste hauling companies and self-haul operators. However, as disclosed in the 2020 RDEIR, the majority of trucks utilizing the Proposed Project will be Athens trucks, which are primarily CNG-fueled, and will be completely CNG-fueled in the near future.

Although the 2020 RDEIR cannot determine the future fleet composition of non-Athens trucks, good faith estimates of fleet composition were made in the 2020 RDEIR's greenhouse gas analysis. As explained in footnote 58 on page 5-11 of the 2020 RDEIR, the RDEIR assumes that 32 percent of haul truck trips would be diesel vehicles and 68 percent would be CNG vehicles. Although Athens' fleet is primarily CNG-fueled, a more conservative assumption was applied when modeling greenhouse gas impacts in order to account for the fact that other commercial waste haulers may not have the same commitment to CNG as Athens.

A mitigation measure requiring all trucks utilizing the Proposed Project to be CNG-fueled is infeasible on multiple grounds. First, such a condition would prevent any self-haul vehicles from utilizing the facility, given that self-haul vehicles are typically gasoline or diesel powered. Second, such a condition would obstruct the Proposed Project's ability to achieve the stated Project Objectives. The main purpose of the Proposed Project is to divert more recyclable and compostable materials from landfills. (2020 RDEIR, pp. 2-7, 2-10.) The Proposed Project achieves this goal by providing state-of-the-art equipment, recycling methods, and expanded ability to divert green and wood waste. By limiting the number and type of vehicles able to access the Proposed Project, such a measure would correspondingly limit the amount of recyclable and compostable materials that could be sorted and diverted. As a result, these materials would not have the benefit of advanced recycling at the Proposed Project, resulting in some increase in residual wastes going to landfills.

Finally, the comment does not explain how such a mitigation measure would reduce a potentially significant impact, as the non-CNG-fueled haul trucks would merely proceed to other MRF/TS facilities if they were denied entry to the Proposed Project. These other MRF/TS facilities could be further away—thus resulting in greater emissions and vehicle miles traveled—or have lower diversion rates as a result of older, less sophisticated materials sorting equipment. The emissions from the diesel-fueled haul trucks would therefore occur, with or without the proposed mitigation measure. Any single one of these grounds provides an adequate basis for rejecting a mitigation measure requiring all trucks utilizing the Proposed Project to be CNG-fueled.

This information was provided in the 2016 FEIR that explained the potential negative consequences of requiring alternatively fueled vehicles in part of the Response to Comment 13-4 on page C&R-197 as follows:

“Additionally, requiring third party collection trucks that utilize the facility, beyond the requirements they have to comply with under Rule 1193, to be alternatively fueled would foreseeably result in an increase in emissions. Rather than converting their trucks to alternative fuels, third parties would likely choose to travel to the next closest facility (which potentially will result in increased trip lengths and air emissions) that does not have this requirement rather than using the Proposed Project even if it is more convenient with a short travel distance. In this instance, emissions may increase due to a longer travel distance. Nevertheless, compliance with Rule 1193 will reduce emissions. If the third parties' contract with governmental agencies in the future, they would be subject to the requirements set forth in SCAQMD Rule 1193. Based upon the previous information, requiring more solid waste and transfer trucks to be alternative fuel than what is already required under the SCAQMD Air District rules is not considered economically, socially or environmentally feasible.”

Comment BP-48:

The EIR also makes no mention of where the 14 percent of Athens' fleet that is diesel fueled would refuel after unloading at the Project, and fails to analyze the associated environmental impacts, such as those related to traffic and air quality.

Response to Comment BP-48:

Athens' diesel-fueled waste hauling trucks currently fuel at the Vincent Yard, or opportunistically along haul routes if needed. This will not change with the Proposed Project. No further analysis of traffic or air quality impacts is required.

Comment BP-49:

The EIR also does not adequately identify the current composition of the transfer trucks associated with the Waste Project. It states these trucks "will be fueled by CNG," but not whether they "are" currently fueled by CNG or when they "will" be fueled by CNG. The 2014 RDEIR stated that "transfer trucks are still primarily diesel fueled because at this time there are no suppliers that can deliver feasible alternatives (alternative- fueled transfer trucks)." (2014 RDEIR at 3.3-46.) Has this changed? Or is Athens still using a diesel transfer truck fleet?

Response to Comment BP-49:

Many years have passed since the 2014 RDEIR was drafted. In the intervening six years, CNG-fueled transfer trucks have become more readily available. Athens anticipates that upon the opening of the Proposed Project, 100 percent of Athens' operated transfer trucks utilizing the Proposed Project will be CNG-fueled.

Comment BP-50:

The 2020 RDEIR must disclose the above information and analyze the impacts associated with the use of the particular truck fleet to be utilized by the Waste Project. Because the 2020 RDEIR omits this information, it ignores potentially significant transportation, hazards, air quality, energy, and GHG impacts stemming from this component of the Waste Project.

Response to Comment BP-50:

See Responses to Comments BP-46 and BP-47, above. Further, as stated on page 1-6, the 2020 RDEIR is of limited scope. Given this, and pursuant to State CEQA Guidelines, section 15088.5(f)(2), comments that are not related to the specific issues reviewed in the 2020 RDEIR will not be responded to in this FEIR. No further response is required

Comment BP-51:

The 2020 RDEIR fails to fully analyze collection and transfer truck fueling trips and must explain the new discrepancies in collection truck trips between the 2020 RDEIR and prior versions of the EIR.

Despite the 2020 RDEIR assuming no new trips, the Waste Project's truck fleet will take 533 trips per day (2020 RDEIR) or 1,648 trips per day (2014 RDEIR), and would refuel at Athens' other Irwindale facility or at its City of Industry facility. The 2020 RDEIR does not fully identify or analyze the trips between the locations and the 2020 RDEIR fails to disclose what portion of the refueling will occur at each location and how often collection trucks must refuel. The latter is especially important because the 2020 RDEIR discloses that only the City of Industry location can "fast-fill"-or refuel a collection truck in 15 minutes. Refueling at the Irwindale location takes over 6 hours. (2020 RDEIR at 3-3.) If these collection trucks are constantly travelling to the City of Industry to refuel throughout the day (i.e., to utilize the "fast-fill" station), any efficiencies of the Waste Project are negated. The 2020 RDEIR claims that the current fleet of trucks servicing the City of Industry MRF/TS will now service the Waste Project because it is closer to the markets served. (2020 RDEIR at 4-15.) However, if these same trucks travel to both the Waste Project and to the City of Industry MRF/TS once a day to refuel, there is no savings and the proximity the Waste Project to the markets served is irrelevant. Accordingly, due to these analytical gaps, there are unidentified traffic, air quality, GHG and energy impacts which may require mitigation.

Response to Comment BP-51:

No new truck fueling trips will occur as a result of the Proposed Project. See Responses to Comments BP-5, BP-6, BP-26, BP-27, BP-30, and BP-31. As discussed at length in the 2020 RDEIR, the Proposed Project does not generate new sources of solid waste and does not generate new truck trips. Existing truck trips currently fuel at existing facilities throughout the region. These locations are detailed in Chapter 3.0 of the 2020 RDEIR. The Proposed Project will not change the number of trucks fueling at these existing facilities, or how often haul trucks must refuel. One primary benefit of the Proposed Project is that it reduces the vehicle miles traveled by waste collection trucks in markets nearby the Proposed Project; thus, if the Proposed Project had any impact on fueling operations at all, it would result in fueling less often than in the existing condition.

CNG trucks typically refuel overnight, while parked, and the fleet utilizing the Proposed Project will be parked at the existing Vincent Truck Yard. If a truck is ever routed to a market that is closer to the existing City of Industry MRF/TS, or a truck is required to utilize the City of Industry MRF/TS for emergency reasons, it is possible that trucks will be fueled there on rare occasions. However, as a general rule, and as described in the 2020 RDEIR, trucks are typically fueled while parked, and will be parked at the Vincent Truck Yard. As such, no additional analysis of traffic, air quality, greenhouse gases, or energy use are required.

In summary, Athens collection vehicles will not be travelling to the City of Industry to refuel throughout the day (i.e., to utilize the “fast-fill” station). According to Athens operations staff, the fully fueled collection trucks can operate for a full day before returning to the Vincent Yard to be slow-filled again overnight.

Comment BP-52:

The 2020 RDEIR also fails to explain the basis for the dramatic reduction in the number of estimated collection truck trips per day. Why did the 2014 RDEIR assume 1,648 collection truck trips per day and now the 2020 RDEIR assumes only 533 collection truck trips per day? (2020 RDEIR at 4-20.)

Response to Comment BP-52:

The 2020 RDEIR updated, revised, and replaced some of the assumptions utilized in earlier environmental review documents. One of these assumptions related to the average tonnage carried by each waste collection truck. The prior environmental analyses assumed that, on average, waste collection trucks would drop haul loads off at the Proposed Project when the trucks were not nearing capacity. When reanalyzing the data for the 2020 RDEIR greenhouse gas analysis, this assumption was determined to be inaccurate. Waste collection trucks are more likely to be taking loads back to a MRF/TS when they are reaching capacity, not when significant capacity remains in the individual waste collection truck. See page 4-20 of the 2020 RDEIR – a reasonable assumption is that commercial waste collection trucks on average carry 9 tons (90 percent of the truck’s 10-ton capacity) at the time of dropping materials at a MRF.

Had the greenhouse gas analysis in the 2020 RDEIR relied upon the earlier assumptions and the earlier calculation of collection truck trips (1,648 instead of only 533), the greenhouse gas reduction attributed to the Proposed Project would have been significantly greater. However, to provide a more conservative and accurate analysis, the number of truck trips was substantially reduced, based upon the assumption that trucks would not dump a haul until the truck was close to capacity. Thus, while generally assuming fewer waste collection truck trips (533) would lead to fewer emissions impacts, here, assuming fewer truck trips results in reporting a greater number of net greenhouse gas emissions.

Because the prior environmental analyses assumed a far greater number of waste collection truck trips (1,648) than is likely to occur when trucks are assumed to fill close to capacity (533), the prior environmental analyses conservatively overreported likely truck traffic and related air quality emissions. However, to be most protective of the environment, the prior traffic and air quality analyses were not revised. Thus, the worst-case scenario is presented for traffic and air quality impacts, as well as greenhouse gas impacts, based upon the assumed number of waste collection truck trips.

Comment BP-53:

Similarly, the 2020 RDEIR is missing analysis of the transfer truck fleet. The 2020 RDEIR states that the transfer trucks would refuel at the fast fill station at the Waste Project applicant's City of Industry facility or other third party retail facilities. (2020 RDEIR at 3-1.) Again, this negates any of the claimed efficiencies of the Waste Project.

Response to Comment BP-53:

As explained in Chapter 3.0 of the 2020 RDEIR, there are a variety of possible fueling locations in the vicinity of the Project Site, or along routes trucks travel. These fueling locations operate today, in the existing condition, and will continue to operate with or without the Proposed Project. Transfer trucks will fuel at the location that is most efficient and closest to their route or destination. Athens' transfer trucks will refuel overnight, while parked at the Vincent Truck Yard. See also Response to Comment BP-51. No additional truck trips are necessary to access fueling locations, and no changes to the analysis of vehicle miles traveled in Chapter 4.0 of the 2020 RDEIR is required.

The information is not missing and is provided in the 2020 RDEIR. The most efficient overall fueling location option for individual trucks and routes would be selected based on actual operations. The primary efficiencies of the Proposed Project are from reduced mileage when the transfer trucks are full and travelling to their end destinations.

Comment BP-54:

The 2020 RDEIR also fails to analyze the impacts of offsite parking and fueling.

These claimed efficiencies are similarly contradicted by the fact that the 2020 RDEIR states the Waste Project's fleet of trucks will be parked overnight at offsite locations. (2020 RDEIR at 3-4 ["The fleet of trucks is parked overnight at either the Vincent yard or Athens' MRF/TS in the City of Industry when not in use."].) If these trucks are travelling back and forth from other MRFs for refueling and overnight parking, any claimed miles-travelled efficiencies resulting from the location of the Waste Project are lost.

Likewise, the prior 2016 analysis, including the air quality analysis, should be updated to assure that the analysis no longer relies on the assumption that on-site CNG fueling would mitigate project impacts, such as criteria pollutant emissions. (See e.g., 2016 FEIR at C&R-279.)

Response to Comment BP-54:

Athens' truck fleet is primarily parked and fueled at the Vincent Truck Yard. Athens trucks will not be traveling back and forth from the Proposed Project to the existing Athens City of Industry MRF/TS for parking. See also Response to Comment BP-51, regarding fueling. See also Response to Comment BP-31, regarding how onsite CNG fueling was not a basis upon which the Proposed

Project claimed reduced air pollutant emissions. Air pollutant emissions associated with using CNG-fueled trucks over diesel-fueled trucks will be the same, regardless of whether the CNG-fueled trucks refuel onsite or offsite (as they do in the existing condition and as they will do after the Proposed Project is operational).

Comment BP-55:

Assuming, for the sake of argument, that the Waste Project would not add new truck trips, there are other reasonably foreseeable environmental impacts that must be addressed in the 2020 RDEIR.

Assuming the 2020 RDEIR is correct and the Waste Project would only redirect truck trips from neighboring MRFs, the Waste Project would create one of two reasonably foreseeable scenarios which must be analyzed. Taking truck trips away from neighboring facilities will either cause the neighboring facilities to: (1) close due to the reduction in business or (2) generate new truck trips (i.e., to fill in the vacancies caused by the Waste Project). Therefore, the 2020 RDEIR must be updated to analyze the environmental impacts caused by the creation of new truck trips at neighboring facilities, or the urban decay impacts caused by the Waste Project putting neighboring facilities out of business.

Response to Comment BP-55:

There is no basis upon which to conclude that existing facilities will close as a result of the Proposed Project. Athens has no intention to close its existing MRF/TS, and no other facility operators have made such a claim. Nothing in the 2020 RDEIR changes the potential for the Proposed Project to result in urban decay impacts. The 2020 RDEIR utilizes a new methodology for considering vehicle miles traveled in relation to greenhouse gas impacts. As clearly stated on page 1-6, the 2020 RDEIR is of limited scope, and does not include an urban decay analysis. Comments relating to urban decay do not require a response.

The comment does not explain why the City of Baldwin Park believes that other competing facilities will “generate new truck trips... to fill in the vacancies caused by the Waste Project.” The comment does not allege that other facilities will generate new sources of solid waste that will require new truck trips within this already heavily urbanized area. The Proposed Project is rerouting truck trips that already exist within this specific, heavily urbanized area. No further analysis of “new truck trips” is required.

Comment BP-56:

The 2020 RDEIR should incorporate measures to minimize conflict (and increase safety) between passenger cars and the Waste Project's collection and transfer trucks.

The 2020 RDEIR concludes there would be no impact associated with safety concerns caused by "conflicts with collections trucks and transfer trucks and public use of the convenience store public

gas station," but fails to explain whether measures will be taken to prevent transfer and collection trucks from erroneously entering the gas station. (2020 RDEIR at 3-6.) The average passenger vehicle weighs under 3,000 pounds, whereas a loaded truck could weigh up to 80,000 pounds—approximately 27 times the weight of the passenger vehicle. The 2020 RDEIR should be updated to both analyze and incorporate measures to minimize conflicts between passenger cars accessing the Waste Project facility at the gas station and employee/visitor parking lot and Project collection and transfer trucks.

Response to Comment BP-56:

Safety conflicts relating to the public gas station are addressed on pages 3-6 and 3-7 of the 2020 RDEIR. There is no reason to anticipate that commercial waste hauling trucks will mistake the entrance to the convenience store/public gas station with the much larger industrial development entrance to the MRF/TS. As shown on the site plan included in the 2020 RDEIR, the main entry into the MRF/TS is a signalized intersection, while the entrance to the convenience store/public gas station is further down Arrow Highway. For commercial waste hauling trucks to utilize the wrong entrance, these trucks would have to bypass the larger, industrial entrance to the MRF/TS facility, continue onward down the roadway past the public gas station's fueling islands and canopy (which would indicate to a driver that it had bypassed the correct entrance) and then turn into the smaller entrance to the convenience store parking lot. Signage, the size of the entrance, and the location of the gas station islands and canopy would all signal to a commercial waste haul driver that the entrance to the public gas station was not the entrance to the MRF/TS.

Similarly, there is also no reason to suspect that waste hauling trucks will attempt to access the employee parking lot. The entrance to the employee parking lot is provided off of Live Oak Avenue and is not located near the Scale House, which is what waste hauling trucks would be accessing upon their arrival at the Proposed Project. No further analysis of safety conflicts is required.

Comment BP-57:

The 2020 RDEIR should be updated to explain how CNG-fueled facility maintenance equipment will be fueled, now that the Waste Project does not include on-site CNG fueling.

The 2014 RDEIR explains that on-site facility maintenance equipment, such as street sweepers, will be CNG fueled. (See 2014 RDEIR at 2.0-13; see also id. at 3.3-39 ["All forklifts, lifts, and street sweepers would be powered by natural gas (either CNG or propane)."].) The 2020 RDEIR should be updated to explain how this equipment will be fueled, now that the Waste Project does not include on-site CNG fueling, and to address any environmental impacts associated with the method of fueling this equipment.

Response to Comment BP-57:

Facility maintenance equipment, such as street sweepers, are a de minimis component of Project vehicles and will be fueled off-site, just as Athens' CNG-fueled waste hauling trucks are fueled. Propane-fueled equipment will be refueled on-site with portable and refillable propane tanks. No additional analysis is required.

Comment BP-58:

Finally, the 2020 RDEIR must be updated because it relies on outdated, decade-old fuel dispensing estimates for the public gas station.

The 2014 RDEIR assumed, "[f]or purposes of the EIR air quality assessment and related Health Risk Assessment (HRA)," that the public gas station would "dispense 0.34 million gallons of diesel per year based on 2011 average throughput for diesel fuel dispensing stations in California." (2014 RDEIR at 3.3- 57.) The 2020 adopts this same assumption based on "the size of the proposed convenience store gas station, and understanding that the convenience store gas station does not include fueling for the larger collection trucks and transfer trucks associated with the MRF/TS operations (and likely only a small percentage of the self-haul vehicles)." (2020 RDEIR at 3-7.) The 2020 RDEIR, however, fails to demonstrate that the Waste Project's gas station will be "average." Additionally, the 2020 RDEIR fails to explain why it is appropriate to rely on 2011 fuel throughput data, when the most recently available data, cited elsewhere in the 2020 RDEIR, demonstrates that fuel throughput has actually increased at California gas stations between 2011 and present. (See Attachment 1.) The 2020 RDEIR should be updated to incorporate the best available fuel throughput data. Moreover, the 2020 RDEIR's conclusion that the Health Risk Assessment and air quality emissions analysis remain valid and that no mitigation measures are required (2020 RDEIR at 3-7) should be reconsidered in light of the best available data, which shows that on average, gas stations dispense more fuel now than they did in 2011 and that gas stations in Los Angeles County dispense more fuel than stations in any other California county. (See Attachment 1.)

Response to Comment BP-58:

The assumptions made for the volume of gasoline pumped at the convenience store/public gas station are, and remain, reasonable. In fact, they likely assume a much greater amount of gasoline and diesel sales than under existing conditions in summer 2020, due to reduced levels of fuel demand.

While it is true that average gasoline sales per station within the state increased slightly between 2011 and 2018, sales have continued to trend downward since 2016. Furthermore, average diesel sales per station are lower today than they were in 2011, and trending downward. Due to the increased use of hybrid and electric vehicles, and given current world and national events, such as the COVID-19 pandemic that have significantly disrupted and limited commuting to work and

school, gasoline and diesel pumping volumes will likely continue to trend downward because of long-term and permanent trends likely to emerge from the pandemic (e.g., reduced office time, meetings via Zoom, etc.). For example, gasoline sales were slowing as early as March 2020, in response to the COVID-19 pandemic.⁸⁹

Finally, it is reasonable to estimate that the Proposed Project's convenience store/public gas station will be "average". While more gasoline is pumped in Los Angeles County, the California Energy Commission reports that Los Angeles County also has more gas stations than any other county within the state. It should also be noted that much of the increased gasoline demands per gas station are due to the elimination of gas stations in highly urbanized areas within certain areas of the State, such as the City of Los Angeles, where land values have resulted in gas stations being shuttered to enable the construction of high density multifamily development. Such impacts have not occurred, and are not expected to occur, in the Irwindale or surrounding area, which has not experienced any significant loss of gas stations to date. None of the information provided in Attachment 1 to the City of Baldwin Park's comment letter addresses per station pumping.

The Proposed Project's convenience store/public gas station will only include eight pumps. Gas stations associated with big box retail stores (e.g., Costco), gas stations that serve long-haul trucks (e.g., Pilot Gas Stations), etc., are likely to have significantly greater number of pumps than the one proposed as a part of this project, which includes a very average number of eight pumps.

Comment BP-59:

The 2011 fuel data relied upon in the 2014 RDEIR and the 2020 RDEIR explains that "[t]he average diesel sales per station were 0.34 million gallons, or 28,000 gallons per month, but that "[t]he top 3% of reporting diesel stations sold half the retail diesel. The average of diesel sales per station of the top 3.0% was 5.67 million gallons, or 473,000 gallons per month." The 2020 RDEIR should be updated to explain why it is reasonable to assume that the Waste Project's gas station will be "average." For example, do average gas stations have 8 pumps like the Waste Project's station? Why is it reasonable to assume that the Waste Project's gas station will not dispense significantly more diesel, like the top 3 percent of stations, particularly given the data which shows that gas stations in Los Angeles County sell vastly more diesel fuel than stations in any other county in California? (See Attachment 1.)

Response to Comment BP-59:

The Proposed Project includes only a typical-sized convenience store/public gas station, with only eight total pumps. Only a limited number of pumps will dispense diesel fuel (i.e., no more than

⁸⁹ <http://ethanolproducer.com/articles/17036/same-store-gasoline-sales-start-to-show-impact-of-covid-19> ["We are likely to see weekly gasoline demand numbers slide below 6 million barrels per day – volumes last witnessed during the Nixon Administration"]; see also <https://luskin.ucla.edu/covid-19-pandemic-could-cost-california-transportation-billions-in-revenue> [anticipating California will lose up to \$20 billion in gas and vehicle tax revenue over the next decade]; see also

two of the eight), as is typical at public gas stations. The public gas station will not serve diesel-fueled tractor-trailer sized vehicles, or larger diesel-fueled trucks. The type of gas station proposed is smaller than those proposed at big box retail stores, such as Costco, or those that serve long-haul trucks. There is no reason to expect that this small corner convenience store/public gas station will dispense as much diesel fuel, specifically, as the top 3% of stations within California, which can be assumed to include stations that serve large diesel-powered commercial trucks, or long-haul trucks. See also Response to Comment BP-58 above.

Comment BP-60:

Additionally, the 2020 RDEIR should be updated to rely on the more up-to-date 2018 fuel data cited elsewhere in the analysis. (2020 RDEIR at 5-4, footnotes 46 and 47 [citing to the 2018 data].) It is unreasonable to continue to rely on 2011 data, when more up-to-date data from 2018 shows that gas stations now dispense more diesel fuel than they did in 2011. The 2019 California Retail Fuel Outlet Annual Report, enclosed as Attachment 1,2 shows that diesel sales increased substantially between 2011 and 2018. Whereas 1,346 million gallons of diesel were sold statewide in 2011, 1,602 million gallons were sold in 2018. Likewise, the new data shows that retail diesel sales in Los Angeles County increased from 239 million gallons in 2011 to 253 million gallons in 2018. (See Attachment 1 [spreadsheet].) The 2020 RDEIR should therefore be updated to reflect the increase in average diesel fuel sales from 2011 to 2018 and the likely environmental impacts associated with this increase.

Response to Comment BP-60:

See Response to Comments BP-58 and BP-59 above. According to the California Energy Commission's Retail Fuel Outlet Annual Report for 2011-2018, gas stations do not dispense more diesel fuel per station in 2018 than in 2011. In 2011, average throughput of diesel per retail gas station was 0.341 million gallons per year. In 2018, average throughput of diesel per retail gas station fell to 0.329 million gallons per year. There are no impact analyses within the 2020 RDEIR that are dependent upon or in any way related to the total amount of diesel fuel sold at retail gas stations in California. No further analysis is required.

Comment BP-61:

The Health Risk Assessment should also be updated to reflect the increase in average diesel consumption since 2011, including the health risks associated with combustion of greater amounts of diesel fuel. As acknowledged in the 2020 RDEIR, "it is the actual combustion of diesel fuel that generates diesel particulate matter and is the primary driver of potential health impacts from diesel vehicles, not the storage of diesel fuel or fueling of diesel vehicles." (2020 RDEIR at 3-8.) The 2020 RDEIR should be updated to analyze and mitigate these impacts.

Response to Comment BP-61:

The Proposed Project is not causing “combustion of greater amounts of diesel fuel.” As described in Chapter 3.0 of the RDEIR, the Athens truck fleet is currently primarily CNG-fueled, as opposed to diesel-fueled, and is moving towards 100 percent CNG-fueled in the near future. The Proposed Project has no control over whether competing commercial waste haulers choose to increase or reduce the proportion of their fleets fueled by diesel, and the Proposed Project does not have any relation to the number of passenger vehicles sold or operated in the State of California that rely upon diesel fuel. Provision of a public gas station does not require an analysis of generalized trends of diesel-fueled vehicles and no further analysis is required.

Comment BP-62

The GHG emissions analysis fails to justify the conclusion that the Waste Project will have no potentially significant GHG impacts and must be updated to incorporate the changes to the project not previously analyzed.

Response to Comment BP-62:

This comment does not allege any specific deficiencies with the 2020 RDEIR’s greenhouse gas analysis. Instead the comment alleges only general, vague deficiencies to which the City cannot directly respond. The 2020 RDEIR’s conclusion that no significant greenhouse gas impacts will occur is based upon: (1) a quantitative analysis of greenhouse gas emissions; (2) a qualitative analysis of greenhouse gas emissions; and (3) comparison of the Proposed Project’s anticipated greenhouse gas emissions against a net zero emissions threshold of significance. See pages 4-23 and 4-24 of the 2020 RDEIR.

Comment BP-63:

There is no evidence to support the 2020 RDEIR's conclusion that the Waste Project will actually create a net GHG savings. This conclusion is particularly unbelievable, given that the prior versions of the EIR concluded that the Waste Project would create significant GHG emissions.

Response to Comment BP-63:

See Response to Comment BP-62, above.

Comment BP-64:

Without explanation or analysis, the 2020 RDEIR now takes the position that the Waste Project, rather than generating potentially significant GHG impacts as was concluded in the 2016 FEIR, will actually create a net GHG reduction.

Response to Comment BP-64:

Chapter 4.0 of the 2020 RDEIR contains several pages of explanation and analysis, leading to the conclusion that the Proposed Project will not result in significant greenhouse gas emissions. Specifically, see page 4-1 [describing the prior analysis of greenhouse gas emissions], pages 4-2 through 4-9 [analyzing the types of significance thresholds available, and providing factual evidence supporting the 2020 RDEIR's selection of a net zero emissions threshold], pages 4-10 through 4-12 [describing the analysis methodology utilized], pages 4-12 through 4-13 [analyzing emissions from non-mobile operational sources as well as employee trips], pages 4-13 through 4-21 [analyzing waste collection truck trip emissions], pages 4-21 through 4-23 [analyzing transfer truck emissions], and pages 4-23 through 4-24 [comparing emissions against the net zero emissions threshold]. When emissions are analyzed and quantified, and then compared against a significance threshold, and the emissions fall below that threshold, impacts are considered less than significant.

Comment BP-65:

In other words, the new 2020 RDEIR assumptions contradict the 2016 analysis, which reaches the opposite conclusion-that the Waste Project will actually emit significant concentrations of GHGs. The 2020 RDEIR fails to justify the far-fetched conclusion that the Waste Project, which involves thousands of truck and passenger car trips per day, and which will run an energy-intensive facility 24-hours per day, 7-days per week, will have "no potentially significant GHG impacts, and no mitigation is needed." (2020 RDEIR at 1-8.)

Response to Comment BP-65:

The 2020 RDEIR applies a different methodology and different assumptions than the prior environmental analysis. This is clearly stated on pages 4-10 through 4-12 of the 2020 RDEIR. New information, new analysis, and changes to a proposed project are all valid purposes and uses of a recirculated environmental review document. (See State CEQA Guidelines, §15088.5.)

As summarized in Table 4-7 of the 2020 RDEIR, the emissions analysis considered, quantified, and disclosed emissions from the Proposed Project's construction, energy use, employee trips, and waste hauling trips. The comment does not state which of these reported emissions numbers it believes is in error, or why. Therefore, no further response can be provided.

Comment BP-66:

The 2020 RDEIR bases its GHG analysis on the foundational assumption that "the Proposed Project does not generate new sources of solid waste, and thus the Proposed Project would not generate new truck trips to transport solid waste." (2020 RDEIR at 4-9.) Again, this statement runs contrary to assumptions in the 2014 RDEIR that all trips would be new and even the Waste Project developer's express admission that at least one-third of the thousands of trips will be new. (See 2014 RDEIR at 3.3-35 [Athens "provided information to the City that more than two-thirds

of the materials that will drive to and away from the Proposed Project facility are currently being taken to other facilities in the South Coast Air Basin."].) The 2020 RDEIR must be updated to accurately disclose the number of new truck trips and self-haul trips generated by the Waste Project, the rationale for these numbers, and then must analyze the GHG impacts of these new trips.

Response to Comment BP-66:

Chapter 4.0 of the 2020 RDEIR explains in detail why the Proposed Project will not result in new waste hauling trips, and includes a detailed analysis showing that, overall, the Proposed Project will result in fewer vehicle miles traveled by waste hauling trucks than in the existing condition, or in the future condition without the Proposed Project. The evidence supporting the use of a different methodology is also set forth in Chapter 4.0 of the 2020 RDEIR. See also Responses to Comments BP-13, BP-15, and BP-16, above.

