

Reflecting back...



...Looking forward.



Armstrong Ranch

Ontario, California

FINAL
ENVIRONMENTAL
IMPACT REPORT
November 2017
SCH 2006111009

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1.0 INTRODUCTION AND LIST OF COMMENTERS

1.0.1 INTRODUCTION

This Final Environmental Impact Report (FEIR) contains the Armstrong Ranch Specific Plan Draft Environmental Impact Report (DEIR) by reference, public agency comments received during the public review period of the DEIR, a list of the agencies commenting on the DEIR, and the responses by the City of Ontario, as the lead agency, to the environmental points raised in the public agency comments. This document has been prepared by the City of Ontario in accordance with the California Environmental Quality Act (CEQA).

1.0.2 BACKGROUND

Project Location

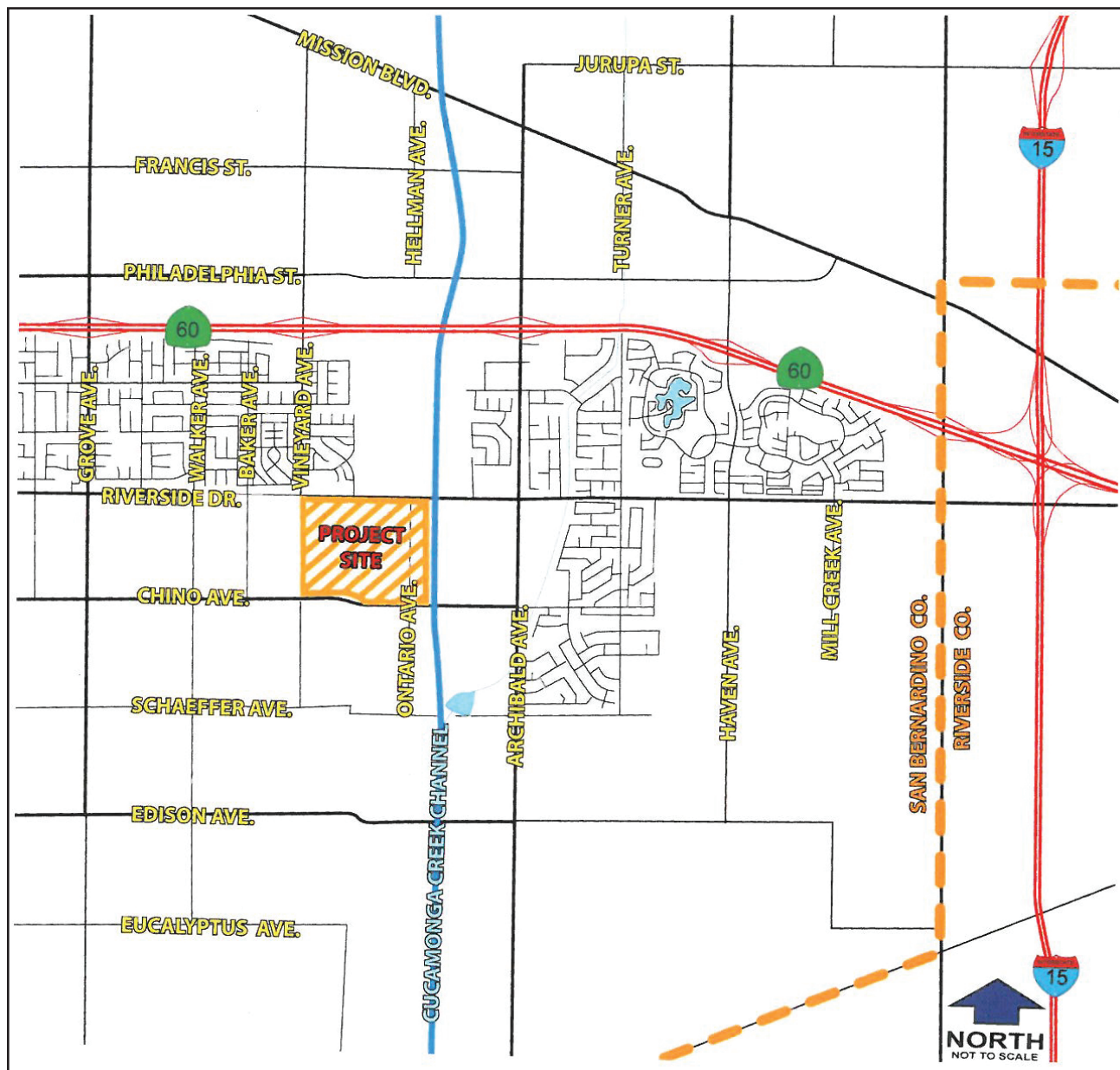
The project is located within the City of Ontario, in San Bernardino County (the County). More specifically, as shown in Figure 1-1, the Armstrong Ranch Specific Plan is located adjacent to and south of Riverside Drive, east of Vineyard Avenue, west of the Cucamonga Channel, and north of Chino Avenue. An aerial photograph of the site is shown in Figure 1-2.

Project Site Characteristics

The proposed Armstrong Ranch Specific Plan site plan is shown in Figure 1-3. The site totals approximately 199 acres and owned by eight landowners. Existing on-site uses include vacant dairy farms, agricultural fields, a trucking company and a horse farm. Several residential homes are located sporadically throughout the site. The site consists of relatively flat topography. A summary of the existing on-site characteristics is shown in Table 1-1.

Table 1-1
Summary of Existing Site Characteristics

Component	Relevant Information
Applicant	CVRC Ontario, LLC, 3121 Michelson Drive, Suite 150, Irvine, CA 92612
Assessor's Parcel Number (APN)	218-101-01 through -08 218-102-10 and -11 218-111-04 through -06
Site Area	218-111-10- through -12 218-111-45 218-111-49-50
Existing Land Use	199 acres
Zoning Designation	Agricultural field, dairy farms, residential, horse farm, trucking company.
General Plan Designation	SP (Specific Plan AG Preserve)
	Residential – Low Density (LDR), 2.1-5.0 dwelling units/acre, elementary school site.



Source: City of Ontario

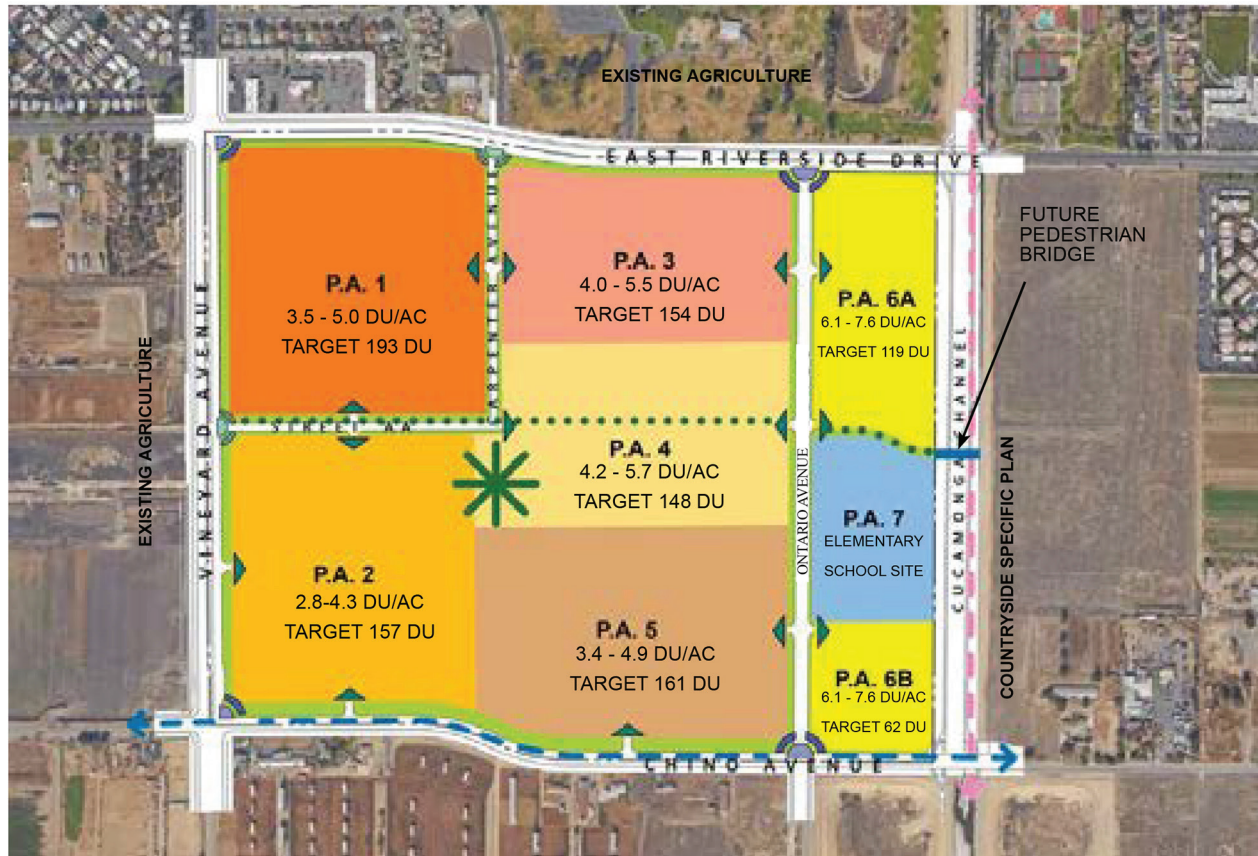


Figure 1.0-1
Local Vicinity Map



Figure 1.0-2
Aerial Photo





LEGEND



Source: Armstrong Ranch Specific Plan



Figure 1.0-3
Armstrong Ranch Specific Plan

1.0.3 SURROUNDING LAND USES

The existing land uses surrounding the project site include urban development (residential, retail commercial, golf course) to the north, a regional concrete-lined storm drain channel (Cucamonga Creek) and residential uses to the east, and agricultural use to the south and west. All of the surrounding land uses are in the City of Ontario. Specific adjacent offsite uses include the following:

- North: Single-family residential homes, a neighborhood shopping center, park and recreational facilities (Westwind Park and Whispering Lakes Golf Course).
- East: Cucamonga Creek Channel and residential uses.
- South: Agricultural uses.
- West: Agricultural uses.

The Cucamonga Creek Channel extends along and forms the east project boundary. This open concrete lined channel carries regional drainage from developed areas north of the site to the south. The Cucamonga Creek Channel was constructed approximately 35 years ago by the Army Corps of Engineers to serve as a primary drainage facility for the City of Ontario. The channel extends south of the project site and empties into the Cucamonga Basin, which is located adjacent to, south, and southeast of the site. The Cucamonga Basin is a detention basin and groundwater recharge facility. Stormwater in the Cucamonga Basin that does not percolate into the soil ultimately drains into the Prado Flood Control Basin approximately five miles southwest of the site. Originally designated as the Lower Cucamonga Spreading Grounds, four individual basins have been improved to contain additional storm flows, thus protecting downstream properties. The basins serve as a major groundwater recharge facility for the area. The San Bernardino County Flood Control District maintains the Cucamonga Basin with assistance from the Chino Basin Water Conservation District.

1.0.4 PUBLIC CIRCULATION OF DRAFT EIR

The Draft EIR was circulated for a 45-day public review period pursuant to CEQA Guideline §15105(a) from September 30, 2016 to November 14, 2016. The notice of availability of the Draft EIR was published in the Inland Valley Daily Bulletin, which is a newspaper of local circulation and filed with the San Bernardino County Clerk Recorder.

The Draft EIR is an informational document, intended to disclose the environmental consequences of approving and constructing the proposed Armstrong Ranch Specific Plan. All written comments received during the 45-day public review period are addressed in the Final EIR.

1.0.5 RESPONSES

Responses to comments received on the DEIR during the public review period are presented in Chapter 2, Comments and Responses. Each comment letter received is numbered at the top and bracketed to indicate how the letter has been divided into individual comments. Each comment is designated a number with the letter number appearing first, followed by the comment number. For

example, the first comment in Letter 1 would have the following format: 1-1. The bracketed letter precedes responses to the letter's comments in Chapter 2 of this Final EIR.

The comments received to the DEIR by the City of Ontario have been carefully reviewed. As required by CEQA Guidelines section 15088, all comments received from public agencies, individuals, and organizations were evaluated based on environmental issues raised. The information provided in the responses to comments provides clarifications and additional information necessary for the decision makers and the public to understand the environmental consequences of the proposed project and for the decision makers to act on the project. As required by CEQA Guidelines section 15204, the responses to comments focus on significant environmental issues raised by the comments. All responses to comments contain a good faith reasoned effort at full disclosure regarding the disposition of these significant environmental issues.

1.0.6 LIST OF COMMENTERS

The following is a list of letters received on the Draft EIR with identifying letter numbers, agency or person submitting the letter, and the date of the letter. The letters are shown in Appendix A.

1. Letter 1 – Kim Le, Associate Planner, City of Chino, letter dated November 10, 2016.
2. Letter 2 – Jurupa Community Services District, letter received via email on November 14, 2016.
3. Letter 3 – Maureen Snelgrove, Interim Director, San Bernardino County Regional Parks, letter dated October 27, 2016.
4. Letter 4 – Nidham Aram Alrayes, Public Works Engineer III, San Bernardino County Department of Public Works, letter dated November 14, 2016.
5. Letter 5 – Jillian Wong, Planning & Rules Manager, South Coast Air Quality Management District, letter dated November 4, 2016.
6. Letter 6 – Gary Ho, Blum/Collins, letter dated November 14, 2016.
7. Letter 7 – Johnson P. Abraham, Project Manager, California Department of Toxic Substances Control, letter dated November 4, 2016.
8. Letter 8 – Gary Ho, Blum/Collins, letter dated October 23, 2017.

2.0 ERRATA - REVISIONS TO DRAFT EIR

2.0.1 INTRODUCTION

This chapter presents the text changes that were made to the Draft EIR and the responses to the Draft EIR comment letters that were received by the city. The following sections contain revisions to information in the Draft EIR (September 28, 2016) based upon: (1) revised and supplemental information required to prepare a response to a specific comment; and/or (2) typographical errors. Given the minor changes associated with the document, the information added to the EIR does not meet the requirements for recirculation pursuant to State CEQA Guidelines section 15088.5.

This section also presents all of the revisions made to the Draft EIR text. New text is underlined and deleted text is struck through. Text changes are presented in the page order in which they appear in the Draft EIR.

Text Changes

Note: New text is underlined; deleted text is ~~struck through~~.

2.0.2 SUPPLEMENTAL AND REVISED MITIGATION MEASURES

Based upon comment letters received on the Draft EIR, new mitigation measures were added in the Final EIR in the Air Quality, Hazards and Hazardous Materials and Transportation/Traffic sections. In addition, a mitigation measure in the Air Quality section of the Draft EIR was revised for clarification purposes. The new mitigation measures further reduce significant project impacts. Because the new mitigation measures do not create any new significant impact, the DEIR is not required to be recirculated pursuant to State CEQA Guidelines section 15088.5. The following new mitigation measures were added to the Draft EIR.

New Mitigation Measures:

Air Quality

AQ-4-SP All on-site construction equipment shall meet the following criteria:

- All off road diesel-powered construction equipment 50 hp or greater shall meet the CARB/EPA Tier IV Final emissions standards, if readily available. If Tier IV equipment is not readily available, Tier III equipment shall be an acceptable replacement. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided to the City at the time of mobilization of each applicable unit of equipment.
- Encourage construction contractors to apply for SCAQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for

SCAQMD “SOON” funds. The “SOON” program provides funds to accelerate clean-up of off-road diesel vehicles, such as heavy-duty construction equipment. More information on this program can be found at the following website: <http://www.aqmd.gov/home/programs/business/business-detail?title=offroad-diesel-engines>.

- AQ-5-SP The project contractor shall use 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the City determines that 2010 model year or newer diesel trucks cannot be obtained, the City shall require trucks that meet EPA 2007 model year NOx emissions requirements.
- AQ-6-SP The project contractor shall use electricity from power poles rather than temporary diesel or gasoline power generators, when feasible.
- AQ-7-SP During construction, the contractor shall ensure that all haul trucks transporting cut or fill, dirt or debris, off-site will be covered to reduce windblown dust and spills.
- AQ-8-SP The contractor shall apply non-toxic soil stabilizers according to manufacturers’ specifications to all inactive construction areas (previously graded areas inactive for ten days or more).
- AQ-9-SP The contractor shall apply water three times daily, or non-toxic soil stabilizers according to manufacturers’ specifications to all unpaved parking or staging areas or unpaved road surface.
- AQ-10-SP During construction, traffic speeds on all unpaved roads within the project shall be limited to 15 mph or less.
- AQ-11-SP Prior to the start of any demolition or grading, the project developer’s contractor shall display at the site the phone number of a contact person that will be available 24-hours a day to call with complaints related to PM10 emissions and other construction related concerns.
- AQ-12-SP The project contractor shall be responsible to restrict all project related construction equipment, including on- and off-site construction equipment, to a maximum idling time of five minutes. Any construction equipment idling more than five minutes shall be turned off.
- AQ-13-SP Temporary grid electricity shall be provided to the site prior to the start of construction.
- AQ-14-SP Prior to the start of grading, the contractor shall submit a Heavy-Duty Off-Road Vehicle Plan to the Building Department and include the following measures. The city inspector shall ensure the contractor complies with the requirements of the Heavy-Duty Off-Road Vehicle Plan during project grading to include the following:

- All diesel vehicles and construction equipment on-site shall be fueled with ultra-low sulfur diesel or a biodiesel blend approved by the original engine manufacturer with sulfur content of 15 parts per million (ppm) or less.
- Electric and/or hybrid construction equipment shall be used in place of diesel and gasoline powered equipment, when available and comparable.
- A construction vehicle inventory traffic system that includes the following:
 - Contractor and subcontractor name and address, plus contact person responsible for the vehicles or equipment;
 - Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation;
 - For the emission control technology installed: technology type, serial number, make, model, manufacturer, EPA/CARB verification number/level, and installation date and hour-meter reading on installation date.
- The contractor shall submit to the developer a monthly report that for each on-road and off-road construction equipment includes the following information:
 - Hour meter readings on arrival on-site, the first and last day of every month and on-and off-site date.
 - Any problems with the equipment or emission controls;
 - Certified copies of fuel deliveries for the time period that identify”
 - Source of supply
 - Quantity of fuel
 - Quality of fuel, including sulfur content (percent by weight)
- Emissions from all off-road diesel-powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour. In addition,
 - Any equipment found to exceed 40 percent opacity (or Ringlemann 2.0) shall be repaired immediately.
 - Non-compliant equipment will be documented and a summary provided to the City of Ontario monthly.
 - A visual survey of all in-operation equipment shall be made at least weekly.
 - A monthly summary of the visual survey result shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.

Hazards and Hazardous Materials

- HM-9-SP The project developer shall monitor TCE groundwater investigations and remediation efforts and VOC levels in the area over the next five years. If TCE levels on the site increase above 13 µg/l, precautionary soil gas testing may be warranted in conjunction with proposed residential development activities. If elevated levels of VOCs are identified in shallow soil gas samples at or beyond State standards, onsite residential units may require VOC vapor barrier systems or other measures as determined by the City.
- HM-10-SP Prior to the issuance of a demolition or grading permit for Parcel 0218-111-12-0000 within PA 6A, a soil and soil gas assessment in the area of the former UST tank shall be conducted and the results submitted to the City to determine if further investigation or remediation is required to comply with State law in order to safely issue a demolition and grading permits.
- HM-11-SP During project demolition and grading, if suspected groundwater and/or soil contamination is encountered, at construction activity within 25 feet shall cease until the area is examined by the construction superintendent and the City to determine its significance and whether or not further clean-up or remediation is required in compliance with State and county laws and regulations.

Transportation/Traffic

- TRAF-2-SP Prior to the start of grading, the contractor shall submit a Construction Traffic Management Plan to Public Works for approval. The Plan shall identify truck haul routes, the location of flagmen, hours of operation and other requirements as determined necessary by the City to control project construction traffic into and out of the site and on the adjacent streets to the site for safety purposes.

Revised Mitigation Measures

A mitigation measure was modified for clarification purposes related to air quality. The following represents the revised mitigation measure:

Air Quality

Mitigation Measure AQ-1-SP All heavy ~~grading~~ duty equipment with engines with a rating of ~~150~~ 50 horsepower (hp) or greater shall be compliant with CARB/EPA Tier IV Final emissions standards, if readily available. If Tier IV equipment is not readily available, all heavy-duty equipment with engines with a rating of 50 horsepower or greater compliant with Tier III equipment shall be an acceptable replacement.

2.0.3 TEXT CHANGES

The text of the following DEIR sections were changed as noted.

3.15 UTILITIES AND SERVICE SYSTEMS (p. 3-221)

3.15.1 Introduction

Data used in preparation of this section were taken from various sources, including a water supply assessment for the project, the City of Ontario 2010 Urban Water Management Plan, Ontario April 2012 Water Master Plan, Ontario March 2012 Master Plan of Drainage, City of Ontario Old Model Colony and New Model Colony Sewer Master Plan (2012), ~~the City of Ontario 2012 Sewer Master Plan Update~~ and existing environmental documents and information from the service providers regarding available service levels and current or anticipated constraints.

3.7 GREENHOUSE GAS EMISSIONS (p. 3-94)

3.7.6 Mitigation Measures and Residual Impacts (p. 3-106)

GHG – 1-SP Prior to the issuance of the first building permit, the City shall ensure that all GHG reduction measures shown in Table ~~3.9-3~~ 3.7.1 are incorporated into the project at the appropriate levels, including tentative tract map approval, issuance of grading permits, issuance of building permits and certificates of occupancy permits. At the City's discretion, alternative reduction measures from Table 1, Appendix B of the City of Ontario Community Climate Action Plan can be substituted for measures in Table 3.7-1, or any future measures approved by the City, with the same or greater point value.

Ontario Urban Water Management Plan – Current General Plan Projections (p. 3-222)

The City of Ontario has an approved Urban Water Management Plan (UWMP) (2010), most recently updated in 2011, which is incorporated by reference in this EIR. The Ontario UWMP measures current water usage by residential and nonresidential customers in the City and projects future water use. A more recent 2015 UWMP was adopted in July 2016 and replaces the 2010 UWMP. The City will require the project to comply with the UWMP.

Wastewater Service and Treatment (p. 3-223)

The Inland Empire Utilities Agency (IEUA) treats wastewater that is generated by the City of Ontario and other area cities. Wastewater generated by the project would be treated by the IEUA RP-5 wastewater treatment plant that is located in ~~Ontario~~ Chino.

The City of Ontario Old Model Colony and New Model Colony Sewer Master Plan (2012) ~~Ontario Ranch Sewer Master Plan~~ evaluated the requirements for sanitary sewer mains and treatment capacity based upon build out of the Ontario Ranch, including the development proposed by the

Armstrong Ranch Specific Plan. The City will require the project to comply with and construct the sewer lines required by the City of Ontario Old Model Colony and New Model Colony Sewer Master Plan.

Recycled Water: (p. 3-226)

The City of Ontario prepared a Recycled Water Master Plan in ~~2006~~ 2012. The ~~2006~~ 2012 Master Plan was fully coordinated with IEUA's recycled water planning efforts. The existing recycled water delivery to the City is for irrigation and industrial purposes. The City will require the project to comply with the UWMP.

Water Facilities (p. 3-228)

The project would require the construction of new domestic water mains, including water master plan facilities, to provide a loop water system. The project proposed water master plan facilities include 18-inch Ontario Water Master Plan water mains in Chino Avenue and Vineyard Avenue adjacent to the site. The City will require the project to comply with the City of Ontario Water Master Plan.

3.15 UTILITIES AND SERVICE SYSTEMS

In the Utilities and Service Systems section of the DEIR the significance threshold, "Would the project require or result in the construct of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects" is not specifically addressed. However, this "Potentially Significant Impact" as identified in the Armstrong Ranch Specific Plan Initial Study Checklist, is addressed in section 3.9 Hydrology and Water Quality in the environmental analysis for Impact HYD-5 on page 3-140 of the DEIR. As discussed in Impact HYD-5, the project will construct both on-site and off-site storm drain facilities to collect, transport and discharge project runoff to the Cucamonga Creek Channel south of the site. The off-site storm drain facilities will be consistent with master plan storm drain facilities and constructed in accordance with the standards set by the City of Ontario and the San Bernardino County Flood Control District. As also stated on page 3-140 of the DEIR, "plans for grading, drainage, erosion control and water quality will be reviewed by the City Engineer prior to issuance of grading permits and the compliance of on- and off-site drainage improvements with all applicable City and County standards would reduce potential drainage impacts of the project to less than significant. As a result, the construction of the proposed storm drain facilities will not cause any significant environmental impacts and any impacts associated with their construction is less than significant.

3.0 RESPONSE TO COMMENTS

DENNIS R. YATES
Mayor

EUNICE M. ULLOA
Mayor Pro Tem



CITY of CHINO

GLENN DUNCAN
EARL C. ELROD
TOM HAUGHEY
Council Members

MATTHEW C. BALLANTYNE
City Manager

November 10, 2016

Richard Ayala
City of Ontario, Planning Department
303 East B Street
Ontario, CA 91764

RE: No notice of Availability of a Draft Environmental Impact Report (DEIR) Armstrong Ranch Specific Plan – State Clearinghouse #2006111009

Dear Mr. Ayala,

Thank you for the opportunity to review the notice of availability of a DEIR Armstrong Ranch Specific Plan – State Clearinghouse #2006111009. Based upon our review, the City of Chino's Traffic Division has the following comments:

1. Consult with the City of Chino to identify a list of intersections to be included in the traffic study (including Caltrans Ramps). 1-1
2. Identify the mitigation measures required and fair share contribution specifically for Armstrong Ranch traffic impacts, consistent with the approved New Model Colony CMP Traffic Impact Analysis. 1-2
3. If additional lanes are required, include the cost of receiving lanes consistent with the CMP guidelines. 1-3
4. Collect D.I.F. fees for intersections within the City of Chino, per approved New Model Colony CMP Traffic Impact Analysis. 1-4

Please let me know if you have any questions. I can be reached at (909) 334-3330 or via email at kle@cityofchino.org.

Sincerely,

Kim Le
Associate Planner



Letter 1: Kim Le, Associate Planner, City of Chino, letter dated November 10, 2016.

Comment 1-1

Consult with the City of Chino to identify a list of intersections to be included in the traffic study (including Caltrans Ramps).

Response: Twenty-two project study intersections (including Caltrans ramps associated with SR-22) were identified and approved for study through coordination with the City of Ontario. The selection of the study intersections was based upon an analysis by City staff and the traffic consultant of the intersections and the roadway network adjacent to and the vicinity of the project that are most likely to be impacted by the Project.

The Traffic Impact Analysis completed for the Project (Appendix L to the Draft EIR) includes the Euclid Avenue and Riverside Drive CMP intersection (identified as Intersection #13 in the Draft EIR), which is located on the border of Ontario and the City of Chino. This intersection is located 2.3 miles from the nearest boundary of Armstrong Ranch. Potential impacts to this intersection will be mitigated to a level of less than significant with the incorporation of Mitigation Measure TRAF-1 SP. (See Draft EIR, p. 3-219, [Table 3.14-15])

The next closest CMP intersection along Riverside Drive within the City of Chino is Mountain Avenue and 3.25 miles west of the project. Based on the traffic analysis, it was concluded the project would not contribute 50-peak hour trips to this intersection or any other CMP intersections within the City of Chino. Therefore, the 50-peak hour trip threshold to the Riverside Drive and Mountain Avenue intersection was not exceeded and further traffic analysis for this intersection was not required.

