

COMMENT LETTER 1

Governor's Office of Planning and Research State Clearinghouse



Gray Davis
GOVERNOR

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse



Steve Nissen
ACTING DIRECTOR

Notice of Preparation

September 15, 2000

To: Reviewing Agencies
Re: Tosco Los Angeles Refinery Phase Reformulated Fuels Project
SCH# 2000091056

Attached for your review and comment is the Notice of Preparation (NOP) for the Tosco Los Angeles Refinery Phase Reformulated Fuels Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Michael A. Krause
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Project Analyst, State Clearinghouse

Attachments
cc: Lead Agency

SCH# 2000091056
Project Title Tosco Los Angeles Refinery Phase Reformulated Fuels Project
Lead Agency South Coast Air Quality Management District

Type NOP Notice of Preparation
Description The proposed project is comprised of modifications to the existing Tosco Los Angeles Refinery Wilmington Plant in order to manufacture gasoline that complies with the California Air Resources Board's Reformulated Fuels Phase 3 Specifications.

Lead Agency Contact

Name Michael A. Krause
Agency South Coast Air Quality Management District
Phone (909) 396-2708 **Fax**
email
Address 21865 Copley Drive
City Diamond Bar **State** CA **Zip** 91765

Project Location

County Los Angeles
City
Region
Cross Streets 1660 West Anahelm Street/Wilmington
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways
Airports
Railways
Waterways
Schools
Land Use Heavy Industrial.

Project Issues Aesthetic/Visual; Air Quality; Forest Land/Fire Hazard; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Public Services; Septic System; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Drainage/Absorption

Reviewing Agencies Resources Agency; Department of Conservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 5; California Energy Commission; Native American Heritage Commission; State Lands Commission; Caltrans, District 7; Caltrans, Division of Transportation Planning; Air Resources Board, Major Industrial Projects; State Water Resources Control Board; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 4

Date Received 09/15/2000 **Start of Review** 09/15/2000 **End of Review** 10/16/2000

Note: Blanks in data fields result from insufficient information provided by lead agency.

NOP Distribution List

Los Angeles Co.

SCH# 2000091056

- Resources Agency
Nardell Gayou
- Dept. of Boating & Waterways
Bill Curry
- California Coastal Commission
Elizabeth A. Fuchs
- Dept. of Conservation
Ken Troit
- Dept. of Forestry & Fire Protection
Allen Robertson
- Office of Historic Preservation
Hans Kreuzberg
- Dept. of Parks & Recreation
Beth Walls
- Resource Mgmt. Division
- Reclamation Board
Pam Brauer
- S.F. Bay Conservation & Dev't Comm.
Steve McAdam
- Resources Agency
Nardell Gayou
- Dept. of Water Resources
- Health & Welfare
Wayne Hubbard
- Dept. of Health/Drinking Water
- Food & Agriculture
Tad Bell
- Dept. of Food and Agriculture
- Fish and Game
- Dept. of Fish & Game
Environmental Services Division
Joe Vincenzi
- Dept. of Fish & Game
Region 1
Donald Koch
- Dept. of Fish & Game
Region 2
Binky Curtis
- Dept. of Fish & Game
Region 3
Brian Hunter
- Dept. of Fish & Game
Region 4
William Lauterbach
- Dept. of Fish & Game
Region 5, Habitat Conservation Program
Sandy Paterson
- Dept. of Fish & Game
Region 6, Habitat Conservation Program
Glorina Gatchel
- Dept. of Fish & Game
Region 6, Inyo/Mono, Habitat Conservation Program
Tarmy Allen
- Dept. of Fish & Game
Marine Region
DeWayne Johnson
- California Energy Commission
Environmental Office
- Native American Heritage Comm.
Debbie Treadway
- Public Utilities Commission
Andrew Barnsdale
- State Lands Commission
Betsy Silva
- Colorado River Board
Gerald R. Zimmerman
- Tahoe Regional Planning Agency (TRPA)
Lyn Barnett
- Office of Emergency Services
John Rowden, Manager
- Delta Protection Commission
Debby Eddy
- Santa Monica Mountains Conservancy
Paul Edelman
- Dept. of Transportation
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- Dept. of Transportation
District 4
- Dept. of Transportation
District 5
- Dept. of Transportation
District 6
- Dept. of Transportation
District 7
- Dept. of Transportation
District 8
- Dept. of Transportation
District 9
- Air Resources Board
Jeff Fuhrman
- Airport Projects
Rob Roggen
- Transportation Projects
Ann Geraghty
- Industrial Projects
Mike Tollstrup
- California Integrated Waste Management Board
Sub O'Leary
- State Water Resources Control Board
- Chemo Edwards
Division of Clean Water Programs
- Dept. of Transportation
Chris Sawyer
District 10
- Dept. of Transportation
Lou Salazar
District 11
- Dept. of Transportation
Allan Kennedy
District 12
- Business, Trans. & Housing
- Housing & Community Development
Cathy Creswell
Housing Policy Division
- Caltrans - Division of Aeronautics
Sandy Heerard
- California Highway Patrol
L. Dennis Brunette
Office of Special Projects
- Dept. of Transportation
Ron Helgeson
- Caltrans - Planning
Robert Slippy
- Environmental Services Section
- State Water Resources Control Board
- Division of Water Quality
Greg Frantz
- State Water Resources Control Board
Mike Falkenstein
Division of Water Rights
- Dept. of Toxic Substances Control
CEDA Tracking Center
- Regional Water Quality Control Board (RWQCB)
- RWQCB
Cathleen Hudson
North Coast Region (1)
- RWQCB
Environmental Document Coordinator
San Francisco Bay Region (2)
- RWQCB
Central Coast Region (3)
- RWQCB
Jonathan Bishop
Los Angeles Region (4)
- RWQCB
Central Valley Region (5)
- RWQCB
Central Valley Region (5)
Fresno Branch Office
- RWQCB
Central Valley Region (5)
Reading Branch Office
- RWQCB
Lahontan Region (6)
- RWQCB
Lahontan Region (6)
Victorville Branch Office
- RWQCB
Colorado River Basin Region (7)
- RWQCB
Santa Ana Region (8)
- RWQCB
San Diego Region (9)

