

## Chapter F.3 Revisions to the Draft EIR

### 3.1 Introduction

Revisions have been made to the text of the Draft EIR in response to comments received during the public review period. In accordance with Section 15088.5(a) of the CEQA Guidelines, minor revisions to the Draft EIR do not constitute significant new information that would require recirculation of the Draft EIR. Recirculation is only required when the new information added shows a new, substantial environmental impact resulting from the project or from a mitigation measure; shows a substantial increase in the severity of an impact where the incorporation of new mitigation will not reduce the impact to less than significant; where the information shows a new feasible alternative or mitigation measure that would clearly lessen the impact, but a project proponent refuses to incorporate it; or where the EIR is so fundamentally inadequate that public review of the prior document is effectively meaningless. See *Laurel Heights Improvement Ass’n v Regents of Univ. of Cal.* (1993) 6 Cal.4th 1112, 1130. None of the changes or additional details meet those standards as required in order to support the recirculation of the Draft EIR. Revisions discussed in this chapter represent clarification of mitigation measures, or text in the environmental analysis.

**General Addition:** Where a section was revised to include updated information from updated technical studies, the introductory section was updated to include reference to the updated mitigation measures. These revisions are shown with double underlining.

**Updated technical studies:** One technical study was updated – the Air Quality/Global Climate Change was updated to clarify analysis and mitigation in response to comments from SCAQMD.

All revisions to the Draft EIR are done with new text being underlined, and ~~deleted text stricken through~~.

### 3.2 Revisions in Response to Comments Received

#### **Chapter 1 Executive Summary**

The following revisions are made to mitigation measures in Table 1.3, *Summary of Environmental Impacts, Regulatory Requirements and Mitigation Measures*. These revisions will also be made to the measures as they are identified in their respective sections of Chapter 4, *Environmental Impact Analysis*.

Page 1-9 – add the following to Mitigation Measure AQ-1:

**AQ-1** Architectural coatings applied to buildings within the project site are to be limited to 10 grams per liter VOC and traffic paints shall be limited to 100 grams per liter VOC content

and shall be verified by the City Building Official or his/her designee, prior to application of coatings and/or traffic paint.

Page 1-11 – Add Mitigation Measures AQ-12 through AQ-15:

- AQ-12** The project applicant shall require the use of 2010 model year diesel haul trucks that conform to 2010 EPA truck standards or newer diesel haul trucks (e.g., material delivery trucks and soil import/export) during construction and operation, and if the Lead Agency determines that 2010 model year or newer diesel haul trucks are not feasible, the Lead Agency shall use trucks that meet EPA 2007 model year NOx emissions requirements, at a minimum. This requirement shall be stipulated in all contract documents between the applicant and his/her contractors as applicable which shall be available upon request from City staff.
- AQ-13** The project applicant shall ensure that 240-Volt electrical outlets or Level 2 chargers are installed in parking lots that would enable charging of NEVs and/or battery powered vehicles. This shall be verified prior to occupancy of each building as it is developed.
- AQ-14** The project applicant shall require the use of electric or alternatively fueled sweepers with HEPA filters. This shall be verified periodically during operation by City Code Enforcement.
- AQ-15** The project applicant shall require the use of electric lawn mowers and leaf blowers. This shall be verified periodically during operation by City Code Enforcement.

Page 1-12 – Revise Regulatory Requirement RR-3:

- RR-3** All development within the project site must adhere to SCAQMD Rules 403, ~~and 403.1~~ and 403(e) for the control of fugitive dust during all phases of construction. The project proponents of all development projects within the project site will be required to obtain and prepare a Fugitive Dust Control Plan. A copy of each Plan must be submitted to the City Engineer or his/her designer prior to issuance of grading permits. A copy of each Plan must be available at each project site.

Page 1-35 - Revise Mitigation Measure TCR-1:

- TCR-1** Prior to commencement of any ground disturbing activities, the applicant or his/her designee shall coordinate with the tribes who have requested the presence of a Native American monitor to ensure that their request has been addressed. ~~A~~ The approved Native American Cultural Resource Monitor shall be present during ground-disturbing activities (including archaeological testing and surveys). Should buried tribal cultural resources deposits be encountered, the monitor may request that construction be halted, and the monitor shall notify a qualified archaeologist, meeting the Secretary of Interior's Standards and Guidelines for Professional Qualifications, to investigate and, if necessary,

prepare a mitigation plan for submission to the State Historic Preservation Officer (SHPO) and the Agua Caliente Tribal Historical Preservation Office (THPO).

### Section 4.3 Air Quality

A section discussing SCAQMD Rule 403(e) – Large Operations has been added to page 32 of the Air Quality and Global Climate Change Impact Analysis and to page 4.3-9 and 4.3-10 of the Draft EIR as follows:

**SCAQMD Rule 403(e)** are additional requirements for Large Operations.

1. Any person who conducts or authorizes the conducting of a large operation subject to this Rule shall implement the applicable actions specified in Table 2 of this Rule at all times and shall implement the applicable actions specified in Table 3 of this Rule when the applicable performance standards cannot be met through use of Table 2 actions; and shall:
  - A. submit a fully executed Large Operation Notification (Form 403 N) to the Executive Officer within 7 days of qualifying as a large operation;
  - B. include, as part of the notification, the name(s), address(es), and phone number(s) of the person(s) responsible for the submittal, and a description of the operation(s), including a map depicting the location of the site;
  - C. maintain daily records to document the specific dust control actions taken, maintain such records for a period of not less than three years; and make such records available to the Executive Officer upon request;
  - D. install and maintain project signage with project contact signage that meets the minimum standards of the Rule 403 Implementation Handbook, prior to initiating any earthmoving activities;
  - E. identify a dust control supervisor that:
    - i. is employed by or contracted with the property owner or developer;
    - ii. is on the site or available on-site within 30 minutes during working hours;
    - iii. has the authority to expeditiously employ sufficient dust mitigation measures to ensure compliance with all Rule requirements;
    - iv. has completed the AQMD Fugitive Dust Control Class and has been issued a valid Certificate of Completion for the class; and
  - F. notify the Executive Officer in writing within 30 days after the site no longer qualifies as a large operation as defined by paragraph (c)(18).

2. Any Large Operation Notification submitted to the Executive Officer or AQMD-approved dust control plan shall be valid for a period of one year from the date of written acceptance by the Executive Officer. Any Large Operation Notification accepted pursuant to paragraph (e)(1), excluding those submitted by aggregate-related plants and cement manufacturing facilities must be resubmitted annually by the person who conducts or authorizes the conducting of a large operation, at least 30 days prior to the expiration date, or the submittal shall no longer be valid as of the expiration date. If all fugitive dust sources and corresponding control measures or special circumstances remain identical to those identified in the previously accepted submittal or in an AQMD-approved dust control plan, the resubmittal may be a simple statement of no-change (Form 403NC).

Page 4.3-24 of the Draft EIR has been revised to clarify that project emissions would remain significant even after the implementation of mitigation measures.

... Air quality will be temporarily degraded during construction activities that occur separately or simultaneously. ~~However,~~ In accordance with the SCAQMD methodology, projects that do not exceed the SCAQMD criteria or can be mitigated to less than criteria levels are not significant, and do not add to the overall cumulative impact. However, with respect to short-term construction and long-term operational emissions, even with incorporation of mitigation, this project would create a potentially significant cumulative impact.

Mitigation Measure AQ-1 has been amended to include enforcement text as follows:

**AQ-1** Architectural coatings applied to buildings within the project site are to be limited to 10 grams per liter VOC and traffic paints shall be limited to 100 grams per liter VOC content and shall be verified by the City Building Official or his/her designee, prior to application of coatings and/or traffic paint.

As requested by SCAQMD, Mitigation Measures AQ-12 through AQ-15 have been included on page 4.3-39 of the DEIR, and included as Mitigation Measure 12 through 15 in the Revised Air Quality and Global Climate Change Impact Analysis.

**AQ-12** The project applicant shall require the use of 2010 model year diesel haul trucks that conform to 2010 EPA truck standards or newer diesel haul trucks (e.g., material delivery trucks and soil import/export) during construction and operation, and if the Lead Agency determines that 2010 model year or newer diesel haul trucks are not feasible, the Lead Agency shall use trucks that meet EPA 2007 model year NOx emissions requirements, at a minimum. This requirement shall be stipulated in all contract documents between the applicant and his/her contractors as applicable which shall be available upon request from City staff.

- AQ-13**     The project applicant shall ensure that 240-Volt electrical outlets or Level 2 chargers are installed in parking lots that would enable charging of NEVs and/or battery powered vehicles. This shall be verified prior to occupancy of each building as it is developed.
- AQ-14**     The project applicant shall require the use of electric or alternatively fueled sweepers with HEPA filters. This shall be verified periodically during operation by City Code Enforcement.
- AQ-15**     The project applicant shall require the use of electric lawn mowers and leaf blowers. This shall be verified periodically during operation by City Code Enforcement.

Revise Regulatory Requirement RR-3 to be consistent with compliance for SCAQMD Rule 403(e) as requested by SCAQMD, as follows:

- RR-3**     All development within the project site must adhere to SCAQMD Rules 403, ~~and 403.1 and 403(e)~~ for the control of fugitive dust during all phases of construction. The project proponents of all development projects within the project site will be required to obtain and prepare a Fugitive Dust Control Plan. A copy of each Plan must be submitted to the City Engineer or his/her designer prior to issuance of grading permits. A copy of each Plan must be available at each project site.

### **Section 4.7            Greenhouse Gas Emissions**

Section 4.7, *Greenhouse Gas Emissions*, was absent from the DEIR due to a technical error then preparing the electronic copy of the EIR for public review. Section 4.7 has been included in its entirety to the Revised Draft EIR.

### **Section 4.17          Tribal Cultural Resources**

Mitigation Measure TRC-1 has been revised on Page 4.17-6 of the Revised Draft EIR to reflect that prior to commencement of any ground disturbing activities, the applicant or his/her designee shall coordinate with the tribes to identify a Native American monitor.

- TCR-1**     Prior to commencement of any ground disturbing activities, the applicant or his/her designee shall coordinate with the tribes who have requested the presence of a Native American monitor to ensure that their request has been addressed. ~~An~~ The approved Native American Cultural Resource Monitor shall be present during ground-disturbing activities (including archaeological testing and surveys). Should buried tribal cultural resources deposits be encountered, the monitor may request that construction be halted, and the monitor shall notify a qualified archaeologist, meeting the Secretary of Interior's Standards and Guidelines for Professional Qualifications, to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer (SHPO) and the Agua Caliente Tribal Historical Preservation Office (THPO).

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