**RESOLUTION NO. CC 2021-08-3270**
**RESOLUTION NO. SA 2021-13-3275**

**Article I. A JOINT RESOLUTION OF THE CITY COUNCIL AND SUCCESSOR AGENCY OF THE CITY OF IRWINDALE, CALIFORNIA CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (SCH#2013051029), ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE MATERIALS RECOVERY FACILITY AND TRANSFER STATION PROJECT**

**A. RECITALS.**

WHEREAS, Athens Services, 14048 Valley Boulevard, City of Industry, CA 91746, the Applicant, has proposed construction and operation of a Materials Recovery Facility and Transfer Station ("MRF/TS") and a convenience store/public gas station located at 2200 Arrow Highway (APN 8535-001-911) ("Project"). To effectuate the Project, the Applicant is seeking approval of General Plan Amendment No. 02-2016, Zoning Ordinance Amendment No. 04-2016; Development Agreement No. 02-2016; Conditional Use Permit No. 08-2016; Site Plan and Design Review (DA) Permit No. 06-2016, a Franchise and Facility Operations Agreement, and a Disposition and Development Agreement (DDA); and

WHEREAS, the proposed 265,230 square foot development will include a MRF/TS, convenience store and public gas station on a 17.22-acre site that is zoned M-2 (Heavy Manufacturing); and

WHEREAS, pursuant to section 21067 of the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.) and section 15367 of the State CEQA Guidelines (Cal. Code Regs., § 15000 et seq.), the City of Irwindale ("City") is the lead agency for the proposed Project; and

WHEREAS, in May 2013, the City circulated a Notice of Preparation ("NOP") of a Draft Environmental Impact Report ("2014 DEIR") (SCH# 2013051029) for the proposed Project. In April 2014, the 2014 DEIR was circulated for public review and comment. In response to comments received, the City elected to prepare a 2014 Recirculated DEIR, to include minor revisions to the Project Description, modified analyses of air quality and greenhouse gas emissions and traffic circulation, and include additional Project alternatives; and

WHEREAS, the City then prepared the 2016 Final EIR, which included all comments received during the public review and comment period on the 2014 DEIR and 2014 Recirculated DEIR, responses to those comments, and revisions to the 2014 RDEIR made as a result of those comments; and

WHEREAS, on June 8, 2016, the City Council of the City of Irwindale ("City Council") certified the 2016 Final FEIR; and

WHEREAS, in July 2017, Addendum No. 1 to the 2016 FEIR was prepared to address minor, internal site plan adjustments made in the final design of the Project; and

WHEREAS, on September 20, 2017, the Planning Commission of the City of Irwindale ("Planning Commission") conducted a duly noticed public hearing on the Project, at which time they received input from staff, the City Attorney, and the Applicant; heard public testimony; discussed the proposed Project; closed the public hearing; and, after discussion: approved (a) Resolution No. 736(17), recommending that the City Council approve GPA No. 02-2016; (b) Resolution No. 737(17), recommending that the City Council amend the Municipal Code regarding solid waste franchises, material recovery facilities in the M-2 Zone, and distance requirements for alcohol beverage establishments; (c) Resolution No. 738(17), recommending that the City Council approve Development Agreement No. 02-2016; (d) Resolution No. 739(17), recommending that the City Council approve Conditional Use Permit No. 08-2016; and (e) Resolution No. 740(17), recommending that the City Council approve Site Plan and Design Review DA No. 06-2016; and

WHEREAS, on October 11, 2017, the City Council conducted a duly noticed public hearing, as required by law, on the Application and approved the Project. Specifically, the City Council approved: (a) Resolution No. 2017-72-2970 approving GPA No. 02-2016; (b) Resolution No. 2017-75-2973 granting Conditional Use Permit No. 08-2016; and (c) Resolution No. 2017-76-2974 approving Site Plan and Design Review (DA) No. 06-2016; and

WHEREAS, on October 25, 2017, the City Council also approved Ordinance No. 718, amending the Municipal Code regarding solid waste franchises, material recovery facilities in the M-2 Zone, and distance requirements for alcohol beverage establishments, and Ordinance No. 719, approving Development Agreement No. 02-2016; and

WHEREAS, two lawsuits were subsequently filed in Los Angeles County Superior Court challenging the resolutions and ordinances approving the Project on the basis of, among other things, alleged inadequacies in the Project's environmental review documents; and

WHEREAS, on September 5, 2019, the Los Angeles County Superior Court issued rulings in the two cases. While the Court dismissed the vast majority of the lawsuits' claims, the Court did determine that the environmental review for the Project required additional analysis in regards to four discrete issues; and

WHEREAS, as a result of its rulings, the Court ordered that the City set aside and vacate the Project-related resolutions and ordinances until the Project's environmental review addressed the four discrete issues identified by the Court; and

WHEREAS, on November 13, 2019, in compliance with the Court's order, the City Council adopted Resolution No. 2019-63-3147 and SA Resolution No. 2019-64-3148, rescinding approvals for the Project; and

WHEREAS, to address the four discrete issues identified by the Court, and pursuant to requirements, authority, and criteria contained in CEQA, the City, as lead agency, prepared the 2020 Recirculated Draft Environmental Impact Report ("2020 RDEIR"); and

WHEREAS, the 2020 RDEIR addresses the following four discrete issues as directed by the Court: 1) Truck Fueling Operations; 2) Greenhouse Gas Emissions; 3) Transportation Energy Use; and 4) Project-Specific Air Emissions Health Risks of ROG, NOx and ozone; and

WHEREAS, after completion of the 2020 RDEIR, the City filed a Notice of Completion ("NOC")/Notice of Availability ("NOA") with the Governor's Office of Planning and Research on June 17, 2020, indicating that the 2020 RDEIR was complete and available for public review and comment. The City also filed the NOC/NOA with the Los Angeles County Clerk on June 17, 2020, and mailed a copy of the NOC/NOA to surrounding cities and property owners within a 500-foot radius of the Project site. The 2020 RDEIR was also made available on the City's website at: http://www.ci.irwindale.ca.us/; and

WHEREAS, the City also provided notice of the 2020 RDEIR's availability via publication in the San Gabriel Valley Tribune newspaper, via mailing and outreach to interested agencies and other parties, and by postings on the City's website; and

WHEREAS, the 2020 RDEIR was available for a 45-day public review and comment period commencing on June 22, 2020 and ending on August 5, 2020. During the public review and comment period for the 2020 RDEIR, six comment letters were received. Five of the six comment letters were submitted by public agencies, and one letter was submitted by Waste Management Collection and Recycling, a competitor of the Project Applicant. No comment letters were received from individuals or residents; and

WHEREAS, after the close of the public review and comment period for the 2020 RDEIR, the City prepared written responses to each comment letter submitted during the review period. The City also prepared the 2020 Final Environmental Impact Report ("2020 FEIR") for the proposed Project. The 2020 FEIR includes the 2020 RDEIR, all comments received during the public review and comment period for the 2020 RDEIR, the City's responses to those comments, and revisions and corrections to the 2020 RDEIR made in response to comments received; and

WHEREAS, the 2020 FEIR for the proposed Project also includes the 2014 Draft EIR, 2014 Recirculated Draft EIR, and the 2016 Final EIR except for those

portions required to be reassessed by the Superior Court. The 2020 FEIR also includes and incorporates therein the 2017 Addendum No. 1 to the 2016 Final EIR; and

WHEREAS, the 2020 FEIR was made available on the City's website; and

WHEREAS, written responses to all public agency comment letters received during the public review and comment period were also sent to each commenting agency at least 10 days prior to this hearing; and

WHEREAS, on January 20, 2021, the Planning Commission conducted a duly noticed public hearing on the Project, at which time all persons wishing to testify were heard; and at the close of the public hearing, the Planning Commission adopted Resolution 790(2) recommending that the City Council certify the 2020 FEIR, adopt the *California Environmental Quality Act Findings of Fact and Statement of Overriding Considerations* prepared for the Project, and adopt the Mitigation Monitoring and Reporting Program for the Project; and

WHEREAS, on February 24, 2021, the City Council and the Successor Agency of the City of Irwindale conducted a duly noticed joint public hearing on the Project, at which time all persons wishing to testify were heard; and

WHEREAS, **Exhibit A** to this Resolution, *California Environmental Quality Act Findings of Fact and Statement of Overriding Considerations*, lays out the findings of fact upon which the City Council has based its determination for the 2020 FEIR; and

WHEREAS, the environmental impacts identified in the 2020 FEIR that the City finds are of no impact or constitute a less than significant impact and do not require mitigation are set forth in **Section 2** of **Exhibit A** to this Resolution; and

WHEREAS, the environmental impacts identified in the 2020 FEIR that the City finds are potentially significant, but which the City finds can be mitigated to a level of less than significant through the incorporation of feasible Mitigation Measures, are set forth in **Section 3** of **Exhibit A** to this Resolution; and

WHEREAS, the environmental impacts identified in the 2020 FEIR that the City finds are potentially significant, but which the City finds cannot be mitigated to a level of less than significant, despite the imposition of feasible Mitigation Measures, are set forth in **Section 4** of **Exhibit A** to this Resolution; and

WHEREAS, the cumulative impacts of the Project identified in the 2020 FEIR are set forth in **Section 5** of **Exhibit A** to this Resolution; and

WHEREAS, the irreversible environmental changes caused by the Project identified in the 2020 FEIR are set forth in **Section 6** of **Exhibit A** to this Resolution; and

WHEREAS, the existence of any growth-inducing impacts resulting from the proposed Project identified in the 2020 FEIR are set forth in **Section 7** of **Exhibit A** to this Resolution; and

WHEREAS, alternatives to the proposed Project identified for their potential to eliminate or reduce significant environmental impacts are described in **Section 8** of **Exhibit A** to this Resolution; and

WHEREAS, the benefits of the Project outweighing its potential significant environmental impacts are set forth in the Statement of Overriding Considerations included in **Section 9** of **Exhibit A** to this Resolution; and

WHEREAS, the Mitigation Monitoring and Reporting Program setting forth the Mitigation Measures to which the City shall bind itself in connection with the Project, is attached as **Exhibit B** to this Resolution; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, reviewed and considered, all of the information and data in the administrative record, including the 2020 FEIR, and all oral and written evidence presented to it during all meetings and hearings; and

WHEREAS, the 2020 FEIR reflects the independent judgment of the City and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, the City has not received any comments or additional information constituting substantial new information requiring recirculation of any portion of the environmental review for the Project under Public Resources Code section 21092.1 and State CEQA Guidelines section 15088.5; and

WHEREAS, all the requirements of CEQA, the State CEQA Guidelines, and the City of Irwindale's Local CEQA Guidelines have been satisfied by the City in the 2020 FEIR, which is sufficiently detailed such that all of the potentially significant effects of the Project have been adequately evaluated; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

**B. RESOLUTION.**

NOW, THEREFORE, it is hereby found, determined and resolved by the City Council and the Successor Agency of the City of Irwindale as follows:

**SECTION 1. Recitals.** The City Council and Successor Agency Board hereby specifically finds that all of the statements set forth in the Recitals, Part A, of this Resolution are true and correct, and incorporated into this Resolution by reference as findings of fact.

**SECTION 2. CEQA.** The City Council and the Successor Agency Board hereby specifically finds and determines that it has been presented with the 2020 FEIR, which it has reviewed and considered along with all public testimony and the entirety of the administrative record.

The City Council and Successor Agency Board further find that the 2020 FEIR is an accurate and objective statement that has been completed in full compliance with CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines, and the 2020 FEIR reflects the independent judgment and analysis of the City Council.

The City Council and Successor Agency Board find that **Exhibit A** to this Resolution, together with the 2020 FEIR, lays out the substantial evidence and facts sufficient to support each of the findings on each of the potential impacts that may occur as a result of the proposed Project, and that all potentially significant impacts that have not been mitigated to a level of less than significant have nonetheless been mitigated to the extent that is physically, legally, and technologically feasible.

The City Council and Successor Agency Board declare that no evidence of new significant impacts as defined by the State CEQA Guidelines section 15088.5 has been received by the City after circulation of the 2020 RDEIR which would require recirculation.

Finally, the City Council and Successor Agency Board find that based upon the Statement of Overriding Considerations contained in **Section 9** of **Exhibit A** to this Resolution, the benefits of the proposed Project outweigh the potentially significant environmental impacts that cannot be feasibly reduced to a level of less than significant.

**SECTION 3. Certification of the 2020 FEIR.** The City Council and Successor Agency Board hereby certify the 2020 FEIR and adopt the CEQA Findings of Facts and Statement of Overriding Considerations, attached as **Exhibit A** to this Resolution and incorporated herein by this reference, based on the entirety of the record of proceedings.

**SECTION 4. Mitigation Monitoring and Reporting Program.** Pursuant to Public Resources Code section 21081.6, the City Council and Successor Agency Board find that all feasible Project Mitigation Measures have been identified in the Mitigation Monitoring and Reporting Program attached as **Exhibit B** to this Resolution. The City Council and Successor Agency Board hereby adopt the Mitigation Monitoring and Reporting Program and declare that implementation of the Mitigation Measures contained in the Mitigation Monitoring and Reporting Program are hereby made a condition of approval of the Project. In the event of any inconsistencies between the Mitigation Measures set forth in **Exhibit B** to this Resolution and the 2020 FEIR, the Mitigation Monitoring and Reporting Program set forth in **Exhibit B** shall control.

**SECTION 5. Record of Proceedings and Custodian of Record**. The documents and materials that constitute the record of proceedings upon which this Resolution has been based are located at 16102 Arrow Highway, Irwindale, California. The custodian for these records is the Community Development Director. This information is provided in compliance with Public Resources Code section 21081.6.

**SECTION 6. Notice of Determination**. A Notice of Determination shall be filed with the County of Los Angeles and the California State Clearinghouse within five working days of final Project approval.

**SECTION 7.** The Secretary shall:

a. Certify to the adoption of this Resolution; and

b. Forthwith transmit a certified copy of this Resolution, by mail, to the Applicant at the address of record set forth in the Application.

H. Manuel Ortiz, Mayor & Agency Chair

ATTEST:

Laura M. Nieto, MMC
Chief Deputy City Clerk

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.
CITY OF IRWINDALE }

I, Laura M. Nieto, Chief Deputy City Clerk of the City of Irwindale and Chief Successor Agency Assistant Secretary, do hereby certify that the foregoing Joint Resolution No. 2021-08-3270 and Resolution No. SA 2021-13-3275 was duly adopted by the City Council of the City of Irwindale and the Successor Agency of the City of Irwindale, at a regular meeting held on the 24th day of February 2021, by the following vote:

| | | |
|---|---|---|
| AYES: | Councilmembers: | Ambriz, Breceda, Burrola, Garcia, Mayor/Chair Ortiz |
| NOES: | Councilmembers: | None |
| ABSENT: | Councilmembers: | None |
| ABSTAIN: | Councilmembers: | None |

Laura M. Nieto

Laura M. Nieto, MMC
Chief Deputy City Clerk / Chief Successor Agency Assistant Secretary

# EXHIBIT A

# CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

## SECTION 1: SUMMARY OF FINDINGS

At a meeting on [____], the City Council determined that, based on all of the evidence presented, including but not limited to the 2014 Recirculated Draft Environmental Impact Report ("2014 RDEIR"), the 2016 Final Environmental Impact Report ("2016 FEIR"), the 2017 Addendum No. 1 to the 2016 FEIR ("Addendum No. 1"), the 2020 Recirculated Draft Environmental Impact Report ("2020 RDEIR"), and the 2020 Final EIR ("2020 FEIR") (all together, the "EIR"), all technical studies prepared thereto, written and oral testimony given at meetings and hearings, and the submission of testimony from the public, organizations and regulatory agencies, the following environmental impacts associated with the Irwindale Materials Recovery Facility and Transfer Station Project ("MRF/TS" or "Project") are: (1) less than significant and do not require mitigation; or (2) potentially significant but will be avoided or reduced to a level of insignificance through the identified Mitigation Measures; or (3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified Mitigation Measures.

## SECTION 2: FINDINGS REGARDING LESS THAN SIGNIFICANT IMPACTS NOT REQUIRING MITIGATION.

Consistent with Public Resources Code section 21002.1 and section 15128 of the State California Environmental Quality Act (CEQA) Guidelines, the EIR focused its analysis on potentially significant impacts, and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental impacts. State CEQA Guidelines section 15091 does not require specific findings to address environmental effects that an EIR identifies as "no impact" or a "less than significant" impact. Nevertheless, the City Council hereby finds that the Project would have either no impact or a less than significant impact to the following resource areas:

### A. AESTHETICS

#### 1. Scenic Vista

Threshold: Would the project have a substantial adverse effect on a scenic vista?

Finding: Less than significant impact. (2014 Recirculated Draft Environmental Impact Report ["2014 RDEIR"], pp. 3.2-32 and -33; see also 2016 Final Environmental Impact Report ["2016 FEIR"], pp. C&R-70 [Response 7-1], -223 [Response 14-4].)

Explanation: There is no scenic vista within the City (General Plan, 2008). However, the view of the San Gabriel Mountains may be considered a scenic vista. The line of sight [taken from the closest sensitive receptors – industrial/commercial workers along Arrow Highway/Live Oak Avenue and residents along Baldwin Park Boulevard at Viewpoint 3] would be changed to include a MRF/TS building and site, in addition to the existing views of a 4-lane street with center lane designated truck route, commercial buildings and parking, above-ground water district water tanks (approximately 40 feet in height), utility structures, the Santa Fee Dam, and the San Gabriel mountains. The visual change resulting from Project implementation will not eliminate a scenic view of the mountains from any direction; and therefore, the Proposed Project will not have a substantial adverse effect on a scenic vista. (2014 RDEIR, pp. 3.2-32 and -33; see also 2016 FEIR, pp. C&R-70 [Response 7-1], and C&R-223 [Response 14-4].)

**2. Scenic Resources**

Threshold: Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Finding: Less than significant impact. (2014 RDEIR, p. 3.2-33.)

Explanation: Interstate 605 is located in the vicinity of the site but is not a State designated scenic highway (California Streets and Highways Code Section 260-284), and the site is not visible to motorists on the Interstate in any case. The site and surrounding area does not contain any known or identified scenic resources, such as trees, rock outcroppings, or historic buildings. As discussed above, there are existing streetscape trees along the perimeter of Live Oak Avenue (south edge of parcel) and the northwestern property line which screen views onto the site and would therefore be considered to provide aesthetic and visual screening benefit as development of the site occurs. These trees are not identified in any City plan or otherwise as an existing scenic resource. As detailed on Exhibit 2.8 Conceptual Landscape Plan (see Chapter 2.0 Project Description), existing streetscape landscaping will remain in place where noted. It is expected the implementation of the Proposed Project will require some of the trees to be removed to provide driveway access onto and from the site and to allow for related essential Project features. As designed, overall Project landscaping will exceed the City's minimum requirement of 10% of surface area and would cover approximately 99,623 SF (13%) of the site. Therefore, there are no reasonably foreseeable potential impacts to scenic resources from implementation of the Proposed Project. (2014 RDEIR, p. 3.2-33.)

**3. Visual Character**

Threshold: In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? In an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Finding: Less than significant impact. (2014 RDEIR, pp. 3.2-29 through 33.)

Explanation: The Proposed Project would result in development of an unimproved, vacant site. Implementation of the Proposed Project includes land development of a MRF/TS building complete with an operations office, administrative office/visitor center, maintenance facility, and a fueling facility/convenience store open to the public. The fueling facility/convenience store would be a separate structure located in the north-eastern portion of the site adjacent to Arrow Highway and includes a fueling island with pump canopy, convenience store, and parking for customers. In addition, site development includes a landscaped parking area for employees and visitors, on-site and perimeter landscaping, and a decorative concrete block wall.

The proposed development of the site is characterized as a redevelopment improvement to the current visual setting. The existing visual quality of the site is a disturbed, urban infill property. Current on-site conditions generally consist of street trees, sparse vegetation, and debris. The entire perimeter of the parcel is currently secured with chain-link fencing. The adjacent industrial and commercial buildings which surround the site to the south, west, and northwest are compatible with and consistent with buildings to be constructed on the project site. Existing land uses that surround the site include a mixture of commercial and industrial uses to the west, east, and south, recreation/open space to the north, and beyond the commercial/industrial uses that line Live Oak Avenue in the City of Baldwin Park to the south lie residential areas. To the northeast, the Santa Fe Dam and Recreation Area is buffered by its dam walls purposely designed as a flood control barrier. On the top of the Santa Fe Dam, is a bike trail that provides panoramic view of the San Gabriel Valley and San Gabriel Mountains.