COMMENT LETTER 2

California Regional Water Quality Control Board, San Diego Region



**California Regional Water Quality Control Board
San Diego Region**



Winston H. Hicks
Secretary for
Environmental
Protection

Internet Address: <http://www.srwqcb.org/~swqcb/>
9771 Cleimond Mesa Boulevard, Suite A, San Diego, California 92124-1324
Phone: (619) 467-2952 • FAX: (619) 571-6972

Gray Davis
Governor

September 22, 2000

SCAQMD Headquarters
21865 E. Copley Drive
Diamond Bar, CA 91766

Attention: Michael Krause

Subject: Tosco Los Angeles Refinery, Phase 3 Reformulated Fuels Project

Dear Mr. Krause:

We have received the subject documents and offer the following comments. We are also providing some additional information regarding the possible regulatory requirements for the subject project since this information has not been selected to be project-specific. Some of the information might not apply to this project.

We would like to see the following questions/concerns addressed in your Environmental Impact Report regarding the subject project:

- 2-1 a) Would the proposed project create a potentially significant adverse environmental impact to drainage patterns or the rate, or quantity of surface water and runoff?
- 2-2 b) Would the proposed project result in discharges into surface waters during or following construction, or in any way lead to a significant alteration of surface water quality including, but not limited to temperature, dissolved oxygen, turbidity or other typical urban storm water pollutants (e.g., metals, pathogens, synthetics, organics, sediment, nutrients, oxygen demanding substances.)?
- 2-3 c) Would the proposed project have a potentially significant adverse impact to groundwater flow through the alteration of pressure head (water table level) within the aquifer or through the interception of groundwater flow via cuts or excavation?
- 2-4 d) Would the proposed project result in the loss or degradation of any beneficial uses that have been designated for the water bodies that will be directly or indirectly affected by the project?
- 2-5 e) What mitigation measures are being proposed to eliminate or compensate for the adverse effects identified in (a) through (d) above?

California Environmental Protection Agency

Revised Print

California Regional Water Quality Control Board

San Diego Region

Internet Address: <http://www.swrcb.ca.gov/~rwqcb/>
9771 Cleveland Mesa Boulevard, Suite A, San Diego, California 92124-1324
Phone (619) 467-2952 • FAX (619) 571-6972

Permits

There are six potential permits or approvals that might be needed from the Regional Quality Control Board during the life of a project. Additional information on these permits is provided to assist you in determining the permits that may be required for the proposed project, as well as to encourage project design modifications that may assist in obtaining all needed permits from the RWQCB or SWRCB.

