



AGENDA
CITY OF NORCO
CITY COUNCIL/SUCCESSOR AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
OCTOBER 17, 2012

- CALL TO ORDER: 7:00 p.m.
- ROLL CALL: Mayor Kevin Bash
Mayor Pro Tem Kathy Azevedo
Council Member Berwin Hanna
Council Member Herb Higgins
Council Member Harvey C. Sullivan
- PLEDGE OF ALLEGIANCE: Council Member Higgins
- INVOCATION: The River – A Foursquare Church
Pastor Jared G. Viyera
- PROCLAMATIONS: Red Ribbon Celebration
October 23 – 31, 2012
- Darleen Williamson, Norco Citizen Patrol
Retirement Recognition
- PRESENTATION: Certificate of Achievement for Excellence in Financial Reporting dated June 30, 2011
Submitted by and Presented to Andy Okoro, Deputy City Manager/Director of Finance

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

1. CITY COUNCIL CONSENT CALENDAR ITEMS: *(All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Council, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Council or the audience request specific items be removed from the Consent Calendar. Items removed from the Consent Calendar will be separately considered under Item No.2 of the Agenda.)*
 - A. City Council/Successor Agency Minutes:
Regular Meeting of October 3, 2012
Recommended Action: **Approve the Minutes** (City Clerk)
 - B. Recap of the Planning Commission Meeting of October 10, 2012.
Recommended Action: Receive and File (Planning Director)
 - C. Quarterly Investment Report for Quarter Ended September 30, 2012.
Recommended Action: Receive and File (Deputy City Manager/Director of Finance)

- D. Approved Projects for Use of Community Development Block Grant (CDBG) Funds (Program Year 2013-2014) Through the U. S. Department of Housing and Urban Development and the County of Riverside Economic Development Agency **Recommended Action: Approve the following projects be submitted for funding through the CDBG Program for Program Year 2013-2014: 1.) Norco Party Partners (\$10,000); Senior Citizens Recreation and Community Service Leader (\$10,000); and Ingalls Park ADA Restroom Project (\$110,000).** (Director of Parks, Recreation and Community Services)
 - E. Horse Manure-to-Energy Facility Environmental Analysis. **Recommended Action: Receive and file environmental study information and comments received; and direct that no further action be taken on the Draft Environmental Impact Report.** (Planning Director)
 - F. Acceptance of the City-Wide Fiber Optics Project as Complete. **Recommended Action: Accept the City-Wide Fiber Optics Project as complete and authorize the City Clerk to file the Notice of Completion with the County Recorder's Office.** (Deputy City Manager/Director of Finance)
 - G. Approval of a Professional Services Agreement with Revenue Cost Specialists, LLC for Development Impact Fee Calculation and Nexus Report. **Recommended Action: Adopt Resolution No. 2012-69, authorizing the City Manager to execute a Professional Services Agreement with Revenue Cost Specialists, LLC for development fee calculation and nexus Report; and authorizing appropriation of funds from the Development Agreement Fund Account in an amount not-to-exceed \$22,625.** (Deputy City Manager/Director of Finance)
2. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR:
3. CITY COUNCIL DISCUSSION/ACTION ITEMS:
- A. Resolution Adopting Phase I Survey of Historic Resources. **Recommended Action: Adopt Resolution No. 2012-___, approving the Phase I Survey of Norco Historic Resources.** (Historic Preservation Consultant)
4. PUBLIC COMMENTS OR QUESTIONS - THIS IS THE TIME WHEN PERSONS IN THE AUDIENCE WISHING TO ADDRESS THE CITY COUNCIL REGARDING MATTERS NOT ON THE AGENDA MAY SPEAK. PLEASE BE SURE TO COMPLETE THE CARD IN THE BACK OF THE ROOM AND PRESENT IT TO THE CITY CLERK SO THAT YOU MAY BE RECOGNIZED.

- 5. CITY COUNCIL COMMUNICATIONS:
 - A. Reports on Regional Boards and Commissions
 - B. City Council Announcements
- 6. CITY MANAGER REPORTS:
- 7. ADJOURNMENT:

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office, (951) 270-5623. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

Staff reports are on file in the Office of the City Clerk. Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be available for public inspection at the City Clerk's Counter in City Hall located at 2870 Clark Avenue.

/bj-81817



MINUTES
CITY OF NORCO
CITY COUNCIL/SUCCESSOR AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
OCTOBER 3, 2012

CALL TO ORDER: Mayor Bash called the meeting to order at 6:00 p.m.

ROLL CALL: Mayor Kevin Bash, **Present**
Mayor Pro Tem Kathy Azevedo, **Present**
Council Member Berwin Hanna, **Present**
Council Member Herb Higgins, **Present**
Council Member Harvey C. Sullivan, **Present**

THE CITY COUNCIL RECESSED TO CLOSED SESSION (SECTION 54954) TO CONSIDER MATTERS:

Council Member Higgins and Council Member Sullivan recused themselves from participating in the following closed session discussion because of potential conflicts.

§54956.9 – Conference with Legal Counsel – Existing Litigation

Case Name: Norco Firefighters Association vs. City of Norco
Case Number: RIC 1114581

Council Member Higgins and Council Member Sullivan joined the closed session discussion for the following item.

Case Name: Sedrak vs. City of Norco
Case Number: RIC 10022513

RECONVENE PUBLIC SESSION: 7:00 p.m.

REPORT OF ACTION(S) TAKEN IN CLOSED SESSION (§54957.1): **City Attorney Harper stated that there were no reportable actions resulting from the items discussed in Closed Session.**

PLEDGE OF ALLEGIANCE: Dave Henderson

INVOCATION: Assembly of God - Beacon Hill
Pastor Rene Parish

PRESENTATION: Ron Warren invited everyone to attend Veterans Appreciation Night to be held on November 3rd at 5:00 p.m.

COMMENDATION: Back 2 Life Wellness Center
*Hosting a Community Wellness Day
October 27, 2012 at Nellie Weaver Hall
Noon – 3:00 p.m.*

Agenda Item 1.A.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

1. CITY COUNCIL CONSENT CALENDAR ITEMS:

Mayor Pro Tem Azevedo pulled Item 1.F. for discussion.

M/S Hanna/Sullivan to adopt the remaining items as recommended on the City Council Consent Calendar. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

- A. City Council Minutes:
Regular Meeting of September 19, 2012
Recommended Action: **Approve the City Council Minutes** (City Clerk)
- B. Proposed Cancellation of the November 21, 2012, December 19, 2012 and January 2, 2013 City Council Regular Meetings. **Recommended Action: Cancel the Regular City Council meetings of November 21, 2012, December 19, 2012 and January 2, 2013 City Council regular meetings.** (City Clerk)
- C. Acceptance of the Animal Shelter Expansion Project as Complete. **Recommended Action: Accept the Animal Shelter Expansion Project as complete and authorize the City Clerk to file the Notice of completion with the County Recorder's Office.** (Director of Parks, Recreation and Community Services)
- D. Execution of a Funding Agreement between the City of Norco and the Chino Basin Desalter Authority to Construct a 30-Inch Diameter Treated Water Pipeline. **Recommended Action: Approval.** (Director of Public Works)
- E. Execution of a Funding Agreement between the City of Norco and the City of Eastvale to Construct Roadway Improvements on Hamner Avenue. **Recommended Action: Approval.** (Director of Public Works)
- F. Approval of Supplemental Agreement for the 2012-2013 Community Development Block Grant Program Year. **Recommended Action: Approval** (Director of Parks, Recreation & Community Services) **PULLED FOR DISCUSSION**
- G. Acceptance of an Easement for Public Utility Purposes from the Riverside Community College District. **Recommended Action: Adopt Resolution No. 2012-68, accepting the offer to dedicate an easement for public utility purposes from the Riverside Community College District; and authorize the City Clerk to file the Certificate of Acceptance with the County of Riverside Recorder.** (Director of Public Works)

2. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR:

Item 1.F. Approval of Supplemental Agreement for the 2012-2013 Community Development Block Grant Program Year. **Recommended Action: Approval** (Director of Parks, Recreation & Community Services)

Mayor Pro Tem Azevedo received confirmation that the City of Corona is participating equally with the City of Norco in financial support of the Party Partners Program.

M/S Azevedo/Hanna to approve the Supplemental Agreement for the 2012-2013 Community Development Block Grant Program Year. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

3. LEGISLATIVE MATTERS: **(No new evidence will be heard from the public as the public hearing has been closed regarding all items listed.)**

- A. Ordinance Approving Zone Code Amendment 2012-04 (City of Norco): A City-Initiated Proposal to Amend the Norco Municipal Code, Chapter 18.37 "Signs" to Revise and Update the Provision of Signage in the City of Norco and to Amend Chapter 18.02 "Definitions" to Add Definitions Pertaining to Signage. **Recommended Action: Adopt Ordinance No. 953 for second reading.** (City Clerk)

M/S Azevedo/Higgins to adopt Ordinance No. 953 for second reading. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

4. CITY COUNCIL DISCUSSION/ACTION ITEMS:

- A. Elimination of New Car Washes as a Permitted Use in the City. **Recommended Action: That the City Council provide direction to staff.** (City Manager)

City Manager Groves introduced the item, noting that this discussion item was requested by the City Council.

The City Council Members briefly commented on their support of a zone code amendment recommending that car washes be a non-permitted use.

M/S Bash/Higgins to direct the Planning Commission to recommend a zone code amendment to the City Council declaring car washes as a non-permitted use. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

5. SUCCESSOR AGENCY CONSENT CALENDAR ITEM:

- A. Review of the Low and Moderate Income Housing Fund Due Diligence Review Pursuant to California Health and Safety Code section 34179.5.
Recommended Action: Receive and File (Finance Officer)

Deputy City Manager/Director of Finance Okoro briefly commented on the information presented in the staff report.

M/S Azevedo/Higgins to receive and file the Low and Moderate Income Housing Fund Due Diligence Review. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

6. PUBLIC COMMENTS OR QUESTIONS:

Pat Overstreet. Ms. Overstreet commented on the 2nd Annual Norco Regional Conservancy Family BBQ Trail Fundraising Event to be held on October 6th.

Vern Showalter. Mr. Showalter spoke on behalf of the Streets, Trails and Utilities Commission regarding the paver issue brought before them, noting that no action has been taken by the City Council. Mr. Showalter also stated that the Commission wants something done with Corona Avenue, one way or the other.

7. CITY COUNCIL COMMUNICATIONS:

- A. Reports on Regional Boards and Commissions

Mayor Pro Tem Azevedo:

- Attended the Parade of Lights meeting, noting that the event will have expanded hours and will begin this year at 2:00 p.m. She noted that Pastor Vernie Fletcher will be the Grand Marshall at the parade.
- Stated that she and Mayor Bash attended the Purple Heart ceremony for Pastor Vernie Fletcher.
- Attended the WRCOG Executive Committee. She briefly commented on the HERO Program, noting that Norco has 43 participants in the Program.

- Commented on the Hamner Bridge funding meetings that were held and the support offered by all of the interested parties.

Council Member Hanna:

- Commented on the sub-committee meeting held regarding the Interstate 15 Corridor Improvement Project, noting the proposed map detailing the entrances to the express toll lanes.
- Commented on a successful NART incidence.

Council Member Sullivan:

- Commented on a \$51 million state grant received for the Chino Desalter Project, noting that an event will be held in celebration of this grant.
- Commented on British Cup Days to be held on November 3rd at Santa Anita, noting that volunteers are still needed.

B. City Council Announcements/Reports

Mayor Bash:

- Commented on the dedication celebration of the Rose M. Eldridge Senior Center held on Friday, September 28th.
- Stated that he attended the CRC anniversary event held.
- Commented on the construction of the George Alan Ingalls Veterans Memorial and the donations received to this date.

8. CITY MANAGER REPORTS: NONE

9. ADJOURNMENT: There being no further business to come before the City Council, Mayor Bash adjourned the meeting at 7:48 p.m.

BRENDA K. JACOBS, CMC
CITY CLERK



RECAP OF ACTIONS TAKEN
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
OCTOBER 10, 2012

CALL TO ORDER: 7:00 p.m.

ROLL CALL: **Chair Wright, Vice Chair Henderson, Commission Members Hedges, Jaffarian, Leonard**

STAFF PRESENT: **Planning Director King, Senior Planner Robles, Deputy City Clerk Germain**

PLEDGE OF ALLEGIANCE: **Chair Wright**

1. APPEAL NOTICE: **Read by staff.**
2. PUBLIC COMMENTS: **None**
3. APPROVAL OF MINUTES:
 - ❖ Minutes of September 12, 2012
 - Recommended Action: Approval (Deputy City Clerk)
 - Action: Approved 4-0-1 (Leonard abstained)**
4. CONTINUED ITEM: **None**
5. PUBLIC HEARINGS:
 - a. Conditional Use Permit 2012-10 (Marino): A request for approval to allow an accessory building consisting of a 2,700 square-foot storage and garage building at 3535 California Avenue located within the A-1-20 zone
Recommended Action: Approval (*Senior Planner*)
Action: Approved 5-0, this action is final unless appealed to City Council.
 - b. Conditional Use Permit 2012-11 (Helm): A request for approval to allow an accessory building consisting of a 2,609 square-foot barn at 4086 Equestrian Lane located within the A-1-20 zone
Recommended Action: Approval (*Senior Planner*)
Action: Approved 5-0, this action is final unless appealed to City Council.
 - c. Conditional Use Permit 2012-13 (Miller): A request for approval to allow accessory buildings consisting of a 2,378 square-foot horse shelter and a 2,378 garage for trailers at 1984 Corona Avenue (APN 125-150-033) located within the A-1-20 zone
Recommended Action: Provide Direction (*Senior Planner*)
Action: Approved 4-1 (Hedges opposed), this action is final unless appealed to City Council.

- d. Conditional Use Permit 2012-12 (Jeff Wilhelm, LLC): A request for approval of a conditional use permit to allow ancillary auto-related uses such as used car sales, rentals, and auto services, typically only allowed as ancillary uses to a new car dealership, to operate in existing buildings of a former new car dealership that is no longer present at 2000 Hamner Avenue in the Auto Mall Specific Plan (APN 126-120-015)

Recommended Action: Approval of the Temporary CUP Option (*Planning Director*)

Action: Approved temporary CUP, 5-0, to last one year with option to extend upon approval of the Planning Commission, this action is final unless appealed to the City Council.

- e. Zone Change 2012-10 and General Plan Amendment 2012-03; and Specific Plan 85-1 (Auto Mall) Amendment 5 (City of Norco): A proposal to amend the Auto Mall Specific Plan by changing the zoning over portions of the Auto Mall to C-G (Commercial General) with the corresponding General Plan Amendment 2012-03 to change the Land Use designation from SP (Specific Plan) to CC (Commercial Community) on various lots east and west of Hamner Avenue south of Third Street. Specific Plan 1 Amendment 5 will include a change in the underlying zoning designation on two lots on the east side of Four Wheel Drive north of Second Street from M-1 (Light Industrial) to C-G along with text updates to bring the Specific Plan document consistent with current code regulations (Various APN's) Recommended Action: Approval (*Planning Director*)

Action: Adopted resolution recommending approval to City Council, 5-0. This requires approval by the City Council at a public hearing. It is being advertised for the November 7, 2012 City Council meeting.

- f. Zone Change 2012-11 and General Plan Amendment 2010-04 (City of Norco): A proposal to change zoning from M-1 (Heavy Commercial/Light Manufacturing) to C-G (Commercial General) with the corresponding General Plan Amendment 2012-04 to change the Land Use designation from I (Industrial) to CC (Commercial Community) on 22.9 acres located on the southwest corner of Fifth Street and Horseless Carriage Drive (APN 129-200-011) Recommended Action: Approval (*Planning Director*)

Action: This item was continued to November 14, 2012 Planning Commission meeting.

6. BUSINESS ITEMS:

- a. Site Plan 2012-13 (Sanchez): A request for approval to allow an accessory building consisting of a 256 square-foot storage building at 1271 Dodge City Place located within the Norco Hills Specific Plan (NHSP) Recommended Action: Approval (*Senior Planner*)

Action: Approved 5-0

7. CITY COUNCIL: **Received and Filed**

- ❖ City Council Minutes dated September 5, 2012
- ❖ City Council Minutes dated September 19, 2012

8. PLANNING COMMISSION: **None**

- a. Oral Reports from Various Committees
- b. Request for Items on Future Agenda (within the purview of the Commission)

9. ADJOURNMENT: **8:30 p.m.**

/sk-82041

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Andy Okoro, Deputy City Manager/Director of Finance 

DATE: October 17, 2012

SUBJECT: Quarterly Investment Report for Quarter Ended September 30, 2012

RECOMMENDATION: Staff recommends that the City Council receive and file the Quarterly Investment Report for the Quarter Ended September 30, 2012.

SUMMARY: Staff is recommending that the City Council receive and file the City's quarterly investment report for the quarter ended September 30, 2012. This report has been prepared to meet the requirements of the City's Investment Policy and applicable sections of the State of California Government Code.

BACKGROUND/ ANALYSIS: The City's Investment Policy requires the Treasurer to render a quarterly report to the legislative body. The report is to be prepared in accordance with Government Code Section 53646 (b)(1) and should contain detailed information on all securities, investments, and monies of the local agency; a statement of compliance of the portfolio with the Statement of Investment Policy; and a statement of the City's ability to meet its cash flow requirements for the next six months. This report which is for the quarter ended September 30, 2012 meets the requirements of the Investment Policy and Government Code. It covers the City and Successor Agency to the former Norco Redevelopment Agency.

The attached schedules (attachments 1 through 4) have been prepared to meet the detailed requirements of the Government Code and the City's Investment Policy as approved by the Council on May 16, 2012. It is to be noted that the Investment Policy excludes certain investments (bond proceeds) from these requirements. This means that bond proceeds are invested in accordance with the provisions of the bond indentures rather than the provisions of the Investment Policy. Consequently, in determining whether the operating portfolio holdings are in compliance with the Government Code and the approved Investment Policy, investments of bond proceeds have been excluded.

Attachment 1 provides a summary schedule of the City's operating portfolio holdings by type as of September 30, 2012. This summary also provides information on whether or not each investment category complies with the limitations imposed by law and the City's Investment Policy. Investments that are subject to the Statement of Investment Policy are operating/idle funds invested by the Treasurer within the provisions of the approved Investment Policy. During the quarter ended September 30, 2012, the operating portfolio

decreased by a net amount of \$3.9 million from \$37.3 million to \$33.4 million due to cash outflows for expenditures and debt service exceeding cash receipts. The decrease in the amount of operating portfolio was anticipated during the quarter due to payment of debt service and lag in the receipt of certain tax revenues such as property tax and vehicle license revenues.

Attachment 2 provides a graphical breakdown of the operating portfolio holdings by investment type as of September 30, 2012. This chart is for investments that are subject to the Investment Policy. More than 89% of the City and Successor Agency operating cash is invested in the State of California Local Agency Investment Fund (LAIF). The remaining 10% comprises of cash and certificates of deposit.

A summary of investments not subject to the provisions of the Investment Policy (bond proceeds and debt service reserve funds) is also shown on Attachment 1. These funds are invested in accordance with applicable bond indenture provisions. During the quarter ended September 30, 2012, bond proceeds and debt service reserve fund portfolio decreased by a net amount of \$2.5 million from \$29.1 million to \$26.6 million due to bond proceeds expenditures for capital projects and advances for improvements at the Silverlakes property. As of the end of September 30, 2012, the City has advanced over \$4.2 million to Balboa Management Group LLC as a loan for improvements at the Silverlakes property.

Attachment 3 provides a detailed listing of the City's portfolio holdings as required by the Government Code. In this listing, "N/A" is used to denote that the information is either not available or applicable. The market value of investments in LAIF has been reported to equal cost because the City's investments in the pool are readily liquid and the market value of these investments approximates cost. Agency Securities issued by United States Government Sponsored Entities (GSEs) are rated "AA+" by Moody's rating service and "AAA" by Fitch rating service.

CASH FLOWS

The first half of the fiscal year usually presents a challenging cash flow situation for the General Fund due largely to the lag in the receipt of tax revenues. However, the contracting out of fire services has mitigated this situation due to the lag in CAL FIRE billing. As of September 30, 2012, the General Fund cash balance was \$2.5 million. Along with anticipated cash receipts, staff estimates that there will be sufficient cash to cover disbursements for the City and Successor Agency for next six months ending January 31, 2013.

FINANCIAL IMPACT: Not Applicable.