Comment 1-2

Identify the mitigation measures required and fair share contribution specifically for Armstrong Ranch traffic impacts, consistent with the approved New Model Colony CMP Traffic Impact Analysis.

Response: Mitigation Measure TRAF-1 SP is identified on page 3-219 of the Draft EIR. Table 3.14-15 that is part of the mitigation measure provides the “Preliminary Opinion of Cost” for each of the six recommended intersection improvements. In addition, Table 3.14-14 on page 3-217 of the Draft EIR identifies the Project’s fair share contribution for the project traffic impact to this intersection.

Comment 1-3

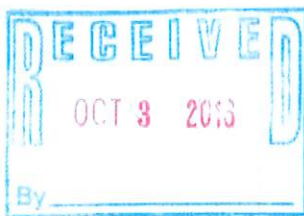
If additional lanes are required, include the cost of receiving lanes consistent with the CMP guidelines.

Response: Where required, receiving lanes are included in the cost of identified mitigation measures. As stated in the Response to Comment 1-2 above, Table 3.14-15 on page 3-219 of the Draft EIR identifies the recommended lanes to be constructed for the project with a “Preliminary Opinion of Cost” for each lane improvement. The recommended travel lane improvements are consistent with the CMP guidelines.

Comment 1-4

Collect D.I.F. fees for intersections within the City of Chino, per approved New Model Colony CMP Traffic Impact Analysis.

Response: As stated in section 3.14.6 on page 3-219 of the Draft EIR, the project will not impact any intersections in the City of Chino. Therefore, the City of Ontario will not be required to collect D.I.F fees for the City of Chino.



California Environmental Quality Act
**Notice of Availability of a
 Draft Environmental Impact Report**

City of Ontario
 Planning Department
 303 East "B" Street
 Ontario, California
 Phone: (909) 395-2036
 Fax: (909) 395-2420



TO: Property Owners, Responsible Agencies & Interested Parties

FROM: City of Ontario, 303 East "B" Street, Ontario, CA 91764

SUBJECT: NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT
 ARMSTRONG RANCH SPECIFIC PLAN – STATE CLEARINGHOUSE #2006111009.

NOTICE IS HEREBY GIVEN that a Draft Environmental Impact Report (DEIR) has been prepared for the project identified below. Copies of the DEIR and all documents referenced in the DEIR are on file at Ontario City Hall (Planning Department), 303 East "B" Street, Ontario, CA 91764, and are available for public review. The DEIR has also been made available for review at the following locations:

*City of Ontario
 Planning Department
 303 East "B" Street
 Ontario, California 91764*

*Ontario Main Library
 215 East "C" Street
 Ontario, CA 91764*

*City of Ontario
 City Clerk
 303 East B Street
 Ontario, California 91764*

The 45-day public review period extends from September 30, 2016 to November 14, 2016. Comments will be received until 5:00 p.m. November 14, 2016. Any person wishing to comment on this matter must submit such comments, in writing, to:

Richard Ayala, Senior Planner
 City of Ontario Planning Department
 303 East "B" Street
 Ontario, CA 91764
 (909) 395-2036
 rayala@ontarioca.gov

Project Title/File No.: Armstrong Ranch Specific Plan/PSP15-002

Project Location: The Armstrong Ranch Specific Plan is identified as approximately 199 acres in the City of Ontario, San Bernardino County. The project site is bounded by Riverside Drive to the north, Chino Avenue to the south, Vineyard Avenue to the west, and the Cucamonga Creek Channel to the east. The surrounding land uses include residential, commercial, and a public golf course to the north and to the east, west and south are agricultural and dairy farms.

Project Description: The Armstrong Ranch Specific Plan includes approximately 199 acres and will allow the development of up to 994 single-family detached and attached residential units at an overall density of 5.0 dwelling units per acre within six (6) Planning Areas (PA's). The project also includes a proposed 10-acre site for the development of an elementary school within the east area of the specific plan. The elementary school site is located within the Mountain View School District and will serve the elementary students (K-5) that will live east of Carpenter Avenue. If the elementary school site is not developed, the land will revert to the underlying low density residential use of 5.0 dwelling per acre. Residential units can be transferred among the planning areas as long as the total number of residential units of the Specific Plan does not exceed 994 units.

The DEIR examines the potential environmental impacts as a result of the project on the following:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources

- Cultural Resources
- Geology/Soils
- Greenhouse Gas
- Hazardous and Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Noise
- Population and Housing
- Public Services
- Transportation/Traffic
- Utilities/Service Systems

Lead Agency: City of Ontario, 303 E. B Street, Ontario, California 91764

Date when project noticed to public: September 30, 2016

Review Period: September 30, 2016 to November 14, 2013

**2-1
(cont.)**

Letter 2: Jurupa Community Services District, letter received via email November 14, 2016.

Comment 2-1

The Jurupa Community Services District submitted a copy of the Notice of Availability that was mailed to the District with no comments.

Response: The City acknowledges receipts of the Notice of Availability from the District. The Jurupa Community Services District was subsequently contacted and the District confirmed it did not have any comments to the Draft EIR.



Regional Parks

MAUREEN A. SNELGROVE
Interim Director

October 27, 2016

Richard Ayala
City of Ontario Planning Department
303 East "B" Street
Ontario, CA 91764

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT
ARMSTRONG RANCH SPECIFIC PLAN – STATE CLEARINGHOUSE #2006111009

The Armstrong Ranch Specific Plan has no impact on San Bernardino County Regional Parks.

Sincerely,

A handwritten signature in blue ink, appearing to read "Maureen A. Snelgrove".

MAUREEN A. SNELGROVE
Interim Director

3-1

BOARD OF SUPERVISORS

ROBERT A. LOVINGOOD
Vice Chairman, First District

JANICE RUTHERFORD
Second District

JAMES RAMOS
Chairman, Third District

CURT HAGMAN
Fourth District

JOSIE GONZALES
Fifth District

GREGORY C. DEVEREAUX
Chief Executive Officer

Letter 3: Maureen Snelgrove, Interim Director, San Bernardino County Regional Parks, letter dated October 27, 2016.

Comment 3-1

The Armstrong Ranch Specific Plan has no impact on San Bernardino County Regional Parks.

Response: The comment is noted and no response is required by CEQA.



Department of Public Works
 Environmental & Construction • Flood Control
 Operations • Solid Waste Management
 Surveyor • Transportation

Gerry Newcombe
 Director

November 14, 2016

Richard Ayala, Senior Planner
 City of Ontario
 303 East "B" Street
 Ontario, CA. 91764-4105
rayala@ci.ontario.ca.gov

File: 10(ENV)-4.01

**RE: CEQA – NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT
 FOR THE ARMSTRONG SPECIFIC PLAN FOR THE CITY OF ONTARIO**

Dear Mr. Ayala:

Thank you for giving the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on October 6, 2016** and pursuant to our review, the following comments are provided:

Permits/Operations Support Division (Melissa Walker, Chief, 909-387-7995):

1. This project is adjacent to the San Bernardino County Flood Control District (District) right-of-way for Cucamonga Channel system which is an existing District facility. Any works affecting this right-of-way would need a Flood Control Permit. Please note this facility is also a United States Army Corps of Engineers (USACE) facility and could require a USACE 408 permit.

4-1

Flood Control Planning Division (Michael Fam, PWE III, 909-387-8120):

1. The project is subject to the City of Ontario Master Drainage Plan dated March 2012.

4-2

Environmental Management Division (Marc Rodabaugh, Stormwater Program Manager, 909-387-8112):

1. In the Initial Study (IS) checklist, section 9 Hydrology and Water Quality, Subsection a), the IS needs to state that the City will prepare a WQMP as part of their compliance with the San Bernardino County Area-Wide Urban Runoff Permit.
2. In the IS checklist, section 9 Hydrology and Water Quality, Subsection e) the project proponent states "If master drainage facilities are not in place at the time of project development, then standard engineering practices for controlling post-development runoff may be required, which could include the construction of on-site storm water detention and/or retention/infiltration facilities." The IS needs to state the Project Proponent shall acknowledge that the specific plan Drainage Management Area (DMA) BMP(s) must be completed before, or concurrent with, the development occurring within the appurtenant DMA. Discharge of dry weather and stormwater

4-3

4-4

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R. Ayala; City of Ontario
CEQA, NOA DEIR Armstrong Specific Plan
November 14, 2016
Page 2 of 2

flows, which have not been treated to the Maximum Extent Practicable (MEP), would be a violation of the District's connection permit and the Area wide Program's NPDES Permit.

4-4

Water Resources Division (Mary Lou Mermilliod, PWE III, 909-387-8213):

1. We recommend that the project includes, and the City enforces, its most recent regulations for development within a floodplain.

4-5

If you have any questions, please contact the individuals who provided the specific comment, as listed above.

Sincerely,



NIDHAM ARAM ALRAYES, MSCE, PE, QSD/P
Public Works Engineer III
Environmental Management

NAA:PE:sr

Letter 4: Nidham Aram Alrayes, Public Works Engineer III, San Bernardino County Department of Public Works, letter dated November 14, 2016.

Comment 4-1

This project is adjacent to the San Bernardino County Flood Control District (District) right-of-way for Cucamonga Channel system which is an existing District facility. Any works affecting this right-of-way would need a Flood Control Permit. Please note this facility is also a United States Army Corps of Engineers (USACE) facility and could require a USACE 408 permit.

Response: The project does not propose any construction or development within the right-of-way of the Cucamonga Channel, except for a proposed pedestrian bridge across the channel to connect the Countryside Specific Plan that is located east of the channel with the Armstrong Ranch Specific Plan. The proposed pedestrian bridge would allow students within the Countryside Specific Plan to cross the channel and attend a public school that is proposed for PA 7 within the Armstrong Ranch Specific Plan (see pages 3-8, 3-9, 3-191, 3-209, 3-218 of the Draft EIR). If constructed, the contractor would be required by the City of Ontario to obtain all required permits from the District and any required permits from the USACE prior to the issuance of a building permit for the pedestrian bridge by the City. The potential environmental impacts associated with the pedestrian bridge, including impacts to the Cucamonga Channel, were addressed in the Draft EIR as part of the project.

Comment 4-2

The project is subject to the City of Ontario Master Drainage Plan dated March 2012.

Response: The comment is correct and as stated on pages 3-131, 3-140, 3-142 and 3-221 of the Draft EIR, the project must meet and comply with all applicable requirements of the March 2012 City of Ontario Master Plan of Drainage.

Comment 4-3

In the Initial Study (IS) checklist, section 9 Hydrology and Water Quality, Subsection a), the IS needs to state that the City will prepare a WQMP as part of their compliance with the San Bernardino County Area-Wide Urban Runoff Permit.

Response: Section 9, Hydrology and Water Quality on page 27 of the Initial Study states, “The project will be required to comply with the statewide National Pollutant Discharge Elimination System (NPDES) General Industrial Activities Stormwater Permit, the San Bernardino County Area-Wide Urban Runoff Permit (MS4 permit) and the City of Ontario’s Municipal Code (Title 6, Chapter 6 (Stormwater Drainage System)). The compliance by the project with all applicable state, San Bernardino County and Ontario water quality standards would reduce water quality impacts to below a level of significance.

While the comment suggests that the Initial Study should state the City will prepare a WQMP as part of their compliance with the San Bernardino County Area-Wide Urban Runoff Permit, the Draft EIR, on pages 3-136, 3-137 and 3-141, appropriately states that all development allowed by the project will be required to implement a City-approved WQMPs with Low Impact BMPs to reduce and minimize significant impacts to the water quality of downstream receiving waters. Specifically, on page 3-130 of the Draft EIR it is explained that a WQMP is required for compliance with San Bernardino County's countywide NPDES municipal storm water permit and the WQMP requires that new and redevelopment projects prepare project specific Storm Water Quality Management Plans that assure Post-Construction Best Management Practices are implemented.

Comment 4-4

In the IS checklist, section 9 Hydrology and Water Quality, Subsection e) the project proponent states "If master drainage facilities are not in place at the time of project development, then standard engineering practices for controlling post-development runoff may be required, which could include the construction of on-site storm water detention and/or retention/infiltration facilities." The IS needs to state the Project Proponent shall acknowledge that the specific plan Drainage Management Area (DMA) BMP(s) must be completed before, or concurrent with, the development occurring within the appurtenant DMA. Discharge of dry weather and stormwater flows, which have not been treated to the Maximum Extent Practicable (MEP), would be a violation of the District's connection permit and the Area-Wide Program's NPDES Permit.

Response: The Draft EIR, rather than the Initial Study, is the appropriate CEQA document to discuss the need for the project to meet and comply with the requirements of the DMA and NPDES. As stated in the response to Comment 4-3 above, the Draft EIR clearly states that the City will require the project developer to meet and comply with all applicable state, county and local water quality control requirements, including DMA and MEP measures.

Comment 4-5

We recommend that the project includes, and the City enforces, its most recent regulations for development within a floodplain.

Response: As stated on page 3-141 of the Draft EIR, the project is not located within a 100-year flood hazard area. The Cucamonga Creek Channel that extends along and forms the east project boundary protects the project site from a 100-year flood hazard.



**South Coast
Air Quality Management District**

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(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL AND USPS:
rayala@ontarioca.gov

November 4, 2016

Mr. Richard Ayala, Senior Planner
City of Ontario Planning Department
303 East "B" St.
Ontario, CA 91764

**Draft Environmental Impact Report (EIR) for the
Armstrong Ranch Specific Plan**

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final EIR.

In the project description, the Lead Agency proposes to develop a 199-acre master-planned community consisting of residential and recreational areas. Approximately 994 residential units are proposed to be constructed over seven planning areas over a five year period. In the Air Quality Section, the Lead Agency quantified the Project's construction and operation air quality impacts and compared those impacts with the SCAQMD's recommended regional and localized daily significance thresholds. Based on its analyses, the Lead Agency has determined that operational emissions of the Project would exceed regional and localized ROG, NOx, and PM2.5 thresholds. Even with the proposed mitigation measures, the regional and localized impacts from operational emissions associated with the Project would be significant and unavoidable. The SCAQMD staff recommends that the proposed Project include all feasible mitigation measures in the Final EIR to further reduce the projected significant operational impacts. Details are included in the attachment.

Pursuant to Public Resources Code Section 21092.5, SCAQMD staff requests that the Lead Agency provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. Further, staff is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Jack Cheng, Air Quality Specialist, at (909) 396-2448, if you have any questions regarding the enclosed comments.

Sincerely

Jillian Wong

Jillian Wong Ph.D.
Planning & Rules Manager
Planning, Rule Development & Area Sources

JW:JC
SBC161004-06
Control Number

Construction Mitigation Measures (NOx)

1. Based on the air quality analysis in the Draft EIR, the lead agency determined that the proposed Project will result in significant regional air quality impacts during construction. Specifically, the air quality analysis demonstrated that the proposed Project will exceed the SCAQMD's CEQA regional construction significance thresholds for NO_x. Therefore, SCAQMD staff recommends that, pursuant to Section 15126.4 of the CEQA Guidelines, the following changes and additional measures be included in the Final EIR, in addition to the measures proposed by the lead agency, in order to minimize or eliminate significant adverse air quality impacts:

5-1

Recommended Changes:

Mitigation Measure AQ-1-SP All heavy ~~grading~~ duty equipment with engines with a rating of ~~150~~ 50 horsepower or greater shall be compliant with CARB/EPA Tier IV Final emissions standards.

2. Consistent with measures that other lead agencies in the South Coast Air Basin (including Port of Los Angeles, Port of Long Beach, Metro and City of Los Angeles)¹ have enacted, require all on-site construction equipment to meet the following:
 - All off road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
 - A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
 - Encourage construction contractors to apply for SCAQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines>.
3. Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NO_x emissions requirements.
4. Require the use of electricity from power poles rather than temporary diesel or gasoline power generators.
5. Provide temporary traffic controls such as a flag person, during all phases of significant construction activity to maintain smooth traffic flow.
6. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
7. Reroute construction trucks away from congested streets or sensitive receptor areas.
8. Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM₁₀ generation.
9. Improve traffic flow by signal synchronization.

5-2

5-3

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5-7

5-8

5-9

¹ For example see the Metro Green Construction Policy at: http://www.metro.net/projects_studies/sustainability/images/Green_Construction_Policy.pdf

Construction Mitigation Measures (PM10 and PM2.5)

10. Based on the estimated significant regional and localized construction impacts, the SCAQMD staff recommends the following additional measures to further reduce those impacts:

Since the Project is considered a large operation (50 acre sites or more of disturbed surface area; or daily earth-moving operations of 3,850 cubic yards or more on three days in any year) in the South Coast Air Basin, the Lead Agency is required to comply with all SCAQMD Rule 403(e) – Additional Requirements for Large Operations. This may include but not limited to Large Operation Notification, appropriate signage, additional dust control measures, and employment of a dust control supervisor that has successfully completed the Dust Control in the South Coast Air Basin training class. Therefore, the Final EIR should contain a detailed description of how the Project will comply with [Rule 403\(e\)](#). Please contact dustcontrol@aqmd.gov for more information.

- Additional requirements include but are not limited to:
 - Implementation of Table 2 of Rule 403 at all times and implementation of the actions specified in Table 3 of Rule 403 when applicable.
 - Submittal of a fully executed Large Operation Notification to the Executive Officer.
 - Maintenance of daily records to document the specific dust control actions taken.
 - Installation and maintenance of project signage with project contact person that meets the minimum standards of Rule 403 Implementation Handbook.
 - Identification of a dust control supervisor that has completed the AQMD Fugitive Dust Control Class.

11. Limit soil disturbance to the amounts analyzed in the Final EIR.

12. All materials transported off-site shall securely covered.

13. Apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more).

14. Apply water three times daily, or non-toxic soil stabilizers according to manufacturers' specifications, to all unpaved parking or staging areas or unpaved road surfaces;

15. Traffic speeds on all unpaved roads to be reduced to 15 mph or less.

16. Construct or build with materials that do not require painting.

5-10

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For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website:

<http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>.

Richard Ayala

October 4, 2016

Mobile Source Emissions – Additional Operational Mitigation Measures

17. Improve walkability design and pedestrian network.
18. Increase transit accessibility and frequency by incorporating Bus Rapid Transit lines with permanent operational funding stream.

5-17

5-18

Electric Vehicle (EV) Charging Stations

19. Vehicles that can operate at least partially on electricity have the ability to substantially reduce the significant NOx impacts from this project. It is important to make this electrical infrastructure available when the project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, the SCAQMD staff recommends the lead agency require the proposed project to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for vehicles to plug-in. The SCAQMD staff recommends that the lead agency require at least 5% of all vehicle parking spaces include EV charging stations. At a minimum, electrical panels should appropriately sized to allow for future expanded use.

5-19

Letter 5: Jillian Wong, Planning & Rules Manager, South Coast Air Quality Management District, letter dated November 4, 2016.

Comment 5-1

Based on the air quality analysis in the Draft EIR, the lead agency determined that the proposed Project will result in significant regional air quality impacts during construction. Specifically, the air quality analysis demonstrated that the proposed Project will exceed the SCAQMD's CEQA regional construction significance thresholds for NOX. Therefore, SCAQMD staff recommends that, pursuant to Section 15126.4 of the CEQA Guidelines, the following changes and additional measures be included in the Final EIR, in addition to the measures proposed by the lead agency, in order to minimize or eliminate significant adverse air quality impacts:

Recommended Changes:

Mitigation Measure AQ-1-SP All heavy ~~grading~~ duty equipment with engines with a rating of ~~150~~ 50 horsepower or greater shall be compliant with CARB/EPA Tier IV Final emissions standards.

Response: The City concurs with the suggested change to Mitigation Measure AQ-1-SP with the stipulation that Tier IV equipment is readily available and feasible for use on the site. Due to the high demand for Tier IV heavy equipment, it is not always readily available. As a result, the project developer may have to delay project construction indefinitely until such equipment becomes available, which is not economically feasible. Based on a telephone discussion with Jack Cheng, Air Quality Specialist, with SCAQMD on February 16, 2017, the City revises Mitigation Measure AQ-1-SP to read as follows:

Mitigation Measure AQ-1-SP All heavy ~~grading~~ duty equipment with engines with a rating of ~~150~~ 50 horsepower (hp) or greater shall be compliant with CARB/EPA Tier IV Final emissions standards, if readily available. If Tier IV equipment is not readily available, all heavy-duty equipment with engines with a rating of 50 horsepower or greater compliant with Tier III equipment shall be an acceptable replacement.

These revisions to Mitigation Measure AQ-1-SP are reflected in the Errata to the Draft EIR and in the Mitigation and Monitoring Program for the Project. The revision of this mitigation measure does not require recirculation of the Draft EIR per CEQA Guidelines section 15088.5 because the revised mitigation measure will further reduce air emission impacts already disclosed in the Draft EIR.

Comment 5-2

Consistent with measures that other lead agencies in the South Coast Air Basin (including Port of Los Angeles, Port of Long Beach, Metro and City of Los Angeles) have enacted, require all on-site construction equipment to meet the following:

- All off road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be

outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

- A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- Encourage construction contractors to apply for SCAQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program provides funds to accelerate clean-up of off-road diesel vehicles, such as heavy-duty construction equipment. More information on this program can be found at the following website: <http://www.aqmd.gov/home/programs/business/business-detail?title=offroad-diesel-engines>.

Response: The City agrees with adding a new mitigation measure AQ-4-SP to the EIR to include the three suggested measures.

AQ-4-SP All on-site construction equipment shall meet the following criteria:

- All off road diesel-powered construction equipment 50 hp or greater shall be compliant with CARB/EPA Tier IV Final emissions standards, if readily available. If Tier IV equipment is not readily available, all heavy-duty equipment with engines with a rating of 50 horsepower or greater compliant with Tier III equipment shall be an acceptable replacement. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- Encourage construction contractors to apply for SCAQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program provides funds to accelerate clean-up of off-road diesel vehicles, such as heavy-duty construction equipment. More information on this program can be found at the following website: <http://www.aqmd.gov/home/programs/business/business-detail?title=offroad-diesel-engines>" <http://www.aqmd.gov/home/programs/business/business-detail?title=offroad-diesel-engines>.

This new Mitigation Measure AQ-4-SP is reflected in the Errata to the Draft EIR and in the Mitigation and Monitoring Program for the Project. This mitigation measure does not require

recirculation of the Draft EIR per CEQA Guidelines section 15088.5 because the mitigation measure will further reduce, air emission impacts already disclosed in the Draft EIR.

Comment 5-3

Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NOx emissions requirements.

Response: The City agrees with the suggestion and will add the following new air quality mitigation measure to the EIR:

AQ-5-SP The project contractor shall use 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the City determines that 2010 model year or newer diesel trucks cannot be obtained, the City shall require trucks that meet EPA 2007 model year NOx emissions requirements.

This new Mitigation Measure AQ-5-SP is reflected in the Errata to the Draft EIR and in the Mitigation and Monitoring Program for the Project. This mitigation measure does not require recirculation of the Draft EIR per CEQA Guidelines section 15088.5 because the mitigation measure will further reduce air emission impacts already disclosed in the Draft EIR.

Comment 5-4

Require the use of electricity from power poles rather than temporary diesel or gasoline power generators.

Response: The City agrees with the suggestion to use electricity from power poles rather than temporary diesel or gasoline powered generators with it is feasible. There are instances during construction that due to the location of some construction activities that it is not feasible TO connect directly to a power pole and the use of a generator is necessary. The City will add the following new air quality mitigation measure to the EIR to encourage the use of electrical power from power poles when feasible:

AQ-6-SP The project contractor shall use electricity from power poles rather than temporary diesel or gasoline power generators, when feasible.

A new Mitigation Measure AQ-6-SP is reflected in the Errata to the Draft EIR and in the Mitigation and Monitoring Program for the Project. This mitigation measure does not require recirculation of the Draft EIR per CEQA Guidelines section 15088.5 because the mitigation measure will further reduce air emission impacts previously disclosed in the Draft EIR.

Comment 5-5

Provide temporary traffic controls such as a flag person, during all phases of significant construction activity to maintain smooth traffic flow.

Response: The city will require the project developer's contractor to submit a Construction Traffic Management Plan to the city for approval prior the start of any on-site grading. (See Draft EIR, p. 5-6). A new Mitigation Measure TRAF-2-SP is shown below and reflected in the Errata to the Draft EIR and the Mitigation and Monitoring Program for the Project to require the preparation of a Construction Traffic Management Plan prior to the start of construction. The Construction Traffic Management Plan will identify truck haul routes, flagmen, dedicated turn lanes for construction trucks and equipment into the site, etc. to control project construction traffic into and out of the site and on the adjacent streets to the site for safety purposes and minimize adverse impacts to the local and regional traffic circulation system through project construction. The plan will minimize construction traffic waiting and idling times to reduce fuel consumption and traffic congestion. This mitigation measure does not require recirculation of the Draft EIR per CEQA Guidelines section 15088.5 because the mitigation measure will further reduce the traffic congestion and short-term air emission impacts previously disclosed in the Draft EIR.

TRAF-2-SP Prior to the start of grading, the contractor shall submit a Construction Traffic Management Plan to Public Works for approval. The Plan shall identify truck haul routes, the location of flagmen, hours of operation and other requirements as determined necessary by the City to control project construction traffic into and out of the site and on the adjacent streets to the site for safety purposes.

Comment 5-6

Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.

Response: As discussed above in Response to Comment 5-5, a new mitigation measure (TRAF-8-SP) will require the City to review and approve a Construction Traffic Management Plan prior to the start of any on-site grading. The feasibility of including dedicated turn lanes for construction trucks and equipment for minimizing congestion and emissions in the Construction Traffic Management Plan will be considered at that time.

Comment 5-7

Reroute construction trucks away from congested streets or sensitive receptor areas.

Response: As discussed above in Response to Comment 5-5, a new mitigation measure (TRAF-8-SP) is recommended to require the City to review and approve a Construction Traffic Management Plan prior to the start of any on-site grading. The Construction Traffic Management Plan will address the routing of construction trucks away from congested streets or sensitive receptor areas.

Comment 5-8

Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.

Response: As indicated on page 3-43 of the Draft EIR and in Table 3.3-7, Total Construction Emissions by Activity, PM10 emissions during construction do not exceed the SCAQMD significance threshold of 150 lbs./day. Therefore impacts associated with PM10 are considered less than significant. However, the City will nonetheless add a new Mitigation Measure AQ-11-SP in the Errata to the Draft EIR and the Mitigation and Monitoring Program for the Project to require the project developer's contractor to display at the site the phone number of a contact person that will be available 24-hours a day to call with complaints related to PM10 emissions and other construction related concerns. This mitigation measure does not require recirculation of the Draft EIR per CEQA Guidelines section 15088.5 because the mitigation measure will further reduce the air emission impacts already disclosed in the Draft EIR.

Comment 5-9

Improve traffic flow by signal synchronization.

Response: The City of Ontario has in place a traffic synchronization program where traffic signals city-wide are routinely synchronized. This is an on-going program that is currently in place and will continue to be in place at the time project construction starts and throughout construction and operation of the project.