Comment BP-67:

Alternatively, even if it could be assumed that not a single new commercial collection and/or transfer truck trip will be generated, the Waste Project will still generate nearly two thousand trips per week by self-haulers, at least according to the 2014 RDEIR. (2020 RDEIR at 3.3-38 [249 self-haul trips/day].) The 2020 RDEIR now assumes, however, that these 249 self-haul trips per day would not be "new" trips, but would be diverted from other facilities that are located further away from the self-haulers, leading to a net reduction in GHG emissions. (2020 RDEIR at 4-20.) Again, the EIR provides no basis for the conclusions that: (1) these trips are not new, (2) that these trips would actually reduce GHG emissions based on the distances traveled by self-haulers, or (3) that these self-haul trips would not generate GHG impacts or cause other environmental impacts.

Response to Comment BP-67:

Chapter 4.0 of the 2020 RDEIR explains in detail why the Proposed Project will not result in new self-haul trips, and includes a detailed analysis showing that, overall, the Proposed Project will result in fewer vehicle miles traveled by self-haulers than in the existing condition, or in the future condition without the Proposed Project. As described on page 4-20, the Proposed Project will not generate new sources of (self-hauled) solid waste. It is not reasonable to assume that upon opening of the Proposed Project, self-haulers will travel longer distances, expending more time and fuel, just for the opportunity to dump small loads of solid waste at the Proposed Project. Common sense dictates that self-haulers will utilize the Proposed Project only if it is closer to their starting point than whichever MRF/TS the self-hauler would utilize if the Proposed Project were not operational. See also Responses to Comments BP-13, BP-15, and BP-16, above.

Comment BP-68:

Likewise, it is reasonably foreseeable that diverting truck or self-haul trips from other facilities will lead to increased truck trips at other facilities. This foreseeable indirect impact must be addressed in the 2020 RDEIR's impacts analysis, including in the GHG analysis.

Response to Comment BP-68:

It is unclear why other facilities would see increased truck trips as a result of the Proposed Project. In fact, this comment is completely inconsistent with several of the other positions in this comment letter taken by the commenter (e.g., that existing facilities will receive so few truck trips that they will close down and create urban decay). Neither the Proposed Project, nor any other MRF/TS facility generates new solid waste. New solid waste is generated when new land developments are constructed—for example, new residential tracts, or new commercial developments. The Proposed Project will neither encourage nor obstruct new development in the region. The impacts of new development in the region is not attributable to the Proposed Project, or to any other MRF/TS facility. No further analysis of future self-haul truck trips is required.

Comment BP-69:

Also, the 2020 RDEIR bases its significance finding on the assumption that the Waste Project is closer to all markets and destinations than the City of Industry MRF. That is wrong, as acknowledged in the 2014 RDEIR, which states that the Waste Project is closer to some, but not all destinations. (See 2014 RDEIR at 4-11, 4-13.) The analysis must be updated to acknowledge that the Waste Project is not closer to all markets and destinations, as set forth in the 2014 RDEIR, and the environmental impacts analysis and significance finding must be updated accordingly.

Response to Comment BP-69:

The 2020 RDEIR is clear that the Proposed Project is not closer to all solid waste source markets, or all end destinations for recyclable, compostable, and landfill materials. (See, e.g., Table 4-6 of the 2020 RDEIR, acknowledging that the Proposed Project is further from the Port of Long Beach than the existing Industry MRF/TS.) However, the 2020 RDEIR is based on the reasonable assumption that commercial waste haulers will only redirect their waste collection trucks to the Proposed Project if such redirection makes sense—in other words, if the Proposed Project is located closer to or very close to the same distance from the source market. There is no reason to assume that source markets that are located substantially closer to other MRF/TS facilities will choose to reroute their trucks to a MRF/TS that is located further away. This would be an illogical business decision, as sending trucks further away would result in additional costs, additional time, and wasted resources. Thus, the analysis will not be revised to analyze the rerouting of truck trips from far flung markets that are unlikely to utilize the Proposed Project. As stated on page 4-9 of the 2020 RDEIR, “Recognizing that the Project would only redistribute solid waste haul and transfer trips more efficiently within the region is a reasonable expectation of an MRF/TS facility in a highly urbanized area.”

Comment BP-70:

The GHG analysis must be updated for the reasons discussed in the Sections above.

The changes to the Waste Project previously analyzed in earlier versions of the EIR necessitate updates to the Waste Project's GHG analysis. (See Sections 11-111, above.)

Response to Comment BP-70:

As described in Chapter 2 of the 2020 RDEIR, the 2020 RDEIR makes no substantive changes to the Project Description of the Proposed Project. The most important adjustment to the Project Description was to add clarification that the waste collection trucks and end destination tractor-trailer haul trucks will not refuel at the convenience store fueling station that is part of the project. Details of fueling operations are explained in detail in Chapter 3 of the 2020 RDEIR. No other project changes have occurred requiring an update to the greenhouse gas analysis contained within Chapter 4.0 of the 2020 RDEIR.

Comment BP-71:

For example, as discussed above, the 2020 RDEIR explains that truck fueling and parking will occur at nearby MRFs, including Athens' City of Industry MRF. The 2020 RDEIR should be updated to account for the GHG impacts of the new trips generated by off-site fueling.

Response to Comment BP-71:

This comment again repeats and restates Comments BP-5, BP-6, BP-26, BP-27, BP-30, and BP-31. Thus, see Responses to Comments BP-5, BP-6, BP-26, BP-27, BP-30, and BP-31, above.

Comment BP-72:

Also, what are the GHG impacts of driving to off-site parking? (See, e.g., 2020 RDEIR at 3-4 ["The fleet of trucks is parked overnight at either the Vincent yard or Athens' MRF/TS in the City of Industry when not in use."].) The 2020 RDEIR should explain.

Response to Comment BP-72:

This comment again repeats and restates Comments BP-36 and BP-54. Thus, see Responses to Comments BP-36 and BP-54 above. The greenhouse gas emissions analysis contained in Chapter 4.0 of the 2020 RDEIR considers trips between the Proposed Project and the Vincent Truck Yard.

Comment BP-73:

Additionally, the air quality analysis in the 2017 Addendum is predicated on an out-of-date project description (e.g., a project that would construct only 147 parking spaces and a smaller convenience store and gas station). Therefore, the GHG analysis must be updated to accurately account for the emissions generated by the Waste Project that is actually proposed to be constructed.

Response to Comment BP-73:

This comment again repeats and restates Comments BP-36 and BP-37. Thus, see Responses to Comments BP-36 and BP-37, above.

Comment BP-74

Likewise, the changes in the Waste Project fueling operations, discussed above in Section II, must be incorporated into the GHG analysis.

Response to Comment BP-74:

This comment again repeats and restates Comments BP-5, BP-6, BP-26, BP-27, BP-30, BP-31 and BP-52. Thus, see Responses to Comments BP-5, BP-6, BP-26, BP-27, BP-30, BP-31 and BP-52, above.

Comment BP-75:

CEQA's informational requirements are violated by leaving the public to guess which portions of the GHG analysis and assumptions set forth in the prior analysis remain valid.

Response to Comment BP-75:

Chapter 4.0 of the 2020 RDEIR “supersedes those portions of the 2014 RDEIR and 2017 Addendum No. 1 that (1) calculated the amount of mobile GHG emissions attributable to waste hauling activities; (2) applied a 10,000 metric ton of CO₂-equivalent per year (“MTCO₂e”) quantitative significance threshold to the Project’s greenhouse gas emissions; and (3) described, incorporated, and applied Mitigation Measure AQ-22. It does not, however, revise or supersede the remainder of the Proposed Project’s GHG emissions impact analysis.” (See 2020 RDEIR, p. 4-1.)

Comment BP-76:

Particularly given the stunning about-face with respect to the significance of GHG emissions, the 2020 RDEIR's GHG analysis should be prepared as a new stand-alone analysis to clarify which portions of the prior analysis remain valid and which have been superseded by the Addendum and the 2020 RDEIR. The 2020 RDEIR explains that: "This Chapter 4 of the 2020 Recirculated DEIR supersedes those portions of the 2014 RDEIR and Addendum No. 1 that (1) calculated the amount of mobile GHG emissions attributable to waste hauling activities; (2) applied a 10,000 metric ton of CO₂-equivalent per year ("MTCO₂e") quantitative significance threshold to the Waste Project's GHG emissions; and (3) described, incorporated, and applied Mitigation Measure AQ-22. It does not, however, revise or supersede the remainder of the Proposed Project's GHG emissions impact analysis." (2020 RDEIR at 4-1.) This disjointed structure requires the reader to go back and forth between the 2014 RDEIR alongside the 2016 FEIR, the 2017 Addendum, and the 2020 RDEIR to

understand the true scope of the Waste Project's GHG impacts. This structure muddles the Waste Project's impacts and frustrates CEQA's public information requirements.

Response to Comment BP-76:

State CEQA Guidelines, section 15088.5, permits the recirculation of only those portions of an environmental review document that are revised or superseded. The approach taken by the 2020 RDEIR is consistent with section 15088.5. A reader is not required to “go back and forth between the 2014 RDEIR alongside the 2016 FEIR, the 2017 Addendum No. 1, and the 2020 RDEIR” to understand the Proposed Project’s greenhouse gas emissions impacts. A reader can instead find a clear accounting of the Proposed Project’s quantified annual greenhouse gas emissions in Table 4-7, on page 4-24 of the 2020 RDEIR. As shown in that table, and as further described in the text on page 4-23, “the GHG emissions from the Proposed Project would provide a net benefit when compared against the existing condition, and GHG emissions would be below the significance threshold of 0 MTCO₂e/year. Thus, impacts would be less than significant.”

Comment BP-77:

The transportation energy use analysis is flawed because it assumes that the waste project will generate no new vehicle trips and omits other key information and analysis.

The transportation energy use analysis is unsupported by substantial evidence because it is founded on the erroneous assumption that the Waste Project will not generate new vehicle trips.

Response to Comment BP-77:

The 2020 RDEIR’s transportation energy use analysis considers some trips to be new trips under all scenarios, as included on page 5-9 of the 2020 RDEIR:

“Transportation energy use impacts would be associated with passenger vehicle trips and solid waste hauling trips. New passenger vehicle trips would include employee trips, and trips generated by the Project’s convenience store / public gas station. Solid waste hauling trips would include trips by self-haulers (i.e., individuals or small construction contractors who haul their own waste, usually in personal passenger vehicles, pick-up trucks, or small trailers), commercial waste collection trucks (which pick up waste from various markets in the region and deliver it to the MRF/TS), and commercial transfer truck trips (which transport sorted and processed materials from the MRF/TS to a landfill, recycling processor, or a composting facility).”

These new trips are further detailed starting on page 5-9 of the 2020 RDEIR:

“Pursuant to the 2014 RDEIR and its Traffic Impact Analysis, the Proposed Project is anticipated to generate 345 new employee trips⁵¹ and 741 new convenience store/public

gas station trips.⁵² The average one-way travel distances for the Proposed Project are estimated to be 16.6 miles for employees, and 8.4 miles for the convenience store/public gas station trips.^{53,54} These values were identified in the 2014 RDEIR and are not revised or modified by this 2020 Recirculated DEIR.”

Chapter 5 reaches the following conclusion for the scenario of no new waste hauling trips (but redirected trips) on page 5-10 of the 2020 RDEIR:

“This is because a redistributed existing truck trip that still occurs in the same region, if not along the same route, would not increase or decrease in the significance of that truck’s energy use, unless it substantially increased the miles travelled (and therefore, the amount of energy expended). Here, as explained in more detail below, the Proposed Project reduces the vehicle miles traveled, and thus reduces the amount of energy expended.”

Chapter 5 then further details all of the transportation energy of the project, even if the waste hauling trips are not considered redirected trips. This evaluation begins on page make the following conclusion for the scenario of no new waste hauling trips (but redirected trips) in 2020 RDEIR on page 5-11:

“However, even if all waste collection trips were new trips (and they are not, as discussed above and as detailed within Chapter 4 Greenhouse Gas Emissions), the energy expended on waste collection trips, together with the new employee and convenience store / public gas station trips, would still not result in wasteful or inefficient energy consumption.”

As further evaluated on pages 5-11 through 5-14 of the 2020 RDEIR, the total transportation energy is shown in Table 5-1 and the fuel use is compared to California retail sales of natural gas, gasoline and diesel fuel.

This comment does not indicate that there is a more energy efficient way to transport waste in collection vehicles or transport residual wastes, compostable materials or recyclables to landfills, compost facilities or recycling processors. No evidence is presented showing that Athens operations are wasteful or inefficient regarding energy use. Finally, the Proposed Project is a MRF/TS located within an existing, heavily urbanized area, specifically located closer to waste generating markets than other existing MRF/TS facilities in the area. The Proposed Project does not generate new sources of waste, nor does it permit, encourage, or in any other way open the door to new development or growth in the region that could not otherwise occur without the Proposed Project. The comment does not purport that the Proposed Project does generate new waste or sources of waste. Therefore, it is unclear how the comment can assert that the Proposed Project will result in new waste hauling truck trips, that would not otherwise occur, with or without the Proposed Project. See also Response to Comment BP-15, above.

Comment BP-78:

The six-page transportation energy use analysis (2020 RDEIR at 5-8 to 5-14) is insufficient to support the conclusion that "there are no adverse environmental impacts caused by the transportation energy use required for waste collection and materials hauling operations." (2020 RDEIR at 1-8.)

The transportation energy use analysis is undercut by the same error identified above-the 2020 RDEIR wrongfully, and without factual support-claims that the Waste Project will not generate any new truck trips. (2020 RDEIR at 5-10 ["The 2016 Final EIR explained that the Proposed Project would not create new waste to be processed, and therefore does not generate new waste hauling truck trips."].)

Response to Comment BP-78:

See Response to Comment BP-77, above.

Comment BP-79:

The 2016 FEIR, like the 2014 RDEIR, does not support the assertion that the Waste Project would not generate new truck trips. Rather, the 2016 FEIR restates the 2014 RDEIR's explanation that the Waste Project applicant itself admitted that approximately one-third of the truck trips to the Waste Project would be new. (See FEIR at C&R-113 [explaining, in response to Baldwin Park's comments, that "As described in more detail, the applicant has provided information to the City that more than two-thirds of the materials that will be driven to and away from the Proposed Project facility are currently being taken to other facilities in the South Coast Air Basin."].) Without more, the 2020 RDEIR should be updated to accurately explain how many new truck trips will be generated by the Waste Project, provide the basis for the number of new truck trips that will be generated by the Waste Project, and update the impacts analysis, including the transportation energy analysis, based on the number of new truck trips generated by the Waste Project.

Response to Comment BP-79:

See Responses to Comments BP-14 and BP-77, above.

Comment BP-80:

Even assuming that the Waste Project will not generate a single new collection and/or transfer truck trip, which is entirely unrealistic, the 2020 RDEIR's transportation energy analysis is insufficient for several reasons.

Response to Comment BP-80:

See Response to Comment BP-77, above.

Comment BP-81:

First, it is reasonably foreseeable that the Waste Project would generate additional truck trips at neighboring facilities (i.e., the facilities that the Waste Project will supposedly divert trips from). Therefore, the 2020 RDEIR should be amended to account for the transportation energy impacts of these new truck trips and analyze those new trips in light of the threshold of significance adopted in the 2020 RDEIR, which asks whether the Waste Project would result in the wasteful or inefficient consumption of transportation- related energy resources.

Response to Comment BP-81:

It is unclear why other facilities would see increased truck trips as a result of the Proposed Project. In fact, this comment is completely inconsistent with several of the other positions staked out by the commenter (e.g., that existing facilities will receive so few truck trips that they will close down and create urban decay). Neither the Proposed Project, nor any other MRF/TS facility generates new solid waste. New solid waste is generated when new land developments are constructed — for example, new residential tracts, or new commercial developments. The Proposed Project will neither encourage nor obstruct new development in the region. The impacts of new development in the region cannot be made attributable to the Proposed Project. No further analysis of transportation-related energy resources is required. See also Response to Comment BP-77.

Comment BP-82:

Second, where the Waste Project would simply divert trips already occurring to other waste processing facilities, the 2020 RDEIR should analyze whether trips generated from construction of the Waste Project would result in the wasteful or inefficient consumption of transportation-related energy resources. Where the Waste Project is admittedly not needed to treat the waste generated in the region (i.e., because existing facilities provide sufficient capacity), it seems that any trips generated by construction of the unnecessary facility are, by definition, wasteful and inefficient.

Response to Comment BP-82:

Neither the 2020 RDEIR, nor any other environmental review document prepared for the Proposed Project, states that the Proposed Project is “not needed.” The Proposed Project will provide a state-of-the-art waste processing and transfer facility, that will maximize the ability to receive, process and consolidate, for efficient transfer and disposal, municipal solid waste within the San Gabriel Valley. The Proposed Project will also provide state-of-the-art recycling methods and aims to provide a better diversion rate than existing, older MRF/TS facilities within the region. As a result, the Proposed Project will contribute to statutorily mandated increased diversion rates, with or without any new sources of waste generated elsewhere in the region.

The Proposed Project also provides myriad other benefits to the local community and region as a whole. These benefits include, but are not limited to, the Proposed Project’s ability to increase

diversion rates as a result of its state-of-the-art technology; redevelopment of an existing underutilized parcel which the City had previously identified as targeted for redevelopment; new employment opportunities for local citizens, including both construction jobs and long-term operations-related jobs; generation of property tax, utility user tax, and host fees for the City of Irwindale; and construction of a project that is consistent with several City of Irwindale 2020 General Plan objectives and goals. None of these benefits are tied to the Proposed Project generating new sources of waste, or new truck trips. Thus, the comment's conclusion that the Proposed Project is "admittedly not needed" and therefore all construction-related trips are "wasteful and inefficient" is flawed. No further analysis is required.

Comment BP-83:

Third, where the Waste Project is diverting waste currently being taken directly to landfills, the 2020 RDEIR is missing analysis of the energy use associated with the additional miles travelled by the waste to the Waste Project, as compared to directly taking the waste to a landfill.

Response to Comment BP-83:

Athens does not divert waste directly to landfills except in the extremely rare situation where emergency circumstances dictate that waste must go directly to a landfill. Sending waste directly to landfills does not fulfill the state's mandate to increase diversion rates of recoverable materials and reduce demand on landfills. If other commercial waste haulers choose to forgo diversion of recyclable and compostable materials and instead send waste directly to landfills, the Proposed Project is unlikely to change this circumstance. Further, it is impossible and entirely speculative to determine which competing haulers may send their waste directly to landfills, how often this occurs, and what circumstances would convince a competing hauler to instead send waste to the Proposed Project for recovery of recyclable and compostable material. No further analysis is required, or possible.

Comment BP-84:

Fourth, the 2020 RDEIR should be updated to explain the basis for the average fuel efficiencies documented at page 5-12 of the 2020 RDEIR.

Response to Comment BP-84:

See footnote 65 on page 5-12 of the 2020 RDEIR, which explains that fuel usage was estimated using a 10.2 kilograms CO₂/gallon conversion factor for diesel, 8.78 kilograms/CO₂/gallon conversion factor for gasoline, and 120 pounds per cubic feet for CNG, as cited in the *U.S. Energy Information Administration Voluntary Reporting of Greenhouse Gases Program*. Total CO₂ was calculated from the air quality modeling of the vehicles and estimated mileage traveled by each vehicle type.

Comment BP-85:

Fifth, the 2020 RDEIR relies on an outdated regulatory baseline for modeling future fuel efficiency for automobiles. The 2020 RDEIR cites to federal fuel efficiency standards set in 2010 and 2012 for the years 2022 to 2025. However, the U.S. Environmental Protection Agency and the National Highway Traffic Safety Agency recently amended these standards, reducing the required fuel efficiency for the nation's vehicles. (See Safer Affordable Fuel-Efficient Vehicles Rule, <https://www.govinfo.gov/content/pkg/FR-2020-04-30/pdf/2020-06967.pdf>.) In other words, it is reasonably foreseeable that vehicles, including those utilized by the Waste Project, will become less, not more, efficient under these new standards, or, at least not become as efficient as previously predicted. That reduction in efficiency should be analyzed in the 2020 RDEIR.

Response to Comment BP-85:

While federal standards may have recently been relaxed, California continues to adopt more stringent standards for automobiles and trucks within the state. For example, in June 2020, California's air quality agency passed the most sweeping regulations of electric commercial trucks in history. The "Advanced Clean Trucks" rule requires truck manufacturers to sell an increasing share of electric trucks each year, with the goal of making all new trucks sold in California zero-emission by 2045. Anticipating future regulatory changes and how they will affect gasoline and diesel use within California is too speculative to provide any meaningful analysis. This is especially true given recent and near-term political events, the COVID-19 pandemic, and other disruptions in the oil and gas industries and regulations of the same. Further, there is no basis upon which to anticipate that future waste hauling trucks will be less efficient in the future. As discussed in the 2020 RDEIR, Athens waste hauling fleet is utilizing a majority-CNG-fueled fleet and will be replacing all older diesel-fueled trucks with CNG-fueled trucks as these trucks are retired from use. No analysis of reduced efficiency is required, and such a speculative analysis could not provide any meaningful information to the 2020 RDEIR.

Comment BP-86:

Finally, the 2020 RDEIR fails to provide sufficient explanation to support the "less than significant" impact conclusion that "even if all waste collection trips were new trips . . . the energy expended on waste collection trips, together with the new employee and convenience store / public gas station trips, would still not result in wasteful or inefficient energy consumption." (2020 RDEIR at 5-11.) Transportation associated with the Waste Project would require a whopping 5,000,000 gallons of diesel fuel equivalent for the approximately 38,900,000 vehicle miles traveled based on "standard fuel consumption estimates." (2020 RDEIR at 5-12.) Yet, the 2020 RDEIR does not explain the basis for these "standard fuel consumption" estimates or why they are properly applied to the Waste Project. Moreover, even if it were appropriate to apply these estimates, which the 2020 RDEIR does not demonstrate, the fuel efficiency of the vehicles would be as low as 6.1 to 7.7 miles per gallon for the CNG and diesel vehicles. (2020 RDEIR at 5-12.)

Response to Comment BP-86:

See Responses to Comments BP-77 and BP-84 above regarding how the miles per gallon of diesel, gasoline, and CNG fuel were determined.

The analysis concludes that the waste hauling vehicles would not use fuel resources in a wasteful or inefficient manner. This determination is based on several factors. First, as detailed in Chapter 4.0, overall, waste hauling vehicles will drive fewer miles, with the Proposed Project than without. One major objective of the Proposed Project is to locate a state-of-the-art materials sorting facility within a dense, urban area, close to waste generating markets, which overall increases efficiency, including fuel efficiency associated with hauling that waste to the nearest materials sorting facility. Unfortunately, waste hauling trucks are large, heavy, and haul several tons of waste material. As a result, even the most efficient waste hauling truck will not be able to travel long distances on a small amount of fuel. However, the Proposed Project is not changing the make-up of the existing waste hauling vehicle fleet or making the existing fleet more or less efficient.

Comment BP-87:

The 2020 RDEIR explains this is "reasonably consistent with the CEC estimates for the average fuel economy for the fleet-wide mix of vehicles operating in the South Coast Air Basin region" but fails to explain why efficiencies of 6.1 to 7.7 miles per gallon are not wasteful or inefficient, especially given that these averages are lower than the estimates for fleets in the South Coast Air Basin. (2020 RDEIR at 5-4, 5-12.)

Response to Comment BP-87:

See Response to Comment BP-86, above.

Comment BP-88:

The 2020 RDEIR wrongly relies on Friant Ranch amicus briefs to conclude that it is infeasible to disclose project-specific health risks from air emissions.

The 2020 RDEIR fails to provide substantial evidence to support the environmental conclusion that it is infeasible to disclose project-specific health risks from criteria pollutant emissions.

The final chapter of the 2020 RDEIR punts on the issue of Project-specific health risks from air emissions, concluding that it is infeasible to model the Waste Project's ozone emissions and that modeling "would not provide meaningful information given the magnitude of the emissions and the number of variables that affect ozone formation." (2020 RDEIR at 6-1; see also id. at 1-8 ["This chapter explains the health assessments that were presented in the 2014 Recirculated DEIR and explains why additional modeling to isolate project-specific local and regional emissions related health effects is not feasible or meaningful given the details of the Proposed Project and current state of air quality modeling."].) This chapter also abdicates responsibility for providing

information regarding the Waste Project's potential health impacts associated with significant and unavoidable criteria pollutant emissions of NOx and ROG on the basis that the Waste Project's criteria air pollutant emissions "are too small to model and obtain meaningful regional concentrations of criteria pollutants and ozone." (Id. at 6-1.) This conclusion is wrong.

Response to Comment BP-88:

This comment does not allege any specific deficiencies with the analyses contained within the 2020 RDEIR. Instead the comment alleges only general, vague disagreement with the 2020 RDEIR's conclusion regarding the feasibility of further addressing specific health impacts of the Proposed Project's emissions. Without more detail as to why the commenter believes that the 2020 RDEIR's conclusion is "wrong" the City cannot provide further response.

If the expected change in regional criteria air pollutant concentrations is too small to meaningfully estimate, then health effects would be impossible to determine. Page 6-12 of the 2020 RDEIR discusses the magnitude of changes in regional pollutant levels that might be expected from the emissions of the Proposed Project, and why these amounts are too small to meaningfully tie to regional health effects. As indicted on page 6-12:

"Even if it were a valid ozone change calculation, the correlation to health impacts from the change would be more impossible to determine. SCAQMD staff does not currently know of a way to accurately quantify ozone-related health impacts caused by NOx or VOC precursor emissions from relatively small projects such as the proposed Irwindale MRF/TS. (SCAQMD brief, page 12)"

Comment BP-89:

Even if it were not, under CEQA, if the lead agency determines that an analysis is infeasible, it must substantiate its infeasibility finding. (Sierra Club v. County of Fresno (2018) 6 Cal.5th 502, 520 ("Friant Ranch").) Specifically, the lead agency must explain "what is and is not yet known about the Project's impacts." (Id.)

Here, the 2020 RDEIR fails at this task by choosing legal argument over scientific analysis. The 2020 RDEIR bases its conclusion that it is infeasible to disclose the Waste Project's specific health risks associated with criteria pollutant emissions on two amicus briefs filed in the Friant Ranch case. (2020 RDEIR at 6-10 to 6-14.) The amicus briefs do not support this conclusion. As an initial matter, the 2020 RDEIR's reliance on amicus briefs-but not peer reviewed studies as is customary in environmental analysis is questionable.

Response to Comment BP-89:

In *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502 ("Friant Ranch"), the Supreme Court held that an EIR's air quality analysis must meaningfully connect the identified significant air quality

impacts to human health consequences, or in the alternative, explain why such an analysis cannot be provided.

Chapter 6.0 of the 2020 RDEIR does explain why further modeling of the Proposed Project's ozone emissions is not feasible and why it is not possible to substantively connect the Proposed Project's individual emissions with likely health consequences in the cities surrounding the Project Site or the region. Chapter 6.0 also explains that the criteria air pollutant emissions of NO_x and ROG are too small to model and tie to meaningful regional concentrations of the same. (See 2020 RDEIR, p. 6-1.) To provide yet further detail on the City's determination that it is technically infeasible to accurately connect the Project's criteria air pollutant emissions of nitrogen oxides (NO_x) and reactive organic gases (ROG) to regional ozone concentration increases, and, as a result, meaningfully correlate the Project's criteria air pollutant emissions to ozone-related health effects, an additional technical memorandum, Air Quality Technical Memorandum No. 1, dated November 4, 2020, has been prepared and appended to this FEIR. The technical memorandum further describes the City's finding, and the role of the SCAQMD amicus brief in the City's determination, but does not present any new information that was not already provided as part of the 2014 RDEIR and 2020 RDEIR.

The 2020 RDEIR explains that despite evidence linking specific health effects (listed on page 6-4 of the 2020 RDEIR) to air pollutants, research has nonetheless not clarified "the underlying biological pathways for these effects." The 2020 RDEIR also provides specific information on the general effects of ozone (2020 RDEIR, p. 6-5), NO_x (pp. 6-6 and 6-7), particulate matter (pp. 6-7 and 6-8), and ROG and VOCs (p. 6-9). The 2020 RDEIR also summarizes the findings of the 2014 RDEIR's Health Risk Assessment ("HRA"). As shown in Table 3.3-15 of the 2014 RDEIR, and as further described in the Air Quality Technical Memorandum No. 1, the Project's emissions of NO_x and ROG exceed SCAQMD emissions thresholds, while the Project's emissions of PM₁₀, PM_{2.5} and CO would not. However, exceeding the SCAQMD emissions threshold does not, alone, provide sufficient information to determine changes in regional ozone concentrations or specific health impacts. Regional health effects are not directly caused by ROG and NO_x, but from the secondary production of ozone from these compounds. Thus, the question is whether the Project's emissions of NO_x and ROG are enough to determine: (1) how much ozone will be produced as a result of these NO_x and ROG emissions; and, if so, (2) what are the health impacts that may occur as a result of this ozone production.

SCAQMD has among the most sophisticated air quality modeling and health impact evaluation capability of any air district in California. Thus, SCAQMD is uniquely situated to express (via the amicus brief) an opinion on how, and whether, lead agencies can correlate air quality impacts of regional pollutants with specific health outcomes. The amicus briefs cited by and attached to the 2020 RDEIR explain that it may be infeasible to quantify health risks caused by projects given the fact that the location of emission points, velocity of emissions, meteorology and topography of the

area, and the location of receptors interact in ways that modeling cannot fully predict or summarize.

Because SCAQMD is the expert agency responsible for controlling emissions within the District and ozone regional modeling for the South Coast Air Basin, the SCAQMD has unique scientific expertise on how, and whether, lead agencies can correlate air quality impacts from individual projects with regional ozone concentrations and resulting health impacts. The amicus brief filed in the *Friant Ranch* case provide SCAQMD's expert opinion on these issues, and therefore is relevant to the City's analysis. As summarized in Air Quality Technical Memorandum No. 1, the brief explains that SCAQMD, again, the expert agency charged with ozone modeling for the air basin, has determined that for "criteria pollutants, such as ozone, it may be more difficult to quantify health impacts" in part because "it takes a large amount of additional precursor compounds to cause a modeled increase in ambient ozone levels over an entire region." Those projects for which the SCAQMD has been able to correlate emissions of ozone precursors with regional ozone levels are not comparable to the scale of emissions emitted by the Irwindale MRF/TS. As described in the SCAQMD amicus brief and summarized in Air Quality Technical Memorandum No. 1, even for a project emitting 225,935 tons per year of ozone precursors (the Irwindale MRF/TS emissions total is only 256 tons, or less than 0.12% of this amount), the SCAQMD was able to correlate those precursor emissions to only a 9 parts per billion change of ozone levels. For reference, SCAQMD's daily ozone 8-hour average standard is 75 parts per billion. The amount of ozone precursor emissions generated by the Irwindale MRF/TS could, at best, only be correlated to a negligible amount of ozone. Ozone changes of that negligible amount would be meaningless in any effort to estimate resulting health impacts.