/jk-81931

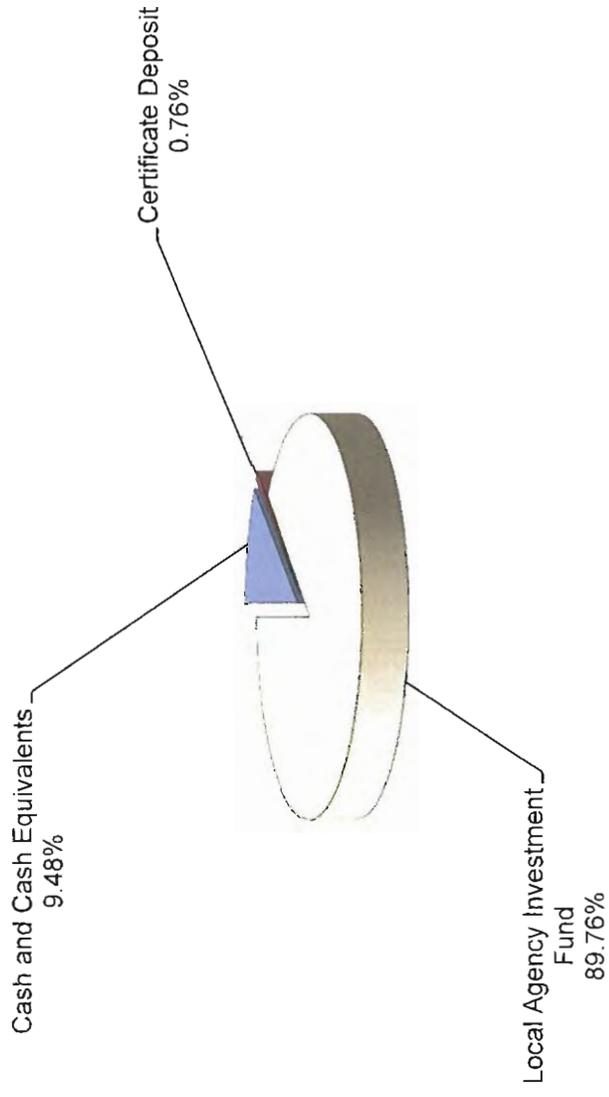
- Attachments: 1) Portfolio Summary
2) Summary Graph
3) Portfolio Details – "Investments Not Subject..."
4) Certification Form

City of Norco, California
 Portfolio Summary
 As of September 30, 2012

<u>City Investments Subject to Investment Policy</u>	<u>Market Value</u>	<u>Percentage</u>	<u>Policy Maximum</u>	<u>Compliance</u>
Cash and Cash Equivalents	\$ 3,170,829	9.48%	15.00%	In Compliance
Certificate Deposit	252,880	0.76%	30.00%	In Compliance
Local Agency Investment Fund	30,012,130	89.76%	\$50.0 Million	In Compliance
Total	\$ 33,435,838	100.00%		

<u>City Investments Not Subject to Investment Policy</u>	<u>Market Value</u>	<u>Percentage</u>
Community Facilities Districts	\$ 2,647,789	9.96%
Sewer and Water System	11,445,837	43.06%
Refunding Tax Allocation Bonds	12,487,725	46.98%
Total	\$ 26,581,351	100.00%

**Summary of City Portfolio
(Investments Subject to Investment Policy)
As of September 30, 2012**



City of Norco, California
 Portfolio Details
 As of September 30, 2012
 Investments Subject to Policy

Cash & Cash Equivalents

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	Checking Accounts	Wells Fargo	N/A	N/A	0.00%	N/A	3,170,829	3,170,829
			Subtotal	Wells Fargo					3,170,829	3,170,829
4/20/2012	4/20/2013	2329958022	Certificate Deposit	Citizen Business Bk	N/A	0.90%	Various	N/A	101,256	101,256
1/28/2012	10/7/2012	2329958065	Certificate Deposit	Citizen Business Bk	N/A	0.70%	Various	N/A	151,623	151,623
			Subtotal	Wells Fargo					252,880	252,880

Local Agency Investment Fund

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	Local Agency Investment Fund	State of California	N/A	N/A	N/A	N/A	30,012,130	30,012,130
			Subtotal						30,012,130	30,012,130
			Total Investments Subject to Policy						33,435,838	33,435,838

City of Norco, California
 Portfolio Details
 As of September 30, 2012

**Investments Not Subject to Policy (Bond Proceeds)
 Community Facilities Districts**

Cash and Cash Equivalents

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	First American Treasury Obligation	94496805 US Bank	N/A	N/A	0.00%	N/A	45	45
N/A	N/A	N/A	First American Treasury Obligation	94644004 US Bank	N/A	N/A	0.00%	N/A	105	105
N/A	N/A	N/A	First American Treasury Obligation	791884004 US Bank	N/A	N/A	0.00%	N/A	540,463	540,463
N/A	N/A	N/A	First American Treasury Obligation	794148000 US Bank	N/A	N/A	0.00%	N/A	6	6
N/A	N/A	N/A	First American Treasury Obligation	794148002 US Bank	N/A	N/A	0.00%	N/A	589	589
			Subtotal						541,209	541,209

Local Agency Investment Fund

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	Local Agency Investment Fund (CFD)	93-1 State of California	N/A	N/A	N/A	N/A	58,306	58,306
			Subtotal						58,306	58,306

U.S. and Agency Securities

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
7/17/2012	7/17/2017	3136G0SH5	F N M A M T N	794148002 US Bank	AAA*	0.50%	0.50%	1,727,000	1,727,000	1,728,226
7/16/2012	10/16/2015	3133EAXU7	Federal Farm Credit Bks	94644004 US Bank	AAA*	0.57%	0.57%	189,000	189,000	189,028
7/16/2012	10/16/2015	3133EAXU7	Federal Farm Credit Bks	94496805 US Bank	AAA*	0.57%	0.57%	131,000	131,000	131,020
			Subtotal					1,727,000	2,047,000	2,048,274
			Total Community Facilities Districts						2,646,515	2,647,789

**Investments Not Subject to Policy (Bond Proceeds)
 Sewer and Water System**

Cash and Cash Equivalents

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	U.S. Bank N.A. Open, Commercial Paper	130584004 US Bank	N/A	N/A	0.00%	N/A	9,808,791	9,808,791
			Subtotal						9,808,791	9,808,791

Local Agency Investment Fund

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	Local Agency Investment Fund (Sewer/Water)	2009 State of California	N/A	N/A	N/A	N/A	147,990	147,990
			Subtotal						147,990	147,990

City of Norco, California
Portfolio Details
As of September 30, 2012

U.S. and Agency Securities

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
7/17/2012	7/17/2017	3136G0SH5	F N M A M T N	130584001 US Bank	AAA*	0.50%	0.50%	1,488,000	1,488,000	1,489,056
			Subtotal						1,488,000	1,489,056
Total Sewer and Water System										<u>11,444,781</u>
										<u>11,445,837</u>

*Investments Not Subject to Policy (Bond Proceeds)
Refunding Tax Allocation Bonds*

Cash & Cash Equivalents

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	First American Treasury Obligations	94432430 US Bank	N/A	N/A	0.00%	N/A	1	1
N/A	N/A	N/A	U.S. Bank N.A. Open, Commercial Paper	94432435 US Bank	N/A	N/A	0.00%	N/A	143	143
N/A	N/A	N/A	First American Treasury Obligations	94432440 US Bank	N/A	N/A	0.00%	N/A	1	1
N/A	N/A	N/A	U.S. Bank N.A. Open, Commercial Paper	94432445 US Bank	N/A	N/A	0.00%	N/A	319	319
N/A	N/A	N/A	U.S. Bank N.A. Open, Commercial Paper	94662503 US Bank	N/A	N/A	0.00%	N/A	309	309
N/A	N/A	N/A	U.S. Bank N.A. Open, Commercial Paper	94662507 US Bank	N/A	N/A	0.00%	N/A	5,164,291	5,164,291
N/A	N/A	N/A	First American Treasury Obligations	787891004 US Bank	N/A	N/A	0.00%	N/A	1,381	1,381
N/A	N/A	N/A	First American Treasury Obligations	792126000 US Bank	N/A	N/A	0.00%	N/A	1	1
N/A	N/A	N/A	First American Treasury Obligations	792126004 US Bank	N/A	N/A	0.00%	N/A	1,504	1,504
N/A	N/A	N/A	First American Treasury Obligations	129543000 US Bank	N/A	N/A	0.00%	N/A	1	1
N/A	N/A	N/A	First American Treasury Obligations	129543001 US Bank	N/A	N/A	0.00%	N/A	1	1
N/A	N/A	N/A	First American Treasury Obligations	129543002 US Bank	N/A	N/A	0.00%	N/A	1	1
N/A	N/A	N/A	U.S. Bank N.A. Open, Commercial Paper	129543003 US Bank	N/A	N/A	0.00%	N/A	385	385
N/A	N/A	N/A	US Bank Money Market	140828001 US Bank	N/A	N/A	0.00%	N/A	2	2
N/A	N/A	N/A	US Bank Money Market	140828005 US Bank	N/A	N/A	0.00%	N/A	9	9
Subtotal										<u>5,168,351</u>

Local Agency Investment Fund

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	N/A	N/A	Local Agency Investment Fund	2010 TABs State of California	N/A	N/A	N/A	N/A	22,610	22,610
N/A	N/A	N/A	Local Agency Investment Fund	2003 TABs State of California	N/A	N/A	N/A	N/A	49,235	49,235
Subtotal										<u>71,845</u>

U.S. and Agency Securities

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
4/12/2011	11/29/2013	313373F49	Federal Home Loan Bks	792126003 US Bank	AAA*	1.20%	1.20%	1,530,000	1,530,000	1,547,320
7/16/2012	10/16/2015	3133EAXU7	Federal Farm Credit Banks	129543003 US Bank	AAA*	0.57%	0.57%	983,000	983,000	983,147
7/27/2012	7/27/2017	3136G0SH5	F N M A M T N	140828004 US Bank	AAA*	0.50%	0.50%	1,473,000	1,473,000	1,474,046
Subtotal										<u>3,986,000</u>
									<u>3,986,000</u>	<u>4,004,513</u>

City of Norco, California
 Portfolio Details
 As of September 30, 2012

Investment Agreements

Purchase Date	Maturity Date	CUSIP #	Description of Security	Account	Rating	Coupon Rate	Yield to Maturity	Face Value	Cost	Market Value
N/A	3/1/2030	N/A	Guaranteed Investment Contract	94432433 US Bank	N/A	N/A	5.71%	N/A	2,161,566	2,161,566
N/A	3/1/2030	N/A	Guaranteed Investment Contract	94432443 US Bank	N/A	N/A	5.16%	N/A	347,000	347,000
N/A	2/27/2015	N/A	Guaranteed Investment Contract	787891003 US Bank	N/A	N/A	3.41%	N/A	734,450	734,450
Subtotal									3,243,016	3,243,016
Total Refunding Tax Allocation Bonds									12,469,212	12,487,725
<u>Total Investments Not Subject to Policy</u>									26,560,507	26,581,351

* On August 5, 2011 S&P Lowered US Debt Rating to AA+, Fitch and Moody's Ratings are Still AAA

Attachment 4

Quarterly Investment Portfolio

For the Quarter Ended September 30, 2012

As required by the Government Code, the Treasurer certifies that the investments reported in the accompanying schedules (Attachments 1 through 3) comply with the City of Norco Investment Policy and that sufficient liquidity along with anticipated revenues are available to meet the City and Successor Agency budgeted expenditure requirements for the next six months ending March 31, 2013.

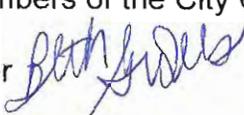


Andy Okoro, City Treasurer

/jk-82007

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Brian K. Petree, Director
Department of Parks, Recreation and Community Services 

DATE: October 17, 2012

SUBJECT: Approved Projects for Use of Community Development Block Grant Funds (Program Year 2013-2014) Through the U. S. Department of Housing and Urban Development and the County of Riverside Economic Development Agency

RECOMMENDATION: Staff recommends the following projects be submitted for funding through the Community Development Block Grant Program for Program Year 2013-2014:

- 1. Norco Party Partners (\$10,000)**
- 2. Senior Citizens Recreation and Community Service Leader (\$10,000)**
- 3. Ingalls Park ADA Restroom Project (\$110,000)**

SUMMARY: Applications for 2013-2014 Community Development Block Grant (CDBG) funds are due to the Riverside County Economic Development Agency (EDA) no later than November 1, 2012. The City has been asked to estimate funding needs based on funding received for current Program Year 2012-2013, and is presenting funding applications for Council consideration based on an estimate. Final adjustments will be made to selected programs and projects once the actual allocation amount is known.

BACKGROUND/ANALYSIS: The City of Norco participates in the CDBG funding program and receives grant funding as a "cooperating city" through the County of Riverside. Recipients of CDBG funds may only use 15% of their annual allocation for Public Service programs. Public Service programs are social service programs and activities that improve the community's social services network such as crime prevention, child care, health care, education, recreational needs, and others.

Staff has not yet received an estimate of available funding for CDBG Program Year 2013-2014; however the City will likely receive \$18,000-\$20,000 for Public Service programs. The remaining funds (estimated to be \$110,000) must be used for Public Facilities projects.

To be eligible for consideration the projects, programs and activities must meet one of the following national objectives:

1. The project or activity will benefit low- and/or moderate-income persons; or
2. The project will prevent or eliminate slum or blight; or
3. The project will meet a need having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community.

Staff is submitting three applications for consideration. All applications meet the CDBG Program funding requirements for either Public Service or Public Facilities. Of the three applications, two request Public Service funds and one seeks Public Facilities funds.

Applications for Public Service programs total \$20,000 which will probably slightly exceed the amount that will be allocated to the City. The amount of \$110,000 is requested for Public Facilities projects. Projects recommended for funding are:

PUBLIC SERVICE PROGRAMS:

NORCO PARTY PARTNERS - DEVELOPMENTALLY CHALLENGED PROGRAM

2013-2014 Project Budget: \$27,250 **Funding Recommendation: \$10,000**

This program provides planned recreational and social activities for developmentally challenged adults 18 and older, and receives part of its funding through the City of Corona CDBG Program. *Staff has submitted an application to the Corona for continued funding through its CDBG Program and expects to receive funding again for program year 2013-2014.*

SENIOR CITIZENS RECREATION AND COMMUNITY SERVICE LEADER

2013-2014 Project Budget: \$104,137 **Funding Recommendation: \$10,000**

This program provides a part-time staff person at the Norco Senior Center to coordinate senior activities and special events. The balance of funding will come from the City's General Fund.

PUBLIC FACILITIES PROJECTS:

INGALLS PARK ADA RESTROOM

2013-2014 Project Budget: \$110,000 **Funding Recommendation: \$110,000**

Restrooms at City parks had seriously deteriorated and had become a health and safety concern. Restroom/shower renovations have started at George Ingalls Equestrian Event Center in Phase I of the project. For Program Year 2013-2014, we are seeking funding to bring restrooms up to user capacity with ADA compliance at Ingalls Park where an old restroom has been removed due to deterioration and an unsafe condition.

TENTATIVE SCHEDULE FOR APPROVAL OF PROJECTS:

City Council Approval	October 17, 2012
Deadline for submittal of applications to County	November 1, 2012
County Supervisors funding approval	June 1, 2013
Project/Program start date	July 1, 2013

FINANCIAL IMPACT: If funding is approved for the listed projects, there will be no impact to the City Budget for these programs and services. If the EDA does not approve the projects as recommended, Staff will return to Council with any changes suggested by the EDA.

/ma-81877

Due to the length of applications and repetition of material, applications are on file for review in the Department of Parks, Recreation and Community Services.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Steve King, Planning Director 

DATE: October 17, 2012

SUBJECT: Horse Manure-to-Energy Facility Environmental Analysis

RECOMMENDATION: That the City Council Receive and file environmental study information and comments received; and direct that no further action be taken on the Draft Environmental Impact Report (DEIR).

SUMMARY: The City's consultant has prepared a Draft Environmental Impact Report (DEIR), along with draft "Responses to Comments" received during a public review period that concluded August 27, 2012. Since the DEIR was prepared based on a feasibility study, rather than an actual project, staff is recommending that the City Council receive and file the gathered information and direct that no further action be taken on the DEIR.

BACKGROUND/ANALYSIS: On April 18, 2012 the City Council authorized staff to enter into a contract with K.S. Dunbar & Associates to prepare an environmental analysis of a horse manure-to-energy conversion facility. The funding source for the study was a federal grant that was received to investigate the feasibility of a horse manure-to-energy facility (the City provided a 20 percent match). The results of the feasibility study demonstrated that a project was feasible if built at a specific site located adjacent to the Western Riverside County Wastewater Authority (WRCRWA). The feasibility study did not, however, include a comprehensive environmental analysis. Although deemed feasible, no actual project has been submitted for construction. The environmental analysis was needed to determine what impacts could be anticipated since the technology needed to operate a plant of this type is relatively new and untested in the market. Therefore, a DEIR process was undertaken.

On April 30, 2012, a Notice of Preparation of a Draft Program Environmental Impact Report (DEIR) was filed with the Office of Planning and Research and was delivered to affected federal, state, regional, county, local, and other interested agencies. On June 28, 2012, a Notice of Completion of the DEIR was delivered to the State Clearinghouse and to the same agencies. That began a mandated and advertised 45-day public review period of the DEIR during which time interested parties could file responses, concerns, and questions to the conclusions of the document. The original expiration date of the public review period was August 13, 2012 but that was extended two weeks to August 27, 2012.

After the conclusion of the public review period, the Lead Agency and its consultant prepared responses to the comments received during the review period. For the Feasibility Study and preparation of the DEIR the City of Norco acted as Lead Agency since the federal grant was issued to the City. The "Responses to Comments" can be anything from clarification of misinformation, to project revision or the addition of conditions of approval. The "Response to Comments" along with the DEIR is what is considered the "Final EIR" and is what is considered for certification by the approving body which at this point, without changing the Lead Agency, would be the Norco City Council.

In a case where significant changes are needed to a project as a result of the "Response to Comments" it can necessitate re-circulation of the DEIR for a new public review period to be in compliance with the California Environmental Quality Act (CEQA). The DEIR that was prepared for a manure-to-energy plant was based only on a feasibility study for such a plant, rather than a specific project for construction. The resulting comments and questions from the public review period identified legitimate concerns that cannot be answered at this time without a specific project going forward. Some of the comments can be responded to, but many have no response without knowing what the specific project would be, namely:

- Anticipated noise emissions from the proposed facility;
- Rendering of the proposed facilities;
- Quantities and types of hazardous materials generated by the proposed facility; or
- Description of the storm water pollution prevention facilities.

As there is no project, these cannot be answered. At this point the City, acting as Lead Agency, has the following options:

1. Not proceed further. The project in essence is considered withdrawn since additional information will not be forthcoming until there is an actual project.
2. Schedule the Final EIR for consideration but with a recommendation that the EIR not be certified.

Staff recommends that no additional action occur regarding the DEIR. The environmental work completed by the consultant, as well as the comments received during the process, will be valuable background information to consider if any entity plans to proceed with an actual project. Even if this current DEIR were certified, a new process would need to be completed at a future time when a specific project is submitted for approval.

/sk-81889

Attachment: Comments received from the Draft Environmental Impact Report

Erica D. Dunbar, President
Keith S. Dunbar, P.E., BCEE, Hon.D.WRE., F. ASCE
Chief Executive Officer

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to the
Water and Wastewater Industry*



September 15, 2012

Mr. William R. Thompson
Director of Public Works
City of Norco
2870 Clark Avenue
Norco, California 92860

**Horse Manure to Energy Conversion Facility
Comments Received on Draft Environmental Impact Report
State Clearinghouse No. 2012051016**

Dear Bill:

As you are aware, the official public comment period on the Draft Environmental Impact Report for the City of Norco's Horse Manure to Energy Conversion Facility closed on August 27, 2012.

During the comment period we received letters or emails from the following:

- ❖ State Clearinghouse (Governor's Office of Planning and Research),
- ❖ Department of Resources Recycling and Recovery (CalRecycle),
- ❖ Native American Heritage Commission,
- ❖ South Coast Air Quality Management District,
- ❖ Riverside County Department of Environmental Health,
- ❖ City of Eastvale,
- ❖ Western Riverside County Regional Wastewater Authority,
- ❖ VCS Environmental representing Meritage Homes, and
- ❖ Nine Residents of Eastvale (Note: some sent several emails).

The comments received from the agencies, Meritage Homes and one individual (Jonathan Sardlow) were directly related to the scope and adequacy of the Draft Environmental Impact Report whereas those from the other individuals related more to their opposition to the Project in general. Copies of the actual letters and emails are included as an appendix to the enclosed *Consultation Summary* document.

The majority of the technical comments were based on the lack of a detailed Project Description. As you will recall our letter dated August 14, 2012, we requested information regarding the Project Description which would allow us to complete a Final EIR with some confidence. This letter was essentially a repeat of our original request for data on May 23, 2012. Copies of those two letters are attached for your information.

Before we can even attempt to try and respond to the comments in a meaningful manner, we need all that information requested in our previous letters. At this point in time, we cannot say for sure even what

Mr. William R. Thompson
Director of Public Works
City of Norco
September 15, 2012
Page 2

volume of materials will be delivered to the site or the volume of waste materials that will be taken from the site. In addition, there still remains several issues related to alternatives, aesthetics, air quality, hydrology and water quality, hazards and hazardous wastes, land use, noise, traffic, etc.