The view of the site would be modified from that of a previously developed but currently vacant parcel to that of a built development, with parking area and landscaped areas. Generally, developing a previously developed but vacant site is not considered a degradation to a visual resource. However, some members of the public may prefer the aesthetic attributes of undeveloped land over developed land, When taking into consideration the entire viewshed of the San Gabriel Valley (as seen from the bike trail), and all of the uses surrounding the Proposed Project site, the Proposed Project would not degrade the dominant urbanized setting which currently consists of electrical transmission corridors, mining and mine reclamation operations, residential development, commercial/industrial land uses, water tanks, and open space (consisting of highly disturbed terrain and landscaping with non-native plant species.).

The exterior design of the facility buildings is required to be consistent with the City's Commercial and Industrial Design Guidelines. As designed, the building includes varying parapet heights, vertical tower elements, arcades, arched entry structures, and

deeply recessed exterior fenestrations. The parapet walls vary in height ranging from 30-51 feet and allow for a maximum of 64 feet at the top of the pitched roof (tower elements). Proposed exterior materials include varying plaster colors consistent with the City's Commercial and Industrial Design Guidelines, wrought iron and decorative tile accents, accentuated building cornices, and plaster building ornaments to create a "village" of buildings that cohesively work together under a single architectural theme.

All Project buildings would be constructed from steel for primary and secondary framing elements. The exterior walls would be light gauge frame with plaster finish. A metal "cool" roof is proposed for the majority of the roofing areas in conjunction with the decorative roof tile accents on the tower elements; (a "cool" roof reflects and emits the sun's heat back to the sky instead of transferring it to the building below thereby reducing energy costs). The Loadout Area tunnel, associated ramps, and all operational areas would be poured concrete slab.

Landscaping would be designed and maintained to screen both the site perimeter and interior site, with particular focus on areas of the site that are visible to the public. Landscaping will include perimeter trees except at driveways and utility easements. The variety of trees to be planted on-site may include the following species: London Plan tree, Golden Raintree, Crepe Myrtle and Magnolias. A variety of shrubs including Lily of the Nile, Kangaroo Paw, Red Yucca, and Texas Ranger will be planted as accents throughout the site, and accent ground coverings include accent plantings of acacia, rosea ice plant, rosemary, and periwinkle.

During construction, activities such as excavation, trenching, and dirt/ debris removal off-site would be expected to occur on the Proposed Project site. From the street level, views of construction activities would be minimal due to fencing and other visual barriers. Due to its elevation, those utilizing the Santa Fe Dam bike trail would have uninterrupted views of construction activities. Construction activities are expected to last the duration of 18 months resulting in a short-term visual alteration. Those potential short-term impacts would not foreseeably degrade the visual character of the area based on the context of the entire viewshed. Impacts would be less than significant. (2014 RDEIR, pp. 3.2-29 through 33.)

**4. Light and Glare**

Threshold: Would the project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

Finding: Less than significant impact. (2014 RDEIR, pp. 3.2-33 and -34.)

Explanation: Implementation of the Proposed Project would alter the parcel's appearance from a vacant and disturbed site to a fully developed site resulting in the establishment of a new source of light at the site. As a standard condition of approval, all outdoor lighting at the site would be in accordance with the City's General Plan and zoning ordinance and the City's Commercial and Industrial Design Guidelines to avoid

interference with, or nuisance to, adjacent properties. These City regulations require that outdoor lighting be directed downward and be shielded to minimize light spillage effects. Additionally, the conceptual design plans demonstrate that the building exterior would not utilize reflective materials or glare-inducing materials, and a condition of development will be imposed by the City to make this a requirement in the final design. Therefore, the Proposed Project would not create a new source of substantial light or glare that would significantly impact or affect day or nighttime views in the area. Impacts would be less than significant. (2014 RDEIR, pp. 3.2-33 and -34.)

## B. AGRICULTURAL AND FORESTRY RESOURCES

### 1. Farmland

Threshold: Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California resources Agency, to non-agricultural use?

Finding: No impact. (2014 RDEIR, p. 3.1-1.)

Explanation: The Proposed Project area is located within a highly urbanized region of Los Angeles County, surrounded by industrial and commercial uses, aggregate mining, freeways and major arterial roadways, and a regional flood control and recreational project (Santa Fe Dam and Recreation Area). The site is not designated Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. The existing zoning and proposed zoning does not include any agricultural zoning designation or land use. No Williamson Act contracts are associated with the Project site. Implementation of the Proposed Project would not result in changes that have the potential to induce conversion of agricultural lands in the vicinity of the Project to non-agricultural uses. Therefore, no impacts would occur to agricultural resources. (2014 RDEIR, p. 3.1-1.)

### 2. Agricultural Zoning

Threshold: Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

Finding: No impact. (2014 RDEIR, p. 3.1-1.)

Explanation: The Proposed Project area is located within a highly urbanized region of Los Angeles County, surrounded by industrial and commercial uses, aggregate mining, freeways and major arterial roadways, and a regional flood control and recreational project (Santa Fe Dam and Recreation Area). The site is not designated Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. The existing zoning and proposed zoning do not include any agricultural zoning designation or land use. No Williamson Act contracts are associated with the Project site. Implementation of the Proposed Project would not result in changes that have the potential to induce

conversion of agricultural lands in the vicinity of the Project to non-agricultural uses. Therefore, no impacts would occur to agricultural resources. (2014 RDEIR, p. 3.1-1.)

### 3. Forestland Zoning

Threshold: Would the project conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

Finding: No impact. (2014 RDEIR, pp. 3.1-1 and -2.)

Explanation: The surrounding area is developed with various land uses, none of which are forested lands. Forestry operations do not occur within the Project vicinity, nor would the Project convert, alter or impact forested lands. The Proposed Project site has been vacant, surrounded by high density urban uses, and unused for more than 20 years. As such, no impacts would occur to forestry resources or zoning. (2014 RDEIR, pp. 3.1-1 and -2.)

### 4. Loss of Forest Land

Threshold: Would the project result in the loss of forest land or conversion of forest land to non-forest use?

Finding: No impact. (2014 RDEIR, pp. 3.1-1 and -2.)

Explanation: The surrounding area is developed with various land uses, none of which are forested lands. Forestry operations do not occur with the Project vicinity, nor would the Project convert, alter or impact forested lands. The Proposed Project site has been vacant, surrounded by high density urban uses, and unused for more than 20 years. As such, no impacts would occur to forestry resources or zoning. (2014 RDEIR, pp. 3.1-1 and -2.)

### 5. Conversion of Farmland or Forest Land

Threshold: Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

Finding: No impact. (2014 RDEIR, pp. 3.1-1 and -2.)

Explanation: The surrounding area is developed with various land uses, none of which are forested lands. Forestry operations do not occur within the Project vicinity, nor would the Project convert, alter or impact forested lands. The Proposed Project site has been vacant, surrounded by high density urban uses, and unused for more than 20 years. As such, no impacts would occur to forestry resources or zoning. (2014 RDEIR, pp. 3.1-1 and -2.)

## C. AIR QUALITY

### 1. Sensitive Receptors

Threshold: Would the project expose sensitive receptors to substantial pollutant concentrations of toxic air contaminants?

Finding: Less than significant impact. (2014 RDEIR, pp. 3.3-55 through -58; see also 2020 RDEIR, pp. 3-6 through -8, and pp. 6-1 through -15; see also 2020 FEIR, pp. 7-9 and -10 [Responses AZ-3 and -4], 7-40 [Response BP-30], 7-75 through -81 [Responses BP-89 and -90].)

Explanation: To determine whether the Project would expose sensitive receptors to substantial pollutant concentrations, project-related health risk and hazards were compared to the significance thresholds. A health risk assessment (HRA) was conducted in accordance with technical guidelines developed by the federal and California agencies (i.e., USEPA, CalEPA-OEHHA) and the SCAQMD.

The greatest potential impact from TACs would be diesel particulate emissions from trucks during operations. Additional air toxics may be emitted from service station operations. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. The SCAQMD has established the CEQA significance threshold for individuals exposed to TAC sources as the increased incremental cancer risk of 10 in one million or greater. The HRA analyzed the potential incremental cancer risks to residents in the project vicinity of the Proposed Project, using emission rates from CARB's EMFAC2011 model. Emissions were input into the USEPA approved dispersion model AERMOD to calculate ambient air concentrations at receptors in the project vicinity.

Conservative health risk methodologies were used in the risk assessment in order to estimate maximum potential health risks. These methodologies overestimate both non-carcinogenic and carcinogenic health risk, possibly by an order of magnitude or more. Therefore, for carcinogenic risks, the actual probabilities of cancer formation in the populations of concern due to exposure to carcinogenic pollutants are likely to be lower than the risks derived using the risk assessment methodology. In accordance with Office of Environmental Health Hazard Assessment (OEHHA) guidelines, the HRA was accomplished by applying the highest estimated concentrations of TAC at the receptors analyzed to the established cancer potency factors and acceptable reference concentrations for non-cancer health effects. The HRA was conducted by combining the emission inventory, facility prioritization, air dispersion modeling, and risk assessment analysis based on the CARB Hotspot Analysis and Reporting Program (HARP).

*Construction Emissions*

During construction activities, the maximum incremental cancer risks from all trucks using the MRF/TS and the service station would be 0.2 (residential adult

receptor), 2.3 (residential child receptor), and less than 0.1 (school children receptor) cancers per million, which are less than the SCAQMD significance threshold of 10 in one million. Thus, construction impacts would be less than significant. (2014 RDEIR, pp. 3.3-56 and -57; 2017 Addendum No. 1, p. 21.)

*Operational Emissions*

The maximum Project-related incremental cancer risks from operations would be 8.6 (residential adult receptor), 4.2 (residential child receptor), 2.8 (offsite works), and 0.6 (school children receptor) cancers per million, which are below the SCAQMD significance threshold of 10 in one million. Further, exposure to non-carcinogenic substances would be significant if the hazard index exceeds 1.0. The maximum chronic hazard index for the Project is less than 0.01 and thus less than significant. The maximum acute hazard index is also less than 0.01 and thus also less than significant. Therefore, operational impacts would be less than significant. (2014 RDEIR, p. 3.3-57.)

Despite the fact that operational impacts would be less than significant, and no mitigation is required, Project **Mitigation Measures AQ-1** through **AQ-18** (incorporated below), would also further reduce the already less than significant health risks associated with the Project. With the incorporation of these measures, maximum mitigated incremental cancer risks from operations would be 7.4 (residential adult receptor), 3.6 (residential child receptor), 2.5 (offsite worker), and 0.5 (school children receptor) cancers per million. (2014 RDEIR, pp. 3.3-57 and -58.)

*Public Gas Station Fuel Dispensing Operations*

Regarding the potential for health impacts, 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. For purposes of 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 California.

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.

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. (2020 RDEIR, pp. 3-6 through -8.)

*Ozone Precursor Health Impacts*

In the case of the Irwindale MRF/TS, operational emissions exceed the SCAQMD's recommended daily significance thresholds for NOx and ROG. 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. 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 a 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 NOx 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 NOx 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 be 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 applied to 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 in the air basin 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 NOx 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 NOx 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. (2020 RDEIR, pp. 6-1 through -15; see also 2020 FEIR, pp. 7-9 and -10 [Responses AZ-3 and -4], 7-75 through -81 [Responses BP-89 and -90].)

## D. BIOLOGICAL RESOURCES

### 1. Sensitive Species

Threshold: Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

Finding: No impact. (2014 RDEIR, p. 3.4-1 through -13; see also 2016 FEIR, pp. C&R-70 [Response 7-3], -122 [Response 11-37], -289 [Response 22-3].)

Explanation: The project site is a brownfield site that was previously occupied by heavy industrial use for decades. Despite the fact that the Project site was previously fully developed and is located in a dense urban area, a general biological survey of the entire Project site was conducted. In addition, a habitat assessment/burrow survey for burrowing owl was also conducted. No special status plant and animal species were identified on the Proposed Project site during the biological survey, and none are expected to occur based on the lack of potentially suitable habitat. No CNDDB records of burrowing owl are located near the Proposed Project site (CDFG 2009d), and no burrowing owls were observed during the biological survey. In addition, no potentially suitable burrows or active sign (i.e., molted feathers, cast pellets, prey remains, eggshell fragments, and/or excrement) were identified on the Proposed Project site during the habitat assessment/burrow survey. Burrowing owls have a low potential to occur onsite based on the level of disturbance and lack of potentially suitable habitat. Thus, no impact to sensitive species would occur. (2014 RDEIR, p. 3.4-1 through -13; see also 2016 FEIR, pp. C&R-70 [Response 7-3], -122 [Response 11-37], -289 [Response 22-3].)

### 2. Riparian and Sensitive Habitat

Threshold: Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

Finding: Less than significant impact. (2014 RDEIR, p. 3.4-14; see also 2016 FEIR, pp. C&R-70 [Response 7-3], -122 [Response 11-37], -289 [Response 22-3].)

Explanation: The Proposed Project would result in permanent, direct impacts to the vegetation on the entire site through permanent loss of these resources by conversion of the land to industrial/business. Impacts to urban development land, disturbed habitat, and non-native vegetation would not be significant because these habitats do not support special status species on-site, and regionally, are not considered to have high conservation value requiring mitigation. Although the non-native grassland on-site does provide some biological value, the habitat is not considered to be a sensitive habitat type and does not provide a critical linkage to other areas of native

habitat; therefore, impacts to non-native grassland would not be significant. (2014 RDEIR, p. 3.4-14; see also 2016 FEIR, pp. C&R-70 [Response 7-3], -122 [Response 11-37], -289 [Response 22-3].)

### 3. Wetlands

Threshold: Would the project have a substantial adverse effect on state or federally protected wetlands, including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means?

Finding: Less than significant impact. (2014 RDEIR, p. 3.4-14.)

Explanation: The Proposed Project would not result in impacts to jurisdictional wetlands or waterways because none were identified on the project site during the biological survey. (2014 RDEIR, p. 3.4-14.)

### 4. Migration and Nursery Sites

Threshold: Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursey sites?

Finding: Less than significant impact. (2014 RDEIR, p. 3.4-15.)

Explanation: Due to the isolation of the Proposed Project site, level of previous disturbance, and lack of adjacent natural habitats, development of the property would not create artificial wildlife corridors or substantially interfere with connectivity to off-site habitat, or substantially limit access to potential foraging/breeding habitat or water sources necessary for the successful reproduction of resident wildlife species.

### 5. Adopted Habitat Conservation Plans

Threshold: Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Finding: No impact. (2014 RDEIR, p. 3.4-17.)

Explanation: biological impacts within the City of Irwindale have not been analyzed under the General Plan or a related, adopted planning document. In addition, the biological survey review included examination of: 1) geological substrates and soil types mapped on the site (Morton and Miller 2003 and USDA 1969, respectively); 2) National Wetland Inventory (NWI) maps of the region (USFWS 1985); 3) federally designated critical habitat for the region (USFWS 2009b); 4) California Department of Fish and Game (CDFG) California Natural Diversity Database (CNDDB) and U.S. Fish and Wildlife Service (USFWS) special status species records for the vicinity (CDFG

2009d and USFWS, respectively); and 5) the biological constraints analysis report prepared by BonTerra Consulting for a portion of the site, dated June 9, 2009. In addition, there is no applicable HCP or NCCP or other local regional or state habitat conservation plan; and therefore, no known impact would be expected to occur. (2014 RDEIR, p. 3.4-17.)

## E. ENERGY

### 1. Wasteful, Inefficient, or Unnecessary Consumption

Threshold: Would implementation of the project result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Finding: Less than significant. (2014 RDEIR, p. 4.0-9; 2020 RDEIR, p. 5-9 through -13; see also 2020 FEIR, pp. 7-16 [Response AZ-13], and 7-73 [Response BP-85].)

Explanation: The Proposed Project would adhere to all federal, State, and local requirements for energy efficiency, including Title 24, California's Energy Efficiency Standards for Residential and Non-residential Buildings. In addition, the Project Applicant will design and construct the MRF/TS facility and site based on the LEED Silver rating system. The Proposed Project would not result in the inefficient, wasteful, or unnecessary consumption of building energy.

In regards to transportation energy consumption specifically, transportation energy use impacts would be associated with passenger vehicle trips and solid waste hauling trips. 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. These reductions are from the existing condition, not from a hypothetical baseline.

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 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), 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. At maximum throughput, the daily truck round trips would include 1,137 packer truck trips, 66 end dump truck trips, 445 rolloff truck trips, and 559 transfer truck trips. The Proposed Project also includes 345 employee round trips, 249 self-haul round trips, and 741 convenience store/service station round trips. 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. 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.

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), based on approximately 38,900,000 vehicle miles traveled. 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. (2014 RDEIR, p. 4.0-9; 2020 RDEIR, p. 5-9 through -13; 2020 FEIR, p. 7-73 [Response BP-85].)

**2. Energy Production**

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

Finding: Less than significant. (2020 RDEIR, p. 5-14.)

Explanation: 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 the Proposed Project would not require construction of new or expanded energy production facilities or infrastructure. No significant or potential 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. (2020 RDEIR, p. 5-14.)

### 3. Renewable Energy and Energy Efficiency Plans

Threshold: Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Finding: Less than significant. (2014 RDEIR, p. 4.0-9.)

Explanation: The Proposed Project would adhere to all federal, State, and local requirements for energy efficiency, including Title 24, California's Energy Efficiency Standards for Residential and Non-residential Buildings. In addition, the Project Applicant will design and construct the MRF/TS facility and site based on the LEED Silver rating system. The Proposed Project would not result in the inefficient, wasteful, or unnecessary consumption of building energy. (2014 RDEIR, p. 4.0-9.)

## F. GEOLOGY AND SOILS

### 1. Expansive Soils

Threshold: Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Finding: Less than significant impact. (2014 RDEIR, p. 3.7-18.)

Explanation: As confirmed by field observations and research, the soil at the site is composed of sand, gravel, and rock associated with older alluvium. These soils do not generally have expansive qualities. It is not reasonably foreseeable that the Project will result in substantial risk to life or property related to expansive soils. Therefore, expansive soil related impacts are less than significant. (2014 RDEIR, p. 3.7-18.)

### 2. Septic Tanks

Threshold: Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Finding: Less than significant impact. (2014 RDEIR, p. 3.7-18.)

Explanation: The Proposed Project will dispose of all of their municipal wastewater to the public sewer system and will not utilize septic tanks. Additionally, the grading of the site and the bioretention system planned for the Proposed Project will ensure that stormwater from the site will not cause significant impacts. It is not reasonably foreseeable that the Project will result in significant impacts related to soils incapable of adequately supporting the use of septic tanks or alternative wastewater

disposal systems where sewers are unavailable for the disposal of wastewater. Therefore, soil issues related to septic and water disposal systems will not cause a significant impact. (2014 RDEIR, p. 3.7-18.)

## G. GREENHOUSE GAS EMISSIONS

### 1. Generation of GHGs

Threshold: Would the project generate greenhouse gas emissions ("GHGs"), either directly or indirectly, that may have a significant impact on the environment?

Finding: Less than significant impact. (2020 RDEIR, pp. 4-1 through -24; see also 2020 FEIR, pp. 7-29 [Response BP-13], -32 [Response BP-16].)

Explanation: The City applied a net-zero emissions threshold to determine whether greenhouse gas emissions emitted during construction and operation of the Project would be potentially significant. 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 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). (2020 RDEIR, p. 4-1.)

To assess the significance of the Project's GHG emissions relative to the chosen net zero threshold, both quantitative and qualitive 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." (2020 RDEIR, p. 4-10.) 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. (2020 RDEIR, p. 4-11.)

2020 RDEIR 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 the 2017 Addendum No. 1 to the 2016 FEIR (construction) and

reassessed as described above (waste collection truck trips, self-haul truck trips, and transfer truck trips). As shown in 2020 RDEIR 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 and no mitigation is required. (2020 RDEIR, pp. 4.-23 and -24.)