Comment 5-10

Based on the estimated significant regional and localized construction impacts, the SCAQMD staff recommends the following additional measures to further reduce those impacts:

Since the project is considered a large operation (50-acre sites or more of disturbed surface area; or daily earth-moving operations of 3,850 cubic yards or more on three days in any year) in the South Coast Air Basin, the Lead Agency is required to comply with all SCAQMD Rule 403(e) – Additional Requirements for Large Operations. This may include but not limited to Large Operation Notification, appropriate signage, additional dust control measures, and employment of a dust control supervisor that has successfully completed the Dust Control in the South Coast Air Basin training class. Therefore, the Final EIR should contain a detailed description of how the Project will comply with Rule 403(e). Please contact dustcontrol@aqmd.gov for more information.

- Additional requirements include but are not limited to:
 - o Implementation of Table 2 of Rule 403 at all times and implementation of the actions specified in Table 3 of Rule 403 when applicable.
 - o Submittal of a fully executed Large Operation Notification to the Executive Officer.
 - o Maintenance of daily records to document the specific dust control actions taken.

- o Installation and maintenance of project signage with project contact person that meets the minimum standards of Rule 403 Implementation Handbook.
- o Identification of a dust control supervisor that has completed the AQMD Fugitive Dust Control Class.

Response: Mitigation Measure AQ-2-SP of the EIR requires that all project grading and construction activities meet and comply with SCAQMD's Rule 403 to address fugitive dust emissions. The developer's contractor must comply with all applicable requirements of Rule 403, including Rule 403(e), which includes, but not limited to, the requirements listed by the commenter.

Comment 5-11

Limit soil disturbance to the amounts analyzed in the Final EIR.

Response: The soil disturbance assumptions relied upon the Draft EIR are based upon the total quantity of dirt that is estimated to be moved to develop the site and represents a reasonable best estimate as to the grading quantities and soil disturbance necessary to construction of the project. The developer will maintain the soil disturbance estimated in the Draft EIR as feasible. Regardless of the soil disturbed, the City will require the project contractor to implement all adopted air quality mitigation measures and South Coast Air Quality Management District rules to reduce and minimize dust and air emissions.

Comment 5-12

All materials transported off-site shall securely be covered.

Response: As noted, the City will add the following new mitigation measure.

AQ-7-SP During construction, the construction contractor shall ensure that all haul trucks transporting cut or fill, dirt or construction debris off-site will be covered prior to exiting the site to reduce windblown dust and spills during transport.

This new Mitigation Measure AQ-7-SP is reflected in the Errata to the Draft EIR and in the Mitigation and Monitoring Program for the Project. This mitigation measure does not require recirculation of the Draft EIR per CEQA Guidelines section 15088.5 because the mitigation measure will further reduce air emission impacts already disclosed in the Draft EIR.

Comment 5-13

Apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more).

Response: As noted, the City will add the following new mitigation measure.

AQ-8-SP The project contractor shall apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more).

This new Mitigation Measure AQ-8-SP is reflected in the Errata to the Draft EIR and in the Mitigation and Monitoring Program for the Project. This mitigation measure does not require recirculation of the Draft EIR per CEQA Guidelines section 15088.5 because the mitigation measure will further reduce air emission impacts already disclosed in the Draft EIR.

Comment 5-14

Apply water three times daily, or non-toxic soil stabilizers according to manufacturers' specifications, to all unpaved parking or staging areas or unpaved road surface.

Response: As noted, the City will add the following new mitigation measure.

AQ-9-SP The project contractor shall apply water three times daily, or non-toxic soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surface.

This new Mitigation Measure AQ-9-SP is reflected in the Errata to the Draft EIR and in the Mitigation and Monitoring Program for the Project. This mitigation measure does not require recirculation of the Draft EIR per CEQA Guidelines section 15088.5 because the mitigation measure will further reduce air emission impacts already disclosed in the Draft EIR.

Comment 5-15

Traffic speeds on all unpaved roads to be reduced to 15 mph or less.

Response: As noted, the City will add the following new mitigation measure.

AQ-10-SP During construction, traffic speeds on all unpaved roads within the project shall be limited to 15 mph or less.

This new Mitigation Measure AQ-10-SP is reflected in the Errata to the Draft EIR and in the Mitigation and Monitoring Program for the Project. This mitigation measure does not require recirculation of the Draft EIR per CEQA Guidelines section 15088.5 because the mitigation measure will further reduce air emission impacts already disclosed in the Draft EIR.

Comment 5-16

Construct or build with materials that do not require painting.

Response: As indicated on page 3-43 of the Draft EIR, and reflected in Table 3.3-7, Total Construction Emissions by Activity, and Table 3.3-8, Total Concurrent Construction Emissions,

construction-related emissions of VOCs will not exceed the SCAQMD significant threshold. While total project emissions of VOCs will exceed the VOC significance threshold, only a very small portion of VOCs emitted are a result of architectural coatings. (See Draft EIR, pp. 3-46 and -47, [Table 3.3-11.]) Therefore, requiring materials that do not require painting would not meaningfully reduce VOC emissions.

Comment 5-17

Improve walkability design and pedestrian network.

Response: The Armstrong Ranch Specific Plan is designed for ease of walkability of project residents to local parks and the central Armstrong Park. In addition to sidewalks, the Charlotte Armstrong Trail that extends east-west through the center of the site and connects with Armstrong Park enhances pedestrian access to parks and open space throughout the project. The proposed pedestrian bridge across the Cucamonga Creek Channel will allow pedestrians and students east of the channel to walk to the proposed school within Armstrong Ranch, reducing vehicular trips to drop-off and pick-up students. (See Draft EIR, pp. 2-16, 3-8 through 3-10.) Therefore, additional trails and pedestrian network facilities are not required.

Comment 5-18

Increase transit accessibility and frequency by incorporating Bus Rapid Transit lines with permanent operational funding stream.

Response: OmniTrans is the public transit agency serving the San Bernardino Valley, including Ontario, providing safe, reliable, affordable, friendly and environmentally responsible transportation. Omnitrans, and not the City, determines existing and future bus routes and the funding for those routes. The City of Ontario has no control on public transit facilities.

However, as described on page 3-207 and 3-218 of the Draft EIR, the proposed Project will not conflict with any existing transportation policies, plans, or programs supporting transit, and will incorporate all forms of alternative transportation required by TOP.

Comment 5-19

Vehicles that can operate at least partially on electricity have the ability to substantially reduce the significant NOx impacts from this project. It is important to make this electrical infrastructure available when the project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, the SCAQMD staff recommends the lead agency require the proposed project to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for vehicles to plug-in. The SCAQMD staff recommends that the lead agency require at least 5% of all vehicle parking spaces include EV charging stations. At a minimum, electrical panels should be appropriately sized to allow for future expanded use.

Response: As required by Section 4.106.4 of the 2016 California Green Building Standards Code (Effective January 1, 2017) each residential unit will be wired for the future installation of an automobile electrical charging equipment, if needed. Specifically, the proposed Project will provide the electrical circuits and capacity in the garages of each residential units necessary to install the system necessary to recharge an electric vehicle. Page 3-104 of the Draft EIR, and Table 3.7-1, Residential GHG Reduction Measures Incorporated into Project, on-site electrical vehicle charging facilities for each residential unit were taken into consideration when it compared the proposed Project against Appendix B of the City of Ontario Community Climate Action Plan (CCAP). Because the proposed Project does not include commercial or retail uses, there are no commercial parking lots within which to require 5% of parking spaces for EV charging stations.

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November 14, 2016

Richard Ayala
Senior Planner
City of Ontario
303 East "B" Street
Ontario, CA 91764

VIA EMAIL TO:
RAyala@ontarioca.gov

Re: *Armstrong Ranch Specific Plan (SCH No. 2006111009)*

Dear Mr. Ayala:

This letter is to serve you with comments on behalf of the SoCal Environmental Justice Alliance ("SEJA") regarding the Armstrong Ranch Specific Plan (SCH No. 2006111009) (the "Project") and its Environmental Impact Report (the "EIR").

Specific Plan

The Armstrong Ranch Specific Plan will establish land use, development and design standards for 199 acres to allow up to 994 single-family detached and attached residential units at a density of 5 dwelling units per acre within six Planning Areas (PA's). The residential units include both conventional single family detached units on individual lots and "Z" lot homes with residential units on individual lots. In addition, single family attached townhomes and condominium residential units are proposed. Lot sizes will range from 2,700 sf to 7,125 sf. Residential units can be transferred among the planning areas as long as the total number of residential units of the Specific Plan does not exceed 994 units. An elementary school site is proposed in the southeast corner of the site on approximately 10 acres within the Mountain View School District and will serve the elementary students (K-5) that live east of Carpenter Avenue. If the elementary school site is not developed, the land will revert to the underlying low density residential use.

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Page 2

The EIR fails to provide sufficient details on how the provision of public services, utilities and infrastructure will be accomplished. This empty promise is inadequate under CEQA. The City must **require** the Project's developer to make specific improvements to accommodate the large number of new residents. It is not enough to merely recommend or suggest mitigation. Mitigation measures must be "fully enforceable." CEQA Guidelines, § 15126.4(a)(2). Mitigation should not be deferred or lie within the discretion of the project applicant. See *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306; *Woodward Park Homeowners Assn, Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 730.

6-1

The Specific Plan also states that a new elementary school will be developed, but fails to provide sufficient evidence to show that the City has the funds to build the school. Moreover, the Specific Plan fails to address whether the surrounding junior and senior high schools have the capacity to absorb the large number of new students who will move into the Project.

6-2

Inconsistency with General Plan

According to the City's General Plan land use designations, the Project Site had been designated as low density residential. The Project proposes uses that are inconsistent with low density residential use.

6-3

Air Quality Impacts

Phased modeling is used to analyze air quality impacts in the EIR. This is improper because the Project does not actually require the developer to adopt a phased construction plan. Even if the phased plan were adopted, NOx emissions still exceed SCAQMD Threshold.

6-4

Further, the EIR provides no analysis of impact from potential overlap of construction phases or mitigation if this were to occur. The EIR fails to exclude the possibility that these construction phases could occur simultaneously and result in even more serious pollution. The EIR also fails to consider that construction may occur faster, which would result in significantly greater impacts. It also does not specify the number of hours per day that construction will occur, or require that construction be completed over a certain number of days.

6-5

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Noise

The EIR does not attempt to quantify construction noise impacts, thereby failing to disclose relevant project information and preventing the public and decision-makers from making an informed decision based on the predicted actual impacts of the Project.

6-6

The EIR claims that noise impacts will remain below significant thresholds. These claims are not credible because, as discussed above, the Project does not require the developer to adopt a phased construction plan. The EIR also fails to consider cumulative noise impacts.

6-7

Transit and Traffic

The EIR does not analyze or mitigate impacts from construction related traffic, even though the construction will bring numerous areas to unacceptable LOS (levels of service).

6-8

Alternatives

The Project's EIR fails to provide adequate identification and analysis of a reasonable range of alternatives to the Project, including but not limited to an alternative that would reduce the Project to the level of low density residential use in order to reduce environmental impact. The analysis of alternatives in the EIR is not supported by substantial evidence. CEQA requires that an EIR consider a "reasonable range of alternatives," Guidelines § 15126.6(a), and that the document must include a discussion of alternatives even if to some degree they would limit accomplishment of the project's objectives, or would be more costly. Guidelines § 15126.6(b). The CEQA Guidelines mandate that "The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects." Guidelines § 15126.6(c).

6-9

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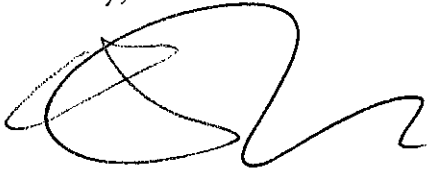
Conclusion

For the foregoing reasons, SEJA believes the EIR is flawed. The City of Ontario's environmental review process has failed to ensure environmental justice for the City's residents. Therefore, we believe you should redraft and recirculate the EIR.

6-10

We look forward to your responses. Please forward a notice of availability of the Final EIR to blum@blumcollins.com and ho@blumcollins.com.

Sincerely,

A handwritten signature in black ink, appearing to be 'Gary Ho', with a stylized, looping flourish at the end.

Gary Ho
BLUM | COLLINS LLP

Letter 6: Gary Ho, Blum/Collins, letter dated November 14, 2016.

Comment 6-1

The EIR fails to provide sufficient details on how the provision of public services, utilities and infrastructure will be accomplished. This empty promise is inadequate under CEQA. The City must require the Project's developer to make specific improvements to accommodate the large number of new residents. It is not enough to merely recommend or suggest mitigation. Mitigation measures must be "fully enforceable." CEQA Guidelines, § 15126.4(a)(2). Mitigation should not be deferred or lie within the discretion of the project applicant. See *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306; *Woodward Park Homeowners Assn, Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 730.

Response: This comment states that the Draft EIR fails to provide necessary detail regarding public services, utilities, and infrastructure; however the comment does not specify what details are missing, or explain how the significance determinations made in the EIR are in error.

Sections 3.13 Public Services and 3.15 Utilities and Service Systems adequately addresses the existing public services and utilities that are available to serve the project and identifies any deficiencies of those existing services and utilities to adequately serve the project. Sections 3.13 and 3.15 also provide information on the master plan utilities that are proposed by the project. As noted in the comment, the City will, upon project approval, require the project developer to construct the utilities proposed by the Specific Plan and will enforce their construction. The EIR does not recommend any public services or utilities mitigation measures because impacts are determined to be less than significant without mitigation. Therefore, contrary to the comment, the EIR does not defer any mitigation or allow the project applicant any discretion to construct required utilities.

Comment 6-2

The Specific Plan also states that a new elementary school will be developed, but fails to provide sufficient evidence to show that the City has the funds to build the school. Moreover, the Specific Plan fails to address whether the surrounding junior and senior high schools have the capacity to absorb the large number of new students who will move into the Project.

Response: The Mountain View School District would pay for the construction of the proposed elementary school, not the City of Ontario. While the comment states that the Specific Plan fails to address whether the surrounding junior and senior high schools have the capacity to absorb the students generated by the project, the first paragraph on page 3-190 of the Specific Plan Draft EIR states, "Currently the schools that serve the project have capacity for the students that would be generated by the project. The additional students by the project would not significantly impact the capacity of any area schools." The Draft EIR does address and provide information that confirms the schools serving the site have capacity to serve the project. Furthermore, the project developer will be required by State law to pay school impact fees to the appropriate school district prior to the issuance of building permits. These school impact fees are identified on Draft EIR page 3-

190, Table 3.13-3. The school impact fees, by law, are used to offset the costs of school facilities required by the project students.

Comment 6-3

According to the City's General Plan land use designations, the Project Site had been designated as low density residential. The Project proposes uses that are inconsistent with low density residential use.

Response: The site is currently zoned SP/AG (SP/AG), and designated as Residential Low Density (2.1-5.0 dwelling units/ acre). As stated on page 2-11 of the Draft EIR, "The overall density of the residential units for the project is 5.0 dwelling units/acre." The last paragraph on page 3-146 of the Draft EIR states, "The project complies with the low density residential (2.1-5 du./ac) land use designation for the site as designated by TOP." The project is consistent with the Low Density Residential designation. The school proposed as part of the Project is permitted within the Low Density Residential designation as well. Therefore, there are no uses proposed that are inconsistent with the designation.

Comment 6-4

Phased modeling is used to analyze air quality impacts in the EIR. This is improper because the Project does not actually require the developer to adopt a phased construction plan. Even if the phased plan were adopted, NOX emissions still exceed SCAQMD Threshold.

Response: As stated on page 2-14 of the Draft EIR the Project will be developed in phases with development completed by 2021. A detailed development phasing schedule is provided on page 3-195 of the Draft EIR and the basis for the traffic and air quality reports. As a result, phased air quality modeling was conducted because the project developer cannot economically develop the project in a single phase. As noted by the comment, NOx construction emissions will exceed SCAQMD NOx thresholds as correctly identified in the Draft EIR on pages 3-140, Table 3.3-7 on page 3-43, Table 3.3-8, page 3-44. Therefore, impacts have been determined to be significant and unavoidable, even with the incorporation of all feasible mitigation measures. Additional mitigation measures addressing NOx emissions have also been incorporated into the Project's MMRP via this Final EIR.

New Mitigation Measures AQ-4-SP thru AQ-11-SP are reflected in the Errata to the Draft EIR and in the Mitigation and Monitoring Program for the Project. These new mitigation measures do not require recirculation of the Draft EIR per CEQA Guidelines section 15088.5 because the implementation of the mitigation measures will further reduce air emission impacts already disclosed in the Draft EIR.

Comment 6-5

Further, the EIR provides no analysis of impact from potential overlap of construction phases or mitigation if this were to occur. The EIR fails to exclude the possibility that these construction

phases could occur simultaneously and result in even more serious pollution. The EIR also fails to consider that construction may occur faster, which would result in significantly greater impacts. It also does not specify the number of hours per day that construction will occur, or require that construction be completed over a certain number of days.

Response: The Draft EIR properly and adequately analyses the project based on the project applicant's development schedule, which is based on current and estimated future market conditions. CEQA does not require that an EIR analyze impacts that are speculative. The developer's proposed construction schedule, as stated on pages 2-14 and 3-195 of the Draft EIR, is reasonable and likely. The commenter is requesting the EIR to analyze a variety of conditions that are not proposed at this time and speculative. Per CEQA Guidelines section 15145, impact discussion and analysis based on speculation is not required. As stated on page 3-173 of the Draft EIR, "Construction is regulated in Chapter 5-29.09 of the Ontario Municipal Code. Construction activities within the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays or Sundays are specifically exempted from the noise standards defined in the Noise Ordinance. The project does not propose any construction outside of the hours allowed by the Municipal Code." The number of days required for construction to be completed is highly speculative and dependent upon weather, market conditions, availability of construction equipment and materials and a variety of other factors that cannot be controlled by either the project developer or the city. However, the length of construction assumed in the EIR is based upon the developer's and the City's best and most reasonable estimate.

Comment 6-6

The EIR does not attempt to quantify construction noise impacts, thereby failing to disclose relevant project information and preventing the public and decision makers from making an informed decision based on the predicted actual impacts of the Project.

Response: Project construction noise levels are adequately discussed and analyzed in Impact NOI – 4 on pages 3-171 through 3-173. Specifically, on page 3-173, the analysis estimates the dBA that would be experienced at adjacent receptors. The analysis determined that given the estimated noise levels, the intermittent nature of construction activities, and the temporary nature of construction, the noise levels of the construction equipment that will be operating on the Project site is not anticipated to significantly impact any noise sensitive land uses adjacent to or in the project vicinity. Further, both the City's Municipal Code and Mitigation Measure NOI-3-SP. Limit construction activities to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturdays and Sundays, consistent with the Ontario Municipal Code. This will prohibit construction noise during the evening and early morning hours, when impacts are most likely to be bothersome to adjacent receptors.

Comment 6-7

The EIR claims that noise impacts will remain below significant thresholds. These claims are not credible because, as discussed above, the Project does not require the developer to adopt a phased construction plan. The EIR also fails to consider cumulative noise impacts.

Response: As stated in the Response to Comment 6-4, the project is anticipated to be developed in phases. Therefore, the noise analysis is based on phased development. CEQA does not require an analysis of speculative conditions. Further, the comment is in error in regards to cumulative noise impacts, which are discussed in Section 3.11.5 on page 3-174 of the Draft EIR. Because the Project will generate less than 1 dB noise to the existing ambient noise in the Project area, the Project noise levels are not cumulatively considerable and will not result in a cumulative noise impact.

Comment 6-8

The EIR does not analyze or mitigate impacts from construction related traffic, even though the construction will bring numerous areas to unacceptable LOS (levels of service).

Response: Although the EIR does not explicitly include an analysis of construction related traffic, there is no basis to conclude that “construction will bring numerous areas to unacceptable LOS”. The project traffic analysis shows that several roadways providing access to the site are below daily roadway capacities under existing and future conditions and are unlikely to become deficient with the addition of project construction traffic. New Mitigation Measure AQ-11-SP will require the approval of a Construction Traffic Management Plan by city staff to manage and control project construction traffic. The Construction Traffic Management Plan will, among other features, designate a truck haul route to and from the project site along the lowest volume roadways (considering designated truck routes) to help to minimize traffic impacts to area intersections. Construction traffic peak hours would not coincide with the am and pm peak hours of traffic on the surrounding roadways, thus minimizing construction traffic impacts to area roadways.

Comment 6-9

The Project's EIR fails to provide adequate identification and analysis of a reasonable range of alternatives to the Project, including but not limited to an alternative that would reduce the Project to the level of low density residential use in order to reduce environmental impact. The analysis of alternatives in the EIR is not supported by substantial evidence. CEQA requires that an EIR consider a 'reasonable range of alternatives,' Guidelines § 15126.6(a), and that the document must include a discussion of alternatives even if to some degree they would limit accomplishment of the project's objectives, or would be more costly. Guidelines §15126.6(b). The CEQA Guidelines mandate that "The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects." Guidelines §15126.6(c).

Response: CEQA does not require that an EIR consider and analyze every conceivable alternative to a proposed project, only a range of potentially feasible alternatives that can feasibly attain the basic project objectives while reducing significant project impacts. Three alternatives were analyzed in the Draft EIR, including a reduced density alternative (Alternative 3). Alternative 3 reduced the number of proposed units by approximately 25%. In addition, Alternative 2 reduced the number of proposed units by 50%, with continued agricultural use. Therefore, contrary to the

statement in this comment, the EIR analyzed lower density residential project alternatives, and a range of alternatives consistent with CEQA's requirements.

Comment 6-10

For the foregoing reasons, SEJA believes the EIR is flawed. The City of Ontario's environmental review process has failed to ensure environmental justice for the City's residents. Therefore, we believe you should redraft and recirculate the EIR.

Response: The Armstrong Ranch Specific Plan EIR adequately addresses all potential environmental impacts of the project in compliance with the California Environmental Quality Act, as amended. This comment states that the EIR is flawed, but does not identify any specific areas of concern. For all the reasons set forth above in Response to Comments 6-1 through 6-10, all concerns raised by this comment letter have been addressed in the Draft EIR. Therefore, the Draft EIR is not flawed and did not fail to identify all potential project environmental impacts.



Department of Toxic Substances Control

Matthew Rodriguez
Secretary for
Environmental Protection

Barbara A. Lee, Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

November 4, 2016

Mr. Richard Ayala
City of Ontario Planning Division
303 East B Street
Ontario, California 91764

DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR ARMSTRONG RANCH SPECIFIC PLAN PROJECT (SCH# 2006111009)

Dear Mr. Ayala:

The Department of Toxic Substances Control (DTSC) has reviewed subject report (EIR). The following project description is stated in the EIR: "The Armstrong Ranch Specific Plan proposes the development of a new residential community as allowed by and consistent with The Ontario Plan. The project is located on approximately 199 acres and includes seven planning areas with various residential densities that total 994 residential units without an elementary school and 944 residential units with a 10-acre elementary school site."

Based on its review of the EIR, DTSC has the following comments:

1. The EIR should identify the current or historic uses at the project site that may have resulted in a release of hazardous wastes/substances. 7-1
2. If there are any recognized environmental conditions that exist on the project area, then proper investigation, sampling and remedial actions overseen by the appropriate regulatory agencies should be conducted prior to the new development or any construction. 7-2
3. If buildings or other structures are present onsite, then lead-based paints or products, mercury, and asbestos containing materials (ACMs) should be addressed in accordance with all applicable and relevant laws and regulations. 7-3
4. Pursuant to California Education Code (CEC), DTSC oversight and approval is required for any part of the Site designated for the construction of a public school 7-4

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5. If the project plans include discharging wastewater to a storm drain, you may be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit from Regional Water Quality Control Board (RWQCB). 7-5
6. If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area would cease and appropriate health and safety procedures should be implemented. 7-6
7. The EIR states, "The information is based on three studies²⁴ that were prepared and cover the entire 199-acre site. The De Boer Phase I ESA covers 112-acres (PA's 2-5) and the Limited Environmental Screening Assessment covers approximately 67.85-acres (PA's 1, 6A, 6B, 7). Data to prepare this section is based on the information provided within the three referenced environmental assessments. A copy of the reports is included in Appendix H". In this section the EIR identified only two (2) studies together 179.85 acres out of 199 acres. In addition, Appendix H contains only two (2) reports. No studies were mentioned for the remaining 19.15 acres. Please correct this discrepancy. 7-7
8. HM-2-SP further states, "If during grading activities hydrocarbon (TPH) stained soil areas are discovered, grading within the area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up measures are implemented." Areas suspected to be contaminated with total petroleum hydrocarbons (TPHs) should be investigated prior to site grading. 7-8
9. Appendix H, Phase I Environmental Site Assessment, De Boer Property, 9155 East Riverside Drive, Ontario, California, Section 2.2.2 states, "Based on the size and depth of the contamination noted at the three areas where actionable levels of TPH were found, GeoKinetics estimated that approximately 41 cubic yards of TPH stained soil would need to be excavated from the three locations (approximately 5 yd³ at water well #1, 11 yd³ at water well #2, and 25 yd³ at the fuel bunker)." This recommendation is not included in the EIR Mitigation Measures. 7-9
10. Appendix H, Phase I Environmental Site Assessment, De Boer Property, 9155 East Riverside Drive, Ontario, California, Section 5.0 states, "The groundwater investigation and remediation efforts in the area should be monitored. If conditions change, precautionary soil gas testing may be warranted in conjunction with any proposed residential development activities. If elevated levels of VOCs are identified in shallow soil gas samples, onsite buildings may require VOC vapor barrier systems or other mitigative measures." This should be included in the EIR. 7-10

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11. Appendix H, Limited Environmental Screening Assessment, Armstrong Ranch, East Riverside Drive & South Ontario Drive, Ontario, California, Section 6.0 states, "USTs were located in the northern and central portion of Area B. The 500 gallon UST in the northern part of Area B appears to have been removed without oversight. As such, a letter was issued indicating that if future contamination is found on Site, the owner will be responsible for Site investigations and remedial action. A soil and soil gas assessment in the area of the former tank is recommended." This should be included in the EIR.

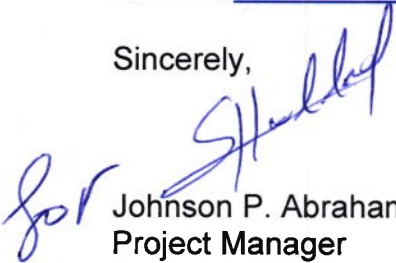
7-11

12. The above report states, "The groundwater investigation and remediation efforts in the area should be monitored. If conditions change, precautionary soil gas testing may be warranted in conjunction with any proposed residential development activities. If elevated levels of VOCs are identified in shallow soil gas samples, onsite buildings may require VOC vapor barrier systems or other mitigative measures." This should be included in the EIR.

7-12

If you have any questions regarding this letter, please contact me at (714) 484-5476 or email at Johnson.Abraham@dtsc.ca.gov.

Sincerely,



Johnson P. Abraham
Project Manager
Brownfields Restoration and School Evaluation Branch
Brownfields and Environmental Restoration Program - Cypress

kl/sh/ja

cc: Next page.

Mr. Richard Ayala
November 4, 2016
Page 4

cc: Mr. Phil Martin (via e-mail)
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Irvine, California 92620

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Brownfields and Environmental Restoration Program - Cypress
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CEQA# 2015101071

Letter 7: Johnson P. Abraham, Project Manager, California Department of Toxic Substances Control, letter dated November 4, 2016.

