

# **ATTACHMENT 1**

## SUMMARY OF COMMENTS RECEIVED BY PLANNING COMMISSION

### *March 8, 2011 Planning Commission Meeting*

(Note: This summary is not meant to be exhaustive but to identify the issues of concern. Letters received by agencies and responses to these comments are provided in their entirety in the Final EIR with supplemental comments attached to the April 12, 2011 staff report.)

#### A. Public Comments from Local Residents

On November 17, 2010, during the 45-day public review period for the Draft EIR, the City held a community meeting at the Luque Center in order to discuss the proposed Project and the potential environmental effects, and to request input from the local residents regarding their concerns about the Project. Residents were particularly concerned about existing air quality problems from the Guyaux Landfill, as well as from the existing pallet manufacturing company directly west of the neighborhood, increased traffic, particularly heavy truck traffic on local roads (and risks to children playing), noise from operations, air quality (fugitive dust), the roads not being able to withstand the heavy truck traffic, loss of views of open space, and potential future impacts from the light industrial uses that may subsequently be developed on the Project site. These concerns were also expressed by several residents at the March 8 Planning Commission public hearing. Concerns raised by the public with regard to air, noise and traffic issues were addressed in the Draft EIR and subsequent responses to comments as well as the Draft Conditions of Approval that were presented to the Planning Commission.

#### B. Comments from Public Agencies

Two responsible agencies, the California Department of Fish and Game (CDFG) and South Coast Air Quality Management District (AQMD), and one public agency owner of adjacent property (City of Riverside) provided additional comments after the Final EIR had been released requesting additional groundwater modeling and analysis of data, and/or clarification of responses to specific comments. Representatives from both AQMD and the City of Riverside also spoke at the public hearing stating their concerns about the proposed Project.

Testimony from the public, as well as comments from the two public agencies, caused the Planning Commission to continue the public hearing for a period of 30 days to April 12, 2011, and directed staff to work with the Applicant to address the comments raised at the March 8, 2011 public hearing.

### *April 12, 2011 Planning Commission Meeting*

At this continued public hearing, staff discussed the additional comments and responses with the Applicant, CDFG and AQMD. The Commission was informed that these agencies were satisfied with the additional responses and had no further comments. In addition, no further

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### *April 12, 2011 Planning Commission Meeting*

At this continued public hearing, staff discussed the additional comments and responses with the Applicant, CDFG and AQMD. The Commission was informed that these agencies were satisfied with the additional responses and had no further comments. In addition, no further correspondence was received from the City of Riverside. However, a representative of the City

of Riverside was present at the meeting, stated that the City of Riverside still had concerns, but did not provide any written comments detailing such concerns.

Resolutions for both approval and denial of the Project were presented to the Planning Commission for their consideration.

#### A. Public Comments from Local Residents

Staff reviewed the comments made by local residents and determined that some issues are related to existing conditions that are not germane to the proposed Project. These included: 1) fugitive dust conditions related to the existing adjacent pallet manufacturing company; and 2) fugitive dust conditions related to the existing uncovered Guyaux Landfill. For the first issue, residents were referred to the AQMD. Residents did indicate that they have previously contacted the AQMD without satisfactory results. It was noted that approval of the proposed Project would not result in either the degradation or improvement of air quality related to that permitted use. For the second issue, fugitive dust currently being generated from the landfill would be alleviated by the capping of the landfill with the proposed engineered fill. Adding cement to the imported soil would create a more stable soil with increased resistance to wind erosion and thus reduce fugitive dust associated with the landfill.

*Truck Traffic.* Other comments related to the increase in heavy truck traffic on local roads, including Fogg Street and M Street, and the resultant degradation of pavement. A mitigation measure in the EIR that is also a Condition of Approval (see Condition 20, Improvements (b)) addresses this issue by requiring the Applicant to pay a Transportation Mitigation Fee of \$62,163 in order to mitigate the proposed project's incremental contribution to cumulative impacts to Mt. Vernon Avenue. In addition, the Applicant will be responsible for the cost to reconstruct the AC Pavement along M Street (Mt. Vernon Avenue to Fogg Street) and Fogg Street (M Street to Congress Street) due to truck traffic deterioration of the pavement during the duration of the permit. This total fair share is \$218,078. The fee shall be paid upon commencing of Phase B of the project.

*Traffic Hazards.* Another comment alleges that increases in truck traffic could jeopardize children playing in or adjacent to the street. Staff reviewed the Applicant's traffic plan and determined that there are no residences near the entrance to the Project site that would be affected by Project-related traffic. No trucks will access the site from the west along eastbound Congress Street or eastbound on M Street. The traffic plan calls for all trucks to access the site via Mt. Vernon to M Street, then Fogg Street to the Project site. There is no access to the local neighborhoods from this route. However, if children play near the area of the Fogg/Congress curve, the additional truck traffic could increase traffic hazards to pedestrians in this area.

*Views (Aesthetics).* Loss of views of open space was also a concern of the residents. The Draft EIR included an analysis of existing views and future views with the raised site in place. As shown in Exhibits 3 through 5, views of the Project site will be visible as a raised site approximately 7 feet above existing grade. Public views from the local streets will have the site in the foreground but background views of the river and hills will still be visible. Some views from neighborhood residences will not be affected because they are oriented in

an east-west direction so views toward the south are already restricted by adjacent houses; views toward the east and west would remain unaffected by the Project.

*Noise.* Finally, residents were concerned about additional noise created by the Project. The Applicant will operate during normal construction hours, Monday through Friday with only soil delivery occurring on Saturday; processing equipment will be electric powered and will be sited approximately 700 feet from the nearest residence. Placement of engineered fill will be done around the site to create a noise barrier between the processing equipment and the residences, with the processing site being the last phase of the site to be filled. The EIR noise analysis identified a significant unavoidable impact to local residents during a 6 to 9 month period at the start of construction of the Project when fill is being placed at the closest point to the neighborhood, and while covering the landfill. Once this phase is completed, a 7-foot noise berm will be placed across the Project site to further shield the neighborhood from construction noise as Project construction progresses through its additional phases. No feasible mitigation measures were identified for this period of construction.

## B. Comments from Public Agencies

### 1. *California Department of Fish and Game (CDFG)*

CDFG submitted additional comments via e-mail to the City's EIR consultant. These comments included concerns with the location of the ingress road through Riversidean Alluvial Fan Sage Scrub (RAFSS) habitat currently occupied with Santa Ana woolly star and the loss of 25 acres of floodplain that is considered marginal woolly star habitat, but must be mitigated. In response, the Applicant has proposed an alternative ingress/egress roadway (see attached Exhibit 2) outside of the RAFSS habitat area, located east of the Project site to avoid potential indirect impacts to the woolly star. In addition, as a result of consultation with CDFG, the Applicant has committed to prepare a Resource Management Plan for the restoration of the 8-acre area as compensation for the loss of 25 acres of floodplain which is considered to be low quality woolly star habitat. This off-site mitigation on City property will require concurrence by the City. CDFG had no further comments.

### 2. *South Coast Air Quality Management District (AQMD)*

AQMD's comments concerned the methodology for evaluating impacts to Air Quality. In response, the Applicant's air quality engineer revised the localized air quality analysis using the AQMD's methodology for Local Significance Thresholds. Results show that the concentration predicted by the model is less than the significance thresholds. However, because of the proximity to the adjacent neighborhood, AQMD requested additional fugitive dust monitoring during the early phases of Project construction. The Applicant has agreed to conduct dust monitoring during Phase B of the project (placement of soil cement within the area of the Guyaux landfill which is adjacent to the existing Florez and Fernando neighborhood). If dust exceeds the AQMD thresholds, additional dust control measures would be implemented. In addition, the Applicant's air quality engineer revised the Health Risk Assessment to address volatile organic compounds (VOCs) that may be released from fill material received and processed on-

site. Again, results showed that VOCs are not expected to pose a risk to human health pursuant to SCAQMD guidelines. Finally, AQMD requested clarification on the number of haul trucks associated with the Project. Upon review of subsequent information AQMD had no further comments.

### 3. *City of Riverside, Public Utilities Department*

The City of Riverside's comment letter dated March 8, 2011, identified three main issues raised by the City of Riverside: 1) potential threat of contamination caused by rising groundwater based on storm events and recharge activities that may saturate the areas of the landfill; 2) emerging contaminants may be present in soils received by the applicant that could subsequently pose a threat to human health either from emissions or to down gradient water supply wells; and 3) the permeability of engineered fill and the target for landfill caps. In response, the Applicant's consulting engineers provided the City of Riverside with an updated Groundwater Model Sensitivity Analysis. The results show that the risk based maximum concentrations originally assumed in their study are more conservative than if a shallower elevation (suggested by the City of Riverside) were used. Based on the results, the proposed Project is protective of groundwater for the entire range of the sensitivity analysis as the acceptance limits identified within the Sampling and Analysis Plan submitted to the Regional Water Quality Control Board (Final EIR Appendix C) are below all of the risk-based concentrations within the sensitivity analysis conducted for the project.

The conclusion of the City of Riverside's March 8, 2011 comment letter stated that "*...if the source materials meet the characteristics presented in EastStar's modeling and requirements presented in the revised Sampling and Analysis Plan, the (landfill) cap will have properties similar to typical landfill cap material and would prevent large amounts of infiltration from mobilizing potential contaminants in the fill.*" Further, "*... the requirements in the revised Sampling and Analysis Plan, if implemented as state, are likely to prevent source materials with hazardous characteristics from being utilized for the engineered fill. If the engineered fill and site characteristics are consistent with the input parameters in groundwater model (i.e. contaminant concentrations, depth groundwater, and permeability) and do not alter over time, groundwater quality is likely not to degrade from the project.*"

The Applicant's consulting engineer responded to the City of Riverside's comments by providing additional clarification of the issues and concluded that they agree with the City of Riverside's conclusions that if the Applicant follows the testing methodology as outlined in the Sampling and Analysis Plan that would identify and exclude source materials with hazardous characteristics to be excluded, the engineered fill that is placed on site would not cause any degradation to water quality. The consulting engineer also reminded the City of Riverside that oversight of the engineered fill project will be performed by the Regional Water Quality Control Board and the South Coast Air Quality Management District, and that oversight of the placement of the engineered fill will be performed by a third-party California licensed professional geotechnical engineer. In addition, the City of Colton will also receive copies of all monitoring reports or other reports generated by the Applicant in compliance with the agencies' permitting

requirements. The City of Riverside would also be included on the list to receive such reports if requested.

# **ATTACHMENT 2**

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**RESOLUTION NO. R-02-11**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON DENYING A CONDITIONAL USE PERMIT FOR THE COLTON SOIL SAFE LAND IMPROVEMENT PROJECT (FILE INDEX NO.: DAP-000-910).**

**WHEREAS**, an application (File Index No. DAP 000-910) was filed with the City of Colton by Soil Safe of California, Inc. (hereinafter "Applicant") for a Conditional Use Permit to allow the placement of approximately 500,000 cubic yards of engineered soil on approximately 29 acres to raise the site out of the Santa Ana River floodplain (hereinafter "Project") on a 29-acre site located at the southerly terminus of Florez Street and Fernando Street legally described as Assessor Parcel Numbers 0163-362-11, 0163-362-12, and 0163-362-26 (hereinafter "Subject Property"), designated on the General Plan Land Use Map as OS - Open Space and zoned OS, Open Space; and

**WHEREAS**, on March 8, 2011, the Planning Commission of the City of Colton held a duly noticed public hearing at which time all persons wishing to testify in connection with the project were heard and the project was fully examined, but additional information was sought that caused a continuation of the public hearing to April 12, 2011; and

**WHEREAS**, on April 12, 2011 the Planning Commission of the City of Colton held a public hearing continued from March 8, 2011 at which time additional information was provided in response to specific questions raised either at the public hearing or in response to the Final EIR released for public review 10 days prior to the March 8, 2011 public hearing; and

**WHEREAS**, pursuant to the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, an Environmental Impact Report was prepared.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF COLTON:**

**SECTION 1.** The above recitations are true and correct and, in addition to those below, constitute the findings of the Planning Commission for File Index No. DAP-000-910.

**SECTION 2.** The Planning Commission finds that it has reviewed and considered the Draft EIR, Final EIR including all public comments and responses to public comments, and additional testimony provided in the public hearings of March 8 and April 12, 2011 along with additional comment letters received on the Final EIR.

**SECTION 3.** Based on the entire record before the Planning Commission and all written and oral evidence presented, including the staff report, the Planning Commission cannot make the following required findings in accordance with Colton Municipal Code Section 18.58.060(H) as follows:

- A. *The proposed use is in accord with the general plan, the objectives of the Colton Municipal Code, and the purposes of the zone in which the site is located.*** The conditional use permit will allow the applicant to raise the site out of the floodplain 100-year floodplain and cover the 4-acre Guyaux landfill within the northern portion of the property. Raising the site would remove the barrier to development of the site with urban uses that are not consistent with the current general plan designation and zoning of Open Space and may introduce new land uses in the area not reasonably foreseen previously. For example, the EIR prepared for the project included an analysis of Potential Subsequent Projects,

1 including development of the project site with a Light Industrial development. Although the  
2 property owner could request a general plan amendment and zone change, allowing  
3 development on this site could introduce incompatible land uses that may adversely affect  
the existing single family neighborhood adjacent to the site.

4 **B. *The proposed use, together with the conditions applicable thereto will not be***  
5 ***detrimental to the public health, safety or welfare, or materially injurious to properties***  
6 ***or improvements in the vicinity.*** The project will partially obstruct views from the  
7 adjacent neighborhood (i.e. homes on Florez and Fernando. It will also create a 29-acre,  
8 soil-cement "eyesore" mostly devoid of vegetation and a potential attractive nuisance for  
9 graffiti that may remain vacant in perpetuity. The project's economic and employment  
benefit to the City of Colton is greatly outweighed by the construction-related noise, traffic,  
aesthetic and air quality impacts during the life of the project (3-5 years). In addition, the  
Soil Safe operations may be materially injurious to adjacent residential properties, possibly  
affecting property values.

10 Although conditions of project approval that will safeguard the public health, safety and  
11 general welfare of the community for the proposed project have been identified, removing  
12 the barrier to future development of the site could have detrimental effects on public health,  
13 safety and welfare, including increased air emissions associated with new traffic and new  
14 manufacturing facilities in close proximity to a residential neighborhood. Increased traffic  
itself could result in a reduction in levels of service and emergency response times when  
added to existing traffic on local streets. In addition, under the evaluation of Potential  
Subsequent Projects, the extension of Fogg Street and the realignment of the UPRR Rail  
Line could occur, adding to the potential for incompatible land uses, and associated adverse  
effects to be developed near an existing residential neighborhood.

15 **C. *That the proposed use complies with each of the applicable provisions of the Colton***  
16 ***Municipal Code.*** The proposed use is in accord with the Open Space designation of the  
17 General Plan and the purposes of the Open Space zone. Upon completion of the Land  
18 Improvement project, the property would remain as Open Space and could provide  
opportunities for some Open Space uses including recreational uses. However, the removal  
of barriers to development could result in a proposed change in land use that would require  
a general plan amendment and zone change for future light industrial uses.

19 **SECTION 4.** Pursuant to California Public Resources Code sections 21002, 21002.1 and  
20 21081, the Planning Commission may only approve a project with significant and unavoidable  
21 impacts if no alternatives are feasible, and if the Planning Commission adopts a Statement of  
22 Overriding Considerations finding that specific overriding economic, legal, social, technological or  
other benefits of the project outweigh the significant effects on the environment.

23 **SECTION 5.** Pursuant to California Public Resources Code sections 21002, 21002.1 and  
24 21081, and State CEQA Guidelines section 15042, the Planning Commission may deny the Project  
on the basis that it would result in significant and unavoidable adverse impacts.

25 **SECTION 6.** Pursuant to California Government Code section 65950.5, the Planning  
Commission has the authority to either approve or deny a discretionary permit.

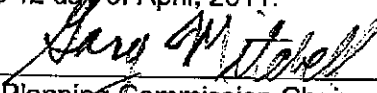
26 **SECTION 7.** Based on the findings in this Resolution, and the information contained in the  
27 administrative record for this Project, the Planning Commission does hereby deny the request for a  
28 Conditional Use Permit for File Index No. DAP-000-910.

1           **SECTION 8.** Pursuant to State CEQA Guidelines section 15270, CEQA does not apply to  
2 projects which a public agency rejects or disapproves.

3           **SECTION 9.** The location and custodian of the documents and any other material which  
4 constitute the record of proceedings upon which the Planning Commission based its decision is  
5 located at the City of Colton Community Development Services Department, 659 N. La Cadena  
6 Drive, Colton, CA 92324, (909) 370-5079.

7           **SECTION 10.** The Secretary shall certify the adoption of this Resolution.

8           PASSED, APPROVED, AND ADOPTED this 12 day of April, 2011.

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10 \_\_\_\_\_  
11 Planning Commission Chairperson  
12 Gary Mitchell

13 ATTEST:

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15 \_\_\_\_\_  
16 Development Services Director  
17 Mark R. Tomich, AICP

18           I hereby certify that the foregoing is a true copy of a resolution adopted by the Planning  
19 Commission of the City of Colton at a meeting held on April 12, 2011 by the following vote of the  
20 Planning Commission:

21           AYES:       Ramirez, Navarro, Perez  
22           NOES:        Delgado, Prieto  
23           ABSENT:     Archuleta  
24           ABSTAIN:    Mitchell

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26 \_\_\_\_\_  
27 Development Services Director  
28 Mark R. Tomich, AICP

# **ATTACHMENT 3**

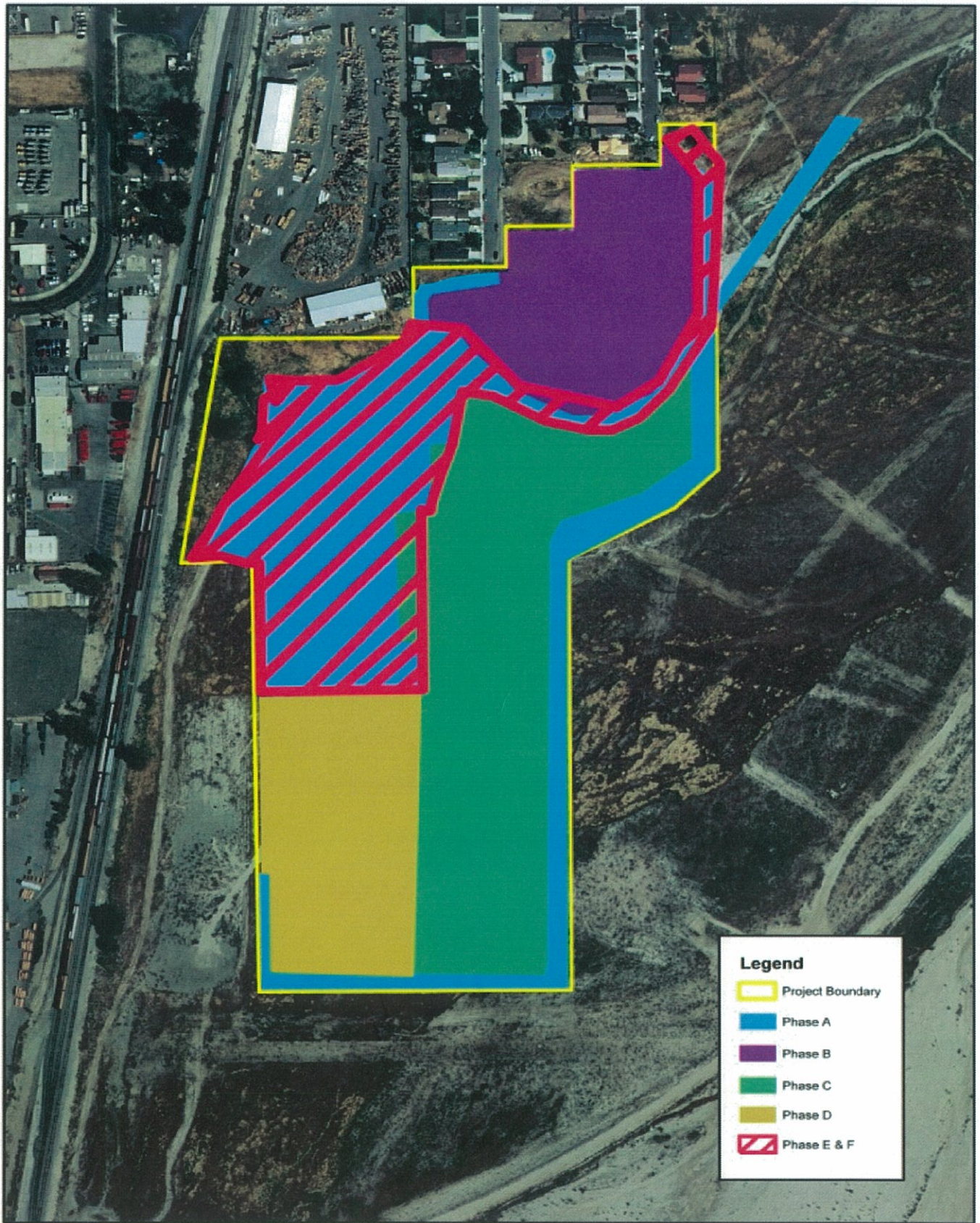
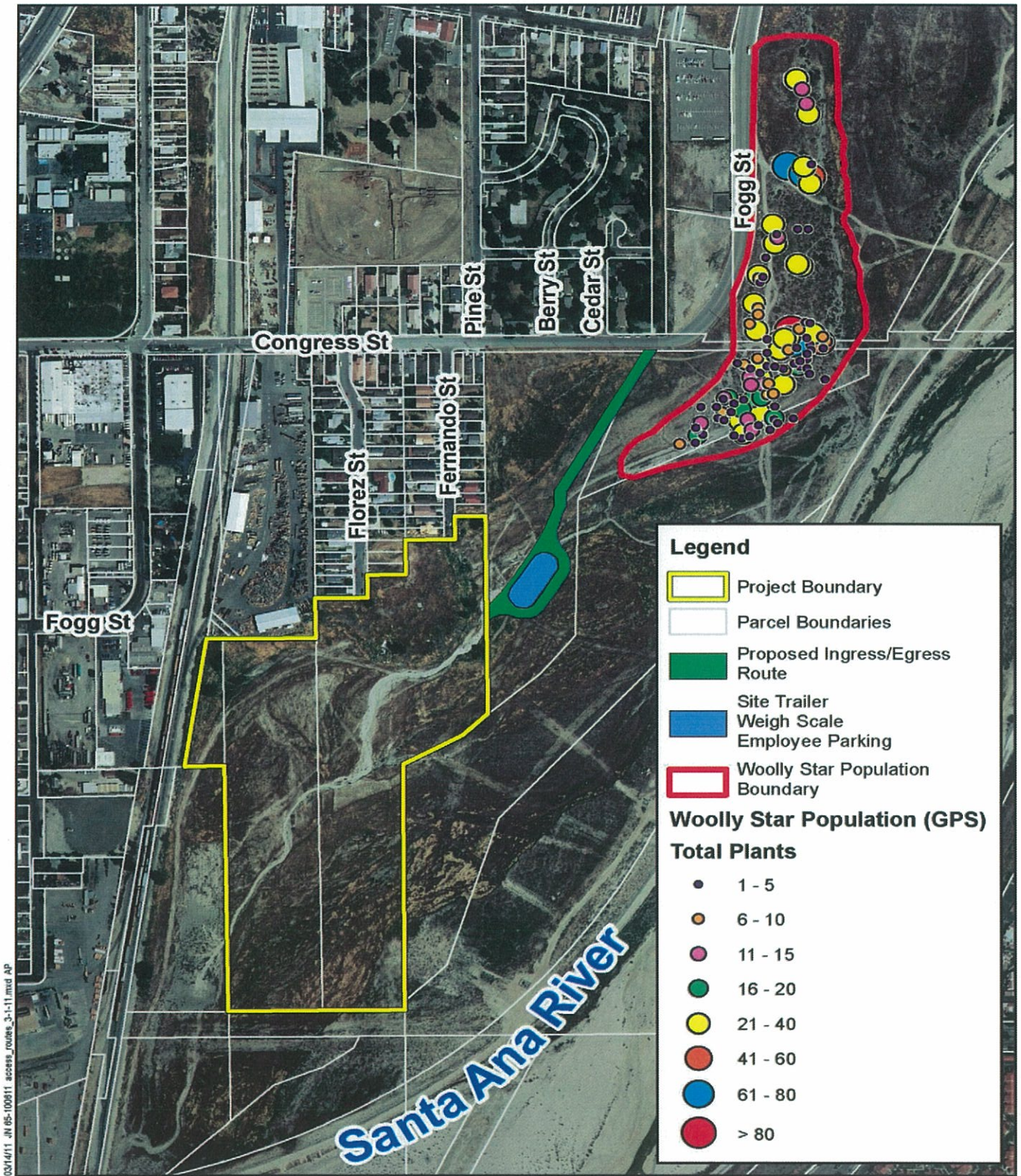


Exhibit 1 Soil Safe Phasing Plan



03/14/11 JV 05-100811 access\_routes\_3-1-11.mxd AP

Exhibit 2 New Access Road

# **ATTACHMENT 4**

MAP

[ON FILE IN THE OFFICE OF THE CITY CLERK]

# **ATTACHMENT 5**



# Planning Commission Staff Report

**CITY OF COLTON**  
**Development Services Department**

**MEETING DATE:** March 8, 2011

**FILE INDEX NUMBER:** DAP-000-910 (Soil Safe Land Improvement Project)

**REQUEST:** Conditional Use Permit to place 500,000 cubic yards of engineered fill (soil cement) to raise the 29-acre project site out of the 100-year floodplain of the Santa Ana River.

**APPLICANT:** Soil Safe Inc.

**DATES:**  
 Application Filed: May 11, 2010  
 Design Review Committee: February 7, 2011  
 Public Notice Date: February 23, 2011

**PROPERTY INFORMATION:**

1. Location:
  - Maturin Group Property: 29-acre site at the southerly terminus of Fernando and Flores Streets (APN 0163-362-11, -12, and -26) parcels 20, 21 and 34)
  - City of Colton Property: 17.5-acre site at the southeast corner of Congress Street and Fogg Street (APNs 0163—381-01 and -02) parcels 22 and 23.
2. Lot Size(s): N/A
3. Existing Land Use: Vacant
4. General Plan Land Use Designation: OS, Open Space (Maturin Group Property)  
 Low Density Residential (City of Colton Property)
5. Zoning: OS, Open Space (Maturin Group Property)  
 RS, Single Family Residential (City of Colton Property)
6. Surrounding Properties:  
*Maturin Group Property*

	<b>Zoning</b>	<b>General Plan Land Use Designation</b>	<b>Existing Land Use</b>
<b>North</b>	R1, Single-Family Residential M1 – Light Industrial	Low Density Residential Light Industrial	Single Family Neighborhood Manufacturing
<b>South</b>	Open Space	Open Space	Santa River and Floodplain
<b>East</b>	Open Space	Open Space	Floodplain, future City of Riverside water recharge project Vacant Land (City-owned parcels)
<b>West</b>	R1 – Single Family Residential Open Space	Low Density Residential Open Space	Vacant Land UPRR Railroad line La Cadena Drive

*City of Colton Property*

	<b>Zoning</b>	<b>General Plan Land Use Designation</b>	<b>Existing Land Use</b>
<b>North</b>	R2, Duplex Residential (north of Congress Street/west of Fogg Street) M2 – Light Industrial (north of Congress Street/east of Fogg Street)	Low Density Residential  Heavy Industrial	San Bernardino Housing Authority apartments  Vacant Colton Iron and Metal property
<b>South</b>	Open Space	Open Space	Santa River and Floodplain
<b>East</b>	Open Space	Open Space	Vacant
<b>West</b>	Open Space (Soil Safe Site) R1 – Single Family Residential	Open Space (Soil Safe Site) Low Density Residential	Vacant Land Single Family Neighborhood

**PROPERTY DESCRIPTION**

The Maturin Group property consists of three vacant parcels (APNs 0163-362-11, -12, and -26), totaling approximately 29 acres. The site and surrounding areas consist of disturbed vacant land with several unpaved roads crossing the project area; a City-owned 66kV electrical power line and several poles also traverse the site and surrounding properties in an east-west direction. The elevations within the northeastern portion of the site are approximately 932 feet above mean sea level (amsl), while elevations in the southwesterly corner drop to approximately 911 feet amsl, and ranges from 15 feet to 20 feet below the grade of the adjacent neighborhood to the north. The property was historically within the floodplain for the Santa Ana River but has been generally isolated from all but significant events by a levee built in the 1970's and seldom receives waters from the river. The levee is not certified by the San Bernardino County Flood Control District to provide 100 year flood protection; therefore the property is still considered to be within the 100-year flood plain. The site has also been subjected to a heavy regime of ground disturbing activities, including disking and plowing.

The City of Colton property consists of two vacant parcels (APNs 0163-381-01 and -02), totaling 17.5 acres. This site is similar in character to the Maturin Group property.

**BACKGROUND:**

Historic aerial photographs of the project site and vicinity indicate that portions of the Maturin Group property south of Florez and Fernando Streets have been filled in with soil and inorganic debris. This approximately 4-acre area is known as the Guyaux landfill and is approximately 12 to 14 feet thick based on the borings and excavation conducted as part of the Environmental Due Diligence conducted by Soil Safe. Topographically, the landfill is relatively flat and matches the elevation of the adjacent properties to the north. The southern and eastern edge of the landfill drops approximately 10-12 feet, where it joins with the floodplain portion of the property.

Based on the area and thickness of the landfill it is estimated to contain approximately 98,000 cubic yards of soil, slag, and other materials. Dumping at this location began in the late 1930s and continued until the mid 1980s. There are three locations that were found to contain hazardous levels of lead exceeding the California Environmental Protection Agency (EPA) regulatory threshold of 1,000 milligrams per kilogram (mg/kg). These locations are approximately three feet in diameter and range from one to three n doe-half feet in depth. . Prior to any construction activities proposed onsite, the Maturin Group will conduct a voluntary cleanup of hazardous waste hot spots within the Guyaux landfill in consultation with the Regional Water Quality Control Board, Santa Ana Region (RWQCB).

Drainage onsite consists of an ephemeral stream that travels south along East Fogg Street through private property (north of the property), trends southwest through City of Colton property (adjacent to the property on the east), crosses the property, and eventually enters the Santa Ana River southwest of the property beneath the Union Pacific Railroad bridge. This ephemeral stream ranges in width from approximately 8-36 feet and measures approximately 1,810 feet in total length. Despite its ephemeral nature, this drainage is considered jurisdiction of the Army Corps of Engineers, California Department of Fish and Game, and RWQCB. Permits from each agency will be required prior to commencement of the proposed project.

#### *Project Description*

On May 11, 2010, Soil Safe, Inc. submitted an application for a Conditional Use Permit in order to place approximately 500,000 cubic yards of engineered fill (soil-cement) in order to raise the 29-acre property above the 100-year flood elevation of the Santa Ana River.

In addition to the Maturin Group property, the Applicant has requested to use a portion of the adjacent 17.5 acres of City-owned property to provide space for employee parking, a truck scale, an office trailer, and employee parking. This staging area would allow Soil Safe to better manage the construction of the monolithic site by staging the preliminary tasks. The City-owned property would contain the site trailer where onsite files and materials pertaining to daily operations would be stored. Next to this trailer would be a truck scale where incoming/outgoing trucks would be weighed to verify the amount of soil delivered to the site. In addition, an area adjacent to the site trailer would be used for employee parking for the onsite workers. The area identified for these facilities would be approximately one acre.

The City-owned property would be used for ingress and egress to the Maturin Group property. Primary construction entry access for the project would be provided along an existing 0.5-mile dirt road east of Fogg Street and north of the project area on property owned by Colton Iron and Metal. All queuing and stacking of haul trucks would either be managed on site or along this proposed access route to minimize impacts on public roads. The existing unimproved roadway would be improved within the existing footprint using gravel-on-native soil but no new disturbance outside the existing footprint would occur. Because this road would be used temporarily, no curbs, gutters, storm drains, sewers, and/or sidewalks would be constructed as part of this project; however bollards would be installed to ensure that vehicles using the road stay within the current roadway footprint and do not damage the adjacent plants. Where necessary, temporary improvements would be made to ensure adequate drainage occurs within the roadway area, but outside of the woolly star population, and with the use of typical erosion control measures where necessary.

Trucks exiting the Maturin Group property would leave from the construction trailer/weigh station and travel north along a new temporary roadway, to an existing curb cut along Congress Street (south of Cedar Street). These trucks would exit the site just west of the intersection of Congress Street and Fogg Street. The roadway would be constructed using gravel on native soil beginning at the project's construction trailer/weigh scale and extend approximately 800 feet north to Congress Street. Improvements to this roadway would be similar to the entrance road previously described and would be conducted outside of the existing Santa Ana River woolly star population.

Alternative Ingress/Egress Road Alignment: As an alternative to the proposed ingress and egress roads, the Applicant is considering an alternative road configuration that would eliminate the proposed ingress road and combine both functions along a wider egress road. By eliminating the currently proposed ingress road, the Applicant can eliminate the potential adverse impacts to the

Santa Ana River woolly star habitat that could occur with use of the ingress roadim1. An exhibit showing the proposed alternative is attached.

Daily operation for the Land Improvement project includes the daily delivery of soil as follows:

- Soil delivered in standard dump trucks with a capacity of 24 tons per truck
- Estimate 50 trucks per day six days per week (or 60 trucks per day for a 5-day week)
- Deliveries will be scheduled to avoid AM and PM traffic peak hours
- Saturday hours will be limited to delivery of soil only, no construction activity would occur on site
- Hours of operation - Monday through Saturday between 7 am and 5 pm Saturday operations will be limited to soil deliveries only
- Trucks will be weighed as they come in and again as they leave to determine how many tons of soil have been delivered
- Soil will be visually inspected and samples will be taken and analyzed to ensure soil is safe to be placed on site; unaccepted loads will be returned to their point of origin

Processing and placement of soil cement will be done in phases as follows (see attached EIR Exhibit 2.0-10):

Phase A of the proposed project includes the following elements:

- Site preparation (includes removal of vegetation and installation of sediment and erosion control measures),
- Construction of a non-potable water well,
- Construction/ improvement of the temporary access roads,
- Installation of the temporary scale, construction trailer, and employee parking area on adjacent property owned by the City of Colton,
- Mobilization and delivery of construction and processing equipment, and
- Placement of all processing equipment and soil storage areas as approved and certification by the appropriate agencies.

Phase B of the proposed project includes the following elements:

- Placement of soil-cement along the top and southern and eastern edge of the Guyaux landfill to cover the landfill portion of the site
- Stabilize this part of the site and reduce the potential for water to percolate through the landfill by rerouting the drainage channel away from the landfill site.
- Relocate onsite City-owned utility transmission poles
- Destroy the pre-existing unclosed groundwater monitoring wells located onsite

Phase C of the proposed project includes the following elements:

- Placement of soil-cement within the eastern half of the project site south of the Guyaux landfill and access road

Phase D of the proposed project includes the following elements:

- Placement of soil-cement within the southwest corner of the site, south of the proposed processing facility

- Construct a portion of the onsite stormwater management basin proposed for the site

Phase E of the proposed project includes the following elements:

- Produce a stockpile of dry loose soil-cement material for placement in the areas where the processing equipment and access road are located
- Once all materials have been processed, all onsite equipment and structures would be removed from the site allowing for final placement of the stockpiled soil-cement materials in these areas

Phase F of the proposed project includes the following elements:

- Once all processing equipment has been removed from the project site, the stockpiled soil-cement would be placed as engineered fill within the northwestern corner of the site, and the access road/ ramp between Phases B and C
- Precise-grade the site with a one-percent slope toward the southwest and commence with final cleanup
- Remove the construction trailer/weigh scale and employee parking area from the City-owned site.

Upon completion of the project, the property owner or other parties may pursue development additional projects on top of the raised portion of the site, including: 1) Fogg Street Extension/Improvements Related to Right-of-Way Realignment; 2) Light Industrial Facilities; and 3) the Union Pacific Rail Line realignment. Timing of development of any or all of these additional projects is uncertain and no request for entitlement to develop future projects is before the Planning Commission at this time, only the Soil Safe Land Improvement project.

### **ANALYSIS:**

Staff analyzed the proposal for general plan consistency, zoning code consistency, compatibility with surrounding properties, and project implementation.

#### **General Plan Consistency**

##### *Maturin Group Property*

The Maturin Group property is designated as Open Space on the General Plan Land Use Map. The Land Use Element identifies Open Space as areas of natural hazards such as areas located within the 100-year floodplain of the Santa Ana River. The Land Use Element states that an "Open Space designation does not exclude land from potential development opportunities, but, rather, recognizes inherent constraints that would prevent urbanization in those locations regardless of General Plan designation." Open Space is further divided into Permanent, Agriculture, and Parks/Recreation Open Space. The property falls within the Permanent Open Space category which includes areas that due to environmental hazards are unsafe for human habitation. Such an area includes the Santa Ana River and its flood plain. Sites with this designation may be used for recreational, equestrian and agricultural uses. There is no historic evidence that the project site was previously used for agricultural or equestrian uses, and recreational uses have been limited to unauthorized off-road vehicle use.

The property also contains the Guyaux landfill that covers approximately 4 acres and is 12 to 14 feet thick based on the borings and excavation conducted as part of the Applicant's Environmental Due Diligence. Topographically, the landfill is relatively flat and matches the elevation of the surrounding properties to the north. The southern and eastern edge of the landfill drops approximately 10-12 feet, where it joins with the floodplain portion of the property. Based on the area and thickness of the landfill, it is estimated to contain approximately 98,000 cubic yards of soil, slag, and other materials. Dumping at this location began in the late 1930s and continued until the mid 1980s. There are a few small areas of the landfill where the waste is considered hazardous. Prior to any construction activities proposed onsite, the Maturin Group will conduct a voluntary cleanup of hazardous waste hot spots within the Guyaux landfill in consultation with the RWQCB.

The Applicant proposes the placement of inert engineered fill, in order to elevate the property out of the Santa Ana River 100-year floodplain and cover the existing Guyaux landfill. The placement of engineered fill within the property will preclude agricultural uses; however, the site is currently vacant and not used for any of this purpose. Moreover, the project would remove the constraints (i.e., the 100-year floodplain, Guyaux landfill) that impede development, thereby, eliminating the rationale for the property's Open Space designation. However, the proposal is consistent with the Colton General Plan for an Open Space use because the proposed project does not include a specific land use. Rather, the intent of the Applicant is to remove the barrier to development that could occur at some future date, by resolving a number of environmental issues including raising the site out of the 100-year floodplain, covering the existing Guyaux landfill with inert engineered fill, and channeling the flow of stormwater that currently flows across the landfill and other areas of the property, and diverting into a new channel around the property to its existing outlet at the downstream end of the property. The approval of the Conditional Use Permit will not alter the use of the property as Open Space. The property could still be used for recreational or equestrian uses but not agricultural uses, as is allowed under the Open Space designation. This is because adding cement to the soil will render it inert and unable to support vegetation.

#### *City of Colton Property*

The 17.5-acre City-owned property is designated as Low Density Residential on the General Plan Land Use Map. The temporary right of entry and use of the property for access roads, the truck scale, office trailer and employee parking would not preclude the property from being developed with residential uses in the future since the projected schedule for completion of the proposed project, including removing all temporary structures and related equipment is within 3 to 5 years of project approval.

#### Zoning Code Consistency

##### *Maturin Group Property*

The proposed project is consistent with the zoning designation of Open Space, because no development is proposed as part of the project. At the end of the construction period (3 to 5 years) the property would be returned to its existing conditions with the removal of project related equipment. With the elimination of the barriers to development, at some future date, development projects could be proposed, however, at this time, no such proposals have been submitted. The property could be used for recreation or equestrian uses after improvements are made to facilitate these activities. However, at this time there are no plans for such a use in the future.

*City of Colton Property*

The 17.5-acre City-owned property is zoned for single Family Residential use. Leasing of the property to Soil Safe, Inc. for temporary right of entry and use for access roads, truck scale, office trailer and employee parking would not preclude the property from being developed with residential uses in the future. This is because the projected schedule for completion of the proposed project, including removing all temporary structures and related equipment is within a 3-5 year timeframe. After completion of the proposed project, the City-owned property would be returned to its existing condition by the removal of all of Soil Safe's temporary uses and equipment.

The proposed project, importing soil and filling the site up to 20 feet to raise it out of the floodplain, does not include a general plan amendment or zone change to allow future development of the property. The applicant does not have plans to develop the property and at the end of the 3 to 5 years it is projected to complete the land improvement project, the property will still be designated as Open Space. Therefore, the end use of the proposed project is compatible with adjacent properties.

Potential Future Light Industrial Uses

Upon completion of the land improvement project, the Maturin Group property would still be designated as Open Space and no application for a development project has been submitted to date. However, in anticipation of future uses of the property, the EIR evaluated, at a program level of detail, potential subsequent uses including up to 400,000 square feet of Light Industrial facilities, the extension of Fogg Street, and the realignment of the Union Pacific Railroad line to eliminate the 10 at-grade crossings along 9<sup>th</sup> Street. Although there is currently no development proposal pending for the property, in anticipation of future Light Industrial uses, staff conducted an analysis of vacant industrial properties in the City; properties (Light to Medium Industrial properties with less than \$25,000 improvement value).

As shown in the following table, there is approximately 934 acres of undeveloped industrial property in the City. Under a scenario described in the EIR for the proposed Land Improvement project, upon completion of the project, the property could be used for Light Industrial uses. This would increase the total Light Industrial property to 428.37 acres and a total of 1,063 acres or industrially designated property.

Once the Land Improvement project is completed, the Maturin Group property would contain approximately 19 acres of developable area, excluding the future right-of-way for the extension of Fogg Street and the realignment of the UPRR rail line. The 4-acre Guyaux landfill site, although undevelopable for habitable structures could be incorporated into the developable area as parking or other similar use.

<b>Industrial Designation</b>	<b>Acres</b>
Business Industrial Park	130.93
Industrial Office	5.65
Industrial Park	293.68
Light Industrial	428.37
Medium Industrial	74.83
Future	29.00
<b>Total</b>	<b>933.46</b>

### **ENVIRONMENTAL DETERMINATION:**

Staff reviewed the application and determined that the project was not exempt from the California Environmental Quality Act (CEQA) and directed the Applicant to prepare an Environmental Impact Report (EIR) for review by Staff.

- A Notice of Preparation (NOP) was prepared and circulated for public review on May 12, 2010, for a 30-day public review period. The NOP and attached Initial Study/Environmental Checklist were sent to all responsible and trustee agencies, surrounding cities, and interested parties.
- The City held a Public Scoping meeting on May 25, 2010 and an additional Community meeting on June 23, 2010 was held to inform the community and other interested parties that an EIR would be prepared for the proposed Land Improvement project.
- The Draft EIR was distributed to all responsible and trustee agencies, surrounding cities, and interested parties for a 45-day public review between October 25, 2010 and December 8, 2010. A total of 12 comment letters were received on the Draft EIR.
- Responses to comments were provided to the 12 commenters at least 10 days prior to the Planning Commission public hearing.
- The Final EIR consisting of the Draft EIR, Comments and Responses, Mitigation Monitoring and Reporting Program (MMRP), and additional information provided in response to comments received, was made available for public review at least 10 days prior to the Planning Commission public hearing.

Because the proposed project is twofold: 1) the Soil Safe Land Improvement Project and 2) the Potential Subsequent Projects, the EIR was prepared conducting a project level analysis of the Soil Safe project and a program level analysis of the Potential Subsequent Projects. A project level analysis is conducted to evaluate the environmental impacts associated with a specific development project focusing primarily on the changes in the physical environment (direct and indirect changes) that would occur as a result of project implementation. The EIR must examine all phases of the development project including planning, construction and operation. For the Potential Subsequent Projects, an evaluation of potential environmental impacts was undertaken at a program level of detail due to the lack of information about these future projects, including timing of development and funding sources. At such time in the future when any of these projects are ripe for evaluation and discretionary action, a subsequent EIR will be prepared for each project.

### **FINDINGS:**

#### *Findings for the Approval of a Conditional Use Permit*

The project before the Planning Commission consists of a Conditional Use Permit in order to place approximately 500,000 cubic yards of engineered fill (soil-cement) in order to raise the 29-acre Maturin Group property above the 100-year flood elevation of the Santa Ana River. Staff has prepared the following findings for approval of the CUP in accordance with Section 18.58.060 of the Colton Municipal Code:

- A. The conditional use permit will allow the applicant to contribute to the orderly growth and development of the City by removing the barriers to development of the property including the location within the 100-year floodplain and the location of the 4-acre Guyaux landfill within the northern portion of the property. In addition, the proposed project would enable the City at a

future date to construct the extension of Fogg Street, and the Union Pacific Railroad to realign the existing spur line to eliminate the 10 at-grade crossings along 9<sup>th</sup> Street.

- B. Conditions of project approval have been identified that will safeguard the public health, safety and general welfare of the community.
- C. The proposed use is in accord with the Open Space designation of the General Plan and the purposes of the Open Space zone. Upon completion of the Land Improvement project, the property would remain as Open Space and could provide opportunities for some Open Space uses including recreational uses.
- D. The proposed use, together with the conditions applicable thereto will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. This is because mitigation measures and/or conditions of approval will be adopted that reduce potential significant impacts to less than significant levels. These include such measures/conditions to require the applicant to pay traffic impact fees for future road improvements and replacement of pavement along local roads, construction of a berm on site to buffer the existing neighborhood from construction noise during soil processing and placement, and implementation of a dust control plan to reduce fugitive dust generated during site grading, soil processing and placement of soil cement on-site.

*Findings for the Certification of the Environmental Impact Report and Adoption of a Mitigation Monitoring and Reporting Program*

An EIR was prepared for the proposed Soil Safe Land Improvement project and potential subsequent projects that evaluated a range of environmental issues. Staff has prepared the following findings in accordance with California Code of Regulations (CEQA Guidelines) Section 15065 and 15097:

- 1) Aesthetics, Light and Glare
- 2) Agricultural Resources
- 3) Air Quality and Greenhouse Gases
- 4) Biological Resources
- 5) Cultural Resources
- 6) Geology, Soils and Seismicity
- 7) Hazards and Hazardous Materials
- 8) Hydrology and Water Quality
- 9) Land Use and Planning
- 10) Noise
- 11) Population and Housing
- 12) Public Services and Utilities
- 13) Traffic and Circulation

The EIR identified a number of mitigation measures that would eliminate impacts or reduce them to less than significant levels. Impacts that cannot be reduced to less than significant levels are those associated with following project-related activities:

- 1) Geology, Soils and Seismicity - The loss of the opportunity to recover aggregate resources from the property which is identified by the California Mining and Geology Board as being within a Mineral Resources Zone (MRZ-2). Areas within an MRZ-2 zone are areas underlain by mineral deposits where geologic data indicate that significant measured, indicated, or inferred resources are present. Areas classified MRZ-2 contain discovered mineral deposits;

- 2) Noise - Short-term noise impacts during the 6-9 months of construction of Phases A and B closest to the existing neighborhood. The noise would be associated with compacting and covering of the Guyaux landfill and the development of the access road between the City of Colton property and the Maturin Group property. Once the landfill is covered a 5-foot berm would be placed along the boundary between the project site and the neighborhood to buffer the noise from the soil processing activities near the center of the project site; and
- 3) Traffic and Circulation - Short term impacts to Mt. Vernon Avenue until improvements are made to widen the road and bridge (not anticipated to occur during the 3-5 year life of the project)

The EIR also evaluated Cumulative impacts that may be caused by the proposed project when considered with other nearby projects. Cumulative impacts that cannot be reduced to less than significant levels are those associated with following activities that are common among the cumulative projects:

- 1) Geology, Soils and Seismicity – cumulative loss of land designated by the State Geologist as regionally significant mineral resources; and
- 2) Traffic and Circulation – cumulative impacts to Mt Vernon Ave; Soil Safe will contribute its fair share of the cost to make road improvements but these may not be constructed within the 3 to 5 year life of the project

For the Potential Subsequent Projects, the EIR identified potentially significant impacts to the following resources:

- 1) Air Quality - Future Light Industrial Facilities are not consistent with the SCAQMD AQMP, and emissions from construction of Fogg Street Extension and UPRR Realignment may exceed SCAQMD thresholds;
- 2) Biological Resources – Because the alignment of the Fogg Street Extension and UPRR Realignment are uncertain at this time, impacts to sensitive species such as the Santa Ana River woolly star and habitats may not be fully mitigated;
- 3) Geology, Soils and Seismicity – Loss of availability of known mineral resources within the future Fogg Street and UPRR Rail Line alignments;
- 4) Noise – Construction and operational noise may be significant and unavoidable for each of the Potential Subsequent Projects; and
- 5) Traffic and Circulation – Because proposed mitigation measures include improvements to facilities that are not controlled by the City of Colton, impacts on traffic and circulation would be significant and unavoidable until improvements are implemented by Caltrans.

The Mitigation Monitoring and Reporting Program to be adopted with the Certification of the EIR identified all feasible mitigation measures with respect to these impacts. In this regard, the City finds that all feasible mitigation measures identified in the EIR have been, or will be implemented with the Project, and any significant remaining unavoidable effects are acceptable due to the following specific economic, legal, social, technological or other benefits, all of which are based on the facts set forth in the CEQA Findings, Final EIR, and the record of the proceedings for this Project.

The City finds that the Project may have the following substantial benefits and that the proposed Project's adverse, unavoidable environmental impacts could arguably be outweighed by these benefits:

- 1) Reclaim the 29-acre Maturin Group property currently located within the Santa Ana River floodplain for potential development by elevating the properties above the 100-year flood elevation;
- 2) Isolate exposed, undocumented artificial fill at the Guyaux landfill;
- 3) Cover the Guyaux landfill by compacting the materials in place and overlaying them with soil-cement to reduce the potential for future exposure to the substances located onsite;
- 4) Divert offsite stormwater flows from Florez and Fernando Streets around the Maturin Group property, to prevent percolation through the Guyaux landfill and into the groundwater aquifer underlying the property; and
- 5) Make improvements to the property to allow for future light industrial development and the potential extension of Fogg Street and the potential realignment of the Union Pacific Railroad line along 9<sup>th</sup> Street.

Additionally, the City has examined a reasonable range of alternatives to the Project including the 1) No-Project Alternative whereby no fill material is imported and the project site remains within the 100-year floodplain of the Santa Ana River; 2) the Import Fill only Alternative whereby the Applicant does not include the addition of cement to create an engineered fill; and 3) the Fogg Street Only Alternative whereby only the northerly portion of the site would be filled to allow the extension of Fogg Street.


Based on this examination, the City has determined that none of these alternatives would meet the applicant's Project objectives or reduce the existing "no project" impacts of possible long-term risks to water quality, or ongoing wind-blown dust impacts on adjacent neighborhoods.

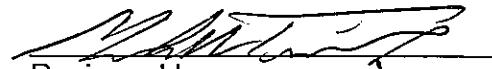
### **RECOMMENDATION**

The Soil Safe proposal was considered by the Design Review Committee (DRC) on February 7, 2011. The DRC made comments and placed conditions on the project (See Draft Conditions of Approval), The DRC recommended that the Planning Commission take one of the following actions:

1. Approve the Conditional Use Permit, certify the Final EIR and adopt the Mitigation Monitoring and Reporting Program for the proposed project;
2. Deny the applicant's request for a Conditional Use Permit and take no action on the EIR and MMRP; or
3. Provide Alternative direction to staff to work with the Applicant to resolve any outstanding issues.

Staff recommends that the public hearing be continued to a Special Planning Commission meeting on March 22, 2011 for further consideration and action.

  
Prepared by:  
Nancy M. Ferguson, Contract Planner

  
Reviewed by:  
Mark R. Tomich, AICP, Director

**ATTACHMENTS**

1. Exhibits.
2. Draft Conditions of Approval.
3. Draft EIR (CD).
4. Final EIR including Comments and Responses and MMRP, and the Executive Summary.
5. Concept Grading Plan and Site Access Road Exhibit, received May 11, 2010.

**SOIL SAFE (DAP-000-910)**  
**DRAFT CONDITIONS OF APPROVAL**

1. This approval shall allow for the improvements to the 29-acre Maturin Group property (site) located at the southerly terminus of Flores and Fernando Streets (APNs 0163-362-11, -12 and 26) to place approximately 500,000 cubic yards of engineered fill (soil cement) on-site in order to raise the site up to 20 feet in elevation and out of the 100-year flood plain of the Santa Ana River; additional temporary improvements on APN 0163-381-02 (City-owned parcel) to allow the placement of truck weigh scales, an office trailer, and employee parking area associated with the elevation of the property; and the grading and maintenance of an access road from E. Congress Street (egress) and from S. Fogg Street (ingress) during the 3 to 5-year construction scenario.
2. This conditional use permit shall not be effective unless and until (1) the applicant executes and records against the entire property an indemnity agreement requiring the indemnification of the City and its officials from and against any liability, claims, demands, lawsuits, governmental or regulatory actions, judgments, fines, remediation requirements, losses and/or expenses that arise from the City's approval of the Project or the applicant's undertaking of the project; and (2) the approval of a license agreement between the applicant and the City of Colton to permit use of the adjacent City-owned property.
3. Development of the site, related activities on the City-owned property and use/maintenance of the access roads shall be as shown on Conceptual Grading Plans submitted to the Development Services department on May 11, 2010, except as amended by the conditions herein.
4. Any requests for modifications, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to implementation of the modification. Significant deviations from the approved plans or conditions of approval shall be subject to review and approval by the Design Review Committee. The applicant requesting the modification shall supply information deemed necessary by the Director and/or Committee to make a determination.
5. The site shall be developed and maintained consistent with the approved plans and the conditions of approvals.
6. Prior to issuance of a grading permit for implementation of this approval, plans shall be submitted to the Development Services Department for review and approval.
7. Prior to the installation or modification of any signs, the Applicant shall obtain approval for proper permits from the Development Services Department.
8. The Applicant agrees to defend, indemnify, hold harmless, and provide for reimbursement or assumption of all legal costs in connection with this project.

- 1 9. The Applicant and/or Property Owner shall comply with all requirements of all reviewing  
2 agencies and shall comply with all applicable local, state, and federal rules, laws, and  
3 regulations.
- 4 10. The Applicant and/or Property Owner shall, at all times, operate and maintain the property  
5 so as not to constitute a nuisance in the community. Nuisance may be defined as  
6 excessive noise, dust, traffic congestion or nuisance issues as defined in CMC Section  
7 8.04.030, E, F and S.
- 8 11. Any plans submitted for grading plan check for this Project shall contain an exact  
9 reproduction of the conditions of approval and mitigation measures listed herein on one of  
10 its sheets.
- 11 12. The applicant will consult with United State Fish and Wildlife Service (USFWS) under  
12 Section 7 of the Endangered Species Act (ESA) as part of its 404 wetland permit  
13 application with the United States Army Corps of Engineers (USACE), with concurrence  
14 from California Department of Fish and Game (CDFG) through the Fish and Game Code  
15 2080.1, to determine whether potential adverse indirect impacts to Santa Ana River  
16 woolly star could occur from project implementation. Although avoidance and  
17 minimization measures include restricting all vehicular traffic to the existing dirt road  
18 using bollards, the presence of the bollards could encourage non-authorized vehicular  
19 traffic in the immediate area resulting in indirect impacts associated with a loss of  
20 individual plants as well as habitat. **MM BIO-1**
- 21 13. To avoid, minimize and mitigate adverse effects of the proposed action on Santa Ana  
22 River woolly star (SARWS), the Applicant shall implement the following conservation  
23 measures. These conservation measures are designated to reduce or eliminate potential  
24 environmental impacts to SARWS and will be included, along with the U.S. Fish and  
25 Wildlife's (USFWS) terms and conditions from the Biological Opinion (BO), as an  
26 integral component of the management program for the elevation of project site out of the  
27 100-year floodplain in the City of Colton. Concurrence by USFWS is required for any of  
28 the conservation actions described below. The Applicant shall not begin construction until  
a guarantee is given to the satisfaction of USFWS, through the appropriate legal  
instrument, the successful implementation and funding for the conservation strategies  
described below. Documentation shall be submitted to the Development Services  
Director prior to commencement of any ground disturbing activities related to the Soil  
Safe Land Improvement project.
  - a) Soil Safe will undertake the following actions prior to construction activities to avoid  
temporary impacts of construction and hauling activities on SARWS:
    - i. Construction limits will be temporarily fenced prior to construction activities  
to avoid any advertent disturbance of areas adjacent to the construction limits;
    - ii. The ingress to the project site will occur via an existing access road that  
crosses through the existing SARWS population. This road is a long standing  
established route and continues to be used today. All construction traffic  
accessing the site will be limited to this existing dirt road. The boundaries of  
the road will be marked using bollards that will be placed within the existing  
shoulders of the road. No SARWS occur within the existing limits;

- 1           iii. A biological monitor will be present onsite and oversee the installation of the  
2           temporary fencing and bollards;
- 3           iv. All movement of construction contractors, including ingress and egress of  
4           equipment and personnel, will be limited to the designated construction zone  
5           and marked ingress and egress routes;
- 6           v. Construction staging areas shall be located as far from the onsite Riversidian  
7           Alluvial Fan Sage Scrub (RAFSS) habitats as feasible;
- 8           vi. Orientation meetings will be conducted for construction personnel to review  
9           construction limits, ingress and egress routes, conservation measures, and the  
10          locations of any sensitive species that must be avoided; and
- 11          vii. Soil Safe will implement Best Management Practices (BMPs) in accordance  
12          with a storm water pollution prevention plan to avoid and minimize impacts to  
13          biological resources outside of construction areas.
- 14          b) Soil Safe will undertake the following actions prior to construction activities to  
15          minimize temporary impacts of construction and hauling activities on SARWS:
- 16                i. Soil Safe will work with the Cities of Colton and Riverside to determine the  
17                most appropriate fencing/gates for controlling access to the onsite Riversidian  
18                Alluvial Fan Sage Scrub (RAFSS) habitat; Educational signage will be placed  
19                on this fence warning of the presence of an endangered species and the need  
20                for adequate control measures to protect the Santa Ana River woolly star  
21                (SARWS) population;
- 22                ii. Although the occasional watering of the existing dirt roads for dust control will  
23                be confined to compacted road surfaces and would not be expected to result in  
24                the growth of weeds on or along side of the access roads, the access roads will  
25                be inspected weekly by the on-call biologist. The biologist will either remove  
26                any weed found on or along the access road, if removal can be conducted by  
27                hand, or consult with CDFG to develop a more extensive weed removal  
28                program, if required, including a change in watering practices.
- iii. The SARWS fence will be inspected weekly during construction to ensure its  
              integrity is maintained;
- iv. All damages will be repaired within 24 hours;
- v. Any impacts to the RAFSS habitat will be noted and reported to USFWS and  
              CDFG within 24 hours; and
- vi. Any required restoration efforts will be developed and submitted to USFWS  
              and CDFG for review and concurrence prior to implementation;
- c) Soil Safe will undertake the following actions during construction activities to mitigate  
              any inadvertent impacts of construction and hauling activities on SARWS:
- i. The loss of RAFSS habitat will be mitigated through onsite habitat restoration  
                  at a 1:1 ratio and will adhere to the performance standards listed in the Habitat  
                  Management and Monitoring Plan that is being prepared as part of the Section  
                  7 Consultation and the State's 2081 permit application. Both agencies will  
                  approve the plan as part of issuing their respective "Take Authorization  
                  Permits";

- 1           ii. Impacts to individual SARWS plants will be documented by an authorized  
2           biologist and reported to USFWS and CDFG within 24 hours;
- 3           iii. Individual SARWS plants that are destroyed will be replaced at a 5:1 ratio by  
4           the acquisition of offsite habitat in an area supporting a sustainable RAFSS  
5           population and known to support the required number of SARWS plants.  
6           Offsite habitat will be acquired in 1 acre increments; collected from the site  
7           and deposited at the Rancho Santa Ana Botanical Garden; The Rancho Santa  
8           Ana Botanical Garden will divide the seeds for three uses: 1) for a permanent  
9           seed bank, 2) for germination and growing seedlings, and 3) to preserve for  
10          later seeding;
- 11          iv. The grown seedlings and preserved seeds may be used to replant areas of  
12          temporary impact once construction has ceased. This should be conducted in  
13          October to December, or as close to the winter rainy season as possible;
- 14          v. An authorized biologist will be on-call during all construction and hauling  
15          activities and will have the authority to stop all work until any situation he  
16          deems detrimental to the SARWS population and accompanying RAFSS  
17          habitat has ceased;
- 18          vi. The authorized biologist will be called immediately if any impacts to SARWS  
19          or the RAFSS habitat is identified;
- 20          vii. The authorized biologist will inspect the haul routes every Monday prior to the  
21          start of construction and hauling activities to document conditions of the  
22          temporary fencing, bollards and SARWS fencing, and to note any potential  
23          impacts to individual SARWS plants and the surrounding RAFSS habitat;
- 24          viii. The authorized biologist will also assess the general conditions of the RAFSS  
25          habitat located inside the SARWS fencing at the start of each week to  
26          document any impacts from unauthorized activities over the weekend;
- 27          ix. If impacts are discovered within the SARWS fenced area, the authorized  
28          biologist will report the damage to USFWS and CDFG within 24 hours;
- x. Remedial actions will be determined in coordination with USFWS and CDFG  
          biologists; and
- xi. At the conclusion of construction, a final monitoring report will be prepared by  
          the authorized biologist documenting all noted impacts, all remedial and or  
          restoration activities and their success to date, the current status of the RAFSS  
          habitat and recommendations for the long-term maintenance of this area.
14. Personnel associated with the construction on the site shall attend a worker education  
class. This class shall include general information regarding sensitive species, including  
the Santa Ana River woolly star, and their habitat known to occur in the near vicinity of  
the project. Particular attention shall be made to the various flora and fauna, habitat types  
onsite, and regulations. Project activities shall be limited to a well-defined area. Prior to  
grading and construction activities, the limits of disturbance shall be clearly marked with  
flagging, stakes, or fencing around the project site and access roads. Bollards, short  
vertical posts, shall be used to line both sides of the access road, confining all vehicular  
use of the road to the disturbed roadbed. No inadvertent straying outside the roadway  
shall occur. **MM BIO-2**
15. To avoid an illegal take of active bird nests, any grubbing, brushing or tree removal shall  
be conducted outside of the State-identified nesting season of February 15 through  
September 1. Alternatively, the site shall be evaluated by a qualified biologist prior to

- 1 initiation of ground disturbance to determine the presence or absence of nesting birds. If  
2 an active nest is located within the project construction area, it shall be flagged and a 300-  
3 foot buffer zone shall be placed around it to avoid disturbance. No activity shall occur  
4 within the 300-foot buffer until the young have fledged the nest. **MM BIO-3**
- 5 16. At the time earth disturbance activities occur within the access roads, a qualified biologist  
6 shall conduct a pre-construction survey and make a determination: (1) if a biological  
7 monitor should be present during construction of the access road; (2) if exclusionary  
8 fencing needs to be installed around the perimeter of the construction work zone; or (3) if  
9 no further action is required. The biologist/monitor should remain on-call during  
10 construction activities of the access road. If Santa Ana River woolly star is encountered  
11 during construction following the initial phases of ground disturbance, construction  
12 activities shall be halted in the vicinity of the find and the biologist/monitor called to the  
13 site. The contractor shall implement the recommendations of the biologist/monitor who  
14 shall coordinate with the United State Fish and Wildlife Service (USFWS). **MM BIO-4**
- 15 17. Prior to issuance of grading permits, the Project Applicant shall obtain all appropriate  
16 permits for impacts to project areas containing US Army Corps of Engineers (USACE)  
17 and California Department of Fish and Game (CDFG) jurisdictional resources and for  
18 impacts pertaining to the proposed drainage channel along the eastern and southern  
19 project boundaries of the site. Compensatory mitigation for such impacts would be at no  
20 less than a 1:1 ratio. Prior to the initiation of any construction-related activities, the  
21 Project Applicant shall submit a detailed mitigation program and mitigation site plan for  
22 USACE and CDFG approval. The Mitigation Program shall contain the following items
- 23 • **Responsibilities and qualifications of the personnel to implement and supervise the plan.** The responsibilities of the Project Applicant, Property Owner, Specialists, and Maintenance Personnel that would supervise and implement the plan shall be specified.
  - 24 • **Site preparation implementation.** Site preparation shall include: (1) trash and weed removal; (2) soil treatments (i.e., imprinting, decompacting); and (3) erosion-control measures (i.e., rice or willow wattles).
  - 25 • **Schedule.** A schedule of activities shall be developed.
  - 26 • **Maintenance plan/guidelines.** The Maintenance Plan shall include: (1) weed control; (2) herbivory control; (3) trash removal; and (4) maintenance training.
  - 27 • **Long-term preservation.** Long-term preservation of the site shall also be outlined in the conceptual Mitigation Plan to ensure the mitigation site is not impacted by future development. **MM BIO-5**
- 28 18. Prior to grading permit issuance, the construction contractor shall demonstrate, to the satisfaction of the City of Colton, the following:
- Construction contracts shall specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State required noise attenuation devices.
  - Construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources,

- 1 and maximizing the distance between construction equipment staging areas and  
2 occupied residential areas, shall be implemented.
- 3 • During construction, stationary construction equipment shall be placed such that  
4 emitted noise is directed away from sensitive noise receptors.
  - 5 • The construction entrance shall clearly post construction hours, allowable  
6 workdays, and the phone number of the job superintendent. This would allow  
7 surrounding owners and residents to contact the job superintendent with concerns.  
8 If the contractor receives a noise-related complaint, appropriate corrective actions  
9 shall be implemented and a report taken indicating the action with a copy of the  
10 report provided to the reporting party upon request. **MM NOI-2**
- 11 19. Prior to grading permit issuance, the construction contractor shall demonstrate to the City  
12 of Colton that haul truck routes avoid sensitive receptors. Haul trucks shall be required to  
13 access the project site via I-10 to Mount Vernon Avenue, M Street east of East Fogg  
14 Street, and East Fogg Street. Haul trucks shall be prohibited to travel along M Street west  
15 of East Fogg Street, West Fogg Street (west of 8th Street), and Congress Street west of  
16 East Fogg Street, excluding the segment of Congress Street east of the curb cut for the  
17 project's egress access road. **MM NOI 3**
- 18 20. Comply with the requirements of the City of Colton **Police** Department, including the  
19 following:
- 20 a. If during the construction phase an increase in police response to the site occurs,  
21 the Project Applicant would be required to provide additional measures (e.g.,  
22 additional security fencing, security lighting, etc.) as directed by the Police  
23 Department to ensure that these measures adequately address and discourage  
24 trespassing and vandalism. **MM PSU-1**
- 25 21. Comply with the requirements of the City of Colton **Fire** Department, including the  
26 following:
- 27 a. Preparation for disposal of all hazardous waste shall be coordinated with the  
28 Primary Emergency Response Coordinator (PERC), the Department of Toxic  
Substances Control (DTSC) and the San Bernardino County Fire Department or  
the appropriate local Certified Unified Program Agency (CUPA). No hazardous  
wastes shall be stored on site for more than 90 days. **MM HAZ-5**
  - b. If the soil screening and sample process, as determined by the Sampling and  
Analysis Plan (SAP), indicates the presence of hazardous waste, the contingency  
procedures described in the Hazardous Materials Emergency  
Response/Contingency Plan shall be implemented. **MM HAZ-6**
22. Comply with the following requirements of the City of Colton **Public Works** Department.
- Fees
- a. Pay plan Check Fees and Permit Fees for the review of the site grading and drainage plan.  
Submit a detailed cost estimate to determine the plan checking and permit fees.
  - b. Pay plancheck fee for the Water Quality Management Plan.
  - c. Pay plan check Fee for the review of the Hydrology Study.

- 1 d. Pay plan check fees for any improvement within City right of way and submit a detailed cost  
2 estimate to determine the plan checking and permit fees.  
3 e. The project applicant/developer shall pay the Transportation Mitigation Fee of \$ 636,660.00  
4 in order to mitigate the proposed project's incremental contribution to cumulative impacts to  
5 the Mt. Vernon Avenue Improvements. The fee shall be paid upon commencing on Phase B  
6 of the project. Evidence of payment shall be submitted to the City prior to the issuance of  
7 any permits.

8 Improvements

- 9 a) Reconstruct any damaged street improvements, irrigation and landscaping fronting the  
10 City owned property leased to the applicant.  
11 b) The developer shall reconstruct the AC Pavement along M Street (Mt. Vernon Avenue to  
12 Fogg Street) and Fogg Street (M Street to Congress Street) due to truck traffic  
13 deterioration during the duration of the permit. If installation of all or any portion of the  
14 Street Improvements is not feasible at this time, the applicant shall pay an in-lieu cash  
15 deposit to the Road Improvement for the amount of \$ 442,614.00. The fee shall be paid  
16 upon commencing on Phase B of the project. Evidence of payment shall be submitted to  
17 the City prior to the issuance of any permits.

18 Grading and Drainage

- 19 a) The applicant shall provide the Public Works and Utility Services  
20 Department/Engineering Section with a separate (3) set of grading plan with a scale of 1”  
21 = 40’ prepared by a Civil Engineer registered in the State of California. The grading plan  
22 shall include a topographic contour map of the site and 15 feet beyond the property lines,  
23 with a one-foot contour interval. This contour map shall be prepared within the last 12  
24 months prior to a grading permit approval. Note: all block walls and fencing shall be  
25 shown on the grading plan for reference only and shall be separately permitted.  
26 b) Prior to issuance of any permit, the applicant shall provide a copy of the Waste Discharger  
27 Identification Number (WDID) issued by the State Board as evidence of coverage under  
28 the General Permit and to be shown on the Grading Plans.  
29 c) Building pad elevations on the rough grading plan submitted for City Engineer’s approval  
30 shall conform with pad elevations shown on the site development permit site plan, unless  
31 the pad elevations have other requirements imposed elsewhere in these Conditions of  
32 Approval.  
33 d) A pad certification prepared by a licensed Geotechnical engineer shall be submitted prior  
34 to final acceptance of the project.  
35 e) Prior to final project acceptance, applicant shall submit an as-built of grading plans. No  
36 final acceptance will be authorized until as-builts are submitted to Engineering Section of  
37 Public Works and Utility Services Department.  
38 f) Owner/Developer shall notify adjacent property owners about the impact of the proposed  
39 development on the drainage configuration of existing adjacent properties. Such  
40 notification shall be pre-approved by the Engineer. These drainage issues shall be  
41 resolved prior to the issuance of a grading permit.  
42 g) Provide a separate Erosion Control plan with a scale of 1” = 40’.

1 Studies and Reports

- 2 a) Submit drainage/hydrology study calculations and a hydraulic analysis for both developed  
3 and undeveloped conditions to the City of Engineer for review and approval. The  
4 drainage from individual lots shall not impact surrounding properties, or a drainage  
5 easement acceptance letter from the adjacent landowner must be obtained.  
6 b) Submit a soils report prepared by a registered geologist or soils engineer. This report  
7 should be based on soil samples taken from the site and should analyze the existing  
8 geotechnical conditions of the site to determine if the existing soil is adequate for the  
9 development and safe from hazardous or deleterious materials. The report should also  
10 satisfactorily address the compaction and soil stability characteristics of the site.  
11 c) The applicant shall submit a Water Quality Management Plan (WQMP) specifically  
12 identifying Best Management Practices (BMPs) that will be used onsite to reduce the  
13 pollutants into the storm drain system prior to issuance of grading permit. Forms are  
14 available at the City of Colton Public Works and Utility Services Department/Engineering  
15 Section.

16 Additional Public Works Requirements

- 17 a) All on-site water quality basin, condensate pond and storm drain inlets/catch basins must  
18 be cleaned at least once a year immediately prior to the rainy season or as often as  
19 necessary. The developer shall be responsible for all costs associated with proper  
20 operation and maintenance of all storm drain and water quality facilities (basin, pipelines,  
21 inlets, catch basins, outlets, etc.) associated with the project.  
22 b) No final inspection will be performed until all Public Works and Utility Services  
23 Department requirements pertaining thereto are in compliance.  
24 c) File a Notice of Intent and obtain an NPDES Construction Activity General Permit from  
25 the State Regional Water Quality Control Board and submit a copy of each to the Public  
26 Works and Utility Services Department/Engineering Section. Ensure that Best  
27 Management Practices (BMPs) are followed, per NPDES requirements to reduce storm  
28 water runoff during, construction and thereafter. Temporary erosion control measures  
shall be implemented immediately following rough grading to prevent accumulation of  
debris into downstream properties or drainage facilities.  
d) Prior to issuance of Grading Permit, the applicant shall create and implement a Storm  
Water Pollution Prevention Plan (SWPPP), per State requirements (1 acre or more), to  
manage storm water and non-storm water discharges from the site at all times. The  
SWPPP shall describe all BMPs to be implemented year round. Specific BMP  
implementation may be dependent upon wet or dry season operations.  
e) Submit a letter to the Engineer certifying that the owner and contractor is responsible for  
complying with the National Pollutant Discharge Elimination System Ordinance, during  
and after construction. In the letter, the following statement shall be included:  
“No contaminated water shall be allowed to discharge on sidewalks, gutter, storm  
drains, parkways and driveways at any time.”  
f) The applicant shall utilize sediment controls only as a supplement to erosion prevention  
for keeping sediment on-site during construction to the satisfaction of the Engineer. The  
applicant is responsible for ensuring that all contractors and subcontractors are aware of,  
and implement, all stormwater quality and pollution control measures. Failure to employ  
appropriate measures to prevent stormwater pollution and protect storm water quality shall  
result in the issuance of correction notices, citations, or a project stop order.

- 1 g) Fogg Street and Congress Street shall be swept daily to decrease sediment transport to the  
2 public storm drain system and dust.
- 3 h) During site grading and transportation of fill materials, regular water sprinkling shall  
4 occur on-site, using reclaimed water whenever the Public Works Director determines that  
5 it is reasonably available. During clearing, grading, earth moving or excavation, sufficient  
6 quantities of water, through use of either water trucks or sprinkler systems, shall  
7 throughout construction, water trucks or sprinkler systems shall also be used to keep all  
8 areas of vehicle movement on-site damp enough to prevent dust raised from leaving the  
9 site. At a minimum, this will include wetting down such areas in the late morning and  
10 after work is completed for the day. Increased watering frequency will be required  
11 whenever the wind speed exceeds 15 mph. (if available)
- 12 i) Gravel pads shall be installed at all access points to the project site to prevent tracking of  
13 mud on to public roads.
- 14 j) Construction parking and storage shall be provided as follows:
- 15 i) During construction, parking spaces for construction workers and construction shall be  
16 provided on-site. Construction workers are prohibited from parking within the public  
17 right-of-way.
- 18 ii) Storage or staging of construction materials and equipment within the public right-of-  
19 way shall not be permitted.
- 20 k) The Engineer may require other information deemed necessary.
- 21 l) Place City Standards grading and drainage notes, includes NPDES requirements on  
22 grading plan.
- 23 m) All Construction shall conform to the Standard Specifications for Public Works  
24 Construction (latest edition), and the standard drawings of the City of Colton- Public  
25 Works and Utility Services Department.
- 26 n) All fees shall be paid to the City of Colton prior to the issuance of Grading Permit.
- 27 o) The route of construction-related traffic shall be established to minimize trips through  
28 surrounding residential neighborhoods, subject to approval by the Public Works Director.
- 29 p) The haul route(s) for all construction-related trucks, three tons or more, entering or exiting  
30 the site, shall be approved by the Public Works Director.
- 31 q) Construction (including preparation for construction work) is prohibited Monday through  
32 Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and  
33 holidays. When, based on required construction type or other appropriate reasons, it is  
34 necessary to do work outside the allowed construction hours; contractor shall provide  
35 notification to the City Engineer a request for the above construction hours and a  
36 minimum of 48 hours prior to said construction.

37 Owner/Contractor shall comply with these requirements and the Engineer's directions during the  
38 course of construction.