### 2. Conflicts with Applicable Plans, Policies, and Regulations

Threshold: Would operation of the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Finding: Less than significant impact. (2020 RDEIR, pp. 4-1 through -24; 2014 RDEIR, pp. 3.3-68 and -69; see also 2017 Addendum No. 1, p. 21.)

Explanation: To assess greenhouse gas emissions impacts, the City applied a net-zero threshold, and determined that 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. 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 greater than the baseline must be eliminated or offset, and the status quo of the existing environmental baseline retained. (2020 RDEIR, p. 4-7.) Application of a net-zero threshold ensures that emissions from the proposed Project would not interfere with the State's plans, policies, or regulations by ensuring that no change in the environmental baseline associated with greenhouse gas emissions will occur.

Further, CARB is continuing to develop strategies to reduce statewide GHG emissions, including heavy-duty vehicle emission reductions, as directed by AB 32. The Proposed Project will be required to comply with all new State laws and regulations, including as they may be implemented by SCAQMD. A number of design features and regional efficiencies are part of the Proposed Project. the Proposed Project would therefore not be expected to conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG. Impacts would be less than significant, and no mitigation is required.

## H. HAZARDS AND HAZARDOUS MATERIALS

### 1. Hazardous Materials Sites

Threshold: Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Finding: No impact. (2014 RDEIR, p. 3.8-29.)

Explanation: The Proposed Project site is not listed as a site containing hazardous materials as defined in Government Code, Section 65962.5. Therefore, no adverse effect would occur as a result. (2014 RDEIR, p. 3.8-29.)

**2. Airports**

Threshold: For a project located within an airport land use plan or land use plan area or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

Finding: No impact. (2014 RDEIR, p. 3.8-29.)

Explanation: The project is not located within the vicinity of any airports. No impact would occur. (2014 RDEIR, p. 3.8-29.)

**3. Emergency Plans**

Threshold: Would the Project impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan?

Finding: Less than significant impact. (2014 RDEIR, p. 3.8-30.)

Explanation: The City of Irwindale has established Arrow Highway and Live Oak Avenue as Major Emergency Evacuation Routes. The Proposed Project is located along both of these routes with Arrow Highway along the northern boundary of the site and Live Oak Avenue along the south border. Generally, operational traffic to and from the site would be distributed throughout the 24-hour operation of the facility and not result in queuing of trucks into access points along Arrow Highway and Live Oak Avenue. Therefore, queuing of trucks into Arrow Highway and Live Oak Avenue lanes should not occur on a regular basis. During an emergency, all trucks would be rerouted so they would not interfere with these evacuation routes. Furthermore, the Proposed Project will not construct any physical structures or provide other obstructions which would interfere with these two routes. In addition, PDF HAZ-2 includes a site-specific Emergency Action Plan and Emergency Response Training Plan within the On-Site Management Plans. Therefore, potential impacts associated with impairing evacuation along these roadways would be less than significant. (2014 RDEIR, p. 3.8-30.)

**4. Wildland Fires**

Threshold: Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Finding: Less than significant impact. (2014 RDEIR, p. 3.8-30.)

Explanation: The Proposed Project is located entirely in a heavily urbanized area within the City of Irwindale. No wild lands are adjacent to the site. To the north of the Project site is the Santa Fe Dam and Recreational Area, which may have seasonal dry grassland; however based on the high structure of the Dam walls, the masonry walls would act as a barrier in the event of a fire inside the Project Site. Therefore, the Proposed Project would not expose people or property to wildland fire hazards. (2014 RDEIR, p. 3.8-30.)

## I. HYDROLOGY AND WATER QUALITY

### 1. Water Quality Standards

Threshold: Would the project violate any water quality standards or waste discharge requirement?

Finding: Less than significant impact. (2014 RDEIR, pp. 3.13-7 through -13.)

Explanation: Water pollutants of concern during construction of the Proposed Project include metals, soil additives, construction chemicals, and miscellaneous wastes. Site preparation activities including grading would remove the existing minimal on-site vegetation and other ground cover at the site. Removal of vegetation would have a minimal effect on the potential velocity and volume of stormwater flows from the Proposed Project site and given the high permeability and level surface is not likely to produce stormwater runoff with sediment and nutrient loading.

Pollutant discharge from the Proposed Project site must be prevented using BMPs. All construction projects that clear and grade more than one-acre of land must obtain coverage under the NPDES General Permit (administered by the Los Angeles RWQCB under SWRCB Water Quality Order 99-08-DWQ) prior to development.

The NPDES General Permit requires preparation of a site-specific Storm Water Pollution Prevention Plan (SWPPP). BMPs would be developed to prevent on-site pollutants from coming into contact with receiving waters, to minimize on-site erosion, and to prevent off-site siltation and other construction pollutants from reaching local waterways. The SWPPP also outlines stormwater sampling and BMP inspection requirements. Preparation of the SWPPP and Erosion and Sediment Control Plan with BMPs is required prior to any site grading, or initiation of construction. Compliance with the project specific NPDES Permit requirements (e.g., Storm Water Pollution Prevention Plans (SWPPP) and Erosion and Sediment Control Plan with BMPs) would prevent significant water quality impacts to off-site water bodies during construction, and it is concluded that the Proposed Project is not likely to result in significant water quality impacts during construction with adherence to these regulatory requirements.

The on-going record of tests by a State-certified laboratory provides evidence that the BMPs selected for the site are controlling pollutants in stormwater discharges.

Standard tests required in the Industrial Storm Water Permit regulations normally address pH, total suspended solids, conductivity, and oil and grease levels. Additional tests performed for the site could include chemical oxygen demand and bio-chemical oxygen demand. Implementation of the project specific NPDES Permit requirements (e.g., Storm Water Pollution Prevention Plans (SWPPP) and Erosion and Sediment Control Plan with BMPs) are intended by design to prevent water quality degradation and reduce potential impacts to water quality during construction and operational activities; and therefore, are deemed to reduce potential impacts to a level that is less than significant. (2014 RDEIR, pp. 3.13-7 through -13.)

### 2. Groundwater Supplies

Threshold: Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Finding: Less than significant impact. (2014 RDEIR, pp. 3.13-13 and -14.)

Explanation: Explanation: The Proposed Project would not interfere substantially with local groundwater recharge, or produce a net deficit in aquifer volume, or lowering of local groundwater table in the vicinity of the Proposed Project. The project would 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. The implementation of these design parameters would minimize the use of water at the site (**PDF WQ-1**).

**PDF 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/marking 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 existing drainages).

Therefore, as designed, the Proposed Project would not adversely impact groundwater supplies or interfere substantially with groundwater recharge; therefore,

potential impacts associated with groundwater supplies or groundwater recharge would be less than significant. (2014 RDEIR, pp. 3.13-13 and -14.)

### 3. Existing Drainage Patterns, Runoff, and Flood Flows

Threshold: Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of the existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows?

Finding: Less than significant impact. (2014 RDEIR, pp. 3.13-14 and -15.)

Explanation: There are no local streams or rivers adjacent to or running through the Proposed Project site. Therefore, no adverse impacts to existing streams or rivers will occur with implementation of the Proposed Project. The Proposed Project is relatively flat; therefore, terrain modification for the construction of various buildings, the truck loading dock, and other on-site structures would be minimal. After the Proposed Project is constructed, most of the surface of the site would be paved, contain structures, or be landscaped. Erosion or siltation after construction would be minimal with conditions of level terrain, non-erodible surfaces, and high porosity and permeability of surrounding ground. The risk of erosion or siltation from the site during construction and operation would be minimal and less than significant.

Construction of the Proposed Project would increase the amount of impervious surface. Approximately 55% of the site would be covered with concrete or asphalt (e.g., parking, circulation, and hardscaped areas) and about 32% of the surface would be covered with buildings. The remaining 13% would be landscaped. The impervious structures would increase stormwater drainage to be directed to the bioremediation/ underground storage or the porous asphalt areas discussed previously. The perimeter of the site will be covered with vegetation landscaping and a wall, thus, preventing off-site runoff from entering the facility. The site will be graded so that no stormwater flow can leave the site without first passing through the bioremediation swale system. A bioretention system/storage system along the eastern side of the facility will collect stormwater runoff from the northeastern, southeastern, and convenience store areas. Bioretention systems have proven effective in removing pollutants associated with suspended solids, hydrocarbons, metals, nutrients, and bacteria from stormwater runoff. They also are effective in reducing the peak runoff rates. As designed, the Proposed Project would not adversely impact the existing drainage pattern of the site or area, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

Finally, the perimeter of the site will be covered with vegetation landscaping and a wall; thus, preventing off-site runoff from entering the facility. The site will be

graded so that no stormwater flow can leave the site without first passing through the bioremediation swale system. As described above, the NPDES Industrial Stormwater Permit and associated BMPs – including the bioremediation/underground storage system – would minimize source of polluted runoff to less than significant. (2014 RDEIR, pp. 3.13-14 and -15.)

### 4. Inundation

Threshold: In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

Finding: Less than significant impact. (2014 RDEIR, pp. 3.13-16 and -17.)

Explanation: FEMA has designated the Proposed Project area as a Zone X, defined by FEMA as an "Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood." Therefore, the potential flooding risk at the site is very low and would not be significant.

Further, the only major water bodies near the Proposed Project site are the USACE constructed Santa Fe Dam to the northeast and the San Gabriel River to the north and west of the site. The only time a significant amount of water is within the dam is during diversion of heavy flows from the San Gabriel River. During the late spring, summer, and early fall, the water within the dam is low. During the low water levels, the area at the bottom of the dam is used as a regional recreational area. Beyond the Santa Fe Dam, the San Gabriel River flows through a concrete-lined walled channel. These USACE projects abate the 100-year storm threat of the river. Consequently, the risk of loss, injury, or death involving flooding or failure of these flood control structures will be less than significant.

Finally, the Proposed Project is located approximately 35 to 40 miles from the Pacific Ocean, on relatively flat topography and away from steep terrain. The nearest potential large body of water is the Santa Fe Flood Control Basin controlled by the USACE and various aggregate mining groundwater basins. The Santa Fe Flood Control Basin is used for flood control of the San Gabriel River and groundwater recharge. The potential of seiches within these basins are considered insignificant. Furthermore, a number of recharge locations (e.g., Santa Fe Flood Control Basin, San Fe Spreading Ground, and Buena Vista Spreading Ground) are located near the Proposed Project site and used to maintain groundwater levels. Therefore, the risk of landslides, tsunamis and seiches, and subsidence would be less than significant.

### 5. Water Quality Control Plan

Threshold: Would the project conflict with or obstruct implementation of water quality control plan or sustainable groundwater management plan?

Finding: Less than significant impact. (2014 RDEIR, pp. 3.11-14 and -15.)

Explanation: The site is an urban infill site that is located within the existing service area of the regional Sanitation Districts. The San Jose Creek Water Reclamation Plant (WRP) and the Joint Water Pollution Control Plant are both subject to permits issued by the Regional Water Quality Control Board. The San Jose Creek WRP is subject to National Pollution Discharge Elimination System (NPDES) Permit No. CA0053911, which regulates the discharge of treated sewage from the plant to the San Gabriel River and San Jose Creek, while the Joint Pollution Control Plant is subject to NPDES Permit No. CA0053813, which regulates the discharge of treated sewage from the plant to the Pacific Ocean.

The permits that regulate the San Jose Creek WRP and the Joint Water Pollution Control Plant set limitations on the amount of pollutants that the plants can discharge into receiving waters. An increase in the amount of sewage treated at these plants could result in the plants not being able to meet pollutant standards outlined in their respective permits. Sewage generated by development in the City of Irwindale is treated at the San Jose Creek WRP with any excess sewage and all bio solids treated at the Joint Water Pollution Control Plant. As discussed above, the San Jose Creek WRP currently has over 20 mgd of treatment capacity while the Joint Water Pollution Control Plant currently has over 120 mgd of treatment capacity. Therefore, sewage generated by the Proposed Project will not result in the plant exceeding sewage treatment capacities. By its nature, the MRF/TS does not provide wastewater services (toilets/sewer system) to the general public, but rather its own employees and patrons of the gas station.

Further, stormwater runoff collection points are located along the northwestern and northeastern perimeter of the site. These collection points are located along areas with the highest possibility of discharges of pollutants (e.g., trucks entering the facility, weight station, long-haul trucks departure area, and entrances into the tipping floor and green waste areas). In addition, a drain near the fueling island as well as grading of the convenience store area would direct flow toward the bioretention system to the west of this area.

Treatment requirements for industrial wastewater [and stormwater as a source of a wastewater treatment plant exceeding standards] from the site are typical for identical types of facilities operated throughout the region (and State), and are subject to review and approval of the Regional Water Quality Control Board and the Sanitation Districts of Los Angeles County and would not exceed the wastewater treatment requirements of either regulatory agency. Further, no hazardous waste is expected to leave the site (refer to Chapter 3.8 Hazards and Hazardous Waste). Therefore, the impact of the Proposed Project on sewage treatment requirements is less than significant. (2014 RDEIR, pp. 3.11-14 and -15.)

In addition, the Proposed Project would not interfere substantially with local groundwater recharge, or produce a net deficit in aquifer volume, or lowering of local groundwater table in the vicinity of the Proposed Project. The project would 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. The implementation of these design parameters would minimize the use of water at the site (PDF WQ-1). As designed, the Proposed Project would not adversely impact groundwater supplies or interfere substantially with groundwater recharge; therefore, potential impacts associated with groundwater supplies or groundwater recharge would be less than significant. (2014 RDEIR, pp. 3.13-13 and -14.)

## J. LAND USE

### 1. Divide a Community

Threshold: Would the project physically divide an established community?

Finding: Less than significant impact. (2014 RDEIR, pp. 3.9-15 and -16.)

Explanation: Access to all land uses within the greater area near the Project site would be maintained throughout construction and operational activities. The Proposed Project would not result in any permanent road closures; and therefore, the Proposed Project would not divide an established community.

The vacant site is located within an area of varied land uses supporting a mix of heavy industrial, light industrial, residential, recreational and commercial uses. According to the Phase I ESA and the cultural resources investigation, the site was undeveloped land as early as 1928-29. By 1936, the Project site was developed as a portion of a larger industrial facility (United Concrete Pipe Corporation) that occupied the site until 1990. The Property has remained vacant since 1991. Roadways adjacent to the site include Arrow Highway and Live Oak Avenue which are classified as "Major Arterials" and "Major Designated Truck Routes" in the City's General Plan. The main function of a Major Arterial is to provide regional, sub-regional, and intra-City travel service. Through traffic on these roadways comprises the bulk of traffic volumes on major arterial roadways. Major arterials typically have four to six travel lanes. (General Plan Update, 2008).

The Proposed Project would result in the construction and operation of a materials recovery facility and transfer station, including convenience store and fueling station, within the City of Irwindale. Operations at the MRF/TS would consist of materials recovery sorting, consolidating, compacting received materials, and then re-loading all recyclable, compostable, and solid waste material into transfer trucks for transport to additional processing and/or disposal facilities. As a primary function, the MRF/TS would reduce the amount of regionally-produced solid waste that would otherwise be land filled by recovering materials that can be recycled or reused.

Based upon all of the above, it is not reasonably foreseeable that the Proposed Project will physically divide an established community. Therefore, land use impacts related to dividing a community would be less than significant. (2014 RDEIR, pp. 3.9-15 and -16.)

### 2. Conflict with Plans

Threshold: Would the project cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Finding: Less than significant impact. (2014 RDEIR, pp. 3.9-17 through 3.9-21.)

Explanation: The Project is consistent with all applicable City of Irwindale General Plan policies and programs adopted for the purpose of mitigating an environmental effect. See 2014 RDEIR, Table 3.9-3, Irwindale General Plan Consistency Analysis. In addition, the Project was found consistent with the City of Baldwin Park plans, policies and regulations, SCAG plans, and Los Angeles County plans. Therefore, land use conflict related impacts are less than significant. (2014 RDEIR, pp. 3.9-17 through 3.9-21.)

## K. MINERAL RESOURCES

### 1. Known and Locally Important Resources

Threshold: Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Threshold: Would the project result in the loss of availability of a locally-important mineral resource recovery site, delineated on a local general plan, specific plan, or other land use plan?

Finding: No impact. (2014 RDEIR, p. 3.1-2.)

Explanation: The project site is not within a mineral resource recovery site delineated on a general plan, specific plan or other land use plan. Although, there may be materials under the proposed project site that may be a mineral resource of value to the region or residents of the state, they are not currently available and would not be foreseeably available in the future. Therefore, implementation of the Project would not reduce access to any mineral resource more than the existing condition. (2014 RDEIR, p. 3.1-2.)

## L. NOISE

### 1. Groundborne Vibration and Noise

Threshold: Would the project generate excessive groundborne vibration or groundborne noise levels?

Finding: Less than significant. (2014 RDEIR, p. 3.10-29.)

Explanation: Depending on the construction or operational equipment used, ground-borne vibrations can be perceptible within 30 to 100 feet of a source. Structural damage from pile driving typically does not occur in buildings more than 50 feet from the location of the activity (Caltrans, 2004). Pile driving would not be required for construction of the facility. In addition, neighboring buildings are more than 100 feet away. Therefore, it is not reasonably foreseeable that the Project would result in ground-borne vibrations or noise levels. Therefore, ground-borne vibrations and ground-borne noise impacts would be less than significant impact. (2014 RDEIR, p. 3.10-29.)

### 2. Public Airports

Threshold: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Finding: No impact. (2014 RDEIR, p. 3.10-35.)

Explanation: The Proposed Project site is not located in an airport land use plan or within two miles of a public airport and therefore would not expose people working in the Proposed Project area to excess noise levels. The Proposed Project is also not located in the vicinity of a private airstrip and therefore would not expose people working in the Proposed Project areas to excessive noise levels. No impact would occur. (2014 RDEIR, p. 3.10-35.)

## M. POPULATION AND HOUSING

### 1. Population Growth

Threshold: Would the project induce substantial unplanned population growth in an area, either directly or indirectly?

Finding: No impact. (2014 RDEIR, p. 3.9-21.)

Explanation: There is no residential component to the Proposed Project. The creation of 411 new jobs within the City's (and region's) employment base would not be expected to result in adverse effects on population growth. With unemployment of about 10.1 percent in Los Angeles County (August 2013), there is a substantial labor force available locally and regionally, and it is anticipated that these employees would

live in the City and/or neighboring communities, thereby not inducing workers to relocate from outside of the area and causing direct or indirect population growth. The MRF/TS would not remove any barriers to growth and would not create any dwelling units nor would residential growth be induced by implementation of the Proposed Project. Therefore, the population growth related impacts are less than significant. (2014 RDEIR, p. 3.9-21.)

### 2. Displace Housing and People

Threshold: Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Finding: No impact. (2014 RDEIR, p. 3.9-22.)

Explanation: Proposed construction [and operation] would not be expected to permanently displace people nor any existing, developing, or approved urban/industrial buildings or activities. The Proposed Project site has been historically developed for urban/industrial uses and is currently vacant and uninhabited.

Based upon the above, it is not reasonably foreseeable that the Proposed Project will displace any housing or populations. Therefore, the housing and population related impacts are less than significant. (2014 RDEIR, p. 3.9-22.)

## N. PUBLIC SERVICES

### 1. Fire Protection

Threshold: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?

Finding: Less than significant impact. (2014 RDEIR, p. 3.11-12.)

Explanation: Construction and operation of the Proposed Project would occur on a vacant urban infill site that is located within the existing service area of the County of Los Angeles Consolidated Fire District which serves the City of Irwindale. No fire facilities would be directly affected by Project implementation. No increased need for fire services would be required to maintain acceptable services ratios.

The Proposed Project includes multiple project driveways to facilitate emergency access, a fire access road around the entire perimeter of the main building, and the required fire district turning radii have been incorporated into the site design. The parking of the transfer trucks along the southeast side of the main building, next to bin storage of the site has also been designed to facilitate fire department access to the

site. Project plans have been initially reviewed by fire district staff and will be reviewed again prior to issuance of the building permit. The Fire Department review concluded no significant risk of fire based on site plans.

