

APPENDIX G

COMMENTS AND RESPONSES TO COMMENTS RECEIVED ON THE DRAFT MND

DEPARTMENT OF TRANSPORTATION

District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894
Tel: (949) 724-2267
Fax: (949) 724-2592



*Flex your power!
Be energy efficient!*

January 4, 2007

Mr. Mike Krause
SCAQMD Headquarters
21865 Copley Drive
Diamond Bar, California 91765

File: IGR/CEQA
SCH#: 2006121114
Log #: 1815
SR-39

Subject: Southern California Edison: Barre Peaker Project, Stanton

Dear Mr. Krause,

1-1

Thank you for the opportunity to review and comment on the **Notice of Intent and Draft Mitigated Negative Declaration for the Barre Peaker Project in Stanton**. Southern California Edison proposes to construct a small electricity generating unit called a "peaker" that will be capable of producing up to 45 megawatts of electricity. The project site is located on Cerritos Avenue at the cross street of Dale Avenue in the City of Stanton. The nearest State route to the project site is SR-39.

1-2

Caltrans District 12 is a commenting agency on this project and has no comment at this time.

1-3

However, in the event of any activity in Caltrans' right-of-way, an encroachment permit will be required.

1-4

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Maryam Molavi at (949) 724-2267.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Chamberlain".

Ryan Chamberlain, Branch Chief
Local Development/Intergovernmental Review

C: Terry Roberts, Office of Planning and Research

"Caltrans improves mobility across California"

**Response to Comments from California Department of Transportation Correspondence
Dated January 4, 2007**

Response 1-1

The comment's summary of the proposed project and its location is correct. The SCAQMD notes that the nearest State route to the project site is SR-39.

Response 1-2

The SCAQMD notes that Caltrans District 12 is a commenting agency and has no comment at this time.

Response 1-3

With the exception of construction of the proposed natural gas supply pipeline, all proposed construction activities will occur within the Barre Substation property. As shown in Figure 4 (page 1-10) of the Draft MND, SCE does not currently anticipate that construction of the proposed natural gas pipeline will require construction activities within Beach Boulevard (State Route 39). However, in the event that construction activities within Beach Boulevard are required, an encroachment permit will be obtained from Caltrans.

Response 1-4

The SCAQMD or the project proponent will inform Caltrans District 12 of any future project developments that could potentially impact state transportation facilities.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 e-mail: ds_nahc@pacbell.net



January 17, 2007

Mr. Michael Krause, Air Quality Specialist
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
 21865 Copley Drive
 Diamond Bar, CA 91785-4178

Re: SCH#2008121114; CEQA Notice of Completion; Mitigated Negative Declaration for Southern California Edison Barre Peaker Project; Stanton Community; South Coast Air Quality Management District; Orange County, California

Dear Mr. Krause:

- 2-1 Thank you for the opportunity to comment on the above-referenced document. The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:
- 2-2 ✓ Contact the appropriate California Historic Resources Information Center (CHRIS). The record search will determine:
- 2-3
- If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- 2-4 ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
- The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- 2-5 ✓ Contact the Native American Heritage Commission (NAHC) for:
- A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
- 2-6
- The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE).
- 2-6 ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- 2-7 ✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

- 2-8 * CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.
- 2-9 √ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.
- 2-10 √ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 853-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: List of Native American Contacts

**Native American Contacts
Orange County
January 17, 2007**

<p> W'at Society Cindi Alvitre 3602 Zelzah Avenue Reseda, CA 91335 jimugirl@aol.com 714) 504-2468 Cell </p>	<p>Gabrielino</p>	<p> Juaneno Band of Mission Indians Acjachemen Nation David Belardes, Chairperson 31742 Via Belardes San Juan Capistrano, CA 92675 (949) 493-0959 (949) 493-1601 Fax </p>
<p> Juaneno Band of Mission Indians Sonia Johnston, Chairperson P.O. Box 25628 Santa Ana, CA 92799 jjuaneno@verizon. 949) 462-0710 714) 323-8312 (Cell) 949) 462-9451 Fax </p>	<p>Juaneno</p>	<p> Gabrieleno/Tongva Tribal Council Anthony Morales, Chairperson PO Box 693 San Gabriel, CA 91778 (626) 286-1632 (626) 286-1758 - Home (626) 286-1262 Fax </p>
<p> Juaneno Band of Mission Indians Anita Espinoza 740 Concerto Drive Anaheim, CA 92807 714) 779-8832 </p>	<p>Juaneno</p>	<p> Juaneno Band of Mission Indians Acjachemen Nation Anthony Rivera, Chairman 31411-A La Matanza Street San Juan Capistrano, CA 92675-2674 arivera@juaneno.com 949-488-3484 949-488-3294 Fax </p>

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Sec. 7050.5 of the Health & Safety Code, Sec. 5097.94 of the Public Resources Code and Sec. 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2006121114; CEQA Notice of Completion; Mitigated Negative Declaration for the Southern California Edison: Barre Peaker Project; Stanton Community; South Coast Air Quality Management District; Orange County, California.

