2. Summary of General Responses

2.1 INTRODUCTION

Several common issues were raised in the comment letters received during the public review period for the DEIR. This section provides a summary of general responses to recurring comments raised by responding agencies and the public. The summary of general responses provides a more comprehensive explanation and response to these common issues raised during the public review period.

2.1.1 Cumulative Impacts

In accordance with the CEQA guidelines, the DEIR includes a cumulative impact analysis that takes into consideration other reasonably foreseeable projects, including approved projects or applications currently under consideration, as well as projected buildout under the City's General Plan. Cumulative impacts are addressed in Section 15355 of the CEQA Guidelines, which defines cumulative impacts as "…two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Evaluation of cumulative impacts in an EIR ensures that project impacts are fully analyzed and disclosed with full consideration of the incremental impact of the project when added to reasonably foreseeable projects. For the cumulative impacts analysis, each resource area was evaluated based on its own designated geographical area. For example, the cumulative impact analysis for the traffic analysis was based on a two-mile radius, the geographical area for air quality impacts was based on the entire South Coast Air Basin (SoCAB), and the noise impact analysis was based on noise impacts along a 18-mile segment of the railroad. A two-mile radius was defined as the geographic area for traffic in Chapter 4, *Environmental Setting*, for the purpose of identifying the cumulative trips and associated traffic impacts. A two-mile radius was selected as the appropriate study area for cumulative trips because project-related trips would potentially impact only the intersections within a 2-mile radius according to the project's trip distribution (see DEIR Appendix H, Figure 5-1 and 5-7). The traffic analysis identified cumulative projects within a two-mile radius of the project in the City of Industry, County of Los Angeles, South El Monte, and Pico Rivera. The list of cumulative projects included approved projects and potential projects where an application for development was received at the time of the Notice of Preparation for the proposed project. As shown in Table 4-1, the Rio Hondo College Master Plan is one of the cumulative projects identified in the DEIR. A few of the projects identified on the cumulative project list in Table 4-1, Cumulative Project List for Year 2011 and Year 2013, have been rescinded since the release of the DEIR.

However, the cumulative analysis also identified a much larger geographic scope for the purpose of the cumulative impact evaluation in the DEIR. First, Chapter 3, *Project Description*, of the DEIR defined the project study area encompassing the local vicinity of the Puente Hills Intermodal Facility (PHIMF) in which improvements are necessary for internal project-site access, off-site improvements in the Union Pacific Railroad (UPRR) right-of-way, and an 18-mile segment of the proposed waste-by-rail route between the project site in the City of Industry and the Pomona Switch.

In addition, Chapter 4 identified the regional environmental setting describing an even larger geographical area for the purposes of the cumulative analysis for individual topical areas in Chapter 5, *Environmental Analysis*. For instance, in Section 5.2, *Air Quality*, the cumulative environmental setting encompasses the entire SoCAB because air pollution emissions generated by the project and from

associated train trips along the entire waste-by-rail route contribute to the regional air quality within the SoCAB. The SoCAB covers a 6,600 square-mile coastal plain bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east. The cities of Pico Rivera and South El Monte are located within the SoCAB. Section 5.2 clearly describes the attainment designations of the SoCAB and concludes that project-related emissions are significant and unavoidable because they would contribute to the nonattainment designations under the California (CAAQS) and national ambient air quality standards.

To address cumulative health risk impacts in the entire SoCAB, South Coast Air Quality Management District (SCAQMD) conducted the Multiple Air Toxics Exposure Study (MATES-II) to estimate the sources of air pollution that contribute to health risk in the basin. Since release of the DEIR, the SCAQMD updated the study with MATES-III in January 2008. The MATES-III study found that the average cancer risk for persons living in the SoCAB is 1,200 in a million, which is consistent with the estimated risk for the project area according to the MATES III Carcinogenic Risk Interactive Map,[1] with diesel particulates making up approximately 84 percent of that health risk (SCAQMD 2008). Existing air pollution sources (e.g., Quemetco, Inc.) are included in the MATES-II and MATES-III studies. Because cancer risk in the SoCAB is already elevated compared to other areas in the nation, the project's cumulative contribution to health risk in the project area was evaluated by using the SCAQMD's incremental health risk threshold in accordance with the SCAQMD's CEQA Air Quality Handbook (see Tables 5.2-27, 5.2-28, 5.2-29, 5.2-30, 5.2-31, and 5.2-32). Consequently, Section 5.2 clearly describes the project's incremental health risk in light of the existing air pollution sources in the local vicinity using SCAQMD methodology.

Finally, Chapter 4, under Section 4.4, *Assumptions Regarding Cumulative Impacts*, describes the cumulative geographical area as the area along the entire waste-by-rail route to the Mesquite Regional Landfill (MRL). The entire geographic region for which the cumulative impact analysis is shown in Figure 4-2, *Waste-by-Rail Route*, and is much larger than the two-mile radius identified specifically for trip generation associated with cumulative trips.

Consequently, the DEIR adequately defines the geographic area for cumulative impacts based on the sensitivity for project-related impacts to contribute to local and regional environmental impacts in each topical section of Chapter 5, *Environmental Analysis*.

2.1.2 Truck Trip Generation – Opening Year 2011/2012 and Year 2013

The waste-by-rail project was initiated by the County Sanitation District No. 2 of Los Angeles (LACSD) over 15 years ago in an effort to ensure continued capacity to meet the waste disposal demands of Los Angeles County. The Puente Hills Landfill is scheduled to close in 2013. Chapter 3, *Project Description*, pages 3-45 through 3-46, describes the Puente Hills Landfill Conditional Use Permit (CUP) milestones for implementing the waste-by-rail system. As described in Section 5.10, *Transportation and Traffic*, truck trips associated with the Puente Hills Landfill would continue to access the landfill until it closes in 2013 in accordance with the CUPs. These trips associated with the landfill are not project-related trips but cumulative trips in the project area that have been accounted for under existing conditions.

