

FINAL

**Initial Study/Mitigated Negative Declaration
Responses to Comments
Perris Boulevard and Morgan Street Industrial Park Project**

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City of Perris

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ACRONYMS AND ABBREVIATIONS

Acronym/Abbreviation	Definition
ALUC	Airport Land Use Commission
CalEEMod	California Emissions Estimator Model
Caltrans	California Department of Transportation
CEQA	California Environmental Quality Act
City	City of Perris
CO ₂ e	carbon dioxide equivalent
EIR	Environmental Impact Report
GHG	greenhouse gas
HRA	Health Risk Assessment
IPA	Inland Port Authority
IS	Initial Study
ITE	Institute of Transportation Engineers
FEMA	Federal Emergency Management Agency
MARB	March Air Reserve Base
MM	Mitigation Measure
MND	Mitigated Negative Declaration
MWD	Metropolitan Water District of Southern California
NPDES	National Pollutant Discharge Elimination System
PCE	passenger car equivalent
project	Perris Boulevard and Morgan Street Industrial Park Project
PVCCSP	Perris Valley Commerce Center Specific Plan
RTP	Regional Transportation Plan
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCS	Sustainable Communities Strategy
TIA	Traffic Impact Analysis
VMT	vehicle miles traveled

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1 Introduction

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the proposed Perris Boulevard and Morgan Street Industrial Park Project (project) and made available for public comment for a 30-day public review period from June 9, 2021, through July 8, 2021. In accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15074(b) (14 CCR 15074[b]), before approving the proposed project, the City of Perris (City), as the lead agency under CEQA, will consider the IS/MND with any comments received during this public review period. Specifically, Section 15074(b) of the CEQA Guidelines (14 CCR 15074[b]) states the following:

Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.

The agencies and individuals who provided substantive written comments on the environmental issues addressed in the Draft IS/MND are listed in Table 1. Although CEQA (California Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (14 CCR 15000 et seq.) do not explicitly require a lead agency to provide written responses to comments received on an IS/MND, the lead agency may do so voluntarily. Individual comments within each communication are numbered so comments can be cross-referenced with responses. The comment letters received during the public review period are included in Attachment A.

Table 1 Comment Letter Summary

Letter Number	Commenter	Date
1	Riverside County Flood Control and Water Conservation District <i>Signed: Deborah De Chambeau, Engineering Project Manager</i>	June 25, 2021
2	Metropolitan Water District of Southern California	July 6, 2021
3	March Joint Powers Authority	June 9, 2021
4	Rincon Band of Luiseño Indians	June 21, 2021
5	Golden State Environmental Justice Association Board of Directors	July 5, 2021
6	Southwest Regional Council of Carpenters, <i>Mitchell Tsai, Esq</i>	July 7, 2021
7	Agua Caliente Band of Cahuilla Indians, <i>Lacy Padilla, Archeologist, Tribal Historic Preservation Office</i>	July 19, 2021

Responses to comments are made in the following text to supplement, clarify, or expand on information already presented in the Draft IS/MND. These responses do not change the significance of determinations made or the severity of potential environmental impacts evaluated in the Draft IS/MND. Section 15073.5(c)(4) of the CEQA

Guidelines (14 CCR 15073.5[c][4]) permits the inclusion of new information within an IS/MND if the additional information “merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.”

2 Responses to Comments

Response to Comment Letter 1

Deborah De Chambeau, Engineering Project Manager
Riverside County Flood Control and Water Conservation District
June 25, 2021

- 1-1** The City acknowledges this comment as an introduction to the comments that follow. This comment is included in the Final IS/MND for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary. No changes to the Draft IS/MND are required as a result of this comment, and the Draft IS/MND's analysis is adequate as provided.
- 1-2** The comment letter includes possible responses from the Riverside County Flood Control and Water Conservation District with check boxes adjacent to each response. The City acknowledges that the project would not be impacted by District Master Drainage Plan facilities, and that the project is within the Perris Valley area for drainage fees. The City acknowledges that the project would be subject to fees, including any applicable drainage fees, paid prior to the issuance of grading or building permits. Additionally, should an encroachment permit needed, the applicant will contact the Riverside County Flood Control and Water Conservation District.
- 1-3** The City acknowledges that the project would need to obtain a National Pollutant Discharge Elimination System (NPDES) permit. As discussed in Section 3.10, Hydrology and Water Quality, of the Draft IS/MND, project grading and construction would be completed in accordance with an NPDES-mandated Stormwater Pollution Prevention Plan, which would include standard best management practices to reduce potential off-site water quality impacts related to erosion and spills of hazardous substances from equipment. No changes to the Draft IS/MND are required as a result of this comment, and the Draft IS/MND's analysis is adequate as provided.
- 1-4** The City acknowledges the requirements associated with projects located in a Federal Emergency Management Agency (FEMA) mapped floodplain. As discussed in Section 3.10, Hydrology and Water Quality, of the Draft IS/MND, the project site is not located in a flood hazard zone; the project site is not located within or in the vicinity of a 100-year flood zone; and the site is located within FEMA Zone X, which is an area of minimal flooding. The City notes that the comment provides factual regulatory information and does not raise an environmental issue related to the project. The City will include the comment as part of the Final IS/MND for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary. No changes to the Draft IS/MND are required as a result of this comment, and the Draft IS/MND's analysis is adequate as provided.
- 1-5** The City acknowledges the requirements for a Section 1602 Agreement associated with projects that may impact a natural watercourse or mapped floodplain. As discussed in Section 3.10, Hydrology and Water Quality, of the Draft IS/MND, the project would not substantially alter the existing drainage pattern of the site or area, nor would the project alter the course of a stream or river. Thus, the project would not impact a watercourse or mapped floodplain. The City notes the comment provides factual regulatory information and does not raise an environmental issue related to the project. The City has included the comment as part of the Final IS/MND for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary. No changes to the

Draft IS/MND are required as a result of this comment, and the Draft IS/MND's analysis is adequate as provided.

Response to Comment Letter 2

Sean Carlson, Team Manager, Environmental Planning Section

Metropolitan Water District of Southern California (MWD)

July 6, 2021

- 2-1** The comment is an introductory comment that summarizes the proposed project and restates information from the project description of the Draft IS/MND. Because no new environmental issues were identified, no further analysis is necessary. The comment does not address the adequacy of the analysis in the Draft IS/MND. Therefore, no revisions are required for the Final IS/MND, and no further response is provided.
- 2-2** The comment introduces the commenter and provides background information on the Metropolitan Water District of Southern California (MWD). Because no new environmental issues were identified, no further analysis is necessary. The comment does not address the adequacy of the analysis in the Draft IS/MND. Therefore, no revisions are required for the Final IS/MND, and no further response is provided.
- 2-3** The comment states that the MWD owns and operates the Colorado River Aqueduct within the project's proximity (south of the project site). The comment provides factual background information on the Colorado River Aqueduct and expresses the commenter's concern that the project may result in potential impacts to the pipeline. The commenter states that the MWD must be allowed to maintain its right-of-way and requires unobstructed access to maintain and repair its systems. The comment states that to avoid potential conflicts, the MWD requires any design plans for activities in the area of its systems to be submitted for review and approval, and will not permit procedures that could impact the pipeline. The comment concludes that approval of the project should be contingent on the MWD's review of the design plans for portions of the project that could affect the MWD's facilities. The City acknowledges the comment and notes that the Draft IS/MND noted the Colorado River Aqueduct as a surrounding land use (see pages 4 and 10 of the Draft IS/MND). The project site does not cross the right-of-way of the aqueduct; however, off-site improvements on N. Perris Boulevard may approach the right-of-way. Vibration impacts during construction were analyzed in Section 3.13, Noise, of the Draft IS/MND and were determined to be less than significant. The comment does not question the adequacy of the analysis in the Draft IS/MND. Therefore, no revisions are required for the Final IS/MND, and no further response is provided.
- 2-4** The comment explains where copies of detailed plans from the MWD can be found and includes the MWD's "Guidelines for Improvements and Construction Projects Proposed in the Area of Metropolitan's Facilities and Rights of Way." See Response to Comment 2-3, above, regarding the project's proposed construction activities near the MWD's Colorado River Aqueduct. Because no new environmental issues were identified, no further analysis is necessary. The comment does not address the adequacy of the analysis in the Draft IS/MND. Therefore, no revisions are required for the Final IS/MND, and no further response is provided.
- 2-5** The comment states that the MWD supports efforts to conserve water and recommends that the City require water conservation measures. The comment also provides contact information for the MWD. The City appreciates the comments and acknowledges the importance of water conservation. The project is required to comply with all applicable City requirements related to water conservation and state requirements in the California Building Code. Water use is analyzed in Section 3.19, Utilities and Utility

Systems, of the Draft IS/MND. As described therein, the project was determined to have a less-than-significant effect on water supply. The comment does not address the adequacy of the analysis in the Draft IS/MND. Because no new environmental issues were identified, no further analysis is necessary. Therefore, no revisions are required for the Final IS/MND, and no further response is provided.

Response to Comment Letter 3

Jeffrey Smith, AICP, Principal Planner
March Joint Powers Authority
June 25, 2021

- 3-1** The comment states that the March Joint Powers Authority has reviewed the Draft IS/MND and determined that the project “is not within the jurisdiction of the March Joint Powers Authority” and that the March Joint Powers Authority has no comments at this time. The comment does not address the adequacy of the analysis in the Draft IS/MND. Because no new environmental issues were identified, no further analysis is necessary. Therefore, no revisions are required for the Final IS/MND, and no further response is provided.

Response to Comment Letter 4

Cheryl Madrigal, Cultural Resource Manager, Tribal Historic Preservation Office
Rincon Band of Luiseño Indians
June 25, 2021

- 4-1** The comment identifies the commenter and states that the project site occurs within the territory of the Luiseño people and is within the Rincon Band of Luiseño Indian's specific area of historic interest. The comment states that the commenter has reviewed the Draft IS/MND and has no further comments at this time, but notes that other tribes may have particular knowledge of the project site and request additional measures. The comment states that the Rincon Band supports efforts to avoid impacts to cultural resources as the preferred mitigation measure. The commenter requests to be notified of any changes to the project plans, requests a copy of the final monitoring report, and provides contact information. The City acknowledges the project's location within the territory of the Luiseño people and within Rincon's specific area of historic interest. The comment does not raise an issue with the adequacy of the analysis in the Draft IS/MND. Because no new environmental issues were identified, no further analysis is necessary. Therefore, no revisions are required for the Final IS/MND, and no further response is provided.

Response to Comment Letter 5

Golden State Environmental Justice Association

July 5, 2021

- 5-1** This comment introduces the comments that follow and states they are provided by the Golden State Environmental Justice Alliance. The comment requests the commenter be added to all subsequent environmental documents, notices, and hearings for the proposed project. The comment does not raise an issue under CEQA and does not address the adequacy of the analysis in the Draft IS/MND. Therefore, no revisions are required, and no further response is provided. Because no new environmental issues were identified, no further analysis is necessary.
- 5-2** The comment provides a summary of the proposed project, including the size of the project, the number of loading docks, and the number of parking spaces. The comment restates information from the Draft IS/MND regarding the proposal for a Minor Adjustment for Parking Reduction to reduce the number of parking spaces from the number required by the Perris Municipal Code. Since circulation of the Draft IS/MND, the City has determined that a Minor Adjustment for Parking Reduction is no longer required or requested. Revisions to the Draft IS/MND are included within the IS/MND in strike through and underline format. The comment does not raise an issue under CEQA and does not address the adequacy of the analysis in the Draft IS/MND. Because no new environmental issues were identified, no further analysis is necessary.
- 5-3** The comment notes discrepancies in the total square footage of the warehouse buildings proposed for the project. The comment states that the Notice of Intent lists the project as “283,197 square feet,” the Draft IS/MND includes a footnote that refers to “286,892 square feet,” and the Health Risk Assessment and air quality analysis model “316,496 square feet.” As clearly stated on page 1 of the Draft IS/MND (as well as on page 9 under “Description of Project”), the total square footage of the warehouse would be 283,179 square feet. As restated in the comment, the Draft IS/MND explains on page 5 (footnote 1) that “A previous version of the draft project design included a project with 286,892 square feet of development (an increase of 3,713 square feet over the proposed project). Because the technical modeling analysis in this document had commenced, and because the size of the previous project would provide for a conservative analysis, the previous project’s size is used throughout this analysis.” Therefore, the analysis contained in the Draft IS/MND is considered conservative because it assumes a slightly higher square footage, and therefore slightly greater impacts, than what would occur with the slightly smaller proposed project.

Further, contrary to the comment, the Draft IS/MND is clear on the size of the project and explains the difference between the project size and the technical analysis. CEQA permits for a “worst case” analysis and provides that the environmental analysis may analyze impacts of a larger project but may not under-report potential project impacts. The Draft IS/MND accurately analyzes the project and recommends mitigation measures based on a slightly larger project but, importantly, does not under-report potential impacts. Therefore, no updated analysis is required. Further, the requested preparation of an EIR (Environmental Impact Report) is not required under CEQA to address the size of the proposed project. An EIR would not change the description of the project or the technical analyses provided in the Draft IS/MND.

One editorial revision, on page 5 of the Final IS/MND, has been made to confirm the square footage as 283,179 square feet. However, no additional revisions are required for the Final IS/MND. Because no new environmental issues were identified, no further analysis is necessary.

- 5-4** The comment states that the Draft IS/MND does not include any floorplans, and that Figures 2 and 3A through 3D do not provide information such as parcel size, site coverage, building height, or a North arrow. The comment claims that the Draft IS/MND has excluded these details from public review, “which does not comply with CEQA’s requirements for adequate informational documents and meaningful disclosure,” and states that an EIR must be prepared that includes these items. The parcel size is stated on page 2: “The proposed project site is located on a 15.60-acre (gross)...” and repeated throughout the Draft IS/MND. The site coverage is 44.6%, as calculated on page 77 of the Draft IS/MND. The Final IS/MND has been revised to clarify this is the “lot coverage” and not the “floor area ratio,” as described in the Draft IS/MND. The total building height is 40 feet, as stated on page 9 of the Draft IS/MND. The Draft IS/MND states the following in Section 2.3.1:

With the exception of parking standards (see Site Access, Circulation, and Parking discussion below), the project has been designed in compliance with the applicable Development Standards and Guidelines outlined in the PVCCSP [Perris Valley Commerce Center Specific Plan], including but not limited to building setbacks, lot coverage, Floor Area Ratio, and architectural requirements. The project would have a height of 40 feet. Conceptual elevations and an architectural rendering are shown in Figure 3A-D.

Additional specific floor plans are not available because, as stated in the Draft IS/MND, “an end user of the three buildings has not yet been identified”; therefore, the floor plans have not been finalized. The presentation of any floor plans also would not affect the analysis of potential project environmental impacts in the Draft IS/MND. However, the Draft IS/MND states that “for the purposes of CEQA and to ensure full disclosure on all potential allowable uses on the project site, this environmental impact assessment assumes development of industrial/warehousing.” Therefore, the analysis contained in the Draft IS/MND accurately reflects the potential worst-case impacts of the project as proposed, and no further analysis is required. An EIR would not change the description of the project or the technical analyses provided in the Draft IS/MND. Because no new environmental issues were identified, no further analysis is necessary.

- 5-5** The comment expresses the commenters opinion that the agricultural and forestry resources analysis is misleading because it does not provide information regarding the use of the site for agricultural activities. The comment restates information from the Phase I Environmental Site Assessment (Appendix G-1 of the Draft IS/MND), and states that the Draft IS/MND does not provide any “meaningful disclosure regarding the property’s historical use for agricultural purposes” and concludes that an EIR must be prepared for public review and analysis. The Draft IS/MND states that cancellation of the existing Williamson Act contract is considered part of the proposed project (see Draft IS/MND, Section 1.1, Project Overview, on page 1). Page 4 of the Draft IS/MND states the following:

The project site is currently enrolled under a California Land Conservation Act contract (Williamson Act contract) between the current property owner and the City pursuant to the provisions of Government Code Sections 51240 et seq. While the project site is currently enrolled under a Williamson Act contract, the project site is not currently being used for

agricultural operations. The project site is currently mapped by the Department of Conservation as Urban and Built Up-Land (DOC 2016) and not used for agricultural operations.

With respect to the CEQA thresholds, the Draft IS/MND uses the CEQA Appendix G Guidelines. Neither threshold requires analysis of the historic use of a project site for agricultural purposes; rather, Threshold (a) asks whether a project would “Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?” As analyzed in the Draft IS/MND, the project site is not mapped as “Prime Farmland, Unique Farmland, or Farmland of Statewide Importance”; rather, the site is mapped as Urban and Built Up-Land. Therefore, no impact to Farmland would occur. If an EIR were to be prepared for the proposed project, it would reach the same conclusion.

Regarding Threshold (b), the Draft IS/MND analyzes the proposed cancellation of the Williamson Act contract and determined that the project would have a less-than-significant impact because (1) the agricultural operations are not currently occurring on the site; (2) the project site is mapped by the Department of Conservation as Urban and Built Up-Land (DOC 2016); (3) the project site is located within an urbanized and industrial part of the City, and no lands surrounding the project site are currently used for agricultural operations; (4) the project site is zoned for Light Industrial per the City’s Zoning Map and is located within the Perris Valley Commerce Center Specific Plan (PVCCSP) planning area; and (5) the project’s requested Williamson Act contract cancellation would be subject to the City’s Williamson Act contract cancellation process and Government Code Sections 51280–51287. Based on these reasons, the Draft IS/MND determined that impacts would be less than significant. It is noted that these determinations are consistent with the findings in the PVCCSP EIR, which found that impacts under Thresholds (a) and (b) were less than significant. If an EIR were to be prepared for the proposed project, it would reach the same conclusion. The commenter has not provided any substantial evidence that would change the determination of project significance. Therefore, no further analysis is necessary.

5-6 The comment states that there is no mechanism for public review of the earthwork for the project, including that earthwork would be 25,000 cubic yards of cut and fill, and that depths for utilities would be approximately 12 feet below grade. Grading quantities are based on the geotechnical report that was prepared for the project site and the existing topography of the site, which is generally flat. The project grading activities would include balanced cut and fill; thus, the project would not export soil to a landfill. Therefore, no revisions are required for the Final IS/MND, and no further response is necessary. If an EIR were to be prepared for the proposed project, it would be based on the same assumptions for balanced cut and fill as the IS/MND and the conclusions would remain the same.

5-7 The comment states that there are existing building foundations, an agricultural well and sump, and piles of debris on the project site that will need to be removed and hauled away. The project site is currently vacant and undeveloped, and the project site is relatively level. There is a minimal amount of concrete on site that will be reused for construction or be removed in the course of normal grading and construction activities, and may result in a nominal amount of off-site trips which would not be expected to increase the maximum daily emissions or the overall emissions levels to beyond a level of significance. Further, as noted in Response to Comment 5-3, because the size of the proposed buildings are slightly smaller than what was analyzed in the Draft IS/MND, the emissions presented in the IS/MND overestimate the actual air quality and GHG emissions and are considered conservative. Thus, the project would not export large amounts of material to the landfill during the site preparation

phase. If an EIR were to be prepared for the proposed project, it would reach the same conclusion. Therefore, no revisions are required for the Final IS/MND, and no further response is provided.

- 5-8** The comment states that off-site improvements have not been accounted for in the analysis. The minimal amount of off-site improvements, including widening Morgan Street along the project frontage to half of its full buildout width, is included in the proposed site plan. In addition, the emissions associated with construction activities of the off-site improvements are included in the Draft IS/MND analysis. If an EIR were to be prepared for the proposed project, it would be based the same analysis. Therefore, no revisions are required for the Final IS/MND, and no further response is provided.
- 5-9** The comment states that the IS/MND does not provide information regarding where construction materials and workers would be coming from, because the IS/MND assumes the California Emissions Estimator Model (CalEEMod) default vendor trip length of 6.90 miles and the worker trip length of 14.70 miles. The use of the vendor and worker trip lengths were provided as the default values in CalEEMod for the project location and project land use. The default trip lengths were derived from the South Coast Air Quality Management District's (SCAQMD) extensive survey of construction projects within the South Coast Air Basin and the State of California. The CalEEMod default trip lengths used for this analysis were established by the SCAQMD for Riverside County in the South Coast Air Basin. The commenter has not provided any substantial evidence to demonstrate that the SCAQMD's average trips lengths for Riverside County are inaccurate. Furthermore, the project site is located within an urban environment, with the availability of materials and workforce for the development of industrial buildings. If an EIR were to be prepared for the proposed project, it would be based upon the same trip lengths recommended by the SCAQMD for Riverside County and would reach the same conclusions as the Draft IS/MND.
- 5-10** The comment states that there is no indication that a legal construction debris dump site exists within 20 miles. The use of the CalEEMod default trip length is intended to be an average; thus, not all trips are expected to be exactly 14.7 miles. Further, as noted in Response to Comment 5-7, although it is anticipated that the grading activity would balance on site, it would include the reuse of the noted materials. Therefore, no revisions are required for the Final IS/MND, and no further response is necessary. If an EIR were to be prepared for the proposed project, it would be based upon the same trip lengths recommended by the SCAQMD for Riverside County.
- 5-11** The comment states that the analysis must consider electrical hookups at all loading docks for refrigerated trucks in accordance with PVCCSP Mitigation Measure (MM) Air 12 and that the project must be modeled for cold storage. As stated on page 1 of the Draft IS/MND, the project is proposed as the construction and operation of three non-refrigerated industrial/warehouse buildings and associated parking. Refrigerated uses are not proposed and would not be approved by the City under the current proposed actions and the IS/MND. Any future modification of the buildings to provide refrigerated uses would require additional discretionary approvals from the City, subject to CEQA. As such, there is no requirement under CEQA for the project buildings to be modeled as refrigerated warehouse buildings. To correct a typographical error regarding the inclusion of PVCCSP mitigation measure MM Air 12 for the project, MM Air 12 on page 26 of the Draft IS/MND has been revised, as follows:

MM Air 12 Where transport refrigeration units (TRUs) are in use, electrical hookups will be installed at all loading and unloading stalls in order to allow TRUs with electric standby capabilities to use them. [Status: Not applicable to the proposed project.]