During the construction and development phases of a project, the project could be subject to any one or more of four types of RWQCB permits or approvals. These include; (1) the Statewide National Pollutant Discharge Elimination System (NPDES) General Construction Activity Storm Water Permit, (2) the Clean Water Act 401 water quality Certification, (3) General Dewatering Permit, and (4) Dredging Permit. Upon completion of construction, and throughout the project's operational life, the project may be also subject to one or both of the following two types of RWQCB permits: (1) NPDES permit for any point source discharge of wastes to surface waters; and (2) State Waste Discharge Requirements (WDRs) for any waste discharge to land. Examples of discharges to land requiring WDRs include landfills, reclaimed water discharges from sewage treatment plants for irrigation purposes, sand and gravel operations, and animal confinement facilities.

Water quality degradation is regulated by the Federal National Pollutant Discharge Elimination System (NPDES) Program, established by the Clean Water Act, which controls and reduces pollutants to water bodies from point and non-point discharges. In California, the program is administered by the California Regional Water Quality Control Boards. The Regional Board issues NPDES permits for discharges to water bodies in the San Diego area, including Municipal (area- or county-wide) Storm Water Discharge Permits.

Construction SWPPP

Projects disturbing more than five acres of land during construction must be covered under the State NPDES General Permit for Discharges of Storm Water Associated with Construction Activity. This can be accomplished by filing a Notice of Intent (NOI). The project sponsor must propose and implement control measures that are consistent with this State Construction Storm Water General Permit, and with recommendations and policies of the local agency and the RWQCB.

2-6

California Environmental Protection Agency

Recycled Paper

Industrial SWPPP

2-7

Projects that include facilities with discharges of Storm Water Associated with Industrial Activity must be covered under the State NPDES General Permit for Discharges of Storm Water Associated with Industrial Activity. This may be accomplished by filing a Notice of Intent. The project sponsor must propose control measures that are consistent with this, and with recommendations and policies of the local agency and the RWQCB. In a few cases, the project sponsor may apply for (or the RWQCB may require) issuance of an individual (industry- or facility-specific) permit.

Municipal SWPPP

2-8

The RWQCB's San Diego Urban Runoff Municipal Permit requires San Diego area municipalities to develop and implement Storm Water Management Plans (SWMPs). The SWMPs must include a program for implementing new development and construction site storm water quality controls. The objective of this component is to ensure that appropriate measures to control pollutants from new development are: considered during the planning phase, before construction begins; implemented during the construction phase; and maintained after construction, throughout the life of the project.

Water Quality Certification

2-9

The RWQCB must certify that any permit issued by the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act (covering, dredging, or filling of wetlands) complies with state water quality standards. Section 401 Water Quality Certification, or waiver, is necessary for all 404 Nationwide Permits, reporting and non-reporting, as well as individual permits.

Wetlands enhance water quality through such natural functions as flood and erosion control, stream bank stabilization, and filtration and purification of contaminants. Wetlands also provide critical habitats for hundreds of species of fish, birds, and other wildlife; offer open space; and provide many recreational opportunities. Adverse Water quality Impacts can occur in wetlands from construction of structures in waterways, dredging, filling, and otherwise altering the drainage to wetlands.

All projects must be evaluated for the presence of jurisdictional wetlands. Destruction or impact to wetlands should be avoided. Water quality certification may be denied based on significant adverse impacts to "Waters of the State." The goals of the California Wetlands Conservation Policy, include ensuring "no overall net loss and achieving a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values." In the event wetland loss is unavoidable, mitigation will be preferably in-kind and on-site, with no net destruction of habitat value. Mitigation will preferably be completed prior to, or at least simultaneous to, the filling or other loss of existing wetlands.

Successful mitigation projects are complex tasks and difficult to achieve. This issue will be strongly considered during agency review of any proposed wetland fill. Wetland features or

2-9
cont.

ponds created as mitigation for the loss of existing "jurisdictional wetlands" or "waters of the United States" cannot be used as storm water treatment controls.

CEQA requires monitoring of all mitigation efforts as a condition of project approval. Although monitoring programs are not required to be included in environmental documents, it is helpful to know what sort of mitigation monitoring the applicant intends to implement, and who will be accountable for seeing that any proposed mitigation's are successfully executed.

Project/ Site Planning

Evidence of filing for a NOI and development of a SWPPP should be a condition of development plan approval by all municipalities. Implementation of the SWPPP should be enforced during construction via appropriate options such as citations, stop work orders, or withholding occupancy permits. Impacts identified should be avoided and minimized by developing and implementing the following.