Native American Contacts
Orange County
January 17, 2007

Juaneno Band of Mission Indians Acjachemen Nation	Juaneno Band of Mission Indians
Boyce Perry, Tribal Manager & Cultural Resources	Alfred Cruz, Cultural Resources Coordinator
1742 Via Belardes San Juan Capistrano, CA 92675	P.O. Box 25628 Santa Ana, CA 92799

949) 493-0959

714-998-0721

949) 493-1601 Fax

Juaneno Band of Mission Indians
Joe Ocampo, Environmental Coordinator
P.O. Box 25628
Santa Ana, CA 92799

949) 462-0710

949) 462-9451 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Sec. 7050.5 of the Health & Safety Code, Sec. 5097.94 of the Public Resources Code and Sec. 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2006121114; CEQA Notice of Completion; Mitigated Negative Declaration for the Southern California Edison: Barre Peaker Project; Stanton Community; South Coast Air Quality Management District; Orange County, California.

**Response to Comments from Native American Heritage Commission Correspondence
Dated January 17, 2007**

Response 2-1

The SCAQMD notes that the Native American Heritage Commission (NAHC) is the state's Trustee Agency for Native American Cultural Resources.

Response 2-2

The SCAQMD is aware of the requirements of CEQA Guidelines §15064.5 and has included those requirements in the significance criteria for the evaluation of potential impacts to cultural resources, as stated on pages 2-36 and 2-37 of the Draft MND. As discussed in the responses to comments 2-3 through 2-5, potential significant adverse impacts on cultural resources were assessed in the Draft MND. Based on this assessment, potential significant adverse impacts on cultural resources are not anticipated. However, mitigation measures were identified in the Draft MND to reduce potential adverse impacts to a less than significant level in the event that cultural resources are discovered during construction of the proposed project.

Response 2-3

As discussed on page 2-38 and in Appendix E of the Draft MND, a record search for previously recorded cultural resources within the project area was conducted by a qualified archaeologist on September 15, 2006 at the California Historical Resources Information System (CHIS), South Central Coastal Information Center, California State University at Fullerton. The records search showed there were no previously recorded cultural resources within the project area. Thus, the analysis in the Draft MND is consistent with the recommendations in the comment.

Response 2-4

As discussed on page 2-37 and in Appendix E of the Draft MND, a pedestrian field survey was completed on the proposed project site by a qualified archaeologist. The field survey for the proposed peaker location at the Barre Substation revealed the entire location had been previously disturbed by grading and graveling. The open area has been previously disturbed for weed control. A small portion of the lot has also been graveled, including a small access road along the east end of the parcel. Additionally, the ground has been disturbed with the installation of eight transmission line towers and several utility poles. An existing spur line from the nearby railroad was installed to facilitate delivery and installation of heavy electrical equipment in the substation. No cultural resources were observed during the field survey of the proposed peaker location and the laydown areas. Because review of the relevant databases and field survey turned up no cultural resources, no further archaeological studies are warranted or necessary at this time for the proposed peaker location at the Barre Substation.

Because it will be constructed within existing disturbed ground, and the required trenching is shallow (36 to 42 inches), the pipeline construction is unlikely to cause a substantial adverse change in the significance of a historical or archaeological resource.

Thus, the analysis in the Draft MND is consistent with the recommendations in the comment.

Response 2-5

As described on pages E-5 and E-6 of Appendix E of the Draft MND, a letter to the NAHC was sent on September 26, 2006. The letter described the project and requested a review of the Sacred Lands Inventory for the areas within and adjacent to the project site. The letter also requested a list of potentially interested Native American tribes, groups, and individuals for the project area. The NAHC responded with a letter dated October 6, 2006. The record search of the sacred land files did not indicate the presence of any Native American cultural resources in the immediate project area. Thus, the analysis in the Draft MND is consistent with the recommendations in the comment.