Due to the lack of a detailed project description and supporting data, it is our professional opinion that the City of Norco should not complete the California Environmental Quality Act process for its Horse Manure to Energy Conversion Facility. If the City were able to generate the necessary information to prepare a comprehensive document, it would be necessary to revise the Draft EIR and to recirculate it for public comment. In the meantime, we strongly recommend that the City put this project on hold.

If you have any questions concerning this matter, please contact me.

Sincerely,



Keith S. Dunbar, P.E., BCEE, Hon.D.WRE., F. ASCE

Enclosures

pc: Steve King
Lori Askew

Erica D. Dunbar, President
Keith S. Dunbar, P.E., BCEE, Hon.D.WRE., F. ASCE
Chief Executive Officer

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Water and Wastewater Industry*



May 23, 2012

Mr. Steve King, AICP
Planning Manager
City of Norco
2870 Clark Avenue
Norco, California 92860

**Horse Manure to Energy Conversion Facility
Request for Information**

Dear Steve:

As you are aware, we have made previous requests for information from the City and its agents to assist us in preparing the Draft Environmental Impact Report on the City's proposed Horse Manure to Energy Conversion Facility.

As you are also aware, we are on a very tight schedule to complete the California Environmental Quality Act process as a condition of your grant funding. Consequently, the timely receipt of the requested information is necessary.

We have reviewed the Chevron Energy Solutions December 2011 *Horse Manure to Energy Conversion Study* which was prepared for the City of Norco. That report has been very helpful in our understanding of the proposed project. However, there are several items that we require to complete a legally defensible document for the City. Those are:

1. Anticipated air emission estimates for the proposed project (i.e., Energy Products of Idaho's fluidized bed gasifier).
2. Anticipated air emissions from the Ultra Cat emissions control facility.
3. Anticipated noise emissions from the proposed facility.
4. A plot plan of the proposed facilities.
5. Height of the proposed facilities.
6. Rendering of the proposed facilities.
7. Quantities and types of hazardous materials generated by the proposed facility.
8. Description of the storm water pollution prevention facilities.

Mr. Steve King, AICP
Planning Manager
City of Norco
May 23, 2012
Page 2

If you have any questions concerning the above requests, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "K. S. Dunbar". The signature is written in dark ink on a light-colored background.

Keith S. Dunbar, P.E., BCEE, Hon.D.WRE., F. ASCE

pc: Bill Thompson
Lori Askew

Erica D. Dunbar, President
Keith S. Dunbar, P.E., BCEE, Hon.D.WRE., F. ASCE
Chief Executive Officer

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August 14, 2012

Mr. Steve King, AICP
Planning Manager
City of Norco
2870 Clark Avenue
Norco, California 92860

**Horse Manure to Energy Conversion Facility
Request for Information**

Dear Steve:

As you will recall, on May 23, 2012, I sent you request for information regarding the Horse Manure to Energy Conversion Facility.

Basically, that request was for the following information:

1. Anticipated air emission estimates for the proposed project (i.e., Energy Products of Idaho's fluidized bed gasifier).
2. Anticipated air emissions from the Ultra Cat emissions control facility.
3. Anticipated noise emissions from the proposed facility.
4. A plot plan of the proposed facilities.
5. Height of the proposed facilities.
6. Rendering of the proposed facilities.
7. Quantities and types of hazardous materials generated by the proposed facility.
8. Description of the storm water pollution prevention facilities.

After several tries, we finally received information regarding items 1, 2, 4, and 5 of our request. Now that we have received several comments on the DEIR, it is very imperative that we receive the remaining information to adequately address those comments.

Anticipated noise impacts seem to be a real concern to both the Western Riverside County Regional Wastewater Authority as well as Meritage Homes. We desperately need real data to answer these concerns.

Mr. Steve King, AICP
Planning Manager
City of Norco
August 14, 2012
Page 2

A majority of those commenting on the DEIR were concerned about aesthetics. Therefore, we really need a rendering of what the project would look like from River Road as well as from the Meritage Homes development.

We also need to know how much ash and/or baghouse materials will be generated per day and where will the material be taken for disposal.

In addition, we need information on storm water pollution control facilities as well as how will the drainage from the facilities be handled.

We mentioned in the DEIR that the manure would be trucked to the site in covered trucks and handled in a building with odor control facilities. What type of odor control facilities would be installed? Also, what type of odors are anticipated from the greenwaste that will be stored in windrows in an open area? Will this open air drying cause other problems with respect to airborne particulates, vectors, etc., as suggested in comment letters.

There also seems to be a lot of confusion regarding the actual size (i.e., volume of materials to be handled) of the facility. The air quality data supplied by Chevron Energy Solutions were based on a 100 ton per day facility. The 100 tons per day assumed 65 tons of manure plus 35 tons of greenwaste. However, in its analysis in the feasibility study, a facility of 215 tons per day was utilized for the economic section.

There is also reference in the Chevron Energy Solutions feasibility study that each animal unit produces 11.5 tons per year of manure (city-wide blend). However, the records of Waste Management, Inc., shows an average collection rate of only 65 tons per day. If there are 17,000 horses in Norco they would generate about 520 tons per day based on the 11.2 tpy/AU. We have to be able to explain the big discrepancies in these numbers.

Please let us know when we can expect some answers to these mostly repeat questions so we can prepare the Final EIR with some confidence.

Sincerely,



Keith S. Dunbar, P.E., BCEE, Hon.D.WRE., F. ASCE

pc: Bill Thompson
Lori Askew



Consultation Summary

Draft Environmental Impact Report

Horse Manure to Energy Conversion Facility

(State Clearinghouse No. 2012051016)

Prepared for:

City of Norco
2870 Clark Avenue
Norco, California 92860

Prepared by:

K.S. Dunbar & Associates, Inc.
Environmental Engineering
45375 Vista Del Mar
Temecula, California 92590-4314
951-699-2082
E-mail: ksdpe67@gmail.com

September 2012



Consultation Summary

Draft EIR Circulation

On June 28, 2012, the City of Norco's environmental consultant, K.S. Dunbar & Associates, Inc., mailed an electronic copy of the Draft Environmental Impact Report and a hard copy of the Executive Summary to those agencies, entities and individuals in the following list:

Federal Agencies

Karen A. Goebel
Assistant Field Supervisor
Fish and Wildlife Service
U.S. Department of the Interior
6010 Hidden Valley Road
Carlsbad, California 92009

Corice J. Farrar
Acting Chief, Orange & Riverside Section
South Coast Branch
Regulatory Division
U.S. Army Corps of Engineers
Los Angeles District
Post Office Box 532711
Los Angeles, California 90053-2325

James J. Fletcher, Superintendent
Southern California Agency
Bureau of Indian Affairs
U.S. Department of the Interior
1451 Research Park Drive, Suite 100
Riverside, California 92507-2154

State Agencies

Scott Morgan, Director
State Clearinghouse and Planning Unit
Governor's Office of Planning and Research
Post Office Box 3044
Sacramento, California 95812-3044

Jeff Brandt
Inland Deserts Region
California Department of Fish and Game
3602 Inland Empire Boulevard, Suite C-220
Ontario, California 91764

Kurt V. Berchtold, P.E., Executive Officer
California Regional Water Quality Control Board, Santa Ana Region
3737 Main Street, Suite 500
Riverside, California 92501-3339

Wayne Donaldson
Office of Historic Preservation
California Department of Parks and Recreation
Post Office Box 942896
Sacramento, California 94296-0001

Nadell Gayou
California Resources Agency
Post Office Box 942836
Sacramento, California 94236-0001

Dave Singleton
Program Analyst
Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, California 95814

Daniel Kopulsky, Office Chief
Regional Planning, IGR/CEQA Review
California Department of Transportation
464 West Fourth Street, 6th Floor
San Bernardino, California 92401

Greg Holmes, Unit Chief
Southern California Cleanup Operations Branch
Cypress Regional Office
California Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630-4732

California Energy Commission
1516 Ninth Street, MS-29
Sacramento, California 95814-5512

Regional Agencies

Ian MacMillan
Program Supervisor, CEQA Section
South Coast Air Quality Management District
Post Office Box 4939
Diamond Bar, California 91765-0939

Celeste Cantú, General Manager
Santa Ana Watershed Project Authority
11615 Sterling Avenue
Riverside, California 92503

County Agencies

Mark Wills
Chief of Regulatory Section
Riverside County Flood Control and Water Conservation District
1995 Market Street
Riverside, California 92501

Juan C. Perez, P.E., T.E., Director
Department of Transportation
County of Riverside
Post Office Box 1090
Riverside, California 92502-1090

Carolyn Syms Luna, Director
Planning Department
County of Riverside
Post Office Box 1409
Riverside, California 92502-1409

Carolyn Syms Luna, Executive Director
Riverside County Habitat Conservation Agency
P.O. Box 1605
Riverside, California 92502-1605

Charles Landry, Executive Director
Regional Conservation Authority
Western Riverside County
P.O. Box 1667
Riverside, California 92502-1667

City Agencies

Tom Moody
City of Corona
755 Corporation Yard Way
Corona, California 92882

George Alvarez, City Engineer
City of Eastvale
12363 Limonite Avenue, Suite 910
Eastvale, California 91752

Interested Entities

Jeff Sims, P.E., Administrator
Western Riverside County Regional Wastewater Authority
14205 Meridian Parkway
Riverside, California 92518

Brenda Meyer, P.E.
Principal Engineer
Western Municipal Water District
14205 Meridian Parkway
Riverside, California 92518

Eldon Horst, General Manager
Jurupa Community Services District
11201 Harrel Street
Mira Loma, California 91752

Ben Pak
3148 El Cebo Avenue
Hacienda Heights, CA 91745

Janey Gress
Home Gardens Sanitary District
13538 Magnolia Avenue
Corona, California 92879

Greg Woodside, P.G., C.Hg.
Executive Director of Planning and Natural Resources
Orange County Water District
Post Office Box 8300
Fountain Valley, California 92728-8300

George Hague
Sierra Club-San Geronio Chapter
26711 Ironwood Avenue
Moreno Valley, CA 92555-1906

Anthony Madrigal, Jr., Chairperson
Cahuilla Band of Indians
Post Office Box 381760
Anza, California 92539

Anna M. Hoover, RPA
Cultural Resources Center
Pechanga Band of Mission Indians
Post Office Box 1477
Temecula, California 92593

Joseph Hamilton, Vice Chairman
Ramona Band of Cahuilla Mission Indians
Post Office Box 391670
Anza, California 92539

Anthony Morales, Chairperson
Gabrielino/Tongva San Gabriel Band of Mission Indians
Post Office Box 693
San Gabriel, California 91778

John Marcus, Chairman
Santa Rosa Band of Mission Indians
Post Office Box 391820
Anza, California 92539

Joseph Ontiveros
Cultural Resources Department
Soboba Band of Luiseno Indians
Post Office Box 487
San Jacinto, California 92581

The State Clearinghouse also submitted the Draft EIR to the following State agencies and established a 45-day State review period which ended on August 16, 2012.

- Resources Agency
- Department of Fish and Game, Region 6
- Office of Historic Preservation
- Department of Parks and Recreation
- Department of Water Resources
- Regional Water Quality Control Board, Region 8
- Department of Toxic Substances Control
- California Energy Commission
- Native American Heritage Commission
- Resources Recycling and Recovery

Commentors on Draft EIR

During the 59-day public comment period¹ which ended on August 27, 2012, the following submitted comments on the Draft EIR:

¹ The normal 45-day comment period was extended 14 days by the City of Norco.

Scott Morgan, Director
State Clearinghouse and Planning Unit
Governor's Office of Planning and Research
Post Office Box 3044
Sacramento, California 95812-3044

Dianne Ohiosumua
Permitting & Assistance South Section
Department of Resources Recycling and Recovery
Post Office Box 4025
Sacramento, California 95812-4025

Dave Singleton
Program Analyst
Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, California 95814

Ian MacMillan
Program Supervisor, CEQA Section
South Coast Air Quality Management District
Post Office Box 4939
Diamond Bar, California 91765-0939

Alice Beasley, R.E.H.S.
Environmental Health Specialist IV
Local Enforcement Agency
Riverside County Department of Environmental Health
Post Office Box 1280
Riverside, California 92502-1280

John E. Cavanaugh
City Attorney
12363 Limonite Avenue, Suite 910
Eastvale, California 91752

Jeffrey D. Sims, Administrator
Western Riverside County Regional Wastewater Authority
14205 Meridian Parkway
Riverside, California 92518-3045

Lennie Rae Cooke
VCS Environmental
30900 Rancho Viejo Road
San Juan Capistrano, California 92675
(representing Meritage Homes)

Joseph Ontiveros
Cultural Resources Department
Soboba Band of Luiseño Indians
Post Office Box 487
San Jacinto, California 92581

Amanda Stewart, Esq.
Email: astewart@icls.org

Cory Skillern
Email: cskills43@att.net

Dan Ferguson
Email: ferguson.dan@sbcglobal.net

Dick Simmons²
Email: DSimmons@jacobs.org

Gennady and Irina Nyu
Email: gennadyn@gmail.com

Gennady Nyu
Email: gennadyn@gmail.com

G. Hausman
Email: sunniegnt2004@yahoo.com

Jennifer Prescott
jprescott3@hotmail.com

Jonathan Shardlow
14877 Edgewood Drive
Eastvale, California 92880

² Several residents of Eastvale sent more than one email as shown in the following list.

Gennady Nyu
Email: gennadyn@gmail.com

Sylvia Santos
Email: syls.santos@att.net

Irina Nyu
Email: irinanyu@gmail.com

Gennady Nyu
Email: gennadyn@gmail.com

Gennady and Irina Nyu
Email: gennadyn@gmail.com

Summary of Comments on Draft EIR

Copies of the actual comment letters are included in the Appendix of this document. The comments are summarized below:

State Clearinghouse

In his July 17, 2012 letter to K. S. Dunbar, P.E., Scott Morgan, Director, State Clearinghouse stated:

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Department of Resources Recycling and Recovery

In her August 15, 2012 letter to Keith S. Dunbar, Dianne Ohiosumua pointed out that CalRecycle is the permitting agency for all solid waste handling and disposal facilities and that the Riverside County Community Health Agency – Department of Environmental Health is the Local Enforcement Agency for permitting and inspection of transfer processing operations/facilities and compostable material handling operations/facilities. She also requested additional information regarding days and hours the facility would be open for waste receipt, if the facility would be open to the public, and a clarification on the types and amounts of waste materials entering the site.

Native American Heritage Commission

In his July 11, 2012 letter to Keith S. Dunbar, P.E., Dave Singleton, Program Analyst provided information on State and federal statutes related to State and federal statutes relating to Native American historic

properties of religious and cultural significance to American Indian Tribes and interested Native American individuals as 'consulting parties' under both State and federal law. He also pointed out that he had searched the NAHC 'Sacred Lands File' within the area of potential effect and that Native American cultural resources were not identified in the project area specified. He also recommended early consultation with Native American Tribes in the project area.

South Coast Air Quality Management District

In his August 24, 2012 letter to Keith S. Dunbar, Ian MacMillan, Program Supervisor, CEQA Inter-Governmental Review Planning, Rule Development & Area Sources stated:

. . . the lead agency has not provided a clear description of the project's operational activities and insufficiently addressed the potential odor impacts from the proposed project. Also the lead agency has provided a limited discussion related to the project's compliance with AQMD regulations. Further, the lead agency has presented significant impacts from the project's greenhouse gas emissions but did not include sufficient data in the Draft EIR that quantifies this impact. Therefore, the AQMD staff recommends that the lead agency provide additional information in the Final EIR that addresses these concerns.

County of Riverside Department of Environmental Health

In her August 7, 2012 letter to Keith S. Dunbar, Alice Beasley, R.E.H.S., Environmental Health Specialist IV provided a copy of CalRecycle's publication entitled Guidance Document: How Conversion Technologies Fit Current Board Regulatory Structure. She also requested additional information to allow the Local Enforcement Agency to determine what type of regulatory permitting would be required.

City of Eastvale

In his August 24, 2012 letter to Keith Dunbar, John E. Cavanaugh, City Attorney stated:

These extensive comments are submitted by the City of Eastvale ("Eastvale") in opposition to the Draft Environmental Impact Report ("DEIR") for the proposed horse manure facility to be located in Eastvale. Eastvale protests the lack of notice of this DEIR, the City's exclusion from participation in the process, the conclusions reached as to City of Norco's ("Norco") ability to site such a facility in Eastvale, and comments on the weakness of the DEIR. Eastvale reserves the right to submit additional comments and specifically requests that Norco resolve the matters in this letter before proceeding any further in this process. Eastvale's concerns are not NIMBY-ism but are based on the lack of clear information regarding a facility which is proposed to be located within its boundaries.

Mr. Cavanaugh also stated specific concerns regarding the following:

1. Eastvale should be the lead agency.
2. Challenge to Draft EIR - Notice.

3. Adequacy of Draft EIR
 - a. Project Description
 - b. Environmental Setting
 - c. Impact Discussions

He also indicated that the City of Eastvale concurred with the comments provided by the Western Riverside County Regional Wastewater Authority and incorporated them in the City's comments by reference.

Western Riverside County Regional Wastewater Authority

In his August 12, 2012 letter to Keith Dunbar, Jeffrey D. Sims, Administrator expressed specific concerns regarding the lack of information in the following subject areas:

1. Alternatives to the proposed project.
2. Actual volume of waste materials to handled by the proposed project.
3. Possible conflicts with WRCRWA's expansion project.
4. Emissions analysis.
5. Potential odors.
6. Stormwater discharges.
7. Land Use.
8. Traffic.

In closing Mr. Sims stated:

The Authority respectfully requests that the above comments, observations, and concerns be included in further analysis by the Lead Agency and revisions to the DEIR to address the foregoing concerns, and that since there is not project associated with the DEIR that the DEIR remain in draft form. The Authority respectfully requests of the City Council that Norco not certify the EIR.

VCS Environmental Representing Meritage Homes

In her August 10, 2012 letter to Keith S. Dunbar, Lennie Rae Cooke provided very detailed comments on the following subject areas:

1. Adequate public notice.
2. Lack of specificity in DEIR.
3. Discussion of alternatives.
4. Project description.
5. Lead agency.
6. Analysis of Impacts.
 - a. Aesthetics.
 - b. Agriculture and Forest Resources.

- c. Air Quality.
- d. Hazards and Hazardous Waste.
- e. Hydrology and Water Quality.
- f. Land Use and Planning.
- g. Noise.
- h. Transportation/Traffic
- i. Cumulative Impacts.

In closing Ms. Cooke stated:

In light of the deficiencies of the project identified above, we believe that the draft EIR should be revised and recirculated.

Soboba Cultural Resources Department

In his July 2, 2012 letter to Keith S. Dunbar, P.E., BCEE, Hon.D.WRE., F. ASCE, Joseph Ontiveros requested a face to face meeting with the City of Norco.

On July 19, 2012, Keith S. Dunbar, P.E., BCEE, Hon.D.WRE., F. ASCE, the City of Norco's environmental consultant met with Joseph Ontiveros of the Soboba Cultural Resources Department to discuss the Project. At that time, Mr. Ontiveros indicated that the Soboba Band of Luiseño Indians had no objections to the Project and agreed that the possibility of cultural resources on the site was very low.

Eastvale Residents

Several Eastvale residents communicated their concerns regarding the Horse Manure to Energy Conversion Facility project not necessarily as to scope of the DEIR.

Amanda Stewart, Esq.

In her August 13, 2012 email to Keith Dunbar, Amanda Stewart, Esq., stated:

I am an Eastvale resident and I do not wish for this facility to be built within our city lines. I am not clear as to why Norco does not build the facility within their city lines as they have much more available land than Eastvale.

Cory Skillern

In his August 16, 2012 email stated:

I am writing to express my disappointment and anger that a Horse Manure to Energy Facility is being discussed as an option for a lot directly behind my house.

Dan Ferguson

In his August 18, 2012 email, Dan Ferguson had several questions regarding the project including pollution, truck traffic, odors, vectors and the release of carbon dioxide.

Dick Simmons

In his August 24, 2012 email, Dick Simmons had several comments for consideration regarding, noise, odor, dust, heat, residuals, carbon dioxide, traffic, environmental justice, lack of proper notice, etc. He also requested an "Open House" Informational Meeting in Eastvale on a weeknight and weekend.

Gennady and Irina Nyu

Gennady and Irina Nyu submitted several emails opposing the Horse Manure to Energy Conversion Facility project.

G. Hausman

In his August 16, 2012 email to Keith Dunbar, G. Hausman stated:

Keep Norco's manure in NORCO. We don't want it here. We also don't want MORE traffic. KEEP IT OUT!

