

ALDER RENAISSANCE PROJECT

Final Mitigated Negative Declaration

Master Case (MC) 2019-0058

Lead Agency:

City of Rialto

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Appendices (Provided electronically)

Appendix 1 - Initial Study for “Alder Renaissance Project” Master Case (MC) 2019-0058, prepared by Matthew Fagan Consulting Services, Inc., 7-14-2020

- Initial Study Appendices (also provided electronically)

Appendix 2 - Rialto Center and Gas Station Air Quality and Greenhouse Gas Impact Study City of Rialto, California, prepared by RK Engineering Group, Inc., 8-14-2020 (revised)

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1.0 INTRODUCTION

An Initial Study (IS) for the proposed Renaissance Alder Project (Project) has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines and the City of Rialto policies for implementing CEQA.

On July 15, 2020, the City of Rialto (City) issued a Notice of Intent (NOI) to Issue a Mitigated Negative Declaration (MND) for the proposed Project. The NOI indicated that the City, acting as the lead agency was notifying public agencies and interested parties that the City plans to adopt a Mitigated Negative Declaration for the Project.

The NOI for the proposed Project was sent to trustee and responsible agencies, members of the public, other interested parties, and the California Office of Planning and Research, State Clearinghouse for the required 20-day public review period, which ended on August 6, 2020.

During the review period, public agencies and members of the public had the opportunity to respond to the NOI and provide comments on the MND.

Public comments were received by the City of Rialto Planning Department and have been responded to by the City in accordance with CEQA requirements; one (1) Comment Letter was received. A copy of this Comment Letter, as well as responses from the City, are included in Section 2.0, Comments and Responses. Pursuant to Article 6, Negative Declaration Process, of the State CEQA Guidelines, the City is not required to respond to comments received on the MND. Section 15074 (a), Consideration and Adoption of a Negative Declaration or Mitigated Negative Declaration states:

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

Section 3.0, Errata, includes any additional or clarifying information resulting from preparation of the Responses to Comments as well as any minor revisions (additions or deletions) to the text of the IS. Additionally, it should be noted that these Responses to Comments and Errata merely clarify, amplify, and expand on the fully adequate analysis and significance conclusions that were already set forth in the IS for public review.

According to CEQA Guidelines Section 15073.5:

“(a) A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073.

(b) A “substantial revision” of the negative declaration shall mean:

- (1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or

- (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.
- (c) Recirculation is not required under the following circumstances:
 - (1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
 - (2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.
 - (3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.
 - (4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration."

As set forth in more detail in the Comments and Responses (Section 2.0) and Errata (Section 3.0), none of the clarifications or amplifications set forth herein change the significance conclusions presented in the IS or the substantially alters the analysis presented for public review. Furthermore, the IS circulated for public review was fully adequate under CEQA such that meaningful public review was not precluded. Thus, the clarifications provided in these Responses to Comments and Errata do not constitute significant new information that might trigger recirculation.

The California Environmental Quality Act (CEQA) was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to a proposed development. Section 4.0 contains the Mitigation Monitoring and Reporting Program for the Project.

2.0 COMMENTS AND RESPONSES

Comment Letter No. 1

Lijin Sun, J.D. – Program Supervisor, CEQA IGR
South Coast Air Quality Management District (SCAQMD) (8-6-2020)



South Coast Air Quality Management District

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SENT VIA E-MAIL:

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August 6, 2020

Mitigated Negative Declaration (MND) for the Proposed Alder/Renaissance Project

South Coast Air Quality Management District (South Coast AQMD) staff 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 MND.