#### 39 Other Public Works Mitigation Measures

- 40 a. A Dust Management Plan (refer to Appendix E of the EIR) shall be submitted to  
41 the Director of Public Works. Prior to issuance of any Grading Permit, the  
42 Director of Public Works shall confirm that the Grading Plan, Building Plans, Dust  
43 Management Plan and specifications stipulate that, in compliance with South  
44 Coast Air Quality Management District (SCAQMD) Rule 403, excessive fugitive  
45 dust emissions shall be controlled by regular watering or other dust prevention

1 measures, as specified in the South Coast Air Quality Management District's  
2 (SCAQMD) Rules and Regulations. In addition, South Coast Air Quality  
3 Management District (SCAQMD) Rule 402 requires implementation of dust  
4 suppression techniques to prevent fugitive dust from creating a nuisance off-site.  
Implementation of the measures within the Dust Management Plan would reduce  
short-term fugitive dust impacts on nearby sensitive receptors. **MM AQ-1**

- 5 b. All trucks that are to haul excavated or graded material shall comply with State  
6 Vehicle Code Section 23114 (Spilling Loads on Highways), with special attention  
7 to Sections 23114(b)(F), (e)(4) as amended, regarding the prevention of such  
8 material spilling onto public streets and roads. Prior to the issuance of any  
9 Grading Permit, the Applicant shall demonstrate to the City of Colton how the  
10 project operations subject to that specification during hauling activities shall  
11 comply with the provisions set forth in Sections 23114(b)(F), (e)(4). **MM AQ-2**
- 12 c. Prior to issuance of any Grading Permit, the Director of Public Works shall  
13 confirm that the Grading Plan, Building Plans and specifications stipulate that, in  
14 compliance with South Coast Air Quality Management District (SCAQMD) Rule  
15 403, O<sub>3</sub> precursor emissions from construction equipment vehicles shall be  
16 controlled by maintaining equipment engines in good condition and in proper tune  
17 per manufacturer's specifications, to the satisfaction of the City Engineer.  
18 Maintenance records shall be provided to the City. The City Inspector shall be  
19 responsible for ensuring that contractors comply with this measure during  
20 construction. **MM AQ-3**
- 21 d. The Applicant shall maintain an average soil delivery distance of 30 miles (60-  
22 mile round trip). The source of the material and distance traveled shall be noted  
23 on the scalehouse sheets generated for each load entering the site. This data shall  
24 be submitted to the City Engineer and SCAQMD at the same time as other  
25 information is provided related to the project's Sampling and Analysis Plan, but no  
26 less than annual reporting. **MM-AQ 4:**
- 27 e. In areas susceptible to soil erosion, sediment control shall be addressed in the  
28 SWPPP, to be reflected in facility plans, specifications and estimates. **MM GEO-2**
- f. In areas susceptible to soil erosion, sediment control shall be addressed in the  
SWPPP, to be reflected in facility plans, specifications and estimates. **MM GEO-2**
- g. Where engineered fill is to be placed, grading shall begin with the removal of all  
existing vegetation and existing improvements from the area to be graded.  
Deleterious debris such as wood, tree stumps, and thick roots shall be exported  
from the site and shall not be mixed with the fill soils. Asphalt and concrete pieces  
larger than four inches shall not be mixed with the fill soils without approval by  
the Geotechnical Engineer, who would be hired by the Applicant pending approval  
by the City Engineer or Public Works Director. All existing underground  
improvements planned for removal shall be completely excavated and the resulting  
depressions properly backfilled. **MM GEO-3**

- 1 h. All excavated site soils shall be thoroughly blended and moisture conditioned prior  
2 to placement and compaction. All fill and backfill soils shall be placed in uniform  
3 lifts generally not exceeding approximately six to 12 inches in loose thickness, and  
4 shall be moisture conditioned at or slightly above optimum moisture content, and  
5 compacted to at least 90% of Modified Proctor, as determined by ASTM Test  
6 Method D 1557-02. Placement and compaction of fill shall be performed in  
7 accordance with local regulatory grading ordinances under the observation and  
8 testing of the Geotechnical Consultant. In-place density and moisture content  
9 testing shall be conducted in accordance with ASTM D6938-10 or functional  
10 equivalent. **MM GEO-4**
- 11 i. All imported fill shall be observed, tested, and approved prior to use in the  
12 elevated pad area. Rocks larger than six inches in diameter shall not be used within  
13 the upper five feet of the engineered fill pad, and rock larger than 12 inches shall  
14 not be used in any engineered fill. **MM GEO-5**
- 15 j. The project site shall be pre-watered prior to grading operations to reduce the  
16 amount of settlement after engineered fill placement due to potential hydro-  
17 consolidation of the upper existing soils. **MM GEO-6**
- 18 k. No water shall be allowed to pond adjacent to nearby offsite buildings. Positive  
19 drainage may be accomplished by providing drainage away from buildings at a  
20 gradient of at least two percent for a distance of at least five feet, and further  
21 maintained by a swale or drainage path at a gradient of at least one percent. Where  
22 necessary, drainage paths may be shortened by use of area drains and collector  
23 pipes. **MM GEO-7**
- 24 l. After clearing and grubbing, the surface of the Guyaux landfill shall be compacted,  
25 using the overall site preparation recommendations in the geotechnical report.  
26 Water use for this compaction would be limited to prevent percolation into the  
27 landfill. **MM GEO-8**
- 28 m. The first major area of the site to receive engineered fill shall be the Guyaux  
landfill. Two feet of engineered fill shall be placed, compacted, and graded to  
drain to the southwest. This would allow settlement of the landfill contents while  
the remainder of the project is filled. **MM GEO-9**
- n. The Guyaux landfill shall be allowed to settle, with additional fill placed as needed  
to maintain positive drainage. **MM GEO-10**
- o. Additional soil-cement shall be placed on Guyaux landfill to bring it to final grade  
near the end of the project, after settlement is complete. **MM GEO-11**
- p. The Project Applicant will fine-grade the site and replace or re-fill any settlement  
prior to demobilization. **MM GEO-12**
- q. In order to help mitigate the effects of differential settlement on the cement-treated  
engineered fill at the landfill during fill loading, the project applicant shall place a  
geo-grid material, similar to Mirafi BGX10, at the base of the proposed cement-

- 1 treated engineered fill following scarification and re-compaction of the upper one-  
2 foot of existing soils. **MM GEO-13**
- 3 r. Upon completion of the Land Improvement project, the site shall be routinely  
4 inspected (minimum of semi-annually) for any cracks in the cap material covering  
5 the Guyaux landfill. If the cap material cracks once the site has been constructed,  
6 it shall be the responsibility of the Property Owner to repair upon discovery. The  
7 area shall be inspected prior to the commencement of the rainy season and at the  
8 end of the season; after a major storm event (during or outside the rainy season); or  
9 after a seismic event has occurred. **MM GEO-14**
- 10 23. All four existing non-functioning groundwater monitoring wells shall be destroyed using  
11 approved procedures and technologies in accordance with City regulations and the County  
12 Department of Public Health, Environmental Health Division, permitting process. **MM**  
13 **HAZ-1**
- 14 24. The Project Applicant shall ensure compliance with the Stormwater Pollution Prevention  
15 Plan (SWPPP) and the *Hazardous Materials Emergency Response/Contingency Plan*.  
16 **MM-HAZ-2**
- 17 25. The Project Applicant shall provide copies of sampling and analysis-related agency  
18 reports to the City of Colton at an interval commensurate with submittal to SCAQMD,  
19 RWQCB or other permitting agency. **MM HAZ-4**
- 20 26. The project applicant shall prepare a Water Quality Management Plan (WQMP) prior to  
21 issuance of a grading permit. The WQMP shall be prepared in conformance to the  
22 requirements of the San Bernardino County WQMP, Water Quality Management Plan  
23 Guidance Document, which is available on the County's Stormwater Program website  
24 [http://www.co.san-bernardino.ca.us/stormwater/educational\\_materials.htm](http://www.co.san-bernardino.ca.us/stormwater/educational_materials.htm). **MM HWQ-1**
- 25 27. Project construction will be covered under State Board Order No. 2009-0009-DWQ,  
26 National Pollutant Discharge Elimination System (NPDES) General Permit for storm  
27 water discharges associated with construction and land disturbance activities The Project  
28 Applicants shall prepare and submit a Notice of Intent (NOI) to comply with the general  
NPDES permit of the California State Water Resources Board. Prior to issuance of a  
grading permit, the applicant shall prepare a Stormwater Pollution Prevention Plan  
(SWPPP) for the construction activities onsite. A copy of the SWPPP shall be available  
and implemented at the construction site at all times. The State Board must be notified  
(via a Notice of Termination form) once construction is complete. **MM HWQ-2**
- 29 28. The following construction BMP's for the site shall be indicated in the Stormwater  
Pollution Prevention Plan (SWPPP) and implemented during construction:
- 30 □ **SE-1 Silt Fence** – Composed of filter fabric, which has been entrenched, attached to  
31 support poles and sometimes backed by wire fence support. Silt fences promote  
32 sedimentation behind the fence of sediment-laden water.
  - 33 □ **SE-2 Sediment Basin** – A sediment basin is a temporary basin formed by excavation  
34 or by constructing an embankment so that sediment-laden runoff is temporarily  
35 detained under quiescent conditions, allowing sediment to settle out before the runoff  
36 is discharged.

- 1           □ ***SE-4 Check Dam*** – A check dam is a small barrier constructed of rock, gravel bags,  
2 sandbags, fiber rolls, or other proprietary products, placed across a constructed swale  
3 or drainage ditch. Check dams reduce the effective slope of the channel, thereby  
4 reducing scour and channel erosion by reducing flow velocity and increasing residence  
5 time within the channel, allowing sediment to settle.
- 6           □ ***SE-5 Fiber Rolls*** - A fiber roll consists of straw, coir, or other biodegradable materials  
7 bound into a tight tubular roll wrapped by netting, which can be photodegradable or  
8 natural. When fiber rolls are placed at the toe and on the face of slopes along the  
9 contours, they intercept runoff, reduce its flow velocity, release the runoff as sheet  
10 flow, and provide removal of sediment from the runoff (through sedimentation).
- 11           □ ***SE-8 Sand Bag Barriers*** – By stacking sand bags on a level contour, creates a barrier  
12 to detain sediment-laden water. The barrier will promote sedimentation.
- 13           □ ***SE-10 Storm Drain Inlet Protection*** - Storm drain inlet protection consists of a  
14 sediment filter or an impounding area in, around or upstream of a storm drain, drop  
15 inlet, or curb inlet. Storm drain inlet protection measures temporarily pond runoff  
16 before it enters the storm drain, allowing sediment to settle.
- 17           □ ***WE-1 Wind Erosion Control*** - Wind erosion or dust control consists of applying  
18 water or other dust palliatives as necessary to prevent or alleviate dust nuisance  
19 generated by construction activities.
- 20           □ ***TC-1 Stabilized Construction Entrance/Exit*** – A stabilized construction access is  
21 defined by a point of entrance/exit to a construction site that is stabilized to reduce the  
22 tracking of mud and dirt onto public roads by construction vehicles.
- 23           □ ***TC-2 Stabilize Construction Roadway*** – All on-site vehicle transport routes should be  
24 stabilized immediately after grading and frequently maintained to prevent erosion and  
25 control dust.
- 26           □ ***TC-3 Entrance/Outlet Tire Wash*** – A tire wash is an area located at stabilized  
27 construction access points to remove sediment from tires and under carriages and to  
28 prevent sediment from being transported onto public roadways.
- ***EC-1 Scheduling*** - Scheduling is the development of a written plan that includes  
sequencing of construction activities and the implementation of BMPs such as erosion  
control and sediment control while taking local climate (rainfall, wind, etc.) into  
consideration.
- ***EC-2 Preservation of Existing Vegetation*** – Carefully planned preservation of  
existing vegetation minimizes the potential of removing or injuring existing trees,  
shrubs, and grasses that protect soil from erosion.
- ***EC-6 Straw Mulch*** – Straw mulch consists of placing a uniform layer of straw and  
incorporating it into the soil. This practice protects the soil surface from the impact of  
rain drops, preventing soil particles from becoming dislodged.
- ***EC-7 Geotextiles and Mats*** – Mattings, or Rolled Erosion Control Products (RECPs),  
can be made of natural or synthetic materials or a combination of the two. RECPs are  
used to cover the soil surface to reduce erosion from rainfall impact, hold soil in place,  
and absorb and hold moisture near the soil surface.

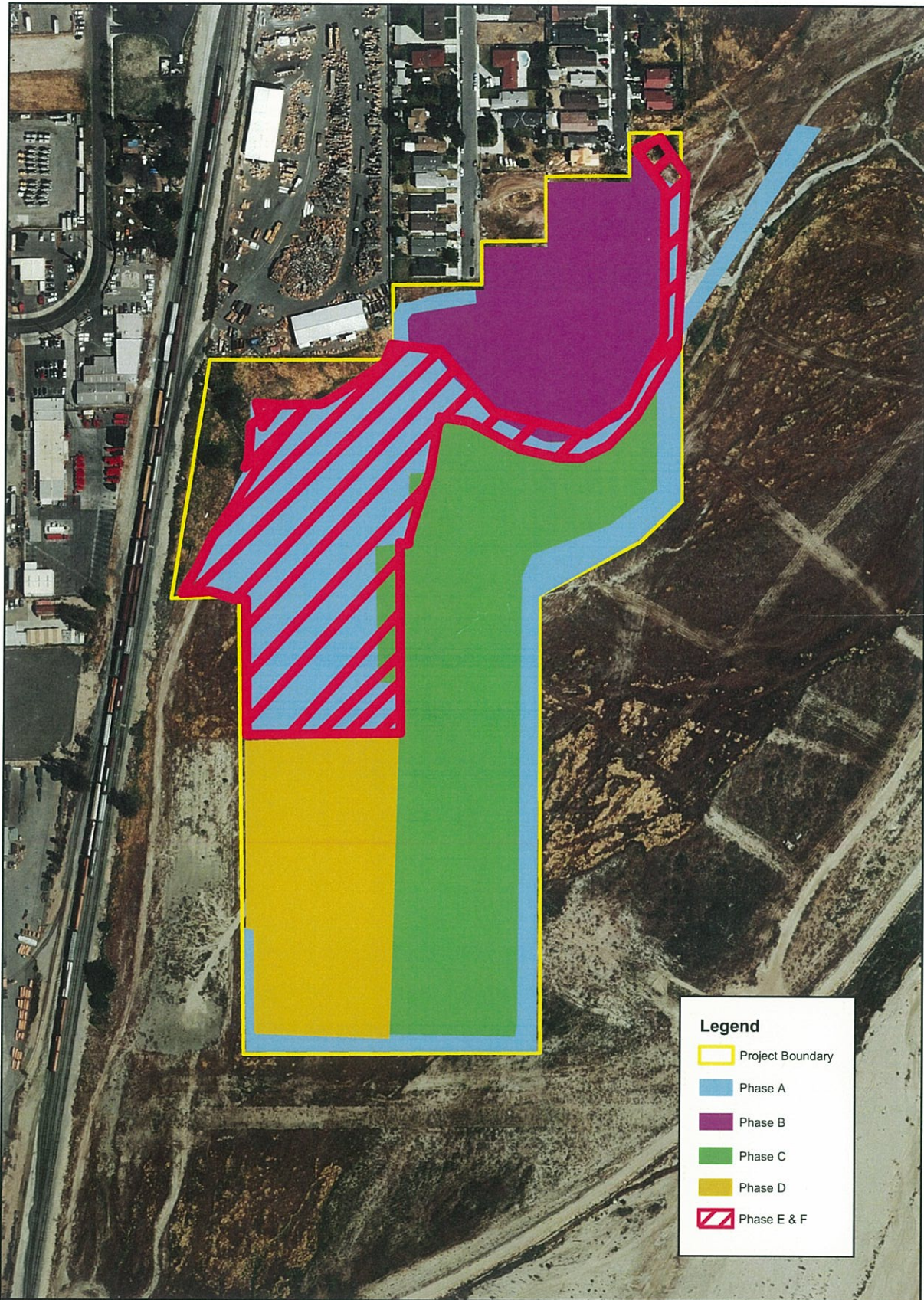
- 1           □ ***EC-9 Earth Dikes and Drainage Swales*** – An earth dike is a temporary berm or ridge  
2 of compacted soil used to divert runoff or channel water to a desired location. A  
3 drainage swale is a shaped and sloped depression in the soil surface used to convey  
4 runoff to a desired location. Earth dikes and drainage swales are used to divert offsite  
5 runoff around the construction site, divert runoff from stabilized areas and disturbed  
6 areas, and direct runoff into sediment basins or traps.
- 7           □ ***EC-10 Velocity Dissipation Devices*** – Outlet protection is a physical device composed  
8 of rock, grouted riprap, or concrete rubble, which is placed at the outlet of a pipe or  
9 channel to prevent scour of the soil caused by concentrated, high velocity flows.
- 10           □ ***WM-1 Material Delivery and Storage*** – Prevent, reduce, or eliminate the discharge of  
11 pollutants from material delivery and storage to the stormwater system or  
12 watercourses by minimizing the storage of hazardous materials onsite, storing  
13 materials in watertight containers and/or a completely enclosed designated area,  
14 installing secondary containment, conducting regular inspections, and training  
15 employees and subcontractors.
- 16           □ ***WM-2 Material Use*** - Prevent or reduce the discharge of pollutants to the storm drain  
17 system or watercourses from material use by minimizing hazardous material use  
18 onsite, and training employees and subcontractors.
- 19           □ ***WM-3 Stockpile Management*** - Reduce or eliminate air and stormwater pollution  
20 from stockpiles of soil, Portland cement concrete (PCC) rubble, aggregate base, or  
21 aggregate sub base or pre-mixed aggregate.
- 22           □ ***WM-4 Spill Prevention and Control*** - Prevent or reduce the discharge of pollutants to  
23 drainage systems or watercourses from leaks and spills by reducing the chance for  
24 spills, stopping the source of spills, containing and cleaning up spills, properly  
25 disposing of spill materials, and training employees.
- 26           □ ***WM-5 Solid Waste Management*** –Prevent or reduce the discharge of pollutants to  
27 stormwater from solid or construction waste by providing designated waste collection  
28 areas and containers, arranging for regular disposal, and training employees and  
subcontractors.
- ***WM-6 Hazardous Waste Management*** – Prevent or reduce the discharge of pollutants  
to stormwater from hazardous waste through proper material use, waste disposal, and  
training of employees and subcontractors.
- ***WM-7 Contaminated Soil Management*** - Prevent or reduce the discharge of  
pollutants to stormwater from contaminated soil and highly acidic or alkaline soils by  
remediating contaminated soil promptly.
- ***WM-8 Concrete Waste Management*** – Prevent and reduce pollutant discharge to  
storm water from concrete waste by performing on and off-site washouts in designated  
areas and training employees and consultants.
- ***WM-9 Sanitary/Septic Water Management*** – Provide convenient, well-maintained  
facilities, and arrange regular service and disposal of sanitary waste.
- ***WM-10 Liquid Waste Management*** – Prevent discharge of pollutants to the storm  
drain system or to watercourses as a result of the creation, collection, and disposal of  
non-hazardous liquid wastes.

- 1       ▫ **NS-3 Paving and Grinding Operations** – Prevent or reduce the discharge of pollutants  
2       from paving operations, using measures to prevent run-on and runoff pollution,  
3       properly disposing of wastes, and training employees and subcontractors.
- 4       ▫ **NS-6 Illicit Connection/Discharge** – Recognize illicit connections or illegally  
5       dumped or discharged materials on a construction site and report incidents.
- 6       ▫ **NS-8 Vehicle and Equipment Cleaning** – Eliminate or reduce the discharge of  
7       pollutants to stormwater from vehicle and equipment cleaning operations. Procedures  
8       and practices include, but are not limited to: using offsite facilities; washing in  
9       designated, contained areas only; eliminating discharges to the storm drain by  
10      infiltrating the wash water.
- 11      ▫ **NS-9 Vehicle and Equipment Fueling** – Prevent fuel spills and leaks, and reduce or  
12      eliminate contamination of stormwater. This can be accomplished by using offsite  
13      facilities, fueling in designated areas only, enclosing or covering stored fuel,  
14      implementing spill controls, and training employees and subcontractors in proper  
15      fueling procedures.
- 16      ▫ **NS-10 Vehicle and Equipment Maintenance** – Prevent or reduce the contamination  
17      of stormwater resulting from vehicle and equipment maintenance by running a “dry  
18      and clean site”. The best option would be to perform maintenance activities at an  
19      offsite facility. If this option is not available then work should be performed in  
20      designated areas only, while providing cover for materials stored outside, checking for  
21      leaks and spills, and containing and cleaning up spills immediately.

22      These BMP are detailed in the California Stormwater Best Management Practice  
23      Handbook (November 2009). **MM HWQ-3**

- 24      29. After completion of the project, wind - blown dust and debris that has accumulated within the  
25      stormwater management facilities shall be removed on an as needed basis by the Property Owner.  
26      In addition, the Property Owner will be responsible for maintaining side slopes. If stone rip - rap  
27      or inlet/outlet pipes needs to be repaired or replaced, the Property Owner will be responsible for  
28      the necessary improvements. **MM HWQ - 4**
- 29      30. Prior to issuance of grading permits, final design of the stormwater detention basin shall  
30      demonstrate that stormwater will be released at or below the exiting flow rate. **MM**  
31      **HWQ-5**
- 32      31. The Project Applicant shall comply with the *Guyaux Landfill Reclamation Project Plan*  
33      (located in Appendix L). The Project Applicant shall ensure the placement and  
34      compaction of at least five feet of engineered fill product over the surface of the landfill  
35      and use of the engineered fill to stabilize the exposed and eroded side slopes. **HWQ-6**
- 36      32. In connection with site plan and design review, all required drainage improvements  
37      associated with development shall be designed in accordance with the latest City  
38      standards and shall be reviewed and approved by the City engineer prior to grading.  
39      Project-related facilities shall be constructed prior to facility operation, unless otherwise  
40      approved by the City engineer **MM PSU-3**

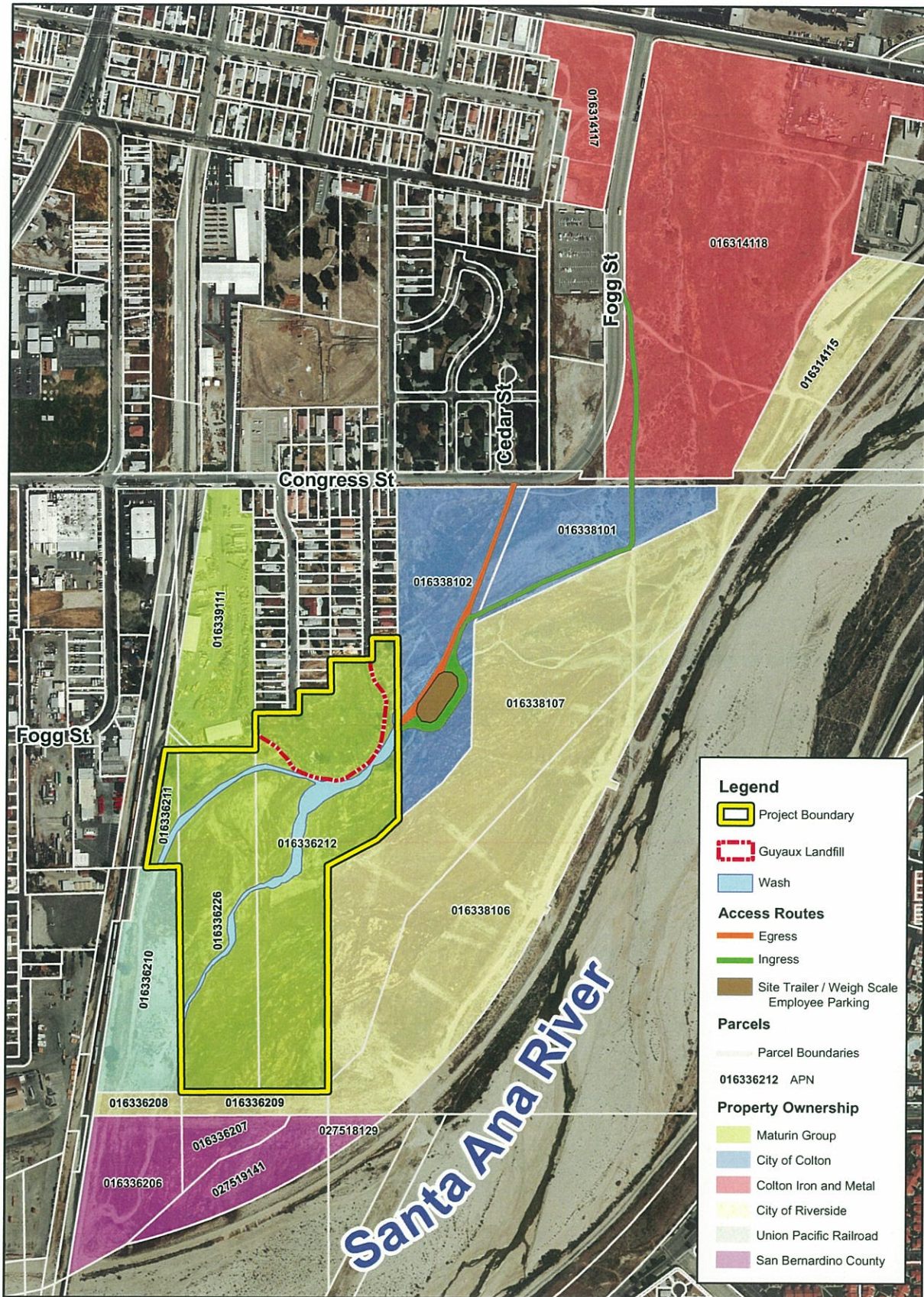
- 1 33. Prior to issuance of grading permits, the Project Applicant shall submit for review and  
2 approval by the City Engineer, improvement plans, design reports, and appropriate  
3 calculations for the Drainage Plan, verifying that the proposed design does not exceed  
4 existing flow conditions and meets all applicable City and County requirements. **MM**  
5 **PSU-4**
- 6 34. Comply with the requirements of the City of Colton **Electric Utility** Department:  
7 a. The Project Applicant shall coordinate with Colton Public Utilities on timing of  
8 relocation of transmission lines to ensure that electric service is not interrupted by the  
9 relocation. **MM PSU-2**
- 10  
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**Legend**

-  Project Boundary
-  Phase A
-  Phase B
-  Phase C
-  Phase D
-  Phase E & F

Source: Aerial Photograph - Eagle Aerial 2009, Construction Sequencing Information - Soil Safe of California, Inc.



**Legend**

- Project Boundary
- Guyaux Landfill
- Wash

**Access Routes**

- Egress
- Ingress
- Site Trailer / Weigh Scale  
Employee Parking

**Parcels**

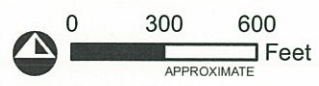
- Parcel Boundaries

**016336212 APN**

**Property Ownership**

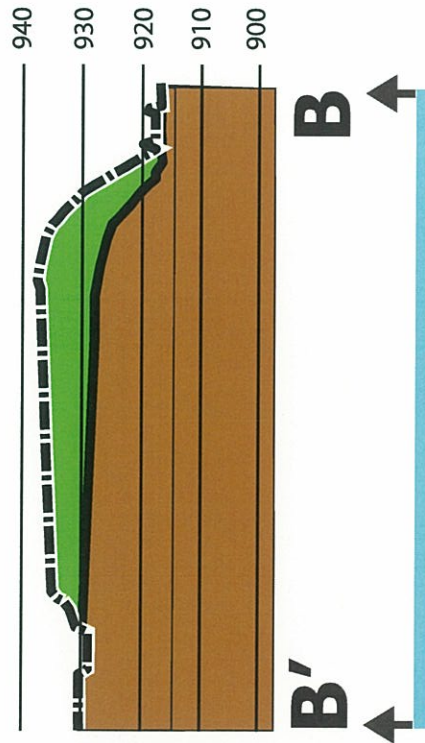
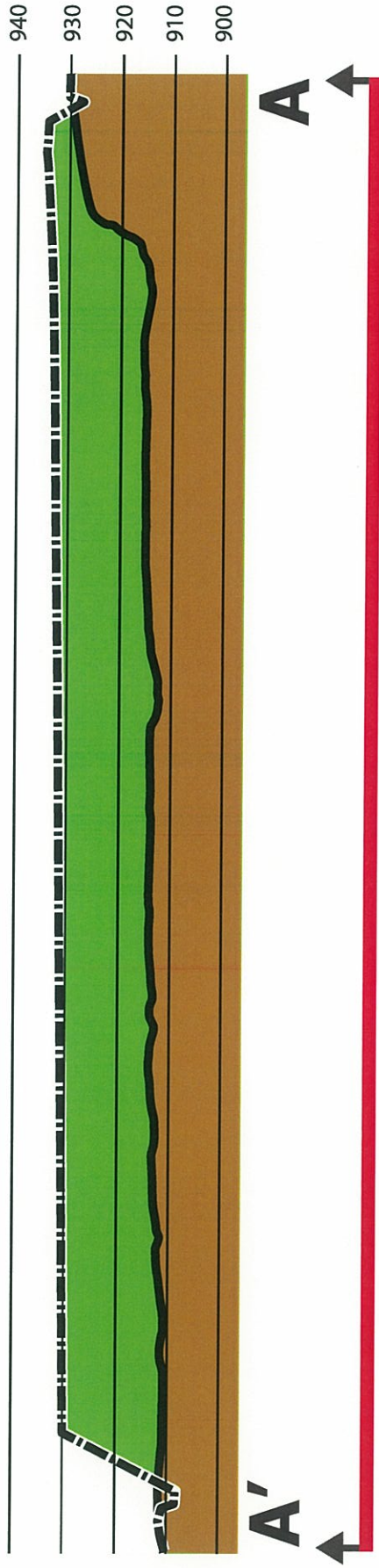
- Maturin Group
- City of Colton
- Colton Iron and Metal
- City of Riverside
- Union Pacific Railroad
- San Bernardino County

Source: Aerial Photograph - Eagle Aerial 2009, Parcel Data - San Bernardino County GIS

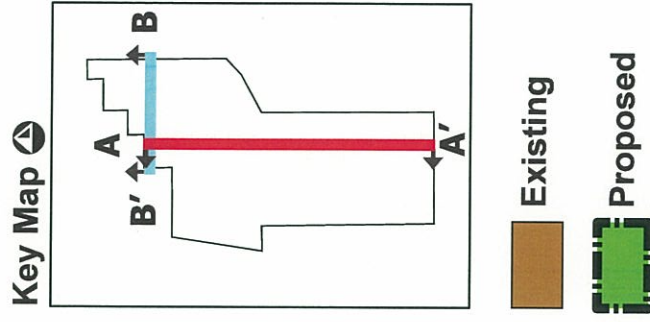


COLTON SOIL SAFE PROJECT  
**Project Site Map**

9/16/10 JN 65-100611



Source: RBF Consulting



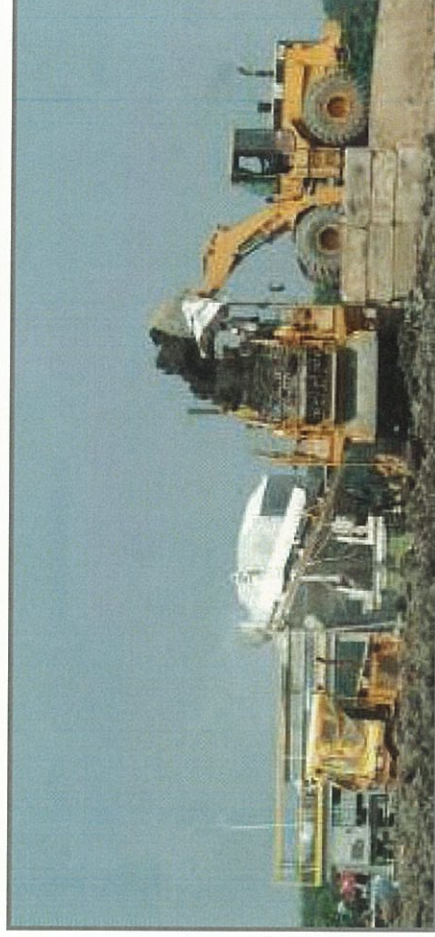
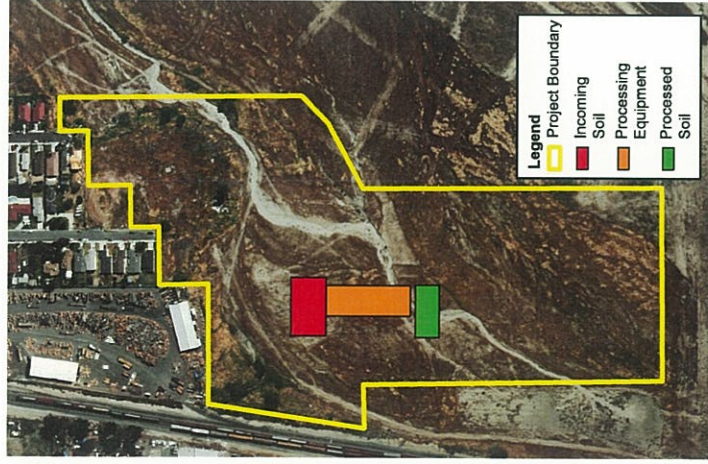
A. Typical  
Site office  
and scale  
master  
trailer

B. Typical  
Weigh  
scale

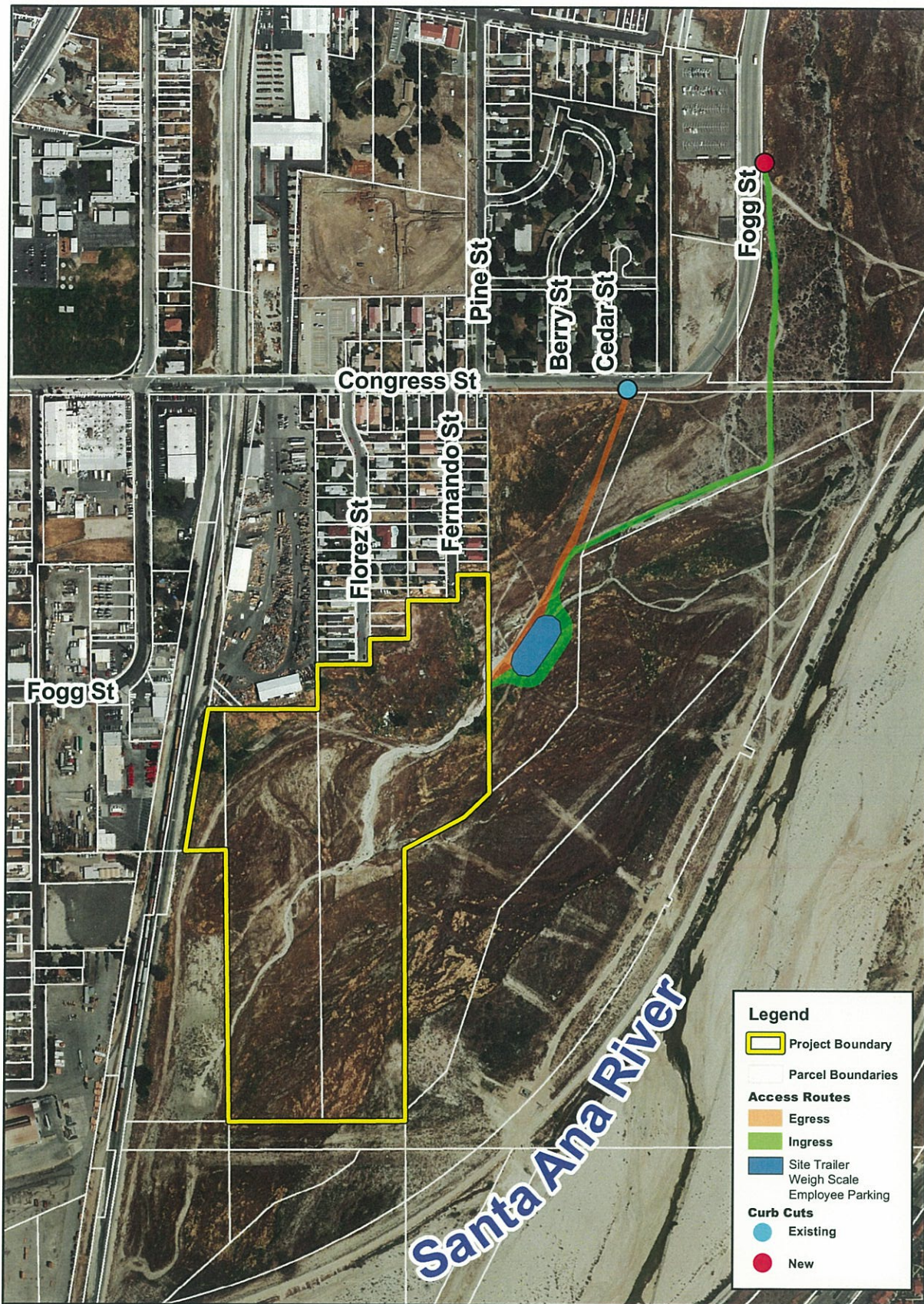


Source: Soil Safe, Inc.

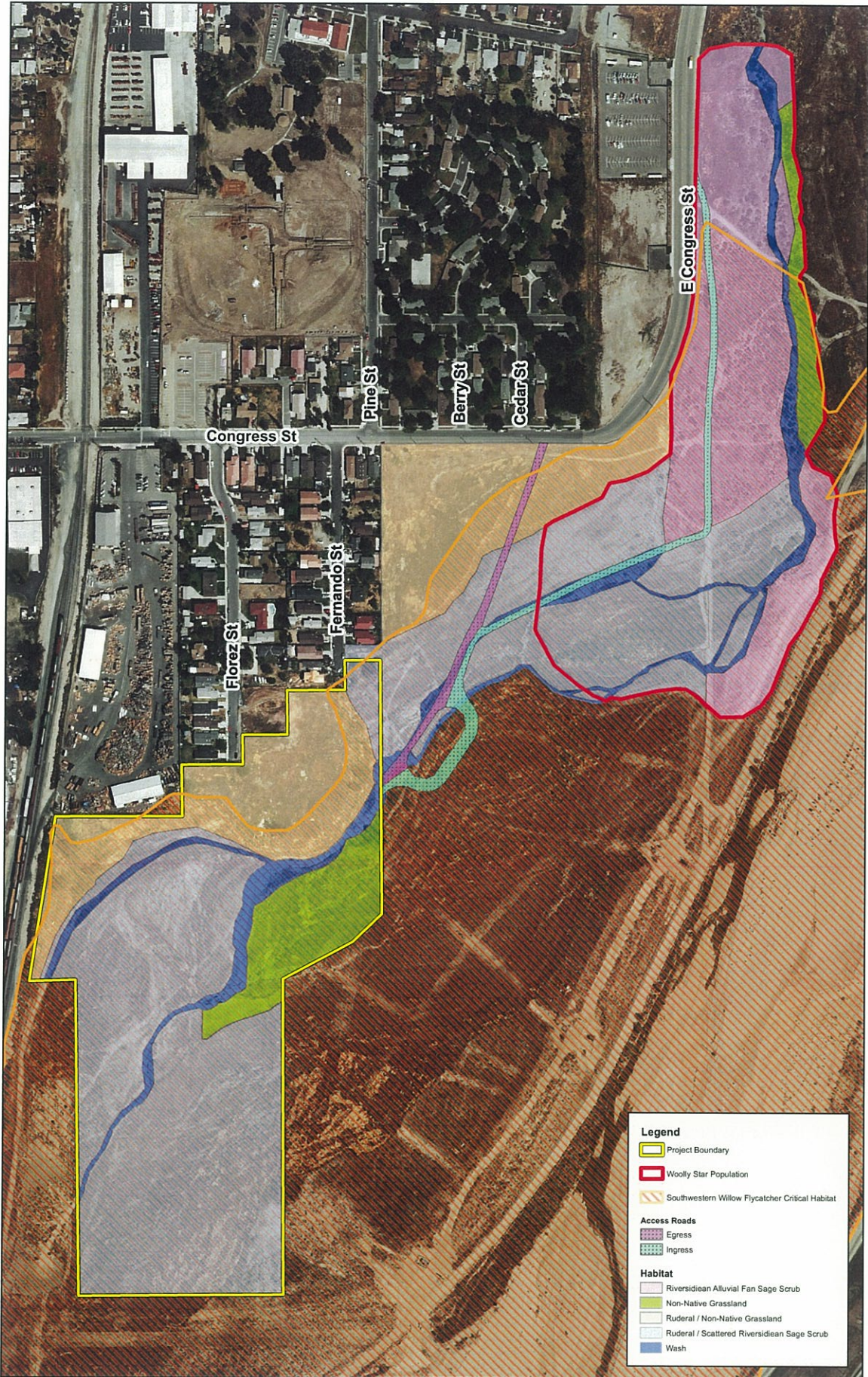
- ▶ Typical Engineered fill and soil cement manufacturing and processing equipment (Equipment height up to 13')



Source: Aerial Photograph - Eagle Aerial 2009, Construction Information - Soil Safe of California, Inc.



Source: Aerial Photograph - Eagle Aerial 2009, Parcel Data - San Bernardino County GIS, Access Routes - Preliminary Grading Concept



# **ATTACHMENT 6**



**CITY OF COLTON**  
**PLANNING COMMISSION MEETING MINUTES**  
Tuesday, March 8, 2011 – Adopted 3/22/11

Planning Commission meeting held on the above given date at 6:30 p.m., in the Council Chambers of City Hall with Chairperson Mitchell presiding.

**A. CALL TO ORDER.**

At 6:30 p.m. Chairperson Mitchell called the meeting to order.

**B. INVOCATION**

Deacon Leonard, Immaculate Conception Catholic Church led the Invocation.

**C. PLEDGE OF ALLEGIANCE**

Flag Salute: Commissioner Archuleta led the Pledge of Allegiance.

**D. ROLL CALL**

Commissioners Present:

Chairperson Gary Mitchell  
Thomas Archuleta  
Angel Delgado  
Frank Navarro  
Joe Perez III  
Cynthia L. Ramirez

Staff Present:

Mark Tomich, Development Services Director  
Jay Jarrin, Senior Planner  
Rahsaan J. Tilford, City Attorney

Absent: Vice-Chairperson Richard Prieto (excused absence)

**E. APPROVAL OF MEETING MINUTES**

1. Minutes from the Planning Commission Meeting of January 25, 2011. Commissioner Archuleta asked for a correction noting that he recused himself for Item G-1. DAP-000-931 (All-Star Towing). Director Tomich states that a corrected version would be provided for the Commission's approval at the next meeting.
2. Commissioner Ramirez asked for a corrected version of the January 11, 2011 minutes. Director Tomich stated that this would be provided for each of the Commissioners.

**F. ORAL COMMUNICATION**

None

**G. PUBLIC HEARINGS**

**1. FILE INDEX NUMBER: DAP-000-910**

**SOIL SAFE LAND  
IMPROVEMENT PROJECT**

**REQUEST:** Conditional Use Permit to place 500,000 cubic yards of engineered fill (soil cement) to raise the 29-acre project site, in an Open Space zone, out of the 100-year floodplain of the Santa Ana River.

**LOCATION:** Property is located at the terminus of Fernando and Flores Streets

**APN:** 0163-362-11, -0163-362-12, and 0163-362-26

**ENVIRONMENTAL DETERMINATION:** An Environmental Impact Report has been prepared for the project.

Mark Tomich, Director, stated that staff is recommending that the Planning Commission receive public comment at this meeting and continue the public hearing to a special meeting on March 22, 2011. He noted that the contract planner for the project was not in attendance but that any questions or comments made would be addressed in the staff report for the next meeting. Mark Tomich summarized the staff report using a slide (Powerpoint) presentation.

Commission comment:

- Water wells in vicinity of the site.
- History of the R-1 zoning of the City-owned lot relative to the open space conservancy agreement.
- Request for roster of DRC members attending the meeting when this project was considered.
- Hardcopies of staff's Powerpoint presentation to be provided to each Commissioner
- Hardcopies of colored exhibits attached to staff report to be made available at Development Services Department counter.

Chairperson Gary Mitchell opened the public hearing.

Michael Griffin, property owner of subject lot and adjacent (Pico Rivera Pallet), introduced the project.

Mark Smith, President, Soil safe, presented a slide (Powerpoint) presentation providing background on the company, past projects, and the work performed prior to filing the application.

Max Rosouli, City of Riverside: EIR comments from his agency, dated 12-9-11, have not been adequately addressed and submitted additional written comments to

Staff. Staff stated that the document dated 3-8-2011 with the additional comments would be included in the staff report for the next meeting.

Apolino Espudo, resident: While the top of the ground of the old landfill on the site is being addressed, the City should be worried about underneath the top surface; No way to stop polluted soil from being brought in (mentioned a similar project has been ordered to clean up due to arsenic and lead contamination); Project does not benefit the residents of Colton; Need more time to figure out what it is; Future development site is not possible due to no street access to the site and the limitations of Mt Vernon Avenue as main access route (narrow bridges).

Lenny LaRocco, Pacific Rail: There are too many trucks on M Street and Mt Vernon currently; a need for a contingency plan for spills on Mt Vernon bridges by soil trucks; address where to park his company trucks if access to business is closed.

Suzanne Trabridge, resident on Florez: The vision of the applicant conflicts with the vision of the residents, many of who are part of multi-generational families that live in South Colton; streets (Congress) have been damaged by truck traffic (curb damage); applicant's failure to recognize site contamination upon purchase is no reason for City approval; traffic hazards due to truck traffic along a street where kids play in street; concern that city has liability and will be sued for accidents occurring due to truck traffic.

Rachel Warner, resident: Over 1000 signatures were collected for petitions to keep streets in South Colton residential; the pavement on M Street in bad shape, the rail spur (Ninth Street) only serves two businesses; opposed to the project because she wants no more industrial uses in this area.

Ian McMillan, AQMD: Responses to his agency's EIR comments are inadequate and submitted an additional set of comments to Staff. Since the project is larger than most projects, there will be major regional impacts as well as local emissions associated with dirt moving within the site, impacts by wind, and use of diesel equipment onsite. He requested that the number of trucks on the site be clarified since documents states average of 30 to 60 truck trips per day while applicant stated 150 a day in presentation. He emphasized that since AQMD is a responsible agency for the EIR, a permit from AQMD will be required for the project but the permit cannot be approved with the EIR as currently prepared. He stated the applicant has met with AQMD and shown progress towards meeting remaining issues but the Final EIR needs changes in order to be certified.

John Anaya, resident: Flow of traffic on Mt Vernon will be impacted by additional trucks and this may impact the two public transit (OMNI) routes on Mt Vernon.

Richard Carreon, resident: M Street pavement is in bad condition (alligator); number of trucks are greater than what was previously presented (no more than 50 trucks); there are accidents currently on Mt Vernon freeway ramps without the project's added traffic, the intersection of Sperry & Valley floods and back up traffic on the I-10 westbound off ramp for Mt Vernon; impacts are greater for the project since 18-wheelers wear and tear road, concerns about who will pay for pavement wear and maintenance; and whether revenue generated by project will be significantly less than the cost of City for services.

Michael Griffin, property owner of subject lot and adjacent (Pico Rivera Pallet): Other agencies (Regional Water Board) want the site cleaned up as soon as possible; that the project has a short-term impact outweighed by long-term gain; will improve issues with drinking water in the City; emphasized that no City funds are spent on the project.

With the conclusion of public comments, the Planning Commission stated that a continuance to March 22 may not provide enough time to adequately prepare responses to the two sets of additional comments received. The Planning Commission requested information on who was notified of public hearings and past meetings. Staff stated that this information would be provided at the next meeting.

Motion and second by Commissioner Archuleta/Commissioner Navarro; Vote 6 to 0, with one Commissioner absent (Prieto) to continue the public hearing to the regular meeting scheduled on April 12, 2011.

**H. COMMISSION CONSIDERATION**

None

**I. DIRECTOR REMARKS/REVIEW OF CITY COUNCIL AGENDAS**

Update on the Colton Crossing Project. Environmental Document has been released for 30-day review. Disposition of historic structures (Southern Pacific Depot and American Railway Express) will be discussed at the March 9, 2011 Historic Preservation Commission meeting. Two public workshops will be held the following week: March 16, 2011 at the Luque Center and March 17, 2011 at the Hutton Center. Both meetings will start at 6:00 p.m.

**J. COMMISSION COMMENT**

- There have been great improvements in City services regarding street/gutter repair, graffiti abatement, and other Public Works Department functions.

- Requested clarification on marijuana dispensaries operating in the City without approval.
- Enough time should be allowed for staff and the City Attorney’s Office to perform duties and asked about the upcoming Sign Code Workshop.
- Cited projects upgrading gas stations located at Food 4 Less on Pepper Avenue and on Iowa Avenue as examples of new construction.
- Businesses providing on-site lighting may help to deter graffiti and cited La Veranda on Mt Vernon & Laurel as an example.
- Staff asked to review the sign at 1345 N. Mt Vernon Avenue.
- Requested that Alan Sork, Fire Marshal, attend a future Planning Commission meeting to discuss programs on weed abatement.

**K. ADJOURNMENT**

At 8:57 p.m., the Planning Commission Regular Meeting adjourned the meeting.

Approved by: \_\_\_\_\_  
Mark R. Tomich, AICP  
Development Services Director

# **ATTACHMENT 7**



# Planning Commission Staff Report

**CITY OF COLTON**  
**Development Services Department**

- MEETING DATE:** **April 12, 2011**
- FILE INDEX NUMBER:** DAP-000-910 (Soil Safe Land Improvement Project)
- REQUEST:** Conditional Use Permit to place 500,000 cubic yards of engineered fill (soil cement) to raise the 29-acre project site out of the 100-year floodplain of the Santa Ana River.
- APPLICANT:** **Soil Safe, Inc.**
- DATES:**  
 Application Filed: May 11, 2010  
 Design Review Committee: February 7, 2011  
 Public Notice Date: February 23, 2011  
 First Public Meeting: March 8, 2011
- PROPERTY INFORMATION:**
1. Location:
 

Maturin Group Property: 29-acre site at the southerly terminus of Fernando and Florez Streets (APN 0163-362-11, -12, and -26) parcels 20, 21 and 34)

City of Colton Property: 17.5-acre site at the southeast corner of Congress Street and Fogg Street (APNs 0163—381-01 and -02) parcels 22 and 23.
  2. Lot Size(s): N/A
  3. Existing Land Use: Vacant
  4. General Plan Land Use Designation: OS, Open Space (Maturin Group Property)  
 Low Density Residential (City of Colton Property)
  5. Zoning: OS, Open Space (Maturin Group Property)  
 RS, Single Family Residential (City of Colton Property)
  6. Surrounding Properties:  
*Maturin Group Property*

	<b>Zoning</b>	<b>General Plan Land Use Designation</b>	<b>Existing Land Use</b>
<b>North</b>	R1, Single-Family Residential M1 – Light Industrial	Low Density Residential Light Industrial	Single Family Neighborhood Manufacturing
<b>South</b>	Open Space	Open Space	Santa River and Floodplain
<b>East</b>	Open Space	Open Space	Floodplain, future City of Riverside water recharge project Vacant Land (City-owned parcels)
<b>West</b>	R1 – Single Family Residential Open Space	Low Density Residential Open Space	Vacant Land, UPRR Railroad line

*City of Colton Property*

	<b>Zoning</b>	<b>General Plan Land Use Designation</b>	<b>Existing Land Use</b>
<b>North</b>	R2, Duplex Residential (north of Congress Street/west of Fogg Street)	Low Density Residential	San Bernardino Housing Authority apartments
	M2 – Light Industrial (north of Congress Street/east of Fogg Street)	Heavy Industrial	Vacant Colton Iron and Metal property
<b>South</b>	Open Space	Open Space	Santa River and Floodplain
<b>East</b>	Open Space	Open Space	Vacant
<b>West</b>	Open Space (Soil Safe Site)	Open Space (Soil Safe Site)	Vacant Land
	R1 – Single Family Residential	Low Density Residential	Single Family Neighborhood

7. Past Actions: None

**PROPERTY DESCRIPTION**

The Maturin Group property consists of three vacant parcels (APNs 0163-362-11, -12, and -26), totaling approximately 29 acres. The site and surrounding areas consist of disturbed vacant land with several unpaved roads crossing the project area; a City-owned 66kV electrical power line and several poles also traverse the site and surrounding properties in an east-west direction. The elevations within the northeastern portion of the site are approximately 932 feet above mean sea level (amsl), while elevations in the southwesterly corner drop to approximately 911 feet amsl, and ranges from 15 feet to 20 feet below the grade of the adjacent neighborhood to the north. The property was historically within the floodplain for the Santa Ana River but has been generally isolated from all but significant events by a levee built in the 1970's and seldom receives waters from the river. The levee is not certified by the San Bernardino County Flood Control District to provide 100 year flood protection; therefore, the property is still considered to be within the 100-year flood plain. The site has also been subjected to a heavy regime of ground disturbing activities, including discing and plowing.

The City of Colton property consists of two vacant parcels (APNs 0163-381-01 and -02), totaling 17.5 acres. This site is similar in character to the Maturin Group property.

**BACKGROUND:**

On March 8, 2011, the Planning Commission opened the public hearing to consider the application for a CUP and certification of an EIR. Public testimony was heard from local residents and public agencies. The following is a summary of issues raised by the agencies and the City's responses. This summary is not meant to be exhaustive but to identify the issues of concern. Letters received by agencies and responses to these comments are provided in their entirety in the attachment to this staff report.

**Public Agency Comments**

California Department of Fish and Game submitted an e-mail dated April 5, 2011, to the City's EIR consultant with additional comments. Comments are as follows:

1. *The location of the ingress road through Riversidean Alluvial Fan Sage Scrub (RAFSS) habitat currently occupied with Santa Ana woolly star.*

The Applicant has proposed an alternative ingress/egress roadway outside of the RAFSS habitat located east of the project site to avoid potential indirect impacts to the woolly star. The new

ingress/ egress road is approximately 24,000 square feet smaller in area when compared to the original configuration of the two separate ingress and egress roads. The width of this roadway is now 40 feet to accommodate two way traffic, however to reduce traffic safety concerns along Congress Street, the access point has been shifted approximately 65 feet east of the originally proposed access point. This relocation is meant to reduce traffic/ noise impacts to the surrounding residents in the vicinity of this access point.

2. *Impacts associated with dust generated by vehicles using the access roads.*

To reduce dust impacts associated with use of this roadway, the Applicant will initiate a Dust Management Plan that must be approved by the AQMD. Measures include:

- Watering of the access road and onsite roadways at least three times per day;
- Silt fencing placed along both sides of the access road; and
- Six inches of  $\frac{3}{4}$ " recycled concrete will be placed along the roadway to control dust.

Implementation of these mitigation measures would reduce air quality impacts associated with dust to a less than significant level onsite. The new haul route is approximately 100 feet west of the woolly star area and approximately 250 feet from an actual GPS location of a woolly star plant surveyed in October 2010. Based on this analysis, and the distance to SAWS habitat, indirect impacts to sensitive biological species from excessive dust generation would not occur.

3. *The necessity for pre-construction surveys for woolly star and consequent California Endangered Species Act Incidental Take Permit (CESA ITP) if woolly star is found on the project site.*

Although several previous surveys have not found any evidence of woolly star and it has been determined that the portions of the project site being developed are not suitable habitat, the Applicant will conduct a pre-construction survey to confirm that woolly star remain absent from the project site. The Mitigation Monitoring and Reporting Program identifies pre-construction surveys for nesting birds. This measure will be modified to require pre-construction surveys for sensitive plant species as well. If during these surveys, woolly star is found onsite, a CESA ITP would be sought.

4. *Mitigation for the loss of 8 acres of RAFSS habitat that was disked by the City Fire Department in 2010 and mitigation for the loss of 25 acres of floodplain.*

As a result of consultation with CDFG, the applicant will prepare a Resource Management Plan for the restoration of the 8-acre area as compensation for the loss of 25 acres of floodplain which is considered to be low quality woolly star habitat.

5. *Restoration of the egress road to habitat post-construction.*

The current habitat identified within the new proposed access road is ruderal. In accordance with an access agreement with the City of Colton, once the project is completed the project applicant will remove any materials placed on this portion of the site and recontour the surface to its natural condition. The site will be re-seeded with naturally occurring plant species.

6. *Update the assessment of jurisdictional waters post 2010-2011 storm season.*

New assessment was completed on Tuesday March 22, 2011. Updated report will be submitted to CDFG for concurrence.

South Coast Air Quality Management District

1. *Localized Air Quality analysis was not consistent with AQMD's methodology for Local Significance Thresholds.*

Air Quality analysis was revised consistent with the AQMD's methodology and resubmitted for review. The AQMD has been satisfied that the Project is consistent with its methodology for Local Significance Thresholds. Results show that the concentration predicted by the model is less than the significance thresholds. Therefore, the proposed project will have a less than significant impact for PM<sub>10</sub> on the local area.

As a result of consultation with AQMD, the applicant has agreed to conduct dust monitoring during Phase B of the project (placement of soil cement within the area of the Guyaux landfill which is adjacent to the existing Florez and Fernando neighborhood). If dust exceeds the AQMD thresholds, additional dust control measures would be implemented.

2. *The Health Risk Assessment prepared for the project did not analyze diesel particulate matter (DPM) emissions for construction equipment or volatile organic compounds (VOC) that may be associated with the imported fill material.*

Additional analysis of volatile organic compounds (VOCs) from fill material received and processed with implementation of the proposed project was conducted and results showed that VOCs are not expected to pose a risk to human health pursuant to SCAQMD guidelines.

3. *Clarification on the number of haul trucks bringing fill material to the site per day.*

The applicant has clarified that the maximum number of haul trucks associated with the project would not exceed 60 trucks per day (based on a 5-day delivery schedule).

City of Riverside, Public Utilities Department

1. *Three main issues are raised by the City of Riverside 1) potential threat of contamination caused by rising groundwater based on storm events and recharge activities that may saturate the areas of the landfill; 2) emerging contaminants may be present in soils received by the applicant that could subsequently pose a threat to human health either from emissions or to downgradient water supply wells; and 3) the permeability of engineered fill and the target for landfill caps.*

In response to the City of Riverside's comments the Applicant's consultant provided the City of Riverside with an updated Groundwater Model Sensitivity Analysis. The results show that the risk based maximum concentrations originally assumed in their study are more conservative than if a shallower elevation (suggested by the City of Riverside) were used. Based on the results, the proposed project is protective of groundwater for the entire range of the sensitivity analysis as the acceptance limits identified within the Sampling and Analysis Plan submitted to the Regional Water Quality Control Board (Final EIR Appendix, C) are below all of the risk based concentrations within the sensitivity analysis conducted for the project.

**FINDINGS:**

***Findings for the Approval of a Conditional Use Permit***

The purpose of a conditional use permit is to allow certain uses that contribute to the orderly growth and development of the City to be properly integrated into the overall community pattern and zone where

located. Staff has prepared the following findings for approval of the CUP in accordance with Section 18.58.060 of the Colton Municipal Code:

- A. ***That the proposed use is in accord with the general plan, the objectives of the Colton Municipal Code, and the purposes of the zone in which the site is located.*** The conditional use permit will allow the applicant to remove the barriers that prevent use of the site in accord with the General Plan and zoning of Open Space, including the location within the 100-year floodplain and the location of the 4-acre Guyaux landfill within the northern portion of the property. The project would raise the property out of the 100-year floodplain of the Santa Ana River and cover the 4-acre Guyaux landfill with an engineered fill material but would not change the use of the site as Open Space.
- B. ***That the proposed use, together with the conditions applicable thereto will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*** Conditions of project approval have been identified that relate to the site activities required in order to raise the site out of the floodplain. These conditions are of approval address such issues as air quality, noise, traffic, stormwater and drainage, and when implemented would limit the short-term effects (3-5 years to construct the project) and safeguard the public health, safety and general welfare of the community, with the exception of increased noise levels during placement of fill material on the Guyaux landfill adjacent to the existing neighborhood (expected to be completed within 6 months. (see attached Conditions of Approval (Exhibit A).
- C. ***That the proposed use complies with each of the applicable provisions of the Colton Municipal Code.*** The proposed use as unirrigated open space is in accord with the Open Space designation of the General Plan and the purposes of the Open Space zone. No development is proposed as a part of the Soil Safe Land improvement project. Upon completion of the project, the property would remain as Open Space and could provide opportunities for some Open Space uses including recreational and equestrian uses.

#### ***Findings for the Denial of a Conditional Use Permit***

- A. ***The proposed use is in accord with the general plan, the objectives of the Colton Municipal Code, and the purposes of the zone in which the site is located.*** The conditional use permit will allow the applicant to raise the site out of the floodplain 100-year floodplain and cover the 4-acre Guyaux landfill within the northern portion of the property. Raising the site would remove the barrier to development of the site with urban uses that are not consistent with the general plan designation and zoning of Open Space and may induce growth in the area not reasonably foreseen previously. For example, the EIR prepared for the project included an analysis of Potential Subsequent Projects, including development of the project site with a Light Industrial development. Although the property owner could request a general plan amendment and zone change, allowing development on this site could contribute to growth inducing impacts that would adversely affect the existing single family neighborhood adjacent to the site.
- B. ***The proposed use, together with the conditions applicable thereto will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*** The project will partially obstruct views from the adjacent neighborhood (i.e. homes on Florez and Fernando. It will also create a 29-acre, soil-cement "eyesore" mostly devoid of vegetation and a potential attractive nuisance for graffiti that may remain vacant in perpetuity. The project's economic and employment benefit to the City of Colton is greatly outweighed by the construction-related noise, traffic, aesthetic and air quality impacts during the life of the project (3-5 years). In addition, the Soil Safe operations may be materially injurious to adjacent residential properties, possibly affecting property values.

Although conditions of project approval that will safeguard the public health, safety and general welfare of the community for the proposed project have been identified, removing the barrier to future development of the site could have detrimental effects on public health, safety and welfare, including increased air emissions associated with new traffic and new manufacturing facilities in close proximity to a residential neighborhood. Increased traffic itself could result in a reduction in levels of service and emergency response times when added to existing traffic on local streets. In addition, under the evaluation of Potential Subsequent Projects, the extension of Fogg Street and the realignment of the UPRR Rail Line could occur, adding to the potential for incompatible land uses, and associated adverse effects to be developed near an existing residential neighborhood.

- C. ***That the proposed use complies with each of the applicable provisions of the Colton Municipal Code.*** The proposed use is in accord with the Open Space designation of the General Plan and the purposes of the Open Space zone. Upon completion of the Land Improvement project, the property would remain as Open Space and could provide opportunities for some Open Space uses including recreational uses. However, the removal of barriers to development could result in a proposed change in land use that would require a general plan amendment and zone change for future light industrial uses.

### ***Findings for the Certification of the Environmental Impact Report and Adoption of a Mitigation Monitoring and Reporting Program***

An EIR was prepared for the proposed Soil Safe Land Improvement project and potential subsequent projects that evaluated a range of environmental issues. The following is a summary of the EIR Resolution (Attachment 4) containing the CEQA Findings.

- 1) Aesthetics, Light and Glare
- 2) Agricultural Resources
- 3) Air Quality and Greenhouse Gases
- 4) Biological Resources
- 5) Cultural Resources
- 6) Geology, Soils and Seismicity
- 7) Hazards and Hazardous Materials
- 8) Hydrology and Water Quality
- 9) Land Use and Planning
- 10) Noise
- 11) Population and Housing
- 12) Public Services and Utilities
- 13) Traffic and Circulation

The EIR identified a number of mitigation measures that would eliminate impacts or reduce them to less than significant levels. Impacts that cannot be reduced to less than significant levels are those associated with following project-related activities:

- 1) Geology, Soils and Seismicity - The loss of the opportunity to recover aggregate resources from the property which is identified by the California Mining and Geology Board as being within a Mineral Resources Zone (MRZ-2). Areas within an MRZ-2 zone are areas underlain by mineral deposits where geologic data indicate that significant measured, indicated, or inferred resources are present. Areas classified MRZ-2 contain discovered mineral deposits;
- 2) Noise - Short-term noise impacts during the 6-9 months of construction of Phases A and B closest to the existing neighborhood. The noise would be associated with compacting and covering of the Guyaux landfill and the development of the access road between the City of Colton property and the Maturin Group property. Once the landfill is covered a 5-foot berm

would be placed along the boundary between the project site and the neighborhood to buffer the noise from the soil processing activities near the center of the project site; and

- 3) Traffic and Circulation - Short term impacts to Mt. Vernon Avenue until improvements are made to widen the road and bridge (not anticipated to occur during the 3-5 year life of the project).

The EIR also evaluated Cumulative impacts that may be caused by the proposed project when considered with other nearby projects. Cumulative impacts that cannot be reduced to less than significant levels are those associated with following activities that are common among the cumulative projects:

- 1) Geology, Soils and Seismicity – cumulative loss of land designated by the State Geologist as regionally significant mineral resources; and
- 2) Traffic and Circulation – cumulative impacts to Mt Vernon Ave; Soil Safe will contribute its fair share of the cost to make road improvements but these may not be constructed within the 3 to 5 year life of the project

For the Potential Subsequent Projects, the EIR identified potentially significant impacts to the following resources:

- 1) Air Quality - Future Light Industrial Facilities are not consistent with the SCAQMD AQMP and emissions from construction of Fogg Street Extension and UPRR Realignment may exceed SCAQMD thresholds;
- 2) Biological Resources – Because the alignment of the Fogg Street Extension and UPRR Realignment are uncertain at this time, impacts to sensitive species such as the Santa Ana River woolly star and habitats may not be fully mitigated;
- 3) Geology, Soils and Seismicity – Loss of availability of known mineral resources within the future Fogg Street and UPRR Rail Line alignments;
- 4) Noise – Construction and operational noise may be significant and unavoidable for each of the Potential Subsequent Projects; and
- 5) Traffic and Circulation – Because proposed mitigation measures include improvements to facilities that are not controlled by the City of Colton, impacts on traffic and circulation would be significant and unavoidable until improvements are implemented by Caltrans.

The Mitigation Monitoring and Reporting Program to be adopted with the Certification of the EIR identified all feasible mitigation measures with respect to these impacts. In this regard, the City finds that all feasible mitigation measures identified in the EIR have been, or will be implemented with the Project, and any significant remaining unavoidable effects are acceptable due to the following specific economic, legal, social, technological or other benefits, all of which are based on the facts set forth in the CEQA Findings, Final EIR, and the record of the proceedings for this Project.

The City finds that the Project would have the following substantial benefits and that the proposed Project's adverse, unavoidable environmental impacts are outweighed by these considerable benefits:

- 1) Reclaim the 29-acre Maturin Group property currently located within the Santa Ana River floodplain for potential development by elevating the properties above the 100-year flood elevation;
- 2) Isolate exposed, undocumented artificial fill at the Guyaux landfill;
- 3) Cover the Guyaux landfill by compacting the materials in place and overlaying them with soil-cement to reduce the potential for future exposure to the substances located onsite;
- 4) Divert offsite stormwater flows from Florez and Fernando Streets around the Maturin Group property, to prevent percolation through the Guyaux landfill and into the groundwater aquifer underlying the property;
- 5) Provide opportunities for recycling soils onsite, which allows for the raising of the property out of the floodplain, at no cost to the property owner, taxpayers, and local, State, and Federal governments; and

- 6) Make improvements to the property to allow for future light industrial development and the potential extension of Fogg Street and the potential realignment of the Union Pacific Railroad line along 9<sup>th</sup> Street.


Additionally, the City has examined a reasonable range of alternatives to the Project including the 1) No-Project Alternative whereby no fill material is imported and the project site remains within the 100-year floodplain of the Santa Ana River; 2) the Import Fill only Alternative whereby the Applicant does not include the addition of cement to create an engineered fill; and 3) the Fogg Street Only Alternative whereby only the northerly portion of the site would be filled to allow the extension of Fogg Street.

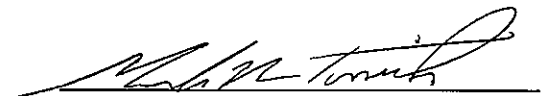
Based on this examination, the City has determined that none of these alternatives 1) meets Project objectives, or 2) reduces the Project's significant environmental impacts below the level of significance.

### **RECOMMENDATION**

The Soil Safe proposal was considered by the Design Review Committee (DRC) on February 7, 2011. The DRC made comments and placed conditions on the project (See Exhibit A of the CUP Resolution), The DRC recommended that the Planning Commission take one of the following actions:

1. Approve the Conditional Use Permit, certify the Final EIR and adopt the Mitigation Monitoring and Reporting Program for the proposed project; or
2. Deny the applicant's request for a Conditional Use Permit and take no action on the EIR and MMRP.

  
Prepared by:  
Nancy M. Ferguson, Contract Planner

  
Reviewed by:  
Mark R. Tomich, AICP, Director

### **ATTACHMENTS**

1. Agency Comments on the Final EIR and Responses.
2. Draft PC Resolution for Approval of the CUPDAP-000-910.
3. Draft PC Resolution for Denial of the CUP.
4. Draft EIR Resolution for DAP-000-910.

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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A CONDITIONAL USE PERMIT FOR THE COLTON SOIL SAFE LAND IMPROVEMENT PROJECT (FILE INDEX NO.: DAP-000-910).**

**WHEREAS**, an application (File Index No. DAP 000-910) was filed with the City of Colton by Soil Safe of California, Inc. (hereinafter "Applicant") for a Conditional Use Permit to allow the placement of approximately 500,000 cubic yards of engineered soil on approximately 29 acres to raise the site out of the Santa Ana River floodplain (hereinafter "Project") on a 29-acre site located at the southerly terminus of Florez Street and Fernando Street legally described as Assessor Parcel Numbers 0163-362-11, 0163-362-12, and 0163-362-26 (hereinafter "Subject Property"), designated on the General Plan Land Use Map as OS - Open Space and zoned OS, Open Space; and

**WHEREAS**, on March 8, 2011 the Planning Commission of the City of Colton held a duly noticed public hearing at which time all persons wishing to testify in connection with the project were heard and the project was fully examined, but additional information was sought that caused a continuation of the public hearing to April 12, 2011; and

**WHEREAS**, on April 12, 2011, the Planning Commission of the City of Colton held a duly noticed public hearing at which time additional information was provided in response to specific questions to ought that caused a continuation of the public hearing to April 12, 2011; and

**WHEREAS**, pursuant to the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, an Environmental Impact Report was prepared.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF COLTON:**

**SECTION 1.** Based on the entire record before the Planning Commission and all written and oral evidence presented, including the staff report, the Planning Commission hereby approves File Index No. DAP-000-910 subject to the conditions of approval attached in Exhibit "A".

**SECTION 2.** Based on the entire record before the Planning Commission and all written and oral evidence presented, including the staff report, the Planning Commission makes the following findings in accordance with Colton Municipal Code Section 18.58.060(H) as follows:

- A. The proposed use, as conditioned, is in accordance with the provisions of the City of Colton General Plan, and the purposes of the OS zone in which the Project site is located.

*The Land Use Map of the General Plan shows that the Project site is designated Public Uses/Open Space. Open Space is divided into three categories: Open Space; Agriculture; and Parks/Recreation. This category includes areas, which due to environmental hazards, are unsafe for human habitation. That designation includes the Santa Ana River and its floodplain. The Land Use Element of the General Plan states that properties*

1           *designated as Open Space can be used for recreational, equestrian, and agricultural uses.*  
2           *The proposed Project would allow the site to be raised out of the Santa Ana River flood*  
3           *plain but there are currently no plans for further development of the site. Raising the site*  
4           *out of the floodplain is consistent with recreation and equestrian uses but not for*  
                  *agricultural uses since the soil will be mixed with cement to create an engineered fill*  
                  *material.*

5           B. The proposed use, together with the conditions applicable thereto will not be  
6           detrimental to the public health, safety or welfare, or materially injurious to properties  
7           or improvements in the vicinity.

8           *As conditioned and in conjunction with the implementation of mitigation measures set forth in*  
9           *the Mitigation Monitoring and Reporting Program adopted for the project, no long term or*  
10           *permanent impacts are expected that would be detrimental to the public health, safety or*  
11           *welfare, or materially injurious to properties or improvements in the vicinity. During*  
12           *development of the site, air quality would be affected by the generation of dust and other*  
13           *emissions associated with grading and construction. However, the Applicant has worked*  
14           *closely with City staff and the Air Quality Management District to reduce emissions to less*  
15           *than significant levels through the implementation of a site specific Dust Management Plan,*  
16           *and by the use of manufacturing and processing equipment that is operated by electricity*  
17           *rather than diesel fuel; only the equipment used to move and place the fill will be operated*  
18           *with diesel fuel. Noise generated by the construction activities would be intermittently*  
19           *significant during the initial 6-months of construction, however, during this phase, the*  
20           *Applicant will create a 5-foot berm at the northerly boundary of the site where it meets the*  
21           *existing neighborhood to act as a noise barrier. In addition, the manufacturing and*  
22           *processing equipment will be located at a distance from the existing neighborhood and will be*  
23           *shielded from the neighborhood by the placement of engineered fill in the first phases of*  
24           *construction. Other measures to reduce impacts include the rerouting of the drainage*  
25           *channel to reduce or eliminate stormwater flows across the site and percolating into the*  
26           *existing landfill; and limiting hours of operation to 5 days per week between normal business*  
27           *hours to reduce noise, air quality and traffic impacts to local residents.*

28           C. In the absence of established provisions in Title 18 (Zoning Ordinance) for an Open  
                  Space Land Use District, the proposed use complies with the intent of the General  
                  Plan Land Use Element Open Space designation to limit land uses to recreation,  
                  equestrian and agricultural uses.

*Although the City of Colton's Zoning Map shows areas of the City that are located within the*  
                  *flood plain of the Santa Ana River, no corresponding Open Space zoning designation has*  
                  *been established in Title 18 (Zoning Ordinance). However, unlisted uses are still subject to*  
                  *the Zoning Ordinance and a Conditional Use Permit is an applicable vehicle in which to*  
                  *establish compliance with the intent of Title 18. The major constraints that affect the ability*  
                  *to develop the Project site are as follows: the Santa Ana River floodplain designation; the*  
                  *topography of the site in relation to the surrounding properties, and the Guyaux landfill. In*  
                  *the absence of established provisions in Title 18, the project is found to be in compliance with*  
                  *the General Plan Open Space Land Use designation that limit proposed uses to recreation,*  
                  *equestrian or agricultural uses, because there are currently no proposed uses of the raised*  
                  *site, and future use of the site could include uses allowed under the Open Space designation.*

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**SECTION 4.** The location and custodian of the documents and any other material which constitute the record of proceedings upon which the Planning Commission based its decision is located at the City of Colton Community Development Services Department, 659 N. La Cadena Drive, Colton, CA 92324, (909) 370-5079.

**SECTION 5.** The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 12 day of April, 2011.

\_\_\_\_\_  
Planning Commission Chairperson  
Gary Mitchell

ATTEST:

\_\_\_\_\_  
Planning Commission Secretary  
Mark R. Tomich, AICP

I hereby certify that the foregoing is a true copy of a resolution adopted by the Planning Commission of the City of Colton at a meeting held on April 12, 2011 by the following vote of the Planning Commission:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Planning Commission Secretary  
Mark R. Tomich, AICP

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**EXHIBIT A**

**SOIL SAFE (DAP-000-910)  
DRAFT CONDITIONS OF APPROVAL**

1. This approval shall allow for the improvements to the 29-acre Maturin Group property (site) located at the southerly terminus of Flores and Fernando Streets (APNs 0163-362-11, -12 and 26) to place approximately 500,000 cubic yards of engineered fill (soil cement) on-site in order to raise the site up to 20 feet in elevation and out of the 100-year flood plain of the Santa Ana River; additional temporary improvements on APN 0163-381-02 and 0163-381-22 (City-owned parcels) to allow the placement of truck weigh scales, an office trailer, and employee parking area associated with the elevation of the property; and the grading and maintenance of an access road from E. Congress Street (ingress and egress) during the 3 to 5-year construction scenario.
2. This conditional use permit shall not be effective unless and until (1) the applicant executes and records against the entire property an indemnity agreement requiring the indemnification of the City and its officials from and against any liability, claims, demands, lawsuits, governmental or regulatory actions, judgments, fines, remediation requirements, losses and/or expenses that arise from the City's approval of the Project or the applicant's undertaking of the project; and (2) the approval of a license agreement between the applicant and the City of Colton to permit use of the adjacent City-owned property.
3. Development of the site, related activities on the City-owned property and use/maintenance of the access roads shall be as shown on Conceptual Grading Plans submitted to the Development Services Department on May 11, 2010, except as amended by the conditions herein.
4. Any requests for modifications, including any deviation from the approved plans and/or conditions of approval, shall be submitted to the Development Services Director for review, prior to implementation of the modification. Significant deviations from the approved plans or conditions of approval shall be subject to review and approval by the Design Review Committee. The applicant requesting the modification shall supply information deemed necessary by the Director and/or Committee to make a determination.
5. The site shall be developed and maintained consistent with the approved plans and the conditions of approvals.
6. Prior to issuance of a grading permit for implementation of this approval, plans shall be submitted to the Development Services Department for review and approval.
7. Prior to the installation or modification of any signs, the Applicant shall obtain approval for proper permits from the Development Services Department.
8. The Applicant and/or Property Owner shall comply with all requirements of all reviewing agencies and shall comply with all applicable local, state, and federal rules, laws, and regulations.