The project should minimize impacts from project development by incorporating appropriate site planning concepts. This should be accomplished by designing and proposing site planning options as early in the project planning phases as possible. Appropriate site planning concepts to include, but are not limited to the following:

- Phase construction to limit areas and periods of impact.
- Minimize directly connected impervious areas.
- Preserve natural topography, existing drainage courses and existing vegetation.
- Locate construction and structures as far as possible from streams, wetlands, drainage areas, etc.
- Reduce paved area through cluster development, narrower streets, use of porous pavement and/or retaining natural surfaces.
- Minimize the use of gutters and curbs that concentrate and direct runoff to impermeable surfaces.
- Use existing vegetation and create new vegetated areas to promote infiltration.
- Design and lay out communities to reduce reliance on cars.
- Include green areas for people to walk their pets, thereby reducing build-up of bacteria, worms, viruses, nutrients, etc. in impermeable areas, or institute ordinances requiring owners to collect pets' excrement.
- Incorporate low-maintenance landscaping.

2-10

2-10
cont.

- Design and lay out streets and storm drain systems to facilitate easy maintenance and cleaning.
- Consider the need for runoff collection and treatment systems.
- Label storm drains to discourage dumping of pollutants into them.

Construction-Phase Management

Erosion Prevention

The project should minimize erosion and control sediment during and after construction. This should be done by developing and implementing an erosion control plan, or equivalent plan. This plan should be included in the SWPPP. The plan should specify all control measures that will be used or which are anticipated to be used, including, but not limited to, the following:

- Limit access routes and stabilize access points.
- Stabilize denuded areas as soon as possible with seeding, mulching, or other effective methods.
- Protect adjacent properties with vegetative buffer strips, sediment barriers, or other effective methods.
- Delineate clearing limits, easements, setbacks, sensitive areas, vegetation and drainage courses by marking them in the field.
- Stabilize and prevent erosion from temporary conveyance channels and outlets.
- Use sediment controls and filtration to remove sediment from water generated by dewatering or collected on-site during construction. For large sites, stormwater settling basins will often be necessary.
- Schedule grading for the dry season (May-Sept.)

Chemical and Waste Management

The project should minimize impacts from chemicals and wastes used or generated during construction. This should be done by developing and implementing a plan or set of control measures. The plan or control measures should be included in the Storm Water Pollution Prevention Plan. The plan should specify all control measures that will be used or which are anticipated to be used, including, but not limited to, the following:

2-11

2-11
cont.

- Designate specific areas of the site, away from streams or storm drain inlets, for storage, preparation, and disposal of building materials, chemical products, and wastes.
- Store stockpiled materials and wastes under a roof or plastic sheeting.
- Store containers of paint, chemicals, solvents, and other hazardous materials stored in containers under cover during rainy periods.
- Berm around storage areas to prevent contact with runoff.
- Cover open Dumpsters securely with plastic sheeting, a tarp, or other cover during rainy periods.
- Designate specific areas of the site, away from streams or storm drain inlets, for auto and equipment parking and for routine vehicle and equipment maintenance.
- Routinely maintain all vehicles and heavy equipment to avoid leaks.
- Perform major maintenance, repair, and vehicle and equipment washing off-site, or in designated and controlled areas on-site.
- Collect used motor oil, radiator coolant or other fluids with drip pans or drop cloths. Store and label spent fluids carefully prior to recycling or proper disposal.
- Sweep up spilled dry materials (cement, mortar, fertilizers, etc.) immediately—do not use water to wash them away.
- Clean up liquid spills on paved or impermeable surfaces using “dry” cleanup methods (e.g., absorbent materials, cat litter, rags) and dispose of cleanup materials properly.
- Clean up spills on dirt areas by digging up and properly disposing of the soil.
- Keep paint removal wastes, fresh concrete, cement mortars, cleared vegetation, and demolition wastes out of gutters, streams, and storm drains by using proper containment and disposal.

We appreciate the opportunity to comment on the subject environmental document and look forward to your response. If you have any questions regarding our concerns or questions, please do not hesitate to contact me at (858) 467-3278 or at carim@rb9.swrcb.ca.gov.

Sincerely,



Melissa I. Caric

COMMENT LETTER NUMBER 2: CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

Based on the Initial Study, the proposed project impacts on hydrology and water quality were determined to be less than significant so that no detailed analysis was provided in the EIR.

Response 2-1: See page 2-18 of the Initial Study.

Response 2-2: See page 2-18 of the Initial Study.

Response 2-3: See page 2-18 of the Initial Study.

