



CITY OF INDUSTRY

Incorporated June 18, 1957

January 24, 2008

Ms. María Mejia, Attorney
9951 Wheatland Avenue
Shadow Hills, CA 91040

RE: Puente Hills Intermodal Facility ("PHIMF") Draft Environmental Impact Report ("DEIR")

Dear Ms. Mejia:

The City of Industry ("City") is in receipt of your letters dated January 7, 16, 2008 and the two sent on January 23, 2008 regarding the PHIMF DEIR. In your letters you request an expansion of the 45 day statutory public comment review period to 120 days due to "unusual circumstances" and suggest that the DEIR made available to the public is not complete. As you are aware, the public review of the DEIR has already been extended from the required 45 days to 60 days and we are not aware of any unusual circumstances arising from this project or the environmental review that justify your request for a 120 day review period. Further, a complete and accurate copy of the environmental document was made available to the public as required by CEQA both in hard copy and via compact disc ("CD"). As to comments raised by Mr. Sweet and Mr. Michael, they will be addressed in the responses to comments, along with all the other public comments.

The public scoping meeting for this project occurred nearly two years ago. The DEIR was made available to the public via CD for a nominal fee on December 7, 2007. The CD contains color copies of all color originals. Numerous groups requesting the DEIR were provided courtesy hard copies, including the North Whittier Coalition. According to your letter, your consultant geologist E.D. Michael received a copy of the DEIR on January 4, 2008. E.D. Michael prepared a comment letter on January 12, 2008 which was submitted to the City on January 16, 2008, the same day a public meeting was held providing an additional opportunity for public comments. As of the date of this letter, the public still has an additional week to submit comments.

The issues cited in your letters in support of an extension do not present an "unusual situation" supporting an additional extension of the public comment period. The project is a transfer facility designed to move non-hazardous containerized waste from trucks to rail cars. The project envisions two train trips a day. There is nothing unusual about the project or its environmental effects. The four volume 2,000 page DEIR (including Technical Appendixes) is not unusually large and the fact that review may "require several hours of reading" can certainly be accomplished over a 60 day


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period. Moreover, the additional 15 days of review more than makes up for any conflicts with holiday schedules due to the December release of the DEIR. In fact, the turn-out at the January 16, 2008 meeting and numerous comments confirm adequate public notice and opportunity to comment.

Your January 16, 2008 letter further states that certain unidentified reference materials could not be obtained without time-consuming delay and other documents were not made available in color. No information was provided as to what reference documents are sought or what steps have been taken to obtain the documents. On January 23, 2008 you provided a follow up letter listing 12 references that are allegedly not readily available for public review, demanding that they be immediately forwarded to you. In so far as items are identified in your letters, please find colored copies of Figures 2, 4, 5 and 6¹ and colored copies of Table I (p.E-240) and Table II (E-241) all included on the CD made available to the public at the beginning of the public comment period, a courtesy copy of which is attached. As to the reference materials, as a further accommodation, we will arrange for your review of the materials either in person or provide copies, provided you agree to pay for the copying costs. Please let me know how you wish to proceed.

Again, there is still time to assure that all of your client's concerns are raised during the public comment period, which concludes on February 4, 2008.

Sincerely,



Mike Kissell
Planning Director

MK:TI:jm

Attachment

¹ Figure 10 (also referenced in your letter) does not appear to exist.