The Proposed Project includes several fire control features within the On-Site Management Plans including a Fire Prevention Control and Mitigation Plan and an Emergency Response and Training Plan which are intended to minimize the potential risk of fire and to establish formal procedures for responding to an emergency. Due to the nature, location and design of the Project, implementation of the Proposed Project is not anticipated to have an adverse effect on fire services, service levels, or facilities. (2014 RDEIR, p. 3.11-12.)

### 2. Police Protection

Threshold: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?

Finding: Less than significant impact. (2014 RDEIR, pp. 3.11-11 and -12.)

Explanation: Construction and operation of the Proposed Project would occur on a vacant urban infill site that is located within the existing service area of the Irwindale Police Department. Due to the location and nature of the Proposed Project, no direct adverse physical impacts to existing Police facilities or levels of service is anticipated to occur. (2014 RDEIR, pp. 3.11-11 and -12.)

### 3. Education

Threshold: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?

Finding: No impact. (2014 RDEIR, p. 3.11-13.)

Explanation: The Proposed Project would not have a direct physical impact on any school facilities. Project implementation does not include a residential component and therefore would not result in a direct population increase or direct or indirect effect on school facilities or services. Traffic from the Proposed Project is routed away from this intersection to minimize effects on residences south of the Live Oak Avenue industrial corridor in the City of Baldwin Park, and the Margaret Heath elementary school located approximately 1,370 feet south of Live Oak Avenue on the east side of

Baldwin Park Boulevard. Therefore, no adverse impacts to schools are anticipated to occur with implementation of the Proposed Project.

### 4. Parks

Threshold: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?

Finding: No impact. (2014 RDEIR, p. 3.9-22.)

Explanation: There is no residential or recreational component to the Proposed Project. The creation of new jobs within the City's (and region's) employment base would not be expected to result in adverse effects on either the provision of existing recreational services or existing recreational facilities. The Proposed Project is not expected to result in a population growth in the City or area and therefore, the Proposed Project does not have the potential to increase population in a manner that could substantially increase the use of, nor cause substantial physical deterioration of existing neighborhood and regional parks or recreational facilities. With no potential to increase population, there will be no increase to use of recreational facilities and, therefore, no significant impact. (2014 RDEIR, p. 3.9-22.)

### 5. Other Public Facilities

Threshold: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any other public facilities?

Finding: Less than significant impact. (2014 RDEIR, pp. 3.11-13 and -14.)

Explanation: Implementation of the Proposed Project would require the re-establishment of water and wastewater utility services to the site. The Proposed Project is an infill project and water lines and wastewater collection lines have already been extended in proximity to the site to surrounding land uses. A Sanitation District trunk sewer line currently exists within the Live Oak Avenue right-of-way.

Potable water supplies would be required for the site for the Administrative and Visitor Facility, Education Center, Employee Facility, Convenience Store as well as for daily site management, odor control and other related operational activities and landscaping. Wastewater to be directed to the regional sanitary sewer system will include sanitary wastes, wash water, and treated stormwater flows from the site. Solid waste discharges from the tipping floor and sorting area are enclosed within the

Materials Recovery Facility. Because this building is enclosed, rainwater runoff to stormwater discharge points would be eliminated. Tipping floor and green waste areas would be periodically power scrubbed. Liquid waste from the power scrubbing of the tipping and greenwaste floors, truck loading areas, and truck wash areas are to be discharged to the municipal sewer system under a permit from the Sanitation Districts of Los Angeles County. This increase in water and wastewater flow would be adequately handled by existing service providers through existing facilities. As an urban infill project on a previously developed site, no significant adverse effects on water or wastewater facilities or services would occur with Project implementation.

Implementation of the Proposed Project would require the re-establishment of electrical and natural gas utility lines to the site. The Proposed Project is an infill project and electrical and natural gas distribution lines have already been extended in proximity to the site to support surrounding land uses. The site is crossed by a City of Los Angeles Department of Water and Power (LADWP) electricity transmission easement and Southern California Edison (SCE) Company holds an underground utility easement along the entire length of the project site frontage on Arrow Highway. Site design reflects avoidance of the transmission line corridor, to be developed with limited parking spaces and perimeter landscaping. No permanent facilities would be located on the easement and no adverse impacts are anticipated.

Implementation of the Proposed Project will require the connection of electrical and natural gas lines to the site and will result in a small, long-term increase in the use of these energy resources. The increase associated with Project operation would not be a considered a significant impact on the local and regional energy supply systems.

Thus, impacts associated with any other public facilities or services would be less than significant. (2014 RDEIR, pp. 3.11-13 and -14.)

## O. RECREATION

### 1. Existing Facilities

Threshold: Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Finding: No impact. (2014 RDEIR, p. 3.9-22.)

Explanation: There is no residential or recreational component to the Proposed Project. The creation of new jobs within the City's (and region's) employment base would not be expected to result in adverse effects on either the provision of existing recreational services or existing recreational facilities. The Proposed Project is not expected to result in a population growth in the City or area and therefore, the Proposed Project does not have the potential to increase population in a manner that could substantially increase the use of, nor cause substantial physical deterioration of existing

neighborhood and regional parks or recreational facilities. With no potential to increase population, there will be no increase to use of recreational facilities and, therefore, no significant impact. (2014 RDEIR, p. 3.9-22.)

### 2. New Recreational Facilities

Threshold: Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Finding: No impact. (2014 RDEIR, p. 3.9-22.)

Explanation: There is no residential or recreational component to the Proposed Project. The creation of new jobs within the City's (and region's) employment base would not be expected to result in adverse effects on either the provision of existing recreational services or existing recreational facilities. The Proposed Project is not expected to result in a population growth in the City or area and therefore, the Proposed Project does not have the potential to increase population in a manner that could substantially increase the use of, nor cause substantial physical deterioration of existing neighborhood and regional parks or recreational facilities. With no potential to increase population, there will be no increase to use of recreational facilities and, therefore, no significant impact. (2014 RDEIR, p. 3.9-22.)

## P. TRANSPORTATION AND CIRCULATION

### 1. Conflicts with Plans

Threshold: Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Finding: Less than significant. (2014 RDEIR, pp. 3.12-66 through -68.)

Explanation: The City has no plans, ordinances or policies that establish measures of effectiveness for the performance of the circulation system, including related to mass transit and non-motorized travel, such as a pedestrian or bicycle circulation plan, which are applicable to the Proposed Project. The only bike path within the City of Irwindale is located on the river bed near the project site, and along the top of Santa Fe Dam east of the site. Based on the existing uses near the project site, and the project's trip generation characteristics, pedestrian activity is anticipated to be nominal. However, the Project is consistent with City policies regarding to safe and efficient circulation, given that the Project's onsite and offsite improvements provide for safe and efficient access conditions, and accommodate the travel activities associated with the Proposed Project. Further, the project will pay its fair share of improvements to eliminate the significant impacts relating to Level of Service. Given this, implementation of the Project would not conflict with adopted policies, plans, or

programs that would result in a decrease of the performance or safety of public transit, bicycle, or pedestrian facilities. Impacts are considered less than significant and no mitigation measures are required. (2014 RDEIR, pp. 3.12-66 through -68.)

### 2. Design Feature Hazards

Threshold: Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Finding: No impact. (2014 RDEIR, p. 3.12-93; see also 2017 Addendum No. 1, pp. 21-29; see also 2020 FEIR, p. 7-57 [Response BP-56].)

Explanation: The recommended project on-site and off-site roadway improvements provide for safe and efficient access conditions and accommodate the travel activities associated with the Proposed Project within capacities and Level of Service policies as discussed above. Any development on city streets is subject to review by the Public Works Department and City Engineer to meet all applicable street standards.

Based upon the above, it is not reasonably foreseeable that implementation of the Proposed Project would involve any potentially dangerous traffic or transportation hazards or propose any incompatible uses that could affect existing traffic or circulation in the Project area. No mitigation is required. (2014 RDEIR, p. 3.12-93; see also 2017 Addendum No. 1, pp. 21-29; see also 2020 FEIR, p. 7-57 [Response BP-56].)

### 3. Emergency Access

Threshold: Would the Project result in inadequate emergency access?

Finding: Less than significant impact. (2014 RDEIR, p. 3.12-93.)

Explanation: Emergency site access to the Proposed Project is available the fire department access driveway (refer to Site Plan). This driveway is designed to provide adequate emergency access to the site for use by emergency vehicles only. The location of this driveway is along Live Oak Avenue, at the southwestern corner of the site. The design of the site access for emergency vehicles complies with the California Fire Code as adopted and implemented in the City and construction will be required to meet Fire Code standards. As such, there are no reasonably foreseeable impacts from inadequate emergency access. No mitigation is required. (2014 RDEIR, p. 3.12-93.)

## Q. UTILITIES AND SERVICE SYSTEMS

### 1. Relocation or Expanded Services

Threshold: Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Finding: Less than significant impact. (2014 RDEIR, pp. 3.11-13 and -14.)

Explanation: Implementation of the Proposed Project would require the re-establishment of water and wastewater utility services to the site. The Proposed Project is an infill project and water lines and wastewater collection lines have already been extended in proximity to the site to surrounding land uses. A Sanitation District trunk sewer line currently exists within the Live Oak Avenue right-of-way. Potable water supplies would be required for the site for the Administrative and Visitor Facility, Education Center, Employee Facility, Convenience Store as well as for daily site management, odor control and other related operational activities and landscaping. Wastewater to be directed to the regional sanitary sewer system will include sanitary wastes, wash water, and treated stormwater flows from the site. Solid waste discharges from the tipping floor and sorting area are enclosed within the Materials Recovery Facility. Because this building is enclosed, rainwater runoff to stormwater discharge points would be eliminated. Tipping floor and green waste areas would be periodically power scrubbed. Liquid waste from the power scrubbing of the tipping and greenwaste floors, truck loading areas, and truck wash areas are to be discharged to the municipal sewer system under a permit from the Sanitation Districts of Los Angeles County. This increase in water and wastewater flow would be adequately handled by existing service providers through existing facilities. As an urban infill project on a previously developed site, no significant adverse effects on water or wastewater facilities or services would occur with Project implementation.

Implementation of the Proposed Project would require the re-establishment of electrical and natural gas utility lines to the site. The Proposed Project is an infill project and electrical and natural gas distribution lines have already been extended in proximity to the site to support surrounding land uses. The site is crossed by a City of Los Angeles Department of Water and Power (LADWP) electricity transmission easement along the south side totaling approximately 2.84 acres of the total site area. In addition, Southern California Edison (SCE) Company holds a 23-foot-wide underground utility easement totaling approximately 0.5 acres along the entire length of the project site frontage on Arrow Highway. Site design reflects avoidance of the transmission line corridor, to be developed with limited parking spaces and perimeter landscaping. In addition, all buildings have been set back a minimum of 50 feet from the overhead lines in accord with public utility regulations. No permanent facilities would be located on the easement and no adverse impacts are anticipated.

Implementation of the Proposed Project will require the connection of electrical and natural gas lines to the site and will result in a small, long-term increase in the use of these energy resources. The increase associated with Project operation would not be a considered a significant impact on the local and regional energy supply systems. (2014 RDEIR, pp. 3.11-13 and -14.)

### 2. Water Supplies

Threshold: Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Finding: Less than significant impact. (2014 RDEIR, pp. 3.11-16 and -17.)

Explanation: The site is an infill development project within the Valley County Water District service area. Potable water supply demands associated with the Proposed Project (less than 22 acre-feet per year) would be met by the Valley County Water District from existing entitlements and available resources. No new or expanded entitlements would be required to meet the demands of the Project. The VCWD's 2010 UWMP identified an adequate supply of potable water to meet future demands (through 2035) within its water supply service area under normal, single year dry, and multi-year dry weather conditions. Because of a surplus of supply over demand under all scenarios, the VCWD would not have any problems providing water to the Proposed Project during normal, single dry year, and multi-dry year weather conditions. No new or expanded entitlements would be required to meet the demands of the Proposed Project and this impact is considered less than significant. (2014 RDEIR, pp. 3.11-16 and -17.)

### 3. Wastewater Capacity

Threshold: Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Finding: Less than significant impact. (2014 RDEIR, p. 3.11-17.)

Explanation: The site is an infill development project within the Sanitation District No. 22 service area. Wastewater associated with implementation of the Proposed Project can be adequately accommodated through existing treatment facilities maintained by the Sanitation Districts of Los Angeles County. Implementation of the Proposed Project would result in an incremental increase in local wastewater flows and would not result in a significant adverse effect on water treatment facilities. (2014 RDEIR, p. 3.11-17.)

### 4. Solid Waste Standards

Threshold: Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Finding: Less than significant impact. (RDEIR, p. 3.11-17.)

Explanation: The Project itself will not generate significant amounts of solid waste. Solid waste that would be processed at the site would be diverted from the existing local and regional waste streams for sorting and recovery of usable materials to reducing the total volume of waste required to be disposed of in a landfill. This would be a beneficial effect of the Project on solid waste. Residual waste that cannot be recycled or otherwise recovered, including waste generated on-site during construction and operation, would be transported to one of several contracted landfills. No significant impact would occur. (RDEIR, p. 3.11-17.)

### 5. Solid Waste Statutes and Regulations

Threshold: Would the project comply with federal, State and local statutes and regulations related to solid waste?

Finding: Less than significant impact. (2014 RDEIR, p. 3.11-18.)

Explanation: The Proposed Project is a solid waste processing and recycling project and has been designed to implement and comply with all applicable regulations pertaining to regional solid waste management. No adverse impacts on solid waste would occur with Project implementation. Project implementation will have a beneficial effect on local and regional solid waste management by diverting recyclable materials from the waste stream and reducing the total amount of remaining material required to be landfilled. (2014. RDEIR, p. 3.11-18.)

## R. WILDFIRE

### 1. Emergency Response and Evacuation

Threshold: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

Finding: No impact.

Explanation: The Project site is not within or adjacent to a fire hazard zone as classified by the California Department of Forestry. (See "Los Angeles Open Data [https://data.lacounty.gov/dataset/Fire-Hazard-Severity-Zones/jwg2-9k5y; last accessed 12/17/2020]; and Map of CALFIRE's Fire Hazard Severity Zones in Local

Responsibility Areas [https://osfm.fire.ca.gov/media/5823/irwindale.pdf; last accessed 12/17/2020].) No impact would occur.

**2. Wildfire Exacerbation**

Threshold: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire, due to slope, prevailing winds, and other factors?

Finding: No impact.

Explanation: The Project site is not within or adjacent to a fire hazard zone as classified by the California Department of Forestry. (See "Los Angeles Open Data [https://data.lacounty.gov/dataset/Fire-Hazard-Severity-Zones/jwg2-9k5y; last accessed 12/17/2020]; and Map of CALFIRE's Fire Hazard Severity Zones in Local Responsibility Areas [https://osfm.fire.ca.gov/media/5823/irwindale.pdf; last accessed 12/17/2020].) No impact would occur.

**3. Associated Infrastructure**

Threshold: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure, such as roads, fuel breaks, emergency water sources, power lines, or other utilities, that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Finding: No impact.

Explanation: The Project site is not within or adjacent to a fire hazard zone as classified by the California Department of Forestry. (See "Los Angeles Open Data [https://data.lacounty.gov/dataset/Fire-Hazard-Severity-Zones/jwg2-9k5y; last accessed 12/17/2020]; and Map of CALFIRE's Fire Hazard Severity Zones in Local Responsibility Areas [https://osfm.fire.ca.gov/media/5823/irwindale.pdf; last accessed 12/17/2020].) No impact would occur.

**4. Exposure to Risks**

Threshold: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Finding: No impact.

Explanation: The Project site is not within or adjacent to a fire hazard zone as classified by the California Department of Forestry. (See "Los Angeles Open Data [https://data.lacounty.gov/dataset/Fire-Hazard-Severity-Zones/jwg2-9k5y; last accessed 12/17/2020]; and Map of CALFIRE's Fire Hazard Severity Zones in Local Responsibility Areas [https://osfm.fire.ca.gov/media/5823/irwindale.pdf; last accessed 12/17/2020].) No impact would occur.

## S. TRUCK FUELING

### 1. Off-Site Truck Fueling

Threshold: Would off-site fueling associated with project trips or truck fleets result in potentially significant impacts?

Finding: Less than significant impact. (2020 RDEIR, pp. 3-1 through -5.)

Explanation: 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 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.

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. (2020 RDEIR, pp. 3-1 through -5.)

**2. On-Site Fueling**

Threshold: 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)?

Finding: No impact. (2020 RDEIR, pp. 3-6 through -8.)

Explanation: The Proposed Project includes a small convenience store gas station (similar to Circle K or AM/PM stores) that is not sized to serve collection 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 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. Collection 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.

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. (2020 RDEIR, pp. 3-6 through -8.)

Regarding the potential for health impacts, 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. For purposes of 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 California.

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.

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. (2020 RDEIR, pp. 3-6 through -8.)

## SECTION 3: FINDINGS REGARDING ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT.

The City Council hereby finds that feasible Mitigation Measures have been identified in the EIR and this Resolution that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts, and the Mitigation Measures that will reduce them to a less than significant level, are as follows:

### A. AIR QUALITY

#### 1. Project Construction

Threshold: Would construction of the project conflict with or obstruct implementation of applicable air quality plan or violate any air quality standards or contribute substantially to an existing or projected air quality violation of the SCAQMD?

Finding: Less than significant with mitigation. (2014 RDEIR, pp. 3.3-26 through -34; see also 2017 Addendum No. 1, pp. 19-20.)

Explanation: Construction-related emissions are expected to be short-term, but may still cause adverse effects on air quality. Construction activities include site preparation, earthmoving, and general construction. Site preparation includes land clearing and grubbing. Earthmoving activities include cut-and-fill operations, soil compaction, and grading. General construction includes adding improvements such as roadway surfaces, structures, and facilities. Construction activities would include equipment such as loaders, excavators, pavers, and haul trucks. As the project site is clear of structures, minimal demolition would be required. Secondly, the project site is level and thus, minimal site preparation and grading would be required. Site preparation would consist of land clearing and grubbing, haul truck trips would likely be required to export the materials from the project site. Nonetheless, air emissions attributable to construction activities are potentially significant, including vehicle emissions, construction equipment, and building coatings. (2014 RDEIR, pp. 3.3-26 through -34.)

Unmitigated construction emissions are anticipated to exceed SCAQMD thresholds for ROG and NOx, while emissions of CO, PM10, PM2.5, and SO2 are not anticipated to exceed thresholds. (2017 Addendum No. 1, p. 19 [Table 2.2].) To reduce construction emissions to a level of less than significant and reduce ROG and NOx emissions to below the relevant thresholds of significance, **Mitigation Measures MM**

**AQ-1** through **MM AQ-11** have been identified:

**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 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) would achieve a project wide fleet-average 20 percent NOx 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.)

With implementation of the above measures, construction emissions of ROG and NOx would be reduced to below the relevant SCAQMD thresholds of significance, and no further construction-related emissions impact would remain. With the incorporation of mitigation, construction air quality emissions impacts would be less than significant. (2017 Addendum No. 1, p. 20 [Table 2.3].)

**2. Odors**

Threshold: Would the project result in other emissions, such as those leading to odors, adversely affecting a substantial number of people?

Finding: Less than significant impact with mitigation. (2014 RDEIR, pp. 3.3-58 through -66; see also 2016 FEIR, pp. C&R-62 [Response 5-2], -115 [Response 11-24 and 11-25], C&R-211 [Response 13-30]), -270 [Response 19-5], -341 [Response 25-18].)

Explanation: The proposed MRF/TS is not expected to generate significant odors because all transfer activities potentially generating odors would take place within an enclosed building designed to minimize odors. Design features in the MRF/TS

building include exhaust fans to provide multiple air exchanges every hour (as needed). The air leaving the building at the roof exhaust fans will be treated by a non-toxic odor neutralizing misting system to mitigate any odors. Negative pressure will be maintained at the building entrances to minimize the amount of untreated air leaving the building. A non-toxic odor neutralizer will be mixed with dust control water in the ceiling mounted misting systems for extra odor mitigation, as needed.