Therefore, no additional revisions are required for the Final IS/MND, and no further response is provided. Because no new environmental issues were identified, no further analysis is necessary.

5-12 The comment states that because the City of Perris Municipal Code permits construction activity between 7:00 a.m. and 7:00 p.m., the analysis must analyze a worst-case 12-hour work day. The hours and days of construction were analyzed based on data provided by the project applicant and industry standard construction schedules. A standard work week is 8 hours per day, 40 hours per week. Any work beyond the standard 8-hour workday would require overtime payment to the construction crew. Due to these standard construction hours, the CalEEMod default assumptions of 8 hours per day were assumed for this analysis, which is consistent with analyses for projects in the South Coast Air Basin and throughout Southern California. The commenter provides no substantial evidence that the CalEEMod defaults are improper, or that development of this project would require longer hours of construction. CEQA does not require an analysis of an unlikely worst-case scenario and need only evaluate impacts that are a reasonably foreseeable consequence of the project (*High Sierra Rural Alliance v. County of Las Plumas* (2018) 29 Cal.App.5th 102). Therefore, no revisions are required for the Final IS/MND, and no further response is necessary. If an EIR were to be prepared for the proposed project, it would be based upon the same default hours of construction.

5-13 The comment states that the Draft IS/MND does not consider relevant environmental justice issues because it does not include cumulative impact analysis. The comment states this is particularly important due to the project site's location in an area that is burdened by pollution. Potential development of the project site along with all other parcels within the PVCCSP planning area was previously covered under the PVCCSP EIR, which provides a master cumulative impact analysis of the entire PVCCSP planning area. Further, pursuant to CEQA, the project's physical impacts on the environment were evaluated in the IS/MND using State CEQA Guidelines Appendix G thresholds and the thresholds of significance adopted by the SCAQMD. Neither the City of Perris, the SCAQMD, nor the State CEQA Guidelines include thresholds for environmental justice. Regarding air quality and health risk, the project's regional and localized operational emissions would not exceed the numerical mass daily or localized thresholds of significance established by the SCAQMD for any criteria air pollutant or health risk thresholds. The commenter provides no substantial evidence that the technical studies or the conclusions of the IS/MND are incorrect. Therefore, no revisions are required for the Final IS/MND, and no further response is necessary. If an EIR were to be prepared for the proposed project, it would reach the same conclusion.

5-14 The comment states that the full text of the Health Risk Assessment (HRA) was not available online; rather, only 12 pages were included. An HRA technical report was prepared for the project and the results are summarized in Section 3.3, Air Quality, of the Draft IS/MND. The HRA follows the most recent 2015 Air Toxics Hot Spots Program Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments, the SCAQMD's modeling guidance, and the SCAQMD's Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis.

The City of Perris was unaware that the full content of the HRA was not included in the files on its website. However, no member of the public – including the commenter – contacted the City to inform it of this issue or to request a full copy of the HRA to review.

If an EIR were to be prepared for the proposed project, it would utilize the HRA as the basis of its analysis and reach the same conclusions regarding project significance.

- 5-15** The comment appears to misunderstand the way that the HRA evaluated impacts. The HRA follows the SCAQMD’s modeling guidance of 50-meter spacing of a receptor grid out to 1,000 meters from the project site to identify the maximum impacts to the surrounding areas. This means that the modeling extended in 50-meter increments from the project site out to a distance of 1,000 meters from the site. As such, the HRA captured the impacts to the nearest sensitive receptors, which also include the Park Place Mobile Home community and the Ensenada Village Mobile Home community located within the 1,000-meter distance modeled for the HRA. Therefore, no revisions are required for the HRA or the Final IS/MND, and no further response is necessary. If an EIR were to be prepared for the proposed project, it would utilize the same modeling guidance recommended by the SCAQMD and reach the same conclusions regarding project significance.
- 5-16** The comment states that the Draft IS/MND “does not provide a source for the modeling standards and exposure factors for residential, worker, and school child modeling analysis” and that it excludes school child or worker modeling for the analysis. Sensitive receptors are those individuals more susceptible to the effects of air pollution than the population at large. People most likely to be affected by air pollution include children, older adults, and people with cardiovascular and chronic respiratory diseases. According to the SCAQMD, sensitive receptors include residences, schools, playgrounds, childcare centers, long-term healthcare facilities, rehabilitation centers, convalescent centers, and retirement homes (SCAQMD 1993). Workers are not considered sensitive receptors for health risks according to the SCAQMD. The HRA was prepared in accordance with the 2015 Office of Environmental Health Hazard Assessment guidance and SCAQMD modeling guidance. Furthermore, the HRA assessed all sensitive receptors based on residential exposure of third-trimester to 30 years, which is more conservative than the exposure period of a high school student from age 13 to age 17. Therefore, the potential health risks associated with the proposed project have been evaluated properly and no revisions are required for the Final IS/MND, and no further response is necessary. If an EIR were to be prepared for the proposed project, it would utilize the same modeling methodology and reach the same conclusions regarding project significance.
- 5-17** The comment claims that the Draft IS/MND “utilizes misleading and uncertain language to reason that it does not need to provide a construction health risk assessment.” The comment gives the example that the Draft IS/MND refers to the 12-month construction schedule as “fairly short.” Based on an email from Michael Krause, Planning and Rule Manager with the SCAQMD, the health risks need to be evaluated separately (Krause 2019). Thus, the health risk analysis is analyzed in accordance with SCAQMD guidance. Furthermore, the SCAQMD does not include guidance to amortize construction health risk by 30 years and combine with operational health risk. Therefore, the potential health risks associated with the proposed project have been evaluated in accordance with SCAQMD guidance, no revisions are required for the Final IS/MND, and no further response is necessary. If an EIR were to be prepared for the proposed project, it would utilize the same modeling methodology and reach the same conclusions regarding project significance.
- 5-18** The comment states that the Draft IS/MND is misleading because it reports the nearest sensitive receptors in feet while the analysis is reported in meters. This does not change the results of the analysis; therefore, the Draft IS/MND analysis is adequate as presented. If an EIR were to be prepared for the proposed project, it would utilize the same modeling methodology and reach the same conclusions regarding project significance.

5-19 The comment restates concerns regarding PVCCSP MM Air 12 regarding cold storage. As stated in Response to Comment 5-11, the IS/MND evaluated impacts of the project as proposed by the project applicant. The project is proposed as the construction and operation of three non-refrigerated warehouse buildings and associated parking. Refrigerated uses are not proposed and would not be approved by the City under the current proposed actions and IS/MND. Where transport refrigeration units are in use, electrical hookups would be installed at all loading and unloading stalls to allow transport refrigeration units with electric standby capabilities to use them. Therefore, no revisions are required for the Final IS/MND, and no further response is necessary. If an EIR were to be prepared for the proposed project, it would also be based on the project proposed as the construction and operation of three non-refrigerated warehouse buildings and associated parking. The impacts conclusions would not change.

5-20 The comment states that the State of California lists two approved compliance modeling software for non-residential building—CBECC and EnergyPro—and that CalEEMod is not listed as approved software. The comment also states that the modeling does not comply with the 2019 Building Energy Efficiency Standards, and under-reports energy and greenhouse gas (GHG) impacts, but the comment does not provide evidence of this statement. CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform to calculate construction and operational emissions from land use development projects. CalEEMod was developed for the California Air Pollution Control Officers Association in collaboration with the California Air Districts. The model is a comprehensive tool for quantifying air quality impacts from land use projects located throughout California. The model can be used for a variety of situations where an air quality analysis is necessary or desirable, such as preparing CEQA or National Environmental Policy Act (NEPA) documents, conducting pre-project planning, and verifying compliance with local air quality rules and regulations. The commenter has not provided any substantial evidence to demonstrate that the use of CalEEMod to estimate GHG emissions is either inappropriate or inaccurate. Therefore, no revisions are required for the Final IS/MND, and no further response is necessary. If an EIR were to be prepared for the proposed project, it would utilize the same CalEEMod modeling and reach the same conclusions regarding project significance.

5-21 The comment states that there are discrepancies in the CalEEMod Output Sheets regarding carbon dioxide equivalent (CO_{2e}) emissions. The commenter is incorrect to state that the emissions data used to analyze the project is inaccurate. The CalEEMod output files provided summarize emissions in pounds per day for summer and winter seasons and annual tons per year. Air quality impacts for criteria air pollutants are based on the amount of daily emissions generated by the project, which were determined to be the maximum daily summer or winter emissions. The GHG emissions impacts for the project are based on the annual emissions of metric tons of CO_{2e}. The thresholds of significance for GHG emissions are based on the annual emissions, so the project's annual emissions are used in the GHG emissions analysis and compared to the SCAQMD's GHG emissions threshold. The CO_{2e} emissions in the daily seasonal results sheets are to be ignored for the evaluation of GHG impacts. Thus, the project's GHG emissions are accurately analyzed. Therefore, no revisions are required for the Final IS/MND, and no further response is necessary.

Additionally, the comment states that modeling errors, such as those noted in the energy, air quality, and transportation discussions, must be corrected to adequately analyze the project's GHG emissions. The commenter is referred to the previous responses for clarity on modeling. As discussed in previous responses, no revisions are required for the Final IS/MND, and no further response is necessary.

If an EIR were to be prepared for the proposed project, it would utilize the same CalEEMod modeling and reach the same conclusions regarding project significance

5-22 The comment restates concerns regarding the use of CalEEMod. Please refer to Response to Comment 5-20. CalEEMod is the statewide land use emissions computer model and can be used to prepare CEQA documents. The commenter has not provided any substantial evidence to demonstrate that the use of CalEEMod to estimate GHG emissions is either inappropriate or inaccurate. Therefore, no revisions are required for the Final IS/MND, and no further response is necessary.

5-23 The comment restates the findings of the Draft IS/MND with respect to the project site's location within March Air Reserve Base (MARB) Compatibility Zone B1 and Accident Potential Zone II. The comment states that Implementation Measures in the City's General Plan require MARB review and comment prior to any land use decision. The comment then re-states Land Use Element Implementation Measure V.C.I and Safety Element Implementation Measure I.D.2. The comment concludes that the IS/MND is "misleading to the public and decision makers" by concluding that the project is consistent with the MARB Land Use Compatibility Plan and General Plan without review by the MARB, and that delaying MARB review until after CEQA is deferred mitigation; therefore, the comment states that an EIR must be prepared.

Land Use Element Implementation Measure V.C.I. requires that the City circulate all development plans within the Clear Zone and Accident Potential Zones of the MARB/Inland Port Authority (IPA) Land Use Compatibility Plan area to the Department of the Air Force/MARB to provide recommendations and guidance on land use compatibility in accordance with the policies of the most recent Air Force Instruction (AFI) 32-7063. The procedures identified on page 93 of the City's Land Use Element clarify that "proposed General Plan land use amendments, Zoning Code amendments, and Specific Plan amendments that impact density or intensity of development within the AOZ [Airport Overlay Zones] shall be referred to the RCALUC [Riverside County Airport Land Use Commission] for a determination of compatibility with the adopted March ARB/IP ALUCP [Airport Land Use Compatibility Plan]" (City of Perris 2016). The project site is not within the Clear Zone or an Accident Potential Zone for the MARB/IPA. The project also does not require a General Plan Amendment, Zone Change, or Specific Plan Amendment. As such, the City is not required to circulate the project development plans to the MARB/IPA for airport compatibility review.

The project is in compliance with Safety Element Implementation Measure I.D.2 because the Notice of Intent was sent to the MARB/IPA for review. Upon completion of the public review period, no comments were received on the project from the MARB/IPA or the Airport Land Use Commission (ALUC). As such, MARB/IPA review on the project was not delayed, and impacts related to hazards from MARB/IPA would not be significant. No revisions to the IS/MND are required and no further analysis is necessary.

Regarding the suggestion that the Draft IS/MND "deferred mitigation," the Draft IS/MND incorporates PVCCSP MM HAZ 2 through PVCCSP MM HAZ 6 (Draft IS/MND, pages 79–80). These mitigation measures identify concrete actions and performance standards and, as such, do not constitute deferral. Because the City provided MARB/IPA an opportunity to review and comment on the project as part of the CEQA process, and because PVCCSP MM HAZ 2 through PVCCSP MM HAZ 6 do not constitute deferred mitigation, an EIR is not required and no further analysis is necessary. If an EIR were to be prepared for the proposed project, it would reach the same conclusions regarding project compatibility and significance.

5-24 The comment states that Table 3.11-1, Perris General Plan Land Use Consistency Analysis, in the Draft IS/MND provides misleading information regarding the project’s consistency with Circulation Element Policy II.B. The comment states that a Traffic Impact Analysis (TIA) is necessary to determine if the project is consistent with the General plan, and that excluding the TIA from the environmental document violates CEQA’s requirements for disclosure of impacts. The comment concludes that the Draft IS/MND cannot be found to be consistent with the General Plan without a TIA, and that an EIR must be provided.

The commenter’s statement that an EIR must be prepared that includes a project-specific TIA because the Draft IS/MND did not include a TIA is incorrect. California Senate Bill 743, adopted in 2013, required changes to CEQA to eliminate level of service/delay (traffic congestion) and replace it with vehicle miles traveled (VMT) to determine transportation impacts of a proposed project. The congestion analysis conducted for a TIA may no longer be used to evaluate impacts under CEQA (Public Resources Code, Section 21099[b][2]). However, Senate Bill 743 “does not preclude the application of local general plan policies, zoning codes, conditions of approval, thresholds, or any other planning requirements pursuant to the police power or any other authority” (Public Resources Code, Section 21099[b][4]).

Although the Perris General Plan requires the preparation of a TIA for projects that generate more than 500 average daily traffic, it does not require that the TIA be included in the CEQA document because the congestion analysis may not be used to evaluate project impacts under CEQA. CEQA does not require every source that is used in the preparation of an IS/MND or an EIR to be included as part of the CEQA document. Because the TIA was properly cited in accordance with State CEQA Guidelines Section 15063(d)(3), and because the TIA was available to the public at the City, the public was not deprived of an opportunity to review the TIA. No new environmental issues are raised, and preparation of an EIR is not required.

5-25 The comment states that Table 3.11-1 does not provide a consistent analysis with all applicable General Plan policies. Many of the policies in the Perris General Plan are City responsibility and outside the responsibility of the project applicant. In addition, the State CEQA Guidelines Appendix G Land Use and Planning thresholds of significance ask whether the project would “Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted *for the purpose of avoiding or mitigating an environmental effect*” (emphasis added). Table 3.11-1, Perris General Plan Land Use Consistency Analysis (Draft IS/MND, pages 87–91), includes an analysis of the project’s consistency with each of the General Plan Policies that have been adopted by the City of Perris to avoid or mitigate environmental effects of new development projects. Therefore, the Draft IS/MND has evaluated the project’s consistency with all applicable General Plan land use policies and no revisions to Table 3.11-1 are necessary. Regarding compliance with Implementation Measures V.C.1 and I.D.2, refer to Response to Comment 2-23. Because no new environmental issues were identified, no further analysis is necessary. If an EIR were to be prepared for the proposed project, it would reach the same conclusions regarding project consistency.

5-26 The comment restates Land Use Element Implementation Measure V.C.I and Safety Element Implementation Measure I.D.2. Please refer to Response to Comment 5-23, above, for responsive information. Because no new environmental issues were identified, no further analysis is necessary.

5-27 The comment restates Safety Element Implementation Measure I.D. The analysis to support the Table 3.11-1, Perris General Plan Land Use Consistency Analysis, conclusion that the project is consistent with Safety Element Policy I.D is included on Draft IS/MND page 90. The MARB/IPA Airport Land Use Compatibility Plan was primarily based on the U.S. Air Force Air Installations Compatible Use Zones Study for March Air Reserve Base (U.S. Air Force 2018, page 1). Thus, the project is consistent with both the MARB/IPA Airport Land Use Compatibility Plan and the Air Installation Compatibility Use Zones Study. No new environmental issues were identified and an EIR is not required

5-28 The comment restates Safety Element Implementation Measure I.D.2. Please refer to Response to Comment 5-23, above, for responsive information. Because no new environmental issues were identified, no further analysis is necessary.

5-29 The comment states that the General Plan policies require MARB review prior to making land use decisions. The comment restates information from Draft IS/MND Table 3.9-1 regarding the project’s height (40 feet) and ALUC review. The comment states that ALUC/MARB review after CEQA amount to “deferred mitigation” and does not comply with requirements for meaningful disclosure. The comment also states that the project elevations do not call out building heights. The comment concludes that an EIR must be prepared and include ALUC/MARB review and comment. Regarding “deferred mitigation” and MARB review, please refer to Response to Comment 5-23, above. Regarding building heights, the comment itself restates information contained in Table 3.9-1 from the Draft IS/MND, which discloses that the building height would be 40 feet.

5-30 The comment states that the Draft IS/MND did not provide an analysis of the project’s consistency with the Southern California Association of Governments (SCAG) Connect SoCal: 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). The comment suggests that the project has the potential to be inconsistent with Goal 5 (reduce GHG emissions and improve air quality), Goal 6 (support healthy and equitable communities), and Goal 7 (adapt to a changing climate). The comment restates information regarding the project’s annual and daily VMT, and states that an EIR must be prepared to analyze the project’s consistency with the 2020–2045 RTP/SCS.

Connect SoCal was prepared through a collaborative and comprehensive process with input from local governments, county transportation commissions, tribal governments, non-profit organizations, businesses, and local stakeholders within the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura (SCAG 2020, page 8). As part of this process, SCAG compiled population and employment estimates from local governments within SCAG boundaries, including the City of Perris, to develop regional projections. Because the proposed project is consistent with the PVCCSP, which is consistent with the Perris General Plan Land Use Element, the project would have already been accounted for in Connect SoCal. Because development of the project site for industrial use was accounted for in Connect SoCal; because implementation of the proposed project would not result in potentially significant impacts to regional emissions (Draft IS/MND pages 19–35); and because implementation of the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs (Draft IS/MND pages 63–72), analysis of the project’s consistency with Connect SoCal is not required. If an EIR were to be prepared for the proposed project, it would reach the same conclusions regarding project consistency with the 2020-2045 RTP/SCS.

5-31 The comment states that the volume and distribution of traffic throughout the roadway network is necessary to do the modeling performed in Appendix H-4, and notes that a TIA has not been included for public review. The comment then states that the Draft IS/MND cannot conclude that the project does not have significant noise impacts without providing the TIA to support the conclusion, and that an EIR must be prepared that includes the TIA for public review. The noise analysis was based on the expected trip distribution from the project site as identified in the TIA. Please see Response to Comment 5-38 regarding the availability of the TIA for public review. Based on the programmed access points and truck routes, off-site noise-sensitive land uses and receptors were modeled at the locations shown in Figure 6, Noise Measurement Locations, of the Draft IS/MND. Section 3.13, Noise, of the Draft IS/MND analyzed potential off-site traffic noise on page 100 and determined that the project would not result in any significant impacts, including increase noise levels to above 65 dBA or increase noise levels by 3 dB. Therefore, no revisions are required for the Final IS/MND, and no further response is necessary. If an EIR were to be prepared for the proposed project, it would identify the same noise levels and reach the same conclusions regarding impact significance.

5-32 The comment states that the Draft IS/MND uses SCAG’s 2016 RTP/SCS population, households, and employment projections for analysis, but that the analysis should have used SCAG’s 2020–2045 RTP/SCS projections because it was adopted by SCAG’s Regional Council on September 3, 2020. See Response to Comment 5-30, above.

5-33 The comment states that the Draft IS/MND does not discuss the project’s percentage of the City’s employment growth. The comment restates information from the Draft IS/MND regarding the projected number of employees (346) and states that such an amount would be 3.3% of the total job growth in the City through 2045, which represents “a significant amount of growth.” The comment concludes by stating that an EIR must be prepared to include this analysis and a cumulative analysis of projects approved since 2020 and projects “in the pipeline.” As analyzed in Section 3.11, Land Use and Planning, of the Draft IS/MND, and as noted in Response to Comment 5-30, the project is consistent with the underlying land use and zoning designations for the project site; therefore, it would be considered planned growth because the uses proposed have been anticipated both at the City level (through the General Plan and PVCCSP) and regional level (through Connect SoCal). The commenter’s characterization that the project would result in approximately 3% of the City’s total job growth as “significant” expresses the opinion of the commenter, but no additional analysis is provided in the comment as to why this job growth would result in a significant impact to population and housing. A 3.3% increase in forecasted employment does not constitute substantial unplanned population growth within the City, and the project does not include housing; therefore, the Draft IS/MND appropriately concluded that impacts to population and housing are less than significant (Draft IS/MND pages 102–103).

Regarding cumulative projects, the Draft IS/MND discusses the proposed projects potential to contribute to cumulatively considerable impacts in Section 3.21(b). As analyzed therein, the proposed project is part of the PVCCSP and would implement the applicable mitigation measures required under the PVCCSP, which are noted throughout the Draft IS/MND. Implementation of the mitigation measures in the Draft IS/MND, “would reduce [the project’s] contribution to any such cumulative impacts to less than cumulatively considerable.” If an EIR were to be prepared for the proposed project, it would identify the same employment projections and reach the same conclusions regarding project-specific and cumulative impact significance.

5-34 The comment states that the Draft IS/MND should have used the average square foot per person to calculate the anticipated number of employees, rather than the median square footage per person. The comment states that using the average would result in approximately 148 more employees than the Draft IS/MND estimates. The comment then repeats claims regarding the overall size of the project and states that the Draft IS/MND uses “uncertain and misleading language.” The comment states that an EIR must be prepared to provide an accurate estimate of employees generated by the project. Regarding the project’s size, please refer to Response to Comment 5-2, above. Regarding the use of the median square footage vs. average square footage per employee, the commenter does not provide any reason why the average square footage should be used other than to support the commenter’s suggestion that the Draft IS/MND underestimates the total number of employees generated by the project. As stated in Response to Comment 5-33, the proposed project is consistent with the land use and zoning designations for the project site and with the PCCCSP; therefore, the growth generated by the project is planned and would not result in unplanned direct or indirect growth. The use of the median square footage is considered appropriate because the use, three non-refrigerated industrial/warehouse buildings, is expected to have lower employee totals than other industrial uses. This is reflected in the parking calculations, which generate a total parking requirement of 212 parking spaces. If an EIR were to be prepared for the proposed project, it would identify the same employment projections and would reach the same conclusions as the Draft IS/MND.