Finally, while the 2020 RDEIR does refer to and incorporate by reference the substantial evidence included in the SCAQMD amicus brief as supporting information coming from a source recognized as having high-level expertise in the field, this is certainly not the only evidence relied upon in the 2020 RDEIR's analysis. The analysis also relies on the SCAQMD 2016 Air Quality Management Plan (see 2020 RDEIR footnotes 71 through 73, 75-76), the SCAQMD 2012 Air Quality Management Plan (see footnote 82), and recent data from the California Air Resources Board ("CARB") relating to ozone (see footnote 74) and inhalable particulate matter (see footnotes 79 and 80).

Comment BP-90:

But even assuming it were proper for an EIR to base scientific conclusions on legal briefs, the 2020 RDEIR's reliance on the SCAQMD's amicus brief is misplaced because the brief suggests that the analysis is, in fact, feasible.

Specifically, SCAQMD's Brief explicitly affirms that in a project like the Waste Project, which includes construction of a gas station and an industrial building where the tenant and neighboring sensitive receptors are known, it is likely feasible to analyze the health

impacts of pollutant emissions. (2020 RDEIR Appendix 2 [SCAQMD Brief at 9-10].) For example, in the SCAQMD brief the agency explained:

*"[T]his Court cannot realistically establish a hard-and-fast rule that an analysis correlating air pollution impacts of a project to quantified resulting health impacts is always required, or indeed that it is never required. Simply put, in some cases such an analysis will be "feasible"; in some cases it will not. . . . **[I]t is feasible to determine the health risk posed by a new gas station locating at an intersection in a mixed use area,** where receptor locations are known. On the other hand, it may not be feasible to perform a health risk assessment for airborne toxics that will be emitted by a generic industrial building that was built on 'speculation' (i.e., without knowing the future tenant(s)) "* (2020 RDEIR Appendix 2 [SCAQMD Brief at 9-10] [emphasis added].)

Response to Comment BP-90:

The excerpt cited above in the comment relates to health risk posed by “a new gas station.” An HRA for the Project’s proposed gas station was completed and is included in the 2014 RDEIR. As explained on page 6-10 of the 2020 RDEIR, “The 2014 RDEIR Threshold AQ-5 analysis included an HRA that evaluated TACs (beginning on page 3.3-55 and also Appendix C) for construction and operations. The risk level at all receptors was less than the SCAQMD significance threshold of 10 in one million. The 2014 RDEIR also evaluated the non-cancer chronic and acute project health impact risks (with comparisons to the Hazard Index) from the TACs and non-cancer chronic and acute impacts of the Proposed Project were both less than significant (RDEIR p. 3.3-57).”

Health risks from the Proposed Project, including the MRF/TS operations and convenience store fueling station, to known adjacent receptors have already been analyzed in the HRA that is presented in Proposed Project’s prior environmental review documents. The issue raised in the 2019 Ruling, and which the 2020 RDEIR addresses, is whether the Proposed Project’s NO_x, ROG, and ozone emissions can be tied to specific health impacts. (2019 Ruling, pp. 18-19.) Specifically, the 2019 Ruling cites to the *Friant Ranch* decision’s statement that the EIR in that case “does not give any sense of the nature and magnitude of the ‘health and safety problems caused by the physical changes’ resulting from the Project...” (2019 Ruling, p. 19.) The 2019 Ruling expressly states that if it is not possible to complete such an analysis, then the EIR must explain why. (2019 Ruling, pp. 19-20.) Pages 6-4, and 6-10 through 6-15, of the 2020 RDEIR, provide a good faith effort at explaining why further analysis of health and safety problems cannot be provided.

As described above in Response to Comment BP-89, and as explained in detail within the 2020 RDEIR and Air Quality Technical Memorandum No. 1, the SCAQMD brief does not indicate that health impacts analysis of criteria air pollutant ozone precursors (i.e., the Project’s ROG and NO_x emissions) is feasible. See Response to Comment BP-89.

As noted in the comment, the SCAQMD amicus brief concludes that there cannot be “a hard-and-fast rule” for determining when an analysis correlating emissions to regional health effects is feasible or required. As described in detail in the Air Quality Technical Memorandum No. 1, the SCAQMD does identify benchmarks for when criteria pollutants can meaningfully be correlated to ozone increases, and thus, health impacts resulting from ozone.

There are two studies that are summarized in the SCAQMD amicus brief for which the SCAQMD was able to correlate emissions of ozone precursors with regional ozone levels. These studies are: (1) the analysis of SCAQMD Rule 1315, and (2) analyses prepared in support of the development of the SCAQMD 2012 Air Quality Management Plan. However, the scale of emissions in both of these examples are not comparable to the scale of emissions emitted by the Irwindale MRF/TS Project.

In the first example, SCAQMD notes that for extremely large projects like those included in the analysis of Rule 1315, changes in regional ozone and, as a result, ozone-related health impacts could be identified when the amount of ozone precursor emissions are at a certain scale. The Rule 1315 analysis looked at ozone precursor emissions of 117,483 tons per year. Based on the sheer scale of these ozone precursor emissions, the SCAQMD was able to correlate secondary ozone formation with the precursor emissions caused by the aggregate of all new source emissions anticipated in the basin over a 20 year period. The amount of emissions analyzed in the Rule 1315 analysis is not comparable to the amount of emissions estimated for the Irwindale MRF/TS Project. The Irwindale MRF/TS is estimated to emit a total of 256 tons per year of precursor emissions ($\text{NO}_x + \text{ROG}$). The Irwindale MRF/TS is therefore projected to have worst-case emissions of less than 1.5% of the precursor compounds accounted for in the SCAQMD Rule 1315 analysis. With less than 1.5% of the precursor compounds, the Irwindale MRF/TS emissions are several magnitudes less than the emissions levels identified in the SCAQMD Rule 1315 analysis that could be correlated to modeled ozone changes and resulting health impacts of that ozone.

The second example of a large project for which SCAQMD has been able to reasonably model ozone increases from ozone precursors in the SCAQMD's 2012 AQMP (SCAQMD amicus brief, page 11). This analysis considered a total of 225,935 tons/year of ozone precursors and correlated that amount of precursor emissions to only a change of ozone levels of 9 parts per billion. For reference, SCAQMD's daily ozone 8-hour average standard is 75 parts per billion. The Irwindale MRF/TS is projected to emit less than 0.12% of the precursor compounds that the SCAQMD modeled to correlate to the relatively small 9 ppb change of ozone levels, indicating that the amount of ozone precursor emissions generated by the Irwindale MRF/TS could, at best, only be correlated to a negligible amount of ozone. Ozone changes of that negligible amount would be meaningless in any effort to estimate resulting health impacts.

As explained in its amicus brief, the SCAQMD has also concluded that for smaller projects, emitting only 10 tons per year of NO_x or ROG, potential effects cannot be detected in the regional

air quality models. This is consistent with SCAQMD's finding that, as discussed above, emissions of nearly 226,000 tons per year altered the modeling results for ozone production by only 9 parts per billion. With a total of 256 tons per day of ozone precursors, the Irwindale MRF/TS is statistically closer to the SCAQMD's 10 tons per year example than the Rule 1315 analysis with 17,483 tons per year of ozone precursors or the 2012 AQMD modeling with 225,935 tons per year of ozone precursors. Thus, the 256 tons per day of ozone precursors attributable to the Irwindale MRF/TS Project cannot be meaningfully correlated to actual ozone increases in the region, if such an increase is even detectable at all.

As discussed further in the 2020 RDEIR Appendix 2 (South Coast Air Quality Management District Amicus Brief) and Appendix 3 (San Joaquin Unified Air Pollution Control District Amicus Brief), and Air Quality Technical Memorandum No. 1, it is technically infeasible to accurately connect the Project's criteria air pollutant emissions of nitrogen oxides (NOx) and reactive organic gases (ROG) to regional ozone concentration increases, and, as a result, it is infeasible to meaningfully correlate the Project's emissions to health effects.

There is a typo on page 6-14 of the 2020 RDEIR, in the second sentence below the heading "6.7 Conclusions." This sentence should read, "However this does not determine the concentration of ozone that will be occur at or near the Project Site or within the region on a particular day or month of the year, or the specific health impacts that may occur as a result of that concentration."

Finally, additional information is presented in Appendix 1 of the 2020 RDEIR regarding the trends in air quality for the South Coast Air Basin. Through the efforts of the SCAQMD, the criteria air pollutant levels are continuing to decline in the South Coast Air Basin. The graphs in Appendix 1 show the dramatic decline in many criteria pollutants. Page 2 of Appendix 1 contains the following summary of regional air quality trends.

"Regional Air Quality Trends

SCAQMD rule development and implementation through the 1970s and 1980s resulted in dramatic improvement in Basin air quality. Nearly all control programs developed through the early 1990s relied on (i) the development and application of cleaner technology; (ii) add-on emission controls, and (iii) uniform CEQA review throughout the Basin. Industrial emission sources have been significantly reduced by this approach and vehicular emissions have been reduced by technologies implemented at the State level by the California Air Resources Board (CARB).

Ozone, NOx, VOC, and CO have been decreasing in the Basin since 1975 and are projected to continue to decrease. These decreases result primarily from motor vehicle controls and reductions in evaporative emissions. Although vehicle miles traveled in the Basin continue to increase, NOx and VOC levels are decreasing because of the mandated controls on motor vehicles and the replacement of older

polluting vehicles with lower-emitting vehicles. NOx emissions from electric utilities have also decreased due to use of cleaner fuels and development of renewable energy sources.

The overall trends of PM₁₀ and PM_{2.5} levels (total concentrations) in the air represent substantial improvement in air quality since 1975. Direct emissions of PM₁₀ have remained somewhat constant in the Basin and direct emissions of PM_{2.5} have decreased slightly since 1975. Area wide sources, including fugitive dust from roads, dust from construction and demolition, and other sources, contribute the greatest amount of direct particulate matter emissions.”

Comment BP-91:

Therefore, the amicus brief does not provide substantial evidence to support the conclusion that the analysis is infeasible. Rather, it supports the opposite conclusion-that where the location of the project and sensitive receptors are known and the type of industrial project and tenant are known-it is feasible to determine the health risk posed by the project.

Response to Comment BP-91:

See Responses to Comments BP-89 and BP-90, above, as well as Air Quality Technical Memorandum No. 1.

Comment BP-92:

The 2020 RDEIR's failure to explain why it is still impossible to conduct the analysis of the health impacts of the Waste Project's criteria pollutants required under Friant Ranch therefore violates CEQA. The 2020 RDEIR fails to identify the knowledge gaps that preclude this analysis, wrongly relying on the amicus briefs as a shield from conducting a Project-specific analysis. The 2020 RDEIR should be updated to disclose the specific health risks associated with the Waste Project's criteria pollutant emissions, or to explain, on the basis of evidence in the record, why this analysis is impossible and what informational gaps need to be filled before the analysis is possible. (Friant Ranch, 6 Cal.5th at 520.)

Response to Comment BP-92:

See Responses to Comments BP-89 and BP-90, above, as well as Air Quality Technical Memorandum No. 1.

Comment BP-93

Thank you for your attention to these comments. We ask that each of the issues identified herein be incorporated into the 2020 RDEIR and that the 2020 RDEIR be recirculated for another round of public comment. Once the analysis is legally sufficient, we ask that all feasible mitigation measures be incorporated into the Waste Project to address all potential environmental impacts

created by the Waste Project. Please include this letter in the record of proceedings for this Project.

Response to Comment BP-93

This comment does not raise any issues with the analysis contained in the 2020 RDEIR, and therefore no response is required. However, the City refers the commenter to the Court of Appeal decision *City of Irvine v. County of Orange* (2015) 238 Cal.App.4th 526, 547-549, in which the Court expressed strong disfavor for comment letters intended “to wear down a lead agency, or delay a project, by the simple expedient of filing an onerous series of demands for information and setting up a series of hoops for the lead agency to jump through.” The Court opined: “At its best, the comment-and-response process in CEQA produces a *better EIR*, by bringing to the attention of the public and decision makers significant environmental points that might have been overlooked... But the comment-and-response process can also be abused. At its worse, it could become an end in itself, simply a means by which project opponents can subject a lead agency’s staff to an onerous series of busywork requests and ‘go fetch’ demands.” (*Id.* at p. 558, emphasis original.)

Comment BP-94 [Attachment 1]

Attachment 1 to the City of Baldwin Park’s seems to include *2018 California Annual Retail Fuel Outlet Report Results*.

Response to Comment BP-94

Attachment 1 to the City of Baldwin Park’s comment seems to include “2018 California Annual Retail Fuel Outlet Report Results”; however, most pages of the attachment are illegible, or significant information has been cut off from the page. Regardless, as described in Responses to Comments BP-58 and BP-59, nothing included within Attachment 1 calls into question the assumptions utilized in the 2020 RDEIR, or any prior environmental review document completed for the Proposed Project, relating to the amount of gasoline and diesel fuel anticipated to be pumped at the convenience store/public gas station.

Waste Management – WM

Letter from Remy Moose Manly, LLP, dated August 5, 2020 (3 pages)

Comment WM-1:

We submit this letter on behalf of our client Waste Management Collection and Recycling, Inc. dba Waste Management of San Gabriel/Pomona Valley (collectively referred to as WM), regarding the adequacy of the 2020 Recirculated Draft Environmental Impact Report (“2020 RDEIR”) prepared by the City of Irwindale (“City”) pursuant to the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000, et seq.) as directed by the Peremptory Writ of Mandate issued by Judge Strobel of the Los Angeles County Superior Court for the Irwindale Materials Recovery Facility and Transfer Station Project (“Project”).

Response to Comment WM-1:

This comment is introductory in nature, does not raise any issues with the analysis contained in the 2020 RDEIR, and therefore no response is required.

Comment WM- 2:

Although the 2020 RDEIR no longer utilizes the South Coast Air Quality Management District’s 10,000 MT CO₂e as a threshold of significance, the 2020 RDEIR’s analysis and conclusions with respect to greenhouse gas (“GHG”) emissions remain unsupported by substantial evidence and therefore inadequate under CEQA.

The primary source of GHG emissions associated with the construction and operation of the Project continues to be mobile emissions, including collection trucks, transfer trucks, self-haul trucks and employee vehicles. The 2014 RDEIR disclosed that construction plus operational GHG emissions would be approximately 58,834 MT CO₂e annually and concluded that the impact was significant and unavoidable even after the implementation of mitigation.

Now, the 2020 RDEIR finds that construction plus operational GHG emissions will be (-)1,814 MT CO₂e annually—a decrease of 70,648 MT CO₂e per year—and concludes that the impact is less than significant, requiring no mitigation. Thus, with no changes to the Project’s operations, the impact is now less than significant with absolutely no mitigation. This is quite the extraordinary (and convenient) result.

Response to Comment WM-2:

Chapter 4.0 of the 2020 RDEIR “supersedes those portions of the 2014 RDEIR and 2017 Addendum No. 1 that (1) calculated the amount of mobile GHG emissions attributable to waste hauling activities; (2) applied a 10,000 metric ton of CO₂-equivalent per year (“MTCO₂e”) quantitative significance threshold to the Project’s greenhouse gas emissions; and (3) described,

incorporated, and applied Mitigation Measure AQ-22.” (See 2020 RDEIR, p. 4-1.) As stated on page 4-11 of the 2020 RDEIR:

“The greenhouse gas emissions analysis methodology applied in the 2020 RDEIR differs from the approach applied in the 2014 RDEIR to calculate mobile emissions generated by the Proposed Project. The 2014 RDEIR assumed that all waste hauling truck trips were new truck trips, even though the Proposed Project does not generate new solid waste or create a need for new waste hauling truck trips. Instead, the Proposed Project redistributes existing waste hauling trips in a more efficient manner. Treating redistributed existing truck trips as new truck trips may make sense in the context of an air pollutant emissions analysis, because air pollutant impacts on human health, for example, are location specific.”

Comment WM-3:

What substantial evidence exists in the record supporting the 2020 RDEIR’s assumption that no new truck trips would result from the Project? What baseline data exists, specifically, to support this assumption? Did the City use only existing collection and transfer truck trips in the RDEIR analysis or did it also assume a projected future baseline which considered the life of the Project and increased population and waste generation? The RDEIR is unclear.

Response to Comment WM-3:

The evidence supporting the use of a different methodology is set forth in Chapter 4.0 of the 2020 RDEIR. This evidence includes, but is not limited to, the fact that the Proposed Project does not generate any new sources of waste and that waste collection truck trips in the region will be the same in number, with or without the Proposed Project. Whether the trips will be the same in length of miles is analyzed in detail within Chapter 4.0 of the 2020 RDEIR.

Future increases in population and waste generation are not a direct or indirect result of the Proposed Project. The Proposed Project will neither encourage nor obstruct new development in the region. The impacts of new development in the region are not attributable to the Proposed Project, or to any other MRF/TS facility. Waste collection and transfer truck trips for new future development will occur with or without the project, and are still reasonably understood to be trips that will be part of the regional traffic mix regardless of which materials recovery facility and transfer facility they route to. It is also reasonable to assume that collected materials will be routed to one of the nearest facilities that has capacity available.

Regardless, the 2020 RDEIR is clear that it analyzed both Athens’ truck trips which will be rerouted to the Proposed Project upon the Project’s opening and truck trips associated with future contracts. Page 4-18 of the 2020 RDEIR explains:

“While it is too speculative to identify the exact markets and tonnage that may be directed to the Proposed Project in the future, Table 4-4 illustrates that for local markets that may currently utilize one of two other MRF/TS facilities in the region, providing an additional MRF/TS option within the region results in significant reductions in miles traveled by commercial waste collection trucks. As indicated in Table 4-4, the two MRF/TS facilities that currently serve the area are the Grand Central TS and the Industry MRF/TS, both of which are located within the City of Industry. While it cannot be known whether a market is currently sending their waste to the Grand Central TS or the Industry MRF/TS, reductions were calculated for each, and the lowest reduction reported in the “Lowest Trip Reduction” column.”

It is unclear what the comment is referring to in questioning whether the 2020 RDEIR’s analysis “also assume[d] a projected future baseline which considered the life of the Project...” As is clear on page 4-20 of the 2020 RDEIR, “The Proposed Project is anticipated to operate at a maximum processing capacity of 6,000 tons of waste material per day...” The maximum processing capacity was considered in the analysis. (See, e.g., pp. 2-6, 4-20, 4-24 [Table 4-7].)

Comment WM-4:

The 2020 RDEIR states that the City completed “a quantitative regional efficiencies analysis” using the EMFAC model (RDEIR, pp. 4-10 through 4-11), but there is no citation to this analysis and it is not provided as an appendix to the RDEIR for public review and comment. An environmental setting discussion is adequate only when sufficient relevant information is included in an appendix to the EIR or in other documents that the EIR incorporates by reference, and the information is made readily available to the public. (See Sierra Club v. City of Orange (2008) 163 Cal.App.4th 523, 539–540; see also San Joaquin Raptor Rescue Center v. County of Merced (2007) 149 Cal.App.4th 645, 659 [EIR for the expansion of an aggregate mining operation failed to adequately describe the existing environmental setting by including only “generalized” statements about existing conditions which degraded the usefulness of the EIR and contributed to its inadequacy as an informational document].) The 2020 RDEIR omits this information.

Response to Comment WM-4:

The quantitative regional efficiencies analysis is contained within the text of Chapter 4.0 of the 2020 RDEIR. This analysis is quantitative in that it provides a good faith quantification of actual vehicle miles that would be reduced as a result of the Proposed Project, and then applies the applicable EMFAC emissions factors to the number of vehicle miles reduced by each vehicle type. The estimates and projected operational efficiencies were provided by Athens operational staff (with detailed knowledge of Athens existing collection truck operations) that are planning how to use the Irwindale MRF/TS to maximize collection and transfer truck efficiencies. This provides a good faith quantification of greenhouse gas emissions attributable to the Proposed Project. This quantification is then compared against a numeric greenhouse gas emissions threshold of significance – net zero. No additional information is required, and no information underlying the

quantitative regional efficiencies analysis is omitted from the RDEIR. EMFAC modeling done as part of the 2017 Addendum No. 1 was used to calculate the emissions of other aspects of the Proposed Project, including the employee trips, construction trips, and source/area emissions generated by the Project. These modeled results were not changed in the 2020 RDEIR. Technical appendices to the 2017 Addendum No. 1 are attached to that document, which remains part of the administrative record for the Proposed Project. The 2017 Addendum No. 1 and the appendices thereto are available on the City's website.

Comment WM-5:

If the RDEIR attempts to rely on the old EMFAC model in the 2014 RDEIR, please explain how, exactly, the modeling conducted in 2014 reflects the baseline existing conditions and supports the assumptions in the 2020 RDEIR assumptions (i.e. no new truck trips). For example, how many then existing collection and transfer truck trips were identified for each market area and route? What evidence in the EMFAC and GHG modeling supports the assumption that there will be fewer trips and GHG emissions?

Response to Comment WM-5:

Neither the 2020 RDEIR, nor the 2014 RDEIR, rely upon EMFAC modeling to determine the number of truck trips associated with the Proposed Project. The number of truck trips associated with the Proposed Project is based upon the maximum processing capacity of the Proposed Project (6,000 tons), the fact that approximately 80 percent of the waste hauled to the Proposed Project will be hauled and dumped by commercial waste collection trucks (4,800 tons), the average maximum capacity of waste collection trucks (10 tons), and the reasonable estimate that commercial waste collections trucks carry approximately 9 tons of waste when delivering materials at the Proposed Project. The analysis assumes the other 20 percent of waste hauled to the Proposed Project will be received from self-haulers. (2020 RDEIR, p. 4-20.) These facts lead to a determination that 533 commercial waste haul trucks will visit the Proposed Project per day at maximum capacity. As discussed on pages 4-9 through 4-11 of the 2020 RDEIR, the Proposed Project does not generate new sources of solid waste, and thus the Proposed Project would not generate new truck trips to transport solid waste. Thus, EMFAC modeling is irrelevant to the question of how many trucks will visit the Proposed Project, and whether those truck trips are new or rerouted existing trips.

As explained on page 4-14 of the 2020 RDEIR, an average total trip reduction was calculated based on the location of current Athens Services markets and routes, and the amount of waste currently collected by Athens from each of these markets.

As explained on page 4-18 of the 2020 RDEIR, instead of trying to identify the number of trucks traveling every single route in the market areas that will be served by the Proposed Project, a weighted average miles reduction was calculated for both Athens truck trips and non-Athens truck trips. This approach accounts for the fact that some markets are smaller and require fewer waste

collection trips, and therefore their miles reduction per trip is not as significant as the miles reduction per trip from larger markets requiring more waste collection trips. See Table 4-3 and Table 4-5 of the 2020 RDEIR which calculate these weighted averages.

As described on page 4-20 of the RDEIR, EMFAC was then used to determine the GHG emissions reduction associated with the trip length reductions for waste collection and self-haul truck trips. As described on page 4-23 of the RDEIR, a similar analysis was then completed for transfer truck trips.

The above described reasoning provides evidence supporting the 2020 RDEIR's conclusion that no new waste hauling truck trips will occur as a result of the Proposed Project, and the net total greenhouse gas emissions associated with the Proposed Project will be less than zero, the chosen significance threshold. See pages 4-23 and 4-24 of the 2020 RDEIR.

Comment WM-6:

It is also perplexing how the City can reconcile this (no new truck trip) assumption with the prior admission by Athens that the Project would generate approximately 2,456 collection and transfer truck trips per day, of which approximately 1/3 would be new. (See 2014 RDEIR, p. 3.3-35.) What changed and why didn't the City take this approach in the original Draft EIR?

Response to Comment WM-6:

Neither the 2014 RDEIR, nor any other prior environmental review document prepared for the Proposed Project, included a project applicant "admission" that the Proposed Project would generate new sources of waste or that all or a substantial portion of the truck trips hauling waste to or from the Proposed Project would not exist if the Proposed Project did not move forward. Instead, the prior CEQA documents acknowledged that the Proposed Project would reroute trips, but nonetheless applied a methodology requested by the air district that treated all trips as "new" trips producing a "severe worst case" assessment. Further, as described on page 1-1 of the 2020 RDEIR, the 2020 RDEIR supplements, and in some limited instances replaces, information previously presented in the Proposed Project's CEQA documents. State CEQA Guidelines, section 15088.5, unambiguously directs lead agencies to prepare a recirculated environmental document when new information needs to be presented to the public for review and comment. New information can include information that updates, revises, changes, or clarifies the information contained in prior CEQA documents. That is the express purpose of recirculated environmental documents.

Here, the prior CEQA documents acknowledged that the Proposed Project would reroute trips, but nonetheless applied a methodology that treated all trips as "new" trips. The prior CEQA documents also differentiated between Athens-controlled trips (i.e., trucks that would be rerouted to the Proposed Project by Athens) and non-Athens-controlled trips (i.e., trucks utilizing the Proposed Project but that were controlled by commercial haulers other than Athens or that were self-haul

trips). Non-Athens controlled trips and self-haul trips were assumed to together comprise approximately one third of trips utilizing the Proposed Project. However, as explained in Chapter 4.0 of the 2020 RDEIR, even non-Athens controlled trips and self-haul trips will not be “new” or generated by the Proposed Project; vehicle miles saved from these trips can be quantified just as vehicle miles saved from Athens trips can be quantified. There is no prohibition against applying a new or different methodology within a recirculated environmental document. Factual evidence supports the application of a new methodology, and this evidence is laid out on pages 4-10 through 4-12 of the 2020 RDEIR.

Comment WM-7:

The 2020 RDEIR also fails to identify the types of transfer trucks that will be used to haul material from the MRF/TS for disposal. Although the 2020 RDEIR states that Athens’ collection fleet is 86% CNG fueled and will be 100% in the future, it omits the makeup of the transfer trucks operated by third-party haulers. (2020 RDEIR at p. 3-3.) Will all transfer trucks frequenting the site be operated by Athens? If not, how does the City propose to ensure that CNG transfer trucks will be used by third-party haulers as assumed?

Response to Comment WM-7:

All materials to be hauled from the site to recycling, composting or disposal facilities will be served entirely by Athens’ transfer truck fleet, which is currently on schedule to be 100 percent CNG-fueled at the opening of the Proposed Project.

Comment WM-8:

In relying on “regional efficiencies” to reach net zero GHG emissions, the 2020 RDEIR also assumes reductions in mileage from various markets in the region to the Project site. (2020 RDEIR, pp. 4-13 to 4-23.) The 2014 RDEIR similarly disclosed regional efficiencies based on distance from markets to the Project. (2014 RDEIR, p. 3.3- 37 [Table 3.3-11].) Notably, however, the distances disclosed in the 2020 RDEIR are less than those reported in the 2014 RDEIR for the same market—resulting in the market to mileage reductions being overstated and inconsistent.

For example, the distance between Azusa to the Project site was previously reported as 6.7 miles in 2014, but in the 2020 RDEIR is reported as 3.4 miles. (2014 RDEIR, p. 3.3-37 [Table 3.3-11; cf. 2020 RDEIR, p. 4-16 [Table 4-1].) This is also true for the Irwindale market. (Ibid.) The 2020 RDEIR provides no explanation for this discrepancy.

Response to Comment WM-8:

Chapter 4.0 of the 2020 RDEIR “supersedes those portions of the 2014 RDEIR and 2017 Addendum No. 1 that (1) calculated the amount of mobile GHG emissions attributable to waste hauling activities; (2) applied a 10,000 metric ton of CO₂-equivalent per year (“MTCO₂e”) quantitative significance threshold to the Project’s greenhouse gas emissions; and (3) described,

incorporated, and applied Mitigation Measure AQ-22.” (See 2020 RDEIR, p. 4-1.) In applying a new methodology to the greenhouse gas emissions analysis, the 2020 RDEIR reevaluated, updated, and corrected some earlier assumptions made in the prior greenhouse gas analysis. This included correcting some of the distances between various markets, MRF/TS facilities, and destination points. The distances reported in the 2020 RDEIR include minor corrections and supersede those provided in the 2014 RDEIR.

Comment WM-9:

The 2020 RDEIR also fails to account for mileage associated with waste collected from Baldwin Park. (Ibid.)

Response to Comment WM-9:

Given that both the City of Baldwin Park, and its current franchised waste hauler, Waste Management, have opposed, objected to, and litigated the Proposed Project’s approval, it was determined that the likelihood of Baldwin Park or Waste Management choosing to send its waste collection trucks to the Proposed Project in the future was very low. Therefore, the 2020 RDEIR did not take credit for any greenhouse gas reductions benefits that would be associated with rerouting waste collection trucks from Baldwin Park to the Proposed Project. Of course, given that Baldwin Park is located adjacent to the Proposed Project, if Baldwin Park and its waste hauler were to reroute collection truck trips to the Proposed Project, additional greenhouse gas reduction benefits, beyond those disclosed in the 2020 RDEIR, would occur. In that case, the net total emissions associated with the Proposed Project would be even lower than reported.

Comment WM-10:

Moreover, as noted above, nothing in the 2020 RDEIR supports the assumption that the baseline conditions, i.e., Athens existing collection of waste throughout the various markets will continue for the life of the Project. (2020 RDEIR, pp. 4-16 to 4-19.) The analysis relies on the Project’s proximity to the Vincent Truck Yard, where Athens currently stations its truck fleet. (2020 RDEIR, pp. 4-15 to 4-16, 4-17 [Table 4-2].) This is misleading as there is nothing to support that Athens’ existing franchise agreements with markets in the region will continue as they exist today. As the 2020 RDEIR acknowledges, after construction of the Project, and as existing franchise agreements expire, markets may choose to contract with other commercial haulers (2020 RDEIR, p. 4-19)—in which case, the reduction in vehicle miles may be reduced depending on which commercial hauler is selected and GHG emissions would increase accordingly.