Chapter 3 also describes the operational characteristics of the Puente Hills Material Recovery Facility (PHMRF), which has been operational since July 2005. The PHMRF is permitted to accept up to 4,400 tons per day (tpd) of Municipal Solid Waste (MSW), with a maximum capacity of 24,000 tons per week. The PHMRF would generate 4,000 tpd of containerized MSW for ultimate disposal at the MRL. The traffic study accounted for the incremental increase in truck trips from the existing level of operation at the PHMRF, at approximately 500 tons per day to the projected level of 4,400 tons per day under cumulative

[1] http://www2.aqmd.gov/webappl/matesiii/

project trips (see Table 5.10-10 of the DEIR). As described in Section 3.3.2, on page 3-16 of the DEIR, the LACSD proposes to operate the PHIMF initially at a maximum of one train per day (up to 4,00 tpd) starting in 2011/2012 and would increase the throughput to two trains per day (8,000 tpd) no sooner than 2013. Because it is anticipated that the PHMRF would contribute the full 4,000 tpd operational capacity under the initial operating scenario, the traffic analysis does not assume any additional truck trips arriving from other MRFs or transfer stations. Therefore, the DEIR considers trips traveling between the PHMRF and the PHIMF and employee trips as the only project-related trips under the initial operating scenario of one train per day. All trucks transferring containers solely between the PHMRF and the PHIMF would be fueled by liquefied natural gas and are referred to as hostler trucks.

In November 2013, the Puente Hills Landfill would cease operations and would not generate any truck trips associated with waste disposal. However, the PHMRF would continue to operate and generate truck trips associated with its operational capacity of 4,400 tpd. Consequently, the DEIR assumes that in year 2013, all trips not generated by the PHMRF are new trips. As described in Section 5.10, the project would generate 182 new (one-way) truck trips under a two-train per day operation in 2013 to transport the additional 4,000 tpd not accommodated at the PHMRF. The additional 4,000 tons of waste per day would be from other MRFs or transfer stations in Los Angeles County.

Consequently, no additional on-road truck trips, including diesel truck trips, would be generated two-train per day operations begin in 2013, when the facility would accommodate two trains per day and accept containerized MSW from other MRFs and transfer stations. At opening year 2011/2012, no new on-road truck trips[2] would be generated by the project and therefore the project correctly evaluated only 4,000 tpd of hostler truck trips traveling between the PHIMF and the PHMRF and employee trips. In year 2013 the DEIR accounted for on-road truck travel associated with 182 new truck trips in addition to hostler truck trips traveling between the PHIMF and the PHMRF and employee trips.

2.1.3 Biological Resources

An assessment of the vegetation and habitat(s) present at the PHIMF project site and along the UPRR right-of-way was conducted by The Planning Center on September 28, 2005. The results and discussion of the assessment are included in the Initial Study Appendix A to the DEIR.

The Initial Study provides a description of the biological resources of the site and surrounding area. The project site and Union Pacific Railroad (UPRR) right-of-way are developed, and located in an urbanized area developed with a mixture of residential, commercial, and industrial uses. The habitat on-site and within the UPRR right-of-way is disturbed. No vegetation communities that would support native or sensitive species are present on-site or within the UPRR right-of-way. There is no habitat, wetland, or other sensitive natural vegetation community within the project site or UPRR right-of-way.

There are sensitive biological resources associated with the San Gabriel River, but none of these are located on the site or in reasonable proximity to the site. For example, the project site is separated from the Whittier Narrows Recreation Area, and its nature center, by Interstate 605 and additional residential and industrial development. San Jose Creek is a channelized streamcourse located approximately 0.8 miles northeast of the project site. As described in the Initial Study, the project would not impact these areas. Furthermore, no surface waters, wetlands, or riparian areas are present within the UPRR right-of-way associated with the project site or waters of the United States that would fall within the jurisdiction of the United States Army Corps of Engineers or California Department of Fish and Game.

[2] The traffic study accounted for the incremental increase in truck trips from the existing level of operation at the PHMRF at approximately 500 tons per day to the projected level of 4,400 tons per day under cumulative project trips (see Table 5.10-10 in the DEIR).

The Initial Study analyzed the potential for the project to interfere with wildlife movement and habitat conservation plans. Section 3.4, Biological Resources, and 3.9, Land Use and Planning, of the Initial Study, included as Appendix A to the DEIR. The Initial Study correctly concludes that no established native resident or migratory wildlife corridors or native wildlife nurseries are present on the project site or along the UPRR right-of-way where project-related staging and arrival/departure tracks would be constructed.

The project site is not located within lands managed by or owned by the Puente Hills Landfill Native Habitat Preservation Authority, within a Habitat Conservation Plan (HCP), or within a Natural Community Conservation Plan (NCCP). The closest HCP/NCCP to the project site is the Central/Coastal NCCP, which is located in northwest Orange County. The PHIMF site and UPRR right-of-way are not within any County of Los Angeles Sensitive Ecological Area. Furthermore, there is no connectivity between the PHIMF and these resources. The San Gabriel Mountains Regional Conservancy mission promotes the preservation of land and/or buildings for historic, educational, ecological, recreational, or open space opportunities in the San Gabriel River Watershed of eastern Los Angeles County. It is not an HCP or NCCP. In any case, the project does not interfere with its activities or intended outcomes. Therefore, this issue was not discussed further in the DEIR.