Comment 7-1

The DEIR concludes that “diesel emissions resulting from the construction of the project will be less than significant” without ever conducting a quantified health risk assessment (HRA) (p.3-46). The DEIR attempts to justify the omission of a quantified construction HRA by stating that the Project’s construction duration would be “relatively short” and therefore, impacts would be less than significant (p.3-46).

Response: The Draft EIR on pages 3-107 to 3-108 provides information on the current uses on the site and pages 3-108 to 3-110 provide information of the historic uses at the site, including those that may have resulted in a release of hazardous materials. These uses include primarily agricultural and dairy operations. Additional specifics are provided in Appendix H to the Draft EIR, including the Project’s Phase I Environmental Site Assessment in regards to the presence of septic tanks, asbestos-containing materials, lead-based paints, above and below-ground storage tanks, possible polychlorinated biphenyl, and manure. The Draft EIR also identifies mitigation measures designed to address potential hazardous conditions, and with the incorporation of these measures, impacts are reduced to a less than significant level. (See Draft EIR, p. 3-125.)

Comment 7-2

If there are any recognized environmental conditions that exist on the project area, then proper investigation, sampling and remedial actions overseen by the appropriate regulatory agencies should be conducted prior to the new development or any construction.

Response: Pages 3-118 and 3-119 of the Draft EIR identify the potential exposure of people to contaminated structures and/or soil could occur from any of the following:

- Asbestos-containing materials and lead-based paints associated with various on-site structures, pipes, and debris;
- Presence of pesticides/herbicides in the on-site soils;
- Potential soil contamination from PCB in areas currently containing transformers;
- Petroleum hydrocarbons contaminated areas of soil adjacent to ASTs and at the two water wells on the site;
- Unknown contaminants that have not previously been identified;
- Methane gas

Because the potential for people to be exposed to contaminated structures and/or soil, Mitigation Measures HM-1-SP through HM-8-SP on pages 3-124 and 3-125 of the Draft EIR were identified to reduce potentially significant hazards and hazardous materials at the site to less than significant. These measures require confirmation sampling consistent with current regulations, a Phase II Environmental Site Assessment or additional hazards investigations as necessary prior to issuance of demolition permits, disposal of fluorescent lights in accordance with applicable regulatory requirements, a lead based paint survey prior to demolition and removal of lead based paint

consistent with regulatory requirements, asbestos survey and removal of asbestos consistent with regulatory requirements, and subsurface methane soil gas reports. These Mitigation Measures will ensure that all proper investigation, sampling, and remedial actions will be taken prior to any construction, and consistent with all regulatory requirements and oversight.

Comment 7-3

If buildings or other structures are present onsite, then lead-based paints or products, mercury, and asbestos containing materials (ACMs) should be addressed in accordance with all applicable and relevant laws and regulations.

Response: As stated on pages 3-118 and 3-119 of the Draft EIR, there are existing buildings on the site that due to their age are likely to have lead-based paints, mercury and ACM's. Mitigation Measures HM-3-SP, HM-5-SP and HM-6-SP on pages 3-124 and 3-125 of the Draft EIR require all buildings to be surveyed and clearing of hazardous materials, including lead-based paint and ACMs. In the event these materials are present, these Mitigation Measures require hazardous materials, including asbestos and lead based paint, be removed and disposed of in accordance with all regulatory requirements.

Comment 7-4

Pursuant to California Education Code (CEC), DTSC oversight and approval is required for any part of the Site designated for the construction of a public school.

Response: The comment is noted. Should a public school be developed, DTSC will be contacted and its oversight and approval, as required by law, will be included.

Comment 7-5

If the project plans include discharging wastewater to a storm drain, you may be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit from Regional Water Quality Control Board (RWQCB).

Response: As stated on page 3-124 of the Draft EIR, each tract map within the project would disturb an area greater than one acre in size and thus, is subject to the provisions of the General Construction Activity Storm water Permit adopted by the State Water Resources Control Board (SWRCB). The preparation of a Storm Water Pollution Prevention Plan (SWPPP) is required by the State for compliance with the NPDES General Construction Storm Water Activity Permit.

Comment 7-6

If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area would cease and appropriate health and safety procedures should be implemented.

Response: In response to the comment, a new Mitigation Measure HM-11-SP is reflected in the Errata to the Draft EIR and the Mitigation and Monitoring Program for the Project. The new mitigation measure will require the project developer's contractor to cease any grading and construction activity should soil and/or groundwater contamination be suspected and notify the proper authorities accordingly and based on the appropriate authorities recommendations, implement all appropriate health and safety procedures required for the applicable contamination. This mitigation measure does not require recirculation of the Draft EIR per CEQA Guidelines section 15088.5 because the mitigation measure will further reduce, impacts relating to hazardous materials that were already analyzed and disclosed in the Draft EIR.

In addition, existing Mitigation Measure HM-2-SP specifically requires that any identified stained soil areas be removed and disposed of in accordance with current regulations should soil and/or groundwater contamination be suspected during construction and/or demolition. Further, Mitigation Measure HM-7-SP requires a subsurface methane soil gas report be provided to screen for the presence of elevated levels of methane gas due to the historic presence of livestock, and the implementation of any recommendations in this report to remove or remediate these soils. Finally, Mitigation Measure HM-8-SP addresses soils potential contaminated with pesticides or herbicides, by requiring proof that there are none onsite that exceed screening levels, and that any contamination be removed and properly disposed of consistent with state and federal regulations.

Comment 7-7

The EIR states, "The information is based on three studies²⁴ that were prepared and cover the entire 199-acre site. The De Boer Phase I ESA covers 112-acres (PA's 2-5) and the Limited Environmental Screening Assessment covers approximately 67.85-acres (PA's 1, 6A, 6B, 7). Data to prepare this section is based on the information provided within the three referenced environmental assessments. A copy of the reports is included in Appendix H". In this section the EIR identified only two (2) studies together 179.85 acres out of 199 acres. In addition, Appendix H contains only two (2) reports. No studies were mentioned for the remaining 19.15 acres. Please correct this discrepancy.

Response: The statement there are three studies is a typographical error. There are two studies that cover the entire 199-acre site. The two studies are referenced in the footnote on page 3-107 and include GeoKinetics Phase I Environmental Site Assessment De Boer Property, Ontario, California, May 15, 2015 and GeoKinetics Limited Environmental Screening Assessment Armstrong Ranch E. Riverside Dr. & S. Ontario Dr., Ontario, California, May 15, 2015. The third study referenced in the footnote on page 3-107 is a geotechnical report prepared for the project. The GeoKinetics Phase I Environmental Site Assessment De Boer Property, Ontario, California, May 15, 2015 report covers 112-acres and the GeoKinetics Limited Environmental Screening Assessment Armstrong Ranch E. Riverside Dr. & S. Ontario Dr., Ontario, California, May 15, 2015 covers 67.85 acres. As shown in the figures with each referenced Phase I Environmental Site Assessments, both documents cover the entire 199-acre site.

Comment 7-8

HM-2-SP further states, "If during grading activities hydrocarbon (TPH) stained soil areas are discovered, grading within the area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up measures are implemented." Areas suspected to be contaminated with total petroleum hydrocarbons (TPHs) should be investigated prior to site grading.

Response: The first part of Mitigation Measure HM-2-SP states, "Stained soil areas with PA's 2-5 shall be removed and disposed in accordance with current regulations. Confirmation sampling shall be conducted as required by current regulations after removal to verify that the impacted soil has been adequately removed from the site or treated in-situ (in place) as allowed by the regulations." This mitigation measure requires the removal of TPH stained soil prior to the start of grading. The remaining text of HM-2-SP is applicable to any stained soil that is discovered on the site after all known areas of stained soil are removed prior to grading.

Comment 7-9

Appendix H, Phase I Environmental Site Assessment, De Boer Property, 9155 East Riverside Drive, Ontario, California, Section 22.2 states, "Based on the size and depth of the contamination noted at the three areas where actionable levels of TPH were found, GeoKinetics estimated that approximately 41 cubic yards of TPH stained soil would need to be excavated from the three locations (approximately 5 yd³ at water well #1, 11 yd³ at water well #2, and 25 yd³ at the fuel bunker)." This recommendation is not included in the EIR Mitigation Measures.

Response: Mitigation Measure HM-2-SP requires the removal of stained soil areas within PA's 2-5 and disposed in accordance with current regulations. Confirmation sampling shall be conducted as required by current regulations after removal to verify that the impacted soil has been adequately removed from the site or treated in-situ (in place) as allowed by the regulations. Implementation of Mitigation Measure HM-2-SP requires the removal of all TPH stained soil as indicated in the comment, which could, upon testing, deviate from the estimated 41 cubic yards.

Comment 7-10

Appendix H, Phase I Environmental Site Assessment, De Boer Property, 9155 East Riverside Drive, Ontario, California, Section 5.0 states, "The groundwater investigation and remediation efforts in the area should be monitored. If conditions change, precautionary soil gas testing may be warranted in conjunction with any proposed residential development activities. If elevated levels of VOCs are identified in shallow soil gas samples, onsite buildings may require VOC vapor barrier systems or other mitigative measures." This should be included in the EIR.

Response: As noted by the comment, the following new mitigation measure is recommended to reduce the potential for VOC impacts to project residents.

HM-9-SP The project developer shall monitor TCE groundwater investigations and remediation efforts and VOC levels in the area over the next five years. If TCE levels on the site increase above 13 µg/l, precautionary soil gas testing may be warranted in conjunction with proposed residential development activities. If elevated levels of VOCs are identified in shallow soil gas samples at or beyond State standards, onsite residential units may require VOC vapor barrier systems or other measures as determined by the City.

New Mitigation Measures HM-9-SP is reflected in the Errata to the Draft EIR and in the Mitigation and Monitoring Program for the Project. This new mitigation measure does not require recirculation of the Draft EIR per CEQA Guidelines section 15088.5 because the implementation of the mitigation measures will further reduce impacts relating to VOCs that were already analyzed and disclosed in the Draft EIR.

Comment 7-11

Appendix H, Limited Environmental Screening Assessment, Armstrong Ranch, East Riverside Drive & South Ontario Drive, Ontario, California, Section 6.0 states, "USTs were located in the northern and central portion of Area B. The 500 gallon UST in the northern part of Area B appears to have been removed without oversight. As such, a letter was issued indicating that if future contamination is found on Site, the owner will be responsible for Site investigations and remedial action. A soil and soil gas assessment in the area of the former tank is recommended." This should be included in the EIR.

Response: As noted by the comment, the following new mitigation measure is recommended to address the former UST in PA 6A.

HM-10-SP Prior to the issuance of a demolition or grading permit for Parcel 0218-111-12-0000 within PA 6A, a soil and soil gas assessment in the area of the former UST tank shall be conducted and the results submitted to the City to determine if further investigation or remediation is required to comply with State law in order to safely issue a demolition and grading permits.

New Mitigation Measures HM-10-SP is reflected in the Errata to the Draft EIR and in the Mitigation and Monitoring Program for the Project. This new mitigation measure does not require recirculation of the Draft EIR per CEQA Guidelines section 15088.5 because the implementation of the mitigation measures will further reduce impacts relating to hazards and hazardous materials that were already analyzed and disclosed in the Draft EIR.

Comment 7-12

The above report states, "The groundwater investigation and remediation efforts in the area should be monitored. If conditions change, precautionary soil gas testing may be warranted in conjunction with any proposed residential development activities. If elevated levels of VOCs are identified in

shallow soil gas samples, onsite buildings may require VOC vapor barrier systems or other mitigative measures." This should be included in the EIR.

Response: See Response to Comment 7-10.

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October 23, 2017

Lorena Mejia
City of Ontario
Planning Department
303 East "B" Street
Ontario, CA 91764

VIA EMAIL TO:
LMejia@ontarioca.gov

Re: *Armstrong Ranch Specific Plan (SCH No. 2006111009)*

Dear Ms. Mejia,

This letter is to supplement our comment letter on behalf of Golden State Environmental Justice Alliance (also known as SoCal Environmental Justice Alliance) regarding the Armstrong Ranch Specific Plan (SCH No. 2006111009) (the "Project") and its Environmental Impact Report (the "EIR").

Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

The DEIR concludes that "diesel emissions resulting from the construction of the project will be less than significant" without ever conducting a quantified health risk assessment (HRA) (p. 3-46). The DEIR attempts to justify the omission of a quantified construction HRA by stating that the Project's construction duration would be "relatively short" and therefore, impacts would be less than significant (p. 3-46). Specifically, the DEIR states,

"Impacts from toxic substances are related to cumulative exposure and are assessed over a 70-year period. Cancer risk is expressed as the maximum number of new cases of cancer projected to occur in a population of one million people due to exposure to the cancer-causing substance over a 70-year lifetime. Demolition and grading for the project, when the peak diesel exhaust emissions would occur, is expected to take approximately 18 months, cumulatively, with all construction expected to take approximately five years. Because of the relatively short duration of construction compared to a 70-year lifespan, diesel emissions resulting from the construction of the project will be less than significant" (p. 3-46).

8-1

Additionally, the DEIR fails to evaluate, whatsoever, the potential health-related impacts posed to nearby sensitive receptors resulting from operation of the proposed Project. As a result, the health impacts from exposure to toxic air contaminants (TACs), such as diesel particulate matter (DPM), released during Project construction and operation were not analyzed. Until a health risk assessment is prepared that evaluates the Project's potential construction and operational health risk impact, the Project should not be approved.

According to the DEIR, there are numerous sensitive receptors located within the vicinity of the Project site. The DEIR states,

"The nearest existing sensitive receptors to the project are the single-family homes and pre-school/child care facility located north of Riverside Drive. There are a few rural residential units south of the project, south of Chino Avenue. In addition, there are single-family homes located northwest of the project site north of Riverside Drive and west of Vineyard Avenue" (p. 5.2-34).

As demonstrated above, there are several residential sensitive receptors located near the Project site. Construction of the proposed project will require the use of off-road equipment and heavy-duty on-road hauling trucks, therefore, the DEIR should have evaluated the health risk impact that would result from use of this equipment, since "air pollutants will be emitted during project demolition and construction with the operation of equipment and the generation of fugitive dust during grading activities" (p. 3-42). Furthermore, the DEIR's assertion that the Project would not pose a significant risk to the health of nearby residents simply due to the "relatively short duration of construction" does not justify the omission of a proper analysis. The South Coast Air Quality Management District's (SCAQMD) *Risk Assessment Procedures for Rules 1401, 1401.1, and 212* report provides guidance for evaluating a project's health-related impact. According to the report, it is recommended that health risk impacts from short-term projects be assessed. Specifically, the Guidance document states,

"Since these short-term calculations are only meant for projects with limits on the operating duration, these short-term cancer risk assessments can be thought of as being the equivalent to a 30-year cancer risk estimate and the appropriate thresholds would still apply (i.e. for a 5-year project, the maximum emissions during the 5-year period would be assessed on the more sensitive population, from the third trimester to age 5, after which the project's emissions would drop to 0 for the remaining 25 years to get the 30-year equivalent cancer risk estimate)".¹

Thus, a health risk assessment is required to determine whether or not a Project would expose sensitive receptors to substantial air pollutants. The DEIR should have conducted some sort of quantitative analysis and should have compared the results of this analysis to applicable thresholds. The SCAQMD provides a specific numerical threshold of 10 in one million for determining a project's health risk impact.² Therefore, the DEIR should have conducted an assessment that compares the Project's

¹ <http://www.aqmd.gov/docs/default-source/planning/risk-assessment/riskassprocjune15.pdf?sfvrsn=2>, p. IX-2

² <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>

construction health risks to this threshold in order to determine the Project's health risk impact. By failing to prepare a health risk assessment, the DEIR fails to provide a comprehensive analysis of the sensitive receptor impacts that may occur as a result of exposure to substantial air pollutants.

Finally, not only is the omission of a health risk assessment inconsistent with guidance set forth by the SCAQMD, but it is also inconsistent with requirements set forth by the Office of Environmental Health Hazard Assessment (OEHHA), the organization responsible for providing recommendations for health risk assessments in California. In February of 2015, OEHHA released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments*, which was formally adopted in March of 2015.³ This guidance document describes the types of projects that warrant the preparation of a health risk assessment. The OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors.⁴ As previously stated, demolition and grading activities during construction of the Project will produce emissions of DPM through the exhaust stacks of construction equipment over a construction period of approximately 18 months (p. 3-46). Once construction is complete, Project operation will generate truck trips, which will generate additional exhaust emissions, thus continuing to expose nearby sensitive receptors to DPM emissions. The OEHHA document recommends that exposure from projects lasting more than 6 months should be evaluated for the duration of the project, and recommends that an exposure duration of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident (MEIR).⁵ Even though we were not provided with the expected lifetime of the Project, we can reasonably assume that the Project will operate for at least 30 years, if not more. Therefore, per OEHHA guidelines, health risk impacts from Project construction and operation should have been evaluated by the DEIR. These recommendations reflect the most recent health risk assessment policy, and as such, an assessment of health risks to nearby sensitive receptors from construction and operation should be included in a revised CEQA evaluation for the Project.

By failing to conduct a comprehensive analysis within the DEIR of the sensitive receptor impacts that may occur as a result of exposure to substantial air pollutant emissions during Project construction and operation, the Project's health risk impact is unknown, thus leaving a gap within the DEIR's analysis. Until an updated analysis is prepared that adequately evaluates and mitigates the Project's health risk impact, the Project should not be approved.

Failure to Assess Feasibility of Obtaining Tier 4 Final Equipment

The DEIR's air quality analysis finds that the Project's construction-related NOx emissions will exceed the 100 pounds per day (lbs/day) threshold set forth by the SCAQMD (Table 3.3-7, p. 3-43). In an effort to mitigate these potentially significant emissions to a less than significant level, the DEIR proposes

³ "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/hotspots2015.html

⁴ "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, p. 8-18

⁵ "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, p. 8-6, 8-15

Mitigation Measure AQ-1-SP which states, “all heavy grading equipment with engines with a rating of 150 horsepower or greater shall be compliant with CARB/EPA Tier IV Final emissions standards” (p. 3-50). Subsequently, the DEIR concludes that,

“The implementation of the above-mentioned mitigation measures will reduce all construction emissions less than the SCAQMD Regional and Localized Significance Thresholds. Therefore, project construction will not result in a significant short-term local air quality impact” (p. 3-50).

We find the application of this measure to the Project’s design to be incorrect, however, as the DEIR fails to evaluate the feasibility of obtaining Tier 4 Final construction equipment during Project construction. As a result, the Project’s construction emissions are underestimated.

The United States Environmental Protection Agency’s (USEPA) 1998 nonroad engine emission standards were structured as a three-tiered progression. Tier 1 standards were phased-in from 1996 to 2000 and Tier 2 emission standards were phased in from 2001 to 2006. Tier 3 standards, which applied to engines from 37-560 kilowatts (kW) only, were phased in from 2006 to 2008. The Tier 4 emission standards were introduced in 2004, and were phased in from 2008 to 2015.⁶ These tiered emission standards, however, are only applicable to newly manufactured nonroad equipment. According to the USEPA, “if products were built before EPA emission standards started to apply, they are generally not affected by the standards or other regulatory requirements.”⁷ Therefore, pieces of equipment manufactured prior to 2000 are not required to adhere to Tier 2 emission standards, and pieces of equipment manufactured prior to 2006 are not required to adhere to Tier 3 emission standards. Construction equipment often lasts more than 30 years; as a result, Tier 1 equipment and non-certified equipment are currently still in use.⁸ It is estimated that of the two million diesel engines currently used in construction, 31 percent were manufactured before the introduction of emissions regulations.⁹

Although Tier 4 Final engines are currently being produced and installed in new off-road construction equipment, the vast majority of existing diesel off-road construction equipment in California is not equipped with Tier 4 Final engines.¹⁰ In a 2010 white paper, the California Industry Air Quality Coalition estimated that approximately 7% and less than 1% of all off-road heavy duty diesel equipment in California was equipped with Tier 2 and Tier 3 engines, respectively.¹¹ Similarly, based on information

⁶ Emission Standards, Nonroad Diesel Engines, *available at:*

<https://www.dieselnet.com/standards/us/nonroad.php#tier3>

⁷ “Frequently Asked Questions from Owners and Operators of Nonroad Engines, Vehicles, and Equipment Certified to EPA Standards.” United States Environmental Protection Agency, August 2012. *Available at:*

<http://www.epa.gov/oms/highway-diesel/regs/420f12053.pdf>

⁸ “Best Practices for Clean Diesel Construction.” Northeast Diesel Collaborative, August 2012. *Available at:*

<http://northeastdiesel.org/pdf/BestPractices4CleanDieselConstructionAug2012.pdf>

⁹ Northeast Diesel Collaborative Clean Construction Workgroup, *available at:*

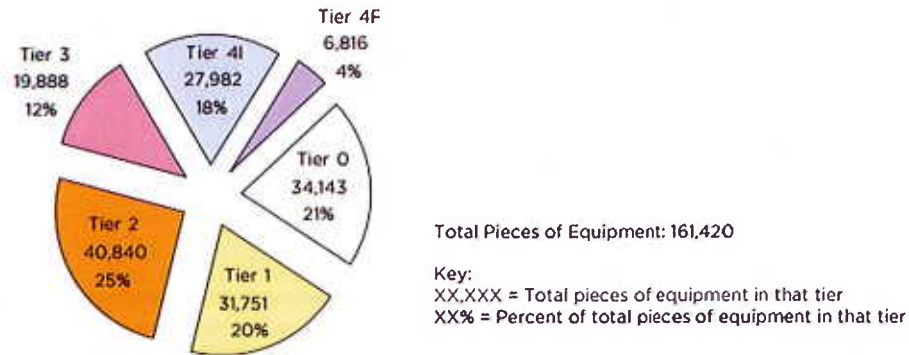
<http://northeastdiesel.org/construction.html>

¹⁰ California Industry Air Quality Coalition White Paper, p. 3, *available at:* http://www.agc-ca.org/uploadedFiles/Member_Services/Regulatory-Advocacy-Page-PDFs/White_Paper_CARB_OffRoad.pdf

¹¹ “White Paper: An Industry Perspective on the California Air Resources Board Proposed Off-Road Diesel Regulations.” Construction Industry Air Quality Coalition, *available at:* http://www.agc-ca.org/uploadedFiles/Member_Services/Regulatory-Advocacy-Page-PDFs/White_Paper_CARB_OffRoad.pdf

and data provided in the *San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects*, the availability of Tier 4 Final equipment is extremely limited. In 2014, 25% of all off-road equipment in the state of California were equipped with Tier 2 engines, approximately 12% were equipped with Tier 3 engines, approximately 18% were equipped with Tier 4 Interim engines, and only 4% were equipped with Tier 4 Final engines (see excerpt below).¹²

Figure 4: 2014 Statewide All Fleet Sizes (Pieces of Equipment)



As demonstrated in the figure above, Tier 4 Final equipment only accounts for 4% of all off-road equipment currently available in the state of California. Thus, by stating that the Project proposes to use Tier 4 Final equipment during construction, the DEIR is relying on a fleet of construction equipment that only accounts for 4% of all off-road equipment currently available in the state of California. Therefore, by failing to evaluate the feasibility of implementing Tier 4 Final mitigation into the Project's construction phases, the Project's construction emissions are underestimated. Thus, we find the DEIR's conclusion that the Project's significant construction-related NOx emissions would be reduced to less than significant levels to be incorrect and unsubstantiated, due to the DEIR's failure to evaluate the feasibility and availability of Tier 4 Final off-road construction equipment. As such, the DEIR's analysis should not be relied upon to determine Project significance.

Additional Mitigation Measures Available to Reduce Construction NOx Emissions

As stated in the section above, as a result of the DEIR's failure to evaluate the availability and feasibility of obtaining Tier 4 Final off-road construction equipment, we find the DEIR's conclusion that the Project's significant construction-related NOx emissions would be reduced to less than significant levels to be unsubstantiated. In an effort to reduce the Project's significant NOx emissions, we have identified several other mitigation measures that the Project Applicant can implement into the Project's construction fleet, which will subsequently reduce NOx emissions generated during construction. Additional mitigation measures can be found in CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*, which attempt to reduce Greenhouse Gas (GHG) levels, as well as reduce Criteria Air

¹² "San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects." August 2015, available at: https://www.sfdph.org/dph/files/EHSdocs/AirQuality/San_Francisco_Clean_Construction_Ordinance_2015.pdf, p.

Pollutants such as NOx.¹³ NOx is a byproduct of diesel fuel combustion, and is emitted by on-road vehicles and by off-road construction equipment. Mitigation for criteria pollutant emissions should include consideration of the following measures in an effort to reduce construction emissions.

Limit Construction Equipment Idling Beyond Regulation Requirements

Heavy duty vehicles will idle during loading/unloading and during layovers or rest periods with the engine still on, which requires fuel use and results in emissions. The California Air Resources Board ("CARB") Heavy-Duty Vehicle Idling Emissions Reduction Program limits idling of diesel-fueled commercial motor vehicles to five minutes. Reduction in idling time beyond the five minutes required under the regulation would further reduce fuel consumption and thus emissions. The Project applicant must develop an enforceable mechanism that monitors the idling time to ensure compliance with this mitigation measure.

Require Implementation of Diesel Control Measures

The Northeast Diesel Collaborative ("NEDC") is a regionally coordinated initiative to reduce diesel emissions, improve public health, and promote clean diesel technology. The NEDC recommends that contracts for all construction projects require the following diesel control measures:¹⁴

- All diesel onroad vehicles on site for more than 10 total days must have either (1) engines that meet EPA 2007 onroad emissions standards or (2) emission control technology verified by EPA¹⁵ or the California Air Resources Board (CARB)¹⁶ to reduce PM emissions by a minimum of 85 percent.
- All diesel generators on site for more than 10 total days must be equipped with emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85 percent.
- All diesel vehicles, construction equipment, and generators on site shall be fueled with ultra-low sulfur diesel fuel (ULSD) or a biodiesel blend¹⁷ approved by the original engine manufacturer with sulfur content of 15 parts per million (ppm) or less.

Repower or Replace Older Construction Equipment Engines

The NEDC recognizes that availability of equipment that meets the EPA's newer standards is limited.¹⁸ Due to this limitation, the NEDC proposes actions that can be taken to reduce emissions from existing equipment in the *Best Practices for Clean Diesel Construction* report.¹⁹ These actions include but are not limited to:

¹³ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

¹⁴ Diesel Emission Controls in Construction Projects, available at:

<http://www2.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf>

¹⁵ For EPA's list of verified technology: <http://www3.epa.gov/otaq/diesel/verification/verif-list.htm>

¹⁶ For CARB's list of verified technology: <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>

¹⁷ Biodiesel blends are only to be used in conjunction with the technologies which have been verified for use with biodiesel blends and are subject to the following requirements:

<http://www.arb.ca.gov/diesel/verdev/reg/biodieselcompliance.pdf>

¹⁸ <http://northeastdiesel.org/pdf/BestPractices4CleanDieselConstructionAug2012.pdf>

¹⁹ <http://northeastdiesel.org/pdf/BestPractices4CleanDieselConstructionAug2012.pdf>

- Repowering equipment (i.e. replacing older engines with newer, cleaner engines and leaving the body of the equipment intact).