Concerned Eastvale Resident

Jennifer Prescott

In her August 16, 2012 email to Keith Dunbar, Jennifer Prescott stated;

Mr. Dunbar, this is a picture of my backyard looking directly at the location Norco wants to put this manure plant! I have 3 children. I pay almost \$900 per month in property taxes. My children attended Norco's public wee people preschool for 5 years! My son is playing football for the City of Norco! I shop at Stater Bros on River Rd. If this thing gets built I will move out of here so quickly! This is absolutely unacceptable! I am not going to be having my children and family breathing in crap fumes every single day! Do not pass this! Do not build this!! It looks harmless when you don't live right in front of it!!!

Jonathan Shardlow

In his August 20, 2012 letter to Keith S. Dunbar, P.E., BCEE, Hon.D.WRE., F. ASCE, Jonathan Shardlow submitted detailed comments regarding the following topics:

1. Traffic impacts were not adequately analyzed.
2. Aesthetic impacts lacked facts and analysis to support conclusory statement.
3. Hazards and hazardous materials section contains deferred mitigation.

4. Hydrology and water quality section contains deferred mitigation.
5. Noise section contains deferred mitigation.
6. Utilities and service systems section directs the reader to mitigation measures contained in a separate EIR.

Sylvia Santos

In her August 27, 2012 email, Sylvia Santos stated:

I am now writing this letter out of great concern, not only do I not want Norco to bring its own Horse Manure to our city where our tax dollars will pay for their riding pleasures but, am greatly concerned for our health.

**Comments Received on
Draft Environmental Impact Report
Horse Manure to Energy Conversion Facility**



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALLEN
DIRECTOR

August 17, 2012

Keith S. Dunbar
City of Norco
45375 Vista Del Mar
Temecula, CA 92590-4317

Subject: Horse Manure to Energy Conversion Facility
SCH#: 2012051016

Dear Keith S. Dunbar:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 16, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2012051016
Project Title Horse Manure to Energy Conversion Facility
Lead Agency Norco, City of

Type EIR Draft EIR
Description The City of Norco plans to construct and operate an Horse Manure to Energy Conversion Facility at the Western Riverside County Regional Wastewater Authority's regional wastewater treatment and reclamation facility at 14634 River Road in Eastvale, CA. The waste to energy facility would utilize approximately 65 tons per day of horse manure plus approximately 130 tons per day of green waste as its feedstock.

Lead Agency Contact

Name Keith S. Dunbar
Agency City of Norco
Phone 951 699 2082 **Fax**
email
Address 45375 Vista Del Mar
City Temecula **State** CA **Zip** 92590-4314

Project Location

County Riverside
City Eastvale
Region
Lat / Long 33° 55' 45" N / 117° 36' 22" W
Cross Streets River Road and Archibald Avenue
Parcel No.
Township 3S **Range** 7W **Section** 10 **Base** SBB&M

Proximity to:

Highways
Airports
Railways
Waterways Santa Ana River
Schools
Land Use Public Facilities/Agriculture (A-2)/Public Facilities

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Solid Waste, Toxic/Hazardous; Traffic/Circulation; Vegetation, Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 6; Office of Historic Preservation, Department of Parks and Recreation; Department of Water Resources; Caltrans, District 8; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; California Energy Commission; Native American Heritage Commission; Other Agency(ies); Resources, Recycling and Recovery

NOTE: DASHES IN DATA FIELDS RESULT FROM INSUFFICIENT INFORMATION PROVIDED BY LEAD AGENCY.



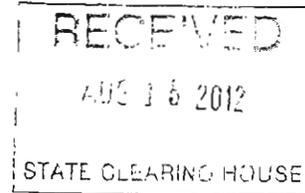
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027

P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

August 15, 2012

8-16-12
clear



Mr. Keith S. Dunbar
City of Norco
45375 Vista Del Mar
Temecula, CA 92590

Subject: SCH No. 2012051016: Draft Environmental Impact Report for the Horse Manure Energy Conversion, City of Norco, Riverside County

Dear Mr. Dunbar:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments for this proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

CalRecycle staff has reviewed the environmental document cited above and offers the following project description, analysis and our recommendations for the proposed project based on CalRecycle staff's understanding of the project. If the proposed project description below varies substantially from the project as understood by the Lead Agency, CalRecycle staff requests that any significant differences be clarified and included in the Final Environmental Impact Report. Significant differences in the project description could qualify as "significant new information" about the project that would require recirculation of the document before certification pursuant to CEQA Section 15088.5.

Proposed Project Description

The City of Norco Planning Department, acting as Lead Agency, prepared a Draft Environmental Impact Report for a Horse Manure to Energy Conversion Facility. The proposed project is a horse manure and green material energy conversion facility to be constructed adjacent to the existing Western Riverside County Regional Wastewater Authority's regional wastewater treatment and reclamation facility located at 14634 River Road in Eastvale, CA. The proposed facility will occupy 1.2 acres excluding the weigh station and the access roads of the existing facility. The proposed waste to energy facility will accept approximately 60 tons of horse manure plus approximately 120 tons of green material and wood chips per day as its feedstock. The facility is proposing to place the green material and wood chips in windrows to dry prior to being added to the conversion process. The horse manure will be processed inside of a covered building prior to being added to the conversion process. The facility will operate on a 24-hours basis, 365 days per year.



Mr. Dunbar
City of Norco
August 15, 2012
Page 2 of 3

All environmental issues reviewed were considered to have either a "No Impact" or "Less than Significant Impact after Mitigation."

CalRecycle Staff's Comments

CalRecycle is the permitting agency for solid waste handling and disposal operations and facilities and works together with the Riverside County Community Health Agency - Department of Environmental Health, which is the Local Enforcement Agency (LEA) for permitting and inspection of transfer processing operations/facilities and compostable material handling operations/facilities.

The proposed facility is proposing to use a conversion technology that is "gasifying" green material and manure for reuse into energy. Therefore the facility will be regulated by the LEA as a transfer/processing facility. The LEA and depending on the type of permit required, CalRecycle, are Responsible Agencies for the project. The LEA contact is Greg Reyes, and he can be reached at 951.955.8982 or by e-mail at: gjreyes@rivcocha.org.

Please clarify the days and hours the facility is open for waste receipt, including times when it may be open to the public, and the days and hours of site activities.

Please clarify all the waste material types and amounts entering the site. Also, indicate separately the maximum amount of green waste, wood chips, and horse manure that will be accepted daily.

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on this Draft Environmental Impact Report and hopes that this comment letter will be useful to the Lead Agency in carrying out their responsibilities in the CEQA process.

Staff further requests that if the Lead Agency is to circulate the Final Environmental Impact Report electronically or in an abbreviated form, that a copy of the complete document including all appendices be forwarded to CalRecycle at time of circulation.

CalRecycle staff requests copies of any subsequent environmental documents including the Final Environmental Impact Report, copies of public notices and any Notices of Determination for this project.

Please refer to 14 CCR, § 15094(d) that states: "If the project requires discretionary approval from any state agency, the local lead agency shall also, within five working days of this approval, file a copy of the notice of determination with the Office of Planning and Research [State Clearinghouse]."

CalRecycle staff requests that the Lead Agency provide a copy of its responses to comments at least ten days before certifying the Final Environmental Impact Report. Refer to Public Resource Code, Section 21092.5(a).

If the document is certified during a public hearing, CalRecycle staff requests ten days advance notice of this hearing. If the document is certified without a public hearing, CalRecycle staff requests ten days advance notification of the date of the certification and project approval by the decision-making body.

If you have any questions regarding these comments, please contact me at 909.782.4168 or E-mail me at dianne.ohiosumua@calrecycle.ca.gov.

Sincerely,



Dianne Ohiosumua
Permitting and Assistance South Section
Department of Resources Recycling and Recovery

cc: Virginia Rosales, Supervisor
Permitting & Assistance South Section
Department of Resources Recycling and Recovery

Greg Reyes, LEA Supervisor
County of Riverside
3880 Lemon Street Ste. 200
Riverside, CA 92501

NATIVE AMERICAN HERITAGE COMMISSION

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



8/16/12
Clear

July 11, 2012



Mr. Keith S. Dunbar, P.E.

Horse Manure to Energy Conversion Facility

45375 Vista Del Mar
Temecula, CA 92590-4314

Re: SCH#2012051016; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the "Horse Manure to Energy Conversion Facility Project;" located in the City of Norco; Riverside County, California.

Dear Mr. Dunbar:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' 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. The NAHC did conduct a Sacred Lands File (SLF) search within the 'area of potential effect (APE) and Native American cultural resources were not identified in the project area specified.

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American

contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

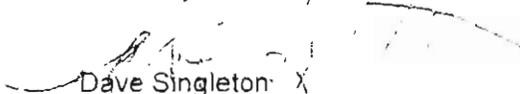
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,


Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List



South Coast
Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: August 24, 2012
Ksdpe67@gmail.com

August 24, 2012

Mr. Keith S. Dunbar
K.S. Dunbar and Associates, Inc.
Environmental Engineering
45375 Vista Del Mar
Temecula, CA 92590-4314

**Review of the Draft Environmental Impact Report (Draft EIR) for the
Horse Manure to Energy Conversion Facility Project**

The South Coast Air Quality Management District (AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are intended to provide guidance to the lead agency and should be incorporated into the Final Environmental Impact Report (Final EIR) as appropriate.

Based on a review of the Draft EIR the lead agency has not provided a clear description of the project's operational activities and insufficiently addressed the potential odor impacts from the proposed project. Also, the lead agency has provided a limited discussion related to the project's compliance with AQMD regulations. Further, the lead agency has presented significant impacts from the project's greenhouse gas emissions but did not include sufficient data in the Draft EIR that quantifies this impact. Therefore, the AQMD staff recommends that the lead agency provide additional information in the Final EIR that addresses these concerns. It may be beneficial for the lead agency and the project's air pollution control engineer to meet with AQMD's staff to review potential technical concerns. Details regarding these comments are attached to this letter.

Pursuant to Public Resources Code Section 21092.5, please provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. Further, staff is available to work with the lead agency to address these issues and any

other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,

A handwritten signature in black ink that reads "Ian V. MacMillan". The signature is written in a cursive style with a large initial "I" and "M".

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

RVC120629-01
Control Number

Project Description and Daily Throughput Volumes

1. The project description and air quality analysis in the Draft EIR present inconsistent information related to the daily volume of material that will be processed at the project site. For example, on page ES-3 of the Draft EIR the lead agency states that approximately 180 tons per day (tpd) of waste material will be available for conversion to energy, further, on page 2-8 of the Draft EIR the lead agency states that 245 tpd of waste material will be available for conversion to energy. However, the lead agency evaluates the project's peak daily air quality impacts based on 100 tpd of material processed at the facility (see pages 5-23 and 5-24). Therefore, the AQMD staff recommends that the lead agency clarify the peak daily volume of material that will be processed at the project site and analyze all potential air quality impacts from this activity.

2. Operational Emissions, Offsets, RECLAIM, BACT, Title V

The project's peak daily operational emissions identified on page 5-23 are based on the following control efficiencies 87% for NO_x, 94% for SO_x, and 99.9% for PM. Also, the emission factors for the project's fuel source are based on extrapolation of data from a two day test run that was performed at a facility in Idaho. However, the lead agency does not provide any supporting data or reference material to demonstrate that the Draft EIR assumed correct emission factors for the fuel source and the appropriate control efficiencies for the control technology proposed for the project. Therefore, AQMD staff recommends that the lead agency substantiate the project's peak daily emissions values by providing sufficient air quality data in the Final EIR including equipment specifications, studies, references, data and any other information necessary to demonstrate the project's impacts. Also, to demonstrate compliance with AQMD permitting requirements the lead agency should provide an analysis of alternative technologies applicable to the proposed project and present the project's peak daily emissions using these technologies. In the event that the proposed control strategies do not meet permitting requirements the lead agency may default to the alternative emissions analysis.

Further, given that the project exceeds four (4) tons per year of NO_x the AQMD staff recommends that the lead agency provide discussion in the Final EIR on the project's compliance with AQMD's Regulation XX. Also, the project will need to provide an evaluation of BACT/LAER for the control of CO emissions. Based on the estimated emissions levels in the Draft EIR the proposed project will be considered major source (Title V).

3. Applicability of Composting Regulations (AQMD Rules 1133.2 and 1133.3):

The lead agency does not discuss the applicability of Rule 1133.2 (Emission Reductions from Co-Composting Operations) and 1133.3 (Emission Reductions from Greenwaste Composting Operations) to the proposed project. Therefore, the lead agency should discuss practices that will be employed to prevent composting from occurring at the project site in the Final EIR. In the event that the lead agency anticipates composting activity will occur at the project site the lead agency should provide discussion on compliance with the above mentioned AQMD regulations.

4. Prevention of Odor Impacts and Nuisance

Given that the fuel source (horse manure) for the proposed project is known to have substantial odors associated with it the lead agency should address odors from operational activities at the project site in the Final EIR. Also, the lead agency should discuss how the project will comply with AQMD Rule 402 (Nuisance). Further, the lead agency should provide a project design feature or mitigation measure to avoid significant odor impacts from horse manure that is delivered at to the project site. Specifically, the AQMD staff recommends that the lead agency require horse manure to be handled and stored (including temporary storage and handling) in an enclosed building that is vented to a device such as a biofilter. This measure should control objectionable odors and gaseous emissions from the waste handling (receiving, conveying, and feed to gasifier) and manure drying process.

5. Back-up Power

The lead agency should provide a project design feature or mitigation measure that requires sufficient standby emergency electrical generation in the event that a power outage occurs. The standby electrical generator should provide a smooth and controlled shutdown without the loss of air pollution controls. If the lead agency does not require this measure the Final EIR should provide an analysis in the Final EIR that demonstrates peak daily emissions without air pollution controls at the project site or failed controls.

Greenhouse Emissions

6. On page 5-27 of the Draft EIR the lead agency presents a significant greenhouse gas emissions impact (41,000 metric tons per year of CO₂ emissions) from the proposed project. However, the lead agency does not provide any data in the Appendix of the Draft EIR that demonstrates the sources used to derive the aforementioned CO₂ emissions value. Therefore, the AQMD staff recommends that the lead agency provide additional data and analyses (emission factors, assumptions, etc) in the Final EIR that demonstrates the significant impact from the project's greenhouse gas emissions (GHG). Further, the lead agency should discuss how biogenic emissions from the project have been addressed in Final EIR.



August 7, 2012

Keith S. Dunbar
K.S. Dunbar & Associates, Inc.
Environmental Engineering
45375 Vista Del Mar
Temecula, CA 92590

**Subject: State Clearinghouse (SCH) No. 2012051016 – Draft Environmental Impact Report (EIR)
For a Horse Manure to Energy Conversion Facility**

Dear Mr. Dunbar:

Local Enforcement Agency (LEA) staff has reviewed the Draft EIR mentioned above and have the following comments and questions intended to assist the lead agency.

In reviewing the Draft EIR, staff has referred to the CalRecycle publication entitled *Guidance Document: How Conversion Technologies Fit Current Board Regulatory Structure*. The publication is included as an attachment to this comment letter, and may also be accessed online at the following address: <http://www.calrecycle.ca.gov/Publications/Organics/2009024.pdf>. This document provides an overview of how the Title 14 requirements for permit/authorization apply to gasification with consideration of the feedstock, source of the feedstock, location and quantity involved. The determination of the appropriate level of authorization or permit for an activity involving gasification is made by the LEA.

Here then are the following comments and questions:

1. Gasification is a separately defined type of solid waste facility. Therefore, gasification of solid waste requires a Solid Waste Facility Permit (SWFP). The following statute only includes within its definition gasification facilities that handle solid waste. A facility that is “gasifying” material that has been separated for re-use or source separated would not meet the requirements of this section, would not be defined as a gasification facility and would instead be analyzed as a transfer/processing facility. If it met the “Three-Part Test”, it would not require a SWFP. (i.e. the exception described in section 3.2 would apply.)[From page 5, section 3.5 of *Guidance Document: How Conversion Technologies Fit Current Board Regulatory Structure*.]

The Draft EIR states that the waste hauler separates out the quantity of horse manure collected, and so the feedstock would be considered separated for re-use or source separated. Therefore, the facility would be analyzed as a transfer/processing facility. The facility would not require a SWFP if it meets the “Three-Part Test”

2. In order to qualify for the "Three-Part Test" for exclusion from permitting requirements:
 - a. The site must be receiving material that has been source separated (by the generator) or separated for reuse (at a centralized facility – such as a Material Recovery Facility or MRF) prior to receipt at the site
 - b. Less than 1 percent of the material must be putrescible and not causing a nuisance; and
 - c. Less than 10 percent of the residual leaving the site is being sent to disposal.

Please provide the LEA with information on how the feedstock will meet the "Three-Part Test".

3. Transfer/processing sites that are only handling material that has been separated for reuse (or source separated) and not mixed waste to be disposed, would **not** be a solid waste facility and would **not** require a SWFP for transfer/processing. (However, if a site were handling compostable material it might still be regulated under those regulations located at 14 CCR 17850 et seq.) .)[From page 4, section 3.2 of *Guidance Document: How Conversion Technologies Fit Current Board Regulatory Structure.*]
4. Any conversion technology site that would meet the "Three-Part Test" might still be permitted and regulated as a compost or chip and grind site if it is handling compostable feedstock in a manner that makes those requirements applicable (i.e. a facility stockpiling feedstock in a manner that resulted in green material reaching compost temperatures. (Compost temperature is defined as temperatures of 122 degrees Fahrenheit or greater.) .)[From page 5, section 3.4 of *Guidance Document: How Conversion Technologies Fit Current Board Regulatory Structure.*]

The Draft EIR states that 120 tons per day of green waste will be imported to form the fuel stock for the Horse Manure to Energy Conversion Facility. If the City of Norco wishes to avoid permitting requirements, please provide detailed information on how the facility will handle materials in such a way as to preclude their reaching temperatures at or above 122 degrees Fahrenheit.

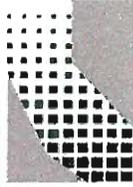
Please send any correspondence for the LEA to 3880 Lemon St. Ste. 200 Riverside, CA 92501. If you have any questions regarding these comments please call me at (951) 955-8982 or email me at abeasley@rivcocha.org .

Sincerely,



Alice Beasley, R.E.H.S.
Environmental Health Specialist IV
Local Enforcement Agency
Riverside County Department of Environmental Health

cc: State Clearinghouse
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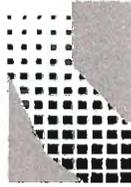


California Integrated Waste
Management Board

December 2007

GUIDANCE DOCUMENT

How Conversion Technologies Fit Current Board Regulatory Structure



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1. Purpose of this Document

Over the past few years, there has been confusion about the permitting and other requirements that apply to “conversion technology” facilities. This has been further complicated by the various types of processes that potentially fit within the general category of “conversion technologies” and the various legislative proposals to modify the applicable statutes. (Current statute does not define the term “conversion technologies.”)

This guidance document is intended to provide a basic outline of how **current** statutes and regulations at the California Integrated Waste Management Board (as of Jan. 1, 2010, known as the Department of Resources Recycling and Recovery, or CalRecycle) apply to various types of conversion technologies. The intent of this document is not to answer questions regarding specific sites or project descriptions. The application of Board statutes and regulations to specific sites must be done on a case-by-case basis. This document provides an overview of the framework currently in place so that pertinent questions can be discussed regarding specific proposals and adjustments to those proposals can be made as necessary.

The guidance focuses on solid waste facility permit (SWFP) requirements, siting requirements, whether or not the activity would “count” as disposal or diversion, co-location, and biomass conversion. It is not a comprehensive discussion of all Board requirements that may apply. Likewise, it does not include a discussion of any approvals that may be required by other State agencies or local jurisdictions. (A quick reference chart is included as Appendix A on p. 14).

2. Solid Waste and Solid Waste Disposal

Basic Definitions

Two basic definitions provide the context for the guidelines that follow (other terms are provided within the context of the guidelines and a full list of definitions is provided at the end of this document in Appendix B on p. 15).

The term “Solid Waste” potentially includes almost any discarded material other than specified types of waste like hazardous waste.

- PRC¹ 40191.** (a) Except as provided in subdivision (b), “solid waste” means **all putrescible and nonputrescible solid, semisolid, and liquid wastes**, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other **discarded** solid and semisolid wastes.
- (b) “Solid waste” **does not include** any of the following wastes:
- (1) Hazardous waste, as defined in Section 40141.
 - (2) Radioactive waste regulated pursuant to the Radiation Control

¹ All references to PRC are to the Public Resources Code, the main source of statutes that govern the Board.

Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code).

(3) Medical waste regulated pursuant to the Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a solid waste landfill, as defined in Section 40195.1. Medical waste that has been treated and deemed to be solid waste shall be regulated pursuant to this division. (emphasis added²).

The term “Solid Waste Disposal” includes what would traditionally be considered to be disposal to land, but also includes “disposal” to the atmosphere for certain purposes.

PRC 40192. (a) Except as provided in subdivisions (b) and (c), “solid waste disposal” or “disposal” means the **final deposition of solid wastes onto land, into the atmosphere, or into the waters** of the state.

