

## **APPENDIX G**

### **COMMENTS AND RESPONSES TO COMMENTS RECEIVED ON THE DRAFT MND**

## NATIVE AMERICAN HERITAGE COMMISSION

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January 17, 2007

Mr. Michael Krause, Air Quality Specialist

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

21865 Copley Drive  
 Diamond Bar, CA 91765-4178

Re: SCH#2006121112: CEQA Notice of Completion: Mitigated Negative Declaration for Southern California Edison Mira Loma Peaker Project, Ontario Community, South Coast Air Quality Management District, San Bernardino County, California

Dear Mr. Krause:

- 1-1 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:
- 1-2 ✓ Contact the appropriate California Historic Resources Information Center (CHRIS). The record search will determine:
- 1-3
- 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.
- 1-4 ✓ 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.
- 1-5 ✓ 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.
- 1-6
- 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).
- 1-7 ✓ 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.
- 1-7 ✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

1-8

\* 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.

1-9

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.

1-10

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) 653-6251 if you have any questions.

Sincerely,

Cc: State Clearinghouse

Dave Singleton  
Program Analyst

Attachment: List of Native American Contacts

**Native American Contacts  
San Bernardino County  
January 17, 2007**

San Manuel Band of Mission Indians Henry Duro, Chairperson 26569 Community Center Dr. Serrano Highland, CA 92346 hmarquez@sanmanu 909) 864-8933  909) 864-3370 Fax	Ti'At Society Cindi Alvitre 6602 Zelzah Avenue Reseda, CA 91335 pimugirl@aol.com (714) 504-2468 Cell	Gabrielino
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Gabrielino/Tongva Tribal Council Anthony Morales, Chairperson PO Box 693 San Gabriel, CA 91778  626) 286-1632 626) 286-1758 - Home 626) 286-1262 Fax	Gabrielino Tongva PO Box 3021 Beaumont, CA 92223  (951) 845-3606 Phone/Fax	Gabrielino Band of Mission Indians of CA Ms. Susan Frank PO Box 3021 Beaumont, CA 92223  Gabrielino
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Morongo Band of Mission Indians Britt W. Wilson, Cultural Resources Coordinator 245 N. Murray Street, Suite C Cahuilla Banning, CA 92220 Serrano britt_wilson@morongo.org (951) 849-8807 (951) 755-5206 (951) 922-8146 Fax	San Manuel Band of Mission Indians Bernadette Brierty, GIS Coordinator/Cultural Resource 26569 Community Center Dr. Serrano Highland, CA 92346 bbrierty@sanmanuel- (909) 864-8933 EXT -2203 (909) 862-5152 Fax
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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#2006121112; CEQA Notice of Completion; Mitigated Negative Declaration for the Southern California Edison: Mira Loma Peaker Project; Ontario Area; South Coast Air Quality Management District; San Bernardino County, California.

**Native American Contacts  
San Bernardino County  
January 17, 2007**

Serrano Band of Indians

Soldie Walker

3588 Valeria Drive

Serrano

Highland, CA 92346

909) 862-9883

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#2008121112; CEQA Notice of Completion; Mitigated Negative Declaration for the Southern California Edison; Mira Loma Peaker Project; Ontario Area; South Coast Air Quality Management District; San Bernardino County, California.

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

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**Response 1-1**

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

**Response 1-2**

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 page 2-34 of the Draft MND. As discussed in the responses to comments 1-3 through 1-5, 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 1-3**

As discussed on page 2-34 and in Appendix E of the Draft MND, a record search was conducted by a qualified archaeologist on September 15, 2006 at the California Historical Resources Information System (CHRIS), San Bernardino Archaeological Information Center, San Bernardino County Museum. The record 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 1-4**

As discussed on page 2-34 and in Appendix E of the Draft MND, a pedestrian field survey was completed on the proposed project site by a qualified archaeologist. No cultural resources were observed during the survey of the proposed peaker location or the laydown area. Ground visibility during the survey was moderate for the majority of the project area. The eastern portion of the project area was covered in Russian Thistle, so ground visibility was poor. 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 Mira Loma 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 1-5**

As described on page E-5 of Appendix E of the Draft MND, a letter was sent to the NAHC. 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 September 29, 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 1-6**

The SCAQMD is aware that lack of surface evidence does not preclude subsurface existence of archaeological resources. As described on page 2-36 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 2-36 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 1-7**

Mitigation measure CR-4, on page 2-36, specifies the NAHC is to be notified if human remains are discovered and they are determined to be of Native American descent.