Engine repower may be a cost-effective emissions reduction strategy when a vehicle or machine has a long useful life and the cost of the engine does not approach the cost of the entire vehicle or machine. Examples of good potential replacement candidates include marine vessels, locomotives, and large construction machines.²⁰ Older diesel vehicles or machines can be repowered with newer diesel engines or in some cases with engines that operate on alternative fuels (see section “Use Alternative Fuels for Construction Equipment” for details). The original engine is taken out of service and a new engine with reduced emission characteristics is installed. Significant emission reductions can be achieved, depending on the newer engine and the vehicle or machine’s ability to accept a more modern engine and emission control system. It should be noted, however, that newer engines or higher tier engines are not necessarily cleaner engines, so it is important that the Project Applicant check the actual emission standard level of the current (existing) and new engines to ensure the repower product is reducing emissions for PM₁₀.²¹

- Replacement of older equipment with equipment meeting the latest emission standards.

Engine replacement can include substituting a cleaner highway engine for a nonroad engine. Diesel equipment may also be replaced with other technologies or fuels. Examples include hybrid switcher locomotives, electric cranes, LNG, CNG, LPG or propane yard tractors, forklifts or loaders. Replacements using natural gas may require changes to fueling infrastructure.²² Replacements often require some re-engineering work due to differences in size and configuration. Typically, there are benefits in fuel efficiency, reliability, warranty, and maintenance costs.²³

Install Retrofit Devices on Existing Construction Equipment

PM emissions from alternatively-fueled construction equipment can be further reduced by installing retrofit devices on existing and/or new equipment. The most common retrofit technologies are retrofit devices for engine exhaust after-treatment. These devices are installed in the exhaust system to reduce emissions and should not impact engine or vehicle operation.²⁴ It should be noted that actual emissions reductions and costs will depend on specific manufacturers, technologies and applications.

Use Electric and Hybrid Construction Equipment

CAPCOA’s *Quantifying Greenhouse Gas Mitigation Measures*²⁵ report also proposes the use of electric and/or hybrid construction equipment as a way to mitigate criteria pollutant emissions, such as particulate matter. When construction equipment is powered by grid electricity rather than fossil fuel,

²⁰ <http://www3.epa.gov/otaq/diesel/technologies/engines.htm>

²¹ Diesel Emissions Reduction Program (DERA): Technologies, Fleets and Projects Information, available at: <http://www2.epa.gov/sites/production/files/2015-09/documents/420p11001.pdf>

²² <http://www3.epa.gov/otaq/diesel/technologies/replacements.htm>

²³ <http://www3.epa.gov/otaq/diesel/technologies/engines.htm>

²⁴ <http://www3.epa.gov/otaq/diesel/technologies/index.htm>

²⁵ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

direct emissions from fuel combustion are replaced with indirect emissions associated with the electricity used to power the equipment. Furthermore, when construction equipment is powered by hybrid-electric drives, emissions from fuel combustion are also greatly reduced and criteria air pollutants would be 100% reduced for equipment running on electricity. Electric construction equipment is available commercially from companies such as Peterson Pacific Corporation²⁶ and Komptech USA²⁷, which specialize in the mechanical processing equipment like grinders and shredders. Construction equipment powered by hybrid-electric drives is also commercially available from companies such as Caterpillar²⁸. For example, Caterpillar reports that during an 8-hour shift, its D7E hybrid dozer burns 19.5 percent fewer gallons of fuel than a conventional dozer while achieving a 10.3 percent increase in productivity. The D7E model burns 6.2 gallons per hour compared to a conventional dozer which burns 7.7 gallons per hour.²⁹ Fuel usage and savings are dependent on the make and model of the construction equipment used. The Project Applicant should calculate project-specific savings and provide manufacturer specifications indicating fuel burned per hour.

Institute a Heavy-Duty Off-Road Vehicle Plan

CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*³⁰ report recommends that the Project Applicant provide a detailed plan that discusses a construction vehicle inventory tracking system to ensure compliance with construction mitigation measures. The system should include strategies such as requiring hour meters on equipment, documenting the serial number, horsepower, manufacture age, fuel, etc. of all onsite equipment and daily logging of the operating hours of the equipment. Specifically, prior to the construction of a Project the contractor should submit a certified list of all diesel vehicles, construction equipment, and generators to be used on site.³¹ The list should include the following:³²

- Contractor and subcontractor name and address, plus contact person responsible for the vehicles or equipment.
- Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation.
- For the emission control technology installed: technology type, serial number, make, model, manufacturer, EPA/CARB verification number/level, and installation date and hour-meter reading on installation date.

Implement a Construction Vehicle Inventory Tracking System

²⁶ Peterson Electric Grinders Brochure, available at: http://www.petersoncorp.com/wp-content/uploads/peterson_electric_grinders1.pdf

²⁷ <https://www.komptech.com/about-komptech/green-efficiency.html>

²⁸ http://www.cat.com/en_US/products/new/power-systems/electric-power-generation.html

²⁹ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

³⁰ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

³¹ Diesel Emission Controls in Construction Projects, available at:

<http://www2.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf>

³² USEPA's Construction Fleet Inventory Guide is a useful tool in identifying the information required.

<http://www2.epa.gov/sites/production/files/2015-09/documents/construction-fleet-inventory-guide.pdf>

CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*³³ report recommends that the Project Applicant provide a detailed plan that discusses a construction vehicle inventory tracking system to ensure compliances with construction mitigation measures. The system should include strategies such as requiring engine run time meters on equipment, documenting the serial number, horsepower, manufacture age, fuel, etc. of all onsite equipment and daily logging of the operating hours of the equipment. Specifically, for each onroad construction vehicle, nonroad construction equipment, or generator, the contractor should submit to the developer's representative a report prior to bringing said equipment on site that includes:³⁴

- Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, and engine serial number.
- The type of emission control technology installed, serial number, make, model, manufacturer, and EPA/CARB verification number/level.
- The Certification Statement³⁵ signed and printed on the contractor's letterhead.

Furthermore, the contractor should submit to the developer's representative a monthly report that, for each onroad construction vehicle, nonroad construction equipment, or generator onsite, includes:³⁶

- Hour-meter readings on arrival on-site, the first and last day of every month, and on off-site date.
- Any problems with the equipment or emission controls.
- Certified copies of fuel deliveries for the time period that identify:
 - Source of supply
 - Quantity of fuel
 - Quality of fuel, including sulfur content (percent by weight).

In addition to those measures, we also recommend that the City require the Applicant to implement the following mitigation measures, called "Enhanced Exhaust Control Practices,"³⁷ that are recommended by the Sacramento Metropolitan Air Quality Management District ("SMAQMD"):

1. The project representative shall submit to the lead agency and District a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project.
 - The inventory shall include the horsepower rating, engine model year, and projected hours of use for each piece of equipment.

³³ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

³⁴ Diesel Emission Controls in Construction Projects, *available at*:

<http://www2.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf>

³⁵ Diesel Emission Controls in Construction Projects, *available at*:

<http://www2.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf> The NEDC Model Certification Statement can be found in Appendix A.

³⁶ Diesel Emission Controls in Construction Projects, *available at*:

<http://www2.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf>

³⁷ http://www.airquality.org/ceqa/Ch3EnhancedExhaustControl_10-2013.pdf

- The project representative shall provide the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.
 - This information shall be submitted at least 4 business days prior to the use of subject heavy-duty off-road equipment.
 - The District's Equipment List Form can be used to submit this information.
 - The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.
2. The project representative shall provide a plan for approval by the lead agency and District demonstrating that the heavy-duty off-road vehicles (50 horsepower or more) to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet-average 20% NO_x reduction and 45% particulate reduction compared to the most recent CARB fleet average.
- This plan shall be submitted in conjunction with the equipment inventory.
 - Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.
 - The District's Construction Mitigation Calculator can be used to identify an equipment fleet that achieves this reduction.
3. The project representative shall ensure that emissions from all off-road diesel-powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour.
- Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. Non-compliant equipment will be documented and a summary provided to the lead agency and District monthly.
 - A visual survey of all in-operation equipment shall be made at least weekly.
 - A monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.
4. The District and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this mitigation shall supersede other District, state or federal rules or regulations.

When combined, these measures offer a cost-effective way to incorporate lower-emitting equipment into the Project's construction fleet, which subsequently, reduces particulate matter emissions released during Project construction. An updated DEIR must be prepared to include additional mitigation measures, as well as include an updated air quality assessment to ensure that the necessary mitigation measures are implemented to reduce construction emissions. Furthermore, the Project Applicant needs to demonstrate commitment to the implementation of these measures prior to Project approval to ensure that the Project's construction-related emissions are reduced to the maximum extent possible.

Failure to Implement All Feasible Mitigation Measures to Reduce Operational VOC Emissions

The DEIR concludes that the Project's operational VOC emissions would be significant and unavoidable, yet fails to implement all feasible mitigation measures to the maximum extent possible in order to reduce these emissions to a less than significant level (p. 3-50). While it is true that the Project would result in a significant operational VOC impact, the DEIR's conclusion that this impact will be significant and unavoidable even when "all feasible mitigation measures are to be incorporated into the project" is entirely incorrect (p. 3-51). According to CEQA, and as stated by the San Joaquin Valley Air Pollution Control District (SJVAPCD),

"CEQA requires Lead Agencies to mitigate or avoid significant environmental impacts associated with discretionary projects. Environmental documents for projects that have any significant environmental impacts must identify all feasible mitigation measures or alternatives to reduce the impacts below a level of significance. If after the identification of all feasible mitigation measures, a project is still deemed to have significant environmental impacts, the Lead Agency can approve a project, but must adopt a Statement of Overriding Consideration to explain why further mitigation measures are not feasible and why approval of a project with significant unavoidable impacts is warranted."³⁸

Therefore, an impact can only be labeled as significant and unavoidable after all available, feasible mitigation is considered. Review of the Project's VOC mitigation measures, however, demonstrates that not all feasible mitigation is being implemented (p. ES 2 – ES3). As a result, additional mitigation measures should be identified and incorporated in order to reduce the Project's air quality impacts to the maximum extent possible. Until all feasible mitigation is reviewed and incorporated into the Project's design, impacts from operational VOC emissions cannot be considered as significant and unavoidable. We identified several additional mitigation measures that the DEIR failed to incorporate, which would further reduce the Project's operational VOC emissions, potentially to a less-than-significant level. Additional mitigation measures that could be implemented to reduce emissions are discussed below.

There are several feasible mitigation measures available to reduce VOC emissions (also referred to as ROG), including the following, which are routinely identified in other CEQA matters as feasible mitigation measures:

- Use of Zero-VOC Emissions Paint
 - The use of zero-VOC emission paint has been required for numerous projects that have undergone CEQA review.³⁹ Zero-VOC emission VOC paints are commercially available.⁴⁰ Other low-VOC standards should be incorporated into mitigation including use of

³⁸ http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf, p. 115 of 125

³⁹ <http://www.longbeach.gov/pw/eir/specdistregionalgov/03-sdrg-scaqmd-122205.pdf>

⁴⁰ http://www.benjaminmoore.com/en-us/for-your-home/paint-products/natura-waterborne-interior-paint?lang=en_US&role=H#adv=0&tab=2 and <http://www.mlandman.com/gbuildinginfo/lowvocpaints.shtml>

“supercompliant” paints, defined in Rule 1113 as coating materials with a VOC-content of 10 g/L.

- Use of Material that Do Not Require Paint
 - Using materials that do not require painting is a common mitigation measure where VOC emissions are a concern.⁴¹ Interior and exterior surfaces, such as concrete, can be left unpainted.
- Use of Spray Equipment with Greater Transfer Efficiencies
 - Various coatings and adhesives are required to be applied by specified methods such as electrostatic spray, high-volume, low-pressure (HVLP) spray, roll coater, flow coater, dip coater, etc. in order to maximize the transfer efficiency. Transfer efficiency is typically defined as the ratio of the weight of coating solids adhering to an object to the total weight of coating solids used in the application process, expressed as a percentage. When it comes to spray applications, the rules typically require the use of either electrostatic spray equipment or HVLP spray equipment. The SCAQMD is now able to certify HVLP spray applicators and other application technologies at efficiency rates of 65 percent or greater.⁴²

**8-4
(cont.)**

When combined, these measures offer a feasible way to effectively reduce the Project’s operational VOC emissions to a less than significant level. An updated DEIR must be prepared to include additional mitigation measures, as well as include an updated air quality analysis to ensure that the necessary mitigation measures are implemented to reduce operational emissions to below thresholds. Furthermore, the Project Applicant needs to demonstrate commitment to the implementation of these measures prior to Project approval, to ensure that the Project’s operational emissions are reduced to the maximum extent possible.

8-5

Sincerely,



Gary Ho
BLUM | COLLINS LLP

⁴¹ <http://www.cityofirvine.org/civica/filebank/blobdload.asp?BlobID=16943>, p.3.2-15

⁴² <http://www.aqmd.gov/home/permits/spray-equipment-transfer-efficiency>

Letter 8: Gary Ho, Blum/Collins, letter dated October 23, 2017.

Comment 8-1

The commenter express concern that the DEIR concludes that “diesel emissions resulting from the construction of the project will be less than significant “without ever conducting a quantified health risk assessment (HRA) (p. 3-46). The commenter alleges that the DEIR explains the omission of a quantified construction HRA by stating that the Project’s construction duration would be “relatively short” and therefore, impacts would be less than significant (p.3-46).

Additionally, the commenter alleges that the DEIR fails to evaluate the potential health-related impacts posed to nearby sensitive receptors resulting from operation of the proposed Project and, as such the health impacts from exposure to toxic air contaminants (TACs), such as diesel particulate matter (DPM), released during Project construction and operation were not analyzed.

The commenter requests that a health risk assessment be prepared to determine whether or not a Project would expose sensitive receptors to substantial air pollutants.

Response: A Health Risk Assessment (HRA) was not prepared for the project as it was not necessary for two reasons. One, the project itself proposes the development of residential uses and an elementary school. Unlike warehouses and other industrial uses that generate significant heavy truck traffic, residential units and an elementary school do not generate significant heavy truck traffic that emit toxic air contaminants (TAC), including diesel particulate matter (DPM). As such, there is no evidence to support a conclusion that the project will result in health impacts to sensitive receptors. Secondly, the existing land uses surrounding the project site include agricultural uses to the west, south and east. The land uses north of the project include residential units, a commercial shopping center, a pre-school/day care facility and a public golf course. Again, these land uses do not generate heavy truck traffic that would emit TACs and DPMs and impact residents of the Armstrong Ranch Specific Plan. As such, there is no evidence to support a conclusion that the project area currently produces a significant level of TACs such that the project could, even theoretically, cumulatively contribute to such emissions. For these two reasons, it was determined the project would not impact any existing sensitive receptors adjacent to the site or expose sensitive receptors), including residents and/or students and administrators of the proposed elementary school, to TAC’s or DPM’s from adjacent surrounding land use.

The City further notes that, significantly in their November 4, 2016 DEIR comment letter to the City of Ontario, SCAQMD did not express a concern with regard to TAC or DMP emissions, nor did it recommend the preparation of a HRA. It is the City’s opinion that if SCAQMD felt the project would either generate TAC’s or DPM’s that would significantly impact adjacent sensitive receptors or the future residents of Armstrong Ranch would be significantly impacted by TAC’s or DMP’s from surrounding off-site land uses that SCAQMD would have recommended the preparation of a HRA.

Comment 8-2

The commenter observes that the DEIR's air quality analysis finds that the Project's construction-related NO_x emissions will exceed the 100 pounds per day (lbs/day) threshold set forth by the SCAQMD (Table 3.3-7, p. 3-42). Accordingly, in an effort to mitigate these potentially significant emissions to a less than significant level, the DEIR proposes Mitigation Measure AQ-1-SP, which states, "all heavy grading equipment with engines with a rating of 150 horsepower or greater shall be compliant with CARB/EPA Tier IV Final emissions standards" (p. 3-50). The commenter asserts that the application of this measure to the Project's design to be incorrect because the DEIR fails to evaluate the feasibility of obtaining Tier 4 Final construction and so understates the Project's construction emissions.

Response: The City concurs with the comment that Tier IV construction equipment is not readily available and that the use of Tier IV construction equipment during all phases of project construction may not be feasible, although desirable. Discussions with the project applicant's contractor confirmed the availability of Tier IV construction equipment for use throughout project construction may not be feasible due to the lack of available inventory of Tier IV construction equipment. As a result, project construction emissions were modeled based on the use of Tier III construction equipment rather than Tier IV construction equipment. The construction emissions for the use of Tier III construction equipment are shown in Table 3.3-7, page 3-43 of the DEIR (see below). Due to typographical errors, several NO_x emissions in Table 3.3-7 have been revised as shown. The construction emissions for the use of Tier IV construction emissions were calculated and are shown below in Table 1. Comparing the revised NO_x construction emissions of Table 3.3-7 of the DEIR with the NO_x emissions in Table 1, the use of Tier III construction equipment will result in the increase of modeled emissions for VOC and NO_x of approximately 1%. A 1% increase in VOC and NO_x emissions during construction of the project will still not exceed SCAQMD construction emission thresholds or change the conclusions of the air quality construction emissions analysis of the DEIR.

Table 3.3-7
Total Construction Emissions by Activity

		Daily Emissions (lbs./day)					
Activity		CO	NO _x	VOC	PM ₁₀	PM _{2.5}	SO _x
	Demolition	35.1	43.1	4.1	2.6	2.1	0.0
	Site Preparation	40.5	51.8	4.9	21.0	12.5	0.0
	Grading (2017)	115.7	174.6	15.2	28.5	15.0	0.2
	Grading (2018)	103.3	149.7	13.3	27.3	13.9	0.2
	Wet Utilities	13.4	13.7 13.8	1.4	1.0	0.9	0.0
	Paving	15.3	17.2	1.8	1.1	0.9	0.0
	Painting (2018)	7.5	2.4 2.5	22.0	1.3	0.5	0.0
	Painting (2019)	7.0	2.2 2.3	22.0	1.3	0.4	0.0
	Painting (2020)	6.6	2.0 2.1	21.9	1.2	0.4	0.0
	Painting (2021)	6.3	1.9	21.9	1.2	0.4	0.0

	Bldg. Const. (2018)	60.3	37.4 37.9	5.6	8.4	3.4	0.1
	Bldg. Const. (2019)	56.9	33.9 34.3	5.0	8.2	3.2	0.1
	Bldg. Const. (2020)	54.2	30.5 30.8	4.6	8.0	3.0	0.1
	Bldg. Const. (2021)	52.3	27.2 27.5	4.3	7.8	2.9	0.1
Significance Threshold		550	100	75	150	55	150
Exceed Threshold?		No	Yes	No	No	No	No

Table 3-1
Total Construction Emissions by Activity – Tier IV Construction Equipment

		Daily Emissions (lbs./day)					
Activity		CO	NO_x	VOC	PM₁₀	PM_{2.5}	SO_x
	Demolition	35.1	43.1	4.1	2.6	2.1	0.0
	Site Preparation	40.5	51.8	4.9	21.0	12.5	0.0
	Grading (2017)	115.7	174.6	15.2	28.5	15.0	0.2
	Grading (2018)	103.3	149.7	13.3	27.3	13.9	0.2
	Wet Utilities	13.4	13.7	1.4	1.0	0.9	0.0
	Paving	15.3	17.2	1.8	1.1	0.9	0.0
	Painting (2018)	7.5	2.4	22.0	1.3	0.5	0.0
	Painting (2019)	7.0	2.2	22.0	1.3	0.4	0.0
	Painting (2020)	6.6	2.0	21.9	1.2	0.4	0.0
	Painting (2021)	6.3	1.9	21.9	1.2	0.4	0.0
	Bldg. Const. (2018)	60.3	37.4	5.6	8.4	3.4	0.1
	Bldg. Const. (2019)	56.9	33.9	5.0	8.2	3.2	0.1
	Bldg. Const. (2020)	54.2	30.5	4.6	8.0	3.0	0.1
	Bldg. Const. (2021)	52.3	27.2	4.3	7.8	2.9	0.1
Significance Threshold		550	100	75	150	55	150
Exceed Threshold?		No	Yes	No	No	No	No

Furthermore, in response to SCAQMD's Comment No. 2, (see SCAQMD Response to Comment No. 3) mitigation measure AQ-1-SP has been revised to require the use of Tier IV construction equipment for all construction equipment over 50 hp rather than 150 hp. The use of Tier IV construction equipment for all construction over 50 hp rather than 150 hp, will, as suggested by the comment reduce NO_x construction emissions.

The air quality construction emission analysis on pages 3-43 to 3-46 of the DEIR adequately address and identify the construction emission impacts of the project.

Comment 8-3

The commenter asserts that additional mitigation measures are available to reduce construction NO_x emissions.

Response: In response to SCAQMD Comment 5-1, the City revised Mitigation Measure AQ-1-SP on page 3-50 of the DEIR to require Tier IV construction equipment for all construction equipment of 50 hp or greater to reduce NOx emissions during project grading and construction.

The City has also reviewed and considered the suggested mitigation measures by the commenter to reduce NOx emissions. Based on its review, the city agrees with the suggested feasible measure to reduce NOx emissions by restricting construction equipment idling time to a maximum of five minutes as stated in the new mitigation measure below. This mitigation measure does not require recirculation of the Draft EIR per CEQA Guidelines section 15088.5 because the mitigation measure will further reduce air emission impacts already disclosed in the Draft EIR.

AQ-12-SP The project contractor shall be responsible to restrict all project related construction equipment, including on- and off-site construction equipment, to a maximum idling time of five minutes. Any construction equipment idling more than five minutes shall be turned off.

The City declines to adopt the other mitigation measures recommended by the commenter because the revisions to Mitigation Measure AQ-1-SP to require the use of Tier IV construction equipment for all equipment over 50 hp will accomplish the results of the other suggested mitigation measures, including Require Implementation of Diesel Control Measures, Repower or Replace Older Construction Equipment Engines, and Install Retrofit Devices on Existing Construction Equipment.

The suggestion by the comment to use Electric and Hybrid Construction Equipment is acknowledged. As suggested by SCAQMD's comment 5-3 and as suggested by Blum Collins to use grid electricity rather than fossil fuel combustion, i.e. generators, a new mitigation measure is recommended to encourage the use of temporary power poles rather than on-site generators during project construction to reduce local air emissions. The new mitigation measure is provided below. This mitigation measure does not require recirculation of the Draft EIR per CEQA Guidelines section 15088.5 because the mitigation measure will further reduce air emission impacts already disclosed in the Draft EIR.

AQ-13-SP Temporary grid electricity shall be provided to the site prior to the start of construction.

The suggestion by the comment to Institute a Heavy-Duty Off-road Vehicle Plan and a Comprehensive Vehicle Inventory Tracking System is noted. While the recommendation of new mitigation measures AQ-4-SP through AQ-13-SP that include the use of Tier IV equipment when readily available and otherwise Tier III equipment for all equipment over 50 hp will further reduce construction air emissions, the recommendation by the commenter to incorporate measures to reduce construction emissions is acknowledged. As a result, the following new mitigation measure is recommended to further reduce construction emission impacts. This mitigation measure does not require recirculation of the Draft EIR per CEQA Guidelines section 15088.5 because the mitigation measure will further reduce air emission impacts already disclosed in the Draft EIR.

AQ-14-SP Prior to the start of grading, the contractor shall submit a Heavy-Duty Off-Road Vehicle Plan to the Building Department and include the following measures. The city inspector shall ensure the contractor complies with the requirements of the Heavy-Duty Off-Road Vehicle Plan during project grading to include the following:

- All diesel vehicles and construction equipment on-site shall be fueled with ultra-low sulfur diesel or a biodiesel blend approved by the original engine manufacturer with sulfur content of 15 parts per million (ppm) or less.
- Electric and/or hybrid construction equipment shall be used in place of diesel and gasoline powered equipment, when available and comparable.
- A construction vehicle inventory traffic system that includes the following:
 - Contractor and subcontractor name and address, plus contact person responsible for the vehicles or equipment;
 - Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation;
 - For the emission control technology installed: technology type, serial number, make, model, manufacturer, EPA/CARB verification number/level, and installation date and hour-meter reading on installation date.
- The contractor shall submit to the developer a monthly report that for each on-road and off-road construction equipment includes the following information:
 - Hour meter readings on arrival on-site, the first and last day of every month and on-and off-site date.
 - Any problems with the equipment or emission controls;
 - Certified copies of fuel deliveries for the time period that identify”
 - Source of supply
 - Quantity of fuel
 - Quality of fuel, including sulfur content (percent by weight)
- Emissions from all off-road diesel-powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour. In addition:
 - Any equipment found to exceed 40 percent opacity (or Ringlemann 2.0) shall be repaired immediately.
 - Non-compliant equipment will be documented and a summary provided to the City of Ontario monthly.
 - A visual survey of all in-operation equipment shall be made at least weekly.
 - A monthly summary of the visual survey result shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction

activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.

Comment 8-4

The comment contends that the City has not implemented all feasible mitigation measures to reduce operational VOC emissions.

Response: The DEIR recommends all feasible measures to reduce VOC's. As discussed on page 3-50 of the DEIR, "The only feasible solution to reduce these two operational emissions [VOC and NO_x] by the project is to reduce natural gas combustion and the use of fireplaces and landscape maintenance equipment. However, even if the VOC and NO_x emissions from these sources were completely eliminated, project emissions would still exceed SCAQMD significance thresholds. Additionally, there is no feasible way for the project developer or the City to control driving habits of the residents, limit their use of consumer products, or limit their post-occupancy use of architectural coatings. Although neither the developer nor the City can control the driving habits of the residents, the garage of all residential units will be wired for the future installation of an electrical charging station. While this feature will not directly reduce vehicle VOC and NO_x emissions, the fact that all residential units are wired for electrical charging stations could encourage the use of electric vehicles by residents and indirectly reduce VOC and NO_x emissions.

In response to the comment to require additional measures to reduce operational VOC emissions, the following new mitigation measure is recommended. This mitigation measure does not require recirculation of the Draft EIR per CEQA Guidelines section 15088.5 because the mitigation measure will further reduce air emission impacts already disclosed in the Draft EIR.

- AQ-15-SP For all initial construction activities the project shall:
- Use zero-VOC emission paint;
 - Use materials that do not require paint;
 - Use spray equipment with 65 percent efficiency or greater.

The commenter suggest the use of Zero-VOC Emission paint. The use of Zero –VOC emission paint or the use of materials that do not require paint is not feasible to construct of the residential units due to the lack of economically priced construction materials with zero VOC emission paint or materials that don't require paint. While the use of Zero-VOC paint will reduce VOC emissions, it is not economically feasible to use Zero-VOC paint or materials that don't require paint for the project.

The City further noted that in its October 4, 2016 letter the SCAQMD did not suggest or recommend the use of Zero-VOC paint or materials that don't require paint to reduce VOC's.

Comment 8-5

The comment contends that their recommended measures will effectively reduce the project's operational VOC emissions to less than significant and that an updated DEIR must be prepared to

include additional mitigation measures, as well as an updated air quality analysis to ensure that the necessary mitigation measures are implemented to reduce operational emissions to below thresholds. Furthermore, the comment suggests the project applicant needs to demonstrate commitment to the implementation of these measures prior to project approval to ensure the project's operational emissions are reduced to the maximum extent possible.