1-1

South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to construct a 7,948-square-foot convenience store, a 2,542-square-foot drive-thru restaurant, 11 fuel islands with 16 fueling pumps and four diesel pumps, and a total of 6,476 square feet of fueling canopies on 4.2 acres (Proposed Project). The Proposed Project is located on the southeast corner of the intersection of Renaissance Parkway and Alder Avenue within the City of Rialto. Construction is anticipated to last 12 months, with operations beginning in 2021¹. Once operational, the fueling portion of the Proposed Project would have an annual throughput of 6,167,040 gallons of gasoline and 14,600,000 gallons of diesel fuel². Based on a review of the MND and aerial photographs, South Coast AQMD staff found that the nearest sensitive receptors (e.g., residential uses) are located approximately 2,750 feet west of the Proposed Project³.

1-2

South Coast AQMD Staff's Summary of the Air Quality Analysis and Health Risk Assessment

In the Air Quality Analysis Section of the MND, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds. The Lead Agency also quantified volatile organic compounds (VOCs) emissions from gasoline transfer and dispensing operations⁴, which would result in 24.57 pounds per day (lbs/day)⁵. The Lead Agency found that the Proposed Project's air quality impacts would be less than significant⁶. In the MND, the Lead Agency also discussed⁷ the California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*, which recommends avoiding siting sensitive receptors within 300 feet of a large gas station⁸. The Lead Agency did not perform a health risk assessment in the MND⁹. However, because the nearest sensitive receptors are located 2,750 feet away, the Lead Agency found that the

1-3

¹ MND, Page 34.

² *Ibid.* Page 38.

³ *Ibid.* Page 39

⁴ The Lead Agency used the US EPA "Potential to Emit Calculator for Gasoline Dispensing Facilities" spreadsheet. Accessed at: <https://www.epa.gov/sites/production/files/2016-06/gasolinedispensingcalculator032315.xlsx>.

⁵ MND, Page 38.

⁶ MND, Page 47 through 40.

⁷ MND, Page 23.

⁸ A large gasoline dispensing facility is defined with a throughput of 3.6 million gallons per year or greater. California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*. Accessed at: <https://www.arb.ca.gov/ch/handbook.pdf>.

⁹ MND, Page 41.

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Proposed Project would not result in significant incremental increases in potential cancer risks to surrounding sensitive receptors.

1-3
cont.

South Coast AQMD Staff's Comments

Health Risk Assessment (HRA)

As stated above, the Proposed Project includes, among others, operation of 11 fueling islands with 16 gasoline fueling pumps and four diesel fueling pumps. Because the Proposed Project includes a diesel fueling portion that is estimated to have an annual throughput of 14,600,000 gallons¹⁰ of diesel fuel, the Proposed Project is capable of attracting diesel-fueled trucks that will visit the Proposed Project for fueling. Based on a review of the Traffic Impact Analysis in the MND, South Coast AQMD staff found that the Proposed Project would likely result in 1,066 diesel truck trips per day¹¹. While the nearest sensitive receptors are located 2,750 feet away from the Proposed Project, South Coast AQMD staff recommends that the Lead Agency perform a mobile source health risk assessment¹² in the Final MND as substantial evidence to support that sensitive receptors are not going to be adversely affected by the exposure to diesel particulate matter that will be emitted from diesel-fueled trucks that will visit the Proposed Project for fueling during operation. Additionally, operation of the fueling portion of the Proposed Project has the potential to expose nearby residents to toxic air contaminants such as benzene. It is also recommended that the Lead Agency evaluate, quantify, and perform a health risk assessment for the gasoline service station¹³ and compare cancer risk to South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk¹⁴ to determine the level of significance in the Final MND as substantial evidence to support the conclusion that the Proposed Project's air quality impact to sensitive receptors from exposure to air toxic contaminants would be less than significant.

1-4

CEQA Air Quality Analysis for Operational Impacts

In the Air Quality Analysis and Greenhouse Gas Section, the Lead Agency quantified the maximum unmitigated VOCs emissions from the gasoline transfer and dispensing operations to be 24.57 lbs/day¹⁵, which would result in a total of 38.89 lbs/day VOCs emissions during the Proposed Project's operation¹⁶. To quantify those emissions, the Lead Agency used a combined VOCs emission factor of 1.88 lbs per 1,000 gallons of gasoline per day from storage tank filling, storage tank breathing losses, and dispensing that the U.S. Environmental Protection Agency (U.S. EPA) has developed¹⁷.