Water quality impacts on biological resources from surface runoff associated with the project were addressed under Impact 5.6-1 in Section 5.5, *Hydrology and Water Quality*, of the DEIR. As stated on page 5.6-10 of the DEIR, untreated stormwater runoff degrades water quality in surface waters and groundwater and can affect drinking water, human health, and plant and animal habitats. Impact 5.6-1 addressed both construction and operational impacts on stormwater runoff associated with the project. Prior to initiating construction activities at the project site, LACSD construction contractor would file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and request coverage under the General Construction Activity Permit (NPDES CAS000002). The contractor would be responsible for preparing and implementing a Stormwater Pollution Prevention Plan (SWPPP) that covers all aspects of the project during construction. The SWPPP would describe the Best Management Practices (BMPs) that would be implemented to prevent construction pollutants from contacting stormwater and to keep all products of erosion from moving off-site into receiving waters. The SWPPP would be reviewed by the City of Industry Engineering Department in conjunction with its building permit review. Preparation and implementation of the construction SWPPP and compliance with the standard conditions and BMPs outlined therein would reduce construction-related stormwater impacts to less than significant.

For post-construction activities, stormwater at the PHIMF project site would be collected by engineered stormwater conveyance system and directed to a larger, regional storm drain beneath Pellissier Place. From there, it is conveyed to the San Gabriel River, which flows southward and eventually discharges to the Pacific Ocean. Upon development of the proposed project, drainage volume and intensity in the vicinity of the project site within the UPRR right-of-way would remain similar to existing patterns and conditions after project buildout. In accordance with the SWRCB's General Industrial Storm Water Permit (NPDES No. CAS000001), the LACSD would file an NOI and seek coverage under the General Permit for stormwater discharges associated with industrial activity resulting from the operation of the PHIMF. Existing regulations governing water quality of stormwater runoff are detailed in Section 5.6 of the DEIR. Furthermore, project design features to properly manage stormwater runoff were incorporated into the project design, including a secondary containment system equipped with a collection sump and an oil-water separator to collect and treat any released fluids or incident rainfall in on-site maintenance areas, in accordance with the General Industrial Storm Water Permit. No significant impacts relating to water quality would occur.

2.1.4 Odors Generated by Containers

Based on discussions with the UPRR, the LACSD expects the loading and transport process to take approximately 24 hours, and in almost all cases occur within 48 hours, limiting the potential for odors to occur. The LACSD would also abide by a strict limitation that no containers loaded with solid waste would be stored at the facility, which includes the storage tracks on UPRR property, for more than 96 hours. Therefore, the proposed Waste-by-Rail operation would be predicated upon storing containers for approximately one day and in no instances longer than four days (96 hours).

As noted in the DEIR, the LACSD conducted a study to specifically investigate (1) the potential for odors to be noticeable outside the container; (2) the potential for methane gas to buildup within the container; and (3) the potential for elevated pressure and temperatures to develop within the container. The LACSD field study is included in Appendix B of this FEIR. The study was carried out over several months and was based upon prior landfill operating experience and research, supplemented with a comprehensive field study. The field study, carried out at the Puente Hills Landfill and PHMRF, included monitoring refuse filled containers similar to those that would be used in the waste-by-rail system. Seven field tests were conducted from January to July 2007, including tests conducted in the summer months when ambient temperatures reached close to 100°F. Odor testing was conducted in the field as well as in the laboratory. For the laboratory tests the LACSD uses two different olfactory methods. The first method is triangular forced-choice dynamic dilution ascending concentrations series olfactometry, conducted in conformance with ASTM E679-04, which involves an odor panel of six to ten odor assessors that measures the intensity of odorants. The second method uses gas chromatography/mass spectrometry-olfactometry (GC/MS-OLF) to identify odorants. Gas samples were sent to the LACSD's Joint Water Pollution Control Plant for olfactometry analysis.

Odor panel results are expressed as a dilution to threshold ratio (D/T), which is the ratio of clean dilution gas to that of the sample gas in order to reduce the sample gas to below the detection level. In general, a D/T level of over 100 would be quite noticeable and values over 1,000 would be offensive. Levels in the interior of the containers ranged from 1,500 to 44,000 D/T. However, odor levels just outside the container (two feet) ranged from 20 to 660 D/T,[3] with most being in the 20 to 50 D/T range and generally indistinguishable from ambient air samples.

After four days in all seven of the field tests, the methane concentration both inside and outside of the containers was negligible and in most cases below the detection limit of the laboratory analyses (less than 0.005 percent). In addition, laboratory analysis was performed to detect hydrogen sulfide (H_2S) gas (which is considered a highly odorous compound) in samples taken both inside and just outside (two feet) of the container. In all instances, the H_2S levels outside of the container were below the detection level of the laboratory analysis (less than 0.1 ppm). Similar laboratory analyses for other odorous compounds (e.g., mercaptons and other sulfide compounds) confirmed this trend.

Trained technicians conducted field observations for the presence of odors. The technicians noted a decrease in odor intensity at progressively further distances from the containers. In no instances did the technician detect any odors at distances over 15 feet from the container.

Consequently, both laboratory and field tests confirm that substantial odors would not be generated by from the containerized waste because odors from the containers would generally be indistinguishable from ambient air samples at distances of 15 feet.

[3] The 660 D/T value included background value of 580 D/T indicating that the odor panel is likely picking up background odors and not odors associated with the MSW container.

Although no significant odor related impacts associated with transportation of MSW in containers would occur, as part of the operations of the facility the LACSD would develop and implement an Odor Management Plan for the PHIMF. The Plan would be designed to minimize odor impacts from the project. The Plan would:

1) Describe potential odor sources at the facility;

2) Identify ways to prevent or minimize the odors, including, but not limited to measures identified in the:

    a. Mesquite Regional Landfill Environmental Impact Report/Environmental Impact Statement (EIR/EIS),
    b. MRL Conditional Use Permit (CUP), and
    c. PHIMF DEIR;

3) Outline community response procedures, including a 24-hour, staffed complaint hotline;

4) Describe corrective actions to be taken if odor is confirmed; and

5) Specify record keeping requirements.