- 1  
2 9. The Applicant and/or Property Owner shall, at all times, operate and maintain the property  
3 so as not to constitute a nuisance in the community. Nuisance may be defined as  
4 excessive noise, dust, traffic congestion or nuisance issues as defined in CMC Section  
5 8.04.030, E, F and S.
- 6 10. Any plans submitted for grading plan check for this Project shall contain an exact  
7 reproduction of the conditions of approval and mitigation measures listed herein on one of  
8 its sheets.
- 9 11. Personnel associated with the construction on the site shall attend a worker education  
10 class. This class shall include general information regarding sensitive species, including  
11 the Santa Ana River woolly star, and their habitat known to occur in the near vicinity of  
12 the project. Particular attention shall be made to the various flora and fauna, habitat types  
13 onsite, and regulations. Project activities shall be limited to a well-defined area. Prior to  
14 grading and construction activities, the limits of disturbance shall be clearly marked with  
15 flagging, stakes, or fencing around the project site and access roads. Bollards, short  
16 vertical posts, shall be used to line both sides of the access road, confining all vehicular  
17 use of the road to the disturbed roadbed. No inadvertent straying outside the roadway  
18 shall occur. **MM BIO-2**
- 19 12. To avoid an illegal take of active bird nests, any grubbing, brushing or tree removal shall  
20 be conducted outside of the State-identified nesting season of February 15 through  
21 September 1. Alternatively, the site shall be evaluated by a qualified biologist prior to  
22 initiation of ground disturbance to determine the presence or absence of nesting birds. If  
23 an active nest is located within the project construction area, it shall be flagged and a 300-  
24 foot buffer zone shall be placed around it to avoid disturbance. No activity shall occur  
25 within the 300-foot buffer until the young have fledged the nest. **MM BIO-3**
- 26 13. At the time earth disturbance activities occur within the access roads, a qualified biologist  
27 shall conduct a pre-construction survey and make a determination: (1) if a biological  
28 monitor should be present during construction of the access road; (2) if exclusionary  
fencing needs to be installed around the perimeter of the construction work zone; or (3) if  
no further action is required. The biologist/monitor should remain on-call during  
construction activities of the access road. If Santa Ana River woolly star is encountered  
during construction following the initial phases of ground disturbance, construction  
activities shall be halted in the vicinity of the find and the biologist/monitor called to the  
site. The contractor shall implement the recommendations of the biologist/monitor who  
shall coordinate with the United State Fish and Wildlife Service (USFWS). **MM BIO-4**
14. The Project Applicant shall obtain all appropriate permits for impacts to project areas  
containing US Army Corps of Engineers (USACE) and California Department of Fish and  
Game (CDFG) jurisdictional resources and for impacts pertaining to the proposed  
drainage channel along the eastern and southern project boundaries of the site.  
Compensatory mitigation for such impacts would be at no less than a 1:1 ratio. If  
necessary, prior to the initiation of any construction-related activities, the Project  
Applicant shall submit a detailed mitigation program and mitigation site plan for USACE  
and CDFG approval. The Mitigation Program shall contain the following items

- 1           • **Responsibilities and qualifications of the personnel to implement and supervise**  
2           **the plan.** The responsibilities of the Project Applicant, Property Owner, Specialists,  
3           and Maintenance Personnel that would supervise and implement the plan shall be  
4           specified.
- 5           • **Site preparation implementation.** Site preparation shall include: (1) trash and weed  
6           removal; (2) soil treatments (i.e., imprinting, decompacting); and (3) erosion-control  
7           measures (i.e., rice or willow wattles).
- 8           • **Schedule.** A schedule of activities shall be developed.
- 9           • **Maintenance plan/guidelines.** The Maintenance Plan shall include: (1) weed control;  
10           (2) herbivory control; (3) trash removal; and (4) maintenance training.
- 11           • **Long-term preservation.** Long-term preservation of the site shall also be outlined in  
12           the conceptual Mitigation Plan to ensure the mitigation site is not impacted by future  
13           development. **MM BIO-5**
- 14   15.   The loss of potential woolly star habitat within the 100 year floodplain in 25 acres of the  
15           29-acre project site has been identified by the California Department of Fish and Game  
16           (CDFG). The 25 acres is considered to be low quality habitat and CDFG staff have  
17           identified an approximately 8-acre area on a City-owned parcel that they believe can be  
18           restored to higher quality woolly star habitat a mitigation for the loss of 25 acres of the  
19           100-floodplain The Applicant will prepare a Resource Management Plan (RMP) for  
20           review and approval by CDFG that will outline a program for the restoration of an  
21           affected area of woolly star habitat within the City of Colton property. Completion and  
22           approval of the RMP should occur within one year of project approval. Upon approval of  
23           the RMP, the Applicant will begin implementation of the restoration efforts outlined in the  
24           RMP for the affected area. Monitoring of the success of the restoration efforts shall be at  
25           intervals established in the RMP and approved by CDFG.
- 26   16.   Prior to grading permit issuance, the construction contractor shall demonstrate, to the  
27           satisfaction of the City of Colton, the following:
  - 28           • Construction contracts shall specify that all construction equipment, fixed or  
              mobile, shall be equipped with properly operating and maintained mufflers and  
              other State required noise attenuation devices.
  - Construction noise reduction methods such as shutting off idling equipment,  
              installing temporary acoustic barriers around stationary construction noise sources,  
              and maximizing the distance between construction equipment staging areas and  
              occupied residential areas, shall be implemented.
  - During construction, stationary construction equipment shall be placed such that  
              emitted noise is directed away from sensitive noise receptors.
  - The construction entrance shall clearly post construction hours, allowable  
              workdays, and the phone number of the job superintendent. This would allow  
              surrounding owners and residents to contact the job superintendent with concerns.  
              If the contractor receives a noise-related complaint, appropriate corrective actions  
              shall be implemented and a report taken indicating the action with a copy of the  
              report provided to the reporting party upon request. **MM NOI-2**

- 1 17. Prior to grading permit issuance, the construction contractor shall demonstrate to the City  
2 of Colton that haul truck routes avoid sensitive receptors. Haul trucks shall be required to  
3 access the project site via I-10 to Mount Vernon Avenue, M Street east of East Fogg  
4 Street, and East Fogg Street. Haul trucks shall be prohibited to travel along M Street west  
5 of East Fogg Street, West Fogg Street (west of 8th Street), and Congress Street west of  
6 East Fogg Street, excluding the segment of Congress Street east of the curb cut for the  
7 project's egress access road. **MM NOI 3**
- 8 18. Comply with the requirements of the City of Colton **Police** Department, including the  
9 following:  
10 a. If during the construction phase an increase in police response to the site occurs,  
11 the Project Applicant would be required to provide additional measures (e.g.,  
12 additional security fencing, security lighting, etc.) as directed by the Police  
13 Department to ensure that these measures adequately address and discourage  
14 trespassing and vandalism. **MM PSU-1**
- 15 19. Comply with the requirements of the City of Colton **Fire** Department, including the  
16 following:  
17 a. Preparation for disposal of all hazardous waste shall be coordinated with the  
18 Primary Emergency Response Coordinator (PERC), the Department of Toxic  
19 Substances Control (DTSC) and the San Bernardino County Fire Department or  
20 the appropriate local Certified Unified Program Agency (CUPA). No hazardous  
21 wastes shall be stored on site for more than 90 days. **MM HAZ-5**
- 22 b. If the soil screening and sample process, as determined by the Sampling and  
23 Analysis Plan (SAP), indicates the presence of hazardous waste, the contingency  
24 procedures described in the Hazardous Materials Emergency  
25 Response/Contingency Plan shall be implemented. **MM HAZ-6**
- 26 20. Comply with the following requirements of the City of Colton **Public Works** Department.

Fees

- 19 a. Pay plan Check Fees and Permit Fees for the review of the site grading and drainage plan.  
20 Submit a detailed cost estimate to determine the plan checking and permit fees.
- 21 b. Pay plan check fee for the Water Quality Management Plan.
- 22 c. Pay plan check Fee for the review of the Hydrology Study.
- 23 d. Pay plan check fees for any improvement within City right of way and submit a detailed cost  
24 estimate to determine the plan checking and permit fees.
- 25 e. The project applicant/developer shall pay a total Transportation Mitigation Fee of \$  
26 62,163.00 in order to mitigate the proposed project's incremental contribution to cumulative  
27 impacts to the Mt. Vernon Avenue Improvements. The fee shall be paid upon commencing  
28 on Phase B of the project. Evidence of payment shall be submitted to the City prior to the  
issuance of any permits.

Improvements

- a) Reconstruct any damaged street improvements, irrigation and landscaping fronting the  
City owned property leased to the applicant.

- 1           b) The developer shall pay a fair share contribution to reconstruct the AC Pavement along M  
2 Street (Mt. Vernon Avenue to Fogg Street) and Fogg Street (M Street to Congress Street)  
3 due to truck traffic deterioration during the duration of the permit. This total fair share  
4 amount is \$ 218,078.00. The fee shall be paid upon commencing on Phase B of the  
project. Evidence of payment shall be submitted to the City prior to the issuance of any  
permits.

5 Grading and Drainage

- 6           a) The applicant shall provide the Public Works and Utility Services  
7 Department/Engineering Section with a separate (3) set of grading plan with a scale of 1”  
8 = 40’ prepared by a Civil Engineer registered in the State of California. The grading plan  
9 shall include a topographic contour map of the site and 15 feet beyond the property lines,  
with a one-foot contour interval. This contour map shall be prepared within the last 12  
months prior to a grading permit approval. Note: all block walls and fencing shall be  
shown on the grading plan for reference only and shall be separately permitted.
- 10           b) Prior to issuance of any permit, the applicant shall provide a copy of the Waste Discharger  
11 Identification Number (WDID) issued by the State Board as evidence of coverage under  
the General Permit and to be shown on the Grading Plans.
- 12           c) Building pad elevations on the rough grading plan submitted for City Engineer’s approval  
13 shall conform with pad elevations shown on the site development permit site plan, unless  
the pad elevations have other requirements imposed elsewhere in these Conditions of  
Approval.
- 14           d) Prior to final project acceptance, applicant shall submit an as-built of grading plans. No  
15 final acceptance will be authorized until as-builts are submitted to Engineering Section of  
Public Works and Utility Services Department.
- 16           e) Owner/Developer shall notify adjacent property owners about the impact of the proposed  
17 development on the drainage configuration of existing adjacent properties. Such  
notification shall be pre-approved by the Engineer. These drainage issues shall be  
18 resolved prior to the issuance of a grading permit.
- 19           f) Provide a separate Erosion Control plan with a scale of 1” = 40’.

20 Studies and Reports

- 21           a) Submit drainage/hydrology study calculations and a hydraulic analysis for both developed  
22 and undeveloped conditions to the City of Engineer for review and approval. The  
23 drainage from individual lots shall not impact surrounding properties, or a drainage  
24 easement acceptance letter from the adjacent landowner must be obtained.
- 25           b) Submit a soils report prepared by a registered geologist or soils engineer. This report  
26 should be based on soil samples taken from the site and should analyze the existing  
27 geotechnical conditions of the site to determine if the existing soil is adequate for the  
development and safe from hazardous or deleterious materials. The report should also  
28 satisfactorily address the compaction and soil stability characteristics of the site.
- c) The applicant shall submit a Water Quality Management Plan (WQMP) specifically  
identifying Best Management Practices (BMPs) that will be used onsite to reduce the  
pollutants into the storm drain system prior to issuance of grading permit. Forms are  
available at the City of Colton Public Works and Utility Services Department/Engineering  
Section.

1 Additional Public Works Requirements

- 2 a) All on-site water quality basin, condensate pond and storm drain inlets/catch basins must  
3 be cleaned at least once a year immediately prior to the rainy season or as often as  
4 necessary. The developer shall be responsible for all costs associated with proper  
5 operation and maintenance of all storm drain and water quality facilities (basin, pipelines,  
6 inlets, catch basins, outlets, etc.) associated with the project.
- 7 b) No final inspection will be performed until all Public Works and Utility Services  
8 Department requirements pertaining thereto are in compliance.
- 9 c) File a Notice of Intent and obtain an NPDES Construction Activity General Permit from  
10 the State Regional Water Quality Control Board and submit a copy of each to the Public  
11 Works and Utility Services Department/Engineering Section. Ensure that Best  
12 Management Practices (BMPs) are followed, per NPDES requirements to reduce storm  
13 water runoff during, construction and thereafter. Temporary erosion control measures  
14 shall be implemented immediately following rough grading to prevent accumulation of  
15 debris into downstream properties or drainage facilities.
- 16 d) Prior to issuance of Grading Permit, the applicant shall create and implement a Storm  
17 Water Pollution Prevention Plan (SWPPP), per State requirements (1 acre or more), to  
18 manage storm water and non-storm water discharges from the site at all times. The  
19 SWPPP shall describe all BMPs to be implemented year round. Specific BMP  
20 implementation may be dependent upon wet or dry season operations.
- 21 e) Submit a letter to the Engineer certifying that the owner and contractor is responsible for  
22 complying with the National Pollutant Discharge Elimination System Ordinance, during  
23 and after construction. In the letter, the following statement shall be included:  
24 “No contaminated water shall be allowed to discharge on sidewalks, gutter, storm  
25 drains, parkways and driveways at any time.”
- 26 f) The applicant shall utilize sediment controls only as a supplement to erosion prevention  
27 for keeping sediment on-site during construction to the satisfaction of the Engineer. The  
28 applicant is responsible for ensuring that all contractors and subcontractors are aware of,  
and implement, all stormwater quality and pollution control measures. Failure to employ  
appropriate measures to prevent stormwater pollution and protect storm water quality shall  
result in the issuance of correction notices, citations, or a project stop order.
- g) Any soil spillage on Fogg Street and Congress Street shall be removed daily to decrease  
sediment transport to the public storm drain system and dust in accordance with the  
applicant's Dust Management Plan approved by the SCAQMD.
- h) During site grading and transportation of fill materials, regular water sprinkling shall  
occur on-site, using reclaimed water whenever the Public Works Director determines that  
it is reasonably available. During clearing, grading, earth moving or excavation, sufficient  
quantities of water, through use of either water trucks or sprinkler systems, shall  
throughout construction, water trucks or sprinkler systems shall also be used to keep all  
areas of vehicle movement on-site damp enough to prevent dust raised from leaving the  
site. At a minimum, this will include wetting down such areas in the late morning and  
after work is completed for the day. Increased watering frequency will be required  
whenever the wind speed exceeds 15 mph. (if available)
- i) Gravel pads shall be installed at all access points to the project site to prevent tracking of  
mud on to public roads.
- j) Construction parking and storage shall be provided as follows:

- 1 i) During construction, parking spaces for construction workers and construction shall be  
2 provided on-site. Construction workers are prohibited from parking within the public  
right-of-way.
- 3 ii) Storage or staging of construction materials and equipment within the public right-of-  
way shall not be permitted.
- 4 k) The Engineer may require other information deemed necessary.
- 5 l) Place City Standards grading and drainage notes, includes NPDES requirements on  
grading plan.
- 6 m) All Construction shall conform to the Standard Specifications for Public Works  
7 Construction (latest edition), and the standard drawings of the City of Colton- Public  
Works and Utility Services Department.
- 8 n) All fees shall be paid to the City of Colton prior to the issuance of Grading Permit.
- 9 o) The route of construction-related traffic shall be established to minimize trips through  
surrounding residential neighborhoods, subject to approval by the Public Works Director.
- 10 p) The haul route(s) for all construction-related trucks, three tons or more, entering or exiting  
the site, shall be approved by the Public Works Director.
- 11 q) Construction (including preparation for construction work) is prohibited Monday through  
12 Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and  
13 holidays. When, based on required construction type or other appropriate reasons, it is  
14 necessary to do work outside the allowed construction hours; contractor shall provide  
notification to the City Engineer a request for the above construction hours and a  
minimum of 48 hours prior to said construction. Owner/Contractor shall comply with  
these requirements and the Engineer's directions during the course of construction.

15 Other Public Works Mitigation Measures

- 16 a. A Dust Management Plan (refer to Appendix E of the Draft EIR) shall be  
17 submitted to the Director of Public Works. Prior to issuance of any Grading  
18 Permit, the Director of Public Works shall confirm that the Grading Plan, Building  
19 Plans, Dust Management Plan and specifications stipulate that, in compliance with  
20 South Coast Air Quality Management District (SCAQMD) Rule 403, excessive  
21 fugitive dust emissions shall be controlled by regular watering or other dust  
22 prevention measures, as specified in the South Coast Air Quality Management  
23 District's (SCAQMD) Rules and Regulations. In addition, South Coast Air  
24 Quality Management District (SCAQMD) Rule 402 requires implementation of  
25 dust suppression techniques to prevent fugitive dust from creating a nuisance off-  
26 site. To ensure that these techniques are successful, the Applicant shall conduct  
27 periodic monitoring for dust particulate matter associated with grading activities  
28 within the Guyaux Landfill portion of the site (Phase B). This monitoring will  
ensure that the difference between upwind and downwind PM-10 dust particulate  
matter concentrations are below the SCAQMD CEQA threshold of 10.4  
micrograms per cubic meter averaged over 24 hours. Pursuant to methods  
described in SCAQMD Rule 403, monitoring will occur upwind and downwind of  
the grading activities and monitoring equipment will be placed at the property line  
of the site. Monitoring will be conducted during soil placement activities during  
Phase B of the project. If any soil placement activities result in an exceedance  
of 10.4 micrograms per cubic meter averaged over 24 hours, then immediate  
corrective action will be taken to modify site operations to reduce the

1 concentration to less than 10.4 micrograms per cubic meter. Implementation of  
2 the measures within the Dust Management Plan would reduce short-term fugitive  
dust impacts on nearby sensitive receptors. **MM AQ-1**

- 3 b. All trucks that are to haul excavated or graded material shall comply with State  
4 Vehicle Code Section 23114 (Spilling Loads on Highways), with special attention  
5 to Sections 23114(b)(F), (e)(4) as amended, regarding the prevention of such  
6 material spilling onto public streets and roads. Prior to the issuance of any  
7 Grading Permit, the Applicant shall demonstrate to the City of Colton how the  
project operations subject to that specification during hauling activities shall  
comply with the provisions set forth in Sections 23114(b)(F), (e)(4). **MM AQ-2**
- 8 c. Prior to issuance of any Grading Permit, the Director of Public Works shall  
9 confirm that the Grading Plan, Building Plans and specifications stipulate that, in  
10 compliance with South Coast Air Quality Management District (SCAQMD) Rule  
11 403, O<sub>3</sub> precursor emissions from construction equipment vehicles shall be  
12 controlled by maintaining equipment engines in good condition and in proper tune  
per manufacturer's specifications, to the satisfaction of the City Engineer.  
13 Maintenance records shall be provided to the City. The City Inspector shall be  
14 responsible for ensuring that contractors comply with this measure during  
15 construction. **MM AQ-3**
- 16 d. The Applicant shall maintain an average soil delivery distance of 30 miles (60-  
17 mile round trip) over the life of the project. The source of the material and net  
18 increased distance traveled from alternative soil receiving facility shall be noted on  
19 the scalehouse sheets generated for each load entering the site. This data shall be  
20 submitted to the City Engineer and SCAQMD at the same time as other  
21 information is provided related to the project's Sampling and Analysis Plan, but no  
22 less than annual reporting.
- 23 e. In areas susceptible to soil erosion, sediment control shall be addressed in the  
24 SWPPP, to be reflected in facility plans, specifications and estimates. **MM GEO-2**
- 25 f. Where engineered fill is to be placed, grading shall begin with the removal of all  
26 existing vegetation and existing improvements from the area to be graded.  
27 Deleterious debris such as wood, tree stumps, and thick roots shall be exported  
28 from the site and shall not be mixed with the fill soils. Asphalt and concrete pieces  
larger than four inches shall not be mixed with the fill soils without approval by  
the Geotechnical Engineer, who would be hired by the Applicant pending approval  
by the City Engineer or Public Works Director. All existing underground  
improvements planned for removal shall be completely excavated and the resulting  
depressions properly backfilled. **MM GEO-3**
- g. All excavated site soils shall be thoroughly blended and moisture conditioned prior  
to placement and compaction. All fill and backfill soils shall be placed in uniform  
lifts generally not exceeding approximately six to 12 inches in loose thickness, and  
shall be moisture conditioned at or slightly above optimum moisture content, and  
compacted to at least 90% of Modified Proctor, as determined by ASTM Test

1 Method D 1557-02. Placement and compaction of fill shall be performed in  
2 accordance with local regulatory grading ordinances under the observation and  
3 testing of the Geotechnical Consultant. In-place density and moisture content  
4 testing shall be conducted in accordance with ASTM D6938-10 or functional  
5 equivalent. **MM GEO-4**

- 6 h. All imported fill shall be observed, tested, and approved prior to use in the  
7 elevated pad area. Rocks larger than six inches in diameter shall not be used within  
8 the upper five feet of the engineered fill pad, and rock larger than 12 inches shall  
9 not be used in any engineered fill. **MM GEO-5**
- 10 i. The project site shall be pre-watered prior to grading operations to reduce the  
11 amount of settlement after engineered fill placement due to potential hydro-  
12 consolidation of the upper existing soils. **MM GEO-6**
- 13 j. No water shall be allowed to pond adjacent to nearby offsite buildings. Positive  
14 drainage may be accomplished by providing drainage away from buildings at a  
15 gradient of at least two percent for a distance of at least five feet, and further  
16 maintained by a swale or drainage path at a gradient of at least one percent. Where  
17 necessary, drainage paths may be shortened by use of area drains and collector  
18 pipes. **MM GEO-7**
- 19 k. After clearing and grubbing, the surface of the Guyaux landfill shall be compacted,  
20 using the overall site preparation recommendations in the geotechnical report.  
21 Water use for this compaction would be limited to prevent percolation into the  
22 landfill. **MM GEO-8**
- 23 l. The first major area of the site to receive engineered fill shall be the Guyaux  
24 landfill. Two feet of engineered fill shall be placed, compacted, and graded to  
25 drain to the southwest. This would allow settlement of the landfill contents while  
26 the remainder of the project is filled. **MM GEO-9**
- 27 m. The Guyaux landfill shall be allowed to settle, with additional fill placed as needed  
28 to maintain positive drainage. **MM GEO-10**
- n. Additional soil-cement shall be placed on Guyaux landfill to bring it to final grade  
near the end of the project, after settlement is complete. **MM GEO-11**
- o. The Project Applicant will fine-grade the site and replace or re-fill any settlement  
prior to demobilization. **MM GEO-12**
- p. In order to help mitigate the effects of differential settlement on the cement-treated  
engineered fill at the landfill during fill loading, the project applicant shall place a  
geo-grid material, similar to Mirafi BGX10, at the base of the proposed cement-  
treated engineered fill following scarification and re-compaction of the upper one-  
foot of existing soils. **MM GEO-13**
- q. Upon completion of the Land Improvement project, the site shall be routinely  
inspected (minimum of semi-annually) for any cracks in the cap material covering

- 1 the Guyaux landfill. If the cap material cracks once the site has been constructed,  
2 it shall be the responsibility of the Property Owner to repair upon discovery. The  
3 area shall be inspected prior to the commencement of the rainy season and at the  
4 end of the season; after a major storm event (during or outside the rainy season); or  
5 after a seismic event has occurred. **MM GEO-14**
- 6 21. All four existing non-functioning groundwater monitoring wells shall be destroyed using  
7 approved procedures and technologies in accordance with City regulations and the County  
8 Department of Public Health, Environmental Health Division, permitting process. **MM**  
9 **HAZ-1**
- 10 22. The Project Applicant shall ensure compliance with the Stormwater Pollution Prevention  
11 Plan (SWPPP) and the *Hazardous Materials Emergency Response/Contingency Plan*.  
12 **MM-HAZ-2**
- 13 23. The Project Applicant shall provide copies of sampling and analysis-related agency  
14 reports to the City of Colton at an interval commensurate with submittal to SCAQMD,  
15 RWQCB or other permitting agency. **MM HAZ-4**
- 16 24. The project applicant shall prepare a Water Quality Management Plan (WQMP) prior to  
17 issuance of a grading permit. The WQMP shall be prepared in conformance to the  
18 requirements of the San Bernardino County WQMP, Water Quality Management Plan  
19 Guidance Document, which is available on the County's Stormwater Program website  
20 [http://www.co.san-bernardino.ca.us/stormwater/educational\\_materials.htm](http://www.co.san-bernardino.ca.us/stormwater/educational_materials.htm). **MM HWQ-1**
- 21 25. Project construction will be covered under State Board Order No. 2009-0009-DWQ,  
22 National Pollutant Discharge Elimination System (NPDES) General Permit for storm  
23 water discharges associated with construction and land disturbance activities The Project  
24 Applicants shall prepare and submit a Notice of Intent (NOI) to comply with the general  
25 NPDES permit of the California State Water Resources Board. Prior to issuance of a  
26 grading permit, the applicant shall prepare a Stormwater Pollution Prevention Plan  
27 (SWPPP) for the construction activities onsite. A copy of the SWPPP shall be available  
28 and implemented at the construction site at all times. The State Board must be notified  
(via a Notice of Termination form) once construction is complete. **MM HWQ-2**
26. The following construction BMP's for the site shall be indicated in the Stormwater  
Pollution Prevention Plan (SWPPP) and implemented during construction:
- 21 □ ***SE-1 Silt Fence*** – Composed of filter fabric, which has been entrenched, attached to  
22 support poles and sometimes backed by wire fence support. Silt fences promote  
sedimentation behind the fence of sediment-laden water.
  - 23 □ ***SE-2 Sediment Basin*** – A sediment basin is a temporary basin formed by excavation  
24 or by constructing an embankment so that sediment-laden runoff is temporarily  
25 detained under quiescent conditions, allowing sediment to settle out before the runoff  
is discharged.
  - 26 □ ***SE-4 Check Dam*** – A check dam is a small barrier constructed of rock, gravel bags,  
27 sandbags, fiber rolls, or other proprietary products, placed across a constructed swale  
28 or drainage ditch. Check dams reduce the effective slope of the channel, thereby  
reducing scour and channel erosion by reducing flow velocity and increasing residence  
time within the channel, allowing sediment to settle.

- 1       □ ***SE-5 Fiber Rolls*** - A fiber roll consists of straw, coir, or other biodegradable materials  
2       bound into a tight tubular roll wrapped by netting, which can be photodegradable or  
3       natural. When fiber rolls are placed at the toe and on the face of slopes along the  
4       contours, they intercept runoff, reduce its flow velocity, release the runoff as sheet  
5       flow, and provide removal of sediment from the runoff (through sedimentation).
- 6       □ ***SE-8 Sand Bag Barriers*** – By stacking sand bags on a level contour, creates a barrier  
7       to detain sediment-laden water. The barrier will promote sedimentation.
- 8       □ ***SE-10 Storm Drain Inlet Protection*** - Storm drain inlet protection consists of a  
9       sediment filter or an impounding area in, around or upstream of a storm drain, drop  
10      inlet, or curb inlet. Storm drain inlet protection measures temporarily pond runoff  
11      before it enters the storm drain, allowing sediment to settle.
- 12      □ ***WE-1 Wind Erosion Control*** - Wind erosion or dust control consists of applying  
13      water or other dust palliatives as necessary to prevent or alleviate dust nuisance  
14      generated by construction activities.
- 15      □ ***TC-1 Stabilized Construction Entrance/Exit*** – A stabilized construction access is  
16      defined by a point of entrance/exit to a construction site that is stabilized to reduce the  
17      tracking of mud and dirt onto public roads by construction vehicles.
- 18      □ ***TC-2 Stabilize Construction Roadway*** – All on-site vehicle transport routes should be  
19      stabilized immediately after grading and frequently maintained to prevent erosion and  
20      control dust.
- 21      □ ***TC-3 Entrance/Outlet Tire Wash*** – A tire wash is an area located at stabilized  
22      construction access points to remove sediment from tires and under carriages and to  
23      prevent sediment from being transported onto public roadways.
- 24      □ ***EC-1 Scheduling*** - Scheduling is the development of a written plan that includes  
25      sequencing of construction activities and the implementation of BMPs such as erosion  
26      control and sediment control while taking local climate (rainfall, wind, etc.) into  
27      consideration.
- 28      □ ***EC-2 Preservation of Existing Vegetation*** – Carefully planned preservation of  
existing vegetation minimizes the potential of removing or injuring existing trees,  
shrubs, and grasses that protect soil from erosion.
- ***EC-6 Straw Mulch*** – Straw mulch consists of placing a uniform layer of straw and  
incorporating it into the soil. This practice protects the soil surface from the impact of  
rain drops, preventing soil particles from becoming dislodged.
- ***EC-7 Geotextiles and Mats*** – Mattings, or Rolled Erosion Control Products (RECPs),  
can be made of natural or synthetic materials or a combination of the two. RECPs are  
used to cover the soil surface to reduce erosion from rainfall impact, hold soil in place,  
and absorb and hold moisture near the soil surface.
- ***EC-9 Earth Dikes and Drainage Swales*** – An earth dike is a temporary berm or ridge  
of compacted soil used to divert runoff or channel water to a desired location. A  
drainage swale is a shaped and sloped depression in the soil surface used to convey  
runoff to a desired location. Earth dikes and drainage swales are used to divert offsite  
runoff around the construction site, divert runoff from stabilized areas and disturbed  
areas, and direct runoff into sediment basins or traps.

- 1       □ ***EC-10 Velocity Dissipation Devices*** – Outlet protection is a physical device composed  
2       of rock, grouted riprap, or concrete rubble, which is placed at the outlet of a pipe or  
3       channel to prevent scour of the soil caused by concentrated, high velocity flows.
- 4       □ ***WM-1 Material Delivery and Storage*** – Prevent, reduce, or eliminate the discharge of  
5       pollutants from material delivery and storage to the stormwater system or  
6       watercourses by minimizing the storage of hazardous materials onsite, storing  
7       materials in watertight containers and/or a completely enclosed designated area,  
8       installing secondary containment, conducting regular inspections, and training  
9       employees and subcontractors.
- 10      □ ***WM-2 Material Use*** - Prevent or reduce the discharge of pollutants to the storm drain  
11      system or watercourses from material use by minimizing hazardous material use  
12      onsite, and training employees and subcontractors.
- 13      □ ***WM-3 Stockpile Management*** - Reduce or eliminate air and stormwater pollution  
14      from stockpiles of soil, Portland cement concrete (PCC) rubble, aggregate base, or  
15      aggregate sub base or pre-mixed aggregate.
- 16      □ ***WM-4 Spill Prevention and Control*** - Prevent or reduce the discharge of pollutants to  
17      drainage systems or watercourses from leaks and spills by reducing the chance for  
18      spills, stopping the source of spills, containing and cleaning up spills, properly  
19      disposing of spill materials, and training employees.
- 20      □ ***WM-5 Solid Waste Management*** –Prevent or reduce the discharge of pollutants to  
21      stormwater from solid or construction waste by providing designated waste collection  
22      areas and containers, arranging for regular disposal, and training employees and  
23      subcontractors.
- 24      □ ***WM-6 Hazardous Waste Management*** – Prevent or reduce the discharge of pollutants  
25      to stormwater from hazardous waste through proper material use, waste disposal, and  
26      training of employees and subcontractors.
- 27      □ ***WM-7 Contaminated Soil Management*** - Prevent or reduce the discharge of  
28      pollutants to stormwater from contaminated soil and highly acidic or alkaline soils by  
    remediating contaminated soil promptly.
- ***WM-8 Concrete Waste Management*** – Prevent and reduce pollutant discharge to  
    storm water from concrete waste by performing on and off-site washouts in designated  
    areas and training employees and consultants.
- ***WM-9 Sanitary/Septic Water Management*** – Provide convenient, well-maintained  
    facilities, and arrange regular service and disposal of sanitary waste.
- ***WM-10 Liquid Waste Management*** – Prevent discharge of pollutants to the storm  
    drain system or to watercourses as a result of the creation, collection, and disposal of  
    non-hazardous liquid wastes.
- ***NS-3 Paving and Grinding Operations*** – Prevent or reduce the discharge of pollutants  
    from paving operations, using measures to prevent run-on and runoff pollution,  
    properly disposing of wastes, and training employees and subcontractors.
- ***NS-6 Illicit Connection/Discharge*** – Recognize illicit connections or illegally  
    dumped or discharged materials on a construction site and report incidents.

- 1       □ **NS-8 Vehicle and Equipment Cleaning** – Eliminate or reduce the discharge of  
2 pollutants to stormwater from vehicle and equipment cleaning operations. Procedures  
3 and practices include, but are not limited to: using offsite facilities; washing in  
4 designated, contained areas only; eliminating discharges to the storm drain by  
5 infiltrating the wash water.
- 6       □ **NS-9 Vehicle and Equipment Fueling** – Prevent fuel spills and leaks, and reduce or  
7 eliminate contamination of stormwater. This can be accomplished by using offsite  
8 facilities, fueling in designated areas only, enclosing or covering stored fuel,  
9 implementing spill controls, and training employees and subcontractors in proper  
10 fueling procedures.
- 11       □ **NS-10 Vehicle and Equipment Maintenance** – Prevent or reduce the contamination  
12 of stormwater resulting from vehicle and equipment maintenance by running a “dry  
13 and clean site”. The best option would be to perform maintenance activities at an  
14 offsite facility. If this option is not available then work should be performed in  
15 designated areas only, while providing cover for materials stored outside, checking for  
16 leaks and spills, and containing and cleaning up spills immediately.

17 These BMP are detailed in the California Stormwater Best Management Practice  
18 Handbook (November 2009). **MM HWQ-3**

- 19 27. After completion of the project, wind-blown dust and debris that has accumulated within the  
20 stormwater management facilities shall be removed on an as needed basis by the Property Owner.  
21 In addition, the Property Owner will be responsible for maintaining side slopes. If stone rip-rap  
22 or inlet/outlet pipes needs to be repaired or replaced, the Property Owner will be responsible for  
23 the necessary improvements. **MM HWQ-4**
- 24 28. Prior to issuance of grading permits, final design of the stormwater detention basin shall  
25 demonstrate that stormwater will be released at or below the exiting flow rate. **MM**  
26 **HWQ-5**
- 27 29. The Project Applicant shall comply with the *Guyaux Landfill Reclamation Project Plan*  
28 (located in Appendix L). The Project Applicant shall ensure the placement and  
29 compaction of at least five feet of engineered fill product over the surface of the landfill  
30 and use of the engineered fill to stabilize the exposed and eroded side slopes. **HWQ-6**
- 31 30. In connection with site plan and design review, all required drainage improvements  
32 associated with development shall be designed in accordance with the latest City  
standards and shall be reviewed and approved by the City engineer prior to grading.  
Project-related facilities shall be constructed prior to facility operation, unless otherwise  
approved by the City engineer **MM PSU-3**
- 33 31. Prior to issuance of grading permits, the Project Applicant shall submit for review and  
34 approval by the City Engineer, improvement plans, design reports, and appropriate  
35 calculations for the Drainage Plan, verifying that the proposed design does not exceed  
36 existing flow conditions and meets all applicable City and County requirements. **MM**  
37 **PSU-4**
- 38 32. Comply with the requirements of the City of Colton **Electric Utility** Department:

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- a. The Project Applicant shall coordinate with Colton Public Utilities on timing of relocation of transmission lines to ensure that electric service is not interrupted by the relocation. **MM PSU-2**
  
  - b. The Project Applicant shall pay all associated fees as required by the Electric utility.
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1 RESOLUTION NO. \_\_\_\_\_

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
3 COLTON DENYING A CONDITIONAL USE PERMIT FOR THE COLTON SOIL  
4 SAFE LAND IMPROVEMENT PROJECT (FILE INDEX NO.: DAP-000-910).

5 WHEREAS, an application (File Index No. DAP 000-910) was filed with the City of Colton  
6 by Soil Safe of California, Inc. (hereinafter "Applicant") for a Conditional Use Permit to allow the  
7 placement of approximately 500,000 cubic yards of engineered soil on approximately 29 acres to  
8 raise the site out of the Santa Ana River floodplain (hereinafter "Project") on a 29-acre site  
9 located at the southerly terminus of Florez Street and Fernando Street legally described as  
10 Assessor Parcel Numbers 0163-362-11, 0163-362-12, and 0163-362-26 (hereinafter "Subject  
11 Property"), designated on the General Plan Land Use Map as OS - Open Space and zoned OS,  
12 Open Space; and

13 WHEREAS, on March 8, 2011, the Planning Commission of the City of Colton held a duly  
14 noticed public hearing at which time all persons wishing to testify in connection with the project  
15 were heard and the project was fully examined, but additional information was sought that  
16 caused a continuation of the public hearing to April 12, 2011; and

17 WHEREAS, on April 12, 2011 the Planning Commission of the City of Colton held a  
18 public hearing continued from March 8, 2011 at which time additional information was provided in  
19 response to specific questions raised either at the public hearing or in response to the Final EIR  
20 released for public review 10 days prior to the March 8, 2011 public hearing; and

21 WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") and the State  
22 CEQA Guidelines, an Environmental Impact Report was prepared.

23 NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE  
24 CITY OF COLTON:

25 SECTION 1. The above recitations are true and correct and, in addition to those below,  
26 constitute the findings of the Planning Commission for File Index No. DAP-000-910.

27 SECTION 2. The Planning Commission finds that it has reviewed and considered the  
28 Draft EIR, Final EIR including all public comments and responses to public comments, and  
additional testimony provided in the public hearings of March 8 and April 12, 2011 along with  
additional comment letters received on the Final EIR.

SECTION 3. Based on the entire record before the Planning Commission and all written  
and oral evidence presented, including the staff report, the Planning Commission cannot make  
the following required findings in accordance with Colton Municipal Code Section 18.58.060(H)  
as follows:

- 29 A. ***The proposed use is in accord with the general plan, the objectives of the Colton  
30 Municipal Code, and the purposes of the zone in which the site is located.*** The  
31 conditional use permit will allow the applicant to raise the site out of the floodplain 100-year  
32 floodplain and cover the 4-acre Guyaux landfill within the northern portion of the property.  
33 Raising the site would remove the barrier to development of the site with urban uses that are  
34 not consistent with the current general plan designation and zoning of Open Space and may  
35 introduce new land uses in the area not reasonably foreseen previously. For example, the  
36 EIR prepared for the project included an analysis of Potential Subsequent Projects,

1 including development of the project site with a Light Industrial development. Although the  
2 property owner could request a general plan amendment and zone change, allowing  
3 development on this site could introduce incompatible land uses that may adversely affect  
the existing single family neighborhood adjacent to the site.

4 **B. *The proposed use, together with the conditions applicable thereto will not be***  
5 ***detrimental to the public health, safety or welfare, or materially injurious to properties***  
6 ***or improvements in the vicinity.*** The project will partially obstruct views from the  
7 adjacent neighborhood (i.e. homes on Florez and Fernando. It will also create a 29-acre,  
8 soil-cement “eyesore” mostly devoid of vegetation and a potential attractive nuisance for  
9 graffiti that may remain vacant in perpetuity. The project’s economic and employment  
benefit to the City of Colton is greatly outweighed by the construction-related noise, traffic,  
aesthetic and air quality impacts during the life of the project (3-5 years). In addition, the  
Soil Safe operations may be materially injurious to adjacent residential properties, possibly  
affecting property values.

10 Although conditions of project approval that will safeguard the public health, safety and  
11 general welfare of the community for the proposed project have been identified, removing  
12 the barrier to future development of the site could have detrimental effects on public health,  
13 safety and welfare, including increased air emissions associated with new traffic and new  
14 manufacturing facilities in close proximity to a residential neighborhood. Increased traffic  
itself could result in a reduction in levels of service and emergency response times when  
added to existing traffic on local streets. In addition, under the evaluation of Potential  
Subsequent Projects, the extension of Fogg Street and the realignment of the UPRR Rail  
Line could occur, adding to the potential for incompatible land uses, and associated adverse  
effects to be developed near an existing residential neighborhood.

15 **C. *That the proposed use complies with each of the applicable provisions of the Colton***  
16 ***Municipal Code.*** The proposed use is in accord with the Open Space designation of the  
17 General Plan and the purposes of the Open Space zone. Upon completion of the Land  
18 Improvement project, the property would remain as Open Space and could provide  
opportunities for some Open Space uses including recreational uses. However, the removal  
of barriers to development could result in a proposed change in land use that would require  
a general plan amendment and zone change for future light industrial uses.

19 **SECTION 4.** Pursuant to California Public Resources Code sections 21002, 21002.1 and  
20 21081, the Planning Commission may only approve a project with significant and unavoidable  
21 impacts if no alternatives are feasible, and if the Planning Commission adopts a Statement of  
22 Overriding Considerations finding that specific overriding economic, legal, social, technological or  
other benefits of the project outweigh the significant effects on the environment.

23 **SECTION 5.** Pursuant to California Public Resources Code sections 21002, 21002.1 and  
24 21081, and State CEQA Guidelines section 15042, the Planning Commission may deny the Project  
on the basis that it would result in significant and unavoidable adverse impacts.

25 **SECTION 6.** Pursuant to California Government Code section 65950.5, the Planning  
Commission has the authority to either approve or deny a discretionary permit.

26 **SECTION 7.** Based on the findings in this Resolution, and the information contained in the  
27 administrative record for this Project, the Planning Commission does hereby deny the request for a  
28 Conditional Use Permit for File Index No. DAP-000-910.

1           **SECTION 8.** Pursuant to State CEQA Guidelines section 15270, CEQA does not apply to  
2 projects which a public agency rejects or disapproves.

3           **SECTION 9.** The location and custodian of the documents and any other material which  
4 constitute the record of proceedings upon which the Planning Commission based its decision is  
5 located at the City of Colton Community Development Services Department, 659 N. La Cadena  
6 Drive, Colton, CA 92324, (909) 370-5079.

7           **SECTION 10.** The Secretary shall certify the adoption of this Resolution.

8           PASSED, APPROVED, AND ADOPTED this 12 day of April, 2011.

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Planning Commission Chairperson  
Gary Mitchell

ATTEST:

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Development Services Director  
Mark R. Tomich, AICP

I hereby certify that the foregoing is a true copy of a resolution adopted by the Planning  
Commission of the City of Colton at a meeting held on April 12, 2011 by the following vote of the  
Planning Commission:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Development Services Director  
Mark R. Tomich, AICP

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON CERTIFYING THE ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE COLTON SOIL SAFE PROJECT, ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING PROGRAM FOR THE SOIL SAFE LAND IMPROVEMENT PROJECT**

**WHEREAS**, the purpose of the Soil Safe Land Improvement Project ("Project") is to allow the placement of approximately 500,000 cubic yards of engineered soil on approximately 29 acres to raise the site out of the Santa Ana River floodplain; and

**WHEREAS**, implementation of the Project could potentially lead to future uses of the site for Light Industrial development, the extension of Fogg Street and the realignment of the Union Pacific Railroad right-of-way ("Potential Subsequent Projects"), and

**WHEREAS**, after voluntary cleanup of the approximately 4-acre Guyaux landfill by the property owner, Soil Safe would cover the landfill with engineered fill; and

**WHEREAS**, the Project proponent seeks a conditional use permit, the application for which, pursuant to section 18.58.060 of the City of Colton Municipal Code, is heard by the City of Colton Planning Commission; and

**WHEREAS**, pursuant to section 21067 of the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.), and section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the Planning Commission of the City of Colton ("City") is the lead agency for the Conditional Use Permit; and

**WHEREAS**, the City issued a Notice of Preparation for the Project on May 12, 2010, and circulated it for a period of 30 days pursuant to State CEQA Guidelines sections 15082, subdivision (a) and 15375, and;

**WHEREAS**, pursuant to State CEQA Guidelines section 15082, the City solicited comments, including details about the scope and content of the environmental information as well as potential feasible mitigation measures and alternatives, from responsible agencies, trustee agencies, and the public; and

**WHEREAS**, the City held a Public Scoping Meeting on May 25, 2010 pursuant to State CEQA Guidelines sections 15082, subdivision (c) and a second Community Meeting on June 23, 2010, and;

**WHEREAS**, a Draft EIR was completed and released for public review on October 25, 2010, and the City initiated a 45-day public comment period, ending on December 8, 2010, by filing a Notice of Completion and Availability with the State Office of Planning and Research; and

**WHEREAS**, during the 45-day comment period, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies and others pursuant to State CEQA Guidelines section 15086; and

**WHEREAS**, all potential significant adverse environmental impacts were sufficiently analyzed in the Draft EIR; and

**WHEREAS**, during the official public review period for the Draft EIR, the City received eleven written comments, all of which the City responded to in the Responses to Comments; and

**WHEREAS**, the City evaluated those comments and prepared written responses thereto that provide detailed reasons regarding the disposition of all comments; and

**WHEREAS**, the City prepared the Final EIR, which consists of the Draft EIR, revisions to the Draft EIR, Responses to Comments, and Mitigation Monitoring and Reporting Program, and, pursuant to Public Resources Code section 21092.5, the City provided copies of the responses to each commenting public agency at least ten days prior to certification of the EIR; and

**WHEREAS**, as the decisionmaking body of the City for the purposes of the considering the conditional use permit, the Planning Commission is responsible for certifying the EIR and making certain CEQA findings, as provided in sections 15090(b) and 15091 of the State CEQA Guidelines; and

**WHEREAS**, the Planning Commission of the City of Colton ("Planning Commission") reviewed and considered the information contained in the Final EIR; and

**WHEREAS**, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the Project; and

**WHEREAS**, the City satisfied all the requirements of CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines, and

**WHEREAS**, all of the findings and conclusions made by the Planning Commission pursuant to this Resolution are based upon substantial evidence in the entire record before the Planning Commission, and are not based solely on the information provided in this Resolution; and

**WHEREAS**, environmental impacts identified in the Final EIR which the City finds are less than significant and do not require mitigation are described in **Section II** hereof; and

**WHEREAS**, environmental impacts, identified in the Draft EIR as potentially significant but which the City finds can be mitigated to a level of less than significant through the imposition of feasible mitigation measures identified in the Draft EIR and set forth herein are described in **Section III** hereof; and

**WHEREAS**, environmental impacts identified in the Draft EIR as potentially significant but which the City finds cannot be fully mitigated to a level of less than significant, despite imposition of all feasible mitigate measures identified in the Draft EIR and set forth herein, are described in **Section IV** hereof; and

**WHEREAS**, alternatives to the Project that might eliminate or reduce significant environmental impacts are described in **Section V** hereof; and

**WHEREAS** because some environmental impacts identified in the Final EIR as potentially significant cannot be fully mitigated to a level of less than significant, despite the imposition of all feasible mitigation measures identified in the Final EIR and set forth herein, the Planning Commission has balanced the economic, legal, social, technological, and other benefits of the Project against its significant and unavoidable impacts, and has determined that the benefits of the Project outweigh the unavoidable adverse impacts, and therefore render those impacts "acceptable," and the Planning Commission has documented its determination regarding significant and unavoidable impacts in the Statement of Overriding Considerations in **Section VI** hereof; and

**WHEREAS**, the Planning Commission of the City of Colton ("Planning Commission") held public meetings on March 8 and April 12, 2011, at which time the Planning Commission reviewed and considered all of the information and data in the administrative record, including the Final EIR, and all oral and written evidence presented to it during all meetings and hearings and, to determine whether to certify the Final EIR, adopt a statement of overriding considerations, and adopt the Mitigation Monitoring Program for the Project; and

**WHEREAS**, prior to taking action, the Planning Commission has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the Final EIR, and the testimony from and all oral and written evidence presented to it during all meetings and hearings; and

**WHEREAS**, the Final EIR reflects the independent judgment of the Planning Commission and is deemed adequate for purposes of making decisions on the merits of the Project; and

**WHEREAS**, no comments made in the public hearings conducted by the City or any additional information has been submitted to the City that constitutes substantial new information requiring recirculation or additional environmental review under State CEQA Guidelines, section 15088.5; and

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

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COLTON RESOLVES AS FOLLOWS:**

## **SECTION I**

### **FINDINGS**

#### **A. PROJECT DESCRIPTION**

The proposed Project involves the placement of approximately 500,000 cubic yards of engineered fill (soil-cement) to raise the 29-acre project site above the 100-year flood elevation of the adjacent Santa Ana River. Its current elevation constrains the amount and type of development that can occur within the project area. In addition, a majority of the site is approximately 15-20 feet below the surrounding properties, which affects the ability of service providers to provide public services and utilities to these properties. The northern 4-acre portion of the site consists of an inactive landfill (Guyaux landfill) that contains materials that could pose a threat to the groundwater aquifer below. The Project would raise the property through the placement of soil-cement (a semi-impermeable material), cover and seal the landfill, and provide a stable platform for future development.

Upon completion of the project, the property owner or other parties could potentially develop/construct additional projects on top of the raised portion of the site, including: 1) Fogg Street Extension/Improvements Related to Right-of-Way Realignment; 2) Light Industrial Facilities; and 3) the Union Pacific Rail Line realignment ("Potential Subsequent Projects"). Timing of development of any or all of these additional projects is uncertain; however, as reasonably foreseeable outcomes of the Project, these Potential Subsequent Projects were analyzed in the EIR at a programmatic level of detail. The City's findings regarding the potential environmental impacts that could potentially result from the Potential Subsequent Projects are also set forth fully below; however, for clarity, findings on the project-level and programmatic-level impacts of the project are presented separately.

## B. LEGAL REQUIREMENTS

Public Resources Code section 21002 states that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” Section 21002 further states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

Pursuant to section 15091 of the State CEQA Guidelines, the City may only approve or carry out a project for which an EIR has been completed that identifies any significant environmental effects if the City makes one or more of the following written finding(s) for each of those significant effects accompanied by a brief explanation of the rationale for each finding:

1. Changes or alterations have been required in, or incorporated into, the project which will avoid or substantially lessen the significant environmental impact as identified in the EIR; or
2. Such changes or alterations are within the responsibility and jurisdiction of a public agency other than the City, and such changes have been adopted by such other agency, or can and should be adopted by such other agency; or
3. Specific economic, social, legal or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

Notably, section 21002 requires an agency to “substantially lessen or avoid” significant adverse environmental impacts. Thus, mitigation measures that “substantially lessen” significant environmental impacts, even if not completely avoided, satisfy § 21002’s mandate. (*Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521 (“CEQA does not mandate the choice of the environmentally best feasible project if through the imposition of feasible mitigation measures alone the appropriate public agency has reduced environmental damage from a project to an acceptable level”); *Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles* (1986) 177 Cal. App. 3d 300, 309 (“[t]here is no requirement that adverse impacts of a project be avoided completely or reduced to a level of insignificance . . . if such would render the project unfeasible”).)

CEQA requires that lead agencies adopt feasible mitigation measures or alternatives to substantially lessen or avoid significant environmental impacts. An agency need not, however, adopt *infeasible* mitigation measures or alternatives. (State CEQA Guidelines, § 15091, subs. (a), (b).) Public Resources Code section 21061.1

defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." State CEQA Guidelines section 15091 adds "legal" considerations as another indicia of feasibility. (See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565.) Project objectives also inform the determination of "feasibility." (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417.) "[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Id.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) "Broader considerations of policy thus come into play when the decisionmaking body is considering actual feasibility[.]" (*Cal. Native Plant Soc'y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000 ("Native Plant"); see also Pub. Resources Code, § 21081(a)(3) ("economic, legal, social, technological, or other considerations" may justify rejecting mitigation and alternatives as infeasible) (emphasis added).)

Environmental impacts that are less than significant do not require the imposition of mitigation measures. (*Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337, 1347.)

The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.) In addition, perfection in a project or a project's environmental alternatives is not required; rather, the requirement is that sufficient information be produced "to permit a reasonable choice of alternatives so far as environmental aspects are concerned." Outside agencies (including courts) are not to "impose unreasonable extremes or to interject [themselves] within the area of discretion as to the choice of the action to be taken." (*Residents Ad Hoc Stadium Com. v. Board of Trustees* (1979) 89 Cal.App.3d 274, 287.)

### **C. SUMMARY OF ENVIRONMENTAL FINDINGS**

At a regular meeting assembled on April 12, 2011, the Planning Commission determined that based on all of the evidence presented, including, but not limited to, the Final EIR, written and oral testimony given at meetings and hearings of the Planning Commission, and submission of comments from the public, organizations and regulatory agencies, the following environmental impacts associated with the Project are: 1) less than significant and do not require mitigation; or 2) potentially significant and but can be avoided or reduced to a level of insignificance through the identified mitigation measures; or 3) significant and cannot be fully mitigated to a level of less

than significant but will be substantially lessened to the extent feasible by the identified mitigation measures. This document contains the findings required under the California Environmental Quality Act ("CEQA") (Public Resources Code, §§ 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, title 14, §§15000 et seq.).

Public Resources Code section 21081.6 requires the City to prepare and adopt a mitigation monitoring and reporting program for any Project for which mitigation measures have been imposed to assure compliance with the adopted mitigation measures. The City is adopting a Mitigation Monitoring and Reporting Program for the Project in this resolution.

No comments made in the public hearings conducted by the Planning Commission or any additional information submitted to the City has produced any substantial new information requiring recirculation or additional environmental review of the Final EIR under CEQA because no new significant environmental impacts were identified, no substantial increase in the severity of any environmental impacts would occur, and no feasible Project mitigation measures or Project alternatives as defined in State CEQA Guidelines section 15088.5 were rejected.

## SECTION II-A

### IMPACTS OF THE SOIL SAFE PROJECT THAT ARE LESS THAN SIGNIFICANT AND THEREFORE DO NOT REQUIRE MITIGATION

Section 15091 of the State CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as "less than significant." These findings will nevertheless fully account for all such effects identified in the Initial Study (Draft EIR, Appendix A), and Section 7, *Effects Not Found to be Significant* of the Draft EIR in this Section II. Thus, the Planning Commission hereby finds that the following potential environmental impacts of the Project are less than significant:

**A. Aesthetics, Light and Glare – Substantially Damage Scenic Resources.** Development of the proposed project would have no impact on views from a State scenic highway. Interstate 10 and Interstate 215 are not designated as scenic routes within the vicinity of the proposed project. The site is currently vacant. Multiple unimproved dirt roads traverse the site. The land within the project boundaries and immediately to the south and east of the site appear to be regularly disturbed, but include non-native annual grassland, ruderal vegetation, and scattered trees. A four-acre portion of the site is the Guyaux landfill. Development of the project area as proposed would conform to the established pattern of the community. The project site does not contain any other significant scenic resources, such as rock outcroppings, mature specimen trees, unique or landmark features, or historic buildings. No impact would occur. (Draft EIR, at p. 7.0-1)

**B. Agricultural Resources – Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.** The proposed project site is not indicated on maps prepared pursuant to the Farmland Mapping and Monitoring Program as prime or unique farmland. (Draft EIR, at p. 7.0-1)

Conflict with Existing Zoning for Agricultural Use. The proposed project site is designated as Open Space on the City of Colton land use map. In addition, the site is not encumbered by a Williamson Act contract. (Draft EIR, at p. 7.0-1)

Conflict with Existing Zoning for Forest Land. The project site is not currently zoned for forest land, timberland, or timberland production. Approval of the project would not rezone or conflict with land classified as forest land, timberland, or timberland production. (Draft EIR, at p. 7.0-2)

Result in the Loss of Forest Land. The project site is not currently used for forest land, timberland, or timberland production. In addition, land in close proximity to the project site is not used for forest land, timberland, or timberland production. No impact would occur. (Draft EIR, at p. 7.0-2)

Involve Other Changes that Would Result in the Conversion of Farmland. The proposed project site is not currently used for agricultural purposes. Approval of the proposed project would not convert farmland to non-agricultural use. No impact would occur. (Draft EIR, at p. 7.0-2)

**C. Air Quality - Long-term Operational Emissions.** The project is the reclamation of approximately 29 acres of land currently located within the Santa Ana River floodplain. Activities associated with the proposed project are anticipated to last between three and five years and are analyzed in the Short-Term Impact analysis (Draft EIR, at pp. 3.2-25 through 3.2-34). As a result, the proposed project would not have any long-term activities. (Draft EIR, at p. 3.2-34).

Greenhouse Gas Emissions. SCAQMD currently does not have an adopted quantitative threshold of significance for GHG emissions from development projects. In the absence of such a threshold, and purely for the purpose of presenting a conservative analysis, the Draft EIR utilized a threshold of 1,100 MTCO<sub>2</sub>eq/yr, which has recently been adopted by the Bay Area Air Quality Management District (BAAQMD) in June 2010 and, among the approaches taken by the various air districts, is considered conservative. The BAAQMD does not have a GHG threshold of significance for construction emissions, but encourages the quantification and disclosure of the GHG emissions that would occur. Typically, construction-related GHG emissions are quantified and the (30-year amortized emissions) are added to a project's operational GHG emissions. As stated above, the project would not have operational emissions. Therefore, amortized construction emissions are compared to the BAAQMD

project-level threshold of 1,100 MTCO<sub>2</sub>eq per year. As shown in the Draft EIR Table 3.2-8, project emissions amortized over a 30-year period would be 126.18 MTCO<sub>2</sub>eq/yr and would be less than significant. (Draft EIR, at pp. 3.2-3 through 3.2-41).

**D. Biological Resources - Habitat Conservation Plan.** The project site is not located within an adopted habitat conservation plan or natural community conservation area. The project site is located several miles from the boundaries of the Riverside County Multiple Species Habitat Conservation Plan (MSHCP) the nearest HCP boundary to the project site. Additionally, there are no designated criteria cells adjacent to the project site that could be impacted by implementation of the proposed project. (Draft EIR, at p. 7.0-2)

Wetlands. Implementation of the proposed project may result in potential impacts to drainages under the jurisdiction of the US Army Corps of Engineers (USACE) and California Department of Fish and Game (CDFG). According to the Jurisdictional Delineation prepared for the project, however, no portion of the project site contains wetland parameters as described in the *Interim Regional Supplement to the USACE of Engineers Wetland Delineation Manual: Arid West Region (USACE, 2008)*. No USACE jurisdictional wetlands are located within the boundaries of the project site. (Draft EIR, at p. 3.3-22).

**E. Cultural Resources - Historical Resources.** Data from the San Bernardino Archaeological Information Center revealed that 47 cultural resources studies have taken place in the vicinity of the project site resulting in the recording of 27 cultural resources within a one-mile radius of the project boundaries. Of the 47 studies, five have assessed portions of the project site resulting in the recording of no cultural resources within its boundaries. Historic map and aerial photograph research did not indicate the presence of historic buildings within the project site. Flood control levees currently located outside the southern portion of the project site were originally implemented within the northern boundary prior to 1954. Additional research also indicated that a historic road and a historic canal were previously located within or adjacent to the project site boundaries. Although it has been accurately plotted in places and connecting known segments of the road indicates that it may have crossed the project site, current research has not depicted its exact alignment locally, and as such, any statements connecting this resource with the project site would be equivocal at best. Additional research has indicated that the historic road was located outside the property boundary. In addition, no trace of the canal or the road was recorded during the site investigation, and as such, is not considered to exist within the current project boundaries. Therefore, impacts to historic resources would be less than significant. (Draft EIR, at pp. 3.4-15 through 3.4-16).

**F. Geology, Soils and Seismicity – Surface Fault Rupture.** The project site is located within a seismically active region near the North American and Pacific tectonic plates. Faults within this region experience a significant amount of seismic activity. The San Jacinto Fault runs along the eastern edge of the City in a northwesterly-southeasterly direction, passing directly under the I-10/I-215 interchange. Also, the Rialto-Colton fault is located more than 1,500 feet north and northeast of the project boundaries. The project site is not located within an identified Alquist-Priolo Earthquake Fault Zone and there are no known faults (active, potentially active, or inactive) onsite. Therefore, the possibility of damage to the site due to ground rupture is considered negligible since active faults are not known to cross the site. Due to the lack of active faults located within the site and/or trending towards the site, less than significant impacts associated with fault rupture are anticipated. (Draft EIR, at p. 3.5-13).

Groundshaking. The project site is located in close proximity to an active earthquake fault zone (San Jacinto), as defined by the State Geologist. Based on the proposed grading concept for the project, no permanent structures that would result in the exposure of people to the effects of groundshaking are proposed at this time. However, there is the potential for future exposure associated with light industrial uses that may be developed onsite after the project is completed. To reduce impacts associated with seismic shaking, the site will be engineered to withstand groundshaking and effects on permanent structures in accordance with the California Building Code (CBC).

The procedures that will be used to prepare the site prior to the placement of the engineered fill are outlined in detail in the *Construction Sequencing Plan* (refer to Appendix C) and *Preliminary Geotechnical Investigation* (Appendix I). Implementation of the recommendations contained in the Preliminary Geotechnical Investigation will ensure that the grading activities undertaken onsite are in compliance with the seismic specifications of the CBC.

Based on the proposed site preparation measures and grading recommendations identified in the geotechnical investigation (Appendix I) that will be used to raise the elevation of the property, impacts resulting from ground shaking are considered less than significant. (Draft EIR, at pp. 3.5-14 through 3.5-15).

Liquefaction. According to the *San Bernardino County General Plan*, "Geologic Hazard Overlay" map, a majority of the project site is located within an area susceptible to moderate liquefaction potential. Liquefaction often occurs in earthquake-prone areas underlain by loose unconsolidated soils where groundwater is shallower than 50 feet. Since the site is located in close proximity to active earthquake faults (San Andreas and San Jacinto Fault Zones) and the site is underlain by recent alluvial soils from the historic Santa Ana River Channel, the site is considered to have a moderate potential for liquefaction. The final factor that determines liquefaction potential is groundwater elevation. As part of the *Phase II Environmental Site Assessment* (Appendix J), the Project Applicant constructed four groundwater monitoring wells onsite. Groundwater level measurements from these monitoring wells obtained between September 20,

2009 and October 8, 2009 range from approximately 85 feet to 94 feet below the existing ground surface (bgs). Groundwater elevations within the same wells sampled on March 12, 2010 ranged from approximately 62 feet to 68 feet bgs. In addition, according to the geotechnical investigation, the historic high groundwater elevation within the site is approximately 30 bgs. The Project Applicant provided a groundwater sampling study (Appendix N), which characterizes the groundwater depths within each of the monitoring wells constructed onsite. Based on the elevations collected within these wells, the study concluded that groundwater depth appears to be seasonal, with groundwater elevations 20 to 30 feet higher in March 2010, after the rainy season, than in October 2009, after a dry season.

Based on the observed groundwater levels beneath the site, the subsurface soil characteristics identified within the geotechnical investigation (Appendix I), and the placement of engineered fill (soil-cement) onsite, raising the property approximately 20 feet, the potential for liquefaction is considered negligible. This finding is based on the increase in depth of groundwater from the proposed surface of the site, the engineering characteristics of the engineered fill placed onsite (high cohesion, increased compressive strength, and low permeability) and the continuous groundwater pumping within the vicinity of the site by the City of Colton and City of Riverside. (Draft EIR, at pp. 3.5-15 through 3.5-16).

Landslides. According to the County of San Bernardino *General Plan, Geologic Hazard Overlay Map* (FH30C – Grand Terrace) (refer to Exhibit 3.5-1, *Geologic Hazards Overlay Map*), the project site is not located within an area susceptible to landslides. In addition, the geotechnical investigation (Appendix I) does not identify landslides within the project site. The topography of the site is relatively flat within the area located within the remnant floodplain of the Santa Ana River. The northern portion of the site where the Guyaux landfill is located is elevated above the floodplain approximately 10 to 15 feet. Slopes onsite or within properties surrounding the project site are relatively flat and are not prone to landsliding according to the geotechnical investigation. In addition, the slopes proposed for construction onsite would be constructed at a 3:1 (horizontal: vertical) angle to provide long-term stability. Construction of these slopes would be in compliance with City of Colton grading requirements and standards and the engineering design standards of the CBC, Section 1803. Since no landslides are located onsite and the proposed project would comply with City of Colton grading requirements and standards and the CBC, impacts associated with landslides are considered less than significant. (Draft EIR, at p. 3.5-17).

Expansive Soils. The project area is not particularly susceptible to soil expansion, due to the presence of sandy alluvial soils. However, there is the potential for expansive soils to be imported onto the project site during grading operations. The Project Applicant proposes mixing imported fill (i.e., sand, silt, and clay soils) with Portland cement to form an inert engineered fill. All soils would be required to meet the permit-driven acceptance criteria as established in the Sampling and Analysis Plan

(SAP) (provided in Appendix B) that would be approved by both SCAQMD and/or SARWQCB. The soils would undergo testing at three stages of processing, with the results reported to the regulating authorities as outlined in Draft EIR Section 2.4, *Project Characteristics*. Adherence to the SAP and the materials approval process would ensure that appropriate soils are mixed according to specifications, which would result in a final engineered fill that would not be susceptible to soil expansion. Therefore, potential impacts related to soil expansion would be reduced to less than significant levels with implementation of the project as proposed. In addition, a licensed geotechnical engineer/certified engineering geologist would monitor all grading activities onsite and perform the necessary testing (including expansion testing) to verify the soil characteristics of the engineered fill as described in Section 1802 of the CBC. (Draft EIR, at pp. 3.5-21 through 3.5-22).

Soils Incapable of Supporting Septic Tanks. The proposed project does not include habitable structures so septic systems or alternative wastewater disposal would not be required. Any future development would be required to connect to City wastewater services. (Draft EIR, at pp. 7.0-2 and 7.0-3)

**G. Hazards and Hazardous Materials - Project Located Within an Airport Land Use Plan, or Within 2.0 Miles of a Public Airport or Public-Use Airport.** The project site is not located within 2.0 miles of a public airport or public-use airport. The nearest public airport to the proposed project is San Bernardino International Airport, which is located approximately 5.0 miles to the northeast of the project site. (Draft EIR, at p 7.0-3)

Result in a Safety Hazard for People Residing or Working Within the Vicinity of a Private Airport. As discussed above, the project site is not located within 2.0 miles of a private airstrip. The nearest airport, San Bernardino International Airport, is located more than 5.0 miles from the project site. (Draft EIR, at p 7.0-3)

Expose People or Structures to a Significant Risk of Loss, Injury or Death Involving Wildland Fires. Adherence to requirements of the City of Colton Municipal Code Chapter 15.16 (Fire Code) ... and the 2006 International Fire Code. These standard regulations are not considered unique mitigation pursuant to the *CEQA Guidelines*. In addition, the site is not susceptible to wildland fires according to the San Bernardino County *General Plan, Wild Fire Hazard Overlay Map* (refer to Exhibit 3.5-1). (Draft EIR, p 7.0-3)

**H Hydrology and Water Quality – Groundwater Supplies.** The stormwater flows currently flowing across the project site would be rerouted around the site in newly constructed storm channel. While stormwater would no longer percolate within the proposed project site after project completion, it would continue to be allowed to recharge on adjacent or downstream properties, or in the Santa Ana River. Therefore, the proposed project would not substantially deplete groundwater supplies or interfere substantially with regional groundwater recharge.

The proposed project includes the use of a non-potable water well located on the Pico Rivera Pallet Company property. The demand on water supplies generated by the non-potable water well used during the processing of the soil-cement is evaluated in the Water Supply Assessment (WSA) (refer to Appendix Q). The WSA concluded that water demands would equal approximately 65 acre-feet per year for up to 5 years. In addition, it determined that there is sufficient water supply available to serve the proposed project as well as the City's existing and future water demands, including agricultural and industrial uses. Therefore, less than significant impacts related to the water well production would occur. (Draft EIR, at pp 3.7-47 and 3.7-48)

The City of Riverside Public Utilities Department (RPU) has proposed a water recharge project on property adjacent to the project site (North Aquifer Storage and Recovery project) and provided comment on the Draft EIR, particularly with regard to potential effects on groundwater associated with the placement of 500,000 cubic yards of soil on the 29-acre site and the potential for constituents in the imported soil to leach into the groundwater. RPU had 4 main issues of concern (Final EIR, at pp. 64 through 80 and subsequent correspondence dated March 8, 2011): The key points of disagreement among experts is summarized herein.

1. An independent peer review of the model input and output data was not performed.

EastStar Environmental Group conducted additional analysis to respond to RPU's comments and concluded the following: 1) because the assembled model is proprietary to EastStar, a copy of the actual program was not made available to RPU or its consultants. However, the model used is a compilation of publically available models (HELP and Dominico) both of which are standard models used in this type of analysis. The model and results have been reviewed by the Santa Ana Regional Water Quality Control Board and found to be applicable, relevant and appropriate. In addition the Water Board also concluded that the model accurately represents the site and that sol concentrations in the engineered fill will not pose a threat to water quality or the environment. (RWQCB Santa Ana Region, *Concurrence with the Soil Safe Inc., Proposed Engineered Fill Project, City of Colton, San Bernardino*, July 14, 2010 and RWQCB, *Final Environmental Impact Report (EIR) for Soil Safe Land improvement Project, City of Colton, San Bernardino*, March 23, 2011)

2. Concern that the risk based maximum concentrations predicted by the groundwater model would be lower if the depth to groundwater was shallower than was modeled.

RPU stated that the risk based maximum concentrations predicted by the groundwater model would be lower if the depth to groundwater was shallower than was modeled. RPU suggested that the model should evaluate a range of 15 to 95 feet below ground surface (bgs). The sensitivity analysis prepared for the project included depths to groundwater ranging from 45 to 95 feet below ground surface. The results of this analysis showed that risk based maximum

concentrations were protective of groundwater for the entire range of the sensitivity analysis. In addition, in the evaluation of RPU's own *Riverside North Aquifer Storage and Recovery Project*, its consultant used 45 feet bgs as the depth to groundwater at the Santa Ana River because it was shallower than current conditions. In response to RPU's request, EastStar re-ran the groundwater model using the 15-foot depth scenario to extend the sensitivity analysis. The results showed that a shallower groundwater table provides more mixing, resulting in higher risk based maximum concentrations and therefore, using a deeper depth to groundwater is a more conservative approach and the risk based maximum concentrations are protective of human health even at an unrealistically shallow groundwater depth.

3. Concern about the permeability of the engineered fill and infiltration rates.

RPU stated that if the Applicant's engineered fill has permeabilities less from those used in the modeling and sensitivity analysis, the infiltration rates and the resulting risk to groundwater could be greatly affected. EastStar confirmed that design permeability of the engineered fill can be readily achieved in the field. Quality control throughout the placement process is key to ensuring that the design permeabilities are maintained throughout the operation. The Applicant has prepared a Sampling and Analysis Plan (SAP) that calls for in-situ geotechnical testing of the placed fill to ensure that the specifications are consistently met throughout the vertical and aerial extents of the fill.

4. RPU requested that results from a sensitivity analysis range of 0 to 10 meters distance to groundwater receptors be provided.

The 10 meter distance from the edge of the fill to the groundwater receptor was used in the model because it represents the closest point of the engineered fill to the property line of the site. A minimum 25-foot wide stormwater diversion channel will be located around the perimeter of the site between the fill and the property line to divert stormwater around the site. In addition, a minimum 7-foot wide bench will separate the channel from the fill slope. This at least 32-foot wide area will be constructed of existing on-site soil that has been disked, hydrated, and re-compacted. As a result, the edge of the engineered fill will be at least 10 meters from the property line and therefore, the minimum 10-meter distance to the nearest groundwater receptor was utilized in the sensitivity analysis. The sensitivity analysis examined distances to the receptor from the edge of the fill ranging from 10 to 100 meters and showed that the risk based maximum concentration is increased with increasing distance from the fill. There are no potential receptors within 10 meters of the fill which is still within the project site boundaries. The nearest Riverside flume well is approximately 135 meters from the proposed edge of fill. As a result, EastStar believes that there is no need to expand the sensitivity analysis to include the area less than 10 meters from the edge of the fill.

Issues raised by the City of Riverside Public Utilities Department and its experts

have been addressed by the experts who conducted the groundwater modeling and sensitivity analysis, and prepared the various reports and plans, including the Sampling and Analysis Plan of the imported fill, in support of the proposed project. The City of Colton has reviewed all correspondence, all issues raised, and the subsequent additional analysis undertaken by the City's expert and conclusions reached. To the extent any disagreement remains, the City notes that it has the discretion to rely on its own experts. The City further finds that the conclusions of its experts are credible and reliable because they are consistent with the findings of the Regional Water Quality Control Board, which concluded that the project would result in beneficial impacts to groundwater.

Runoff Exceeding the Capacity of the Storm Drain System or Providing Substantial Polluted Runoff. Presently, the Guyaux Landfill receives run-on from neighboring properties to the north. The stormwater run-off from the roof drains, paved areas and lawns on residential properties flows along the street, enters the site and sheet flows onto Guyaux Landfill. Given the current surface conditions, most of this water appears to percolate into and through the uncapped and unlined fill of the Guyaux Landfill. The surface of the site contains petroleum hydrocarbons, metals, PCBs, volatile organic compounds (VOCs), and PAH compounds according to the Phase II Environmental Site Assessment (refer to Appendix J) analysis. Although constituents were below Total Threshold Limit Concentrations (TTL), Soluble Threshold Limit Concentrations (STLC) and Toxicity Characteristic Leaching Procedures (TCLP) in all of the samples in this investigation, the proposed land improvements would reduce surface/subsurface contact with the landfill and would decrease the potential for polluted runoff.

The Project Applicant proposes the construction of small trapezoidal channels along the project boundaries and a stormwater management pond. These components would ensure that stormwater exits the property at approximately the same location and velocities at or below current conditions and that typical BMPs are installed to treat polluted runoff (refer to Draft EIR Chapter 3.7, Impact 3.7-1 and 3.7-4, as well as Appendix K of the Draft EIR). The proposed elevated pad and slopes located along the project boundaries would be composed of inert engineered fill. This fill would cover the Guyaux Landfill, ensuring that surface runoff does not come into contact with materials in the old landfill and that pollutants do not reach the groundwater supply. Therefore, the proposed project would improve the quality of surface runoff. Post-construction runoff from the site is anticipated to improve in quality, and proposed stormwater facilities would have the capacity to control stormwater runoff entering the property from Florez and Fernando Streets as well as properties to the east of the project site. (Draft EIR, at pp 7.0-3 and 7.0-4)

Place Housing Within a 100-year Flood Hazard Area. No residential uses are proposed on the project site. After the completion of the project, the property would be deed restricted to preclude future residential uses. Only drainage facilities at the periphery of the site would be placed within the 100-year floodplain (see Draft EIR

Exhibit 2.0-4). Since these features are designed for drainage purposes, these facilities are not anticipated to be adversely affected. (Draft EIR, at pp. 7.0-3 and 7.0-4)

Expose People or Structures to a Significant Risk Involving Flooding. The project is located just north of the existing non-engineered levees along the north bank of the Santa Ana River. These levees are not certified by the County of San Bernardino or FEMA. However, according to the *County of San Bernardino General Plan (Hazard Overlays Map, Sheet #FH30B)*, the project site is not located within an "area of inundation" related to the Seven Oaks Dam. The proposed slopes lining the project site would exhibit a high level of impermeability and cohesion. The cement and soil mixture would not be prone to erosion and would provide an adequate level of protection against flooding, should the levee to the south fail. (Draft EIR at pp. 7.0-4 and 7.0-5)

Expose People or Structures to Inundation by Seiche, Tsunami, or Mudflow. The project site is relatively flat and would be removed from the 100-year floodplain. Therefore, no mudflows would occur onsite. In addition, the site is located far inland, and is not expected to experience impacts related to tsunamis. There is little potential for seiche within the Santa Ana River. The project site would be buffered by levees; therefore, it is unlikely that seiche could occur resulting in significant damage. (Draft EIR, at pp. 7.0-4 and 7.0-5)

I. Land Use and Planning - Habitat Conservation Plan. The project site is not located within an adopted habitat conservation plan or natural community conservation area. The project site is located several miles from the boundaries of the Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Additionally, there are no designated criteria cells adjacent to the project site that could be impacted by implementation of the proposed project. (Draft EIR, at p. 7.0-5)

Physically Divide an Established Community. The City of Colton is physically divided by the Santa Ana River. The proposed project site is located within a portion of the Santa Ana River floodplain. The proposed project involves raising the property above the 100-year floodplain. While the construction activities associated with the project may temporarily create physical barriers due to debris, materials, and cordoned impact areas, the Santa Ana River already acts as a barrier between urbanized land uses to the east of the river and urbanized land uses to the north and west. Therefore, the project would not substantially add or contribute to this pre-existing physical barrier. Moreover, upon completion of the proposed project, the site would remain undeveloped until future development is allowed to occur. The elevated project site would not divide an established community, since it would be raised to the same general elevation as surrounding property. (Draft EIR, at p. 3.8-11)

Regional Plan Consistency. The proposed project would be consistent with the goals of SCAG's 2008 Regional Comprehensive Plan (RCP) and 2008 Regional Transportation Plan (RTP). The key objective of the proposed project is to reclaim the 29-acre site currently located within the Santa Ana River floodplain. This does not

represent a regional-scale change in the existing land use pattern. The proposed improvements do not substantially impact the regional transportation system, nor do these improvements adversely impact resource conservation, economic vitality, or quality of life. Therefore, the proposed project is not regionally significant. The project would not conflict with the SCAG plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. (Draft EIR, at p. 3.8-12)

Colton General Plan Consistency. The project site is designated as Open Space. This category applies to areas that are unsafe for human habitation due to environmental hazards, including the Santa Ana River floodplain. The intended uses for the Open Space category are recreational, equestrian, and agricultural. According to the Colton *General Plan*, an Open Space designation does not exclude land from potential development opportunities; rather, it recognizes inherent constraints that may prevent urbanization in these locations regardless of the *General Plan* category. The project's location within the 100-year floodplain and historic uses of the property are considered constraints that affect potential development of the site. The proposed project would be consistent with the Open Space designation, because it is proposing the elevation of the site rather than a change in land use. Upon completion of the proposed project, the site would remain vacant until a future subsequent project is proposed and developed on site. (Draft EIR, at p. 3.8-15)

Colton Zoning Code Consistency. The project would remove the constraints that impede site development and eliminate the rationale for the site's Open Space land use designation and zoning. The proposed project would be consistent with the Open Space classification, because upon completion, the site would remain vacant until a future subsequent project is proposed and developed on site. No zone change is proposed. (Draft EIR, at p. 3.8-16)

**J. Noise – Expose People Residing or Working Near a Public Use Airport to Excessive Noise Levels.** The project site is not located within an airport land use plan, and is not located within two miles of a public airport. The nearest public airport to the proposed project is San Bernardino International Airport, which is located approximately 5.0 miles to the northeast of the project site. (Draft EIR at p. 7.0-5)

Expose People Residing or Working in the Project Area to Excessive Noise Levels From a Private Airstrip. The project site is not located within the vicinity of a private airstrip. (Draft EIR at pp. 7.0-5 and 7.0-6)

Groundborne Vibration. Groundborne vibration decreases rapidly with distance. Based on Federal Transit Administration (FTA) data, vibration velocities from typical heavy construction equipment operations that would be used during project construction range from 0.003 to 0.210 inch-per-second peak particle velocity (PPV) at 25 feet from the source of activity. At 75 feet from the source of activity, vibration velocities range from 0.001 to 0.042 inch-per-second PPV, and so would be below the FTA structural damage threshold. The nearest sensitive receptors, residential uses, are

located approximately 75 feet to the north of the Guyaux landfill. Construction within this 75 feet distance would occur for a short duration (Phase A and B) during the construction of the proposed drainage features on the northern property boundary, placement of the soil-cement on Guyaux landfill, and construction of the proposed noise-attenuating berm (refer to Draft EIR Chapter 2.0, *Project Description*, for Phasing Plan).

Groundborne vibration would be generated primarily during access road construction, grading of the engineered fill, and haul-truck travel. However, these activities are not anticipated to generate excessive groundborne vibration levels that would negatively impact the residential uses to the north. The groundborne vibration resulting from truck hauling activities would not exceed the FTA architectural damage criterion of 0.20 inch/second. Loaded haul trucks would generate vibration levels of approximately 0.076 inch/second at 25 feet, well below the FTA threshold. In addition, NOI-3, set forth below, requires that haul trucks avoid the residential community to the north of the project site.