1-5

Operation of the gasoline fueling portion of the Proposed Project requires permits from South Coast AQMD. Gasoline emission factors for retail service stations from five processes (loading, breathing,

1-6

¹⁰ MND, Page 38.

¹¹ South Coast AQMD staff calculated the daily truck trips that will visit the Proposed Project based on information from Appendix I: Traffic Impact Analysis. The "Total PCE Trips" listed in *Table 2: Project Trip Generation* on PDF Page 81 within Appendix I: Traffic Impact Analysis (8,529 PCE) were multiplied by the estimated vehicle mix (%) listed in Table 14: Truck Gas Station Vehicle Mix within the Air Quality and Greenhouse Gas Analysis (37.5%), and then divided by PCE factor of 3 which was referenced on page 165 of the MND. Approximately 1,066 truck trips per day were likely visit the Proposed Project during operation for fueling (8,529 * 0.375) / 3.

¹² Guidance for performing a mobile source health risk assessment ("Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis") can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

¹³ South Coast AQMD, Risk Assessment. Available at: <http://www.aqmd.gov/home/permits/risk-assessment>.

¹⁴ South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk is based on the most current methodology recommended by the California Office of Environmental Health Hazard assessment.

¹⁵ Air Quality and Greenhouse Gas Section, Table 21: Regional Operational Emissions – Unmitigated, Page 6-7.

¹⁶ *Ibid.*

¹⁷ *Ibid.* Air Quality and Greenhouse Gas Impact Study, Page 4-7. US EPA "Potential to Emit Calculator for Gasoline Dispensing Facilities" spreadsheet. Accessed at: <https://www.epa.gov/sites/production/files/2016-6/gasolinedispensingcalculator032315.xlsx>.

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refueling, hose permeation, and spillage) in the South Coast AQMD Risk Assessment Procedures for Rules 1401, 1401.1 and 202 are being used for determining VOCs emission factors for permit applications¹⁸. South Coast AQMD staff recommends providing justification for using the U.S. EPA's VOCs emission factor to calculate VOCs emissions from the gasoline transfer and dispensing operations in the Final MND.

1-6
cont.

Permits and Compliance with South Coast AQMD Rules

In the MND, the Lead Agency identified South Coast AQMD as a public agency whose approval may be required¹⁹. Since the Proposed Project includes, among others, operation of 16 gasoline fueling pumps, permits from South Coast AQMD will be required, and South Coast AQMD should be clearly identified as a Responsible Agency under CEQA for the Proposed Project in the Final MND. The assumptions used in the air quality analysis and health risk assessment in the Final MND will be used as the basis for evaluating the permits under CEQA and imposing permit conditions and limits. The 2015 revised Office of Environmental Health Hazard Assessment (OEHHA) methodology²⁰ is being used by South Coast AQMD for determining operational health impacts for permitting applications and also for all CEQA projects where South Coast AQMD is the Lead Agency. Should there be any questions on permits, please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>.

1-7

The MND included a discussion of South Coast AQMD Rule 461 – Gasoline Transfer and Dispensing²¹ that the gasoline fueling portion of the Proposed Project must comply during operation. The Final MND should also include a discussion to demonstrate how the gasoline fueling portion of the Proposed Project will comply with applicable South Coast AQMD Rules, including, but not limited to, Rule 201 – Permit to Construct²², Rule 203 – Permit to Operate²³, Rule 431.2 – Sulfur Content of Liquid Fuels²⁴ and Rule 1401 – New Source Review of Toxic Air Contaminants²⁵.

1-8

Conclusion

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process. Please provide South Coast AQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, responses should provide sufficient details giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and the public who are interested in the Proposed Project.

1-9

¹⁸ South Coast AQMD's Risk Assessment Procedures for Rules 1401, 1401.1 and 2.12. Accessed at: <http://www.aqmd.gov/home/permits/risk-assessment>.