5-35 The comment states that the Draft IS/MND should provide demographic and geographic information on the location of “qualified workers” to work at the project site. The comment continues that an estimate of the number of workers relocating to the City should be provided based on housing vacancy rates and projected unemployment for the project’s opening year. The comment states that an EIR should also include information on the number of construction jobs and the potential for workers to relocate to the City. The suggested analysis is not required under CEQA and would be considered too speculative to determine where future workers for an unknown user may move from to work at the project site. Additionally, the project would only result in a potentially significant impact if it induces substantial unplanned population growth in the area, either directly or indirectly. Although it is assumed that employees would come from the local workforce, the employee generation was previously planned for in the PVCCSP and evaluated in the PVCCSP EIR. Because the project site is already zoned Light Industrial and the project would provide Light Industrial uses, SCAG’s demographic projections include the projected employee generation for the proposed use. Any new residents moving to the City would move into existing or new residential units planned for, and approved by, the City of Perris. This comment does not raise any new environmental issues. No further analysis is required and preparation of an EIR is not warranted.

5-36 The comment indicates that the Draft IS/MND misleads the public and decision makers by choosing to model the project as Institute of Transportation Engineers (ITE) Land Use Code 150 – Warehouse, and states that this code has one of the lowest trip generates rates among all the industrial ITE land uses. The comment continues to state that the air quality analysis modeled the project as ITE Land Use Code 130 – Industrial Park. The air quality analysis had commenced prior to updated versions of the site plan and a more accurate understanding of the proposed uses of the project; therefore, due to the higher trip generation rates associated with the Industrial Park land use, the air quality analysis was not revised because these rates provide a more conservative analysis. ITE Trip Generation Manual, 10th Edition, defines the Industrial Park (ITE Land Use Code 130) land use as those with “highly diversified facilities – some with a large number of small businesses and others with one or two

dominant industries” (ITE 2017). The ITE Trip Generation Manual, 10th Edition, defines a Warehouse (ITE Land Use Code 150) as “primarily devoted to the storage of materials, but it may also include office and maintenance areas” (ITE 2017). Based on discussions with the applicant and review of the site plan (which consists of three buildings, ranging from approximately 63,000 square feet to 145,000 square feet, along with office and maintenance areas, and truck courts/loading areas), the Warehousing land use was determined by the City to be the most appropriate land use for the proposed project traffic generation. If an EIR were to be prepared for the proposed project, it would identify the same traffic generation projections and reach the same conclusions as the Draft IS/MND.

5-37

The comment states that the Draft IS/MND relies on the City’s TIA guidelines and VMT screening to determine that the project would have a less-than-significant impact on VMT because the project is located within 0.5 miles of high-quality of transit. The comment further states that the TIA guidelines state that “certain projects (including residential, retail, and office projects, as well as projects that are a mix of these uses) will have a less than significant impact on VMT and that the proposed project is not one the listed project types.” Although the City’s TIA guidelines include examples of “certain projects,” this list is not assumed to be exhaustive. Because VMT is primarily associated with on-road passenger vehicles, as defined below, the proposed project would serve as an employment center, with employee-related trips similar to those of an office project.

Additionally, the comment states that the operational nature of industrial/warehouse uses involves high rates of truck/trailer VMT, references VMT data provided in the Operational Mobile Source Assumptions Summary from Appendix A-1, and indicates that the project’s truck/trailer activity is unable to use public transit so the analysis is misleading to the public and decision makers to conclude that the proposed project would have less-than-significant VMT impacts solely based on this factor. These statements are incorrect as the California Governor’s Office of Planning and Research’s Technical Advisory on Evaluating Transportation Impacts in CEQA and the CEQA thresholds (Section 15064.3[a]) state that “For the purposes of this section, ‘vehicle miles traveled’ refers to the amount and distance of automobile travel attributable to a project” (OPR 2018). The Governor’s Office of Planning and Research Technical Advisory continues to define “automobile” as “on-road passenger vehicles, specifically cars and light trucks” (OPR 2018). Therefore, trucks are not included in the CEQA analysis of VMT because VMT is explicitly a measure of automobile travel under Senate Bill 743.

Additionally, the comment states that the Western Riverside Council of Governments’ VMT Screening Tool does not identify the project to be located within a transit-priority area, and that the tool fails the project for this measure. The proposed project is located within the City of Perris and is, therefore, allowed to use documentation provided by the City, as the lead agency for the project under CEQA. The City of Perris transit-priority areas are provided in Exhibit B of the City’s TIA Guidelines.

Based on the above discussion, the appropriate methodology, tools, and thresholds were used, and the project would not have a significant impact on VMT per the City’s adopted TIA Guidelines, VMT screening, and VMT analysis thresholds.

5-38

The comment indicates that the analysis throughout the Transportation section of the Draft IS/MND provides misleading information to the public and decision makers by not providing the TIA to determine if the project can comply with safety requirements of a sight distance analysis, for example, and the Draft IS/MND relies on the TIA for analysis without including the full TIA for review. However, the Draft IS/MND includes the methodology used in the sight distance analysis, concluding that “existing

vegetation is currently located within the 385-foot sight distance” and that “both driveways would be required to meet the sight distance requirements of the City, in adherence to the standards and guidelines outlined in the PVCCSP, prior to issuance of a building permit.”

The comment further states that excluding the TIA from the environmental document violates CEQA’s requirements for meaningful disclosure, implements the project without CEQA review, and represents deferred mitigation. Although the Perris General Plan requires the preparation of a TIA for projects that generate more than 500 average daily traffic, it does not require the TIA be included in the CEQA document because the congestion analysis may not be used to evaluate project impacts under CEQA (please see Response to Comment 5-24). Additionally, the Draft IS/MND Section 6.0, References, indicates that the TIA is available for review at the City of Perris Planning Division, 135 North “D” Street, Perris, CA. Additionally, CEQA does not require every source that is used in the preparation of an IS/MND or an EIR to be included as part of the CEQA document. Because the TIA was properly cited in accordance with State CEQA Guidelines Section 15063(d)(3) and the TIA is available to the public at the City, the public was not deprived of an opportunity to review the TIA. No new environmental issues are raised and preparation of an EIR is not required.

5-39

The comment states that the Draft IS/MND concludes that the project would not impact California Department of Transportation (Caltrans) on-/off-ramps because the future construction of Interstate 215 at Placentia Avenue “would redistribute traffic from Ramona Expressway and Harley Knox Boulevard to Placentia Avenue, reducing the potential for queueing impacts and congestion related to addition of the project traffic at the existing off-ramps.” Note that the analysis provided in the Draft IS/MND does not indicate that project-related queueing or congestion impacts are present, rather that the future construction of Placentia Avenue would aid in the redistribution of traffic through the transportation network.

The comment further states that all trucks exiting the property will use Harley Knox Boulevard, and the TIA has not provided any quantified analysis to demonstrate that the project will not have a significant impact on this or any other Caltrans facility. Note that Caltrans’ “primary review focus for a land use project’s impact is now VMT,” per its Transportation Impact Study Guide, released by Caltrans May 20, 2020 (Caltrans 2020). Additionally, the study area was determined by reviewing intersections where the project would add 50 peak-hour trips based on the guidelines included in the City’s adopted TIA Guidelines (May 2020) and guidance provided in the County of Riverside’s Transportation Analysis Guidelines for Level of Service and Vehicle Miles Traveled (County of Riverside 2020). To provide a more conservative analysis, additional nearby intersections where project trips would not add greater than 50 trips were also included in the analysis, including Indian Avenue/Ramona Expressway, Indian Avenue/Morgan Street, and Indian Avenue/Placentia Avenue. As shown in Figure 13 of the TIA, 9 AM peak-hour passenger car equivalent (PCE) truck trips and 28 PM peak-hour PCE truck trips would travel eastbound through the Perris Boulevard and Morgan Street intersections toward the Harley Knox interchange. As such, intersections farther from the project site, including Caltrans on-/off-ramp intersections at Harley Knox Boulevard, were not necessary to include in the analysis. Once on the Interstate 215 mainline, trips would be further distributed throughout the network, and would not be readily measurable on Caltrans facilities. Additionally, as noted above, the Caltrans Transportation Impact Study Guide states that the “Department will transition away from requesting LOS [level of service] or other vehicle operations analyses of land use projects” (Caltrans 2020). Therefore, no further analysis of Caltrans facilities would be required.

Additionally, the comment further states that the Draft IS/MND relies on the assumption that the existing City truck routes will be amended to remove Perris Boulevard and Ramona Expressway, without giving a timeline for this to be completed, provide an interim route to be used prior to the interchange opening, provide if this would result in any construction delays, or provide any other meaningful analysis. The TIA is currently being updated to include an Existing plus Project scenario that will include a truck trip distribution without the Placentia interchange, but will maintain consistency with the City's request to restrict truck traffic from using Ramona Expressway and Perris Boulevard. However, as shown in Figure 13 of the TIA, only 10 AM peak-hour PCE truck trips and 4 PM peak-hour PCE trucks would be routed from the Placentia interchange. These trips will be routed from the Harley Knox Boulevard interchange and will not significantly change the transportation patterns analyzed in the TIA, analyzed with the assumption of the completion of the Placentia interchange. As discussed above, the TIA, along with subsequent versions of the TIA, are available to the public at the City. No new environmental issues are raised and preparation of an EIR is not required.

5-40 The comment is a concluding remark that expresses the opinion of the commenter that the Draft IS/MND is flawed and that an EIR must be prepared. The comment provides contact information and requests that the City provide the commenter with all environmental documents, notices, and hearings for the project. As discussed in Responses to Comments 5-1 through 5-39, the analysis in the Draft IS/MND is consistent, complete, and thorough, and not flawed as asserted by the commenter. No new environmental issues were identified that would warrant the preparation of an EIR. The commenter has not provided any substantial evidence to demonstrate that an EIR would identify different conclusions than the IS/MND. If an EIR were to be prepared for the proposed project, it would identify the same information and reach the same conclusions as the IS/MND. No new or worsened environmental impacts would be identified.

Response to Comment Letter 6

Southwest Regional Council of Carpenters

Mitchell M. Tsai, Attorney at Law

July 7, 2021

- 6-1** The comment summarizes the project and introduces the commenter as the Southwest Regional Council of Carpenters. The comment does not address the adequacy of the analysis in the Draft IS/MND. Therefore, no revisions are required for the Final IS/MND, and no further response is provided. Because no new environmental issues were identified, no further analysis is necessary.
- 6-2** The comment reserves the commenter’s right to provide additional comments on the project, and incorporates “all comments raising issues regarding the [Draft IS/MND].” The comment does not address the adequacy of the analysis in the Draft IS/MND. Therefore, no revisions are required for the Final IS/MND, and no further response is provided. Because no new environmental issues were identified, no further analysis is necessary.
- 6-3** The comment requests notification from the City referring or related to the project. The comment does not address the adequacy of the analysis in the Draft IS/MND. Therefore, no revisions are required for the Final IS/MND, and no further response is provided. Because no new environmental issues were identified, no further analysis is necessary.
- 6-4** The comment states that the City should require the applicant to hire local, skilled and trained workers to build the project, specifically workers who have graduated from a Joint Labor Management apprenticeship training program or have as many on-the-job hours of experience as would be required by such a state-approved apprenticeship program. The comment states that hiring local can reduce environmental impacts of the project by hiring workers who reside within a 10-mile radius of the project site. The comment further states that hiring local can have “sustainable economic development” and points out that cities such as Hayward are adopting policies into General Plans and Municipal Codes. The comment states that hiring local workers would reduce vehicle miles traveled. The comment suggests that the City consider a hire-local requirement to address greenhouse gas emissions, air quality, and transportation issues. The City appreciates the comment and notes that the Draft IS/MND analyzed the project’s transportation-related impacts, including in Section 3.3, Air Quality; Section 3.8, Greenhouse Gas Emissions; and Section 3.17, Transportation. The comment does not address the adequacy of the analysis in the Draft IS/MND. Therefore, no revisions are required for the Final IS/MND, and no further response is provided. Because no new environmental issues were identified, no further analysis is necessary.
- 6-5** The comment states that the City should require the project to be built to standards that exceed the current 2019 California Green Building Code to address environmental impacts and advance progress toward the State of California’s environmental goals. The City appreciates the comment. The Draft IS/MND addresses energy usage in Section 3.6, Energy, and has concluded that the energy impacts of the project would be less than significant. The comment does not address the adequacy of the analysis in the Draft IS/MND. Therefore, no revisions are required for the Final IS/MND, and no further response is provided. Because no new environmental issues were identified, no further analysis is necessary.

6-6 The comment provides background information on CEQA, including CEQA's role of informing the public and decision makers about the potential environmental effects of a project, and CEQA's direction to avoid or reduce impacts by requiring alternatives or mitigation measures. The comment provides background information on CEQA and serves as an introduction to comments that follow. The comment does not address the adequacy of the analysis in the Draft IS/MND. Therefore, no revisions are required for the Final IS/MND, and no further response is provided. Because no new environmental issues were identified, no further analysis is necessary.

6-7 The comment provides factual background information on the standard for preparing an EIR, including the presumption that if a "fair argument" exists that a project would have a significant effect on the environment, an EIR should be prepared. The comment states that, based on the comments that follow, under the fair argument standard, the City should prepare an EIR for the project. The comment serves as an introduction to comments that follow and does not address the adequacy of the analysis in the Draft IS/MND. Therefore, no revisions are required for the Final IS/MND, and no further response is provided. Because no new environmental issues were identified, no further analysis is necessary.

Nonetheless, the City notes that an EIR was prepared that covered the project site. The Perris Valley Commercial Center Specific Plan (PVCCSP) EIR evaluated the potential development of the PVCCSP planning area, including the project site and proposed uses. As analyzed therein, the proposed project is part of the PVCCSP and the project would implement the applicable mitigation measures required under the PVCCSP EIR, which are noted throughout the Draft IS/MND. The Draft IS/MND provides additional project-specific analysis and recommends mitigation measures to ensure that the project would not result in significant, unavoidable impacts. Therefore, because the project was previously analyzed in an EIR and the proposed project is consistent with and would implement the applicable mitigation measures from that prior EIR, and would further provide for project-specific mitigation measures to ensure impact remain less than significant, an EIR is not required.

6-8 The comment provides factual background information regarding CEQA and Public Resources Code Section 21092.1 regarding recirculation when substantial new information comes to light. The comment serves as an introduction to comments that follow and does not address the adequacy of the analysis in the Draft IS/MND. Therefore, no revisions are required for the Final IS/MND, and no further response is provided. Because no new environmental issues were identified, no further analysis is necessary.

6-9 The comment states that due to the current COVID-19 crisis, the City must adopt a mandatory finding of significance that the project may cause a substantial adverse effect on humans and mitigate COVID-19 impacts. The comment provides information related to construction workplace safety during the COVID-19 pandemic and states that several construction sites have been identified as sources of community spread. The comment recommends the City adopt CEQA mitigation to mitigate public health risks from the project's construction activities, and provides a list of such measures. The comment concludes that the City should require all construction workers undergo COVID-19 training before being allowed to conduct construction activities on the project site. The City acknowledges the comment. As noted in the comment, construction activities range in their safety and has been defined from lower to high risk for COVID-19. Construction activity was allowed to continue throughout the COVID pandemic as an "essential" activity. The California Occupational Safety and Health Administration and other agencies oversee workplace safety and require implementation of safety-related protocols and

procedures, including those related to COVID. Therefore, with regulatory compliance, the project would not be reasonably expected to result in an impact to human health, and no mitigation is required.

6-10 The comment provides background information on the requirements for project descriptions. The comment serves as an introduction to comments that follow and does not address the adequacy of the analysis in the Draft IS/MND. Therefore, no revisions are required for the Final IS/MND, and no further response is provided. Because no new environmental issues were identified, no further analysis is necessary.

6-11 The comment states that the Draft IS/MND's project description is not accurate, stable, or finite because the future tenants are not yet known and because without this knowledge, it is not possible to determine whether cold storage will be required, or what the trip generate rate will be because tenants who use cold storage generate higher average daily trip rates than non-cold-storage uses. The comment concludes that the Draft IS/MND does not justify or attempt to justify this assumption but should have assumed cold storage to be more conservative.

As stated on page 1 of the Draft IS/MND, the project is proposed as the construction and operation of three non-refrigerated industrial/warehouse buildings and associated parking. Refrigerated uses are not proposed and would not be approved by the City under the current proposed actions and the IS/MND. Any future tenant requesting cold storage would be required to process such a request through the City, and future CEQA review may be required if the City determines that the addition of cold storage may result in the potential to cause environmental impacts. Because cold storage is not proposed at this time, the project description and analysis of potential project impacts in the Draft IS/MND is accurate. Therefore, no revisions are required for the Final IS/MND, and no further response is provided. Because no new environmental issues were identified, no further analysis is necessary.

6-12 The comment provides factual background information on CEQA and mitigation. The comment states that CEQA does not allow for the deferral of mitigation that is based on future studies or mitigation that fails to commit to specific performance standards. The comment serves as an introduction to comments that follow and does not address the adequacy of the analysis in the Draft IS/MND. Therefore, no revisions are required for the Final IS/MND, and no further response is provided. Because no new environmental issues were identified, no further analysis is necessary.

6-13 The comment states that Mitigation Measure (MM-)CUL-1, MM-CUL-2, MM-GEO-1, and MM-HAZ-1 are deferred mitigation. The City does not concur with the comment.

With respect to MM-CUL-1, the Draft IS/MND does specify the qualifications, timing, monitoring procedures, and reporting procedures for the qualified archaeologist to conduct monitoring duties, including "maintaining daily field notes and a photographic record, and for reporting all finds to the developer and the City of Perris in a timely manner." Because the measure is for unknown and inadvertent discoveries, it is speculative to provide additional detailed requirements.

With respect to MM-CUL-2, regulatory compliance with California Health and Safety Code Section 7050.5(b) includes specific actions in the event of a discovery of human remains.

With respect to MM-GEO-1, the Draft IS/MND specifies the following:

The approved paleontologist shall be prepared to quickly salvage fossils as they are unearthed to avoid construction delays [and] ... remove samples of sediments which are likely to contain the remains of small fossil invertebrates and vertebrates [and]... have the power to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens.

Collected samples of sediments shall be washed to recover small invertebrate and vertebrate fossils. Recovered specimens shall be prepared so that they can be identified and permanently preserved. Specimens shall be identified and curated and placed into an accredited repository (such as the Western Science Center or the Riverside Metropolitan Museum) with permanent curation and retrievable storage.

With respect to MM-HAZ-1, the Draft IS/MND does specify required regulatory compliance, as noted by the comment, which provides the performance standards for hazardous materials handling.

The specifications listed in each of these mitigation measures demonstrate that the mitigation actions will not be deferred.

6-14 The comment states that the Draft IS/MND must be revised to include specific mitigation measures with applicable performance standards. Please refer to Response to Comment 6-13, above.

6-15 The comment provides background information on CEQA procedures for when “new information” is brought to light that demonstrates an impact discussed in a Draft EIR that was found to be insignificant has the potential for a significant effect that is supported by substantial evidence. The comment serves as an introduction to comments that follow and does not address the adequacy of the analysis in the Draft IS/MND. Please refer to Responses to Comments 6-16 through 6-21, below. Because no new environmental issues were identified, no further analysis is necessary. Therefore, no revisions are required for the Final IS/MND, and no further response is provided.

6-16 The comment states that the Draft IS/MND’s air quality and GHG analysis are not supported by substantial evidence because the Draft IS/MND did not assume and analyze the potential for cold storage, which would result in higher average daily trip rates. The comment also claims that the Draft IS/MND failed to substantiate the vehicle trip generation and trip length assumptions, which the comment notes should follow the South Coast Air Quality Management District’s recommended approach to use the cold storage trip rates when the tenant is unknown and the proposed warehouse may accommodate that use. The City acknowledges the comment and refers the commenter to Response to Comment 6-11, which explains that the project would not accommodate cold storage and, therefore, it is appropriate to not use trip rates associated with cold storage facilities. Because cold storage is not proposed, the analysis in the Draft IS/MND for the proposed non-refrigerated industrial/warehouse buildings is accurate. Therefore, no revisions are required for the Final IS/MND, and no further response is provided. Because no new environmental issues were identified, no further analysis is necessary.

6-17 The comment states that the transit-priority area screening criteria assumes a project will be residential or mixed use, and that the proposed warehousing will have longer trip lengths; therefore, the transit-priority area screening tool should not be used. Please refer to Response to Comment 5-37.

- 6-18** The comment restates claims that the analysis should have considered cold storage for the project. Please refer to Response to Comment 6-11 regarding cold storage. Because cold storage is not proposed at this time, the analysis in the Draft IS/MND for the proposed non-refrigerated industrial/warehouse buildings is accurate. Therefore, no revisions are required for the Final IS/MND, and no further response is provided. Because no new environmental issues were identified, no further analysis is necessary.
- 6-19** The comment provides background information on California planning and zoning law that an EIR must identify, fully analyze, and mitigate inconsistencies between a project and the general, specific, regional, and other plans that apply to the project. The comment serves as an introduction to comments that follow and does not address the adequacy of the analysis in the Draft IS/MND. Therefore, no revisions are required for the Final IS/MND, and no further response is provided. Because no new environmental issues were identified, no further analysis is necessary.
- 6-20** The comment states that the “DEIR” (sic) did not include discussion of Southern California Association of Governments’ Connect SoCal 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy. The comment states that Connect SoCal includes specific strategies for warehouses that apply to the project. Please refer to Response to Comment 5-30. Because development of the project site for industrial use was accounted for in Connect SoCal, and because implementation of the proposed project would not result in potentially significant impacts to regional emissions (Draft IS/MND pages 19–35) or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases (Draft IS/MND pages 63–72), consistency with Connect SoCal is not required in the IS/MND or in an EIR.
- 6-21** The comment provides concluding remarks and does not address the adequacy of the analysis in the Draft IS/MND. Therefore, no revisions are required for the Final IS/MND, and no further response is provided. Because no new environmental issues were identified, no further analysis is necessary.
- 6-22** The comment provides three attachments to the comment letter. These attachments include a March 8, 2021, letter from the Soil Water Air Protection Enterprise regarding Local Hire Requirements and Considerations for Greenhouse Gas Modeling, and the CVs for Paul Rosenfeld and Matt Hagemann. The attachments are referenced in Response to Comment 6-4. The comment does not address the adequacy of the analysis in the Draft IS/MND. Because no new environmental issues were identified, no further analysis is necessary. Therefore, no revisions are required for the Final IS/MND, and no further response is provided.