In addition, the proposed processing equipment would be located more than 500 feet from these residential uses. Because vibration decreases rapidly with distance, the processing equipment would not generate vibration-related impacts on these residences. Less than significant impacts are anticipated in this regard and no mitigation measures are required. (Draft EIR, at pp 3.1-19 through 3.1-20)

**K. Population and Housing – Displace Substantial Numbers of Existing Housing.** The project site is vacant and, therefore, would not displace existing housing. (Draft EIR at p. 7.0-6)

Displace Substantial Numbers of People. The project site is vacant and, therefore, would not displace existing housing. (Draft EIR, at p. 7.0-6)

Population Growth. The proposed project would generate temporary construction-related employment opportunities (up to 11 employees) within the City. Given that the construction-related employment and resultant potential population growth are anticipated to be minimal, and would fall within the City and SCAG's growth projections, the project would not induce substantial population growth in the City, and a less than significant impact would occur in this regard. (Draft EIR, at p. 3.10-10)

**L. Public Services and Utilities – Result in Substantial Adverse Physical Impacts Including Governmental Facilities, Acceptable Service Ratios, Response Times or Other Performance Objectives for any Public Services:**

Schools - The proposed project would not have an adverse effect on school services because the project would employ approximately 11 employees for a period of up to 5 years. (Draft EIR, at p. 7.0-6)

Parks - The proposed project would not generate increased demand for parks

because the project would only employ 11 people for period of up to 5 years. The project site had previously been considered for a Regional Park but is no longer being considered due to its location within the 100-year floodplain and the City's difficulty obtaining the necessary properties to construct the facility. Any future development would be subject to development impact fees which are intended to offset any incremental increases in demand or use of park facilities. Refer to Chapter 9.0, *Potential Subsequent Projects*, for information regarding future development and parks. (Draft EIR, at pp. 7.0-6 and 7.0-7)

Other public facilities - It is not anticipated that the proposed project would create the need for other additional public facilities, including library services. (Draft EIR at p. 7.0-7)

Fire Protection. The project site is currently undeveloped; therefore, minimal fire protection is required. The Property Owner will remediate onsite hazardous materials prior to initiation of construction of the proposed project. After remediation, the Project Applicant would place engineered fill material on top of the site to raise it out of the floodplain. During construction of the land improvements, it is not anticipated that additional fire protection services would be necessary. Similarly, once construction of the proposed improvements is complete, it is not anticipated that additional fire protection services would be necessary. Currently, no land uses are proposed for the site once remediated. Therefore, no significant fire protection service impacts are anticipated. (Draft EIR, at p. 3.11-7)

Natural Gas. The proposed project would not increase natural gas consumption, because onsite processing equipment would be electric powered and earth-moving equipment (e.g., backhoe, dozer, etc.) would be diesel powered. (Draft EIR, at p. 3.11-9)

Wastewater Treatment. The construction workers located on site would utilize portable toilets during construction hours. Therefore, wastewater treatment would not be required on site. A portable toilet service provider would be contracted to maintain these facilities and remove them upon completion of the project.

Water Supply. According to the findings of the *Water Supply Assessment* (Appendix Q), there is sufficient water supply available to serve the proposed project, as well as the City's existing and future water demands, without the construction of new water or wastewater treatment facilities or the expansion of existing facilities. Due to the nature of the proposed project, it is not anticipated that new or expanded water or wastewater treatment facilities would be necessary. Water supply during the 3- to 5-year construction phase would come from the Property Owner's existing service connection to the north of the project site within the Pico Rivera Pallet Company property. Therefore, no significant impacts would occur with implementation of the proposed project. (Draft EIR, at p. 3.11-11)

**M. Recreation – Increase the Use of Existing Neighborhood and Regional Parks or Other Recreational Facilities.** The project is not anticipated to lead to the deterioration of existing neighboring or regional parks or other recreational facilities because the project would only employ 11 people. (Draft EIR, at p. 7.0-7)

Include Recreational Facilities or Require the Construction or Expansion of Recreational Facilities. The proposed improvements would be constructed in close proximity (approximately 1,200 feet from the site at the nearest point) to the Santa Ana River Trail, which is designated as a National Recreational Trail. As stated in the Draft EIR Chapter 3.1, *Aesthetics, Light, and Glare*, minimal impacts to the existing viewshed from the trail would result due to the distance to the project site and the level of obstruction between the trail and the project site. Development of the proposed project, however, does not include recreational facilities or require the construction or expansion of recreational facilities. (Draft EIR, at p. 7.0-7)

**N. Transportation and Circulation – Result in a Change in Air Traffic Patterns.** The project site is not located within an airport land use plan or within two miles of a public airport or airstrip. In addition, the project site is not located within the vicinity of an approach or takeoff path and would not affect its operations. The nearest public airport to the proposed project is San Bernardino International Airport, which is located approximately 5.0 miles to the northeast of the project site. Implementation of the proposed project would not result in any changes to traffic patterns. (Draft EIR, at pp. 7.0-7 and 7.0-8)

Substantially Increase Hazards Due to a Design Feature (e.g., Sharp Curves or Dangerous Intersections) or Incompatible Uses. No public roadway improvements are proposed as part of the proposed project, and there are no incompatible uses which have been identified with this project. Access to the project site would be from existing Fogg Street. (Draft EIR, at p. 7.0-8)

Conflict with Adopted Policies, Plans, or Programs Supporting Alternative Transportation (e.g., Bus Turnouts, Bicycle Racks). Due to the nature of the project, it would not conflict with adopted policies, plans, or programs supporting alternative transportation. (Draft EIR, at p. 7.0-8)

Emergency Access. Development of the project site and on-site haul roads from Fogg Street would be subject to design review by the City's Fire and Police Departments to assure that adequate emergency access is provided. In addition, a secondary emergency access point would be provided along the northern boundary and exit through the adjacent property to the north of the site (Pico Rivera Pallet Company). The addition of this secondary emergency access point, as well as improvements to existing access roadways used to enter the project area, will provide improved emergency access in this area. Therefore, the project would not result in inadequate emergency access, and less than significant impacts would occur in this regard. (Draft EIR, p. 3.12-27)

## SECTION II-B

### IMPACTS OF THE POTENTIAL SUBSEQUENT PROJECTS THAT ARE LESS THAN SIGNIFICANT AND THEREFORE DO NOT REQUIRE MITIGATION

Section 15091 of the State CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as "less than significant." These findings will nevertheless fully account for all such effects identified in the Initial Study (Draft EIR, Appendix A), and Section 9, *Potential Subsequent Projects* of the Draft EIR in this Section II-B. Thus, the Planning Commission hereby finds that the following potential environmental impacts of the Potential Subsequent Projects are less than significant:

**A. Aesthetics, Light and Glare – Substantially Damage Scenic Resources.**

Development of the potential subsequent projects would have no impact on views from a State scenic highway. Interstate 10 and Interstate 215 are not designated as scenic routes within the vicinity of the proposed project. The preferred alignment of the future Fogg Street and railroad realignment crosses sites that are currently vacant. Multiple unimproved dirt roads traverse the area. The area appears to be regularly disturbed, but includes non-native annual grassland, ruderal vegetation, and scattered trees as well as the Santa Ana woolly star, a State and federally listed plant. The project area does not contain any other significant scenic resources, such as rock outcroppings, mature specimen trees, unique or landmark features, or historic buildings. No impact would occur. (Draft EIR, at p. 7.0-1)

Visual Character. Implementation of the Fogg Street extension would potentially create short-term impacts to the visual character of the area due to the presence of construction equipment and materials and introduce temporary lighting directed towards equipment, debris piles, materials, or disturbed areas during construction. Construction of the Fogg Street extension would place a permanent roadway facility within the Santa Ana River floodplain viewshed. However, the project site would be level with the proposed Soil Safe Land Development project, which, based on the visual simulations included in Chapter 3.1, *Aesthetics, Light and Glare* (Draft EIR at pp. 3.1-15 through 3.1-25) do not restrict a significant portion of the Santa Ana River floodplain viewshed. With implementation of this roadway it is anticipated that the majority of this viewshed would remain intact. Therefore, less than significant impacts to aesthetic resources resulting from construction and long-term use of the Fogg Street realignment are expected. The area proposed for realignment of Fogg Street would require a site-specific visual impact assessment at the time when improvement designs are proposed. This is a standard condition of approval applied by the City of Colton to large development proposals where visual impacts may be adverse and no additional mitigation measures are required. (Draft EIR, at p. 9.0-6)

Development of the railroad right-of-way realignment would be required to conform to Caltrans, California Public Utilities Commission (CPUC) and City railroad

right-of-way design standards and requirements (Municipal Code Chapter 10.20). In the event that a rail bridge is proposed, Caltrans would regulate rail bridge construction while the CPUC would be responsible for licensing new rail crossings and safety enforcement for traditional rail freight. In addition, this potential subsequent project would remove the existing railroad right-of-way along 9<sup>th</sup> Street and ten intersections with at-grade crossings from the neighborhood that it currently dissects and, in turn, reduce existing impacts to aesthetics, light, and glare. Therefore, less than significant impacts to aesthetic resources resulting from construction and long-term use of the railroad realignment are expected. (Draft EIR, at p. 9.0-10)

**B. Agricultural Resources – Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.** The proposed project site, including the Fogg Street extension and UPRR rail line realignment, is not indicated on maps prepared pursuant to the Farmland Mapping and Monitoring Program as prime or unique farmland. (Draft EIR, at p. 7.0-1)

Conflict with Existing Zoning for Agricultural Use. The proposed project site, including the Fogg Street extension and UPRR rail line realignment, is designated as Open Space on the City of Colton land use map. In addition, the site is not encumbered by a Williamson Act contract. (Draft EIR, at p. 7.0-1)

Conflict with Existing Zoning for Forest Land. The project site, including the Fogg Street extension and UPRR rail line realignment, is not currently zoned for forest land, timberland, or timberland production. Approval of the project would not rezone or conflict with land classified as forest land, timberland, or timberland production. (Draft EIR, at p. 7.0-2)

Result in the Loss of Forest Land. The project site, including the Fogg Street extension and UPRR rail line realignment, is not currently used for forest land, timberland, or timberland production. In addition, land in close proximity to the project site is not used for forest land, timberland, or timberland production. No impact would occur. (Draft EIR, at p. 7.0-2)

Involve Other Changes that Would Result in the Conversion of Farmland. The proposed project site, including the Fogg Street extension and UPRR rail line realignment, is not currently used for agricultural purposes. Approval of the proposed project would not convert farmland to non-agricultural use. No impact would occur. (Draft EIR, at p. 7.0-2)

**C. Biological Resources - Habitat Conservation Plan.** The project site is not located within an adopted habitat conservation plan or natural community conservation area. The project site is located several miles from the boundaries of the Riverside County Multiple Species Habitat Conservation Plan (MSHCP) the nearest HCP boundary. Additionally, there are no designated criteria cells adjacent to the project site

that could be impacted by implementation of the proposed project. (Draft EIR, at p. 7.0-2)

**D. Cultural Resources – Light Industrial Uses.** Should light industrial facilities be implemented on the project site in the future, development would occur on engineered fill, and therefore, it is unlikely that previously undiscovered paleontological, archaeological, historic resources, or human remains would be uncovered. Therefore, it is not anticipated that these resources would be impacted during future construction activities for light industrial facilities. (Draft EIR, at p. 9.0-22)

**E. Geology, Soils and Seismicity – Surface Fault Rupture.** The potential Subsequent Project sites are located within a seismically active region near the North American and Pacific tectonic plates. Faults within this region experience a significant amount of seismic activity. The San Jacinto Fault runs along the eastern edge of the City in a northwesterly-southeasterly direction, passing directly under the I-10/I-215 interchange. In addition to the San Jacinto fault which is located to the north and northeast of the project area, the proposed project would be located in close proximity to the Rialto-Colton fault which is mapped as a buried fault immediately to the northeast the project area. The project area is not located within an identified Alquist-Priolo Earthquake Fault Zone and there are no known faults (active, potentially active, or inactive) onsite. Therefore, the possibility of damage to the Potential Subsequent Project sites due to ground rupture is considered negligible since active faults are not known to cross the Light Industrial project site or the future alignments of Fogg Street or the UPRR tracks. (Draft EIR, at pp. 3.5-7 and 3.5-13.)

**Soils Incapable of Supporting Septic Tanks.** The Fogg Street Extension project and the UPRR rail line realignment project do not include habitable structures so would not require wastewater treatment either by septic or other wastewater treatment system. Any future Light Industrial development of the Soil Safe Land Improvement project site would be required to connect to City wastewater services. (Draft EIR, at pp. 7.0-2 and 7.0-3)

**F. Hazards and Hazardous Materials - Project Located Within an Airport Land Use Plan, or Within 2.0 Miles of a Public Airport or Public-Use Airport.** The project area containing the project site and future alignments of Fogg Street and the UPRR rail line is not located within 2.0 miles of a public airport or public-use airport. The nearest public airport to the proposed project is San Bernardino International Airport, which is located approximately 5.0 miles to the northeast of the project site. (Draft EIR at p 7.0-3)

**Result in a Safety Hazard for People Residing or Working Within the Vicinity of a Private Airport.** As discussed above, the project area containing the project site and future alignments of Fogg Street and the UPRR rail line is not located within 2.0 miles of a private airstrip. The nearest airport, San Bernardino International Airport, is located

more than 5.0 miles from the project site. (Draft EIR at p 7.0-3)

Expose People or Structures to a Significant Risk of Loss, Injury or Death Involving Wildland Fires. Development of future Light Industrial uses on the project site must adhere to requirements of the City of Colton Municipal Code Chapter 15.16 (Fire Code) ... and the 2006 International Fire Code. These standards regulations are not considered unique mitigation pursuant to the *CEQA Guidelines*. In addition, the site is not susceptible to wildland fires according to the San Bernardino County *General Plan, Wild Fire Hazard Overlay Map* (refer to Exhibit 3.5-1). (Draft EIR p 7.0-3) No habitable structures are associated with the future Fogg Street extension or UPRR rail line realignment.

**G. Hydrology and Water Quality – Groundwater Supplies.** The stormwater flows currently flowing across the project area (including the potential future alignments of Fogg Street and the UPRR realigned rail line) and onto the Light Industrial project site would be rerouted around that site in a newly constructed storm channel. With these new drainage improvements, stormwater would continue to be allowed to recharge on adjacent or downstream properties, or in the Santa Ana River. Therefore, the proposed Potential Subsequent projects would not substantially deplete groundwater supplies or interfere substantially with regional groundwater recharge. (Draft EIR at pp 3.7-47 through 3.7-48 and 9.0-36))

Place Housing Within a 100-year Flood Hazard Area. No residential uses are proposed for any of the Potential Subsequent projects. After the completion of the Soil Safe land Improvement project, that property would be deed restricted to preclude future residential uses. Only drainage facilities at the periphery of the site would be placed within the 100-year floodplain (see Draft EIR Exhibit 2.0-4). Since these features are designed for drainage purposes, these facilities are not anticipated to be adversely affected. (Draft EIR at pp. 7.0-3 and 7.0-4) The Fogg Street and UPRR projects would not include any habitable structures.

Expose People or Structures to a Significant Risk Involving Flooding. The project area is located just north of the existing non-engineered levees along the north bank of the Santa Ana River. These levees are not certified by the County of San Bernardino or FEMA. However, according to the *County of San Bernardino General Plan* (Hazard Overlays Map, Sheet #FH30B), the project area is not located within an “area of inundation” related to the Seven Oaks Dam. The proposed slopes lining the Light Industrial project site would exhibit a high level of impermeability and cohesion. The cement and soil mixture would not be prone to erosion and would provide an adequate level of protection against flooding, should the levee to the south fail. (Draft EIR at pp. 7.0-4 and 7.0-5) The Fogg Street and UPRR projects would not include any habitable structures.

Expose People or Structures to Inundation by Seiche, Tsunami, or Mudflow. The Light Industrial project site is relatively flat and would be removed from the 100-

year floodplain with implementation of the Soil Safe Land Improvement project. Therefore, no mudflows would occur onsite. In addition, the project area is located far inland, and is not expected to experience impacts related to tsunamis. There is little potential for seiche within the Santa Ana River due to the low flows throughout much of the year. The project area would be buffered by levees; therefore, it is unlikely that seiche could occur resulting in significant damage. (Draft EIR at pp. 7.0-4 and 7.0-5)

**H. Land Use and Planning - Habitat Conservation Plan.** The project site is not located within an adopted habitat conservation plan or natural community conservation area. The project site is located several miles from the boundaries of the Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Additionally, there are no designated criteria cells adjacent to the project site that could be impacted by implementation of the proposed project. (Draft EIR, at p. 7.0-5)

Physically Divide an Established Community. The City of Colton is physically divided by the Santa Ana River. The project area is located within a portion of the Santa Ana River floodplain. The potential subsequent Light Industrial uses would be developed on the site that has been raised out of the 100-year floodplain. The elevated project site would not divide established communities, since the project site would be raised to the same general elevation as surrounding property. The extension of Fogg Street would not divide the community because it would be aligned to the south and east of the existing neighborhood to the north. The community does not extend across the proposed Fogg Street extension or UPRR rail line alignments. (Draft EIR, at pp. 3.8-11 and 9.0-38 through 9.0-40)

Regional and Local Plan Consistency. (Fogg Street and UPRR only) The proposed Fogg Street extension and UPRR realignment projects would be consistent with the goals of SCAG's 2008 Regional Comprehensive Plan and Guide (RCPG) and 2008 Regional Transportation Plan (RTP). The Fogg Street alignment is included in the City's Circulation Element as a completed street and the realignment of the UPRR would remove the existing railroad tracks that currently physically divide the community. (Draft EIR, at pp. 9.0-38 and 9.0-40)

**I. Noise – Expose People Residing or Working Near a Public Use Airport to Excessive Noise Levels.** The project site is not located within an airport land use plan, and is not located within two miles of a public airport. The nearest public airport to the proposed project is San Bernardino International Airport, which is located approximately 5.0 miles to the northeast of the project site. (Draft EIR at p. 7.0-5)

Expose People Residing or Working in the Project Area to Excessive Noise Levels From a Private Airstrip. The project site is not located within the vicinity of a private airstrip. (Draft EIR at pp. 7.0-5 and 7.0-6)

**J. Population and Housing – Displace substantial numbers of existing housing.** The project site is vacant and, therefore, would not displace existing housing. (Draft EIR at p. 7.0-6 and 9.0-47 through 9.0-48)

Displace substantial numbers of people. The project site is vacant and, therefore, would not displace existing housing. (Draft EIR at pp. 7.0-6 and 9.0-47 through 9.0-48)

Population Growth. Improvement to Fogg Street and the realigned UPRR would not induce population growth in the area through the development of homes or businesses. Fogg Street is classified in the City's *General Plan* as a collector road through this part of the City, serving both businesses and residences and providing access to La Cadena Drive and Mount Vernon Avenue and the Interstate 10/Interstate 215 Freeways. Although Fogg Street would be extended, implementation of these improvements would not induce population growth. Rather, they would enable the City to re-route industrial traffic away from 8<sup>th</sup> and Congress Streets, reducing traffic along these roadways and the residences that front them. (Draft EIR at p. 9.0-48)

The UPRR Railroad is not an extension or an addition but merely a realignment of an existing stretch of railroad right-of-way that divides an established community. Implementation of these improvements would not induce population growth. Rather, they would enable the City to re-route railroad traffic away from the existing neighborhood. Therefore, the railroad right-of-way realignment would result in a less than significant impact involving population growth. (Draft EIR at p. 9.0-48)

New Light Industrial uses on the project site could cause population growth to occur through the development of businesses, on the project site. Based on the *Employment Density Study Summary Report* prepared for the Southern California Association of Governments by The Natelson Company, Inc (October 31, 2001), the site could conservatively generate up to 568 employees. Based on estimates from the California Economic Development Department and the US Census Bureau (refer to Chapter 3.10, *Population and Housing*, for jobs/housing balance discussion), the City's existing jobs-housing ratio is 1.31. The California Department of Housing and Community Development (HCD) provide a target goal of 1.5 jobs per housing unit, and the County of San Bernardino has a target goal of 1.2 jobs per housing unit.

Therefore, the employment created by the light industrial facilities, would further increase the City's jobs/housing balance moving it closer to the County's target goal of 1.2. For future development proposals, City staff will determine the need, if any, and appropriate level of environmental review and/or CEQA documents. (Draft EIR at p. 9.0-48)

**K. Public Services and Utilities – Fogg Street Extension/Improvements Related to Right-of-Way Realignment.** The Fogg Street extension and improvements related to right-of-way realignment are not anticipated to impact fire and police protection

services.

Curbs and gutters would be developed as part of these improvements, as required by the City of Colton. The curbs and gutters would be sized to accommodate flows from the area and would direct flows to the City's stormwater system. Therefore, no significant impacts would occur.

These improvements would require minimal water use in the short term. Therefore, no significant impacts would occur with regard to water supply.

Given the nature of these improvements, no wastewater or solid waste would be generated. Therefore, no significant impacts are anticipated at this program level. (Draft EIR, at p. 9.0-50)

UPRR Rail Line Realignment. Improvements are not anticipated to impact natural gas or electricity services, or water and wastewater pipelines. It is not anticipated that City curbs and gutters would be impacted by the railroad right-of-way realignment. (Draft EIR at p. 9.0-5)

**L. Transportation and Circulation – Result in a Change in Air Traffic Patterns.** The project area is not located within an airport land use plan or within two miles of a public airport or airstrip. In addition, the project site is not located within the vicinity of an approach or takeoff path and would not affect its operations. The nearest public airport to the proposed project is San Bernardino International Airport, which is located approximately 5.0 miles to the northeast of the project site. Implementation of the proposed project would not result in any changes to traffic patterns. (Draft EIR at pp. 7.0-7 and 7.0-8)

Conflict with Adopted Policies, Plans, or Programs Supporting Alternative Transportation (e.g. Bus Turnouts, Bicycle Racks). The Fogg Street extension and UPRR realignment would not affect alternative transportation plans or programs because they do not include new land uses. Development of the raised project site will require adherence to adopted policies for alternative modes of transportation. Therefore, this impact is less than significant.

Emergency Access. Development of the project site would be subject to design review by the City's Fire and Police Departments to assure that adequate emergency access is provided. In addition, a secondary emergency access point for the Light Industrial site would be provided along the northern boundary and exit through the adjacent property to the north of the site (Pico Rivera Pallet Company). The addition of this secondary emergency access point, as well as improvements to existing access roadways used to enter the project area, will provide improved emergency access in this area. Therefore, the project would not result in inadequate emergency access, and less than significant impacts would occur in this regard. (Draft EIR p. 3.12-27) The extension of Fogg Street would connect the two ends of Fogg Street and provide an additional roadway through the area improving emergency access. The realignment of the UPRR tracks would improve circulation by eliminating 10 at-grade crossings.

## SECTION III-A

### POTENTIALLY SIGNIFICANT EFFECTS OF THE SOIL SAFE PROJECT THAT HAVE BEEN MITIGATED BELOW A LEVEL OF SIGNIFICANCE WITH THE ADOPTION OF MITIGATION MEASURES

The Planning Commission finds that the following environmental impacts identified in the EIR are potentially significant but can be mitigated to a less than significant level. The potentially significant impacts and the mitigation measures which will reduce them to a less than significant level are set out in the EIR and are summarized as follows:

#### A. AESTHETICS, LIGHT AND GLARE

##### **Potential Impact**

Implementation of the proposed project may have a substantial adverse effect on a scenic vista, visual character, and create light and glare.

##### **Finding**

Pursuant to CEQA section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

##### **Rationale**

With the mitigation that has been imposed, potential impacts to scenic vistas, visual character and light and glare will be reduced to a less than significant level. The potential impacts, and the reasons that those impacts will be less than significant, are described below.

Visual Character. The proposed project would permanently alter the visual character of the site, which is currently undeveloped land. However, the site is highly disturbed and the vegetation found onsite is dominated by ruderal vegetation, including non-native grasses with scattered patches of Riversidean sage scrub vegetation. The majority of the drainage area is devoid of vegetation. Therefore, the development of the site would not significantly impact vegetation which would be considered a scenic resource, and once completed, the site would look similar to the existing condition, however raised approximately 20 feet in elevation. The proposed condition would be a manufactured landform that is devoid of vegetation and offers no habitat value onsite. Based on the visual simulations prepared for the project (Draft EIR pp. 3.1-15 through 3.1-25), views from the Santa Ana River Trail would not change significantly from the existing conditions. The site's character is different when viewed in close proximity due to the increase in elevation; however, it would not be considered a significant impact since the site would still function as open space upon project completion. (Draft EIR, at pp.3.1-12 and 3.1-13)

Scenic Vistas. Implementation of the proposed project would create an increase in the elevation across the site, which would cause a substantial change in the visual character of the site and may have an adverse impact on viewsheds within the project area and surrounding areas. Short-term construction impacts to scenic vistas would not occur as a result of processing activities associated with placement of the engineered fill. Related facilities would be present adjacent to the project site on approximately three acres of City-owned property during the construction period, consisting of a site office, scale master trailer, employee parking area; and a weigh scale. Equipment proposed for this facility would be less than 14 feet tall and the designated processing area would measure approximately 300 feet by 150 feet (approximately one acre), and would be located away from the residential neighborhood to the north. Construction and processing equipment would not be visible during the majority of construction activities, because a temporary non-vegetated earthen berm made of soil-cement to reduce the potential of fugitive dust (up to 5 feet in elevation) would be constructed along the northerly site perimeter during the initial phases of the proposed construction (Mitigation Measure AES-1).

For the duration of construction (3 to 5 years), the site would be accessed via two temporary access roads connecting the east side of the project site to Congress Street and East Fogg Street north of the project site. Primary construction ingress would be provided along existing unpaved roadways that connect to Congress and East Fogg Streets. For trucks exiting the site, a roadway would be constructed using gravel on native soil beginning at the project's construction trailer/weigh scale and extending approximately 800 feet north to an existing curb cut along Congress Street (south of Cedar Street). Because the access roads are temporary and they would occupy a small portion of the total Santa Ana River floodplain viewshed, less than significant impacts would result from their construction and use.

Long-term impacts would occur with implementation of the proposed project. The proposed activities on the site would raise the project area approximately five feet above the existing grades along Florez and Fernando Streets. Presently, views of the Santa Ana River floodplain from these two streets are unobstructed, aside from an existing chain-link fence and scattered vegetation. With implementation of the proposed project, these viewsheds would be partially shielded by the proposed engineered fill. At the termini of Florez and Fernando Streets, the proposed fill would occupy a larger portion of the viewshed. However, typical views from these two streets would be less obstructed by the proposed fill. That is, only a small portion of the viewshed would be obstructed as one moves north away from the termini of these two streets towards Congress Street.

The placement of the fill would impact viewsheds for those hiking or bicycling along the Santa Ana River trail system. Long-term impacts to scenic vistas would occur within this Santa Ana River visual corridor; however, based on the visual simulations (Draft EIR pp. 3.1-15 through 3.1-25), minimal impacts to the existing viewshed from this trail would result due to the distance to the project site and the level of obstruction between the trail and the project site. The project site would not restrict a significant

portion of the Santa Ana River floodplain viewshed. In addition, based on the visual simulations, the resulting visual impacts would be minimal from Congress Street due to its distance and the level of visual obstruction between this vantage point and the project site. Due to the angle in which the pedestrian or motorist would view the project site from Congress Street, views of the Santa Ana River corridor would not be blocked or obstructed. To assist in softening the plateau effect of the proposed project, Mitigation Measure AES-2 is recommended, which provides the placing of scattered trees and shrubs within portions of the property to break up the visual plane and incorporate natural elements into the graded site. With incorporation of mitigation, impacts associated with scenic vistas from areas such as Congress Street and the Santa Ana River trail are considered less than significant.

Light and Glare. The proposed project would not introduce significant new sources of light and glare on the site or within the project vicinity. The project site is located within an urbanized setting, where surrounding uses are currently exposed to increased levels of nighttime light. No long-term operational lighting would be implemented as part of the project. Proposed processing activities would occur during normal daytime working hours (anticipated to be 7:00 a.m. to 5:00 p.m.). Temporary construction lighting would be included for safety and security purposes. This temporary lighting would create negligible spillover into residential properties due to the construction of the berm along the northerly site perimeter. Lighting would be directed towards equipment, debris piles, materials, or disturbed areas. In addition, onsite security lighting would be similar to, or less intense than, nearby street lighting along Fernando Street, Florez Street, and Congress Street. Therefore, substantial light is not anticipated during construction activities and impacts to nighttime sky visibility would be less than significant.

#### **Mitigation Measures:**

- AES-1:** The Project Applicant shall construct a temporary earthen berm (up to 5 feet in elevation) during the initial phases of the proposed project along the northerly site perimeter to screen potential views of construction and processing equipment from the adjacent residential neighborhood (refer to Chapter 2.0, *Project Description*, for a discussion of the phasing sequencing).
- AES-2:** The Project Applicant shall provide up to three (3) trees in each of the southern corners of the site and up to six (6) trees along the eastern edge of the site (clustered). The Project Applicant shall provide some shrubs at the conclusion of the project to soften the plateau effect along the southern and eastern portions of the project site, which would minimize impacts within portions of the project site visible from the Santa Ana River. Maintenance of these trees and shrubs would be the responsibility of the Property Owner.

## **B. AIR QUALITY**

### **Potential Impact**

Implementation of the proposed project may have a substantial adverse effect on a short-term construction activities and consistency with SCAQMD AQMP.

### **Finding**

Pursuant to CEQA section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

### **Rationale**

With the mitigation that has been imposed, potential impacts to Short-term Construction Emissions and Consistency with the AQMP will be reduced to a less than significant level. The potential impacts, and the reasons that those impacts will be less than significant, are described below.

#### *Short-term Construction Emissions*

Odors. Short-term construction emissions would consist of odors, fugitive dust emissions, construction equipment diesel emissions, and worker vehicle exhaust. Stationary processing equipment would be electric powered and would not generate odors, but potential odors could arise from the diesel construction equipment used on-site. Off-road construction diesel equipment would be used throughout the 29-acre project site as grading activities progress. Construction phases A and B would likely affect nearby residents, and according to the Project Applicant would take approximately 6 to 9 months to complete. After the completion of Phase B, construction equipment would be moved several hundred feet south of the neighborhood and potential odor issues would diminish. Therefore, off-road equipment would not be located near sensitive receptors for an extended period of time. (Draft EIR, at pp. 3.2-25 and 3.2-26)

Fugitive Dust. Construction and earthwork activities are a source of fugitive dust ( $PM_{10}$  and  $PM_{2.5}$ ) emissions that may have a substantial, temporary impact on local air quality. In addition, fugitive dust may be a nuisance to those living and working in the project area. Fugitive dust emissions are associated with land clearing, ground excavation, cut-and-fill, and truck travel on unpaved roadways. Fugitive dust emissions vary substantially from day to day, depending on the level of activity, specific operations and weather conditions. Fugitive dust resulting from the proposed activities is expected to be short-term and would cease upon project completion. Generally, about 98 percent of  $PM_{10}$  emissions are inert silicates and two percent is made up of diesel exhaust. Approximately 91 percent of  $PM_{2.5}$  is inert silicates while nine percent is made up of diesel exhaust.

Since  $PM_{10}$  emissions primarily occur during the grading phase of construction, the SCAQMD has established Rule 403 and Rule 402, which reduce the ambient entrainment of fugitive dust, and require that air pollutant emissions not be a nuisance

off-site, respectively. During construction, the property owner, developer, and contractors are required to comply with regional rules, which assist in reducing short-term construction-related air pollutant emissions. Rule 403 requires that fugitive dust be controlled with the best available control measures in order to reduce dust so that it does not remain visible in the atmosphere beyond the property line of the proposed project. The applicable control measures target various construction operations such as backfilling, clearing and grubbing, crushing, cut and fill, demolition, earth-moving activities, bulk material import and export, construction staging, stockpiles/bulk material handling, trenching, and loading. These measures suggest methods such as covering stockpiles with tarps, and the application of water to stabilize materials.

Rule 403 also prohibits projects from allowing track-outs to extend 25 feet or more in cumulative length from the point of origin from an active operation. All track-outs are required to be removed at the conclusion of each workday or evening shift. Any projects with a disturbed surface area of five or more acres or with a daily import or export of 100 cubic yards or more of bulk materials must utilize at least one of the specified track-out control measures at each vehicle egress from the site to a paved public road. The specified track-out control measures consist of installation of washed gravel pads, paving project ingress/egress, wheel shakers, wheel washing systems, and any other approved control measures.

Mitigation Measures AQ-1 through AQ-3 would implement dust control techniques (e.g., daily watering), limitations on construction hours, and adherence to SCAQMD Rules 402 and 403 (which require watering of inactive and perimeter areas, track out requirements, etc.), to reduce PM<sub>10</sub> and PM<sub>2.5</sub> concentrations below the SCAQMD thresholds, which would control airborne particulate generated by imported material from contacting adjacent properties. According to the modeling results in Draft EIR Table 3.2-5, the maximum mitigated PM<sub>10</sub> and PM<sub>2.5</sub> emissions would be 92.79 pounds per day (lbs/day) and 21.92 lbs/day, respectively in 2011. These emissions include the dust generated during the engineered fill/soil processing phase, and these activities would also be subject to Mitigation Measures AQ-1 and AQ-3. (Draft EIR, at pp. 3.2-26 and 3.2-27)

ROG Emissions. ROG emissions would remain consistent throughout implementation of the project. These emissions would be generated from the construction equipment used for earthwork and soil hauling. The project construction would not result in an exceedance of ROG emissions, and therefore would be considered a less than significant impact. (Draft EIR, at p. 3.2-27)

Construction Equipment and Worker Vehicle Exhaust. Exhaust emissions from construction activities include emissions associated with the transport of machinery and supplies to and from the project site, emissions produced on-site as the equipment is used, and emissions from trucks transporting soil and materials to and from the site. Pollutants include ROG, CO, NO<sub>x</sub>, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Standard SCAQMD regulations, such as maintaining all construction equipment in proper tune, shutting down equipment when not in use for extended periods of time, and implementing

SCAQMD Rule 403, would be adhered to. As noted within Draft EIR Table 3.2-5, construction equipment exhaust would not exceed SCAQMD thresholds. Mitigation Measure AQ-3 would further reduce ozone precursors (NO<sub>x</sub> and ROG) by maintaining engines in good condition and proper tune. Additionally, all diesel fueled construction vehicles would be required to meet the latest emissions standards. (Draft EIR, at p. 3.2-28)

Localized Significance Thresholds. Notably, application of localized significance thresholds by lead agencies is voluntary; nevertheless, the City has provided an analysis of the project's impacts using the SCAQMD's suggested localized significance thresholds.

Mass grading activities have been estimated to disturb 7.25 acres per day. The SCAQMD provides mass rate look-up tables for projects that are less than or equal to five acres to determine localized impacts. However, any project over five acres should perform air quality dispersion modeling to assess localized impacts to nearby sensitive receptors like the adjacent neighborhood to the north. As a result, the size of the proposed project and the magnitude of the daily activities would exceed the maximum threshold of five acres of per day, and dispersion modeling was required for the project.

Dispersion modeling conducted for the project concluded that the highest annual PM<sub>10</sub> concentration is less than the SCAQMD significance threshold. In addition, the concentrations are significantly less than the most stringent ambient air quality standards for the area (Draft EIR at pp. 3.2-30 and 3.2-31).

The best available control technologies would be used on all of the processing equipment and stockpiles to minimize the potential to emit particulates (refer to Mitigation Measures AQ-1 through AQ-3). As part of the Dust Control Plan (AQ-1) to minimize emissions water spray bars would be located at soil transfer points; a water truck would be used to reduce particulate emissions from the stockpiles and during fill construction, and berms along the property line would be stabilized. (Draft EIR, at pp. 3.2-30 and 3.2-31)

SCAMD provided comments on the Draft EIR stating that additional analysis of health risk and localized air quality should be undertaken. Specifically, the Health Risk Assessment (HRA) should include an evaluation of diesel particulate matter associated with emissions of construction equipment and volatile organic compounds from the imported fill material. SCAQMD also requested that the HRA include an analysis of Chromium VI, a chemical found in cement and subsequently, in cement fugitive dust. SCAQMD also requested that the air quality analysis specifically address localized significance thresholds and that the number of haul trucks and trip lengths be verified to ensure that the worst case scenario evaluated in the Draft EIR was accurate.

The City and its consultants have worked closely with SCAQMD staff to resolve any outstanding issues. This effort consisted of revising the HRA and localized air quality analysis to address SCAQMD's issues. Results of these analyses were included in the Final EIR (Final EIR, at pp 26 through 39 and Appendix A). Subsequently,

SCAQMD provided additional comments on the Final EIR requesting additional information. The results of this effort is to revise the existing mitigation measure AQ-1 which addresses compliance with South Coast Air Quality Management District (SCAQMD) Rule 403, excessive fugitive dust emissions to specifically address the fill placement activities that would occur at the Guyaux landfill adjacent to the Florez and Fernando neighborhood immediately north of the project site (project Phase B). The revised measure does not constitute additional new information that would require recirculation of the EIR, but rather, an additional safeguard for local residents to ensure that particulate matter is controlled at the local level during placement of fill on the site in proximity to the existing neighborhood.

Air Risk Assessment. SCAQMD Rule 1401 (New Source Review for Toxic Air Contaminants [TACs]) establishes cancer and non-cancer risk requirements for new, relocated, or modified sources of toxic air pollutants. An air risk assessment was performed using the project's air model results to ensure that there would be no health impacts from possible analytical parameters in the particulates. This risk assessment followed the guidelines in the California EPA Air Toxics Hot Spots Program guidelines. The incremental cancer risk for any individual carcinogenic compound was set at  $1 \times 10^{-6}$ . The total incremental cancer risk for all analytical parameters was set at  $1 \times 10^{-5}$ . Both inhalation and oral exposure pathways and doses were evaluated.

The hazard index for non-carcinogenic compounds was set to 1.0 for each individual analytical parameter. The cumulative non-cancer risk hazard quotient for each target organ was also set to 1.0. Acute, chronic inhalation and chronic oral exposure pathways were evaluated. All applicable exposure doses were evaluated for the chronic oral exposure pathway. Based upon the site and surroundings, dermal, ingestion, plant and mother's milk exposure doses were evaluated.

The risk assessments were performed for four primary receptors:

- Point of Maximum Impact (PMI)
- Maximally Exposed Individual Resident (MEIR)
- Maximally Exposed Individual Worker (MEIW)
- Maximum Sensitive Receptor (MSI)

The highest annual  $PM_{10}$  concentrations from the 2005 through 2007 model results were used for the chronic exposures and the highest 1 hour  $PM_{10}$  concentrations were used for the acute exposures. The  $PM_{10}$  concentrations at each of these receptors are summarized in Table 3.2-7, *Receptors and  $PM_{10}$  Concentrations for Risk Assessment*.

The air risk assessment was an iterative process to ensure that the risk limits would not be exceeded. The maximum concentrations of individual parameters were lowered as needed to achieve compliance with the risk limits and ensure that the

proposed facility would not pose a health risk to the surrounding area. This assessment is conservative because it assumes that 100 percent of the incoming soil contains each analytical parameter at the calculated maximum concentration. Experience has shown that the actual concentration would likely be no greater than 20 to 30 percent of this maximum. Therefore, air risk impacts would be less than significant. (Draft EIR, at pp. 3.2-32 and 3.2-33)

**Mitigation Measures:**

**AQ-1:** A Dust Management Plan (refer to Appendix E of the Draft EIR) shall be submitted to the Director of Public Works. Prior to issuance of any Grading Permit, the Director of Public Works shall confirm that the Grading Plan, Building Plans, Dust Management Plan and specifications stipulate that, in compliance with South Coast Air Quality Management District (SCAQMD) Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the South Coast Air Quality Management District's (SCAQMD) Rules and Regulations. In addition, South Coast Air Quality Management District (SCAQMD) Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. To ensure that these techniques are successful, the Applicant shall conduct periodic monitoring for dust particulate matter associated with grading activities within the Guyaux Landfill portion of the site (Phase B). This monitoring will ensure that the difference between upwind and downwind PM-10 dust particulate matter concentrations are below the SCAQMD CEQA threshold of 10.4 micrograms per cubic meter averaged over 24 hours. Pursuant to methods described in SCAQMD Rule 403, monitoring will occur upwind and downwind of the grading activities and monitoring equipment will be placed at the property line of the site. Monitoring will be conducted during soil placement activities during Phase B of the project. If any soil placement activities result in an exceedance of 10.4 micrograms per cubic meter averaged over 24 hours, then immediate corrective action will be taken to modify site operations to reduce the concentration to less than 10.4 micrograms per cubic meter. Implementation of the measures within the Dust Management Plan would reduce short-term fugitive dust impacts on nearby sensitive receptors.

**AQ-2:** All trucks that are to haul excavated or graded material shall comply with State Vehicle Code Section 23114 (Spilling Loads on Highways), with special attention to Sections 23114(b)(F), (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads. Prior to the issuance of any Grading Permit, the Applicant shall demonstrate to the City of Colton how the project operations subject to that specification during hauling activities shall comply with the provisions set forth in Sections 23114(b)(F), (e)(4).

**AQ-3:** Prior to issuance of any Grading Permit, the Director of Public Works shall confirm that the Grading Plan, Building Plans and specifications stipulate that, in compliance with South Coast Air Quality Management District (SCAQMD) Rule 403, O<sub>3</sub> precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications, to the satisfaction of the City Engineer. Maintenance records shall be provided to the City. The City Inspector shall be responsible for ensuring that contractors comply with this measure during construction.

*Consistency with the AQMP*

According to the SCAQMD's *CEQA Air Quality Handbook*, in order to determine consistency with SCAQMD AQMP two main criteria must be addressed.

*Criterion 1:* With respect to the first criterion, SCAQMD methodologies require that an air quality analysis for a project include forecasts of project emissions in relation to contributing to air quality violations and delay of attainment.

a) *Would the project result in an increase in the frequency or severity of existing air quality violations?*

Since the consistency criterion pertains to concentrations, rather than to total regional emissions, an analysis of the project's pollutant emissions relative to localized pollutant concentrations is used as the basis for evaluation of project consistency. As discussed above, localized concentrations of CO, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> have been analyzed for the project. SO<sub>2</sub> emissions would be negligible, and therefore would not have the potential to cause or affect a violation of the SO<sub>2</sub> ambient air quality standard. Because ROG<sub>s</sub> are not a criteria pollutant, there is no ambient standard or localized threshold for ROG<sub>s</sub>. Due to the role ROG plays in ozone formation, it is classified as a precursor pollutant and only a regional emissions threshold has been established.

Particulate matter is the primary pollutant of concern during construction activities, and therefore the project's PM<sub>10</sub> and PM<sub>2.5</sub> emissions during construction were analyzed (1) to determine potential effects on localized concentrations and (2) to determine if there is a potential for such emissions to cause or affect a violation of the ambient air quality standards for PM<sub>10</sub> and PM<sub>2.5</sub>. Results of the analysis indicate that the increases in PM<sub>10</sub> and PM<sub>2.5</sub> emissions do not exceed the applicable localized thresholds. Overall, the project would result in less than significant impacts with regard to localized concentrations during project construction and operations. As such, the project would meet the first AQMP consistency criterion.

b) *Would the project cause or contribute to new air quality violations?*

As discussed above, the proposed project would result in emissions that would be

below the SCAQMD thresholds. Therefore, the project would not have the potential to cause or affect a violation of the ambient air quality standards.

*c) Would the project delay timely attainment of air quality standards or the interim emissions reductions specified in the AQMP?*

The proposed project would result in less than significant impacts with regard to localized concentrations. As such, the project would not delay the timely attainment of air quality standards or AQMP emissions reductions.

*Criterion 2:* With respect to the second criterion for determining consistency with SCAQMD and SCAG air quality policies, it is important to recognize that air quality planning within the Basin focuses on attainment of ambient air quality standards at the earliest feasible date. Projections for achieving air quality goals are based on assumptions regarding population, housing, and growth trends. Thus, the SCAQMD's second criterion for determining project consistency focuses on whether or not the proposed project exceeds the assumptions utilized in preparing the forecasts presented in the AQMP. Determining whether or not a project exceeds the assumptions reflected in the AQMP involves the evaluation of the three criteria outlined below. The following discussion provides an analysis of each of these three criteria.

*a) Is the project consistent with the population, housing, and employment growth projections upon which the AQMP forecasted emission levels are based?*

A project is consistent with the AQMP in part if it is consistent with the population, housing, and employment assumptions that were used in the development of the AQMP. In the case of the 2007 AQMP, three sources of data form the basis for the projections of air pollutant emissions: the *General Plan*, SCAG's *Growth Management Chapter of the Regional Comprehensive Plan and Guide (RCPG)*, and SCAG's *2008 Regional Transportation Plan (RTP)*. The RTP also provides socioeconomic forecast projections of regional population growth.

The proposed project involves the reclamation of approximately 29 acres of land currently located within the Santa Ana River floodplain. The proposed project would generate 7-11 new full time employees for a period of 5 years. However, employment relative to the proposed project would cease upon completion of the project, and therefore, population, housing and employment growth would not be affected. The proposed project is consistent with the projections in the AQMP.

*b) Does the project implement all feasible air quality mitigation measures?*

Implementation of all feasible mitigation measures is recommended to reduce air quality impacts to the extent feasible; refer to Impact 3.2-1, above. The proposed project would incorporate measures identified by the SCAQMD, as identified above. As such, the proposed project meets this AQMP consistency criterion.

*c) To what extent is project development consistent with the land use policies set forth in the AQMP?*

The determination of AQMP consistency is primarily concerned with the long-term influence of the project on air quality in the Basin. As discussed in Impact 3.2-2, the project would not result in a long-term impact on the region's ability to meet State and Federal air quality Standards. The project's long-term influence would also be consistent with the goals and policies of the AQMP and is, therefore, considered consistent with the SCAQMD's AQMP. (Draft EIR, at pp. 3.2-34 through 3.2-36)

**Mitigation Measures:**

Refer to Mitigation Measures AQ-1 through AQ-3. No additional mitigation measures are required.

**C. BIOLOGICAL RESOURCES**

**Potential Impact**

Development of the Project could result in disturbance of sensitive species or their habitat.

**Finding**

Pursuant to CEQA section 21081(a) (1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

**Rationale**

With the mitigation that has been imposed, potential impacts to biological resources will be reduced to a less than significant level. The potential impacts, and the reasons that those impacts will be less than significant, are described below.

Sensitive Species.

*On-site Biological Resources*

Sensitive species are defined as those species under study for classification as threatened or endangered, or having low population densities or a highly restricted range. The proposed project includes the removal or alteration of native and non-native habitats within the project area that would result in the temporary and permanent displacement of plants, vegetation types, small mammals, reptiles, and other animals. Short-term construction-related impacts would also include increased noise, reduced air quality due to fugitive dust and equipment emissions, and construction traffic on local roads. These factors could disrupt the behavioral and reproductive patterns of wildlife.

Several sensitive species have a moderate to high potential to occur within the project site based on a review of the California Natural Diversity Data Base (CNDDDB). These species include: the San Bernardino kangaroo rat, the Los Angeles pocket mouse, the northwestern San Diego pocket mouse, San Diego black-tailed jackrabbit, and the Santa Ana River woolly star. During site surveys, only San Diego black-tailed

jackrabbit was observed on site. Santa Ana River woolly star was observed northeast of the project site along the existing dirt roads that would be used to access the site by the Project Applicant.

Vegetation within the project site is characterized by ruderal/ non-native grassland and ruderal/ Riversidean Sage Scrub habitats, as well as a wash that is sparsely vegetated. Based on this vegetation mapping, the project site does not contain suitable habitat for the following plant species: Santa Ana River Woolly Star; Slender-horned spineflower; Parry's spineflower; and Mesa horkelia. None of these species were observed onsite during the field assessment. Although the site may have historically supported these species, the site no longer provides suitable habitat. The change in conditions is the result of isolation of the site from the Santa Ana River floodplain by a levee built in the 1970's and decades of disturbance from discing and plowing activities.

The habitat within the project site is heavily disturbed, which due to the low quality of the onsite plants, may contribute to the absence of many animals expected onsite. A species-specific survey was completed for the San Bernardino kangaroo rat. Results of the survey indicated that no San Bernardino kangaroo rats were captured during the 5-night focused trapping session.

The project site also contains suitable nesting habitat for a number of different bird species including the California towhee; a number of raptor species; and California horned lark and western meadowlark. Impacts to nesting birds would violate the Migratory Bird Treaty Act (MBTA) and California Fish and Game (CDFG) Code. If ground disturbance occurs during nesting season (February through August), nesting birds may be directly or indirectly impacted, which is considered a significant impact. To ensure that impacts to these species are reduced to a level of less than significant, the Project Applicant will be required to conduct pre-construction surveys (prior to grubbing, brush, or tree removal) within the areas of the site that provide nesting habitat for bird and raptor species (Mitigation Measure BIO-3). These surveys shall be conducted outside of the State-identified nesting season of February 15 through September 1. If an active nest is located within the project construction area, it shall be flagged and a 300-foot buffer zone shall be placed around it to avoid disturbance. No activity shall occur within the 300-foot buffer until the young have fledged the nest. The purpose of this mitigation measure is to ensure that construction activities are not conducted if an active nest is located within the construction area. Once the nest is vacant, construction activities could occur in this part of the site and impacts to nesting birds and raptors would no longer occur.

Based on the habitat mapped onsite and the species identified during site surveys, impacts associated with sensitive plant and animal species as a result of the proposed project are considered less than significant. Although the loss of individuals of the species located onsite could inadvertently occur as a result of the proposed project, this would not threaten the regional populations and the removal of their habitat would be an adverse but less than significant impact to the regional populations of these

species. (Draft EIR pp. 3.3.15 through 3.3-16)

### *Offsite Biological Resources*

Areas to the east and north are proposed for components of the proposed project. These properties are owned by the City of Colton and a private landowner. Biological resources located within these properties outside of the project site would be impacted by the following project components: Entry/ Exit roads; Site Trailer, Weigh Scale, and Employee Parking area.

### Entry/ Exit Roads

Primary construction entry access for the project would be provided along an existing 0.5-mile dirt road east of Fogg Street and north of the project area. All queuing and stacking of haul trucks would either be managed on site or along this proposed access route to minimize impacts on public roads (as required under Mitigation Measure TRA-1). This dirt road passes through Riversidian alluvial fan sage scrub (RAFSS), which contains a population of Santa Ana River woolly star. The existing unimproved roadway would be improved within the existing footprint using gravel-on-native soil but no new disturbance outside the existing footprint would occur. Because this road would be used temporarily, no curbs, gutters, storm drains, sewers, and/or sidewalks would be constructed as part of this project, however bollards would be installed to ensure that vehicles using the road stay within the current roadway footprint and do not damage the adjacent plants. Where necessary, temporary improvements would be made to ensure adequate drainage occurs within the roadway area, but outside of the woolly star population, and with the use of typical erosion control measures where necessary. The first 0.25 miles of this road is bordered by RAFSS habitat, whereas the remaining 0.25 miles is bordered by ruderal/ non-native grassland and ruderal/ Riversidean Sage Scrub (RSS) habitats. Since none of these habitat types are located within the roadway footprint, direct impacts as a result of the project on these habitats are considered less than significant. However, there is still a potential for indirect biological impacts to the Santa Ana River Woolly star that should be considered (refer to discussion below).

Trucks exiting the site would leave from the construction trailer/weigh station and travel north along a new temporary roadway, to an existing curb cut along Congress Street (south of Cedar Street). These trucks would exit the site just west of the intersection of Congress Street and Fogg Street. The roadway would be constructed using gravel on native soil beginning at the project's construction trailer/weigh scale and extend approximately 800 feet north to Congress Street. Improvements to this roadway would be similar to the entrance road previously described and would be conducted within ruderal/ non native grassland and ruderal/ Riversidean Sage Scrub vegetation (outside of the existing Santa Ana River woolly star population). Measuring approximately 800 feet in length and approximately 20 feet in width, this roadway would impact approximately 0.36 acres of ruderal vegetation. This impact is considered less than significant due to the vegetation being affected and the implementation of Mitigation Measure BIO-4, which requires pre-construction surveys prior to earth

disturbance activities. Areas identified for earth disturbance along this roadway alignment will be surveyed by a qualified biologist prior to commencement to ensure that biological species are not affected as a result of implementation of the project. (Draft EIR, at pp. 3.3-17 and 3.3-18)

#### Site Trailer, Weigh Scale, and Employee Parking

As depicted on Exhibit 3.3-2, a site trailer, weigh scale and employee parking area are proposed along the entry/ exit roadways. This area would contain the site trailer where onsite files and materials pertaining to daily operations would be stored. Next to this trailer would be a weigh scale where incoming/ outgoing trucks would be weighed to verify the amount of soil delivered to the site. In addition, an area adjacent to the site trailer would be used for employee parking for the onsite workers. The area identified for these facilities would be approximately one acre. The area closest to this component of the site containing Santa Ana River woolly star is approximately 250 feet to the southwest. (Draft EIR, at p. 3.3-18)

#### Indirect Impacts

Santa Ana River woolly star is listed as a Federal and State Endangered species. As proposed, the project would not directly impact this species, however it was determined that indirect impacts are still possible. Indirect impacts may include increased foot traffic and non-authorized use by off-road vehicles within the woolly star area by the general public, due to the use of this area as a haul route making it an attractive nuisance. Although dust is typically considered an indirect impact to biological resources, the Project Applicant has prepared a Dust Management Plan (Appendix E) as part of their Air Permit with the SCAQMD, which requires watering of the project's haul routes prior to soil deliveries to control dust onsite and along the access roads. To ensure that direct impacts to this species do not occur, the Project Applicant will place bollards along the edge of the existing dirt roadway within the RAFSS areas of the site restricting vehicle access to the roadway footprint. In addition, Mitigation Measure BIO-4 requires that a qualified biologist to monitor roadway construction and work with the contractor to install exclusionary fencing to protect any plant communities adjacent to the roadway prior to commencement of the proposed temporary improvements. In addition, the Project Applicant has begun consultation with the USFWS and CDFG under a Section 7 Consultation under ESA and 2080.1 Permit under CESA. If additional measures are identified and recommended by the biologist in coordination with USFWS and CDFG, they will be incorporated into project implementation. Currently, signs are already in place identifying the area as sensitive biological habitat and will continue to stay in place after the project is complete.

Implementation of Mitigation Measures BIO-1 through BIO-4 would reduce impacts to birds and other sensitive species found onsite to a less than significant level. (Draft EIR, at p. 3.3-18)

CDFG provided comments on the Draft EIR (Final EIR, at pp 86 through 103). Issues raised in their comments include a request for additional analysis of potential

impacts to Santa Ana woolly star (SAWS) habitat both on the project site and along the proposed access roads; the deficiency of the document regarding the issuance of an Incidental Take Permit (ITP) under the California Endangered Species Act (CESA ITP); and the issue unrelated to the proposed project of the disking of 8 acres in the SAWS area in 2010. Finally, DCFG believes that the the impact and mitigation analysis on which CDFG would need to base its issuance of a CESA ITP was not adequate. These issues are all related to the ingress road that begins along Fogg Street and traverses undeveloped land through an area identified as occupied woolly star habitat before reaching the project site. In addition, CDFG has indicated that it considers 25 acres of the project site (floodplain) to be woolly star habitat, and could at some future date, under the right conditions, could sustain woolly star,

In response to CDFG the applicant has proposed an alternative ingress/egress roadway outside of the SAWS habitat located east of the project site to avoid potential impacts to SAWS. The alternative route would combine both roads into one road currently proposed for egress road, by widening the proposed egress road to accommodate ingress and egress. This alternative does not affect SAWS.

In addition, the loss of potential woolly star habitat within the 100 year floodplain in 25 acres of low quality habitat the 29-acre can be offset by the restoration of an approximately 8-acre area on a City-owned parcel to higher quality woolly star habitat. The Applicant has agreed to prepare a Resource Management Plan (RMP) for review and approval by CDFG that will outline a program for the restoration of an affected area of woolly star habitat within the City of Colton property. Completion and approval of the RMP should occur within one year of project approval. Upon approval of the RMP, the Applicant will begin implementation of the restoration efforts outlined in the RMP for the affected area. Monitoring of the success of the restoration efforts shall be at intervals established in the RMP and approved by CDFG.

The City of Colton disagrees that this is necessary because the removal of the site from the floodplain constitutes a less than significant impact. Nevertheless, the Applicant has agreed to undertake the restoration of the 8 acres through the implementation of a RMP.

### **Mitigation Measures**

**BIO-1:** The applicant will consult with United State Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act (ESA) as part of its 404 wetland permit application with the United States Army Corps of Engineers (USACE), with concurrence from California Department of Fish and Game (CDFG) through the Fish and Game Code 2080.1, to determine whether potential adverse indirect impacts to Santa Ana River woolly star could occur from project implementation. Although avoidance and minimization measures include restricting all vehicular traffic to the existing dirt road using bollards, the presence of the bollards could encourage non-authorized vehicular traffic in the

immediate area resulting in indirect impacts associated with a loss of individual plants as well as habitat.

- BIO-2:** Personnel associated with the construction on the site shall attend a worker education class. This class shall include general information regarding sensitive species, including the Santa Ana River woolly star, and their habitat known to occur in the near vicinity of the project. Particular attention shall be made to the various flora and fauna, habitat types onsite, and regulations.

Project activities shall be limited to a well-defined area. Prior to grading and construction activities, the limits of disturbance shall be clearly marked with flagging, stakes, or fencing around the project site and access roads. Bollards, short vertical posts, shall be used to line both sides of the access road, confining all vehicular use of the road to the disturbed roadbed. No inadvertent straying outside the roadway shall occur.

- BIO-3:** To avoid an illegal take of active bird nests, any grubbing, brushing or tree removal shall be conducted outside of the State-identified nesting season of February 15 through September 1. Alternatively, the site shall be evaluated by a qualified biologist prior to initiation of ground disturbance to determine the presence or absence of nesting birds. If an active nest is located within the project construction area, it shall be flagged and a 300-foot buffer zone shall be placed around it to avoid disturbance. No activity shall occur within the 300-foot buffer until the young have fledged the nest.

- BIO-4:** At the time earth disturbance activities occur within the access roads, a qualified biologist shall monitor construction of the access road improvements and work with the contractor to install exclusionary fencing around the perimeter of the construction work zone. The biologist/monitor should remain on-call after construction activities along the access road are complete. If Santa Ana River woolly star is encountered during construction following the initial phases of ground disturbance, construction activities shall be halted in the vicinity of the find and the biologist/monitor called to the site. The contractor shall implement the recommendations of the biologist/monitor who shall coordinate with the United State Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG).

#### Riparian and Sensitive Habitat

A single drainage was identified within the boundaries of the project site, flowing from the northeast to the southwest corner of the site. No water was present within the drainage during the June 2, 2009 site visit. Evidence of hydrology was noted, however, and consists of erosional features, scour, and drift and debris. No riparian vegetation was noted within this drainage or on the project site. The drainage contains low-lying upland vegetation, ruderal vegetation, non- native grasses, and disturbed Riversidean

sage scrub. As part of project construction, the existing drainage feature will be filled and covered with engineered fill. The drainage is considered jurisdictional under both the Army Corps of Engineers (USACE) and CDFG and during storm events, carries runoff from properties north and east of the site to the Santa Ana River.

The proposed project may result in the discharge of fill material into waters that technically meet the parameters for non-wetland waters of the United States. Approximately 0.78 acres of United States Army Corps of Engineers (USACE) Waters of the United States are located within the boundaries of the project site. In addition, the onsite streambed is considered jurisdictional by the CDFG. The CDFG jurisdiction is similar to the USACE jurisdiction, as no riparian vegetation was noted on the project site. Approximately 0.78 acres of CDFG jurisdiction is located within the boundaries of the project site.

The Project Applicant proposes to relocate the drainage along the periphery of the project site along the base of the eastern and southern slopes. It would be constructed within a 25 foot wide easement and contain a 5- to 12-foot-wide natural soft-bottom channel with 3:1 (horizontal: vertical) side slopes. The purpose of the channel is to recreate the new drainage at an equal function and value (both hydrologically and biologically) to the existing drainage feature with concurrence from USACE and CDFG. Once constructed this drainage would convey water around the perimeter of the site in place of the existing drainage. Because the project will replace the existing drainage along the eastern boundary with a channel of equal function and value with concurrence from the regulatory agencies, USACE impacts are considered temporary and the proposed project will require authorization via a Nationwide Permit (NWP).

Upon completion of the project, this drainage feature would still require periodic maintenance. Once completed, the property owner would be required to keep this facility in good working order and ensure that trash/ debris is cleaned out periodically and that vegetation located within the drainage is consistent with the permit requirements identified by the regulatory agencies.

Any proposed impacts to these jurisdictional waters would require a permit from CDFG, RWQCB, and the USACE. Activities that usually require permits from these agencies include, but are not limited to, the following: grading; placing of riprap for erosion control; pouring concrete; laying sod; preparing soil for planting; stockpiling excavated material; mechanized removal of vegetation; driving of piles for certain types of structures; clearing of vegetation using hand-held equipment and working above the ground surface; pumping water; and walking or driving vehicles. Implementation of Mitigation Measure BIO-5 include measures to reduce impacts to any potential jurisdictional waters, including obtaining necessary permits, and would reduce impacts to a less than significant level. (Draft EIR, at pp. 3.3-20 and 3.3-21)

## Mitigation Measures

**BIO-5** The Project Applicant shall obtain all appropriate permits for impacts to project areas containing US Army Corps of Engineers (USACE) and California Department of Fish and Game (CDFG) jurisdictional resources and for impacts pertaining to the proposed drainage channel along the eastern and southern project boundaries of the site. Compensatory mitigation for such impacts would be at no less than a 1:1 ratio. Prior to the initiation of any construction-related activities, the Project Applicant shall submit a detailed mitigation program and mitigation site plan for USACE and CDFG approval. The Mitigation Program shall contain the following items:

- Responsibilities and qualifications of the personnel to implement and supervise the plan. The responsibilities of the Project Applicant, Property Owner, Specialists, and Maintenance Personnel that would supervise and implement the plan shall be specified.
- Site preparation implementation. Site preparation shall include: (1) trash and weed removal; (2) soil treatments (i.e., imprinting, decompacting); and (3) erosion-control measures (i.e., rice or willow wattles).
- Schedule. A schedule of activities shall be developed.
- Maintenance plan/guidelines. The Maintenance Plan shall include: (1) weed control; (2) herbivory control; (3) trash removal; and (4) maintenance training.
- Long-term preservation. Long-term preservation of the site shall also be outlined in the conceptual Mitigation Plan to ensure the mitigation site is not impacted by future development.

### Wildlife Movement

The project site is located west of a Wildlife Linkage Corridor along the Santa Ana River, according to the County of San Bernardino *General Plan*. Although the project site is not located within a designated Wildlife Linkage Corridor, it is located adjacent to the Santa Ana River. The proposed project may have edge effects on the integrity or continuity of this important habitat or wildlife corridor relative to wildlife species.

Mitigation measure BIO-1 includes avoidance and minimization measures including restricting all vehicular traffic to the existing dirt road using bollards. Implementation of Mitigation Measure BIO-2 would limit the disturbance area with flagging, stakes and fencing. With these measures, no inadvertent straying outside of the roadway would occur. This would keep construction activities from encroaching into the Wildlife Linkage Corridor and enlarge the corridor which flora and fauna can utilize

to the maximum extent feasible. These measures would reduce potential impacts to a less than significant level. (Draft EIR, at pp. 3.3-22 and 3.3-23)

## **D. CULTURAL RESOURCES**

### **Potential Impact**

Clearing and grading of the site may result in disturbance of archaeological or paleontological resources.

### **Finding**

Pursuant to CEQA section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

### **Rationale**

Paleontological Resources. The project area consists of younger quaternary alluvium that is not conducive to yielding fossilized remains. However, given that remains have been identified in older alluvium downstream from the project site, there is a potential that fossil remains may be located within older alluvial wash deposits at depth. Older alluvial wash deposits were encountered within all of the boring samples conducted during the geological investigation at depths between 7 feet and 16.5 feet beneath the surface. As the project site contains sediments with the potential to support fossil remains, site grading and construction activities would have the potential to result in significant impacts to such resources below five feet in depth. In order to avoid impacts to fossil remains within the older alluvial wash deposits, Mitigation Measure CUL-1 would be implemented and no significant impact would occur. (Draft EIR, at pp. 3.4-13 and 3.4-14)

### **Mitigation Measures:**

**CUL-1:** A trained paleontological monitor shall be present during excavation activities greater than 5.0 feet in depth (outside of the Guyaux landfill area). Excavations below 5.0 feet have a high likelihood of encountering older alluvial wash deposits, which may contain paleontological resources. The monitoring for paleontological resources shall be conducted on a half-time basis, and on a full-time basis during excavation greater than 5.0 feet in depth. If paleontological resources are located during excavation, the monitoring program would change to full-time. The monitor shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. The monitor shall be equipped to rapidly remove any large fossil specimens encountered during excavation. During monitoring, samples shall be

collected and processed to recover micro-vertebrate fossils. Processing shall include wet-screen washing and microscopic examination of the residual materials to identify small vertebrate remains.

Archaeological Resources. The majority of the site has been previously disturbed by natural and man-made forces that have altered the ground surface, including the construction of flood control devices and other human activities that have occurred since the late 19th century. Due to these past disturbances, it is unlikely that archaeological resources (i.e., structures, objects, features or artifacts, prehistoric in age), currently exist on site. During an intensive-level archaeological field survey of the project site archaeologists recorded one previously unrecorded cultural resource, consisting of historic refuse matter composed of firebricks, red bricks, and broken asphalt. However, the resource does not meet any of the four criteria outlined by the California Register of Historical Resources (CRHR) and is not considered eligible for listing, and as such, is not considered to be a historic resource. No other archaeological resources were found during the site survey.

Although a number of resources have been recorded within the vicinity of the project site, due to significant disturbances related to natural erosion and discing and plowing activities on site, no additional cultural resources work or monitoring of the project site was recommended. However, in the event that cultural resources are inadvertently unearthed during grading activities, the Project Applicant must contact a qualified archaeologist to assess the nature and significance of the find, and divert construction activities away from the area, if necessary. Implementation of Mitigation Measure CUL-2 would result in a less than significant impact with regard to archaeological resources. (Draft EIR, at pp. 3.4-14 and 3.4-15)

**Mitigation Measures:**

**CUL-2:** If previously undocumented cultural resources are identified during earthmoving activities or within imported soils, a qualified archaeologist shall be contacted to assess the nature and significance of the find, diverting construction excavation if necessary.

Human Remains. No conditions exist that suggest human remains are likely to be found on the project site. Due to the level of past disturbance, it is not anticipated that human remains, including those interred outside of formal cemeteries, would be encountered during earth removal or disturbance activities. Notwithstanding, Native American groups historically inhabited and hunted the area, and archaeological resources have been documented in the City. Therefore, ground-disturbing activities, such as grading or excavation, have the potential to disturb human remains.

If human remains are found, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a

determination of origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission and notify the Most Likely Descendant (MLD). The following requirement has been made a Mitigation Measure to ensure implementation if human remains are found during excavation. Following compliance with State regulations, which detail the appropriate actions necessary in the event human remains are encountered, impacts would be less than significant. (Draft EIR, at pp. 3.4-14 and 3.4-15)

#### **Mitigation Measure**

**CUL-3:** If human remains are found during excavation, excavation must stop in the vicinity of the find and any area that is reasonably suspected to overlie adjacent remains until the County coroner has been called out, and the remains have been investigated by the coroner and appropriate recommendations have been made for the treatment and disposition of the remains.

### **E. GEOLOGY, SOILS AND SEISMICITY**

#### **Potential Impact**

Development of the Project site could subject occupants to dangers related to soil erosion and settlement/collapse of site soils.

#### **Finding**

Pursuant to CEQA section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

#### **Rationale**

Soil Erosion. Soil erosion onsite is generally limited to the vicinity of the existing active drainages, however there is a potential for erosion to occur during the grading operations proposed onsite during periods of rainfall and heavy winds. The Project Applicant would be required to meet City and County grading standards, and as required has prepared a draft Water Quality Management Plan and draft Stormwater Pollution Prevention Plan for approval by the City. These plans identify the specific Best Management Practices (BMPs) that will be implemented by the Project Applicant to prevent erosion, minimize siltation from impacting downstream water bodies, and protect water quality. (see E. Hydrology and Water Quality below)

The engineered fill material will consist of a mixture of soil and Portland cement (up to 2.0% by weight) and the cohesive properties of the soil-cement fill is sufficient to prevent erosion of the slopes (refer to *Preliminary Geotechnical Investigation*, Appendix I). Provided all fill slopes and stabilized cut slopes are constructed with the cement-treated engineered fill soils, per Soil Safe, Inc. specifications and drainage facilities are

properly maintained, erosion control plantings on slopes would not be necessary. With adherence to Mitigation Measures GEO-1 and GEO-2 below, which requires the Project Applicant to address erosion control, less than significant impacts are anticipated. (Draft EIR, at pp. 3.5-17 and 3.5-18)

**Mitigation Measures:**

- GEO-1:** All earthwork and construction activities conducted as part of the project shall be done in such a manner so as to limit erosion and sedimentation. As part of this process, the following would be required: (1) proper erosion control techniques shall be used during grading and construction in accordance with the requirements of all applicable jurisdictional codes (i.e., Stormwater Pollution Prevention Plan (SWPPP)); (2) any required permits have been obtained (i.e., CUP, grading permits, etc.); and (3) temporary measures are designed to maintain the existing drainage flows and collect excess water and sediments resulting from the construction activities.
- GEO-2:** In areas susceptible to soil erosion, sediment control shall be addressed in the SWPPP, to be reflected in facility plans, specifications and estimates.

Settlement and Collapse. Alluvial sediments in the project area are primarily the result of weathering of the granitic and metamorphic rocks in the San Bernardino Mountains to the north. The alluvial sediments are mapped as Holocene (less than 10,000 years before present (bp)) to Pleistocene (less than 2,000,000 years bp) very young river wash deposits, younger and older alluvial fan deposits, and old dune deposits. The project site is located on recent wash deposits which are located just over 300 feet from the edge of the active channel of the Santa Ana River. The project site is located at a higher elevation relative to the adjacent river.

Hydro-consolidation is the tendency of a soil structure to collapse upon saturation resulting in overall settlement of effected soils and any underlying foundations or improvements. The site is underlain by approximately 3 to 20 feet of potentially compressible and/or hydro-collapsible soils (surficial undocumented artificial fills and upper younger alluvial wash deposits) that exhibit the potential to settle under the surcharge of the proposed fill loads of up to 20 feet. Placement of the proposed fill loads of up to approximately 20 feet may result in total settlement of up to 7 to 7.5 inches, with a portion of the settlement due to potential hydro-consolidation of up to an additional 2 to 3 inches. The remedial grading of the loose dry soil and the use of a stiffened conventional foundation system would mitigate the potential for hydro-consolidation.

It is estimated that the majority of normal settlement, due to the sandy nature of the existing soils and the proposed duration of engineered fill placement, should occur during stockpiling and engineered fill placement, while the portion of the estimated

settlement due to potential hydro-consolidation would not occur unless the soils underlying the proposed fills ever became saturated. Saturation of the existing near surface soils from a rise in ground water is considered remote, as this would require groundwater to increase in elevation a minimum of 63 feet. However, saturation of the near surface soils could occur over time from other sources such as rainfall, flooding and adjacent landscape irrigation or uncontrolled drainage, which could migrate underneath the proposed engineered fills. Pre-watering of the site to bring soil moisture content to an optimum level was recommended in the geotechnical report (refer to *Preliminary Geotechnical Investigation*, Appendix I) and may help to reduce the amount of settlement after engineered fill placement due to potential hydro-consolidation of the upper existing soils.

The results of geoprobe borings up to 30 feet deep into the Guyaux landfill during the Phase II Environmental Site Assessment (refer to Appendix J) revealed that the landfill is approximately 14 feet thick. The analysis showed that the geotechnical properties of the soils beneath the landfill are similar to the remainder of the site. Settlement of the existing soil beneath the Guyaux landfill would likely be less than the total settlement indicated above (approximately 7 inches under load from approximately 20 feet of engineered fill), since it has been pre-consolidated by the 14 feet of landfill and the planned engineered fill on Guyaux, which would be approximately 5 feet thick.

The contents of Guyaux landfill are likely to settle during the fill construction. These materials have not been pre-consolidated and may contain voids around some of the larger fill objects. The potential for voids is evidenced by the presence of sink holes on the surface and exposed side slope. The extent of settlement can not be determined at this time due to the heterogeneous nature of the fill.

According to the *Preliminary Geotechnical Investigation* (Appendix I), the amount of potential settlement for the Guyaux landfill portion of the project would be within acceptable and tolerable limits pursuant to local regulatory grading ordinances for both Open Space and Light Industrial uses. However, the portion of the site containing Guyaux landfill will be Deed Restricted and no structures, walls or other improvements will be constructed following rough grading. During site grading, the project site would be grubbed (removal of all vegetation), soils onsite would be moisture conditioned (minimal amounts of water would be used on the Guyaux landfill portion) and compacted, soil-cement would be placed throughout the site and tested at specific intervals, and monitored to ensure that settlement is within acceptable tolerances. Mitigation measures GEO-3 through GEO-12 are recommendations made in the geotechnical report (refer to *Preliminary Geotechnical Investigation*, Appendix I) to address onsite conditions associated with settlement and collapse. The hazards associated with settlement and collapse are considered less than significant with implementation of Mitigation Measures GEO-3 through GEO-12. (Draft EIR, at pp. 3.5-18 through 3.5-21)

### **Mitigation Measures:**

- GEO-3:** Where engineered fill is to be placed, grading shall begin with the removal of all existing vegetation and existing improvements from the area to be graded. Deleterious debris such as wood, tree stumps, and thick roots shall be exported from the site and shall not be mixed with the fill soils. Asphalt and concrete pieces larger than four inches shall not be mixed with the fill soils without approval by the Geotechnical Engineer, who would be hired by the Applicant pending approval by the City Engineer or Public Works Director. All existing underground improvements planned for removal shall be completely excavated and the resulting depressions properly backfilled.
- GEO-4:** All excavated site soils shall be thoroughly blended and moisture conditioned prior to placement and compaction. All fill and backfill soils shall be placed in uniform lifts generally not exceeding approximately six to 12 inches in loose thickness, and shall be moisture conditioned at or slightly above optimum moisture content, and compacted to at least 90% of Modified Proctor, as determined by ASTM Test Method D 1557-02. Placement and compaction of fill shall be performed in accordance with local regulatory grading ordinances under the observation and testing of the Geotechnical Consultant. In-place density and moisture content testing shall be conducted in accordance with ASTM D6938-10 or functional equivalent.
- GEO-5:** All imported fill shall be observed, tested, and approved prior to use in the elevated pad area. Rocks larger than six inches in diameter shall not be used within the upper five feet of the engineered fill pad, and rock larger than 12 inches shall not be used in any engineered fill.
- GEO-6:** The project site shall be pre-watered prior to grading operations to reduce the amount of settlement after engineered fill placement due to potential hydro-consolidation of the upper existing soils.
- GEO-7:** No water shall be allowed to pond adjacent to nearby offsite buildings. Positive drainage may be accomplished by providing drainage away from buildings at a gradient of at least two percent for a distance of at least five feet, and further maintained by a swale or drainage path at a gradient of at least one percent. Where necessary, drainage paths may be shortened by use of area drains and collector pipes.
- GEO-8:** After clearing and grubbing, the surface of the Guyaux landfill shall be compacted, using the overall site preparation recommendations in the geotechnical report. Water use for this compaction would be limited to prevent percolation into the landfill.
- GEO-9:** The first major area of the site to receive engineered fill shall be the Guyaux landfill. Two feet of engineered fill shall be placed, compacted,

and graded to drain to the southwest. This would allow settlement of the landfill contents while the remainder of the project is filled.

- GEO-10:** The Guyaux landfill shall be allowed to settle, with additional fill placed as needed to maintain positive drainage.
- GEO-11:** Additional soil-cement shall be placed on Guyaux landfill to bring it to final grade near the end of the project, after settlement is complete.
- GEO-12:** The Project Applicant will fine-grade the site and replace or re-fill any settlement prior to demobilization.

## **F. HAZARDS AND HAZARDOUS MATERIALS**

### **Potential Impact**

There is a potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

### **Finding**

Pursuant to CEQA section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

### **Rationale**

Typical Construction Activities. The routine transport, use, and disposal of hazardous materials can result in hazards to the public through the potential for accidental release. As part of the processing onsite, certain chemicals may be used (i.e. cement, stabilizers, lubricants, diesel fuel for heavy-duty equipment, etc.). These typical construction materials are considered hazardous.

Operational transportation, storage, use, and disposal of hazardous materials and wastes must comply with all regulations, guidelines, and standards contained within the City's *General Plan* and applicable permitting procedures required by all Federal, State, and local agencies associated with hazardous materials and waste issues, including the California Code of Regulations Title 22 and California Hazardous Waste Control Law, administered by DTSC. In addition, Article 80 of the Uniform Fire Code (UFC) requires conformance to the proper storage and use of hazardous materials and containment of storage areas and secondary containment of chemical lines to contain spills. Conformance with these standards and the implementation of Mitigation Measures HAZ-1 through HAZ-3 would reduce impacts to less than significant levels. (Draft EIR, at pp. 3.6-9 and 3.6-10)

Closure of Pre-existing Unclosed Groundwater Monitoring Wells. As part of the project, several existing non-functioning groundwater monitoring wells would be destroyed on the project site as well as adjacent City of Colton properties (with City of Colton permission). This closure would reduce opportunities for new pollutants entering

the groundwater aquifer.