¹⁹ MND, Page 19.

²⁰ Office of Environmental Health Hazard Assessment. "Notice of Adoption of Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments 2015". Accessed at: <https://oehha.ca.gov/air/cmr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0>.

²¹ South Coast AQMD. Rule 461 – Gasoline Transfer and Dispensing. Accessed at: <https://www.aqmd.gov/docs/default-source/compliance/Gas-Dispensing/rule-461.pdf>.

²² South Coast AQMD. Rule 201 – Permit to Construct. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>.

²³ South Coast AQMD. Rule 203 – Permit to Operate. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>.

²⁴ South Coast AQMD. Rule 431.2 – Sulfur Content of Liquid Fuels. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-431-2.pdf>.

²⁵ South Coast AQMD. Rule 1401 – New Source Review of Toxic Air Contaminants. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf>.

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August 6, 2020

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Margaret Isied, Assistant Air Quality Specialist, at misied@aqmd.gov, should you have any questions. | 1-10

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS:MI

SBC200728-06

Control Number

Responses

- 1-1 These are introductory statements that do not require a response.
- 1-2 This is a reiteration of the Project Description as well as analysis contained in the Initial Study. This information has been revised in the *AQ/GHG Analysis*. Please refer to response to comments 1-3 through 1-6, below.
- 1-3 The CAPCOA Health Risk Assessment for Proposed Land Use Projects guidance document recommends that the minimum spacing for large gasoline fueling stations (with 3.6 million gallons of throughput per year or greater) is 300 feet from sensitive receptors. The proposed Project is located approximately than 2,750 feet from the nearest residential receptor, which is more than 9 times the recommended spacing. Therefore, based on the distance separation between the proposed Project and nearest residential receptor, it may be concluded based on established guidance from the California Air Pollution Control Officers Association that the Project would not be expected to expose sensitive receptors to substantial pollution concentrations.
- 1-4 SCAQMD has recommended that a quantified diesel health risk assessment be prepared to provide substantial evidence to support the conclusion that the Proposed Project's air quality impact to sensitive receptors from exposure to air toxic contaminants would be less than significant.

Substantial evidence is available which indicates that a quantified study will not be needed to conclude that the Project is not expected to expose sensitive receptors to substantial pollution concentrations from gasoline and diesel fuel vapor. The CAPCOA Health Risk Assessment for Proposed Land Use Projects guidance document recommends that the minimum spacing for large gasoline fueling stations (with 3.6 million gallons of throughput per year or greater) is 300 feet from sensitive receptors.

The proposed Project is located approximately than 2,750 feet from the nearest residential receptor, which is more than 9 times the recommended spacing. Therefore, based on the distance separation between the proposed Project and nearest residential receptor, it may be concluded based on established guidance from the California Air Pollution Control Officers Association that the Project would not be expected to expose sensitive receptors to substantial pollution concentrations.

- 1-5 Comment noted. The Project *AQ/GHG Analysis* has been revised to correct the calculation error, which previously overestimated the amount of gasoline and diesel fuel expected to be sold at this Project. The result, which affected the VOC calculation estimates, has been updated on Page 4-7, Table 21 and Appendix C of the revised Project *AQ/GHG Analysis*. This revision shall be reflected in the Final MND Errata. No mitigation measures are required as a result of the information provided in the revised *AQ/GHG Analysis* and all impacts are still considered less than significant.
- 1-6 VOC emissions are calculated using a spreadsheet developed by EPA, "Potential to Emit Calculator for Gasoline Dispensing Facilities." EPA's standard VOC emission factors are used to provide a reasonable estimate of emission. These are the federally acceptable guidelines and are adequate for the purpose of this Project *AQ/GHG Analysis*.

Additional discussion of the use of the EPA's VOC emissions factors has also been added to page 4-7 Project *AQ/GHG Analysis*. This revision shall be reflected in the Final MND

Errata. No mitigation measures are required as a result of the information provided in the revised *AQ/GHG Analysis* and all impacts are still considered less than significant.