Response to Comment WM-10:

As stated on page 4-9 of the 2020 RDEIR, “Recognizing that the Project would only redistribute solid waste haul and transfer trips more efficiently within the region is a reasonable expectation of a MRF/TS facility in a highly urbanized area.” Common sense dictates that if Athens enters into new franchise agreements in the future, Athens will direct those waste collection truck trips to its

nearest MRF/TS facility, and will not route those trips to the Proposed Project if doing so is inefficient. The same assumption applies to other commercial waste haulers, and self-haulers. As explained on page 4-19 of the 2020 RDEIR, “While it is too speculative to identify the exact markets and tonnage that may be directed to the Proposed Project in the future, Table 4-4 illustrates that for local markets that may currently utilize one of two other MRF/TS facilities in the region, providing an additional MRF/TS option within the region results in significant reductions in miles traveled by commercial waste collection trucks.”

Comment WM-11:

This Project has been plagued with peculiarities including an unusually bifurcated, and oftentimes, confusing administrative review and entitlement process. We remain concerned that the City continues to play a shell game rather than fully disclosing the true magnitude of the Project’s GHG impacts. We implore the City to revise the 2020 RDEIR to reflect the good-faith effort at full disclosure mandated by CEQA and to give the public an opportunity to review the alleged substantial evidence the 2020 RDEIR relies on when reaching a less-than-significant GHG impact conclusion.

Response to Comment WM-11:

No portion of the 2020 RDEIR has been drafted to intentionally confuse or hide any potentially significant impact of the Proposed Project. The 2020 RDEIR represents the City of Irwindale’s best good-faith effort to address each of the narrow issues identified in the 2019 Ruling, in as clear and transparent a way as possible. The evidence supporting the greenhouse gas analysis is set forth in Chapter 4.0 of the 2020 RDEIR.

This evidence includes, but is not limited to, the fact that the Proposed Project does not generate any new sources of waste and that waste collection truck trips in the region will be the same in number – now and in the future - with or without the Proposed Project. Regionally, the outgoing material trips will also be the same in number, but because of improved technology that will lead to higher materials recovery and recycling rates, less of the outgoing materials will be sent to landfills. The MRF/TS will be one element for implementing the statewide goal to reduce residual materials sent to landfills. See also Response to Comment WM-3.

Comment WM-12:

Thank you in advance for your consideration of our comments. Please provide me with a copy of all public notices issued in relation to the Project, including the notice of the Final RDEIR’s availability and the proposed re-approval of the Project by the City.

Response to Comment WM-12:

Comment noted.

Chapter 8.0 Revisions to the 2020 Recirculated Draft EIR

Introduction

In the preparation of the Responses to Comments received on the 2020 Recirculated Draft EIR (2020 RDEIR), some modifications have been made to the RDEIR, as reflected in this section of the Final EIR. New text is shown underlined and deleted text is shown as ~~strikeout~~. The revisions are incorporated in the 2020 Final EIR (Chapters 2 through 6 as shown below) without underlined and ~~strikeout~~ markings.

Chapter 2 Page 2-2 (second paragraph, last sentence) of the 2020 RDEIR is revised as follows:

“The entirety of the administrative record, with the exception of those portions of the ~~record~~ prior CEQA documents invalidated by the Court, provides the evidence and support upon which the City may rely in considering this 2020 Recirculated DEIR, re-certification of the Final EIR, and its decision whether to re-approve the Proposed Project.”

Chapter 3 Page 3-1 (first paragraph, last sentence) of the 2020 RDEIR is revised as follows:

“This discussion is also intended to remedy conflicting statements in the previous administrative record regarding fueling operations for the vehicles using the MRF/TS and distinguish those operations from the fueling of vehicles that would occur at the convenience store public gas station located on the project site and part of the Proposed Project.”

Chapter 3 Page 3-6 (fourth paragraph, second sentence) of the 2020 RDEIR is revised as follows:

“The convenience store public gas station will only dispense gasoline and diesel fuel and the site layout precludes direct access and is not designed to serve diesel fueled tractor-trailer sized vehicles.”

Chapter 5 Page 5-9 (last paragraph) of the 2020 RDEIR is revised as follows:

“Less Than Significant Impact

Pursuant to the 2014 RDEIR and its Traffic Impact Analysis, the Proposed Project is anticipated to generate 345 new employee trips and ~~741~~ 751 new convenience store/public gas station trips.”

Chapter 5 Page 5-10 (footnote 57, second sentence) of the 2020 RDEIR is revised as follows:

“The court found that the City could not determine how much less transportation energy is needed and could not conclude that an environmental impact is something less than some previously unknown amount.”

Chapter 5 Page 5-11 (second paragraph, third sentence) of the 2020 RDEIR is revised as follows:

“The Proposed Project also includes 345 employee round trips, 249 self-haul round trips, and ~~741~~ 751 convenience store/service station round trips.”

Chapter 5 Page 5-13 (second paragraph, second sentence) of the 2020 RDEIR is revised as follows:

“With respect to operational transportation-related fuel usage, the Proposed Project would support statewide efforts to improve transportation energy efficiency because the Proposed Project would offer a facility that would, provide a new, MRF/TS located in closer proximity to many potential market communities (i.e., waste generation) and result in lower energy consumption ~~consumption~~ from the regional efficiencies of adding the new MRF/TS.”

Chapter 6 Page 6-1 (first paragraph, last sentence) of the 2020 RDEIR is revised as follows:

“However, the California Supreme Court concluded that the Friant Ranch Project EIR itself must explain, in a manner reasonably calculated to inform the public, the scope of what is and is not yet known about the effect of the Project’s significant and unavoidable air quality impacts on human health, or explain why such an analysis is infeasible.”

Chapter 6 Page 6-12 (last paragraph, second sentence) of the 2020 RDEIR is revised as follows:

“Even if it were a valid ozone change calculation, the correlation to health impacts from the change would be ~~more~~ impossible to determine.”

Chapter 6 Page 6-14 (second sentence below the heading “6.7 Conclusions”) of the 2020 RDEIR is revised as follows:

“However, this does not determine the concentration of ozone that will ~~be~~ occur at or near the Project Site or within the region on a particular day or month of the year, or the specific health impacts that may occur as a result of that concentration.”

Chapter 6 Page 6-15 (second paragraph, first sentence) of the 2020 RDEIR is revised as follows:

“On a regional scale, it is not ~~be~~ possible to accurately model the impact on NAAQS attainment that emissions from the MRF/TS may have.”

Chapter 9.0 List of Preparers of this 2020 Final EIR

The list below identifies personnel who contributed to preparation of this 2020 Final EIR.

Lead Agency

City of Irwindale

- Marilyn Simpson, AICP, Community Development Manager and City Planner
- Adrian Guerra, City Attorney

Consultants

Harvey Consulting Group, Environmental Consultants

- Jeff Harvey, Ph.D., Principal & Senior Scientist
- Jennifer Reed, Production Specialist

RCH Group

- Paul Miller, M.S., Managing Principal & Senior Scientist
- Michael Ratte, Senior Air Quality Specialist
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Appendix 1 Comment Letters

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Making Conservation
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RE: Irwindale Materials Recovery
Facility and Transfer Station
Project – Recirculated Draft
Environmental Impact Report
(DEIR)
SCH # 2013051029
GTS # 07-LA-2020-03297
Vic. LA-605/PM: 23.631

Dear Marilyn Simpson:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-mentioned project's Recirculated Draft Environmental Impact Report (DEIR). The proposed Irwindale Materials Recovery Facility and Transfer Station ("MRF/TS") Project includes development of a municipal solid waste collection facility, in which materials are sorted for recovery of recyclable and compostable materials, and then transported to either shipping facilities (for recyclables), composting facilities, and landfills (for residual wastes). The MRF/TS includes associated administrative offices, and a convenience store/public gas station within the City of Irwindale. This 2020 Recirculated Draft EIR presents analyses of fueling operations, transportation energy use, greenhouse gas emissions and health effects of criteria air emissions.

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Under Senate Bill 743 (2013), CEQA review of transportation impacts of a proposed development are adapting to eliminate consideration of delay-and capacity-based metrics such as level of service (LOS) and are instead focusing analysis on another metric of impact, "Vehicle Miles Traveled (VMT)". Effective July 1st, 2020, Caltrans is replacing LOS with VMT when evaluating traffic impacts.

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For any future project, like the proposed Final EIR, we encourage the Lead Agency to adopt or develop a verifiable performance-based Vehicle Miles Travelled (VMT) criteria as required by SB 743.

After reviewing the project's Recirculated DEIR Caltrans has the following comments:

- Due to the nature and scale of the project a potentially significant impact may occur to the transportation/circulation system. In the future Final EIR please consider including a Construction Traffic Management Plan and Truck Haul Route Program for Caltrans review.

3

- Please consider scheduling the construction working hours during off peak hours to the maximum extent possible. This may minimize congestion and provide higher levels of safety to the pedestrians and vehicular traffic on the streets and freeway.
- Please consider including a VMT analysis that looks at potential safety concerns to Caltrans facilities as part of proposed DEIR.
- If the project develops VMT analysis please consider utilizing the latest version of the Technical Advisory and Guidelines on Evaluating Transportation Impacts in CEQA by the Governor's Office of Planning and Research, and the latest version of Caltrans' Transportation Impact Study Guide.

4

Further information included for your consideration:

Caltrans seeks to promote safe, accessible multimodal transportation. Methods to reduce pedestrian and bicyclist exposure to vehicles improves safety by lessening the time that the user is in the likely path of a motor vehicle. Caltrans recommends the project consider the use of methods such as, but not limited to, the construction of physically separated facilities such as sidewalks, raised medians, refuge islands, and off-road paths and trails, or a reduction in crossing distances through roadway narrowing.

Additionally, pedestrian and bicyclist warning signage, flashing beacons, crosswalks, signage and striping can be used to indicate to motorists that they should expect to see and yield to pedestrians and bicyclists. Visual indication from signage can be reinforced by road design features such as lane widths, landscaping, street furniture, and other design elements.

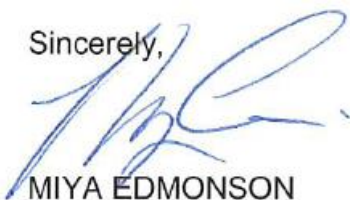
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Also, storm water run-off is a sensitive issue for Los Angeles County. Please be mindful that projects should be designed to discharge clean run-off water. Discharge of storm water run-off is not permitted onto State Highway facilities without a storm water management plan.

As a reminder, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods

If you have any questions regarding these comments, please contact project coordinator Reece Allen, at reece.allen@dot.ca.gov and refer to GTS# 07-LA-2020-03297

Sincerely,



MIYA EDMONSON

IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse



July 30, 2020

Ms. Marilyn Simpson, AICP
Community Development Manager/City Planner
City of Irwindale
5050 N. Irwindale Avenue
Irwindale, CA 91076

Subject: Request for Review and Comment Letter for SCH No. 2013051029 – 2020
Recirculated Draft Environmental Impact Report, Irwindale Materials
Recovery Facility and Transfer Station Project, Facility No. 19-AA-1135 – Los
Angeles County

Dear Ms. Simpson:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments on the proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

PROJECT DESCRIPTION

The City of Irwindale, acting as Lead Agency, has prepared and requesting for review and comment on the 2020 Recirculated Draft Environmental Impact Report (EIR; Proposed Project) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

The Proposed Project site is addressed as 2200 Arrow Highway, Irwindale, CA, 91706, and is located at the northwestern intersection of Live Oak Avenue and Arrow Highway, within the City of Irwindale, in eastern Los Angeles County, California. The Proposed Project site is 17.22 acres and currently zoned for Heavy Manufacturing and is designated for commercial land use in the City's General Plan. The Assessor's Parcel Number for the property is 8535-001-911. The City of Irwindale encompasses approximately 9.5 square miles within the San Gabriel Valley in eastern Los Angeles County and is located approximately 20 miles east of downtown Los Angeles. The City shares boundaries with seven neighboring municipalities, including Duarte (to the north and east), Azusa (to the north and east), West Covina (to the southeast), Baldwin Park (to the south), Monrovia (to the southwest and northwest), El Monte (to the southwest), and Arcadia (to the west). The site is located in an existing industrial area, with various commercial/industrial and recreational land uses in the immediate vicinity. Existing land uses adjacent to the site include a mixture of commercial and industrial to the west, east, and south, recreation/open space to the north, and residential to the south beyond

the commercial/industrial districts in the City of Baldwin Park, bordering the south side of Live Oak Avenue.

The Project Site is bordered on the south by Live Oak Avenue, on the east by the Santa Fe Dam and property owned by the U.S. Army Corps of Engineers, on the northeast by Arrow Highway, and on the west and northwest by an existing business/industrial parking lot. The site is crossed by a City of Los Angeles Department of Water and Power electricity transmission easement along the south side, which covers approximately 2.84 acres of the project site. In addition, Southern California Edison holds a 23-foot-wide, underground utility easement along the entire length of the site frontage on Arrow Highway.

The Proposed Project includes the construction of a municipal solid waste processing facility [a Material Recovery Facility and Transfer Station (MRF/TS)] designed to sort and recover recyclable and compostable materials, and bundle those for transport to respective destinations. The remaining residual wastes are transported to a regional landfill for disposal. The MRF/TS also includes a convenience store/public gas station. The convenience store/public gas station will have eight vehicle fueling positions (gasoline and diesel). No Compressed Natural Gas (CNG) fueling facilities are proposed within the project site. Athens waste collection and transfer trucks would not fuel at the public gas station.

The MRF/TS facility would be designed to receive, process and transfer 6,000 tons per day (tpd), based upon estimated averages of 3,000 tpd of municipal solid waste, 1,000 tpd of green waste, 1,000 tpd of construction and demolition materials, and 1,000 tpd of self-haul waste.

The MRF/TS is proposed to be open for waste receipt 24 hours per day, seven days per week with the majority of waste receipt typically occurring between the hours of 6:00 AM to 8:00 PM from Monday through Friday, 6:00 AM to 4:00 PM on Saturday, and from 8:00 AM to 4:00 PM on Sunday. The Proposed Project would add approximately 345 employees to the local and regional workforce.

COMMENTS

CalRecycle staff's comments on the Proposed Project are listed below. Where a specific location in the document is noted for the comment, please ensure the comment is addressed throughout all sections of the 2020 Recirculated Draft EIR, in addition to the specific location noted. Comments on the 2020 Recirculated Draft EIR are summarized below:

Page 5-11, Chapter 5 – Second paragraph states that the Proposed Project includes 741 convenience store/service station round trips, which is inconsistent with the 2016 Final EIR and the 2014 Recirculated Draft EIR, which states: "An additional 751 daily

trips would be associated with the convenience store/service station.” Please clarify which number is the accurate one for convenience store/service station traffic volume.

Solid Waste Regulatory Oversight

The Los Angeles County Department of Public Health is the Local Enforcement Agency (LEA) for Los Angeles County and responsible for providing regulatory oversight of solid waste handling activities, including inspections and permitting. Please contact Dorcas Hanson-Lugo of the LEA at 626.430.5540 to discuss the regulatory requirements for the Proposed Project.

CONCLUSION

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the 2020 Recirculated Draft EIR and hopes that this comment letter will be useful to the Lead Agency preparing the Final EIR and in carrying out their responsibilities in the CEQA process.

CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this proposed project.

If the environmental document is adopted during a public hearing, CalRecycle staff requests 10 days advance notice of this hearing. If the document is adopted without a public hearing, CalRecycle staff requests 10 days advance notification of the date of the adoption and proposed project approval by the decision making body.

If you have any questions regarding these comments, please contact me at 916.323.1799 or by e-mail at nai.teurn@calrecycle.ca.gov.

Sincerely,



Nai Teurn, Environmental Scientist
Permitting & Assistance Branch – South Unit
Waste Permitting, Compliance & Mitigation Division
CalRecycle

cc: Benjamin Escotto, Supervisor
Permitting & Assistance Branch – South Unit

Dorcas Hanson-Lugo, Chief
Los Angeles County Department of Public Health, LEA



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August 5, 2020

Ms. Marilyn Simpson, AICP
Community Development Manager/City Planner
City of Irwindale
5050 N. Irwindale Avenue
Irwindale, CA 91076

Dear Ms. Simpson:

SUBJECT: Request for Review and Comment Letter for SCH No. 2013051029 – 2020 Recirculated Draft Environmental Impact Report, Irwindale Materials Recovery Facility and Transfer Station Project, Facility No. 19-AA-1135 – Los Angeles County

The Los Angeles County Department of Public Health, Solid Waste Management Program, acting as Local Enforcement Agency (LEA), appreciates the opportunity to review and provide comments on the 2020 RDEIR for Irwindale Material Recovery Facility and Transfer Station (MRF/TS). The following is a description of the project as described in the RDEIR.

Athens Services is proposing the construction and operation of a fully enclosed MRF/TS along with a Fueling Facility and Convenience Store in the City of Irwindale. The project site is addressed as 2200 Arrow Highway, and it is located at the northwestern intersection of Live Oak Avenue and Arrow Highway. The Assessor's Parcel Number for the property is 8535-001-911. The site is approximately 17.22 acres and is currently zoned for heavy manufacturing and is designated for commercial land use in the City's General Plan. The MRF/TS is proposed to be open 24 hours per day, seven days a week with three full-time working shifts. The Proposed Project would add approximately 345 employees to the local and regional workforce.

The proposed MRF/TS would receive, process and transfer mixed municipal solid waste, green waste, construction and demolition materials, and waste hauled in by self-haulers. The proposed project would have a maximum throughput of up to 6,000 tons per day (tpd) based upon estimated averages of 3,000 tpd of municipal solid waste, 1,000 tpd of green waste, 1,000 tpd of construction & demolition materials and 1,000 tpd of self-haul waste. According to the traffic impact analysis report, the project is anticipated to generate a net total of approximately 8,333 passenger car equivalents (PCE) trip-ends per day, with 664 am peak hour trips and 664 pm peak hour trips.

Comments: The LEA has already provided comments to previous CEQA for this project; at this time, the LEA does not have any comments for the 2020 recirculated Draft EIR.

Conclusion: The LEA requests copies of any subsequent and/or related environmental documents, Notices of Determination, etc., for the proposed project. In addition, the LEA requests notification of any public hearings pertaining to the project at least ten days in advance. Documents/notices may be mailed to the Solid Waste Management Program address shown above, or emailed dlugo@ph.lacountv.gov. In addition, a Solid Waste Facility Permit (SWFP) issued by the LEA and concurred with by The State of California Department of Resources Recycling and Recovery (CalRecycle) must be obtained for the proposed new operation

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Should you have any questions, please contact me at (626) 430-5540.

Sincerely,



Daniel Dela Cruz, PEHS
LA County Public Health- Environmental Health
Solid Waste Management Program / LEA

Cc (electronic copy): Nai Teurn (via LEA Final Web Portal)



August 5, 2020

Attention: Ms. Marilyn Simpson

City of Irwindale Community Development Department
5050 N. Irwindale Avenue
Irwindale, CA 91706

Email: msimpson@irwindaleca.gov

Dear Ms. Simpson,

Reference: Irwindale MRF/TS Recirculated DEIR

The City of Azusa appreciates the opportunity to comment on the June 2020 Recirculated Draft EIR (RDEIR) for the City of Irwindale Materials Recovery Facility/Transfer Station (MRF/TS or the Project). As provided in the RDEIR, the MRF/TS is the proposed Project, and the RDEIR was prepared pursuant to the California Environmental Quality Act (CEQA). The RDEIR was prepared to specifically reevaluate potential impacts to the following topics:

- 1) Fueling Operations
- 2) Greenhouse Gas Emissions
- 3) Transportation Energy Impacts
- 4) Project-specific Health Risks from Emissions of ROG, NOx and Ozone

As such, the focus of Azusa's comments is on the adequacy of the analyses for these specific impact areas, in relation to their conformance with the State CEQA Guidelines. The following comments are organized and provided based on these main impact topics.

1) FUELING OPERATIONS

The following are comments specific to Chapter 3, Fueling Operations outlined in the RDEIR, dated June 2020. The following comments are identified for each section or subsection of the chapter.

Section 3.3 Convenience Store Public Gas Station

1. This section provides details as to what type of vehicles will utilize the gas station. It may be worth referencing Table 6.1 or the 2014 RDEIR Table 3.3-15 that references the emission estimates. Also, discuss briefly or reference where information can be found (Chapter 3.3 of the 2014 document).

Section 3.4 Impact Assessment

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1. This section discusses the potential impact from fueling operations regarding fleet trucks etc. It also references the locations they will be refueling which require their own permit regardless of the proposed project. This section is missing a key discussion as to whether the proposed gas station requires its own permit. There is reference to that type of permitting in the 2014 RDEIR. Consider adding a discussion regarding the need or lack thereof of permitting the gas station.
2. Section 3.4.3 - This section should validate that the 2011 average throughput values remain representative for 2020 and beyond. Confirm that the database of stations hasn't been updated after the 2014 RDEIR. Consider adjusting these values as appropriate. If the assumption that the public gas station dispenses 0.34 million gallons of diesel per year is no longer representative, the Diesel HRA may require updating if not conservative enough.

2) **GREENHOUSE GAS EMISSIONS**

The following are comments specific to Chapter 4, Greenhouse Gas Emissions, outlined in the RDEIR. The following comments are identified for each section or subsection of the chapter.

Section 4.1 Introduction

1. It appears that the 2014 RDEIR is referenced throughout. It is understood that the 2020 RDEIR should be a standalone report. Therefore, rather than referencing Section 3.3 of the previous document, which does not adhere to a standalone study, this comment letter will focus on the 2020 RDEIR only. If the current RDEIR is not required to be a standalone document, please disregard this general comment.

Section 4.2 Selection of a Quantitative GHG Significance Threshold

1. The document revisits the 2014 RDEIR application of the South Coast Air Quality Management District (SCAQMD) 10,000 MTCO_{2e}/year threshold. Justification is given for applying the 10,000 MTCO_{2e}/year to the Project based on correspondence with the SCAQMD and examples of the California Air Resources Board (CARB) supporting the threshold in other CEQA projects. Following this discussion, the document states whether or not it should proceed with the 10,000 MTCO_{2e}/year threshold or "whether a more stringent quantitative threshold for the GHG impact analysis" should be used for the Project.

Section 4.2.3 states that a zero threshold would be used to assess the significance of the Project's GHG emissions, which contradicts the justification given for the above stated 10,000 MTCO_{2e} threshold. Inclusion and justification of two thresholds lacks clarity and understanding in which threshold the RDEIR is relying upon.

2. It should be noted that although a Project's GHG emissions should be quantified, a quantitative threshold is not required to evaluate significant impacts of GHGs.
3. Overall, the GHG analysis is thorough with explanations for its reductions in VMT and the associated GHG emissions. The analysis evaluated the significance of its GHG impacts using a net zero threshold. The document justified the use of a net zero-threshold based on its use in other CEQA projects and provided names of the projects. Although the document provides supporting information for the use of a net zero threshold, the use of a net zero threshold for CEQA projects is uncommon and may invite further debate on its validity. The Court directed the City to reconsider using the 10,000 MTCO_{2e}/year threshold as an appropriate quantitative threshold for the Project; this did not indicate the Project must use a quantitative GHG threshold

to evaluate the significance of GHG impacts. As stated above, a quantitative GHG threshold is not required to evaluate a project's GHG impacts. Furthermore, Section 15064.4(a)(2) of the State CEQA Guidelines explicitly state that a lead agency has the discretion to “*rely on a qualitative analysis or performance based standards*” for evaluating significance of greenhouse gas emissions.

CEQA projects under jurisdictions such as the SCAQMD, which do not have quantitative GHG thresholds for land development projects, have used qualitative approaches. A widely accepted qualitative approach is a consistency analysis, and this is supported by language in Section 15064.4(b)(3) of the CEQA Guidelines. This approach evaluates a project's consistency with applicable state, regional, and local goals and policies for addressing climate change and reducing GHG emissions. Based on review of the GHG analysis, the Project would be better suited to conduct a consistency analysis. It is recommended that the Project's GHG impacts be evaluated using a consistency analysis rather than using a net zero threshold for the following reasons:

- Consistency analysis is a widely used approach for CEQA projects in the absence of quantitative GHG thresholds;
- The use of a net zero threshold is fairly uncommon and its validity may be critiqued and/or challenged;
- The use of a net zero threshold may have unintended consequences, such as requiring the Project to implement additional measures to ensure the Project remains net zero throughout its lifetime, potentially resulting in a loss of flexibility for Project operations and additional costs for implementing the measures.

Section 4.4 Impact Analysis

1. This section thoroughly explains how the reductions in trips and trip lengths were derived. Although the section establishes a net zero threshold will be used, the following Appendix G checklist questions for GHGs are not addressed¹:
 - a) Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
 - b) Would the Project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The RDEIR will need to include an analysis of the Project's impacts under these two thresholds of significance.

3) TRANSPORTATION ENERGY IMPACTS

The following are comments specific to Chapter 5, Transportation Energy Use, outlined in the RDEIR, dated June 2020. The following comments are identified for each section or subsection of the chapter.

Section 5.4 Impact Assessment

¹ Association of Environmental Professional, 2020 California Environmental Quality Act, Statute and Guidelines. Available at: https://www.califaep.org/docs/2020_ceqa_book.pdf

1. Although the document is specifically addressing energy impacts for transportation energy resources, the appropriate Appendix G checklist questions for energy should be addressed as stated below²:
 - a) Would the Project result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
 - b) Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
2. Although the document explains that the Project would result in reduced annual vehicle miles traveled, it is unclear how the Project would result in reductions of VMT and transportation fuel for waste trucks. A quantitative demonstration of the baseline energy consumption and the Project energy consumption is needed to explain these reductions.
3. It is recommended the document should also include a discussion of transportation fuels used during construction activities and include a table summarizing annual fuel consumption during construction.

4. PROJECT-SPECIFIC HEALTH RISKS FROM EMISSIONS OF ROG, NOX AND OZONE

The following are comments specific to Chapter 6, Project Specific Health Risks from Air Emissions, outlined in the RDEIR, dated June 2020. The following comments are identified for each section or subsection of the chapter.

Section 6.1 Introduction

1. It appears that the 2014 RDEIR is referenced throughout. It is understood that the 2020 RDEIR should be a standalone report. Therefore, rather than referencing Section 3.3 of the 2014 RDEIR, which does not adhere to a standalone study, this comment letter will focus on the 2020 RDEIR only. If the current RDEIR is not required to be a standalone document, please disregard this general comment.
2. A statement suggesting that the nitrogen oxide (NO_x) and reactive organic gases (ROG) emissions are too small to model is included. Consider including a follow up discussion explaining support for this conclusion. Potentially reference section 6.5 of the 2020 RDEIR for clarification.
3. The 2014 RDEIR discusses a 2013 toxics study commissioned by the City and in Appendix C, but project specific toxic emissions (or discussion) do not appear to be quantified in the 2020 version until Section 6.4.1. Considered a brief sentence or two here and reference section 6.4.1.

Section 6.2 Criteria Pollutant Emissions and Health Impacts

1. The document outlines what is required per the court decision and states that the project impacts are significant and unavoidable, but it does not provide rationale as to why. Discussion must be included to address the explanation behind why the project impacts are significant and unavoidable. Again, the 2014 RDEIR is referenced. Potentially discuss the mitigation measures MM AQ-12 through 18. Outlining the measures here would provide the reader a better understanding of why the emissions are unavoidable.

² Ibid.

Section 6.4 Health Impacts Evaluations in the 2014 RDEIR

1. Section 6.4.1 –Consider incorporating some or all of the 2014 RDEIR discussion.
2. Section 6.4.2 – It is unclear whether MMAQ12-18 will reduce NOx to less than significant or not. Either the document states that the NOx is unavoidable as is stated in the 2014 RDEIR, but here it suggests mitigation will reduce the NOx. Please provide rationale or clarification regarding primary NOx emissions and secondary NOx formation, if applicable. Also clarify whether NOx is unavoidable or can be mitigated to a less than significant level.

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Regards,



for

Matt Marquez
Director of Economic and Community Development Department

**CITY OF IRWINDALE
COMMUNITY DEVELOPMENT**

AUG 06 2020

August 5, 2020

RECEIVED

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VIA E-MAIL (MSIMPSON@IRWINDALECA.GOV)

Ms. Marilyn Simpson, AICP
Community Development Manager/City Planner
City of Irwindale
5050 Irwindale Avenue
Irwindale, CA 91706

RE: City of Baldwin Park's Comments on Irwindale Materials Recovery Facility and Transfer Station Project 2020 Recirculated Draft Environmental Impact Report (State Clearinghouse #2013051029)

Dear Ms. Simpson:

We respectfully submit this letter on the 2020 Recirculated Draft Environmental Impact Report (2020 RDEIR) for the City of Irwindale's proposed Materials Recovery Facility and Transfer Station Project (the Waste Project) on behalf of the City of Baldwin Park (Baldwin Park).

Due to the development's magnitude and location directly across the street from Baldwin Park businesses and residents, Baldwin Park residents are directly impacted by the Waste Project. Since 2009, when the initial draft environmental impact report was released, Baldwin Park has consistently raised its concerns with the Waste Project. Baldwin Park provided detailed comments on prior environmental analyses for the Waste Project, including the 2016 Final Environmental Impact Report (2016 FEIR), the 2014 Recirculated Draft Environmental Impact Report (2014 RDEIR), and the 2014 Draft Environmental Impact Report (2014 DEIR), along with the 2017 Addendum to the 2016 FEIR (2017 Addendum) and the various land use approvals adopted after the 2016 FEIR.

The majority of Baldwin Park's prior comments on the Waste Project's environmental analysis remained unaddressed when the City of Irwindale originally certified the 2016 FEIR, adopted the 2017 Addendum, and approved the Waste Project's entitlements. Therefore, Baldwin Park had no alternative but to seek judicial review of the Waste Project's compliance with the California Environmental Quality Act (CEQA). In October 2019, the Los Angeles Superior Court held that the City of Irwindale violated CEQA and ordered Irwindale to vacate its approvals for the Waste Project because the EIR was deficient in five (5) key ways:

- The project description and analysis was inadequate as to truck fueling operations;
- The EIR failed to analyze transportation energy impacts adequately;
- The EIR ignored health risks associated with the Waste Project's emissions of ROG, NOx, and ozone, or failed to explain why this analysis would be infeasible;
- The EIR inadequately analyzed greenhouse gas (GHG) emissions; and
- The EIR failed to properly assess the effectiveness of mitigation in reducing GHG emissions to a less than significant level.