With implementation of the odor control measures as conditions of project approval, it is determined that odor would not impact the water associated with the water tanks on the southeast corner of the site, or with the two nearby Clinton O. Nixon storage facilities located at 14521 Ramona Boulevard in Baldwin Park, which have ventilation that allows an exchange of air intake inside the reservoir as the water surface rises and falls.

The SCAQMD resolves complaints through investigation and issuance of a notice to comply when necessary. Continued application of these existing regulations would avoid any impacts associated with objectionable odors and assure that any objectionable odors would not affect a significant amount of people.

Further, as identified in the Roadway Litter Prevention On-Site Management Plan, all incoming and outgoing hauling vehicles are required to be either fully covered and/or tarped or be a fully enclosed vehicle/trailer. Odors from trucks travelling to and from Athens' other MRF sites have not been a source of historical complaints. (Loughnane, 2014). Additionally, the City has not received odor complaints in the past from residents related to collection trucks using City streets.

The Project would also be required to comply with SCAQMD Rule 410, which establishes odor management practices and requirements to reduce odors from municipal solid waste transfer stations and material recovery facilities. As the project would have a throughput greater than 1,000 tons per day, the project would be required to implement a Level 2 odor control strategy for the tipping floor, transfer tunnel, and material recovery facility. In addition to compliance with SCAQMD rules and regulations, the Proposed Project would implement On-Site Management Plans to control odors and emissions. These plans would be enforceable through the Project's conditions of approval and would meet or exceed the minimum standards established by CalRecycle, the County of Los Angeles, the SCAQMD, and other responsible agencies. The Project also would be required to implement a litter prevention and control plan, regular street sweeping, and regular cleaning of all sorting machinery, conveyors, work platforms, and equipment pits.

Finally, **Mitigation Measures AQ-19** through **AQ-21** have also been identified to further reduce odor-related impacts:

**MM AQ-19**

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.

**MM AQ-20**

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 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.

**MM AQ-21**

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.

With incorporation of these measures, as well as the Project's conditions of approval, and adherence to all mandatory regulatory rules and controls, impacts associated with odors would be less than significant. (2014 RDEIR, pp. 3.3-58 through -66; see also 2016 FEIR, pp. C&R-62 [Response 5-2], C&R-115 [Response 11-24 and 11-25], C&R-211 [Response 13-30]), C&R-270 [Response 19-5], C&R-341 [Response 25-18].)

## B. BIOLOGICAL RESOURCES

## 1. Local Policies or Ordinances

Threshold: Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Finding: Less than significant impact with mitigation incorporated. (2014 RDEIR, pp. 3.4-16 and -17; see also 2016 FEIR, pp. C&R-70 [Response 7-3], C&R-122 [Response 11-37], C&R-289 [Response 22-3].)

Explanation: There are no local policies or ordinances protecting biological resources that are applicable to the Proposed Project site or biological resources thereupon. However, since some resident and/or migratory avian species have a potential to nest in the grassland and non-native trees on-site, project construction could result in "take" of these species under the Federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Codes §3503 and §3513, grading and construction activities undertaken for the Proposed Project has the potential to conflict with State and/or federal policies protecting a biological resource.

To reduce this potential impact, **Mitigation Measure MM BIO-1** has been identified:

**MM BIO-1**

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.

*Pre-construction Surveys for Nesting Birds*

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.

With incorporation of the above measure, impacts would be reduced to less than significant. Adherence to mitigation measure MM BIO-1 whereby, all grading and construction activities undertaken for the Proposed Project shall comply with the regulatory requirements of the federal MBTA and California Fish and Game Codes §3503, §3503.5, and §3513. (2014 RDEIR, pp. 3.4-16 and -17; see also 2016 FEIR, pp. C&R-70 [Response 7-3], C&R-122 [Response 11-37], C&R-289 [Response 22-3].)

## C. CULTURAL RESOURCES

### 1. Historical Resources

Threshold: Would the project cause a substantial adverse change in the significance of a historical resource pursuant to State CEQA Guidelines, § 15064.5?

Finding: Less than significant impact with mitigation incorporated. (2014 RDEIR, pp. 3.5-13 and -14.)

Explanation: The site is not listed by the State Historical Resources Commission, nor is the site a resource included in a local register of historical resources. Furthermore, the Lead Agency has not determined the site or any structure on site to be historically significant. Further, no archaeological or historic resources were identified during the Phase I Cultural Resources Study (ASM, 2009) and therefore the project would not cause a substantial adverse change in the significance of a historical or archeological resource. In addition, Bonterra Consulting surveyed the same project area (Brown and Maxon 2009), which also reported that there were no cultural resources present on-site. No prehistoric sites or historic resources were identified during the records search (ASM, 2009).

Although it is not reasonably expected that historical or archaeological resources will be found on site, to ensure the proper handling of the identification, protection, and proper disposition of any found archaeological or historical resources, should they be discovered during grading and in response to SB18 consultation, **Mitigation Measure CR-1** is required. MM CR-1 requires the Applicant and City to 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 (as requested by the Tribe during SB18 consultation).

Additionally, to ensure that any unknown (remaining) historical or archaeological resources are not impacted by construction activities, **Mitigation Measure CR-2** requires that in the event that any previously undetected historic (or archaeological) resources are encountered during project construction, all work should cease and a qualified archaeologist should be contacted 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.

**MM CR-1**

The Applicant and City shall consult with the Gabrieleño Band of Mission Indian Tribe prior to on-site earthwork activities, and 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.

With implementation of **Mitigation Measure CR-1** and **CR-2**, there would be less than significant impacts to historical or archeological resources.

**2. Archaeological Resources**

Threshold: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines § 15064.5?

Finding: Less than significant impact with mitigation incorporated. (2014 RDEIR, pp. 3.5-13 and -14.)

Explanation: The site is not listed by the State Historical Resources Commission, nor is the site a resource included in a local register of historical resources. Furthermore, the Lead Agency has not determined the site or any structure on site to be historically significant. Further, no archaeological or historic resources were identified during the Phase I Cultural Resources Study (ASM, 2009) and therefore the project would not cause a substantial adverse change in the significance of a historical or archeological resource. In addition, Bonterra Consulting surveyed the same project

area (Brown and Maxon 2009), which also reported that there were no cultural resources present on-site. No prehistoric sites or historic resources were identified during the records search (ASM, 2009).

Although it is not reasonably expected that historical or archaeological resources will be found on site, to ensure the proper handling of the identification, protection, and proper disposition of any found archaeological or historical resources, should they be discovered and in response to SB18 consultation, **Mitigation Measure CR-1** is required. MM CR-1 requires the Applicant and City to consult with the Gabrieleño Band of Mission Indian Tribe prior to on-site earthwork activities, and to invite a Native American Monitor at the project site for the excavation and ground disturbance activities (as requested by the Tribe during SB18 consultation).

Additionally, to ensure that any unknown (remaining) historical or archaeological resources are not impacted by construction activities, **Mitigation Measure CR-2** requires that in the event that any previously undetected historic (or archaeological) resources are encountered during project construction, all work should cease and a qualified archaeologist should be contacted 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.

With implementation of **Mitigation Measures CR-1** and **CR-2** (identified above), there would be less than significant impacts to historical or archeological resources.

### 3. Human Remains

Threshold: Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Finding: Less than significant impact with mitigation incorporated. (2014 RDEIR, p. 3.5-15.)

Explanation: No human remains have been previously found within the project area, nor are any expected to exist within the project area. However, there is always potential to uncover unknown human remains during excavation activities. Should human remains be discovered during project grading and excavation activities, **Mitigation Measure CR-4** would apply, whereas, 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 California Public Resources Code, 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.

**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 California Public Resources Code, 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.

With the incorporation of MM CR-4, potential impacts relating to unanticipated human remains would be less than significant. (2014 RDEIR, p. 3.5-15.)

## D. GEOLOGY AND SOILS

### 1. Fault Rupture

Threshold: Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

Finding: Less than significant with mitigation incorporated. (2014 RDEIR, p. 3.7-14.)

Explanation: The site is not located within a known earthquake fault; and therefore, implementation of the Proposed Project is not expected to expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving seismic hazards. The site is not within an Alquist-Priolo Earthquake Fault Zone for surface fault rupture hazards, as there are no Alquist-Priolo Special Study Zones within the City of Irwindale (General Plan, page 130). Further, **Project Design Feature GEO-1** requires the Applicant to prepare a site-specific Geotechnical Report, and the Project is required to be designed and constructed in accordance with the CBC, and City of Irwindale Building Standards and Codes. Therefore, the potential for surface rupture due to fault plane displacement propagating to the surface at the site is considered low, and no significant surface rupture impact would occur. (2014 RDEIR, p. 3.7-14.)

**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.

### 2. Seismic Ground Shaking

Threshold: Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

Finding: Less than significant with mitigation incorporated. (2014 RDEIR, p. 3.7-15.)

Explanation: No active or potentially active faults pass directly through the Proposed Project site. The closest active fault to the Proposed Project site is the Sierra Madre Fault located approximately 3.7-miles north of the site. Further, **Project Design Feature GEO-1** (identified above) requires the Applicant to prepare a site-specific Geotechnical Report, and the Project is required to be designed and constructed in accordance with the California Building Code (CBC), and City of Irwindale Building Standards and Codes. As with most development in southern California, the site could be subject to strong ground motion in the event of an earthquake. This potential hazard is common in southern California; however, the adverse effects of ground shaking would be reduced because the Proposed Project would be constructed in conformance with current building codes and engineering practices. (2014 RDEIR, p. 3.7-15.)

### 3. Liquefaction

Threshold: Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death, involving seismic-related ground failure, including liquefaction?

Finding: Less than significant with mitigation incorporated. (2014 RDEIR, p. 3.7-15.)

Explanation: Liquefaction is associated with seismic activity. Soils at the site are not susceptible to liquefaction based on California Geologic Survey (CGS) mapping and Guidelines for Evaluating and Mitigating Seismic Hazards in California (1997b). Furthermore, groundwater occurs at an estimated depth of over 50-feet bgs under the Proposed Project site. Although groundwater levels in this area is subject to seasonal and year-to-year fluctuations, a significant increase in groundwater levels at the Proposed Project site is considered a very low probability. Therefore, given the depth to groundwater and the nature of soils at the site, liquefaction is not anticipated to be a potential problem. Further, **Project Design Feature GEO-1** (identified above) requires the Applicant to prepare a site-specific Geotechnical Report, and the Project is required to be designed and constructed in accordance with the CBC, and City of Irwindale

Building Standards and Codes. For these reasons, impacts associated with potential liquefaction would be less than significant.

### 4. Landslides

Threshold: Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death, involving landslides?

Finding: Less than significant with mitigation incorporated. (2014 RDEIR, p. 3.7-15.)

Explanation: Based on the fact that the Proposed Project site is on relatively flat topography and away from steep terrain, the chance of a landslide affecting the property is very low to nonexistent. Further, **Project Design Feature GEO-1** requires the Applicant to prepare a site-specific Geotechnical Report, and the Project is required to be designed and constructed in accordance with the CBC, and City of Irwindale Building Standards and Codes. Impacts would be less than significant. (2014 RDEIR, p. 3.7-15.)

### 5. Loss of Topsoil

Threshold: Would the project result in substantial soil erosion or the loss of topsoil?

Finding: Less than significant impact with mitigation incorporated. (2014 RDEIR, pp. 3.7-15 and -16.)

Explanation: The Proposed Project site will require grading, as well as excavation and filling, and erosion of stockpiled soil or of exposed soil surfaces could occur as a result. Specifically, during construction, excavation, grading, stockpiling, and other earth moving activities could expose site soils to wind- or water-generated erosion. Best Management Practices (BMPs) would be outlined in the project-specific Storm Water Pollution Prevention Plans (SWPPP) for construction to minimize soil erosion (**Project Design Feature WQ-1** regarding the required National Pollutant Discharge Elimination System Permit (NPDES) requirements). BMPs, to be identified in the SWPPP, will be employed and will include conditions, such as timing for practices during periods of precipitation; when earth moving activities are being conducted; and/or when soil has been exposed by earthmoving activities in order to eliminate or reduce erosion to the extent possible.

Implementation of soil erosion related BMPs during the above periods will ensure that the Proposed Project will not result in substantial soil erosion. Based upon the above, including implementation of **Project Design Feature WQ-1**, it is not reasonably foreseeable that the Project will result in substantial soil erosion or the loss

of topsoil. Therefore, erosion related impacts would be less than significant with adherence to the mitigation program. (2014 RDEIR, pp. 3.7-15 and -16.)

**PDF 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/marking 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 existing drainages).

**6. Unstable Soils**

Threshold: Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Finding: Less than significant with mitigation incorporated. (2014 RDEIR, pp. 3.7-16 and -17.)

Explanation: Based on the analysis contained within the Phase I and Phase II assessments, there is no evidence that the Project will be located on a geologic unit or soil that is unstable. In addition, a Geotechnical Study (**Project Design Feature GEO-1**, identified above) shall be performed to specify design requirements to minimize the potential effects from strong seismic ground shaking. Secondary seismic hazards related to ground shaking include: soil liquefaction, ground subsidence, slope instability, tsunamis, and seiche. These actions are not expected to occur with implementation of the Proposed Project; and therefore, the project will not be subject to or result in on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse.

The Proposed Project is located on relatively flat topography and away from steep terrain. Based on the relatively flat topography, the site's granular soils, and the planned slab-on-grade construction, the probability of landslides or slope instability at or to the Proposed Project site is very low. No portions of the Proposed Project site are identified on the Ontario Quadrangle official Seismic Hazard Zones Map within a zone of earthquake-induced landslide potential (CGS, 2000). Therefore, the Project site is not in an area identified as prone to earthquake-induced landslides. Impacts would be less than significant. (2014 RDEIR, pp. 3.7-16 and -17.)

### 7. Paleontological Resources

Threshold: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Finding: Less than significant impact with mitigation incorporated. (2014 RDEIR, p. 3.5-14.)

Explanation: No unique paleontological resources or sites or unique geological features were discovered during the Phase I Cultural Resources Study. Large flat pieces of granite and numerous round and/or flat granite cobbles were examined, but none had been culturally modified. Two modern electrical towers were observed across the southern edge of the property area. There are also a few pieces of broken red brick, small pieces of thick asphalt, concrete fragments, and a few pieces of rusted metal within the survey area that are residuals of the concrete pipe manufacturing plant that previously existing on the property. Numerous waterworn cobbles and small boulders are scattered throughout the project area. The soils consist of very fine to coarse sands, with pea gravel present in places where the aeolian sand has been removed.

Although there is currently no evidence of its existence, impacts to unknown paleontological or geological resources could be significant prior to standard mitigation. To ensure that any unknown (remaining) paleontological resources are not impacted by construction activities, **Mitigation Measure CR-3** states that in the event that any paleontological or geological resources are encountered during project implementation, all earthwork should cease and a qualified paleontologist should be contacted to evaluate the nature and significance of any such discoveries.

**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.

With implementation of **Mitigation Measure CR-3** there would be less than significant impacts to paleontological resources and geological resources.

## E. HAZARDS AND HAZARDOUS MATERIALS

### 1. Routine Transport, Use, and Disposal

Threshold: Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Finding: Less than significant impact with mitigation incorporated. (2014 RDEIR, pp. 3.8-20 through -28; see also 2016 FEIR, pp. C&R-81 [Response 9-4], C&R-124 [Response 11-39], and C&R-253 [Response 17-8].)

Explanation: The use of hazardous materials for construction of the MRF/TS facility could pose a potential hazardous material-related impact on the Proposed Project site and local transportation routes if a spill or accident occurred. These potential impacts are common to the construction of a wide variety of buildings, and would be associated with transportation, storage, use, and disposal of various hazardous substances during construction. However, hazardous materials would be stored in proper containers in material storage yard(s). Cleanup materials would also be stored at these location(s) in order to address potential spills. Hazardous waste (e.g., used oil, used oil filters, spent batteries, and other items) would be collected regularly and disposed of in accordance with all applicable federal, State, and local laws, ordinances, regulations, and standards.

The Proposed Project does not propose to receive, process, or transfer hazardous wastes at the MRF/TS, pursuant to California Code of Regulations Sections 14 17407.5 and 17408.2. The MRF/TS would be subject to compliance with the County's Health Hazardous Materials Division (HHMD) requirements pertaining to handling and storage of hazardous wastes. The HHMD would also regularly inspect the facilities, provide emergency response and enforcement services, and conduct mitigation oversight, if necessary, during MRF/TS operations. With the implementation of existing federal, State, and local regulations pertaining to hazardous materials handling and storage, impacts from reasonably foreseeable upset and accident conditions during the Project operations would be less than significant.

In addition, the MRF/TS is subject to compliance with the California Accidental Release Prevention (CalARP) Program as implemented by the Department of Toxic Substances Control (DTSC) Certified Unified Program Agencies (CUPAs). The CalARP Program requires that any business, where the maximum quantity of a regulated substance exceeds the specified threshold quantity, register with the responsible CUPA as a manager of regulated substances and prepare a Risk Management Plan. The Business Plan must identify the type of business, location, emergency contacts, emergency procedures, mitigation plans, and chemical inventory at each location.

Further, **Project Design Features HAZ-1** and **HAZ-2** have been identified to increase site safety:

**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 On-Site Management Plans. The second function will include monthly review of the MRF/TS Daily Operational Report for waste stream capacity review.

*On-Site Management Plans*
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.

*MRF/TS Operational Report*
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 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

PDF HAZ-1 and HAZ are designed to for site safety. PDF HAZ-1 requires the Applicant to form a Safety Committee. The Safety Committee will have two functions: 1) Annual review the On-Site Management Plans; and 2) Monthly review of the MRF/TS Daily Operational Report for waste stream capacity. The purpose of the annual review is to confirm or update the standard of practice for the On-Site Management Plans. The purpose for reviewing the daily operational log is to ensure the MRF/TS is complying with the permitted capacity for daily waste streams. Any modification for adaptive management to the management planswill require City approval within the appropriate department. PDF HAZ-2 requires that the Applicant prepares and has approved On-Site Management Plans. The purpose of the On-Site Management Plans is to ensure the facility functions as a start-of-art facility whereby it meets or exceed the minimum standards established by CalRecycle, the County of Los Angeles, the South Coast Air Quality Management District, and/or other responsible agency.

With adherence to PDFs HAZ-1 and HAZ-2, and all federal, State and local regulations pertaining to hazardous materials, it is not reasonably foreseeable that the

Proposed Project would create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials. (2014 RDEIR, pp. 3.8-20 through -28; see also 2016 FEIR, pp. C&R-81 [Response 9-4], C&R-124 [Response 11-39], and C&R-253 [Response 17-8].)

**2. Accident or Upset**

Threshold: Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Finding: Less than significant impact with mitigation incorporated. (2014 RDEIR, pp. 3.8-20 through -28; see also 2016 FEIR, pp. C&R-81 [Response 9-4], C&R-124 [Response 11-39], and C&R-253 [Response 17-8].)

Explanation: The use of hazardous materials for construction of the MRF/TS facility could pose a potential hazardous material-related impact on the Proposed Project site and local transportation routes if a spill or accident occurred. These potential impacts are common to the construction of a wide variety of buildings, and would be associated with transportation, storage, use, and disposal of various hazardous substances during construction. However, hazardous materials would be stored in proper containers in material storage yard(s). Cleanup materials would also be stored at these location(s) in order to address potential spills. Hazardous waste (e.g., used oil, used oil filters, spent batteries, and other items) would be collected regularly and disposed of in accordance with all applicable federal, State, and local laws, ordinances, regulations, and standards.

The Proposed Project does not propose to receive, process, or transfer hazardous wastes at the MRF/TS, pursuant to California Code of Regulations Sections 14 17407.5 and 17408.2. The MRF/TS would be subject to compliance with the County's Health Hazardous Materials Division (HHMD) requirements pertaining to handling and storage of hazardous wastes. The HHMD would also regularly inspect the facilities, provide emergency response and enforcement services, and conduct mitigation oversight, if necessary, during MRF/TS operations. With the implementation of existing federal, State, and local regulations pertaining to hazardous materials handling and storage, impacts from reasonably foreseeable upset and accident conditions during the Project operations would be less than significant.