- 1-7 It shall be noted in the Final MND Errata that SCAQMD is identified as a Responsible Agency under CEQA as defined in the State CEQA Guidelines, Section 15381. The Project will obtain all necessary SCAQMD permits and comply with the standard SCAQMD Rules and Regulations applicable for this Project.
- 1-8 Proposed Project will comply with applicable South Coast AQMD Rules, including, but not limited to, Rule 201 – Permit to Construct, Rule 203 – Permit to Operate, Rule 431.2 – Sulfur Content of Liquid Fuels and Rule 1401 – New Source Review of Toxic Air Containments. This revision shall be reflected in the Final MND Errata. No mitigation measures are required as a result of the information provided in the revised *AQ/GHG Analysis* and all impacts are still considered less than significant.
- 1-9 The City of Rialto, acting as the Lead Agency, will consider the MND for adoption together with the comments received from SCAQMD during the public review process. This shall serve as the written responses to SCAQMD's comments. These responses provide sufficient details giving reasons why specific comments and suggestions are and are not accepted.
- 1-10 Comment noted that SCAQMD Staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. No additional response is required.

3.0 ERRATA

Changes to the Initial Study (IS) are noted below. The changes to the IS do not affect the overall conclusions of the environmental document. These errata represent changes to the IS to provide clarification, corrections, or revisions as needed as a result of public comments on the IS, or due to additional information received during the public review period. These clarifications and corrections are not considered to result in any new or more severe impacts than identified in the IS and are not otherwise deemed to warrant IS recirculation pursuant to CEQA Guidelines §15073.5. Changes are listed by page. Added or modified text is shown by underlining (example) while deleted text is shown by striking (~~example~~).

It should be noted that revisions were made globally to correct Master Case (MC) number from 2018-0058 to 2019-0058.

IS Page 19, text was revised per the comments received from South Coast Air Quality Management District. The modifications are as follows:

Other public agencies whose approval may be required:

- South Coast Air Quality Management District (SCAQMD)
 - It is noted here that SCAQMD is identified as a Responsible Agency under CEQA as defined in the State CEQA Guidelines, Section 15381.
- Rialto Water Services
- West Valley Water District
- San Bernardino County Transportation Department
- Department of Environmental Health
- Regional Water Quality Control Board, Santa Ana Region
- Caltrans

IS Pages 37 and 38, text was revised per the comments received from South Coast Air Quality Management District and subsequent revisions to the Air Quality and GHG Impact Study. The modifications are as follows:

VOC emissions the gasoline dispensing facilities are based on emissions factors and the attainment status of the project location. Emissions from both gasoline vapor and diesel fuel vapor are calculated.

The maximum throughput is calculated using the following equation:

$$\text{Maximum Throughput (gal./yr.)} = \frac{\text{vehicle refueling positions}}{\text{refueling event time (hrs.)}} \times \text{hours of operation (hr./yr.)} \times \text{fuel dispensed (gal/refueling event)}$$

The proposed Project consists of a total of 16 gasoline fueling pumps and 5 diesel fueling pumps, therefore, using the above equation, the total throughput from the proposed Project is expected to be ~~6,167,040~~ 2,639,524 gallons/year (~~or 16,896 gallons/day~~) of gasoline and ~~44,600,000~~ 2,686,845 gallons/year (~~or 40,000 gallons/day~~) of diesel.

The potential VOC emission from the gas stations are calculated using the following equation:

Potential to Emit of VOC (tons/yr.) = maximum throughput (gal./yr.) x VOC Emission Factor (lb./1,000 gal.) x 1 ton/2,000 lbs.

Emission factors are based on the default US EPA parameters from the Potential to Emit Calculator for Gasoline Dispensing Facilities spreadsheet.

The total VOC emission is expected to be 9.47 lbs/day.