Response 2-4: See page 2-18 of the Initial Study

Response 2-5: No mitigation measures have been proposed since no significant adverse project related impacts have been identified.

Response 2-6: The proposed project will not disturb five acres or more so it does not require a construction SWPPP.

Response 2-7: Tosco has an NPDES permit which regulates the discharge of storm water from the site.

Response 2-8: This comment is not applicable to the proposed project as the project is not located within the San Diego area.

Response 2-9: No permits are required for the proposed project under Section 404 of the Clean Water Act.

Response 2-10: This comment is not applicable to the proposed project as a project-related SWPPP is not required. Tosco currently has a NPDES permit which regulates the discharge of storm water from the site. No modifications are expected to be required to Tosco's existing NPDES permit.

Response 2-11: This comment is not applicable to the proposed project as the proposed project impacts on storm water discharge is less than significant and a SWPPP for the construction phase of the proposed project is not required. Tosco currently has a NPDES permit which regulates the discharge of storm water from the site.

COMMENT LETTER 3

Southern California Association of Governments

SOUTHERN CALIFORNIA



**ASSOCIATION of
GOVERNMENTS**

Main Office

828 West Seventh Street

12th Floor

Los Angeles, California

9007-3635

t (213) 236-1800

f (213) 236-1825

www.scag.ca.gov

Offices: Member Governments: Los Angeles County, City of Los Angeles, San Bernardino County, San Diego County, San Francisco County, Santa Ana County, San Joaquin County, Santa Clara County, Santa Cruz County, Stanislaus County, Tulare County, Yuba County

Special Cases: Tehama County, Imperial County, Kern County, Orange County

Los Angeles County: James Anderson, Kevin ...
Los Angeles County: Ben Yundt, Los Angeles ...
Orange: Mike Amos, Diamond Bar ...
Folsom: Moneta ...
Bakersfield: ...
San Bernardino: ...
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Santa Ana: ...
San Joaquin: ...
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Yuba County: ...

October 11, 2000

Mr. Michael A. Krause
South Coast Air Quality Management District
21865 E. Copley Drive
Diamond Bar, CA 91765

RE: SCAG Clearinghouse Y20000464 Tosco Los Angeles Refinery—Phase 3 Reformulated Fuels Project

Dear Mr. Krause:

We have reviewed the above referenced document and determined that it is not regionally significant per Arcawide Clearinghouse criteria. Therefore, the project does not warrant clearinghouse comments at this time. Should there be a change in the scope of the project, we would appreciate the opportunity to review and comment at that time.

A description of the project was published in the October 1, 2000 Intergovernmental Review Report for public review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1867.

Sincerely,

JEFFREY M. SMITH, AICP
Senior Planner
Intergovernmental Review

COMMENT LETTER 4

Sage Institute Incorporated

SII
Sage Institute Incorporated

29800 Agoura Road, Suite 105
Agoura Hills, California 91301
(805) 497/8557 or (818) 991/0646
fax (818) 991/0754
e-mail: sage@sageinstitute.com

MEMORANDUM

TO: South Coast Air Quality Management District
Inglewood Unified School District
District Superintendent; Dr. James Harris
Director of Planning; Mr. Terry Miller

FROM: Dr. Joel Kirschenstein

DATE: October 17, 2000

SUBJECT: Response to Notice of Preparation of Draft Environmental Impact
Report
Wilmington Unical
Tosco Los Angeles Refinery (6 -- 10 miles)
Phase 3 Reformulated Fuels Project

The following response is hereby submitted on behalf of the Inglewood Unified School District (District) for the above mentioned Environmental Impact Report (EIR).

4-1

The District response at this time is that the South Coast Air Quality Management District should initiate and implement policies in the draft EIR, Initial Study and Environmental Checklist which address the overall health, safety and welfare of public school students including a special section on the impacts of the proposed project on school age students.

The District reserves the right to provide additional comments during the EIR response period. Please send a copy of the Draft EIR to:

Dr. James Harris
District Superintendent
Inglewood Unified School District
401 S. Inglewood Avenue
Inglewood, CA 90301

c.c. David Orbach Esq.
Inglewood Board of Education

COMMENT LETTER NUMBER 4: SAGE INSTITUTE INCORPORATED

Response 4-1: The proposed project impacts on the sensitive populations, including schools, was addressed in the Draft EIR under Chapter 4, Air Quality, Toxic Air Contaminants. The proposed project impacts on all sensitive populations are expected be less than significant.