In addition, the MRF/TS is subject to compliance with the CalARP as implemented by the CUPAs; which requires that any business, where the maximum quantity of a regulated substance exceeds the specified threshold quantity, register with the responsible CUPA as a manager of regulated substances and prepare a Risk Management Plan. The Business Plan must identify the type of business, location, emergency contacts, emergency procedures, mitigation plans, and chemical inventory at each location.

Further, **Project Design Features HAZ-1** and **HAZ-2** (identified above) are designed to ensure site safety. PDF HAZ-1 requires the Applicant to form a Safety Committee. The Safety Committee will have two functions: 1) Annual review the On-Site Management Plans; and 2) Monthly review of the MRF/TS Daily Operational Report for waste stream capacity. The purpose of the annual review is to confirm or update the standard of practice for the On-Site Management Plans. The purpose for reviewing the daily operational log is to ensure the MRF/TS is complying with the permitted capacity for daily waste streams. Any modification for adaptive management to the management plans will require City approval within the appropriate department. PDF HAZ-2 requires that the Applicant prepares and has approved On-Site Management Plans. The purpose of the On-Site Management Plans is to ensure the facility functions as a start-of-the-art facility whereby it meets or exceed the minimum standards established by CalRecycle, the County of Los Angeles, the South Coast Air Quality Management District, and/or other responsible agency.

With adherence to PDFs HAZ-1 and HAZ-2, and all federal, State and local regulations pertaining to hazardous materials, it is not reasonably foreseeable that the Proposed Project would create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials. (RDEIR, pp. 3.8-20 through -28; see also 2016 FEIR, pp. C&R-81 [Response 9-4], C&R-124 [Response 11-39], and C&R-253 [Response 17-8].)

### 3. Hazards Near Schools

Threshold: Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Finding: Less than significant impact with mitigation incorporated. (2014 RDEIR, pp. 3.8-28 and -29.)

Explanation: The nearest public school to the Proposed Project site is the Margaret Heath Elementary School located at 14321 School Street, in the City of Baldwin Park. This school is located approximately 1,370-feet (0.26-miles) south of the eastern tip of the Proposed Project property line. It is possible that small quantities of hazardous materials could be transported to the facility within waste streams and may be used operationally for the equipment and vehicles used on-site. The only large volume of hazardous materials stored at the facility would be the Underground Storage Tanks (USTs) at the convenience store/fueling station. These USTs will be constructed in accordance with federal, State, and local laws, ordinances, and regulations and will not foreseeably result in spillages or emissions that would leave the Project site. Further, **Project Design Features HAZ-1** and **HAZ-2** (identified above), require adherence to the On-Site Management Plan for hazardous materials, Operations Reports, and approval by the City of any future amendment to these plans. Thus, with incorporation of HAZ-1 and HAZ-2, it is not reasonably foreseeable that the Project

will emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

## F. TRIBAL CULTURAL RESOURCES

### 1. Tribal Cultural Resources

Threshold: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe?

Finding: Less than significant with mitigation incorporated. (2014 RDEIR, pp. 3.5-13 and -14.)

Explanation: The site is not listed by the State Historical Resources Commission, nor is the site a resource included in a local register of historical resources. Furthermore, the Lead Agency has not determined the site or any structure on site to be historically significant. Further, no archaeological or historic resources were identified during the Phase I Cultural Resources Study (ASM, 2009), and therefore the project would not cause a substantial adverse change in the significance of a historical or archeological resource. In addition, Bonterra Consulting surveyed the same project area (Brown and Maxon 2009), which also reported that there were no cultural resources present on-site. No prehistoric sites or historic resources were identified during the records search (ASM, 2009).

Although it is not reasonably expected that historical or archaeological resources will be found on site, to ensure the proper handling of the identification, protection, and proper disposition of any found archaeological or historical resources, should they be discovered during construction and in response to SB18 consultation, **Mitigation Measure CR-1** (identified above) is required. MM CR-1 requires the Applicant and City to consult with the Gabrieleño Band of Mission Indian Tribe, prior to on-site earthwork activities, and to invite a Native American Monitor at the project site for the excavation and ground disturbance activities (as requested by the Tribe during SB18 consultation).

Additionally, to ensure that any unknown (remaining) historical or archaeological resources are not impacted by construction activities, **Mitigation Measure CR-2** (identified above) requires that in the event that any previously undetected historic (or archaeological) resources are encountered during project implementation, all work should cease and a qualified archaeologist should be contacted 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.

With implementation of Mitigation Measures CR-1 and CR-2 (identified above), there would be less than significant impacts to tribal cultural resources. (2014 RDEIR, pp. 3.5-13 and -14.)

## SECTION 4: FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The City Council hereby finds that, despite the incorporation of Mitigation Measures outlined in the EIR and in this Resolution, the following impacts from the proposed Project and related approvals cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein:

### A. AIR QUALITY

#### 1. Project Operations

Threshold: Would operation of the project conflict with or obstruct implementation of applicable air quality plan or violate any air quality standards or contribute substantially to an existing or projected air quality violation of the SCAQMD?

Finding: Significant and unavoidable impact. (2014 RDEIR, pp. 3.3-34 through -47.)

Explanation: To determine operation emissions, vehicular emissions were computed using the CARB's emission factor model, EMFAC2011, to estimate on-road emissions. Transfer trucks, roll-off trucks, packer trucks, and end-dump trucks were modeled using the T7 and T6 Solid Waste Collection Vehicle classification, which is a worst-case heavy-heavy duty truck emission factor for solid waste collection vehicles. Self-haul trucks would have substantially smaller payload capacities and were modeled using light-heavy duty truck emission factors. Paved road dust, break wear, and tire wear particulate emissions were also accounted for and included in the analysis. Onsite operation of the Proposed Project would require the use of heavy-duty equipment, such as excavators, loaders, forklifts, lifts, and street sweepers. This equipment would be used to load and unload material and otherwise sort and handle material. Emissions from this equipment were estimated using the same approach as construction emissions. Emission factors from the OFFROAD model, as included in CalEEMod were used. Operation of the Proposed Project would also result in area source emissions from the combustion of natural gas for heating, the use of landscaping equipment, and evaporative emissions from the use of consumer products. These emissions were estimated using CalEEMod and were relatively minor contributors to the overall Project emissions.

Based upon a very conservative assessment methodology, when quantified, the analysis determined that unmitigated emissions for operation of the Project would exceed the thresholds for daily ROG and NOx emissions, but not for CO, PM10, or PM2.5. Emissions of ROG and NOx would be potentially significant in the South Coast Air Basin, primarily due to the trip length for potential outbound transfer truck trips to landfills. As explained in detail in the 2020 RDEIR, the air quality analysis assumes that all waste hauling trips are "new" trips, even though the Project does not generate new sources of waste, and therefore only redistributes existing trips. However, because some air quality impacts are location-dependent (while greenhouse gas emissions impacts are not), the air quality analysis treats trips as "new" while the greenhouse gas emissions analysis contained in the 2020 RDEIR does not. To address these potentially significant emissions, **Mitigation Measures MM AQ-12** through **MM AQ-18** were identified:

**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.

**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, the 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.

However, even with the imposition of the above measures, emissions of ROG and NOx are still not reduced to a level below the relevant SCAQMD thresholds. No other feasible mitigation measures are available to further reduce these emissions. Limiting transfer trucks and waste hauling vehicles to only alternative fuel vehicles was determined to be infeasible, due to the high cost of refuse collection vehicles and the inability to control third party collection trucks. As a result, operational impacts associated with ROG and NOx emissions remain significant and unavoidable.

## B. NOISE

### 1. Ambient Noise Levels

Threshold: Would the project cause exposure of persons to or generation of noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standard of other agencies?

Finding: Significant and unavoidable. (2014 RDEIR, pp. 3.10-20 through -31.)

Explanation:

*Short-Term Construction Noise*

Construction activity noise levels at and near the Proposed Project area would fluctuate depending on the particular type, number, and duration of use of construction equipment. Construction-related material haul trips would raise ambient noise levels along haul routes, depending on the number of haul trips made and types of vehicles used (refer to 2014 RDEIR Table 3.10-6 *Typical Construction Noise Levels* and Table 3.10-7 *Typical Noise Levels from Construction Equipment*). Pile driving would not be required for the Proposed Project. Noise from construction activities generally attenuates at a rate of 4.5 to 7.5 dBA per doubling of distance. Depending on the construction phase and equipment and duration of the construction activity, ambient noise levels at the property boundary could exceed 75 dBA. Existing hourly background noise levels near the property boundary range from 40 to 58 dBA. Paving activities (89 dBA) would occur right at the property boundary. Assuming an attenuation rate of 6 dBA per doubling of distance, finishing activities would generate noise levels of 83 dBA at the property boundary.

Per the City of Irwindale noise ordinance, if construction activities are within a radius of 500 feet of a residential zone, construction activities exceeding 75 dBA ambient base noise levels between 7 a.m. and 7 p.m. at the property boundary of an industrial zone would be considered a significant impact, unless authorization therefore has been duly obtained beforehand from the building inspector. Per the adjacent City of Baldwin Park, if within a radius of 500 feet of a residential zone, construction activities occurring between the hours of 7:00 p.m. of one day and 7:00 a.m. of the next day would be considered a significant impact.

Based upon the above, it is reasonably foreseeable that construction activities for the Proposed Project could cause exposure of persons to or generation of noise levels in excess of standards established by the City of Irwindale and City of Baldwin Park. Therefore, construction noise would be considered a potentially significant impact. As such, **Mitigation Measures MM N-1** through **N-6** were identified:

**MM N-1**

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.

**MM N-2**

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.

**MM N-3**

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.

**MM N-4**

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.

**MM N-5**

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.

**MM N-6**

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.

MM N-1 requires the Applicant to obtain authorization from the City of Irwindale to exceed the 75 dBA between 7a.m. and 7p.m. MM N-2 would prohibit construction activities occurring after 7 p.m. and before 7 a.m. to comply with the City of Baldwin Park standards. In addition to MM N-1 and MM N-2, MM N-3, MM N-4, MM N-5 and MM N-6 would further reduce noise levels during construction from the construction noise sources. With implementation of MM N-1 through MM N-6, it is not expected that construction of the Project would cause exposure of persons to or generation of noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standard of other agencies. Noise impacts related to construction and adopted standards would be less than significant with mitigation.

*Operational Noise*

The fueling facility/convenience store would be a separate structure located in the northeastern portion of the project site adjacent to Arrow Highway and includes a fueling island with pump canopy, convenience store, and parking for customers. Fueling facility/convenience stores are not usual sources for excessive noise and because this fueling facility location would not be close to residential receptors, no significant noise impacts are expected from operations.

The project Applicant currently operates a MRF/TS, similar to the Proposed Project, open 24 hours a day, seven days a week in the City of Industry. Noise measurements at this existing facility indicate noise levels ranged from 61-67 Leq dBA approximately 110-375 feet from the existing 1,920 tons per day Industry MRF/TS.

The Project's On-site Management Plans, which are subject to review, approval, and enforcement by the City, include a noise control program that includes the following measures:

- All tipping, transfer, and sorting operation occur inside an enclosed building, with doors on all vehicle entrances and exits which are kept closed unless actually in use. A masonry wall will be erected around the perimeter of the site with the exception of location(s) on utility easements which require installation of a removable sound wall. The final design of the wall height and earthern berm will be subject to the approval of City standards.

- Operations and maintenance may occur 24/7. Facility doors will be kept closed when not in use, particularly at night, to prevent escape of noise. Outdoor operations, maintenance, and construction activities shall be scheduled to ensure that any particularly noisy activities occur during normal weekday business hours.

- All Athens Services vehicles accessing the site will be maintained with mufflers in good working order and backup alarms will be kept set at the lowest volume allowed by applicable regulations. Use of vehicle horns will be discouraged on site except as necessary to alert workers of an emergency situation. Use of loud speakers will be prohibited. As a safety measure, trucks will utilize back up alarms when in reverse.

Based on the highest total expected noise levels for the City of Industry MRF/TS facility, the Proposed Project in Irwindale could generate noise levels up to 73 dBA during 30 minutes (L50 levels) in any hour during the day and 73 dBA for the same duration during the night (at a location 50 feet from the entrance of the tipping floor).

The City of Irwindale's adopted standards for Industrial uses is 60 dBA between 10 p.m. and 7 a.m. and 70 dBA between 7 a.m. and 10 p.m. (IMC § 9.28.030.) The code

provides that no industrial uses may exceed these ambient standards by 5 dBA at the property boundary line without the authorization of the City. Under the adjacent City of Baldwin Park's adopted standards, industrial uses are limited to 70 dBA. Additionally, Baldwin Park has no adopted exterior ambient noise level standard for commercial uses, interior standard for commercial uses is 45 dBA; residential exterior standard is 65 dBA and interior standard is 45 dBA.

Based upon the noise levels modeled for the Project and the noise levels measured in the vicinity of the site the ambient noise levels from the Proposed Project could exceed the ambient or ambient base level for industrial land uses by more than five (5) dBA at the property boundary line during day or night time as stated in Irwindale Municipal Code Section 9.28.120. The noise levels for the western/northwestern border in Table 3.10-9 (2014 RDEIR) would exceed the ambient base levels for industrial land use (60 at night and 70 during the day) by more than 5 dBA between 5 a.m. to 7 a.m.

The levels for properties in Baldwin Park are not expected to exceed Baldwin Park's adopted standards. Exterior noise levels should not exceed the L(12) limit of 65 for BP residential. It should be <60 and masked by noise from Live Oak not attributable to the project. Additionally, traffic related operation noises are not likely to affect Baldwin Park since most of the traffic is restricted from going south through Baldwin Park. Based upon this, operational noises from the Project could be in excess of standards established in the local General Plan or noise ordinance, or applicable standard of other agencies.

To address these potentially significant operational noise impacts, **Mitigation Measure MM N-7** has been identified:

**MM N-7**

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.

*Traffic Noise*:

After construction is complete and operations at the Proposed Project begin, the additional vehicles traveling to the site would increase noise levels adjacent to nearby roads. Based on the Federal Interagency Committee on Noise standards for transportation noise, a project would be considered to generate a significant impact if it resulted in a 1.5 dBA permanent increase in ambient noise levels in the project vicinity above existing noise levels greater than 65 dBA Ldn at existing residences. Peak hour (evening) intersection turning data from the traffic study were analyzed to evaluate project increases and resulting traffic-generated noise increases on roadway links most affected by project-related traffic and nearest the project site. Noise levels at other times would be lower.

However, the Project has a significant cumulative impact and the project contribution is cumulatively considerable (equal to a 1.5 dBA increase). On the other Segments, the Proposed Project would have a less than significant cumulative impact (noise increases that in all cases are less than 1.5 dBA). Based on all of the above, it is reasonably foreseeable that the Proposed Project would cause exposure of persons to or generation of noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standard of other agencies based on traffic related noise on Arrow Highway, west of Rivergrade Road. Therefore, traffic related noise impacts are potentially significant and cumulatively significant.

The only identified potential mitigation for this truck noise impact would be soundwalls. However, it is unlikely soundwalls would reduce the noise levels to adopted City standards unless they were excessively large in proportion to the existing built environment. The scale of the wall would not be consistent with the development along Arrow Highway, west of Rivergrade Road. Additionally, the cost would be substantial based on the size of the wall required and the cost to obtain property owner consent on multiple properties. The cost could also not be legally imposed on the developer based on the noise impacts being a result of cumulative impacts. Additionally, the City would not support spending public monies for construction of a wall that is not necessary for public health and safety on the basis that the development on this stretch of road is not used for sound sensitive activities such as residences or schools, but for minimal landscaping and/or parking.

The noise levels would probably exceed the existing actual ambient noise levels for the western/northwestern border by more than 5 dBA along portions of the western/northwestern border (even with an 8-foot soundwall), because the existing use of the Proposed Project site is vacant land, with virtually no activities that generate noise at present. The commercial offices located on the adjacent properties are typically not occupied at these early morning hours and are therefore not particularly noise sensitive.

Operation-related noise levels could exceed the ambient base level by more than five (5) dB at the western/northwestern property boundary line during day or night time (Irwindale Municipal Code Section 9.28.120). Therefore, operation-related noise levels would be potentially significant. **Mitigation Measure MM-N-7** (identified above) would reduce the impact but not to less than 5 dBA ambient increase. Therefore, permanent increase in ambient noise levels would remain a significant impact as defined by City code, regardless of the lack of sensitive receptors.

Traffic-related noise levels would exceed the Federal Interagency Committee on Noise standard, where an increase in noise by 1.5 dBA or more would be considered significant for existing noise levels greater than 65 dBA Ldn. Therefore, traffic-related noise would be considered a significant impact (and significant cumulative impact) to exterior locations along Arrow Highway west of Rivergrade Road, regardless of the lack of sensitive receptors. (2014 RDEIR, pp. 3.10-20 through -31.)

## C. TRAFFIC AND TRANSPORTATION

### 1. Congestion Management Plan

Threshold: Would the Project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Finding: Significant and unavoidable impact. (2014 RDEIR, pp. 3.12-68 through -92 .)

Explanation: The study area intersections operate at acceptable levels of service during the peak hours for existing plus project conditions, except for the I-605 (NS) / Live Oak Avenue (EW) Avenue intersection (Table 3.12-12). The I-605 (NS) / Live Oak Avenue (EW) Avenue intersection is significantly impacted by the project (comparing Existing to Existing Plus Project conditions). At an unsignalized intersection, a significant impact occurs when the minor stop-controlled approach operates at LOS "F" and does not have acceptable operation in terms of total control delay, and the addition of project trips increases the total control delay to more than 4.0 vehicle hours for a single lane approach or 5.0 vehicle hours for a multi-lane approach.

The following improvements are necessary to reduce the Project's proportionate increase in delay to pre-project levels or better, thus reducing the Project's impact to less-than-significant:

I-605 NB Off-Ramp (NS) / Live Oak Avenue (#8)
a. Install a traffic signal.
b. Construct a second northbound right turn lane.
c. Provide a third westbound through lane by modifying the existing raised median.

These improvements are generally to be constructed on Caltrans property, unless final engineering plans and specifications indicate additional right-of-way is needed. These improvements at the I-605 (NS) / Live Oak Avenue (EW) Avenue intersection result in acceptable traffic operations with the project. Caltrans has indicated in correspondence and in a consultation meeting that it will cooperate with the City and project applicant to process the encroachment permit required to allow implementation of this mitigation measure. With that said, the City cannot ensure the mitigation measures will get implemented before project impacts will occur as the property is outside the City's jurisdiction. Therefore, for the purposes of these CEQA Findings of Fact the impacts remain significant and unavoidable even with imposition of **Mitigation Measures MM T-1 and MM T-2:**

**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.

To address potential conflicts at the driveways onto City streets, the traffic consultant identified site access recommendations shown on Exhibit 3.12-39 (2014 RDEIR), provided in the Traffic Impact Analysis in Appendix G, that include changes to the convenience store/gas pump access configuration as well as other on-site requirements. in order to reduce conflicting auto turning movements in the vicinity of

Driveway 1, as well as changes to reduce impacts from Driveway 2, 3, and 4. These recommendations will be imposed as **Mitigation Measures MM T-3** through **MM T-6**:

**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:

- 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

Caltrans has indicated in correspondence and in a consultation meeting that it will cooperate with the City and project applicant to process the encroachment permit required to allow implementation of **Mitigation Measures MM T-1** and **MM T-2**. With that said, the City cannot ensure the mitigation measures will get implemented before project impacts will occur as the property is outside the City's jurisdiction. Therefore, for purposes of these CEQA Findings of Fact the impacts remain significant and unavoidable even with imposition of the above Mitigation Measures. (2014 RDEIR, p. 3.12-66 through -103.) However, with implementation of **MM T-3** through **MM T-6**, the potential significant impacts from conflicting turning movements at Driveways 1, 2, 3, 4 will be reduced to less than significant.

## SECTION 5: FINDINGS REGARDING CUMULATIVE ENVIRONMENTAL IMPACTS

Consistent with CEQA's requirements, the EIR for the Project includes an analysis of cumulative impacts, which include the impacts of the project plus all other pending or approved projects within the affected area for each resource. The affected environment for most of the resource areas described below was determined to be the City of Fontana, the City of Ontario, and nearby unincorporated areas of San Bernardino County. Fourteen pending and approved projects were identified as cumulative projects. (See 2014 RDEIR, pp. 4.0-2 and -3; and Table 4.0-1.)