As part of the Odor Management Plan, the LACSD would verify that severely odorous refuse loads are not placed directly into the containers without implementing additional procedures to reduce odor generation. The procedures may involve mixing odorous refuse with normal refuse, allowing odorous loads to aerate before loading, or using odor control substances to reduce odor generation. Furthermore, the LACSD has already set up a hotline that is staffed 24 hours per day to receive any complaints at the Puente Hills Landfill and the PHMRF and would extend this program to include the PHIMF. A sign would be posted at the PHIMF displaying the contact telephone number of this hotline to receive odor complaints. If an odor complaint is received, technicians would be dispatched within two hours to investigate any complaints and the time, date, and location of the complaint would be documented.

The LACSD would also follow procedures outlined in the MRL EIR/EIS to reduce odor generation. The most effective method to minimize odors would be to keep vents and other openings closed. Carbon filters, or other air-scrubbing device, would be available at the PHIMF for installation on containers, as necessary. Accordingly, the containers would be designed to accommodate the installation of these air–scrubbing devices. Some of the odor control measures identified in the MRL EIR/EIS included the washing of containers for every sixth trip to the landfill, using fully sealed containers and keeping the vents on the containers closed except during the unloading of refuse at the MRL. The LACSD is currently constructing the MRL, which would have a container wash facility and a container repair facility located on the premises.

LACSD would also implement a regular Container Inspection, Maintenance, and Repair Program. Elements of this Program would include: 1) inspecting all containers for dents, punctures, structural damage, and graffiti; 2) monitoring the proper working condition of the lid, doors, seals, and vents; 3) ensuring that all vents on the container are closed prior to transit; 4) implanting a container tracking protocol that would allow for regular, preventative maintenance (e.g., door seal replacement) to occur according to the manufacturer's specifications; 5) identifying locations where container maintenance and repair would be conducted and where damaged containers would be stored; 6) establishing measures to be taken to minimize odor while the container is awaiting repair or during repairs; 7) minimize odor

associated with container repairs conducted at the PHIMF; and 8) establishing a program for regular cleaning of containers. Records of any container inspection, maintenance, and repair conducted at the MRL would be made available at the PHIMF for inspection by the public to ensure the program is effective. Container damage that could allow escape of odors and gas to the atmosphere, such as damage to lids, doors, walls, and seals, would be repaired immediately. All routine maintenance and repair of containers used at the PHIMF and other local intermodal facilities would be conducted at the MRL. Container repair and maintenance activities at the PHIMF would be limited to emergency situations or if the container could not be transported safely to the MRL without repairs.

2.1.5 Alternatives

The CEQA Guidelines Section 15126.6 requires that an EIR describe and comparatively evaluate a reasonable range of alternatives. An EIR is required to evaluate a "No Project" alternative and alternatives that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. An EIR does not need to consider every conceivable alternative to the project.

As described in Chapter 1, *Executive Summary*, of the DEIR, prior to selecting the recommended location for the PHIMF, the LACSD conducted an extensive planning process using the following siting criteria:

- Proximity to the PHMRF, including the feasibility of constructing an off-road accessway between the PHMRF and the proposed site location to reduce potential traffic impacts;

- Having adequate characteristics to support rail operations, including connection to the UPRR main line, minimum size (greater than 15 acres), and optimal site orientation/dimensions to support loading/unloading operations;

- Consideration of adjacent land uses; and

- Ability to acquire the property (e.g., current utilization, owner's willingness to sell).

In accordance with CEQA Guidelines Section 15126.6 of the CEQA Guidelines, the DEIR analyzed a reasonable range of project alternatives. A total of five alternatives were analyzed in Chapter 7, Alternatives, of the DEIR. The DEIR evaluated two scenarios for a "No Project" alternative and five other alternatives:

- No Project Scenario 1 – Truck Waste to Landfills. As described in Chapter 7 of the DEIR, this alternative would reduce or eliminate environmental impacts locally (i.e., at the project site and within the project study area), but would increase impacts regionally, particularly with respect to air quality, traffic, and the provision of services.

- No Project Scenario 2 – Use of an Existing Intermodal Facility. As described in Chapter 7 of the DEIR, this alternative would reduce or eliminate environmental impacts locally (i.e., at the project site and within the project study area), but would increase impacts regionally, particularly with respect to air quality and traffic.

- Alternative Location Scenario – Alternative Site No. 3. As described in Chapter 7 of the DEIR, based primarily on the reduced construction impacts, this alternative is considered to be environmentally superior to the proposed project. However, this alternative fails to meet one of the LACSD's siting criteria—the ability to acquire the property. The property owner is unwilling to

sell or lease the property, or to relocate the existing business. Therefore, unlike the proposed project site, this parcel is unavailable for development into an intermodal facility unless eminent domain is exercised.

- Reduced Project Alternative – Maximum Permitted Capacity of 4,000 tpd. As disclosed in Chapter 7 of the DEIR, although the Reduced Project Alternative would reduce some of the project environmental impacts, it would not attain the project objectives. This alternative would not allow for the development of a local intermodal facility with the capacity to handle up to 8,000 tpd of MSW, which would limit the ability of the LACSD to meet their obligation to ensure continued disposal capacity for Los Angeles County refuse through the development of local infrastructure to support a waste-by-rail system. To offset the reduced capacity of the PHIMF, it would be necessary to (1) use existing IMFs that are unsuitable for servicing MSW requirements, (2) use local landfills that have limited remaining capacities, and/or (3) construct new/additional IMFs at other locations. To the extent that any of these events occur, environmental impacts related to traffic, air quality, and noise would merely be displaced to other locations.

- Alternative Track Layout – East Track Option. As described in Chapter 7 of this DEIR, because of this alternative's significant traffic-related impact and because the environmental impacts associated with this alternative would affect a greater number of sensitive receptors for a longer period of time, this alternative is considered to be environmentally inferior to the proposed project.

The alternatives were defined, in part, on their potential ability to reduce or eliminate the impacts (Air Quality Impacts 5.2-3 to 5.2-5, Noise Impacts 5.7-2 and 5.7-4 to 5.7-7, and Traffic Impact 5.10-2) determined to be significant and unavoidable for the proposed project. The alternatives were also developed in consideration of the project's siting criteria.