**Response 1-8**

As stated in Responses 1-3 through 1-5, 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 1-9**

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 1-10**

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 1-3 through 1-5, the Draft MND did not identify the presence or likely presence of Native American human remains. Therefore, specific actions to avoid potential impacts to cultural resources by not taking a certain action or parts of an action are not necessary at this time because surveys of relevant data bases did not identify evidence of cultural resources at this site.



# CITY OF



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January 23, 2007

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South Coast Air Quality Management District  
Attn: Mr. Mike Krause  
21865 Copley Drive  
Diamond Bar, California 91765-4182

**RE: Notice of Intent to Adopt a Draft Mitigated Negative Declaration for the Mira Loma Peaker Project, Ontario**

Dear Mr. Krause:

Thank you for allowing the City of Ontario an opportunity to review and comment on the Notice of Intent to Adopt a Draft Mitigated Negative Declaration for the Mira Loma Peaker Project in the City of Ontario.

As the South Coast Air Quality Management District may be aware, the proposed project is located within the New Model Colony (NMC) of the City of Ontario.

2-1

In 1998, the City of Ontario adopted the Sphere of Influence General Plan Amendment and on November 30, 1999, the City of Ontario annexed the 8,200-acre Sphere of Influence into the city. The Pre-Zoning Ordinance adopted by the City Council on April 20, 1998, designates the entire Sphere of Influence area as SP, (Specific Plan District). The zoning designation of SP requires the area be developed with a series of Specific Plans that carry out the objectives of the NMC General Plan. Since then, ten Specific Plans have been submitted and seven have been approved for development.

2-2

The NMC is expected to house 31,000 residential units (more than 100,000 residents) in the next 20 to 25 years. The General Plan "vision" for the NMC is to create a high quality environment where residents can live, work, shop and play with a sense of individual neighborhoods, unlike any other residential master-planned community at this scale found today.

The City of Ontario takes pride in its "vision" for the NMC by pursuing the NMC General Plan established various goals and policies to be achieved by each Specific Plan within the NMC. The goals and policies were created to ensure development in accordance with the organizational principals and standards of the General Plan.

2-2  
(cont.)

In particular two NMC specific plans border the subject SCE Mira Loma Sub-Station property, one of which has been approved and is currently under construction (Edenglen Specific Plan) and the other (Rich Haven Specific Plan) which is pending entitlements.

In an effort to maintain the "vision" of the NMC we have completed our review and offer the following comments and recommendations on the Notice of Intent to Adopt a Draft Mitigated Negative Declaration for the Mira Loma Peaker Project in the City of Ontario:

**GENERAL COMMENTS**

2-3

1) Page 1-8 to 1-9 – The document indicates that "The staging area will be located in a non-sensitive area and appropriate environmental surveys will be performed prior to mobilization at the site." This is a deferment of potential mitigation that is not permitted under CEQA. The environmental document should identify the staging area (or potential staging areas) and appropriate studies should be completed now so potential impacts may be properly evaluated and, if necessary, mitigation identified.

2-4

2) Pages 2-4 and 2-5 – The document indicates that the project would have no impact on aesthetics based on the presumption that there are no scenic vistas and the project would introduce structures that have the same "physical similarity" as the existing structures. We disagree with this assessment. The City of Ontario General Plan identifies high density residential and commercial uses for the property to the south of the project site. The residential units would have visibility of the San Bernardino Mountains to the north. While the proposed equipment is shorter than the existing towers, the skeletal frame of the towers allows visibility through the structures. The peaker plant, however, proposes an 80-foot tall tower that is solid and will restrict visibility and negatively impact the aesthetics of the area. Further, the support equipment needed to operate the peaker plant will add to the visual clutter that currently exists on-site. To mitigate this impact, trees (in compliance with SCE standards) should be provided along the south property line. Also, the Milliken/Hammer Avenue street frontage should be landscaped in accordance with the City's Streetscape Master Plan currently being developed. This will include trees, shrubs, and groundcover.

2-5

3) Page 2-28 – Mitigation Measure AQ-1 states that "The area disturbed by clearing, grading, earth moving or excavation operations shall be minimized to prevent excessive amounts of dust." This mitigation measure is overly vague and subjective. The language should be revised to be quantifiable to allow for proper monitoring.

2-6

4) Page 2-51 – Paragraph 3 states that many buildings surround the Mira Loma Substation, thereby classifying this area urban for the purposes of air dispersion analysis. While there are several industrial buildings to the east, there are scattered agricultural buildings to the south and west and vacant property to the north - the urban classification is not representative of the existing conditions.