The City Council herby finds as follows:

## A. AESTHETICS

Based on the cumulative project list, future development may include new residential, commercial, industrial, or recreational development and/or mining/reclamation operations in the cities of Irwindale, Azusa, Baldwin Park, Duarte, Glendora, and West Covina. The project-specific potential impacts to aesthetics are not cumulatively considerable, because there are no cumulative projects in the Proposed Project's viewshed. Impacts of other projects would be unique to each site, and unrelated to this proposed site. No mitigation is required. (2014 RDEIR, p. 3.2-34.)

## B. AGRICULTURE AND FORESTRY

Because no farmland or forestry resources existing on the Project site, there is no potential for the Project to contribute to cumulative agricultural and forestry impacts. (2014 RDEIR, p. 3.1-2.)

## C. AIR QUALITY

The Proposed Project would result in a significant ROG and NOx impacts during operations. Therefore, the Proposed Project would result in a regional cumulative operations impact given that the Basin is in nonattainment for ozone and the Proposed Project would exceed the regional daily emissions threshold for ROG and NOx, ozone precursors. (2014 RDEIR, p. 3.3-73.)

## D. BIOLOGICAL RESOURCES

The Proposed Project would result in additional cumulative affects to non-native grassland, as well as loss of potential foraging habitat for some resident wildlife species; however, the onsite habitat is of low conservation value, and does not provide habitat for special status species or habitat linkages to higher value native habitat offsite. Thus, the Proposed Project impacts would be less than cumulatively considerable under CEQA. (2014 RDEIR, p. 3.4-19.)

## E. CULTURAL RESOURCES

Due to the nature of cultural resources, individual projects within the area would be assessed on a project-by-project basis. When, and if resources would be found, all

applicable California Native Tribe regulations, as well as applicable federal, State, and local regulations would be applied to protect artifacts or remains; and therefore, potential cumulative impacts would be less than cumulatively considerable under CEQA. (2014 RDEIR, p. 3.5-17.)

## F. GEOLOGY AND SOILS

The geotechnical characteristics of each individual future project site would be evaluated on a project-by-project basis, and appropriate mitigation measures would be required, as necessary, in addition to federal, State and local regulations. No cumulative impacts would occur. (2014 RDEIR, p. 3.7-20.)

## G. GREENHOUSE GAS EMISSIONS

The Project would not result in significant greenhouse gas emissions impacts, and overall, greenhouse gas emissions meet a net-zero threshold. As such, no cumulative impacts associated with greenhouse gas emissions would occur. (2020 RDEIR, pp. 4-1 through -24; see also 2020 FEIR, pp. 7-29 [Response BP-13], and 7-32 [Response BP-16].)

## H. HAZARDS AND HAZARDOUS MATERIALS

The use, storage, disposal, and transport of hazardous materials could result in a foreseeable number of spills and accidents. Construction and operational activities of the Proposed Project will adhere to all federal, State, and local regulations related to hazards and hazardous materials. It is reasonably expected that any future new development would be subject to these same terms. In addition, future development would be required to evaluate their respective hazards and hazardous materials impacts on a project-by-project basis. For these reasons, potential impacts to hazards and hazardous materials are not cumulatively considerable. (2014 RDEIR, p. 3.8-32.)

## I. HYDROLOGY AND WATER QUALITY

Development at the site and other projects in the vicinity of the Proposed Project may result in similar impacts relative to water quality and hydrology; however, each project's impacts are localized and independent of one another, and are mitigated (minimized or avoided) on a site-specific basis. Further, while water quality impacts have the ability to compound when taking into account regional water basins, the Proposed Project as conditioned will require the Applicant to adhere to the mandatory Federal, State and local laws, ordinances, regulations, and water quality standards (which do not represent added mitigation measures but are required for all MRF/TS projects).

The Proposed Project, when considered with other projects in the same watershed, may result in cumulative impacts to surface and groundwater quality from increased surface impermeability and resultant runoff. Construction projects could

result in increased erosion from exposed soil areas, which could contribute sediments into local drainage courses and other waterways. However, it is reasonably assumed that new construction associated with future projects will be required to meet federal, state, and local construction and operation standards at least as rigorous as those required at present. Thus, project impacts would be less than cumulatively considerable under CEQA. (2014 RDEIR, p. 3.13-17.)

## J. LAND USE

Development of this site with the Proposed Project will not limit or enhance development of any of the cumulative projects identified. Implementation of mitigation measures identified for specific project actions on a case-by-case basis would also reduce potentially significant cumulative impacts to a less than significant level. Project-specific land use incompatibilities would be addressed in the individual project's CEQA review and implementation of mitigation measures.

In addition, because the post-development land use will be consistent with the City's and County's long-term goals, implementation of the Proposed Project in consideration of the cumulative projects would not have a significant cumulative impact on the surrounding area in terms of land use compatibility. (2014 RDEIR, p. 3.9-24.)

## K. MINERAL RESOURCES

The Project has no impact on mineral resource accessibility, and therefore has no potential to contribute to cumulative impacts to mineral resources. (2014 RDEIR, p. 3.1-2.)

## L. NOISE

Operational and traffic-related noise impacts would be considered significant and unavoidable; and therefore, they would contribute to a significant and unavoidable cumulative noise impact regardless of the absence of sensitive noise receptors at these locations. As listed above, numerous mitigation measures are imposed as conditions of approval, but no feasible mitigation measures have been identified that could reduce these impacts to less than significant. (2014 RDEIR, p. 3.10-37.)

## M. POPULATION AND HOUSING

Development of this site with the Proposed Project will not limit or enhance development of any of the cumulative projects identified. Implementation of mitigation measures identified for specific project actions on a case-by-case basis would also reduce potentially significant cumulative impacts to a less than significant level. Project-specific land use incompatibilities would be addressed in the individual project's CEQA review and implementation of mitigation measures. In addition, because the post-development land use will be consistent with the City's and County's long-term goals, implementation of the Proposed Project in consideration of the cumulative projects would not have a significant cumulative impact on the surrounding

area in terms of land use compatibility. (2014 RDEIR, p. 3.9-24.)

## N. PUBLIC SERVICES

The Proposed Project would not result in substantial demands for additional fire, police, schools, or parks and therefore would not incrementally contribute to potential cumulative impacts to local public services or utilities.

Implementation of the cumulative projects may increase the need for additional public services and utility systems. Potential impacts would be analyzed in a project-by project manner. It is anticipated that existing services would be adequate to serve these projects with the assumption that the projects pay the required City development fee(s), as necessary. For example, developers may be required to contribute fees based on the project's proportional demand for new infrastructure to support future demand for public services or utilities. The Proposed Project in combination with the cumulative projects would result in less than significant cumulative impacts to public services and utilities. (2014 RDEIR, p. 3.11-18.)

## O. RECREATION

There is no residential or recreational component to the Proposed Project. The creation of new jobs within the City's (and region's) employment base would not be expected to result in adverse effects on either the provision of existing recreational services or facilities. The Proposed Project is not expected to result in population growth in the City or area and therefore, the Proposed Project does not have the potential to increase population in a manner that could substantially increase the use of, nor cause substantial physical deterioration of existing neighborhood and regional parks or recreational facilities. With no potential to increase population, and no increase to use of recreational facilities, the Proposed Project in combination with the cumulative projects would result in no significant impact. No cumulative impact would occur. (2014 RDEIR, p. 3.9-22.)

## P. TRANSPORTATION/TRAFFIC

The Proposed Project is expected to contribute cumulative impacts to existing deficiencies or projected deficiencies. Neither Caltrans nor the State has adopted a fee program that can ensure that locally-contributed impact fees will be tied to improvements to freeway mainlines, and only Caltrans has the jurisdiction over mainline improvements. Because Caltrans has exclusive control over state highway improvements, ensuring that fair share contributions to mainline improvements are actually part of a program tied to implementation of mitigation is within the jurisdiction of Caltrans. (2014 RDEIR, pp. 3.12-103 and -104.)

### Q. UTILITIES AND SERVICE SYSTEMS

The Proposed Project is an urban infill project and all utilities and service systems are already available to connect to the site. Any increase in water and wastewater flow would be adequately handled by existing service providers through existing facilities. As an urban infill project on a previously developed site, no significant adverse effects on water or wastewater facilities or services would occur with Project implementation. Similarly, no cumulative impacts are expected to occur. (2014 RDEIR, pp. 3.11-13 and -14.)

## SECTION 6: FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

According to Sections 15126(c) and 15126.2(c) of the State CEQA Guidelines, an EIR is required to address any significant irreversible environmental changes that would occur should the proposed Project be implemented. Generally, a project would result in significant irreversible environmental changes if any of the following would occur:

- The project would involve a large commitment of non-renewable resources;
- The primary and secondary impacts of the project would generally commit future generations to similar uses;
- The project involves uses in which irreversible damage could result from any potential environmental accidents; or
- The proposed consumption of resources are not justified.

The primary function of the MRF/TS is to promote recycling and potential re-use of discarded materials which may otherwise be permanently lost and take up space in a landfill. By receiving, sorting, and promoting the re-use of yard waste, construction & demolition waste, and regular household and commercial waste, a MRF/TS provides a significant environmental benefit in retrieving such materials which would otherwise become essentially irretrievable.

The Proposed Project will result in short-term and long-term consumption of resources including land, building materials, fuels, and electrical energy for site preparation and grading, construction of the facility and related on-site and off-site improvements, and subsequent operation of the MRF and fueling station and convenience store. Except for the parcel of land to be utilized, consumption of these resources is not unique or significant, and will contribute to regional and local waste management goals that would otherwise be met with a similar facility or facilities at another location.

Therefore, no significant impacts relating to irreversible changes are anticipated. (RDEIR, pp. 4.0-3 and -4.)

## SECTION 7: FINDINGS REGARDING GROWTH-INDUCING IMPACTS

Section 15126.2(d) of the State CEQA Guidelines requires an EIR to discuss the ways the proposed Project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. Growth-inducing impacts include the removal of obstacles to population growth (e.g., the expansion of a wastewater treatment plant allowing more development in a service area) and the development and construction of new service facilities that could significantly affect the environment individually or cumulatively. In addition, growth must not be assumed as beneficial, detrimental, or of little significance to the environment.

The goals and objectives of the Proposed Project are designed to: 1) comply with Assembly Bill 939 (AB 939) which requires every city and county in the State to divert at least 50 percent of wastes generated in their jurisdiction from going to a landfill; and 2) provide the regional need of a MRF/TS, as a service facilitator, in compliance with AB 939. Operations at the MRF/TS would consist of sorting, consolidating, and compacting received materials, and then re-loading all recyclable, composting, and solid waste material into transfer trucks for transport to additional processing and/or disposal facilities. As a primary function, a MRF/TS reduces the amount of solid waste material which is ultimately disposed of at a landfill.

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. (2014 RDEIR, p. 4.0-2 and -3.)

## SECTION 8: FINDINGS REGARDING ALTERNATIVES

### A. PROJECT OBJECTIVES

The following are the objectives of the proposed project:

A. The Project will be a regional asset needed to address and implement a series of legislative measures over the years designed to both promote and mandate the time-certain reduction, recycling, and reuse of solid waste in California, including, but not limited to Assembly Bill 341 (Chapter 476, Statutes of 2011); Senate Bill 1016 (Chapter 343, Statutes of 2007); and Assembly Bill 939 (Chapter 1095, Statutes of 1989).

B. The City of Irwindale seeks long-term economic development that provides a range of employment opportunities to local citizens.

C. The City desires current and ongoing economic development of underutilized City-owned property, including lands that have been targeted for redevelopment.

D. The Project will facilitate the generation of additional property tax, utility user tax, and host fees for the City of Irwindale.

E. Assembly Bill 341 (2011) sets a 75% recycling goal for California by 2020; 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 for 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.

F. The Project will provide a state-of-the art waste processing and transfer facility that minimizes environmental impacts to the extent feasible.

G. The facility will be constructed at a location with nearby Interstate access for both ingress and egress and which minimizes the traffic on local streets, and on the regional transportation network.

H. The Project will 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.

In addition, the applicant, Athens Services, has stated its project objectives for the Irwindale Materials Recovery Facility and Transfer Station as:

- 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 the City, County, and State goals.

## B. SIGNIFICANT AND UNAVOIDABLE IMPACTS

As identified above, the Project as proposed results in the following significant and unavoidable impacts, even after the incorporation of all feasible mitigation measures:

- **Air Quality**: Regional air quality impacts from Project operations, and contribution to cumulative impacts of criteria pollutants.

- **Noise**: Noise impacts for the adjacent commercial building to the west, and along Arrow Highway north of the Project site. Operational and traffic-related noise impacts would contribute to a significant and unavoidable cumulative noise impact.
- **Traffic**: Cumulative impacts to existing deficiencies or project 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.

## C. ALTERNATIVES CONSIDERED AND REJECTED DURING THE SCOPING/ PROJECT PLANNING PROCESS

Among the factors that are used to consider project alternatives for detailed consideration in an EIR are whether they would meet most of the basic Project objectives, be feasible, and whether they would avoid or substantially reduce the significant environmental impacts of the Project. (State CEQA Guidelines section 15126(c).)

The City reviewed seven (7) different locations for their potential siting of the Proposed Project. This list of potential alternative locations was initially considered by the City, but each location was later rejected as infeasible during the environmental review process based in part on not meeting some or all of the Project Objectives, as well as not reducing or avoiding potential impacts to a greater extent than the Proposed Project. Based on this, and consistent with the requirements of CEQA Guideline

§15126.6(f)(2), all seven site alternatives were rejected from further consideration (refer to **Exhibits 5.0-1** through **5.0-7** on pages 5.0-10 – 5.0-16 of the 2014 RDEIR).

**1. Reliance II Landfill - 15990 Foothill Boulevard**

The Reliance II Landfill site was initially selected as an alternative location based on its proximity to the freeway system (less than 0.5 mile of Interstate 210) to address transportation/circulation and regional project needs, and for appropriate site acreage necessary for the operation of the proposed MRF/TS. However, this location was deemed as unsuitable due the timing of potential availability of the site, as landfill operations currently underway would not produce a development-ready site until at least 2019. This presents an unreasonable time delay with respect to the Proposed Project objectives, including AB 341 mandated reduction of waste volume.

**2. Kincaid Pit North – APNs 8616-022-906 & 8616-022-91**

The Kincaid Pit North was initially selected based upon proximity to the freeway system (less than 0.5 mile of Interstate 210) to address transportation/circulation and regional project needs, compatibility of surrounding land use, and the acreage necessary for operational needs of the Proposed Project. However, this site falls within the jurisdiction of both the City of Irwindale and the City of Azusa and has not yet undergone reclamation to allow for development of the site. Reclamation of this site will take many years, and reclamation planning to ensure proper backfill and compaction to support subsequent urban land development would require separate and independent environmental review. Finally, this site is severely constrained for access with a very narrow frontage on Irwindale Avenue between the west-bound Interstate 210 off-ramp and Foothill Boulevard offering no opportunity for efficient ingress/egress of vehicles, particularly trucks. Access from Foothill Boulevard would involve acquisition of additional property and relocation of existing occupants.

**3. Hanson Spancrete/Southern California Edison – 13131-13025 Los Angeles Street**

The Hanson Spancrete/Southern California Edison site was initially selected based upon proximity to the freeway system (less than 0.25 mile of Interstate 605) to address transportation/circulation and regional project needs, and compatible surrounding land uses. The site is occupied with active businesses at present, and would require displacement and re-location of existing tenants, and was therefore deemed unsuitable. The Hanson Spancrete site has an existing long-term lease which would need to be bought out, the property purchased, and

the existing tenant relocated. The Southern California Edison site would also need to be acquired and the use for the Edison storage facility relocated.

**4. Nuway Landfill – APN 8532-002-034**

The Nu-Way Landfill site was initially considered an option for an alternative site for the Proposed Project due to compatible surrounding land uses and proximity to the freeway system (adjacent to Interstate 605). However, the backfill at this site has not been properly engineered to support urban development and the operations of the Proposed Project. Possible remediation of the site would require many years and would not satisfy project objectives for timely serving regional waste reduction and management needs.

**5. Sunburst Rock – 242 Live Oak Avenue**

The Sunburst Rock site offers suitable land use compatibility and therefore was initially considered as an alternative location. However, several factors eliminate this site as a feasible option. Factors such as improper compaction [historical site of an open-pit mine], and the need to relocate the existing 40+ tenants of the contractor yard would deem this location infeasible due to the timing and expense of such an endeavor.

**6. 706 - 873 Alpha Street**

The location along Alpha Street originally was considered to be an alternative site option for the Proposed Project based on the acreage required to operate the Proposed Project; however, this location was determined to be unsuitable for several reasons. This location hosts 30 established businesses [auto dismantling/wrecking yards] that would need to be relocated, unsuitable compaction (including the tire landfill underground), and adjacent residential land uses to the north and west; each of which make this location infeasible as an alternative location.

**7. Gore Point/Triangle Parcel – APNs 8532-001-900 & 8532-001-004**

The Gore Point/Triangle Parcel location appears to provide suitable acreage, compatibility with surrounding land uses, and proximity to the freeway system (within ½ mile of Interstate 605); however, there is a substantial grade differential between the two parcels which would require the building pad to be further reduced, or backfill of the Triangle Parcel as reclamation. Therefore, this location does not provide a suitable building pad since a portion of the site has not yet been backfilled and reclaimed, and the subsequent timing of potential availability of this site renders this location as infeasible.

Finding: The City Council rejects each of the alternative locations on the following grounds, each of which provides a full and independent justification for rejection of the alternative: (1) an alternative location is infeasible, given that no other similarly sized, vacant, industrially-zoned parcels exist in the vicinity; and (2) an alternative location is infeasible on grounds such locations would require physically infeasible remediation or engineering.

## D. ALTERNATIVES SELECTED FOR ANALYSIS IN THE EIR

The following Project Alternatives were considered in detail in the and 2014 RDEIR. These alternatives are rejected for various reasons as set forth below.

### 1. Reduced Tonnage Capacity Alternative

Description: Under this alternative, to reduce air impacts related to the SCAQMD, the Proposed Project's capacity would be reduced to 4,500 tons per day, a 25 percent reduction from the Proposed Project capacity of 6,000 tons per day. The Reduced Tonnage Capacity Alternative is defined as a facility permitted for a daily maximum of 4,500 tons of municipal waste to be accepted, processed and transferred. Compared to the Proposed Project, this Alternative would have reduced traffic volumes, with attendant reductions in noise and air emissions. Development under this scenario assumes a slightly smaller building footprint as the Proposed Project and the same overall physical characteristics of the Proposed Project. Under this scenario, the project footprint is estimated to be reduced by approximately 10-15% rather than a corresponding 25% since some sizing parameters are related to efficient movement of materials and trucks into, through, and out of the facility that are not directly related to tonnage capacity.

Impacts: The Reduced Tonnage Alternative would result in lessened environmental impacts compared to the Proposed Project by reducing the total traffic volume and related air emissions and traffic noise. However, this alternative does not capture the full potential to recover materials from the local and regional waste stream prior to transfer and/or disposal, which will therefore need to occur at another site in the region. By comparison and for informational purposes, under the analysis from the first version of the 2014 DEIR, when it was assumed that only 50% of the trips to the MRF/TS would be new trips and thereby cut the total trips to the site in half (based on assumptions related to trips being relocated from other sites in the Air Basin rather than being totally new trips), the project needed to reduce the size of the project and the number of trips by another 56 percent to get to no air impacts from the Project. Further, given the efficiencies associated with the proposed project, if assuming that none of the Project's trips are new trips, the Reduced Tonnage Alternative would result in lost efficiencies, by keeping more trips associated with MRF facilities farther away from the local waste generating markets, and thereby requiring continued longer haul trips.

Objectives and Feasibility: The Reduced Tonnage Alternative would: 1) not feasibly attain the Proposed Project's objectives to serve as facilitator for regional compliance with Assembly Bill 341; 2) would only partially assist the City and

applicant's goal for waste reduction and diversion goals and mandates, by providing additional processing capacity to increase diversion of recyclable commodities from the mixed municipal waste stream; and 3) provide a similar land development project as required for the construction and operation of the proposed MRF/TS.