The DEIR analyzed an alternative location for construction of a new local intermodal facility. Furthermore, Chapter 7 identified two other alternative locations for a new local IMF; however, these were considered and rejected based on the established siting criteria. Although the various alternatives would reduce or eliminate environmental impacts locally (i.e., at the project site and within the project study area), two of the alternatives would increase regional significant impacts; one is not an option due to the unwillingness of the property owner to sell the site; one would merely displace impacts to other locations; and one would impact sensitive receptors for a longer period of time. Aside from not meeting all of the project's objectives, the five alternatives analyzed, would have similar or greater impacts on the environment and public health.

2.1.6 Future Local Intermodal Facilities

The concept of a waste-by-rail system to serve Los Angeles County was first proposed in the late 1980s and formalized in the early 1990s in response to projected imminent shortfall in local disposal capacity. As proposed, the waste-by-rail system was predicated upon 4,000 net refuse ton "unit trains,"[4] which would be approximately one mile long. Following these conceptual plans, the PHMRF was proposed as a 4,000-tpd facility. The plan for a dedicated intermodal facility to serve the PHMRF was first described and evaluated in the 1995 Draft EIR for an Intermodal Facility and a Waste-by-Rail Disposal System Originating from the Puente Hills Materials Recovery Facility. After several years of actively searching for a site, the location for the proposed PHIMF was selected based on its ability to meet the siting criteria and its availability for purchase. The PHIMF is proposed to specifically serve the PHMRF and provide the infrastructure needed to initiate the first train for the waste-by-rail system. The intent of the PHIMF is not

[4] A "unit train" consists of railroad cars carrying a single commodity.

to replace the capacity of the Puente Hills Landfill, but to provide the initial rail-loading infrastructure to support the waste-by-rail system. The proposed PHIMF would handle a maximum of two trains per day or approximately 8,000 tpd largely because the physical constraints of the project site would limit the operations to no more than two trains per day. It is expected that other intermodal facilities would be built in the future, as needed, to address any shortfalls in local disposal capacity.

The Draft EIR (page 3-13) noted that at two trains per day, the PHIMF "would replace a portion of the 13,200 tpd of disposal capacity that would no longer be available with the closure of the Puente Hills Landfill in 2013." LACSD projected that the replacement of the full capacity at the Puente Hills Landfill in 2013 is not needed because some local landfills are currently not accepting waste at their maximum permitted limit and would have the capacity to accept a portion of waste currently being disposed of at the Puente Hills Landfill. As shown in Table 3.3 of the Draft EIR, the disposal shortfall (defined as the difference between the county's disposal need and the permitted capacity) in 2013 is approximately 1,800 tpd under LACSD's best-case scenario[5] and approximately 4,900 tpd under LACSD's worst-case scenario, with local landfills absorbing up to 11,400 tpd of the refuse under the best-case scenario and up to 8,300 tpd under the worst-case scenario (see Table 1). Therefore, the disposal capacity needed at the PHIMF in 2013 is currently forecast to be between 1,800 tpd and 4,900 tpd.

Table 1
Estimates Disposal Shortfall
(tons per day)

LACSD's Projection	2013		2020	
	Best Case Scenario	Worst-Case Scenario	Best Case Scenario	Worst-Case Scenario
Loss of Permitted Capacity due to Closure of the Puente Hills Landfill	13,200	13,200	13,200	13,200
Available Local Landfill Capcity[1]	11,424	8,324	4,536	(5,274)[2]
Disposal Shortfall	1,776	4,876	8,664	18,474

[1] To offset decrease from closure of the Puente Hills Landfill
[2] Indicates a countywide shortfall of 5,274 tons per day
Source: Status Report on the Development of a Waste-by-Rail System and Evaluation of Alternative Technologies – Report No. 14, April 2007, County Sanitation Districts of Los Angeles County.

Under LACSD's best-case scenario, a second intermodal facility would not be required until 2020 when the disposal shortfall would exceed 8,000 tpd, which would give LACSD or another entity approximately eight years from the commencement of the PHIMF to site, permit, and construct a second intermodal facility. However, recognizing that projections could change and the lengthy process of siting, permitting, and constructing an intermodal facility, LACSD is continuing to evaluate numerous other properties throughout Los Angeles County for development of additional intermodal facilities to serve the waste-by-rail system.

[5] Due to the inherent uncertainty associated with forecasts of both refuse generation and disposal capacity, LACSD looks at a variety of scenarios that may occur in the future. In particular, disposal capacity is difficult to predict due to the need for some facilities to renew permits to continue to operate in the future. Permitting of solid waste facilities is a complex and uncertain process so it is sometimes difficult to predict the eventual outcome. The "best case" scenario considers that all facilities that have upcoming permit processes are able to successfully obtain their permits.

Because intermodal facilities to support a waste-by-rail system would be limited in number and can be capital intensive, it is necessary to optimize the operations and throughput of any facility. In the case of the PHIMF, two trains per day is the optimum capacity. Based on preliminary engineering, site constraints limit the PHIMF to six 800-foot-long tracks, which could accommodate one 4,000-ton unit train. It is anticipated that it would take approximately 1.5 hours to pull the six segments of a unit train onto the loading tracks, 7.3 hours to load and unload, containers onto the railcars, and another 1.5 hours to pull the six segments of a unit train onto the staging tracks. Since it would take 10.3 hours to disassemble, load, unload and assemble a unit train, the PHIMF would be able to handle a maximum of two trains per day over a 24-hour period.

2.1.7 Noise Mitigation Funding Program

Mitigation Measure 7-1 would require the County Sanitation District No. 2 of Los Angeles County (LACSD) to implement a program, in conjunction with the representatives of the Gladstone and Whittier Woods communities and Supervisor Gloria Molina's office, to fund the design and construction of specific improvements that help mitigate project related noise for noise-sensitive residential uses along the UPRR right-of-way. Specific program elements would include certain conditions as described below and would be developed by a community working group.