Response to Comment Letter 7

Lacy Padilla, Archeologist, Tribal Historic Preservation Office
Agua Caliente Band of Cahuilla Indians
July 19, 2021

- 7-1** The comment identifies the commenter and states that the commenter has reviewed the Draft IS/MND and that the mitigation measures to address cultural resources are sufficient. The comment concludes by providing contact information. The City appreciates the comment, and notes the comment does not raise an issue with the adequacy of the analysis in the Draft IS/MND. Because no new environmental issues were identified, no further analysis is necessary. Therefore, no revisions are required for the Final IS/MND, and no further response is provided.

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3 References

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- City of Perris. 2016. *General Plan Land Use Element*. Adopted April 26, 2005; amended August 30, 2016. <https://www.cityofperris.org/home/showpublisheddocument/457/637203139714030000>.
- County of Riverside. 2020. *Transportation Analysis Guidelines for Level of Service and Vehicle Miles Traveled*. December 2020. <https://rctlma.org/Portals/7/2020-12-15%20-%20Transportation%20Analysis%20Guidelines.pdf>.
- DOC (California Department of Conservation). 2016. California Important Farmland Finder. Accessed July 24, 2020. <https://maps.conservation.ca.gov/DLRP/CIFF/>.
- ITE (Institute of Transportation Engineers). 2017. *Trip Generation Manual, 10th Edition*. September 2017.
- Krause, M. 2019. "AQMD HRA Thresholds." Email from M. Krause (South Coast Air Quality Management District Planning and Rules Manager) to A. Poll (Dudek). February 27, 2019.

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Attachment A

Comment Letters

238884

June 25, 2021

City of Perris
Planning Department
135 North D Street
Perris, CA 92570

Attention: Chantal Power

Re: DPR 20-00013 and PM 37967
APN 303-080-007, -018 and -017

The Riverside County Flood Control and Water Conservation District (District) does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

1-1

The District's review is based on the above-referenced project transmittal, received June 8, 2021. The District **has not** reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

- This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed.
- This project involves District proposed Master Drainage Plan facilities, namely, _____. The District will accept ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required.
- This project proposes channels, storm drains 36 inches or larger in diameter, or other facilities that could be considered regional in nature and/or a logical extension of the adopted _____ Master Drainage Plan. The District would consider accepting ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required.
- This project is located within the limits of the District's Perris Valley San Jacinto River Homeland/Romoland Line A Homeland/Romoland Line B Area Drainage Plan for which drainage fees have been adopted. If the project is proposing to create additional impervious

1-2



surface area, applicable fees should be paid by cashier's check or money order only to the Flood Control District or City prior to issuance of grading or building permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.

- An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, Perris Valley MDP Lateral G-1. For further information, contact the District's Encroachment Permit Section at 951.955.1266.
- The District's previous comments are still valid.

GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation, or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans, and other information required to meet FEMA requirements, and should further require the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy.

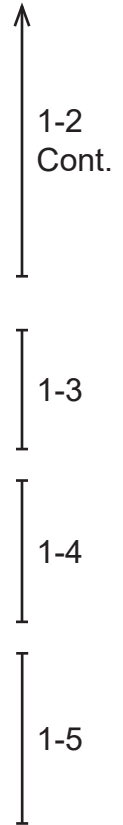
If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,

DEBORAH DE CHAMBEAU
Engineering Project Manager

ec: Riverside County Planning Department
Attn: Phayvanh Nanthavongdouangsy

SLJ:rlp





THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Manager

July 6, 2021

Via Electronic Mail

Chantal Power
AICP, Contract Planner
City of Perris Planning Division
135 North "D" Street
Perris, CA 92570

Dear Chantal Power:

Notice of Intent to Adopt a Mitigated Negative Declaration
for the Perris Boulevard and Morgan Street Industrial Park Project

The Metropolitan Water District of Southern California (Metropolitan) reviewed the Mitigated Negative Declaration (MND) for the Perris Boulevard and Morgan Street Industrial Park Project (Project). The City of Perris is acting as the Lead Agency under the California Environmental Quality Act (CEQA). The Project proposes to construct and operate three new non-refrigerated warehouses/industrial buildings and office space, including loading docks, parking spaces and landscaping. This letter contains Metropolitan’s response to the public notice as a potentially affected public agency.

2-1

Metropolitan is a public agency and regional water wholesaler. It is comprised of 26 member public agencies, serving approximately 19 million people in portions of six counties in Southern California, including Orange County. Metropolitan’s mission is to provide its 5,200 square mile service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

2-2

Our review of the MND indicates that Metropolitan owns and operates the Colorado River Aqueduct and appurtenant facilities within the Project’s proximity. The aforementioned pipeline and appurtenant facilities transport untreated water to Lake Mathews for distribution to water treatment plants. Metropolitan is concerned with potential impacts to the pipeline and appurtenant facilities that may result from the construction and implementation of the proposed Project. The enclosed map shows Metropolitan facilities in relation to the proposed project. It will be necessary for the City of Perris to consider these facilities in its project planning. Metropolitan must be allowed to maintain its rights-of-way and requires unobstructed access to its facilities in order to maintain and repair its system. In order to avoid potential conflicts with

2-3

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Chantal Power
Page 2
July 6, 2021

Metropolitan’s facilities and rights-of-way, we require that any design plans for any activity in the area of Metropolitan’s pipelines or facilities be submitted for our review and written approval. Metropolitan will not permit procedures that could subject the pipeline to excessive vehicle, impact or vibratory loads. Any future design plans associated with this project should be submitted to Metropolitan’s Substructures Team. Approval of the project should be contingent on Metropolitan’s approval of design plans for portions of the proposed project that could impact its facilities.

↑
2-3
Cont.

Detailed prints of drawings of Metropolitan’s pipelines and rights-of-way may be obtained by calling Metropolitan’s Substructures Information Line at (213) 217-7663 or via email at EngineeringSubstructures@mwdh2o.com. To assist the applicant in preparing plans that are compatible with Metropolitan’s facilities and easements, attached are the “Guidelines for Improvements and Construction Projects Proposed in the Area of Metropolitan’s Facilities and Rights-of-Way”. Please note that all submitted designs or plans must clearly identify Metropolitan’s facilities and rights-of-way.

2-4

Additionally, Metropolitan encourages projects within its service area to include water conservation measures. Water conservation, reclaimed water use, and groundwater recharge programs are integral components to regional water supply planning. Metropolitan supports mitigation measures such as using water efficient fixtures, drought-tolerant landscaping, and reclaimed water to offset any increase in water use associated with the proposed project. We appreciate the opportunity to provide input to your planning process and we look forward to receiving future documentation and plans for this project. For further assistance, please contact Ms. Jolene Ditmar at (213) 217-6184 or jditmar@mwdh2o.com.

2-5

Very truly yours,

DocuSigned by:
Sean Carlson
A67ED56502314E6...

Sean Carlson
Team Manager, Environmental Planning Section

JD:rdl
Sharepoint/City of Perris/Perris Boulevard and Morgan Street Industrial Park Project

Enclosures:

- (1) Map
- (2) Planning Guidelines

Metropolitan Facilities Map

Approximate project area

Colorado River Aqueduct

- Pipelines, Siphons
- Canals, Open Channels
- Tunnels, Adits
- Service Connections
- Other Agency
- Appurtenances



**Guidelines for
Improvements and Construction Projects Proposed
in the Area of
Metropolitan's Facilities and Rights-of-Way**



July 2018

Prepared By:
The Metropolitan Water District of Southern California
Substructures Team, Engineering Services
700 North Alameda Street
Los Angeles, California 90012

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Additional Copies: To obtain a copy of this document, please contact the Engineering Services Group, Substructures Team.

Disclaimer

Metropolitan assumes no responsibility for the accuracy of the substructure information herein provided. The user assumes responsibility for verifying substructure locations before excavating and assumes all liability for damage to Metropolitan's facilities as a result of such excavation. Additionally, the user is cautioned to conduct surveys and other field investigations as deemed prudent, to assure that project plans are correct. The appropriate representative from Metropolitan must be contacted at least two working days, before any work activity in proximity to Metropolitan's facilities.

It generally takes 30 days to review project plans and provide written responses. Metropolitan reserves the right to modify requirements based on case-specific issues and regulatory developments.

PUBLICATION HISTORY:

Initial Release

July 2018

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Figure 2: Drawing SK-122

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1.0 GENERAL INFORMATION

Note: Underground Service Alert at 811 must be notified at least two working days before excavating in proximity to Metropolitan's facilities.

1.1 Introduction

These guidelines provide minimum design and construction requirements for any utilities, facilities, developments, and improvements, or any other projects or activities, proposed in or near Metropolitan Water District of Southern California (Metropolitan) facilities and rights-of-way. Additional conditions and stipulations may also be required depending on project and site specific conditions. Any adverse impacts to Metropolitan's conveyance system, as determined by Metropolitan, will need to be mitigated to its satisfaction.

All improvements and activities must be designed so as to allow for removal or relocation at builder or developer expense, as set forth in the paramount rights provisions of Section 20.0. Metropolitan shall not be responsible for repair or replacement of improvements, landscaping or vegetation in the event Metropolitan exercises its paramount rights powers.

1.2 Submittal and Review of Project Plans/Utilities and Maps

Metropolitan requires project plans/utilities be submitted for all proposed activities that may impact Metropolitan's facilities or rights-of-way. Project plans shall include copies of all pertinent utilities, sewer line, storm drain, street improvement, grading, site development, landscaping, irrigation and other plans, all tract and parcel maps, and all necessary state and federal environmental documentation. Metropolitan will review the project plans and provide written approval, as it pertains to Metropolitan's facilities and rights-of-way. Written approval from Metropolitan must be obtained, prior to the start of any activity or construction in the area of Metropolitan's facilities or rights-of-way. Once complete project plans and supporting documents are submitted to Metropolitan, it generally takes 30 days to review and to prepare a detailed written response. Complex engineering plans that have the potential for significant impacts on Metropolitan's facilities or rights-of-way may require a longer review time.

Project plans, maps, or any other information should be submitted to Metropolitan's Substructures Team at the following mailing address:

Attn: Substructures Team
The Metropolitan Water District of Southern California
700 North Alameda St.
Los Angeles, CA 90012

General Mailing Address: P.O. Box 54153
Los Angeles, CA 90054-0153

Email: EngineeringSubstructures@mwdh2o.com

For additional information, or to request prints of detailed drawings for Metropolitan's facilities and rights-of-way, please contact Metropolitan's Substructures Team at 213-217-7663 or EngineeringSubstructures@mwdh2o.com.

1.3 Identification of Metropolitan's Facilities and Rights-of-Way

Metropolitan's facilities and rights-of-way must be fully shown and identified as Metropolitan's, with official recording data, on the following:

- A. All applicable plans
- B. All applicable tract and parcel maps

Metropolitan's rights-of-ways and existing survey monuments must be tied dimensionally to the tract or parcel boundaries. Metropolitan's Records of Survey must be referenced on the tract and parcel maps with the appropriate Book and Page.

2.0 General Requirements

2.1 Vehicular Access

Metropolitan must have vehicular access along its rights-of-way at all times for routine inspection, patrolling, operations, and maintenance of its facilities and construction activities. All proposed improvements and activities must be designed so as to accommodate such vehicular access.

2.2 Fences

Fences installed across Metropolitan's rights-of-way must include a 16-foot-wide gate to accommodate vehicular access by Metropolitan. Additionally, gates may be required at other specified locations to prevent unauthorized entry into Metropolitan's rights-of-way.

All gates must accommodate a Metropolitan lock or Knox-Box with override switch to allow Metropolitan unrestricted access. There should be a minimum 20-foot setback for gates from the street at the driveway approach. The setback is necessary to allow Metropolitan vehicles to safely pull off the road prior to opening the gate.

2.3 Driveways and Ramps

Construction of 16-foot-wide commercial-type driveway approaches is required on both sides of all streets that cross Metropolitan's rights-of-way. Access ramps, if necessary, must be a minimum of 16 feet wide.

There should be a minimum 20-foot setback for gates from the street at the driveway approach. Grades of ramps and access roads must not exceed 10 percent; if the slope of an access ramp or road must exceed 10 percent due to topography, then the ramp or road must be paved.

2.4 Walks, Bike Paths, and Trails

All walkways, bike paths, and trails along Metropolitan's rights-of-way must be a minimum 12-foot wide and have a 50-foot or greater radius on all horizontal curves if also used as Metropolitan's access roads. Metropolitan's access routes, including all walks and drainage facilities crossing the access routes, must be constructed to American Association of State Highway and Transportation Officials (AASHTO) H-20 loading standards (see Figure 1). Additional requirements will be placed on equestrian trails to protect the water quality of Metropolitan's pipelines and facilities.

2.5 Clear Zones

A 20-foot-wide clear zone is required to be maintained around Metropolitan's manholes and other above-ground facilities to accommodate vehicular access and maintenance. The clear zone should slope away from Metropolitan's facilities on a grade not to exceed 2 percent.

2.6 Slopes

Cut or fill slopes proposed within Metropolitan's rights-of-way must not exceed 10 percent. The proposed grade must not worsen the existing condition. This restriction is required to facilitate Metropolitan use of construction and maintenance equipment and allow uninhibited access to above-ground and below-ground facilities.

2.7 Structures

Construction of structures of any type is not allowed within the limits of Metropolitan's rights-of-way to avoid interference with the operation and maintenance of Metropolitan's facilities and possible construction of future facilities.

Footings and roof eaves of any proposed buildings adjacent to Metropolitan's rights-of-way must meet the following criteria:

- A. Footings and roof eaves must not encroach onto Metropolitan's rights-of-way.
- B. Footings must not impose any additional loading on Metropolitan's facilities.
- C. Roof eaves must not overhang onto Metropolitan's rights-of-way.

Detailed plans of footings and roof eaves adjacent to Metropolitan's rights-of-way must be submitted for Metropolitan's review and written approval, as pertains to Metropolitan's facilities.

2.8 Protection of Metropolitan Facilities

Metropolitan facilities within its rights-of-way, including pipelines, structures, manholes, survey monuments, etc., must be protected from damage by the project proponent or property owner, at no expense to Metropolitan. The exact location, description and method of protection must be shown on the project plans.

2.9 Potholing of Metropolitan Pipelines

Metropolitan's pipelines must be potholed in advance, if the vertical clearance between a proposed utility and Metropolitan's pipeline is indicated to be 4 feet or less. A Metropolitan representative must be present during the potholing operation and will assist in locating the pipeline. Notice is required, a minimum of three working days, prior to any potholing activity.

2.10 Jacked Casings or Tunnels

A. General Requirements

Utility crossings installed by jacking, or in a jacked casing or tunnel under/over a Metropolitan pipeline, must have at least 3 feet of vertical clearance between the outside diameter of the pipelines and the jacked pipe, casing, or tunnel. The actual

cover over Metropolitan's pipeline shall be determined by potholing, under Metropolitan's supervision.

Utilities installed in a jacked casing or tunnel must have the annular space between the utility and the jacked casing or tunnel filled with grout. Provisions must be made for grouting any voids around the exterior of the jacked pipe, casing, or tunnel.

B. Jacking or Tunneling Procedures

Detailed jacking, tunneling, or directional boring procedures must be submitted to Metropolitan for review and approval. The procedures must cover all aspects of operation, including, but not limited to, dewatering, ground control, alignment control, and grouting pressure. The submittal must also include procedures to be used to control sloughing, running, or wet ground, if encountered. A minimum 10-foot clearance must be maintained between the face of the tunneling or receiving pits and outside edges of Metropolitan's facility.

C. Shoring

Detailed drawings of shoring for jacking or receiving pits must be submitted to Metropolitan for review and written-approval. (See Section 10 for shoring requirements).

D. Temporary Support

Temporary support of Metropolitan's pipelines may be required when a utility crosses under a Metropolitan pipeline and is installed by means of an open trench. Plans for temporary support must be reviewed and approved in writing by Metropolitan. (See Section 11, Supports of Metropolitan Facilities).

3.0 Landscaping

3.1 Plans

All landscape plans must show the location and limits of Metropolitan's right-of-way and the location and size of Metropolitan's pipeline and related facilities therein. All landscaping and vegetation shall be subject to removal without notice, as may be required by Metropolitan for ongoing maintenance, access, repair, and construction activities. Metropolitan will not be financially responsible for the removal of any landscaping and vegetation.

3.2 Drought-Tolerant Native and California Friendly Plants

Metropolitan recommends use of drought-tolerant native and California Friendly® plants (excluding sensitive plants) on proposed projects. For more information regarding California Friendly® plants refer to www.bewaterwise.com.

3.3 Trees

Trees are generally prohibited within Metropolitan's rights-of-way as they restrict Metropolitan's ability to operate, maintain and/or install new pipeline(s) located within these rights-of-way. Metropolitan will not be financially responsible for the removal and replacement of any existing trees should they interfere with access and any current or future Metropolitan project located within the right-of-way.

3.4 Other Vegetation

Shrubs, bushes, vines, and groundcover are generally allowed within Metropolitan's rights-of-way. Larger shrubs are not allowed on Metropolitan fee properties; however, they may be allowed within its easements if planted no closer than 15 feet from the outside edges of existing or future Metropolitan facilities. Only groundcover is allowed to be planted directly over Metropolitan pipeline, turf blocks or similar is recommended to accommodate our utility vehicle access. Metropolitan will not be financially responsible for the removal and replacement of the vegetation should it interfere with access and any current or future Metropolitan project.

3.5 Irrigation

Irrigation systems are acceptable within Metropolitan's rights-of-way, provided valves and controllers are located near the edges of the right-of-way and do not interfere with Metropolitan vehicular access. A shutoff valve should also be located along the edge of the right-of-way that will allow the shutdown of the system within the right-of-way should Metropolitan need to do any excavation. No pooling or saturation of water above Metropolitan's pipeline and right-of-way is allowed. Additional restrictions apply to non-potable water such as Recycled Water and are covered on Table 3 of Page 20.

3.6 Metropolitan Vehicular Access

Landscape plans must show Metropolitan vehicular access to Metropolitan's facilities and rights-of-way and must be maintained by the property owner or manager or homeowners association at all times. Walkways, bike paths, and trails within Metropolitan's rights-of-way may be used as Metropolitan access routes. (See Section 2.4, Walks, Bike Paths, and Trails).

4.0 General Utilities

Note: For non-potable piping like sewer, hazardous fluid, storm drain, disinfected tertiary recycled water and recycled water irrigation see Table 1 through Table 3.

4.1 Utility Structures

Permanent utility structures (e.g., manholes, power poles, pull boxes, electrical vaults, etc.) are not allowed within Metropolitan's rights-of-way. Metropolitan requests that all permanent utility structures within public streets be placed as far from its pipelines and facilities as practical, but not closer than 5 feet from the outside edges of Metropolitan facilities.

Note: Non-potable utility pipelines are an exception to the 5-foot minimum clearance. Non-potable utility pipelines should have 10 feet of separation.

4.2 Utility Crossings

Metropolitan requests a minimum of 1 foot of vertical clearance between Metropolitan's pipeline and any utility crossing the pipeline. Utility lines crossing Metropolitan's pipelines must be as perpendicular to the pipeline as possible. Cross-section drawings, showing proposed locations and elevations of utility lines and locations of Metropolitan's pipelines and limits of rights-of-way, must be submitted with utility plans, for all

crossings. Metropolitan's pipeline must be potholed under Metropolitan's supervision at the crossings (See Section 2.9).

4.3 Longitudinal Utilities

Installation of longitudinal utilities is generally not allowed along Metropolitan's rights-of-way. Within public streets, Metropolitan requests that all utilities parallel to Metropolitan's pipelines and appurtenant structures (facilities) be located as far from the facilities as possible, with a minimum clearance of 5 feet from the outside edges of the pipeline.

Note: Non-potable utility pipelines are an exception to the 5-foot minimum clearance. Non-potable utility pipelines should have 10 feet of separation (for more information See Table 1 on Page 18).

4.4 Underground Electrical Lines

Underground electrical conduits (110 volts or greater) which cross a Metropolitan's pipeline must have a minimum of 1 foot of vertical clearance between Metropolitan's pipeline and the electrical lines. Longitudinal electrical lines, including pull boxes and vaults, in public streets should have a minimum separation of 5 feet from the edge of a Metropolitan pipeline or structures.

4.5 Fiber Optic Lines

Fiber optic lines installed by directional boring require a minimum of 3 feet of vertical clearance when boring is over Metropolitan's pipelines and a minimum of 5 feet of vertical clearance when boring is under Metropolitan's pipelines. Longitudinal fiber optic lines, including pull boxes, in public streets should have a minimum separation of 5 feet from the edge of a Metropolitan pipelines or structures. Potholing must be performed, under Metropolitan's supervision, to verify the vertical clearances are maintained.

4.6 Overhead Electrical and Telephone Lines

Overhead electrical and telephone lines, where they cross Metropolitan's rights-of-way, must have a minimum 35 feet of clearance, as measured from the ground to the lowest point of the overhead line. Overhead electrical lines poles must be located at least 30 feet laterally from the edges of Metropolitan's facilities or outside Metropolitan's right-of-way, whichever is greater.

Longitudinal overhead electrical and or telephone lines in public streets should have a minimum separation of 10 feet from the edge of a Metropolitan pipelines or structures where possible.

4.7 Sewage Disposal Systems

Sewage disposal systems, including leach lines and septic tanks, must be a minimum of 100 feet from the outside limits of Metropolitan's rights-of-way or the edge of its facilities, whichever is greater. If soil conditions are poor, or other adverse site-specific conditions exist, a minimum distance of 150 feet is required. They must also comply with local and state health code requirements as they relate to sewage disposal systems in proximity to major drinking water supply pipelines.