~~Hence, with a total throughput of 56,896 gallons/day, the total VOC emission is expected to be 24.57 lbs./day.~~

Long-term operational air pollutant impacts from the Project are shown in **Table 3-4, Regional Operational Emissions**. Project operations are not expected to exceed the allowable daily emissions thresholds for criteria pollutants at the regional level. Therefore, the Project would not conflict with the current air quality plan nor violate the established air quality standards, either directly or cumulatively. The Project related long-term air quality impacts would be less than significant.

**Table 3-4
Regional Operational Emissions**

Maximum Daily Emissions (lbs./day) ¹						
Activity	VOC	NOx	CO	SO ₂	PM ₁₀	PM _{2.5}
Mobile Sources	14.00	48.46	65.04	0.15	7.90	2.18
Energy Sources	0.05	0.45	0.38	0.00	0.03	0.03
Area Sources	0.27	0.00	0.01	0.00	0.00	0.00
Gasoline Transfer and Dispensing	24.57 9.47	--	--	--	--	--
Subtotal Area Sources	24.84 9.74	0.00	0.01	0.00	0.00	0.00
Total	38.89 23.79	48.91	65.43	0.16	7.93	2.22
SCAQMD Threshold	55	55	550	150	150	55
Exceeds Threshold (?)	No	No	No	No	No	No

¹ Maximum daily emissions during summer or winter; includes both on-site and off-site Project emissions.

IS Page 83, text was revised per the comments received from South Coast Air Quality Management District. The modifications are as follows:

SC-AQ-1: The Project shall comply with SCAQMD Rules (that are currently applicable during construction activity and operations for this Project) including but not limited to:

- Rule 1113 (Architectural Coatings);
- Rule 403 (Fugitive Dust); and
- Rule 1186 / 1186.1 (Street Sweepers).

- Rule 461 (Gasoline Transfer and Dispensing)
- Rule 201 (Permit to Construct)
- Rule 203 (Permit to Operate)
- Rule 431.2 (Sulfur Content of Liquid Fuels)
- Rule 1401 (New Source Review of Toxic Air Containments)

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to a proposed development. As stated in Section 21081.6 of the Public Resources Code,

“...the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted, or made a condition of project approval, in order to mitigate or avoid significant effects on the environment.”

The mitigation monitoring table lists those mitigation measures that are to be included as conditions of approval for the Project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure.

Mitigation Monitoring and Reporting Program Table

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party for Implementation	Method of Verification	City Verification of Compliance (Date/Initials)
Biological Resources	a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	MM-BIO-1 A pre-construction survey for BUOW shall be conducted by a qualified biologist within 30-days of Project-related construction activities (i.e., grubbing, grading, etc.) following accepted protocols. If BUOW have colonized the Property prior to the initiation of Project-related construction activities, the Applicant should immediately inform the City of Rialto and CDFW, and would need to coordinate further with the CDFW including the possibility of preparing a BUOW Protection and Relocation Plan, prior to initiating ground disturbance. MM-BIO-1 shall be conducted to ensure that a BUOW will not be directly impacted (i.e., killed, burrow site removal, etc.) or indirectly impacted (i.e., disturbance altering regular behavior such as excessive noise, increased and regular human presence, etc.) by Project-related construction activities.	<i>30 days prior to ground disturbance.</i>	<i>Applicant/Qualified Biologist.</i>	<i>Report and site inspection.</i>	
		MM-BIO-2 If Project-related construction activities occur during the avian nesting season (typically February 1 to August 31), a pre-construction survey for nesting birds should be conducted within 3-days of Project-related construction activities by a qualified biologist. If active nests are detected during the pre-construction survey, then a no disturbance buffered distance from the nest, depending on the species/type of bird, shall be established by a qualified biologist. MM-BIO-2 shall be conducted to ensure that an active nest will not be directly impacted (i.e., eggs destroyed, nestlings/fledglings killed or removed, etc.) or indirectly impacted (i.e.,	<i>Within 3-days of Project-related construction activities if grading is during nesting season.</i>	<i>Applicant/Qualified Biologist.</i>	<i>Report and site inspection, if during nesting season.</i>	