2-7

5) Page 2-52 – The third paragraph makes reference to a transport route that is in Orange County, not the City of Ontario.

2-8

6) Page 2-58 – The fifth paragraph states that coolers would only be used during periods of extremely high temperatures while the unit is in operation which is expected to occur infrequently. The presumption is that the unit would be run to provide additional power during

- 2-8  
(cont.)
- 7) peak demands, which typically occur on during periods of high temperatures, making the document statement misleading.
- 2-9
- 8) Page 2-58 – The last paragraph indicates that wastewater for the City of Ontario is provided by Inland Empire Utility Agency by RP-1. While this statement is true, the project wastewater would be handled by RP-5, located in the City of Chino.
- 2-10
- 9) Pages 2-58 and 2-59 – The document interchanges Jurupa Community Services District and The City Ontario. The City of Ontario is the water and sewer purveyor for this site.
- 2-11
- 10) Page 2-62 – The document states that the site is located in an area zoned as “Specific Plan Agricultural Preserve.” It goes on to say that the existing substation is subject to the development standards and guidelines and is, therefore, consistent with the “SP” zoning designation. Unfortunately, the Specific Plan Agricultural Preserve designation requires approval of a specific plan wherein the development standards and guidelines would be identified. Since no such plan has been approved, consistency with the zoning does not exist.
- 2-12
- 11) Page 2-65 – The last sentence on the page is incomplete.
- 2-13
- 11) Page 2-71 – Table 12-4 states that the project noise level at the most stringent property line is 57 dBA from project equipment and 62 dBA total with background. This information is inconsistent with the table in Appendix F which states that day and nighttime sound levels would not exceed 46 dBA. This statement is inconsistent with Figure 2 which shows the 55 dBA contour extending beyond the southerly property line. The document states that this facility would be acceptable within an area of 60-65 dBA. This statement is correct. Because the property to the south is designated as multi-family residential, noise levels are limited to 55 dBA during the day and 45 dBA during the night. Since even the lowest calculated noise level exceeds 45 dBA during the night, additional mitigation is required. Staff recommends construction of a block wall along the south site boundary.

**ERRONEOUS and /or INCONSISTENT INFORMATION**

- 2-14
- The report identifies water supply from both Jurupa Communities Services District (JCSD) and the City of Ontario. The report is inconsistent as different sections site water supply from either agency. For example, section 9-b identifies water supply JCSD and section 9-n identifies water supply by Ontario.
  - Existing water and waste water services are currently provided by JCSD on a temporary basis outside of their jurisdiction. Demands of this property are not included in JCSD master plans. Expanding use of site will require full permanent facilities by the City of Ontario.
  - Existing water supply by JCSD does not include SCE site for long term use or further development. Thus significant impact to water supply exists (per section 9).
  - The development lies within the boundaries and service area of the City of Ontario. Ontario currently does not have the facilities in place to serve the development’s site. The Draft Mitigated Negative Declaration should be revised to reflect that the City of Ontario will provide future potable and recycled water service to the SCE site.

- 2-15 

The City of Ontario memorandum entitled, "*Potable and Recycled Water Guidelines for Preparation and Review of Hydraulic Analysis for New Developments in the City of Ontario*," presents the potable water and recycled water master plans for the entire NMC (see attached). This report should provide information on the master planned domestic and recycled water lines, as identified in the memorandum that will provide services to the site.
- 2-16 

The report fails to identify the City of Ontario's water system that will supply water to the site. The project lies within the City of Ontario development area known as the New Model Colony (NMC). All areas south of Chino Avenue will be served by the future 925 potable water pressure zone and the 930 recycled water pressure zone.
- 2-17 

The City of Ontario and NMC developers are currently designing and constructing potable water supply, storage, transmission and distribution facilities to serve the NMC development in the 925 Pressure Zone. Development of this site requires coordination of SCE with the developers.
- 2-18 

Ontario has previously contacted SCE regarding Master Planned well site in a portion of the SCE property. SCE's refusal may affect the availability of water resources.
- 2-19 

The report fails to identify SCE's internal processes and landscape irrigation that can use recycled water, as approved by the State's Department of Health Services. These processes should be converted and make use of recycled water once it becomes available.
- 2-20 

Construction water demands (section 9.n) appear to be calculated incorrectly. This section identifies required demands of up to 10,000 gallons of water during the three months of construction at approximately 2,500 gallons per day. These calculations should be verified and corrected.
- 2-21 