4.8 Underground Tanks

Underground tanks containing hazardous materials must be a minimum of 100 feet from the outside limits of Metropolitan's rights-of-way or edge of its facilities, whichever is greater. In addition, groundwater flow should be considered with the placement of underground tanks down-gradient of Metropolitan's facilities.

5.0 Specific Utilities: Non-Potable Utility Pipelines

In addition to Metropolitan's general requirements, installation of non-potable utility pipelines (e.g., storm drains, sewers, and hazardous fluids pipelines) in Metropolitan's rights-of-way and public street rights-of-way must also conform to the State Water Resources Control Board's Division of Drinking Water (DDW) regulation (Waterworks Standards) and guidance for separation of water mains and non-potable pipelines and to applicable local county health code requirements. Written approval is required from DDW for the implementation of alternatives to the Waterworks Standards and, effective December 14, 2017, requests for alternatives to the Waterworks Standards must include information consistent with: DDW's [Waterworks Standards Main Separation Alternative Request Checklist](#).

In addition to the following general guidelines, further review of the proposed project must be evaluated by Metropolitan and requirements may vary based on site specific conditions.

- A. Sanitary Sewer and Hazardous Fluids (General Guideline See Table 1 on Page 18)
- B. Storm Drain and Recycled Water (General Guideline See Table 2 on Page 19)
- C. Irrigation with Recycled Water (General Guideline See Table 3 on Page 20)
- D. Metropolitan generally does not allow Irrigation with recycled water to be applied directly above its treated water pipelines
- E. Metropolitan requests copies of project correspondence with regulating agencies (e.g., Regional Water Quality Control Board, DDW); regarding the application of recycled water for all projects located on Metropolitan's rights-of-way

6.0 Cathodic Protection/Electrolysis Test Stations

6.1 Metropolitan Cathodic Protection

Metropolitan's existing cathodic protection facilities in the vicinity of any proposed work must be identified prior to any grading or excavation. The exact location, description, and type of protection must be shown on all project plans. Please contact Metropolitan for the location of its cathodic protection stations.

6.2 Review of Cathodic Protection Systems

Metropolitan must review any proposed installation of impressed-current cathodic protection systems on pipelines crossing or paralleling Metropolitan's pipelines to determine any potential conflicts with Metropolitan's existing cathodic protection system.

7.0 Drainage

7.1 Drainage Changes Affecting Metropolitan Rights-of-Way

Changes to existing drainage that could affect Metropolitan's rights-of-way require Metropolitan's approval. The project proponent must provide acceptable solutions to ensure Metropolitan's rights-of-way are not negatively affected by changes in the drainage conditions. Plans showing the changes, with a copy of a supporting hydrology report and hydraulic calculations, must be submitted to Metropolitan for review and approval. Long term maintenance of any proposed drainage facilities must be the responsibility of the project proponent, City, County, homeowner's association, etc., with a clear understanding of where this responsibility lies. If drainage must be discharged across Metropolitan's rights-of-way, it must be carried across by closed conduit or lined open channel and must be shown on the plans.

7.2 Metropolitan's Blowoff and Pumpwell Structures

Any changes to the existing local watercourse systems will need to be designed to accommodate Metropolitan's blowoff and pumpwell structures, which periodically convey discharged water from Metropolitan's blowoff and pumping well structures during pipeline dewatering. The project proponents' plans should include details of how these discharges are accommodated within the proposed development and must be submitted to Metropolitan for review and approval. Any blowoff discharge lines impacted must be modified accordingly at the expense of the project proponent.

8.0 Grading and Settlement

8.1 Changes in Cover over Metropolitan Pipelines

The existing cover over Metropolitan's pipelines must be maintained unless Metropolitan determines that proposed changes in grade and cover do not pose a hazard to the integrity of the pipeline or an impediment to its maintenance capability. Load and settlement or rebound due to change in cover over a Metropolitan pipeline or ground in the area of Metropolitan's rights-of-way will be factors considered by Metropolitan during project review.

In general, the minimum cover over a Metropolitan pipeline is 4 feet and the maximum cover varies per different pipeline. Any changes to the existing grade may require that Metropolitan's pipeline be potholed under Metropolitan's supervision to verify the existing cover.

8.2 Settlement

Any changes to the existing topography in the area of Metropolitan's pipeline or right-of-way that result in significant settlement or lateral displacement of Metropolitan's pipelines are not acceptable. Metropolitan may require submittal of a soils report showing the predicted settlement of the pipeline at 10-foot intervals for review. The data must be carried past the point of zero change in each direction and the actual size and varying depth of the fill must be considered when determining the settlement. Possible settlement due to soil collapse, rebound and lateral displacement must also be included.

In general, the typical maximum allowed deflection for Metropolitan's pipelines must not exceed a deflection of 1/4-inch for every 100 feet of pipe length. Metropolitan may require additional information per its Geotechnical Guidelines. Please contact Metropolitan's Substructures Team for a copy of the Geotechnical Guidelines.

9.0 Construction Equipment

9.1 Review of Proposed Equipment

Use of equipment across or adjacent to Metropolitan's facilities is subject to prior review and written approval by Metropolitan. Excavation, backfill, and other work in the vicinity of Metropolitan's facilities must be performed only by methods and with equipment approved by Metropolitan. A list of all equipment to be used must be submitted to Metropolitan a minimum of 30 days before the start of work.

- A. For equipment operating within paved public roadways, equipment that imposes loads not greater than that of an AASHTO H-20 vehicle (see Figure 1 on Page 21) may operate across or adjacent to Metropolitan's pipelines provided the equipment operates in non-vibratory mode and the road remains continuously paved.
- B. For equipment operating within unpaved public roadways, when the total cover over Metropolitan's pipeline is 10 feet or greater, equipment imposing loads no greater than those imposed by an AASHTO H-20 vehicle may operate over or adjacent to the pipeline provided the equipment is operated in non-vibratory mode. For crossings, vehicle path shall be maintained in a smooth condition, with no breaks in grade for 3 vehicle lengths on each side of the pipeline.

9.2 Equipment Restrictions

In general, no equipment may be used closer than 20 feet from all Metropolitan above-ground structures. The area around the structures should be flagged to prevent equipment encroaching into this zone.

9.3 Vibratory Compaction Equipment

Vibratory compaction equipment may not be used in vibratory mode within 20 feet of the edge of Metropolitan's pipelines.

9.4 Equipment Descriptions

The following information/specifications for each piece of equipment should be included on the list:

- A. A description of the equipment, including the type, manufacturer, model year, and model number. For example, wheel tractor-scraper, 1990 Caterpillar 627E.
- B. The empty and loaded total weight and the corresponding weight distribution. If equipment will be used empty only, it should be clearly stated.
- C. The wheel base (for each axle), tread width (for each axle), and tire footprint (width and length) or the track ground contact (width and length), and track gauge (center to center of track).

10.0 Excavations Close to Metropolitan Facilities

10.1 Shoring Design Submittal

Excavation that impacts Metropolitan's facilities requires that the contractor submit an engineered shoring design to Metropolitan for review and acceptance a minimum of 30 days before the scheduled start of excavation. Excavation may not begin until the shoring design is accepted in writing by Metropolitan.

Shoring design submittals must include all required trenches, pits, and tunnel or jacking operations and related calculations. Before starting the shoring design, the design engineer should consult with Metropolitan regarding Metropolitan's requirements, particularly as to any special procedures that may be required.

10.2 Shoring Design Requirements

Shoring design submittals must be stamped and signed by a California registered civil or structural engineer. The following requirements apply:

- A. The submitted shoring must provide appropriate support for soil adjacent to and under Metropolitan's facilities.
- B. Shoring submittals must include detailed procedures for the installation and removal of the shoring.
- C. Design calculations must follow the Title 8, Chapter 4, Article 6 of the California Code of Regulations (CCR) guidelines. Accepted methods of analysis must be used.
- D. Loads must be in accordance with the CCR guidelines or a soils report by a geotechnical consultant.
- E. All members must be secured to prevent sliding, falling, or kickouts.

Metropolitan's pipelines must be located by potholing under Metropolitan's supervision before the beginning construction. Use of driven piles within 20 feet of the centerline of Metropolitan's pipeline is not allowed. Piles installed in drilled holes must have a minimum 2-foot clearance between Metropolitan's pipeline and the edge of the drilled hole, and a minimum of 1-foot clearance between any part of the shoring and Metropolitan's pipeline.

11.0 Support of Metropolitan Facilities

11.1 Support Design Submittal

If temporary support of a Metropolitan facility is required, the contractor shall submit a support design plan to Metropolitan for review and approval a minimum of 30 days before the scheduled start of work. Work may not begin until the support design is approved in writing by Metropolitan. Before starting design, the design engineer should consult with Metropolitan regarding Metropolitan's requirements.

11.2 Support Design Requirements

Support design submittals must be prepared, stamped, and signed by a California registered civil or structural engineer. The following requirements apply:

- A. Support drawings must include detailed procedures for the installation and removal of the support system.
- B. Design calculations must follow accepted practices, and accepted methods of analysis must be used.
- C. Support designs must show uniform support of Metropolitan's facilities with minimal deflection.
- D. The total weight of the facility must be transferred to the support system before supporting soil is fully excavated.
- E. All members must be secured to prevent sliding, falling, or kickouts.

12.0 Backfill

12.1 Metropolitan Pipeline Not Supported

In areas where a portion of Metropolitan pipeline is not supported during construction, the backfill under and to an elevation of 6 inches above the top of the pipeline must be one-sack minimum cement sand slurry. To prevent adhesion of the slurry to Metropolitan's pipeline, a minimum 6-mil-thick layer of polyethylene sheeting or similar approved sheeting must be placed between the concrete support and the pipeline.

12.2 Metropolitan Pipeline Partially Exposed

In areas where a Metropolitan pipeline is partially exposed during construction, the backfill must be a minimum of 6 inches above the top of the pipeline with sand compacted to minimum 90 percent compaction.

12.3 Metropolitan Cut and Cover Conduit on Colorado River Aqueduct (CRA)

In areas where a Metropolitan cut and cover conduit is exposed, the following guidelines apply:

- A. No vehicle or equipment shall operate over or cross the conduit when the cover is less than 3 feet.
- B. Track-type dozer with a gross vehicle weight of 12,000 lbs or less may be used over the conduit when the cover is a minimum of 3 feet.
- C. Wheeled vehicles with a gross vehicle weight of 8,000 lbs or less may operate over the conduit when the cover is a minimum of 4 feet.
- D. Tracked dozer or wheeled vehicle should be used to push material over the conduit from the side.
- E. Tracked dozer or wheeled vehicle should gradually increase cover on one side of the conduit and then cross the conduit and increase cover on the other side of the conduit. The cover should be increased on one side of the conduit until a maximum of 2 feet of fill has been placed. The cover over the conduit is not allowed to be more than 2 feet higher on one side of the conduit than on the other side.
- F. The cover should be gradually increased over the conduit until the grade elevations have been restored.

13.0 Piles

13.1 Impacts on Metropolitan Pipelines

Pile support for structures could impose lateral, vertical and seismic loads on Metropolitan's pipelines. Since the installation of piles could also cause settlement of Metropolitan pipelines, a settlement and/or lateral deformation study may be required for pile installations within 50 feet of Metropolitan's pipelines. Metropolitan may require additional information per its Geo-technical Guidelines for pile installation. Please contact Metropolitan's Substructures Team for a copy of the Geotechnical Guidelines.

13.2 Permanent Cast-in-place Piles

Permanent cast-in-place piles must be constructed so that down drag forces of the pile do not act on Metropolitan's pipeline. The pile must be designed so that down drag forces are not developed from the ground surface to springline of Metropolitan's pipeline.

Permanent cast-in-place piles shall not be placed closer than 5 feet from the edge of Metropolitan's pipeline. Metropolitan may require additional information per its Geo-technical Guidelines for pile installation. Please contact Metropolitan's Substructures Team for a copy of the Geotechnical Guidelines.

14.0 Protective Slabs for Road Crossings Over Metropolitan Pipelines

Protective slabs must be permanent cast-in-place concrete protective slabs configured in accordance with Drawing SK-1 (See Figure 2 on Page 22).

The moments and shear for the protective slab may be derived from the American Association of State Highway and Transportation Officials (AASHTO). The following requirements apply:

- A. The concrete must be designed to meet the requirements of AASHTO
- B. Load and impact factors must be in accordance with AASHTO. Accepted methods of analysis must be used.
- C. The protective slab design must be stamped and signed by a California registered civil or structural engineer and submitted to Metropolitan with supporting calculations for review and approval.

Existing protective slabs that need to be lengthened can be lengthened without modification, provided the cover and other loading have not been increased.

15.0 Blasting

At least 90 days prior to the start of any drilling for rock excavation blasting, or any blasting in the vicinity of Metropolitan's facilities, a site-specific blasting plan must be submitted to Metropolitan for review and approval. The plan must consist of, but not be limited to, hole diameters, timing sequences, explosive weights, peak particle velocities (PPV) at Metropolitan pipelines/structures, and their distances to blast locations. The PPV must be estimated based on a site-specific power law equation. The power law equation provides the peak particle velocity versus the scaled distance and must be calibrated based on measured values at the site.

16.0 Metropolitan Plan Review Costs, Construction Costs and Billing

16.1 Plan Review Costs

Metropolitan plan reviews requiring 8 labor hours or less are generally performed at no cost to the project proponent. Metropolitan plan reviews requiring more than 8 labor hours must be paid by the project proponent, unless the project proponent has superior rights at the project area. The plan review will include a written response detailing Metropolitan's comments, requirements, and/or approval.

A deposit of funds in the amount of the estimated cost and a signed letter agreement will be required from the project proponent before Metropolitan begins or continues a detailed engineering plan review that exceeds 8 labor hours.

16.2 Cost of Modification of Facilities Performed by Metropolitan

Cost of modification work conducted by Metropolitan will be borne by the project proponent, when Metropolitan has paramount/prior rights at the subject location.

Metropolitan will transmit a cost estimate for the modification work to be performed (when it has paramount/prior rights) and will require that a deposit, in the amount of the estimate, be received before the work will be performed.

16.3 Final Billing

Final billing will be based on the actual costs incurred, including engineering plan review, inspection, materials, construction, and administrative overhead charges calculated in accordance with Metropolitan's standard accounting practices. If the total cost is less than the deposit, a refund will be made; however, if the cost exceeds the deposit, an invoice for the additional amount will be forwarded for payment.

17.0 Street Vacations and Reservation of Easements for Metropolitan

A reservation of an easement is required when all or a portion of a public street where Metropolitan facilities are located is to be vacated. The easement must be equal to the street width being vacated or a minimum 40 feet. The reservation must identify Metropolitan as a "public entity" and not a "public utility," prior to recordation of the vacation or tract map. The reservation of an easement must be submitted to Metropolitan for review prior to final approval.

18.0 Metropolitan Land Use Guidelines

If you are interested in obtaining permission to use Metropolitan land (temporary or long term), a Land Use Form must be completed and submitted to Metropolitan for review and consideration. A nonrefundable processing fee is required to cover Metropolitan's costs for reviewing your request. Land Use Request Forms can be found at:

http://mwdh2o.com/PDF_Doing_Your_Business/4.7.1_Land_Use_Request_form_revised.pdf

The request should be emailed to RealEstateServices@mwdh2o.com, or contact the Real Property Development and Management (RPDM) Group at (213) 217-7750.

After the initial application form has been submitted, Metropolitan may require the following in order to process your request:

- A. A map indicating the location(s) where access is needed, and the location & size (height, width and depth) of any invasive subsurface activity (boreholes, trenches, etc.).
- B. The California Environmental Quality Act (CEQA) document(s) or studies that have been prepared for the project (e.g., initial study, notice of exemption, Environmental Impact Report (EIR), Mitigated Negative Declaration (MND), etc.).
- C. A copy of an ACORD insurance certification naming Metropolitan as an additional insured, or a current copy of a statement of self-insurance.
- D. Confirmation of the legal name of the person(s) or entity(ies) that are to be named as the permittee(s) in the entry permit.
- E. Confirmation of the purpose of the land use.
- F. The name of the person(s) with the authority to sign the documents and any specific signature title block requirements for that person or any other persons required to sign the document (i.e., legal counsel, Board Secretary/Clerk, etc.).
- G. A description of any vehicles that will have access to the property. The exact make or model information is not necessary; however, the general vehicle type, expected maximum dimensions (height, length, width), and a specific maximum weight must be provided.

Land use applications and proposed use of the property must be compatible with Metropolitan's present and/or future use of the property. Any preliminary review of your request by Metropolitan shall not be construed as a promise to grant any property rights for the use of Metropolitan's property.

19.0 Compliance with Environmental Laws and Regulations

As a public agency, Metropolitan is required to comply with all applicable environmental laws and regulations related to the activities it carries out or approves. Consequently, project plans, maps, and other information must be reviewed to determine Metropolitan's obligations pursuant to state and federal environmental laws and regulations, including, but not limited to:

- A. California Environmental Quality Act (CEQA) (Public Resources Code 21000-21177) and the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 1500-15387)
- B. Federal Endangered Species Act (ESA) of 1973, 16 U.S.C. §§ 1531, et seq.
- C. California Fish and Game Code Sections 2050-2069 (California ESA)
- D. California Fish and Game Code Section 1602
- E. California Fish and Game Code Sections 3511, 4700, 5050 and 5515 (California fully protected species)
- F. Federal Migratory Bird Treaty Act (MBTA), 16 U.S.C. §§ 703-712
- G. Federal Clean Water Act (including but not limited to Sections 404 and 401) 33 U.S.C. §§ 1342, 1344)

- H. Porter Cologne Water Quality Control Act of 1969, California Water Code §§ 13000-14076.
- I. Title 22, California Code of Regulations, Chapter 16 (California Waterworks Standards), Section 64572 (Water Main Separation)

Metropolitan may require the project applicant to pay for any environmental review, compliance and/or mitigation costs incurred to satisfy such legal obligations.

20.0 Paramount Rights / Metropolitan's Rights within Existing Rights-of-Way

Facilities constructed within Metropolitan's rights-of-way shall be subject to the paramount right of Metropolitan to use its rights-of-way for the purpose for which they were acquired. If at any time Metropolitan or its assigns should, in the exercise of their rights, find it necessary to remove or relocate any facilities from its rights-of-way, such removal and replacement or relocation shall be at the expense of the owner of the facility.

21.0 Disclaimer and Information Accuracy

Metropolitan assumes no responsibility for the accuracy of the substructure information herein provided. The user assumes responsibility for verifying substructure locations before excavating and assumes all liability for damage to Metropolitan's facilities as a result of such excavation. Additionally, the user is cautioned to conduct surveys and other field investigations as you may deem prudent, to assure that your project plans are correct. The relevant representative from Metropolitan must be called at least two working days, before any work activity in proximity to Metropolitan's facilities.

It generally takes 30 days to review project plans and provide written responses. Metropolitan reserves the right to modify requirements based on case-specific issues and regulatory developments.

Table 1: General Guidelines for Pipeline Separation between Metropolitan’s Pipeline¹ and Sanitary Sewer² or Hazardous Fluid Pipeline³

<p><u>Pipeline Crossings</u></p>	<p>Metropolitan requires that sanitary sewer and hazardous fluid pipelines that cross Metropolitan’s pipelines have special pipe construction (no joints) and secondary containment⁴. This is required for the full width of Metropolitan’s rights-of-way or within 10 feet tangent to the outer edges of Metropolitan’s pipeline within public streets. Additionally, sanitary sewer and hazardous fluid pipelines crossing Metropolitan’s pipelines must be perpendicular and maintain a minimum 1-foot vertical clearance between the top and the bottom of Metropolitan’s pipeline and the pipe casing.</p> <p>These requirements apply to all sanitary sewer crossings regardless if the sanitary sewer main is located below or above Metropolitan’s pipeline.</p>
<p><u>Parallel Pipeline</u></p>	<p>Metropolitan generally does not permit the installation of longitudinal pipelines along its rights-of-way. Within public streets, Metropolitan requires that all parallel sanitary sewer, hazardous fluid pipelines and/or non-potable utilities be located a minimum of 10 feet from the outside edges of Metropolitan’s pipelines. When 10-foot horizontal separation criteria cannot be met, longitudinal pipelines require special pipe construction (no joints) and secondary containment⁴.</p>
<p><u>Sewer Manhole</u></p>	<p>Sanitary sewer manholes are not allowed within Metropolitan’s rights-of-way. Within public streets, Metropolitan requests manholes parallel to its pipeline be located a minimum of 10 feet from the outside edges of its pipelines. When 10 foot horizontal separation criteria cannot be met, the structure must have secondary containment⁵.</p>

Notes:

¹ Separation distances are measured from the outer edges of each pipe.

² Sanitary sewer requirements apply to all recycled water treated to less than disinfected tertiary recycled water (disinfected secondary recycled water or less). Recycled water definitions are included in Title 22, California Code of Regulations, Chapter 3 (Water Recycling Criteria), Section 60301.

³ Hazardous fluids include e.g., oil, fuels, chemicals, industrial wastes, wastewater sludge, etc.

⁴ Secondary Containment for Pipeline - Secondary containment consists of a continuous pipeline sleeve (no joints). Examples acceptable to Metropolitan include welded steel pipe with grout in annular space and cathodic protection (unless coated with non-conductive material) and High Density Polyethylene (HDPE) pipe with fusion-welded joints.

⁵ Secondary Containment for Structures – Secondary containment consists of external HDPE liner or other approved method.

Table 2: General Guidelines for Pipeline Separation between Metropolitan’s Pipeline¹ and Storm Drain and/or Disinfected Tertiary Recycled Water²

<p><u>Pipeline Crossings</u></p>	<p>Metropolitan requires crossing pipelines to be special pipe construction (no joints) or have secondary containment³ within 10-feet tangent to the outer edges of Metropolitan’s pipeline. Additionally, pipelines crossing Metropolitan’s pipelines must be perpendicular and maintain a minimum 1-foot vertical clearance.</p>
<p><u>Parallel Pipeline</u></p>	<p>Metropolitan generally does not permit the installation of longitudinal pipelines along its rights-of-way. Within public streets, Metropolitan requests that all parallel pipelines be located a minimum of 10 feet from the outside edges of Metropolitan’s pipelines. When 10-foot horizontal separation criteria cannot be met, special pipe construction (no joints) or secondary containment³ are required.</p>
<p><u>Storm Drain Manhole</u></p>	<p>Permanent utility structures (e.g., manhole, catch basin, inlets) are not allowed within Metropolitan’s rights-of-way. Within public streets, Metropolitan requests all structures parallel to its pipeline be located a minimum of 10 feet from the outside edges of its pipelines. When 10 foot horizontal separation criteria cannot be met, the structure must have secondary containment⁴.</p>

Notes:

¹ Separation distances are measured from the outer edges of each pipe.