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Los Angeles, CA 90067
main 310.500.4600

Our review of the 2020 RDEIR concludes that there are still deficiencies and missing analysis in each of these areas, in violation of the Court's decision and CEQA, which mandates full disclosure to the public and a thorough analysis of the Waste Project's environmental impacts. (Pub. Res. Code § 21000, et seq.)

In particular, we note that the 2020 RDEIR erroneously states that the Court's decision requires changes to only four elements of the environmental analysis for the Waste Project. (2020 RDEIR at 1-5.) That is not the case—the Court's decision found the 2016 FEIR's project description defective, and the analysis of the Waste Project's transportation energy, health risks, and GHG emissions impacts insufficient. Because the Court mandated updates to the project description, the City of Irwindale is required to analyze the environmental impacts stemming from the changes to the project description for all resource categories. The City of Irwindale failed to conduct this analysis, depriving the public and decision-makers of information.

Additional changes to the 2020 RDEIR's truck fueling analysis, GHG emissions analysis and mitigation, the transportation energy use analysis, and the analysis of project-specific health risks caused by pollutant emissions are also required. We ask the City of Irwindale to address our comments and fully update the impacts analysis and recirculate the entirety of the environmental document for complete public review. Without a full environmental analysis of the changes to the Waste Project, the EIR will again be deficient under CEQA and a decision to adopt the Waste Project cannot be supported by substantial evidence.

Importantly, these continuing deficiencies expose the residents of Baldwin Park and the greater Southern California region to unmitigated and potentially unknown adverse impacts of the Waste Project. Therefore, Baldwin Park must continue to strongly oppose the development of the Waste Project at the proposed location adjacent to the jurisdictional boundary between the two cities.

I. GENERAL COMMENTS ON THE 2020 RDEIR

A. Implementation of the Waste Project would detrimentally impact the health, safety, and quality of life of Baldwin Park residents and other residents living throughout the Southern California region.

Since its founding more than 100 years ago, Baldwin Park has grown into a culturally diverse community of over 75,000 residents and an employment base of over 18,000 jobs. The City spans 4,337 acres (approximately 6.77 square miles) with an additional 344 acres within its sphere of influence. Baldwin Park is uniquely situated sitting east of the San Gabriel River with almost 50 percent of the City footprint bordered by Irwindale to the north, west, and east. There are almost 17,000 households in Baldwin Park. Over 65 percent of the approximately 17,000 households have children under 18 years of age and another 20 percent of these households are home to persons over 65 years of age. To support this population, Baldwin Park has 25 schools serving kindergarten through 12th grade.

Baldwin Park has made a concerted planning effort over recent years to institute new programs to preserve the quality of life for its citizens including adopting the health and sustainability element of its General Plan, and the "Keep Baldwin Park Beautiful Program." All of these efforts would be undermined by the massive Waste Project development, located directly across the street from Baldwin Park.

The Waste Project would also further exacerbate the environmental impacts felt by residents in the Cities of Baldwin Park and Irwindale, as well as the greater Southern California region. As you may know, Baldwin Park and Irwindale's shared zip code is designated as one of the "highest pollution burdened areas with sensitive population characteristics in the State" due to factors including air quality, toxic releases from facilities, traffic density, solid waste sites, and population characteristics. The San Gabriel

Valley Air Basin, which encompasses the two cities and is the proposed location of the Waste Project is already one of the most polluted air basins in the country and is in “extreme” nonattainment for ozone. Due to these air quality factors, Baldwin Park has been identified as a “disadvantaged community” by CalEPA under SB 535. Disadvantaged communities include areas that are disproportionately affected by environmental pollution and other hazards and include concentrations of sensitive populations.

In addition to causing pollution, the Waste Project, if constructed at the proposed location, would stand in stark contrast to the surrounding community, dwarfing neighboring Baldwin Park businesses and residential neighborhoods. With its 24/7 operations, the Waste Project will cause significant traffic, air quality, and noise impacts, all of which will be felt by Baldwin Park’s neighboring residential community. The Waste Project will destroy the peacefulness and quality of life so important to the safety of playing children and elderly adults. Baldwin Park urges Irwindale to reject the Waste Project to help it maintain the low density feeling, which the surrounding area has enjoyed for years.

B. The 2020 RDEIR’s inconsistent incorporation by reference of three (3) prior environmental documents is misleading and confusing, failing CEQA’s purpose of informing the public and decision-makers of the Project’s environmental impacts.

The structure of the 2020 RDEIR requires the reader to refer to analysis found in the 2014 RDEIR, the 2016 FEIR, the 2017 Addendum, and now this 2020 RDEIR, making it impossible for the public and decision-makers to understand exactly what the Waste Project entails. See, e.g., CEQA Guidelines § 15150 (incorporation by reference). This structure also creates substantial discrepancies amongst the documents, many of which we point out below, and whether intentional or not, create confusion preventing the public from fully understanding the entire scope of environmental impacts created by the Waste Project. The 2020 RDEIR should be revised as a stand-alone document that incorporates both the updated analysis, as well as the portions of the Waste Project’s past environmental analysis still applicable, to present an entire description of the project’s full environmental impacts. Only then will it reveal the categories of environmental impacts requiring new analysis, which extend beyond the five areas of deficiency identified by the Court.

C. The 2020 RDEIR is deficient because it wrongly asserts that the Waste Project will generate no new truck or self-haul trips, directly contradicting SCAQMD’s recommendation and disregarding the prior environmental documents.

Despite acknowledging, for example, that the Waste Project’s thousands of truck trips will cause significant and unavoidable criteria pollutant emissions (see, e.g., 2020 RDEIR at 6-14), the 2020 RDEIR now contradicts earlier versions of the EIR and asserts that the Waste Project **will generate no new collection or transfer truck trips** because the Waste Project will simply take business away from neighboring materials recycling facilities (MRFs) and will generate no new business. On this basis, the 2020 RDEIR wrongly finds no significant impacts associated with fueling operations, GHG emissions, or transportation energy use. The “no new trips” assumption makes no sense and is therefore problematic, as more specifically explained below.

Notably, the new assumption is contrary to the South Coast Air Quality Management District’s (SCAQMD) previous direction that that all truck trips should be considered as new. The 2014 RDEIR was revised to incorporate SCAQMD’s direction, leading to higher emissions, stating: “The Draft EIR used what the City still considers to be a conservative baseline of air emissions for the Proposed Project. However, the SCAQMD noted that while many MRF projects in the region were using similar baselines, **the SCAQMD would like the project to consider 100% of vehicle trips to be considered “new trips”**. . . . Chapter 3.3 has been revised to evaluate the project using this approach and consequently the regional air quality emissions are estimated to be higher than the emissions estimated in the Draft EIR.” (2014

RDEIR at ES-6; [emphasis added].)¹ Moreover, at page 3.3-36, the 2014 RDEIR states: “As seen in Table 3.3-12, the trip lengths to the Irwindale MRF/TS would be less than the trip lengths to some competing MRFs but would be more than the trip lengths to other competing MRFs. However, because the Proposed Project does not include reducing waste volumes going to other MRF/TS or reducing the permits at other MRF/TS locations, the most conservative analysis is to assume all the trips to the Irwindale MRF/TS would be new trips.” In other words, the 2014 RDEIR acknowledges that the best approach is to assume that all trips associated with the Waste Project would be new.

In a fundamental about face, the 2020 RDEIR fails to explain its surprising departure from SCAQMD's recommendation, the project applicant's admission, and the assumptions set forth in the 2014 RDEIR that all or a substantial portion of vehicle and truck trips would be new. Common sense would question expending millions of dollars developing a facility capable of processing more than 6,000 tons of waste per day when it will not serve a single new customer, but would instead divert waste already processed by other facilities (at least one of which is owned by the Waste Project applicant).

D. Many of the project objectives cannot be met if it is true that the Waste Project will not expand waste treatment but simply divert existing trucks to other waste collection facilities.

For the first time, the 2020 RDEIR now claims that all of the waste to be processed at the Waste Project's facilities is already being treated at other facilities. This assumption apparently applies over the entire life of the Waste Project. If it is true that the Waste Project will process only redistributed—rather than collect new—waste, many of the project objectives cannot be met. For example, if it is true that the Waste Project would not actually expand waste treatment, then:

- The Waste Project will not contribute to meeting the goals in the statutes referenced in the project objectives, which promote *increased* not *redistributed* recycling and reuse. (2020 RDEIR at 2-7, 2-10.)
- The Waste Project will not meet the objectives to “increase diversion of recyclable commodities from the mixed municipal waste stream, thereby reducing the consumption of landfill capacity and prolonging the operational period of the region's current permitted landfill capacity,” provide “services that will assist Los Angeles county and cities within the county to achieve local and state mandated waste diversion goals,” or provide “expanded capacity to divert and process green and wood waste”. (2020 RDEIR at 2-7, 2-10.)
- The Waste Project will not contribute to creating or meeting economic development goals, where it simply re-distributes existing business, rather than generating new business. (2020 RDEIR at 2-7, 2-10.)
- The Waste Project will not create net new jobs or new employment opportunities by simply taking jobs from existing facilities. (2020 RDEIR at 2-7, 2-10.)

¹ The truck trip assumption range has been a moving target, for the reader, who is left to guess what the Waste Project will actually entail. In 2014, the DEIR assumed that only a portion of the Waste Project's truck trips would be “new,” as the Waste Project would allegedly redirect truck trips already in existence. After receiving objections to that assumption from SCAQMD, the 2014 RDEIR analyzed the Waste Project's truck trips as entirely new, and the project applicant conceded that at least one-third of the truck trips would be new. The 2020 RDEIR ignores this history, and assumes without any evidence that all of the Waste Project's truck trips are not new – i.e., that the Waste Project's truck trips are part of the environmental baseline.

Given the new revelation that the Waste Project cannot meet the project objectives because it will only re-divert waste that would have gone to competing facilities, the 2020 RDEIR must re-examine the alternatives that were previously rejected, which may now better meet the project objectives than the proposed Waste Project. This was not done in the 2020 RDEIR. The Waste Project's failure to meet project objectives demonstrates the lack of substantial evidence to reject project alternatives, such as the reduced tonnage alternative, and the lack of substantial evidence to support the statement of overriding considerations per CEQA Guidelines section 15124(b), as discussed further below.

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E. There is no rationale to justify eight (8) significant adverse unmitigated impacts if the Waste Project will not generate new truck trips and expand waste treatment.

An agency must make a "fully informed and publicly disclosed" decision that "[s]pecifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project." (Kostka & Zischke, Practice Under the California Environmental Quality Act, 17.33, citing 15043 (b).)

The 2014 RDEIR, incorporated by reference into the 2020 RDEIR, admits that the Waste Project would have at least eight (8) significant adverse unavoidable impacts with regard to air quality (including operational and regional air quality impacts associated with emissions of the ozone precursors ROG and NOx and cumulative impacts associated with emissions of these pollutants), traffic generation and circulation (including cumulatively considerable contributions to already existing and forecasted deficient freeway segments), and noise (including both short-term and operational impacts along the Waste Project boundaries and traffic-related noise impacts)." (2014 RDEIR at ES-22.)

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There is no justification to shove these significant, unavoidable impacts onto residents in Baldwin Park and the region, when the 2020 RDEIR admits the Waste Project will treat no new waste.

II. THE 2020 RDEIR PROJECT DESCRIPTION REMAINS FLAWED AND THE IMPACTS ANALYSIS MUST BE UPDATED TO ANALYZE ALL ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT DESCRIPTION

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For the 2020 RDEIR to comply with CEQA, several changes must be made to both the project description and the impacts analysis, to ensure that the EIR adequately analyzes the environmental impacts of the updated Waste Project.

A. The project description must be updated to incorporate legible site plans and to identify all necessary project approvals with certainty.

The text of the Site Plan, Figures 1-1 and 2-3, is illegible due to the 2020 RDEIR's poor resolution. (2020 RDEIR at 1-3, 2-8.) Please include a legible copy of the Site Plan in the analysis. Without a legible copy of the Site Plan, it is impossible to understand whether any changes to the Site Plan are proposed, other than those discussed in the 2020 RDEIR. (See *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 18 [project description violated CEQA where it was "not simply inconsistent, it fails to describe the siting, size, mass, or appearance of any building proposed to be built at the project site" and because the "draft EIR does not describe a building development project at all. Rather, it presents different conceptual scenarios that Millennium or future developers may follow for the development of this site. These concepts and development scenarios—none of which may ultimately be constructed—do not meet the requirement of a stable or finite proposed project."].)

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Additionally, the 2020 RDEIR must be updated to specify all necessary project approvals. As presently drafted, the 2020 RDEIR does not specifically identify all of the approvals necessary to implement the Waste Project. (See 2020 RDEIR at 1-9 [approvals “include, but may not be limited to”]; *id.* at 2-12 [“in addition to the above approvals and entitlements, approvals from other public agencies may be required to effectuate the Project.”].) Each necessary approval, the agency responsible for issuing each approval, and the entity responsible for obtaining each approval must be identified in the 2020 RDEIR. (CEQA Guidelines § 15124(d).)

B. The revisions to the project description require more extensive updates to the 2020 RDEIR’s impacts analysis.

The Court’s holding that the project description was flawed requires a more extensive reanalysis of the environmental impacts of the Waste Project than is set forth in the 2020 RDEIR. The changes to the project description, such as to truck fueling operations, must be analyzed throughout the EIR’s impacts analysis—including the air quality, traffic, transportation energy, and GHG emissions analyses—which already acknowledge several significant and unavoidable impacts.

It is not enough to simply amend the project description without a full update to the impacts analysis, because the project description provides the foundation for the impacts analysis. (*Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association* (1986) 42 Cal.3d 929, 938 [failure to analyze the “actual project” to be constructed “compromise[s] the goal of public participation in the environmental review process” and “deprive[s] the public of any meaningful assessment of the actual project chosen by the agency”]; *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193, 199 [“An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR” because “[the] defined project and not some different project must be the EIR’s bona fide subject”].)

CEQA serves two basic, interrelated functions: ensuring environmental protection and informed self-government. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.) CEQA requires full disclosure of a project’s significant environmental effects so that decision-makers and the public are informed of these consequences before the project is approved, to ensure that government officials are held accountable for these consequences. (*Laurel Heights Improvement Assn. of San Francisco v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376, 392.) The environmental impact report process is the “heart of CEQA” and is the chief mechanism to effectuate its statutory purposes. (*In Re Bay Delta Programmatic EIR Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1162.)

Failure to update the impacts analysis to analyze the Waste Project as actually proposed and described in the project description would undercut CEQA’s basic functions and deprive the public and decision-makers of key information regarding the Waste Project’s true environmental impacts. (See *San Joaquin Raptor Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730-35 [project description cannot fail to accurately describe key elements of the project]; see also *County of Inyo, supra*, 71 Cal.App.3d at 193.)

As discussed in greater detail below, the 2020 RDEIR must be updated to account fully for the environmental impacts associated with the modifications to the project description related to truck fueling. For example, the change from on-site to off-site truck fueling will require an update to the traffic impacts analysis to fully address the impacts associated with the thousands of off-site truck trips that will now occur for fueling. Likewise, prior versions of the EIR relied upon onsite compressed natural gas (CNG) fueling in responding to SCAQMD’s comments about the Waste Project’s significant NOx emissions. (2016 FEIR at C&R 279 [responding to a comment by SCAQMD requesting options for alternative fueling by stating: “The Proposed Project includes a CNG fueling facility to provide alternative fueling operations for the project-related truck operations.”].) However, the 2020 RDEIR now states that the Waste Project will not include

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any CNG fueling operations. (2020 RDEIR at 3-1.) The 2020 RDEIR's impacts analysis therefore must be updated to analyze the change in the project description vis-à-vis alternative fueling. In sum, as discussed in more detail below, the changes in the project description with respect to truck fueling must be fully accounted for in the entirety of the environmental analysis for the Waste Project, including, but not limited to, the air quality, transportation, transportation energy and GHG analyses.

Moreover, the project description must be stable. (See *County of Inyo, supra*, 71 Cal.App.3d at 193.) For this requirement to be met, "the DEIR, the FEIR, and the final approval must describe substantially the same project." (*Washoe Meadows Community v. Dept. of Parks and Rec.* (2017) 17 Cal.App.5th 277, 288.) Here, however, as discussed in further detail below, the Waste Project is described differently in the 2014 RDEIR, the 2016 FEIR, the 2017 Addendum, the prior project approvals, and the 2020 RDEIR. The 2020 RDEIR should therefore be revised to fully describe the Waste Project as presently proposed and include a full environmental analysis of that project, rather than leaving the reader and decision-makers to guess at the full scope of the Waste Project and its environmental impacts. The 2020 RDEIR's failure to fully describe and analyze the Waste Project as proposed is prejudicial because it precludes informed decision-making and public participation, thwarting the goals of CEQA. (*Id.* at 290.)

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Significantly, by omitting an analysis of each category of impacts set forth in Appendix G of the CEQA Guidelines, the 2020 RDEIR impermissibly avoids analyzing whether additional mitigation measures can offset some of the already-identified significant impacts. (CEQA Guidelines § 15043; *City of San Diego v. Board of Trustees of California State University* (2015) 61 Cal.4th 945, 967.)

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C. The EIR's impacts analysis must be updated to reconcile inconsistent analysis.

The Waste Project has gone through repetitive changes, not all of which have been analyzed as required by CEQA. There are numerous examples of discrepancies between the project described in the project description and that analyzed in the prior environmental documents. These inconsistencies must be rectified and the updated Waste Project, as presently proposed, must be analyzed. Specific examples of discrepancies between the 2020 RDEIR and the prior analyses for the Waste Project include:

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- **Construction phasing uncertainty:** The 2020 RDEIR explains that: "[t]he Proposed Project would be constructed in a single phase. The schedule for the construction of the MRF/TS and convenience store / public gas station at the site is estimated to require 18 months." (2020 RDEIR at 2-7.) In contrast, the prior versions of the Development Agreement and Operations Agreement reveal that Project construction would occur in three phases over 26 months, rather than 18 months. Will the new Development Agreement and the Operations Agreement for the Waste Project reflect the one phase, 18 month construction schedule or the three phase, 26 month schedule? If the intent is to proceed with a three phase, 26 month schedule, the impacts of this extended schedule, including noise and traffic, must be analyzed throughout each section of the impacts analysis.
- **Parking space numbers vary:** The 2020 RDEIR explains that the Waste Project will entail construction of "307 employee and visitor parking stalls, and 19 transfer truck parking spaces" (2020 RDEIR at 2-6), whereas prior versions of the EIR inconsistently examined the impacts of constructing either 147 or 180 parking spaces. Although the 2017 Addendum increased the number of employee and visitor parking spaces to 307, with another 26 spaces for the Convenience Store and "34 flexible parking stalls" (2017 Addendum at 9), the air quality analysis attached to the Addendum analyzed the impacts of constructing only 147 parking spaces. (See 2017 Addendum Appendix AQ at 1.) Therefore, the air quality analysis and all other sections of the impact analysis must be updated to ensure that the 2020 RDEIR adequately analyzes the impacts of construction and use of 307 employee and visitor parking stalls and 19 transfer truck

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parking spaces—e.g., air quality, truck circulation, traffic in surrounding communities, and GHG emissions.

- **Convenience store/gas station varying descriptions:** The 2020 RDEIR explains that the convenience store and gas station would be “located in the southeastern corner of the site, adjacent to and accessed from Arrow Highway” and would consist of an “approximately 2,590 [SF] convenience store / public gas station” with 26 parking stalls for customers. (2020 RDEIR at 2-7.) The gas station is described as dispensing only gasoline and diesel fuel, not natural gas fuel. (*Id.*) Hours of operation would be 4:00 AM-12:00 PM. (*Id.*) In contrast, the 2014 RDEIR describes the convenience store/gas station as a 2,390 SF facility with 32 parking stalls. (2014 RDEIR at 2-10.) Likewise, the air quality analysis attached to the 2017 Addendum demonstrates that only a 2,390 SF facility was analyzed for the purposes of air quality impacts. (2017 Addendum Appendix AQ at 1.) It also appears that Addendum Appendix AQ omits analysis of impacts associated with construction of the convenience store and gas station parking lot. (See *id.*) Therefore, the air quality and traffic analysis and all other sections of the impact analysis must be updated to ensure that the 2020 RDEIR adequately analyzes the impacts of construction and operation of the convenience store and gas station as described in the 2020 RDEIR.
- **Number of fuel pumps:** The 2020 RDEIR identifies that the “convenience store / public gas station will have **eight vehicle fueling positions** (gasoline and diesel). No CNG fueling facilities are proposed within the project site.” (2020 RDEIR at 2-1.) In contrast, prior versions of the EIR analyzed only a **six pump gas station**. For example, the 2016 FEIR, in response to Baldwin Park’s comment, explains that its analysis of reactive organic gas (ROG) emissions is based on the understanding that the gas station would have only six pumps. (2016 FEIR at C&R-117 [“The applicant is proposing to include a six pump vehicle fueling facility. Fuel dispensing operations would result in reactive organic gas (ROG) emissions which include TACs such as benzene, 1,3-butadiene, and formaldehyde (although the 16 air toxics contained within gasoline fuel were all included in the analysis). These ROG emissions would result from four activities; loading and breathing losses (both related to the underground storage tanks), as well as refueling and spillage (both related to the fuel pumps)”]; see also 2014 RDEIR Appendix C at 11.) Each of the sections of the impacts analysis should be updated to examine the impacts of an eight pump gas station, including the volume of fuel dispensed and traffic impacts associated with an eight pump station as compared to a six pump station.

III. **THE FUELING OPERATIONS ANALYSIS SHOULD BE CORRECTED TO ACCURATELY REFLECT THE ENVIRONMENTAL IMPACTS CAUSED BY OFF-SITE FUELING OF THE THOUSANDS OF TRUCK TRIPS PER DAY GENERATED BY THE WASTE PROJECT AND TO INCORPORATE OTHER NECESSARY UPDATES AND ANALYSES**

The Court found that the EIR’s “project description and analysis is inadequate as to truck fueling operations.” The 2020 RDEIR does not resolve the issue. Rather, the description of the Waste Project’s truck fueling operations omits significant information, creates additional inconsistencies, and raises numerous potential impacts that remain unanalyzed in the 2020 RDEIR.

Perhaps most surprising is the 2020 RDEIR’s claim, without any factual support, “that there are no adverse environmental impacts caused by [Project] fueling operations.” (2020 RDEIR at 1-8.) How can the Waste Project’s approximately 2,456 transfer and collection truck trips, let alone the hundreds of employee trips and gas station trips, have no adverse environmental impacts? The 2020 RDEIR posits that this conclusion follows because the Waste Project will create no new truck trips. But, as explained above, this conclusion runs contrary to the assumptions in the 2014 RDEIR and 2016 FEIR, which admit that between approximately 33 percent and 100 percent of Waste Project truck trips will be new. Even if the conclusion

that the Waste Project would generate no new truck trips were supported factually, which it is not, the 2020 RDEIR would still be inadequate under CEQA because it fails to analyze the environmental impacts associated with off-site fueling and diverting truck trips from other neighboring facilities.

A. The 2020 RDEIR fails to support the conclusion that the Waste Project would not generate new truck trips and if, in fact, the Waste Project will generate new trips, the 2020 RDEIR's environmental analysis must be updated.

In support of the far-fetched conclusion that the Waste Project will cause no new truck trips, the 2020 RDEIR argues that:

The Irwindale MRF/TS is a waste sorting and processing facility and would not generate new waste materials. Instead, the new MRF/TS would competitively contract to process some of the municipal solid waste now being processed at other MRF/TS facilities or diverted to landfills. Therefore, all the waste hauling and transfer truck trips would be redirected trips of waste collection vehicles that would be collecting solid wastes near the City of Irwindale with or without the Irwindale MRF/TS. Refueling of those vehicles is occurring at present as a baseline condition, although travel routes and refueling locations may be slightly different than they would be with the proposed Project. (2020 RDEIR at 3-5.)

However, the idea that the Waste Project would generate no new collection and transfer truck trips is undercut by the 2014 RDEIR's premise that the Waste Project will create at least approximately one-third new truck trips. (2014 RDEIR at 3.3-35 [Athens "provided information to the City that more than two-thirds of the materials that will drive to and away from the Proposed Project facility are currently being taken to other facilities in the South Coast Air Basin."].) Moreover, as discussed in Section I.C., above, SCAQMD previously objected to the assumption in the 2014 DEIR's air quality analysis that only one-third of the trips would be new, and on that basis Chapter 3.3 of the 2014 RDEIR was revised to incorporate the assumption that all trips would be new. (2014 RDEIR at ES-6.)

The Court also acknowledged the assumption that at least one third of all truck trips will be new at page 17 of its Ruling, which states:

The RDEIR admits that 'the trip lengths to the Irwindale MRF/TS would be less than the trip lengths to some competing MRFs but would be more than the trip lengths to other competing MRFs.' (AR 3569.) The RDEIR also admits that 'the Proposed Project does not include reducing waste volumes going to other MRF/TS or reducing the permits at other MRF/TS locations.' (Ibid.) Assuming that the Waste Project's truck trips are not all new, as Respondents claim (Oppo. 9), the 2016 FEIR admits that at least one third of the trips will be new. (AR 3568.) The energy use impacts of those trips were not analyzed.

The 2020 RDEIR fails to explain how or why it abandoned these prior assumptions. Without justification there is no factual support for the conclusion that the Waste Project will not generate new trips. At a minimum, the 2020 RDEIR must be updated to explain why, contrary to SCAQMD's recommendation and the Waste Project applicant's own admission, the analysis now assumes that the Waste Project will generate no new truck trips. No reasonable explanation has been provided.

If, in fact, the Waste Project will generate new trips, then the 2020 RDEIR is deficient because it fails to analyze the emissions caused by increased fueling related to the new truck trips that the 2014 RDEIR and 2016 FEIR admits will occur, undermining the 2020 RDEIR's conclusion that impacts would be less than significant. (See 2014 RDEIR at 3.3-35; 2020 RDEIR at 3-5.) If the Waste Project will generate new trips, the 2020 RDEIR must be updated to account for the impacts of the increased fueling associated with the trips and all other environmental impacts not analyzed in the 2020 RDEIR on the basis of the assumption.

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Even assuming the Waste Project will generate no new trips, which the 2020 RDEIR fails to substantiate, the change in truck fueling operations will still create impacts that must be analyzed, given the additional miles that trucks will need to travel from the Waste Project to the City of Industry MRF/TS and other sites to refuel. Even CNG fueling has some emissions which require analysis. The environmental impacts from this change must be analyzed, as discussed in further detail below.

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B. The 2020 RDEIR fails to identify the composition of trucks servicing the Waste Project, the fueling locations to be utilized by certain trucks, and the environmental impacts associated with off-site truck fueling.

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The 2020 RDEIR states that Athens' waste collection fleet is "86 percent CNG fueled at present and 100 percent in the future," and that all of its transfer trucks "will be fueled by CNG." (2020 RDEIR at 3-2.) The 2020 RDEIR, however, fails to disclose the composition of the remaining commercial trucks that will service the Waste Project. Indeed, the 2020 RDEIR at page 4-14 states that "[c]ommercial waste haulers utilizing the Waste Project will include both Athens Services' own waste collection truck fleet, and other unidentified collection trucks run by other commercial haulers, who choose, for one reason or another, to dispose and process their waste at an Athens Services facility." However, the 2020 RDEIR is missing significant information and underrepresents impacts by failing to disclose where these trucks will refuel, or whether these trucks are CNG fueled or diesel fueled. This missing information is particularly troublesome as the 2014 RDEIR expressly rejected a mitigation measure (which is also omitted from the 2020 RDEIR) requiring all trucks that utilize the facility to be CNG fueled on the basis that such a measure would force "third party collection trucks" to use other facilities. (2014 RDEIR at 3.3-47.)

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The EIR also makes no mention of where the 14 percent of Athens' fleet that is diesel fueled would refuel after unloading at the Project, and fails to analyze the associated environmental impacts, such as those related to traffic and air quality.

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The EIR also does not adequately identify the current composition of the transfer trucks associated with the Waste Project. It states these trucks "will be fueled by CNG," but not whether they "are" currently fueled by CNG or when they "will" be fueled by CNG. The 2014 RDEIR stated that "transfer trucks are still primarily diesel fueled because at this time there are no suppliers that can deliver feasible alternatives (alternative-fueled transfer trucks)." (2014 RDEIR at 3.3-46.) Has this changed? Or is Athens still using a diesel transfer truck fleet?

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The 2020 RDEIR must disclose the above information and analyze the impacts associated with the use of the particular truck fleet to be utilized by the Waste Project. Because the 2020 RDEIR omits this information, it ignores potentially significant transportation, hazards, air quality, energy, and GHG impacts stemming from this component of the Waste Project.

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1. The 2020 RDEIR fails to fully analyze collection and transfer truck fueling trips and must explain the new discrepancies in collection truck trips between the 2020 RDEIR and prior versions of the EIR.

Despite the 2020 RDEIR assuming no new trips, the Waste Project's truck fleet will take 533 trips per day (2020 RDEIR) or 1,648 trips per day (2014 RDEIR), and would refuel at Athens' other Irwindale facility or at its City of Industry facility. The 2020 RDEIR does not fully identify or analyze the trips between the locations and the 2020 RDEIR fails to disclose what portion of the refueling will occur at each location and how often collection trucks must refuel. The latter is especially important because the 2020 RDEIR discloses that only the City of Industry location can "fast-fill"—or refuel a collection truck in 15 minutes. Refueling at the Irwindale location takes over 6 hours. (2020 RDEIR at 3-3.) If these collection trucks are constantly travelling to the City of Industry to refuel throughout the day (i.e., to utilize the "fast-fill" station), any efficiencies of the Waste Project are negated. The 2020 RDEIR claims that the current fleet of trucks servicing the City of Industry MRF/TS will now service the Waste Project because it is closer to the markets served. (2020 RDEIR at 4-15.) However, if these *same* trucks travel to *both* the Waste Project *and* to the City of Industry MRF/TS once a day to refuel, there is no savings and the proximity the Waste Project to the markets served is irrelevant. Accordingly, due to these analytical gaps, there are unidentified traffic, air quality, GHG and energy impacts which may require mitigation.