The report identifies incomplete water demands. The presented 'worst case scenario' daily water demands of 85 gpm does not include water demands required fire flows by the entire site. It also fails to identify if the existing facilities from JCSD meet these demands.
- 2-22 

The report fails to provide detail information on the internal process and the use of water. For example, water requirements for on-site water storage and capacity are not addressed. Additionally the requirements for tower cooling are not included.
- 2-23 

The report identifies waste water collection from both Jurupa Communities Services District (JCSD) and the City of Ontario. The report is inconsistent as different sections site water supply from either agency.
- 2-24 

The report erroneously cites JCSD as being part of IEUA (section 9.2). These are two separate agencies.
- 2-25 

The report erroneously cites IEUA's RP-1 as being the treatment facility for sewage generated by this site within the City of Ontario. Sewer generated by the properties south of Riverside Drive will be treated by IEUA's RP-5, once connected to Ontario's system as required.
- 2-26 

The development is required to construct the necessary public infrastructure for the connection sewer discharge to Ontario's master planned system (section 9.2).
- 2-27 

The report incorrectly cites discharge of industrial waste to the City of Ontario's Recycled Water system (section 7-e). The City of Ontario does not have a Non Reclaimable Water system to accommodate industrial waste generated from the site.
- 2-28 

The report fails to identify possible utility conflicts arising from the construction of the proposed gas line with public infrastructure proposed within Riverside Drive and Milliken (Hamner) Avenue.

- 2-29
- The document is incomplete regarding provisions for solid waste and recycling.
  - The report inaccurately describes the solid waste disposal system. The City of Ontario provides solid waste and recycling collection.
  - The City of Ontario does not use the County of San Bernardino facilities for disposal.
  - The report indicates construction waste will be disposed in Class III landfill. This does not meet State requirement placed on the City's system.
  - The City of Ontario has contracted with Waste Management to dispose of solid waste at El Sobrante Landfill in Riverside County. Waste Management has made arrangements with West Valley Transfer Station and MRF to be utilized for delivery of solid waste from the City.
- 2-30
- The report fails to identify requirements for Construction and Demolition plan in compliance with Municipal Code Article 6 (Sec. 6-3.602).

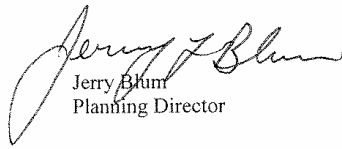
#### PROPOSED MITIGATION

- 2-31
1. Dedicate full right-of-way and neighborhood edge along the following street:
    - a. Milliken Avenue – 80' R/W west of the centerline and 35' neighborhood edge
  2. Construct full street improvements along Milliken to include, curb, gutter, and sidewalk, street lights, one-half raised landscape median, and parkway and neighborhood edge landscaping.
  3. Align entrance on Milliken with existing Micro Drive and the existing traffic signal shall be modified.
- 2-32
4. Submit proposed onsite grading including retention basin shall be subject for review and approval by the City.
- 2-33
5. Design and construction of the 8" high pressure natural gas line in Riverside Drive and Milliken Avenue will need to be coordinated with master-planned infrastructure improvements for the New Model Colony by NMC Builders, LLC.
- 2-34
6. Page 1-2: *Required Permits* – Include the requirement for a City of Ontario Encroachment Permit for any work within the City's right-of-way.
- 2-35
7. Trees (in compliance with SCE standards) should be provided along the south property line. Also, the Milliken/Hammer Avenue street frontage should be landscaped in accordance with the City's Streetscape Master Plan currently being developed. This will include trees, shrubs, and groundcover.
- 2-36
8. Construct an eight foot block wall along the southern property line for noise and aesthetic attenuation.
- 2-37
9. A permit for the ammonia storage tank is required to be obtained from the Ontario Fire Department. The ammonia storage tank shall be installed in accordance with the 2001 edition of the California Fire Code. For copies of Ontario Fire Department Standards please access the City of Ontario web site at [www.ci.ontario.ca.us](http://www.ci.ontario.ca.us), click on Fire Department and then on forms.

Mr. Krause  
January 23, 2007  
Page 6 of 6

We appreciate the opportunity to be involved in review of the project and look forward to continued communications regarding this project. We'd be more than happy to schedule a meeting to discuss any of the above recommendations. If you have any questions regarding our comments, please contact me at (909) 395-2170, or Richard Ayala, Senior Planner, at (909) 395-2421.