² Disinfected tertiary recycled water as defined in Title 22, California Code of Regulations, Chapter 3 (Water Recycling Criteria), Section 60301.

³ Secondary Containment for Pipeline - Secondary containment consists of a continuous pipeline sleeve (no joints). Examples acceptable to Metropolitan include welded steel pipe with grout in annular space and cathodic protection (unless coated with non-conductive material) and High Density Polyethylene (HDPE) pipe with fusion-welded joints.

⁴ Secondary Containment for Structures – Secondary containment consists of external HDPE liner or other approved method.

Table 3: General Guidelines for Pipeline Separation¹ between Metropolitan’s Pipeline and Recycled Water^{2,4} Irrigations

<p>Pressurized recycled irrigation mainlines</p>	<ul style="list-style-type: none"> • Crossings - must be perpendicular and maintain a minimum 1-foot vertical clearance. Crossing pressurized recycled irrigation mainlines must be special pipe construction (no joints) or have secondary containment³ within 10-feet tangent to the outer edges of Metropolitan’s pipeline. • Longitudinal - must maintain a minimum 10-foot horizontal separation and route along the perimeter of Metropolitan’s rights-of-way where possible.
<p>Intermittently Energized Recycled Water Irrigation System Components</p>	<ul style="list-style-type: none"> • Crossings - must be perpendicular and maintain a minimum 1-foot vertical clearance. Crossing irrigation laterals within 5-feet tangent to the outer edges of Metropolitan’s pipeline must be special pipe construction (no joints) or have secondary containment³. • Longitudinal – must maintain a minimum 5-foot horizontal separation between all intermittently energized recycled water irrigation system components (e.g. irrigation lateral lines, control valves, rotors) and the outer edges of Metropolitan’s pipeline. Longitudinal irrigation laterals within 5-feet tangent to the outer edges of Metropolitan’s pipeline must be special pipe construction (no joints) or have secondary containment³.
<p>Irrigation Structures</p>	<p>Irrigation structures such as meters, pumps, control valves, etc. must be located outside of Metropolitan’s rights-of-way.</p>
<p>Irrigation spray rotors near Metropolitan’s aboveground facilities</p>	<p>Irrigation spray rotors must be located a minimum of 20-foot from any Metropolitan above ground structures with the spray direction away from these structures. These rotors should be routinely maintained and adjusted as necessary to ensure no over-spray into 20-foot clear zones.</p>
<p>Irrigations near open canals and aqueducts</p>	<p>Irrigation with recycled water near open canals and aqueducts will require a setback distance to be determined based on site-specific conditions. Runoff of recycled water must be contained within an approved use area and not impact Metropolitan facilities. Appropriate setbacks must also be in place to prevent overspray of recycled water impacting Metropolitan’s facilities.</p>

Notes:

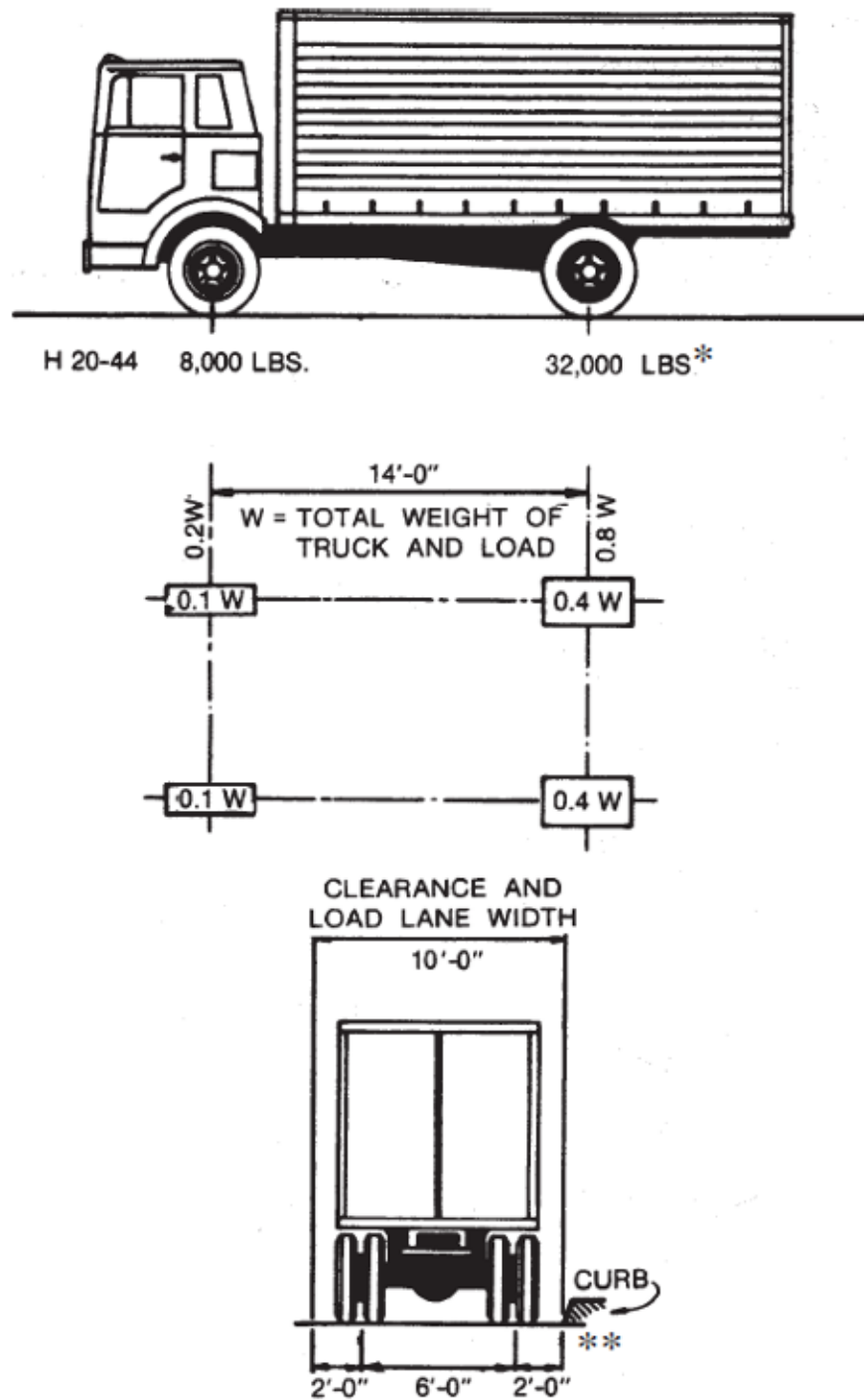
¹ Separation distances are measured from the outer edges of each pipe.

² Requirements for recycled water irrigation apply to all levels of treatment of recycled water for non-potable uses. Recycled water definitions are included in Title 22, California Code of Regulations, Chapter 3 (Water Recycling Criteria), Section 60301.

³ Secondary Containment for Pipeline - Secondary containment consists of a continuous pipeline sleeve (no joints). Examples acceptable to Metropolitan include welded steel pipe with grout in annular space and cathodic protection (unless coated with non-conductive material) and High Density Polyethylene (HDPE) pipe with fusion-welded joints.

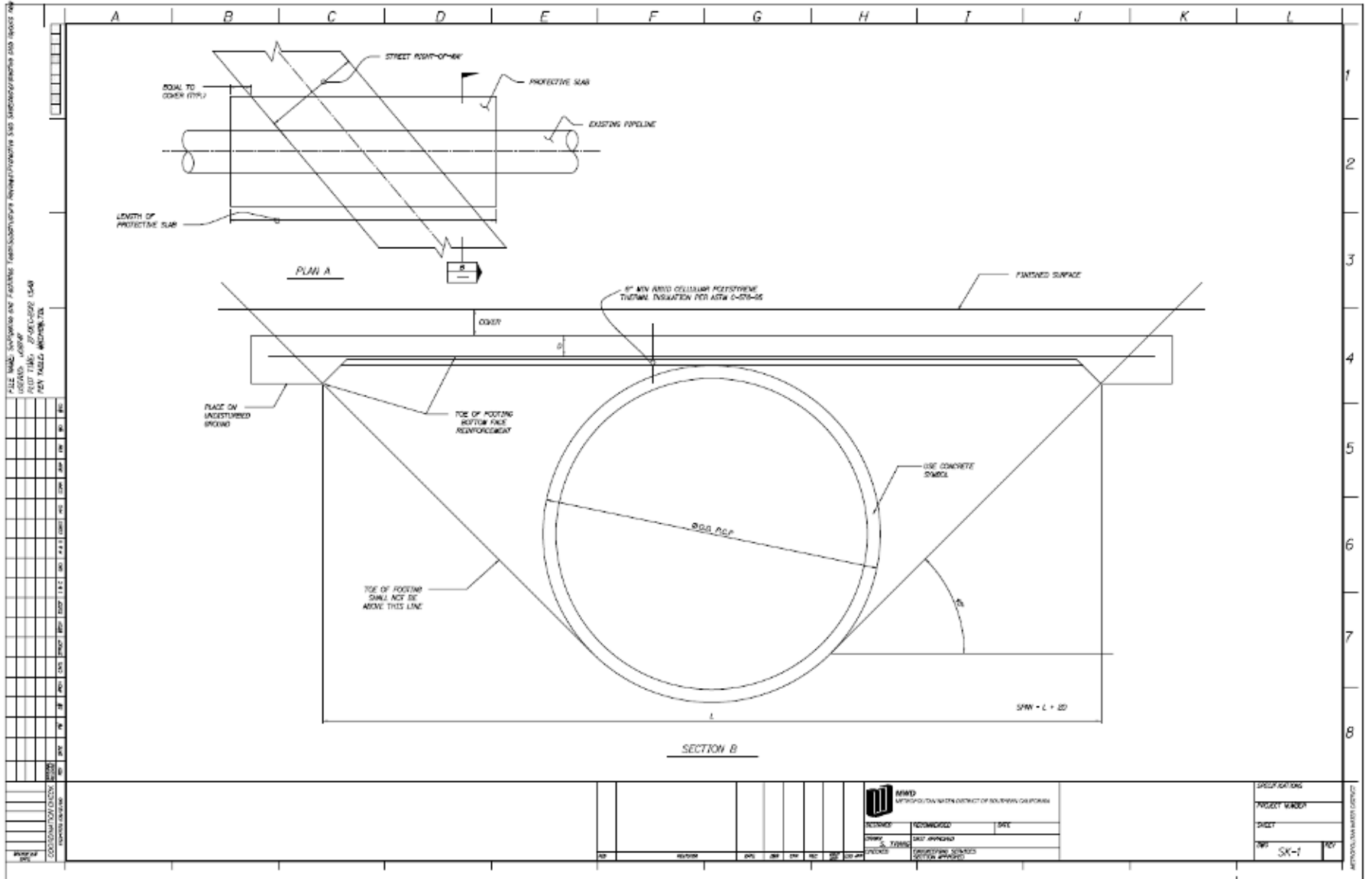
⁴ Irrigation with recycled water shall not be applied directly above Metropolitan’s treated water pipelines.

Figure 1: AASHTO H-20 Loading



Note: The H loadings consist of a two-axle truck or the corresponding lane loadings as illustrated above. The H loadings are designated "H" followed by a number indicating the gross weight in tons of the standard truck.

Figure 2: Drawing SK-1





MARCH JOINT POWERS AUTHORITY

June 9, 2021

Chantal Power, AICP
Contract Planner
City of Perris
Department of Community Development
Planning Division
135 North "D" Street
Perris, CA 92570

RE: Perris Boulevard and Morgan Street Industrial Park Project
Notice of Intent – Mitigated Negative Declaration - DPR 20-00013, Parcel Map 37967

Miss Power:

Thank you for the opportunity to comment on the above aforementioned project. March Joint Powers Authority staff has completed their review of the **Perris Boulevard and Morgan Street Industrial Park Project, Notice of Intent – Mitigated Negative Declaration, DPR 20-00013, Parcel Map 37967**. We have determined that the proposed project is not within the jurisdiction of the March Joint Powers Authority and have no further comment at this time.

If you have any questions regarding our comments or need additional information, please feel free to contact me at (951) 656-7000, or by email at, smith@marchjpa.com. Thank you.

Sincerely,



Jeffrey M. Smith, AICP
Principal Planner
March Joint Powers Authority

3-1

Rincon Band of Luiseño Indians

CULTURAL RESOURCES DEPARTMENT

One Government Center Lane | Valley Center | CA 92082
(760) 749-1092 | Fax: (760) 749-8901 | rincon-nsn.gov



June 21, 2021

Sent via email: cpower@interwestgrp.com

City of Perris
Development Services Department
Planning Division
Chantal Power
135 North D Street
Perris, CA 92570-2200

Re: DPR 20-00013 and Parcel Map No. 37967 – Perris Boulevard and Morgan Street Industrial Park Project, Perris, Riverside County, California

Dear Ms. Power,

This letter is written on behalf of the Rincon Band of Luiseño Indians (“Rincon Band” or “Band”), a federally recognized Indian Tribe and sovereign government. Thank you for providing us with the Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the above referenced project. The identified location is within the Territory of the Luiseño people, and is also within Rincon’s specific area of Historic interest.

We have reviewed the provided documents and have no further comments regarding the proposed measures. We understand that other Tribes potentially have knowledge particular to this project site and may request additional measures. Please note that the Rincon Band supports all efforts to completely avoid cultural resources as preferred mitigation. We do request that the Rincon Band be notified of any changes in project plans. In addition, we request a copy of the final monitoring report, when available.

If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 749 1092 or via electronic mail at cmadriral@rincon-nsn.gov. Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Cheryl Madrigal
Tribal Historic Preservation Officer
Cultural Resources Manager

4-1



July 5, 2021

VIA EMAIL

Chantal Power, AICP, Contract Planner
 City of Perris
 Planning Division
 135 North "D" Street
 Perris, California 92570
cpower@interwestgrp.com

SUBJECT: COMMENTS ON PERRIS AND MORGAN 3 INDUSTRIAL BUILDINGS MND (SCH No. 2021060092)

To whom it may concern:

Thank you for the opportunity to comment on the Mitigated Negative Declaration (MND) for the proposed Perris and Morgan 3 Building Industrial Complex Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

5-1

1.0 Summary

The project proposes the construction and operation of three warehouse buildings totaling 286,179 square feet, inclusive of office/mezzanine areas for each building. The project proposes

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45 loading docks, 0 designated parking spaces for trucks/trailers, and 203 parking spaces for passenger vehicles. According to the MND, Section 19.69.030 of the Perris Municipal Code requires 214 parking spaces for the project. However, City staff has requested that the project applicant reduce the parking supply to accommodate the circulation of truck traffic within the site. As such, the project would provide 203 parking spaces, which is 9 spaces below the code requirement. A Minor Adjustment for Parking Reduction is requested as part of the project to accommodate onsite truck circulation.

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Cont.

2.0 Project Description

The proposed square footages and number of buildings are unclear and inconsistent throughout the MND and its appendices. The Project Description states that the proposed project includes three warehouse buildings “equaling approximately 286,179 square feet, inclusive of an office/mezzanine.” The Project Description is inadequate and does not provide all information required for environmental analysis, such as the precise square footage of the office space and mezzanines. A footnote in the Project Description states that “a previous version of the draft project design included a project with 286,892 square feet of development (an increase of 3,713 square feet over the proposed project). Because the technical modeling analysis in this document had commenced, and because the size of the previous project would provide for a conservative analysis, the previous project’s size is used throughout this analysis.” However, this square footage is not used consistently for analysis throughout the MND. For example, the Population and Housing analysis utilizes a project size of 283,179 square feet including warehouse and office space. The Air Quality analysis models a 316,496 square foot project (10,000 sf office space; 306,496 sf warehouse). The Health Risk Assessment analyzes the construction of four single industrial/warehouse buildings equaling approximately 316,496 square feet, inclusive of an office/mezzanine. The Notice of Intent lists the project as 283,197 square feet, inclusive of approximately 14,000 square feet of office/mezzanine space. The footnote in the Project Description is misleading to the public and decision makers as the project size listed is not used for analysis throughout the MND. There is no consistency among the project size utilized for analysis throughout the MND. A project EIR must be prepared which utilizes an accurate project size for the proposed project consistently throughout all portions of environmental analysis in order to comply with CEQA’s requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)).

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Further, it is also notable that the MND does not include a floor plan for any of the buildings. The basic components of a Planning Application include a site plan, floor plan, conceptual

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grading plan, and elevations. Additionally, the site plan provided in Figure 2 and the elevations of Figures 3A-D do not provide any detailed information such as parcel size, site coverage, or building height; the site plan does not include the basic north arrow. The MND has excluded the proposed floor plans, conceptual grading plan, and a detailed site plan/elevations from public review, which does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). An EIR must be prepared which includes these informational items.

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3.2 Agriculture and Forestry Resources

The MND's analysis is misleading to the public and decision makers in that it does not provide any information regarding the use of the site for agricultural activities as described in the Phase I ESA (Appendix G-1). The Phase I ESA states:

“The site was observed to have been used for agricultural purposes from 1938 until 2013. The agricultural uses at the site included a facility that consisted of seven structures used for the storage of farming chemicals, farming equipment, vehicle storage, and a groundwater well for agricultural uses. As part of the agriculture operation, the site utilized and stored herbicides, pesticides, a diesel fuel underground storage tank (UST), a gasoline UST, and a septic tank.”

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The MND does not provide any meaningful disclosure regarding the property's historical use for agriculture purposes. An EIR must be prepared which includes this information for public review and analysis, especially in association with the cancellation of the property's Williamson Act Contract.

3.3 Air Quality

The Project Description states that the proposed earthwork and grading activities include approximately 25,000 cubic yards of cut and approximately 25,000 cubic yards of fill. There is no mechanism for public review of this information such as a grading plan included in the MND. Further, the Project Description states that “excavation would occur to depths of up to approximately 12 feet below grade for the installation of utility improvements,” without noting how this will impact the soils onsite required for export. An EIR must be prepared to include a grading plan and information regarding the export/import of soils and materials and associated truck hauling trips.

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Further, the CalEEMod output sheets do not accurately model the proposed project. The Phase I ESA (Appendix G-1) depicts existing large concrete building foundations on the north east and north west areas of the property, an agricultural well and sump, piles of debris and asphalt, and a cinder block structure on the property. These items will need to be removed and hauled away during the site preparation phase. The CalEEMod output sheets have not included any truck hauling trips for analysis during the site preparation phase. Additionally, the off-site disturbance area for required off-site improvements has not been added for analysis. An EIR must be prepared which includes these necessary items for analysis.

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The CalEEMod output sheets assumes vendor trip length of 6.90 miles and worker trip length of 14.70 miles for all phases of construction. The MND does not provide information regarding where the construction materials are sourced from or if they are all coming from the same location during all phases. There is no information given regarding the availability of construction workers within 14.70 miles. Further, there is no indication that a legal construction debris dump site is available within 20 miles. An EIR must be prepared to include an AQA which presents an accurate, meaningful analysis of all potentially significant impacts in order to be an adequate informational document.

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The Air Quality analysis and HRA have not considered the requirement of PVCCSP MM Air 12 for the project to provide electrical hookups at all loading docks for refrigerated trucks. The proposed warehouse space must be modeled as refrigerated/cold storage, especially since the Air Quality Analysis states that the project will comply with PVCCSP MM Air 12. A project EIR must be prepared which includes this analysis.

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Section 7.34.060 of the Perris Municipal Code permits construction activity between the hours of 7:00 A.M. and 7:00 P.M. Monday through Saturday. The MND does not provide a “worst-case scenario” analysis of construction equipment emitting pollutants for the legal 12 hours per day, 6 days per week. It is legal for construction to occur for much longer hours (12 hours per day permitted while 8 hours per day analyzed) and an additional day (6 days per week permitted while 5 days per week analyzed) than modeled in the Air Quality Analysis. An EIR must be prepared with revised Air Quality modeling to account for these legally possible longer construction days and increased number of construction days. If shorter hours of construction are proposed, this must be included as an enforceable mitigation measure with field verification by an enforcement entity of the lead agency (CEQA § 21081.6 (b)).

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The MND does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is especially

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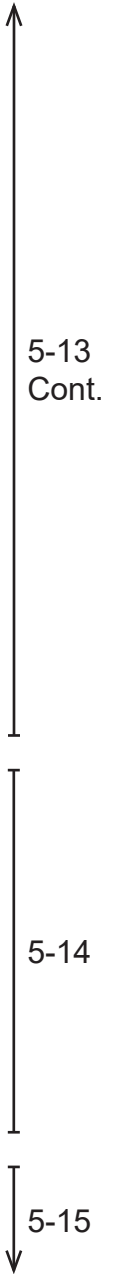
significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 3.0, CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6065042620) and the surrounding community, including sensitive receptors such as the mobile home residences to the north east and south east, bears the impact of multiple sources of pollution and is more polluted than average on every pollution indicator measured by CalEnviroScreen. For example, the project census tract ranks in the 98th percentile for ozone burden and 84th percentile for PM2.5 burden, which are typically attributed to heavy truck activity in the area.

Further, the project's census tract is a diverse community including 65% Hispanic and 12% African-American residents, which are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 76% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. The community ranks in the 92nd percentile for incidence of cardiovascular disease and 57th percentile for asthma, which are exacerbated by Air Quality and Greenhouse Gas impacts. The environmental burden is heightened further as the census tract is comprised of 19% children under the age of 10 compared to an average 13% children under the age of 10 per census tract in California. The surrounding community has a higher proportion of babies born with low birth weights than 71% of the state, which makes those children more vulnerable to asthma and other health issues.