(b) Except as provided in Part 2 (commencing with Section 40900), for purposes of Part 2 (commencing with Section 40900), “disposal” means the management of solid waste through **landfill disposal or transformation at a permitted solid waste facility.**

(c) For purposes of Chapters 16 (commencing with Section 42800) and 19 (commencing with Section 42950) of Part 3, Part 4 (commencing with Section 43000), Part 5 (commencing with Section 45000), Part 6 (commencing with Section 45030), and Chapter 2 (commencing with Section 47900) of Part 7, “solid waste disposal” or “disposal” means the final deposition of solid wastes onto land.

However, unlike the statutes of the Department of Toxic Substances Control which focus on the nature of the hazardous waste in question to set forth how it is to be regulated, the Board’s statutes focus on the method of handling of the solid waste in distinguishing how it is to be regulated. In other words, the focus is on whether the waste will be composted, or processed or disposed, rather than on the nature of the waste in determining whether a permit is required, the siting requirements that apply, and whether or not the handling activity is considered to be disposal or diversion.

Solid Waste Handling Not Regulated by the Board

Certain solid waste handling activities may not be regulated by the Board if they are already comprehensively regulated by another State agency. Statutes were amended in 1993 to provide that the Board was not to establish standards for activities that were already within the jurisdiction and authority of other State agencies.

PRC 43101. ...

(c) It is, therefore, the intent of the Legislature, in enacting this chapter, and in making the necessary revisions to this division and Division 7 (commencing with Section 13000) of the Water Code by the act enacting this chapter, to accomplish all of the following:

(1) As provided by Sections 40054 and 40055, the board, the state water board, and the regional water boards shall retain their appropriate statutory authority over solid waste disposal facilities and sites. **A clear and concise division of authority shall be maintained in both statute and regulation to remove all areas of**

² Any emphasis (bold) shown in an excerpt from statute or regulations is added emphasis.

overlap, duplication, and conflict between the board and the state water board and regional water boards, or between the board and any other state agency, as appropriate.

PRC 43020. The board shall adopt and revise regulations which set forth **minimum standards** for solid waste handling, transfer, composting, transformation, and disposal, in accordance with this division, and Section 117590 of, and Chapter 6.5 (commencing with Section 25100) of Division 20 of, the Health and Safety Code. The board **shall not include** any requirements that are already under the authority of the State Air Resources Board for the prevention of air pollution or of the state water board for the prevention of water pollution.

PRC 43021. Regulations shall include **standards** for the design, operation, maintenance, and ultimate reuse of solid waste facilities, but **shall not include** aspects of solid waste handling or disposal which are solely of local concern or which are within the jurisdiction of the State Air Resources Board, air pollution control districts and air quality management districts, or the state water board or regional water boards.

Based on these restrictions, the Board has in the past excluded certain waste handling activities from its regulations. For instance, while composting of biosolids on-site at a Publicly Owned Treatment Works (POTW) is regulated by the Board, the treatment process at POTWs is not, because it is already comprehensively regulated by the Water Boards (i.e. there are no additional areas relating to the treatment of biosolids at POTWs that require additional standards or oversight).

While it is outside the scope of this outline to identify specific facilities that are not subject to regulation by the Board, it should be noted that as specific project descriptions are developed, they may fall outside the Board's regulation, even though they handle solid waste, due to the already existing regulatory structure set forth by other State agencies³.

3. Solid Waste Facility Permit (SWFP) Requirements

3.1 What Requires a Permit?

A Solid Waste Facility Permit (SWFP) is required for solid waste facilities.

PRC 44002. (a) (1) No person shall operate a solid waste facility without a solid waste facilities permit if that facility is required to have a permit pursuant to this division. ...

The types of facilities that would potentially require a SWFP are identified by statute:

PRC 40194. "Solid waste facility" includes a solid waste **transfer** or **processing** station, a **composting** facility, a **gasification** facility, a **transformation** facility, and a **disposal** facility.

³ Examples that have been raised are processing food waste at POTWs in combination with biosolids, and processing food waste at manure digesters.

3.2 What is Excluded From The Permitting Requirement?

Transfer/processing sites that are only handling material that has been separated for reuse (or source separated) and not mixed waste to be disposed, would **not** be a solid waste facility and would **not** require a SWFP for transfer/processing . (However, if a site were handling compostable material it might still be regulated under those regulations located at 14 CCR 17850⁴ et seq. See Section 3.4 below)

This exception would also apply to transformation facilities handling material that has been separated for reuse as it is included within the definition of transfer/processing. Some types of conversion technologies are considered transformation by statute and would also potentially be within this exception (see section 3.6 below).

PRC 40200. (a) “Transfer or processing station” or “station” includes those facilities utilized to receive solid wastes, temporarily store, separate, **convert, or otherwise process** the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport, **and those facilities utilized for transformation.**

(b) “Transfer or processing station” or “station” does **not** include any of the following: ...

(2) A facility, whose principal function is to receive, store, convert, or otherwise process wastes which **have already been separated for reuse and are not intended for disposal.**

3.3 The “Three-Part Test”

The Board has further refined this statutorily authorized exemption through its regulations with what is known as the “Three-Part Test.” In order to qualify for this exclusion from the permitting requirements, (1) the site must be receiving material that has been source separated (by the generator) or separated for reuse (at a centralized facility – such as a MRF) prior to receipt at the site; (2) less than 1 percent of the material must be putrescible and not causing a nuisance; and, (3) less than 10 percent of the residual leaving the site is being sent to disposal.

14 CCR 17402.5... (d) A “Recycling Center” means a person or business entity that meets the requirements of this subdivision. A recycling center shall not be subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

(1) A recycling center shall only receive material that has been **separated for reuse prior to receipt.**

(2) The **residual** amount of solid waste in the separated for reuse material **shall be less than 10%** of the amount of separated for reuse material received by weight.

(A) The residual amount is calculated by measuring the outgoing tonnage after separated for reuse materials have been removed.

(B) The residual amount is calculated on a monthly basis based on the number of operating days.

⁴ All references to CCR are to the Board’s regulations located in the California Code of Regulations (either Title 14 or 27).

(3) The amount of **putrescible wastes** in the separated for reuse material **shall be less than 1%** of the amount of separated for reuse material received by weight, and the putrescible wastes in the separated for reuse material **shall not cause a nuisance**, as determined by the EA.

(A) The amount of putrescible wastes is calculated in percent as the weight of putrescible wastes divided by the total incoming weight of separated for reuse material.

(B) The amount of putrescible wastes is calculated on a monthly basis based on the number of operating days.

(4) The only separation that may occur at the recycling center is the sorting of materials that have been separated for reuse prior to receipt.⁵

3.4 Anaerobic Digestion Would Be Regulated Like Composting

Anaerobic digestion (which is sometimes labeled as a conversion technology) actually fits within the definition of composting. PRC section 40200(b)(2) and the “Three-Part Test” do not apply to the handling of compostable material as the definition assumes that the material being handled has already been separated. Sites using Anaerobic Digestion would potentially be regulated under the Board’s compostable material handling regulations depending upon the nature of their feedstock and how it is being handled (14 CCR 17850 et seq.).

PRC 40116. “Compost” means the product resulting from the **controlled biological decomposition** of organic wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility. “Compost” includes vegetable, yard, and wood wastes which are not hazardous.

See sections 4.2, 4.4, and 5.1 below for the significance for siting and diversion that derive from this activity being classified as composting. (Compost facilities require SWFP as nondisposal facilities, are only required to be identified in an NDFE not a CSE, and do not “count” as disposal.)

Similarly, any other conversion technology site that would meet the “Three-Part Test” might still be permitted and regulated as a compost or chip and grind site if it is handling compostable feedstock in a manner that makes those requirements applicable (i.e. a facility stockpiling feedstock in a manner that resulted in green material reaching compost temperatures.)

3.5 Gasification

Gasification is a separately defined type of solid waste facility. Therefore, gasification of solid waste requires a SWFP. The following statute only includes within its definition gasification facilities that handle solid waste. A facility that is “gasifying” material that has been separated for re-use or source separated would not meet the requirements of this section, would not be defined as a gasification facility and would instead be analyzed as a transfer/processing facility. If it met the “Three-Part Test,” it would not require a SWFP. (i.e. the exception described above in section 3.2 would apply.)

⁵ Construction and demolition and inert debris (CDI) Recycling Centers includes an additional requirement that the separated material can only be Type A inert material. (Essentially a “Four-Part Test” for the exclusion.) 14 CCR 17381.1

PRC 40117. “Gasification” means a technology that uses a noncombustion thermal process to convert solid waste to a clean burning fuel for the purpose of generating electricity, and that, at minimum, meets all of the following criteria:

(a) The technology does not use air or oxygen in the conversion process, except ambient air to maintain temperature control.

(b) The technology produces no discharges of air contaminants or emissions, including greenhouse gases, as defined in subdivision (g) of Section 42801.1 of the Health and Safety Code.

(c) The technology produces no discharges to surface or groundwaters of the state.

(d) The technology produces no hazardous waste.

(e) To the maximum extent feasible, the **technology removes all recyclable materials and marketable green waste compostable materials from the solid waste stream prior to the conversion process** and the owner or operator of the facility certifies that those materials will be recycled or composted.

(f) The facility where the technology is used is in compliance with all applicable laws, regulations, and ordinances.

(g) The facility certifies to the board that any local agency sending solid waste to the facility is in compliance with this division and has reduced, recycled, or composted solid waste to the maximum extent feasible, and the board makes a finding that the local agency has diverted at least 30 percent of all solid waste through source reduction, recycling, and composting.

14 CCR 17402.5 ... (b) The following general definitions may apply to one or more of the activities that are more specifically defined in subdivisions (c) and (d) of this section. ...

(3) “Separated for Reuse” means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace, and includes materials that have been “source separated.”

(4) “Source Separated” means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

3.6 Other Conversion Technologies Handling Non-Separated Waste

If a conversion technology facility is handling non-separated waste (i.e. doesn’t meet the “Three-Part Test”) then where it falls within the Board’s regulatory structure depends upon the process being used. In all of these cases, a SWFP of some type would be required.

Facilities using **pyrolysis, distillation, or biological conversion**⁶ and not meeting the “Three-Part Test” would require a SWFP as a Transformation Facility.

PRC 40201. “Transformation” means **incineration, pyrolysis, distillation, or biological conversion** other than composting. “Transformation” does not include composting, gasification, or biomass conversion.

⁶ This is not the same as “Biomass Conversion” – see section 7 below.

Facilities using **gasification** on non-separated waste (i.e. doesn't meet the "Three-Part Test") would require a SWFP as a gasification facility. Gasification is expressly excluded from the definition of transformation. (definitions excerpted above).

All other types of conversion technologies not included in one of the above definitions (gasification, transformation) would fall within the general definition of transfer/processing (excerpted above in section 3.2) and would require a SWFP as a transfer/processing facility if handling non-separated waste (i.e. doesn't meet the "Three-Part Test").

PRC 40172. "Processing" means the reduction, separation, recovery, conversion, or recycling of solid waste.

(See section 7 below for a discussion of Biomass Conversion)

4. Siting Requirements

4.1 No Siting Requirement If Not A Solid Waste Facility

Countywide Siting Elements and Nondisposal Facility Elements are only required to include Solid Waste Facilities (i.e. those that require a SWFP). Therefore, conversion technology sites that do not require a SWFP (as discussed above in section 3) are not required to be described in a Countywide Siting Elements or Nondisposal Facility Elements. (Local land use requirements are not affected by these provisions and would still be applicable).

PRC 41701. Each countywide siting element and revision thereto shall include, but is not limited to, all of the following: ...

(d) The identification of an area or areas for the location of new **solid waste transformation or disposal facilities**, or the expansion of existing facilities, that are consistent with the applicable city or county general plan, if the county determines that existing capacity will be exhausted within 15 years or additional capacity is desired.

14 CCR Section 18755. General Requirements.

(a) The Siting Element shall demonstrate that there is a countywide or regionwide minimum of 15 years of combined **permitted disposal capacity through existing or planned solid waste disposal and transformation facilities** or through additional strategies.

(b) The Siting Element shall describe and identify the areas, numbers and types of new solid waste disposal and transformation facilities, as well as the expansion of existing solid waste **disposal and transformation facilities** necessary to provide a minimum of 15 years of combined **permitted disposal capacity**.

PRC 41732. (a) City, county, and regional agency nondisposal facility elements prepared pursuant to Section 41730, 41731, or 41750.1, as the case may be, shall include a description of ~~any new solid waste facilities and the expansion of existing solid waste facilities that~~ will be needed to implement the jurisdiction's source reduction and recycling element and to thereby meet the diversion requirements of Section 41780. The nondisposal facility element may include the identification of specific locations or general areas for new solid waste facilities that will be needed to implement the jurisdiction's source reduction and recycling element. ...

14 CCR Section 18752. Scope. ...

(c) For the purpose of this Article, a nondisposal facility is any solid waste facility required to obtain a permit pursuant to Article 1 (commencing with Section 44001) Chapter 3 Part 4, except a disposal facility or a transformation facility.

4.2 Siting Requirement for Facilities That Require SWFP

One of the requirements for obtaining a SWFP is that the facility be identified in the Countywide Siting Elements, if it is a disposal or transformation facility, or the Nondisposal Facility Elements, if it is any other type of solid waste facility.

PRC 44009. (a) ... (2) If the board determines that the permit is not consistent with ... **Division 31 (commencing with Section 50000)**, the board shall object to provisions of the permit and shall submit those objections to the local enforcement agency for its consideration.

50001. (a) ... **no person shall establish or expand a solid waste facility, as defined in Section 40194**, in the county **unless** the solid waste facility meets one of the following criteria:
(1) The solid waste facility is a **disposal facility or a transformation facility, the location of which is identified in the countywide siting element** or amendment thereto, which has been approved pursuant to Section 41721.

(2) The solid waste facility is a facility which is designed to, and which as a condition of its permit, **will recover for reuse or recycling at least 5 percent** of the total volume of material received by the facility, and which is **identified in the nondisposal facility element** or amendment thereto, which has been approved pursuant to Section 41800 or 41801.5.

40151. “**Nondisposal facility**” means any solid waste facility required to obtain a permit pursuant to Article 1 (commencing with Section 44001) of Chapter 3 of Part 4, except a disposal facility or a transformation facility.

Those facilities utilizing conversion technologies that require a SWFP would have to be identified in the applicable Countywide Siting Elements (if it is within the transformation definition) or the applicable Nondisposal Facility Elements (if it is within the composting, transfer/processing, or gasification definition).

4.3 Process for Amending CSE

The local approval process required for a Countywide Siting Elements amendment is known as “majority/majority approval.” Simply stated, the County and a majority of the cities within the county that have a majority of the population must approve the amendment. The more cities within a particular county, the more involved this process can become. Also, a Countywide Siting Elements amendment would require compliance with CEQA.

PRC 41721.5. (a) Any amendments to the countywide siting element shall be **approved by the county and by a majority of the cities within the county which contain a majority of the population of the incorporated area of the county** except in those counties which have only two cities, in which case the amendment is subject to approval of the city which contains the majority of the population of the incorporated area of the county.

(b) Any person or public agency proposing the development of a solid waste disposal or transformation facility may initiate an amendment to the countywide siting element by submitting a site identification and description to the county board of supervisors.

(c) The county shall submit the site identification and description to the cities within the county within 20 days after the site identification and description is submitted to the county board of supervisors. Each city shall act upon the proposed amendment within 90 days after

receipt of the proposed amendment. If a city fails to act upon the proposed amendment within 90 days after receiving the amendment, the city shall be deemed to have approved the proposed amendment as submitted.

(d) If the county or a city disapproves the proposed amendment, the county or city shall mail notice of its decision by first-class mail to the person or public agency proposing the amendment within 10 days of the disapproval, stating its reasons for the disapproval.

(e) No county or city shall disapprove a proposed amendment unless it determines, based on substantial evidence in the record, that the amendment would cause one or more significant adverse impacts within its boundaries from the proposed project.

(f) Within 45 days after the date of disapproval by the county or a city of a proposed amendment, or a decision by the board not to concur in the issuance, modification, or revision of a solid waste facilities permit pursuant to Section 44009, any person may file with the superior court a writ of mandate for review of the disapproval or the decision. The evidence before the court shall consist of the record before the county or city which disapproved the proposed amendment or the record before the board in its determination not to concur in issuance, modification, or revision of the solid waste facilities permit. Section 1094.5 of the Code of Civil Procedure shall govern the proceedings conducted pursuant to this subdivision.

4.4 Process For Amending NDFE

The local approval process for amending a Nondisposal Facility Elements is simpler. It simply requires approval by at least one jurisdiction that will be using the facility (typically the one in which it is located). In addition, Nondisposal Facility Elements amendments are statutorily exempt from CEQA.

PRC 41730. Except as provided in Section 41750.1, **each city shall prepare, adopt, and, except for a city and county, transmit to the county in which the city is located a nondisposal facility element that includes all of the information required by this chapter and that is consistent with the implementation of a city source reduction and recycling element adopted pursuant to this part...**

PRC 41731. Except as provided in Section 41750.1, **each county shall prepare, adopt, and, except for a city and county, transmit to the cities located in the county a nondisposal facility element that includes all of the information required by this chapter and that is consistent with the implementation of a county source reduction and recycling element adopted pursuant to this part. ...**

PRC 41734. (a) (1) Prior to adopting or amending a nondisposal facility element, the city, county, or regional agency shall submit the element or amendment to the task force created pursuant to Section 40950 for review and comment.

(2) Prior to adopting or amending a regional agency nondisposal facility element, if the jurisdiction of the regional agency extends beyond the boundaries of a single county, the regional agency shall submit the element or amendment for review and comment to each task force created pursuant to Section 40950 of each county within the jurisdiction of the regional agency.

(b) Comments by the task force shall include an assessment of the regional impacts of potential diversion facilities and shall be submitted to the city, county, or regional agency and to the board within 90 days of the date of receipt of the nondisposal facility element for review and comment.

PRC 41735. (a) Notwithstanding Division 13 (commencing with Section 21000), the adoption or amendment of a nondisposal facility element **shall not be subject to environmental review.** ...

5. Diversion or Disposal?

5.1 Material is Disposed Only if Goes to a Disposal or Transformation Facility That Requires a SWFP

A jurisdiction's disposal tonnage is the amount of solid waste it has sent to a permitted (SWFP) disposal facility or transformation facility. Material sent to a facility that is not required to obtain a SWFP, or one that needs a SWFP but is not classified as a disposal facility or as a transformation facility, does not "count" as disposal. If that material was originally part of the jurisdiction's base year disposal tonnage and is now being sent elsewhere, it would consequently be treated as diversion since it would not be counted as disposal.

PRC 41780. (a) Each city or county **source reduction and recycling element** shall include an implementation schedule that shows both of the following:

(1) For the initial element, the city or county **shall divert** 25 percent of all solid waste **from landfill disposal or transformation** by January 1, 1995, through source reduction, recycling, and composting activities.

(2) Except as provided in Sections 41783, 41784, and 41785, for the first and each subsequent revision of the element, the city or county **shall divert 50 percent** of all solid waste on and after January 1, 2000, through source reduction, recycling, and composting activities.

(b) Nothing in this part prohibits a city or county from implementing source reduction, recycling, and composting activities designed to exceed these requirements.

PRC 41781. (a) Except as provided in Sections 41781.1, and 41781.2, for the purpose of **determining the base rate of solid waste from which diversion requirements shall be calculated, "solid waste" includes only the following:**

(1) The amount of solid waste generated within a local agency's jurisdiction, the types and quantities of which **were disposed of at a permitted disposal facility** as of January 1, 1990. Nothing in this section requires local agencies to perform waste characterization in addition to the waste characterization requirements established under Sections 41030, 41031, 41330, 41331, and 41332.

(2) The amount of solid waste **diverted from a disposal facility or transformation facility** through source reduction, recycling, or composting.

(b) For the purposes of this section, **"solid waste" does not include any solid waste which would not normally be disposed of at a disposal facility.**

(c) For the purposes of this chapter, the amount of solid waste from which the required reductions are measured shall be the amount of solid waste existing on January 1, 1990, with future adjustments for increases or decreases in the quantity of waste caused only by changes in population or changes in the number or size of governmental, industrial, or commercial operations in the jurisdiction.

PRC 40192. (a) Except as provided in subdivisions (b) and (c), "solid waste disposal" or "disposal" means the final deposition of solid wastes onto land, into the atmosphere, or into the waters of the state.

(b) Except as provided in Part 2 (commencing with Section 40900), **for purposes of Part 2 (commencing with Section 40900), "disposal" means the management of solid waste through landfill disposal or transformation at a permitted solid waste facility.**

(c) For purposes of Chapters 16 (commencing with Section 42800) and 19 (commencing with Section 42950) of Part 3, Part 4 (commencing with Section 43000), Part 5 (commencing with Section 45000), Part 6 (commencing with Section 45030), and Chapter 2 (commencing with Section 47900) of Part 7, "solid waste disposal" or "disposal" means the final deposition of solid wastes onto land.