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The 2020 RDEIR also fails to explain the basis for the dramatic reduction in the number of estimated collection truck trips per day. Why did the 2014 RDEIR assume 1,648 collection truck trips per day and now the 2020 RDEIR assumes only 533 collection truck trips per day? (2020 RDEIR at 4-20.)

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Similarly, the 2020 RDEIR is missing analysis of the transfer truck fleet. The 2020 RDEIR states that the transfer trucks would refuel at the fast fill station at the Waste Project applicant's City of Industry facility or other third party retail facilities. (2020 RDEIR at 3-1.) Again, this negates any of the claimed efficiencies of the Waste Project.

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2. The 2020 RDEIR also fails to analyze the impacts of offsite parking and fueling.

These claimed efficiencies are similarly contradicted by the fact that the 2020 RDEIR states the Waste Project's fleet of trucks will be parked overnight at offsite locations. (2020 RDEIR at 3-4 ["The fleet of trucks is parked overnight at either the Vincent yard or Athens' MRF/TS in the City of Industry when not in use."].) If these trucks are travelling back and forth from other MRFs for refueling and overnight parking, any claimed miles-travelled efficiencies resulting from the location of the Waste Project are lost.

Additionally, although the 2020 RDEIR explains that trucks associated with the Waste Project will be fueled off site at various sites, including within the Cities of Irwindale, Industry, Azusa, Ontario, Redlands, and Victorville (2020 RDEIR at 3-1, 3-4), it includes no updates to the analysis of traffic impacts to address the trips to fuel at these off-site locations. Traffic impacts associated with off-site fueling must be taken into account.

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Likewise, the prior 2016 analysis, including the air quality analysis, should be updated to assure that the analysis no longer relies on the assumption that on-site CNG fueling would mitigate project impacts, such as criteria pollutant emissions. (See e.g., 2016 FEIR at C&R-279.)

- C. Assuming, for the sake of argument, that the Waste Project would not add new truck trips, there are other reasonably foreseeable environmental impacts that must be addressed in the 2020 RDEIR.**

Assuming the 2020 RDEIR is correct and the Waste Project would only redirect truck trips from neighboring MRFs, the Waste Project would create one of two reasonably foreseeable scenarios which must be analyzed. Taking truck trips away from neighboring facilities will either cause the neighboring facilities to: (1) close due to the reduction in business or (2) generate new truck trips (i.e., to fill in the vacancies caused by the Waste Project). Therefore, the 2020 RDEIR must be updated to analyze the environmental impacts caused by the creation of new truck trips at neighboring facilities, or the urban decay impacts caused by the Waste Project putting neighboring facilities out of business.

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- D. The 2020 RDEIR should incorporate measures to minimize conflict (and increase safety) between passenger cars and the Waste Project's collection and transfer trucks.**

The 2020 RDEIR concludes there would be no impact associated with safety concerns caused by "conflicts with collections trucks and transfer trucks and public use of the convenience store public gas station," but fails to explain whether measures will be taken to prevent transfer and collection trucks from erroneously entering the gas station. (2020 RDEIR at 3-6.) The average passenger vehicle weighs under 3,000 pounds, whereas a loaded truck could weigh up to 80,000 pounds—approximately 27 times the weight of the passenger vehicle. The 2020 RDEIR should be updated to both analyze and incorporate measures to minimize conflicts between passenger cars accessing the Waste Project facility at the gas station and employee/visitor parking lot and Project collection and transfer trucks.

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- E. The 2020 RDEIR should be updated to explain how CNG-fueled facility maintenance equipment will be fueled, now that the Waste Project does not include on-site CNG fueling.**

The 2014 RDEIR explains that on-site facility maintenance equipment, such as street sweepers, will be CNG fueled. (See 2014 RDEIR at 2.0-13; see also *id.* at 3.3-39 ["All forklifts, lifts, and street sweepers would be powered by natural gas (either CNG or propane)."].) The 2020 RDEIR should be updated to explain how this equipment will be fueled, now that the Waste Project does not include on-site CNG fueling, and to address any environmental impacts associated with the method of fueling this equipment.

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- F. Finally, the 2020 RDEIR must be updated because it relies on outdated, decade-old fuel dispensing estimates for the public gas station.**

The 2014 RDEIR assumed, "[f]or purposes of the EIR air quality assessment and related Health Risk Assessment (HRA)," that the public gas station would "dispense 0.34 million gallons of diesel per year based on 2011 average throughput for diesel fuel dispensing stations in California." (2014 RDEIR at 3.3-57.) The 2020 adopts this same assumption based on "the size of the proposed convenience store gas station, and understanding that the convenience store gas station does not include fueling for the larger collection trucks and transfer trucks associated with the MRF/TS operations (and likely only a small percentage of the self-haul vehicles)." (2020 RDEIR at 3-7.) The 2020 RDEIR, however, fails to demonstrate that the Waste Project's gas station will be "average." Additionally, the 2020 RDEIR fails to explain why it is appropriate to rely on 2011 fuel throughput data, when the most recently available data, cited elsewhere in the 2020 RDEIR, demonstrates that fuel throughput has actually increased at California gas stations between 2011 and present. (See Attachment 1.) The 2020 RDEIR should be updated to incorporate the best available fuel throughput data. Moreover, the 2020 RDEIR's conclusion that the Health Risk Assessment and air quality emissions analysis remain valid and that no mitigation measures

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are required (2020 RDEIR at 3-7) should be reconsidered in light of the best available data, which shows that on average, gas stations dispense more fuel now than they did in 2011 and that gas stations in Los Angeles County dispense more fuel than stations in any other California county. (See Attachment 1.)

The 2011 fuel data relied upon in the 2014 RDEIR and the 2020 RDEIR explains that “[t]he average diesel sales per station were 0.34 million gallons, or 28,000 gallons per month, but that “[t]he top 3% of reporting diesel stations sold half the retail diesel. The average of diesel sales per station of the top 3.0% was 5.67 million gallons, or 473,000 gallons per month.” The 2020 RDEIR should be updated to explain why it is reasonable to assume that the Waste Project’s gas station will be “average.” For example, do average gas stations have 8 pumps like the Waste Project’s station? Why is it reasonable to assume that the Waste Project’s gas station will not dispense significantly more diesel, like the top 3 percent of stations, particularly given the data which shows that gas stations in Los Angeles County sell vastly more diesel fuel than stations in any other county in California? (See Attachment 1.)

Additionally, the 2020 RDEIR should be updated to rely on the more up-to-date 2018 fuel data cited elsewhere in the analysis. (2020 RDEIR at 5-4, footnotes 46 and 47 [citing to the 2018 data].) It is unreasonable to continue to rely on 2011 data, when more up-to-date data from 2018 shows that gas stations now dispense more diesel fuel than they did in 2011. The 2019 California Retail Fuel Outlet Annual Report, enclosed as Attachment 1,² shows that diesel sales increased substantially between 2011 and 2018. Whereas 1,346 million gallons of diesel were sold statewide in 2011, 1,602 million gallons were sold in 2018. Likewise, the new data shows that retail diesel sales in Los Angeles County increased from 239 million gallons in 2011 to 253 million gallons in 2018. (See Attachment 1 [spreadsheet].) The 2020 RDEIR should therefore be updated to reflect the increase in average diesel fuel sales from 2011 to 2018 and the likely environmental impacts associated with this increase.

The Health Risk Assessment should also be updated to reflect the increase in average diesel consumption since 2011, including the health risks associated with combustion of greater amounts of diesel fuel. As acknowledged in the 2020 RDEIR, “it is the actual combustion of diesel fuel that generates diesel particulate matter and is the primary driver of potential health impacts from diesel vehicles, not the storage of diesel fuel or fueling of diesel vehicles.” (2020 RDEIR at 3-8.) The 2020 RDEIR should be updated to analyze and mitigate these impacts.

IV. THE GHG EMISSIONS ANALYSIS FAILS TO JUSTIFY THE CONCLUSION THAT THE WASTE PROJECT WILL HAVE NO POTENTIALLY SIGNIFICANT GHG IMPACTS AND MUST BE UPDATED TO INCORPORATE THE CHANGES TO THE PROJECT NOT PREVIOUSLY ANALYZED

- A. There is no evidence to support the 2020 RDEIR’s conclusion that the Waste Project will actually create a net GHG savings. This conclusion is particularly unbelievable, given that the prior versions of the EIR concluded that the Waste Project would create significant GHG emissions.**

Without explanation or analysis, the 2020 RDEIR now takes the position that the Waste Project, rather than generating potentially significant GHG impacts as was concluded in the 2016 FEIR, will actually create a net GHG reduction. In other words, the new 2020 RDEIR assumptions contradict the 2016 analysis, which reaches the opposite conclusion—that the Waste Project will actually emit significant concentrations of GHGs. The 2020 RDEIR fails to justify the far-fetched conclusion that the Waste Project, which involves thousands of truck and passenger car trips per day, and which will run an energy-intensive facility 24-hours

² See: <https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy/california-retail-fuel-outlet-annual-reporting>.

per day, 7-days per week, will have “no potentially significant GHG impacts, and no mitigation is needed.” (2020 RDEIR at 1-8.)

The 2020 RDEIR bases its GHG analysis on the foundational assumption that “the Proposed Project does not generate new sources of solid waste, and thus the Proposed Project would not generate new truck trips to transport solid waste.” (2020 RDEIR at 4-9.) Again, this statement runs contrary to assumptions in the 2014 RDEIR that all trips would be new and even the Waste Project developer’s express admission that at least one-third of the thousands of trips will be new. (See 2014 RDEIR at 3.3-35 [Athens “provided information to the City that more than two-thirds of the materials that will drive to and away from the Proposed Project facility are currently being taken to other facilities in the South Coast Air Basin.”].) The 2020 RDEIR must be updated to accurately disclose the number of new truck trips and self-haul trips generated by the Waste Project, the rationale for these numbers, and then must analyze the GHG impacts of these new trips.

Alternatively, even if it could be assumed that not a single new commercial collection and/or transfer truck trip will be generated, the Waste Project will still generate nearly two thousand trips per week by self-haulers, at least according to the 2014 RDEIR. (2020 RDEIR at 3.3-38 [249 self-haul trips/day].) The 2020 RDEIR now assumes, however, that these 249 self-haul trips per day would not be “new” trips, but would be diverted from other facilities that are located further away from the self-haulers, leading to a net reduction in GHG emissions. (2020 RDEIR at 4-20.) Again, the EIR provides no basis for the conclusions that: (1) these trips are not new, (2) that these trips would actually reduce GHG emissions based on the distances traveled by self-haulers, or (3) that these self-haul trips would not generate GHG impacts or cause other environmental impacts.

Likewise, it is reasonably foreseeable that diverting truck or self-haul trips from other facilities will lead to increased truck trips at other facilities. This foreseeable indirect impact must be addressed in the 2020 RDEIR’s impacts analysis, including in the GHG analysis.

Also, the 2020 RDEIR bases its significance finding on the assumption that the Waste Project is closer to all markets and destinations than the City of Industry MRF. That is wrong, as acknowledged in the 2014 RDEIR, which states that the Waste Project is closer to some, but not all destinations. (See 2014 RDEIR at 4-11, 4-13.) The analysis must be updated to acknowledge that the Waste Project is not closer to all markets and destinations, as set forth in the 2014 RDEIR, and the environmental impacts analysis and significance finding must be updated accordingly.

B. The GHG analysis must be updated for the reasons discussed in the Sections above.

The changes to the Waste Project previously analyzed in earlier versions of the EIR necessitate updates to the Waste Project’s GHG analysis. (See Sections II–III, above.) For example, as discussed above, the 2020 RDEIR explains that truck fueling and parking will occur at nearby MRFs, including Athens’ City of Industry MRF. The 2020 RDEIR should be updated to account for the GHG impacts of the new trips generated by off-site fueling. Also, what are the GHG impacts of driving to off-site parking? (See, e.g., 2020 RDEIR at 3-4 [“The fleet of trucks is parked overnight at either the Vincent yard or Athens’ MRF/TS in the City of Industry when not in use.”].) The 2020 RDEIR should explain.

Additionally, the air quality analysis in the 2017 Addendum is predicated on an out-of-date project description (e.g., a project that would construct only 147 parking spaces and a smaller convenience store and gas station). Therefore, the GHG analysis must be updated to accurately account for the emissions generated by the Waste Project that is actually proposed to be constructed. Likewise, the changes in the

Waste Project fueling operations, discussed above in Section II, must be incorporated into the GHG analysis.

C. CEQA's informational requirements are violated by leaving the public to guess which portions of the GHG analysis and assumptions set forth in the prior analysis remain valid.

Particularly given the stunning about-face with respect to the significance of GHG emissions, the 2020 RDEIR's GHG analysis should be prepared as a new stand-alone analysis to clarify which portions of the prior analysis remain valid and which have been superseded by the Addendum and the 2020 RDEIR. The 2020 RDEIR explains that: "This Chapter 4 of the 2020 Recirculated DEIR supersedes those portions of the 2014 RDEIR and Addendum No. 1 that (1) calculated the amount of mobile GHG emissions attributable to waste hauling activities; (2) applied a 10,000 metric ton of CO₂-equivalent per year ("MTCO₂e") quantitative significance threshold to the Waste Project's GHG emissions; and (3) described, incorporated, and applied Mitigation Measure AQ-22. It does not, however, revise or supersede the remainder of the Proposed Project's GHG emissions impact analysis." (2020 RDEIR at 4-1.) This disjointed structure requires the reader to go back and forth between the 2014 RDEIR alongside the 2016 FEIR, the 2017 Addendum, and the 2020 RDEIR to understand the true scope of the Waste Project's GHG impacts. This structure muddles the Waste Project's impacts and frustrates CEQA's public information requirements.

V. THE TRANSPORTATION ENERGY USE ANALYSIS IS FLAWED BECAUSE IT ASSUMES THAT THE WASTE PROJECT WILL GENERATE NO NEW VEHICLE TRIPS AND OMITS OTHER KEY INFORMATION AND ANALYSIS

A. The transportation energy use analysis is unsupported by substantial evidence because it is founded on the erroneous assumption that the Waste Project will not generate new vehicle trips.

The six-page transportation energy use analysis (2020 RDEIR at 5-8 to 5-14) is insufficient to support the conclusion that "there are no adverse environmental impacts caused by the transportation energy use required for waste collection and materials hauling operations." (2020 RDEIR at 1-8.)

The transportation energy use analysis is undercut by the same error identified above—the 2020 RDEIR wrongfully, and without factual support—claims that the Waste Project will not generate any new truck trips. (2020 RDEIR at 5-10 ["The 2016 Final EIR explained that the Proposed Project would not create new waste to be processed, and therefore does not generate new waste hauling truck trips."].) The 2016 FEIR, like the 2014 RDEIR, does not support the assertion that the Waste Project would not generate new truck trips. Rather, the 2016 FEIR restates the 2014 RDEIR's explanation that the Waste Project applicant itself admitted that approximately one-third of the truck trips to the Waste Project would be new. (See FEIR at C&R-113 [explaining, in response to Baldwin Park's comments, that "As described in more detail, the applicant has provided information to the City that more than two-thirds of the materials that will be driven to and away from the Proposed Project facility are currently being taken to other facilities in the South Coast Air Basin."].) Without more, the 2020 RDEIR should be updated to accurately explain how many new truck trips will be generated by the Waste Project, provide the basis for the number of new truck trips that will be generated by the Waste Project, and update the impacts analysis, including the transportation energy analysis, based on the number of new truck trips generated by the Waste Project.

B. Even assuming that the Waste Project will not generate a single new collection and/or transfer truck trip, which is entirely unrealistic, the 2020 RDEIR's transportation energy analysis is insufficient for several reasons.

First, it is reasonably foreseeable that the Waste Project would generate additional truck trips at neighboring facilities (i.e., the facilities that the Waste Project will supposedly divert trips from). Therefore, the 2020 RDEIR should be amended to account for the transportation energy impacts of these new truck trips and analyze those new trips in light of the threshold of significance adopted in the 2020 RDEIR, which asks whether the Waste Project would result in the wasteful or inefficient consumption of transportation-related energy resources.

Second, where the Waste Project would simply divert trips already occurring to other waste processing facilities, the 2020 RDEIR should analyze whether trips generated from construction of the Waste Project would result in the wasteful or inefficient consumption of transportation-related energy resources. Where the Waste Project is admittedly not needed to treat the waste generated in the region (i.e., because existing facilities provide sufficient capacity), it seems that any trips generated by construction of the unnecessary facility are, by definition, wasteful and inefficient.

Third, where the Waste Project is diverting waste currently being taken directly to landfills, the 2020 RDEIR is missing analysis of the energy use associated with the additional miles travelled by the waste to the Waste Project, as compared to directly taking the waste to a landfill.

Fourth, the 2020 RDEIR should be updated to explain the basis for the average fuel efficiencies documented at page 5-12 of the 2020 RDEIR.

Fifth, the 2020 RDEIR relies on an outdated regulatory baseline for modeling future fuel efficiency for automobiles. The 2020 RDEIR cites to federal fuel efficiency standards set in 2010 and 2012 for the years 2022 to 2025. However, the U.S. Environmental Protection Agency and the National Highway Traffic Safety Agency recently amended these standards, reducing the required fuel efficiency for the nation's vehicles. (See Safer Affordable Fuel-Efficient Vehicles Rule, <https://www.govinfo.gov/content/pkg/FR-2020-04-30/pdf/2020-06967.pdf>.) In other words, it is reasonably foreseeable that vehicles, including those utilized by the Waste Project, will become less, not more, efficient under these new standards, or, at least not become as efficient as previously predicted. That reduction in efficiency should be analyzed in the 2020 RDEIR.

Finally, the 2020 RDEIR fails to provide sufficient explanation to support the "less than significant" impact conclusion that "even if all waste collection trips were new trips . . . the energy expended on waste collection trips, together with the new employee and convenience store / public gas station trips, would still not result in wasteful or inefficient energy consumption." (2020 RDEIR at 5-11.) Transportation associated with the Waste Project would require a whopping 5,000,000 gallons of diesel fuel equivalent for the approximately 38,900,000 vehicle miles traveled based on "standard fuel consumption estimates." (2020 RDEIR at 5-12.) Yet, the 2020 RDEIR does not explain the basis for these "standard fuel consumption" estimates or why they are properly applied to the Waste Project. Moreover, even if it were appropriate to apply these estimates, which the 2020 RDEIR does not demonstrate, the fuel efficiency of the vehicles would be as low as 6.1 to 7.7 miles per gallon for the CNG and diesel vehicles. (2020 RDEIR at 5-12.) The 2020 RDEIR explains this is "reasonably consistent with the CEC estimates for the average fuel economy for the fleet-wide mix of vehicles operating in the South Coast Air Basin region" but fails to explain why efficiencies of 6.1 to 7.7 miles per gallon are not wasteful or inefficient, especially given that these averages are lower than the estimates for fleets in the South Coast Air Basin. (2020 RDEIR at 5-4, 5-12.)

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VI. THE 2020 RDEIR WRONGLY RELIES ON *FRIANT RANCH* AMICUS BRIEFS TO CONCLUDE THAT IT IS INFEASIBLE TO DISCLOSE PROJECT-SPECIFIC HEALTH RISKS FROM AIR EMISSIONS

The 2020 RDEIR fails to provide substantial evidence to support the environmental conclusion that it is infeasible to disclose project-specific health risks from criteria pollutant emissions.

The final chapter of the 2020 RDEIR punts on the issue of Project-specific health risks from air emissions, concluding that it is infeasible to model the Waste Project's ozone emissions and that modeling "would not provide meaningful information given the magnitude of the emissions and the number of variables that affect ozone formation." (2020 RDEIR at 6-1; see also *id.* at 1-8 ["This chapter explains the health assessments that were presented in the 2014 Recirculated DEIR and explains why additional modeling to isolate project-specific local and regional emissions related health effects is not feasible or meaningful given the details of the Proposed Project and current state of air quality modeling."].) This chapter also abdicates responsibility for providing information regarding the Waste Project's potential health impacts associated with significant and unavoidable criteria pollutant emissions of NO_x and ROG on the basis that the Waste Project's criteria air pollutant emissions "are too small to model and obtain meaningful regional concentrations of criteria pollutants and ozone." (*Id.* at 6-1.) This conclusion is wrong.

Even if it were not, under CEQA, if the lead agency determines that an analysis is infeasible, it must substantiate its infeasibility finding. (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 520 ("*Friant Ranch*").) Specifically, the lead agency must explain "what is and is not yet known about the Project's impacts." (*Id.*)

Here, the 2020 RDEIR fails at this task by choosing legal argument over scientific analysis. The 2020 RDEIR bases its conclusion that it is infeasible to disclose the Waste Project's specific health risks associated with criteria pollutant emissions on two amicus briefs filed in the *Friant Ranch* case. (2020 RDEIR at 6-10 to 6-14.) The amicus briefs do not support this conclusion. As an initial matter, the 2020 RDEIR's reliance on amicus briefs—but not peer reviewed studies as is customary in environmental analysis—is questionable. But even assuming it were proper for an EIR to base scientific conclusions on legal briefs, the 2020 RDEIR's reliance on the SCAQMD's amicus brief is misplaced because the brief suggests that the analysis is, in fact, feasible.

Specifically, SCAQMD's Brief explicitly affirms that in a project like the Waste Project, which includes construction of a gas station and an industrial building where the tenant and neighboring sensitive receptors are known, it is likely feasible to analyze the health impacts of pollutant emissions. (2020 RDEIR Appendix 2 [SCAQMD Brief at 9-10].) For example, in the SCAQMD brief the agency explained:

"[T]his Court cannot realistically establish a hard-and-fast rule that an analysis correlating air pollution impacts of a project to quantified resulting health impacts is always required, or indeed that it is never required. Simply put, in some cases such an analysis will be "feasible"; in some cases it will not. . . . [I]t is feasible to determine the health risk posed by a new gas station locating at an intersection in a mixed use area, where receptor locations are known. On the other hand, it may not be feasible to perform a health risk assessment for airborne toxics that will be emitted by a generic industrial building that was built on 'speculation' (i.e., without knowing the future tenant(s)). . . ." (2020 RDEIR Appendix 2 [SCAQMD Brief at 9-10] [emphasis added].)

Therefore, the amicus brief does not provide substantial evidence to support the conclusion that the analysis is infeasible. Rather, it supports the opposite conclusion—that where the location of the project and sensitive receptors are known and the type of industrial project and tenant are known—it is feasible to determine the health risk posed by the project.

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The 2020 RDEIR's failure to explain why it is still impossible to conduct the analysis of the health impacts of the Waste Project's criteria pollutants required under *Friant Ranch* therefore violates CEQA. The 2020 RDEIR fails to identify the knowledge gaps that preclude this analysis, wrongly relying on the amicus briefs as a shield from conducting a Project-specific analysis. The 2020 RDEIR should be updated to disclose the specific health risks associated with the Waste Project's criteria pollutant emissions, or to explain, on the basis of evidence in the record, why this analysis is impossible and what informational gaps need to be filled before the analysis is possible. (*Friant Ranch*, 6 Cal.5th at 520.)

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VII. CONCLUSION

Thank you for your attention to these comments. We ask that each of the issues identified herein be incorporated into the 2020 RDEIR and that the 2020 RDEIR be recirculated for another round of public comment. Once the analysis is legally sufficient, we ask that all feasible mitigation measures be incorporated into the Waste Project to address all potential environmental impacts created by the Waste Project. Please include this letter in the record of proceedings for this Project.

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Sincerely,



Diane C. De Felice

cc: City of Baldwin Park
Robert Tafoya

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Baldwin Park, Comment No. 94

(entire Attachment 1)

ATTACHMENT 1

**City of Baldwin Park's Comments on Irwindale Materials Recovery
Facility and Transfer Station Project 2020 Recirculated Draft
Environmental Impact Report (State Clearinghouse #2013051029)**

Cover Sheet
2018 California Annual Retail Fuel Outlet Report Results (CEC-A15)
Energy Assessments Division
07-1-19

Summary: The following data sheets contain a summary of CEC-A15 results from 2010 to 2018, with county gasoline and diesel sales estimates for 2018.

The intended audience is the general public.

Source of Data: Transportation Fuels Data Unit CEC-A15 report.

Key Caveats:

1. While all transportation fuel stations are required to report the CEC-A15, staff does not maintain a complete list of fueling stations in California to send notifications of the filing requirement.
2. Estimated results are obtained by matching Board of Equalization gasoline sales totals and Energy Commission diesel sales determinations (which account for both taxable and non-taxable sales of diesel). Staff uses a statistical procedure known as "bootstrapping" to estimate the population characteristics of the unreported and unknown stations. Since large chain operators are easier to notify and collect information from, the estimated population station characteristics are weighted to match independent owners and smaller station chains in order to account for unreported stations.

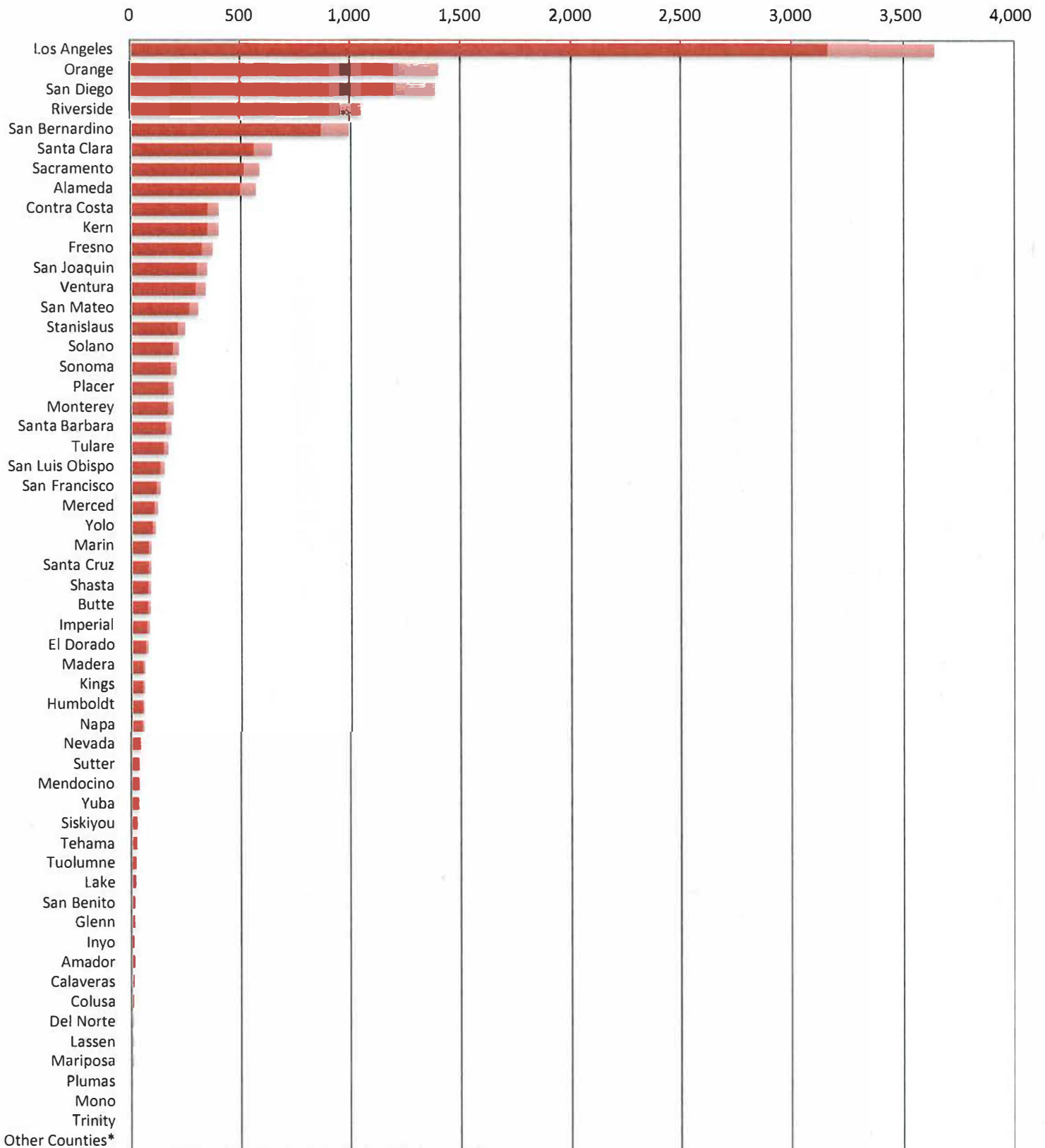
Author:

Foua Moua, Supply Analysis Office, 916-654-4554. foua.moua@energy.ca.gov

12	15	16	22	16	24	17	23	19
110	140	107	148	79	121	113	155	123
30	38	25	35	15	23	31	42	31
34	43	22	30	23	35	34	47	37
528	671	476	658	472	722	494	678	583
111	141	90	124	89	136	106	145	117
22	28	16	22	22	34	20	27	20
420	534	380	525	380	581	425	583	481
298	379	265	366	209	319	276	379	327
12	15	9	12	9	14	9	12	12
444	564	415	573	394	602	436	598	527
622	791	567	783	541	827	599	822	686
80	102	78	108	52	79	66	91	79
183	233	166	229	144	220	186	255	201
78	99	78	108	74	113	90	123	92
158	201	134	185	94	144	135	185	174
99	126	94	130	81	124	98	134	107
316	402	300	415	239	365	287	394	349
70	89	61	84	44	67	66	91	70
101	128	87	120	78	119	102	140	114
36	46	20	28	22	34	37	51	40
121	154	103	142	82	125	99	136	123
110	140	109	151	93	142	104	143	133
149	189	122	169	113	173	139	191	162
29	37	27	37	25	38	30	41	37
34	43	26	36	23	35	32	44	35
12	15	12	17	13	20	16	22	17
172	219	144	199	141	216	146	200	180
30	38	26	36	23	35	27	37	32
150	191	143	198	134	205	146	200	170
50	64	48	66	44	67	52	71	68
27	34	32	44	24	37	28	38	37
13	16	10	14	11	17	11	15	13
8,038	10,219	7,293	10,076	6,594	10,080	7,516	10,309	8,924

2018 California Retail Gasoline Sales by County (Millions of Gallons)

■ Survey Gasoline Sales ■ Projected Sales

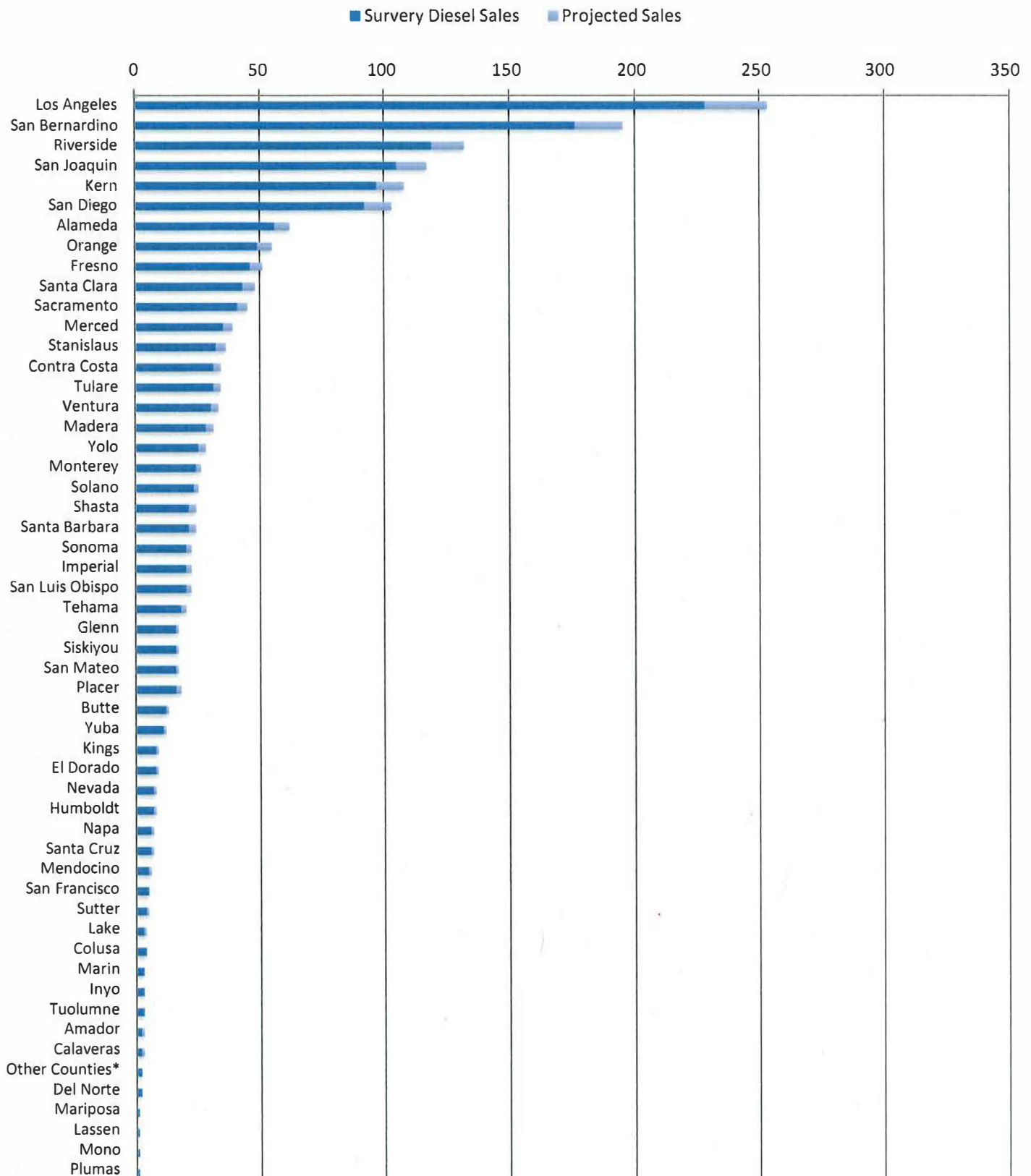


* Other Counties include Alpine, Modoc and Sierra.