Appendix A-2: Health Risk Assessment Report provided by the City's website does not include the full document¹. Only 12 pages of the document are included, which include a table of contents and repeat basic project information given in the MND. The analysis pages of the HRA are excluded from public review, which does not comply with CEQA's requirements for meaningful disclosure; incorporation by reference (CEQA § 15150 (f)) is not appropriate here as the full HRA report contributes directly to analysis of the problem at hand. An EIR must be prepared which includes the full HRA report for review, analysis, and comment by the public and decision makers. This is especially vital as the Notice of Intent for the MND availability was published on June 9, 2021 which is prior to the California Governor's end of the Safer at Home Executive Orders on June 15, 2021.

The MND states that "the health risk assessment evaluated impacts using a uniform Cartesian grid of receptors spaced 50 meters apart, 1,000 meters from the project site, and then converted to discrete receptors." However, modeling receptors at a distance of 1,000 meters skews impacts

¹ Appendix A-2: HRA Report <https://www.cityofperris.org/home/showpublisheddocument/14174/637582389797270000>



downward as nearby sensitive receptors are much closer to the project site than 1,000 meters. The Park Place Mobile Home community to the north east is approximately 467 meters from the project site and the Ensenada Village Mobile Home community to the south east is approximately 449 meters from the project site. An EIR must be prepared which adequately analyzes the potential cancer risk generated by the proposed project by accurately modeling the nearby sensitive receptors at the actual distance from the project site as measured from the nearest property lines of the project site and receptor.

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The MND does not provide a source for the modeling standards and exposure factors for residential, worker, and school child modeling analysis. The MND is not a reliable informational document and does not present meaningful evidence to support the conclusion that the project will result in less than significant health impacts to sensitive receptors. The MND also excludes any school child or worker modeling for analysis. An EIR must be prepared which utilizes SCAQMD's risk assessment procedures (also known as SCAQMD's Permit Application Package N²) including construction and operations modeling for all residential age bins in Package N, including -0.25 - 0, 0-2, 2-16, and 16 - 70 for operations and construction analysis, 9 year school child analysis for operations and construction, and 25 year worker exposure with all scenarios reflecting Package N exposure factors in the detailed risk calculations. The worker analysis must include Package N's required weight adjustment factor (WAF) of 1.0 for operations 24 hours a day, 7 days per week at the closest locations of employment, which include the properties to the north, east, and west of the project site. An EIR must be prepared to include these modeling scenarios in order to be an adequate informational document and accurately analyze the incremental cancer risk attributable to the project.

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Additionally, the MND utilizes misleading and uncertain language to reason that it does not need to provide a construction health risk assessment. For example, the MND states that the "relatively short" 12 month project construction timeline is "a small percentage of the total 30-year exposure period." However, the construction period is in addition to the recommended 30 year operational exposure period recommended by the Office of Environmental Health Hazard Assessment (OEHHA). It should be amortized over the 30 year exposure period and added to the maximum cancer risk in order to accurately and adequately analyze the proposed project's potentially significant health impacts. The MND also states here that the "the closest sensitive receptors are located about 1,500 feet from the project site," which is misleading as the operational analysis models receptors in meters instead of feet. As noted above, the nearest

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² SCAQMD Permit Application Package N <http://www.aqmd.gov/docs/default-source/permitting/rule-1401-risk-assessment/attachmentn-v8-1.pdf?sfvrsn=4>

sensitive receptor is actually 449 meters (1,473 feet) from the project site; an environmental document must use the same units of measurement consistently in order to be an adequate informational document and meaningfully disclose the analysis. There is no map given of the sensitive receptors utilized for modeling or analysis. An EIR must be prepared which includes this analysis and information.

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3.6 Energy

The Energy analysis has not considered the requirement of PVCCSP MM Air 12 for the project to provide electrical hookups at all loading docks for refrigerated trucks. The proposed warehouse space must be modeled as refrigerated/cold storage, especially since the Air Quality Analysis states that the project will comply with PVCCSP MM Air 12. A project EIR must be prepared which includes this analysis.

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The State of California lists two approved compliance modeling softwares³ for non-residential buildings: CBECC-Com and EnergyPro. CalEEMod is not listed as an approved software. The modeling provided in the MND does not comply with the 2019 Building Energy Efficiency Standards and under reports the project's potentially significant GHG and Energy impacts to the public and decision makers. Since the MND did not accurately or adequately model the Energy impacts in compliance with Title 24, a finding of significance must be made. An EIR with modeling in one of the two approved software types must be circulated for public review in order to adequately analyze the project's potentially significant environmental impacts. This is vital as the MND utilizes the CalEEMod defaults for construction equipment/operational sources and a spreadsheet modeling analysis sourced to The Climate Registry, which is clearly not one of the approved softwares.

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3.8 Greenhouse Gas Emissions

There are discrepancies within the CalEEMod Output Sheets regarding CO2 emissions. The summer analysis determined there will be 7,796 MTCO2e during construction and 5,825 MTCO2e during project operations; the winter analysis determined there will be 7,430 MTCO2e during construction and 5,825 MTCO2e during project operations. However, the annual analysis reduces these emissions to 725 MTCO2e during construction and 5,333 MTCO2e during project

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³ 2019 Building Energy Efficiency Standards Approved Computer Compliance Programs, California Energy Commission. <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency-2>

operations. There is no explanation for the reductions given or the manner in which the reductions were achieved. Additionally, modeling errors such as those noted in the Energy, Air Quality, and Transportation discussions must be corrected in order to adequately analyze the project's GHG emissions. An EIR must be prepared which presents this for analysis and a finding of significance.

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Cont.

Additionally, as noted above, the State of California lists two approved compliance modeling softwares⁴ for non-residential buildings: CBECC-Com and EnergyPro. CalEEMod is not listed as an approved software. The modeling provided in the MND does not comply with the 2019 Building Energy Efficiency Standards and under reports the project's potentially significant GHG and Energy impacts to the public and decision makers. Since the MND did not accurately or adequately model the GHG and Energy impacts in compliance with Title 24, a finding of significance must be made. A project EIR with modeling in one of the two approved software types must be circulated for public review in order to adequately analyze the project's potentially significant environmental impacts.

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3.9 Hazards and Hazardous Materials

The proposed project site is within March Air Reserve Base (MARB)/Inland Port Airport Compatibility Zone B1 and Accident Potential Zone II. The MND concludes that the project is consistent with the requirements of the MARB/IPA LUCP. However, Implementation Measures of the General Plan require MARB review and comment prior to making any land use decisions:

Land Use Element Implementation Measure V.C.I. Circulate all development plans within the Clear Zone and Accident Potential Zones of the March Air Reserve Base/Inland Port Plan to Department of the Air Force, MARCH Air Reserve Base to provide recommendations and guidance on land use compatibility in accordance with the policies of the most recent Air Force Instruction (AFI) 32-7063.

5-23

Safety Element Implementation Measure I.D.2 Continue to notify March Air Reserve Base of new development project applications and consider their input prior to making land use decisions.

⁴ 2019 Building Energy Efficiency Standards Approved Computer Compliance Programs, California Energy Commission. <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency-2>

The MND is misleading to the public and decision makers by concluding that the project is consistent with MARB/IPA LUCP and the General Plan without MARB review. Delaying MARB review until after the CEQA process is implementation of the project prior to CEQA review and deferred mitigation in violation of CEQA. An EIR must be prepared which includes a review and comment letter regarding the proposed development plans from MARB.

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Cont.

3.11 Land Use and Planning

Table 3.11-1: Perris General Plan Land Use Consistency Analysis provides misleading information to the public and decision makers. The analysis determines the project is consistent with Circulation Element Policy II.B because "a Transportation Impact Analysis (TIA) is being prepared for the project and is subject to review and approval by the City prior to project approval." The TIA is necessary to determine if the project is consistent with the General Plan. The MND relies on the project trip generation from the TIA for modeling throughout several sections of environmental analysis without including the entire TIA document for public review. Excluding the TIA from the environmental document violates CEQA's requirements for meaningful disclosure and implements the project without CEQA review. The MND cannot conclude that the project is consistent with the Perris General Plan without providing the TIA to support the conclusion. An EIR must be prepared which includes the TIA for public review.

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Table 3.11-1: Perris General Plan Land Use Consistency Analysis does not provide a consistency analysis with all applicable Perris General Plan policies. An EIR must be prepared with this analysis, including the following policies:

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Land Use Element Implementation Measure V.C.I. Circulate all development plans within the Clear Zone and Accident Potential Zones of the March Air Reserve Base/Inland Port Plan to Department of the Air Force, MARCH Air Reserve Base to provide recommendations and guidance on land use compatibility in accordance with the policies of the most recent Air Force Instruction (AFI) 32-7063.

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Safety Element Policy I.D. Consult the AICUZ Land Use Compatibility Guidelines and ALUP Airport Influence Area development restrictions when considering development project applications.

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Safety Element Implementation Measure I.D.2 Continue to notify March Air Reserve Base of new development project applications and consider their input prior to making land use decisions.

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The above policies require review from March Air Reserve Base (MARB) prior to making land use decisions. Table 3.9-1 states that “The project would feature a maximum building height of 40 feet. The project would undergo ALUC review to ensure the project’s height would not pose a hazard to aircraft.” The ALUC/MARB review are delayed after CEQA review and represent deferred mitigation, which does not comply with CEQA’s requirements for meaningful disclosure (CEQA § 21003(b)). It must also be noted that the project elevations provided in the MND do not call out the building height, which prevents the public and decision makers from verifying this claim. A project EIR must be prepared which includes ALUC/MARB review and comment to provide meaningful evidence of consistency.

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Additionally, the MND has not provided any consistency analysis with SCAG’s 2020-2045 Connect SoCal RTP/SCS. Due to errors in modeling or modeling without supporting evidence, such as exclusion of a TIA for technical traffic analysis, the proposed project has significant potential for inconsistency with Goal 5 to reduce greenhouse gas emissions and improve air quality, Goal 6 to support healthy and equitable communities, and Goal 7 to adapt to a changing climate. The spreadsheet based modeling for Operational Mobile Source Assumptions Summary from Appendix A-1: Air Quality concludes that the project will generate 4,193,558 annual vehicle miles traveled (VMT), which results in an average of 11,489 VMT per day. An EIR must be prepared to include revised Air Quality/HRA, Energy, and GHG modeling in order to accurately analyze potential consistency or inconsistency with the 2020-2045 RTP/SCS document.

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3.13 Noise

Appendix H-4: Traffic Noise Calculations models two scenarios, "Existing with Project" and "Year 2022 with Project." The volume of traffic generated by the proposed project and distribution of traffic throughout the roadway network is necessary to do this modeling, and should be provided by a TIA. However, a TIA has not been included for public review. The MND cannot conclude that the project does not have significant Noise impacts without providing the TIA to support the conclusion. An EIR must be prepared which includes the TIA for public review.

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3.14 Population and Housing

The MND utilizes SCAG’s 2016 RTP/SCS population, households, and employment projections for analysis. However, SCAG’s 2020-2045 RTP/SCS projections⁵ should be utilized for analysis as it was adopted by SCAG’s Regional Council on September 3, 2020.

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The MND does not discuss the proposed project as percentage of the City’s employment growth. The MND calculates that the project will employ 346 people. SCAG’s 2045 growth forecast projects that the number of jobs will grow by 10,300 through 2045, making the proposed project 3.3% of total job growth through 2045. For one project, this represents a significant amount of growth. An EIR must be prepared which includes this analysis, and also provide a cumulative analysis discussion of projects approved since 2020 and projects “in the pipeline.”

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Additionally, the MND utilizes SCAG’s Employment Density Study⁶ median square footage per person of 819 sf rather than the average sf per person, 581 sf, which presents a more accurate calculation. Applying the average ratio of 581 sf per person for the 286,892 sf project size results in a total of 494 employees generated by the proposed project. The MND utilizes uncertain and misleading language which does not provide any meaningful analysis of the project’s population and employment generation. A project EIR must be prepared which uses the Project Description’s stated project size for analysis and SCAG’s average sf per employee for calculation. In order to comply with CEQA’s requirements for meaningful disclosure, the EIR must provide an accurate estimate of employees generated by the proposed project. It must also provide demographic and geographic information on the location of qualified workers to fill these positions. Additionally, an estimate of the number of workers relocating to the City as a result of the project should be provided utilizing existing housing vacancy rates in the City and the projected City unemployment rate at the time of project year opening. An EIR must also include information and analysis regarding the number of construction jobs generated by the project and their potential to relocate to the City.

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⁵ SCAG Connect SoCal Demographics and Growth Forecast 2045 Technical Report https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579#:~:text=In%20the%20SCAG%20region%2C%20a,residents%20between%202020%20and%202045

⁶ SCAG Employment Density Study <http://www.mwcog.org/file.aspx?A=OTTITR24POOOUIw5mPNzK8F4d8djdJe4LF9Exj6lXOU%3D>

3.17 Transportation

The MND misleads the public and decision makers by choosing to model the project as ITE land use code 150 - Warehousing. Land use code 150 has one of the lowest trip generation rates among all the industrial ITE land uses. Modeling the proposed project as land use code 150 serves to skew total trips, average daily trips, and VMT downward artificially and misrepresent the potentially significant impacts of the proposed project. The Air Quality analysis modeled project as ITE land use code 130 - Industrial Park and the Project Description states the proposed project is industrial/warehousing, which accurately captures a mix of uses as described by ITE and CalEEMod for land use code 130 - Industrial Park⁷. The Transportation analysis must be revised as part of an EIR to model the project as ITE land use code 130 - Industrial Park as well in order to be an internally consistent informational document.

5-36

The MND relies upon the City’s TIA Guidelines and VMT screening to determine that the project will have a less than significant impact on VMT because the project is located within a half mile of high-quality transit. However, the TIA guidelines state that “certain projects (including residential, retail, and office projects, as well as projects that are a mix of these uses)” will have a less than significant impact on VMT. The proposed industrial/warehouse project is not one of the listed project types. The operational nature of industrial/warehouse uses involves high rates of truck/trailer VMT due to traveling from large regional distribution centers to smaller industrial parks (such as the proposed project) and then to their final delivery destinations. The spreadsheet based modeling for Operational Mobile Source Assumptions Summary from Appendix A-1: Air Quality concludes that the project will generate 4,193,558 annual vehicle miles traveled (VMT), which results in an average of 11,489 VMT per day. The project’s truck/trailer activity is unable to utilize public transit and it is misleading to the public and decision makers to screen out the proposed project as less than significant VMT impacts solely based on this factor. It must also be noted that Appendix I - VMT Screening Tool Excerpt indicates that the WRCOG VMT Screening Tool does not identify the project to be located within a TPA. The tool fails the project for this measure.

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The analysis throughout the Transportation section provides misleading information to the public and decision makers. For example, the MND states that “a TIA is being prepared for the project and is subject to review and approval by the City prior to project approval, which provides a sight distance analysis. By preparing the sight distance analysis in the TIA, the project complies

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⁷ CalEEMod User Guide - May 2021 Update http://www.aqmd.gov/docs/default-source/caleemod/user-guide-2021/01_user-39-s-guide2020-4-0.pdf?sfvrsn=6

with PVCCSP EIR mitigation measure MM Trans 2.” The TIA is necessary to determine if the project can comply with safety requirements of a sight distance analysis. The MND relies on the TIA for analysis throughout the Transpiration section and several other sections of environmental analysis (Air Quality, GHG, Noise, etc) without including the entire TIA document for public review. For example, several sections throughout the MND rely on table 3.17-2 Project Trip Generation for modeling without providing the full TIA for review. Excluding the TIA from the environmental document violates CEQA’s requirements for meaningful disclosure, implements the project without CEQA review, and represents deferred mitigation. The MND cannot conclude that the project does not have significant Transportation impacts without providing the TIA to support the conclusion. An EIR must be prepared which includes the TIA for public review.

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Further, the MND concludes that the project would not impact Caltrans on/off ramps because the future construction of the I-215 freeway at Placentia Ave. “would redistribute traffic from Ramona Expressway and Harley Knox Boulevard to Placentia Avenue, reducing the potential for queuing impacts and congestion related to addition of the project traffic at the existing off-ramps.” However, the MND also states that all “Exit truck access from Morgan Street shall be to Redlands Avenue to Harley Knox Boulevard, to I-215,” meaning that all trucks exiting the property will utilize Harley Knox Boulevard, and the TIA has not provided any quantified analysis to demonstrate that the project will not have a significant impact on this or any other Caltrans facility. Further, the MND relies on the assumption that the existing City truck routes will be amended to remove Perris Blvd. and Ramona Expwy., without giving a timeline for this to be completed, provide an interim route to be utilized prior to the interchange opening or in result of a construction delay, or any other meaningful analysis. An EIR must be prepared which includes a quantified analysis with meaningful evidence regarding the potentially significant impact of the project on Caltrans facilities.

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Conclusion

For the foregoing reasons, GSEJA believes the MND is flawed and an EIR must be prepared for the proposed project and circulated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

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Sincerely,

A handwritten signature in black ink, appearing to read "D. Koci".

Board of Directors
Golden State Environmental Justice Alliance



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155 South El Molino Avenue
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Pasadena, California 91101

VIA U.S. MAIL & E-MAIL

July 7, 2021

Chantal Power, Contract Planner
City of Perris, Development Services Department
Planning Division
135 North "D" Street
Perris, CA 92570
Em: cpower@interwestgrp.com

RE: Perris Boulevard and Morgan Street Industrial Park Project

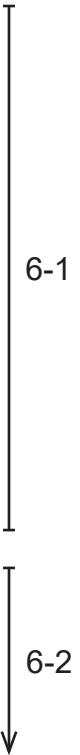
Dear Ms. Power,

On behalf of the Southwest Regional Council of Carpenters ("**Commenter**" or "**Carpenters**"), my Office is submitting these comments on the City of Perris's ("**City**" or "**Lead Agency**") Initial Study/Mitigated Negative Declaration ("**IS/MND**") (SCH No. 2021060092) for the proposed Perris Boulevard and Morgan Street Industrial Warehouse Project, wherein the applicant proposes to construct three warehouse buildings equaling 283, 197 square feet with accompanying 14,000 square feet of office space ("**Project**").

The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work, and recreate in the City and surrounding communities and would be directly affected by the Project's environmental impacts.

Commenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.



Commenters incorporates by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

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Moreover, Commenter requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“CEQA”), Cal Public Resources Code (“PRC”) § 21000 *et seq*, and the California Planning and Zoning Law (“Planning and Zoning Law”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

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The City should require the Applicant provide additional community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

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[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the

reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

. . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.¹

Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component” can result in air pollutant reductions.²

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to “promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions.”³

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its

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¹ California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, available at <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>

² South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, available at <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>

³ City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, available at https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf.

Downtown area to requiring that the City “[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . .”⁴ In addition, the City of Hayward requires all projects 30,000 square feet or larger to “utilize apprentices from state-approved, joint labor-management training programs.”⁵

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.⁶

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.⁷ Some municipalities have tied local hire and skilled and trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing.” The city’s First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational

⁴ City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* <https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf>.

⁵ City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

⁶ California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* <https://cprroundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>

⁷ Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? *Journal of the American Planning Association* 72 (4), 475-490, 482, *available at* <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

The City should also require the Project to be built to standards exceeding the current 2019 California Green Building Code to mitigate the Project’s environmental impacts and to advance progress towards the State of California’s environmental goals.

I. THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations (“CCR” or “CEQA Guidelines”) § 15002(a)(1).⁸ “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.



⁸ The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 150000 *et seq.*, are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. (Cal. Pub. Res. Code § 21083.) The CEQA Guidelines are given “great weight in interpreting CEQA except when . . . clearly unauthorized or erroneous.” *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204, 217.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12). Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to independent review by the courts. *Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 102, 131. As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is



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made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450).

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B. The City Should Prepare an EIR for the Project

A strong presumption in favor of requiring preparation of an EIR is built into CEQA. This presumption is reflected in what is known as the "fair argument" standard, under which an agency must prepare an EIR whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal. App. 4th 1597, 1602; *Friends of "B" St. v. City of Hayward* (1980) 106 Cal. 3d 988, 1002.

The fair argument test stems from the statutory mandate that an EIR be prepared for any project that "may have a significant effect on the environment." Pub. Res. Code ("PRC") § 21151; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. App. 3d 68, 75; *Jensen v. City of Santa Rosa* (2018) 23 Cal. App. 5th 877, 884. Under this test, if a proposed project is not exempt and may cause a significant effect on the environment, the lead agency must prepare an EIR. PRC §§ 21100(a), 21151; CEQA Guidelines § 15064(a)(1), (f)(1). An EIR may be dispensed with only if the lead agency finds no substantial evidence in the initial study or elsewhere in the record that the project may have a significant effect on the environment. *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal. App. 4th 768, 785. In such a situation, the agency must adopt a negative declaration. PRC § 21080(c)(1); CEQA Guidelines §§ 15063(b)(2), 15064(f)(3).

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"Significant effect upon the environment" is defined as "a substantial or potentially substantial adverse change in the environment." PRC § 21068; CEQA Guidelines § 15382. A project "may" have a significant effect on the environment if there is a "reasonable probability" that it will result in a significant impact. *No Oil, Inc. v. City of Los Angeles*, 13 Cal. 3d at 83 fn. 16; *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 309. If any aspect of the project may result in a significant impact on the environment, an EIR must be prepared even if the overall effect of the project is beneficial. CEQA Guidelines § 15063(b)(1). See *County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal. App. 4th 1544, 1580.

This standard sets a "low threshold" for preparation of an EIR. *Consolidated Irrig. Dist. V. City of Selma* (2012) 204 Cal. App. 4th 187, 207; *Nelson v. County of Kern* (2010) 190



Cal. App. 4th 252; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal. App. 4th 903, 928; *Bowman v. City of Berkeley* (2004) 122 Cal. App. 4th 572, 580; *Citizen Action to Serve All Students v. Thornley* (1990) 222 Cal. App. 3d 748, 754; *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 310. If substantial evidence in the record supports a fair argument that the project may have a significant environmental effect, the lead agency must prepare an EIR even if other substantial evidence before it indicates the project will have no significant effect. See *Jensen v. City of Santa Rosa* (2018) 23 Cal. App. 5th 877, 886; *Clews Land & Livestock v. City of San Diego* (2017) 19 Cal. App. 5th 161, 183; *Stanislaus Audubon Soc'y, Inc. v. County of Stanislaus* (1995) 33 Cal. App. 4th 144, 150; *Brentwood Ass'n for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal. App. 3d 491; *Friends of "B" St. v. City of Hayward* (1980) 106 Cal. App. 3d 988; CEQA Guidelines § 15064(f)(1).