1) Within 60 days of approval of the Conditional Use Permit (CUP), a Working Group shall be established, consisting of LACSD staff, two representatives of each affected community (Gladstone and Whittier Woods), and a representative of the Los Angeles County Supervisor, First District.

2) Within 90 days of the establishment of the Working Group, the Working Group shall develop options and specifications for structural (sound wall) and architectural improvements (windows and doors) for the affected communities. LACSD shall review the noise impact analysis as presented in the DEIR with the Working Group. The feasibility of alternative sound walls, such as cantilevered barriers and sound absorbing materials, as well as specific architectural improvements, shall be evaluated by the Working Group. The selected options may include, but are not limited to, one of the following or a combination thereof:

    a. LACSD shall pay for the design, construction, and on-going maintenance of up to 16-foot sound walls along the UPRR right-of-way adjacent to the LACSD arrival/departure tracks located next to the Gladstone and Whittier Wood communities. The recommended type, height and extent of the sound wall and property related issues regarding the location of the wall shall be determined by the Working Group; and

    b. LACSD shall make monies available to replace existing windows and doors with STC-rated windows and doors for the first and second rows of residences in the Gladstone and Whittier Woods community adjacent to the LACSD arrival/departure tracks. Windows shall be replaced with ones that have proper seals and achieve a weighted sound reduction of at least 25 dB. Doors would be replaced with new solid doors, with good quality gaskets capable of achieving a sound reduction of at least 25 dB. Consistent with the Los Angeles County Noise Ordinance, the target goal for acceptable interior noise levels attributed to the proposed project would be 45 dB.

3) The project "affected" areas shall have 60 days to review the noise mitigation options and provide feedback to the Working Group. During this 60-day period, at least one public workshop shall be hosted by the LACSD for the residences of the Gladstone and Whittier Woods communities to present the options developed by the Working Group. An expert in rail related noise impacts would be retained by the LACSD, in consultation with Los Angeles County Supervisor, First District's office, to address concerns of the residents at the public workshops.

4) Once the 60-day public comment period expires, the Working Group shall have 90 days to present the final noise mitigation plan to the LACSD. The LACSD shall develop a cost estimate for the design and construction of the improvements recommended (e.g., sound walls and/or architectural improvements) and provide funding for the agreed upon improvements.

5) Prior to the first waste-by-rail train departing from the PHIMF, the LACSD shall have constructed all structural improvements (sound walls).

6) The LACSD shall make available monies for architectural improvements (STC-rated windows and doors for the first and second row of residences in the affected communities facing the UPRR right-of-way) for a 12-month period beginning at the completion of the final noise mitigation plan. Homeowner's acceptance of the funds ends the LACSD's obligation for this Mitigation Measure.

2.1.8 Property Values

CEQA does not require an EIR to address economic impacts associated with a proposed project, which by themselves do not cause or contribute to physical impacts on the environment. Specifically, the CEQA Guidelines state that "Economic or social information *may* be included in an EIR or may be presented in whatever form the agency desires" (CEQA Guidelines, Section 15131, *emphasis added*). Further, the Guidelines state that the "Economic and social effects of a project shall not be treated as significant effects on the environment" (Section 15131[a]). The intent of CEQA is to evaluate and mitigate physical impacts on the environment. In conclusion, the comment regarding project impacts on property values is acknowledged. This issue, however, is not within the purview of the environmental review of the project per CEQA.

2.1.9 Health Risks Assessment

Because the SoCAB already experiences high levels of air pollution leading to violations in California and national ambient air quality standards and high levels of air toxics (e.g., diesel particulate matter), the SCAQMD has established regional, localized, and incremental health risk significance thresholds for determining project-related impacts. See pages 5.2-29 through 5.2-30 in the DEIR for a discussion on the SCAQMD's thresholds of significance. The health risk assessment was conducted in accordance with guidelines and methodologies recommended by the Office of Environmental Health Hazard Assessment (OEHHA) *Air Toxic Hot Spots Program Risk Assessment Guidelines*, the South Coast Air Quality Management District's (SCAQMD) *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*, and the California Air Resources Board's (CARB) *Health Risk Assessment Guidance for Rail Yard Intermodal Facilities*. No significant health risk from operation of the project was identified at sensitive receptors proximate to the project site.

2.1.10 Implementation of a Quiet Zone

The Federal Railroad Administration's (FRA) requirements for establishing a quiet zone are in the Train Horn Rule, as amended August 17, 2006. To establish a new quiet zone, the at-grade crossing must (1)

be at least a half mile in length along the railroad tracks; (2) have at each public crossing, at a minimum, flashing lights and gates in place that are equipped with constant warning time devices, where reasonably practical, and power-out indicators; and 3) if any private crossing allows access to the public or provides access to active industrial or commercial site, or if there are any pedestrian crossings, a diagnostic team review of those crossings must be conducted by the FRA, and recommendations concerning those crossing must be made. If, based on these characteristics, the Quiet Zone Risk Index of the proposed quiet zone is less than or equal to the Nationwide Significant Risk Threshold, then a quiet zone can be established by installing signage at each crossing that trains do not sound horns and submit notification in accordance with the Rule.

2.1.11 Extension of Public Review and Comment Period

No unusual circumstances arising from this project justify a 120-day review period, above the mandated 45-day review period required under Section 15105 of the CEQA Guidelines. Furthermore, the public review period for the DEIR was previously extended from 45 to 60 days. The commenters list the four following reasons to justify the request for additional time:

1) The project is the first of its kind in California.