5.2 Special Rules for Transformation

A jurisdiction that sends solid waste to a transformation facility that was permitted prior to January 1, 1995 and that requires a SWFP may count that waste as diversion for up to 10 percent of its 50 percent requirement. This rule only applies to three specific existing facilities and would not apply to any new facilities. (See section 7 below for similar rule for Biomass Conversion)

41783. For any city, county, or regional agency source reduction and recycling element submitted to the board after January 1, 1995, **the 50 percent diversion requirement** specified in paragraph (2) of subdivision (a) of Section 41780 **may include not more than 10 percent through transformation**, as defined in Section 40201, if all of the following conditions are met:

(a) The transformation project is in compliance with Sections 21151.1 and 44150 of this code and Section 42315 of the Health and Safety Code.

(b) The transformation project uses front-end methods or programs to remove all recyclable materials from the waste stream prior to transformation to the maximum extent feasible.

(c) The ash or other residue generated from the transformation project is routinely tested at least once quarterly, or on a more frequent basis as determined by the agency responsible for regulating the testing and disposal of the ash or residue, and, notwithstanding Section 25143.5 of the Health and Safety Code, if hazardous wastes are present, the ash or residue is sent to a class I hazardous waste disposal facility.

(d) The board holds a public hearing in the city, county, or regional agency jurisdiction within which the transformation project is proposed, and, after the public hearing, the board makes both of the following findings, based upon substantial evidence on the record:

(1) The city, county, or regional agency is, and will continue to be, effectively implementing all feasible source reduction, recycling, and composting measures.

(2) The transformation project will not adversely affect public health and safety or the environment.

(e) The transformation facility is permitted and operational on or before January 1, 1995.

(f) The city, county, or regional agency does not include biomass conversion, as authorized pursuant to Section 41783, in its source reduction and recycling element.

6. Co-location

Conversion Technology Located at Site With a SWFP

Locating a conversion technology facility on the same site as one that has a SWFP would not change the status of the conversion technology facility from what was discussed above in Section 3. If the conversion technology requires a SWFP, it would still need one at the co-location, or would need to be added to the existing SWFP. If the conversion technology facility did not need a SWFP, it would not need a SWFP at the co-location, but the existing SWFP, or its supporting documents, would need to be modified or amended to reflect the additional activity on the site and/or adjustments to permit boundaries. The extent of the modification or revision would vary from site to site. (LEA Advisory #39 discusses how this determination is made. LEA Advisories can be found on the Board website at www.ciwmb.ca.gov/LEACentral/Communct.htm)

7. Biomass Conversion

7.1 Biomass Conversion Does Not Require SWFP

Biomass Conversion is separately defined and is limited to specified types of feedstock. It is **not** included in the definition of solid waste facility and is also expressly excluded from the definition of transformation. The definition of what qualifies as biomass conversion is detailed but essentially encompasses facilities that burn wood, lawn and crop residuals to produce electricity.

Biomass Conversion Facilities do **not** require a SWFP and their operations are **not** regulated by the Board. Likewise, Biomass Conversion Facilities are **not** subject to the siting requirements (i.e. not required to be in Countywide Siting Elements or Nondisposal Facility Elements).

40106. (a) **“Biomass conversion”** means the controlled combustion, when separated from other solid waste and used for producing electricity or heat, of the following materials:

- (1) Agricultural crop residues.
- (2) Bark, lawn, yard, and garden clippings.
- (3) Leaves, silvicultural residue, and tree and brush pruning.
- (4) Wood, wood chips, and wood waste.
- (5) Nonrecyclable pulp or nonrecyclable paper materials.

(b) **“Biomass conversion”** does not include the controlled combustion of recyclable pulp or recyclable paper materials, or materials that contain sewage sludge, industrial sludge, medical waste, hazardous waste, or either high-level or low-level radioactive waste.

(c) For purposes of this section, **“nonrecyclable pulp or nonrecyclable paper materials”** means either of the following, as determined by the board:

(1) Paper products or fibrous materials that cannot be technically, feasibly, or legally recycled because of the manner in which the product or material has been manufactured, treated, coated, or constructed.

(2) Paper products or fibrous materials that have become soiled or contaminated and as a result cannot be technically, feasibly, or legally recycled.

PRC 40194. **“Solid waste facility”** includes a solid waste transfer or processing station, a composting facility, a gasification facility, a transformation facility, and a disposal facility.

PRC 40201. **“Transformation”** means incineration, pyrolysis distillation, or biological conversion other than composting.

“Transformation” does not include composting, gasification, or **biomass conversion**.

7.2 Biomass Conversion is Limited in “Counting” as Diversion

Similar to transformation, statute limits the amount of material sent to biomass conversion that may “count” as diversion for up to 10 percent of the 50 percent diversion requirement.

41783.1. (a) For any city, county, or regional agency source reduction and recycling element submitted to the board after January 1, 1995, **the 50 percent diversion requirement** specified in paragraph (2) of subdivision (a) of Section 41780 **may include not more than 10 percent through biomass conversion** if all of the following conditions are met:

- (1) The biomass conversion project exclusively processes biomass.
- (2) The biomass conversion project is in compliance with all applicable air quality laws, rules, and regulations.
- (3) The ash or other residue from the biomass conversion project is regularly tested to determine if it is hazardous waste and, if it is determined to be hazardous waste, the ash or other residue is sent to a class 1 hazardous waste disposal facility.
- (4) The board determines, at a public hearing, based upon substantial evidence in the record, that the city, county, or regional agency is, and will continue to be, effectively implementing all feasible source reduction, recycling, and composting measures.
- (5) The city, county, or regional agency does not include transformation, as authorized pursuant to Section 41783, in its source reduction and recycling element.

Appendix A - Summary of Various Conversion Technologies within Board Requirements

Conversion Process	IWMA* Category?	SWFP* or EAN* Required? PRC 40194	Siting: NDFE* or CSE* Required? PRC 50001	Is it Disposal or Diversion? PRC 41780, 41781, 40192
If only handling separated material (meets “Three-Part Test”)	Excluded from definition of Transfer/Processing PRC 40200(b)(2); 14 CCR 17402.5	No	Neither	Diversion if meet “Three-Part Test”
The requirements below only apply if the processes noted are used on waste material that does not meet the “Three-Part Test”				
Transformation ¹	Transformation PRC 40201	Yes	CSE	Pre-1995 permit-up to 10 percent of the 50 percent diversion requirement, otherwise – disposal PRC 41783
Pyrolysis ¹	Transformation PRC 40201	Yes	CSE	Same as above
Distillation ¹	Transformation PRC 40201	Yes	CSE	Same as above
Biological Conversion	Transformation PRC 40201	Yes	CSE	Same as above
Anaerobic Digestion ¹	Composting PRC 40116	Yes	NDFE	Diversion
Gasification ¹	Gasification PRC 40117	Yes	NDFE	Diversion
Other Processes	Transfer/Processing PRC 40200; PRC 40172	Yes	NDFE	Diversion
By definition, Biomass Conversion Facilities can only handle separated material of specified types				
Biomass Conversion	Biomass Conversion PRC 40106; PRC 40201	No	Neither	Up to 10 percent of the 50 percent diversion requirement PRC 41783.1

¹If not meeting the “Three Part Test”

SWFP: Solid Waste Facility Permit

NDFE: Nondisposal Facility Element

Disposal: Tonnage going to a disposal or transformation facility requiring a Solid Waste Facility Permit

Diversion: Tonnage would “count” as diversion if had been “counted” as disposed in jurisdiction’s base year

Appendix B – Selected Public Resources Code Definitions and Other Sections

40106. (a) “Biomass conversion” means the controlled combustion, when separated from other solid waste and used for producing electricity or heat, of the following materials:

- (1) Agricultural crop residues.
- (2) Bark, lawn, yard, and garden clippings.
- (3) Leaves, silvicultural residue, and tree and brush pruning.
- (4) Wood, wood chips, and wood waste.
- (5) Nonrecyclable pulp or nonrecyclable paper materials.

(b) “Biomass conversion” does not include the controlled combustion of recyclable pulp or recyclable paper materials, or materials that contain sewage sludge, industrial sludge, medical waste, hazardous waste, or either high-level or low-level radioactive waste.

(c) For purposes of this section, “nonrecyclable pulp or nonrecyclable paper materials” means either of the following, as determined by the Board:

- (1) Paper products or fibrous materials that cannot be technically, feasibly, or legally recycled because of the manner in which the product or material has been manufactured, treated, coated, or constructed.
- (2) Paper products or fibrous materials that have become soiled or contaminated and as a result cannot be technically, feasibly, or legally recycled.

40116. “Compost” means the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility. “Compost” includes vegetable, yard, and wood wastes which are not hazardous waste.

40117. “Gasification” means a technology that uses a noncombustion thermal process to convert solid waste to a clean burning fuel for the purpose of generating electricity, and that, at minimum, meets all of the following criteria:

- (a) The technology does not use air or oxygen in the conversion process, except ambient air to maintain temperature control.
- (b) The technology produces no discharges of air contaminants or emissions, including greenhouse gases, as defined in subdivision (g) of Section 42801.1 of the Health and Safety Code.
- (c) The technology produces no discharges to surface or groundwaters of the state.
- (d) The technology produces no hazardous waste.
- (e) To the maximum extent feasible, the technology removes all recyclable materials and marketable green waste compostable materials from the solid waste stream prior to the conversion process and the owner or operator of the facility certifies that those materials will

be recycled or composted.

(f) The facility where the technology is used is in compliance with all applicable laws, regulations, and ordinances.

(g) The facility certifies to the board that any local agency sending solid waste to the facility is in compliance with this division and has reduced, recycled, or composted solid waste to the maximum extent feasible, and the board makes a finding that the local agency has diverted at least 30 percent of all solid waste through source reduction, recycling, and composting.

40120.1. "Disposal" has the same meaning as "solid waste disposal" as defined in Section 40192.

40121. "Disposal facility" or "facility" means any facility or location where disposal of solid waste occurs.

40122. "Disposal site" or "site" includes the place, location, tract of land, area, or premises in use, intended to be used, or which has been used, for the landfill disposal of solid wastes. "Disposal site" includes solid waste landfill, as defined in Section 40195.1.

40124. "Diversion" means activities which reduce or eliminate the amount of solid waste from solid waste disposal for purposes of this division, including Article 1 (commencing with Section 41780) of Chapter 6.

40140. "Hazard" includes any condition, practice, or procedure which is or may be dangerous, harmful, or perilous to employees, property, neighbors, or the general public.

40141. (a) "Hazardous waste" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may do either of the following:

(1) Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

(2) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

(b) Unless expressly provided otherwise, "hazardous waste" includes extremely hazardous waste and acutely hazardous waste.

40151. "Nondisposal facility" means any solid waste facility required to obtain a permit pursuant to Article 1 (commencing with Section 44001) of Chapter 3 of Part 4, except a disposal facility or a transformation facility.

40172. "Processing" means the reduction, separation, recovery,

conversion, or recycling of solid waste.

40180. "Recycle" or "recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. "Recycling" does not include transformation, as defined in Section 40201.

40190. "Segregated from other waste material" means any of the following:

- (a) The placement of recyclable materials in separate containers.
- (b) The binding of recyclable material separately from the other waste material.
- (c) The physical separation of recyclable material from other waste material.

40191. (a) Except as provided in subdivision (b), "solid waste" means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.

- (b) "Solid waste" does not include any of the following wastes:
 - (1) Hazardous waste, as defined in Section 40141.
 - (2) Radioactive waste regulated pursuant to the Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code).
 - (3) Medical waste regulated pursuant to the Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a solid waste landfill, as defined in Section 40195.1. Medical waste that has been treated and deemed to be solid waste shall be regulated pursuant to this division.

40192. (a) Except as provided in subdivisions (b) and (c), "solid waste disposal" or "disposal" means the final deposition of solid wastes onto land, into the atmosphere, or into the waters of the state.

(b) Except as provided in Part 2 (commencing with Section 40900), for purposes of Part 2 (commencing with Section 40900), "disposal" means the management of solid waste through landfill disposal or transformation at a permitted solid waste facility.

(c) For purposes of Chapters 16 (commencing with Section 42800) and 19 (commencing with Section 42950) of Part 3, Part 4 (commencing with Section 43000), Part 5 (commencing with Section 45000), Part 6 (commencing with Section 45030), and Chapter 2 (commencing with

Section 47900) of Part 7, “solid waste disposal” or “disposal” means the final deposition of solid wastes onto land.

40194. “Solid waste facility” includes a solid waste transfer or processing station, a composting facility, a gasification facility, a transformation facility, and a disposal facility.

40195. “Solid waste handling” or “handling” means the collection, transportation, storage, transfer, or processing of solid wastes.

40195.1. (a) “Solid waste landfill” means a disposal facility that accepts solid waste for land disposal, but does not include a facility which receives only wastes generated by the facility owner or operator in the extraction, beneficiation, or processing of ores and minerals, or a cemetery which disposes onsite only the grass clippings, floral wastes, or soil resulting from activities on the grounds of that cemetery.

(b) For the purposes of Article 3 (commencing with Section 43500) and Article 4 (commencing with Section 43600) of Chapter 2 of Part 4, “solid waste landfill” does not include a facility which receives only nonhazardous wood waste derived from timber production or wood product manufacturing. For the purposes of the fee imposed by Section 48000, facilities which receive only nonhazardous wood waste derived from timber production or wood product manufacturing shall, notwithstanding Section 48000, pay a quarterly fee to the state board on all solid waste disposed at each disposal site, which does not exceed the amount of the fee due and payable to the state board by those facilities during the 1992 calendar year.

40200. (a) “Transfer or processing station” or “station” includes those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport, and those facilities utilized for transformation.

(b) “Transfer or processing station” or “station” does not include any of the following:

(1) A facility, whose principal function is to receive, store, separate, convert, or otherwise process in accordance with state minimum standards, manure.

(2) A facility, whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal.

(3) The operations premises of a duly licensed solid waste handling operator who receives, stores, transfers, or otherwise processes wastes as an activity incidental to the conduct of a refuse collection and disposal business in accordance with regulations adopted pursuant to Section 43309.

40201. “Transformation” means incineration, pyrolysis,

distillation, or biological conversion other than composting. “Transformation” does not include composting, gasification, or biomass conversion.

43020. The board shall adopt and revise regulations which set forth minimum standards for solid waste handling, transfer, composting, transformation, and disposal, in accordance with this division, and Section 117590 of, and Chapter 6.5 (commencing with Section 25100) of Division 20 of, the Health and Safety Code. The board shall not include any requirements that are already under the authority of the State Air Resources Board for the prevention of air pollution or of the state water board for the prevention of water pollution.

43021. Regulations shall include standards for the design, operation, maintenance, and ultimate reuse of solid waste facilities, but shall not include aspects of solid waste handling or disposal which are solely of local concern or which are within the jurisdiction of the State Air Resources Board, air pollution control districts and air quality management districts, or the State water board or regional water boards.

43101. The Legislature hereby finds and declares as follows:

(a) The board and the state water board have submitted a report entitled Joint Report: Reforming the California Solid Waste Disposal Regulatory Process, and have recommended legislation to the Governor and the Legislature that identifies areas of regulatory overlap, conflict, and duplication and makes recommendations for change.

(b) The report found that regulatory overlap, conflict, and duplication were evident between the board and the state water board and between the board and local enforcement agencies and that regulatory reform was necessary to streamline the state’s solid waste disposal regulatory process. In addition, it was found that a recasting of the solid waste facilities permit was warranted to make more efficient and streamlined the permitting and regulation of solid waste disposal facilities. The report also makes numerous other appropriate recommendations for improving the manner in which the management of solid waste is regulated by the state which require immediate legislative response.

(c) It is, therefore, the intent of the Legislature, in enacting this chapter, and in making the necessary revisions to this division and Division 7 (commencing with Section 13000) of the Water Code by the act enacting this chapter, to accomplish all of the following:

(1) As provided by Sections 40054 and 40055, the board, the state water board, and the regional water boards shall retain their appropriate statutory authority over solid waste disposal facilities and sites. A clear and concise division of authority shall be maintained in both statute and regulation to remove all areas of overlap, duplication, and conflict between the board and the state water board and regional water boards, or between the board and any other state agency, as appropriate. ...



August 24, 2012

Keith Dunbar
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Mayor Bash and City Council members
City of Norco
2870 Clark Ave.
Norco, CA 92860

**Re: Comments on Draft EIR for Horse Manure to Energy Conversion Facility –
City of Norco**

Dear Mr. Dunbar:

These extensive comments are submitted by the City of Eastvale (“Eastvale”) in opposition to the Draft Environmental Impact Report (“DEIR”) for the proposed horse manure facility to be located in Eastvale. Eastvale protests the lack of notice of this DEIR, the City’s exclusion from participation in the process, the conclusions reached as to City of Norco’s (“Norco”) ability to site such a facility in Eastvale, and comments on the weakness of the DEIR. Eastvale reserves the right to submit additional comments and specifically requests that Norco resolve the matters in this letter before proceeding any further in this process. Eastvale’s concerns are not NIMBY-ism but are based on the lack of clear information regarding a facility which is proposed to be located within its boundaries.

1. Eastvale should be the lead agency.

Norco cites Public Resources Code Section 21067 regarding the determination of the lead agency but fails to provide any support for the assertion that Norco has the principal responsibility for carrying out or approving the project. Because of the deficient project description (see additional comments later in this letter), it is unclear whether this is a City of Norco project or a private project to be carried out by Waste Management, as the City’s franchised waste hauler, or by Chevron Energy Solutions. The DEIR vaguely indicates that the project will be carried out on land either adjacent to or already included within the current Western Riverside County Regional Wastewater Authority (“WRCRWA”) facility which presently is “leased to the adjacent landowner for private dairy farming.” The proposed location is next to Prado Park and a residential development. It is unclear if WRCRWA is the owner of



the property. It is also unclear if the dairy farming would remain under that lease or whether the land would be subleased to a different entity.

Given the complexity of the technology (described at length in the DEIR) and cost of investment, it seems far more likely that a private entity will carry out the project and contract with Norco or Waste Management to receive horse manure generated within Norco. (See, for example, City of Norco staff report by Andy Okuro, dated December 15, 2010, which describes the companies which develop and operate such projects).

The project appears to be motivated less by support for “green” energy production than by a desire to reduce manure removal and disposal costs by residents and Norco’s need for funds, rather than to promote public health and welfare, although – again – crucial information is missing from the draft document. The DEIR admits that the motivation for the study of such a project is that Norco has been cited for violations of the MS-4 permit for which it is a co-permittee. (Eastvale also is a co-permittee under that permit.) Such violations are not for the removal of horse manure from the City, but for failure to remove it in a timely manner or to require such action by private horse owners and facilities as part of the enforcement of the MS-4 requirements. (See the Complaint No. R8 2007-056: Administrative Civil Liability regarding the Norco’s failure to enforce NPDES requirements.) There is no indication in the DEIR that the current disposal of the horse manure in Chino needs to change. Therefore, it appears the motivation for the City of Norco is to try to make money from the stream of horse manure it controls under its solid waste ordinance. (See the *Press-Enterprise*, August 20, 2012, “City Officials Consider Revising Pension, Medical Benefits,” quoting Mayor Bash: “Our issue is that we’ve got to find a way to sustain the medical insurance for the people who worked for the city who are retired.”)

The document refers to and repeatedly applies the Eastvale General Plan. (See, for example, page 5-18). Therefore, it is arguable Eastvale would be the lead agency under the CEQA Guidelines (hereafter the “Guidelines”) Section 15051). (Compare, for example, the actual biosolids disposal projects discussed in *County Sanitation District No. 2 v. County of Kern et al* ((2005) 127 Cal. App. 4th 1544.) The erroneous conclusion that the Norco is the lead agency may be based on the legal error in the Land Use Analysis, i.e. reliance on a statutory exemption from Eastvale zoning for energy facilities which is not available to Norco.

If Norco disputes Eastvale’s determination that it should be the lead agency, and the parties cannot agree on the lead agency, as set out in the Guidelines, the issue of the lead agency must be resolved by the state Office of Planning and Research (OPR) before any further action on the EIR (Guidelines (hereafter “Guidelines”) Section 15051.

Finally, as noted below regarding the project description, it is unclear whose project this is. For example, on pg. 7-3 (Cultural Resources) there is a quotation regarding Section 106 consultation taken from the 1997 federal Environmental Assessment (EA) for the WRCRWA project; the DEIR then states: “Therefore, no further archaeological work will be needed for the



WRCRWRA expansion project.” Not only does this suggest that this actually may be a WRCRWRA project, but the use of federal money described in the December 10, 2010, staff report raises the possibility that an Environmental Assessment under NEPA may be required as well.