Finding: The City Council rejects the Reduced Tonnage Alternative on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to meet the basic project objective of facilitating regional compliance with Assembly Bill 341; (2) the alternative fails to assist the City in meeting is waste reduction and diversion goals and mandates; (3) the alternative fails to avoid most of the project's significant and unavoidable impacts; (4) the alternative would not reduce greenhouse gas emissions to same extent as the proposed Project. Therefore, the Reduced Tonnage Alternative is eliminated from further consideration.

**2. Source-Separated MRF Alternative**

Description: The Source-Separated MRF Alternative would involve the development of a facility that would only receive loads of materials that are source-separated, such as the common "three bin" collection programs in many cities. Such facilities are described as a "clean MRF". Development under this scenario assumes the same building footprint and overall physical change to the site as the Proposed Project. The Source-Separated MRF would have the same throughput (maximum 6,000 tons per day) as the Proposed Project.

The Project Applicant is not proposing a MRF that would exclusively handle source-separated materials. The applicant has indicated that there are limitations to a source-separated MRF that have resulted in the Proposed Project design of a mixed-waste facility. Some of the key advantages of the mixed-waste MRF include more flexibility for customers that have difficulty implementing on-site source separation such as multi-family complexes and commercial operations that do not have the physical space to do on-site source separation. These types of users (multi-family and commercial operations) account for a very large percentage of customers in the San Gabriel Valley and of Athens customers. The applicant's experience is that mixed-waste processing can be better than source separation due to several factors, including that source separation is only partially successful in mixed residential / commercial / industrial communities and materials need to be screened and sorted in any case. The Proposed Project will be able to handle incoming mixed-waste loads and also source separated loads.

While proponents for Source-Separated MRFs can cite many studies that indicate they are an advanced waste management option, the applicant indicates that their extensive experience in the Los Angeles Metropolitan area leads them to conclude that Mixed-Waste MRFs that can handle source-separated waste streams as well as mixed-waste streams is a preferred and highly efficient operational model. The applicant indicates that mixed-waste facilities have more flexibility in achieving high diversion rates, especially by being able to reduce materials from any type of collection system. CalRecycle does not require that MRFs be designed to be Source-Separation MRFs, acknowledging that they are not preferred in all communities.

Impacts: The Source-Separated MRF Alternative would result in similar environmental impacts compared to the Proposed Project. Total traffic volume and related air emissions and traffic noise are expected to be similar to the Proposed Project.

Objectives and Feasibility: This alternative would have reduced capabilities to sort mixed-waste streams that could be handled by the applicant such as multi-family and commercial facilities that do not have the option or space to provide on-site source separation.

Finding: The City Council rejects the Source Separated Alternative, on the following grounds, each of which individually provides sufficient justification for

rejection of this alternative: (1) this alternative fails to meaningfully reduce the significant and unavoidable impacts of the proposed Project, and (2) this alternative meets the Project objectives to a lesser extent than the proposed Project. Therefore, the Source-Separated Alternative is eliminated from further consideration.

**3. No Project Alternative**

Description: The No Project Alternative does not preclude development of the site. Should another Applicant pursue development of the site for other purposes, additional environmental analysis would be warranted, as required by the City of Irwindale and in compliance with CEQA. Commercial uses that could be developed under the current General Plan and zoning designations would also be reasonably expected to generate temporary construction noise, and long-term employee and operational traffic, with related air emissions and noise, although the levels of these effects are too speculative to estimate for unknown uses.

Impacts: Under this Alternative, there would be no significant impacts to air quality, noise or traffic. However, the No Project Alternative also does not preclude development of a MRF/TS at another site; however, the San Gabriel Valley is substantially built-out and it is difficult to find a suitable site that could accommodate a +200,000 square-foot building, and with the attendant truck parking, circulation areas, and freeway access required for efficient operations.

Objectives and Feasibility: In comparison to the Proposed Project, this Alternative would not meet the City's objective for economic growth and local employment, and attaining the goals associated with AB 939 and AB 341 for the State, regional, and local need to reduce the amount of waste going to California landfills. As a primary function, a MRF/TS reduces the amount of solid waste material which is ultimately disposed of at a landfill.

Finding: The City Council rejects the No Project Alternative on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative may reduce, but does not avoid, the Project's significant and unavoidable impacts, (2) it is likely that the impacts reduced by the alternative will occur elsewhere given the demand for high-cube warehouse distribution uses; and (3) the alternative meets the Project objectives to a lesser extent than the proposed Project. Therefore, Alternative 3 is eliminated from further consideration.

## E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Section 15126.6(e)(2) of the State CEQA Guidelines indicates that an analysis of alternatives to a proposed Project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR.

The No Project Alternative scenario is the no development scenario. Because of its no development option, the No Project Alternative would result in reduced environmental impacts when compared to the Proposed Project. This includes elimination of the Proposed Project's significant and unavoidable impacts to air

emissions, noise and traffic. However, the No Project Alternative would not meet the Proposed Project's primary objectives of providing economic development for the City that provides a range of employment opportunities to local citizens; achievement of AB 341 waste reduction goals by providing a state-of-the-art waste processing and transfer facility; and for siting such a facility where it is accessible to local waste haulers during non-peak traffic hours; and that minimizes environmental impacts to the extent feasible with nearby access to the interstate road network.

Based on the analysis in the 2014 RDEIR, the Reduced Tonnage Alternative would be the environmentally superior alternative since it would have fewer environmental impacts when compared to the Proposed Project. However, it would not reduce any of the identified significant impacts of the Project to a less than significant level, and may increase the level of greenhouse gases emitted when compared against the proposed project. Additionally, this alternative would substantially reduce attainment of the City's goals for economic development and job growth associated with this project.

However, as determined above, the City Council rejects the Reduced Tonnage Alternative on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to meet the basic project objective of facilitating regional compliance with Assembly Bill 341; (2) the alternative fails to assist the City in meeting its waste reduction and diversion goals and mandates; (3) the alternative fails to avoid most of the project's significant and unavoidable impacts; (4) the alternative would not reduce greenhouse gas emissions to the same extent as the proposed Project.

## SECTION 8: STATEMENT OF OVERRIDING CONSIDERATIONS

Having reduced the adverse significant environmental effects of the Project to the extent feasible by adopting all reasonable and feasible mitigation measures, having considered the entire administrative record on the Project, and having weighed the benefits of the Project against its unavoidable adverse impacts after mitigation, each of the following social, economic and environmental benefits of the Project separately and individually outweigh the potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable based upon the following overriding considerations:

A. The Project will be a regional asset needed to address and implement a series of legislative measures over the years designed to both promote and mandate the time-certain reduction, recycling, and reuse of solid waste in California, including, but not limited to Assembly Bill 341 (Chapter 476, Statutes of 2011); Senate Bill 1016 (Chapter 343, Statutes of 2007); and Assembly Bill 939 (Chapter 1095, Statutes of 1989).

B. The City desires current and ongoing economic development of underutilized City-owned property, including lands that have been targeted for

redevelopment. The Project Site was identified in the Economic Strategic Plan (adopted 10/12/11) as a Priority Near-Term Development Site in that the site is/has:

- Easy access to Arrow Highway, Live Oak Avenue and the 605 Freeway;
- Suitability for industrial use with compatible surrounding uses;
- A large parcel that allows single-user development or multiple smaller development.

C. The City of Irwindale seeks long-term economic development that provides a range of employment opportunities to local citizens. The Proposed Project provides:

- Construction related activities of the Project that will create job opportunities in the City of Irwindale and adjacent cities; and
- Long-term Project operations that will create job opportunities in the City of Irwindale and adjacent cities.

D. The Project will facilitate the generation of additional property tax, utility user tax, and host fees for the City of Irwindale.

E. Assembly Bill 341 (2011) sets a 75% recycling goal for California by 2020; 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 for 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.

F. The Project will provide a state-of-the-art waste processing and transfer facility that reduces environmental impacts to the extent feasible through the imposition of the mitigation measures. The proposed MRF/TS includes a fully enclosed building with interior designed to provide separate areas to receive, process and transfer municipal solid waste, green waste, construction and demolition materials, and waste hauled in by selfhaulers. Project design promotes compatibility with adjacent land uses, modern, energy efficient sustainable project design and infill development consistent with the City's General Plan.

G. The facility will be constructed at a location with nearby Interstate access for both ingress and egress and which minimizes the traffic on local streets, and on the regional transportation network. With direct access to I-210 and I-605 via City of Irwindale designated regional collector streets, the Proposed Project's truck traffic avoids use of or impacts to local streets in either the City of Irwindale or the City of Baldwin Park.

H. The Project will 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. This is one of the stated Goals and Objectives of the Applicant as set forth in the Project Description and will be accomplished with defined hours of operations accessible to local haulers.

Further, the Project meets the following objectives and goals of the 2020 General Plan:

1. **Community Development Element Policy 10.** The City of Irwindale will promote development that will benefit the community as a whole in terms of both jobs and revenue generation.

   This policy is supported by the City's stated goals and objectives for the proposed MRF/TS project that:

   - 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.
   - The Project will facilitate the generation of additional property tax, utility user tax, and host fees for the City of Irwindale.

2. **Community Development Element 12.** The City of Irwindale will continue to promote quality design in the review and approval of commercial and industrial development through the application of the commercial and industrial design guidelines.

   This policy is supported by the City's stated goals and objectives for the proposed MRF/TS project that:

   - The Project will provide a state-of-the-art waste processing and transfer facility that minimizes environmental impacts to the extent feasible.
   - The facility will be constructed at a location with nearby Interstate access for both ingress and egress and which minimizes the traffic on local streets, and on the regional transportation network.

It is further supported by the Applicants' stated intent that the Proposed Project will be a state-of-the-art facility:

- 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).

3. **Community Development Element Policy 13.** The City of Irwindale will continue to employ a design theme in the review of future commercial and industrial development and in the rehabilitation of existing commercial and industrial uses.

This policy is supported by the City's stated goals and objectives for the proposed MRF/TS project that:

- The City desires current and ongoing economic development of underutilized City-owned property, including lands that have been targeted for redevelopment.

And project design features that include:

- The exterior design of the facility buildings would be consistent with the City's Commercial and Industrial Design Guidelines, including varying parapet heights, vertical tower elements, arcades, arched entry structures, and deeply recessed exterior fenestrations. As designed, the parapet walls will vary in design height ranging from 30-51 feet and allow for a maximum of 64 feet at the top of the pitched roof (tower elements). Proposed exterior materials include varying plaster colors consistent with the Design Guidelines, wrought iron and decorative tile accents, accentuated building cornices, and plaster building ornaments to create a "village" of buildings that cohesively work together under a single architectural theme.
- All buildings would be constructed from steel for primary and secondary framing elements. The exterior walls would be light gauge frame with plaster finish. A metal "cool" roof is proposed for the majority of the roofing areas in conjunction with the decorative roof tile accents on the tower elements; (a "cool" roof reflects and emits the sun's heat back to the sky instead of transferring it to the building below thereby reducing energy costs). The Loadout Area tunnel, associated ramps, and all operational areas would be poured concrete slab.
- Landscaping would be developed to screen the site perimeter and throughout the MRF/TS facility with particular focus on the

public view areas. In addition, a decorative concrete block wall would be constructed with wrought iron gates at facility access points. The site would have secured perimeter fencing and/ or a block wall along the entire property boundary. Landscaping would cover approximately 13% of the site.

4. **Community Development Element Policy 15.** The City of Irwindale will continue to work towards improving the appearance of the City entryways.

   This policy is supported by the City's coordination with the Applicant to redesign the proposed Project in its current configuration included as the Project Description (and developed in part based upon comments received by the City of Baldwin Park residents during the public scoping phase of the Proposed Project) that the Proposed Project site layout, building orientation, and ingress and egress locations were specifically modified to direct both construction and operational traffic away from the intersection of Live Oak Avenue and Baldwin Park Boulevard. This was done to ensure that traffic from the Proposed Project is routed away from this intersection to minimize effects on residences south of the Live Oak Avenue industrial corridor in the City of Baldwin Park, and the Margaret Heath elementary school located approximately 1,370 feet south of Live Oak Avenue on the east side of Baldwin Park Boulevard.

Given the above, the Council has weighed the economic, legal, social, technological, and other benefits of the Project against the significant and unavoidable impacts of the Project identified in the FEIR. Based upon the above, the Council hereby determines that those benefits outweigh the risks and potentially adverse environmental impacts of the Project, and further determines that the Project's significant and unavoidable impacts are acceptable.

Accordingly, the Council adopts this Statement of Overriding Considerations, recognizing that significant and unavoidable impacts will result from implementation of the Project. Having (i) adopted all feasible mitigation measures; (ii) considered and rejected alternatives to the Project; and (iii) recognized the significant unavoidable impacts of the Project; the Council hereby finds that each of the separate benefits of the Project, as stated above, individually warrants approval of the Project and outweighs and overrides its significant and unavoidable impacts, and thereby justifies the approval of the Project.

# EXHIBIT B

# 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.**

## 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**<br>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:<br>• 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 | |

| 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.<br>• 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.<br>• A wheel washing system shall be installed and used to remove bulk material from tires and vehicle undercarriages before vehicles exit the project site.<br>• 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.<br>• Traffic speeds on unpaved roads shall be limited to 15 miles per hour. | | | |

| 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.<br>• On-site stock piles shall be covered or watered at least twice per day.<br>• 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**<br>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**<br>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**<br>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 | |

# 2020 Mitigation Monitoring and Reporting Program

| Mitigation Measure Number | Mitigation Measure | Monitoring/Reporting Responsibility | Mitigation Timing | Mitigation Verification Signature/Date |
|---|---|---|---|---|
| MM AQ-5 | **Smog Alerts**<br>Heavy equipment operations shall be discontinued during first and second stage smog alerts. | Athens Services /<br>City of Irwindale Code Enforcement to inspect site in the event of a smog alert. | Life of Project | |
| MM AQ-6 | **Construction Equipment**<br>The use of 2010 model or newer construction equipment shall be required, where feasible. | Construction Contractor /<br>City of Irwindale Code Enforcement | Construction | |
| MM AQ-7 | **Construction Equipment**<br>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 /<br>City of Irwindale Code Enforcement | Construction | |

| Mitigation Measure Number | Mitigation Measure | Monitoring/Reporting Responsibility | Mitigation Timing | Mitigation Verification Signature/Date |
|---|---|---|---|---|
| MM AQ-8 | **Heavy Duty Equipment**<br>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 | |

| Mitigation Measure Number | Mitigation Measure | Monitoring/Reporting Responsibility | Mitigation Timing | Mitigation Verification Signature/Date |
|---|---|---|---|---|
| MM AQ-9 | **Truck Idling**<br>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**<br>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**<br>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 | |

# 2020 Mitigation Monitoring and Reporting Program

| Mitigation Measure Number | Mitigation Measure | Monitoring/Reporting Responsibility | Mitigation Timing | Mitigation Verification Signature/Date |
|---|---|---|---|---|
| **MM AQ-12** | **Fueling Station**<br>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**<br>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**<br>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**<br>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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| MM AQ-16 | **Transfer Trucks**<br>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**<br>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 I) 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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| **MM AQ-18** | **Diesel Trucks Idling Times**<br>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**<br>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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| **MM AQ-20** | **Odor Control**<br>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:<br>a. Inspection and confirmation by Code Enforcement Division Staff; and/or<br>b. Inspection and confirmation by the SCAQMD; and/or<br>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.<br>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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| | the sole expense of the Applicant and shall be implemented / installed as soon as feasible. | | | |
| **MM AQ-21** | **Odor Control**<br>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**<br>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.<br>*Pre-construction Surveys for Nesting Birds*<br>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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| | 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**<br>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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| MM CR-2 | **Archaeological Resources**<br>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 /<br>City of Irwindale Senior Planner / City-approved qualified archeologist | Life of Project | |

| Mitigation Measure Number | Mitigation Measure | Monitoring/Reporting Responsibility | Mitigation Timing | Mitigation Verification Signature/Date |
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| **MM CR-3** | **Paleontological / Geological Resources**<br>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**<br>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 *California Public Resources Code,* 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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| **GEOLOGY** | | | | |
| **PDF GEO-1** | **Geotechnical Report**<br>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**<br>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/marking 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 | |

| Mitigation Measure Number | Mitigation Measure | Monitoring/Reporting Responsibility | Mitigation Timing | Mitigation Verification Signature/Date |
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| **HAZARDS AND HAZARDOUS MATERIALS** | | | | |
| **PDF HAZ-1** | **Safety Committee**<br>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 *On-Site Management Plans*. The second function will include monthly review of the MRF/TS Daily Operational Report for waste stream capacity review.<br><u>On-Site Management Plans</u><br>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.<br><u>MRF/TS Operational Report</u><br>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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| PDF HAZ-2 | On-Site Management Plans<br>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:<br>1) Litter Prevention and Control Plan;<br>2) Pest Control Plan;<br>3) Odor Control Plan;<br>4) Noise Control Plan;<br>5) Hazardous Materials Exclusion and Management Plan;<br>6) Fire Prevention, Control and Mitigation Plan;<br>7) Emergency Action Plan; and<br>8) Emergency Response Training Plan | Athens Services / City of Irwindale Engineer | Life of Project | |
| **NOISE** | | | | |
| **MM N-1** | **Ambient Noise**<br>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**<br>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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| MM N-3 | **Soundwall**<br>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**<br>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**<br>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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| MM N-6 | **Idling Time**<br>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**<br>The Applicant shall implement all of the following:<br>• 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).<br>• 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.<br>• 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. | | | |

| Mitigation Measure Number | Mitigation Measure | Monitoring/Reporting Responsibility | Mitigation Timing | Mitigation Verification Signature/Date |
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| **TRAFFIC** | | | | |
| **MM T-1** | **Off-Site Improvement**<br>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:<br>• Install a traffic signal.<br>• Construct a 2nd northbound right turn lane.<br>• 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**<br>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:<br>• Construct a 2nd southbound left turn lane. | Athens Services, subject to review and approval of City Engineer and Senior Building Inspector and Caltrans | | |

| Mitigation Measure Number | Mitigation Measure | Monitoring/Reporting Responsibility | Mitigation Timing | Mitigation Verification Signature/Date |
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| MM T-3 | **Off-Site Improvement**<br>To mitigate potential traffic impacts to Arrow Highway (NS) / Driveway 1 (EW), the Applicant shall be required to do the following:<br>Prior to commencement of operations, the Applicant shall install a traffic signal and construct the intersection with the following geometrics:<br>• Northbound Approach: One left turn lane (two way turn lane) and two through lanes.<br>• Southbound Approach: Two through lanes and one right turn lane.<br>• Eastbound Approach: One left turn lane and one right turn lane.<br>• 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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| **MM T-4** | **Off-Site Improvement**<br>To mitigate potential traffic impacts to Arrow Highway (NS) / Driveway 2 (EW), the Applicant shall be required to do the following:<br>Prior to commencement of operations, the Applicant shall install a stop control on the eastbound approach and construct the intersection with the following geometrics:<br>• Northbound Approach: One left turn lane (two way turn lane) and two through lanes.<br>• Southbound Approach: Two through lanes and one right turn lane.<br>• Eastbound Approach: One shared left turn and right turn lane.<br>• 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 | |

| Mitigation Measure Number | Mitigation Measure | Monitoring/Reporting Responsibility | Mitigation Timing | Mitigation Verification Signature/Date |
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| MM T-5 | **Off-Site Improvement**<br>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:<br>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:<br>• Northbound Approach: Two left turn lanes and one shared through-right turn lane.<br>• Southbound Approach: One left turn lane and one shared through-right turn lane.<br>• Eastbound Approach: One left turn lane (100-foot pocket length), two through lanes, and one defacto right turn lane.<br>• 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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| 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:<br>• Northbound Approach: Two through lanes (no left turn access).<br>• Southbound Approach: One through lane and one shared through-right turn lane.<br>• Eastbound Approach: One right turn lane.<br>• Westbound Approach: N/A<br>*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:<br>• Northbound Approach: Two through lanes (no left turn access).<br>• Southbound Approach: One through lane and one shared through-right turn lane.<br>• Eastbound Approach: One right turn lane.<br>• 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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| **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. | |