   While the project would be the first local intermodal facility dedicated to the transfer of containerized municipal solid waste by rail to a remote landfill in the state of California, the project is part of a larger waste-by-rail project that has been planned by the County Sanitation District of Los Angeles County No. 2 (LACSD) for over 15 years. Pages 2-5 through 2-6 of Chapter 2 of the DEIR, *Introduction*, describes the history of the environmental planning process undertaken by the LACSD for development of the waste-by-rail system. The 1995 EIR addressed the potential significant and cumulative environmental impacts from the implementation of each component of a waste-by-rail system, which included disposal of a maximum of 4,400 tons of waste per day originating from the Puente Hills Materials Recovery Facility and environmental impacts associated with the construction and operation of a potential dedicated intermodal facility (i.e., for the exclusive use of the waste-by-rail system). Therefore, the environmental impacts from creation of a waste-by-rail system to meet the waste disposal requirements for Los Angeles County have been documented for over 15 years. The proposed project is therefore a necessary component of an operational waste-by-rail system. The DEIR analyzed the project-specific impacts associated with its construction and operation. Additional time to review is therefore not warranted based on the first of the commenter's reasons.

2) The DEIR with its appendices are four volumes, totaling over 1,000 pages, which requires several hours of reading.

   The DEIR Volume I for the project is approximately 580 pages long, contained within a 1.5-inch comb-binder. This length is not substantially longer than any other EIR for a large project. Furthermore, to help condense information, the DEIR includes an Executive Summary in Chapter 1 to provide a synopsis of the project description, Project Design Features, Mitigation Measures, significant impacts, and alternatives. While Volume II, containing the technical appendices, is 2,658 pages long, the majority of these materials are computer modeling outputs and survey results completed by the technical consultants. The additional 15 days added onto the 45-day public review period is sufficient to review the information contained within the DEIR and does not constitute unusual circumstances requiring additional time.

3) The DEIR makes reference to other EIRs, Conditional Use Permits (CUPs), and other documents that are not included in the DEIR and are located at various government agencies.

   Not unlike other EIRs, which tier off of other existing environmental analyses, the DEIR for the proposed project references all or portions of other documents that are a matter of public record or generally available to the public (CEQA Guidelines, § 15152). Chapter 2, *Introduction*, on pages 2-4 through 2-6 clearly states that the EIRs previously prepared by the LACSD are available at their offices at 1955 Workman Mill Road, Whittier, California 90601. Furthermore, the CUPs obtained by the LACSD are a matter of public record and are also available at the LACSD. Consequently, this does not constitute unusual circumstances that warrant additional review time above and beyond the time allocated.

4) The DEIR was released over the December and January Holiday season.

   Lastly, the DEIR for the proposed project was made available for public review on December 7, 2007 and public review concluded on February 4, 2008. While the City of Industry and other government agencies are closed for federal holidays including Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, and Martin Luther King Jr. Day, the additional two weeks (15 days) of review time more than compensates for the five federal holidays and vacations that individual reviewers may have had scheduled. Consequently, this does not constitute unusual circumstances requiring additional time.

The requested 120-day review period is more than two-and-a-half times the mandated public review period and no unusual circumstances are presented that warrant the requested review period, for the reasons given above.

2.1.12 Feasibility and Adequacy of Mitigation Measures

The DEIR for the proposed project was prepared as a Project EIR, which is the most common type of EIR and examines all phases of the project including planning, construction, and operation (CEQA Guidelines Section 15161). Per the Guidelines, "An EIR shall describe *feasible* measures which could minimize significant adverse impacts, including where relevant, inefficient, and unnecessary consumption of energy" (Section 15126.4[a][1]), *emphasis added*). "Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors" (Section 15364).

As discussed in the various topical sections (e.g., air quality, noise, traffic) of the DEIR, the proposed project would have potentially significant impacts related to:

- Air Quality
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Transportation/Traffic
- Utilities and Service Systems

Per the CEQA definition of "feasible," the DEIR outlined feasible mitigation measures that would lessen the identified impacts. However, as disclosed in the DEIR, impacts to air quality (Impact 5.2-3, Impact 5.2-4, and Impact 5.2-5), noise (Impact 5.7-2, Impact 5.7-4, Impact 5.7-5, Impact 5.7-6, and impact 5.7-7),

and traffic (Impact 5.10-2) would remain significant and unavoidable even with mitigation. A detailed, quantified analysis has been provided to assess each of these impacts and to support this conclusion. With regard to noise Impact 5.2-4 and air quality Impacts 5.7-5 and 5.7-6, no feasible mitigation measures were available to reduce the identified impacts; therefore, these impacts would require the adoption a Statement of Overriding Considerations.

2.1.13 Sealed Container Transfer Operation

The California Code of Regulations, Title 14, Section 17402, defines a sealed container transfer operation to mean "a transfer operation that meets the following requirements:

(A) handle only solid waste that has previously been placed within containers that have either a latched, hard top or other impermeable cover which is closed tightly enough to:

(1) prevent liquid from infiltrating into or leaking out of the container; and

(2) prevent the propagation and migration of vectors; and,

(i) the solid waste remains within the unopened containers at all times while on-site; and,

(ii) the containers are not stored on-site for more than 96 hours."

The requirement that containers must be unopened and not stored on-site for more than 96 hours applies only to containers that are filled with solid waste. Empty storage containers are not subject to the regulation. While it is not likely that containers would be stored indefinitely—they are intended to be used continually for PHIMF operations—the DEIR evaluates the potential for them to be on-site for extended periods of time. All containers would be maintained in accordance with the Container Inspection, Maintenance and Repair Program, which includes periodic container washing to reduce odors.

2.1.14 Phase-In of Tier 3 and Tier 4 Locomotives

The United States Environmental Protection Agency's (USEPA) *Control of Emissions of Air Pollution from Locomotives and Marine Compression-Ignition Engines Less Than 30 Liters Per Cylinder Rule* was adopted on March 14, 2008, which includes provisions for Tier 3 and Tier 4 standards for new locomotives. Tier 3 locomotives are not forecast to be commercially available until 2012, at the earliest, when they would be phased into the UPRR locomotive fleet. Likewise, Tier 4 locomotives are not forecast to be commercially available until 2015–2017, at the earliest, when they would be phased into the UPRR locomotive fleet. Therefore, Tier 3 and Tier 4 locomotives would not be available to serve the project at the start of operations in 2011/2012.