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party for Implementation	Method of Verification	City Verification of Compliance (Date/Initials)
		disturbance altering regular behavior potentially causing nest abandonment, nest failure, etc.) by Project-related construction activities.				
		MM-BIO-3 If BUOW and/or active nests are detected in areas within the Project area where Project-related construction activities could have an indirect impact, it is recommended that a qualified biological monitor be onsite during construction activities to monitor bird behavior to ensure no negative effects occur from Project-related construction activities, and to ensure that construction activities do not enter the no disturbance buffer(s). The biological monitor will have the authority to cease Project-related construction activities if indirect impacts are observed.	<i>During Project-related construction activities.</i>	<i>Applicant/Qualified Biologist.</i>	<i>Reports and site inspection.</i>	
	b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	See MM-BIO-1 through MM-BIO-3				
	d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	See MM-BIO-2				
Cultural Resources	b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	MM-CUL-1 In the event that cultural resources are discovered during Project grading activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on	<i>During Project grading activities.</i>	<i>Applicant/Contractor/Qualified Archaeologist.</i>	<i>Site inspection.</i>	

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party for Implementation	Method of Verification	City Verification of Compliance (Date/Initials)
		the other portions of the Project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within MM-TCR-1 , regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.				
		MM-CUL-2 If significant pre-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within MM-CUL-1 . The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.	<i>During Project-related construction activities.</i>	<i>Applicant/ Contractor/ Qualified Archaeologist.</i>	<i>Review report and site inspection.</i>	
		MM-CUL-3 If human remains or funerary objects are encountered during any activities associated with the Project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the Project.	<i>During Project-related construction activities.</i>	<i>Applicant/ Contractor/ Qualified Archaeologist.</i>	<i>Site inspection.</i>	
	c) Disturb any human remains, including those interred outside of formal cemeteries?	See MM-CUL-3				
Transportation	a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	MM-TR-1 Intersection – Alder Avenue / SR-210 Westbound Ramps. Prior to certificate of occupancy, the applicant shall make a fair share contribution of \$134,326.00, to the City's planned improvements at this intersection and	<i>Prior to a Certificate of Occupancy.</i>	<i>Applicant.</i>	<i>Receipt of payment to City.</i>	

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party for Implementation	Method of Verification	City Verification of Compliance (Date/Initials)
		along the Alder Avenue from Casmalia Street to Renaissance Parkway.				
		MM-TR-2 Intersection – Alder Avenue / SR-210 Eastbound Ramps. Prior to certificate of occupancy, the applicant shall make a fair share contribution of \$190,581.00 to the City's planned improvements at this intersection and along the Alder Avenue from Casmalia Street to Renaissance Parkway.	<i>Prior to a Certificate of Occupancy.</i>	<i>Applicant.</i>	<i>Receipt of payment to City.</i>	
		MM-TR-3 Intersection – Alder Avenue / West Renaissance Parkway. Prior to certificate of occupancy, the applicant shall make a fair share contribution of \$218,331.00 to the City's planned improvements at this intersection and along the Alder Avenue from Casmalia Street to Renaissance Parkway.	<i>Prior to a Certificate of Occupancy.</i>	<i>Applicant.</i>	<i>Receipt of payment to City.</i>	
		MM-TR-4 Intersection – Alder Avenue / Casmalia Street: Prior to certificate of occupancy, the applicant shall make a fair share contribution of \$47,064.00 to the City's planned improvements at this intersection and along the Alder Avenue from Casmalia Street to Renaissance Parkway.	<i>Prior to a Certificate of Occupancy.</i>	<i>Applicant.</i>	<i>Receipt of payment to City.</i>	
		MM-TR-5 Intersection – Alder Avenue / West Baseline Road. Prior to certificate of occupancy, the applicant shall make a fair share contribution of \$12,800.00 to restripe/widen the northbound approach from one left-turn lane and one shared through/right-turn lane to consist of one left-turn lane, one through lane, and one right- turn lane; and restripe/widen the eastbound approach from one left-turn lane and one shared through/right-turn lane to consist of one left- turn lane, one through lane, and one right- turn lane.	<i>Prior to a Certificate of Occupancy.</i>	<i>Applicant.</i>	<i>Receipt of payment to City.</i>	
Tribal Cultural	a.i) Listed or eligible for listing in	See MM-CUL-1 through MM-CUL-3				