Sincerely,



Jerry Blum  
Planning Director

cc:

Greg Devereaux, City Manager  
Otto Kroutil, Development Director

**Response to Comments from City of Ontario Correspondence  
Dated January 23, 2007**

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**Response 2-1**

The SCAQMD is aware that the proposed project is located within the New Model Colony (NMC). The description of the NMC in the comment is consistent with the description of the NMC on page 2-61 of the Draft MND.

**Response 2-2**

The descriptions of the anticipated residential population, the General Plan “vision” for the NMC, goals and policies for Specific Plans within the NMC, and the Specific Plans that border the SCE Mira Loma Substation are noted.

**Response 2-3**

The staging areas to be used during gas pipeline construction cannot be precisely identified at this time. The specific locations will depend on the pace of the trenching and pipe laying. Mitigation Measure TT-5, on page 2-85 of the Draft MND, requires the staging areas to be located in existing industrial or commercial areas, which may include the Mira Loma substation. The requirement that the staging areas are to be located in non-sensitive areas and that environmental surveys are to be performed prior to mobilization as specified on pages 1-8 and 1-9 of the Draft MND will ensure that significant adverse impacts will not occur.

**Response 2-4**

The SCAQMD disagrees with the opinion expressed in this comment that the proposed project will generate significant adverse aesthetics impacts. The visual simulations in Appendix B show that the proposed exhaust stack for the peaker will not significantly obstruct the view to the north. Furthermore, trees along the southern boundary of the proposed project site would obstruct views to the north more than the proposed project structures. As stated on page 2-5 of the Draft MND, the proposed project structures would be consistent with the visual character of the existing Mira Loma Substation. Because of the physical similarity of the new equipment associated with the proposed project to the existing equipment at the Mira Loma Substation, the proposed project will have no impact on the existing visual character and quality of the surrounding area.

**Response 2-5**

The SCAQMD disagrees with the opinion expressed in this comment that mitigation measure AQ-1 should be revised. Fugitive PM10 and PM2.5 emissions during site preparation activities were calculated and are shown in Table 3-3 in the Draft MND. As shown in Table 3-3, fugitive PM10 emissions are substantially less than the CEQA significance threshold of 150 pounds per day, and PM2.5 emissions are substantially less than the significance threshold of 55 pounds per day. Additionally, the construction activities will be required to comply with SCAQMD Rule 403 - Fugitive Dust control requirements. Finally, mitigation measure AQ-1 reduces further the

impacts that do not exceed the PM10 and PM2.5 significance thresholds. Therefore, there is no need to revise the mitigation measure.

#### **Response 2-6**

As stated in the comment, buildings are present to the east, west and south of the proposed project site. Furthermore, as discussed on page 2-61 of the Draft MND, planned development surrounding the site includes residential and commercial land uses, which will increase the number and the density of structures surrounding the proposed site in the future. Finally, it is SCAQMD policy that urban dispersion parameters be used for all air quality impact analyses in its jurisdiction. Therefore, the urban classification is appropriate for both existing and future conditions in the vicinity of the proposed project.

#### **Response 2-7**

The Draft MND has been revised to indicate that the primary route for aqueous ammonia transport to the facility will be south on Milliken Avenue from the 60 Freeway.

#### **Response 2-8**

The purpose of the statement cited in the comment was to indicate that operation of the peaker facility is expected to occur infrequently. The statement has been revised in the Final MND to clarify its meaning.

#### **Response 2-9**

Sewer service is not currently available at the proposed project site. Wastewater will be stored on-site in a portable tank and removed periodically by truck for disposal at a treatment facility operated by the Inland Empire Utilities Agency.. Therefore, operation of the proposed project will not require sewer service. The project description and the discussion on page 2-58 of the Draft MND have been revised to clarify that sewer service will not be required for the proposed project.

#### **Response 2-10**

The Draft MND has been revised on page 2-58 to clarify that the Jurupa Community Services District (JCSD) currently supplies water to the Mira Loma Substation, which is outside of JCSD's jurisdiction, on a temporary basis, and that the permanent water supply will be from a new 30-inch line (under development and construction) running along Milliken Avenue which, when placed in service, will become part of the City of Ontario water system.

#### **Response 2-11**

The Draft MND has been revised to clarify that a Specific Plan has not yet been developed for the NMC Subarea that includes the location of the proposed project and, therefore, that consistency with the Specific Plan cannot be determined. However, as stated on page 2-61 of the Draft MND, the existing Mira Loma Substation and the proposed project site are located within



Subarea #13 of the NMC, which is designated for “Industrial/Business Park” uses in the City of Ontario General Plan Amendment for the NMC. The existing substation and the proposed project are consistent with this land use designation, and, therefore, they are consistent with the General Plan.