2. Challenge to Draft EIR - Notice

Whether or not it is the lead agency, Eastvale has the ability to and does challenge the DEIR as seriously legally deficient under CEQA for the reasons detailed here. The statement that there are “no known areas of controversy” (pg. ES-18) is and has been completely incorrect. The **only** reason Eastvale has not participated in the EIR process is because Norco excluded Eastvale from that process. The remedy for such failure to notify is to redo the EIR process once the lead agency is determined.

a. Norco intentionally excluded Eastvale from the noticing process for its scoping session, notice of consultation, and notice of completion although notice to the city where the project is located is required. (See Guidelines Section 15086). According to the documents attached to the DEIR, the NOP was mailed to the Eastvale City Engineer on April 12, 2012. However, City Engineer has stated that the NOP was not received. And, even if it had been, nothing on the face of the NOP stated that the facility was to be located in Eastvale. Consultation requires more because the participation of the public and other public agencies is an essential part of the CEQA review process. Each public agency is directed to provide for extensive formal and informal public involvement so as to receive and evaluate public reactions to environmental issues. (*Sutter Sensible Planning v. Board of Supervisors* (1981) 122 Cal. App. 3d 813; the purpose for requiring consultation with other public agencies is to share expertise, disclose analyses, check for accuracy, discover public concerns, solicit counter proposals.) Common sense and good inter-city relations dictate that someone from Norco call, or email a person of authority in Eastvale.

b. Norco has failed to comply with the notice requirements of Public Resources Code Section 21092(c) and (d) for a project involving the burning of wastes.

3. The DEIR is fatally flawed legally under CEQA for the reasons set out herein.

The specific comments which follow have been prepared by experts in the Eastvale Planning Department and are within the areas of City expertise. Supporting documentation has been included; however, in many cases, the problem with the EIR is that there is no information provided.

a. Project Description: The EIR must include an accurate, stable and consistent description of the proposed project, with sufficient specific information about the



project to allow a complete evaluation and review of its environmental impacts. (Guidelines Section 15124). The project description must not minimize the effects of the project; must

disclose reasonably foreseeable activities; must be consistent throughout the EIR, and must accurately describe the project. The project description must be adequate because it is the basis of environmental analysis and alternatives; “accurate” means it includes all components of the project. The project description also must meet the requirements of Guidelines Section 15124. (*San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal. App. 4th 645.)

The project description here fails on all these grounds. There is little detail of the buildings and setting, and a lot of detail about machinery. Information must be gleaned from snippets of contradictory information scattered throughout the document. For example, the description of the leased land is inconsistent with the statement on pg. 6-5 that the proposed facility is within the “fenced site” of the WRCRWA. There is no clear description of the existing uses on the site and vicinity and what would be removed as part of the project.

The project description fails to provide important details about the proposed facility because it does not answer the following questions:

- Does the project as proposed provide for expansion?
- What is the maximum proposed capacity?
- What is the footprint of the proposed facility?
- Has WRCRWA approved the use of a portion of its property for this facility? If not, what types of approvals are needed from WRCRWA to secure this permission?
- What exactly is the existing use, and to what extent would it be displaced by the proposed project? How much of the feedlot operations will be displaced? Will the operation move somewhere else? Are there plans for the feedlot operations?
- Where is the project? Figure 2-10 shows the site plan, but it is not within the context of the project vicinity map (Fig 2- 3).
- How does the proposed project relate to the uses in the wastewater treatment plant (“WWTP”)?
- Does the proposed incinerator conflict with future expansion plans for the WWTP?
- What are the potential uses of the project/system?
- How will the proposed facility operate?
- How much manure and how much other green waste will be processed, both initially and in the future?
- How long will materials be stored outside in windrows?
- What are the proposed hours of operation for the incinerator and other parts of the project? Will mobile equipment, such as loaders or other equipment, operate 24 hours per day? What number and type of mobile equipment will be used, and how will it be powered (gas, diesel, etc.)?



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- For construction, will there be any soil imported or exported? How much and from where or to where?
- How much water would be required for project operation? What is the source of the water?
- What is the woody biomass? Is it only from feed (as suggested in parts of the document) or must composted wood waste be added? The document refers to the reduction of waste sent to landfills under AB 341 to support use of composted materials here, but fails to note that the legislation is voluntary.
- The project is highly automated, which typically means that equipment must be turned off for regular maintenance and will occasionally break down. The EIR does not describe what happens during these 'down times' at the facility, or how the continuous stream of both horse manure and other wood chips and green waste will be stored. As described in the DEIR, this facility would be the only destination for Norco's manure, which suggests that during prolonged downtimes the materials will continue to arrive and could result in large stockpiles with attendant odors, vector control issues, etc. The DEIR needs to describe the anticipated cycle times for routine maintenance and the plans for storage of material during these times and other periods of non-operation.
- The EIR needs to describe the expected daily load (65 tons) of manure in a manner that allows the reader to compare the physical volume of manure to the size of the proposed Horse Waste Building shown in the DEIR. There is no direct comparison between the amount of manure and the size of the structure, making it impossible to determine if the building is sized appropriately or if there is adequate room for storage during regular maintenance and/or periods of non-operation (when there will need to be additional storage for manure).
- It is unclear from the project description whether the woody debris would be added to the manure inside the building, or whether two separate feed mechanisms would be developed to provide the mix. It is unlikely that the storage of hundreds of tons of manure and green waste would fail to result in some odor. There is no information provided on the type or performance standards for the odor control equipment that is supposed to ensure that odors from the building are not discernible from the adjacent homes. There is no operational plan that indicates whom the public should contact if odors are present, nor is it clear who would be responsible for the odors emanating from the property. The DEIR should indicate both who will be responsible and the actions taken to address odor issues.
- The Draft EIR notes that up to 150 tons per day of horse manure is available in the surrounding area. It is unclear whether the 35 tons per day stated in the Air Quality Section (page 5-23) is the maximum amount or whether the additional woody biomass material would be delivered to and stored on the site. There is nothing in the



project description or the mitigation strategy that limits the amount of material that can be brought to the site.

- The process generates a significant amount of ash, yet the Draft EIR does not quantify this in terms of tons, pounds per day or similar measurement, nor does it explain where the ash would go and the number trips, size of trucks, storage of materials or final destination of the waste product(s). Presumably the 'tramp material' and 'agglomerations from the bed' would be taken to a landfill, but this is not discussed in the DEIR. As there are 'many years of successful operation' the DEIR should be able to identify the types material removed, quantify the amount as a percentage of fuel, and the times during which the removal occurs.
- It is well known that both green waste and manure generate heat as they decompose. It is critical that these materials be managed properly to prevent spontaneous combustion. The subject of spontaneous combustion of wood chips and green waste was the subject of a June 19, 2012 article in *MSM Management: The Journal for Municipal Solid Waste Professionals* (MSM). The MSM article notes that at a certain point "... unless you do something to change the mix- break the pile apart, shut off the airflow, or add water - this process is well on its way ..." toward spontaneous combustion. Management usually involves careful construction of the windrows, turning of the material, etc. There is no operational plan provided as part of the DEIR that describes plant operation and maintenance associated with the fuel. The DEIR neither mentions the potential for combustion nor provides any explanation on how this would be avoided and/or addressed in the event it occurs. Given the climate in Eastvale and the large quantities of material involved, the possibility for a large and difficult-to-control fire at the facility is real and should be evaluated in the EIR. A large fire at this location might also put the wastewater treatment plant in jeopardy, which should also be considered in the DEIR.
- Eastvale believes that it is likely that other jurisdictions seeking to dispose of manure would want to use this facility. The Chevron feasibility study specifically discusses this possibility and notes that processing higher volumes of waste would shorten the payback period for the plant. The DEIR needs to clearly state the maximum capacity of the plant and how this will be monitored and enforced. The various impact analyses in the DEIR must also discuss the cumulative impact that would result from transporting manure from other jurisdictions and processing the waste onsite.

Figure 2-10 should be revised to show the proposed homes across Baron Road. The Meritage housing project is currently under construction (and is shown accurately on Figure 4-2).

b. There is no overall environmental setting provided. (Guidelines Section 15125). That requirement includes discussion of inconsistencies between the project and the



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applicable general or regional plans. (Guidelines Section 15125(d)). Failure to have an adequate environmental setting is a legal flaw which requires revision of the DEIR. (See *San Joaquin Raptor Rescue Ctr. v. County of Stanislaus* (1994) 27 Cal. App.4th 713.)

c. **Impact Discussions:** The impact discussions generally provide only conclusions and little fact or analysis to justify these conclusions. The EIR must identify and describe the significant environmental effects, whether direct, indirect, short or long-term. (Guidelines Section 15126). The DEIR must give the reasons that impacts were found to be insignificant since no initial was used. Finally, it must include sources, technical reports, and other materials that provide the basis for the document's conclusions.

4. **Aesthetics:**

- Where are scenic vistas and designated scenic highways located relative to the site? Are these based on information contained in the Norco General Plan, Eastvale's GP, both? The discussion acknowledges the project would add height to the facility, but it doesn't say how tall any existing structures are. The relative change in height is important to the change in character.
- It is disingenuous to say that the new 67-foot structure would be "an extension of the existing site character" when the site is currently "dominated by low structures" which are "not visible from off-site locations." Eastvale believes that the proposed structures will be visible and would alter the site's character substantially. Detailed line-of-sight diagrams and visual simulations should be provided to demonstrate the facility's potential aesthetic impacts.
- There is insufficient information on lighting that would occur on-site or which could potentially spill offsite. Lighting is described as being "shielded," but Eastvale is concerned that lights on 67-foot-tall poles would be visible at nearby residential uses. How will it effectively be shielded at that height? The EIR must provide a detailed, photometric analysis, as well as specific mitigation measures to address any potential light pollution impacts.
- There is no acknowledgement of the impact on the homes across Baron Road or the Meritage housing development, currently under construction.

5. **Agriculture and Farmland Resources:**

- The agricultural discussion should reference the statement of override made by the City of Eastvale with the adoption of the Eastvale General Plan in June 2012 for the conversion of agricultural land.



- The discussion acknowledges that there is Farmland of Local Importance within the Project site, but concludes that the site's General Plan designation (Public Facility) would result in no impact. Regardless of the General Plan designation for the site, the project would result in the conversion of this Farmland of Local Importance. The threshold on p. 4-5 refers to conversion of "Prime Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use." There is no allowance for Important Farmland that is designated for non-agricultural use, so there would be an impact.
- There is no discussion of the impacts of the elimination of dairy farming (if it will be eliminated).

6. **Air Quality:**

As is the problem with most of the technical sections, the discussion of air quality has no "regulatory setting" section. Regulations are mentioned in some impact discussions, but they are not defined prior to those references. If the impact discussions rely on existing regulations to reduce impacts, those regulations should be included in the setting section to provide evidence that compliance would reduce impacts and the DEIR should identify how implementation of these regulations would provide mitigation.

- There is no known modeling used (such as CalEEMod) or a discussion of why that model is inapplicable here.
- There has been no effort to address the comments in the May 25, 2012, comment letter from the South Coast Air Quality Management District. As that letter points out, no emissions estimating software has been used.
- Regarding disposal of ash, where are the proposed disposal sites for the ash? How far would it be trucked? How often would it need to be removed? Ash is not addressed in the Air Quality analysis at all.
- Assembly Bill 32, the State's Global Warming Solutions Act (AB32), Senate Bill 97, and CEQA guidelines for analysis of greenhouse gases (GHG), provide a clear mandate that climate change must be included in an environmental review for a project subject to CEQA. While a discussion of GHG emissions is present within Section 5, Air Quality, GHG emissions are not an air quality issue. Emitting GHG emissions into the atmosphere is not itself an adverse environmental effect. It is the increased concentration of GHG emissions in the atmosphere resulting in global climate change and the associated consequences of climate change that results in adverse environmental effects (e.g., sea level rise, loss of snowpack, severe weather



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events). Therefore, GHG emissions resulting from the proposed project should be analyzed in a stand-alone section using modeling software to estimate emissions.

- The analysis of potential greenhouse gas emission impacts is inadequate. Similar to much of the analysis presented in Section 5 of the DEIR, the quantification of both construction-related and operational greenhouse gas emissions are unsubstantiated. The analysis provides no methodology as to how these projected emissions were derived, and the exact process used for construction and operational greenhouse gas quantification needs to be included in the Technical Appendix for verification purposes. Furthermore, as directed by the California Office of Planning and Research, a significant impact determination of greenhouse gas impacts does not absolve the project from applying feasible mitigation measures to reduce the impact. Therefore, it is the obligation of the proposed project to include greenhouse gas reduction measures, which are currently lacking in the DEIR.
- There are numerous methods that can be used to reduce CO₂. For example, the on-site equipment can be powered by natural gas or even electricity; the City could plant and tend trees for carbon sequestration; other polluting projects can be retrofitted or eliminated to off-set the addition of carbon dioxide. The discussion on page 5-27 is wholly inadequate in that it fails to even discuss offsets or on-site mitigation, and simply concludes that there are no feasible mitigation measures. This statement is at odds with the successful mitigation of these projects that is occurring for projects throughout California.
- “Toxic Air Contaminants.” The discussion of toxic air contaminants is not adequate as there is no discussion of diesel particulate matter. The majority of the estimated health risks from toxic air contaminants can be attributed to a relatively few compounds, one of the most important in Southern California being diesel PM from diesel-fueled engines. In 1998, the California Air Resources Board identified particulate emissions from diesel-fueled engines (diesel PM) as a toxic air contaminant. In 2008, the South Coast Air Quality Management District updated a study on ambient concentrations of toxic air contaminants and estimated the potential health risks from air toxics. The results showed that the overall risk for excess cancer from a lifetime exposure to ambient levels of air toxics was about 1,200 in a million. The largest contributor to this risk was diesel exhaust, accounting for 84 percent of the air toxics risk. The project proposes to haul by truck manure and green waste from Norco to the proposed project site (see pages 17-2 through 17-3 of the DEIR); therefore, a discussion of diesel PM is necessary.
- The analysis considering toxic air contaminant impacts needs be revised to account for the diesel PM associated with the truck trips needed to haul horse manure and biomass to the proposed project facility. The DEIR statement that “diesel emissions related to the proposed Project would only occur over a one year period” is



unsubstantiated. In addition, Table 5-15, “Comparison of Project Emissions and Reporting Thresholds (tons per year)” is completely unsubstantiated. The analysis provides no methodology as to how these projected emissions were derived. The exact process used for toxic air contaminant quantification needs to be included in the Technical Appendix for verification purposes.

- Wrong Air Quality Monitoring Area Used. The ambient air quality data presented in tables 5-4, 5-5, and 5-6 represents data from the Riverside-Rubidoux air quality monitoring station which is approximately 10 miles east of the proposed project site. In contrast, the Mira Loma–10551 Bellegrave air quality monitoring station and Mira Loma–Van Buren air quality monitoring station are the closest stations to Eastvale at two and one-fifth miles and three miles to the east, respectively, and these stations monitor ambient concentrations of ozone, PM10 and PM2.5. Therefore, Tables 5-4, 5-5, and 5-6 need to be revised in order to reflect the ambient air quality data collected at either the Mira Loma–10551 Bellegrave air quality monitoring station and/or Mira Loma–Van Buren air quality monitoring station as these monitoring stations are closer to the proposed project site and therefore represent more accurate data concerning the ambient air quality in the vicinity of the proposed project site.
- The first paragraph on page 5-11 concerning the attainment status of the South Coast Air Basin is inadequate. The definition of “attainment” and “non-attainment” needs to be described, as currently there is no discussion in the DEIR of the regulatory framework or significance surrounding these terms. As written, the EIR does nothing to inform the average reader. Furthermore, there is no discussion of the attainment status of nitrogen dioxide, even though the South Coast Air Basin was reclassified from attainment to nonattainment for nitrogen dioxide on March 25, 2010.
- The Environmental Setting (pages 5-1 to 5-11) fails to include any discussion on odors. Due to the nature of the proposed project, this is an oversight; existing odors from the wastewater treatment plant and other sources need to be discussed in the Environmental Setting.
- The Regulatory Setting (pages 5-12 to 5-16) fails to include any discussion of toxic air contaminant regulations. Due to the nature of the proposed project, involving truck hauling trips and the incineration of manure and biomass, this is a shocking oversight. Toxic air contaminant regulations need to be thoroughly discussed and applied in the EIR.
- Failure to Identify Sensitive Receptors (i.e., people close by). The thresholds depicted in the discussion of Local Significance Thresholds (untitled Table at the bottom of page 5-17) represent those developed by the South Coast Air Quality Management District for construction activities occurring at 200 meters to the nearest receptor.



This is an improper threshold, as residential uses are currently being developed directly adjacent to the proposed project site, across Baron Road. Residential land uses will be operational before construction of the proposed project. The untitled table at the bottom of page 5-17 needs to be revised to reflect the Local Significance Threshold for construction activities occurring at 100 meters.

- Conflict with or obstruct implementation of the applicable air quality plan - The analysis considering this impact is inadequate. Criteria for determining consistency with the applicable air quality management plan (AQMP) are defined in Chapter 12, Section 12.2 and Section 12.3 of the South Coast Air Quality Management District's CEQA Air Quality Handbook (1993), which is recommended by the District in its response to the NOP. These indicators are discussed below:

- Consistency Criterion No. 1: The proposed project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. (The violations that Consistency Criterion No. 1 refers to are the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS).)
- Consistency Criterion No. 2: The proposed project will not exceed the on regional population, housing, and employment projections assumptions used to develop the AQMP and associated pollutant control measures.

The analysis considering this impact failed to address Consistency Criterion No. 1. Furthermore, while the analysis does consider Consistency Criterion No. 2, it provides no evidence to support the conclusion of no impact. This entire impact analysis needs to be revised to address Consistency Criterion No. 1 and actually provide evidence that the proposed project would not exceed the on regional population, housing, and employment projections assumptions used to develop the AQMP and associated pollutant control measures.

- Potential Impact: Violate any air quality standard or contribute substantially to an existing or projected air quality violation (Construction) - The analysis considering construction-related air quality impacts is inadequate for the following reasons:
 - Although the analysis fails to identify any clear methodology for quantifying criteria air pollutant emissions, it would seem as if such quantification is predicated on a list of "Typical Off-Road Heavy Construction Equipment List" denoted in Table 5-9 on page 5-19. This list of proposed project construction



- equipment and estimated time of daily use is presented with no citation or supporting evidence. Citation or supporting evidence is needed.
- Table 5-10 on page 5-20 identifies “Exhaust Emission Factors for Construction Equipment” which are presumably multiplied to the time of daily use identified in Table 5-9. Table 5-10 does contain a citation of www.aqmd.gov. However this citation is inaccurate as this cited website presents no such information as presented in Table 5-10. Proper citation is needed.
 - Table 5-11, “Estimated Emissions from Construction Equipment (pounds per day)” inaccurately identifies emissions of PM10 and PM2.5 as being zero (0). This conclusion is illogical, as no construction activity is devoid of these emissions. A footnote of this Table which states, “Based on the assumption that particulate filters reduce PM10 and PM2.5 by 85 percent” is unsubstantiated. No evidence is provided in the EIR to support this claim.
 - Table 5-12, “Construction Worker Commute Vehicle Emissions” similarly displays illogical emission numbers by identifying that zero (0) emissions will be generated from construction worker vehicle trips for every pollutant except carbon monoxide and carbon dioxide. The Emfac2007 version 2.3 emissions project model that is cited is conspicuously not included in the Technical Appendix, as it needs to be for verification purposes. Furthermore, the Emfac2007 model is inappropriate for the proposed project since Emfac2007 was developed for the quantification of vehicle-generated emissions on a large-scale. The use of Emfac2007 to quantify the relatively small amount of construction worker trips will inaccurately round emission projections downward to the nearest 1,000th place. Emfac2007 should not be used for this analysis.
 - Table 5-13, “Total Estimated Construction Emissions (pounds per day)” summarizes Tables 5-11 and 5-12 and is therefore incorrect for the reasons stated above. Table 5-13 also depicts Local Significance Thresholds for construction activities occurring at 200 meters to the nearest receptor. As stated previously, this is an improper threshold, as residential uses are currently being developed directly adjacent to the proposed project site, across Baron Road. Residential land uses will be operational before construction of the proposed project. Therefore, this analysis needs to be revised to reflect the Local Significance Threshold for construction activities occurring at 100 meters.
- The analysis considering construction-related air quality impacts needs to be completely revised to incorporate up-to-date criteria air pollutant modeling since the current analysis is not supported by any substantiated evidence. The South Coast Air Quality Management District now requires the use of the California Emissions Estimator Model (CalEEMod), version 2011.1.1, computer program for CEQA analysis. CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform for the use of government agencies, land



use planners, and environmental professionals. This model is the most current emissions model approved for use in California.

- Potential Impact: Violate any air quality standard or contribute substantially to an existing or projected air quality violation (Operation) - The analysis considering operational-related air quality impacts is inadequate for the following reasons:
 - As stated on page 5-23, operational emissions estimates were extrapolated from test results from the testing performed at Energy Products of Idaho. The testing was performed using horse manure blended with woody biomass over two days. The woody biomass was partially composted and “may or may not be a reliably representative sample”, according to the DEIR. Since the reliability of the woody biomass used to extrapolate estimates of operational emissions is in doubt, the projected operational emissions in the DEIR are unsubstantiated.
 - The analysis fails to quantify emissions associated with the truck trips needed to haul horse manure and biomass to the proposed project facility.
 - The analysis fails to quantify emissions associated with on-site daily operational vehicle and equipment usage.