Response 2-6

The SCAQMD is aware that lack of surface evidence does not preclude subsurface existence of archaeological resources. As described on page 2-39 of the Draft MND, while the likelihood of encountering cultural resources is low, there is still a potential that additional buried archaeological resources may exist, and such resources conceivably could be adversely affected by ground disturbance associated with construction of the proposed project. Any such impact would be considered significant, but would be reduced to less-than-significant with implementation of the mitigation measures identified on page 2-39 of the Draft MND. These mitigation measures include: 1) conducting a cultural resources orientation for construction workers involved in excavation activities; 2) monitoring subsurface earth disturbance by a professional archaeologist and a Gabrielino/Tongva representative if cultural resources are exposed during construction; and 3) providing the archaeological monitor with the authority to temporarily halt or redirect earth disturbance work in the vicinity of cultural resources exposed during construction, so the find can be evaluated and mitigated as appropriate. Thus, the mitigation measures identified in the Draft MND are consistent with the recommendations in the comment.

Response 2-7

Mitigation measure CR-4, on page 2-39, specifies the NAHC is to be notified if human remains are discovered and they are determined to be of Native American descent.

Response 2-8

As stated in Responses 2-3 through 2-5, the Draft MND did not identify the presence or likely presence of Native American human remains. Therefore, agreements with Native Americans to assure appropriate treatment of Native American human remains are not required unless Native American human remains are discovered during site excavation.

Response 2-9

Mitigation measure CR-4 identifies the requirement to prevent further disturbance if human remains are unearthed, until the County Coroner has made the necessary findings with respect to

origin and disposition, as required by Public Resources Code 5097.98-99 and Health and Safety Code 7050.5.

Response 2-10

CEQA Guidelines §15370(a) defines avoidance as: “Avoiding the impact altogether by not taking a certain action or parts of an action.” As stated in Response 2-3 through 2-5, the Draft MND did not identify the presence or likely presence of Native American human remains. Therefore, it is not necessary to avoid potential impacts to cultural resources by not taking a certain action or parts of an action.



January 25, 2007

Mr. Mike Krause
c/o Planning/CEQA
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4178

**SUBJECT: NOTICE OF INTENT TO ADOPT A DRAFT NEGATIVE
DECLARATION FOR THE SOUTHERN CALIFORNIA EDISON
BARRE PEAKER PROJECT, STANTON, CA.**

Dear Mr. Krause:

Thank you for the opportunity to comment on the draft Negative Declaration for the above referenced project located at 8662 Cerritos Avenue, within the city of Stanton.

- 3-1 The City is supportive of the project and offers the following comments for your consideration:
- 3-2
- Southern California Edison's (SCE) Barre Substation and related facilities are generally located at the southeast corner of Cerritos and Dale Avenues within the city of Stanton. The property is currently zoned and planned for industrial uses, as are properties to the west, across Dale Avenue. Properties to the south and east of the existing facility are zoned, planned and in use as residential. Property to the north, across Cerritos Avenue, is a mix of commercial and residential uses. There is also an elementary school located at the northwest corner of Dale and Cerritos Avenues. Expansion of activities and/or uses at the Barre Substation facility has the potential to negatively impact the surrounding uses in the areas of aesthetics, noise, hazardous materials and air quality, especially those of a sensitive nature. This potential impact should be addressed in the Negative Declaration.
- 3-3 In addition to the aforementioned residents and the elementary school, other sensitive users would include certain industrial users in the immediate vicinity. Specifically the All-Metals metal plating firm located at

7800 Katella Avenue • Stanton, California 90680 • (714) 379-9222

3-3
(cont.) 8371, 8401 and 8459 Standustrial Avenue utilizes certain acids and other chemicals that may have an adverse reaction if they were to come in contact with the aqueous ammonia to be stored at the proposed peaker plant.

3-4

- Regarding potential impacts relating to noise and aesthetics, the construction of the proposed peaker plant will compound a less than acceptable existing situation at the Barre Substation. SCE has removed screening vegetation along significant portions of the Cerritos and Dale Avenue frontages without prior City notification or consultation. The removal of the vegetation and the resulting impacts continue to be an issue with the neighboring community and the City.

As a mitigation measure and as a condition of approval for the proposal, the City strongly recommends that the removed vegetation be replaced with appropriate landscaping and a solid masonry wall, in consultation with the City. This new landscaping and wall would replace the existing fencing along the entire perimeter of the Barre Substation. In addition, plans and specifications for the proposed fencing and landscaping associated directly with the peaker plant should be forwarded to the City for review and comment.

3-5

- Construction of off-site utilities to serve the proposed peaker plant occurring within the public right-of-way will require the issuance of an encroachment permit from the City Public Works Department. Additionally, any work in the public right-of-way will also require the submission and approval of a traffic control plan from the City Public Works Department.

3-6 Thank you for the opportunity to comment on the above referenced document. Questions may be directed to myself at 714-890-4211.

Sincerely,

Steven K. Harris, AICP
Community Development Director

**Response to Comments from City of Stanton Correspondence
Dated January 25, 2007**

Response 3-1

The SCAQMD notes that the City is supportive of the project. Please see the following responses to the specific comments.