91	107	83	106	52	75	83	105	91
5	6	4	5	6	9	5	6	7
36	43	33	42	28	40	32	40	37
78	92	74	94	58	83	84	105	101
2	2	6	8	6	8	6	7	7
124	147	139	177	87	126	147	184	157
49	58	41	52	27	39	50	63	50
29	34	19	25	19	27	31	40	36
1,145	1,355	1,044	1,332	1,018	1,465	1,092	1,370	1,224
162	192	131	167	118	170	167	209	181
6	7	3	4	5	8	5	7	5
756	895	725	925	702	1,010	828	1,039	921
473	560	446	568	308	442	465	584	534
17	20	5	7	10	14	12	15	15
742	878	697	889	659	948	725	909	899
1,079	1,277	972	1,241	940	1,352	1,123	1,408	1,221
126	149	126	161	71	102	107	134	119
253	299	254	325	217	312	287	360	303
105	124	109	140	101	145	117	147	127
258	306	244	311	159	229	243	304	289
140	166	135	172	124	178	148	186	161
589	697	546	696	460	661	580	727	638
89	105	79	101	53	77	77	96	85
77	91	65	83	55	79	76	95	73
19	23	9	12	10	14	21	27	24
180	213	158	202	116	167	160	201	187
160	189	163	208	146	210	160	201	186
173	205	144	183	159	229	201	252	217
34	40	33	42	17	24	30	38	35
23	27	19	24	18	26	24	30	25
1	2	3	4	3	4	3	4	4
120	142	91	116	107	155	114	143	136
15	18	12	15	14	21	18	23	21
262	310	246	314	249	358	256	321	294
74	87	75	96	63	90	82	103	98
22	26	23	30	14	20	24	30	32
1	2	1	1	1	2	2	2	2
12,241	14,486	11,396	14,540	10,220	14,701	12,044	15,108	13,785

5 percent compared to the previous methodology.

2018 California Retail Diesel Sales by County (Millions of Gallons)



* Other Counties include Alpine, Modoc, San Benito, Sierra and Trinity.

Note: Non-Retail diesel sales, which comprise approximately 52% of all diesel sales, are not reported in this chart.

203	203	200	203	204	207	207	208	213
24	28	18	23	22	31	26	33	28
3	3	2	3	2	2	2	3	4
1	1	-	1	2	2	1	1	1
7	9	6	6	4	5	6	7	9
46	55	49	62	49	68	54	69	59
	1	1	1	1	1	1	1	1
25	30	22	27	13	18	23	29	24
6	7	2	3	2	3	6	8	6
4	4	1	2	4	6	7	8	8
38	46	33	42	37	51	46	59	52
12	15	9	12	10	13	13	16	15
1	1	1	1	1	1	1	1	1
89	107	86	109	100	138	119	152	128
27	32	18	21	21	29	28	36	38
158	189	164	206	152	210	198	253	223
62	74	58	73	67	93	87	111	93
3	4	4	5	1	2	5	6	6
84	99	90	113	86	119	102	131	116
11	13	9	12	12	17	19	24	20
8	10	8	10	4	6	15	19	13
10	13	12	15	13	18	20	26	22
27	32	28	35	25	35	36	47	30
4	5	4	6	2	3	5	6	5
16	19	18	22	13	18	21	27	21
16	20	15	19	16	20	20	26	19
14	16	14	17	8	11	14	18	17
13	16	14	18	12	17	15	20	20
25	30	15	19	20	27	26	33	20
3	4	4	5	2	3	4	5	5
35	42	37	47	25	35	37	48	35
27	32	31	39	31	43	34	43	37
1	2	2	2	2	2	2	3	2
23	27	23	29	25	34	27	34	29
27	33	30	37	29	40	27	35	32
3	4	3	4	2	3	2	3	4
1	2	1	1	1	2	2	2	3

California Retail Fuel Outlet Annual Reporting (CEC-A15) Results

Petroleum Industry Information Reporting Act (PIIRA) requires all retail transportation fueling stations in California to file a Retail Fuel Outlet Annual Reporting (CEC-A15). These stations report retail sales of gasoline, diesel, and transportation fuels. Sales data reported does not include commercial government entities, or rental facilities/equipment yards.

Number of Retail Fuel Stations by Fuel – Survey Responses

Reporting Station	Gasoline	Diesel	E85 ¹	Propane	Natural Gas ³	Total Stations Survey Responses
Gasoline	8,138	3,826	30	726	52	8,369
Diesel	7,707	3,715	36	679	42	7,965

TRANSPORTATION ENERGY

[California Gasoline Data, Facts and Statistics](#)

California Retail Fuel Outlet Annual Reporting (CEC-A15) Results

[Diesel Fuel Data, Facts, and Statistics](#)

[Public Transit in California](#)

[Summary of California Vehicle and Transportation Energy](#)

CONTACT

[Media and Public Communications Office](#)

916-654-4989

CATEGORIES

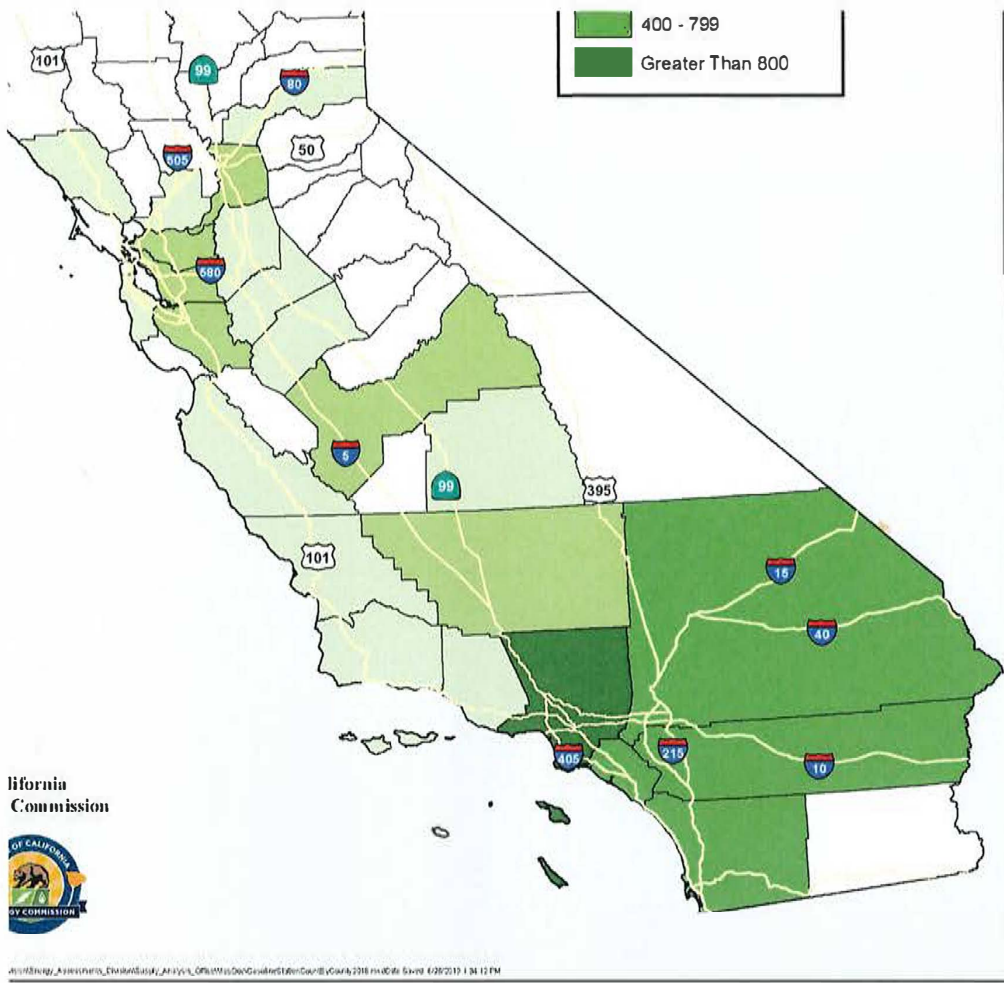
Topic
Energy Assessments

Division
Energy Assessments

7,240	4,095	81	573	139	7,516
8,456	4,790	111	651	164	8,924
8,353	4,854	127	349	142	8,872
8,256	4,873	148	381	155	8,684



California Energy Commission
is by fuel type will not equal total respondents due to stations often
ing multiple fuel types.



Sales Volumes – Survey Responses (Million ns)

Reporting Year	Gasoline	Diesel	E85 ¹	Propane	Natural Gas ²
	12,764	1,393	1.38	40.87	3.84
	12,238	1,285	2	32.64	4.09
	12,644	1,346	3.89	19.82	7.26
	12,241	1,325	5.12	25.44	6.6
	11,418	1,262	7.31	13.99	6.17
	10,220	1,227	4.99	18.23	3.94

12,764	13.80%	14,814	1,393	2,580
12,238	17.60%	14,861	1,285	2,590
12,644	13.40%	14,606	1,346	2,622
12,241	12.70%	14,486	1,325	2,603
11,394	21.60%	14,540	1,262	2,740
10,220	30.40%	14,701	1,227	2,776
12,044	20.30%	15,108	1,592	2,825
13,787	11.0%	15,492	1,743	3,005
13,936	10.6%	15,584	1,717	3,124
13,475	12.9 %	15,471	1,601	3,074

California Energy Commission

DE tracks all gasoline and diesel sales in California for taxation purposes, but accounts for those sales at the finished fuel terminal level where the sale first occurs. Because of this, BOE gasoline and diesel sales have no geographic dimension available. The CEC-A15 tracks fuel sales at the retail level, by station, but since the current number of stations is constantly changing and the full station population is unknown, staff uses the total BOE gasoline and diesel sales figures as a benchmark to achieve in data reconciliation efforts. Differences in these two figures estimate the amount of sales reported in CEC-A15 results.



California Annual Retail Fuel Outlet Report Results (C-A15) Spreadsheets

Following Excel files contain annual CEC-A15 results and analyses organized in county level tables for station counts, gasoline sales, and diesel volume. The workbooks graphically display the gasoline sales and diesel volume.

10-2018 CEC-A15 Results and Analysis

Methodology for Estimating Stations Sales

CT

a Energy Commission
th Street
nto, CA 95814

Js | Directions

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[Flex Alert](#)



Andrea K. Leisy
aleisy@rmmenvirolaw.com

August 5, 2020

VIA ELECTRONIC & U.S. MAIL
Msimpson@irwindaleca.gov

Marilyn Simpson
City of Irwindale Community Development Department
Attn: Irwindale MRF/TS Recirculated DEIR
5050 North Irwindale Avenue
Irwindale, CA 91706

Re: Comments on Irwindale Materials Recovery Facility and Transfer Station (MRF/TS) Project Recirculated Draft Environmental Impact Report (SCH No. 2013051029)

Dear Ms. Simpson:

We submit this letter on behalf of our client Waste Management Collection and Recycling, Inc. dba Waste Management of San Gabriel/Pomona Valley (collectively referred to as WM), regarding the adequacy of the 2020 Recirculated Draft Environmental Impact Report (“2020 RDEIR”) prepared by the City of Irwindale (“City”) pursuant to the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000, et seq.) as directed by the Peremptory Writ of Mandate issued by Judge Strobel of the Los Angeles County Superior Court for the Irwindale Materials Recovery Facility and Transfer Station Project (“Project”).

Although the 2020 RDEIR no longer utilizes the South Coast Air Quality Management District’s 10,000 MT CO₂e as a threshold of significance, the 2020 RDEIR’s analysis and conclusions with respect to greenhouse gas (“GHG”) emissions remain unsupported by substantial evidence and therefore inadequate under CEQA.

The primary source of GHG emissions associated with the construction and operation of the Project continues to be mobile emissions, including collection trucks, transfer trucks, self-haul trucks and employee vehicles. The 2014 RDEIR disclosed that construction plus operational GHG emissions would be approximately 58,834 MT CO₂e annually and concluded that the impact was significant an unavoidable even after the implementation of mitigation.

Now, the 2020 RDEIR finds that construction plus operational GHG emissions will be (-)1,814 MT CO₂e annually—a decrease of 70,648 MT CO₂e per year—and concludes that the impact is less than significant, requiring no mitigation. Thus, with no

changes to the Project's operations, the impact is now less than significant with absolutely no mitigation. This is quite the extraordinary (and convenient) result.

What substantial evidence exists in the record supporting the 2020 RDEIR's assumption that no new truck trips would result from the Project? What baseline data exists, specifically, to support this assumption? Did the City use only existing collection and transfer truck trips in the RDEIR analysis or did it also assume a projected future baseline which considered the life of the Project and increased population and waste generation? The RDEIR is unclear.

The 2020 RDEIR states that the City completed "a quantitative regional efficiencies analysis" using the EMFAC model (RDEIR, pp. 4-10 through 4-11), but there is no citation to this analysis and it is not provided as an appendix to the RDEIR for public review and comment. An environmental setting discussion is adequate only when sufficient relevant information is included in an appendix to the EIR or in other documents that the EIR incorporates by reference, and the information is made readily available to the public. (See *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 539-540; see also *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 659 [EIR for the expansion of an aggregate mining operation failed to adequately describe the existing environmental setting by including only "generalized" statements about existing conditions which degraded the usefulness of the EIR and contributed to its inadequacy as an informational document].) The 2020 RDEIR omits this information.

If the RDEIR attempts to rely on the old EMFAC model in the 2014 RDEIR, please explain how, exactly, the modeling conducted in 2014 reflects the baseline existing conditions and supports the assumptions in the 2020 RDEIR assumptions (i.e. no new truck trips). For example, how many then existing collection and transfer truck trips were identified for each market area and route? What evidence in the EMFAC and GHG modeling supports the assumption that there will be fewer trips and GHG emissions?

It is also perplexing how the City can reconcile this (no new truck trip) assumption with the prior admission by Athens that the Project would generate approximately 2,456 collection and transfer truck trips per day, of which approximately 1/3 would be new. (See 2014 RDEIR, p. 3.3-35.) What changed and why didn't the City take this approach in the original Draft EIR?

The 2020 RDEIR also fails to identify the types of transfer trucks that will be used to haul material from the MRF/TS for disposal. Although the 2020 RDEIR states that Athens' collection fleet is 86% CNG fueled and will be 100% in the future, it omits the makeup of the transfer trucks operated by third-party haulers. (2020 RDEIR at p. 3-3.) Will all transfer trucks frequenting the site be operated by Athens? If not, how does the City propose to ensure that CNG transfer trucks will be used by third-party haulers as assumed?

In relying on “regional efficiencies” to reach net zero GHG emissions, the 2020 RDEIR also assumes reductions in mileage from various markets in the region to the Project site. (2020 RDEIR, pp. 4-13 to 4-23.) The 2014 RDEIR similarly disclosed regional efficiencies based on distance from markets to the Project. (2014 RDEIR, p. 3.3-37 [Table 3.3-11].) Notably, however, the distances disclosed in the 2020 RDEIR are less than those reported in the 2014 RDEIR for the same market—resulting in the market to mileage reductions being overstated and inconsistent.

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For example, the distance between Azusa to the Project site was previously reported as 6.7 miles in 2014, but in the 2020 RDEIR is reported as 3.4 miles. (2014 RDEIR, p. 3.3-37 [Table 3.3-11; cf. 2020 RDEIR, p. 4-16 [Table 4-1].) This is also true for the Irwindale market. (*Ibid.*) The 2020 RDEIR provides no explanation for this discrepancy. The 2020 RDEIR also fails to account for mileage associated with waste collected from Baldwin Park. (*Ibid.*)

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Moreover, as noted above, nothing in the 2020 RDEIR supports the assumption that the baseline conditions, i.e., Athens existing collection of waste throughout the various markets will continue for the life of the Project. (2020 RDEIR, pp. 4-16 to 4-19.) The analysis relies on the Project’s proximity to the Vincent Truck Yard, where Athens currently stations its truck fleet. (2020 RDEIR, pp. 4-15 to 4-16, 4-17 [Table 4-2].) This is misleading as there is nothing to support that Athens’ existing franchise agreements with markets in the region will continue as they exist today. As the 2020 RDEIR acknowledges, after construction of the Project, and as existing franchise agreements expire, markets may choose to contract with other commercial haulers (2020 RDEIR, p. 4-19)—in which case, the reduction in vehicle miles may be reduced depending on which commercial hauler is selected and GHG emissions would increase accordingly.

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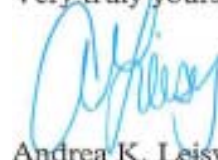
This Project has been plagued with peculiarities including an unusually bifurcated, and oftentimes, confusing administrative review and entitlement process. We remain concerned that the City continues to play a shell game rather than fully disclosing the true magnitude of the Project’s GHG impacts. We implore the City to revise the 2020 RDEIR to reflect the good-faith effort at full disclosure mandated by CEQA and to give the public an opportunity to review the alleged substantial evidence the 2020 RDEIR relies on when reaching a less-than-significant GHG impact conclusion.

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Thank you in advance for your consideration of our comments. Please provide me with a copy of all public notices issued in relation to the Project, including the notice of the Final RDEIR’s availability and the proposed re-approval of the Project by the City.

12

Very truly yours,



Andrea K. Leisv

**Appendix 2 Technical Memorandum No. 1 – Irwindale MRF/TS
Assessment of Health Effects from Regional Air Emissions**



Technical Memorandum No. 1

November 4, 2020

To: Marilyn Simpson, AICP, City of Irwindale Community Development Director

From: Paul Miller, Senior Scientist and Managing Principal

**CC: Adrian Guerra, Irwindale City Attorney
Jeffrey Harvey, Ph.D.**

**RE: Irwindale MRF/TS Assessment of Health Effects from Regional Air Emissions
(in support of Responses to Comments on 2020 RDEIR)**

Introduction

This technical assessment further supports the determination in the 2020 Recirculated Draft Environmental Impact Report (“2020 RDEIR”) that it is technically infeasible to accurately connect the Project’s criteria air pollutant emissions of nitrogen oxides (NO_x) and reactive organic gases (ROG) to regional ozone concentration increases, and, as a result, it is infeasible to meaningfully correlate the Project’s emissions to health effects. Specifically, this memorandum compares the scale of the Project’s emissions against: (1) the levels of emissions that the South Coast Air Quality Management District’s (“SCAQMD”) prior technical analyses determined could affect regional ozone concentrations; and, (2) the lower levels that SCAQMD has determined are infeasible to correlate to potential health consequences.

The 2018 California Supreme Court decision in *Sierra Club v. County of Fresno* (referred to as “*Friant Ranch*”)¹ directs lead agencies preparing CEQA documents to: (1) make a reasonable effort to substantively connect a project’s air quality impacts to likely health consequences, or (2) explain in meaningful detail why it is not feasible to provide such an analysis.

¹ *Sierra Club v. County of Fresno (Friant Ranch, L.P.)* (2018) 6 Cal.5th 502 (Case No. S219783).

As indicated in the Project's 2014 Recirculated Draft Environmental Impact Report ("2014 RDEIR") (Table 3.3-15), and shown in Table 1 below, after the incorporation of all feasible mitigation measures, the proposed Irwindale MRF/TS Project would exceed SCAQMD thresholds for daily NO_x and ROG emissions. Table 3.3-15 of the 2014 RDEIR shows that emissions of the other criteria pollutants (PM₁₀, PM_{2.5} and CO) would be less than the SCAQMD significance thresholds and thus less than significant. For that reason, PM₁₀, PM_{2.5} and CO will not be further addressed in this technical memorandum.

Table 1. Estimated Mitigated Operational Emissions of ROG and NO_x

Project Phase	ROG	NO _x
<i>Daily Emissions</i>		
Total Operations all sources (lbs./day)	81	1,323
SCAQMD Threshold (lbs./day)	55	55
Significant (yes or no?)	Yes	Yes
<i>Annual Emissions</i>		
Total Operations all sources (tons/year) ¹	15	241
SCAQMD Threshold (tons/year)	10	10
Significant (yes or no?)	Yes	Yes

Source: Irwindale MRF 2014 RDEIR, Table 3.3-15

¹Tons/year calculation assumes maximum operations 365 days per year.

As shown in Table 1, above, the Project's ROG emissions are approximately 1.6 times the daily threshold and NO_x emissions are approximately 16 times the daily threshold. These thresholds are for the total emissions from project operations (stationary sources, area sources and mobile sources). Exceeding the total emission thresholds is a significant impact and requires that the Lead Agency identify feasible mitigation measures to reduce emissions. However, exceeding the threshold does not mean or imply that total emissions from project operations (the emission inventory) provides sufficient information to determine changes in regional ozone concentrations or specific health impacts. The total emissions, location of the emissions, meteorology, the presence of sunlight, seasonal atmospheric conditions and other complex chemical factors all combine to determine the ultimate concentration and location of ozone. Most of the emissions from the Project are from mobile sources and that further complicates determining any changes to regional concentrations of ozone that could affect health.²

² Most of the Project's emissions for both NO_x and ROG are mobile emissions along truck routes, with trucks collecting waste materials and transporting sorted materials to recycling centers, composting facilities, and landfills. These mobile emissions account for 87% of the Project's ROG

The Project emissions reported in Table 1 are an extreme worst-case assessment of Project impacts. This is because they were calculated utilizing a methodology that assumed all waste-hauling truck trips to and from the Project are “new” truck trips within the South Coast Air Basin. As discussed in detail in Chapter 4 of the 2020 RDEIR, these waste hauling truck trips are actually redistributed trips, that are either already occurring today, without the Project, or that would occur in the future, with or without the Project.

Ozone Formation

Regional health effects are not directly caused by ROG and NO_x but from the secondary production of ozone from these compounds. The formation of ozone is explained on page 6-5 of the 2020 RDEIR:

“[Ozone] O₃ is not emitted directly into the atmosphere but is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving ROG and NO_x. ROG and NO_x are therefore known as precursor compounds for O₃. Substantial ozone production generally requires O₃ precursors to be present in a stable atmosphere with strong sunlight for approximately three hours. O₃ is defined as a regional air pollutant because it is not emitted directly by specific sources but is formed downwind of sources of ROG and NO_x under the influence of wind and sunlight. O₃ concentrations tend to be higher in the late spring, summer, and fall when long sunny days combine with regional air subsidence inversions to create conditions conducive to the formation and accumulation of secondary photochemical compounds.”

Technical Assessment

The following analysis addresses whether the level of ROG and NO_x emissions generated by the Project are enough to feasibly predict changes in regional ozone levels and resulting health effects.

Chapter 6 of the 2020 RDEIR relies on the SCAQMD 2016 Air Quality Management Plan, the SCAQMD 2012 Air Quality Management Plan, and recent data from the California Air Resources Board (“CARB”) relating to ozone and inhalable particulate matter. The 2020 RDEIR also considers and refers to the expert opinion of SCAQMD, as included in its

emissions and 97% of the NO_x emissions shown in Table 1. Thus, these emissions will be dispersed throughout a greater area, and not emitted at a single point source.

amicus brief filed in the Friant Ranch case. As the local regulatory agency with jurisdiction over air resources, SCAQMD is the recognized scientific expert in the area of air quality assessment in the South Coast Air Basin, the air basin within which the proposed Project is located.

SCAQMD is responsible for controlling emissions from the 28,400 stationary sources of air pollution in the District, from large power plants and refineries to the corner gas station. SCAQMD also develops and adopts Air Quality Management Plans, which are the basis for bringing the area into compliance with federal and state clean air standards, including the ozone standards.³ SCAQMD conducts the ozone regional modeling for the South Coast Air Basin ozone attainment projections.⁴ Thus, SCAQMD has unique scientific expertise on how, and whether, lead agencies can correlate air quality impacts from individual projects with regional ozone concentrations and resulting health impacts.

In its amicus brief, SCAQMD explains that it is feasible to conduct Health Risk Assessments for projects with fixed toxic air contaminant emissions located near an intersection in a mixed-use area, where receptor locations are known. Consistent with this, as part of the 2014 RDEIR for the Irwindale MRF/TS EIR, a Health Risk Assessment was prepared to evaluate toxic air contaminants, including emissions from the convenience store/public gas station that is part of the Project, on known receptor locations.⁵

SCAQMD also has determined that for “criteria pollutants, such as ozone, it may be more difficult to quantify health impacts” in part because “it takes a large amount of additional precursor compounds to cause a modeled increase in ambient ozone levels over an entire region.”

There are two studies that are summarized in the SCAQMD amicus brief that address the size of projects necessary to estimate regional ozone increases from project emissions. For each of these studies, the SCAQMD was able to correlate emissions of ozone precursors

³ About South Coast Air Quality Management District, October 29, 2020, [available at: <http://www.aqmd.gov/nav/about#>]

⁴ South Coast Air Quality Management District, *Appendix V Modeling and Attainment Demonstration, 2016 Air Quality Management Plan*, March 2017, October 29, 2020, [available at: <https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/appendix-v.pdf?sfvrsn=10>] .

⁵ However, notably, the majority of the Project’s overall emissions are not from fixed stationary sources, but emitted from mobile waste-hauling trucks, as they travel throughout the region, passing quickly through any one location, and past any *individual* fixed sensitive receptors.

with regional ozone levels. These studies are: (1) the analysis of SCAQMD Rule 1315⁶, and (2) analyses prepared in support of the development of the SCAQMD 2012 Air Quality Management Plan. However, as discussed below, the scale of emissions in both of these examples are not comparable to the scale of emissions emitted by the Irwindale MRF/TS Project.

In the first example, SCAQMD notes that for extremely large projects like those included in the analysis of Rule 1315, changes in regional ozone and, as a result, ozone-related health impacts could be identified when the amount of ozone precursor emissions are at a certain scale. The Rule 1315 analysis looked at ozone precursor emissions of 1,208 tons per year of NO_x and 16,275 tons per year of ROG. These emissions amounts accounted for essentially all the estimated increases in emissions due to new or modified air pollutant sources in the SCAQMD between 2010 and 2030. SCAQMD was able to establish the location of future emissions based upon an assumption that new projects would be built in the same locations and proportions as existing stationary sources. Based on the sheer scale of these ozone precursor emissions, the SCAQMD was able to correlate secondary ozone formation with the precursor emissions caused by the aggregate of all new source emissions anticipated in the basin over a 20 year period.