Response: While it is acknowledged that the VOC mitigation measures recommended by the commenter will reduce VOC emissions and therefore, are incorporated into the FEIR, the incorporation of the measures does not require recirculation of the DEIR. The fact that the added mitigation measures to further reduce VOC emissions are incorporated into the FEIR the measures will be mandated to be incorporated into the project if the FEIR is adopted by the City of Ontario.

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

4.0.1 Introduction

This is the Mitigation Monitoring and Reporting Program (MMRP) for the Armstrong Ranch Specific Plan project. It has been prepared pursuant to the requirements of Public Resources Code §21081.6 which, among other things, states that when a governmental agency adopts or certifies a CEQA document that contains the environmental review of a proposed project, “The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.”

The City of Ontario is the lead agency for the project, and is therefore, responsible for administering and implementing of the MMRP. The decision-makers must define specific reporting and/or monitoring requirements to be enforced during project implementation prior to final approval of the proposed project.

4.0.2 Monitoring and Reporting Procedures

This MMRP includes the following information: (1) mitigation measures that will either eliminate or lessen the potential impact from the project; (2) the monitoring milestone or phase during which the measure should be complied with or carried out; (3) the enforcement agency responsible for monitoring mitigation measure compliance; and (4) the initials of the person verifying the mitigation measure was completed and the date of verification.

The MMRP will be in place through all phases of a project including project design (preconstruction), project approval, project construction, and operation (both prior to and post-occupancy). The City will ensure that monitoring is documented through periodic reports and that deficiencies are promptly corrected. The designated environmental monitor will track and document compliance with mitigation measures, note any problems that may result, and take appropriate action to rectify problems.

Each mitigation measure is listed and categorized by impact area, with an accompanying discussion of:

- The phase of the project during which the measure should be monitored;
 - Project review and prior to project approval
 - During grading or building plan check review and prior to issuance of a grading or building permit
 - On-going during construction
 - Throughout the life of the project
- The enforcement agency; and
- The initials of the person verifying completion of the mitigation measure and date. The MMRP is provided as **Table 4-1** (Mitigation Monitoring and Reporting Program).

Table 1
Armstrong Ranch Specific Plan Mitigation Monitoring and Reporting Program

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
					Signature	Date	Remarks
Agricultural Resources	The project would result in the conversion of Prime Farmland to non-agricultural uses. The project could impact existing agricultural operations and project residents in the future. This is considered a significant and unavoidable impact.	AG-1-SP Deed Disclosure - In order to reduce conflicting issues between sensitive receptors and agricultural uses, all residential units in the Armstrong Ranch Specific Plan shall be provided with a deed disclosure or similar notice approved by the City Attorney regarding the proximity and nature of neighboring agricultural uses. This disclosure shall be applied at the tentative map stage to the affected properties, or otherwise prior to finalizing the sale or rental agreement of any property. The written disclosure shall be supplied to the property purchaser or renter by the vendor or vendor’s agent. The content and text of the disclosure shall be approved by the City Attorney, and shall include language to inform new residents that existing agricultural uses may create nuisances such as flies, odors, dust, night-light, and chemical spraying.	Prior to approval of the each tentative tract map.	City Attorney and developer.			
Air Quality	The project would generate VOC and NOx emissions during the life of the project that exceed SCAQMD thresholds for these emissions. This is considered a significant and unavoidable impact.	AQ-3-SP Electrical outlets shall be provided at both the front and rear of all homes to encourage the use of electrical powered landscape maintenance equipment. AQ-15-SP For all initial construction activities the project shall: <ul style="list-style-type: none">• Use zero-VOC emission paint;• Use materials that do not require paint;• Use spray equipment with 65 percent efficiency or greater.	Electrical outlets installed prior to issuance of occupancy permit. The use of zero VOC paints and materials and spray equipment with 65 percent efficiency or greater during construction.	City of Ontario Building Department.			
Air Quality	Concurrent demolition, site preparation and grading will generate PM2.5 emission greater than the threshold.	AQ-2-SP All grading and construction activities shall meet SCAQMD’s Rule 403 to address fugitive dust emissions. AQ-7-SP During construction, the construction contractor shall ensure that all haul trucks transporting cut or fill, dirt or debris, off-site will be covered to reduce windblown dust and spills. AQ-8-SP The contractor shall apply non-toxic soil stabilizers according to manufacturers’ specifications to all inactive construction areas (previously graded areas inactive for ten days or more). AQ-9-SP The contractor shall apply water three times daily, or non-toxic soil stabilizers according to manufacturers’ specifications to all unpaved parking or staging areas or unpaved road surface. AQ-10-SP During construction, traffic speeds on all unpaved roads within the project shall be limited to 15 mph or less.	On-going during grading and construction.	City of Ontario Building Department			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
					Signature	Date	Remarks
		AQ-11-SP Prior to the start of any demolition or grading, the project developer’s contractor shall display at the site the phone number of a contact person that will be available 24-hours a day to call with complaints related to PM10 emissions and other construction related concerns.					
Air Quality	The project would generate NOx emissions during construction that exceed SCAQMD threshold.	<div>AQ-1-SP All heavy-duty equipment with engines with a rating of 50 horsepower (hp) or greater shall be compliant with CARB/EPA Tier IV Final emissions standards, if readily available. If Tier IV equipment is not readily available, all heavy-duty equipment with engines with a rating of 50 horsepower or greater compliant with Tier III equipment shall be an acceptable replacement.</div> <div>AQ-4-SP All on-site construction equipment shall meet the following criteria:<ul style="list-style-type: none">All off road diesel-powered construction equipment 50 horsepower (hp) or greater shall meet the CARB/EPA Tier IV Final emissions standards, if readily available. If Tier IV equipment is not readily available, all heavy-duty equipment with engines with a rating of 50 horsepower or greater compliant with Tier III equipment shall be an acceptable replacement.In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.A copy of each unit’s certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.Encourage construction contractors to apply for SCAQMD “SOON” funds. Incentives could be provided for those construction contractors who apply for SCAQMD “SOON” funds. The “SOON” program provides funds to accelerate clean-up of off-road diesel vehicles, such as heavy-duty construction equipment. More information on this program can be found at the following website: http://www.aqmd.gov/home/programs/business/business-detail?title=offroad-diesel-engines.</div>	On-going during grading and construction.	City of Ontario Building Department.			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
					Signature	Date	Remarks
		<p>AQ-5-SP The project contractor shall use 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the City determines that 2010 model year or newer diesel trucks cannot be obtained, the City shall require trucks that meet EPA 2007 model year NOx emissions requirements.</p> <p>AQ-6-SP The project contractor shall use electricity from power poles rather than temporary diesel or gasoline power generators, when feasible.</p> <p>AQ-12-SP The project contractor shall be responsible to restrict all project related construction equipment, including on- and off-site construction equipment, to a maximum idling time of five minutes. Any construction equipment idling more than five minutes shall be turned off.</p> <p>AQ-13-SP Temporary grid electricity shall be provided to the site prior to the start of construction.</p> <p>AQ-14-SP Prior to the start of grading, the contractor shall submit a Heavy-Duty Off-Road Vehicle Plan to the Building Department and include the following measures. The city inspector shall ensure the contractor complies with the requirements of the Heavy-Duty Off-Road Vehicle Plan during project grading:</p> <ul style="list-style-type: none">• All diesel vehicles and construction equipment on-site shall be fueled with ultra-low sulfur diesel or a biodiesel blend approved by the original engine manufacturer with sulfur content of 15 parts per million (ppm) or less.• Electric and/or hybrid construction equipment shall be used in place of diesel and gasoline powered equipment, when available and comparable.• A construction vehicle inventory traffic system that includes the following<ul style="list-style-type: none">➤ Contractor and subcontractor name and address, plus contact person responsible for the vehicles or equipment;➤ Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation;➤ For the emission control technology installed: technology type, serial number, make, model, manufacturer, EPA/CARB verification number/level, and installation date and hour-meter reading on installation date.					

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
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		<ul style="list-style-type: none">• The contractor shall submit to the developer a monthly report that for each on-road and off-road construction equipment includes the following information:<ul style="list-style-type: none">➤ Hour meter readings on arrival on-site, the first and last day of every month and on-and off-site date.➤ Any problems with the equipment or emission controls;➤ Certified copies of fuel deliveries for the time period that identify”<ul style="list-style-type: none">• Source of supply• Quantity of fuel• Quality of fuel, including sulfur content (percent by weight)• Emissions from all off-road diesel-powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour. In addition,<ul style="list-style-type: none">➤ Any equipment found to exceed 40 percent opacity (or Ringlemann 2.0) shall be repaired immediately.➤ Non-compliant equipment will be documented and a summary provided to the City of Ontario monthly.➤ A visual survey of all in-operation equipment shall be made at least weekly.➤ A monthly summary of the visual survey result shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.					
Biological Resources	The project has the potential to impact active native bird nests if existing on-site vegetation is removed during the nesting season, which typically extends from January 1 to August 31. Impacts to nesting native birds are prohibited by the Migratory Bird Treaty Act (MBTA) and California Fish and Wildlife Code	BIO-2-SP The removal of any vegetation by the project shall occur outside of the nesting season (January 1 through August 31). If avoidance of the nesting season is not feasible, a qualified biologist shall conduct a nesting bird survey within three days prior to the disturbance of any vegetation, including disking, demolition, grading or construction. If active nests of native bird species are identified, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. The buffer shall be 300 feet for raptors and 150 feet for songbirds; unless specifically determined to be less by a qualified biologist that is familiar with the nesting phenology of the nesting species.	Removal of on-site vegetation shall occur outside of the nesting season from January 1 through August 31.	City of Ontario Planning Department and Developer.			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
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Biological Resources	The project could impact critical habitat, if present.	BIO-5-SP Prior to any demolition or grading within PA’s 1, 6A, 6B or 7 that have not been surveyed to date, a qualified biologist shall conduct a critical habitat survey. If any critical habitat is identified, the project developer shall provide suitable critical habitat at a 1:1 ratio or a ratio acceptable to CDFW.	A critical habitat survey conducted prior to the demolition of buildings, site improvements or construction activities in Planning Areas 1, 6A, 6B and 7.	City of Ontario Planning Department and Developer.			
Biological Resources	The project could impact special status species including the burrowing owl, Delhi Sands Flower-loving Fly (DSFF), Loggerhead Shrike, bats, burrowing owl and if present.	<div>BIO-1-SP A preconstruction presence/absence burrowing owl survey shall be conducted within 14 days prior to the start of any demolition, grading or construction of each phase of development (including clearing and grubbing). Each pre-construction survey shall include the land proposed for development within the phase and any associated off-site improvements. If burrowing owls are detected, a mitigation and eviction plan consistent with CDFW protocol for that phase shall be provided to CDFW for approval.</div> <div>BIO-3-SP Prior to the demolition or grading within PA’s 1, 6A, 6B or 7 that have not been surveyed to date, a qualified biologist shall conduct a focused survey for burrowing owl following CDFW’s March 2012 recommended guidelines and shall consist of four visits between February 15 and July 15. If the species is found, an eviction plan shall be drafted and submitted to CDFW for approval. Eviction shall only occur when the owls are not nesting. If the species is not found during the focused survey, and the focused survey is completed more than 14 days prior to ground disturbance, a preconstruction presence/absence survey for burrowing owl within 14 days prior to each phase of development (including clearing and grubbing) shall be completed to ensure no mortality to the species occurs (CDFW 2012). If burrowing owls are detected, a mitigation and eviction plan for that phase will be drafted and provided to the CDFW for approval. Eviction shall occur only when the owls are not nesting.</div> <div>BIO-4-SP Prior to the demolition of any buildings, site improvements, grading or construction activities within Planning Areas 1, 6A, 6B and 7, a focused Delhi Sands Flower-loving Fly (DSFF) habitat suitability survey shall be completed. If the results of the focused habitat survey indicate the potential for DSFF to be present and impacted by the project, a protocol survey shall be completed to determine the presence of the DSFF. If DSFF is found to be present, the project developer shall complete the measures required to protect the species on the site, or provide</div>	Burrowing owl survey 14-days prior to demolition, grading or construction, nesting bird survey three days before any vegetation disturbance, a focused Delhi Sands Flower-loving Fly (DSFF) habitat suitability survey completed prior to any demolition, grading or construction in Planning Areas 1, 6A, 6B and 7. A DSFF habitat survey conducted prior to the demolition of buildings, site improvements or construction activities in Planning Areas 1, 6A, 6B and 7. A Loggerhead Shrike and Special Status bat surveys conducted prior to the demolition of buildings in Planning Areas 1, 6A, 6B and 7.	City of Ontario Planning Department and Developer.			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
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		<p>off-site mitigation in compliance with established protocols acceptable to USFWS.</p> <p>BIO-6-SP Prior to any demolition or grading within PA’s 1, 6A, 6B or 7 that have not been surveyed to date, a qualified biologist shall conduct Loggerhead Shrike and Special Status bat surveys. If present, the project developer shall complete measures to protect the species in compliance with established protocols and regulations and approved by CDFW.</p>					
Cultural Resources	The project could impact the existing historical resources at 9381 E. Riverside Drive. This impact is considered a potentially significant impact.	CUL-1-SP Prior to the demolition of any buildings on the property at 9381 East Riverside Drive, a professional photographer, under the direction of the project archaeologist/historian, shall take high quality digital and/or film photographs of the exterior of the surviving buildings to document the existing structures and the digital and/or film photographs presented to the City of Ontario for archiving.	Prior to the demolition of any buildings at 9381 East Riverside Drive.	City of Ontario Planning Department.			
Cultural Resources	Earth-disturbing activities associated with implementation of the project could potentially disturb or damage undocumented archaeological resources, if present. This impact is considered potentially significant.	CUL-2-SP An archeologist shall be retained to observe all grading activities and conduct salvage excavation of any archeological resources deemed necessary by the archaeologist. The archeologist shall be present at a pre-grading conference, establish procedures for archeological resource surveillance during grading and construction, and establish, in cooperation with the City, procedures to temporarily halt or redirect all work to allow the sampling, identification and evaluation of all resources as deemed necessary by the archaeologist. If archeological features are discovered, the archeologist shall report such findings to the Ontario Planning Director. If the archeological resources are found to be significant, the archeologist shall determine the appropriate actions, in cooperation with the City that shall be taken for exploration and/or salvage. In the event that an archaeological resource is unearthed during construction, all construction related activities in the area must cease immediately. The Applicant shall seek the advice of a qualified archaeologist approved by the local tribe to determine if the resource is deemed to be significant. In the event that the archaeological resource has been determined to be significant, the provisions outlined in compliance with CEQA Guidelines Section 15064.5(f) of CEQA shall apply.	Prior to the start of grading and on-going during grading.	City of Ontario Building Department.			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
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Cultural Resources	Earth-disturbing activities associated with implementation of the proposed project could potentially disturb or damage undocumented paleontological resources. This is considered a significant impact.	CUL-3(a)-SP Prior to site preparation or grading activities, construction personnel shall be informed of the potential for encountering paleontological resources. This shall include the provision of written materials to familiarize personnel with the range of resources that might be expected, the type of activities that may result in impacts, and the legal framework of cultural resources protection. All construction personnel shall be instructed to stop work in the vicinity of a potential discovery until a qualified paleontologist assesses the significance of the find and implements appropriate measures to protect or scientifically remove the find. Construction personnel shall also be informed that unauthorized collection of paleontological resources is prohibited.	Prior to the start of grading and on-going during grading.	City of Ontario Building Department.			
		CUL-3(b)-SP Prior to site preparation and grading activities, the applicant shall retain a qualified (member of the American Society of Vertebrate Paleontologists) paleontologist to monitor earth-disturbing activities. No paleontological monitoring is required for excavation up to a depth of five feet. Periodic monitoring by a paleontologist shall be done during excavation from a depth of five feet to ten feet. Full time monitoring by a paleontologist is required for all excavation below 10 feet, or if fossiliferous soils are discovered at shallower depths. A paleontologist shall also be available on-call to assess any potential resources that may be exposed or discovered when the paleontologist is not present.					
		CUL-3(c)-SP For any potential paleontological resource uncovered during construction, a qualified paleontologist shall first determine whether it is a “unique resource”. If the paleontological resource is determined to be a “unique resource,” the paleontologist shall formulate a mitigation plan in consultation with the City that satisfies the requirements off the Conformable Mitigation Guidelines of the Society of Vertebrate Paleontology (News Bulletin Number 163, January 1995). <ul style="list-style-type: none">If the paleontologist determines that the paleontological resource is not a unique resource, the paleontologist may record the site and submit the recordation form to the Natural History Museum of San Bernardino County.The paleontologist shall prepare a report of the results of any study prepared as part of a mitigation plan, following accepted professional practice. Copies of the report shall be submitted to the City of Ontario and to the Natural History Museum of San Bernardino County.					

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
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Cultural Resources	Earth-disturbing activities could result in the disturbance of human remains, including those interred outside of formal cemeteries. This impact is considered potentially significant.	CUL-4-SP In the event of the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately, the area of the find shall be protected, and the University immediately shall notify the San Bernardino County Coroner of the find and comply with the provisions of P.R.C. Section 5097 with respect to Native American involvement, burial treatment, and re-burial, if necessary.	On-going during grading.	City of Ontario Building Department.			
Greenhouse Gases	The project would generate greenhouse gas emissions that exceed the City of Ontario Community Climate Action Plan emission levels. This impact is considered to be potentially significant.	GHG-1-SP Prior to the issuance of the first building permit, the City shall ensure that all GHG reduction measures shown in Table 3.9-3 are incorporated into the project at the appropriate levels, including tentative tract map approval, issuance of grading permits, issuance of building permits and certificates of occupancy permits. At the City’s discretion, alternative reduction measures from Table 1, Appendix B of the City of Ontario Community Climate Action Plan can be substituted for measures in Table 3.7-1, or any future measures approved by the City, with the same or greater point value.	Prior to the issuance of first building permit.	City of Ontario Building Department.			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
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Hazards and Hazardous Materials	Development of the project could release existing hazardous materials on the site to the environment. This impact is considered potentially significant.	<p>HM-2-SP Stained soil areas with PA’s 2-5 shall be removed and disposed in accordance with current regulations. Confirmation sampling shall be conducted as required by current regulations after removal to verify that the impacted soil has been adequately removed from the site or treated in-situ (in place) as allowed by the regulations. If during grading activities hydrocarbon (TPH) stained soil areas are discovered, grading within the area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up measures are implemented. TPH stained soil shall be removed and transported off-site at a State approved disposal site under the observation of a licensed environmental technician and confirmation samples collected I the sidewalls and bottom of each excavation area. The confirmation samples shall be transported to a state certified laboratory and analyzed for TPH in accordance with EPA Methods 8015M and 8015B, to insure that TPH stained soil has been adequately removed from the site. Based on the laboratory results, the City shall determine when the area of the site is suitable for grading activities to resume.</p> <p>HM-7-SP Prior to the issuance of demolition permits of any buildings or structures or grading permits, whichever is issued first, the project developer shall submit a subsurface methane soil gas report to the City Building Department to screen for the presence of elevated levels of</p>	Prior to the issuance of demolition permits of any buildings or grading permit, whichever is first.	City of Ontario Building Department.			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
					Signature	Date	Remarks
		<p>methane gas due to the historic presence of livestock on PA’s 1-7. The recommendations in the subsurface methane soil gas report to remove or remediate any soils with methane gas levels that exceed accepted regulatory levels shall be implemented in accordance with all applicable laws and regulations as determined by the City Building Department.</p> <p>HM-8-SP Prior to the issuance of a demolition permits of any buildings or structures or grading permits, whichever is issued first within all Planning Areas, the project developer shall provide proof to the City that there are no herbicides or pesticides on the site that exceed Environmental Protection Agency Regional Screening Level (EPA RSL). If on-site pesticides or herbicides exceed EPA RSL, measures in compliance with all applicable local, State and federal regulations to either remediate the pesticides or herbicides on-site, or remove and properly dispose of the pesticides or herbicides shall be completed and proof provided to the City of their safe remediation or removal as permitted by law.</p>					
Hazards and Hazardous Materials	Project implementation within a quarter mile of the proposed on-site elementary school could release hazardous materials in existing buildings and if present in the soil to the school if the school is constructed prior to demolition and soil disturbance. This impact is considered potentially significant.	<p>HM-1-SP If transformers are to be removed, they shall be removed and disposed in accordance with current regulations by the utility company responsible for the transformer.</p> <p>HM-3-SP Prior to the issuance of demolition permits of any buildings or structures, or a grading permit, whichever is issued first, for PA’s 1, 6A, 6B and 7, a Phase I Environmental Site Assessment (ESA) shall be submitted to the City Building Department. Based on the recommendations of the Phase I ESA, a Phase II ESA or additional hazards investigations may be required. The City Building Department shall, based on the Phase I ESA, determine if additional studies and/or investigations or clean-up/remediation activities are required.</p> <p>HM-4-SP Prior to the issuance of demolition permits of any buildings or structures, all fluorescent light ballasts and pole-mounted transformers shall be inspected for PCBs. Any PCB containing fluorescent light ballasts and/or transformers shall be disposed of in accordance with applicable regulatory requirements.</p> <p>HM-5-SP Prior to the issuance of demolition permits of any buildings or structures, the project developer shall submit verification to the City Building Department that a lead-based paint survey was conducted and if lead-based paint was found, the lead-based paint was removed and deposited in accordance with all applicable regulatory requirements.</p> <p>HM-6-SP Prior to the issuance of demolition permits of any buildings or structures, the project developer shall submit verification to the City Building Department that an asbestos survey was conducted and if</p>	Prior to the issuance of demolition permits of any buildings.	City of Ontario Building Department			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
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		asbestos was found, the asbestos was removed and deposited in accordance with all applicable regulatory requirements, including South Coast Air Quality Management District Rule 1403.					
Hazards and Hazardous Materials	Development of the project could have TCE and VOC levels above State standards for residential development. This impact is considered potentially significant.	<p>HM-9-SP The project developer shall monitor TCE groundwater investigations and remediation efforts and VOC levels in the area over the next five years. If TCE levels on the site increase above 13 µg/l, precautionary soil gas testing may be warranted in conjunction with proposed residential development activities. If elevated levels of VOCs are identified in shallow soil gas samples at or beyond State standards, onsite residential units may require VOC vapor barrier systems or other measures as determined by the City.</p> <p>HM-10-SP Prior to the issuance of a demolition or grading permit for Parcel 0218-111-12-0000 within PA 6A, a soil and soil gas assessment in the area of the former UST tank shall be conducted and the results submitted to the City to determine if further investigation or remediation is required to comply with State law in order to safely issue a demolition and grading permits.</p>	Prior to the issuance of demolition or grading permit, whichever is first, within PA 6A.	City of Ontario Building Department.			
Hazards and Hazardous Materials	Development of the project could encounter groundwater and/or soil contamination on the site. This impact is considered potentially significant.	HM-11-SP During project demolition and grading, if suspected groundwater and/or soil contamination is encountered, at construction activity within 25 feet shall cease until the area is examined by the construction superintendent and the City to determine its significance and whether or not further clean-up or remediation is required in compliance with State and county laws and regulations.	On-going during demolition and grading.	City of Ontario Building Department			
Noise	The project could expose project residents to exterior noise levels that exceed the City noise standard limit of 65 CNEL and the interior noise level of 45 CNEL associated with future traffic volumes on area roadways. This impact is considered potentially significant.	<p>Project residents along Riverside Drive, and Chino Avenue will be exposed to outdoor traffic noise levels greater than the City’s 65 CNEL noise standard. Noise barriers will be required to reduce traffic exterior noise levels to less than 65 CNEL. The following mitigation is recommended to reduce exterior residential traffic noise levels to less than the City’s 65 CNEL standard.</p> <p>NOI-1-SP Prior to issuance of grading permits for the residential portion of the project, a detailed acoustical study using final grading plans shall be prepared by a qualified acoustical consultant and submitted to the City. The study shall determine the sound barrier heights and locations required to reduce traffic exterior noise levels to be in compliance with the City’s 65 CNEL exterior noise standard for residential uses. All sound barriers shall have a minimum density rating of 2 pounds/square foot.</p> <p>Homes within the project along Riverside Drive and Chino Avenue will be exposed to traffic noise levels greater than 65 CNEL and require more than 20 dB, and up to 25 dB, of outdoor-to-indoor noise</p>	Prior to the issuance of grading permits for residential construction.	City of Ontario Building Department			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
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		<p>reduction to achieve the City’s 45 CNEL interior standard. Homes along Hellman Avenue south of Riverside Drive, and Carpenter Avenue will be exposed to noise levels greater than 57 CNEL, but less than 65 CNEL. Homes along these roads will require closed windows in order to meet the 45 CNEL standard and ventilation requirements of the Uniform Building Code satisfied with windows closed. The following measure is recommended to reduce exterior noise levels to meet the City’s 45 CNEL interior noise standard along with the specific units that will require windows closed conditions to meet this standard.</p> <p>NOI-2-SP Prior to the issuance of building permits for the residential units, a detailed acoustical study using final building plans shall be prepared by a qualified acoustical consultant and submitted to the City. This study shall describe any acoustical upgrades required to meet the City’s 45 CNEL interior noise standard as well as to determine the units that will require windows closed conditions to meet the standard. The City shall require the installation of all acoustical upgrades that are recommended in the detailed acoustical study.</p>					
Noise	The project would generate construction noise levels that could impact existing residents closest to the site during project grading. This impact is considered potentially significant.	NOI-3-SP All noise generating construction activities shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturdays and Sundays.	On-going during project construction.	City of Ontario Building Department			
Noise	The project is outside the 65 CNEL noise contour of the LA/Ontario International Airport. The site is located within the designated Airport Influence Area. Uses outside the 60 CNEL contour, but within the Airport Influence Area are designated by the ALUCP as being in the Real Estate Transaction Disclosure Overflight Notification Zone. State law (Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353) requires airport proximity disclosure information to be provided during real estate transactions in this zone. This impact is considered potentially significant.	NOI-4-SP All project real estate transactions shall include aircraft overflight notification disclosures required by the ALUCP and state law (Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353.) and include the following disclosure language: “NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.	Prior to close of escrow for each residential unit.	City of Ontario Planning Department and Developer.			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance																							
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Transportation/Traffic	While project traffic itself will not impact City of Ontario’s acceptable LOS D standard, the project will contribute traffic to area intersections that in the future will exceed LOS D at some intersections. The project developer will pay its fair share towards the cost of future improvements to the affected intersections. This impact is considered potentially significant.	TRAF-1-SP The intersection improvements shown in Table 3.14-15 shall be constructed prior to the issuance of building permits as applicable. The project applicant shall pay its fair share as determined by the City Engineer towards the cost to improve area intersections to meet the City’s standard of LOS D.	Prior to the issuance of building permits.	City of Ontario Building Department																								
		<p>Table 3.14-15 Project Traffic Mitigation Measures</p>																										
		<table><tr><th>Intersection</th><th>Phase -Year Mitigation Required</th><th>Mitigation Measure(s)</th></tr><tr><td>Euclid Ave/Riverside Dr</td><td>Phase 3 - 2021</td><td>Add 3rd Northbound & Southbound through lanes</td></tr><tr><td>Vineyard Ave/Riverside Dr</td><td>Phase 1 - 2017</td><td>Add 2nd Southbound left-turn</td></tr><tr><td>Archibald Ave/Riverside Dr</td><td>Phase 1 - 2017</td><td>Provide dual left-turns on all approaches</td></tr><tr><td>Haven Ave/Riverside Dr</td><td>Phase 1 - 2017</td><td>Southbound: 1-right-turn, 1-thru, 2-left turns Northbound: 1-Left, 1-thru,1-thru/right-turn Eastbound: Add 1-thru, 1-left-turn Westbound: Add right-turn lane</td></tr><tr><td>Grove Ave/Chino Ave</td><td>Phase 1 - 2017</td><td>Install Traffic Signal</td></tr><tr><td>Vineyard Ave/Chino Ave</td><td>Phase 1 - 2017</td><td>Install Traffic Signal</td></tr></table>						Intersection	Phase -Year Mitigation Required	Mitigation Measure(s)	Euclid Ave/Riverside Dr	Phase 3 - 2021	Add 3 rd Northbound & Southbound through lanes	Vineyard Ave/Riverside Dr	Phase 1 - 2017	Add 2 nd Southbound left-turn	Archibald Ave/Riverside Dr	Phase 1 - 2017	Provide dual left-turns on all approaches	Haven Ave/Riverside Dr	Phase 1 - 2017	Southbound: 1-right-turn, 1-thru, 2-left turns Northbound: 1-Left, 1-thru,1-thru/right-turn Eastbound: Add 1-thru, 1-left-turn Westbound: Add right-turn lane	Grove Ave/Chino Ave	Phase 1 - 2017	Install Traffic Signal	Vineyard Ave/Chino Ave	Phase 1 - 2017	Install Traffic Signal
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Impact Category	Impact/Issue	Mitigation Measures		Implementation Timing	Responsible Party	Verification of Compliance		
						Signature	Date	Remarks
Transportation/Traffic	Traffic congestion impacts could occur during project construction.	TRAF-2-SP	Prior to the start of grading, the contractor shall submit a Construction Traffic Management Plan to Public Works for approval. The Plan shall identify truck haul routes, the location of flagmen, hours of operation and other requirements as determined necessary by the City to control project construction traffic into and out of the site and on the adjacent streets to the site for safety purposes.	Prior to the start of grading.	City of Ontario Building Department.			