Response 3-2

The description of the project location and the surrounding land uses in the comment is consistent with the description on page 1-2 of the Draft MND. Potential adverse impacts to aesthetics, noise, hazards and air quality have been comprehensively evaluated in the Draft MND in Subsections 1, 12, 8 and 3, respectively, of Chapter 2. These evaluations concluded that potential adverse impacts would be less than significant with the implementation of mitigation measures identified in those subsections.

Response 3-3

The SCAQMD does not consider industrial facilities as sensitive receptors because workers are onsite 40 hours per week on average, as opposed to residents who could be in their residences 24 hours per day, seven days per week. As described on pages 2-52 and 2-53 of the Draft MND, the aqueous ammonia will be stored at ambient temperature in a steel tank. The tank and all piping will be designed for aqueous ammonia storage, will be constructed of materials that are chemically compatible with aqueous ammonia, and will be designed to meet all building and seismic codes. As discussed on page 2-52 of the Draft MND, metallic storage tanks have a mean time to catastrophic failure of 0.0109 per million hours of service, or on average, one failure every 10,500 years. Thus, failure of a pressurized aqueous ammonia storage tank during the lifetime of the facility is unlikely.

Furthermore, the aqueous storage tank and the aqueous ammonia delivery truck unloading station will be installed within concrete containment structures that have the capacity to contain more than 100 percent of the tank contents. In the unlikely event of a release from the tank or during delivery truck unloading, the aqueous ammonia would be captured in the containment structures. Thus, the design of the proposed aqueous ammonia storage and handling system will prevent release of aqueous ammonia from the proposed project site. Further, the facility identified in the comment is approximately 2,900 feet away, so any interaction between accidental release ammonia and onsite chemicals is remote.

Response 3-4

The statements regarding removal of vegetation along portions of the Cerritos and Dale Avenue substation frontages are noted. The removal of the vegetation is not a result of the proposed project. Therefore, possible issues with the neighboring community and the City from removal of the vegetation are not potential impacts from the proposed project and should be directed to SCE.

Potential adverse aesthetic impacts from the proposed project were analyzed in Subsection 1 of Chapter 2 of the Draft MND. As discussed on page 2-5 of the Draft MND, in order to shield views of project structures from adjacent residential area receptors, a landscape plan will be incorporated as part of the project design. SCE has been consulting with the City regarding the specific landscaping to be installed. An initial landscape plan was developed and provided to the City, and the City provided comments on the initial plan to SCE. SCE is revising the initial landscape plan to address the City's comments. Implementation of the landscape plan will reduce the potential visual impact of the proposed project elements as viewed from the adjacent residential areas. Furthermore, the visual simulations of the proposed project without additional landscaping in Appendix B of the Draft MND show that the only project structure likely to be visible from outside the property is the exhaust stack. A change in the type of wall or landscaping along the perimeter of the substation will not significantly alter the visibility of the stack. Therefore, it is not necessary to install vegetation and a wall around the entire Barre Substation to further reduce less than significant aesthetic impacts from the proposed project.

Potential adverse noise impacts were analyzed in Subsection 12 of Chapter 2 of the Draft MND and in Appendix F. Existing ambient noise levels measured at the nearest residential location were less than the City's noise standard (see Appendix F). Calculated unmitigated noise levels at the nearest residential location during operation of the proposed project would exceed the City's noise standard without mitigation (see page 3 of Appendix F). Therefore, Mitigation Measure N-3 was identified and will be required to reduce potential noise levels during operation of the proposed project. This mitigation measure includes installation of an upgraded sound enclosure around the fuel gas compressor and erection of a 20-foot high sound wall along the southern side and portions of the eastern and western sides of the proposed facility (see page 2 of Appendix F). The analysis in Appendix F showed that Mitigation Measure N-2 will reduce noise during operation of the proposed project to a level that does not exceed the City's noise standard. Therefore, it is not necessary to erect a wall around the entire Barre Substation perimeter to reduce adverse noise impacts to less than significant.

It should be noted that the discussion of existing ambient noise conditions on page 2-73 of the Draft MND and the operational noise impacts in Table 12-4 of the Draft MND are not consistent with the acoustical analysis report in Appendix F of the Draft MND. This discussion has been corrected in the Final MND to be consistent with Appendix F.

Response 3-5

The SCAQMD understands that construction occurring within the public right-of-way will require issuance of an encroachment permit from the City Public Works Department. Mitigation Measure TT-1 (Draft MND page 2-91) requires preparation of a traffic control plan and approval by the affected jurisdictions.

Response 3-6

Thank you for your comments.