The fact that SCAQMD was able to correlate ozone precursor emissions of NO_x and ROG as part of the Rule 1315 analysis does not indicate that the City of Irwindale can do the same as part of the Irwindale MRF/TS Project analysis. The amount of emissions analyzed in the Rule 1315 analysis is not comparable to the amount of emissions estimated for the Irwindale MRF/TS Project. The SCAQMD ozone precursor compounds for the Rule 1315 analysis were 17,483 tons per year of ozone precursors (NO_x + ROG). The Irwindale MRF/TS is estimated to emit a total of 256 tons per year (NO_x + ROG). The Irwindale MRF/TS is therefore projected to have worst-case emissions of less than 1.5% of the precursor compounds accounted for in the SCAQMD Rule 1315 analysis. With less than 1.5% of the precursor compounds, the Irwindale MRF/TS emissions are several magnitudes less than the emissions levels identified in the SCAQMD Rule 1315 analysis that could be correlated to modeled ozone changes and resulting health impacts of that ozone.⁷

⁶ Rule 1315 is the Federal New Source Review Tracking System, and allows SCAQMD to issue permits to major sources. New Source Review is designed to comply with federal and state Clean Air Act requirements and ensure that emission increases from new and modified sources do not interfere with efforts to attain and maintain the federal and state air quality standards. Rule 1315 is available at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiii/rule-1315.pdf>

⁷ Also, the Rule 1315 analysis used stationary sources with specific locations for modeling, in

The second example of a large project for which ozone increases can be reasonably modeled is the analysis of ozone precursors in the SCAQMD's 2012 AQMP (SCAQMD amicus brief, page 11). The SCAQMD amicus brief states:

“[I]t takes a large amount of additional precursor compounds to cause a modeled increase in ambient ozone levels over an entire region. For example, the SCAQMD's 2012 AQMP showed that reducing NO_x by 432 tons per day (157,680 tons/year) and reducing VOC by 187 tons per day (68,255 tons/year) would reduce ozone levels at the SCAQMD's monitor site with the highest levels by only 9 parts per billion.”

This analysis considered a total of 225,935 tons/year of ozone precursors and correlated that amount of precursor emissions to only a change of ozone levels of 9 parts per billion. For reference, SCAQMD's daily ozone 8-hour average standard is 75 parts per billion. The Irwindale MRF/TS is projected to emit less than 0.12% of the precursor compounds that the SCAQMD was able to correlate to the relatively small 9 ppb change of ozone levels, indicating that the amount of ozone precursor emissions generated by the Irwindale MRF/TS could, at best, only be correlated to a negligible amount of ozone. Ozone changes of that negligible amount would be meaningless in any effort to estimate resulting health impacts.

As explained in its amicus brief, the SCAQMD has also concluded that for smaller projects, emitting only 10 tons per year of NO_x or ROG⁸, potential effects cannot be detected in the regional air quality models. This is consistent with SCAQMD's finding that, as discussed above, emissions of nearly 226,000 tons per year altered the modeling results for ozone production by only 9 parts per billion. With a total of 256 tons per day of ozone precursors, the Irwindale MRF/TS is statistically closer to the SCAQMD's 10 tons per year example than the Rule 1315 analysis with 17,483 tons per year of ozone precursors or the 2012 AQMD modeling with 225,935 tons per year of ozone precursors.

Given the above, the 256 tons per day of ozone precursors attributable to the Irwindale MRF/TS Project cannot be meaningfully correlated to actual ozone increases in the region,

contrast to the Irwindale MRF/TS that has mobile sources moving throughout the air basin for 97% of the ozone precursor compound emissions

⁸ Ten tons per year is the annual equivalent of the 55 lbs. per day SCAQMD threshold for emissions of ROG and NO_x.

if such an increase is even detectable at all. As such, no increase in regional health effects resulting from that ozone increase can be determined.

Paul Miller, Statement of Qualifications

I, Paul Miller, began my career in air quality in 1980 as the manager of Air Quality Moving Laboratories at Environmental Measurement, Inc. In that job, we chased air quality plumes from major sources (such as coal-fired power plants and gas-well fires) to measure pollutant concentrations of NO_x, SO_x, ozone (O₃), CO and H₂S. I also took part in SF₆ tracer studies to measure the dispersion of pollutants under various meteorological conditions. Since 1986, I have continuously authored and reviewed air quality reports for CEQA documents and trained numerous air quality technicians and scientists. At RCH Group our air quality staff are currently working at Chicago O'Hare airport in Illinois, and projects throughout California. I have also been a Board Member and Treasurer of the local Mother Lode Section of the Air & Waste Management Association (A&WMA National Organization) for the past 10 years. My combined training and experience provide the professional expertise required to understand and opine on why it is infeasible to describe regional health effects from the emissions of individual projects and the evidence presented in this memo that supports that understanding.

Appendix 3 2020 MMRP

2020 Mitigation Monitoring and Reporting Program

2020 Mitigation Monitoring and Reporting Program

State CEQA Guideline §15097 directs the Lead Agency, the City of Irwindale, to adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. This Mitigation Monitoring and Reporting Program (MMRP) is required as a condition of approval by the City of Irwindale order to ensure that the mitigation measures and project revisions identified in the EIR are implemented. The MMRP will be monitored by various departments of the City of Irwindale. This MMRP includes the mitigation as identified in the Final EIR; and those which are required to address the potential environmental impacts associated with implementation of the proposed project. CEQA (Public Resources Code Section 21081.6 (a) (1)).

State CEQA Guidelines §15370 defines “mitigation” as:

- Avoiding the impact completely by not taking a certain action or parts of an action;
- Minimizing the impact by limiting the degree or magnitude of the action and its implementation;
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations, during the life of the action;
- Compensating for the impact by replacing or providing substitute resources or environments.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21002, 21002.1, 21081, and 21100(c), Public Resources Code.

In addition to mitigation measures (“MM”), the *Irwindale Materials Recovery Facility and Transfer Station Project* is required to comply with project design features (“PDF”). PDFs are designed during the initial planning phase and are incorporated into the physical design of a project. PDFs have been introduced by either the Applicant or the Lead Agency as a way to reduce an anticipated effect. This mitigation program incorporates both MMs and PDFs. All direct and indirect impacts that can be avoided or reduced to less than significant levels by the mitigation program are discussed in the EIR. The mitigation program serves as a means to reduce or avoid any identified potentially significant adverse impacts from implementation of the Proposed Project.

Refer to **Table 1 Irwindale Materials Recovery Facility and Transfer Station Project 2020 Final EIR, 2020 Mitigation Monitoring and Reporting Program.**

2020 Mitigation Monitoring and Reporting Program

Table 1
Irwindale Materials Recovery Facility and Transfer Station Project EIR
2020 Mitigation Monitoring and Reporting Program

Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
AIR QUALITY / GREENHOUSE GASES / ODORS / HEALTH RISK ASSESSMENT				
MM AQ-1	Dust Control / SCAQMD Rules 402 and 403 In order to offset potential impacts that could occur without compliance with Rules 402 and 403, the City shall ensure the Proposed Project adheres to the provisions of SCAQMD Rules 402 and 403 regarding construction-related fugitive dust control by implementing a dust control program pursuant to the provisions of SCAQMD Rules 402 and 403. The Applicant shall ensure that contractors implement a fugitive dust control program pursuant to the provisions of SCAQMD Rules 402 and 403. This program shall include, but not limited to the following: • Prior to issuance of any grading permit, the City Engineer and Senior Building Inspector shall confirm that the grading plan and building plans stipulate that, in compliance with SCAQMD Rule 403, fugitive dust shall be controlled by the applicable best available control measures listed in Table 1 of Rule 403.	Athens Services / City of Irwindale City Engineer and Senior Building Inspector; to be observed during twice yearly inspections	Prior to issuance of grading permit	

2020 Mitigation Monitoring and Reporting Program

Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
	• Water or a stabilizing agent shall be applied at least three times daily, preferably in the mid-morning, afternoon, and after work is done for the day, to exposed surfaces including graded and disturbed areas in sufficient quantity to prevent generation of dust plumes. • Track-out shall not extend 25 feet or more from an active operation and track-out shall be removed at the conclusion of each workday. The contractor shall use a gravel apron, 25 feet long by road width, or a pipe-grid track-out control device to reduce mud/dirt track-out from active operations and unpaved truck exit routes. • A wheel washing system shall be installed and used to remove bulk material from tires and vehicle undercarriages before vehicles exit the project site. • All trucks hauling dirt, sand, soil, or other loose materials are to be tarped with a fabric cover and maintain a freeboard height of 12 inches. • Traffic speeds on unpaved roads shall be limited to 15 miles per hour.			

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
	• Operations on unpaved surfaces shall be suspended when winds exceed 25 miles per hour. • On-site stock piles shall be covered or watered at least twice per day. • The Applicant shall use street sweepers (using reclaimed water if available) that comply with SCAQMD Rules 1186 and 1186.1.			
MM AQ-2	Construction Equipment The Applicant shall ensure that construction equipment is properly tuned and maintained in accordance with manufacturer's specifications to ensure minimum emissions under normal operations.	Construction Contractor, reporting to City of Irwindale City Engineer	Construction	
MM AQ-3	Electricity Electricity from power poles rather than temporary diesel- or gasoline-powered generators shall be used, where available.	Athens Services; subject to the review and approval of City of Irwindale Building Inspector	Construction	
MM AQ-4	Diesel Trucks Heavy-duty diesel trucks shall be properly tuned and maintained to manufacturers' specifications to ensure minimum emissions under normal operations.	Athens Services; reporting to City of Irwindale City Engineer annually	Life of Project	

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
MM AQ-5	Smog Alerts Heavy equipment operations shall be discontinued during first and second stage smog alerts.	Athens Services / City of Irwindale Code Enforcement to inspect site in the event of a smog alert.	Life of Project	
MM AQ-6	Construction Equipment The use of 2010 model or newer construction equipment shall be required, where feasible.	Construction Contractor / City of Irwindale Code Enforcement	Construction	
MM AQ-7	Construction Equipment Older (prior to 2010 model year) construction equipment shall be retrofitted with appropriate emission control devices (Tier 2 or better) prior to onsite use.	Construction Contractor / City of Irwindale Code Enforcement	Construction	

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
MM AQ-8	Heavy Duty Equipment Prior to commencement of operations, the Applicant shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NO _x reduction and 85 percent PM reduction compared to the most recent CARB fleet average (i.e., Tier 2 equipment or better). Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such are available.	Athens Services and City of Irwindale Senior Building Inspector	Construction	

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
MM AQ-9	Truck Idling All construction vehicles, both on- and off-site, and construction equipment idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). The construction contractor shall post visible signage within construction equipment operator components notifying equipment operators of the prohibiting against idling in excess of five minutes. The construction contractor shall provide awareness training to equipment operators regarding idling limits.	Athens Services and City of Irwindale Senior Building Inspector	Construction	
MM AQ-10	Paint Contractors shall use varying-pressure-low-volume paint applicators or other application techniques with equivalent or higher transfer efficiency.	Athens Services and City of Irwindale Senior Building Inspector	Construction	
MM AQ-11	Paint Use super compliant VOC (and ROG) coatings for all architectural applications. (Rule 1113 of the SCAQMD established a schedule of VOC limits for architectural coatings. However, many manufacturers have reformulated their coatings to levels well below these limits. These are referred to as "Super-Compliant" and contain less than 10 grams of VOC per liter.)	Athens Services and City of Irwindale Senior Building Inspector	Construction	

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
MM AQ-12	Fueling Station Applicant shall properly maintain ROG emission control devices within the gasoline dispensing station pursuant to SCAQMD Rule 461.	Athens Services and City of Irwindale Senior Building Inspector City of Irwindale to observe during twice yearly inspections	Life of Project	
MM AQ-13	Fueling Station All gasoline dispensing facilities shall meet the requirements of SCAQMD's Rule 461 to limit ROG emissions from gasoline dispensing facilities, including but not limited to using CARB-certified vapor recovery systems and spill boxes and periodic testing of the equipment.	Athens Services and City of Irwindale Senior Building Inspector to observe during twice yearly inspections	Life of Project	
MM AQ-14	Heavy Duty Diesel Trucks Heavy-duty diesel trucks shall be properly tuned and maintained to manufacturers' specifications to ensure minimum emissions under normal operations.	Athens Services and City of Irwindale Senior Building Inspector to observe during twice yearly inspections	Life of Project	
MM AQ-15	Transfer Trucks The use of 2010 model or newer transfer trucks shall be required whenever older vehicles are replaced or upgraded, per SCAQMD Rule 1193.	Athens Services and City of Irwindale Senior Building Inspector to observe during twice yearly inspections	Life of Project	

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
MM AQ-16	Transfer Trucks At project start, all heavy duty trucks entering the property must meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025.	Athens Services and City of Irwindale Senior Building Inspector to observe during twice yearly inspections	Life of Project	
MM AQ-17	Off –Road Heavy Duty Equipment The Project Applicant shall require all on-site off-road heavy-duty equipment (loaders, excavators, skid steer) to meet USEPA Tier 3 emissions standards (or Tier 4 emission standards, based on availability at the initiation of the Project) ¹ . These on-site off-road construction equipment used in operation of the Project shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the applicant 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 the certified tier specification for each piece of heavy-duty equipment, BACT documentation, and CARB or SCAQMD operating permit shall be provided to the City prior to operation of the Project.	Athens Services and City of Irwindale Senior Building Inspector	Prior to the operational phase	

¹ The first federal standards (Tier 1) for new nonroad (or off-road) diesel engines were adopted in 1994 for engines over 37 kW (50 hp), to be phased-in from 1996 to 2000. In 1998, the USEPA signed the final rule introducing Tier 1 standards for equipment under 37 kW (50 hp) and increasingly more stringent Tier 2 and Tier 3 standards for all equipment with phase-in schedules from 2000 to 2008. The Tier 1-3 standards are met through advanced engine design, with no or only limited use of exhaust gas after treatment (oxidation catalysts). Tier 3 standards for NOx+HC are similar in stringency to the 2004 standards for highway engines. In 2004, the USEPA signed the final rule introducing Tier 4 emission standards, which are to be phased-in over the period of 2008 to 2015. The Tier 4 standards require that emissions of PM and NOx be further reduced by about 90 percent. Tier 2 engines reduce NOx emissions by approximately 37 percent compared to Tier 1 engines, while Tier 3 engines achieve a 62 percent reduction in NOx-HC emissions.

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
MM AQ-18	Diesel Trucks Idling Times All diesel truck operators shall strictly abide by the applicable State law requirements for idling, as described in the Airborne Toxic Control Measure (CCR, Title 13, Section 2485), which limits vehicles with gross vehicular weight ratings of more than 10,000 pounds to no more than five minutes of idling of the primary engine or the diesel-fueled auxiliary power system at any location. Trucks engaging in unloading at the Project site and load weighing/financial transactions at the scale house shall be prohibited from idling in excess of five minutes. Visible signage notifying truck operators of idling limits shall be posted near all site entrances. In the event third party collection haulers were required, all diesel truck operators that use the facility would be encouraged, and if reasonably possible by Athens to require contractually, to apply in good faith for funding from an established CARB or SCAQMD funding program to either retrofit or replace engines that are older than 2007 model year.	Athens Services and City of Irwindale Senior Building Inspector to observe during twice yearly inspections	Life of Project	
MM AQ-19	Odor Control Applicant shall minimize odors during operation of the MRF/TS by properly maintaining design features and equipment designed to reduce and eliminate odors and pursuant to provisions of SCAQMD Rule 410.	Athens Services and City of Irwindale Senior Building Inspector to observe during twice yearly inspections	Life of Project	

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
MM AQ-20	Odor Control On-Site Management Plan No. 3; Athens Services Odor Control Program shall include a requirement that any and all odor complaints shall be referred directly to the City of Irwindale Community Development Department Code Enforcement Division. Odor complaints shall be substantiated by the City as follows: a. Inspection and confirmation by Code Enforcement Division Staff; and/or b. Inspection and confirmation by the SCAQMD; and/or c. A qualified consultant, as determined and selected by the City, will be retained to collect samples to quantify odor intensity using a Nasal Ranger or other comparable instrument. Such consultant shall be retained by the City at the sole expense of the Applicant. Facility representatives shall conduct an odor survey as soon as practical, but not to exceed 2 hours after receiving an odor complaint or notification from the SCAQMD or the LEA. Upon substantiation of an odor complaint, Applicant shall meet with the City within 48 hours to determine actions to remedy the odor complaint. A detailed action plan shall be prepared within 24 hours of the meeting identifying the steps to be taken to remedy the issue. All remedies shall be at	Athens Services and City of Irwindale Senior Building Inspector to observe during twice yearly inspections	Life of Project	

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
	the sole expense of the Applicant and shall be implemented / installed as soon as feasible.			
MM AQ-21	Odor Control As a means to address public concerns and complaints regarding odors, the Project Applicant shall publicly post the SCAQMD odor complaint phone number [1-800-CUT-SMOG (1-800-288-7664)] and website address on signs that are visible from the street at all entrances to the MRF/TS facility. (http://www.aqmd.gov/complain/reporting_aq_problems.html)	Athens Services	Life of Project	
BIOLOGY				
MM BIO-1	Pre-Construction Survey The Applicant shall comply with the regulatory requirements of the federal Migratory Bird Treaty Act and California Fish and Game Codes §3503, §3503.5, and §3513 regarding Proposed Project grading and construction activities. <i>Pre-construction Surveys for Nesting Birds</i> The Applicant shall implement the following protective measures to ensure implementation of the Migratory Bird Treaty Act and compliance with State regulations during construction. To the extent feasible, the Applicant and/or the construction contractor(s) shall trim/remove all vegetation/tree limbs necessary for Proposed Project construction between September 1 and January 31. Should construction activities or	Athens Services / Qualified Biologist selected and overseen by City of Irwindale	Prior to initial grading permit	

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
	vegetation removal commence between February 1 to August 31, pre-construction surveys for nesting birds shall be conducted for any affected tree(s) located within the public right of way by a qualified biologist to ensure that no active nests would be disturbed during project implementation. A preconstruction survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities. During this survey, the qualified person shall inspect the street trees located within the public right of way and areas immediately adjacent to the project site for nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the qualified biologist, in consultation with the CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest until the young have fledged.			
CULTURAL RESOURCES				
MM CR-1	Native American Monitor The Applicant and City shall consult with the Gabrieleño Band of Mission Indian Tribe, prior to on-site earthwork activities, to invite a Native American Monitor at the project site for the excavation and ground disturbance activities.	Athens Services / City of Irwindale Senior Planner / Gabrieleño Band of Mission Indian Tribe	Prior to earthwork	

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
MM CR-2	Archaeological Resources In the event any previously undetected archaeological resources are encountered during project construction, all excavation and ground disturbance activities shall cease and a qualified archaeologist will be contacted within 24 hours to evaluate the nature and significance of any such discoveries. If a discovery proves to be significant, additional work (such as data recovery excavation) may be warranted. Work may be resumed with approval of the attending archeologist and City Staff. Further, should unforeseen artifacts become uncovered during site grading, the Applicant would be required to adhere to all City and State of California procedures, including Section 21083.2(i) of the CEQA Statutes and Section 15064.5 of the CEQA Guidelines regarding stoppage of work, handling of discovered materials, and notification of proper authorities to ensure that the construction/operation of the MRF/TS project would not have an adverse effect on cultural resources.	Athens Services / City of Irwindale Senior Planner / City- approved qualified archeologist	Life of Project	

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
MM CR-3	Paleontological / Geological Resources In the event that any unknown (remaining) paleontological or geological resources are encountered during project implementation, the Applicant shall cease earthwork immediately and contact a qualified paleontologist or geologist within 24-hours to evaluate the nature and significance of any such discoveries. Work may be resumed with approval of the attending archeologist and City Staff.	Athens Services / City of Irwindale Senior Planner / City-approved qualified paleontologist or geologist	Life of Project	
MM CR-4	Human Remains If human remains are discovered during project activities, the City of Irwindale Planning Department and the Los Angeles County Coroner's office shall be notified within 24 hours under state law (California Health and Safety Code § 7050.5) and all activities in the immediate area of the find shall cease until appropriate and lawful measures have been taken. If the Coroner determines that the remains are Native American, the NAHC shall also be contacted (California Public Resources Code § 5097.98). In accordance with Section 5097.98 of the <i>California Public Resources Code</i> , the NAHC shall designate a Most Likely Descendent, who may make recommendations concerning the disposition of the remains in consultation with the City and the project archaeologist.	Athens Services / City of Irwindale Senior Planner	Life of Project	

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
GEOLOGY				
PDF GEO-1	Geotechnical Report The Applicant shall have a California Registered Geotechnical Engineer prepare a site-specific Report to the satisfaction of the City Engineer prior to issuance of the grading permit. This report will be undertaken in accordance with the CGS Guidelines for Evaluating and Mitigating Seismic Hazards in California. This report will provide design specification to assure the Proposed Project is developed within accepted federal, State, and local laws, regulations, and guidelines.	Athens Services / City of Irwindale Engineer	Prior to issuance of a grading permit	
MM WQ-1	Construction SWPPPs and BMPs The Applicant shall comply with the project-specific National Pollutant Discharge Elimination System (NPDES) Permit requirements (such as the Storm Water Pollution Prevention Plans (SWPPPs) and Best Management Practices (BMPs) including: limiting construction access routes and stabilizing access points; staking/marketing construction limits; protection of cut and fill surfaces from sheet, rill and gully erosion; stabilizing temporarily denuded areas with seeding, mulching, jute netting, hay bales and silt fences or other methods; designating specific areas for the stockpiling, handling, preparation and disposal of construction materials; quickly establishing groundcover and landscaping of areas designated to remain pervious; and/or waste material and litter control to prevent blockage of existing drainages).	Athens Services / City of Irwindale Engineer	Prior to issuance of a grading permit	

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
HAZARDS AND HAZARDOUS MATERIALS				
PDF HAZ-1	Safety Committee The Applicant shall form a Safety Committee and include a minimum of one (1) City Staff personnel as a participating member. The Safety Committee shall function with two roles. One function will be to annually review the <i>On-Site Management Plans</i>. The second function will include monthly review of the MRF/TS Daily Operational Report for waste stream capacity review. <u>On-Site Management Plans</u> The purpose of the annual review shall be to confirm or update the standard of practice for the management plans. The review will include utilizing information obtained from operational records, vendors, and suggestions from insurance companies. <u>MRF/TS Operational Report</u> The purpose of the monthly review shall be to ensure compliance with the 6,000 tons per day (maximum).	Athens Services / City of Irwindale Engineer	Life of Project	

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
PDF HAZ-2	On-Site Management Plans The Applicant shall prepare and have approved by the City On-Site Management Plans. Any and all future amendments to these management plans must be approved by the City. These plans include: 1) Litter Prevention and Control Plan; 2) Pest Control Plan; 3) Odor Control Plan; 4) Noise Control Plan; 5) Hazardous Materials Exclusion and Management Plan; 6) Fire Prevention, Control and Mitigation Plan; 7) Emergency Action Plan; and 8) Emergency Response Training Plan	Athens Services / City of Irwindale Engineer	Life of Project	
NOISE				
MM N-1	Ambient Noise Prior to construction, the construction contractor shall obtain authorization from Irwindale's building inspector to exceed the ambient base noise level by more than five (5) dBA during construction activities at the property boundary for industrial zoned land use.	Athens Services / City of Irwindale Building Inspector	Prior to construction	
MM N-2	Construction Hours of Operation The construction contractor shall limit all construction activities from 7 a.m. to 7 p.m. Monday through Saturday. No construction activity shall be conducted on Sundays or during legal holidays.	City of Irwindale Building Inspector	During construction	

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
MM N-3	Soundwall The construction contractor shall construct the soundwall around the site perimeter during the initial construction phase to establish the means for noise reduction during subsequent construction and operations. In the event that the soundwall is not constructed prior to construction of the buildings, a temporary sound barrier or curtain shall be used as a temporary measure to reduce noise impacts (by at least 5 decibels) until the soundwall can be constructed.	Athens Services / City of Irwindale Building Inspector	Initial construction phase [within first 30 days]	
MM N-4	Haul Route The construction contractor shall operate and maintain a City-approved haul truck traffic route restricted to major traffic arteries, and prohibited from using Baldwin Park Boulevard south of Live Oak Avenue.	Athens Services, subject to review and approval of City Engineer	Prior to construction	
MM N-5	Construction Equipment The construction contractor shall provide construction equipment equipped, operated, and maintained with manufacturer recommended mufflers or the equivalent. The construction contractor shall locate staging and delivery areas as far as feasible from sensitive land uses or adjacent occupied buildings and schedule deliveries during daytime hours when residential areas south of the project site are less susceptible to annoyance from outside noise.	Athens Services / City of Irwindale Building Inspector	During construction	

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
MM N-6	Idling Time The construction contractor shall post rules visible to drivers that require turning-off construction equipment when not in operation (for more than 5 minutes). The construction contractor shall shield stationary equipment operating under full power for more than 60 minutes that would otherwise not be shielded by the perimeter soundwall.	Athens Services / City of Irwindale Building Inspector	During construction	
MM N-7	Ambient Noise The Applicant shall implement all of the following: • For the western/southwestern property boundary (for approximately the first 450 feet of the property boundary north of Live Oak Avenue), the Applicant shall construct the 8-foot perimeter masonry soundwall on top of a two-foot berm so that the effective height of the soundwall would be 10 feet (with the exception that the berm is not required to be constructed on any utility easements). • The Applicant shall modify nighttime operations (10 p.m. – 7 a.m.) that result in verified noise complaints to eliminate objectionable noise during the nighttime hours. The applicant shall notify the City of any noise complaints received within 24 hours of receiving the complaint and	Athens Services / City of Irwindale Building Inspector and Senior Engineer	During construction	

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	provide a proposed amendment to the On-Site Management Plans to demonstrate a reduction in ambient noise within one (1) week, subject to review and approval of the City upon a finding that the amendment will result in compliance with adopted noise standards of the City of Irwindale and the City of Baldwin Park. • The Applicant shall obtain authorization by permit from the City to exceed ambient noise levels from facility operations on the western/northwestern boundary and the southern boundary (for 5 a.m. to 7 a.m.) pursuant to IMC Section 9.28.120. If the applicant does not obtain authorization by permit to exceed noise levels, the applicant will be required to modify operations to reduce noise levels between 5 a.m. to 7 a.m. to 65 dBA.			

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
TRAFFIC				
MM T-1	Off-Site Improvement To mitigate potential traffic impacts at I-605 NB Off-Ramp (NS) / Live Oak Avenue (EW)(#8), the developer will be required to construct or fund the following improvement: • Install a traffic signal. • Construct a 2nd northbound right turn lane. • Provide a 3rd westbound through lane by modifying the existing raised median. This will also provide additional queuing storage for the westbound left turn lane at the intersection of I-605 SB On-Ramp (NS) / Live Oak Avenue (EW).	Athens Services, subject to review and approval of City Engineer and Senior Building Inspector and Caltrans		
MM T-2	Off-Site Improvement To mitigate potential traffic impacts to I-605 SB Off-Ramp (NS) / Arrow Highway (EW)(#3), the developer will be required to construct or fund the following improvements: • Construct a 2nd southbound left turn lane.	Athens Services, subject to review and approval of City Engineer and Senior Building Inspector and Caltrans		

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
MM T-3	Off-Site Improvement To mitigate potential traffic impacts to Arrow Highway (NS) / Driveway 1 (EW), the Applicant shall be required to do the following: Prior to commencement of operations, the Applicant shall install a traffic signal and construct the intersection with the following geometrics: • Northbound Approach: One left turn lane (two way turn lane) and two through lanes. • Southbound Approach: Two through lanes and one right turn lane. • Eastbound Approach: One left turn lane and one right turn lane. • Westbound Approach: N/A	Athens Services, subject to review and approval of City Engineer and Senior Building Inspector and Caltrans	Prior to commencement of operations	

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
MM T-4	Off-Site Improvement To mitigate potential traffic impacts to Arrow Highway (NS) / Driveway 2 (EW), the Applicant shall be required to do the following: Prior to commencement of operations, the Applicant shall install a stop control on the eastbound approach and construct the intersection with the following geometrics: • Northbound Approach: One left turn lane (two way turn lane) and two through lanes. • Southbound Approach: Two through lanes and one right turn lane. • Eastbound Approach: One shared left turn and right turn lane. • Westbound Approach: N/A	Athens Services, subject to review and approval of City Engineer and Senior Building Inspector and Caltrans	Prior to commencement of operations	

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
MM T-5	Off-Site Improvement To mitigate the potential impact to Driveway 3 – Baldwin Park Boulevard (NS) / Live Oak Avenue (EW), the Applicant shall be required to do the following: Prior to commencement of operations, the Applicant shall modify traffic signal to include Project Driveway 3 (north leg) and construct the intersection with the following geometrics: • Northbound Approach: Two left turn lanes and one shared through-right turn lane. • Southbound Approach: One left turn lane and one shared through-right turn lane. • Eastbound Approach: One left turn lane (100-foot pocket length), two through lanes, and one defacto right turn lane. • Westbound Approach: One left turn lane, two through lanes, and one right turn lane.	Athens Services, subject to review and approval of City Engineer and Senior Building Inspector and Caltrans	Prior to commencement of operations	

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
MM T-6	Arrow Highway (NS) / Driveway 4 (EW) – Install stop control on the eastbound approach and construct the right in / right out driveway intersection with the following geometrics: • Northbound Approach: Two through lanes (no left turn access). • Southbound Approach: One through lane and one shared through-right turn lane. • Eastbound Approach: One right turn lane. • Westbound Approach: N/A Arrow Highway (NS) / Driveway 5 (EW) – Install stop control on the eastbound approach and construct the right in / right out driveway intersection with the following geometrics: • Northbound Approach: Two through lanes (no left turn access). • Southbound Approach: One through lane and one shared through-right turn lane. • Eastbound Approach: One right turn lane. • Westbound Approach: N/A	Athens Services, subject to review and approval of City Engineer and Senior Building Inspector and Caltrans	Prior to commencement of operations	

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Mitigation Measure Number	Mitigation Measure	Monitoring/Reporting Responsibility	Mitigation Timing	Mitigation Verification Signature/Date
WATER QUALITY AND HYDROLOGY				
PDF WQ-1	Water Conservation/Energy Efficiency The Proposed Project shall be conditioned by the City to be certifiable at the Silver level utilizing U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) green building rating systems. The LEED rating system requires water efficiency in the design of a project through water use reduction, efficient landscaping, and innovative wastewater treatment technologies, as well as sustainable site selection; energy performance standards; materials and resource selection criteria; and indoor air quality practices.	Athens Services, subject to review and approval of City Engineer	Athens Services shall submit for LEED certification when the project construction is complete.	