Prior to commencement of this activity, the City and Project Applicant would obtain concurrence from the California Department of Public Health that these wells may be destroyed, in response to the Department's request to observe and potentially sample these wells. Upon concurrence, this destruction can take place. The Project Applicant proposes to destroy these wells using approved procedures and technologies in accordance with City regulations and the County Department of Public Health, Environmental Health Division permitting process. The County has already authorized the Project Applicant to conduct the well destruction. (Draft EIR, at p. 3.6-10)

Soil Safe Approval Process for Incoming Materials. During the construction phase of the project, a variety of non-hazardous soils (raw materials) would be reprocessed on site. These materials would typically be sourced from within a 75-mile radius of the processing facility. These soils would consist of sands, silts, and clays, as well as a minimal amount (15 percent or less on average) of oversized materials. These sourced raw materials would be non-hazardous as classified by State of California and Federal Regulations (42 USC; Div. 20 California Health and Safety Code). Raw material would also be below the AQMD Rule 1166 regulation requirements (Rule 1166 - Volatile Organic Compound Emissions from Decontamination of Soil; adopted August 5, 1988; Amended July 14, 1995, and May 11, 2001).

Only soils from pre-approved sources (i.e., adequate testing performed from the site where the soils are generated) would be accepted and received on site. Acceptance is a two-tier process, requiring that materials meet all permit-driven acceptance criteria, both before shipment to the Project Applicant and again after receipt and retesting at the project site.

After extensive review of the engineering studies, models and risk assessment completed by the Project Applicant, the Santa Ana Regional Water Quality Control Board (SARWQCB) stated that the project would not pose any threat to groundwater and would improve groundwater conditions on the site. SARWQCB provided the Project Applicant with a Concurrence Letter (dated July 14, 2010) stating that SARWQCB has reviewed and concurs with all technical documents submitted and dated February 8, 2010, which included the *Modeling and Risk Assessments* (Appendix D), discussed above, and the *Phase II Environmental Site Assessment and Site Investigation* (Appendix J).

To summarize, the Project Applicant has demonstrated through engineering analyses, modeling, health risk assessment and experience that there would be no adverse impact to groundwater even if MCLs and Practical Quantification Limits (PQLs) are lower than they are at the present time. (Draft EIR, at pp. 3.6-10 and 3.6-11)

See also the discussion of water quality beginning on page 12 in Section II-A above)

Site Sampling for Contaminants Acceptance Criteria Limits. Surface and subsurface contamination from metals, petroleum hydrocarbons, PCBs and polynuclear aromatic hydrocarbons (PAHs) exists on the project site. The contaminant concentrations are higher on the north side of the site at the Guyaux landfill. This area of the site is nearest the residential properties on Florez and Fernando Streets. No contaminants above drinking water standards were detected in the four groundwater monitoring wells.

The contaminant concentrations from this investigation do not appear to pose an immediate threat to human health from direct contact. However, exposure due to wind-blown dust could be a potential exposure pathway.

The engineered fill being proposed for the property would eliminate any potential risks from the existing site conditions. The fill would eliminate the direct contact and the wind-blown dust exposure pathways (refer to Appendix D, *Air Modeling and Risk Analysis Report*, which demonstrates no risk to the public from wind-blown dust from the project or soil-cement product). Because the borrow material used in the engineered fill would be significantly less permeable than the existing soil on the site, it would also minimize the groundwater exposure pathway by significantly reducing percolation through the site soils.

Therefore, the proposed project would achieve the following hazard-mitigating objectives:

- Reduction of the potential for exposure to hazardous substances through the placement and compaction of engineered fill on top of existing native soils;
- Reduction of the existing fugitive dust conditions at the adjoining residential properties from wind blowing over the existing fine, loose soils on the site; and,
- Cover of the existing Guyaux landfill impacted area to prevent direct contact exposure to the landfill, limit percolation and remove the risks associated with open voids on the surface and face of the landfill.

With achievement of the project objectives, above, and the implementation of Mitigation Measures HAZ-1 through HAZ-5, which include the abandonment of existing monitoring wells, proper storage of chemical products, appropriate disposal of onsite trash and debris, and coordination with applicable agencies, impacts would be reduced to a less than significant level. (Draft EIR, at pp. 3.6-11 through 3.6-22)

### **Mitigation Measures:**

**HAZ-1:** All four existing non-functioning groundwater monitoring wells shall be destroyed using approved procedures and technologies in accordance with City regulations and the terms of the well destruction permit already granted to the Project Applicant by the County Department of Public Health, Environmental Health Division.

- HAZ-2:** The Project Applicant shall ensure compliance with the Stormwater Pollution Prevention Plan (SWPPP) to be approved by Santa Ana Regional Water Quality Control Board (SARWQCB) and the *Hazardous Materials Emergency Response/Contingency Plan*.
- HAZ-3:** Trash and debris shall be removed from the project site and disposed in accordance with applicable laws and regulations, including California Code of Regulations (CCR) Title 22 and California Hazardous Waste Control Law.
- HAZ-4:** If requested, the Project Applicant shall provide copies of sampling and analysis-related agency reports to the City of Colton or other applicable permitting authority.
- HAZ-5:** Preparation for disposal of all hazardous waste shall be coordinated with the Primary Emergency Response Coordinator (PERC), the Department of Toxic Substances Control (DTSC) and the San Bernardino County Fire Department or the appropriate local Certified Unified Program Agency (CUPA). No hazardous wastes shall be stored on site for more than 90 days.

Risk of Upset. The proposed project includes processing soil into engineered fill for use in raising the grade of the site out of the 100-year floodplain. While soils would be tested and approved according to the approved site-specific Sampling and Analysis Plan (SAP) (refer to Appendix B) prior to shipment to the site, the Project Applicant has developed an *Emergency Response Plan* for the site as an addendum to the its Corporate Safety and Health Plan to analyze and plan for unforeseen risks at the project site. This is the Project Applicant's site-specific plan for dealing with emergencies related to hazardous materials which could threaten human health and/or the environment. At least one copy of the plan would be maintained at the facility for use in the event of an emergency and for inspection by local agencies. The Health and Safety Plan would be prepared approximately one month before construction begins and would be kept at the facility in the event the Occupational Safety and Health Administration (OSHA) requests an audit of the facility.

The facility will contain materials that pose a potential risk to the environment that are used for various purposes at the site. The facility would recycle soil to form an inert engineered fill material. Despite all precautions, there is the potential that contaminants could exist in the soil which exceed the approved limits. Additionally, lubricants, oils, coolants and fuels would be stored and used at the facility as part of the day-to-day recycling operations.

The *Emergency Response Plan* includes a risk assessment which identified potential risks at the site, in order to enforce spill prevention techniques and identify response actions. The material and risks are identified below:

List of Hazardous Materials

List of Hazardous Materials and Storage Location:

Potentially Contaminated Soil	Incoming material storage area
Lubricating Oil – 55 gallon drum	Located in storage container near plant
Coolant – 55 gallon drum (mixed with water)	Located in storage container near plant
Hydraulic Oil – 55 gallon drum	Located in storage container near plant
Grease – Tubes	Located in storage container near plant
Diesel Fuel	Located in multiple storage tanks at plant

The facility's Spill Prevention Control and Countermeasures (SPCC) plan would be used to prevent the release of petroleum products or liquid hazardous materials and would be implemented in the event of a release. The SPCC would be included as part of the Stormwater Pollution Prevention Plan (SWPPP) submitted to SARWQCB.

Hazardous materials and soils are not expected to be present at the project site. Any incoming soil found to be hazardous by field testing would have site-specific requirements for handling and disposal at the site, as outlined in Mitigation Measures HAZ-6, which require the proper isolation, containment and offsite disposal of hazardous soils and the preparation and maintenance of an onsite emergency response kit, pursuant to the SAP and the *Emergency Response Plan*. All hazardous wastes occurring on site would be managed in accordance with California Code of Regulations Title 22 requirements and the California Hazardous Waste Control Law.

Therefore, impacts related to the accidental release of hazardous materials would be properly mitigated to less than significant levels with implementation of Mitigation Measures HAZ-2, HAZ-3, HAZ-5 and HAZ-6. (Draft EIR, at pp. 3.6-23 and 3.6-24)

**Mitigation Measures:**

In addition to Mitigation Measures HAZ-2, -3, and -5, the following mitigation measure is required.

**HAZ-6** If the soil screening and sample process, as determined by the *Sampling and Analysis Plan (SAP)*, indicates the presence of hazardous waste, the contingency procedures described in the *Hazardous Materials Emergency Response/Contingency Plan* shall be implemented.

School Safety. The northern boundary of the project site is located slightly less than 0.25 mile from Woodrow Wilson Elementary School. Under existing conditions, concentrations of metals, consisting of barium, chromium, cobalt, copper, lead, nickel, vanadium and zinc, and organic compounds were below levels that would indicate a human health risk from direct contact for an industrial site. Wind-blown fugitive dust containing these metals and organic compounds, however, could form an additional exposure pathway.

The result of the air risk assessment model (refer to *Air Modeling and Risk Analysis Report*, Appendix D) demonstrated that the processing and placement of the engineered fill would not have any adverse health effects on neighboring populations, including the Woodrow Wilson Elementary School. The risk assessment addressed carcinogenic, and chronic and acute non-carcinogenic, health effects from applicable inhalation and non-inhalation pathways. The proposed project would reduce the potential for exposure to hazardous substances potentially located onsite through the placement of fill materials that would cover these substances in perpetuity. Covering of the substances described above would effectively sequester potential contaminated soils onsite and render them inert over time.

Therefore, the project would have a beneficial effect related to the emission of hazardous emissions or handling of hazardous materials, with the exception of typical materials used during construction (e.g., gasoline, oil). Mitigation Measures HAZ-2, -3, -5 and -6 listed above, would ensure that potential impacts associated with windblown fugitive dust would be and less than significant impacts. (Draft EIR, at p. 3.6-25)

Government Listed Site. Guyaux comprises about four acres and is approximately 15 feet higher than the remainder of the existing site. Waste materials were dumped on the site from the 1930s through the 1980s. In March 1997, the U.S. EPA determined that Guyaux did not qualify for further remedial site assessment under CERCLA, and Guyaux was not placed on the National Priorities List (NPL). In its remedial assessment decision, EPA did identify conditions on the site that should be addressed, but it was determined that no action was ever taken to remedy these conditions. The site has been open to the elements, including wind, rain, and run-on, for the past 14 years.

In April 2009, a *Phase I Environmental Site Assessment* was performed, followed by a *Phase II Environmental Site Assessment and Site Investigation* in September through October 2009 for the entire 29-acre project site, including Guyaux. This Phase II report has been provided to, and accepted by, the SARWQCB.

SARWQCB is requiring excavation and removal of the hazardous waste found on the surface of Guyaux during EPA's expanded site investigation as a condition which would precede the initiation of the Soil Safe project. An order is expected to be issued and a voluntary remedial action would be performed by the Property Owner. At SARWQCB's request, the State Department of Toxic Substance Control (DTSC) has passed all authority over this remediation to SARWQCB.

The Property Owner would utilize a California-licensed remedial action contractor to remove the hazardous lead-contaminated soil from the top of Guyaux. A separate remedial action work plan (RAWP), with a site-specific health and safety plan, would be developed by the contractor for that activity. The RAWP would be used to verify and document the completion of these required remedial actions. The RAWP would be submitted to SARWQCB for approval prior to the start of work on the proposed project.

The following technical documents were approved by SARWQCB: (1) *Phase II*

*Environmental Site Assessment and Site Investigation Report* (Appendix J); (2) *Preliminary Concept Grading Plan* (Exhibit 2-6, *Conceptual Grading Plan*); (3) *Summary of Air and Groundwater Modeling and Risk Assessments Report* (Appendix D); and (4) the SAP (Appendix B). SARWQCB found that the proposed project, based on these technical documents and the proposed preliminary grading plan for the site, would not pose a threat to water quality or the environment.

SARWQCB would have regulatory oversight authority over this remedial action and would receive daily progress reports on the remedial action. A No Further Action determination would be issued to the Property Owner by SARWQCB upon the successful completion of these activities. After completion of the required remedial action, no additional action on Guyaux would be required by statute or regulation. Therefore, upon completion of Mitigation Measures HAZ-7 below, which would protect against future potential hazards resulting from use of the property by requiring the recording of a deed restriction on the Guyaux portion of the site, less than significant impacts related to hazardous materials sites would occur. (Draft EIR, at pp. 3.6-25 through 3.6-27)

#### **Mitigation Measures:**

- HAZ-7** After placement of the engineered fill on Guyaux is complete, a deed restriction shall be recorded for the property. This deed restriction shall:
- Require notification to the Santa Ana Regional Water Quality Control Board (SARWQCB) of any future planned excavation through the engineered fill barrier;
  - Require that any excavation through the engineered fill be fully restored; and,
  - Limit use of the entire project site to non-residential approved uses.

Emergency Response Planning. The Project Applicant has developed a site-specific *Emergency Response Plan* with the intent of dealing with emergencies related to hazardous materials which could threaten human health and/or the environment. The *Emergency Response Plan* identifies potential risks at the site, enforces spill prevention techniques, and identifies response actions. In addition, the site includes appropriate emergency secondary access via the adjacent Pico Rivera Pallet Company property to the north of the site. Therefore, impacts related to the accidental release of hazardous materials would be mitigated to less than significant levels with implementation of Mitigation Measure HAZ-6. (Draft EIR, at p. 3.6-27)

## G. HYDROLOGY AND WATER QUALITY

### Potential Impact

Project construction may result in discharge of degraded surface water and may result in increased amounts in drainage volumes and rates that could result in violations of water quality standards or waste discharge requirements.

### Finding

Pursuant to CEQA section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

### Rationale

Violation of Water Quality Standards. Groundwater Quality - The Project Applicant conducted *Air and Groundwater Modeling and Risk Assessments* (Summarized in Appendix D) to determine if the placement of engineered fill would pose a health risk through the contamination of the air or water. These results provided the best engineering judgment answers to what would be in the engineered fill. There would not be a measurable concentration of contaminants released from the engineered fill, and there would be no measurable impact to groundwater and the surrounding area. The results of the groundwater modeling show that there would not be any adverse impacts to groundwater, human health, or the environment from placement of the engineered fill at the project site. Additionally, in a letter dated February 8, 2010 (Appendix B), the RWQCB concurred with these findings and stated that the "the proposed project, including covering the Guyaux landfill, would not pose a threat to water quality or the environment." Impacts on groundwater quality from the engineered fill are therefore considered less than significant. (Draft EIR, at pp. 3.7-34 and 3.7-35)

See also the discussion of water quality beginning on page 12 in Section II-A above)

Stormwater Quality - Due to construction and associated earth moving, there would be additional impacts to stormwater quality. Construction has the potential to produce typical pollutants such as nutrients, heavy metals, pesticides and herbicides, toxic chemicals related to construction and cleaning, waste materials including wash water, paints, concrete, food containers, and sanitary wastes, fuel, and lubricants. Impacts to water quality due to construction are significant if not mitigated. The proposed project requires more than one acre of soil disturbance requiring both a Notice of Intent (NOI) and a Storm Water Pollution Prevention Plan (SWPPP). Implementation of Mitigation Measures HWQ-1 and HWQ-2 would reduce potential impacts on water quality and stormwater discharge to a less than significant level by requiring compliance with the general NPDES permit of the California State Water Resources Control Board, and the preparation of a SWPPP and WQMP. (Draft EIR, at pp. 3.7-36 through 3.7-43)

## Mitigation Measures

**HWQ-1** The project shall prepare a Water Quality Management Plan (WQMP) prior to issuance of a grading permit. The WQMP shall be prepared in conformance to the requirements of the San Bernardino County WQMP, Water Quality Management Plan Guidance Document, which is available on the County's Stormwater Program website [http://www.co.san-bernardino.ca.us/stormwater/educational\\_materials.htm](http://www.co.san-bernardino.ca.us/stormwater/educational_materials.htm).

**HWQ-2** Project construction will be covered under State Board Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit for storm water discharges associated with construction and land disturbance activities.

The Project Applicants shall prepare and submit a Notice of Intent (NOI) to comply with the general NPDES permit of the California State Water Resources Board. Prior to issuance of a grading permit, the applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) for the construction activities onsite. A copy of the SWPPP shall be available and implemented at the construction site at all times. The State Board must be notified (via a Notice of Termination form) once construction is complete.

**HWQ-3** The following construction BMP's for the site shall be indicated in the Stormwater Pollution Prevention Plan (SWPPP) and implemented during construction:

- *SE-1 Silt Fence* – Composed of filter fabric, which has been entrenched, attached to support poles and sometimes backed by wire fence support. Silt fences promote sedimentation behind the fence of sediment-laden water.
- *SE-2 Sediment Basin* – A sediment basin is a temporary basin formed by excavation or by constructing an embankment so that sediment-laden runoff is temporarily detained under quiescent conditions, allowing sediment to settle out before the runoff is discharged.
- *SE-4 Check Dam* – A check dam is a small barrier constructed of rock, gravel bags, sandbags, fiber rolls, or other proprietary products, placed across a constructed swale or drainage ditch. Check dams reduce the effective slope of the channel, thereby reducing scour and channel erosion by reducing flow velocity and increasing residence time within the channel, allowing sediment to settle.
- *SE-5 Fiber Rolls* - A fiber roll consists of straw, coir, or other biodegradable materials bound into a tight tubular roll wrapped by netting, which can be

photodegradable or natural. When fiber rolls are placed at the toe and on the face of slopes along the contours, they intercept runoff, reduce its flow velocity, release the runoff as sheet flow, and provide removal of sediment from the runoff (through sedimentation).

- *SE-8 Sand Bag Barriers* – By stacking sand bags on a level contour, creates a barrier to detain sediment-laden water. The barrier will promote sedimentation.
- *SE-10 Storm Drain Inlet Protection* - Storm drain inlet protection consists of a sediment filter or an impounding area in, around or upstream of a storm drain, drop inlet, or curb inlet. Storm drain inlet protection measures temporarily pond runoff before it enters the storm drain, allowing sediment to settle.
- *WE-1 Wind Erosion Control* - Wind erosion or dust control consists of applying water or other dust palliatives as necessary to prevent or alleviate dust nuisance generated by construction activities.
- *TC-1 Stabilized Construction Entrance/Exit* – A stabilized construction access is defined by a point of entrance/exit to a construction site that is stabilized to reduce the tracking of mud and dirt onto public roads by construction vehicles.
- *TC-2 Stabilize Construction Roadway* – All on-site vehicle transport routes should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
- *TC-3 Entrance/Outlet Tire Wash* – A tire wash is an area located at stabilized construction access points to remove sediment from tires and under carriages and to prevent sediment from being transported onto public roadways.
- *EC-1 Scheduling* - Scheduling is the development of a written plan that includes sequencing of construction activities and the implementation of BMPs such as erosion control and sediment control while taking local climate (rainfall, wind, etc.) into consideration.
- *EC-2 Preservation of Existing Vegetation* – Carefully planned preservation of existing vegetation minimizes the potential of removing or injuring existing trees, shrubs, and grasses that protect soil from erosion.
- *EC-6 Straw Mulch* – Straw mulch consists of placing a uniform layer of straw and incorporating it into the soil. This practice protects the soil

surface from the impact of rain drops, preventing soil particles from becoming dislodged.

- *EC-7 Geotextiles and Mats* – Mattings, or Rolled Erosion Control Products (RECPs), can be made of natural or synthetic materials or a combination of the two. RECPs are used to cover the soil surface to reduce erosion from rainfall impact, hold soil in place, and absorb and hold moisture near the soil surface.
- *EC-9 Earth Dikes and Drainage Swales* – An earth dike is a temporary berm or ridge of compacted soil used to divert runoff or channel water to a desired location. A drainage swale is a shaped and sloped depression in the soil surface used to convey runoff to a desired location. Earth dikes and drainage swales are used to divert offsite runoff around the construction site, divert runoff from stabilized areas and disturbed areas, and direct runoff into sediment basins or traps.
- *EC-10 Velocity Dissipation Devices* – Outlet protection is a physical device composed of rock, grouted riprap, or concrete rubble, which is placed at the outlet of a pipe or channel to prevent scour of the soil caused by concentrated, high velocity flows.
- *WM-1 Material Delivery and Storage* – Prevent, reduce, or eliminate the discharge of pollutants from material delivery and storage to the stormwater system or watercourses by minimizing the storage of hazardous materials onsite, storing materials in watertight containers and/or a completely enclosed designated area, installing secondary containment, conducting regular inspections, and training employees and subcontractors.
- *WM-2 Material Use* - Prevent or reduce the discharge of pollutants to the storm drain system or watercourses from material use by minimizing hazardous material use onsite, and training employees and subcontractors.
- *WM-3 Stockpile Management* - Reduce or eliminate air and stormwater pollution from stockpiles of soil, Portland cement concrete (PCC) rubble, aggregate base, or aggregate sub base or pre-mixed aggregate.
- *WM-4 Spill Prevention and Control* - Prevent or reduce the discharge of pollutants to drainage systems or watercourses from leaks and spills by reducing the chance for spills, stopping the source of spills, containing and cleaning up spills, properly disposing of spill materials, and training employees.
- *WM-5 Solid Waste Management* – Prevent or reduce the discharge of pollutants to stormwater from solid or construction waste by providing

designated waste collection areas and containers, arranging for regular disposal, and training employees and subcontractors.

- *WM-6 Hazardous Waste Management* – Prevent or reduce the discharge of pollutants to stormwater from hazardous waste through proper material use, waste disposal, and training of employees and subcontractors.
- *WM-7 Contaminated Soil Management* - Prevent or reduce the discharge of pollutants to stormwater from contaminated soil and highly acidic or alkaline soils by remediating contaminated soil promptly.
- *WM-8 Concrete Waste Management* – Prevent and reduce pollutant discharge to storm water from concrete waste by performing on and off-site washouts in designated areas and training employees and consultants.
- *WM-9 Sanitary/Septic Water Management* – Provide convenient, well-maintained facilities, and arrange regular service and disposal of sanitary waste.
- *WM-10 Liquid Waste Management* – Prevent discharge of pollutants to the storm drain system or to watercourses as a result of the creation, collection, and disposal of non-hazardous liquid wastes.
- *NS-3 Paving and Grinding Operations* – Prevent or reduce the discharge of pollutants from paving operations, using measures to prevent run-on and runoff pollution, properly disposing of wastes, and training employees and subcontractors.
- *NS-6 Illicit Connection/Discharge* – Recognize illicit connections or illegally dumped or discharged materials on a construction site and report incidents.
- *NS-8 Vehicle and Equipment Cleaning* – Eliminate or reduce the discharge of pollutants to stormwater from vehicle and equipment cleaning operations. Procedures and practices include, but are not limited to: using offsite facilities; washing in designated, contained areas only; eliminating discharges to the storm drain by infiltrating the wash water.
- *NS-9 Vehicle and Equipment Fueling* – Prevent fuel spills and leaks, and reduce or eliminate contamination of stormwater. This can be accomplished by using offsite facilities, fueling in designated areas only, enclosing or covering stored fuel, implementing spill controls, and training employees and subcontractors in proper fueling procedures.
- *NS-10 Vehicle and Equipment Maintenance* – Prevent or reduce the contamination of stormwater resulting from vehicle and equipment maintenance by running a “dry and clean site”. The best option would be to

perform maintenance activities at an offsite facility. If this option is not available then work should be performed in designated areas only, while providing cover for materials stored outside, checking for leaks and spills, and containing and cleaning up spills immediately.

These BMP are detailed in the California Stormwater Best Management Practice Handbook (November 2009).

Erosion and Siltation. The project would result in the disturbance of soil that would require compliance with the Construction General Permit, which regulates discharges from construction sites that disturb one or more acres of soil. By law, all stormwater discharges associated with construction activity where clearing, grading, and excavation results in a soil disturbance of at least one acre of total land area must comply with the provisions of this NPDES Permit, and develop and implement an effective SWPPP. The Project Applicant would submit a NOI to the State Water Resources Board, to be covered by the statewide NPDES General Construction Permits, and prepare the SWPPP before beginning construction. With implementation of Mitigation Measure HWQ-1 and HWQ-4, less than significant impacts are anticipated. (Draft EIR, at pp. 3.7-48 through 3.7-50)

### **Mitigation Measures**

Refer to Mitigation Measure HWQ-1 and HWQ-3. In addition, the following mitigation measure shall be required:

**HWQ-4** After completion of the project, wind-blown dust and debris that has accumulated within the basin due to stormwater runoff shall be removed on an as-needed basis by the Property Owner.

Drainage Patterns. The project site was historically within the floodplain for the Santa Ana River but has been generally isolated from all but significant events by a levee built in the 1970's and seldom receives waters from the river. Drainage onsite consists of an ephemeral stream that travels south along East Fogg Street through private property (outside of the project site), trends southwest through City of Colton property (adjacent to the project site) and enters the project site south of the elevated portion of the site and eventually enters the Santa Ana River southwest of the site beneath the Union Pacific Railroad bridge. The proposed project involves the reclamation of approximately 29 acres of land currently located within the 100-year floodplain of the Santa Ana River as delineated by the FEMA. In addition to covering the existing Guyaux landfill, construction would include storm drains, culverts, and channels to control stormwater runoff entering the property from Florez and Fernando Streets as well as properties to the east of the project site. In addition, along the base of the eastern and southern slopes of the site, a natural soft-bottom channel would be constructed to convey water around the perimeter of the site in place of the existing drainage. The channels are expected to convey the same amount of flow as the

existing drainage. The Project Applicant will ensure that undercutting during high-flow flooding events does not impact the site by constructing onsite slopes with keyways approximately 2 to 3 feet beneath the existing grade. (Draft EIR at pp 3.7-50 through 3.7-53)

### **Mitigation Measures**

**HWQ-5** Prior to issuance of grading permits, final design of the stormwater detention basin shall demonstrate that stormwater will be released at or below the exiting flow rate.

Water Quality Degradation. The proposed project would result in a reduction of Total Dissolved Solids release from the project site from 4,660 lbs/year to 7 lbs/year by covering the site with engineered fill and diverting stormwater flows that currently flow onsite around the raised site. The project has been designed to prevent future groundwater contamination. The engineered fill product has low permeability, resulting in minimal percolation (a 99.97% reduction of infiltration) of stormwater through the engineered fill product, Guyaux landfill and the existing site soils. Engineering studies, including a groundwater model and a health risk assessment, as well as a Phase II Environmental Site Assessment, have been performed that conclude that the proposed project is not expected to have a significant impact to groundwater quality in the area during construction or after the work has been completed. The Santa Ana RWQCB has reviewed the engineering studies and has determined that the project will not pose a threat to water quality or the environment, and does not at this time require continued groundwater monitoring during project implementation. Further, completion of the *Guyaux Landfill Reclamation Project Plan* (located in Appendix L) as part of the proposed project should significantly reduce the percolation through the landfill and thereby, reduce the potential risk of groundwater contamination from the existing Guyaux landfill. The plan calls for placement and compaction of at least five feet of engineered fill product over the surface of the landfill and use of the engineered fill to stabilize the exposed and eroded side slopes. A deed restriction would be used to minimize disturbance of this fill and restrict future development (refer to Mitigation Measure HAZ-7 above). Completion of this Reclamation Plan significantly reduces the potential for direct contact and impact to groundwater pathways for contaminants contained in the Guyaux landfill.

The implementation of Mitigation Measures HWQ-1 through HWQ-5 and HWQ-6 below would reduce potential impacts on water quality and stormwater discharge to a less than significant level by minimizing construction-related erosion and reducing the potential for stormwater flows to enter and percolate through the Guyaux landfill. Therefore, impacts are considered less than significant with mitigation incorporated. (Draft EIR at pp. 3.7-53 through 3.7-55)

### **Mitigation Measures:**

Refer to Mitigation Measures HWQ-1 through HWQ-5. In addition, the following mitigation measure shall be required:

**HWQ-6** The Project Applicant shall comply with the *Guyaux Landfill Reclamation Project Plan* (located in Appendix L). The Project Applicant shall ensure the placement and compaction of at least five feet of engineered fill product over the surface of the landfill and use of the engineered fill to stabilize the exposed and eroded side slopes.

## **H. NOISE**

### **Potential Impact**

Construction vehicles and equipment, and project-related traffic may produce noise in excess of noise standards.

### **Finding**

Pursuant to CEQA section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

### **Rationale**

Construction Noise Impacts. The proposed project will generate approximately 50 truck trips per day (Monday through Saturday) that would enter the project site and unload transported fill materials. The construction duration is forecasted to last approximately three to five years based on the availability of fill materials from outside locations and weather conditions affecting site operations. Groundborne noise and other types of construction-related noise impacts would typically occur during the initial site preparation and earthwork activities, which can create the highest levels of noise. Noise from construction activities is generated by two primary sources: (1) the noise related to active construction equipment, including the soil processing equipment to be located on site, and (2) the transport of workers and equipment to construction sites.

The nearest sensitive receptors are residential uses located approximately 75 feet to the north of the project activity area. The perceived construction-related noise levels at this use would be between 81.6 and 83.0 dBA outdoors, resulting in an interior noise level between 61.6 and 63.0 dBA, with doors and windows shut. Construction-related noise within this 75-foot distance would occur at these levels for a short duration (Phase A which is anticipated to last approximately 3 months, and Phase B which is anticipated to last approximately 3 to 6 months) during the construction of the proposed

drainage features on the northern property boundary, placement of soil-cement on the Guyaux landfill, and construction of the proposed noise-attenuating berm (refer to Chapter 2.0, Project Description, for the proposed Phasing Plan), after which the noise-attenuating berm would dampen the noise resulting from construction activities in Phases C through F. However, during Phase C through F, construction activities would occur at a distance of greater than 75 feet, resulting in less than significant impacts.

Truck hauling trips, construction crew commutes, and the transport of construction equipment and materials to the site for the proposed project would incrementally increase noise levels on access roads leading to the site. Draft EIR Table 3.9-6 provides a worst case scenario when construction activities are closest to the residences. Although there would be a relatively high single-event noise exposure resulting in intermittent noise nuisance, the effect on longer term (hourly or daily) ambient noise levels would be minimal. As a result, sensitive receptors would not be exposed to significant construction noise levels over an extended period of time.

Pursuant to the standards provided by the City of Colton, construction activities would be allowed between the hours of 7:00 AM to 5:00 PM typically on weekdays. Additionally, as part of the CUP application, the Project Applicant is requesting to only accept soil deliveries on Saturdays between the same hours. Although the noise modeling demonstrates that construction noise would be below the significance threshold (with windows and doors closed), Mitigation Measures NOI-2 and NOI-3 would further reduce impacts from construction noise, and would ensure that impacts are reduced to a less than significant level. However, in the case of the homes without air conditioning units (assuming windows open), significant and unavoidable impacts would occur, even after incorporation of Mitigation Measures NOI-2 and NOI-3. (see Section VI.B, Statement of Overriding Considerations) (Draft EIR at pp. 3.9-12 through 3.9-19)

### **Mitigation Measures**

- NOI 1:** Prior to construction activities, the construction contractor shall notify nearby residents as to the approximate date that construction will begin and shall inform them of the potential noise impacts.
- NOI 2:** Prior to grading permit issuance, the construction contractor shall demonstrate, to the satisfaction of the City of Colton, the following:
- Construction contracts shall specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State required noise attenuation devices.
  - Construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, and maximizing the distance between

construction equipment staging areas and occupied residential areas, shall be implemented.

- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receptors.
- The construction entrance shall clearly post construction hours, allowable workdays, and the phone number of the job superintendent. This would allow surrounding owners and residents to contact the job superintendent with concerns. If the contractor receives a noise-related complaint, appropriate corrective actions shall be implemented and a report taken indicating the action with a copy of the report provided to the reporting party upon request.

**NOI 3:** Prior to grading permit issuance, the construction contractor shall demonstrate to the City of Colton that haul truck routes avoid sensitive receptors. Haul trucks shall be required to access the project site via I-10 to Mount Vernon Avenue, M Street east of East Fogg Street, and East Fogg Street. Haul trucks shall be prohibited to travel along M Street west of East Fogg Street, West Fogg Street (west of 8<sup>th</sup> Street), and Congress Street west of East Fogg Street, excluding the segment of Congress Street east of the curb cut for the project's egress access road.

**NOI-4:** All soil deliveries onto the Soil Safe site shall occur during normal operating hours (anticipated to be between 7:00 am and 5:00 pm), Monday through Saturday. The only activity allowed to occur on Saturdays shall be soil delivery.

## **I. PUBLIC SERVICES AND UTILITIES**

### **Potential Impact**

The Project will contribute to the need for additional police protection and stormwater facilities, and generate solid waste that would enter the County landfill.

### **Finding**

Pursuant to CEQA section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

### **Rationale**

Police Protection Services. The project site is currently undeveloped; therefore, minimal police protection is required. During construction of the land improvements, it is not anticipated that additional police protection services would be necessary. The

processing equipment and stockpile areas (approximately 5 acres of the site) would be secured with fencing to keep trespassers out of this area. Portions of the project site outside of these areas would be enclosed by silt fencing. In addition, security lights would be provided where necessary to increase visibility of the equipment at night and reduce opportunities for vandalism. If an increase in police response to the site occurs, the Project Applicant would be required to provide additional measures (e.g., additional security fencing, security lighting, etc.) and would work with the Police Department to ensure that these measures adequately address and discourage trespassing and vandalism. However, the limits of disturbance would be secured with fencing. Bollards, short vertical posts, would be used to line both sides of the unpaved access road, confining all vehicular use of the road to the disturbed roadbed. Police vehicles would be able to access the site via this temporary road, if necessary. Once construction of the proposed improvements is complete, it is not anticipated that additional police protection services would be necessary, and no significant police protection service impacts are anticipated. (Draft EIR at p 3.11-8)

### **Mitigation Measures:**

**PSU-1:** If during the construction phase an increase in police response to the site occurs, the Project Applicant would be required to provide additional measures (e.g., additional security fencing, security lighting, etc.) as directed by the Police Department to ensure that these measures adequately address and discourage trespassing and vandalism.

Electricity Services. Colton Public Utilities would provide electricity services to the project site. The existing onsite 66 kV sub-transmission line would not have adequate ground clearance from the new grade level of the project site. Colton Public Utilities would require the placement/relocation of the sub-transmission pole line to the new finished grade elevation to provide the required ground clearances. The new line could require new embedded wood poles. The relocation of transmission lines would occur in consultation with the Project Applicant's approved dry utility consultant and Colton Public Utilities. Colton Public Utilities would approve plans, inspect, and approve the new poles prior to energizing.

The new poles and wires would be in place prior to the disconnection of the existing sub-transmission lines. A brief interruption of service would occur causing a minimal disruption to customers while the new lines are being connected. Maintenance of these utilities during or after construction would not be more difficult to perform or costly to the City of Colton. The soil-cement product is cohesive and rigid but is not monolithic. Typical unconfined compressive strength is in the range of 300 to 400 psi after 28 days. Strengths of 600 to 1,000 psi may be obtained long term, but this is not expected. This is considerably stronger than sand or even more cohesive soils, but is a fraction of low strength concrete. The soil-cement product can be excavated using standard construction excavation equipment, such as backhoes, track hoes, and excavators. Trenching in the material should be easier to effect compared to the exiting

sand on site, which tends to backflow when excavated. Therefore, installation and maintenance of the power poles would not be unduly burdened by the strength or characteristics of the engineered fill.

The Project Applicant will place engineered fill material on top of the site to raise it out of the floodplain. Therefore, implementation of the proposed project would not generate an immediate increase in demand for electricity services and impacts to the existing onsite transmission lines as well as the electricity customers served by those lines would be less than significant due to the brief interruption. (Draft EIR at pp 3.11-9 and 3.11-10)

**Mitigation Measures:**

**PSU-2:** The Project Applicant shall coordinate with Colton Public Utilities on timing of relocation of transmission lines to ensure that electric service is not interrupted by the relocation.

Stormwater Drainage Facilities. The grading concept for the proposed project includes a basin to capture onsite stormwater with a capacity of approximately 177,000 cubic feet (approximately 2.6 million gallons) with a one-foot freeboard (the distance from the water level to the top of the basin's sides) to control stormwater runoff from the site. This pond would detain storm flows onsite, allowing a controlled release into the Santa Ana River watershed and minimizing downstream erosion. The first phase of the project would also include the construction of the swales and berms primarily along Florez and Fernando Street to accept stormwater from off-site and divert it around the Guyaux landfill to avoid water quality impacts. Implementation of these facilities would occur within the footprint of the project site, the impacts of which are analyzed throughout this EIR. Hydrologic analyses were conducted utilizing the *San Bernardino County Hydrology Manual* and its methodologies. Specific methodologies used in the analyses are described in the *Conceptual Drainage Report* (Appendix K), Section 1.3, "Methodologies". The ultimate design, improvement plans and calculations for the drainage improvements would be in accordance with the latest standards (including the *San Bernardino County Hydrology Manual* and *City of Colton Municipal Code*, Title 14 – Storm Drains and Floodplain Management) and shall be reviewed and approved by the City engineer prior to grading. Mitigation measures PSU-3 and PSU-4 would ensure that the stormwater facilities are properly sized and appropriate for the flows generated at the site. Therefore, with the implementation of Mitigation Measures PSU-3 and PSU-4, no significant impacts would occur. (Draft EIR at p 3.11-12)

**Mitigation Measures:**

**PSU-3** In connection with site plan and design review, all required drainage improvements associated with development shall be designed in accordance with the latest City standards and shall be reviewed and approved by the City

engineer prior to grading. Project-related facilities shall be constructed prior to facility operation, unless otherwise approved by the City engineer.

- PSU-4** Prior to issuance of grading permits, the Project Applicant shall submit for review and approval by the City Engineer, improvement plans, design reports, and appropriate calculations for the Drainage Plan, verifying that the proposed design does not exceed existing flow conditions and meets all applicable City and County requirements.

Landfill Capacity. Solid waste generated by the project site would be transported to Colton Sanitary Landfill, located at 850 Tropicana Rancho Road in Colton. The Project Applicant proposes the reclamation of approximately 29 acres of land currently located within the 100-year floodplain of the Santa Ana River (outside of the active river channel), which is not expected to generate a significant amount of solid waste during construction and/or operations. On occasion, material may need to be hauled offsite (e.g., construction debris); however, based on market data derived during the last 10 to 15 years, this quantity is expected to be less than 15,000 tons per year (which equates to less than 10 percent of all imported materials) and a large majority of these materials would be recycled rather than sent to a landfill. Colton Landfill currently has capacity for additional solid waste, and the landfill is not anticipated to close until 2017. In addition, the CIWMP states that the County has disposal capacity available for solid waste generated, but not diverted, in excess of 15 years as required under Public Resources Code Section 41701. The system-wide characteristics, however, indicate that the County has an estimated site-life capacity of 38 years; the project site-life is calculated at 26 years for refuse capacity. (Draft EIR at pp. 3.11-14 and 3.11-15)

**Mitigation Measures:**

- PSU-5:** The Project Applicant shall, at a minimum, comply with State law by diverting 50 percent of the solid waste generated due to construction activities. This requirement shall be described in project construction documents. The Project Applicant shall provide documentation of recycling activities demonstrating 50 percent diversion at the project's completion.

**J. TRAFFIC AND CIRCULATION**

**Potential Impact**

The Project would increase traffic on local circulation systems.

## **Finding**

Pursuant to CEQA section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

## **Rationale**

An average of 60 trucks would enter and exit the project site per day (based on a 5-day delivery schedule), which would result in a total average of 120 truck trips per day. It is also estimated that approximately 6 trucks would enter and 6 trucks would exit the project site each hour on average. Since trucks tend to have a more significant effect on roadway operations when compared to passenger vehicles, PCE's factors published in the San Bernardino County CMP were applied to convert truck traffic to passenger vehicle equivalents. As specified by the CMP, heavy-duty trucks should use a PCE factor of 3.0. Therefore, all truck trips calculated in this analysis were multiplied by 3.0 to derive traffic levels in PCE's.

In addition, the Project Applicant has assumed that the project would generate 11 full time employees. Therefore, the combined truck PCE trips and employee trips would generate a total of 382 trips per day, with 47 trips occurring during the first hour of operation (7 – 8 a.m.) and 47 trips occurring during the last hour of operation (4 – 5 p.m.).

Implementation of Mitigation Measures TRA-1 through TRA-5 would help reduce the proposed project's impacts related to performance of the circulation system to less than significant levels on all roadways except Mt. Vernon. See Section IV *Impacts not Mitigated Below a Level of Significance*. (Draft EIR at pp. 3.12-13 and 3.12-14)

## **Mitigation Measures**

- TRA-1:** All queuing and stacking of haul trucks shall be managed on-site or along the proposed temporary construction access routes to minimize impacts on public roads. In addition, all vehicles shall be restricted to the existing dirt road using bollards in order to prevent inadvertent straying outside of the access road.
- TRA-2:** To minimize the length of the time the haul route activity will impact the surrounding communities for both noise and traffic, it is recommended that the haul route be allowed to occur on Saturdays for the delivery of soil only (no construction would occur on Saturdays) , in order to reduce the haul duration.
- TRA-3:** An access route for the project will be provided along the east side of East Fogg Street north of the project area. Upon entering the project site, all

vehicles will utilize this temporary road to access the project area. To ensure that onsite construction vehicles can exit the site, a secondary access point located on Congress Street will be used by vehicles exiting the site only.

- TRA-4:** The majority of importation of fill materials shall occur during off-peak hours (after 9:00 a.m. and before 4:00 p.m.) to reduce peak period traffic impacts.
- TRA-5:** Trucks shall travel along designated truck routes and turn at signalized intersections to ensure the ability to make left turns safely.
- TRA-6:** The project shall contribute a fair share mitigation fee toward needed roadway improvements on Mt. Vernon Avenue. Fair share contribution calculation worksheets are included in the Traffic Impact Analysis (Appendix R).

## **K. CUMULATIVE IMPACTS**

### **Potential Impact**

The Project may have a significant effect on the environment when its potentially significant environmental impacts are combined with those of other projects causing related impacts. (CEQA Guidelines Section 15130)

### **Finding**

Pursuant to CEQA section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate project level and/or cumulative effects below a level of significance for the following issues: Aesthetics, Light and Glare; Air Quality; Biological Resources; Cultural Resources; Geology, Soils and Seismicity; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise, Public Services and Utilities; and Traffic and Circulation.

### **Rationale**

Aesthetics, Light and Glare. The long-term development of the City of Colton is based on the goals and policies of the City's *General Plan* and any new development proposed within this part of the City would have to comply with this guidance. Within this part of the City, developments that may occur could result in additional impacts to visual resources, however, these projects would be required to meet City design standards and requirements as the proposed project must. Of the cumulative projects listed in Chapter 3.0, only the Riverside North Aquifer Storage and Recovery ("Riverside North") Project is in close enough proximity to the project site to produce cumulative visual effects associated with a change in site character from the current undeveloped condition to a developed condition associated with groundwater recharge basins, a

passive park facility, and manufactured plateau. The Riverside North project is a groundwater recharge project that includes a passive recreational park on properties east of the site. The groundwater recharge project's incremental contribution to cumulative impacts is not cumulatively considerable, resulting in a less than significant cumulative impact with implementation of both the Riverside North Project and the proposed project. (Draft EIR at p. 3.1-27)

Air Quality. With respect to the proposed project's air quality emissions and cumulative Basinwide conditions, the SCAQMD has developed strategies to reduce criteria pollutant emissions outlined in the *2007 Air Quality Management Plan* pursuant to Federal Clean Air Act mandates. The Project Applicant would comply with SCAQMD Rule 403 requirements, and implement all feasible mitigation measures. Rule 403 requires that fugitive dust be controlled with the best available control measures in order to reduce dust so that it does not remain visible in the atmosphere beyond the property line of the project site. In addition, the Project Applicant must comply with adopted *2007 Air Quality Management Plan* emissions control measures. Furthermore, per SCAQMD rules and mandates, as well as the CEQA requirement that significant impacts be mitigated to the extent feasible, these same requirements (i.e., Rule 403 compliance, the implementation of all feasible mitigation measures, and compliance with adopted AQMP emissions control measures) would also be imposed on construction projects Basinwide, which would include cumulatively-related projects listed in Chapter 3.0, *Overview of EIR Methodology and Significance Determinations*. Furthermore, development of the cumulative projects are also anticipated in the *2007 Air Quality Management Plan*, which projects Basinwide emissions. As discussed above in Section III.B, the project would not exceed SCAQMD thresholds for construction, operations, and industrial stationary sources. Therefore, emissions would not be cumulatively considerable. (Draft EIR at pp. 3.2-41 and 3.2-42)

Biological Resources. An evaluation of whether an impact on biological resources would be substantial must consider both the resource itself and how that resource fits into a regional or local context. Substantial impacts would be those that substantially diminish or result in the loss of an important biological resource, or those that would conflict with local, State, and/or Federal resource conservation plans, goals, or regulations. Impacts can be locally adverse but not significant because, although they would result in an adverse alteration of existing conditions, they would not substantially diminish or result in the permanent loss of an important resource on a population- or region-wide basis. Related development projects would be subject to regulatory requirements (i.e., Clean Water Act, Endangered Species Act, and California Porter-Cologne Water Quality Control Act, etc.) and, therefore, impacts would be reduced on a case-by-case basis.

The proposed project would not significantly contribute to cumulative impacts because the vegetation found onsite is dominated by ruderal vegetation, including non-native grasses with scattered patches of Riversidean sage scrub vegetation. In addition,

the indirect impacts to the woolly star population associated with the ingress road would be offset by the mitigation measures described above. Finally, the project site does not serve as a migratory corridor for wildlife. While the Riverside North project would be located within a wildlife corridor (the Santa Ana River), the proposed project would not exacerbate or contribute to the obstruction of this wildlife corridor; therefore, the impacts to the onsite and offsite biological resources would not generate or contribute to a system-wide impact to the region's resources. In addition, the project would not incrementally cause a cumulative impact when taken in combination with the Riverside North project. (Draft EIR at pp. 3.3-23 through 3.3-25)

See also the discussion in Section III-A, Biological Resources, beginning on page 43 above regarding the Riversidean Alluvial Fan Sage Scrub and Santa Ana woolly star habitat.

Cultural Resources. Potential impacts to cultural resources are largely limited to the project area and would not affect adjacent properties. Where such resources exist, implementation of cumulative development in the region would represent an incremental adverse impact on cultural resources. However, each project would be required by CEQA to implement appropriate mitigation measures. Of the projects listed in Draft EIR Table 3.0-1, *Cumulative Projects List*, the Riverside North Aquifer Storage and Recovery project is the closest project to the site (abutting the east side of the project site). It is anticipated that implementation of this project would include similar mitigation measures as described in Section III.D above, which are intended to reduce impacts associated with cultural resources. In addition, the City of Colton *General Plan* anticipates future buildout of the City and the resulting effects on the environment, including cultural resources. In accordance with the Colton *General Plan*, new development proposed within the City would have to comply with the goals, policies, and implementation measures of the City's *General Plan* as well as the ordinances within the City's Municipal Code related to Historic Preservation. Therefore, cumulative impacts on cultural resources resulting from project implementation are considered to be less than significant. (Draft EIR at p. 3.4-17)

Geology, Soils and Seismicity. Implementation of the proposed project would expose any future structures to geologic and seismically related hazards within the project area; however, the project would reduce these hazards through conformance with established regulations and project design features, including adherence to the latest UBC, the CBC, and requirements of the City of Colton. The Project Applicant proposes improvements to the site that would have a beneficial impact to adjacent projects, including the Riverside Groundwater Aquifer Storage and Recovery System project by removing and/or capping contaminated substances that could impact groundwater. In addition, proposed grading of the site would help to facilitate drainage into proposed basins. Conformance with standards, as well as conformance with the recommended mitigation measures, would reduce the project's contribution to cumulative geological and soil impacts to less than significant. (Draft EIR at pp. 3.5-23

and 3.5-24)

Hazards and Hazardous Materials. The intent of the proposed project is to reduce the potential for exposure to hazardous substances potentially located onsite through the placement of fill materials that would cap these substances in perpetuity. An additional purpose of the project is to cap the substances and materials described in order to sequester potential contaminated soils onsite and render them inert over time. Therefore, the proposed project would have a beneficial impact related to hazards and hazardous materials.

Each of the related projects in Draft EIR Table 3.0-1, *Cumulative Projects List*, would be required to comply with the following regulations (refer to Draft EIR Section 3.6.2, "Regulatory Framework") in order to address the transport and use of potentially hazardous materials: the Hazardous Materials Transportation Act, RCRA, HWCL, CCR Title 22, and Chapter 6.44 of the Colton Municipal Code. In addition, mitigation measures may be prescribed pursuant to CEQA provisions that require significant impacts to be reduced to the extent feasible. Planned facilities within the project vicinity that handle hazardous materials or generate hazardous wastes would require a CUPA permit.

Accidental releases of hazardous materials during use or transport would be required to be managed in a fashion that would not leave any significant residual contamination that can contribute to an increase in public health risk. Therefore, the proposed project has no identified potential to significantly increase the risk of such impacts beyond current levels. Less than significant cumulative impacts or slightly beneficial impacts would occur in this regard. (Draft EIR at pp. 3.6-27 and 3.5-28)

Hydrology and Water Quality. Implementation of the proposed project, in addition to cumulative projects in the surrounding area, would result in an increased amount of soil disturbance and increased impervious surfaces in the project Hydrologic Subarea. This could result in increased erosion, runoff, flooding hazards and pollutant concentrations within the watershed. Other projects within the vicinity of the proposed project are required to meet runoff requirements implemented by the City of Colton and the RWQCB. Compliance with these regulations would reduce the significant project level drainage/hydrology impacts to less than significant, because the regulations prohibit the creation of substantial changes in drainage patterns or exceeding the capacity of existing drainage structures.

Approved or future developments in the project area considered in the cumulative analysis would be required to implement BMPs consistent with the County's Municipal Permit. Approved or future developments that are located within this reach of the SAR would be required to comply with the applicable State and local water quality regulations. BMP requirements for the cumulative projects would be consistent with regional surface water, stormwater and groundwater planning and permitting processes that have been established to improve the overall quality in regional watersheds. As a

result, no cumulatively considerable water quality impacts have been identified. Therefore, the proposed projects would not result in a significant cumulative water quality impact, as the projects would not cause cumulatively considerable degradation of water quality in the project hydrogeologic sub-area. (Draft EIR at pp. 3.7-56 and 3.5-24)

Noise. The only project identified by the City of Colton within a close enough range to produce cumulative noise impacts would be the Riverside North Aquifer Storage and Recovery (Riverside North) project. It is anticipated that this project could begin construction while the proposed project is underway. However, it is not reasonably foreseeable that both projects would be grading around the residences to the north of the Soil Safe project site at the same time. It is anticipated that the Soil Safe project would complete Phases A and B (those Phases in close proximity to the residences) prior to commencement of the Riverside North project.

In addition, it is assumed that construction of the Riverside North project would use excavated materials onsite. Therefore, it is not anticipated that cumulative impacts associated with truck hauling on public rights-of-way would occur. In addition, it would be speculative to estimate when this project would commence. It is conservative to assume that this project may commence within the 3 to 5 year timeframe identified for the proposed project; however, the actual start date of the project is still unknown and is not anticipated to occur during the first 6 to 9 months of the Soil Safe project (i.e., during Phase A and B). Therefore, the construction activities for the proposed project that would be nearest to the residential properties to the north would occur early in the construction phase—most likely before the Riverside North project has commenced. In addition, due to the large area that would be graded or excavated for the Riverside North project, it is not anticipated that construction or grading for both the proposed project and the Riverside North project would need to occur simultaneously within close proximity to each other.

Given the uncertain timing, available flexibility of construction scheduling, and lack of offsite hauling associated with the Riverside North project, construction noise from cumulative projects is not anticipated to interact with noise generated from the proposed project. Therefore, a less than significant impact would occur in this regard. (Draft EIR at 3.9-21 and 3.9-22)

Public Services and Utilities. Cumulative impacts on public services and utilities can result from the combined demand of the proposed project along with cumulative developments (refer to Table 3.0-1 in Chapter 3.0, *Overview of EIR Methodology and Significance Determination*) on any of the services or utilities on which the proposed project may have impacts (i.e., fire and police services, electricity service water supply, landfill capacity). The geographic scope depends on the service area of the individual service or utility provider and the jurisdiction over which increased demand for services from the proposed project could reduce the availability of such services. Direct impacts would be localized to the City of Colton and surrounding jurisdictions (City of Rialto, City

of San Bernardino). The significance criteria used for the cumulative analysis are the same as those used for the proposed project, above.

The cumulative impacts analysis for public utilities relied upon the projections of the *General Plan*, *General Plan EIR*, the *Draft 2005 Urban Water Management Plan* (revised June 2009), and the *Water Supply Assessment* (Appendix Q). The *General Plan EIR* analyzed the long-term development of the City of Colton and found that no significant impacts relative to public services and utilities would occur with implementation of the *General Plan* as the City's public services and utilities would be upgraded, constructed, and implemented as development occurs.

As stated above, the *Water Supply Assessment* is a cumulative analysis in that it considers the project's impacts to water supplies in addition to existing and planned future water uses, and assesses the sufficiency of existing entitlements and water resources in meeting water demands for the project as well as existing and planned future water uses. As reported above and stated in the *Water Supply Assessment*, there are sufficient water supplies currently available to meet the projected demands of the project in addition to existing and planned future uses.

Future project proponents of cumulative developments would be required to conduct project-specific public services and utilities research that would analyze cumulative impacts to public services and utilities, and provide mitigation measures to reduce the impacts of any potential cumulative impacts.

Traffic and Circulation. Draft EIR Table 3.0-1, *Cumulative Projects List*, in Chapter 3.0 of this document contains a list of projects that are being planned within the area. Since improvements to Mount Vernon Avenue are not included as part of the proposed project, impacts to this roadway would result in a deficient LOS (E). Mitigation Measure TRA-6, above, calls for the contribution of a fair share mitigation fee for the widening of Mount Vernon Avenue. However, the actual improvements to Mount Vernon Avenue are not included as part of the proposed project, and would be constructed by the City at a future date. Thus, cumulative impacts on traffic and circulation resulting from project implementation are considered to be significant and unavoidable. See Section IV, *Impacts not Mitigated Below a Level of Significance*. (Draft EIR at pp. 3-12-27 and 3.12-28)

## SECTION III-B

### POTENTIALLY SIGNIFICANT EFFECTS OF THE SOIL SAFE PROJECT THAT HAVE BEEN MITIGATED BELOW A LEVEL OF SIGNIFICANCE WITH THE ADOPTION OF MITIGATION MEASURES

The proposed Soil Safe Land Improvement project would place approximately 500,000 cubic yards of engineered fill (soil-cement) to raise the 29-acre project site above the 100-year flood elevation of the adjacent Santa Ana River. By raising the project site out of the 100-year floodplain, the proposed project would facilitate additional future development on the project site. The potential subsequent projects evaluated in the Draft EIR are:

1. Fogg Street Extension/Improvements Related to Right-of-Way Realignment
2. Light Industrial Facilities
3. Union Pacific Rail Line Re-alignment

The Planning Commission finds that the following environmental impacts identified in the EIR are potentially significant but can be mitigated to a less than significant level. The potentially significant impacts and the mitigation measures which will reduce them to a less than significant level are set out in the EIR and are summarized as follows:

#### A. AESTHETICS, LIGHT AND GLARE

##### **Potential Impact**

Implementation of the proposed project may have a substantial adverse effect on a scenic vista, visual character, and create light and glare.

##### **Finding**

Pursuant to CEQA section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

##### **Rationale**

Potential impacts associated with the Fogg Street extension and UPRR Realignment were found to be less than significant and no mitigation is required. (See Section II.B)

Light Industrial Facilities. A *General Plan* Amendment and Zone Change from Open Space to a Light Industrial designation would enable development of warehouses and/or other industrial structures on a 19-acre useable portion of the property. This area represents the developable area, excluding the 4-acre Guyaux area which cannot be developed with habitable structures and the proposed Water Quality Management Basin. The long-term presence of light industrial structures and facilities would be expected to create an impact to surrounding visual resources since such development would involve conversion of existing open space to a more urbanized use. An overall

change would occur in the area's visual character from largely vacant open space to a light industrial use. The light industrial facilities would be subject to design review pursuant to Section 18.24.160 of the Colton Municipal Code. Through design review, the City would apply design requirements to the light industrial facilities, including landscaping, building height, maximum coverage, buffers, and setback requirements.

The development of the project site could impact viewsheds for those hiking or bicycling along the Santa Ana River trail system. Long-term impacts to scenic vistas would occur within this Santa Ana River visual corridor; however, minimal impacts to the existing viewshed from this trail would result due to the distance to the project site and the level of obstruction between the trail and the project site as observed on Exhibits 3.1-1 through 3.1-7 within Chapter 3.1, *Aesthetics, Light and Glare*.

Regarding light and glare, construction of light industrial use facilities would occur during normal working hours; therefore, substantial light is not anticipated during construction activities, and nighttime views would be unaffected. Operational light and glare impacts could occur as a result of this development, since structures and facilities associated with light industrial development would be located adjacent to residential uses. Since the site is located in the vicinity of an urbanized area (north and west of the site), the lighting requirements for light industrial development could increase nighttime light exposure within the general project vicinity.

Any development would be required to comply with the Municipal Code, including Chapter 18.26 et. seq. which applies building height, maximum coverage, mechanical equipment screening, setback, landscaped buffer, design review requirements appropriate for light industrial use. Adherence to Mitigation Measures AES-1 and AES-2 are anticipated to address impacts associated with light and glare, because they require that lighting be low to the ground, shielded, and/or hooded to minimize light intrusion. (Draft EIR at pp 9.0-9 and 9.0-10)

### **Mitigation Measures**

- AES-1:** For potential subsequent projects, outdoor lighting, aside from street lighting, shall be low to the ground shielded and/or hooded in order to obstruct shining onto adjacent properties or street and to minimize light intrusion into surrounding habitat. Low-pressure sodium vapor lighting or overhead high-pressure sodium vapor lighting with shields or cut-off luminaires shall be utilized.
- AES-2:** A photometric plan shall be submitted and approved by the Community Development Department, Planning Division, of the City of Colton prior to commencement of construction of potential subsequent projects. The plan shall address and minimize spillover lighting from these projects on the residential uses surrounding the site. All site lighting shall be shielded to prevent off-site spillover.

## **B. AIR QUALITY**

### **Potential Impact**

Implementation of the Potential Subsequent Projects may have a substantial adverse effect on a short-term construction activities, long-term operational activities and consistency with SCAQMD AQMP

### **Finding**

Pursuant to CEQA section 21081(a) (1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

### **Rationale**

#### Fogg Street Extension/Improvements Related to Right-of-Way Realignment.

The proposed Fogg Street extension and improvements related to right-of-way realignment would be located adjacent to residences on Fernando and Florez Streets where currently no road exists. West Fogg Street currently routes a heavy volume of truck traffic through the residential neighborhood to the northwest of the project site via Congress Street and M Street. The extension and realignment of Fogg Street would re-route the truck traffic away from that residential area, thereby reducing truck traffic operational impacts to that neighborhood by rerouting traffic from Congress Street onto the Fogg Street extension. However, by contrast, truck traffic would increase adjacent to the Fernando and Florez Street residences where little or no truck traffic occurs currently.

Construction activities associated with the roadway extension and improvements would include grading and paving, and are expected to last a short duration. The area proposed for realignment and extension of Fogg Street would require a site-specific air quality analysis and GHG assessment at the time when designs are proposed to determine if additional mitigation measures are required beyond AQ-1 and AQ-2 which would likely reduce significant impacts from fugitive dust associated with grading and construction. This cannot be completed at this time due to a lack of engineering/ design information.

The Fogg Street extension is a planned improvement identified in the City of Colton *General Plan*, and thus, would be consistent with the projections in the AQMP. Construction of the extension requires a site-specific air quality analysis at the time when improvement designs are proposed and would adhere to measures identified by SCAQMD in the *2007 Air Quality Management Plan*. With adherence to these measures, construction-related impacts are anticipated to be less than significant. Finally, construction of the extension would not produce long-term impacts, because it would not generate additional trips. Therefore, the Fogg Street extension is considered consistent with the SCAQMD's AQMP and impacts would be less than significant. (Draft EIR at p. 9.0-13)

Light Industrial Facilities. Development and operations of light industrial facilities

could include uses allowed under the Light Industrial zoning classification as defined in City of Colton Municipal Code (e.g., warehousing and wholesaling, custom and light manufacturing, construction sales and services, etc.) with a General Plan Amendment and Zone Change from Open Space to Light Industrial. Future development on the project site may include light industrial uses (M-1 zone), which typically create commuter vehicular trips and truck trips associated with ongoing operations. The developable area onsite would accommodate approximately 400,000 square feet of light industrial use, resulting in 1,249 daily trips. Table III-B - 1, *Subsequent Projects Operational Emissions*, provides the area source and mobile source emissions from a light industrial facility based on the maximum lot coverage allowed for the project site. As indicated, a potential light industrial facility on the project would not exceed SCAQMD thresholds.

**Table III-B-1:  
Potential Subsequent Projects Operational Emissions**

Emissions Source	Pollutant (pounds/day) <sup>1</sup>					
	ROG	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area Source Emissions <sup>2</sup>	2.52	0.83	2.23	0.00	0.01	0.01
Mobile Source Emissions	23.74	31.41	287.30	0.32	51.67	10.06
<i>Total Emissions</i>	<i>26.26</i>	<i>32.24</i>	<i>289.53</i>	<i>0.32</i>	<i>51.68</i>	<i>10.07</i>
A. SCAQMD Threshold	55	55	550	150	150	55
<b><i>Is Threshold Exceeded? (Significant Impact?)</i></b>	<b><i>No</i></b>	<b><i>No</i></b>	<b><i>No</i></b>	<b><i>No</i></b>	<b><i>No</i></b>	<b><i>No</i></b>

II. NOTES:

1. Based on URBEMIS 2007 Version 9.2.4 modeling results, worst-case seasonal emissions for area and mobile emissions have been modeled.
2. Area Source excludes the use of fireplaces and wood burning stoves.

*Greenhouse Gases* In order to reduce its GHG emissions, feasible project design features may be proposed to reduce the greenhouse gas emissions of such development. Such features may include, but are not limited to: energy efficiency features that exceed Title 24 requirements, renewable energy features including installation of solar panels, water conservation and efficiency including water efficient landscaping and soil moisture based irrigation controls, solid waste measures, such as recycling construction waste, and transportation and motor vehicles such as promoting ride sharing programs, and preferential parking for ride sharing vehicles.

Future development projects on the project site would require a site-specific air quality assessment and would be required to comply with SCAQMD's *2007 Air Quality Management Plan* regulations, Rules 401 (Visible Emissions), 402 (Nuisance), 403 (Fugitive Dust) and 1301 (New Source Review) et seq. and SCAQMD's Permit to Construct requirements.

Construction-related air quality impacts would be short-term and temporary, lasting only as long as the construction phase of each future project developed in the project area. Nonetheless, construction impacts have the potential to violate Federal and State ambient air quality standards and may harm nearby sensitive receptors. The SCAQMD short-term thresholds are established for individual development projects, and it is assumed that a future project could exceed the SCAQMD thresholds. Implementation of mitigation measures (refer to Mitigation Measure AQ-1 through AQ-2) would lessen construction-related impacts by requiring measures to reduce air pollutant emissions from construction activities. These measures typically include maintenance of construction equipment, the use of non-polluting and non-toxic building equipment, and minimizing fugitive dust. Additionally, as indicated above, a project-level construction air quality analysis would be required at the time that a specific development project is proposed in order to identify site-specific impacts and mitigation if necessary. (Draft EIR at pp. 9.0-14 through 9.0-16)

UPRR Rail Line Realignment. Construction of the proposed project has the potential to create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated by construction workers traveling to and from the project site. Fugitive dust emissions would primarily result from demolition (if proposed) and site preparation (e.g., grading) activities. NO<sub>x</sub> emissions would primarily result from the use of construction equipment. Impacts are expected to be of short duration. The area proposed for realignment would require a site-specific air quality analysis and GHG assessment at the time when designs are proposed. Standard mitigation measures for control of fugitive dust and particulate emissions from internal combustion engines and grading operations could reduce air quality impacts; however, it is anticipated that construction of the Union Pacific Rail Line Re-alignment could generate air quality emissions in excess of SCAQMD's thresholds, resulting in significant unavoidable impact. (See Section IV, Significant and Unavoidable Environmental Impacts) (Draft EIR at p. 9.0-17)

### **Mitigation Measures**

- AQ-1:** A Dust Control Plan shall be submitted to the Director of Public Works, prior to issuance of any Grading Permit (for light industrial facilities) or approval of Grading Plans by the Director of Public Works (for the Fogg Street extension and Union Pacific rail line re-alignment). The Director of Public Works shall confirm that the Grading Plan, Building Plans, Dust Control Plan and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD's Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:

- All active portions of the construction site shall be watered twice daily to prevent excessive amounts of dust;
- On-site vehicle speed shall be limited to 15 miles per hour;
- All on-site roads shall be paved as soon as feasible, watered twice daily, or chemically stabilized;
- Visible dust beyond the property line which emanates from the project shall be prevented to the maximum extent feasible;
- All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site;
- Track-out devices shall be used at all construction site access points; and
- All delivery truck tires shall be watered down and/or scraped down prior to departing the job site.

**AQ-2:** Prior to issuance of any Grading Permit or approval of Grading Plans by the Director of Public Works (whichever applies) for potential subsequent projects, the Director of Public Works shall confirm that the Grading Plan, Building Plans and specifications stipulate that, in compliance with SCAQMD Rule 403, O<sub>3</sub> precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications, to the satisfaction of the City Engineer. Maintenance records shall be provided to the City. The City Inspector shall be responsible for ensuring that contractors comply with this measure during construction.

## **C. BIOLOGICAL RESOURCES**

### **Potential Impact**

Development of the Potential Subsequent Projects could result in disturbance of sensitive species or their habitat, either directly or indirectly.

### **Finding**

Pursuant to CEQA section 21081(a) (1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

### **Rationale**

Fogg Street Extension/Improvements Related to Right-of-Way Realignment.  
The area proposed for the Fogg Street extension and improvements related to right-of-way realignment could support Santa Ana River woolly star. As depicted in Draft EIR Exhibit 3.3-2, Riversidean Alluvial Fan Sage Scrub habitat is located east of Fogg Street and there is a potential that this habitat type could be impacted by the eventual roadway alignment. Prior to determination of the final alignment for the Fogg Street Extension, a site-specific biological resources assessment would need to be prepared and include detailed avoidance and minimization measures to address potential impacts to this species (refer to Mitigation Measure BIO-1). Any impacts to Santa Ana

River woolly star would require authorization from both USFWS and CDFG at the time when improvement designs are proposed. Identification of resulting impacts and mitigation measures, as appropriate, would be determined to reduce potential impacts to biological resources. Likely measures imposed on the Fogg Street Extension may include, realignment of the roadway to avoid areas occupied by endangered species, incorporation of onsite mitigation (if feasible) into the properties surrounding the roadway ROW, and/or off-site mitigation in an approved mitigation bank for the affected species. If necessary a combination of these measures may be necessary to ensure impacts are considered less than significant. Implementation of these measures would require concurrence with both USFWS and CDFG to ensure that appropriate mitigation ratios are established and that affected habitats will remain viable into the future. Potential construction impacts associated with Fogg Street are anticipated to be similar to the impacts identified within the proposed project. Although Mitigation Measure BIO-1 will address anticipated biological impacts associated with the Fogg Street extension, there is still a potential that endangered species may be inadvertently impacted. (See Section IV, Significant and Unavoidable Environmental Impacts) (Draft EIR at pp. 9.0-19 and 9.0-20)

#### **Mitigation Measure**

**BIO-1:** A site-specific biotechnical report shall be prepared for the Fogg Street Extension and Union Pacific Railroad re-alignments. Those studies will characterize the biological resources onsite, identify any avoidance/ minimization measures necessary such as: realignment of the rail line to avoid areas occupied by endangered species, incorporation of onsite mitigation (if feasible) into the properties surrounding the rail line ROW, and/or off-site mitigation in an approved mitigation bank for the affected species, to reduce impacts to resources. As part of this study species surveys shall be conducted to verify presence/ absence of endangered species based on the habitat identified onsite.

Light Industrial Facilities. Once the Soil Safe Land Improvement project has been implemented, all potential biological resources would be removed from the site. Given that ground-disturbing activities associated with future site development would occur on disturbed/engineered fill, it is unlikely that any additional biological resources would be affected. Therefore, any potential future development would not impact onsite biological resources. Development and operations of a light industrial facility site are not expected to have direct impacts on biological resources within the area, however the potential for indirect impacts may exist. To ensure that indirect impacts to biological resources are addressed, the future project applicant shall prepare a site specific biological assessment (refer to Mitigation Measure BIO-2) shall be prepared, identifying potential indirect impacts to biological resources surrounding the proposed project site. In addition, this assessment will provide avoidance/ minimization measures to ensure that indirect impacts are adequately addressed. These measures may

include additional biological monitoring, installment of fencing and/ or other site improvements to reduce potential indirect impacts associated with the project to a less than significant level. (Draft EIR at p. 9.0-20)

### **Mitigation Measure**

**BIO-2:** A site-specific biological assessment shall be prepared, identifying potential indirect impacts to biological resources surrounding the proposed project site. In addition, this assessment will provide avoidance/ minimization measures to ensure that indirect impacts are adequately addressed. These measures may include additional biological monitoring, installment of fencing, and/or other site improvements to reduce potential indirect impacts associated with the project.

Union Pacific Rail Line Realignment. The precise location and alignment of the rail line extension is not clearly determined but would necessarily extend beyond the project site. However, the conceptual alignment shown on Figure 9.0-2 shows that the new right-of-way would be on undeveloped land, particularly to the east and northeast of the project site. There is a potential for the loss of sensitive species habitat (Riversidean alluvial fan sage scrub) as a result of implementation of this railroad right-of-way realignment. Prior to determination of the final alignment for the Union Pacific rail line, a site-specific biological resource assessment would need to be prepared and include detailed avoidance and minimization measures to address potential impacts to this species (refer to Mitigation Measure BIO-1). Any impacts to Santa Ana River woolly star would require authorization from both USFWS and CDFG at the time when improvement designs are proposed. Identification of resulting impacts and mitigation measures, as appropriate, would be determined to reduce potential impacts to biological resources. Likely measures imposed on the Union Pacific rail line realignment may include, realignment of the rail line to avoid areas occupied by endangered species, incorporation of onsite mitigation (if feasible) into the properties surrounding the rail line ROW, and/or off-site mitigation in an approved mitigation bank for the affected species. If necessary, a combination of these measures may be necessary to ensure impacts are considered less than significant. Implementation of these measures would require concurrence with both USFWS and CDFG to ensure that appropriate mitigation ratios are established and that affected habitats will remain viable into the future. However, potential construction impacts are anticipated to be similar to the proposed project in terms of disturbance of undeveloped properties. Although implementation of mitigation measures provided herein would reduce potential impacts, it is uncertain whether impacts would be fully mitigated. For this reason, impacts to biological resources associate with the Union Pacific rail line realignment would be considered significant and unavoidable. (See Section IV, Significant and Unavoidable Environmental Impacts) (Draft EIR at p. 9.0-20)

## **Mitigation Measures**

**BIO-1:** A site-specific biotechnical report shall be prepared for the Fogg Street Extension and Union Pacific Railroad re-alignments. Those studies will characterize the biological resources onsite, identify any avoidance/ minimization measures necessary such as: realignment of the rail line to avoid areas occupied by endangered species, incorporation of onsite mitigation (if feasible) into the properties surrounding the rail line ROW, and/or off-site mitigation in an approved mitigation bank for the affected species, to reduce impacts to resources. As part of this study species surveys shall be conducted to verify presence/ absence of endangered species based on the habitat identified onsite.

## **D. CULTURAL RESOURCES**

### **Potential Impact**

Clearing and grading of the Potential Subsequent Projects' sites may result in disturbance of archaeological or paleontological resources.

### **Finding**

Pursuant to CEQA section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

### **Rationale**

Because future development of the project site with Light Industrial Facilities would occur on top of the raised site, no impacts to Cultural Resources would occur. (Draft EIR at p. 9.0-22)

Fogg Street Extension/Improvements Related to Right-of-Way Realignment. Within the project site, ground-disturbing activities associated with the Fogg Street extension and improvements related to right-of-way realignment would occur on previously disturbed areas and engineered fill. Therefore, it is unlikely that previously undiscovered paleontological, archaeological, or historic resources, or human remains would be uncovered. To verify this site, a specific cultural resources study should be prepared on areas within the alignment that have not been graded, adherence to Mitigation Measures CUL-1 through CUL-2, would ensure that construction-related impacts to cultural resources would be less than significant. (Draft EIR at p. 9.0-22)

Union Pacific Rail Line Re-alignment. The precise location and alignment of the rail line extension has not yet been determined. Within the project site, ground-disturbing activities associated with the railroad right-of-way realignment would occur on previously disturbed areas and engineered fill as well as undisturbed areas east and

northeast of the proposed project site. Although the potential for undiscovered paleontological, archaeological, or historic resources or human remains would be similar to the proposed project, a site specific cultural resources study should be prepared on areas within the alignment that have not been graded, adherence to Mitigation Measures CUL-1 through CUL-2 would ensure that construction-related impacts to cultural resources would be less than significant. (Draft EIR at p. 9.0-22)

### **Mitigation Measures**

- CUL-1:** A trained paleontological monitor shall be present during excavation activities greater than 5.0 feet in depth. Excavations below 5.0 feet have a high likelihood of encountering older alluvial wash deposits, which may contain paleontological resources. The monitoring for paleontological resources shall be conducted on a half-time basis, and on a full-time basis during excavation greater than 5.0 feet in depth. If paleontological resources are located during excavation, the monitoring program would change to full-time. The monitor shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. The monitor shall be equipped to rapidly remove any large fossil specimens encountered during excavation. During monitoring, samples shall be collected and processed to recover micro-vertebrate fossils. Processing shall include wet-screen washing and microscopic examination of the residual materials to identify small vertebrate remains.
- CUL-2:** If previously undocumented cultural resources are identified during earthmoving activities, a qualified archaeologist should be contacted to assess the nature and significance of the find, diverting construction excavation if necessary.

## **E. GEOLOGY, SOILS AND SEISMICITY**

### **Potential Impact**

Development of the Potential Subsequent Projects could subject occupants of the Light Industrial site to dangers related to soil erosion and settlement/collapse of site soils. Likewise, the Fogg Street Extension and UPRR Rail Line alignments may also be subject to settlement/collapse.

### **Finding**

Pursuant to CEQA section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

### **Rationale**

Fogg Street Extension/Improvements Related to Right-of-Way Realignment. The proposed Fogg Street extension and improvements related to right-of-way realignment

would not be located within an active fault zone, and construction would incorporate the same grading techniques and recommendations as the proposed project. Adherence to the latest UBC and CBC requirements for seismic design and construction. These include Section 1613, "Earthquake Loads", and Section 1802, "Foundation and Soil Investigation". With adherence to these standards, the roadway structure would be constructed to resist the effects of earthquakes in compliance with the CBC. In addition, site-specific soils and geologic investigations would be required prior to grading of the proposed facilities to ensure that proper design parameters and recommendations are used.

For the above reasons, impacts resulting from primary seismic hazards (surface fault rupture, seismic shaking) and secondary seismic hazards (liquefaction, landslide, settlement, and collapse) are considered less than significant at the program level. In addition, this area identified for the potential realignment is not considered to have expansive soils, nor is it contemplated that expansive soils would be used to elevate the road area during grading. Based on these project design features, standard grading techniques, and recommendations made in a project-specific geotechnical report that would be provided during the roadway design process, impacts associated with expansive soils are anticipated to be less than significant. Detailed geotechnical reports cannot be performed, because there are no design plans at this time. Project-specific geotechnical reports would incorporate alignment studies and engineering analysis, which have not been developed at this time.

The potential for erosion due to increased runoff or wind exposure resulting from construction would be mitigated through adherence to a project-specific SWPPP, which may include construction best management practices, such as site watering, silt fencing, fiber rolls, sand bag barriers, or a temporary sediment basin, which are designed to control soil erosion during construction activities. With adherence to these measures, less than significant impacts related to temporary construction-generated erosion would occur. In addition, the project would prepare a Water Quality Management Plan (WQMP) prior to earthwork disturbance. The WQMP would be prepared in conformance to the requirements of the San Bernardino County WQMP. The WQMP would address long-term impacts related to sedimentation and erosion caused by development of the roadway extension. Therefore, less than significant impacts due to long-term erosion would occur. (Draft EIR at pp. 9.0-24 and 9.0-25)

Light Industrial Facilities. Any future structures, including light industrial uses, would likely be subjected to the same impacts associated with liquefaction as the proposed project. Structures constructed on top of engineered fill, which would be elevated approximately 5-20 feet above the existing ground surface, which reduces the liquefaction potential of the site by increasing the depth to groundwater beneath the proposed structures. Additionally, based on the current groundwater level, generally about 80 to 88 feet below ground surface, the engineering properties of the upper 50 feet of existing soils, field testing, laboratory testing and proposed additional fill loads up to about 10 to 20 feet, even if groundwater levels were to rise from the

current condition to the historic high groundwater level of about 30 feet, the potential for liquefaction is considered negligible at the site. In addition, it is considered unlikely that the current groundwater levels would rise by 30 to 35 feet in the future due to past and current groundwater use demands.

Soil erosion potential onsite is anticipated to be very low upon completion of the proposed project due to the cement content used in the engineered fill material. In addition, all future uses would be required to comply with requirements set forth by the City, County, and Regional Water Quality Control Board regarding erosion, stormwater pollution and water quality. In addition, all potential future development would be required to adhere to project-specific mitigation measures pertaining to erosion control including the preparation of project-specific SWPPPs and WQMPs (refer to Mitigation Measures HWQ-3 and HWQ-4).