APPENDIX A

Armstrong Ranch Specific Plan Draft EIR Comment Letters

DENNIS R. YATES
Mayor

EUNICE M. ULLOA
Mayor Pro Tem



GLENN DUNCAN
EARL C. ELROD
TOM HAUGHEY
Council Members

MATTHEW C. BALLANTYNE
City Manager

CITY of CHINO

November 10, 2016

Richard Ayala
City of Ontario, Planning Department
303 East B Street
Ontario, CA 91764

RE: No notice of Availability of a Draft Environmental Impact Report (DEIR) Armstrong Ranch Specific Plan – State Clearinghouse #2006111009

Dear Mr. Ayala,

Thank you for the opportunity to review the notice of availability of a DEIR Armstrong Ranch Specific Plan – State Clearinghouse #2006111009. Based upon our review, the City of Chino's Traffic Division has the following comments:

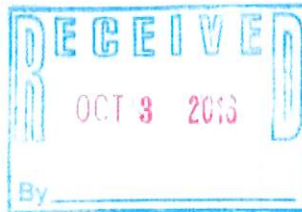
1. Consult with the City of Chino to identify a list of intersections to be included in the traffic study (including Caltrans Ramps).
2. Identify the mitigation measures required and fair share contribution specifically for Armstrong Ranch traffic impacts, consistent with the approved New Model Colony CMP Traffic Impact Analysis.
3. If additional lanes are required, include the cost of receiving lanes consistent with the CMP guidelines.
4. Collect D.I.F. fees for intersections within the City of Chino, per approved New Model Colony CMP Traffic Impact Analysis.

Please let me know if you have any questions. I can be reached at (909) 334-3330 or via email at kle@cityofchino.org.

Sincerely,

Kim Le
Associate Planner





California Environmental Quality Act
**Notice of Availability of a
Draft Environmental Impact Report**

City of Ontario
Planning Department
303 East "B" Street
Ontario, California
Phone: (909) 395-2036
Fax: (909) 395-2420



TO: Property Owners, Responsible Agencies & Interested Parties

FROM: City of Ontario, 303 East "B" Street, Ontario, CA 91764

SUBJECT: NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT
ARMSTRONG RANCH SPECIFIC PLAN – STATE CLEARINGHOUSE #2006111009.

NOTICE IS HEREBY GIVEN that a Draft Environmental Impact Report (DEIR) has been prepared for the project identified below. Copies of the DEIR and all documents referenced in the DEIR are on file at Ontario City Hall (Planning Department), 303 East "B" Street, Ontario, CA 91764, and are available for public review. The DEIR has also been made available for review at the following locations:

*City of Ontario
Planning Department
303 East "B" Street
Ontario, California 91764*

*Ontario Main Library
215 East "C" Street
Ontario, CA 91764*

*City of Ontario
City Clerk
303 East B Street
Ontario, California 91764*

The 45-day public review period extends from September 30, 2016 to November 14, 2016. Comments will be received until 5:00 p.m. November 14, 2016. Any person wishing to comment on this matter must submit such comments, in writing, to:

Richard Ayala, Senior Planner
City of Ontario Planning Department
303 East "B" Street
Ontario, CA 91764
(909) 395-2036
rayala@ontarioca.gov

Project Title/File No.: Armstrong Ranch Specific Plan/PSP15-002

Project Location: The Armstrong Ranch Specific Plan is identified as approximately 199 acres in the City of Ontario, San Bernardino County. The project site is bounded by Riverside Drive to the north, Chino Avenue to the south, Vineyard Avenue to the west, and the Cucamonga Creek Channel to the east. The surrounding land uses include residential, commercial, and a public golf course to the north and to the east, west and south are agricultural and dairy farms.

Project Description: The Armstrong Ranch Specific Plan includes approximately 199 acres and will allow the development of up to 994 single-family detached and attached residential units at an overall density of 5.0 dwelling units per acre within six (6) Planning Areas (PA's). The project also includes a proposed 10-acre site for the development of an elementary school within the east area of the specific plan. The elementary school site is located within the Mountain View School District and will serve the elementary students (K-5) that will live east of Carpenter Avenue. If the elementary school site is not developed, the land will revert to the underlying low density residential use of 5.0 dwelling per acre. Residential units can be transferred among the planning areas as long as the total number of residential units of the Specific Plan does not exceed 994 units.

The DEIR examines the potential environmental impacts as a result of the project on the following:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources

- Cultural Resources
- Geology/Soils
- Greenhouse Gas
- Hazardous and Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Noise
- Population and Housing
- Public Services
- Transportation/Traffic
- Utilities/Service Systems

Lead Agency: City of Ontario, 303 E. B Street, Ontario, California 91764

Date when project noticed to public: September 30, 2016

Review Period: September 30, 2016 to November 14, 2013



Regional Parks

MAUREEN A. SNELGROVE
Interim Director

October 27, 2016

Richard Ayala
City of Ontario Planning Department
303 East "B" Street
Ontario, CA 91764

**NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT
ARMSTRONG RANCH SPECIFIC PLAN – STATE CLEARINGHOUSE #2006111009**

The Armstrong Ranch Specific Plan has no impact on San Bernardino County Regional Parks.

Sincerely,

A handwritten signature in blue ink, appearing to read "Maureen A. Snelgrove".

MAUREEN A. SNELGROVE
Interim Director

BOARD OF SUPERVISORS

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Department of Public Works

Environmental & Construction • Flood Control
Operations • Solid Waste Management
Surveyor • Transportation

Gerry Newcombe
Director

November 14, 2016

Richard Ayala, Senior Planner
City of Ontario
303 East "B" Street
Ontario, CA. 91764-4105
rayala@ci.ontario.ca.gov

File: 10(ENV)-4.01

**RE: CEQA – NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE ARMSTRONG SPECIFIC PLAN FOR THE CITY OF ONTARIO**

Dear Mr. Ayala:

Thank you for giving the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on October 6, 2016** and pursuant to our review, the following comments are provided:

Permits/Operations Support Division (Melissa Walker, Chief, 909-387-7995):

1. This project is adjacent to the San Bernardino County Flood Control District (District) right-of-way for Cucamonga Channel system which is an existing District facility. Any works affecting this right-of-way would need a Flood Control Permit. Please note this facility is also a United States Army Corps of Engineers (USACE) facility and could require a USACE 408 permit.

Flood Control Planning Division (Michael Fam, PWE III, 909-387-8120):

1. The project is subject to the City of Ontario Master Drainage Plan dated March 2012.

Environmental Management Division (Marc Rodabaugh, Stormwater Program Manager, 909-387-8112):

1. In the Initial Study (IS) checklist, section 9 Hydrology and Water Quality, Subsection a), the IS needs to state that the City will prepare a WQMP as part of their compliance with the San Bernardino County Area-Wide Urban Runoff Permit.
2. In the IS checklist, section 9 Hydrology and Water Quality, Subsection e) the project proponent states "If master drainage facilities are not in place at the time of project development, then standard engineering practices for controlling post-development runoff may be required, which could include the construction of on-site storm water detention and/or retention/infiltration facilities." The IS needs to state the Project Proponent shall acknowledge that the specific plan Drainage Management Area (DMA) BMP(s) must be completed before, or concurrent with, the development occurring within the appurtenant DMA. Discharge of dry weather and stormwater

BOARD OF SUPERVISORS

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Fifth District

GREGORY C. DEVEREAUX
Chief Executive Officer

flows, which have not been treated to the Maximum Extent Practicable (MEP), would be a violation of the District's connection permit and the Area wide Program's NPDES Permit.

Water Resources Division (Mary Lou Mermilliod, PWE III, 909-387-8213):

1. We recommend that the project includes, and the City enforces, its most recent regulations for development within a floodplain.

If you have any questions, please contact the individuals who provided the specific comment, as listed above.

Sincerely,



NIDHAM ARAM ALRAYES, MSCE, PE, QSD/P
Public Works Engineer III
Environmental Management

NAA:PE:sr



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178

(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL AND USPS:

rayala@ontarioca.gov

November 4, 2016

Mr. Richard Ayala, Senior Planner
City of Ontario Planning Department
303 East "B" St.
Ontario, CA 91764

Draft Environmental Impact Report (EIR) for the Armstrong Ranch Specific Plan

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final EIR.

In the project description, the Lead Agency proposes to develop a 199-acre master-planned community consisting of residential and recreational areas. Approximately 994 residential units are proposed to be constructed over seven planning areas over a five year period. In the Air Quality Section, the Lead Agency quantified the Project's construction and operation air quality impacts and compared those impacts with the SCAQMD's recommended regional and localized daily significance thresholds. Based on its analyses, the Lead Agency has determined that operational emissions of the Project would exceed regional and localized ROG, NOx, and PM2.5 thresholds. Even with the proposed mitigation measures, the regional and localized impacts from operational emissions associated with the Project would be significant and unavoidable. The SCAQMD staff recommends that the proposed Project include all feasible mitigation measures in the Final EIR to further reduce the projected significant operational impacts. Details are included in the attachment.

Pursuant to Public Resources Code Section 21092.5, SCAQMD staff requests that the Lead Agency provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. Further, staff is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Jack Cheng, Air Quality Specialist, at (909) 396-2448, if you have any questions regarding the enclosed comments.

Sincerely

Jillian Wong

Jillian Wong Ph.D.

Planning & Rules Manager

Planning, Rule Development & Area Sources

JW:JC

SBC161004-06

Control Number

Construction Mitigation Measures (NO_x)

1. Based on the air quality analysis in the Draft EIR, the lead agency determined that the proposed Project will result in significant regional air quality impacts during construction. Specifically, the air quality analysis demonstrated that the proposed Project will exceed the SCAQMD's CEQA regional construction significance thresholds for NO_x. Therefore, SCAQMD staff recommends that, pursuant to Section 15126.4 of the CEQA Guidelines, the following changes and additional measures be included in the Final EIR, in addition to the measures proposed by the lead agency, in order to minimize or eliminate significant adverse air quality impacts:

Recommended Changes:

Mitigation Measure AQ-1-SP All heavy ~~grading~~ duty equipment with engines with a rating of ~~150~~ 50 horsepower or greater shall be compliant with CARB/EPA Tier IV Final emissions standards.

2. Consistent with measures that other lead agencies in the South Coast Air Basin (including Port of Los Angeles, Port of Long Beach, Metro and City of Los Angeles)¹ have enacted, require all on-site construction equipment to meet the following:
 - All off road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
 - A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
 - Encourage construction contractors to apply for SCAQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines>.
3. Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NO_x emissions requirements.
4. Require the use of electricity from power poles rather than temporary diesel or gasoline power generators.
5. Provide temporary traffic controls such as a flag person, during all phases of significant construction activity to maintain smooth traffic flow.
6. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
7. Reroute construction trucks away from congested streets or sensitive receptor areas.
8. Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM₁₀ generation.
9. Improve traffic flow by signal synchronization.

¹ For example see the Metro Green Construction Policy at:
http://www.metro.net/projects_studies/sustainability/images/Green_Construction_Policy.pdf

Construction Mitigation Measures (PM10 and PM2.5)

10. Based on the estimated significant regional and localized construction impacts, the SCAQMD staff recommends the following additional measures to further reduce those impacts:

Since the Project is considered a large operation (50 acre sites or more of disturbed surface area; or daily earth-moving operations of 3,850 cubic yards or more on three days in any year) in the South Coast Air Basin, the Lead Agency is required to comply with all SCAQMD Rule 403(e) – Additional Requirements for Large Operations. This may include but not limited to Large Operation Notification, appropriate signage, additional dust control measures, and employment of a dust control supervisor that has successfully completed the Dust Control in the South Coast Air Basin training class. Therefore, the Final EIR should contain a detailed description of how the Project will comply with [Rule 403\(e\)](#). Please contact dustcontrol@aqmd.gov for more information.

- Additional requirements include but are not limited to:
 - Implementation of Table 2 of Rule 403 at all times and implementation of the actions specified in Table 3 of Rule 403 when applicable.
 - Submittal of a fully executed Large Operation Notification to the Executive Officer.
 - Maintenance of daily records to document the specific dust control actions taken.
 - Installation and maintenance of project signage with project contact person that meets the minimum standards of Rule 403 Implementation Handbook.
 - Identification of a dust control supervisor that has completed the AQMD Fugitive Dust Control Class.
11. Limit soil disturbance to the amounts analyzed in the Final EIR.
12. All materials transported off-site shall securely covered.
13. Apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more).
14. Apply water three times daily, or non-toxic soil stabilizers according to manufacturers' specifications, to all unpaved parking or staging areas or unpaved road surfaces;
15. Traffic speeds on all unpaved roads to be reduced to 15 mph or less.
16. Construct or build with materials that do not require painting.

For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website:

<http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>.

Mobile Source Emissions – Additional Operational Mitigation Measures

17. Improve walkability design and pedestrian network.
18. Increase transit accessibility and frequency by incorporating Bus Rapid Transit lines with permanent operational funding stream.

Electric Vehicle (EV) Charging Stations

19. Vehicles that can operate at least partially on electricity have the ability to substantially reduce the significant NO_x impacts from this project. It is important to make this electrical infrastructure available when the project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, the SCAQMD staff recommends the lead agency require the proposed project to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for vehicles to plug-in. The SCAQMD staff recommends that the lead agency require at least 5% of all vehicle parking spaces include EV charging stations. At a minimum, electrical panels should appropriately sized to allow for future expanded use.

BLUM | COLLINS LLP

Aon Center
707 Wilshire Boulevard
Suite 4880
Los Angeles, California
90017

213.572.0400 phone
213.572.0401 fax

November 14, 2016

Richard Ayala
Senior Planner
City of Ontario
303 East "B" Street
Ontario, CA 91764

VIA EMAIL TO:
RAyala@ontarioca.gov

Re: *Armstrong Ranch Specific Plan (SCH No. 2006111009)*

Dear Mr. Ayala:

This letter is to serve you with comments on behalf of the SoCal Environmental Justice Alliance ("SEJA") regarding the Armstrong Ranch Specific Plan (SCH No. 2006111009) (the "Project") and its Environmental Impact Report (the "EIR").

Specific Plan

The Armstrong Ranch Specific Plan will establish land use, development and design standards for 199 acres to allow up to 994 single-family detached and attached residential units at a density of 5 dwelling units per acre within six Planning Areas (PA's). The residential units include both conventional single family detached units on individual lots and "Z" lot homes with residential units on individual lots. In addition, single family attached townhomes and condominium residential units are proposed. Lot sizes will range from 2,700 sf to 7,125 sf. Residential units can be transferred among the planning areas as long as the total number of residential units of the Specific Plan does not exceed 994 units. An elementary school site is proposed in the southeast corner of the site on approximately 10 acres within the Mountain View School District and will serve the elementary students (K-5) that live east of Carpenter Avenue. If the elementary school site is not developed, the land will revert to the underlying low density residential use.

The EIR fails to provide sufficient details on how the provision of public services, utilities and infrastructure will be accomplished. This empty promise is inadequate under CEQA. The City must **require** the Project's developer to make specific improvements to accommodate the large number of new residents. It is not enough to merely recommend or suggest mitigation. Mitigation measures must be "fully enforceable." CEQA Guidelines, § 15126.4(a)(2). Mitigation should not be deferred or lie within the discretion of the project applicant. See *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306; *Woodward Park Homeowners Assn, Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 730.

The Specific Plan also states that a new elementary school will be developed, but fails to provide sufficient evidence to show that the City has the funds to build the school. Moreover, the Specific Plan fails to address whether the surrounding junior and senior high schools have the capacity to absorb the large number of new students who will move into the Project.

Inconsistency with General Plan

According to the City's General Plan land use designations, the Project Site had been designated as low density residential. The Project proposes uses that are inconsistent with low density residential use.

Air Quality Impacts

Phased modeling is used to analyze air quality impacts in the EIR. This is improper because the Project does not actually require the developer to adopt a phased construction plan. Even if the phased plan were adopted, NOx emissions still exceed SCAQMD Threshold.

Further, the EIR provides no analysis of impact from potential overlap of construction phases or mitigation if this were to occur. The EIR fails to exclude the possibility that these construction phases could occur simultaneously and result in even more serious pollution. The EIR also fails to consider that construction may occur faster, which would result in significantly greater impacts. It also does not specify the number of hours per day that construction will occur, or require that construction be completed over a certain number of days.

Noise

The EIR does not attempt to quantify construction noise impacts, thereby failing to disclose relevant project information and preventing the public and decision-makers from making an informed decision based on the predicted actual impacts of the Project.

The EIR claims that noise impacts will remain below significant thresholds. These claims are not credible because, as discussed above, the Project does not require the developer to adopt a phased construction plan. The EIR also fails to consider cumulative noise impacts.

Transit and Traffic

The EIR does not analyze or mitigate impacts from construction related traffic, even though the construction will bring numerous areas to unacceptable LOS (levels of service).

Alternatives

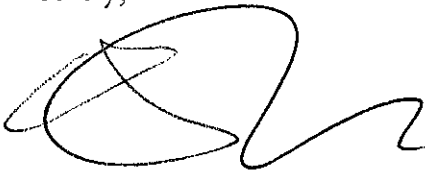
The Project's EIR fails to provide adequate identification and analysis of a reasonable range of alternatives to the Project, including but not limited to an alternative that would reduce the Project to the level of low density residential use in order to reduce environmental impact. The analysis of alternatives in the EIR is not supported by substantial evidence. CEQA requires that an EIR consider a "reasonable range of alternatives," Guidelines § 15126.6(a), and that the document must include a discussion of alternatives even if to some degree they would limit accomplishment of the project's objectives, or would be more costly. Guidelines § 15126.6(b). The CEQA Guidelines mandate that "The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects." Guidelines § 15126.6(c).

Conclusion

For the foregoing reasons, SEJA believes the EIR is flawed. The City of Ontario's environmental review process has failed to ensure environmental justice for the City's residents. Therefore, we believe you should redraft and recirculate the EIR.

We look forward to your responses. Please forward a notice of availability of the Final EIR to blum@blumcollins.com and ho@blumcollins.com.

Sincerely,

A handwritten signature in black ink, appearing to be 'Gary Ho', with a stylized, looping flourish at the end.

Gary Ho
BLUM | COLLINS LLP



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Barbara A. Lee, Director
5796 Corporate Avenue
Cypress, California 90630



Edmund G. Brown Jr.
Governor

November 4, 2016

Mr. Richard Ayala
City of Ontario Planning Division
303 East B Street
Ontario, California 91764

DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR ARMSTRONG RANCH SPECIFIC PLAN PROJECT (SCH# 2006111009)

Dear Mr. Ayala:

The Department of Toxic Substances Control (DTSC) has reviewed subject report (EIR). The following project description is stated in the EIR: "The Armstrong Ranch Specific Plan proposes the development of a new residential community as allowed by and consistent with The Ontario Plan. The project is located on approximately 199 acres and includes seven planning areas with various residential densities that total 994 residential units without an elementary school and 944 residential units with a 10-acre elementary school site."

Based on its review of the EIR, DTSC has the following comments:

1. The EIR should identify the current or historic uses at the project site that may have resulted in a release of hazardous wastes/substances.
2. If there are any recognized environmental conditions that exist on the project area, then proper investigation, sampling and remedial actions overseen by the appropriate regulatory agencies should be conducted prior to the new development or any construction.
3. If buildings or other structures are present onsite, then lead-based paints or products, mercury, and asbestos containing materials (ACMs) should be addressed in accordance with all applicable and relevant laws and regulations.
4. Pursuant to California Education Code (CEC), DTSC oversight and approval is required for any part of the Site designated for the construction of a public school

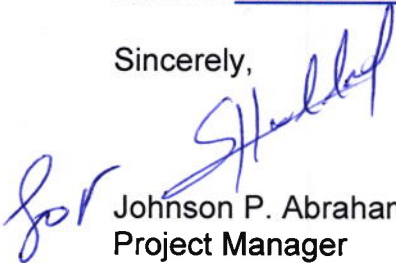
5. If the project plans include discharging wastewater to a storm drain, you may be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit from Regional Water Quality Control Board (RWQCB).
6. If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area would cease and appropriate health and safety procedures should be implemented.
7. The EIR states, "The information is based on three studies²⁴ that were prepared and cover the entire 199-acre site. The De Boer Phase I ESA covers 112-acres (PA's 2-5) and the Limited Environmental Screening Assessment covers approximately 67.85-acres (PA's 1, 6A, 6B, 7). Data to prepare this section is based on the information provided within the three referenced environmental assessments. A copy of the reports is included in Appendix H". In this section the EIR identified only two (2) studies together 179.85 acres out of 199 acres. In addition, Appendix H contains only two (2) reports. No studies were mentioned for the remaining 19.15 acres. Please correct this discrepancy.
8. HM-2-SP further states, "If during grading activities hydrocarbon (TPH) stained soil areas are discovered, grading within the area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up measures are implemented." Areas suspected to be contaminated with total petroleum hydrocarbons (TPHs) should be investigated prior to site grading.
9. Appendix H, Phase I Environmental Site Assessment, De Boer Property, 9155 East Riverside Drive, Ontario, California, Section 2.2.2 states, "Based on the size and depth of the contamination noted at the three areas where actionable levels of TPH were found, GeoKinetics estimated that approximately 41 cubic yards of TPH stained soil would need to be excavated from the three locations (approximately 5 yd³ at water well #1, 11 yd³ at water well #2, and 25 yd³ at the fuel bunker)." This recommendation is not included in the EIR Mitigation Measures.
10. Appendix H, Phase I Environmental Site Assessment, De Boer Property, 9155 East Riverside Drive, Ontario, California, Section 5.0 states, "The groundwater investigation and remediation efforts in the area should be monitored. If conditions change, precautionary soil gas testing may be warranted in conjunction with any proposed residential development activities. If elevated levels of VOCs are identified in shallow soil gas samples, onsite buildings may require VOC vapor barrier systems or other mitigative measures." This should be included in the EIR.

11. Appendix H, Limited Environmental Screening Assessment, Armstrong Ranch, East Riverside Drive & South Ontario Drive, Ontario, California, Section 6.0 states, "USTs were located in the northern and central portion of Area B. The 500 gallon UST in the northern part of Area B appears to have been removed without oversight. As such, a letter was issued indicating that if future contamination is found on Site, the owner will be responsible for Site investigations and remedial action. A soil and soil gas assessment in the area of the former tank is recommended." This should be included in the EIR.

12. The above report states, "The groundwater investigation and remediation efforts in the area should be monitored. If conditions change, precautionary soil gas testing may be warranted in conjunction with any proposed residential development activities. If elevated levels of VOCs are identified in shallow soil gas samples, onsite buildings may require VOC vapor barrier systems or other mitigative measures." This should be included in the EIR.

If you have any questions regarding this letter, please contact me at (714) 484-5476 or email at Johnson.Abraham@dtsc.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "JP Abraham", is written over the typed name.

Johnson P. Abraham
Project Manager
Brownfields Restoration and School Evaluation Branch
Brownfields and Environmental Restoration Program - Cypress

kl/sh/ja

cc: Next page.

Mr. Richard Ayala
November 4, 2016
Page 4

cc: Mr. Phil Martin (via e-mail)
EIR Consultant
Phil Martin & Associates, Inc.
4860 Irvine Boulevard, Suite 203
Irvine, California 92620

Governor's Office of Planning and Research (via e-mail)
State Clearinghouse
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Sacramento, California 95812-3044
State.clearinghouse@opr.ca.gov

Mr. Guenther W. Moskat, Chief
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CEQA Tracking Center
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Mr. Dave Kereazis (via e-mail)
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Mr. Shahir Haddad, Chief (via e-mail)
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Brownfields and Environmental Restoration Program - Cypress
Shahir.Haddad@dtsc.ca.gov

CEQA# 2015101071

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October 23, 2017

Lorena Mejia
City of Ontario
Planning Department
303 East "B" Street
Ontario, CA 91764

VIA EMAIL TO:
LMejia@ontarioca.gov

Re: *Armstrong Ranch Specific Plan (SCH No. 2006111009)*

Dear Ms. Mejia,

This letter is to supplement our comment letter on behalf of Golden State Environmental Justice Alliance (also known as SoCal Environmental Justice Alliance) regarding the Armstrong Ranch Specific Plan (SCH No. 2006111009) (the "Project") and its Environmental Impact Report (the "EIR").

Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

The DEIR concludes that "diesel emissions resulting from the construction of the project will be less than significant" without ever conducting a quantified health risk assessment (HRA) (p. 3-46). The DEIR attempts to justify the omission of a quantified construction HRA by stating that the Project's construction duration would be "relatively short" and therefore, impacts would be less than significant (p. 3-46). Specifically, the DEIR states,

"Impacts from toxic substances are related to cumulative exposure and are assessed over a 70-year period. Cancer risk is expressed as the maximum number of new cases of cancer projected to occur in a population of one million people due to exposure to the cancer-causing substance over a 70-year lifetime. Demolition and grading for the project, when the peak diesel exhaust emissions would occur, is expected to take approximately 18 months, cumulatively, with all construction expected to take approximately five years. Because of the relatively short duration of construction compared to a 70-year lifespan, diesel emissions resulting from the construction of the project will be less than significant" (p. 3-46).