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Resources	the California Register of Historical resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)	MM-TCR-1 The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in MM-CUL-1 (outlined in Section 5. Cultural Resources), of any pre-contact cultural resources discovered during Project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the Project, should SMBMI elect to place a monitor on-site.	<i>During Project implementation.</i>	<i>Applicant/ Contractor/ Qualified Archaeologist.</i>	<i>Site inspection and review report.</i>	
		MM-TCR-2 Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the Project.	<i>Throughout the life of the Project.</i>	<i>Applicant.</i>	<i>Review reports and provide to /consult with SMBMI.</i>	
		MM-TCR-3 Retain a Native American Monitor/Consultant: The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the area of the Project location. This list is provided	<i>During the construction phases that involve ground disturbing activities.</i>	<i>Applicant.</i>	<i>Site inspection.</i>	

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		by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the Project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the Project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.				
		MM-TCR-4 Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by Project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or	<i>During the construction phases that involve ground disturbing activities.</i>	<i>Applicant/ Contractor/ Qualified Archaeologist.</i>	<i>Review with Archaeologist.</i>	

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		preservation for educational purposes. Work may continue on other parts of the Project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource," time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources.				
		MM-TCR-5 Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.	<i>During the construction phases that involve ground disturbing activities.</i>	<i>Applicant/ Qualified Archaeologist.</i>	<i>Review with Archaeologist.</i>	
		MM-TCR-6 Unanticipated Discovery of Human Remains and Associated Funerary Objects: Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or	<i>During the construction phases that involve ground disturbing</i>	<i>Applicant/ Contractor/ Qualified Archaeologist.</i>	<i>Site inspection.</i>	

Impact Category	Impact	Mitigation Measures	Implementation Timing	Responsible Party for Implementation	Method of Verification	City Verification of Compliance (Date/Initials)
		cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed.	<i>activities.</i>			
		MM-TCR-7 Resource Assessment & Continuation of Work Protocol: Upon discovery, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the burial. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).	<i>During the construction phases that involve ground disturbing activities.</i>	<i>Applicant/ Contractor/ Qualified Archaeologist.</i>	<i>Site inspection.</i>	
		MM-TCR-8 Kizh-Gabrieleno Procedures for burials and funerary remains: If the Gabrieleno Band of Mission Indians – Kizh Nation is	<i>During the construction phases that involve ground</i>	<i>Applicant/ Contractor/ Qualified Archaeologist.</i>	<i>Review any reports.</i>	

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		designated MLD, the following treatment measures shall be implemented. To the Tribe, the term "human remains" encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.	<i>disturbing activities.</i>			
		MM-TCR-9 Treatment Measures: Prior to the continuation of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the Project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the Project and keeping the remains in situ and protected. If the Project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the	<i>Prior to the continuation of ground disturbing activities.</i>	<i>Landowner/ Contractor/ Qualified Archaeologist.</i>	<i>Site inspection.</i>	

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		<p>qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.</p> <p>Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the Project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.</p>				
		<p>MM-TCR-10 Professional Standards: Archaeological and Native American monitoring and excavation during construction Projects will be consistent with current professional</p>	<i>During construction Projects.</i>	<i>Applicant/ Qualified Archaeologist.</i>	<i>Review qualifications.</i>	

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		standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.				
	a.ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	See MM-CUL-1 through MM-CUL-3 and MM-TCR-1 through MM-TCR-10				