Impacts associated with settlement and collapse are anticipated to be less than significant, since the proposed Soil Safe Land Improvement project would mass grade the site and future development would occur after these grading activities are completed. According to the geotechnical investigation (Appendix I) settlement within the site is anticipated to be within tolerable limits for potential light industrial land uses. In addition, a site specific geotechnical analysis will be required prior to approval of any future light industrial use on the site. This study would provide any additional recommendations necessary to ensure that the specific proposed use is not significantly impacted by settlement. Prior to future development occurring, the future Project Applicant would survey specific locations on top of the proposed pad to verify if any settlement has occurred since completion of the site grading activities as part of the site specific geotechnical analysis. Based on these results, the future Project Applicant would determine precise building/ foundation designs to accommodate any future settlement. Through adherence to project-specific geotechnical analysis, including pre-construction surveying, less than significant impacts associated with settlement are anticipated.

Any structures proposed for the site following the completion of the proposed Soil Safe Land Improvement project would be constructed on the soil-cement engineered fill, which is expected to have a low expansion potential. A site-specific soil and geologic investigation would be required prior to construction, to verify the expansion potential of soils underlying future structures.

To minimize potential damage to these structures, all construction would be required to comply with the latest CBC, as well as *General Plan* policies and regulations that govern site design and construction to minimize the potential for damage to property or adverse effects on human health and safety. The CBC is considered to be a standard safeguard against major structural failures and loss of life. The goal of the code is to ensure structures and slopes: (1) resist minor earthquakes without damage; (2) resist moderate earthquakes without structural damage, but with some non-structural damage; and (3) resist major earthquakes without collapse, but with some structural and non-structural damage. The CBC bases seismic design on minimum

lateral seismic forces ("ground shaking"). The CBC requirements operate on the principle that providing appropriate foundations, among other aspects, helps to protect buildings and structures from failure during earthquakes. The basic formulas used for the CBC seismic design require determination of the seismic zone and site coefficient, which represent the foundation conditions at the site. Any potential structures that may ultimately be proposed for the site subsequent to the completion of the Soil Safe Land Improvement project would require additional review by the City of Colton, as applicable. Grading plans must to be deemed acceptable by the City prior to initiation of future grading activities; this includes assurance that any potential subsequent projects comply with the latest building code adopted by the City. Approval would assure compliance with the CBC, which includes requirements for building within seismic hazard zones. Less than significant impacts from surface fault rupture are expected, since the project would be required to comply with the CBC and is not located on an identified active fault. In addition, a geotechnical evaluation of the site has been prepared and will be used as the basis for future studies and investigations needed to support grading of the proposed project. Detailed studies will be conducted in accordance with specific project plans and specification. Detailed geotechnical reports cannot be performed at this time, however, because there are no design plans to evaluate. These future plans and specification will be subject to the City of Colton Municipal Code (Chapter 15.04, "California Codes") and the 2007 CBC (Title 24, Part 2) requirements. For the above reasons, impacts resulting from surface rupture are considered less than significant. (Draft EIR at pp. 9.0-25 through 9.0-27)

Union Pacific Rail Line Re-alignment. The precise location and alignment of the rail line extension has not yet been determined. However, the proposed railroad right-of-way realignment would not be located within an active fault zone, and all City requirements for site-specific soils and geologic investigations would be conducted. The proposed railroad right-of-way realignment would be constructed on top of a portion of the project site and neighboring properties. To construct this right-of-way, additional fill soils would be needed to raise the area east of the site to meet the current elevation at the intersection of East Fogg and Congress Streets, and the elevations proposed as part of the project. In addition, the railroad right-of-way extension would require the preparation of a site-specific geologic investigation to ensure that the soils and engineered base underlying the proposed right-of-way would be adequately compacted to address geology and soils related issues. Detailed geotechnical reports cannot be performed at this time, however, because there are no design plans and no alignment studies have been prepared.

Any rail structures constructed onsite would be subject to settlement potential; however, future construction would be required to comply with requirements set forth in the CBC (Section 1802, "Foundation and Soil Investigation") regarding settlement and hydro-consolidation. Standard grading techniques and practices would address site specific issues associated with these impacts, through the preparation of soils and geotechnical investigations. If deemed necessary, additional settlement monitoring

may be recommended to ensure that settlement within this component of the project is within acceptable tolerances. For the above reasons, impacts resulting from settlement and collapse are considered less than significant. (Draft EIR at p. 9.0-27)

### **Mitigation Measures**

**GEO-1:** In support of the applicant's future CEQA document, the project geotechnical consultant shall determine if and where additional locations need to be re-surveyed to verify the elevations of those established points and compare them against the original data. The geotechnical consultant shall verify the amount of settlement, if any, that has occurred prior to construction of any potential subsequent projects. The findings of the geotechnical consultant related to settlement shall be documented in a geotechnical evaluation.

## **F. HYDROLOGY AND WATER QUALITY**

### **Potential Impact**

Project construction may result in discharge of degraded surface water and generation of wastewater. The Project may result in increased amounts in drainage volumes and rates and water quality violations. The Project may place people and structures within a 100-year flood hazard area.

### **Finding**

Pursuant to CEQA section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

### **Rationale**

Fogg Street Extension/Improvements Related to Right-of-Way Realignment. The area proposed for the Fogg Street extension and improvements related to right-of-way realignment would require a site-specific hydrology and hydraulic assessment at the time when improvement designs are proposed. However, potential construction impacts are anticipated to be similar to the proposed project.

To extend Fogg Street from its existing termini on either side of the project site, additional engineered fill would need to be placed within adjacent properties northeast of the project site. This engineered fill would be compacted, which could result in an increase in runoff. At this conceptual stage, grading plans have not been proposed for the Fogg Street extension. However, a grading plan showing adequate stormwater facilities would be prepared and approved by the City prior to construction. These plans would ensure the rate and amount of surface runoff does not result in flooding offsite. Because additional runoff would be addressed through standard engineering procedures, less than significant impacts are anticipated. The Fogg Street extension would also include the necessary BMPs in the design of the right-of-way improvement

and project-specific mitigation measures would be required where needed.

Prior to the start of grading activities, the future project proponent would prepare a SWPPP for the construction activities onsite. A copy of the SWPPP would be available and implemented at the construction site at all times. The SWPPP would outline the source control and/or treatment control BMPs that would avoid or mitigate runoff pollutants at the construction site to the “maximum extent practicable”.

These requirements are summarized as follows:

- **Notice of Intent:** The future project proponent shall prepare and submit a Notice of Intent (NOI) to comply with the general NPDES permit of the California State Water Resources Board. The NOI certifies that the applicant will comply with conditions in the statewide general NPDES permit. It is not a permit application and does not require approval, although an annual fee must be submitted with it.
- **Stormwater Pollution Prevention Plan:** The SWPPP is directed toward construction staff; it describes erosion and runoff control measures to be used during and after construction, and a plan to inspect and maintain these control measures. The SWPPP may be revised during construction in response to changed conditions, or if the properly installed BMPs are ineffective in preventing sediment transport off the site. Revisions to the SWPPP are also required if there are changes in activities which could result in a significant amount of pollutants discharged in stormwater.
- **Notice of Termination:** The State Board must be notified (via a Notice of Termination form) once construction is complete. It must also be notified if a change of ownership occurs during construction. In this case, a revised NOI must be submitted, and the SWPPP must be revised by the new owner to reflect any changes in construction conditions.

The construction project proponent may request to be placed under individual NPDES permits rather than the general permit. The Regional Board may issue individual stormwater NPDES permits to construction projects when more stringent controls are necessary to protect water quality. As noted above, individual construction projects may also be regulated under a municipality's NPDES management program.

The following are potential foreseeable construction BMP's for the site from the California Storm Water Best Management Practice Handbook - Construction Activity:

- *NS-2 Dewatering Operations* – This operation requires the use of sediment controls to prevent or reduce the discharge of pollutant to storm water from dewatering operations.

- *NS-3 Paving and Grinding Operations* – Prevent or reduce the runoff of pollutant from paving operations by proper storage of materials, protecting storm drain facilities during construction and training employees.
- *NS-8 Vehicle and Equipment Cleaning* – Use off-site facilities, or wash in designated areas to reduce pollutant discharge into the storm drain facilities.
- *NS-9 Vehicle and Equipment Fueling* – Use off-site facilities, or designated areas with enclosing or coverings to reduce pollutant discharge into the storm drain facilities.
- *NS-10 Vehicle and Equipment Maintenance* – Use off-site facilities or designated areas with enclosing or coverings to reduce pollutant discharge into the storm drain facilities. In addition run a “dry site” to prevent pollution discharge into storm drains.
- *WM-1 Material Delivery and Storage* – Minimize the storage of hazardous materials onsite. If stored onsite keep in designated areas, install secondary containment, conduct regular inspections and train employees.
- *WM-2 Material Use* – Prevent and reduce the discharge of pesticides, herbicides, fertilizers, detergents, plaster, petroleum products and other hazardous materials from entering the storm water.
- *WM-5 Solid Waste Management* – This BMP describes the requirements to properly design and maintain trash storage areas. The primary design feature requires the storage of trash in covered areas.
- *WM-6 Hazardous Waste Management* – This BMP describes the requirements to properly design and maintain waste areas.
- *WM-8 Concrete Waste Management* – Prevent and reduce pollutant discharge to storm water from concrete waste by performing on and off-site washouts in designated areas and training employees and consultants.
- *WM-9 Sanitary/Septic Water Management* – Provide convenient, well-maintained facilities, and arrange regular service and disposal of sanitary waste.
- *EC-2 Preservation of Existing Vegetation* – Minimize the removal of existing trees and shrubs because they serve as erosion control.
- *EC-3 Hydraulic Mulch* – Hydraulic mulch consists of applying a mixture of shredded wood fiber or a hydraulic matrix, and a stabilizing emulsion or

tackifier with hydro-mulching equipment, which temporarily protects exposed soil from erosion by raindrop impact or wind.

- *EC-4 Hydro-seeding* – Hydro-seeding typically consists of applying a mixture of wood fiber, seed, fertilizer, and stabilizing emulsion with hydro-mulch equipment, to temporarily protect exposed soils from erosion by water and wind.
- *WE-1 Wind Erosion Control* - Wind erosion or dust control consists of applying water or other dust palliatives as necessary to prevent or alleviate dust nuisance generated by construction activities.
- *TR-1 Stabilized Construction Entrance/Exit* – A stabilized construction access is defined by a point of entrance/exit to a construction site that is stabilized to reduce the tracking of mud and dirt onto public roads by construction vehicles.
- *TR-2 Stabilize Construction Roadway* – All on-site vehicle transport routes should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
- *SE-1 Silt Fence* – Composed of filter fabric, which has been entrenched, attached to support poles and sometimes backed by wire fence support. Silt fences promote sedimentation behind the fence of sediment-laden water.
- *SE-3 Sediment Trap* – A sediment trap is a small, excavated or bermed area where runoff for small drainage areas can pass through allowing sediment to settle out.
- *SE-8 Sand Bag Barriers* – By stacking sand bags on a level contour, creates a barrier to detain sediment-laden water. The barrier will promote sedimentation.
- *SE-9 Straw Bale Barrier* – Place straw bales end to end in a level contour in a shallow trench and stake them in place. The bales will detain runoff and promote sedimentation.

In addition to BMPs, potential future projects must comply with water quality management plans (WQMP) requirements which address water pollution control. Permits associated with these plans require that all storm water discharges associated with construction activity, where clearing, grading, and excavation results in soil disturbance of at least 1 acre of total land area, must comply with the provisions of a national pollution discharge elimination system (NPDES) Permit issued by the Regional Water Quality Control Board (RWQCB) and develop and implement an effective SWPPP (refer to Mitigation Measures HWQ-3 and HWQ-4).

The proposed Fogg Street extension and improvements related to right-of-way realignment would not include the provision of housing; therefore, these improvements would not place housing within a 100-year flood hazard area. However, because it would be located within the 100-year floodplain, the Fogg Street extension would require the preparation of an analysis, based on ultimate roadway configuration and design, pursuant to FEMA requirements to demonstrate that the proposed extension would not increase flooding on neighboring properties (refer to Mitigation Measures HWQ-1 and HWQ-2). (Draft EIR at pp. 9.0-32 through 9.0-35)

Light Industrial Facilities. Future development would require additional hydrology and water quality analysis to ensure that proposed development does not violate water quality standards or result in additional erosion or siltation. Completion of the proposed Soil Safe Land Improvement project would render materials within the Guyaux landfill inert. However, the ultimate development of the project site light industrial uses will likely require the implementation of a SWPPP and WQMP to reduce potential impacts on water quality and stormwater discharge to a less than significant levels (refer to Mitigation Measure HWQ-3 and HWQ-4).

Under the proposed Soil Safe Land Improvement project, a basin would be constructed to capture onsite stormwater with a capacity of approximately 177,000 cubic feet (approximately 1.2 million gallons) to control stormwater runoff from the site. This basin would detain stormflows onsite, allowing a controlled release through an outlet at the southwest corner of the site into the ephemeral stream that flows into the Santa Ana River beneath the Union Pacific Railroad Bridge, minimizing downstream erosion. Therefore, at the time any potential future light industrial development would be implemented, the Soil Safe Land Improvement project would have redirected flows around the project perimeter in such a manner that flooding does not occur on or offsite.

While any future industrial uses would introduce additional impervious surfaces to the project site, the proposed stormwater basin would have the capacity to accommodate such a development. If and when future light industrial uses are proposed on the project site, the grading plans would be reviewed by the City of Colton to ensure the future development does not result in additional flooding on or offsite. Less than significant impacts would likely occur with the incorporation of standard engineering procedures to address runoff.

Development of industrial facilities may generate additional water demand associated with the operation of light industrial uses and any landscaping provided. However, according to the *Water Supply Assessment* (Appendix Q), the potential subsequent projects will have negligible water demands relative to the overall City water supply. (Draft EIR at pp. 9.0-35 and 9.0-36)

Union Pacific Rail Line Realignment. The proposed railroad right-of-way realignment would require a site-specific hydrology and hydraulic assessment at the time when improvement designs are proposed. However, potential construction

impacts are anticipated to be similar to the proposed Soil Safe Land Improvement project in terms of the need for fill material and raising the realignment right-of-way to ensure the proper grade.

Minimal water use would result from standard construction practices (i.e., watering for dust abatement). Additional engineered fill would need to be placed within the adjacent properties northeast of the project site to extend the railroad right-of-way. This engineered fill would be compacted which could result in an increase in runoff. At this conceptual stage, grading plans have not been proposed for the railroad right-of-way realignment. However, a grading plan with adequate stormwater facilities would be prepared and approved by the City. These plans would ensure the rate and amount of surface runoff does not result in flooding offsite. Because additional runoff would be addressed through standard engineering procedures, less than significant impacts are anticipated at the program level. The railroad right-of-way realignment would include BMPs in the design of the right-of-way improvement and project-specific mitigation measures would be required. In addition the re-alignment project must comply with state storm water pollution prevention plans (SWPPP) and water quality management plans (WQMP) requirements which address water pollution control during construction. Permits associated with these plans require that all storm water discharges associated with construction activity, where clearing, grading, and excavation results in soil disturbance of at least 1 acre of total land area, must comply with the provisions of a national pollution discharge elimination system (NPDES) Permit issued by the Regional Water Quality Control Board (RWQCB) and develop and implement an effective SWPPP (refer to Mitigation Measures HWQ-3 and HWQ-4).

The proposed railroad right-of-way realignment would not include the provision of housing; therefore, these improvements would not place housing within a 100-year flood hazard area. However, because it would be located within the 100-year floodplain, the railroad right-of-way realignment, would require the preparation of an analysis, based on ultimate right-of-way configuration and design, pursuant to FEMA requirements to demonstrate that the proposed realignment would not increase flooding on neighboring properties (refer to Mitigation Measures HWQ-1 and HWQ-2). (Draft EIR at pp. 9.0-36 and 9.0-37)

## **Mitigation Measures**

### **Fogg Street**

**HWQ-1:** The Fogg Street extension and Union Pacific rail line realignment shall require the preparation of a flood hazard assessment pursuant to FEMA requirements (44 CFR 60 and 44 CFR 65) in addition to City of Colton Municipal Code, "Floodplain Management Regulations" (Chapter 15.18) to demonstrate that the proposed extension and realignment do not increase flooding on neighboring properties.

**HWQ-2:** No water shall be allowed to pond adjacent to nearby offsite buildings. Positive drainage may be accomplished by providing drainage away from buildings at a gradient of at least two percent for a distance of at least five feet, and further maintained by a swale or drainage path at a gradient of at least one percent. Where necessary, drainage paths may be shortened by use of area drains and collector pipes.

**HWQ-3:** Prior to issuance of a grading permit (for the light industrial facilities) or prior to grading plan approval by the Public Works Director (for the Fogg Street extension and Union Pacific rail line realignment), the future project proponent shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for the construction activities onsite. A copy of the SWPPP must be available and implemented at the construction site at all times. The SWPPP outlines the source control and/or treatment control BMPs that would avoid or mitigate runoff pollutants at the construction site to the “maximum extent practicable”.

**HWQ-4:** The project shall prepare a Water Quality Management Plan (WQMP) prior to issuance of a grading permit (for the proposed light industrial facilities) or prior to grading plan approval by the Public Works Director (for the Fogg Street extension and Union Pacific rail line realignment).

The Water Quality Management Plan shall be prepared in conformance to the requirements of the San Bernardino County (WQMP) Water Quality Management Plan Guidance Document, which is available on the County's Storm Water Program website [http://www.co.san-bernardino.ca.us/stormwater/educational\\_materials.htm](http://www.co.san-bernardino.ca.us/stormwater/educational_materials.htm).

#### Light Industrial Facilities

**HWQ-3:** Prior to issuance of a grading permit (for the light industrial facilities) or prior to grading plan approval by the Public Works Director (for the Fogg Street extension and Union Pacific rail line realignment), the future project proponent shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for the construction activities onsite. A copy of the SWPPP must be available and implemented at the construction site at all times. The SWPPP outlines the source control and/or treatment control BMPs that would avoid or mitigate runoff pollutants at the construction site to the “maximum extent practicable”.

**HWQ-4:** The project shall prepare a Water Quality Management Plan (WQMP) prior to issuance of a grading permit (for the proposed light industrial facilities) or prior to grading plan approval by the Public Works Director (for the Fogg Street extension and Union Pacific rail line realignment).

The Water Quality Management Plan shall be prepared in conformance to the requirements of the San Bernardino County (WQMP) Water Quality

Management Plan Guidance Document, which is available on the County's Storm Water Program website [http://www.co.san-bernardino.ca.us/stormwater/educational\\_materials.htm](http://www.co.san-bernardino.ca.us/stormwater/educational_materials.htm).

### Union Pacific Rail Line Re-alignment

- HWQ-1:** The Fogg Street extension and Union Pacific rail line realignment shall require the preparation of a flood hazard assessment pursuant to FEMA requirements (44 CFR 60 and 44 CFR 65) in addition to City of Colton Municipal Code, "Floodplain Management Regulations" (Chapter 15.18) to demonstrate that the proposed extension and realignment do not increase flooding on neighboring properties.
- HWQ-2:** No water shall be allowed to pond adjacent to nearby offsite buildings. Positive drainage may be accomplished by providing drainage away from buildings at a gradient of at least two percent for a distance of at least five feet, and further maintained by a swale or drainage path at a gradient of at least one percent. Where necessary, drainage paths may be shortened by use of area drains and collector pipes.
- HWQ-3:** Prior to issuance of a grading permit (for the light industrial facilities) or prior to grading plan approval by the Public Works Director (for the Fogg Street extension and Union Pacific rail line realignment), the future project proponent shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for the construction activities onsite. A copy of the SWPPP must be available and implemented at the construction site at all times. The SWPPP outlines the source control and/or treatment control BMPs that would avoid or mitigate runoff pollutants at the construction site to the "maximum extent practicable".
- HWQ-4:** The project shall prepare a Water Quality Management Plan (WQMP) prior to issuance of a grading permit (for the proposed light industrial facilities) or prior to grading plan approval by the Public Works Director (for the Fogg Street extension and Union Pacific rail line realignment).

The Water Quality Management Plan shall be prepared in conformance to the requirements of the San Bernardino County (WQMP) Water Quality Management Plan Guidance Document, which is available on the County's Storm Water Program website [http://www.co.san-bernardino.ca.us/stormwater/educational\\_materials.htm](http://www.co.san-bernardino.ca.us/stormwater/educational_materials.htm).

## **H. NOISE**

### **Potential Impact**

Construction machinery and project-related traffic may produce noise in excess of noise

standards.

### **Finding**

Pursuant to CEQA section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

### **Rationale**

#### Fogg Street Extension/Improvements Related to Right-of-Way Realignment.

The Fogg Street extension and improvements related to right-of-way realignment would not generate a significant amount of new vehicular trips as a result of implementation. Upon project completion, noise in the project area would remain similar to existing noise levels except for residents at the southerly end of Fernando and Florez Streets. These residents will experience elevated noise levels with the introduction of traffic along the connecting segment of Fogg Street. As part of its CEQA analysis of the Fogg Street extension, the City would prepare a focused acoustical analysis to assess the potential roadway noise impacts to the residential uses to the west and the north. If noise levels exceed the 60 dBA Ldn thresholds, implementation of mitigation measures recommended within the focused acoustical analysis would address future traffic noise.

Potential mitigation measures may include shifting of the proposed alignment further to the south, noise barriers (e.g., sound walls along the southernmost Fernando and Florez Street properties), and/or rubberized asphalt. With implementation of this mitigation measure (NOI-1), reduced noise level would occur. However, in the absence of a proposed right-of-way alignment, significant and unavoidable operational noise impacts resulting from the Fogg Street extension are anticipated. (See Section IV, Significant and Unavoidable Environmental Impacts)

Construction noise impacts associated with the Fogg Street extension and improvements related to right-of-way realignment would be short-term and would cease upon completion of construction. As with the proposed project, future construction activities associated with the Fogg Street extension would be subject to compliance with the City of Colton's construction hours of 7:00 AM to 5:00 PM on weekdays only. The area proposed for these improvements would require a site-specific noise assessment at the time when improvement designs are proposed. Implementation of Mitigation Measure NOI-1 and NOI-2 would reduce construction noise impacts to a less than significant level.

Activities related to the construction and operation of the Fogg Street extension and improvements related to right-of-way realignment would involve similar equipment as what is required for the proposed Soil Safe Land Improvement project. As described above, vibration velocities from typical heavy construction equipment operations that would be used during project construction range from 0.001 to 0.017 inch-per-second as a Perturbation Projection Vector (PPV) at the nearest sensitive receptors. Vibration levels of this magnitude are below the Federal Transit Administration (FTA) criterion for architectural damage. Therefore, vibration impacts associated with these improvements would be less than significant. (Draft EIR at pp. 9.0-41 and 9.0-42)

Light Industrial Facilities. Construction. Uses allowed under the Light Industrial zoning classification as defined in City of Colton Zoning Code, (e.g., warehousing and wholesaling, custom and light manufacturing, construction sales and services, etc.) could generate significant amounts of noise during grading and construction operations. During future project implementation, adjacent sensitive receptors would be exposed to sporadic high noise and vibration levels associated with construction activities (as a result of power tools, jack-hammers, truck noise, etc.). It is anticipated that construction traffic would access the project site from several major roadways including Fogg Street, Interstate 10, and Interstate 215. As stated above, various sensitive receptors exist adjacent to the project site to the north. Since many residential land uses are within close proximity to potential construction activities, residential and institutional (Woodrow Wilson Elementary School) land uses could be exposed to noise levels above City-established thresholds of significance.

Pursuant to the standards provided by the City of Colton construction activities would be allowed between the hours of 7:00 AM to 5:00 PM on weekdays only. Due to the conceptual nature of the future development within the project site, future proposals would require individual assessments of potential construction-related noise impacts. If necessary, additional mitigation would be recommended to further minimize potential construction noise impacts, such as raising of an earthen noise-attenuating berm, properly operating and maintained mufflers, well-maintained mechanical equipment, etc. (refer to Mitigation Measure NOI-2). Potential mitigation measures may include the use of noise barriers and site-redesign (NOI-2). While the deed restriction that would be placed on the 4-acre Guyaux landfill site restricting development on this portion of the project site and the potential mitigation measures would reduce noise levels at the property boundaries of neighboring residential uses, it is anticipated that operation and construction-related noise levels may exceed the *General Plan* threshold of 60 dBA and the Speech Interference Level of 65 dBA at the property boundary of the adjacent residences. (See Section IV, Significant and Unavoidable Environmental Impacts)

The development of light industrial uses would be analyzed under a separate environmental document at the time a specific development proposal is prepared. Vibration generating activities related to the construction and operation of a potential industrial development on the project site would be similar to the impacts described for the proposed project. Vibration velocities from typical construction equipment and heavy trucks would range from 0.001 to 0.017 inch-per-second PPV at the nearest sensitive receptors. Vibration levels of this magnitude are below the FTA criterion for architectural damage. Therefore, vibration impacts would be less than significant.

Long-term Operations. Long-term operational noise typically associated with the operation of light industrial uses would be generated by the following sources:

- Trucks traveling on the site, to and from loading docks;
- Mechanical equipment (air conditioners, trash compactors, emergency generators, etc.);

- Off-site traffic noise.

Although several noise sources would be introduced, many of them would operate for only very brief periods of time. The nearest sensitive uses are the residential uses, located approximately 75 feet to the north of the project area. Stationary mechanical noise, loading dock operations, and parking lot noise typically only operate concurrently during brief periods. Furthermore, it should be noted that the projected noise levels presented in this analysis do not account for any noise attenuation due to existing walls, berms, intervening structures, or topography. Noise sources at loading docks may include maneuvering and idling trucks, truck refrigeration units, fork lifts, banging and clanging of equipment (i.e., hand carts and roll-up doors), noise from public address systems, and voices of truck drivers and employees. The maximum noise levels of slow-moving heavy and small trucks at the loading areas range between 70 dBA and 73 dBA at 50 feet. The maximum noise level associated with loading docks is typically 76.5 dBA at 50 feet. Typical slow moving trucks associated with industrial uses (i.e., a medium 2-axle truck used to make deliveries) can generate a maximum noise level of 75 dBA at a distance of 50 feet. According to the *General Plan*, light industrial uses would be normally acceptable at a noise level of 75 dBA and conditionally acceptable at 80 dBA. Therefore, future industrial development on the project site would likely not generate noise that would exceed the City's standards. When future uses are ultimately proposed, they would be required to demonstrate compliance with City noise standards.

The future buffer between the residential uses to the north and future light industrial facilities proposed onsite would include the Guyaux landfill, the Fogg Street right-of-way, and a 20-foot front yard setback on the south side of Fogg Street (required for Light Industrial zone, pursuant to Chapter 18.24.100 of the City of Colton Municipal Code). The precise distance of this buffer cannot be determined, because the Fogg Street alignment and building footprints are not known at this time. The future acoustical analysis will determine the distance of this buffer and ensure that the distance is sufficient (with the inclusion of sound barriers, if needed) to reduce noise levels to 60 dBA Ldn measured at the property line of the adjacent residential uses.

Noise generated from mechanical equipment may impact surrounding uses. However, rooftop equipment would not create enough acoustical intensity to disrupt surrounding uses due to the anticipated distance from the rooftop equipment to the residences to the north. While the exact distance cannot be precisely calculated until the Fogg Street alignment is proposed and a site plan for the light industrial uses is prepared, it is assumed that this noise-attenuating distance would include the Guyaux landfill which would be deed restricted by RWQCB, the Fogg Street extension, the Union Pacific right-of-way realignment, the 20-foot setback (required by the Colton Zoning Code), and the remaining distance from the buildings northerly edge to the roof-mounted equipment. Additionally, noise levels from mechanical equipment would be minimized with proper selection of equipment, and installation of equipment with proper acoustical shielding or incorporation of additional acoustical shielding. Proper shielding

would be required pursuant to Municipal Code (Chapter 18.24.150). As the noise from the rooftop equipment would be contained, impacts would be less than significant.

Traffic noise associated with potential subsequent projects would consist of vehicles traveling to and from the site due to the planned industrial use. Industrial uses typically create commuter vehicular trips and truck trips associated with ongoing operations. In the event of implementation of the Fogg Street extension and improvements related to right-of-way realignment, traffic would be routed away from the residential uses and relocated to another. Due to the conceptual nature of the future development within the project area, future proposals would require individual assessments of potential traffic noise impacts. A focused acoustical analysis to assess the potential traffic noise impacts to the nearby residential uses would be required. If necessary, additional mitigation would be recommended to further minimize potential construction noise impacts. However, without a site design demonstrating that noise would fall below regulatory thresholds, traffic noise impacts are anticipated to be significant and unavoidable. (See Section IV, Significant and Unavoidable Environmental Impacts) (Draft EIR at pp. 9.0-42 through 9.0-45)

Union Pacific Rail Line Realignment. The railroad right-of-way realignment would not generate a significant amount of new railroad trips as a result of implementation. Upon project completion, noise in the project area would remain similar to existing noise levels, albeit train traffic would be shifted from residences on the southerly end of Fernando and Florez Streets. These improvements would not involve any new sources of stationary noise (i.e., pumps, generators, etc.). Thus, a less than significant impact is anticipated in this regard.

The railroad right-of-way realignment would re-route the rail traffic away from this residential area, thereby reducing railroad impacts to this neighborhood. Upon development of the preliminary design of the roadway, a focused acoustical analysis should be conducted to determine the project traffic noise levels and provide appropriate noise reduction measures, if necessary. Therefore, in the absence of a proposed right-of-way alignment, significant and unavoidable operational noise impacts resulting from the railroad right-of-way realignment are anticipated. (See Section IV, Significant and Unavoidable Environmental Impacts)

Construction noise impacts associated with the railroad right-of-way realignment would be short-term and would cease upon completion of construction. Equipment typically used for rail construction include bulldozers, compactors, scrapers, hammers and trucks. Standardized exterior noise levels for mobile and stationary construction equipment is developed by the Society of Automotive Engineers. Typical noise levels are a function of maximum power and distance. For the usual kinds of equipment used in rail construction, a maximum noise level of 89 dBA at 50 feet is standard. As the City of Colton does not have quantitative guidelines for construction noise, an interior level of 65 dBA based on the Speech Inference Level described above. However, due to the age of the nearby homes, a windows-and-doors-closed scenario cannot be assumed for the rail road realignment. As with the proposed project, future construction

activities associated with the railroad right-of-way realignment would be subject to compliance with the City of Colton's construction hours of 7:00 AM to 5:00 PM on weekdays only. The area proposed for these improvements would require a site-specific noise assessment at the time when improvement designs are proposed.

The distance between residential uses and the rail line construction cannot be determined until alignment studies and engineering plans are complete. However, with the reduction of 20 dBA with windows and doors closed, the rail line construction would be reduced to 69 dBA at 50 feet. Based on the distance shown on the City of Colton and SANBAG, "Project Scope Map" (Exhibit 9.0-2), it is estimated that the construction-related interior noise levels at the nearest residential properties to the north could be attenuated to less than 65 dBA through site design and/or noise barriers. However, because of the age of the neighboring community and without a proposed alignment, it cannot be assumed that windows and doors would be closed during noise-generating construction activities. While implementation of project-specific mitigation measures would reduce noise levels, significant and unavoidable impacts from noise are anticipated. (See Section IV, Significant and Unavoidable Environmental Impacts) (Draft EIR at pp. 9.0-45 and 9.0-46)

### **Mitigation Measures**

- NOI 1:** In support of the applicant's future CEQA document, the project proponent shall prepare a focused acoustical analysis to assess the potential noise impacts to the residential uses to the west and the north. The focused acoustical analysis shall be prepared in accordance with the specifications of the City of Colton Department of Public Works to determine if the roadway is below the 60 dBA Ldn thresholds. If noise levels exceed the 60 dBA Ldn thresholds at the property line of the adjacent residential uses, implementation of mitigation measures recommended within the focused acoustical analysis shall address future traffic noise and stationary sources (e.g., loading docks, mechanical equipment). Potential mitigation measures may include, but are not limited to, the use of noise barriers and site-redesign (including orienting loading docks towards the south side of the property away from residential properties to maximum extent feasible) for the light industrial facilities. For the Fogg Street extension and rail road realignment, mitigation may include shifting of the proposed alignment further to the south, noise barriers (e.g., sound walls along the southernmost Fernando and Florez Street properties) and/or rubberized asphalt). The focused acoustical analysis shall be subject to review and approval by the City of Colton Director of Public Works and shall be made part of the environmental review for the subsequent projects.
- NOI-2:** If construction-related noise levels exceed the 65 dBA Speech Interference

Level assuming a windows-open scenario, construction mitigation shall include noise-reduction practices, which may include temporary earthen berms, properly operating and maintained mufflers, well-maintained mechanical equipment, etc., where conditions produce an exceedance in these regulatory thresholds.

## **I. PUBLIC SERVICES**

### **Potential Impact**

The Potential Subsequent Projects Project will contribute to the need for additional police and fire protection, water and stormwater facilities, dry utilities, and would generate solid waste that would enter the County landfill .

### **Finding**

Pursuant to CEQA section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

### **Rationale**

#### Fogg Street Extension/Improvements Related to Right-of-Way Realignment.

The Fogg Street extension and improvements related to right-of-way realignment are not anticipated to impact most Public Services and Utilities. (See Section II-B above)

The extension of Fogg Street is not anticipated to impact natural gas or electricity services, or water and wastewater pipelines. During construction of the improvements, natural gas services would not be impacted, because Fogg Street is currently unimproved and no utilities are located within this portion of Fogg Street. As part of the Fogg Street extension, natural gas and electricity lines and water and wastewater pipelines, may be constructed within the right of way. Mitigation Measures PSU-3 through PSU-5 would require coordination with Southern California Gas Company, Colton Public Utilities, and the City Engineer and the preparation of detailed plans for utility placement. Therefore, with these mitigation measures, no significant impacts are anticipated at this program level. (Draft EIR at p. 9.50)

Light Industrial Facilities. Any future project applicants for the site would be required to pay Development Impact Fees (DIF), which would help to fund additional fire and police protection services, as needed. In addition, to accommodate future fire protection needs, the proposed future projects would be required to supply a minimum of 26 feet for emergency fire access roads and would require that the roads be

designed and maintained to support the imposed loads of the fire apparatus and shall be surfaced to provide all-weather driving capability with the appropriate thickness of concrete and asphalt. The maximum allowable grade of said roads would be 12 percent. Fire hydrants would be required as part of future development. These standard Fire Department requirements are considered typical conditions of approval, and are not considered unique mitigation pursuant to *CEQA Guidelines*. In addition, the Colton Fire Department has indicated that the Department can adequately serve the project with existing staff, stations, and equipment. Therefore, no significant impacts to fire protection services would occur when Fire Department standard requirements are met.

Southern California Gas Company currently has existing gas lines in the vicinity of the project site. The need for gas transmission improvements would be determined by Southern California Gas Company once applications for service and payment of fees are received for future light industrial uses. Once applications and DIF payments have been received, planning for gas services would begin concurrent with approval of tentative plans for future projects.

The provision of natural gas services to the project site would be available. However, expansion and upgrading of existing distribution systems would be required for implementation of the project. It is anticipated that future project applicants would install the natural gas line within the proposed Fogg Street extension right-of-way. Dry utility plans would be required (refer to Mitigation Measure PSU-1), and would show the proposed onsite utilities, as well as the proposed points of connection offsite. Future project applicants would be required to coordinate with Southern California Gas Company regarding the proper extension of natural gas services to the project site. Because these utility improvements would be located within the existing right-of-way, no additional impacts besides beyond those described for the Fogg Street extension would be anticipated.

The need for electricity line improvements would be determined by Colton Public Utilities once applications for service and DIF payments are received. Once applications and payments have been received, planning for electricity services would begin concurrent with approval of tentative plans.

The City owns and operates one wastewater treatment plant. All future development on the project site would be required to connect to the City's sewer and wastewater system. It is not anticipated that implementation of additional industrial uses would require new sewer or wastewater treatment facilities. High estimates of wastewater flow use 700 gallons per acre per day; or 13,300 gallons per day maximum flow. Based on the 19-acre project site, the light industrial facilities would use up to 13,300 gallons per day or a maximum flow of 252,700 gallons per day. The City's *Sewer System Management Plan* states that the average daily flow for the wastewater treatment plant is equal to 5.4 million gallons per day, while the capacity is 10.4 million gallons per day. Therefore, the City's waste and sewer systems are both currently operating below maximum capacity. Therefore, it is anticipated that impacts would be less than significant.

All future development would be required to ensure that the wastewater treatment provider (City of Colton) has adequate capacity to service the project. A sewer infrastructure study would be required to ensure that sewer facilities are adequate to handle project-generated demand.

The light industrial facility would assume an industry-standard unit water usage of 2,000 gallons per day per acre, which is consistent with the planning standards of major water utilities serving commercial, industrial and institutional customers in arid regions of southern California. The water demand estimate also accounts for the potential need to irrigate landscaping for up to 10 percent of the site area. A typical water use factor for irrigation within these arid regions is four acre-feet per acre per year. The water demands for the light industrial facilities are estimated as follows:

$$\begin{aligned} 2,000 \text{ gpd/ac} \times 19 \text{ ac} &= 38,000 \text{ gpd} = 43 \text{ AF/yr} \\ 19 \text{ ac}(0.10) \times 4 \text{ AF/ac/yr} &= 8 \text{ AF/yr} \\ \text{Total Light Industrial Water Use} &= 43 + 8 = 51 \text{ AF/yr} \end{aligned}$$

Based on current information available and the conclusion reached in the Water Supply Assessment (Appendix Q), there is sufficient water supply available to serve the future light industrial facilities as well as the City's existing and future water demands, including agricultural and industrial uses.

It is anticipated that, should future development occur, the drainage improvements located on the perimeter of the site would remain in place. However, future building siting could impact the drainage basin located onsite. Applicants for future development would be required to conduct a site specific drainage and hydrology study to determine the types and sizes of stormwater facilities necessary for each project. Therefore, no significant impacts are anticipated.

It is anticipated that future industrial uses would generate solid waste. However, future proposed land uses are not anticipated to produce unusually high quantities of solid waste or unusual hazardous conditions. According to the San Bernardino County's *Countywide Integrated Waste Management Plan* (CIWMP), the County has disposal capacity available for solid waste generated, but not diverted, in excess of 15 years as required under Public Resources Code Section 41701. The system-wide characteristics, however, indicate that the County has an estimated site-life capacity of 38 years. Therefore, less than significant impacts to solid waste are anticipated. Therefore, less than significant impacts would occur. (Draft EIR at pp. 9.0-50 through 9.0-52)

Union Pacific Rail Line Re-alignment. The railroad right-of-way realignment is not anticipated to impact fire and police protection services as existing structures are not located along the proposed alignment. During construction of the improvements, fire access may be impacted at the intersection of M Street and East Fogg Street. However, once the construction is complete, at least ten at-grade railroad crossings will be removed from the neighborhood, which would in turn, improve access for fire and police protection services. Therefore, with the implementation of construction-related

mitigation (refer to Mitigation Measures PSU-3 through PSU-5), no significant impacts would occur.

These improvements are not anticipated to impact natural gas or electricity services, or water and wastewater pipelines. It is not anticipated that City curbs and gutters would be impacted by the railroad right-of-way realignment. These improvements would require minimal water use in the short term. Given the nature of these improvements, no wastewater or solid waste would be generated. Mitigation Measures PSU-3 through PSU-5 would require coordination with Southern California Gas Company, Colton Public Utilities, and the City Engineer and the preparation of detailed plans for utility placement. Therefore, with these mitigation measures, no significant impacts are anticipated at this program level. (Draft EIR at pp. 9.0-50 and 9.0-52)

### **Mitigation Measures**

#### Fogg Street Extension/Improvements Related to Right-of-Way Realignment

PSU-3 through PSU-5 (See Below)

#### Light Industrial Facilities

- PSU-1:** The future project applicant shall prepare a dry utility plan, delineating the proposed onsite utilities, as well as the proposed points of connection offsite. The plan shall indicate the existing service capacity compared to project demand. If additional service capacity is required, the future project applicant shall be required to provide upgrades to existing system to service the proposed project and/or provide fair share development impact fees.
- PSU-2:** The future project applicant shall ensure that the wastewater treatment provider (City of Colton) has adequate capacity to service the project. A sewer infrastructure study shall be required and shall demonstrate that sewer facilities are adequate to handle project-generated demand.
- PSU-3:** Utility placement shall not conflict with other planned infrastructure improvements such as water distribution systems and site drainage facilities. Evidence of coordination with Southern California Gas Company shall be provided to the City's Development Services Department for review and approval prior to the issuance of Grading Permits (for the light industrial facilities) or approval of Grading Plans by the Director of Public Works (for the Fogg Street extension and the Union Pacific rail line re-alignment). Coordination with Southern California Gas Company would ensure that existing natural gas pipelines and services would not be impacted by implementation of the proposed project.

**PSU-4:** Future project proponents shall coordinate with Colton Public Utilities regarding the proper extension of electrical services to the project site. This shall include the development of detailed plans for utility placement. Utility placement shall not conflict with other planned infrastructure improvements such as water distribution systems and site drainage facilities. Evidence of this coordination with Colton Public Utilities shall be provided to the City's Planning Department for review and approval prior to the issuance of Grading Permits (for the light industrial facilities) or approval of Grading Plans by the Director of Public Works (for the Fogg Street extension and the Union Pacific rail line re-alignment). Coordination with Colton Public Utilities would ensure that existing electrical lines and services would not be impacted by implementation of the proposed project.

**PSU-5** Prior to issuance of Grading Permits (for the light industrial facilities) or approval of Grading Plans by the Director of Public Works (for the Fogg Street extension and the Union Pacific rail line re-alignment), the future project proponent shall submit for review and approval by the City Engineer, improvement plans, design reports, and appropriate calculations for the Drainage Plan, verifying that the proposed design does not exceed existing flow conditions and meets all applicable City and County requirements.

Union Pacific Rail Line Re-alignment

PSU-3 through PSU-5 (see Above)

**J. TRAFFIC AND CIRCULATION**

**Potential Impact**

The Potential Subsequent Projects would change the traffic patterns in the area as well as increasing traffic on the existing circulation system.

**Finding**

Pursuant to CEQA section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

**Rationale**

No significant impacts are associated with the Fogg Street Extension/Improvements Related to Right-of-Way Realignment or the Union Pacific Rail Line Realignment. (see Section II.B) (Draft EIR at pp. 9.0-55 and 9.0-57)

Light Industrial Facilities.

Based on the assumption that the site will likely be developed with light industrial uses, the project site would be required to conform to the Light Industrial (M-1) zoning classification. In addition, future light industrial development would be required to conduct project-specific traffic impact studies with inclusion of mitigation measures relative to any potential traffic impacts anticipated for specific future light industrial uses.

Preliminary traffic mitigation measures, which include specific future intersection and roadway segment improvements, and fair share contributions, are specified below. If these improvements are fully implemented by the time the project is constructed, all roadway segments and intersections analyzed would operate at acceptable levels of service, resulting in a less than significant impact. However, since some of the improvements identified as mitigation require improvement of facilities outside of the City's jurisdiction/ control (i.e. Caltrans), there is a potential that these improvements may not occur when the project is constructed. For this reason impacts associated with traffic and circulation are anticipated to be significant and unavoidable. (See Section IV, Significant and Unavoidable Environmental Impacts)

### **Mitigation Measures**

- TRA-1:** A fair share contribution would be calculated in the required traffic analysis for the project under a Horizon Year conditions to mitigate for traffic impacts related to potential deficient future levels of service and roadway deterioration. Fair share contributions were calculated by dividing the project trips by the total increase in traffic forecast through the intersections from existing to the Horizon Year conditions.
- TRA-2:** If the Horizon Year conditions intersection analysis results show that the addition of project-generated traffic would result in significant impacts, it is recommended that significantly impacted intersections be improved. The following improvements have been recommended as mitigation in the Traffic Impact Analysis Report, prepared on October 15, 2010:

#### **Intersections**

##### **La Cadena Drive / Fogg Street**

- Install traffic signal at intersection; provide protected left-turn phasing at the northbound and southbound approaches and permitted left-turn phasing at the eastbound and westbound approaches.
- *Eastbound:* Widen approach to provide one left-turn lane and one shared through/right-turn lane.
- *Westbound:* Widen approach to provide one left-turn lane and one shared through/right-turn lane.

##### **La Cadena Drive / Rancho Avenue**

- Install traffic signal at intersection; provide protected left-turn phasing at northbound approach and right-turn overlap phase at eastbound approach.
- *Northbound*: Widen approach to provide two left-turn lanes and two through lanes.

**Roadway Segments**

**Mount Vernon Avenue from I-10 Eastbound Ramps to M Street**

- Widen segment to four-lane Major Arterial standards (100' ROW width).

## SECTION IV

### IMPACTS NOT MITIGATED BELOW A LEVEL OF SIGNIFICANCE

The following impacts of the proposed project will remain significant despite the implementation of feasible mitigation measures.

#### A. GEOLOGY, SOILS AND SEISMICITY

##### Potential Impact

Due to the project's location within a MRZ-2 zone, implementation of the proposed project would preclude the extraction of any mineral resources of value that may be located onsite, since the majority of the project site would be covered with engineered fill and eventually developed with a future use. Therefore, implementation of the proposed project would result in a significant and unavoidable impact with regard to loss of availability of a known mineral resource.

##### Finding

Pursuant to CEQA Section 21081(a)(3), there are no feasible measures that would mitigate these impacts to below a level of significance. As described in the Statement of Overriding Considerations below, the Planning Commission has determined that these impacts are acceptable because of specific overriding considerations.

##### Rationale

The project site is located within an MRZ-2 mineral resources zone located within the Santa Ana River wash according to the Department of Conservation, Division of Mines and Geology's, *Mineral Land Classification of a Part of Southwestern San Bernardino County, The San Bernardino Valley Area, California (East)* (dated 1995). According to this report, the Santa Ana River wash contains 44 square miles of land zoned MRZ-2. Areas within an MRZ-2 zone are underlain by mineral deposits where geologic data indicate that significant measured, indicated, or inferred resources are present. Areas classified MRZ-2 contain discovered mineral deposits, and therefore, the project site represents a potential location where future mining could occur. The project site constitutes approximately 0.10% of the Santa Ana River wash MRZ-2 zone. In addition, the project area is located within the Claremont-Upland and San Bernardino Production-Consumption Regions designated by the State Mining and Geology Board in SMARA Designation Report No. 5, dated January 1988.

Due to its location within a MRZ-2 zone, implementation of the proposed project would preclude the extraction of any mineral resources of value that may be located onsite, since the majority of the project site would be covered with engineered fill and

eventually developed with a future use. Therefore, implementation of the proposed project would result in a significant and unavoidable impact with regard to loss of availability of a known mineral resource that is considered regionally significant. (Draft EIR at pp. 3.5-22 and 3.5-23)

## **B. NOISE**

### **Potential Impact**

During the first construction phases (A and B), construction noise levels would exceed the 65 dBA *Speech Interference Criteria* threshold at nearby homes.

### **Finding**

Pursuant to CEQA Section 21081(a)(1), changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final EIR. These changes, however, will not reduce short-term noise impacts to below a level of significance. Pursuant to CEQA Section 21081(a)(3), there are no additional feasible measures that would mitigate these impacts to below a level of significance. As described in the Statement of Overriding Considerations below, the Planning Commission has determined that these impacts are acceptable because of specific overriding considerations.

### **Rationale**

The nearest sensitive receptors to the project site are residential uses located approximately 75 feet to the north of the project activity area during the early phases (A and B) of the project. Construction-related noise levels in the vicinity would be between 81.6 and 83.0 dBA outdoors, resulting in an interior noise level between 61.6 and 63.0 dBA, with doors and windows shut. Construction-related noise within this 75-foot distance would occur at these levels for a short duration (Phase A which is anticipated to last approximately 3 months, and Phase B which is anticipated to last approximately 3 to 6 months) during the construction of the proposed drainage features on the northern property boundary, placement of soil-cement on the Guyaux landfill, and construction of the proposed noise-attenuating berm, after which the noise-attenuating berm would dampen the noise resulting from construction activities in Phases C through F. However, during Phase C through F, construction activities would occur at a distance of greater than 75 feet, resulting in less than significant impacts.

Because many of the homes adjacent to the project site may not have air conditioning units due to their age, a scenario where all windows and doors would be closed may not be appropriate. Therefore, during Phases A and B, construction noise levels could exceed the 65 dBA *Speech Interference Criteria* threshold for these nearby homes. Mitigation Measure NOI-1 would alert residents of upcoming construction

activity; however, significant and unavoidable impacts to this select group would occur during the approximately 6- to 9-month duration associated with Phases A and B.

Truck hauling trips, construction crew commutes, and the transport of construction equipment and materials to the site for the proposed project would incrementally increase noise levels on access roads leading to the site. Construction activities are anticipated to occur over a period of approximately three to five years. It should be noted that the project site is approximately 29 acres, and proposed project activities would progress throughout the site. Although there would be a relatively high single-event noise exposure resulting in intermittent noise nuisance, the effect on longer term (hourly or daily) ambient noise levels would be minimal. As a result, sensitive receptors would not be exposed to significant construction noise levels over an extended period of time.

Although the noise modeling demonstrates that construction noise would be below the significance threshold (with windows and doors closed), Mitigation Measures NOI-2 and NOI-3 would further reduce impacts from construction noise, and would ensure that impacts are reduced to a less than significant level. However, in the case of the homes without air conditioning units (assuming windows open), significant and unavoidable impacts would occur, even after incorporation of Mitigation Measures NOI-2 and NOI-3. (Draft EIR at pp. 3.9-15 and 3.9-16)

## **Mitigation Measures**

- NOI 1:** Prior to construction activities, the construction contractor shall notify nearby residents as to the approximate date that construction will begin and shall inform them of the potential noise impacts.
- NOI 2:** Prior to grading permit issuance, the construction contractor shall demonstrate, to the satisfaction of the City of Colton, the following:
- Construction contracts shall specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State required noise attenuation devices.
  - Construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, and maximizing the distance between construction equipment staging areas and occupied residential areas, shall be implemented.
  - During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receptors.
  - The construction entrance shall clearly post construction hours, allowable workdays, and the phone number of the job superintendent. This would allow surrounding owners and residents to contact the job superintendent

with concerns. If the contractor receives a noise-related complaint, appropriate corrective actions shall be implemented and a report taken indicating the action with a copy of the report provided to the reporting party upon request.

- NOI 3:** Prior to grading permit issuance, the construction contractor shall demonstrate to the City of Colton that haul truck routes avoid sensitive receptors. Haul trucks shall be required to access the project site via I-10 to Mount Vernon Avenue, M Street east of East Fogg Street, and East Fogg Street. Haul trucks shall be prohibited to travel along M Street west of East Fogg Street, West Fogg Street (west of 8<sup>th</sup> Street), and Congress Street west of East Fogg Street, excluding the segment of Congress Street east of the curb cut for the project's egress access road.
- NOI-4:** All soil deliveries onto the Soil Safe site shall occur during normal operating hours (anticipated to be between 7:00 am and 5:00 pm), Monday through Saturday. The only activity allowed to occur on Saturdays shall be soil delivery.

## **C. TRAFFIC AND CIRCULATION**

### **Potential Impact**

Due to the timing of implementation of road and bridge improvements on Mt. Vernon between M Street and the eastbound ramps to the I-10 Freeway, a significant impact would remain as a result of project implementation within the 3-5 year construction window identified by the Project Applicant.

### **Finding**

Pursuant to CEQA Section 21081(a)(1), changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final EIR. These changes, however, will not reduce project-related traffic impacts on Mt. Vernon to below a level of significance. Pursuant to CEQA Section 21081(a)(3), there are no additional feasible measures that would mitigate these impacts to below a level of significance. As described in the Statement of Overriding Considerations below, the Planning Commission has determined that these impacts are acceptable because of specific overriding considerations.

### **Rationale**

Compliance with Circulation System Performance Plans, Ordinances and Policies. Based on the City's minimum acceptable roadway threshold of LOS D, traffic generated by the proposed project would result in a significant impact on the Mount Vernon Avenue

roadway segment from the I-10 Eastbound Ramps to M Street. Due to the timing of Mitigation Measure TRA-6 in relation to the identified impact associated with a deficient level of service on Mount Vernon Avenue roadway segment, a significant impact would remain as a result of project implementation. Mitigation Measure TRA-6 calls for the contribution of a fair share mitigation fee for the widening of Mount Vernon Avenue to four lanes. While the Project Applicant will contribute this fair share mitigation fee, the actual improvements to Mount Vernon Avenue are not included as part of the proposed project, and would be constructed by the City at a future date. Therefore, implementation of the proposed project would result in a significant and unavoidable impact with regard to performance of the circulation system. (Draft EIR at p. 3.12-21)

Compliance with Congestion Management Programs. The results of the existing plus project conditions roadway segment level-of-service analysis show that consistent with existing conditions, Mount Vernon Avenue from the I-10 Eastbound Ramps to M Street would operate at LOS E with the addition of traffic associated with the project. Due to the City's minimum acceptable roadway threshold of LOS D, traffic generated by the proposed project would result in a significant impact on this roadway segment because it would result in a deficient LOS (E). Mitigation Measure TRA-6, above, calls for the contribution of a fair share mitigation fee for the widening of Mount Vernon Avenue to four lanes. While the Project Applicant will contribute this fair share mitigation fee, the actual improvements to Mount Vernon Avenue are not included as part of the proposed project, and would be constructed by the City at a future date. Therefore, implementation of the proposed project would result in a significant and unavoidable impact with regard to levels of service. (Draft EIR at pp. 3.12-25 and 3.12-26)

## **Mitigation Measures**

### **Light Industrial Facilities**

**TRA-1:** A fair share contribution would be calculated in the required traffic analysis for the project under a Horizon Year conditions to mitigate for traffic impacts related to potential deficient future levels of service and roadway deterioration. Fair share contributions were calculated by dividing the project trips by the total increase in traffic forecast through the intersections from existing to the Horizon Year conditions.

**TRA-2:** If the Horizon Year conditions intersection analysis results show that the addition of project-generated traffic would result in significant impacts, it is recommended that significantly impacted intersections be improved. The following improvements have been recommended as mitigation in the Traffic Impact Analysis Report, prepared on October 15, 2010:

#### ***Intersections***

##### **Mount Vernon Avenue / Valley Boulevard / I-10 Westbound On-Ramp**

- *Northbound:* Widen approach to provide two left turn lanes, one through lane, and

one shared through/right-turn lane. Designate the inside left-turn lane for the I-10 Westbound On-Ramp only, and the outside left-turn lane for both the I-10 Westbound On-Ramp and Valley Boulevard.

- *Eastbound*: Widen approach to provide one left-turn lane, one through lane, and one right-turn lane.
- *Westbound*: Widen approach to provide two left-turn lanes and one shared through/right-turn lane.
- Modify traffic signal to protected left-turn phasing at all approaches of the intersection.

Note: Recommended improvement at northbound approach of Mount Vernon Avenue / Valley Boulevard / I-10 Westbound On-Ramp would require widening the bridge over the I-10 freeway.

#### Mount Vernon Avenue / I-10 Eastbound Ramps

- *Southbound (I-10 Eastbound Off-Ramp)*: Widen approach to provide one left-turn lane, one shared left-turn/through lane, and one right-turn lane.
- *Eastbound (Mt. Vernon Avenue)*: Widen approach to provide one left-turn lane, one through lane, and one shared through/right-turn lane.
- *Westbound (Mt. Vernon Avenue)*: Widen approach to provide one left-turn lane, two through lanes, and one right-turn lane.
- Modify traffic signal to protected left-turn phasing at eastbound and westbound approaches.

The following impacts of the Potential Subsequent Projects will remain significant despite the implementation of feasible mitigation measures.

## **D. AIR QUALITY**

### **Potential Impact**

Development of Potential Subsequent Projects (UPRR Rail Line Realignment) could result in the generation of air emissions above established thresholds .

## **Finding**

Pursuant to CEQA Section 21081(a)(1), changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final EIR. However, because the proposed realignment of the UPRR Rail Line has not been evaluated in a project-level environmental document, actual air emissions have not been calculated. Therefore, there is a potential for air emissions to exceed thresholds.

## **Rationale**

UPRR Rail Line Realignment. Construction of the proposed project has the potential to create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated by construction workers traveling to and from the project site. Fugitive dust emissions would primarily result from demolition (if proposed) and site preparation (e.g., grading) activities. NO<sub>x</sub> emissions would primarily result from the use of construction equipment. Impacts are expected to be of short duration. The area proposed for realignment would require a site-specific air quality analysis and GHG assessment at the time when designs are proposed. Standard mitigation measures for control of fugitive dust and particulate emissions from internal combustion engines and grading operations could reduce air quality impacts; however, it is anticipated that construction of the Union Pacific Rail Line Re-alignment could generate air quality emissions in excess of SCAQMD's thresholds, resulting in significant unavoidable impact. (Draft EIR at p. 9.0-17)

## **E. BIOLOGICAL RESOURCES**

### **Potential Impact**

Development of the Potential Subsequent Projects (Fogg street Extension and UPRR Rail Line Realignment) could result in disturbance of sensitive species or their habitat, either directly or indirectly.

### **Finding**

Pursuant to CEQA section 21081(a) (1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

### **Rationale**

Fogg Street Extension/Improvements Related to Right-of-Way Realignment. The area proposed for the Fogg Street extension and improvements related to right-of-way realignment could support Santa Ana River woolly star. As depicted in Draft EIR Exhibit 3.3-2, Riversidean Alluvial Fan Sage Scrub habitat is located east of Fogg Street and there is a potential that this habitat type could be impacted by the eventual roadway alignment. Prior to determination of the final alignment for the Fogg Street

Extension, a site-specific biological resources assessment would need to be prepared and include detailed avoidance and minimization measures to address potential impacts to this species (refer to Mitigation Measure BIO-1). Any impacts to Santa Ana River woolly star would require authorization from both USFWS and CDFG at the time when improvement designs are proposed. Identification of resulting impacts and mitigation measures, as appropriate, would be determined to reduce potential impacts to biological resources. Likely measures imposed on the Fogg Street Extension may include, realignment of the roadway to avoid areas occupied by endangered species, incorporation of onsite mitigation (if feasible) into the properties surrounding the roadway ROW, and/or off-site mitigation in an approved mitigation bank for the affected species. If necessary a combination of these measures may be necessary to ensure impacts are considered less than significant. Implementation of these measures would require concurrence with both USFWS and CDFG to ensure that appropriate mitigation ratios are established and that affected habitats will remain viable into the future. Potential construction impacts associated with Fogg Street are anticipated to be similar to the impacts identified within the proposed project. Although Mitigation Measure BIO-1 will address anticipated biological impacts associated with the Fogg Street extension, there is still a potential that endangered species may be inadvertently impacted. (Draft EIR at pp. 9.0-19 and 9.0-20)

### **Mitigation Measure**

**BIO-1:** A site-specific biotechnical report shall be prepared for the Fogg Street Extension and Union Pacific Railroad re-alignments. Those studies will characterize the biological resources onsite, identify any avoidance/ minimization measures necessary such as: realignment of the rail line to avoid areas occupied by endangered species, incorporation of onsite mitigation (if feasible) into the properties surrounding the rail line ROW, and/or off-site mitigation in an approved mitigation bank for the affected species, to reduce impacts to resources. As part of this study species surveys shall be conducted to verify presence/ absence of endangered species based on the habitat identified onsite.

Union Pacific Rail Line Realignment. The precise location and alignment of the rail line extension is not clearly determined but would necessarily extend beyond the project site. However, the conceptual alignment shown on Figure 9.0-2 shows that the new right-of-way would be on undeveloped land, particularly to the east and northeast of the project site. There is a potential for the loss of sensitive species habitat (Riversidean alluvial fan sage scrub) as a result of implementation of this railroad right-of-way realignment. Prior to determination of the final alignment for the Union Pacific rail line, a site-specific biological resource assessment would need to be prepared and include detailed avoidance and minimization measures to address potential impacts to this species (refer to Mitigation Measure BIO-1). Any impacts to Santa Ana River

woolly star would require authorization from both USFWS and CDFG at the time when improvement designs are proposed. Identification of resulting impacts and mitigation measures, as appropriate, would be determined to reduce potential impacts to biological resources. Likely measures imposed on the Union Pacific rail line re-alignment may include, realignment of the rail line to avoid areas occupied by endangered species, incorporation of onsite mitigation (if feasible) into the properties surrounding the rail line ROW, and/or off-site mitigation in an approved mitigation bank for the affected species. If necessary, a combination of these measures may be necessary to ensure impacts are considered less than significant. Implementation of these measures would require concurrence with both USFWS and CDFG to ensure that appropriate mitigation ratios are established and that affected habitats will remain viable into the future. However, potential construction impacts are anticipated to be similar to the proposed project in terms of disturbance of undeveloped properties. Although implementation of mitigation measures provided herein would reduce potential impacts, it is uncertain whether impacts would be fully mitigated. For this reason, impacts to biological resources associate with the Union Pacific rail line realignment would be considered significant and unavoidable. (Draft EIR at p. 9.0-20)

### **Mitigation Measures**

**BIO-1:** A site-specific biotechnical report shall be prepared for the Fogg Street Extension and Union Pacific Railroad re-alignments. Those studies will characterize the biological resources onsite, identify any avoidance/ minimization measures necessary such as: realignment of the rail line to avoid areas occupied by endangered species, incorporation of onsite mitigation (if feasible) into the properties surrounding the rail line ROW, and/or off-site mitigation in an approved mitigation bank for the affected species, to reduce impacts to resources. As part of this study species surveys shall be conducted to verify presence/ absence of endangered species based on the habitat identified onsite.

## **F. GEOLOGY, SOILS AND SEISMICITY**

### **Potential Impact**

Due to the project area's location within a MRZ-2 zone, implementation of the Fogg Street Extension and UPRR Rail Line Realignment would preclude the extraction of any mineral resources of value that may be located onsite, since the majority of the road and rail line rights-of-way would be covered with engineered fill. Therefore, implementation of the the two Potential Subsequent Projects would result in a significant and unavoidable impact with regard to loss of availability of a known mineral resource.

## **Finding**

Pursuant to CEQA Section 21081(a)(3), there are no feasible measures that would mitigate these impacts to below a level of significance. As described in the Statement of Overriding Considerations below, the Planning Commission has determined that these impacts are acceptable because of specific overriding considerations.

## **Rationale**

Due to its location within a MRZ-2 zone, implementation of the Fogg Street Extension or UPRR Rail Line Realignment would preclude the extraction of any mineral resources of value that may be located onsite, since the majority of the project site would be covered with the road and railroad. Therefore, implementation of the either of these projects would result in a significant and unavoidable impact with regard to loss of availability of a known mineral resource that is considered regionally significant. (Draft EIR, at pp. 9.0-25 and 9.0-27)

## **G. NOISE**

### **Potential Impact**

Construction machinery and project-related traffic may produce noise in excess of noise standards.

### **Finding**

Pursuant to CEQA section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

### **Rationale**

Fogg Street Extension/Improvements Related to Right-of-Way Realignment.  
The Fogg Street extension and improvements related to right-of-way realignment would not generate a significant amount of new vehicular trips as a result of implementation. Upon project completion, noise in the project area would remain similar to existing noise levels except for residents at the southerly end of Fernando and Florez Streets. These residents will experience elevated noise levels with the introduction of traffic along the connecting segment of Fogg Street. As part of its CEQA analysis of the Fogg Street extension, the City would prepare a focused acoustical analysis to assess the potential roadway noise impacts to the residential uses to the west and the north. If noise levels exceed the 60 dBA Ldn thresholds, implementation of mitigation measures recommended within the focused acoustical analysis would address future traffic noise. Potential mitigation measures may include shifting of the proposed alignment further to the south, noise barriers (e.g., sound walls along the southernmost Fernando and Florez Street properties), and/or rubberized asphalt. With implementation of this

mitigation measure (NOI-1), reduced noise level would occur. However, in the absence of a proposed right-of-way alignment, significant and unavoidable operational noise impacts resulting from the Fogg Street extension are anticipated. (Draft EIR, at p 9.0-41 through 9.0-47)

Light Industrial Facilities. Construction. Uses allowed under the Light Industrial zoning classification as defined in City of Colton Zoning Code, (e.g., warehousing and wholesaling, custom and light manufacturing, construction sales and services, etc.) could generate significant amounts of noise during grading and construction operations. During future project implementation, adjacent sensitive receptors would be exposed to sporadic high noise and vibration levels associated with construction activities (as a result of power tools, jack-hammers, truck noise, etc.). It is anticipated that construction traffic would access the project site from several major roadways including Fogg Street, Interstate 10, and Interstate 215. As stated above, various sensitive receptors exist adjacent to the project site to the north. Since many residential land uses are within close proximity to potential construction activities, residential and institutional (Woodrow Wilson Elementary School) land uses could be exposed to noise levels above City-established thresholds of significance.

Pursuant to the standards provided by the City of Colton construction activities would be allowed between the hours of 7:00 AM to 5:00 PM on weekdays only. Due to the conceptual nature of the future development within the project site, future proposals would require individual assessments of potential construction-related noise impacts. If necessary, additional mitigation would be recommended to further minimize potential construction noise impacts, such as raising of an earthen noise-attenuating berm, properly operating and maintained mufflers, well-maintained mechanical equipment, etc. (refer to Mitigation Measure NOI-2). Potential mitigation measures may include the use of noise barriers and site-redesign (NOI-2). While the deed restriction that would be placed on the 4-acre Guyaux landfill site restricting development on this portion of the project site and the potential mitigation measures would reduce noise levels at the property boundaries of neighboring residential uses, it is anticipated that operation and construction-related noise levels may exceed the *General Plan* threshold of 60 dBA and the Speech Interference Level of 65 dBA at the property boundary of the adjacent residences. (Draft EIR, at pp 9.0-41 through 9.0-47)

Traffic noise associated with potential subsequent projects would consist of vehicles traveling to and from the site due to the planned industrial use. Industrial uses typically create commuter vehicular trips and truck trips associated with ongoing operations. In the event of implementation of the Fogg Street extension and improvements related to right-of-way realignment, traffic would be routed away from the residential uses and relocated to another. Due to the conceptual nature of the future development within the project area, future proposals would require individual assessments of potential traffic noise impacts. A focused acoustical analysis to assess the potential traffic noise impacts to the nearby residential uses would be required. If necessary, additional mitigation would be recommended to further minimize potential

construction noise impacts. However, without a site design demonstrating that noise would fall below regulatory thresholds, traffic noise impacts are anticipated to be significant and unavoidable (Draft EIR at pp. 9.0-42 through 9.0-45)

Union Pacific Rail Line Realignment. The railroad right-of-way realignment would not generate a significant amount of new railroad trips as a result of implementation. Upon project completion, noise in the project area would remain similar to existing noise levels, albeit train traffic would be shifted from residences on the southerly end of Fernando and Florez Streets. These improvements would not involve any new sources of stationary noise (i.e., pumps, generators, etc.). Thus, a less than significant impact is anticipated in this regard.

The railroad right-of-way realignment would re-route the rail traffic away from this residential area, thereby reducing railroad impacts to this neighborhood. Upon development of the preliminary design of the roadway, a focused acoustical analysis should be conducted to determine the project traffic noise levels and provide appropriate noise reduction measures, if necessary. Therefore, in the absence of a proposed right-of-way alignment, significant and unavoidable operational noise impacts resulting from the railroad right-of-way realignment are anticipated.

Construction noise impacts associated with the railroad right-of-way realignment would be short-term and would cease upon completion of construction. Equipment typically used for rail construction include bulldozers, compactors, scrapers, hammers and trucks. Standardized exterior noise levels for mobile and stationary construction equipment is developed by the Society of Automotive Engineers. Typical noise levels are a function of maximum power and distance. For the usual kinds of equipment used in rail construction, a maximum noise level of 89 dBA at 50 feet is standard. As the City of Colton does not have quantitative guidelines for construction noise, an interior level of 65 dBA based on the Speech Inference Level described above. However, due to the age of the nearby homes, a windows-and-doors-closed scenario cannot be assumed for the rail road realignment. As with the proposed project, future construction activities associated with the railroad right-of-way realignment would be subject to compliance with the City of Colton's construction hours of 7:00 AM to 5:00 PM on weekdays only. The area proposed for these improvements would require a site-specific noise assessment at the time when improvement designs are proposed.

The distance between residential uses and the rail line construction cannot be determined until alignment studies and engineering plans are complete. However, with the reduction of 20 dBA with windows and doors closed, the rail line construction would be reduced to 69 dBA at 50 feet. Based on the distance shown on the City of Colton and SANBAG, "Project Scope Map" (Exhibit 9.0-2), it is estimated that the construction-related interior noise levels at the nearest residential properties to the north could be attenuated to less than 65 dBA through site design and/or noise barriers. However, because of the age of the neighboring community and without a proposed alignment, it cannot be assumed that windows and doors would be closed during noise-generating construction activities. While implementation of project-specific mitigation measures

would reduce noise levels, significant and unavoidable impacts from noise are anticipated. (Draft EIR at pp. 9.0-45 and 9.0-46)

### **Mitigation Measures**

- NOI 1:** In support of the applicant's future CEQA document, the project proponent shall prepare a focused acoustical analysis to assess the potential noise impacts to the residential uses to the west and the north. The focused acoustical analysis shall be prepared in accordance with the specifications of the City of Colton Department of Public Works to determine if the roadway is below the 60 dBA Ldn thresholds. If noise levels exceed the 60 dBA Ldn thresholds at the property line of the adjacent residential uses, implementation of mitigation measures recommended within the focused acoustical analysis shall address future traffic noise and stationary sources (e.g., loading docks, mechanical equipment). Potential mitigation measures may include, but are not limited to, the use of noise barriers and site-redesign (including orienting loading docks towards the south side of the property away from residential properties to maximum extent feasible) for the light industrial facilities. For the Fogg Street extension and rail road realignment, mitigation may include shifting of the proposed alignment further to the south, noise barriers (e.g., sound walls along the southernmost Fernando and Florez Street properties) and/or rubberized asphalt). The focused acoustical analysis shall be subject to review and approval by the City of Colton Director of Public Works and shall be made part of the environmental review for the subsequent projects.
- NOI-2:** If construction-related noise levels exceed the 65 dBA Speech Interference Level assuming a windows-open scenario, construction mitigation shall include noise-reduction practices, which may include temporary earthen berms, properly operating and maintained mufflers, well-maintained mechanical equipment, etc., where conditions produce an exceedance in these regulatory thresholds.

## **H. TRAFFIC AND CIRCULATION**

### **Potential Impact**

The Potential Subsequent Projects would change the traffic patterns in the area as well as increasing traffic on the existing circulation system.

## **Finding**

Pursuant to CEQA section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate this effect below a level of significance.

## **Rationale**

No significant impacts are associated with the Fogg Street Extension/Improvements Related to Right-of-Way Realignment or the Union Pacific Rail Line Realignment. (see Section II.B) (Draft EIR at pp. 9.0-55 and 9.0-57)

### Light Industrial Facilities.

Based on the assumption that the site will likely be developed with light industrial uses, the project site would be required to conform to the Light Industrial (M-1) zoning classification. In addition, future light industrial development would be required to conduct project-specific traffic impact studies with inclusion of mitigation measures relative to any potential traffic impacts anticipated for specific future light industrial uses.

Preliminary traffic mitigation measures, which include specific future intersection and roadway segment improvements, and fair share contributions, are specified below. If these improvements are fully implemented by the time the project is constructed, all roadway segments and intersections analyzed would operate at acceptable levels of service, resulting in a less than significant impact. However, since some of the improvements identified as mitigation require improvement of facilities outside of the City's jurisdiction/ control (i.e. Caltrans), there is a potential that these improvements may not occur when the project is constructed. For this reason impacts associated with traffic and circulation are anticipated to be significant and unavoidable.

## **Mitigation Measures**

- TRA-1:** A fair share contribution would be calculated in the required traffic analysis for the project under a Horizon Year conditions to mitigate for traffic impacts related to potential deficient future levels of service and roadway deterioration. Fair share contributions were calculated by dividing the project trips by the total increase in traffic forecast through the intersections from existing to the Horizon Year conditions.
- TRA-2:** If the Horizon Year conditions intersection analysis results show that the addition of project-generated traffic would result in significant impacts, it is recommended that significantly impacted intersections be improved. The following improvements have been recommended as mitigation in the Traffic Impact Analysis Report, prepared on October 15, 2010:

### **Intersections**

#### **La Cadena Drive / Fogg Street**

- Install traffic signal at intersection; provide protected left-turn phasing at the northbound and southbound approaches and permitted left-turn phasing at the eastbound and westbound approaches.
- *Eastbound:* Widen approach to provide one left-turn lane and one shared through/right-turn lane.
- *Westbound:* Widen approach to provide one left-turn lane and one shared through/right-turn lane.

#### **La Cadena Drive / Rancho Avenue**

- Install traffic signal at intersection; provide protected left-turn phasing at northbound approach and right-turn overlap phase at eastbound approach.
- *Northbound:* Widen approach to provide two left-turn lanes and two through lanes.

### **Roadway Segments**

#### **Mount Vernon Avenue from I-10 Eastbound Ramps to M Street**

- Widen segment to four-lane Major Arterial standards (100' ROW width).

## V

### RESOLUTION REGARDING ALTERNATIVES

When significant impacts can be mitigated by the adoption of mitigation measures, the lead agency has no obligation to consider the feasibility of alternatives with respect to that impact in its findings, even if the alternative would mitigate the impact to a greater degree than the proposed project. (Pub. Resources Code, § 21002; Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 730-731; Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376, 400-403; Laurel Hills Homeowners Association v. City Council (1978) 83 Cal.App.3d 515, 521.) Here, the City has adopted mitigation measures to avoid or substantially lessen all of the potentially significant environmental impacts identified in the Final EIR. Therefore, the City need not address alternatives in these findings. Nevertheless, the following demonstrates the City's compliance with CEQA in analyzing alternatives in the EIR and makes findings rejecting the alternatives in favor of the proposed Project.

The Planning Commission hereby declares that it has considered and rejected as infeasible the alternatives identified in the EIR and described below. CEQA requires that an EIR evaluate a reasonable range of alternatives to a Project, or to the location of the Project, which: (1) offer substantial environmental advantages over the Project proposal, and (2) may be feasibly accomplished in a successful manner within a reasonable period of time considering the economic, environmental, social and technological factors involved. An EIR only need evaluate reasonable alternatives to a Project that could feasibly attain most of the Project objectives, and evaluate the comparative merits of the alternatives. In all cases, consideration of alternatives is to be judged against a rule of reason. The lead agency is not required to choose the environmentally superior alternative identified in the EIR if the alternative does not provide substantial advantages over the proposed Project and, (1) through the imposition of mitigation measures the environmental effects of a Project can be reduced to an acceptable level, or (2) there are social, economic, technological or other considerations which make the alternative infeasible.

The Draft EIR identified the following objectives for the project:

- Reclaim the 29-acre site currently located within the Santa Ana River floodplain for potential development by elevating the properties above the 100-year flood elevation;
- Isolate exposed, undocumented artificial fill at the Guyaux landfill;
- Cover the Guyaux landfill by compacting the materials in place and overlaying them with soil-cement to reduce the potential for future exposure to the substances located onsite;
- Divert offsite stormwater flows from Florez and Fernando Streets around the

project site, to prevent percolation through the Guyaux landfill and into the groundwater aquifer underlying the site;

- Provide opportunities for recycling soils onsite, which allows for the raising of the property out of the floodplain, at no cost to the property owner, taxpayers, and local, State, and Federal governments; and
- Make improvements to the site to allow for future light industrial development and the potential extension of Fogg Street and the potential realignment of the Union Pacific Railroad line along 9<sup>th</sup> Street.

The Draft EIR determined that the Project would result in the following significant impacts, even with the imposition of all feasible mitigation measures:

## **GEOLOGY, SOILS AND SEISMICITY**

Mineral Resources and Mineral Resources Recovery Sites. Due to the project's location within a MRZ-2 zone, implementation of the proposed project would preclude the extraction of any mineral resources of value that may be located onsite, since the majority of the project site would be covered with engineered fill and eventually developed with a future use. Therefore, implementation of the proposed project would result in a significant and unavoidable impact with regard to loss of availability of a known mineral resource.

## **NOISE**

Short-term Construction Noise Impacts. Because many of the homes adjacent to the project site may not have air conditioning units due to their age, assuming windows and doors would be closed may not be appropriate. Therefore, during Phases A and B, construction noise levels would exceed the 65 dBA *Speech Interference Criteria* threshold for nearby homes that do not have air conditioning units. Mitigation Measure NOI-1 would alert residents of upcoming construction activity; however, significant and unavoidable impacts to this select group would occur within the approximately 6- to 9-month duration (Phase A and B) in which the construction of the proposed drainage features on the northern property boundary, the placement of the soil-cement of Guyaux landfill, and raising of the proposed noise-attenuating berm would occur.

## **TRAFFIC AND CIRCULATION**

Compliance with Circulation System Performance Plans, Ordinances and Policies. Based on the City's minimum acceptable roadway threshold of LOS D, traffic generated by the proposed project would result in a significant impact on the Mount Vernon Avenue roadway segment from the I-10 Eastbound Ramps to M Street. Due to the timing of Mitigation Measure TRA-6 in relation to the identified impact associated with a deficient level of service on Mount Vernon Avenue roadway segment, a

significant impact would remain as a result of project implementation. Mitigation Measure TRA-6 calls for the contribution of a fair share mitigation fee for the widening of Mount Vernon Avenue to four lanes. While the Project Applicant will contribute this fair share mitigation fee, the actual improvements to Mount Vernon Avenue are not included as part of the proposed project, and would be constructed by the City at a future date. Therefore, implementation of the proposed project would result in a significant and unavoidable impact with regard to performance of the circulation system.

Compliance with Congestion Management Programs. Implementation of the proposed project would result in a significant and unavoidable impact with regard to performance of the circulation system. The actual improvements to Mount Vernon Avenue are not included as part of the proposed project, and would be constructed by the City at a future date. Therefore, a significant impact would remain as a result of project implementation

Several alternatives were developed to possibly reduce or eliminate the impact on short-term air quality. In addition to the "No Project" alternative, this section will evaluate an "Import Fill Only Alternative" alternative and a "Fogg Street Only Alternative". Each alternative is intended to reduce potential impacts of the Project. No alternative location was considered because the proposed project is unique to the project site to raise the site out of the floodplain.