As explained in full below, there is a fair argument that the Project will have a significant effect on the environment. As a result, the “low threshold” for preparation of an EIR has been met and the City must prepare an EIR.

C. CEQA Requires Revision and Recirculation of an Environmental Impact Report When Substantial Changes or New Information Comes to Light

Section 21092.1 of the California Public Resources Code requires that “[w]hen significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 ... but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report” in order to give the public a chance to review and comment upon the information. CEQA Guidelines § 15088.5.

Significant new information includes “changes in the project or environmental setting as well as additional data or other information” that “deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative).” CEQA Guidelines § 15088.5(a). Examples of significant new information requiring recirculation include “new significant environmental impacts from the project or from a new mitigation measure,” “substantial increase in the severity of an environmental impact,” “feasible project alternative or mitigation measure considerably different from others previously analyzed” as well as when “the

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draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” *Id.*

An agency has an obligation to recirculate an environmental impact report for public notice and comment due to “significant new information” regardless of whether the agency opts to include it in a project’s environmental impact report. *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 95 [finding that in light of a new expert report disclosing potentially significant impacts to groundwater supply “the EIR should have been revised and recirculated for purposes of informing the public and governmental agencies of the volume of groundwater at risk and to allow the public and governmental agencies to respond to such information.”]. If significant new information was brought to the attention of an agency prior to certification, an agency is required to revise and recirculate that information as part of the environmental impact report.

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D. Due to the COVID-19 Crisis, the City Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts

CEQA requires that an agency make a finding of significance when a Project may cause a significant adverse effect on human beings. PRC § 21083(b)(3); CEQA Guidelines § 15065(a)(4).

Public health risks related to construction work requires a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupations Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.⁹

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SWRCC recommends that the Lead Agency adopt additional CEQA mitigation measures to mitigate public health risks from the Project’s construction activities. SWRCC requests that the Lead Agency require safe on-site construction work

⁹ Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, *available at* <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

practices as well as training and certification for any construction workers on the Project Site.

In particular, based upon SWRCC’s experience with safe construction site work practices, SWRCC recommends that the Lead Agency require that while construction activities are being conducted at the Project Site:

Construction Site Design:

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.
- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

Testing Procedures:

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.



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- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.
- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

Planning

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health



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Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.¹⁰

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The Agency should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

E. The IS/MND’s Project Description is Not Accurate, Stable, and Finite

“[A]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient” environmental document. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 200.) “A curtailed or distorted project description may stultify the objectives of the reporting process” as an accurate, stable and finite project description is necessary to allow “affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the “no project” alternative) and weigh other alternatives in the balance. (*Id.* at 192 – 93.) Courts determine *de novo* whether an agency proceeded “in a manner required by law” in maintaining a stable and consistent project description. (*Id.* at 200.)

Here, the IS/MND’s project description is not accurate, stable, or finite. The IS/MND’s project description states that the future tenants of the Project are as yet unknown. (IS/MND, 5.) At the same time, without knowing who the tenants will be, the IS/MND assumes that no future tenant will use the warehousing space for cold-storage purposes. (IS/MND, 5.) Vehicle trip generation rates can change dramatically based upon the type of warehousing that is operated at a site.¹¹ For example, cold-

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¹⁰ See also The Center for Construction Research and Training, North America’s Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 Standards for U.S. Construction Sites, available at https://www.cprw.com/sites/default/files/NABTU_CPWR_Standards_COVID-19.pdf; Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, available at https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf.

¹¹ *High-Cube Warehouse Vehicle Trip Generation Analysis* (Oct. 2016), Institute of Transportation Engineers, available at <https://www.ite.org/pub/?id=a3e6679a%2De3a8%2Dbf38%2D7f29%2D2961becdd498>.

storage uses generate significantly higher average daily vehicle trip rates than non-cold-storage uses.¹²

The IS/MND does not justify or attempt to justify its assumption that future tenants will be exclusively non-cold storage. The IS/MND should take a more conservative approach as required by CEQA and assume that additional square footage could be used for cold storage purposes or any other uses that may generate higher average daily trip rates than the DEIR's current environmental analyses indicate.

F. CEQA Bars the Deferred Development of Environmental Mitigation Measures

CEQA mitigation measures proposed and adopted into an environmental impact report are required to describe what actions that will be taken to reduce or avoid an environmental impact. CEQA Guidelines § 15126.4(a)(1)(B) [providing “[f]ormulation of mitigation measures should not be deferred until some future time.”]. While the same Guidelines section 15126.5(a)(1)(B) acknowledges an exception to the rule against deferrals, but such exception is narrowly proscribed to situations where “measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.” (Id.) Courts have also recognized a similar exception to the general rule against deferral of mitigation measures where the performance criteria for each mitigation measure is identified and described in the EIR. *Sacramento Old City Ass'n v. City Council* (1991) 229 Cal.App.3d 1011.

Impermissible deferral can occur when an EIR calls for mitigation measures to be created based on future studies or describes mitigation measures in general terms but the agency fails to commit itself to specific performance standards. *Preserve Wild Santee v. City of Santee* (2012) 210 Cal. App. 4th 260, 281 [city improperly deferred mitigation to butterfly habitat by failing to provide standards or guidelines for its management]; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal. App. 4th 645, 671 [EIR failed to provide and commit to specific criteria or standard of performance for mitigating impacts to biological habitats]; see also *Cleveland Nat'l Forest Found. v San Diego Ass'n of Gov'ts* (2017) 17 Cal. App. 5th 413, 442 [generalized air quality measures in the EIR failed to set performance standards]; *California Clean Energy Comm. v City of Woodland* (2014) 225 Cal. App. 4th 173, 195 [agency could not rely on a future report

¹² *Id.* at 26-8.

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Cont.

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on urban decay with no standards for determining whether mitigation required]; *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal. App. 4th 681, 740 [agency could not rely on future rulemaking to establish specifications to ensure emissions of nitrogen oxide would not increase because it did not establish objective performance criteria for measuring whether that goal would be achieved]; *Gray v. County of Madera* (2008) 167 Cal. App. 4th 1099, 1119 [rejecting mitigation measure requiring replacement water to be provided to neighboring landowners because it identified a general goal for mitigation rather than specific performance standard]; *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777, 794 [requiring report without established standards is impermissible delay].

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The IS/MND includes the following deferred mitigation measures:

- *MM-CUL-1*: Specifies that mitigation is required to reduce impacts to archaeological resources. Proposes to retain a qualified archaeologist to conduct monitoring duties without detailing any specific plan for resource monitoring that would be established using a generally accepted performance criteria or standard;
- *MM-CUL-2*: Relies on compliance with Cal. Health & Safety Code. Sec. 7050.5(b) without specifying any specific plan to mitigate impacts relating to discovery of human remains;
- *MM-GEO-1*: Proposes mitigation for paleontological resources that relies on retention of a qualified paleontologist without specifying any specific plan for mitigation established using generally accepted performance criteria or standards; and
- *MM-HAZ-1*: Fails to develop any specific plan using generally accepted performance criteria or standards to remediate hazards impacts relating to contaminated soil. The mitigation measure relies upon future compliance with local, state, and federal guidelines for cleanup without specification of any plan.

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The IS/MND needs to be amended to include specific mitigation measures with any applicable performance standards.

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G. The IS/MND Fails to Support Its Findings with Substantial Evidence

When new information is brought to light showing that an impact previously discussed in the DEIR but found to be insignificant with or without mitigation in the DEIR's analysis has the potential for a significant environmental impact supported by

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substantial evidence, the EIR must consider and resolve the conflict in the evidence. See *Visalia Retail, L.P. v. City of Visalia* (2018) 20 Cal. App. 5th 1, 13, 17; see also *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1109. While a lead agency has discretion to formulate standards for determining significance and the need for mitigation measures—the choice of any standards or thresholds of significance must be “based to the extent possible on scientific and factual data and an exercise of reasoned judgment based on substantial evidence. CEQA Guidelines § 15064(b); *Cleveland Nat'l Forest Found. v. San Diego Ass'n of Gov'ts* (2017) 3 Cal. App. 5th 497, 515; *Mission Bay Alliance v. Office of Community Inv. & Infrastructure* (2016) 6 Cal. App. 5th 160, 206. And when there is evidence that an impact could be significant, an EIR cannot adopt a contrary finding without providing an adequate explanation along with supporting evidence. *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal. App. 5th 281, 302.

In addition, a determination that regulatory compliance will be sufficient to prevent significant adverse impacts must be based on a project-specific analysis of potential impacts and the effect of regulatory compliance. In *Californians for Alternatives to Toxics v. Department of Food & Agric.* (2005) 136 Cal. App. 4th 1, the court set aside an EIR for a statewide crop disease control plan because it did not include an evaluation of the risks to the environment and human health from the proposed program but simply presumed that no adverse impacts would occur from use of pesticides in accordance with the registration and labeling program of the California Department of Pesticide Regulation.

1. *The IS/MND's Air Quality and Greenhouse Gas Emissions Analyses are Not Supported by Substantial Evidence.*
 - i. *The IS/MND Fails to Substantiate Proposed Warehousing Uses.*

According to SCAQMD's Warehouse Truck Trip Study Data Results and Usage report, warehouse cold storage uses significantly increase truck trip rates.¹³

As stated above, the IS/MND states the proposed warehousing will not include any cold-storage uses (IS/MND, 5.) Vehicle trip generation rates and trip lengths can

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¹³ SCAQMD, Warehouse Truck Trip Study Data Results and Usage (June 2014). Available at https://www.aqmd.gov/docs/default-source/ccqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/final-jelc_6-19-2014.pdf?sfvrsn=2.

change dramatically based upon the type of warehousing that is operated at a site.¹⁴ Cold-storage uses generate significantly higher average daily vehicle trip rates than non-cold-storage uses.¹⁵ The IS/MND also fails to otherwise justify or substantiate its vehicle trip generation and trip length assumptions utilized for its air quality and GHG analyses. SCAQMD’s recommended air quality analysis approach, following the CEQA requirement to use a conservative analysis, is to *utilize the cold storage trip rates* when the tenant(s) is unknown and when the proposed warehousing may accommodate that use.¹⁶

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Here, the IS/MND’s air quality and greenhouse gas emissions analyses are flawed and not based upon substantial evidence because they fail to use a conservative analysis which utilizes the highest daily emissions rates for cold storage or any other possible warehousing uses that were not considered. The IS/MND should be revised to reflect a conservative approach that accounts for all potential warehouse uses.

H. The IS/MND’s Transportation Analysis is Not Supported by Substantial Evidence

First, the IS/MND finds that the Project would not conflict or be inconsistent with CEQA Guidelines Sec. 15064.3(b) based upon TPA screening. (IS/MND, 111-113.) However, TPA screening cannot be applied to an industrial warehouse project. The TPA screening criteria assumes that the analyzed project will be residential or mixed-use development. The focus is on the number of parking spaces, affordable housing units, and consistency with the relevant RTP/SCS plan. The Project’s VMT impacts emanate from its medium and heavy truck trip generation to and from the warehousing and the trip length associated with each vehicle trip. The distances traveled for each vehicle trip are significantly longer for warehousing than a mixed-use or residential site. (IS/MND, 24.) The TPA screening tool was simply not designed to screen warehousing uses and meeting that criteria cannot demonstrate a less than significant VMT impact.

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Furthermore, the IS/MND’s VMT analysis is unsubstantiated. The IS/MND’s project description assumes that none of the warehousing square footage will be used for

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¹⁴ *High-Cube Warehouse Vehicle Trip Generation Analysis* (Oct. 2016), Institute of Transportation Engineers, available at <https://www.ite.org/pub/?id=a3e6679a%2De3a8%2Dbf38%2D7f29%2D2961becdd498>.

¹⁵ *Id.* at 26-8.

¹⁶ *Id.*

cold-storage purposes. (IS/MND, 5.) Cold storage uses significantly increase a project’s VMT. SCAQMD’s recommended air quality analysis approach, following the CEQA requirement to use a conservative analysis, is to *utilize the cold storage trip rates* when the tenant(s) is unknown and when the proposed warehousing may accommodate that use.¹⁷ The IS/MND makes this conclusion without any analysis or explanation of how the Project cannot support cold-storage uses.

Thus, the IS/MND needs to be revised and recirculated to address the significant deficiencies in its transportation analysis.

II. THE PROJECT VIOLATES THE STATE PLANNING AND ZONING LAW AS WELL AS THE CITY’S GENERAL PLAN

A. Background Regarding the State Planning and Zoning Law

An EIR must identify, fully analyze and mitigate any inconsistencies between a proposed project and the general, specific, regional, and other plans that apply to the project. CEQA Guidelines § 15125(d); *Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1566; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 881. There does not need to be a direct conflict to trigger this requirement; even if a project is “incompatible” with the “goals and policies” of a land use plan, the EIR must assess the divergence between the project and the plan, and mitigate any adverse effects of the inconsistencies. *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 378-79; *see also Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903 (holding under CEQA that a significant impact exists where project conflicts with local land use policies); *Friends of “B” Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 998 (held county development and infrastructure improvements must be consistent with adopted general plans) (citing Gov. Code 65302).

B. The IS/MND Fails to Analyze the Project’s Consistency with Connect SoCal

CEQA Guidelines section 15125(d) requires that an environmental impact report “discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans.” *See also Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal. App. 5th 467, 543.

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¹⁷ *Id.*

Here, the DEIR omits discussion and fails to conduct any consistency analysis with SCAG’s Connect SoCal regional RTP/SCS plan which includes specific warehouse project mitigation strategies that apply to the Project.¹⁸ SoCal Connect specifies that industrial warehouses and other “goods movement” activities need to integrate sustainable strategies to reduce emissions to near-zero because the SCAG region “does not meet federal ozone and fine particulate air quality standards, and goods movement is a major source of greenhouse gas emissions...the region will need to aggressively pursue the reduction of freight emissions that contributes to regional air pollution problems and localized ‘hot spots’ that have adverse health impacts...**Connect SoCal proposes an environmental strategy to address the air quality impacts of goods movements...**”

Connect SoCal’s Goods Movement Technical Report outlines specific steps that lead agencies should take to ensure that goods movement projects comply with the goals and strategies of Connect SoCal.¹⁹ Some of these steps include:

- Use of heavy-duty vehicles that are model year 2010 or newer;
- Use of low NO_x engines in heavy-duty vehicles;
- Use of electric, hybrid-electric and near-zero emissions trucks;
- Operating time limits on TRUs and transition to use of zero emission TRUs;
- Extended truck warranties and improved maintenance protocols on diesel after treatment systems; and
- Increase fleet fuel emissions standards.

The IS/MND fails to consider any of these steps or strategies that directly apply to this Project. Connect SoCal requires that the Project incorporate concrete strategies to reduce its GHG emissions impacts, regardless of its overall emissions outputs. Connect SoCal does not exempt projects from its requirements. As such, the IS/MND fails to demonstrate consistency with Connect SoCal and needs to

¹⁸ SCAG Connect SoCal Plan, p. 78. Available at https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf?1606001176.

¹⁹ SCAG Connect SoCal Goods Movement Technical Report, pp. 57-69, available at https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_goods-movement.pdf.

incorporate a consistency analysis with that plan in a revised and recirculated EIR for the Project.

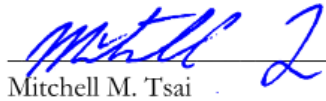
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III. CONCLUSION

Commenters request that the City revise and recirculate the Project’s IS/MND and/or prepare an environmental impact report which addresses the aforementioned concerns. If the City has any questions or concerns, feel free to contact my Office.

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Sincerely,



Mitchell M. Tsai

Attorneys for Southwest Regional Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

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EXHIBIT A



Technical Consultation, Data Analysis and
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March 8, 2021

Mitchell M. Tsai
155 South El Molino, Suite 104
Pasadena, CA 91101

Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling

Dear Mr. Tsai,

Soil Water Air Protection Enterprise (“SWAPE”) is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas (“GHG”) emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model (“CalEEMod”) is a “statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects.”¹ CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.²

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.³

¹ “California Emissions Estimator Model.” CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

² “California Emissions Estimator Model.” CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

³ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled (“VMT”) associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.⁴

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

$$\text{VMT}_d = \Sigma(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i)_n$$

Where:

n = Number of land uses being modeled.”⁵

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

$$\text{Emissions}_{\text{pollutant}} = \text{VMT} * \text{EF}_{\text{running,pollutant}}$$

Where:

$\text{Emissions}_{\text{pollutant}}$ = emissions from vehicle running for each pollutant

VMT = vehicle miles traveled

$\text{EF}_{\text{running,pollutant}}$ = emission factor for running emissions.”⁶

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.⁷ In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (“CEQA”) requires that such changes be justified by substantial evidence.⁸ The default number of construction-related worker trips is calculated by multiplying the

⁴ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14-15.

⁵ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 23.

⁶ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.

⁷ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

⁸ CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 1, 9.

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.⁹ Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively.”¹⁰ Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.¹¹ The operational home-to-work vehicle trip lengths are:

“[B]ased on the *location* and *urbanization* selected on the project characteristic screen. These values were *supplied by the air districts or use a default average for the state*. Each district (or county) also assigns trip lengths for urban and rural settings” (emphasis added).¹²

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).¹³

Worker Trip Length by Air Basin		
Air Basin	Rural (miles)	Urban (miles)
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
Average	16.47	11.17
Minimum	10.80	10.80
Maximum	19.80	14.70
Range	9.00	3.90

⁹ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

¹⁰ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.

¹¹ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14.

¹² “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 21.

¹³ “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-84 – D-86.

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8- miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7- miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan (“Project”) located in the City of Claremont (“City”). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.¹⁴ In an effort to evaluate the potential for a local hire provision to reduce the Project’s construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

Local Hire Provision Net Change	
Without Local Hire Provision	
Total Construction GHG Emissions (MT CO ₂ e)	3,623
Amortized Construction GHG Emissions (MT CO ₂ e/year)	120.77
With Local Hire Provision	
Total Construction GHG Emissions (MT CO ₂ e)	3,024
Amortized Construction GHG Emissions (MT CO ₂ e/year)	100.80
% Decrease in Construction-related GHG Emissions	17%

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project’s urbanization level and location.

¹⁴ “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-85.

Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

EXHIBIT B



Paul Rosenfeld, Ph.D.

Principal Environmental Chemist

Chemical Fate and Transport & Air Dispersion Modeling

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H₂O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P.**, (2015) Modeling the Effect of Refinery Emission On Residential Property Value. *Journal of Real Estate Research*. 27(3):321-342

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Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

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Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004*. New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

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Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS-6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

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Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

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Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld**. (1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The 23rd Annual International Conferences on Soils Sediment and Water. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florida, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants..* Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference*. Lecture conducted from Indianapolis, Maryland.

Rosenfeld, P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation*. Lecture conducted from Anaheim California.

Rosenfeld, P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest*. Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell*. Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest*. Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 2010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the United States District Court For The District of New Jersey

Duarte et al, *Plaintiffs*, vs. United States Metals Refining Company et. al. *Defendant*.

Case No.: 2:17-cv-01624-ES-SCM

Rosenfeld Deposition. 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division

M/T Carla Maersk, *Plaintiffs*, vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS “Conti Perdido”
Defendant.

Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237

Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica

Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants

Case No.: No. BC615636

Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica

The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants

Case No.: No. BC646857

Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado

Bells et al. Plaintiff vs. The 3M Company et al., Defendants

Case: No 1:16-cv-02531-RBJ

Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District

Phillip Bales et al., Plaintiff vs. Dow Agrosiences, LLC, et al., Defendants

Cause No 1923

Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa

Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants

Cause No C12-01481

Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois

Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants

Case No.: No. 0i9-L-2295

Rosenfeld Deposition, 8-23-2017

In The Superior Court of the State of California, For The County of Los Angeles

Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC

Case No.: LC102019 (c/w BC582154)

Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division

Brenda J. Cooper, et al., *Plaintiffs*, vs. Meritor Inc., et al., *Defendants*

Case Number: 4:16-cv-52-DMB-JVM

Rosenfeld Deposition: July 2017

- In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017
- In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015
- In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015
- In The Iowa District Court For Wapello County
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants
Law No.: LALA105144 - Division A
Rosenfeld Deposition, August 2015
- In The Iowa District Court For Wapello County
Doug Pauls, et al., et al., Plaintiffs vs. Richard Warren, et al., Defendants
Law No.: LALA105144 - Division A
Rosenfeld Deposition, August 2015
- In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action NO. 14-C-30000
Rosenfeld Deposition, June 2015
- In The Third Judicial District County of Dona Ana, New Mexico
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward
DeRuyter, Defendants
Rosenfeld Deposition: July 2015
- In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015
- In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014
- In the United States District Court Western District of Oklahoma
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City
Landfill, et al. Defendants.
Case No. 5:12-cv-01152-C
Rosenfeld Deposition: July 2014

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant*.
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs*, vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court of Southern District of Texas Galveston Division
Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and on behalf of those similarly situated, *Plaintiffs*, vs. BP Products North America, Inc., *Defendant*.
Case 3:10-cv-00622
Rosenfeld Deposition: February 2012
Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland
Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants
Case Number: 03-C-12-012487 OT
Rosenfeld Deposition: September 2013

EXHIBIT C



Technical Consultation, Data Analysis and
Litigation Support for the Environment

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Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization
Industrial Stormwater Compliance
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nationwide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



03-041-2020-006

July 19, 2021

[VIA EMAIL TO:cpower@interwestgrp.com]
Interwest Consulting Group
Ms. Chantal Power

Re: Perris Boulevard and Morgan Street Industrial Park Project

Dear Ms. Chantal Power,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Perris Boulevard and Morgan Street Industrial Park project. We have reviewed the documents and have the following comments:

*The Mitigated Negative Declaration document included standard mitigation measures to address impacts to cultural resources. We found these measures to be sufficient.

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760)699-6956. You may also email me at ACBCI-THPO@aguacaliente.net.

Cordially,

Lacy Padilla
Archaeologist
Tribal Historic Preservation Office
AGUA CALIENTE BAND
OF CAHUILLA INDIANS

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