2.1.15 Traffic Circulation and Modifications to the PHMRF

The Los Angeles County Department of Regional Planning (DRP) is the permitting agency for the current Puente Hills Landfill Conditional Use Permit (CUP) and PHMRF CUP. The proposed traffic circulation for the PHIMF is shown in Figure 3-10, *Traffic Circulation Plan*, in the DEIR. The traffic circulation shown in Figure 3-10 would not affect the existing ingress/egress to the PHMRF or the traffic pattern at the PHMRF. Therefore, changes to the CUP based on the project's circulation plan are not warranted.

The PHMRF customers would continue to enter the site via the entrance at Crossroads Parkway South. However, to accommodate the traffic pattern for the PHIMF, some internal roadways around the PHMRF structure would be modified and may include:

1) Constructing a new road from the PHMRF support areas (vehicle maintenance and general maintenance areas) to the parking lot south of the PHMRF building.

2) Constructing a short descending ramp to provide ingress to the PHIMF road to the north or access to the loading bays and egress from the PHIMF road to the south.

3) Constructing a short bridge over the existing out-loading bay road at the west end of the PHMRF to provide direct access to the PHMRF support areas.

This work involves mostly grading, paving, striping, and construction of retaining walls on the west end of the PHMRF. Construction impacts (e.g., air quality, noise) associated with these activities were included and analyzed in the DEIR. Minor structural modifications at the PHMRF would have minimal impact on operations. LACSD has been involved in ongoing discussions with DRP regarding the development of the PHIMF, including determining if any changes to the Puente Hills Landfill CUP or PHMRF CUP would be required. Based on discussions to date, DRP staff has indicated the PHIMF project would not require reopening of the CUPs for the Puente Hills Landfill or the PHMRF. However, LACSD would be required to submit a revised "Exhibit A" of the site plan for the PHMRF to reflect the revised traffic circulation outside PHMRF building as a result of the development of the PHIMF. The revised Exhibit A would be administratively incorporated as part of the PHMRF CUP. Changes to the DEIR text that incorporate this information are described in more detail in Chapter 4, *Revisions to the Draft EIR*, of this FEIR.

2.1.16 Capacity of the Puente Hills Intermodal Facility

The proposed project involves construction and operation of a local intermodal facility (IMF) with a capacity of handling two trains per day, or approximately 8,000 tons per day (tpd). The PHIMF is one of many local IMFs that would need to be constructed to meet future disposal needs in Los Angeles County and is only one component of the entire waste-by-rail system. The PHIMF, as proposed, was never intended to be the only facility serving the Mesquite Regional Landfill (MRL) nor as compensation for the loss of disposal capacity at the Puente Hills Landfill. The Final Environmental Impact Statement (EIS) and EIR for the Proposed Mesquite Regional Landfill (State Clearinghouse No. 1992051024) identifies that several local IMFs would be required and describes truck haul limitations for out-of-county waste. The CUP for the MRL permits the movement of 20,000 tpd per day of waste-by-rail from multiple local IMFs. Consequently, other actions initiated by the County Sanitation District No. 2 of Los Angeles County (LACSD) to provide additional disposal capacity to meet the waste disposal needs for the County are not a part of the project, including the pending CUP amendment to allow up to 4,000 tpd of truck haul to the MRL. Environmental analysis for other projects initiated by the LACSD not related to the operations of the PHIMF would undergo separate environmental review.

2.1.17 Hours of Operation

As described in Section 3.3.3, *Project Schedule*, of Chapter 3 of the DEIR, the PHIMF would operate 24 hours a day, seven days per week, to load and unload containers from rail cars, assemble and disassemble unit trains, and maintenance of equipment and facilities. As noted in the DEIR, receipt of rail-ready shipping containers and the transport of trains to and from the Mesquite Regional Landfill (MRL) would typically only occur six days per week. A 24-hour a day operation is necessary to meet the

8,000 tons per day capacity of the facility. Additionally, the ability of the Union Pacific Railroad (UPRR) to provide service to the PHIMF would be dictated by the level of activity on the tracks. Consequently, it is not feasible to restrict operation of the PHIMF to daytime hours.

2.1.18 Project Funding

The project applicant is the County Sanitation District No. 2 of Los Angeles County (LACSD), which is funding the project. In 1991, an Ad Hoc Committee, comprised of city officials and city managers, was formed to guide the LACSD's efforts in developing waste-by-rail. In December 1991, the Committee issued the Report on Waste-by-Rail. The Committee identified the higher cost of waste-by-rail as one of the major obstacles to implementing a waste-by-rail system and recommended that the LACSD implement a cost levelization program. "Cost levelization" or "cost transition", a term used to describe a program to provide rate stabilization and a controlled transition to the higher cost of waste-by-rail, has been implemented since January 2005. The LACSD's strategy is to provide a gradual cost increase and smooth transition between the current cost of local disposal capacity and the higher cost of remote disposal. This is to be accomplished through the creation of a rate stabilization/transition fund that will be used to pay for the development of infrastructures for the waste-by-rail system, including the PHIMF and the MRL, and offset transportation and disposal costs over a 20-year period. The fund is composed of three components: 1) an initial contribution of $150 million from LACSD gas-to-energy revenues; 2) contributions from future gas-to-energy revenues; and 3) a dedicated portion of future tipping fee increases at the Puente Hills Landfill.

Environmental review under the National Environmental Policy Act (NEPA) is only applicable if a project is subject to a federal action or when it requires a permit, regulatory decision, or funding from a federal agency. The proposed project does not meet any of these criteria and is not subject to NEPA.