#### **A. NO PROJECT ALTERNATIVE**

The No Project Alternative would not include the reclamation of the 29-acre project site and no construction or grading would occur. Under the No Project Alternative, use of the property would continue to be limited to Open Space, because the site would not be raised out of the 100-year floodplain. However, the Fogg Street extension and the Union Pacific rail line realignment could potentially be constructed at a later date, as is the case with the proposed project. However, these two projects must undergo their own project-specific CEQA review process and associated approvals and determinations. For these future development proposals, City staff would determine the appropriate level of environmental review and/or CEQA documents.

Implementation of the No Project Alternative would reduce the proposed project's significant unavoidable impacts associated with mineral resources, traffic, and noise [add impacts from Subsequent Projects as well]; however, under this alternative, the Guyaux landfill would remain uncovered and a potential threat to groundwater quality without implementation of additional improvements/ measures. Under this alternative, the site could still generate dust particulate matter that could affect the neighboring properties, residences and businesses and be considered an attractive nuisance as it provides opportunities for unauthorized access by off-highway vehicles. In addition, this alternative would not facilitate the anticipated future development that could occur onsite, which could generate additional jobs and tax revenue for the City in

the future. For these reasons this alternative is not considered the environmentally superior alternative. (Draft EIR, at pp. 5.0-3 to 5.0-7)

Therefore, the Planning Commission rejects the No Project Alternative because it fails to achieve any of the project objectives and would not alleviate harms associated with the Guyaux Landfill.

## **B. IMPORT FILL ONLY ALTERNATIVE**

Under the Import Fill Only Alternative, the Applicant would import the necessary quantity of fill (approximately 500,000 cubic yards) to achieve the desired grade to elevate the site out of the 100-year floodplain. The duration of construction would be similar to the proposed project (3 to 5 years). The soil used for this would be similar in nature to the proposed project; however, since it would not contain Portland cement, this Alternative would not require the use of the pugmill (which under the proposed project is used to dry mix the incoming soils with the Portland cement). The result would be a landfill covered with materials that are permeable in comparison to the proposed project. If permeability in particular areas of the project site (e.g., Guyaux landfill) would need to be reduced, engineering solutions to limit permeability would be included in this Alternative. RWQCB would require that the 4 acres covering the Guyaux landfill include some other form of impermeable capping, such as a geomembrane or clay barrier to encapsulate the landfill. For this to be as effective as the proposed project, this method would have to completely encapsulate the Guyaux landfill like in the proposed project.

Implementation of the Import Fill Only Alternative would produce similar significant unavoidable impacts associated with mineral resources, noise, and traffic compared to the proposed project. Implementation of the Import Fill Only Alternative would increase the proposed project's impact associated with erosion, because long-term soil erosion potential under the proposed project is anticipated to be very low due to the cement content used in the engineered fill material. Under this Alternative, the Guyaux landfill would be covered with materials that are permeable in comparison to the proposed project, engineering solutions would be required to limit permeability around the Guyaux landfill portion of the site. In addition, this Alternative would not benefit from the cohesive properties and compressive strength of the soil-cement fill. However, the Import Fill Only Alternative soils would be able to meet building codes and grading ordinances, such that future development, the potential extension of Fogg Street, and the realignment of the Union Pacific Railroad line could occur. Alternative 2 would fail to provide an opportunity for recycling soils onsite at no cost to the property owner, taxpayers, and local, State, and Federal governments. (Draft EIR, at pp. 5.0-7 to 5.0-12)

Therefore, the Planning Commission rejects the Import Fill Only Alternative because it fails to eliminate any of the project's significant and unavoidable impacts and

fails to achieve one of the project's key objectives.

### **C. FOGG STREET ONLY ALTERNATIVE**

Under the Fogg Street Extension Alternative and associated right-of-way improvements, the existing power poles would be relocated along this proposed right-of-way realignment. The Fogg Street realignment would extend East Fogg Street from its current southern terminus at the intersection of East Congress Street across the Union Pacific rail line to the intersection of West Fogg Street and 8th Street. To extend Fogg Street additional engineered fill would need to be placed within the proposed project site and the City of Colton-owned properties northeast of the project site. Engineered fill would need to be placed and compacted in order to achieve the desired grade for this roadway in a similar fashion to the proposed project. The remediation of Guyaux landfill would occur with this Alternative. Similar to Alternative 2, RWQCB would require that the 4 acres covering the Guyaux landfill include some other form of impermeable capping, such as a geo-membrane or clay barrier to encapsulate the landfill. A majority of the 29-acre portion of the project site located within the floodplain would not be filled under this Alternative, thus leaving a majority of the site below the 100-year floodplain elevation.

Implementation of the Fogg Street Only Alternative would reduce the proposed project's significant unavoidable impact associated with mineral resources, noise and traffic. Conversely, implementation of the Fogg Street Only Alternative would increase the proposed project's impact associated with groundwater quality because the Guyaux landfill would be covered with materials that are permeable in comparison to the proposed project. In addition, this Alternative would not accomplish several of the project objectives, including reclaiming the site by elevating it above the 100-year flood elevation and making improvements to allow for future development. In addition, this alternative would not facilitate future development that could occur onsite, which could generate additional jobs and tax revenue for the City in the future. For these reasons this alternative is not considered the environmentally preferred alternative.

Therefore, the Planning Commission rejects the Import Fill Only Alternative because it fails to eliminate any of the project's significant and unavoidable impacts and fails to achieve one of the project's key objectives.

### **D. ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

CEQA requires that an Environmentally Superior Alternative be identified; that is, an alternative that would result in the fewest or least significant environmental impacts. If the No Project Alternative is the environmentally superior alternative, State CEQA

*Guidelines* Section 15126.6 (e)(2) requires that another alternative that could feasibly attain most of the project's basic objectives be chosen as the environmentally superior alternative.

The Import Fill Alternative is considered the Environmentally Superior Alternative. The Import Fill Alternative has similar impacts to the proposed project and meets several of the identified project objectives. The major difference between this alternative and the proposed project is the lack of Portland cement used in the onsite soils. Under this alternative, the soils onsite would be permeable in comparison to the proposed project, which can increase groundwater recharge beneath the site, however due to Guyaux landfill, additional measures would be necessary to protect groundwater quality. Through the use of an impermeable barrier, Guyaux landfill would require encapsulation to ensure that water cannot migrate through these materials. In addition, the onsite soils would not have the characteristics of the soils proposed by the Project Applicant. Although these soils would be engineered and compacted in conformance with the City's grading standards, the lack of Portland cement would not give these soils the cohesive properties identified in the proposed project, nor would the soils have an elevated compressive strength as is the proposed project.

## VI

### RESOLUTION REGARDING SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL IMPACTS AND STATEMENT OF OVERRIDING CONSIDERATIONS

#### A. BACKGROUND

CEQA provides that with respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the Project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the Project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Citizens of Goleta Valley v. Board of Supervisors*, (1990) 52 Cal. 3d 553, 576 (1990).)

Further, section 15093 of the State CEQA Guidelines states, in pertinent part:

- a. CEQA requires the decision-making body to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable".
- b. When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

## **B. STATEMENT OF OVERRIDING CONSIDERATIONS**

The following Statement of Overriding Considerations documents the conclusions of the Planning Commission regarding the Final EIR prepared for the Project and the Potential Subsequent Projects.

The Final EIR identified potentially significant impacts attributed to the Project that could not be mitigated to less than significant levels to the following resources:

- Geology, Soils and Seismicity - Loss of availability of known mineral resources on the project site.
- Noise - Construction noise during the first two phases of construction (approximately 6 to 9 months) due to proximity to existing residential neighborhood.
- Traffic and Circulation – Timing of improvements related to Mt. Vernon Avenue (both project specific and cumulative impacts).

Mitigation measures identified in the Final EIR for the Project will substantially lessen these significant impacts; nevertheless, these impacts will remain significant even after incorporation of all feasible mitigation measures.

The City has adopted all feasible mitigation measures with respect to these impacts. In this regard, the City finds that all feasible mitigation measures identified in the Final EIR have been, or will be implemented with the Project, and any significant remaining unavoidable effects are acceptable due to the following specific economic, legal, social, technological or other benefits, all of which are based on the facts set forth in the CEQA Findings, Final EIR, and the record of the proceedings for this Project.

For the Potential Subsequent Projects, the Final EIR identified potentially significant impacts to the following resources:

- Air Quality - Future Light Industrial Facilities are not consistent with the SCAQMD AQMP and emissions from construction of Fogg Street Extension and UPRR Realignment may exceed SCAQMD thresholds.
- Biological Resources – Because the alignment of the Fogg Street Extension and UPRR Realignment are uncertain at this time, impacts to sensitive species and habitats may not be fully mitigated.
- Geology, Soils and Seismicity – Loss of availability of known mineral resources within the future Fogg Street and UPRR Rail Line alignments.

- Noise – Construction and operational noise may be significant and unavoidable for each of the Potential Subsequent Projects.
- Traffic and Circulation – Because proposed mitigation measures include improvements to facilities that are not controlled by the City of Colton, impacts on traffic and circulation would be significant and unavoidable until improvements are implemented by Caltrans.

Mitigation measures identified in the Final EIR for the Potential Subsequent Projects will substantially lessen these significant impacts; nevertheless, these impacts will remain significant even after incorporation of all feasible mitigation measures.

The City has adopted all feasible mitigation measures with respect to these impacts and at such time as planning and design of each of the Potential Subsequent projects is submitted and separate environmental analyses of each project is conducted, additional mitigation measures may be identified that can reduce these potentially significant impacts to less than significant levels. In this regard, the City finds that all feasible mitigation measures identified in the Final EIR have been, or will be implemented with the Potential Subsequent Project, and any significant remaining unavoidable effects are acceptable due to the following specific economic, legal, social, technological or other benefits, all of which are based on the facts set forth in the CEQA Findings, Final EIR, and the record of the proceedings for this Project.

Additionally, the City has examined a reasonable range of alternatives to the Project. Based on this examination, the City has determined that none of these alternatives (1) meets Project objectives, and (2) is feasible and (3) reduces one of the Project's significant environmental impacts below the level of significance. This determination is further discussed in **Section V**, above.

Because the Project will have significant unavoidable impacts, to approve the proposed Project, the City must adopt a "statement of overriding considerations" pursuant to State CEQA Guidelines Sections 15043 and 15093. This statement allows a lead agency to cite a project's general economic, social or other benefits as a justification for choosing to allow the occurrence of specified significant environmental effects that have not been avoided. The statement explains why, in the agency's judgment, the Project's benefits outweigh the unavoidable significant effects.

The following statement identifies the reasons why, in the Planning Commission's judgment, the benefits of the Project as approved outweigh its unavoidable significant effects. Any one of these reasons is sufficient to justify approval of the Project. Thus, even if a Court were to conclude that not every reason is supported by substantial evidence, the Planning Commission would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in this Resolution and in the documents found in the Record of Proceedings for this Project.

The City finds that the Project would have the following substantial benefits:

- Reclaim the 29-acre site currently located within the Santa Ana River floodplain for potential development by elevating the properties above the 100-year flood elevation;
- Isolate exposed, undocumented artificial fill at the Guyaux landfill;
- Cover the Guyaux landfill by compacting the materials in place and overlaying them with soil-cement to reduce the potential for future exposure to the substances located onsite;
- Divert offsite stormwater flows from Florez and Fernando Streets around the project site, to prevent percolation through the Guyaux landfill and into the groundwater aquifer underlying the site;
- Provide opportunities for recycling soils onsite, which allows for the raising of the property out of the floodplain, at no cost to the property owner, taxpayers, and local, State, and Federal governments; and
- Make improvements to the site to allow for future light industrial development and the potential extension of Fogg Street and the potential realignment of the Union Pacific Railroad line along 9<sup>th</sup> Street.

The City finds that the proposed Project's adverse, unavoidable environmental impacts are outweighed by these considerable benefits.

## VII

### CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT

The Planning Commission finds that it has reviewed and considered the Final EIR, including Responses to Comments, in evaluating the Project, that the Final EIR is an accurate and objective statement that fully complies with the CEQA, State CEQA Guidelines, the City's Local CEQA Guidelines and that the Final EIR reflects the independent judgment of the Planning Commission.

The Planning Commission notes that three comments were received by the City after the close of the public comment period in conjunction with responses to comments received on the Draft EIR. These comments were received from The California Department of Fish and Game, South Coast Air Quality Management District, and the City of Riverside Public Utilities Department. These agencies requested additional information about the project and the way in which the project was evaluated. The applicant has worked with these agencies and supplemented the analysis of environmental issues to the satisfaction of these agencies. The Planning Commission finds that no significant new impacts or information as defined by State CEQA Guidelines section 15088.5 has been received by the City after circulation of the Draft EIR that requires recirculation.

The Planning Commission certifies the Final EIR based on its finding and conclusion that all significant environmental impacts from the implementation of the proposed Project have been identified in the Final EIR and, with implementation of the identified mitigation measures, those impacts will be mitigated to a level of insignificance, except for the following impacts.

The EIR identified a number of mitigation measures that would eliminate impacts or reduce them to less than significant levels. Impacts that cannot be reduced to less than significant levels are those associated with following project-related activities:

- 1) Geology, Soils and Seismicity - The loss of the opportunity to recover aggregate resources from the property which is identified by the California Mining and Geology Board as being within a Mineral Resources Zone (MRZ-2). Areas within an MRZ-2 zone are areas underlain by mineral deposits where geologic data indicate that significant measured, indicated, or inferred resources are present. Areas classified MRZ-2 contain discovered mineral deposits;
- 2) Noise - Short-term noise impacts during the 6-9 months of construction of Phases A and B closest to the existing neighborhood. The noise would be associated with compacting and covering of the Guyaux landfill and the development of the access road between the City of Colton property and the Maturin Group property. Once the landfill is covered a 5-foot berm would be placed along the boundary between the project site and the neighborhood to

buffer the noise from the soil processing activities near the center of the project site; and

- 3) Traffic and Circulation - Short term impacts to Mt. Vernon Avenue until improvements are made to widen the road and bridge (not anticipated to occur during the 3-5 year life of the project).

The EIR also evaluated Cumulative impacts that may be caused by the proposed project when considered with other nearby projects. Cumulative impacts that cannot be reduced to less than significant levels are those associated with following activities that are common among the cumulative projects:

- 1) Geology, Soils and Seismicity – cumulative loss of land designated by the State Geologist as regionally significant mineral resources; and
- 2) Traffic and Circulation – cumulative impacts to Mt Vernon Ave; Soil Safe will contribute its fair share of the cost to make road improvements but these may not be constructed within the 3 to 5 year life of the project

For the Potential Subsequent Projects, the EIR identified potentially significant impacts to the following resources:

- 1) Air Quality - Future Light Industrial Facilities are not consistent with the SCAQMD AQMP and emissions from construction of Fogg Street Extension and UPRR Realignment may exceed SCAQMD thresholds;
- 2) Biological Resources – Because the alignment of the Fogg Street Extension and UPRR Realignment are uncertain at this time, impacts to sensitive species such as the Santa Ana River woolly star and habitats may not be fully mitigated;
- 3) Geology, Soils and Seismicity – Loss of availability of known mineral resources within the future Fogg Street and UPRR Rail Line alignments;
- 4) Noise – Construction and operational noise may be significant and unavoidable for each of the Potential Subsequent Projects; and
- 5) Traffic and Circulation – Because proposed mitigation measures include improvements to facilities that are not controlled by the City of Colton, impacts on traffic and circulation would be significant and unavoidable until improvements are implemented by Caltrans.

With respect to these impacts, the Planning Commission finds, as reflected in the Statement of Overriding Considerations in Section VI above, that the Project's benefits outweigh those significant unavoidable impacts.

## VIII

### **ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM**

The Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program attached to this Resolution as Exhibit A. In the event of any inconsistencies between the mitigation measures as set forth herein and the Mitigation Monitoring and Reporting Program, the Mitigation Monitoring and Reporting Program shall control.

## IX

### **LOCATION AND CUSTODIAN OF RECORDS**

The documents and materials that constitute the record of proceedings on which these Findings have been based are located at the City of Colton Development Services Department, 659 N. La Cadena Drive, Colton, California. The Custodian of Records for these materials is Mark Tomich, Development Services Director. This information is provided in compliance with CEQA section 21081.6.

## X

### **RESOLUTION REGARDING STAFF DIRECTION**

A Notice of Determination shall be filed with San Bernardino County within five (5) working days of final Project approval.

PASSED, APPROVED AND ADOPTED this 12 day of April, 2011.

\_\_\_\_\_  
Chairman, Gary Mitchell

ATTEST:

\_\_\_\_\_  
Mark Tomich, AICP, Development Services Director

# **ATTACHMENT 8**

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 8

PLANNING

464 WEST 4th STREET, 6th FLOOR, MS 725

SAN BERNARDINO, CA 92401-1400

PHONE (909) 383-4557

FAX (909) 383-5936

TTY (909) 383-6300

*Flex your power!  
Be energy efficient!*

March 4, 2011

City of Colton  
Development Services Department  
Attention: Mark Tomich,  
650 N. La Cadena Drive  
Colton, CA 92324

08-SBd I-10 PM 0.00

Subject: Soil Safe, Inc/Conditional Use Permit/APN: 0163-362-11, 12 and 26,  
0163-381-01, and 02.

Dear Commissioner:

Caltrans has reviewed the Conditional Use Permit (CUP) for the proposed project. The proposed project does not appear to have any significant impact to the State Highway System.

However, the California Department of Transportation reserves the right to comment on any future revisions to this project. These comments are based upon a review of the materials provided for our evaluation. If this proposal is revised in any way, please forward appropriate project information to this Office so that updated recommendation may be provided.

We appreciate the opportunity to offer our comments concerning this project. If you have any questions regarding this letter, please contact Christine Medina at (909) 383-6908 or Dan Kopulsky at (909) 383-4557.

Sincerely,

A handwritten signature in cursive script that reads "Daniel Kopulsky".

DANIEL KOPULSKY  
Office Chief  
Community Planning/IGR-CEQA



# California Regional Water Quality Control Board

## Santa Ana Region



Linda S. Adams  
Acting Secretary for  
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (951) 782-4130 • FAX (951) 781-6288  
www.waterboards.ca.gov/santaana

Edmund G. Brown, Jr.  
Governor

March 23, 2011

Mark Tomich, Development Services Director  
City of Colton  
650 N. La Cadena Drive  
Colton, Ca 92324

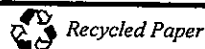
### FINAL ENVIRONMENTAL IMPACT REPORT (EIR) FOR SOIL SAFE LAND IMPROVEMENT PROJECT, CITY OF COLTON, SAN BERNARDINO COUNTY

Dear Mr. Tomich:

We have reviewed the Final EIR document dated February 24, 2011 for the Soil Safe Landfill Improvement Project, which we received on February 25, 2011. The proposed project includes grading and filling a 29-acre site with non-hazardous treated soils in order to raise the site's elevation above the flood plain of the Santa Ana River. The treatment process consists of mixing non-hazardous soils with Portland cement to physically fix any potential contaminants. The site is located southwest of the intersection of Interstates 10 and 215 in the City of Colton. The engineered soil will consist of imported soil meeting self-imposed quality limits, which are set at or below all regulatory thresholds and will be modified on site by processing with Portland cement. The modified soil will then be placed and compacted over the entire site. Potential projects to be developed on the raised site may include 400,000 square feet of light industrial use, the extension of Fogg Street, and the realignment of the Union Pacific rail line.

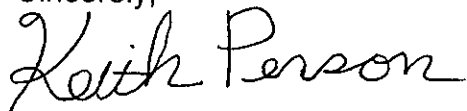
Based on our review of the Final EIR, Board staff finds that the proposed project should not pose a threat to water quality or the environment provided that the project meets all Applicable or Relevant and Appropriate Requirements (ARAR) and regulatory thresholds for soil placement at the project site, especially the requirements for total lead, copper, and nickel concentrations, as amended by Section 25157.8 (a) of the Public Health and Safety Code, which prohibits the disposal of waste containing total lead in excess of 350 parts per million (ppm), copper in excess of 2500 ppm, and nickel in excess of 2000 ppm to any location other than a Class I hazardous waste site. The project proponents shall ensure that soil disposed of at the site is consistent with the above-referenced Health and Safety Code.

*California Environmental Protection Agency*



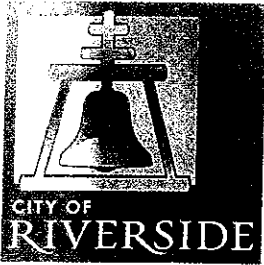
If you have any questions regarding this letter, please do not hesitate to contact me at (951) 782-4997.

Sincerely,



Keith Person, WRCE  
Land Disposal and DoD Section

cc: Bill Roberts, Soil Safe, [warolite@aol.com](mailto:warolite@aol.com)  
Bill Bishop, Soil Safe, [bbishop@soilsafe.com](mailto:bbishop@soilsafe.com)  
Mike Farrell, S.B. Co. DEHS-LEA, [MFarrell@dph.sbcounty.gov](mailto:MFarrell@dph.sbcounty.gov)



Public Utilities Department  
Administration

March 8, 2011

Mark Tomich  
City of Colton  
650 North La Cadena Drive  
Colton, CA 92324

**RE: Final Environmental Impact Report for Colton Soil Safe Project**

Dear Mr. Tomich,

Thank you for the opportunity to comment on the Final Environmental Impact Report (FEIR) for the Colton Soil Safe Project. The City of Riverside has reviewed the FEIR and the responses to its comments and feels that our concerns regarding the groundwater model still have not been adequately addressed. One of the City of Riverside's main concerns is the validity of the groundwater model. The City of Riverside requested an independent peer review of the groundwater model to verify the model's inputs and outputs, however, this request was denied. The City of Riverside feels without this independent review the results from the model cannot be used to properly ascertain the potential impacts to groundwater from the Colton Soil Safe project.

In the absence of a verified model, the City of Riverside's consultant (CDM) reviewed the groundwater and sensitivity analysis conducted by EastStar Environmental Group, Inc. (East Star). The City of Riverside submits the following comments based on the groundwater modeling presented in EastStar's report dated September 30, 2010, and its updated letter dated February 10, 2011.

**Groundwater Modeling**

***Depth to Groundwater***

The depth to groundwater used in the groundwater model was 86.5 feet below ground surface (bgs), which was an average of readings taken on September 2009 at four onsite wells. Subsequent measurements at these same wells have ranged from approximately 65 to 86 feet bgs. In the sensitivity analysis, a range of 45 to 95 feet bgs was used in the groundwater model.

The Colton Soil Safe Project is situated on the boundary of the Riverside and Rialto-Colton groundwater basins and adjacent to the Santa Ana River. Because the area experiences a large amount of recharge during periods of high river flow, groundwater levels can also fluctuate over a wide range. According to California Department of Water Resources (DWR) Bulletin 118, average groundwater levels near the Santa Ana River fluctuated 20 feet between 1985 through 2001, with a decline of 10 feet between 1995 through 2000.

Consistent with this bulletin, Riverside's data from five nearby offsite wells between April 1992 and November 2009 also shows fluctuation over a wide range. Depth to groundwater in these wells ranged from approximately 6 to 102 feet, with both an average and median of approximately 43 feet and standard deviation of 23 feet. The reference point elevations for these five offsite wells range from 916 to 937 feet, similar to the existing elevations of the Colton Soil Safe Project site, approximately 911 to 932 feet. Based on the City of Riverside's data set being over a much longer time period than EastStar's onetime September 2009 evaluation, a more appropriate depth to groundwater model value would be 43 feet bgs, which is similar to the low end of the EastStar sensitivity analysis for this parameter (45 feet bgs). It would be useful for EastStar to provide results from a sensitivity analysis range of 15 to 95 feet bgs for depth to groundwater.

The impact of the depth to groundwater parameter in the groundwater analysis is presented in the sensitivity analysis report. As "Depth to Groundwater" value is decreased in the model, the engineered fill's "Risk Based Maximum Concentration from the GW Model" value increases. This means that risk to groundwater from potential contaminants in the engineered fill is decreased as groundwater elevations rise. This implies that a higher degree of contaminant attenuation is expected to occur in the groundwater compared to the vadose zone. It is unclear if this relationship between depth to groundwater and derived risk based maximum concentration for contaminants in engineered fill would be maintained for values of depth to groundwater from 15 to 45 feet bgs.

One of the limitations of the HELP water balance model is the assumption that the dominant flow mechanism is porous media flow. Flow through cracks, root holes, and animal burrows are not accounted for. Additionally, transport through the unsaturated zone could have a large impact on contaminant transport, increasing the uncertainty of groundwater concentrations. Sorption of certain contaminants onto the soil column can be significant. It is not clear from EastStar's documentation how transport through the unsaturated zone is modeled. Clarification of these issues from EastStar would benefit this review.

### ***Permeability of Engineered Fill***

The permeability used in the groundwater modeling was approximately  $1 \times 10^{-6}$  centimeters per second (cm/s) for the top 1 foot of engineered fill (cap) and  $1.9 \times 10^{-5}$  cm/s for the underlying approximately 15 feet of engineered fill. For the sensitivity analysis, EastStar maintained the cap permeability at  $1 \times 10^{-6}$  cm/s and evaluated the underlying engineered fill. The range over which this variable was tested in the sensitivity analysis was  $1 \times 10^{-7}$  to  $5 \times 10^{-5}$  cm/s. EastStar suggests the typical value of permeability of Soil Safe's engineered fill is approximately  $1 \times 10^{-6}$  cm/s but varies from  $5 \times 10^{-8}$  to  $5 \times 10^{-6}$  cm/s.

As the permeability of the engineered fill is reduced, infiltration of rainfall is reduced, travel of any contaminants through the soil is slowed and more dispersion and dilution of contaminants is allowed to happen. The sensitivity analysis performed supports these assumptions, as the engineered fill's "Risk Based Maximum Concentration from the GW Model" value increases as soil permeability is decreased.

A typical permeability target for landfill caps is in the  $10^{-6}$  to  $10^{-5}$  cm/s range. Given proper source materials, mixing, installation and compaction of the engineered fill, along with appropriate testing protocols, this level of permeability is not difficult to attain. If Soil Safe's engineered fill has permeabilities less from those used in the modeling and sensitivity analysis, the infiltration rates and the resulting risk to groundwater could be greatly affected.

#### ***Distance to Groundwater Receptor***

The distance to groundwater receptor used in the groundwater model was 10 meters from the downgradient edge of the engineered fill. In the sensitivity analysis, a range of 25 to 100 feet bgs was used in the groundwater model.

As "Downgradient Flow Distance" value is decreased in the model, the engineered fill's "Risk Based Maximum Concentration from the GW Model" value increases. This means that risk to a groundwater receptor from potential contaminants in the engineered fill decreases with distance away from the fill. This is due to contaminant attenuation mechanisms in groundwater. It would be useful for EastStar to provide results from a sensitivity analysis range of 0 to 10 meters for distance to groundwater receptors.

#### **Conclusions**

The impact of the depth to groundwater parameter in the sensitivity analysis is shown to be significant. As depth to groundwater is decreased, the potential risk to groundwater from contaminants in the engineered fill increases. EastStar may be underestimating risk to groundwater by utilizing only their onetime September 2009 depth to groundwater data set, and not utilizing the larger data set from RPU for a period of 1992 through 2009. It would be useful for EastStar to provide results from a sensitivity analysis range of 15 to 95 feet bgs for depth to groundwater, as observed in the RPU data set. EastStar's and Soil Safe's position has been verbalized on several occasions; they believe their onsite data and model value for depth to groundwater (86.5 feet bgs) to be reasonable for a long-term steady-state groundwater model.

Without information on the Soil Safe engineered fill, we must rely on Soil Safe's estimates of anticipated permeability. A clearer understanding of the types of soil proposed and their potential contaminant characteristics would be beneficial to this review; however, this will not be known until Soil Safe has selected its source materials. If the source materials meet the characteristics presented in EastStar's modeling and requirements presented in the revised Sampling and Analysis Plan, the cap will have properties similar to typical landfill cap material and would prevent large amounts of infiltration from mobilizing potential contaminants in the fill.

EastStar and Soil Safe contend that their groundwater modeling and revised Sampling Analysis Plan demonstrate the Colton Soil Safe Project will not further degrade underlying groundwater quality and pose a risk to RPU water supply. The requirements in the revised Sampling and Analysis Plan, if implemented as stated, are likely to prevent source materials with hazardous characteristics from being utilized for the engineered fill. If the engineered fill and site characteristics are consistent with the input parameters in groundwater model (i.e., contaminant

Mr. Mark Tomich  
March 8, 2011, Page 4

concentrations, depth to groundwater, and permeability) and do not alter over time, groundwater quality is likely not to degrade from the project.

The City of Riverside appreciates the opportunity to review and comment on the Colton Soil Safe Project FEIR, and we would like to be included in future distribution and review of documents and correspondence specific to this project as it develops. Please feel free to contact me at 951-826-5780, if you need additional information.

Regards,  
*Riverside Public Utilities*

A handwritten signature in black ink, appearing to read 'KS Milligan', with a stylized flourish at the end.

Kevin S. Milligan  
Utilities Assistant General Manager, Water

## Response No. 1

**Kevin S. Milligan, Utilities Assistant General Manager, Water**

**City of Riverside Public Utilities Department**

- 1.1 The City of Riverside Public Utilities Department (Riverside) states that its previous concerns regarding the groundwater model still have not been adequately addressed. Riverside further explains that the main concern is the validity of the groundwater model. In this comment an independent peer review of the groundwater model is requested by Riverside. Appendix RPU-1 indicates EastStar Environmental Group Inc.'s (EastStar) responses to these concerns.

Because the assembled model is proprietary, a copy of the actual program has not been provided to Riverside or their consultant. The Project Applicant has made his consultant EastStar available to Riverside and has approved EastStar to work directly with Riverside to review the groundwater model. In addition, the Project Applicant indicated to Riverside that it would allow EastStar Environmental to work with Riverside staff and perform analyses of any specific scenarios requested. Additionally, the modeling theory, algorithm and input and output parameters have been fully reviewed and vetted by the Santa Ana Regional Water Quality Control Board (RWQCB). RWQCB concluded that the model accurately represents the site and that the resulting soil concentrations determined by the model are fully protective of human health and the environment (refer to Draft EIR Appendix B).<sup>1</sup>

- 1.2 Riverside's comment indicates that a more appropriate depth to groundwater model value would be 43 feet bgs, which is similar to the low end of the EastStar sensitivity analysis (refer to Appendix F of the February 2011 Final EIR) for this parameter (45 feet bgs). Riverside requests that EastStar provide results from a sensitivity analysis range of 15 to 95 feet bgs for depth to groundwater.

In response to this, EastStar has provided an updated *Groundwater Model Sensitivity Analysis* (Appendix RPU-1) which ranges from 15 feet bgs to 95 feet bgs. The results shows that the risk based maximum concentrations originally assumed at a groundwater elevation of 86.5 bgs are more conservative than if a shallower elevation were used. The basis for this determination is clear when you compare the sensitivity results for the various groundwater depths. Under the 15-foot-bgs scenario, the groundwater model indicates that risk based maximum concentration levels are 3 to 4 times greater than levels under the 85-foot-bgs scenario. Based on these results, the

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<sup>1</sup> Regional Water Quality Control Board, Santa Ana Region, *Concurrence with the Soil Safe Inc. Proposed Engineered Fill Project, City of Colton, San Bernardino*, July 14, 2010.

proposed project is protective of groundwater for the entire range of the sensitivity analysis as the acceptance limits identified within the SAP (Final EIR Appendix, C) are below all of the risk based concentrations within the sensitivity analysis provided in Appendix RPU-1. The shallowest average depth to groundwater measured by EastStar on site was 63.46 ft bgs in March 2010. Groundwater data collected over the past 13 years from the City of Riverside wells is consistent with the recent onsite data. In its evaluation of the Riverside North Aquifer Storage and Recovery Project, Geoscience Support Services, Inc. used 45 feet bgs as the depth to groundwater at the Santa Ana River, because this depth was shallower than current conditions, which is considered a conservative assumption to test the impact associated with increased groundwater recharge.

- 1.3 Riverside states that it is unclear if the relationship between depth to groundwater and derived risk based maximum concentration for contaminants in engineered fill would be maintained for values of depth to groundwater from 15 to 45 feet bgs. The groundwater model was revised to include depth to groundwater values ranging from 15 to 45 feet bgs. These results show that the risk based maximum concentrations are still protective of human health even at the shallower groundwater depths. As indicated in Table 1 of Appendix RPU-1, increasing groundwater elevations increases the risk based maximum concentrations of constituents within the fill because of an increased volume of water within the aquifer. As the volume increases, the ability for this water to dilute any constituents within the soil also increases. For this reason, assuming a deeper groundwater elevation beneath the site is a more conservative assumption to ensure that impacts to groundwater quality are avoided. For further details refer to response 1.2, above.
- 1.4 Riverside asserts that the EastStar groundwater model did not account for flow through cracks, root holes, and animal burrows. As indicated in Appendix RPU-1, absent from this statement is the fact that the engineered fill product is soil-cement. Soil-cement hardens after placement, resulting in a cohesive, almost monolithic material that is highly resistant to any significant cracking. This hardness also makes it resistant to burrowing animals. Because it contains no organic materials, the engineered fill product will not support vegetative growth eliminating the potential for root holes. Therefore, the soil-cement material is not susceptible to these additional flow mechanisms.
- 1.5 Riverside indicates that transport through the saturation zone could have a large impact on contaminant transport, increasing the uncertainty of groundwater concentrations. Riverside states that it is unclear from EastStar's documentation how the fate and transport through the unsaturated zone are modeled.

In the model, the limited volume of water that percolates through the low permeability engineered fill is assumed to flow vertically downward through the unsaturated zone. Chemical constituents carried out of the engineered fill with this water may adsorb onto the soil particles in this zone resulting in some reduction in concentration.

Riverside's statement is correct that sorption of some constituents onto the soil in the unsaturated zone can be significant. Any additional sorption beyond the amounts calculated by the model would make the results more conservative, since lower concentrations of contaminants would reach the groundwater.

The model also makes the highly conservative assumption that the flow through the unsaturated zone is steady state. In other words, any water that percolates through the fill is assumed to reach the aquifer mixing zone, despite the fact that the moisture content of the soil in the unsaturated zone is significantly less than saturation. A second highly conservative assumption is that chemical saturation of the percolating water is not addressed. Each chemical constituent is considered independently of all of the other constituents, as if none of the other constituents existed in the engineered fill. In reality, there is a limit to the total amount of contaminants that could dissolve into the percolating water. This limit is not addressed in the model. If this chemical saturation factor was accounted for in the model, it would lower the concentrations of contaminants that ultimately reach the groundwater even further.

- 1.6 Riverside states that if the Project Applicant's engineered fill has a permeability value less than that used in the modeling and sensitivity analyses, the infiltration rates and the resulting risk to groundwater could be greatly affected.

Decreasing the permeability of the fill will result in less percolation through the fill and result in less potential impact to groundwater. This was verified by the sensitivity analysis. It is also agreed that the design permeability of the engineered fill can be readily achieved in the field. Quality control throughout the placement process will ensure that the design permeability is maintained throughout the engineered fill operation.

A detailed placement specification has been developed that will ensure the engineered fill product will meet the design requirements (refer to the Engineered Fill Specifications in Appendix RPU-1 of this letter). The Tier 3 analysis requirements described in the *Sampling and Analysis Plan* (February 2011 Final EIR Appendix C) call for in-situ geotechnical testing of the placed fill to ensure that these specifications are consistently met throughout the vertical and aerial extents of the fill. In addition, the Project Applicant will also be conducting permeability testing for the first 50,000 tons of soil-cement placed on site. One test per 10,000 tons placed will be conducted following ASTM Method D5084A. Upon completion, the Project Applicant will have five test results to compare to the in-situ density testing that will occur onsite during the rough grading operations.

- 1.7 Riverside requests that EastStar provide results from a sensitivity analysis range of 0 to 10 meters for the distance to groundwater receptors. The 10-meter distance from the edge of the fill to the groundwater receptor was used in the model, because it represents the property line of the project site. A 25-foot-wide stormwater diversion ditch will be

located around the perimeter of the site between the fill and the property line to divert stormwater around the site. Construction of this ditch also includes a minimum 7 foot wide bench, which separates the ditch from the fill slope. In total a minimum of 32 feet (10 meter) of engineered fill composed of onsite native soil will separate the property line from the soil cement engineered fill placed onsite.

The sensitivity analysis examined a distances to the receptor ranging from 25 to 100 meters and showed that the risk based maximum concentrations increases with increasing distance from the fill. There are no potential receptors within 10 meters of the fill. The nearest Riverside flume well is approximately 135 meters from the edge of the fill. As a result, there is no reason why the sensitivity analysis should be expanded to include the area less than 10 meters from the edge of the fill.

- 1.8 Riverside requests that EastStar provide results from a sensitivity analysis range of 15 to 95 feet bgs from depth to groundwater. Refer to responses 1.2 and 1.3 above.
- 1.9 Riverside states that without information on the Soil Safe engineered fill, Riverside must rely on Soil Safe's estimates of anticipated permeability. Riverside requests a clearer characterization of the types of soils proposed and their potential contaminant characteristics.

Table 2.0-1 of the Draft EIR characterizes the types of soils proposed and their potential contaminants by displaying the 97.5-percent upper confidence level concentrations in the soil-cement product based upon Soil Safe's experience working with similar soils at its Adelanto, California facility and other sites. In addition, Engineered Fill Specifications identified in Appendix RPU-1 to this response, as well as Appendix D of the *Preliminary Geotechnical Investigation* (February 2011 Final EIR Appendix G) describes the geotechnical properties of the engineered fill material. While the geotechnical properties of the import soil will differ based upon the source location, as indicated in Riverside's comment, experience working with these soils in California and elsewhere has shown that the blended feedstock will be relatively uniform. Anticipated characteristics of the feedstock soil that will be used at the site are presented in the aforementioned Engineered Fill Specifications.

As stated in Riverside's comment, if the imported soil is tested, processed and placed as described in the Draft and February 2011 Final EIR and supporting documents, including the *Sampling and Analysis Plan* (February 2011 Final EIR Appendix C), the engineered fill will have properties similar to a landfill cap and will prevent large amounts of infiltration from mobilizing potential contaminants in the fill. EastStar, the Project Applicant, and the City of Colton agree with this conclusion.

- 1.10 Riverside concludes that the groundwater modeling and revised Sampling and Analysis Plan (February 2011 Final EIR Appendix C) demonstrate the proposed project will not further degrade underlying groundwater quality or pose a risk to City of Riverside

water supply. Riverside concludes that the Sampling and Analysis Plan will exclude source materials with hazardous characteristics. In this comment Riverside states that it concurs that the engineered fill, as described by the project documents, will not cause any degradation to water quality. EastStar, the Project Applicant, and the City of Colton agree with this conclusion.

- 1.11 This comment requests that the City of Colton include the Riverside *in future distributions* and reviews of documents and correspondence specific to this project as it develops. Riverside has been included on the project notice list and will be included on any distributions *that are applicable to this request*.



March 25, 2011

Mr. Bill Bishop  
Vice President of Operations – Western Region  
Soil Safe of California, Incorporated  
12328 Hibiscus Drive  
Adelanto, California 92301

RE: City of Riverside Comments Dated March 8, 2011 to the Final Environmental Impact Report for the Colton Soil Safe Project

Dear Bill:

On March 8, 2011, the Planning Commission of the City of Colton held a public hearing that included discussion on the Colton Soil Safe Project (DAP-000-910). During the meeting, Mr. Max Rasouli from the City of Riverside Public Utilities Department provided oral testimony and submitted a letter, dated March 9, 2011, containing written comments regarding the project. Contained in this letter is EastStar's review and response to those written comments.

Riverside Public Utilities (RPU) had submitted comments on the Draft Environmental Impact Report (DEIR) on December 9, 2010. That letter contained 44 comments, all of which were addressed in the Final Environmental Impact Report (FEIR). The March 8, 2011 letter identifies three remaining concerns regarding the groundwater model, intimating that RPU's other concerns were addressed in the FEIR. The specific comments contained in the RPU March 8 letter are discussed in the following paragraphs.

#### *Introductory Paragraphs*

In the introductory paragraph, RPU indicates that an independent peer review of the model input and output has not been performed. Because the assembled model is proprietary, a copy of the actual program has not been provided to RPU. That issue notwithstanding, the assembled model is a compilation of publically available models (HELP and Dominico); both of which are standard models used in the industry. Moreover, a complete Model Reference List containing the models used and version, the input and output parameters, site specific data and a detailed reference list has been provided to RPU<sup>1</sup>. EastStar has also offered to perform analyses of any specific scenarios requested by RPU, and Soil Safe consented to allow RPU to contract directly with EastStar for that purpose.

The model and results have been reviewed by the Santa Ana Regional Water Quality Control Board (Water Board) and found to be applicable, relevant and appropriate. The Water Board concluded that the model accurately represents the site, and that the soil concentrations in the

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<sup>1</sup> EastStar Environmental Group, Inc., *Groundwater Model Used for the Soil Safe Colton Site*, Correspondence to Mr. Bill Bishop, Soil Safe of California, Inc., February 9, 2011.

engineered fill will not pose a threat to water quality or the environment<sup>23</sup>. Additionally, Petra Geotechnical, the City of Colton's consultant, reviewed the groundwater data; consisting of hydraulics, geotechnical mechanics, source, fate, transport and related hydrogeologic analysis generated, assembled, evaluated and approved by Soil Safe, its consultants and the Water Board, and Petra found the information to be reasonable.

### *Depth to Groundwater*

RPU has indicated that depth to groundwater ranges from 6 to 102 feet below ground surface (BGS) in its wells along the Santa Ana River and expressed concern that the risk based maximum concentrations predicted by the groundwater model would be lower if the depth to groundwater was shallower than was modeled.

The model was initially run with the depth to groundwater at 86.5 feet, the average depth measured on the project site in October 2009. The sensitivity analysis<sup>4</sup> included depths to groundwater ranging from 45 to 95 feet BGS. The results showed that the risk based maximum concentrations were protective of groundwater for the entire range of the sensitivity analysis.

The shallowest average depth to groundwater measured on site was 63.46 ft BGS in March 2010. Groundwater data collected over the past 13 years from the RPU wells agrees with the onsite data. In its evaluation of the Riverside North Aquifer Storage and Recovery Project, Geoscience Support Services, Inc. used 45 feet BGS as the depth to groundwater at the Santa Ana River because it was shallower than current conditions. Geoscience's report stated that this was a conservative starting point with the assumed groundwater surface closer to the ground surface than existing conditions<sup>5</sup>.

A groundwater depth of 15 feet BGS is an unrealistic scenario and is not supported by representative field data. However, in response to RPU's request, the groundwater model was re-run using this depth to extend the sensitivity analysis. The results are provided, along with the other depth to groundwater sensitivity analysis results, in Table 1. The model results show that a shallower groundwater table provides more mixing, resulting in higher risk based maximum concentrations. As a result, these results show that using a deeper depth to

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<sup>2</sup> Regional Water Quality Control Board, Santa Ana Riverside Region, *Concurrence with the Soil Safe Inc. Proposed Engineered Fill Project, City of Colton, San Bernardino*, July 14, 2010.

<sup>3</sup> Regional Water Quality Control Board, Santa Ana Riverside Region, *Final Environmental Impact Report (EIR) for Soil Safe Land Improvement Project, City of Colton, San Bernardino*, March 23, 2010.

<sup>4</sup> EastStar Environmental Group, Inc., *Sensitivity Analysis of the Colton Site Groundwater Model*, Correspondence to Mr. Bill Bishop, Soil Safe of California, Inc., January 24, 2011.

<sup>5</sup> Geoscience Support Services, Inc., *Technical Memorandum – Geohydrologic Evaluation of the Riverside North Aquifer Storage and Recovery Project*, October 23, 2009.

groundwater is more conservative and the risk based maximum concentrations are protective of human health even at this unrealistically shallow groundwater depth.

RPU also indicates that the water balance used in the groundwater model does not address flow through cracks, root holes and animal burrows. Not recognized in this statement is the fact that the engineered fill product is soil cement. Soil cement hardens after placement, resulting in a cohesive, almost monolithic material that is highly resistant to any significant cracking. This hardness also makes it resistant to burrowing animals. Because it has no organic materials, the engineered fill product will not support vegetative growth eliminating the potential for root holes.

Finally, RPU requested information on the fate and transport mechanism through the unsaturated zone. In the model, the limited volume of water that percolates through the low permeability engineered fill is assumed to flow vertically downward through the unsaturated zone. Chemical constituents carried out of the engineered fill with this water may adsorb onto the soil particles in this zone resulting in some reduction in concentration.

EastStar concurs with RPU's statement that sorption of some constituents onto the soil in the unsaturated zone can be significant. Any additional sorption beyond the amounts calculated by the model would make the results more conservative since lower concentrations of contaminants would reach the groundwater. As was noted in the earlier discussion regarding depth to groundwater, a shallower vadose zone and larger mixing depth in the groundwater results in higher risk based maximum concentrations.

The model also makes the highly conservative assumption that the flow through the unsaturated zone is steady state. In other words, any water that percolates through the fill is assumed to reach the aquifer mixing zone, despite the fact that the moisture content of the soil in the unsaturated zone is significantly less than saturation. The low permeability of the engineered fill will prevent the unsaturated zone beneath the fill from becoming saturated. A second highly conservative assumption is that chemical saturation of the percolating water is not addressed. In the model, each chemical constituent is considered independently of all of the other constituents, as if none of the other constituents existed in the engineered fill. In reality, there is a saturation limit to the total amount of contaminants that could dissolve into the percolating water. This limit is not addressed in the model which assumes that each constituent is transported at the maximum capacity of the percolating water.

#### *Permeability of Engineered Fill*

EastStar concurs with the statements made by RPU regarding the engineered fill. Decreasing the permeability of the engineered fill will result in less percolation through the fill and less potential impact to groundwater. This was verified by the sensitivity analysis.

EastStar also concurs with RPU that the design permeability of the engineered fill can be readily achieved in the field. Quality control throughout the placement process is key to ensuring that the design permeabilities are maintained throughout the engineered fill operation. A detailed

placement specification has been developed that will ensure the engineered fill product will meet the design requirements. This specification is part of the geotechnical evaluation<sup>6</sup> of the site, and a copy of the fill specification is attached. The Tier 3 analysis requirements described in the Sampling and Analysis Plan<sup>7</sup> call for in-situ geotechnical testing of the placed fill to ensure that these specifications are consistently met throughout the vertical and aerial extents of the fill.

To verify that the design permeability is being achieved in the field five bulk samples of engineered fill product will be collected from the first 50,000 cubic yards of product that are produced. These samples will be delivered to a local geotechnical laboratory where they will be compacted in accordance with the engineered fill placement specifications. The soil characteristics, maximum dry density, optimum water content, compacted dry density and actual moisture content will be measured. The cement in the samples will be allowed to hydrate and then the permeability of the samples will be tested using ASTM Method D5084A. Engineered fill product with the same characteristics and compacted to the same density, will have similar permeability to the results measured in the laboratory samples.

#### *Distance to Groundwater Receptor*

The 10 meter distance from the edge of the fill to the groundwater receptor was used in the model because it represents the closest point of the engineered fill to the property line of the Colton site. A minimum 25 foot wide stormwater diversion ditch will be located around the perimeter of the site between the fill and the property line to divert stormwater around the site. In addition, a minimum 7 foot wide bench will separate the ditch from the fill slope. This at least 32 foot wide area will be constructed of existing on-site soil that has been disked, hydrated and re-compacted. As a result, the edge of the engineered fill will be at least 10 meters from the property line.

The sensitivity analysis examined distances to the receptor from the edge of the fill ranging from 10 to 100 meters and showed that the risk based maximum concentrations increase with increasing distance from the fill. There are no potential receptors within 10 meters of the fill, which is still within the project site boundaries. The nearest Riverside flume well is approximately 135 meters from the edge of the fill. As a result, there is no need to expand the sensitivity analysis to include the area less than 10 meters from the edge of the fill.

#### *Conclusions*

The sensitivity analysis has been expanded to include groundwater as shallow as 15 feet BGS, despite the fact that this is not considered a realistic scenario. No adverse impact to groundwater will occur from the fill, even at this shallow depth.

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<sup>6</sup> LGC Inland, *Preliminary Geotechnical Investigation, South Colton Project*, January 4, 2010

<sup>7</sup> Soil Safe of California, Inc., *Colton Project – Sampling and Analysis Plan*, February 18, 2011.

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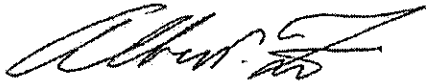
EastStar concurs with RPU's conclusion that if the imported soil is tested, processed and placed as described in the FEIR and supporting documents, including the Sampling and Analysis Plan; the engineered fill will have properties similar to a landfill cap and will prevent large amounts of infiltration from mobilizing potential contaminants in the fill.

EastStar also concurs with RPU's conclusion that the Sampling and Analysis Plan will exclude source materials with hazardous characteristics. EastStar also concurs that the engineered fill, as described by the project documents will not cause any degradation to water quality.

Note that oversight of the engineered fill project will be performed by the Santa Ana Regional Water Quality Control Board and South Coast Air Quality Management District (SCAQMD). Oversight of the placement of the engineered fill will be performed by a third-party California licensed professional geotechnical engineer. The oversight will ensure that the fill product and placement meet the requirements stated in the project documents.

If you have any questions or would like further clarification of these responses, please call me at (410) 290-8777.

Sincerely,  
EastStar Environmental Group, Inc.



Albert P. Free, P.E., CSP  
President

Mr. Bishop  
March 25, 2011

TABLE 1  
REVISED DEPTH TO GROUNDWATER SENSITIVITY ANALYSIS RESULTS

Colton Site Groundwater Model

Table 1 - Sensitivity Analysis for Depth to Groundwater

Analytical Parameter	CAS Number	Risk Based Maximum Concentration from GW Model (mg/kg)	Proposed Soil Limit (mg/kg)	Depth to Groundwater Evaluation				
				Modeled Value = 86.5 ft BGS				
				Sensitivity Analysis Values				
				15 ft BGS	45 ft BGS	65 ft BGS	85 ft BGS	95 ft BGS
				Risk Based Maximum Concentration from GW Model (mg/kg)				
				(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)	(mg/kg)
<b>Sampling and Analysis Plan Phase I-A Analytical Parameters</b>								
<b>Petroleum Hydrocarbons (EPA Method 8015)</b>								
Gasoline Range	8006-61-9	1,000,000	500	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Diesel Range	68476-34-6	1,000,000	10,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Heavy Range	none	1,000,000	10,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
<b>Metals/Inorganics (EPA Methods 6010, 6020 and 7471)</b>								
Antimony	7440-36-0	512	25.0	1,724	865	649	519	472
Arsenic	7440-38-2	677	75.0	2,281	1,144	859	687	625
Barium	7440-39-3	42,754	7,500	144,025	72,235	54,218	43,394	39,456
Beryllium	7440-41-7	271	50.0	913	458	344	275	250
Cadmium	7440-43-9	1,071	75.0	3,607	1,809	1,358	1,087	988
Chromium (total)	16055-83-1	134,802	1,750	454,103	227,752	170,946	136,820	124,403
Hexavalent Chromium	18540-29-9	272	10.0	917	460	345	276	251
Cobalt	7440-48-4	2,691	50.0	9,065	4,546	3,412	2,731	2,483
Copper	7440-50-8	175,690	1,750	591,841	296,834	222,797	178,320	162,136
Lead	7439-92-1	32,123	750	108,212	54,273	40,736	32,604	29,645
Mercury	7439-97-3	3,402	15.0	11,461	5,748	4,314	3,453	3,140
Molybdenum	7439-98-7	85.5	40.0	288	144	108	86.8	78.9
Nickel	7440-02-0	33,943	1,500	114,344	57,348	43,044	34,451	31,325
Selenium	7782-49-2	428	75.0	1,440	722	542	434	395
Silver	7440-22-4	17,013	250	57,312	28,744	21,575	17,268	15,701
Thallium	7440-28-0	2.75	2.50	9.27	4.65	3.49	2.79	2.54
Vanadium	7440-62-2	6,432	1,800	21,668	10,867	8,157	6,528	5,936
Zinc	7440-66-6	1,000,000	3,750	1,000,000	1,000,000	1,000,000	1,000,000	988,274
<b>Volatile Organic Compounds (EPA Method 8260)</b>								
Benzene	71-43-2	4.02	1.50	13.6	6.80	5.10	4.08	3.71
2-Butanone	78-93-3	325,543	100	1,000,000	550,016	412,830	330,417	300,430
n-Butylbenzene	104-51-8	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
sec-Butylbenzene	135-98-8	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
tert-Butylbenzene	98-6-6	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Ethylbenzene	100-41-4	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
2-Hexanone	591-78-6	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Isopropylbenzene	98-82-8	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
p-Isopropyl toluene	99-87-6	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
4-Methyl-2-pentanone	108-10-1	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
2-Propylbenzene	103-65-1	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Tetraethyl lead	78-00-2	1,000,000	9.75	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Toluene	108-88-3	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
m-Xylene	1330-20-7	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
o-Xylene	1330-20-7	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
p-Xylene	1330-20-7	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Methyl-t-butyl ether (MTBE)	1634-04-4	153	50.0	514	258	193	155	141
Tert-butyl alcohol (TBA)	75-65-0	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Diisopropyl ether (DIPE)	108-20-3	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000

Colton Site Groundwater Model

Table 1 - Sensitivity Analysis for Depth to Groundwater

Analytical Parameter	CAS Number	Risk Based Maximum Concentration from GW Model (mg/kg)	Proposed Soil Limit (mg/kg)	Depth to Groundwater Evaluation					
				Modeled Value = 86.5 ft BGS					
				Sensitivity Analysis Values					
					15 ft BGS	45 ft BGS	65 ft BGS	85 ft BGS	95 ft BGS
					Risk Based Maximum Concentration from GW Model (mg/kg)				
Ethyl-t-butyl ether (ETBE)	637-92-3	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Tert-amyl-methyl ether (TAM)	994-05-8	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Ethanol	64-17-5	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
<b>Sampling and Analysis Plan Phase I-B Analytical Parameters</b>									
<b>Polynuclear Aromatic Hydrocarbons (EPA Method 8270)</b>									
Acenaphthene	83-32-9	1,000,000	250	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Acenaphthylene	208-96-6	1,000,000	250	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Anthracene	120-12-7	1,000,000	250	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Benzo(a) anthracene	56-55-3	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Benzo(a)pyrene	50-32-8	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Benzo(b) fluoranthene	205-99-2	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Benzo(i) fluoranthene	205-82-3	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Benzo(k) fluoranthene	207-08-9	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Benzo(g,h,i) perylene	191-24-2	1,000,000	250	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Chrysene	218-01-9	1,000,000	250	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Dibenz(a,h) acridine	226-36-8	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Dibenz(a,i) acridine	224-42-0	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Dibenzo(a,h) anthracene	53-70-3	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
7h-Dibenzo(c,g) carbazole	194-59-2	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Dibenzo(a,e) pyrene	192-65-4	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Dibenzo(a,h) pyrene	189-64-0	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Dibenzo(a,i) pyrene	189-55-9	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Fluoranthene	206-44-0	1,000,000	250	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Fluorene	86-73-7	1,000,000	250	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Indeno(1,2,3-cd) pyrene	193-39-5	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
3-Methylchol anthrene	56-49-5	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Naphthalene	91-20-3	1,000,000	250	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Phenanthrene	85-01-8	1,000,000	250	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Pyrene	129-00-0	1,000,000	250	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
<b>Polychlorinated Byphenols (EPA Method 8082)</b>									
Total PCB	1336-36-3	1,000,000	25.0	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
<b>Perchlorate (EPA Method 614.1)</b>									
Perchlorate	7601-90-3	1,000,000	0.100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
<b>Semi-Volatile Organic Compounds (EPA Method 8270)</b>									
1,1'-Biphenol	92-52-4	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
1,2,4,5-Tetrachlorobenzene	95-94-3	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
1,2,4-Trichlorobenzene	120-82-1	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
1,2-Dichlorobenzene	95-50-1	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
1,2-Diphenylhydrazine	122-66-7	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
1,3-Dichlorobenzene	541-73-1	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
1,4-Dichlorobenzene	106-46-7	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
2,3,4,6-Tetrachlorophenol	58-90-2	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
2,3,7,8-Tetrachloro dibenzo-p-d	1746-01-6	1,000,000	none accepte	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
2,4,5-Trichlorophenol	95-95-4	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000

Colton Site Groundwater Model

Table 1 - Sensitivity Analysis for Depth to Groundwater

Analytical Parameter	CAS Number	Risk Based Maximum Concentration from GW Model (mg/kg)	Proposed Soil Limit (mg/kg)	Depth to Groundwater Evaluation				
				Modeled Value = 86.5 ft BGS				
				Sensitivity Analysis Values				
				15 ft BGS (mg/kg)	45 ft BGS (mg/kg)	65 ft BGS (mg/kg)	85 ft BGS (mg/kg)	95 ft BGS (mg/kg)
2,4,6-Trichlorophenol	88-06-2	934,729	200	1,000,000	1,000,000	1,000,000	948,724	862,622
2,4-Dichlorophenol	120-83-2	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
2,4-Dimethylphenol	105-67-9	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
2,4-Dinitrophenol	51-28-5	66.9	30.0	225	113	84.9	67.9	61.8
2,4-Dinitrotoluene	121-14-2	1,926	100	6,488	3,254	2,442	1,955	1,777
2,6-Dinitrotoluene	606-20-2	10.8	8.00	36.4	18.3	13.7	11.0	10.0
2-Chloronaphthalene	91-58-7	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
2-Chlorophenol	95-57-8	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
2-Methylnaphthalene	91-57-6	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
2-Methylphenol (o-Cresol)	95-48-7	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
2-Nitroaniline (o)	88-74-4	19,635	200	66,145	33,175	24,900	19,929	18,121
2-Nitrophenol (o-Nitrophenol)	88-75-5	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
3-Methylphenol (m-Cresol)	108-39-4	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
3,3'-Dichlorobenzidine	91-94-1	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
3-Nitroaniline (m)	99-09-2	23,884	200	80,459	40,354	30,289	24,242	22,042
4,6-Dinitro-2-methylphenol	534-52-1	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
4-Bromophenyl-phenyl ether	101-55-3	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
4-Chloro-3-methylphenol	59-50-7	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
4-Chloroaniline	106-47-8	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
4-Chlorophenyl-phenyl-ether	7005-72-3	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
4-Methylphenol (p-Cresol)	106-44-5	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
4-Nitroaniline (p)	100-01-6	8,350	100	28,127	14,107	10,588	8,475	7,706
4-Nitrophenol (p-Nitrophenol)	100-02-7	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Acetophenone	98-86-2	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Atrazine	1912-24-9	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Benzaldehyde	100-52-7	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Benzoic acid	65-85-0	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Benzyl alcohol	100-51-6	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Bis(2-chloroethoxy) methane	111-91-1	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Bis(2-chloroethyl) ether	111-44-4	29,440	100	99,172	49,739	37,333	29,880	27,169
Bis(2-chloroisopropyl) ether	108-60-1	9,511	200	32,039	16,069	12,061	9,653	8,777
Bis(2-ethylhexyl) phthalate	117-81-7	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Butylbenzylphthalate	85-68-7	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Caprolactam	105-60-2	1,000,000	500	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Carbazole	86-74-8	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Dibenzofuran	132-64-9	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Diethylphthalate	84-66-2	1,000,000	500	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Dimethylphthalate	131-11-3	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Di-n-butylphthalate	84-74-2	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Di-n-octylphthalate	117-84-0	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Hexachlorobenzene	118-74-1	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Hexachlorobutadiene	87-68-3	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Hexachlorocyclopentadiene	77-47-4	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Hexachloroethane	67-72-1	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000

**Colton Site Groundwater Model**

**Table 1 - Sensitivity Analysis for Depth to Groundwater**

Analytical Parameter	CAS Number	Risk Based Maximum Concentration from GW Model (mg/kg)	Proposed Soil Limit (mg/kg)	Depth to Groundwater Evaluation Modeled Value = 86.5 ft BGS Sensitivity Analysis Values				
				15 ft BGS	45 ft BGS	65 ft BGS	85 ft BGS	95 ft BGS
				Risk Based Maximum Concentration from GW Model (mg/kg)				
Isophorone	78-59-1	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Mirex	2385-85-5	1,000,000	15.8	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Nitrobenzene	98-95-3	3,210	100	10,814	5,424	4,071	3,258	2,962
N-Nitrosodi-n-propylamine	621-64-7	16.3	10.0	55.0	27.6	20.7	16.6	15.1
N-Nitrosodiphenylamine	86-30-6	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Pentachlorophenol	87-86-5	31,604	12.8	106,464.4	53,396	40,078	32,077	29,166
Phenol	108-95-2	1,000,000	200	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
<b>Pesticides (EPA Method 8081/8082)</b>								
alpha-BHC	319-84-6	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
beta-BHC	319-85-7	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
delta-BHC	319-86-8	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
gamma-BHC (lindane)	58-89-9	1,000,000	3.00	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Heptachlor	76-44-8	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Aldrin	309-00-2	1,000,000	1.05	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Heptachlor epoxide	1024-57-3	1,000,000	3.53	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Endosulfan I	115-29-7	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Dieldrin	60-57-1	1,000,000	6.00	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
4,4'-DDE	72-55-9	1,000,000	0.750	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Endrin	72-20-8	1,000,000	0.150	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Endosulfan II	959-98-8	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
4,4'-DDD	72-54-8	1,000,000	0.750	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Endosulfan sulfate	1031-07-8	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
4,4'-DDT	50-29-3	1,000,000	0.750	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Methoxychlor	72-43-5	1,000,000	75.0	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Endrin ketone	53494-70-5	1,000,000	1.50	1,000,000	2.77	2.08	1.66	1.51
Endrin aldehyde	7421-93-4	1,000,000	100	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
alpha-Chlordane	57-74-9	1,000,000	1.88	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
gamma-Chlordane	5566-34-7	1,000,000	1.88	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Toxaphene	8001-35-2	1,000,000	3.75	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000

Mr. Bishop  
March 25, 2011

ATTACHMENT 1  
ENGINEERED FILL SPECIFICATIONS

*APPENDIX D*

*ENGINEERED FILL SPECIFICATIONS*  
*(Provided by Soil Safe, Inc.)*

## *APPENDIX D*

### *SOIL SAFE, INC.* *ENGINEERED FILL SPECIFICATIONS*

Soil Safe, Inc. proposed engineered fill material will be manufactured from soils from a variety of sources. As a result, these soils will have a wide range of physical characteristics, and the soil classifications will vary based upon the source. Blending the soil from multiple sources in a pre-process stockpile will homogenize the soil creating a more uniform feed stock for engineered fill production. The engineered fill material will be produced by first screening the soil with a vibratory 4" screen to remove any oversize and then by hand picking wood or other deleterious materials mixed with the soil. The screened soil will enter a pug mill where it will be blended with cement and other additives. These additives will be metered into the pug mill, along with water to produce a high quality, uniform engineered fill material. The added water will control the moisture content for placement and compaction and for hydration of the cement.

The engineered fill material, as it is discharged from the pug mill will be a granular material the exhibits the geotechnical properties of the blended feed stock. However, after the material has been placed and compacted, the cement in the engineered fill material will hydrate and form a solid soil-cement matrix. The ultimate strength of the matrix will depend primarily on the percent cement used, the water/cement ratio, the underlying geotechnical properties of the soil and the degree of compaction.

While the geotechnical properties of the soil will based upon the source location, experience working with these soils in California and elsewhere has shown that the blended feedstock will be relatively uniform. Anticipated characteristics of the feedstock soil that will be used at Colton are:

- Non-plastic, SP-SG soil under USCS classification
- AASHTO classification A-1-b
- +99% passing 4" screen
- Maximum dry density in the order of 110 lbs/cu.ft. (range 100 to 135 lbs/cu.ft.)
- Optimum moisture content in the order of 8% (range of 7% to 12%)

The engineered fill material will be hauled from the pug mill discharge to the placement location by off-road dump truck. The engineered fill will be constructed using the following procedure:

- Engineered fill material will be spread in 6" to 12" loose lifts using a dozer
- Water will be added, if needed, to achieve +/- 2% of optimum moisture content
- The soil will be compacted with a smooth drum vibratory roller at least 90% of maximum dry density using Modified Proctor

In place soil density and moisture content will be measured at the rate of one test per 10,000 square feet per lift. Additional compactive effort will be used, if needed, to meet the compaction requirement. Engineered fill material that needs additional moisture to achieve the compaction requirement will be scarified, wetted, re-compacted and re-tested. Material that is too wet to achieve the compaction requirement will be scarified, allowed to air dry, re-compacted and re-tested.

After the engineered fill product has been placed and compacted, the cement hydration will begin to impact the properties of the fill. The cement hydration will convert the compacted fill into a cemented matrix. Typical characteristics of the cemented matrix are:

- Permeability in the order of  $1 \times 10^{-5}$  cm/s. This permeability can be decreased to  $1 \times 10^{-7}$  cm/s with increased plasticity of the feedstock soil and/or increased cement content.
- Unconfined compressive strength of 300-400 psi based upon A-1-b feedstock soil, 1.25%-2.0% cement and 7-28 day cure time.
- Increasing unconfined compressive strength over time.



# South Coast Air Quality Management District

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DELIVERED: March 8, 2011  
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March 8, 2011

Mr. Mark Tomich  
Development Services Director  
City of Colton  
Development Services Department  
650 N. La Cadena Drive  
Colton, CA 62324

## **Review of the Final Environmental Impact Report (Final EIR) for the Colton Soil Safe Project**

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The AQMD staff appreciates that the lead agency provided written responses to staff's comments on the draft EIR. Subsequent to providing this written response, AQMD staff has participated in several phone and face-to-face meetings with the project proponents to discuss air quality concerns based on our review of the final Environmental Impact Report (EIR). It is our understanding that the final EIR will be modified and re-released in the near future, partially to reflect changes in the air quality analysis. The comments below are primarily based on the currently released final EIR and are meant as guidance for the lead agency and should be incorporated into the re-released final EIR as appropriate.

### **Health Risk Assessment and Localized Air Quality Analysis**

Based on a review of the final EIR AQMD staff is concerned about the lead agency's evaluation of the project's health risk impacts and localized air quality impacts to residents located adjacent to the project site. Specifically, in the health risk assessment (HRA) the lead agency failed to analyze the Diesel Particulate Matter (Diesel PM) emissions from construction equipment used at the project site and Volatile Organic Compounds (VOC's) from the fill material received and processed for the proposed project. Additionally, the cement was assumed to have up to 6 ppm Cr(VI) in the modeling, consistent with the limits on incoming soils. In order to ensure that the HRA includes all potential chrome emissions from cement processing onsite the final HRA should include locally representative Cr(VI) contents in cement fugitive dust sources onsite. Therefore, the lead agency should revise the final EIR to include the potential health risk impacts from the release of VOC, PM and Cr (VI) emissions from the project. Also, it does not appear that the localized air quality analysis accounts for all non-permitted sources of emissions at the project site. Therefore, the lead agency should

substantiate the localized air quality impacts by providing a detailed list of design/mitigation measures (including equipment lists) applicable to the project and revising the localized air quality analysis as appropriate.

### Regional Air Quality Analysis

Further, AQMD staff is concerned about the lead agency's regional air quality analysis for the proposed project. Specifically, in the final EIR (i.e. Response to Comments No. 8) the lead agency indicates that the regional air quality impacts are based on the receipt of 33 trucks of imported fill per day. The lead agency states that this value is based on the average amount of fill received per day at the project site and acknowledges that a fluctuation in the availability and processing of the imported fill material could result in a maximum of 60 trucks per day (or up to 150 trips per day based on recent information provided by the project proponents). Given that AQMD's CEQA Regional Significance Air Quality Thresholds are based on the "maximum daily emissions" from land use project's the lead agency should analyze the project's air quality impacts based on the "worst case scenario" (i.e., maximum number of trucks received at the facility-60 trucks per day).

In the event that the lead agency determines that the worst case scenario yields a value other than 60 trucks per day the final EIR should provide a rationale for the revised number of trucks and trip lengths. The rationale should conclusively demonstrate the average net trip rate and trip length, including an analysis of the current operating conditions of the alternate landfills that the soil could go to (i.e., quantity of soil accepted at alternate landfills, general service areas, type of soils accepted, an estimate of quantity of soil diverted from each landfill, etc.). Based on the map provided in the final EIR it appears that there are situations where trucks may be required to travel more or less than they otherwise would travel without the project given the distribution of landfills in a 30 mile radius of the project site.

### Revised Air Quality Analysis and Contact Information

On March 4<sup>th</sup> and 8<sup>th</sup> of 2011 the project proponent met with the AQMD staff to discuss the air quality concerns identified above. As a result, the project proponent provided additional air quality data and a revised draft air quality analysis with new project design features and mitigation measures. The AQMD staff is currently reviewing the revised air quality analysis. AQMD staff is available to work with the lead agency to address these issues and any other air quality questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

### Response No. 3

#### Ian MacMillan, Program Supervisor, CEQA Inter-Governmental Review Planning, Rule Development and Area Sources South Coast Air Quality Management District

- 3.1 AQMD states that its staff understands that the Final EIR will be modified and re-released in the near future, partially to reflect the changes in the air quality analysis. This understanding is correct. Changes in the air quality analysis are described in the following responses and are enclosed in Appendices AQMD-1 through AQMD-5 and have been provided to the Planning Commissioners as part of their packet.
- 3.2 AQMD states that the lead agency failed to analyze the diesel particulate matter (Diesel PM) emissions from construction equipment used at the project site and the Volatile Organic Compounds (VOCs) from the fill material received and processed in the project's health risk assessment (HRA).

#### Diesel Particulate Matter

Localized significance thresholds (LSTs) were evaluated and EastStar prepared a report that was included in the Final EIR issued in February 2011. The report evaluated LST impacts for PM<sub>10</sub>, PM<sub>2.5</sub>, CO and NO<sub>2</sub>. The report indicated that localized impacts were less than significant for these parameters.

In subsequent discussions, SCAQMD indicated that additional analyses were required to ensure that the LST was less than significant for PM<sub>10</sub>. In addition to the permitted source emissions and rolling stock evaluated in the previous report, the LST analysis needed to include fugitive emissions from the onsite roads and diesel exhaust from the over-the-road trucks delivering to the site for the time they are on the site.

Listed in the enclosed *Localized Significance Threshold Analysis Report* (refer to Appendix AQMD-1) are the procedures used for this revised PM<sub>10</sub> evaluation and the results of the evaluation. As is described below, the results show that the project will have a less than significant impact for PM<sub>10</sub> on nearby receptors.

The modeling results are summarized in Table 1 below. This table is divided into anticipated annual conditions and upper-bound conditions. Both the highest annual and highest 24-hour PM<sub>10</sub> concentrations are summarized in the table for the highest residential receptor. The highest annual concentrations are summarized in the table for the highest non-residential receptor, since non-residential receptors are not anticipated to have 24-hour exposure.

Since the worst-case upper-bound condition was only intended to investigate the worst-case day, and is not a realistic scenario for annual conditions, only the highest 24-hour

concentrations at the highest residential receptor is provided in the table based on the maximum of 60 trucks entering the site per day.

The annual significance threshold for PM<sub>10</sub> is 1.0 µg/m<sup>3</sup>. Since this project is a construction project, SCAQMD's guidance document for LSTs, *Final Localized Significance Threshold Methodology*<sup>1</sup>, indicates that the 24-hour significance threshold is 10.4 µg/m<sup>3</sup>. However, the highest 24-hour PM<sub>10</sub> concentration resulting from permitted equipment emissions must be less than 2.5 µg/m<sup>3</sup>.

A comparison to the significance thresholds is also contained in Table 1. These results show that the concentration predicted by the model is less than the significance thresholds. Therefore, the proposed project will have a less than significant impact for PM<sub>10</sub> on the local area.

**Table 1**  
**Evaluation of Localized Significance Thresholds for PM<sub>10</sub>**

Highest AERMOD Predicted Concentrations								
	Average Conditions				Upper Bound Conditions			
Annualized Processing Rate (tons/year)	250,000				350,000			
Trucks Delivering Soil	31.8				60.0			
Trucks Delivering Cement	1.0				n/a			
Trucks Removing Oversized	1.6				n/a			
Total Trucks	33.4				60.0			
	All PM Sources		Permitted Sources		All PM Sources		Permitted Sources	
	24-hr	Annual	24-hr	Annual	24-hr	Annual	24-hr	Annual
	µg/m <sup>3</sup>	µg/m <sup>3</sup>	µg/m <sup>3</sup>	µg/m <sup>3</sup>	µg/m <sup>3</sup>	µg/m <sup>3</sup>	µg/m <sup>3</sup>	µg/m <sup>3</sup>
<b>Highest Residential Receptor<sup>1</sup></b>								
2005	3.45	0.731	0.585	0.0681	4.53		0.747	
2006	3.05	0.658	0.684	0.0625	4.09		0.847	
2007	2.80	0.744	0.674	0.0666	3.81		0.823	
<b>Overall Highest Residential</b>	<b>3.45</b>	<b>0.744</b>	<b>0.68</b>	<b>0.0681</b>	<b>4.53</b>		<b>0.847</b>	
<b>Highest Commercial Receptor</b>								
2005		0.921		0.0916				
2006		0.877		0.0833				
2007		0.911		0.0855				
<b>Overall Highest Commercial</b>		<b>0.921</b>		<b>0.0916</b>				
<b>Overall Highest Receptor</b>	<b>3.45</b>	<b>0.921</b>	<b>0.684</b>	<b>0.0916</b>	<b>4.53</b>		<b>0.847</b>	
<b>LST Evaluation</b>								
<b>Significant Change in Air Quality Concentration</b>	10.4	1.0	2.5	1.0	10.4		2.5	
<b>Analysis Result</b>	LTS	LTS	LTS	LTS	LTS		LTS	

Notes: (1) LST – Less than significant impact

(2) Receptor as defined in *Final Localized Significance Threshold Methodology*, page 3-2, SCAQMD, July 2008.

<sup>1</sup> South Coast Air Quality Management District, *Final Localized Significance Threshold Methodology*, July 2008.

(3) SRA 34 – Source Receptor Area 34 from Appendix B, *Final Localized Significance Threshold Methodology*.

(4) Soil Safe will schedule and manage soil deliveries, cement deliveries, and oversized removal to not exceed 60 total trucks per day.

In addition, the Project Applicant submitted a *Dust Management Plan* (DMP) (Appendix AQMD-2) to AQMD on March 19, 2011, which was subsequently approved by AQMD on March 22, 2011. The purpose of the DMP is to identify and delineate the potential sources of PM<sub>10</sub> and PM<sub>2.5</sub> emissions and the control actions that are to be taken to minimize the potential emission from the processing equipment, onsite roads, and rolling stock. These following operational steps are listed to control fugitive dust emissions:

- a) Spray water directly onto the soil in order to keep it moist (minimum 8 percent);
- b) Maintain a minimum moisture content (minimum 8 percent) in soil being handled, processed, and placed;
- c) Placement of a truck tire wash as close as possible to the off-load area to prevent drag-out of material onto the unpaved roads within the facility;
- d) Minimize the distance traveled on unpaved roads in order to reduce dust emissions;
- e) Enforce vehicle speed limits on the site (posted 15 mph) in order to reduce associated dust emissions;
- f) Employ windbreaks and berms along roads and stockpiles facing the predominant wind directions;
- g) Employ berms or stockpiles adjacent to processing equipment to reduce wind exposure when processing;
- h) Wash paved surfaces at the project site with high-pressure water truck to control dust associated with tracking. Hand-sweep paved surfaces when impractical to use water truck;
- i) Reduce or suspend operations under conditions of severe weather, especially during hot, dry and windy conditions;
- j) Periodic personnel training and response action refreshers through semi-annual meetings with site operations personnel;
- k) Maintain covers on field conveyors;
- l) Maintain lowest practical drop height of the stacking conveyor;
- m) Keep height of stockpiles less than 10 feet above surrounding grade;
- n) Use best available control measures (BACM) and good housekeeping practices;
- o) Conduct daily inspections, by direct observation, review of monitoring data, and interview, to identify fugitive emissions and potential dust-generating situations; and
- p) Maintain all particulate control equipment in good working order.

Also refer to the *Localized Significance Threshold Analysis Report* (Appendix AQMD-1 Table 4) for an abbreviated list of dust control measures by source location.

### Volatile Organic Compounds

Appendix AQMD-3 contains analysis of volatile organic compounds (VOCs) from fill material received and processed with implementation of the proposed project. According to the *Tier 3 Health Risk Screening for VOCs – Maximum Individual Cancer Risk* analysis, the total maximum individual cancer risk (MICR) for residential and worker exposure is expected to be below the applicable regulatory threshold ( $10 \times 10^{-6}$ ) for VOCs, as listed in the *SCAQMD Risk Assessment Procedures for Rules 1401 and 212*. The *Tier 3 Health Risk Screening for VOCs – Chronic Hazard Index and Acute Hazard Index* analysis also show that the total chronic hazard index results for each target organ for both residential and worker exposure are below the established SCAQMD index threshold of 1.0. Therefore, VOCs are not expected to pose a risk to human health pursuant to SCAQMD guidelines.