### **Response 2-12**

The full sentence at the bottom of page 2-65 of the Draft MND should read: “the project’s operational noise levels would exceed the local noise ordinances at the site boundary or, if the noise threshold is currently exceeded, project noise sources increase ambient noise levels by more than three dBA at the site boundary.” The Draft MND has been revised to include the full sentence.

### **Response 2-13**

Project operational noise impacts presented in Appendix F are correct, and the Draft MND has been revised to be consistent with Appendix F. Project operational noise impacts listed in the table in Appendix F are at the location labeled as “Location of Calculated Noise Level” in Figure 1 of Appendix F, which is at the property line of the closest developed property to the east of the proposed project site. As shown in Figure 2 of Appendix F, the sound level from operation of the proposed equipment is 55 dBA at the southern boundary of the proposed project site.

The resulting daytime noise level when the 55 dBA sound level from operation of the equipment is combined with the 53 dBA daytime ambient noise level in the table in Appendix F is 57 dBA. The resulting nighttime noise level when the 55 dBA sound level from operation of the equipment is combined with the 50 dBA nighttime ambient noise level in the table in Appendix F is 56 dBA.

As noted by the City in comment 2-11, the current zoning of the land to the south of the proposed peaker project is “Specific Plan Agricultural Preserve.” Because there are no clearly identified noise limits for the Specific Plan Agricultural Preserve zone, the commercial noise limits were used to assess potential noise impacts during operation of the proposed project. The noise limits for commercial zones are 65 dBA during the day (7:00 a.m. to 10:00 p.m.) and 60 dBA during the night (10:00 p.m. to 7:00 a.m.). The modeled noise levels at the southern property line of the proposed project (57 dBA during the day and 56 dBA during the night) are below the commercial noise limits. Therefore, the SCAQMD disagrees that operation of the proposed project requires additional mitigation measures at this time.

A specific plan for the land south of the proposed project site has not yet been developed or approved. Therefore, the locations of specific land uses that may exist south of the proposed project in the future are currently not known. Therefore, it would be speculative to evaluate potential noise impacts from the proposed project using different noise limits than have been used for the Draft MND, and the SCAQMD disagrees that construction of a block wall along the southern proposed project site boundary is required to mitigate significant adverse noise impacts. However, the proposed project will comply with future requirements at the time they become applicable, and measures to reduce noise impacts will be applied if reductions are needed to

comply with future requirements.

#### **Response 2-14**

- As stated in Response 2-10, the Draft MND has been revised to clarify that the Jurupa Community Services District (JCSD) currently supplies water to the Mira Loma Substation and that the permanent water supply will be from the City of Ontario.
- The Draft MND has been revised to clarify that JCSD supplies water to the Mira Loma Substation on a temporary basis, and that the permanent water supply will be from a new 30-inch line (under development and construction) running along Milliken Avenue which, when placed in service, will become part of the City of Ontario water system. Because the City of Ontario will supply water on a permanent basis, it is appropriate that water requirements for the proposed project not be included in the JCSD master plans. As stated in Response 2-9, sewer service is not currently available at the proposed project site, and the proposed project will not require sewer service. Therefore, the proposed project will not require permanent sewer facilities from the City of Ontario.
- Because the City of Ontario will supply water on a permanent basis, it is not necessary for JCSD to include the SCE site for long-term use or further development. Therefore, the SCAQMD disagrees with the opinion expressed in the comment that the proposed project will cause significant adverse water supply impacts.
- The Draft MND has been revised to clarify that the permanent water supply will be from the City of Ontario water system. A new 30-inch line running along Milliken Avenue is currently under development and construction. When this line is placed in service, the City of Ontario will have the facilities in place to serve the proposed project. Recycled water supplied by the City of Ontario will be used for future landscape irrigation at such time as it is available.

#### **Response 2-15**

As stated in Response 2-10, the Draft MND has been revised to clarify that the permanent water supply for the proposed project will be from a new 30-inch line running along Milliken Avenue. This 30-inch line is identified in the draft document referenced in the comment. Therefore, the revisions to the Draft MND described in Response 2-10 provide information on the master planned potable water supply line that will provide service to the proposed project site.

As stated in Response 2-19, it is not practical to use recycled water during operation of the proposed project. Therefore, the master planned recycled water supply line that could serve the proposed project site does not need to be identified in the MND.