Additionally, the DEIR fails to evaluate, whatsoever, the potential health-related impacts posed to nearby sensitive receptors resulting from operation of the proposed Project. As a result, the health impacts from exposure to toxic air contaminants (TACs), such as diesel particulate matter (DPM), released during Project construction and operation were not analyzed. Until a health risk assessment is prepared that evaluates the Project's potential construction and operational health risk impact, the Project should not be approved.

According to the DEIR, there are numerous sensitive receptors located within the vicinity of the Project site. The DEIR states,

"The nearest existing sensitive receptors to the project are the single-family homes and pre-school/child care facility located north of Riverside Drive. There are a few rural residential units south of the project, south of Chino Avenue. In addition, there are single-family homes located northwest of the project site north of Riverside Drive and west of Vineyard Avenue" (p. 5.2-34).

As demonstrated above, there are several residential sensitive receptors located near the Project site. Construction of the proposed project will require the use of off-road equipment and heavy-duty on-road hauling trucks, therefore, the DEIR should have evaluated the health risk impact that would result from use of this equipment, since "air pollutants will be emitted during project demolition and construction with the operation of equipment and the generation of fugitive dust during grading activities" (p. 3-42). Furthermore, the DEIR's assertion that the Project would not pose a significant risk to the health of nearby residents simply due to the "relatively short duration of construction" does not justify the omission of a proper analysis. The South Coast Air Quality Management District's (SCAQMD) *Risk Assessment Procedures for Rules 1401, 1401.1, and 212* report provides guidance for evaluating a project's health-related impact. According to the report, it is recommended that health risk impacts from short-term projects be assessed. Specifically, the Guidance document states,

"Since these short-term calculations are only meant for projects with limits on the operating duration, these short-term cancer risk assessments can be thought of as being the equivalent to a 30-year cancer risk estimate and the appropriate thresholds would still apply (i.e. for a 5-year project, the maximum emissions during the 5-year period would be assessed on the more sensitive population, from the third trimester to age 5, after which the project's emissions would drop to 0 for the remaining 25 years to get the 30-year equivalent cancer risk estimate)".¹

Thus, a health risk assessment is required to determine whether or not a Project would expose sensitive receptors to substantial air pollutants. The DEIR should have conducted some sort of quantitative analysis and should have compared the results of this analysis to applicable thresholds. The SCAQMD provides a specific numerical threshold of 10 in one million for determining a project's health risk impact.² Therefore, the DEIR should have conducted an assessment that compares the Project's

¹ <http://www.aqmd.gov/docs/default-source/planning/risk-assessment/riskassprocjune15.pdf?sfvrsn=2>, p. IX-2

² <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>

construction health risks to this threshold in order to determine the Project's health risk impact. By failing to prepare a health risk assessment, the DEIR fails to provide a comprehensive analysis of the sensitive receptor impacts that may occur as a result of exposure to substantial air pollutants.

Finally, not only is the omission of a health risk assessment inconsistent with guidance set forth by the SCAQMD, but it is also inconsistent with requirements set forth by the Office of Environmental Health Hazard Assessment (OEHHA), the organization responsible for providing recommendations for health risk assessments in California. In February of 2015, OEHHA released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments*, which was formally adopted in March of 2015.³ This guidance document describes the types of projects that warrant the preparation of a health risk assessment. The OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors.⁴ As previously stated, demolition and grading activities during construction of the Project will produce emissions of DPM through the exhaust stacks of construction equipment over a construction period of approximately 18 months (p. 3-46). Once construction is complete, Project operation will generate truck trips, which will generate additional exhaust emissions, thus continuing to expose nearby sensitive receptors to DPM emissions. The OEHHA document recommends that exposure from projects lasting more than 6 months should be evaluated for the duration of the project, and recommends that an exposure duration of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident (MEIR).⁵ Even though we were not provided with the expected lifetime of the Project, we can reasonably assume that the Project will operate for at least 30 years, if not more. Therefore, per OEHHA guidelines, health risk impacts from Project construction and operation should have been evaluated by the DEIR. These recommendations reflect the most recent health risk assessment policy, and as such, an assessment of health risks to nearby sensitive receptors from construction and operation should be included in a revised CEQA evaluation for the Project.

By failing to conduct a comprehensive analysis within the DEIR of the sensitive receptor impacts that may occur as a result of exposure to substantial air pollutant emissions during Project construction and operation, the Project's health risk impact is unknown, thus leaving a gap within the DEIR's analysis. Until an updated analysis is prepared that adequately evaluates and mitigates the Project's health risk impact, the Project should not be approved.

Failure to Assess Feasibility of Obtaining Tier 4 Final Equipment

The DEIR's air quality analysis finds that the Project's construction-related NOx emissions will exceed the 100 pounds per day (lbs/day) threshold set forth by the SCAQMD (Table 3.3-7, p. 3-43). In an effort to mitigate these potentially significant emissions to a less than significant level, the DEIR proposes

³ "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/hotspots2015.html

⁴ "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, p. 8-18

⁵ "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, p. 8-6, 8-15

Mitigation Measure AQ-1-SP which states, “all heavy grading equipment with engines with a rating of 150 horsepower or greater shall be compliant with CARB/EPA Tier IV Final emissions standards” (p. 3-50). Subsequently, the DEIR concludes that,

“The implementation of the above-mentioned mitigation measures will reduce all construction emissions less than the SCAQMD Regional and Localized Significance Thresholds. Therefore, project construction will not result in a significant short-term local air quality impact” (p. 3-50).

We find the application of this measure to the Project’s design to be incorrect, however, as the DEIR fails to evaluate the feasibility of obtaining Tier 4 Final construction equipment during Project construction. As a result, the Project’s construction emissions are underestimated.

The United States Environmental Protection Agency’s (USEPA) 1998 nonroad engine emission standards were structured as a three-tiered progression. Tier 1 standards were phased-in from 1996 to 2000 and Tier 2 emission standards were phased in from 2001 to 2006. Tier 3 standards, which applied to engines from 37-560 kilowatts (kW) only, were phased in from 2006 to 2008. The Tier 4 emission standards were introduced in 2004, and were phased in from 2008 to 2015.⁶ These tiered emission standards, however, are only applicable to newly manufactured nonroad equipment. According to the USEPA, “if products were built before EPA emission standards started to apply, they are generally not affected by the standards or other regulatory requirements.”⁷ Therefore, pieces of equipment manufactured prior to 2000 are not required to adhere to Tier 2 emission standards, and pieces of equipment manufactured prior to 2006 are not required to adhere to Tier 3 emission standards. Construction equipment often lasts more than 30 years; as a result, Tier 1 equipment and non-certified equipment are currently still in use.⁸ It is estimated that of the two million diesel engines currently used in construction, 31 percent were manufactured before the introduction of emissions regulations.⁹

Although Tier 4 Final engines are currently being produced and installed in new off-road construction equipment, the vast majority of existing diesel off-road construction equipment in California is not equipped with Tier 4 Final engines.¹⁰ In a 2010 white paper, the California Industry Air Quality Coalition estimated that approximately 7% and less than 1% of all off-road heavy duty diesel equipment in California was equipped with Tier 2 and Tier 3 engines, respectively.¹¹ Similarly, based on information

⁶ Emission Standards, Nonroad Diesel Engines, *available at:*

<https://www.dieselnet.com/standards/us/nonroad.php#tier3>

⁷ “Frequently Asked Questions from Owners and Operators of Nonroad Engines, Vehicles, and Equipment Certified to EPA Standards.” United States Environmental Protection Agency, August 2012. *Available at:*

<http://www.epa.gov/oms/highway-diesel/regs/420f12053.pdf>

⁸ “Best Practices for Clean Diesel Construction.” Northeast Diesel Collaborative, August 2012. *Available at:*

<http://northeastdiesel.org/pdf/BestPractices4CleanDieselConstructionAug2012.pdf>

⁹ Northeast Diesel Collaborative Clean Construction Workgroup, *available at:*

<http://northeastdiesel.org/construction.html>

¹⁰ California Industry Air Quality Coalition White Paper, p. 3, *available at:* <http://www.agc->

[ca.org/uploadedFiles/Member_Services/Regulatory-Advocacy-Page-PDFs/White_Paper_CARB_OffRoad.pdf](http://www.agc-ca.org/uploadedFiles/Member_Services/Regulatory-Advocacy-Page-PDFs/White_Paper_CARB_OffRoad.pdf)

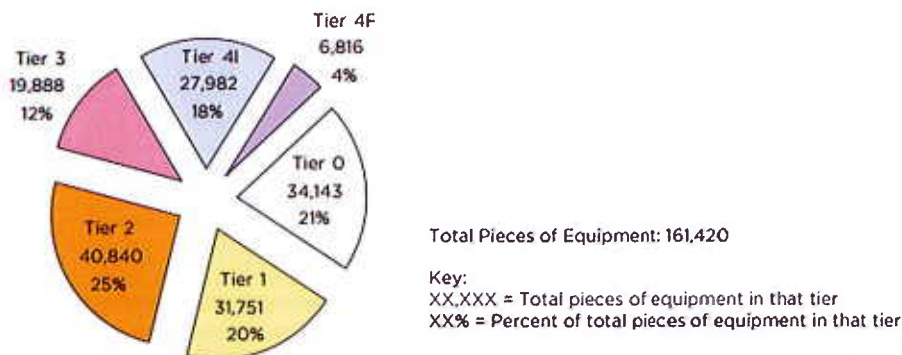
¹¹ “White Paper: An Industry Perspective on the California Air Resources Board Proposed Off-Road Diesel

Regulations.” Construction Industry Air Quality Coalition, *available at:* <http://www.agc->

[ca.org/uploadedFiles/Member_Services/Regulatory-Advocacy-Page-PDFs/White_Paper_CARB_OffRoad.pdf](http://www.agc-ca.org/uploadedFiles/Member_Services/Regulatory-Advocacy-Page-PDFs/White_Paper_CARB_OffRoad.pdf)

and data provided in the *San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects*, the availability of Tier 4 Final equipment is extremely limited. In 2014, 25% of all off-road equipment in the state of California were equipped with Tier 2 engines, approximately 12% were equipped with Tier 3 engines, approximately 18% were equipped with Tier 4 Interim engines, and only 4% were equipped with Tier 4 Final engines (see excerpt below).¹²

Figure 4: 2014 Statewide All Fleet Sizes (Pieces of Equipment)



As demonstrated in the figure above, Tier 4 Final equipment only accounts for 4% of all off-road equipment currently available in the state of California. Thus, by stating that the Project proposes to use Tier 4 Final equipment during construction, the DEIR is relying on a fleet of construction equipment that only accounts for 4% of all off-road equipment currently available in the state of California. Therefore, by failing to evaluate the feasibility of implementing Tier 4 Final mitigation into the Project's construction phases, the Project's construction emissions are underestimated. Thus, we find the DEIR's conclusion that the Project's significant construction-related NOx emissions would be reduced to less than significant levels to be incorrect and unsubstantiated, due to the DEIR's failure to evaluate the feasibility and availability of Tier 4 Final off-road construction equipment. As such, the DEIR's analysis should not be relied upon to determine Project significance.

Additional Mitigation Measures Available to Reduce Construction NOx Emissions

As stated in the section above, as a result of the DEIR's failure to evaluate the availability and feasibility of obtaining Tier 4 Final off-road construction equipment, we find the DEIR's conclusion that the Project's significant construction-related NOx emissions would be reduced to less than significant levels to be unsubstantiated. In an effort to reduce the Project's significant NOx emissions, we have identified several other mitigation measures that the Project Applicant can implement into the Project's construction fleet, which will subsequently reduce NOx emissions generated during construction. Additional mitigation measures can be found in CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*, which attempt to reduce Greenhouse Gas (GHG) levels, as well as reduce Criteria Air

¹² "San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects." August 2015, available at: https://www.sfdph.org/dph/files/EHSdocs/AirQuality/San_Francisco_Clean_Construction_Ordinance_2015.pdf, p.

Pollutants such as NOx.¹³ NOx is a byproduct of diesel fuel combustion, and is emitted by on-road vehicles and by off-road construction equipment. Mitigation for criteria pollutant emissions should include consideration of the following measures in an effort to reduce construction emissions.

Limit Construction Equipment Idling Beyond Regulation Requirements

Heavy duty vehicles will idle during loading/unloading and during layovers or rest periods with the engine still on, which requires fuel use and results in emissions. The California Air Resources Board ("CARB") Heavy-Duty Vehicle Idling Emissions Reduction Program limits idling of diesel-fueled commercial motor vehicles to five minutes. Reduction in idling time beyond the five minutes required under the regulation would further reduce fuel consumption and thus emissions. The Project applicant must develop an enforceable mechanism that monitors the idling time to ensure compliance with this mitigation measure.

Require Implementation of Diesel Control Measures

The Northeast Diesel Collaborative ("NEDC") is a regionally coordinated initiative to reduce diesel emissions, improve public health, and promote clean diesel technology. The NEDC recommends that contracts for all construction projects require the following diesel control measures:¹⁴

- All diesel onroad vehicles on site for more than 10 total days must have either (1) engines that meet EPA 2007 onroad emissions standards or (2) emission control technology verified by EPA¹⁵ or the California Air Resources Board (CARB)¹⁶ to reduce PM emissions by a minimum of 85 percent.
- All diesel generators on site for more than 10 total days must be equipped with emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85 percent.
- All diesel vehicles, construction equipment, and generators on site shall be fueled with ultra-low sulfur diesel fuel (ULSD) or a biodiesel blend¹⁷ approved by the original engine manufacturer with sulfur content of 15 parts per million (ppm) or less.

Repower or Replace Older Construction Equipment Engines

The NEDC recognizes that availability of equipment that meets the EPA's newer standards is limited.¹⁸ Due to this limitation, the NEDC proposes actions that can be taken to reduce emissions from existing equipment in the *Best Practices for Clean Diesel Construction* report.¹⁹ These actions include but are not limited to:

¹³<http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

¹⁴ Diesel Emission Controls in Construction Projects, available at:

<http://www2.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf>

¹⁵ For EPA's list of verified technology: <http://www3.epa.gov/otaq/diesel/verification/verif-list.htm>

¹⁶ For CARB's list of verified technology: <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>

¹⁷ Biodiesel blends are only to be used in conjunction with the technologies which have been verified for use with biodiesel blends and are subject to the following requirements:

<http://www.arb.ca.gov/diesel/verdev/reg/biodieselcompliance.pdf>

¹⁸ <http://northeastdiesel.org/pdf/BestPractices4CleanDieselConstructionAug2012.pdf>

¹⁹ <http://northeastdiesel.org/pdf/BestPractices4CleanDieselConstructionAug2012.pdf>

- Repowering equipment (i.e. replacing older engines with newer, cleaner engines and leaving the body of the equipment intact).

Engine repower may be a cost-effective emissions reduction strategy when a vehicle or machine has a long useful life and the cost of the engine does not approach the cost of the entire vehicle or machine. Examples of good potential replacement candidates include marine vessels, locomotives, and large construction machines.²⁰ Older diesel vehicles or machines can be repowered with newer diesel engines or in some cases with engines that operate on alternative fuels (see section “Use Alternative Fuels for Construction Equipment” for details). The original engine is taken out of service and a new engine with reduced emission characteristics is installed. Significant emission reductions can be achieved, depending on the newer engine and the vehicle or machine’s ability to accept a more modern engine and emission control system. It should be noted, however, that newer engines or higher tier engines are not necessarily cleaner engines, so it is important that the Project Applicant check the actual emission standard level of the current (existing) and new engines to ensure the repower product is reducing emissions for PM₁₀.²¹

- Replacement of older equipment with equipment meeting the latest emission standards.

Engine replacement can include substituting a cleaner highway engine for a nonroad engine. Diesel equipment may also be replaced with other technologies or fuels. Examples include hybrid switcher locomotives, electric cranes, LNG, CNG, LPG or propane yard tractors, forklifts or loaders. Replacements using natural gas may require changes to fueling infrastructure.²² Replacements often require some re-engineering work due to differences in size and configuration. Typically, there are benefits in fuel efficiency, reliability, warranty, and maintenance costs.²³

Install Retrofit Devices on Existing Construction Equipment

PM emissions from alternatively-fueled construction equipment can be further reduced by installing retrofit devices on existing and/or new equipment. The most common retrofit technologies are retrofit devices for engine exhaust after-treatment. These devices are installed in the exhaust system to reduce emissions and should not impact engine or vehicle operation.²⁴ It should be noted that actual emissions reductions and costs will depend on specific manufacturers, technologies and applications.

Use Electric and Hybrid Construction Equipment

CAPCOA’s *Quantifying Greenhouse Gas Mitigation Measures*²⁵ report also proposes the use of electric and/or hybrid construction equipment as a way to mitigate criteria pollutant emissions, such as particulate matter. When construction equipment is powered by grid electricity rather than fossil fuel,

²⁰ <http://www3.epa.gov/otaq/diesel/technologies/engines.htm>

²¹ Diesel Emissions Reduction Program (DERA): Technologies, Fleets and Projects Information, available at: <http://www2.epa.gov/sites/production/files/2015-09/documents/420p11001.pdf>

²² <http://www3.epa.gov/otaq/diesel/technologies/replacements.htm>

²³ <http://www3.epa.gov/otaq/diesel/technologies/engines.htm>

²⁴ <http://www3.epa.gov/otaq/diesel/technologies/index.htm>

²⁵ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

direct emissions from fuel combustion are replaced with indirect emissions associated with the electricity used to power the equipment. Furthermore, when construction equipment is powered by hybrid-electric drives, emissions from fuel combustion are also greatly reduced and criteria air pollutants would be 100% reduced for equipment running on electricity. Electric construction equipment is available commercially from companies such as Peterson Pacific Corporation²⁶ and Komptech USA²⁷, which specialize in the mechanical processing equipment like grinders and shredders. Construction equipment powered by hybrid-electric drives is also commercially available from companies such as Caterpillar²⁸. For example, Caterpillar reports that during an 8-hour shift, its D7E hybrid dozer burns 19.5 percent fewer gallons of fuel than a conventional dozer while achieving a 10.3 percent increase in productivity. The D7E model burns 6.2 gallons per hour compared to a conventional dozer which burns 7.7 gallons per hour.²⁹ Fuel usage and savings are dependent on the make and model of the construction equipment used. The Project Applicant should calculate project-specific savings and provide manufacturer specifications indicating fuel burned per hour.

Institute a Heavy-Duty Off-Road Vehicle Plan

CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*³⁰ report recommends that the Project Applicant provide a detailed plan that discusses a construction vehicle inventory tracking system to ensure compliances with construction mitigation measures. The system should include strategies such as requiring hour meters on equipment, documenting the serial number, horsepower, manufacture age, fuel, etc. of all onsite equipment and daily logging of the operating hours of the equipment. Specifically, prior to the construction of a Project the contractor should submit a certified list of all diesel vehicles, construction equipment, and generators to be used on site.³¹ The list should include the following:³²

- Contractor and subcontractor name and address, plus contact person responsible for the vehicles or equipment.
- Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation.
- For the emission control technology installed: technology type, serial number, make, model, manufacturer, EPA/CARB verification number/level, and installation date and hour-meter reading on installation date.

Implement a Construction Vehicle Inventory Tracking System

²⁶ Peterson Electric Grinders Brochure, available at: http://www.petersoncorp.com/wp-content/uploads/peterson_electric_grinders1.pdf

²⁷ <https://www.komptech.com/about-komptech/green-efficiency.html>

²⁸ http://www.cat.com/en_US/products/new/power-systems/electric-power-generation.html

²⁹ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

³⁰ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

³¹ Diesel Emission Controls in Construction Projects, available at:

<http://www2.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf>

³² USEPA's Construction Fleet Inventory Guide is a useful tool in identifying the information required.

<http://www2.epa.gov/sites/production/files/2015-09/documents/construction-fleet-inventory-guide.pdf>

CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*³³ report recommends that the Project Applicant provide a detailed plan that discusses a construction vehicle inventory tracking system to ensure compliance with construction mitigation measures. The system should include strategies such as requiring engine run time meters on equipment, documenting the serial number, horsepower, manufacture age, fuel, etc. of all onsite equipment and daily logging of the operating hours of the equipment. Specifically, for each onroad construction vehicle, nonroad construction equipment, or generator, the contractor should submit to the developer's representative a report prior to bringing said equipment on site that includes:³⁴

- Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, and engine serial number.
- The type of emission control technology installed, serial number, make, model, manufacturer, and EPA/CARB verification number/level.
- The Certification Statement³⁵ signed and printed on the contractor's letterhead.

Furthermore, the contractor should submit to the developer's representative a monthly report that, for each onroad construction vehicle, nonroad construction equipment, or generator onsite, includes:³⁶

- Hour-meter readings on arrival on-site, the first and last day of every month, and on off-site date.
- Any problems with the equipment or emission controls.
- Certified copies of fuel deliveries for the time period that identify:
 - Source of supply
 - Quantity of fuel
 - Quality of fuel, including sulfur content (percent by weight).

In addition to those measures, we also recommend that the City require the Applicant to implement the following mitigation measures, called "Enhanced Exhaust Control Practices,"³⁷ that are recommended by the Sacramento Metropolitan Air Quality Management District ("SMAQMD"):

1. The project representative shall submit to the lead agency and District a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project.
 - The inventory shall include the horsepower rating, engine model year, and projected hours of use for each piece of equipment.

³³ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

³⁴ Diesel Emission Controls in Construction Projects, available at:

<http://www2.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf>

³⁵ Diesel Emission Controls in Construction Projects, available at:

<http://www2.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf> The NEDC Model Certification Statement can be found in Appendix A.

³⁶ Diesel Emission Controls in Construction Projects, available at:

<http://www2.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf>

³⁷ http://www.airquality.org/ceqa/Ch3EnhancedExhaustControl_10-2013.pdf

- The project representative shall provide the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.
 - This information shall be submitted at least 4 business days prior to the use of subject heavy-duty off-road equipment.
 - The District's Equipment List Form can be used to submit this information.
 - The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.
2. The project representative shall provide a plan for approval by the lead agency and District demonstrating that the heavy-duty off-road vehicles (50 horsepower or more) to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet-average 20% NO_x reduction and 45% particulate reduction compared to the most recent CARB fleet average.
 - This plan shall be submitted in conjunction with the equipment inventory.
 - Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.
 - The District's Construction Mitigation Calculator can be used to identify an equipment fleet that achieves this reduction.
 3. The project representative shall ensure that emissions from all off-road diesel-powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour.
 - Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. Non-compliant equipment will be documented and a summary provided to the lead agency and District monthly.
 - A visual survey of all in-operation equipment shall be made at least weekly.
 - A monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.
 4. The District and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this mitigation shall supersede other District, state or federal rules or regulations.

When combined, these measures offer a cost-effective way to incorporate lower-emitting equipment into the Project's construction fleet, which subsequently, reduces particulate matter emissions released during Project construction. An updated DEIR must be prepared to include additional mitigation measures, as well as include an updated air quality assessment to ensure that the necessary mitigation measures are implemented to reduce construction emissions. Furthermore, the Project Applicant needs to demonstrate commitment to the implementation of these measures prior to Project approval to ensure that the Project's construction-related emissions are reduced to the maximum extent possible.

Failure to Implement All Feasible Mitigation Measures to Reduce Operational VOC Emissions

The DEIR concludes that the Project's operational VOC emissions would be significant and unavoidable, yet fails to implement all feasible mitigation measures to the maximum extent possible in order to reduce these emissions to a less than significant level (p. 3-50). While it is true that the Project would result in a significant operational VOC impact, the DEIR's conclusion that this impact will be significant and unavoidable even when "all feasible mitigation measures are to be incorporated into the project" is entirely incorrect (p. 3-51). According to CEQA, and as stated by the San Joaquin Valley Air Pollution Control District (SJVAPCD),

"CEQA requires Lead Agencies to mitigate or avoid significant environmental impacts associated with discretionary projects. Environmental documents for projects that have any significant environmental impacts must identify all feasible mitigation measures or alternatives to reduce the impacts below a level of significance. If after the identification of all feasible mitigation measures, a project is still deemed to have significant environmental impacts, the Lead Agency can approve a project, but must adopt a Statement of Overriding Consideration to explain why further mitigation measures are not feasible and why approval of a project with significant unavoidable impacts is warranted." ³⁸

Therefore, an impact can only be labeled as significant and unavoidable after all available, feasible mitigation is considered. Review of the Project's VOC mitigation measures, however, demonstrates that not all feasible mitigation is being implemented (p. ES 2 – ES3). As a result, additional mitigation measures should be identified and incorporated in order to reduce the Project's air quality impacts to the maximum extent possible. Until all feasible mitigation is reviewed and incorporated into the Project's design, impacts from operational VOC emissions cannot be considered as significant and unavoidable. We identified several additional mitigation measures that the DEIR failed to incorporate, which would further reduce the Project's operational VOC emissions, potentially to a less-than-significant level. Additional mitigation measures that could be implemented to reduce emissions are discussed below.

There are several feasible mitigation measures available to reduce VOC emissions (also referred to as ROG), including the following, which are routinely identified in other CEQA matters as feasible mitigation measures:

- Use of Zero-VOC Emissions Paint
 - The use of zero-VOC emission paint has been required for numerous projects that have undergone CEQA review.³⁹ Zero-VOC emission VOC paints are commercially available.⁴⁰ Other low-VOC standards should be incorporated into mitigation including use of

³⁸ http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf, p. 115 of 125

³⁹ <http://www.longbeach.gov/pw/eir/specdistregionalgov/03-sdrg-scaqmd-122205.pdf>

⁴⁰ http://www.benjaminmoore.com/en-us/for-your-home/paint-products/natura-waterborne-interior-paint?lang=en_US&role=H#advs=0&tab=2 and <http://www.mlandman.com/gbuildinginfo/lowvocpaints.shtml>

“supercompliant” paints, defined in Rule 1113 as coating materials with a VOC-content of 10 g/L.

- Use of Material that Do Not Require Paint
 - Using materials that do not require painting is a common mitigation measure where VOC emissions are a concern.⁴¹ Interior and exterior surfaces, such as concrete, can be left unpainted.
- Use of Spray Equipment with Greater Transfer Efficiencies
 - Various coatings and adhesives are required to be applied by specified methods such as electrostatic spray, high-volume, low-pressure (HVLP) spray, roll coater, flow coater, dip coater, etc. in order to maximize the transfer efficiency. Transfer efficiency is typically defined as the ratio of the weight of coating solids adhering to an object to the total weight of coating solids used in the application process, expressed as a percentage. When it comes to spray applications, the rules typically require the use of either electrostatic spray equipment or HVLP spray equipment. The SCAQMD is now able to certify HVLP spray applicators and other application technologies at efficiency rates of 65 percent or greater.⁴²

When combined, these measures offer a feasible way to effectively reduce the Project’s operational VOC emissions to a less than significant level. An updated DEIR must be prepared to include additional mitigation measures, as well as include an updated air quality analysis to ensure that the necessary mitigation measures are implemented to reduce operational emissions to below thresholds.

Furthermore, the Project Applicant needs to demonstrate commitment to the implementation of these measures prior to Project approval, to ensure that the Project’s operational emissions are reduced to the maximum extent possible.

Sincerely,



Gary Ho
BLUM | COLLINS LLP

⁴¹ <http://www.cityofirvine.org/civica/filebank/blobdload.asp?BlobID=16943>, p.3.2-15

⁴² <http://www.aqmd.gov/home/permits/spray-equipment-transfer-efficiency>