- 3.3 AQMD states that the cement was assumed to have up to 6 ppm hexavalent chromium (Cr(VI)) in the modeling, consistent with the limits of incoming soils. AQMD requests that the final health risk assessment (HRA) include locally representative Cr(VI) contents in cement fugitive dust sources onsite. As verified in the March 11, 2011 letter (Appendix AQMD-4) from Diversified Minerals, Inc., the cement used on site will have less than 6 mg/kg (or ppm) Cr(VI). Based on laboratory testing performed by Calscience Environmental Laboratories (refer to Appendix AQMD-4), the Cr(VI) samples were below the reporting limits for each sample. Cr(VI) levels in the Portland cement will not exceed the upper bound limits (6.0 ppm) identified in the *Air Modeling and Risk Analysis Report* (Draft EIR Appendix D). Therefore, the Portland cement will not appreciably increase the Cr(VI) concentration in the engineered fill product. Use of Portland cement in the product will not have any significant impact on the health risk assessment and will not increase the incremental cancer risk as is stated in the *Air Modeling and Risk Analysis Report* (pg. 46). To ensure that Cr(VI) concentrations within the cement are below this threshold, the Project Applicant's cement supplier will test the Cr(VI) content of the Portland cement shipped to the site on a monthly basis. Any cement that exceeds this threshold will not be used as part of the project.
- 3.4 AQMD states that the lead agency should revise the Final EIR to include the potential health risk impacts related to VOC, PM, and Cr(VI) emissions from the project. Refer to responses 3.2 and 3.3 above. Less than significant impacts related to VOC, PM and Cr(VI) emissions would occur.
- 3.5 AQMD states that the lead agency should substantiate the localized air quality impacts by providing a detailed list of design/mitigation measures (including an equipment lists) applicable to the project and revising the localized air quality analysis as appropriate.

The Project Applicant has provided an *Emission Sources for LST Analysis* table in Appendix AQMD-1 (Table 1) which lists onsite equipment, divided into Air Permit-regulated sources and non-Air Permit sources (e.g., on-road haul trucks, bulldozers, compactors, etc.). Provided below (Table 2) is a more detailed, descriptive list of onsite mobile equipment divided into operational and construction equipment. The updated *Localized Significance Threshold Analysis Report* (Appendix AQMD-1, Table 4) also lists the mitigation measures designed to limit particulate emissions.

**Table 2**  
**Soil Safe Mobile Equipment**

Operational Equipment	Construction Equipment
Rubber-tired loader – consolidate soils into pre- and post-process stockpiles and transfer to and from processing equipment	Scraper/pan – remove loose surface soil for re-compaction
Tractor/loader/backhoe - consolidate soils into batch piles	Excavator – excavate pit for pre-process stockpile and foundations
Crawler/tractor – spread and homogenize soils in the stockpile	Off-road truck – haul soil for entrance ramp construction
Roller – compact soils at placement area	Dozer – spread soil for compaction
Off-road haul trucks – haul soils	Roller compactor – compact soils
	Water truck – attenuate dust emissions
	Bobcat – handle filter fabric and silt fence
	Ditch witch – install silt fence

3.6 AQMD states that the lead agency should analyze the project’s air quality impacts based on the “worst-case scenario” (i.e., maximum number of trucks received at the facility).

In order to evaluate the maximum number of trucks received at the facility, it is necessary to convert the soil volume moved into truckloads. This requires an understanding of the average tons per truck commonly used in the industry. Having received and weighed over 185,000 individual trucks at their Adelanto facility, the Project Applicant has worked with every soil transporter in the area and has in-depth knowledge of their fleet of trucks and related capacity. Based on this data, it is determined that the average weight of soil in each truck is best represented as 24 tons per truck.

In order to evaluate the worst-case scenario and to take the most-conservative approach, the annual volume of soil assumed to be received at the new project site was set at 350,000 tons. This is the maximum amount of soil the project will be allowed to import during any given year in accordance with the Air Permit and, therefore, sets the upper bound for the worst possible VMT condition. Using the 350,000 annual tons and dividing by the average tons per truckload, EastStar reached the annual worst-case import value of 14,584 (4,958 + 4,813 + 4,813) trucks (maximum import scenario).

As displayed below (Table 3), the net effect, under the worst-case scenario, is that the addition of the proposed project to the soil market will reallocate the distribution of trucks on the road and reduce the total number of annual vehicle miles traveled (VMT) and associated truck emissions for the soil industry and market activity as a whole (for further explanation of the VMT calculations and assumptions, refer to response 3.7, below). In short, in terms of emissions generated from VMT, the proposed project will result in a net benefit to Basin air quality.

**Table 3  
VMT Analysis Summary Table**

Condition	Total Calculated VMT by Market Share Scenario		
	Lower Bound	Middle Bound	Upper Bound
Annual VMT without Proposed Project	3,526,926	3,240,667	3,132,469
Annual VMT with Proposed Project	3,310,360	2,821,656	2,638,337
Net Change (increase/decrease in Annual VMT)	(216,566)	(419,011)	(494,132)
Percent Reduction with Proposed Project	6.14%	12.93%	15.78%

Refer to Table 5 of the *Market Analysis – Impact of Colton Project on Analysis VMT of Transported Non-1166 Soil*, Appendix AQMD-5.

The associated regional emissions reduction generated from the reduced VMT are shown in Table 3 below for each of the estimated market share scenarios over the indicated time period, extending from 2011 to 2014.

**Table 3  
On-Road Emissions Reductions for Reduced VMT**

Annual Emissions Reductions							
Year	ROG (lb/year)	NO <sub>x</sub> (lb/year)	CO (lb/year)	SO <sub>2</sub> (lb/year)	PM <sub>10</sub> (lb/year)	PM <sub>2.5</sub> (lb/year)	CO <sub>2</sub> (lb/year)
<b>Upper Bound VMT Reduction (494,132)</b>							
2011	-1,086	-13,848	-5,327	-19.7	-557	-512	-2,094,329
2012	-993	-12,336	-4,763	-19.7	-488	-448	-2,094,329
2013	-899	-10,881	-4,219	-19.7	-421	-387	-2,094,329
2014	-810	-9,526	-3,711	-19.7	-360	-332	-2,094,329
<b>Middle Bound VMT Reduction (419,011)</b>							
2011	-921	-11,743	-4,517	-16.7	-472	-434	-1,775,937
2012	-842	-10,461	-4,039	-16.7	-414	-380	-1,775,937
2013	-762	-9,227	-3,577	-16.7	-357	-328	-1,775,937
2014	-687	-8,078	-3,147	-16.7	-305	-282	-1,775,937
<b>Lower Bound VMT Reduction (216,566)</b>							
2011	-476	-6,069	-2,335	-8.64	-244	-225	-917,893
2012	-435	-5,407	-2,088	-8.64	-214	-196	-917,893
2013	-394	-4,769	-1,849	-8.64	-185	-169	-917,893

2014	-355	-4,175	-1,627	-8.64	-158	-146	-917,893
Daily Emissions Reductions							
Year	ROG (lb/day)	NO <sub>x</sub> (lb/day)	CO (lb/day)	SO <sub>2</sub> (lb/day)	PM <sub>10</sub> (lb/day)	PM <sub>2.5</sub> (lb/day)	CO <sub>2</sub> (lb/day)
Upper Bound VMT Reduction (494,132)							
2011	-4.15	-52.9	-20.3	-0.075	-2.12	-1.96	-7,994
2012	-3.79	-47.1	-18.2	-0.075	-1.86	-1.71	-7,994
2013	-3.43	-41.5	-16.1	-0.075	-1.61	-1.48	-7,994
2014	-3.09	-36.4	-14.2	-0.075	-1.37	-1.27	-7,994
Middle Bound VMT Reduction (419,011)							
2011	-3.52	-44.8	-17.2	-0.064	-1.80	-1.66	-6,778
2012	-3.21	-39.9	-15.4	-0.064	-1.58	-1.45	-6,778
2013	-2.91	-35.2	-13.7	-0.064	-1.36	-1.25	-6,778
2014	-2.62	-30.8	-12.0	-0.064	-1.16	-1.08	-6,778
Lower Bound VMT Reduction (216,566)							
2011	-1.82	-23.2	-8.91	-0.033	-0.931	-0.857	-3,503
2012	-1.66	-20.6	-7.97	-0.033	-0.816	-0.750	-3,503
2013	-1.50	-18.2	-7.06	-0.033	-0.704	-0.647	-3,503
2014	-1.36	-15.9	-6.21	-0.033	-0.601	-0.556	-3,503

Source: Emfac2007 version 2.3 November 2006

Refer to Table 6 of the *Market Analysis – Impact of Colton Project on Analysis VMT of Transported Non-1166 Soil*, Appendix AQMD-5.

The VOC analysis was revised to analyze the daily maximum truck volume of 60 trucks per day (refer to the *VOC Emissions Rates from Initial Dump of Soil Delivered to the Site* table, Appendix AQMD-3), as specified in the Draft EIR project description. In addition, the PM<sub>10</sub> analysis was revised to evaluate emissions based on 60 trucks per day (refer to Table 5, *LST Results for PM-10*, of the *Localized Significant Threshold Analysis Report*, Appendix AQMD-1). Therefore, the emissions analysis in the Appendices are based on the “maximum daily emissions” or “worst-case scenario”.

- 3.7 AQMD states that the lead agency should conclusively demonstrate the average net trip rate and trip length, including an analysis of the current operating conditions of the alternate landfills to which the soil would be hauled. To aid in the understanding of these current operating conditions, the Project Applicant has developed further VMT analysis titled *Market Analysis – Impact of Colton Project on Analysis VMT of Transported Non-1166 Soil*, which includes additional *VMT Analysis Spreadsheets* (Appendix AQMD-5), showing worst-case increases/decreases in annual VMT that would result from implementation of the proposed project.

The results of this VMT analysis demonstrate that the addition of the proposed project provides a net reduction to the total current annual VMT under even the worst-case scenario. Based on this result, the Project Applicant can conclude that the addition of the proposed project produces a measurable effect on the redistribution of trucks hauling soil throughout the Basin. Moreover, the highly conservative nature of the

variables used suggests that the net reduction in VMT, while significant as shown, may actually be understated in this analysis (refer Table 3 above).

This analysis is based on a one-way travel distance from the market source location(s) to the various soil receiving locations. As a practical matter, trucks hauling soil will typically drive from the source location to their destination, off-load, and return to the same source location for another load. However, following this logic and doubling the one-way result to achieve a round-trip VMT is inherently flawed. There is no account for the distance the trucks first travel to get to the source location, and not all trucks return for another load. Many truck drivers are independently operated and may only show for a single trip. Others may make an intermediate "back-haul" to a secondary or tertiary destination before returning to the original source location. Finally, after the last run of the day, truckers off-load at the soil receiving location and return to their yard or, in the case of independents, to their respective locations where they park their trucks overnight. To that end, it is not realistic to model the "complete" round-trip scenario.

It is reasonable, however, to assume that the total net reduction of VMT for any such round-trip analysis would fall within the range of 1.5 to 2.0 times the reduction shown. This lends further credence to the conservative nature of the analysis and the fact that the net annual VMT reduction as a result of the proposed project option is appreciable.

The associated emissions reduction generated from the reduced VMT are shown in Table 3 above for each of the estimated market share scenarios over the time period extending from 2011 to 2014.

- 3.8 AQMD indicates that the Project Applicant provided additional air quality data and a revised draft air quality analysis with new project design features and mitigation measures. AQMD states that its staff is currently reviewing said documents. No new concerns or issues are raised in this specific comment.



3/17/2011

JN 65-100611

Robin Maloney-Rames, ES  
Environmental Scientist  
Dept. of Fish and Game  
Eastern Sierra Inland Deserts Region 6  
3602 Inland Empire Blvd., Suite C-220  
Ontario, CA 91764  
(909) 980-3818

Subject: Soil Safe Final EIR Biological Comments

Dear Robin:

1. We agreed that the document is not a programmatic EIR and that subsequent projects will require CEQA processing.

**Correct – the purpose of the project is to elevate the site using engineered fill. Chapter 9 of the Draft EIR identifies Potential Subsequent Projects that may occur in the future and discusses the anticipated impacts based on the information available at the time of the completion of the Draft EIR. As indicated in the Draft EIR, these subsequent projects were evaluated at a program level and will require separate CEQA documents, when it is appropriate.**

2. We discussed issues associated with the ingress/egress road.
  - a. Potential impacts on Santa Ana woolly star (SAWS)
  - b. Deficiency of the document regarding our issuance of a CESA ITP.
  - c. The issue of the project description, the separation into on-site and off-site impacts and the necessity for treating the site and off-site improvements as one project.
  - d. The issue of the diking of 8 acres in the SAWS area. The deficiency of the document regarding the impact and mitigation analysis for the Department's issuance of a CESA ITP.

**The Project Applicant has proposed an alternative ingress/egress roadway outside of the RAFSS habitat located east of the project site (refer to Exhibit 1, Alternative Access Route) to avoid potential indirect impacts to SAWS. City staff is supportive of this alternative. The following summary identifies the dimensions of the originally proposed ingress/ egress road and the new road:**

**Original Ingress Road – 20 feet by 2,000 feet (approx. 40,000 s.f.);**

**Original Egress Road – 20 feet by 800 feet (approx. 16,000 s.f.);**

**New Ingress/ Egress Road – 40 feet by 800 feet (approx. 32,000 s.f.)**

**The new ingress/ egress road is approximately 24,000 square feet smaller in area when compared to the original ingress/ egress road. The width of this roadway is now 40 feet to accommodate two way traffic, however to reduce traffic safety concerns along Congress Street, the access point has been shifted approximately 65 feet east of the originally proposed access point. This relocation is meant to reduce traffic/ noise impacts to the surrounding residents in the vicinity of this access point.**

PLANNING ■ DESIGN ■ CONSTRUCTION

3300 East Guasti Road, Suite 100 □ Ontario, CA 91761 □ 909.974.4900 □ FAX 909.974.4004  
Offices located throughout California, Arizona & Nevada □ [www.RBF.com](http://www.RBF.com)

To reduce dust impacts associated with use of this roadway, the Project Applicant will perform the following mitigation in compliance with their Dust Management Plan that must be approved by the AQMD:

- Watering of the access road and onsite roadways at least three times per day
- Silt fencing placed along both sides of the access road
- Six inches of ¾" recycled concrete will be placed along the roadway to control dust.

Implementation of these mitigation measures would reduce air quality impacts associated with dust to a less than significant level onsite. Based on this analysis, and the distance to SAWS habitat, indirect impacts to sensitive biological species from excessive dust generation would not occur.

The following responses are intended to address your specific concerns:

- a. Based on the biological mapping conducted for the project area, the new proposed roadway is located within the ruderal habitat identified onsite and is outside of the RAFSS habitat where the SAWS is currently located. Thus, SAWS will not be impacted.
- b. As proposed, this roadway would not impact SAWS located to the east of the roadway. Because the new roadway would avoid any areas where SAWS is located a CESA ITP is no longer required for the project.
- c. We agree that the project includes onsite and off-site elements, e.g., the roadway. Based on the biological mapping conducted on these properties, improvements proposed within the fill site and surrounding areas would impact ruderal habitats, which do not support endangered species. In its entirety, implementation of the proposed Project (including the onsite and offsite portions) would not affect sensitive biological resources.
- d. The action of disking 8 acres within City of Colton property is an action that was not undertaken by the Project Applicant. Potential mitigation for the disking activities will require coordination and resolution with the City of Colton separate from this project. As a result of the proposed access roadway re-alignment, the Project Applicant will no longer require a CESA ITP.

For the above reasons, the alternative ingress/egress road proposed for the site would address CDFG concerns, primarily because the new road would avoid this species completely.

3. Department staff's preference for relocating the egress road out of the woolly star area.

**Agreed – The City of Colton and Project Applicant will use the alternative access road identified in the attached exhibit.**

4. The need for a SAWS monitoring program to assess the potential impacts of the haul road on SAWS.

**With the proposed new haul route, the requirement for SAWS monitoring would no longer be necessary for the project applicant. The new road is not located within the RAFSS/ SAWS portion of the City of Colton properties. As depicted on Exhibit 1, the new haul route is approximately 100 feet west of the SAWS area outlined in red and approximately 250 feet from an actual GPS location of a SAWS plant surveyed in October 2010.**

5. The necessity for pre-construction surveys for SAWS and consequent CESA ITP if SAWS is found on the fill site.

Although several previous surveys have not found any evidence of SAWS and it has been determined that the portions of the project site being developed are not suitable for SAWS, the applicant will conduct a pre-construction survey to confirm that SAWS remain absent from the project site. The MMRP identifies pre-construction surveys for nesting birds. This measure will be modified to require pre-construction surveys for sensitive species as well. If during these surveys SAWS is found onsite, a CESA ITP would be sought.

6. The issue of mitigation for the loss of 25 acres of floodplain.

The Applicant believes that it is not appropriate to use the entire flood plain to identify the lateral extent of the streambed under Section 1602 of California Fish and Game Code for this project site. Based on the California Department of Fish and Game's *Field Guide to Lake and Streambed Alteration Agreements Section 1600-1607*:

*The floodplain of a stream can be the broadest measurement of a stream's lateral extent depending on the return frequency of the flood event used. For most flood control purposes, the 100-year flood event is the standard measurement and maps of the 100-year flood plain exist for many streams. However, the 100-year flood plain may include significant amounts of upland or urban habitat and therefore may not be appropriate in many cases.*

The project site consists of a remnant portion of the 100-year flood plain of the Santa Ana River that is isolated from the active channel by an unengineered levee. Vegetation within this area is characterized by significant amounts of upland habitat; therefore, the flood plain should not be used to identify the lateral extent of the CDFG jurisdictional streambed.

*Most streams have a natural bank which confines flows to the bed or channel except during flooding. In some instances, particularly on smaller streams or dry washes with little or no riparian habitat, the bank should be used to mark the lateral extent of a stream.*

The project site consists of an ephemeral dry wash with no riparian habitat; therefore, the bank of the drainage should be used to identify the lateral extent of the CDFG jurisdictional streambed. This stream course is approximately 1,810 feet in length and accounts for approximately 0.78 acres of CDFG jurisdiction (based on the original jurisdictional delineation).

*A levee or other artificial stream bank could also be used to mark the lateral extent of a stream. However, in many instances, there can be extensive areas of valuable riparian habitat located behind a levee.*

The area of the remnant flood plain located between the unengineered levee and onsite ephemeral drainage consists of upland vegetation that is not considered valuable riparian habitat; therefore, the levee should not be used to mark the lateral extent of the CDFG jurisdictional streambed.

**Based on the above CDFG guidelines and the existing conditions on-site, it is anticipated that using the flood plain to map the lateral extent of a stream is not appropriate for this project site. Based on a review of the existing site conditions, CDFG's jurisdiction should be mapped at the top of bank of the ephemeral wash. According to the original jurisdictional delineation prepared for the project, this area is approximately 0.78 acres and compensation to this jurisdictional area would occur onsite within a 0.78 acre natural bottom drainage channel.**

7. The inadequacy of 1:1 mitigation for RAFSS, particularly in the 8 acre area of unauthorized disking.

**RAFSS mitigation is no longer required as part of the project, because the new access road avoids this habitat entirely. Regarding the 8 acres of unauthorized disking, this activity occurred last summer by City employees conducting weed abatement activities on City of Colton properties. As a result 8 acres of the property were disked, which affected approximately 1 acre of RAFSS habitat. This activity is not related to the proposed project and mitigation for this activity is the responsibility of the City of Colton and will require separate analysis, permitting, and mitigation.**

8. Restoration of the egress road to habitat post-construction.

**The current habitat identified within the new proposed access road is ruderal. In accordance with an access agreement the City of Colton, once the project is completed the project applicant will remove any materials placed on this portion of the site and recontour the surface to its natural condition. The site will be re-seeded with naturally occurring plant species.**

9. Preparation of an updated assessment of the impact of the 2010-2011 storms on jurisdictional waters.

**RBF will perform an updated assessment of the jurisdictional waters on Tuesday March 22, 2011. Upon completion this update will be submitted to CDFG for concurrence.**

10. In conclusion you stated that the consultants will be meeting with the City on or before March 8, 2011 to discuss aspects of the project, primarily relocation of the egress road. It would be helpful to talk again once the issue of the egress road is decided to discuss the status of the SEIR, 1600 Agreements, CEQA and CESA.

**An exhibit illustrating the alternative access route was provided to you on March 10, 2011 and is attached to this letter. This is the new access road proposed for the project. The Project Description of the EIR is being revised to reflect this change.**

Based on discussions with the City, the alternative access road proposed is the preferred access route for the site. Should you have additional concerns, do not hesitate to contact me at 909-974-4917 or via email at [ajp@rbf.com](mailto:ajp@rbf.com). I will contact you after the jurisdictional delineation update is complete and with any future changes to the project. Thank you again, for continuing to work with us on the Soil Safe project.

Sincerely,

Aaron Pfannenstiel  
Project Manager  
Planning/ Environmental Services

RECEIVED

MAR 26 2011

CITY OF COLTON  
COMMUNITY DEVELOPMENT

Planning Commissioners

FILE INDEX No: DAP-000-910

PROJECT: Soil SAFE of CALIFORNIA,  
LAND IMPROVEMENT

South of FERNANDO AND FLOREZ  
STREET, COLTON, CA.

Please find Notes RE: Citizens  
Concerns to the project mentioned  
above.

Thank you for your

considerations.

Daryl Warner

(909) 8240488

Si irra para todos nosotros y aparte el ambiente por  
favor yo NO, NO estoy de acuerdo por favor  
que no se construya nada ahí no no y no  
por favor? ... \* (909) 423-0934 - (909) 520-3738 cell.  
955 Fernando St. Colton, CA 92324. Spanish.

back

1.) I do not want more speedy traffic  
I do not want addition to pollution  
Amundo Cortes 402 E Congress St

2.) Yo no estoy de acuerdo por que  
mis hijos son asmaticos  
925 Fernando St Colton mequadalupe Navarro

3.) Yo Rogelia Gomez no estoy de acuerdo contra ese  
proyecto por todos los contratiempos que nos va ha  
traer y porque seria muy peligroso para los niños.  
Rogelia Gomez 945 Fernando St Colton CA 92324

4.) I just moved into the city and  
if I would have know this construction  
that can be hazardous to our health  
was going to be happening in the area  
I would have not purchased my home.  
I disagree with all the construction  
pollution and traffic that comes with  
project. Catalina Vilasquez 949 Fernando St  
CA 92324

5.) \* I James Beerra do not support this  
project because I don't want my little  
brothers and sisters to be breathing pollution  
and I don't like noise. \* Yo Eva Beerra no estoy  
de acuerdo con el negocio que quiere hacer  
esta persona, nosotros yo mi esposo y mis hijos  
y mas vecinos estabamos muy contentas en que  
se construyera un parque o otra casa que nos  
OVER

1. I don't agree with the proposal of what your  
want to built an Hight with how Everything. I don't  
don't need the pollution and heavy traffic.

Oliver 971 Fernando St. (909) 917-3156

2. I don't agree with the proposed changes that could  
happen and would like my neighborhood to remain unchanged.  
Kenny Herrer 976 Fernando St. 909 532-4671

3. I DON'T THINK THE CITY SHOULD BE HAVING TRUCK  
AND TRAFFIC PASS THROUGH ARE NEIGHBORHOOD.

980 FERNANDO ST

4. I don't think the city of colton should be  
sending traffic ~~behind~~ <sup>behind</sup> fernando and flores st because  
it's to load and there going to be to much dust  
gain on. 975 Fernando St

Hiraco Espinoza

5985 FERNANDO

NO quiero prouto final de la  
calla fernando por el ruido  
por tanto el tiempo posterior

ARELLANO  
VIVIANA

5944 FERNANDO

I don't WANT <sup>agree</sup> to ~~do~~ because we have  
children and because I don't want my kids to be  
in danger + because I don't to to heard noises

7294 Congress  
salvador salazar  
et  
Lerneo

don't want agree because we have grand sons  
and don't want them to get sick or something to  
happen to them and are hearing is not that  
good. thank you.

1.) No estoy de acuerdo con los proyectos  
están planeando al final de calle  
Flores y Fernando Rison. polvo y ruido  
por la salud de los niños y niñas  
292 E Congress St Colton

2.) no estoy de acuerdo con el proyecto  
planeado en la calle Flores y Fernando  
porque cuida la salud de mis hijos  
ATTE. Ignacio Parra 290 E Congress St Colton

3.) No I dont agree with project changes  
on fog st, as it is the traffic on fog is  
bad now this no don't pass  
Claudia Corona 901 Flores St

4.) No estoy de acuerdo con todo esto por  
la salud de los niños y de todos nosotros  
Amsberta Ramos 913 Flores St 3-27-11

3-25-11

To whom it may concern,

I Roxanne Guillen do not want the project in my neighborhood. We already have 2 Freeways and the train going threw our neighborhood. How much more do you want from us. Our Health should be #1.

Roxanne Guillen

640 S Pine St  
Costa Mesa

3-27-11

I don't agree on  
the project for us  
in South Cotton  
Colatum, Mouse, we  
just move to the area  
was not aware of all  
the Hazard material  
around us we  
have enough with  
the train, 10-215-  
The MTV & RON BODGE & A  
Jewel A

442 E O St.  
Cotton Co.

3/27/11 Sunday

I do not agree with the project "Soil safe....." because we have enough trucks + loaded trucks making enough noise daily. I work nights at the post office and am a day sleeper. Therefore I strongly oppose!

Thank you  
Mrs. Geraldine Gutierrez

337 E Congress St  
Colton Ca

3-26-4

Cathy Fernandez  
I am very upset on  
project that all planners they  
should think about the people  
citizen that live around the area  
noise pollution I 18 freeway I 215  
we don't need any more pollution

Cathy Fernandez

440 E<sup>o</sup> O<sup>e</sup> Street  
Costa Mesa Ca

Printed Name                      Signature                      Address                      Date

1 Apolonia S Espudo [Signature] 650 W Olive St 3-26-11

2 Helen Espudo Helen Espudo 650 W Olive St 3-26-11

3 JAVIER MESA Javier Mesa 1193 Terrace Ave Cocton

4 \_\_\_\_\_

5 \_\_\_\_\_

6 \_\_\_\_\_

7 \_\_\_\_\_

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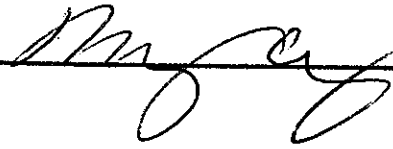
12 \_\_\_\_\_

Printed Name

Signature

Address

Date

7 Miguel Alcaraz  21364 LITTON AVE COLTON, CA

18

9

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Printed Name

Signature

Address

Date

Robert E Wraclford Robert E Wraclford 1475 Altissima Ln 4/4/11

~~Shenell J Shearoll Wraclford Shenell Wraclford 1475 Altissima Ln 4/4/11~~

~~FRED FORDOVA 190 WEST STREET~~

Fred Fordova Fred Fordova 190 W E St April

Angelina J Cordova 190 WEST Colton Ca

John Anaya De 1450 N. LA CADENA DR Colton 92324

Christine Insh-Re' 834 West G St. Colton 92324

Ronald Lawrence ~~Ronald Lawrence~~ PO BOX 1114 COLTON 92324 4/4/11

LINDA TRIPP  
Linda Tripp 1180 CANTARA ST. 4/4/11

DONNA JOHNSON Donna Johnson 850 Latham St 4/4/11

GERALD M JOHNSON Gerald Johnson 850 Latham st 4/4/11

Beatrice CARRASCO Beatrice Carrasco 313 Loma Verde 4/4/11

DETE CARRASCO ~~de la Carrasco, Sr~~ 313 Loma Verde 4/4/11  
Colton, CA 92324

JOE NETRIO ~~Joe Netrio~~ 1832 Cordova  
COLTON, CA 92324 4-4-11

<u>Printed Name</u>	<u>Signature</u>	<u>Address</u>	<u>Date</u>
1 Victor Chandler	Victor Chandler	1833 Cordova Ave. <sup>Colton</sup>	4/4/11
2 Jay Chandler	Jay Chandler	41	11
3 Gary Heaton	Gary Heaton	1823 Cordova Ave	4-9-11
4 John Bashor	John F. Bashor	1813 Cordova Ave	4-9-11
5 Gilbert Castillo	Gilbert Castillo	1852 Cordova ave	4/9/11
6 Suzanne Castillo	Suzanne Castillo	1852 Cordova, Colton	4/9/11
7 Ronald Nieves	Ronald Nieves	1902 Cordova Ave Colton	
8 Marietta Nieves	Marietta Nieves	1902 Cordova Ave Colton	
9 Marcus Chavez	Marcus Chavez	202 Saville Ave Colton 92338	
10 Carol Farris	Carol Farris	202 Saville Colton	
11 Tim D. Briggs	Tim D. Briggs	1927 Cordova Ave	4-9-11
12 Christie Briggs	Christie Briggs	1922 Cordova Ave	4-9-11

<u>Printed Name</u>	<u>Signature</u>	<u>Address</u>	<u>Date</u>
1 Juan	Juan Perez	4-11-011 386 Fernando St	
2 Jaime Becerra	Jaime B.	4-11-2011 955 Fernando St.	
3 Kayla Bauhouse	Doyla B	4/11/2011 980 Fernando ST	
4 SALVADOR RIVAS		4-11-11-976 FERNANDEZ ST COLTON	
5 JOSE NAVAYRO		4-11 395 E CONGRES ST	
6 Raymond Gonzalez		4-11 371 E CONGRESS ST	
7 Fidel Ramos		4-11-2011 913 FLOREZ ST COLTON CA 92324	
8 Alyseses Ramos		913 FLOREZ ST COLTON CA 92324	4-11-2011
9 Marc Tellen		926 FLORES ST	4.11.11
10 Jesus Bergain		914-5 FLOREZ ST	4-11-11
11 Claudia Corona		<del>909 2000</del> 901 FLOREZ ST	4/11/11
12 Tammy Talera		<del>920</del> 920 FLOREZ	4/11/11

- | <u>Printed Name</u> | <u>Signature</u>    | <u>Address</u>                | <u>Date</u> |
|---------------------|---------------------|-------------------------------|-------------|
| 1 NIKKA Nawils      | Nikka Nawils        | 777 Berry St.                 | 4/12/11     |
| 2 McLinda Espinoza  | McLinda Espinoza    | 776 Berry St                  | 4/12/11     |
| 3 Maru Ann Espinoza | Maru Ann Espinoza   | 7333 Benson CT                | 4/12/11     |
|                     | x Graciela Espinoza | <del>Highland</del> CA 92346  |             |
| 4 Graciela Espinoza | Graciela Espinoza   | 776 Berry St                  | 4/12/11     |
| 5 ALEXANDRA Jimenez | Alexandra Jimenez   | 734 Ash St Colton             | 4/12/11     |
| 6 CRONINER Jim Jim  | Croniner Jim Jim    | 751 Berry St Colton           | 4/12/11     |
| 7 Gabriel Flores    | Gabriel Flores      | 825 Pine St Colton, CA 92324  | 4/12/11     |
| 8 Katy Malclonado   | Katy Malclonado     | 825 Pine St Colton, CA 92324  | 4/12/11     |
|                     |                     | 909-824-2886                  |             |
| 9 Mary Sharp        | Mary Sharp          | 844 Pine St Colton CA         |             |
| 10 Melde Blon       | Melde Blon          | 872 Pine St. Colton (909)     | 653-0545    |
| 11 Maria Cambray    | Maria Cambray       | 820 Edgchill dr               |             |
| 12 Roberto Reynoso  | Roberto Reynoso     | 449 Kirk St. Colton CA, 92324 |             |

<u>Printed Name</u>	<u>Signature</u>	<u>Address</u>	<u>Date</u>
1 Long Tricee	<i>Long Tricee</i>	459 CONGRESS ST	04-12-11
2 Lucia Alibar	<i>Lucia Alibar</i>	449 E Congress st	
3 Colette DelBridge		881 Berry St Colton, CA 92324	
4 Nichole Callia	<del><i>Nichole Callia</i></del>	855 Berry Colton	4-12-11
5 Miriam Rinzo	<i>Miriam Rinzo</i>	845 Berry St. Colton	4-12-11
6 SAO1 Montejino		829 Berry St Colton	4/12/11
7 Yolanda Hernandez		819 Berry St Colton	4-12-11
8 Angel Outis		458 KIRK ST COLTON CA 92324	4-12/11
9 Janet Patterson		818 Pine St Colton 92324	4/12/11
10 Brandy Cardiel		448 KIRK ST, Colton 92324	4/12/11
11 Alice Garcia		780 pine st Colton 92324	
12 Jimmy Cabral		780 pine st Colton 92324	

<u>Printed Name</u>	<u>Signature</u>	<u>Address</u>	<u>Date</u>
1 Josiane Román	Josiane Román	1825 Serrano Ct.	4-8-11
2 Tracy Moore	Tracy Moore	1825 Serrano Ct	4-10-11
3 Kay Roman	Kay Roman	1825 Serrano Ct	4/10/11
4 Fumi R	Fumi R	188 HAWAII S	4/10/11
5 Michelle Cole	Michelle Cole	1824 Serrano Ct	4/10/11
6 ELIZABETH MOTT	Elizabeth A Mott		4/12/11
7			
8			
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04.07.2011

Bushel R Warned  
 935 Florez St  
 Colton, Ca  
 (909) 8240488

RECEIVED  
 BY \_\_\_\_\_

# PETITION

APR 07 2011

OFFICE OF THE  
 CITY CLERK

File Index Number: DAP-000-910

Project: Soil Safe of California, Land Improvement  
 \ South of Fernando and Florez Streets, Colton, Ca

We the undersigned respectfully petition the City of Colton, its Commissions, council and staff to DENY the above referenced project and again DENY the issuance of a CUP to the applicant. We the residents of Colton further insist that the above referenced area(s) are to remain zoned as 'open space'.

We the undersigned are strongly OPPOSED to this project due to factual concerns to the health, safety and quality of life issues. Some, but certainly not all issues, <sup>Health</sup> are as follows:

- A) Air pollution
- B) Increased Vehicle traffic- Especially heavily loaded Trucks
- C) Noise pollution
- D) Guyaux Hazardous Material clean up
- E) Water Quality at site and down stream

The residents of Colton have determined that it is NOT in their best interests and feel it would in fact be detrimental to the health, safety and wellbeing of the residents. We the undersigned petition to DENY the project.

Respectfully,

I am opposed to this project of soil sale due to increase heavy traffic that we will have 37-50-100 trucks for 5 to 6 days a week 3-5 years.

These Diesel loaded trucks will be carrying hazards material from the Deerpport - Guyana land fill will create health hazards to the residents due to air pollution and the noise. The noise will be unbearable.

The existing traffic is already heavy adding more traffic will be a problem for residents and emergency vehicles.

The Mt Vernon bridge over the sails can not handle the traffic as it is. All those trucks that they say will be carrying all the contamination soil will be flying in the air and dust for hours or I should say, days weeks, years. We have enough problems already with the I-60 and I 215 and rail road on the west end North side.

On our back yard we have other industries that have small particles to the air we breath.

I do not agree on the propose

04/03/11

My name is Aaron Salcido, I am a resident at 665 E Congress St. I am writing this letter because I do not want Soil Safe of California to dig up dirt at Flores and Fernando streets. There is already enough noise and traffic from big rigs and the accidents that happen in front of my house. The dirt Soil Safe is going to dig up is full of contaminants and I think they would pollute the ground nearby, the water system, the air and the river. Please take this letter into consideration.

~~665~~ E Congress St  
665 E Congress St  
Super CURB

Sincerely,

Aaron Salcido

Aaron Salcido

ME  
944 FLORENCE STREET  
COLTON CA 92324

I am Madison warner, I'm 8 years old.  
I'm in second grade I'm helping my  
granma I have, really, bad asthma.

I don't want 50 to 100 trucks  
going over the bridge for 3 to 5  
years because what if someone is  
very sick and there parents need to  
take them to the doctor and  
ambulens go over the bridge to go to  
emergency think of people oh need to  
get gas for work, store and doctor  
The doctor is very important to  
me and work is too so don't let  
that happen. I don't like trucks  
because they drive to slow and  
I don't like that and we can't  
get to the doctors and the  
pparmacy. I don't like this and  
the nosie people might need to go to  
emergency so please don't let that  
happen.

Madison warner

Carmy Fernandez  
project. I am very up  
should think about all plans  
citizen that we around the people  
please pollution I is far way I 215  
we don't need any more pollution

Carmy Fernandez

440 E. O Street  
Coston Ca

1.) I do not want more speedy traffic  
I do not want addition to pollution  
Aureando Cortes 402 E Congress St  
(909) 783 7585 Armando Capanza

2.) Yo no estoy de acuerdo por que  
mis hijos son asmaticos  
925 Fernando St Colton Miguadalupe Navarro

3.) Yo Rogelia Gomez no estoy de acuerdo contra ese  
proyecto por todos los contratiempos que nos va ha  
traer y porque seria muy peligroso para los niños.  
Rogelia Gomez 945 Fernando St Colton CA 92324

4.) I just moved into the city and  
if I would have know this construction  
that can be hazardous to our health  
was going to be happening in the area  
I would have not purchased my home.  
I disagree with all the construction  
pollution and traffic that comes with  
project. Catalina Velasquez 949 Fernando St  
CA 92324

5.) \* I James Becerra do not support this  
project because I don't want my little  
brothers and sisters to be breathing pollution  
and I don't like noise. \* Yo Eva Becerra no estoy  
de acuerdo con el negocio que quiere hacer  
esta persona, nosotros yo mi esposo y mis hijos  
y mas vecinos estabamos muy contentos en que  
se construyera un parque o otra casa que nos  
OVER

1. I don't agree with the proposal of what you want to split an Hapt with how everything is now and don't need the pollution and heavy traffic.

~~Oliver~~ 971 Fernando St. (909) 917-3156

2. I don't agree with the proposed changes that could happen and would like my neighborhood to remain unchanged.  
Kevin Hansen 976 Fernando St. 909 532-4671

3. I don't think the city should be having truck and traffic pass through our neighborhood.

980 Fernando St

4. I don't think the city of Colton should be sending traffic ~~behind~~ <sup>behind</sup> Fernando and Flores St because it's too loud and there going to be too much dust go in on. 975 Fernando St

Hiracio Espinosa

985 Fernando St

No quiero pasar animal de la calle por el ruido por tanto tiempo por estar

ARELLANO

VIVIANA

944 Fernando St

I don't want to agree because we have children and because I don't want my kids to be in danger + because I don't to to heard noises

294 Congress Salvador Salazar ei Lerneo

I don't want agree because we have grand sons and don't want them to get sick or something to happen to them and are health is not that good. Thank you.

1.) No estoy de acuerdo con los proyectos  
están planando al Fianza de calle  
Flores y Fernando. Pasa y vido  
por la Salud de los niños y ~~que~~  
292 E Congress St Cotton

2.) No estoy de Acuerdo con el proyecto  
planeado en la calle Flores y Fernando  
porque cuida la salud de mis hijos.  
ATTE. Ignacio Parra 290 E. Congress St Cotton

3.) No I dont agree with project changes  
on fog st, as it is the traffic on fog is  
bad now this no don't pass  
Claudia Corona 901 Florez St

4.) No estoy de acuerdo con todo esto por  
la salud de los niños y de todos nosotros  
Amsberta Ramos 913 Florez St 3-27-11

3.27-11

I don't agree on  
the project for us  
in South Cotton  
Polatum, Mouse, we  
just move to the area  
was not aware of all  
the Hazard material

around us we

have enough with  
the train, 10-215-

The M+V+R+R+R BODGE &  
DUNN A

442 E O St.  
COTTON Ca

E-25-11

To whom it may concern,

I Roxanne Guillen do not want the project in my neighborhood. We already have 2 Freeways and the train going threw our neighborhood. How much more do you want from us. Our Health should be #1.

Roxanne Guillen

640 S Pine St  
Costa Mesa

3/27/11 Sunday

I do not agree with the  
project "Soil safe....." because  
we have enough trucks + loaded  
trucks making enough noise daily.  
I work nights at the post office  
and am a day sleeper. Therefore  
I strongly oppose!

Thank you  
Mrs. Geraldine Gutierrez

337 E Congress St  
Colton Ca

1. Yo Cecilia Vera residente de Fernando S.J. no quiero el proyecto por la razón que pienso que va a afectar la salud de mis niños por la contaminación va estar en el aire.
2. Yo Gonzalo Hernandez. Residente de Fernando S.J. No estoy de acuerdo con el proyecto por la razón que pienso que eso nos va afectar va haber mucha contaminación gracias.

① I Maria Aguilar do not wish for this project to occur due to the fact I have children. I fear the pollution the project will cause my children harm. I also work late nights to support my family and I cannot have all the noise during the day. In addition to that my children have school and I don't want them to get affected also. Maria Guadalupe Aguilar  
963 Flores St Colton CA 92324 (909) 7832739

4-2-11

② Yo Yesica Villalpando no estoy de acuerdo a lo que ustedes quieren hacer ya que podemos tener problemas de salud y todo el trabajo que van a ser nos va a perjudicar a nuestra salud y a nuestros alrededores tiene contaminación.



959 S. Flores St Colton CA 92324

1) Yo, Mercedes Ramirez.  
No estoy de acuerdo con el proyecto  
por el ruido, por la congestión de  
tráfico en la Mt Vernon y la M st.  
El ruido por 3 o 5 años y Luego Que?  
Mercedes Ramirez.  
945 Flores st Colton  
CA 92324 (Por el motivo que padecemos  
de Asma y alergias.)

2) Estoy en desacuerdo con el proyecto  
por la razón que esta muy cerca de  
mi casa y mi niño sufre de asma y  
mi esposa de sinusitis y asma.  
977 Flores st Colton ca 92324  
Eduardo Gonzalez -

3) I Julie Campos I do not Approve that  
They are going to make this Dust Pollution  
and Insick I can't be breathing all this.  
Thank You  
956 S. Flores St.  
Colton, CA 92324

4) Mi nombre es Jorge machado  
vivo en 940 Flores st. Colton ca 92324  
Me opongo al proyecto que quicieren  
hacer por razón que tengo niños y  
el aire que van a crear esta contami-  
nado y van hacer mucho ruido el tráfico  
vacer imposible por favor no hagan  
ese proyecto me movi a colton por las  
razones que mencione  
~~Jorge Machado~~

4-3-11

As a resident we believe that congress st.  
is a busy street, this project will give more  
traffic and produce more pollution since the  
the contaminated dirt will be lifted throughout  
the city. we would appreciate it if it ~~could~~ not  
allow this project to happen.

against ~~the~~

689 E congress st  
Colton

X CWKb

Signage that will be  
able to speak

4/4 20 written notes } 30  
4/5 10 " notes }

Signage separate

City answers Traffic \*  
air pollution  
dust  
noise

concern Traffic

50 x 5 = 250 a day  
100 x 5 = 500 " "

250 x 5 = 1,250 a week  
500 x 5 = 2,500 a week

3 yrs ?  
5 yrs ?

111 signatures

# PETITION

File Index Number: DAP-000-910

Project: Soil Safe of California, Land Improvement  
South of Fernando and Florez Streets, Colton, Ca

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- D) Guyaux Hazardous Material clean up
- E) Water Quality at site and down stream

The residents of Colton have determined that it is NOT in their best interests and feel it would in fact be detrimental to the health, safety and wellbeing of the residents. We the undersigned petition to DENY the project.

Respectfully,

*Rachel R Warner*  
 935 FLOREZ ST  
 COLTON CA  
 92404-8888

<u>Printed Name</u>	<u>Signature</u>	<u>Address</u>	<u>Date</u>
1 Sandra Perez	<i>Sandra Perez</i>	282 E. Congress St.	3-29-11
2 Manuel Pomo	<i>Manuel Pomo</i>	934 Flores St	3-31-11
3 Richard Carrion	<i>Richard Carrion</i>	1000 So 8th Street	
4 Debbie Haskell	<i>Debbie Haskell</i>	1004 S. 8th St	
5 Cindy Carrion	<i>Cindy Carrion</i>	1000 S. 8th St	
6 FRED ESCOBAR	<i>Fred Escobar</i>	418 EAST N ST.	4-9-11
7 LORRAINE ESCOBAR	<i>Lorraine Escobar</i>	418 EAST N ST.	4-9-11
8 <del>Antonio Martinez</del>	<i>TONY MARTINEZ</i>	359 N. ST 4-9-11	
9			
10			
11			
12			

Printed Name	Signature	Address	Date
1	<i>Keimion Dorian Van Dorn</i>	224 Pine	
2	<i>Adam Rabie</i>	701 Boney	
3	<i>KHARI SINGLETON</i>	706 Boney St.	4/4/11
4	<i>Angela Wright</i>	790 CEDAR CT 176 ROSA CT Colton	4/4/11
5	<i>Michelle Leal-Watkins</i>		4.9.11
6	<i>Debbie Harris</i>	1821 ROSEDALE AVE Colton 92324	4.9.11
7	<i>Verussa Muir</i>	<del>XXXXXXXXXX</del> <del>XXXXXXXXXX</del> 158 ROSA CT Colton	
8	<i>Carmen Turner</i>	194 ROSA CT Colton CT 92324	
9			
10			
11			
12			

- | <u>Printed Name</u>                 | <u>Signature</u>   | <u>Address</u>                   | <u>Date</u>             |
|-------------------------------------|--------------------|----------------------------------|-------------------------|
|                                     |                    | (909) 825-1149                   |                         |
| 1 Mercedes Ramirez-Mercedes Ramirez | <i>[Signature]</i> | 945 Flores St                    | 4-1-11                  |
| 2 Jose M. Hernandez                 | <i>[Signature]</i> | 975 Flores St                    | 4-1-11                  |
| 3 Eduardo Gonzalez                  | <i>[Signature]</i> | 956 Flores St                    | 4/1/11                  |
| 4 Salvador Lopez-Salvador Lopez     | <i>[Signature]</i> | 909 252-3129 cell                | 4/2/11                  |
| 5 Jorge A. Machado                  | <i>[Signature]</i> | 940 Flores St                    | 4/02/11                 |
| 6 Maria Guadalupe Aguilar           | <i>[Signature]</i> | 963 Flores St Colton CA 92324    | (909) 783-2734          |
| 7 Yesica Villalpando                | <i>[Signature]</i> | 959 S. Flores St Colton CA 92324 | 4-2-11<br>(909) 783-822 |
| 8 Rebecka Et Alva                   | <i>[Signature]</i> | 971 FLORES ST                    | 4:02-11                 |
| 9 Suzanne Trumbidy                  | <i>[Signature]</i> | 955 Flores St Colton             | 909-8243005             |
| 10 Steve Trumbidy                   | <i>[Signature]</i> | 11                               | 4/2/11                  |
| 11                                  |                    |                                  |                         |
| 12                                  |                    |                                  |                         |

Same House No. 11

Print                      sign                      address

Name

4

1. Maria Tapia Maria Tapia 383 E. Congress St.  
Colton CA 92324

2. Martha Hernandez ~~Martha Hernandez~~ 359 E Congress St  
Colton CA 92324

3. Geraldine Gutierrez ~~Geraldine Gutierrez~~ 337 E Congress St.  
COLTON, CA 92324

4c ~~Pete~~

4. Jay Madrid 650 S. PINE ST.  
COLTON CA 92324

5. Roxanne Guillen Rye Guillen 440 S. Pine St.  
Colton Ca. 92324

6. ~~Ernie Nogets~~ Ernie Nogets 566 Pine St.  
Colton, CA

7. Rosa Fernandez Rosa Fernandez 412 0' St Colton

8. ~~Robert Prieto~~ Robert Prieto 288 West 1st  
Colton

9. ~~Prency Gonzalez~~ Prency Gonzalez 931 FLOREZ ST. COLTON.

10. Ruben FERNANDEZ R Fernandez 440 East 0' ST.  
" COLTON

11. ~~Yvonne Aguirre~~ Yvonne Aguirre 442 e. 0' St  
Colton


12. Candy Vasquez ~~Candy Vasquez~~ 470 30' St Colton

13. MARK CASTORENA ~~Mark Castorena~~ 435 East "0" ST.

Full Name Signature Address

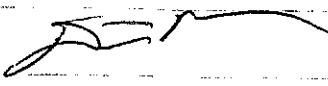
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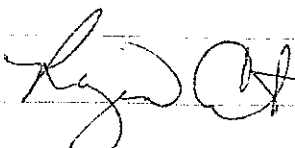
14. ALFREDO AVILA JR Alfredo Avila Jr 449 E C St.

15. FRANK RIVERA  427 E O St Colton

16. Celia Cervantes 149 W L St Colton

17. Carmen Cervantes 905 Penn Ave Colton

18.  302 W Condona Colton

19.  305 S. La Cadena Dr. Colton

20. Juan Cervantes 1224 Pennsylvania Ave Colton

21.  165 East W St

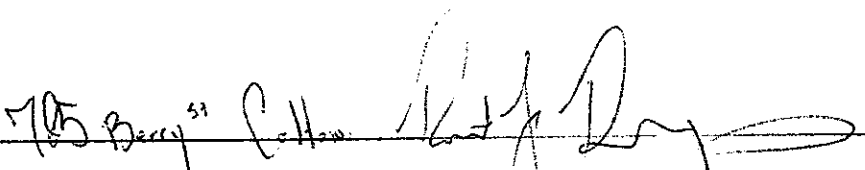
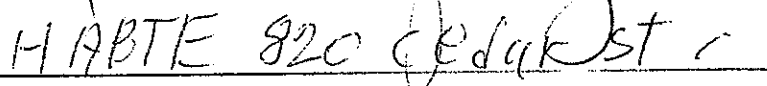

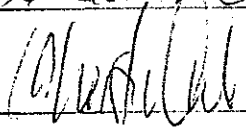
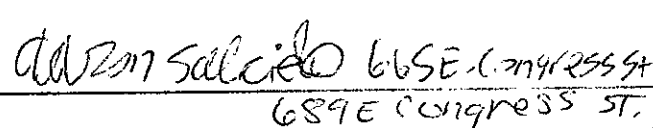
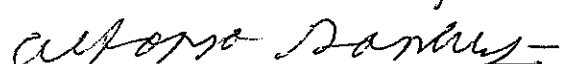
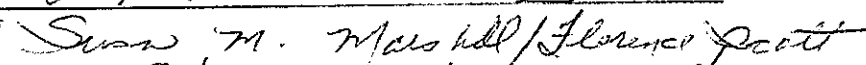

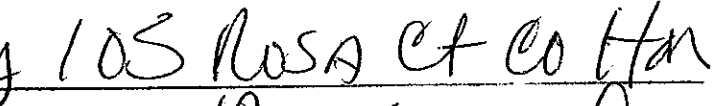
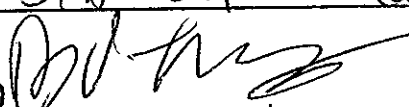
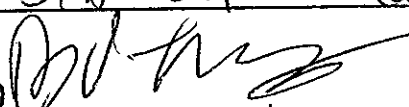
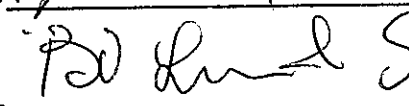
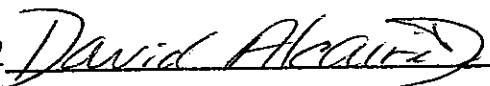
22. Susana Cervantes 312 EAST O ST Colton, CA

23. Lucia Flores 755. 5th 7. Colton CA 92324

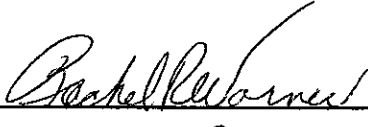

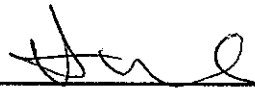
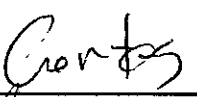
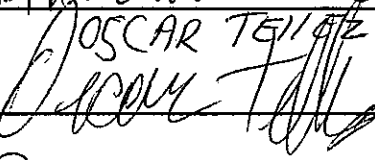
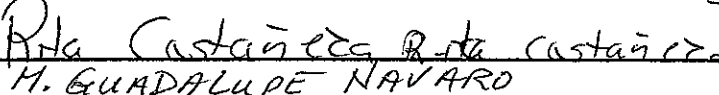
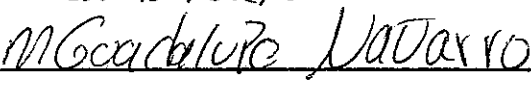

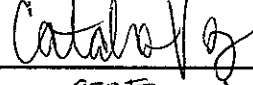
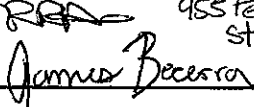
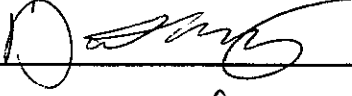

24. Lula Ramirez 295 EAST 'L' St. Colton CA 92324

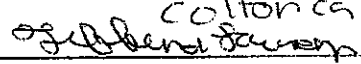
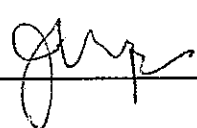

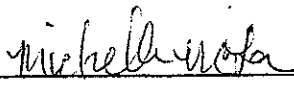
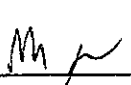
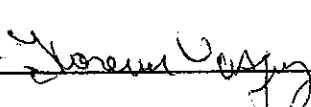

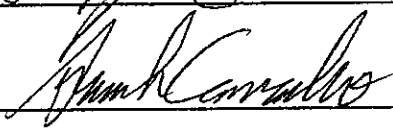
25. Daniel Compostero 276 CONGRESS  
Colton CA 92324

12/1/00

- | <u>Printed Name</u>  | <u>Signature</u>   | <u>Address</u>                        | <u>Date</u> |
|--|--|---------------------------------------|-------------|
| 1 Robert Ramirez   |    | 705 Berry St Colton                   |             |
| 2 ALGAMESH HABTE   |    | 820 Cedar St                          |             |
| 3 Eric de la Cruz  |     | 770 Cedar Cir                         | 4/2/11      |
| 4 Christian Aviles   |    | 884 Cedar St                          | 4           |
| 5 Aaron Salcido  |   | 665E Congress St<br>689E Congress St. | 4/3/11      |
| 6 Alfonso Sanchez  |  |                                       | 4/1         |
| 7 Florence Scott   |  | 841 Cedar Colton, CA                  | 4/2         |
| 8 DEREK LINDSEY  |  | 104 ROSA CT COLTON CA 92324           |             |
| 9 BLANCA LINDSEY   |  | 105 ROSA CT COLTON                    |             |
| 10  |   | 105 RIVERSIDE COLTON                  |             |
| 11 Ted Lund  |   | SR 1325 Bothwell Colton               |             |
| 12 David Alvarez   |   | 908 Flores St Colton                  | 4-9-11      |

- | <u>Printed Name</u> | <u>Signature</u>       | <u>Address</u>                     | <u>Date</u> |
|---------------------|------------------------|------------------------------------|-------------|
| 1 Andrew Williams   | <i>Andrew Williams</i> | 710 BERRY ST.<br>COLTON, CA, 92324 | 04/02       |
| 2 LORETTA GUILLEN   |                        | 730 BERRY                          |             |
| 3 Enrique Guillen   |                        | 740 BERRY                          |             |
| 4 Mario Espinoza    |                        | 776 Berry St                       |             |
| 5 NIKKA NAWKS       | <i>Nikka Nawks</i>     | 777 BERRY                          | 4/2         |
| 6 Terrell Owens     |                        | 745 BERRY                          | 4/2/11      |
| 7 Alma A Diaz       |                        | 789 cedar ct colton                |             |
| 8 Michael Bilawarn  |                        | 772 cedar circle colton            |             |
| 9 Denise Duarte     | <i>Denise Duarte</i>   | 780 Cedar Circle Colton            | 4/2/11      |
| 10 Karla Alvarez    | <i>Karla Alvarez</i>   | 756 Berry St.                      | 4/3/11      |
| 11 Ransay Reyes     | <i>Ransay Reyes</i>    | 756 - Berry St.                    | 4-3-11      |
| 12 Art Chavez       |                        | 751 BERRY                          |             |

- | <u>Printed Name</u>                    | <u>Signature</u>  | <u>Address</u>                                    | <u>Date</u> |
|--|---|---|-------------|
| 1 Rachel R WARNER                      |    | 935 Florez  | 3/27        |
| 2 AMADOR ROMAN                         |    | 951 FLOREZ st.                                    | 3/27/11     |
| 3 Victor Villareal                     |    | 910 Florez st.                                    | 3/27/11     |
| 4 Amurando Cortez                      |    | 407 E. Congress St Colton CA                      | 3/27/11     |
| 5 OSCAR TELLA                          |   | 926 FLOREZ ST COLTON CA<br>386 E. 909-519-0477    |             |
| 6 Rta Castañeda<br>M. GUADALUPE NAVARO |  | congress colton ca 92324<br>Tel 909 783 7585      |             |
| 7 M Guadalupe NAVARO                   |  | 925 Fernando ST Colton ca 92324<br>(909) 783-1124 |             |
| 8 Rogelia Gómez                        |  | 945 Fernando st colton ca 92324<br>909) 319-9007  |             |
| 9 Catalina Velasquez                   |  | 949 Fernando st                                   | 3/27/11     |
| 10 James Becerra                       |  | 955 Fernando St. Colton ca 92324<br>(909)         | 3/27/11     |
| 11 Daniel López                        |  | 917-3156 971 Fernando st<br>976 Fernando St.      | 3/27/11     |
| 12 Kevin Guerra                        |  | 909 5324671                                       | 3-27-11     |

<u>Printed Name</u>	<u>Signature</u>	<u>Address</u>	<u>Date</u>
1 Tiffine Lawson		712 Berry Street Colton CA 92324	4-2-2011
2 JENNIFER NITAP		694 Ash St. 692 Ash St.	4/2/11
3 Ivonne Olmedo		Colton, CA 92324	4/2/11
4 Michelle Makaurin		703 Ash St Colton 92324	4-2-11
5 Yesef Gebremariam		737 Ash St	4/2/11
6 Letai BEZU		737 Ash St Colton	
7 Florence Vasquez		733 Berry St Colton	
8 Latechane Debutsion		750 Ash St Colton 92324	4.2.11
9 Shaunrise Galloway		740 Ash St Colton 92324	
10 Kesha Williams		730 Ash St Colton 92324	
11 Jose Enciso		707 Berry St, Colton, CA 92324	
12 Sarah Camacho		711 Berry St, Colton CA 92324	

<u>Printed Name</u>	<u>Signature</u>	<u>Address</u>	<u>Date</u>
1 LOUIE SIERRA	<i>Louie Sierra</i>	980 FERNANDO ST (909) 370-3103	03-27-11 3/27/11
2 HILARIO ESPINOZA		975 FERNANDO ST COLTON CA 92324	
3 Kristen Mayoral	<i>Kristen Mayoral</i>	471 Archibald Ct Colton CA 92324	
4 Nicom Dellano		985 FERNANDO ST 92324	3/27/11
5 LINO BARRALES		944 FERNANDO S 92324	3/27/11
6 LEONOR SALAZAR		294 CONGRESS ST 92324	3/27/11
7 JUAN E LOPEZ	<i>Juan Lopez</i>	292 E Congress st colton CA 92324	3/27/11
8 I IGNACIO PARRA		290 E. Congress ST.	3/27/11
9 DANIEL COONA	<i>Daniel Coona</i>	901 FLOREZ ST.	3-27-11
10 ANSHERTA RAMOS	<i>Ansherta Ramos</i>	913 FLOREZ ST 8242038	3-27-11
11 Cecilia Vera	<i>Cecilia Vera</i>	920 Fernando St.	3-28-11
12 Gonzalo Hernandez	<i>Gonzalo Hernandez</i>	917 Fernando St.	3-28-11

# **ATTACHMENT 9**



**CITY OF COLTON**  
**PLANNING COMMISSION MEETING MINUTES**  
Tuesday, April 12, 2011

Planning Commission meeting held on the above given date at 6:30 p.m., in the Council Chambers of City Hall with Chairperson Mitchell presiding.

**A. CALL TO ORDER.**

At 6:30 p.m. Chairperson Mitchell called the meeting to order.

**B. ROLL CALL**

Commissioners Present:  
Chairperson Gary Mitchell  
Vice-Chair Richard Prieto  
Angel Delgado  
Frank Navarro  
Joe Perez III  
Cynthia L. Ramirez

Staff Present:  
Mark Tomich, Development Services Director  
Jay Jarrin, Senior Planner  
Rahsaan J. Tilford, Deputy City Attorney  
Juan Enriquez, Associate Planner  
Nancy Ferguson, Contract Planner

Absent:  
Thomas Archuleta (Excused)

**C. INVOCATION**

Deacon Leonard, Immaculate Conception Catholic Church led the Invocation.

**D. PLEDGE OF ALLEGIANCE**

Flag Salute: Commissioner Perez led the Pledge of Allegiance.

**E. ORAL COMMUNICATION**

None

**F. APPROVAL OF MEETING MINUTES**

1. Minutes from the Planning Commission Meeting of March 22, 2011

Motion/second by Commissioner Navarro/Vice-Chair Prieto to approve; Vote 4 to 0, with Commissioner Ramirez and Perez abstaining and Commissioner Archuleta absent.

**G. CONSENT CALENDAR**

**1. FILE INDEX NUMBER: DAP-000-945 FAIRWAY APARTMENTS**

**REQUEST:** Third Extension of Time for the approval of DAP-000-668 REV for Design Review for a 38-unit low-income apartment complex; Minor Variance for the reduction of private recreational space; and Lot Merger to combine four lots into one lot on an +/- 1.95-acre site zoned R-3, Multiple-Family Residential.

**LOCATION:** 839 (&817-819&859-861) E. Fairway Drive  
**APN:** 0164-161-06, 07, 26, & 30

Motion/second by Commissioner Navarro/Commissioner Ramirez to approve; Vote 6 to 0, with Commissioner Archuleta absent.

**H. COMMISSION CONSIDERATION**

**1. FILE INDEX NUMBER: DAP-000-944 STEVE BRUMLEY**

**REQUEST:** Site Plan Review Modification for a 13'9" high, 810-square foot proposed detached enclosed building ("workshop") on a 20,000-square foot property occupied by a single-family residential building and designated Estate Density within the Reche Canyon Specific Plan (RCSP).

**LOCATION:** 3036 E. Parvin Drive  
**APN:** 0248-621-05

Motion/second by Commissioner Ramirez/Vice-Chair Prieto to approve; Vote 6 to 0, with Commissioner Archuleta absent.

**I. PUBLIC HEARINGS**

**1. Public Hearing continued from March 22, 2011**

**FILE INDEX NUMBER: DAP-000-933 SUMMER CAREER COLLEGE-  
WELDING BRANCH**

**REQUEST:** Conditional Use Permit (CUP) for the establishment of an educational institution (Summit Career College – Welding Branch) within a +/- 10,000 square foot portion of an existing +/- 20,000-sf commercial building on a 2.3-acre site within the Commercial Center designation of the Cooley Ranch Planned Community (CRPC).

**LOCATION:** 1030 E. Washington Street, Unit 100  
**APN:** 0275-181-77

Application was withdrawn by applicant; therefore, Planning Commission took no action.

**2. FILE INDEX NUMBER: DAP-000-934 CRESSET POWERS**

**REQUEST:** (a) Conditional Use Permit (CUP) for the establishment of a plastic recycling facility within two tenant units in an existing +/- 177,144-sf industrial building, with accessory outdoor storage; and (b) Variance to operate equipment 24 hours a day when located less than the minimum required 500-foot setback to residential zones for recycling facilities, on a 14.7-acre site consisting of three properties zoned M-1, Light Industrial.

**LOCATION:** 330 W. Citrus Street, #100, 1450 Pennsylvania Avenue, #150  
**APN:** 0160-241-09, 10, 12

**ENVIRONMENTAL DETERMINATION:** Categorically exempt.

**RECOMMENDATION:** Approve, with conditions.

Motion/second by Commissioner Navarro/Vice-Chair Prieto to continue the public hearing to the regular Planning Commission meeting scheduled on May 10, 2011; Vote 6 to 0, with Commissioner Archuleta absent.

**3. Public Hearing continued from the Meeting of March 8, 2011**

**FILE INDEX NUMBER: DAP-000-910 SOIL SAFE LAND IMPROVEMENT PROJECT**

**REQUEST:** Conditional Use Permit to place 500,000 cubic yards of engineered fill (soil cement) to raise the 29-acre project site, in an Open Space zone, out of the 100-year floodplain of the Santa Ana River.

**Public Comments:**

- Mark Smith (President, Soil Safe, Inc.)
- Jim Grant (Facility Development & Compliance Director, Soil Safe, Inc.)
- Max Rasouli. (Riverside Public Utility) – stands by written comments; still believes that comments have not been adequately addressed.
- Christine Iris Ray – spoke against project saying that the area is in an earthquake zone and the project must be able to withstand an earthquake.
- Pino Apolinar – Mt. Vernon bridge was not built for the heavy trucks/increased traffic that will be produced by the Soil Safe project.

- Explained that truck turnover on Mt. Vernon bridge would shut the road down.
  - Stated that City should consider wish of people in immediate area.
  - Stated that project is not nice to look at.
  - Explained that nobody knows what will be done with the site after the project is completed.
- Jesus Barrajas (924 S. Florez) – submitted brochure on pollution and the impacts on the environment from oil spills and pollution.
    - Concerned that project is near Santa Ana River and will result in pollutants being transmitted to the ocean.
    - Explained that City should learn from the basic information that kids are being taught in school – City should be a good example to future generations.
- Richard Carrion – project will obstruct views.
    - Stated truck trips are under-counted (50 in/50 out)
    - Storm drains – Questioned where the stormwater is going now; questioned whether current flows are ok with City of Riverside.
    - Dust – Stated that the Guyaux landfill is already capped with topsoil, except for 8’x10’ section; questioned how large the landfill is. Stated that if the landfill is buried, then leave it alone.
    - Questioned who would enforce truck routes and monitor drivers.
- Cindy Carreon – Stated that air quality is a problem now because of the pallet company.
    - Explained that she has called AQMD at least 10 times because of dust from the pallet company.
    - Questioned what will be done with the property in the future on this site if he isn’t responding to the residents on the existing site.
    - Questioned who from the AQMD will be there to monitor the dust.
- Gary Grosich – Stated that traffic can’t be mitigated for this project or other projects in the area like the Colton Crossing and Colton Iron and Metal.
    - Concerned about use of City property for habitat mitigation.
    - Explained that Wildlands Conservancy sold the 17-acre property to the City for recreation facility and the City promised to put in recreation facilities because the County’s plan for a regional park was not going to happen.

- Stated that Fogg Street connection is infeasible.
  - Stated that the 9th Street rail line will be abandoned anyway without rerouting it because of lack of use.
  - Expressed that overriding concern should be whether project will be a benefit to Colton.
  - Explained that this is a precursor to a much larger project.
- Suzanne Trowbridge – Questioned the type of indemnification the City would obtain for a truck accident at the Fogg/Congress curve.
    - Explained that views will be of a dark brown 6' to 8' wall.
    - Stated that this is a small residential family oriented area and explained that she didn't want more industrial uses.
  - Rachel Warner (935 Florez) – Submitted new signatures on petition.
    - Concerned about City water wells in Congress/Fogg area and questioned how the project will affect the wells.
    - Questioned why Soil Safe doesn't remove the entire landfill.
  - John Anaya – Questioned how the you defined nuisance.
    - Explained project will have visual impact.
    - Explained property values will decrease.
    - Stated that City would incur road repair expenses.
    - Stated that City would incur liability if anyone is injured.
  - Bill Bishop (Vice President of Operations, Soil Safe, Inc.) – Spoke in support of the project.

Planning Commissioners Comments:

- Navarro – fugitive dust – 1981 wind report methodology for establishing fugitive dust emissions.
  - Questioned when study was done on the landfill.
  - Questioned how deep the contaminants were. (Response from applicant: 13' to 15' feet below grade/surface) Questioned the type of additive that applicant would use to cap landfill. (Response from applicant: only Portland cement)
- Prieto – Explained that he is starving for more information.
  - Stated that he isn't ready to close the door.
- Perez – Would like to see Soil Safe meet with residents.
  - Stated that his first concern is the citizens.

- Ramirez – Explained that the area can't withstand the truck traffic, the residents or the existing streets. Stated that Mt. Vernon cannot take a shut down if there is an emergency.
- Mitchell- Expressed disappointment with the staff report presentation.
  - Dismayed that there are still public agencies whose issues have not been addressed.
  - Concerned about compatibility with the neighborhood.
  - Ramirez – Explained that application before the Commission is incomplete and, therefore, there is no future for this project.

Motion/second by Commissioner Ramirez/Commissioner Navarro to close public hearing; Vote (3) Commissioner Ramirez, Navarro, Delgado to (3) Chair Mitchell, Vice-Chair Prieto and Commissioner Perez. Motion fails.

Motion/second by Chair Mitchell/Commissioner Perez to close the public hearing and adjourn to a workshop in 30 days; Vote: (2) Chair Mitchell and Commissioner Perez to (4) Commissioners Ramirez, Navarro, Delgado and Prieto. Motion fails.

Motion/second by Commissioner Ramirez/Commissioner Navarro to deny project; Vote: (4) Commissioners Navarro, Perez, Ramirez and Delgado to (1) Vice-Chair Prieto, with Chair Mitchell abstaining and Commissioner Archuleta absent.

## **I. DIRECTOR REMARKS/REVIEW OF CITY COUNCIL AGENDAS**

### **1. Planning Division Work Program – Draft**

Planning Division Work Program Summary was distributed to Commissioners. No discussion took place. The Commissioners asked that work program be brought back as a scheduled item.

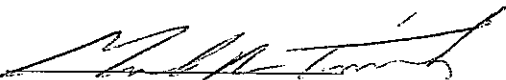
## **J. COMMISSION COMMENT**

- Would like to have green slip-sheet between agenda items in packet.
- Request for zoning map with acreage in each zone listed. Related request that industrial properties map (already provided to Commissioner Navarro) be provided to the rest of the Commissioners.
- Concern about truck traffic on 8th Street, near Pioneer School. Discussion of possible solutions, including better directional signage.
- Concern about illegal conversion of residence to allow for a third unit in the R-2 zone. General discussion of illegal conversion issues.

**K. ADJOURNMENT**

At 10:50 p.m., the Planning Commission Regular Meeting was adjourned.

Approved by:



Mark R. Tomich, AICP  
Development Services Director

# **ATTACHMENT 10**

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COMMUNITY DEVELOPMENT

Date Filed: 4/21/11

Fee Paid: \$1,515

File No: DAP000-910

**CITY OF COLTON  
APPLICATION FOR APPEAL**

APPELLANT: Soil Safe of California, Inc.

ADDRESS: 12328 Hibiscus Avenue CITY Adelanto, CA PHONE 760-246-8001

DECISION OR APPLICATION NO. UPON WHICH THIS APPEAL IS BASED:

Denial of C.U.P. By Colton Planning Commission (DAP-000-910)

LOCATION: Fernando and Florez Streets, Colton, CA (APNs 0163-362-11;

0163-362-12; and 0163-362-26.

APPEAL IS HEREBY MADE FROM THE ABOVE DECISION BASED ON THE FOLLOWING ARGUMENTS (a separate attached letter may be used if desired):

See Letter Attached

I HEREBY CERTIFY UNDER PENALTY OF PERJURY that the statements and information herein set forth are in all respects true and correct to the best of my knowledge and belief.

APPELLANT'S SIGNATURE: 

DATE SIGNED: 4/21/2011

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CITY OF COLTON  
COMMUNITY DEVELOPMENT

333 S. Hope Street, Suite 3900

Los Angeles, California 90071

(213) 270-9600

fax (213) 270-9601

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ATLANTA BOSTON CHICAGO HOUSTON LOS ANGELES NEW YORK SACRAMENTO SAN FRANCISCO WASHINGTON, D.C. BRUSSELS

Writer's direct phone  
(213) 270-9638  
Writer's e-mail  
rmjohnson@seyfarth.com

April 21, 2011

City Clerk  
City of Colton  
650 North La Cadena Drive  
Colton, CA 92324

Re: Soil Safe of California, Inc. Appeal from Denial of CUP

Dear Mr. Tomich:

This firm represents Soil Safe of California, Inc. ("SSOC") in connection with the proposed project to regrade a portion of the Maturin Group, Inc. property located at the junction of Fernando and Florez Streets, Colton, California, APNs 0163-362-11, 0163-362-12, and 0163-362-26 (the "Proposed Project").

We understand that at a meeting of the Colton Planning Commission ("Commission") held on April 12, 2011, SSOC's application for a Conditional Use Permit ("CUP") was denied (the "Decision"). This letter is in support of SSOC's Application for Appeal dated April 21, 2011 and sets forth the bases for appeal from the Commission's Decision.

SSOC has complied with the requirements of CEQA and the City of Colton Municipal Code and the General Plan in connection with its application for the CUP, and SSOC appeals from the denial of the CUP and the failure to certify the draft Environmental Impact Report. We request on behalf of SSOC that, due to scheduling issues, the appeal be heard on the June 7, 2011 City Council meeting.

The following are the specific bases for the SSOC appeal from the Commission's Decision:

1. A legally sufficient draft Environmental Impact Report dated was prepared by the City of Colton in this matter and described in detail that the Proposed Project's environmental impacts (including biological, traffic, noise, cultural, and other impacts) had been mitigated to a point of insignificance or, to the extent not insignificant, were outweighed by the profound economic and quality of life benefits to be realized when the Proposed Project is completed. The benefits to the City of Colton are important and significant and include the capping of the Guyaux landfill to the satisfaction of the California State Water Resources Control Board. This will have a significant benefit to the local residents and the community. Furthermore, SSOC had agreed to include as one of its conditions to the issuance of the CUP the restoration of the Woolly Star habitat that was damaged by the City of Colton Fire Department weed abatement activities in 2010—this will be a

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April 21, 2011  
Page 2

SEYFARTH  
ATTORNEYS SHAW  
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CITY OF COLTON  
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significant cost savings to the City, which will be responsible for the restoration of the Woolly Star habitat if the CUP is not issued. SSOC appeals from the Commission's failure to certify the draft Environmental Impact Report.

2. The Commission stated that "[r]aising the site would remove the barrier to development of the site with urban uses that are not consistent with the current general plan designation . . . and may introduce new land uses in the area not foreseen previously" (Finding A). In fact, the Proposed Project retains the character of "open space" within the meaning of the City of Colton regulations and is fully consistent with the City's General Plan and the Zoning Code. Furthermore, SSOC submits that there is no "land use" associated with the Proposed Project. Any future use of the site will be subject to the City of Colton's review and approval, and the City will have complete regulatory authority over any future development. In fact, the draft Environmental Impact Report, on a programmatic basis in accordance with the requirements of CEQA, considered a number of proposed uses and included the appropriate mitigation activities. To deny the CUP on the basis of possible future developments effectively ignores the regulatory framework already in place. Any future use of the site will require a separate application and process by the appropriate City agencies. There is no legal basis for denying the CUP by considering purely hypothetical future developments that are not part of the application and are not before the Commission. SSOC appeals from the erroneous characterization of the Proposed Project and the incorrect application of the City of Colton General Plan and the Zoning Code.

3. The Commission stated that "[t]he project will partially obstruct views from the adjacent neighborhood" and will create a "soil-cement 'eyesore' mostly devoid of vegetation and a potential attractive nuisance for graffiti that may remain vacant in perpetuity. The project's economic and employment benefit to the City of Colton is greatly outweighed by the . . . impacts during the life of the project. In addition, the [SSOC] operations may be materially injurious to adjacent residential properties, possibly affecting property values" (Finding B). As a preliminary matter, SSOC objects to and appeals from the characterization of the completed project as a "soil-cement eyesore." Under the terms of the grading contract with the landowner, SSOC is obligated to finish the surface with clean fill which can be landscaped as appropriate. Furthermore, SSOC points out that there was no credible evidence introduced at the hearing or otherwise of any of these potential impacts cited by the Commission, and SSOC appeals from that erroneous action. Furthermore, while the Commission stated that there were impacts to the Proposed Project, the Commission went on to acknowledge that there were safeguards in place to mitigate those impacts. The Commission, therefore, acknowledged that the Proposed Project mitigated the very impacts it was concerned about. To justify its decision, the Commission improperly considered future development. Again, any future development must comply with all of the obligations under the General Plan and the Zoning Code, and the City of Colton will have full authority to prevent any future developments that are inconsistent with the regulatory framework. There is no application for, and no part of the Proposed Project includes, any future development properly before the Commission. SSOC appeals from the improper consideration of future development impacts from purely speculative projects as a basis for denial of the CUP.

4. The Commission found that the Proposed Project complies with the provisions of the Municipal Code (see Finding C). The determination by the Commission that "the removal of

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April 21, 2011  
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CITY OF COLTON  
COMMUNITY DEVELOPMENT

barriers to development could result in a proposed change in land use that would require a general plan amendment and zone change for future light industrial uses" (Finding C). This is not a sufficient basis for denial of the CUP and is incorrect as a matter of law. The Commission found that the Proposed Project *complied* with the Colton Municipal Code and yet denied the CUP. There is no legal support for such an inconsistency. If the Commission is allowed to deny a proposed project on the basis of purely hypothetical "what if" speculation, the Commission could deny any application where the potential exists for a landowner to apply for a zone change at any time in the future. SSOC appeals from the denial of the CUP after the finding that the Proposed Project complied with the Colton Municipal Code.

In short, the Planning Commission's Decision was not supported by the record, constituted an abuse of discretion, and was contrary of the City's Zoning Code and General Plan. We look forward to the City of Colton's City Council's consideration of the appeal. Please feel free to contact me if you have any questions.

Very truly yours,

SEYFARTH SHAW LLP



Robert M. Johnson, Esq.

RMJ:rc

cc: Mark Smith  
Bill Bishop

**RECEIPT**

Payment Due Selection

April 21, 2011

RECEIVED

APR 21 2011

CITY OF COLTON  
COMMUNITY DEVELOPMENT

Permit No. DAP-000-910  
Project Address: South Colton Flood Plain  
Payer Name: Bill Bishop  
Receipt #: 24134

ACCOUNT NO.	AMOUNT DUE	FEE DESCRIPTION
3130	\$1,515.00	Appeal / planning
<b>Total Due:</b>	<b>\$1,515.00</b>	