#### **Response 2-16**

The Draft MND has been revised to indicate that the proposed project will be served by the

future 925 potable water pressure zone and the 930 recycled water pressure zone.

**Response 2-17**

SCAQMD understands that development of the proposed project will require the City and the NMC developers to coordinate efforts with SCE.

**Response 2-18**

As requested by the City, the Draft MND has been revised to indicate that water for the proposed project will be supplied by the City of Ontario. As stated on page 2-59 of the draft MND, the daily water production of the Ontario City Utilities Department is estimated to be 41 million gallons per day. The average daily water use for the project is estimated to be 45,000 gallons per day, or 0.1 percent of the total produced by the City. This level of water use is not considered significant. Whether or not a well site is located at the property will not affect the conclusion regarding water demand in the Draft MND. Furthermore, the City of Ontario's contacts with SCE regarding a well site on a portion of the SCE property occurred prior to SCE's proposal to construct the peaker facility at the Mira Loma Substation. Therefore, these contacts have no bearing on the proposed project.

**Response 2-19**

The proposed project does not alter or modify in any way the existing landscape irrigation system. Therefore, there is no requirement to identify this as part of the analysis for the proposed project. As stated in Response 2-14, recycled water supplied by the City of Ontario will be used for future landscape irrigation at such time as it is available. All water used for peaker plant consumption must be either potable or meet strict purity standards for water entering the gas turbine cycle. Recycled water does not meet the necessary purity standards, and it is not practical to treat the relatively small quantity of water that would be used, in order to allow the use of recycled water for the peaker project.

**Response 2-20**

The SCAQMD disagrees with the opinion expressed in this comment that construction water demands were calculated incorrectly in the Draft MND. As stated in 9.n) on page 2-59 of the Draft MND, hydrostatic testing of the natural gas pipeline during construction may require up to 10,000 gallons of water, a one time use. In addition, dust suppression during construction may require an additional 2,500 gallons of water per day over a three month period.

**Response 2-21**

The water demands presented on page 2-59 of the Draft MND represent reasonably foreseeable water usage that could occur on a routine basis. The use of water for fire suppression is not a routine demand. However, the design flow for fire suppression for the proposed project is 1,500 gallons per minute, as required by state codes. The capacity of the water supply for additional fire protection requirements (beyond state requirements) will be evaluated during the City of Ontario Fire Department's review of SCE's fire protection plans

**Response 2-22**

The SCAQMD disagrees with the opinion expressed in this comment that the Draft MND does not provide information on internal processes and water demands. Routine water usage is described in Subsection 9 of the Draft MND. Regarding on-site water storage, page 1-8 of the Draft MND indicates that a 125,000-gallon tank will be provided for raw water storage, and a 50,000 gallon tank will be provided for demineralized water storage. These tanks will require an initial fill. The water required for the initial fill does not alter the maximum daily or annual water use estimates provided in the Draft MND. The proposed project does not include the installation or the operation of a cooling tower.

**Response 2-23**

As stated in Response 2-9, the proposed project will not require sewer service. Regarding water supply, as stated in Response 2-10, the Draft MND has been revised to clarify that the Jurupa Community Services District (JCSD) currently supplies water to the Mira Loma Substation, which is outside of JCSD's jurisdiction, on a temporary basis, and that the permanent water supply will be from the City of Ontario water system.

**Response 2-24**

As stated in Response 2-9, the proposed project will not require sewer service. The references to JCSD and Inland Empire Utilities Agency (IEUA) regarding wastewater treatment have been removed.

**Response 2-25**

As stated in Response 2-9, the proposed project will not require sewer service. Therefore, the reference to IEUA's treatment facility has been removed.

**Response 2-26**

The SCAQMD disagrees with the opinion expressed in this comment that construction of public infrastructure to connect to the City's sewer system is required, because the proposed project will not require sewer service, as stated in Response 2-9. Therefore, the proposed project will not require a connection to the City of Ontario's sewer system.

**Response 2-27**

As stated in Response 2-9, the proposed project will not require sewer service. Subsection 7.e in the Draft MND has been revised accordingly.

**Response 2-28**

The SCAQMD disagrees with the opinion expressed in this comment that possible utility conflicts arising from construction of the proposed natural gas supply line need to be discussed in the MND. The City does not specifically identify any potential conflicts. However, the Gas

Company will construct the proposed natural gas supply line and will ensure that it does not conflict with public infrastructure within Riverside Drive and Milliken Avenue.

### **Response 2-29**

- The analysis identifies types and amounts of solid waste generated by the proposed project that would require disposal in local sanitary landfills. The analysis concludes that local landfills can adequately handle the small volumes of waste generated by the proposed project and concludes that the proposal will not generate significant solid waste impacts. This type of analysis is considered to be a more conservative analysis than assuming solid waste will be recycled. Recycling, which would likely occur, would make an insignificant solid waste impact even smaller.
- The Draft MND has been revised to reflect that the City of Ontario will provide solid waste and recycling collection.
- The Draft MND has been revised to reflect that the City of Ontario uses the El Sobrante Landfill, in Riverside County.
- Regarding disposal of construction waste, all of the landfills listed in Table 16-3 of the Draft MND are permitted to accept construction and demolition waste. Additionally, the El Sobrante Landfill is also permitted to accept construction and demolition waste. Therefore, the SCAQMD disagrees with the opinion expressed in this comment that disposal of construction waste that cannot be recycled in a Class III landfill that is permitted to accept construction waste does not meet state requirements.
- The Draft MND has been revised to reflect that the City of Ontario, through contract with Waste Management, will provide solid waste and recycling collection.

### **Response 2-30**

The purpose of the evaluation of the proposed project under CEQA in the Draft MND is to identify and disclose potential adverse impacts from construction and operation of the proposed project. As is typically the case for CEQA analyses, the evaluation assumes that the proposed project will comply with applicable laws, ordinances, codes and requirements to obtain permits. Therefore, the SCAQMD disagrees with the opinion expressed in this comment that this requirement needs to be specifically identified in the MND.

### **Response 2-31**

Mitigation measure TT-1 requires, “After construction, restore the roads to their pre-construction condition.” Mitigation such as those described by the commenter are outside the scope of the proposed project and are inconsistent with CEQA case law (*Nollan v. California Coastal Commission* (1987) 483 U.S. 825, 834-837 [107 S. Ct. 3141]), which provides that, when fashioning mitigation measures, agencies should be careful to ensure that the mitigation actually relates to impacts caused by the project in question.

**Response 2-32**

As discussed in Response 2-30, the evaluation of the proposed project under CEQA assumes that the proposed project will comply with applicable laws, ordinances, codes and requirements to obtain permits. Therefore, the project proponent will comply with any City ordinances or other requirements, so there is no need to include requirements such as a grading plan as a mitigation measure.

**Response 2-33**

SCE and the Gas Company will coordinate the design and construction of the natural gas supply line. The Gas Company has jurisdiction over the gas pipeline, so it is up to the Gas Company and the New Master Plan Builders to coordinate future gas pipeline needs. A mitigation such as the one suggested by the City does not meet the nexus requirement in CEQA case law (*Nollan v. California Coastal Commission* (1987) 483 U.S. 825, 834-837 [107 S. Ct. 3141]).

**Response 2-34**

The project description in the Draft MND has been modified to include the requirement for an encroachment permit for work within the City's right-of-way.

**Response 2-35**

While SCE has requirements regarding the types and heights of trees that are allowed to be planted near and adjacent to high voltage equipment and transmission lines and the minimum offset distances required to ensure grounding does not occur, SCE does not have standards that require landscaping to be provided for new facilities, unless landscaping is required to mitigate significant adverse impacts. As stated on page 2-5 of the Draft MND, the proposed project structures would be consistent with the visual character of the existing Mira Loma Substation. Because of the physical similarity of the new equipment associated with the proposed project to the existing equipment at the Mira Loma Substation, the proposed project will not have a significant impact on the existing visual character and quality of the surrounding area. Therefore, the SCAQMD disagrees that the mitigation suggested in this comment is required to mitigate adverse impacts.

The project will comply with the City's Streetscape Master Plan, as applicable, when it is formally adopted by the City.

**Response 2-36**

It was concluded in the Draft MND that the proposed project would not generate significant adverse aesthetics impacts. Similarly, it was concluded in the Draft MND that, with the mitigation proposed, the proposed project would not generate significant adverse noise impacts. The City has provided no data or other information that disputes these conclusions. Therefore, the mitigation measure proposed is not required.

**Response 2-37**

As indicated on page 2-46 of the Draft MND, SCE will prepare a Hazardous Material Business Plan (HMBP) and submit it to the local Certified Unified Program Agency (CUPA), which is the San Bernardino County Fire Department. Additionally, SCE will prepare and submit an Ontario Fire Department Hazardous Material Information Sheet to the City Fire Department. Since these are requirements, there is no need to include them as mitigation measures.