The analysis considering operational-related air quality impacts needs to be completely revised to incorporate a substantiated methodology regarding the horse manure to biomass average blend. In addition, the analysis needs to account for emissions associated with the truck trips needed to haul horse manure and biomass to the proposed project facility and on-site daily operational vehicle and equipment usage. The exact process used for emission quantification needs to be included in the Technical Appendix for verification purposes.

- Cumulative Air Quality Impacts - The analysis of this impact relies on Tables 5-13 and 5-14 of the DEIR. Table 5-13, “Total Estimated Construction Emissions (pounds per day)” is incorrect for the reasons stated above under the above heading, “Potential Impact: Violate any air quality standard or contribute substantially to an existing or projected air quality violation (Construction).” Table 5-14, “Comparison of Projected Operational Emissions and SCAQMD’s Threshold Limit” is incorrect for the reasons stated above under the above heading, “Potential Impact: Violate any air quality standard or contribute substantially to an existing or projected air quality violation (Operation).”

In addition, the South Coast Air Quality Management District’s approach for assessing cumulative impacts is based on the 2007 AQMP forecasts of attainment of ambient air quality standards in accordance with the requirements of the federal and state Clean Air Acts, which, as stated under the above heading, “Potential Impact: Conflict with or obstruct implementation of the applicable air quality plan,” was also analyzed incorrectly in the DEIR. Therefore, the analysis of cumulative air impacts need to revised.



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- Potential Impact: Expose sensitive receptors to substantial pollutant concentrations - This analysis of this impact is inadequate. The thresholds depicted in the discussion of Local Significance Thresholds for construction and operational activities occur at 200 meters to the nearest receptor. As stated previously, this is an improper threshold as residential uses are currently being developed directly adjacent to the proposed project site, across Baron Road. Residential land uses will be operational before construction and operation of the proposed project. Therefore, this analysis needs to be revised to reflect the Local Significance Threshold for construction and operational activities occurring at 100 meters.
- Potential Impact: Create objectionable odors affecting a substantial number of people - The DEIR analysis fails to provide any evidence to support the conclusion of no impact associated with objectionable odors. This impact analysis needs to be revised to include a discussion of South Coast Air Quality Management District Rule 402 as well as to include some form of evidence that odor impacts result in no impact.
- There is no assessment of the energy needed to operate the project, although the Executive Summary states: "The technology does have some drawbacks. The electrical/mechanical energy required to fluidize the bed results in a higher parasitic load on the system." (pg. ES-4).

7. Biological Resources:

- This section notes that, "... a consistency analysis with the WRCMSHCP was completed to address compliance with Section 6.1.2." This should be summarized in the section rather than have the reader to search for it in an appendix.
- Given the level of identification of species and plants, the number of protected species and plants, and the identification of the regulatory setting, it is not credible that there would be no additional mitigation measures provided.

8. Cultural Resources:

- Any use of the Environmental Assessment for the WRCRWTP done in 1997 must be updated. (See pg. 7-3)
- The required language regarding discovery of human remains should be added as a mitigation measure.



9. **Geology & Soils:**

- The Section states that “there are no Alquist-Priolo faults in the immediate Project area” but there is no indication of where such faults are located.
- The Section states, “...the project site is not located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (UBC),” but provides no data on the type of soil beyond “alluvium” and does not provide the UBC definition of expansive soils.

10. **Hazards and Hazardous Materials:**

- Liquefaction: The statement that “liquefaction potential at the Project site is unlikely” needs to be supported by facts.
- Erosion: The section states “mitigation measures included in the Geology and Soils section would insure that erosion at the construction site is not a problem.” However, the mitigation measures referenced in the Geology section are Air Quality measures, which relate only to wind erosion. The section also needs to discuss water-related erosion.
- Flooding: “The Project site is not subject to flooding.” This statement is not supported by fact. Flood zone maps are not included here or in the Hydrology section.
- The “immediate Project area” as noted under each of the database descriptions should be defined. Is that the project site or some buffer around it?
- The “release of hazardous materials into the environment” impact only addresses project construction but offers no description of the operation of the project or any potential hazards associated with operation. Human sludge is considered to be hazardous in some cases.
- Page 9-5 references Ordinance 651 in a discussion of the need for Norco to update its Business Emergency Plan to include the unidentified ‘chemicals’ used in the process. A check of the Code Publishing Website for the City of Norco Codes shows Ordinance 651 as “ZCA 91-06 reorganizing sign code Chapter 18.37” which deals with signs. A scan of the City’s municipal code fails to find either a mention of a Business Emergency Plan or how a plan for Norco would apply to property Eastvale that is owned by yet another public agency. As a result there appears to be a non-existent ordinance that has an undefined requirement to modify a plan in order to deal with unidentified chemicals. This is not only an inadequate conclusion to what could be a significant impact (the Draft EIR provides no specifics) but it clearly violates the



intent of CEQA to provide public disclosure of impacts associated with a project. (CEQA §15002(a)(1)) The Draft EIR needs to be revised to include the correct references, explain how the plan will address the issue(s) and recirculated for public comments.

- The DEIR needs to discuss the location of the public school and any potential impacts to schoolchildren resulting from the emission of air pollutants at the proposed facility.
- There is no discussion of the possible hazardous nature of horse manure or the contaminants it contains.
- There is no clear indication if the Syann lease will be terminated (see, for example, pg. 10-16) or whether the site has been contaminated from that use.

11. Hydrology

- This section includes substantial information about water rights within the region, but provides no discussion of the project's demand or reliance on those supplies.
- The water quality/waste discharge requirements impact discusses only project construction. Project operation involves outdoor storage of manure and green waste. What happens to this during rain? What controls would be in place? As these details are not included in the project description, they must be addressed /mitigated in this section.
- The DEIR says the waste to energy facility would not use groundwater or interfere substantially with groundwater recharge, but does not include information about how much water the project would use or what the source of that water would be. The impact below provides information on impervious surfaces that are relevant to the groundwater impact. That should be considered in terms of both groundwater recharge and runoff.
- On page 10-15, the DEIR notes that, "Any runoff from the site would have to comply with the provisions of WRCRWA's Storm Water Pollution Prevention Plan as well as the one that the City would have to develop for the waste to energy facility." Although the project site is within the WRCRWA site, it has not been stated in the EIR that the WRCRWA would operate the project. Consequently, it cannot be established that the project would be required to comply with WRCRWA's SWPPP. Where does runoff from the WWTP currently flow and can the project site drain there? What are the current water quality controls on the site and can they accommodate the project?



- The DEIR concludes that compliance with the Storm Water Pollution Prevention Plan would reduce the potential for flooding; however, the SWPPP focuses on water quality, not water volume. The addition of 2 acres of impervious surfaces to the area could exceed the capacity of local storm drainage infrastructure and result in flooding. The EIR needs to determine the capacity of the storm drain system and determine if project flows would exceed capacity.
- The DEIR notes on page 10-16 that, “The waste to energy facility would not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.” There is no data to substantiate this statement. This is entirely conclusory and needs to be supported with substantial evidence.
- The DEIR makes no attempt to characterize the operations of the project with regard to water quality. How will the stockpiling of materials be implemented to protect water quality? What other operational characteristics could contribute to potential water quality effects? What specific provisions of the Clean Water Act and the Porter-Cologne Water Quality Act would be implemented by the project to reduce impacts on water quality?
- The DEIR states on page 10-17 that, “Implementation of the waste to energy facility would not place structures within a 100-year flood hazard area that would impede or redirect flood flows.” The section does not provide information about locations of 100-year floodplains. It should be included. Is this statement saying that the project is not in a 100-year floodplain or that it may be, but the project structures would not redirect flows? Either way, this needs to be substantiated.
- The DEIR’s statement that the project “does not include levees or dams” is not responsive to the relevant impact threshold. Is the project site within a dam inundation area or subject to flood from levee failure?
- There is no analysis of the proximity to the Santa Ana River and the potential for water contamination resulting from runoff from the project site.

12. Land Use and Planning:

- This section contains a fundamentally incorrect determination that may have caused errors in the rest of the DEIR. It correctly points out that any conflict with applicable land use plans must be described and then references the application of the Eastvale general plan. However, the Section then cites Government Code Section 53090(e) for the proposition that city zoning ordinances do not apply to energy facilities.



There is no section 53090(e); the reference may be to 53091(e) which deals with “local agencies.” A city is not a local agency under 53091(e) and thus that exemption is not available. Even if it were available, it does not meet the requirements of that section.

13. Noise:

- This section of the Draft EIR notes an “Ambient Noise target of 55 dBA between 7:00 a.m. and 10:00 p.m” for residential. Eastvale GP noise tables provide for exterior noise levels of 60 dBA daytime and 50 nighttime (dBA LEQ 30) and less per Policy N-8 and interior levels at residential of 45 dBA CNEL 7am to 10 pm.
- The noise discussion on page 13-4 notes that no actual field measurements were taken. As a result, there is no way to determine if the project will significantly increase the ambient noise levels and instead relies on “impressions” rather than evidence. Further, the section relies on a design that will meet “all local ordinances with respect to noise”. No detail is given on how that might occur, what would happen if the levels cannot be met, or even which “local ordinances” the plant would be subject to. The DEIR improperly uses a blanket statement to assure the reader that the unknown amount of noise generated by the plant will not substantially increase the existing noise level. The DEIR must have detailed and measurable noise impacts based on real science complying with real standards, or at least a set of performance based mitigation measures to ensure that this will occur. Eastvale suggests that this section needs to be entirely rewritten, and be based on a detailed acoustical analysis prepared by a qualified noise expert.
- The proposed mitigation measure, “Construction activities shall be subject to local permitting requirements with respect to noise” in fact has no mitigating effect. The DEIR needs to demonstrate how implementation of permitting requirements would ensure no exposure to noise exceeding standards. The DEIR does not state what the “permitting requirements” are.
- “Noise generation characteristics of these components are not available at this time.” The DEIR acknowledges that the noise characteristics are not available, yet it can determine that the noise can be reduced to less than significant? What extent would noise be required to be reduced and what technology is available to do so? To what local ordinances does the DEIR refer that would reduce noise? There is no evidence in the record to reach a conclusion that the impact is less than significant.
- The math doesn’t work to get the 20 dB attenuation at 600 feet. The ordinance provides noise levels, not reduction methods, so there is also no evidence that construction noise can be reduced to a less than significant level.



- The DEIR makes no attempt to characterize or quantify noise generated at the project site, but concludes that it will be less than significant. This is therefore not based on evidence in the record. Even assuming noise attenuation, what would the noise level be at the nearest receptor.

14. Public Services:

The impacts on Eastvale have not been assessed because there was no coordination with Eastvale. Norco proposes to use Eastvale's public services, roads and other infrastructure for an intense project utilizing new technology with no mitigation to Eastvale.

- While the project site is not within a high fire area, the addition of several hundred tons of woody debris and horse manure will increase the potential for fire at the project site. As there is no operational plan, it is impossible to determine if measures are in place to prevent accidental fire, or for managing an event once fire occurs. The DEIR should also examine the cumulative effect of a fire at the facility possibly causing a shut down of operations at the wastewater treatment facility.
- There is no evidence provided in the DEIR that Eastvale was contacted to determine if adequate fire and police services can in fact be provided. Outside of the fact that Eastvale would be responsible for providing public safety services to a project owned and operated by Norco, the lack of detail in the project description would make it difficult for any of the agencies to provide meaningful input. For example, the Fire Department would not know if they have the training and equipment to deal with 'various chemicals' used at the site (page 9-5). The section also relies on the Business Emergency Plan which is an undefined future 'study' that is supposed to address the issue. As noted previously, Norco does not appear to have an ordinance that addresses this, and a Google search with the term provides no results.

15. Recreation:

The proposed location borders on Prado Park and there is no mention of the location or possible impacts on recreational use at the park.

- Transportation/Traffic: The traffic section has the same lack of information as the rest of the DEIR:
- Not only are the counts of existing roadway traffic nearly four years old, but there is no traffic generation information for either construction or operation of the facility.



- There is no information on the existing or future roadway levels of service to enable the reader to determine if there is an impact.
- The section fails to note the multiple truckloads (unknown because the DEIR fails to estimate the numbers of trucks) full of woody biomass needed to make the plant operate.
- Not only are the declaratory statements in the section based on conjecture rather than information, the analysis is inconsistent with what little project information is found in the rest of the DEIR. The section would suggest that the existing 20-trucks per day would not change from the existing pattern and that these trucks already take the road to Chino. Even assuming that this is so, and ignoring for the moment that the number of trucks will increase by a substantial but unknown number associated with the needed biomass, the remainder of the area will have an increase in traffic and the cumulative impact of all the traffic should be reported in the document.
- This section of the DEIR provides a wholly inadequate analysis of traffic impacts associated with the project and is inconsistent with the description of the project provided in the remainder of the document. This section should be completely rewritten by a qualified traffic engineer with actual traffic counts and impact analysis.
- Page 17-2 estimates 50 construction trips, including trucks hauling supplies to the site and workers commuting to and from the job site. What is this basis for this assumption? Assuming it is only 50 trips per day, would that result in changes to the LOS on any local roads?
- Page ES-3 says 60 tons of horse manure daily would be mixed with approximately 120 tons per day of green waste to form the fuel stock. What is the capacity of the trucks? Will they be loaded to capacity?
- The section does not provide level of service (existing or with project) and does not have a basis for the estimates of trips. There is no analysis here, just supposition.

16. Utilities and Service Systems

- The discussion of the wastewater impact says the project will not require wastewater service. It implies, however, that there will be water demand, as it determines there is adequate water to supply the project. How is the water used on the site and what happens to it after it is used?



- Without establishing the water demand or wastewater generation, there is no evidence in the record to determine there is no need for new water or wastewater facilities.
- EIR states the project will not require additional storm water facilities. As noted in Hydrology comments, the project is adding impervious surfaces to an undeveloped site. What is the capacity of the existing storm drain system and how will project drainage be conveyed there?
- The water impact discussion on page 18-3 states that there is adequate water for the project, which implies the project will use water. The amount of water required is not included in the project description or the utilities section. Without establishing how much water the project would demand, how can it be determined that there is adequate water? There is no evidence in the record to support this.
- Regarding disposal of ash, where are the proposed disposal sites for the ash? How far would it be trucked? How often would it need to be removed? Ash is not addressed in the Air Quality analysis at all.
- It is reasonable to assume that the construction of a new building as well as a staging area for windrows of biomass will generate storm water runoff. Further, since the facility is close to the Santa Ana River it is expected that efforts will be taken to keep all of the woody debris and manure from entering the water way. The section doesn't indicate if there are existing facilities that would serve this function, or where any new facilities would be located. The project description should be revised to indicate the measures taken to ensure that material from the facility does not run off the project site.
- Presumably the facility will generate wastewater as part of the process as much of the fuel material is water intensive. The DEIR does not indicate where this wastewater will go, or the constituents of the wastewater stream. There is no quantification of the wastewater amount needed for the plant so there is no way for the reader to determine whether the existing wastewater treatment plant has the capacity to serve the facility. This information needs to be provided and the EIR recirculated to allow public comment.

17. Other Environmental Considerations

- Overriding considerations: On page 20-3, the DEIR notes that, "All significant impacts associated with the Horse Manure to Energy Conversion Facility can be reduced to a level of less than significant." However, page 5-27 has a significant and unavoidable impact for carbon dioxide emissions. The Alternatives analysis needs to be revised to address this discrepancy, and to identify an



Environmentally Superior Alternative which reduces carbon dioxide emissions compared to the proposed project.

a. Cumulative Impacts – The DEIR must include a discussion and analysis of significant cumulative impacts (Guidelines Section 15130). A list of anticipated and existing projects may be used. The purpose of the cumulative impacts analysis is to avoid approving projects where an individual project will contribute to cumulative harm. This guidance is particularly important when the proposed project is next to the existing treatment plant and dairy.

- The DEIR notes on page 19-3 that, “Other than the continued residential development in the Eastvale area, the City of Norco is not aware of any planned projects that contribute to cumulative impacts associated with the Horse Manure to Energy Conversion Facility.” What are the cumulative effects of the project and that development? In general, the EIR provides no baseline context so it would not be possible to provide a cumulative analysis.
- There is no discussion of the impact from the WRCRWA sludge dryer or its proposed expansion.
- There is no discussion of the Meritage project under construction.
- There is no discussion of any of the other regional project listed in other sections of the DEIR.

18. Alternatives:

The alternatives analysis is a crucial portion of an EIR; failure to provide legally adequate alternatives analysis is a fatal flaw in the document. The EIR must describe a reasonable range of alternatives to the project (i.e. location, size, operational intensity, different processes) that could attain project objectives while reducing or avoiding significant impacts. One alternative must be the “no-project” alternative. (Public Resources Code Section 21100; Guidelines Section 15126). None of these requirements has been met here.

- Conspicuously absent is a discussion of alternative sites in Riverside County or beyond, or even in the City of Norco. The objectives stated in the DEIR do not include anything related to generation of electricity, yet the only alternatives discussed (not relative to the project) are different types of electric generation facility.
- The DEIR’s Alternative analysis must be expanded to include:
 - An alternative which continues the City’s current method of disposal (the no-project alternative).
 - Location of the facility at the Norco Water Plant or another facility in Norco.



- Discussion of alternative sites elsewhere in the region which are central to sources of fuel (manure).
- Alternative methods for disposal or manure management alternatives would be consistent with the project objectives.
- Alternative locations for the proposed incineration facility other than at the WWTP. Eastvale notes that the concept of future use of waste heat generated by the project to help dry the sludge beds (cited by Norco as a primary consideration in locating the site at the WWTP) is speculative at best and is neither defined in the DEIR nor is it part of the project description. While it might be desirable to place the project here, there is no project specific requirement that the facility be located at the wastewater treatment plant. As the project will be generating power, the plant can connect to distribution lines at other sites, including sites within Norco.
- The alternatives chapter does not discuss the relative severity of impacts compared to the proposed project, but just reiterates the feasibility study. Page 20-1 states the DEIR should include a range of alternatives. These should be based on the significant impacts and the project objectives.

19. Mitigation Measures

There is no mitigation and monitoring plan provided, although one must be adopted. (Public Resources Section 21081.6). Mitigation measures must be enforceable, defined and feasible, and they cannot be deferred for future study. Here, the mitigation measures are not even stated as requirements but as recommendations for the City of Norco: “The Cityshould....”

In addition to the comments above, Eastvale concurs with the comments provided by the Western Riverside County Regional Wastewater Authority (WRCRWA), which are attached to this letter and incorporated in the City’s comments by reference.

Thank you for the opportunity to comment on the DEIR. We look forward to reviewing the City’s responses.

CITY OF EASTVALE

John E. Cavanaugh
City Attorney

Western Riverside County Regional Wastewater Authority

Member Agencies

Administration
14205 Meridian Parkway
Riverside, CA 92518-3045
(951) 571-7100
(951) 571-0590 (FAX)

Treatment Plant
14634 River Road
Corona, CA 92880
(951) 739-6225
(951) 371-2517 (FAX)

City of Norco
Home Gardens Sanitary District
Western Municipal Water District
Jurupa Community Services District
City of Corona

August 12, 2102

Keith Dunbar
K.S. Dunbar & Associates, Inc.
45375 Vista Del Mar
Temecula, CA 92590-4314

Re: Western Riverside County Regional Wastewater Authority Comments
Draft Environmental Impact Report: Horse Manure to Energy Conversion Facility
(State Clearinghouse No. 2012051016)

Thank you for the opportunity to submit comments regarding the above-referenced Draft Environmental Impact Report (DEIR). Western Riverside County Regional Wastewater Authority (the "Authority") is a Joint Powers Authority consisting of the following member agencies: City of Corona, Home Gardens Sanitary District, Jurupa Community Services District, City of Norco, and Western Municipal Water District. The Authority owns and operates an 8 million gallon per day (MGD) wastewater treatment plant located at 14634 River Road, Eastvale, CA 92880.

The subject Project, a Manure to Energy facility "based on the Chevron Energy Solutions December 2011 feasibility study"¹, is proposed to be sited at the Authority's wastewater treatment plant². The Project proposes to treat 60 tons per day (TPD) of horse manure and 120 TPD of green waste. The Project's DEIR identifies the City of Norco as the Lead Agency, with the South Coast Air Quality Management District (SCAQMD), the Authority, and the Santa Ana Regional Water Quality Control Board (RWQCB) listed as Responsible Agencies³.

The Authority provides the following comments to the DEIR:

1. The Authority was not included in the list of agencies, entities, and individuals to whom an April 30, 2012 *Notice of Preparation of a Draft Environmental Impact Report and Attachment* was sent⁴. The Authority was therefore unable to

¹ Draft Environmental Impact Horse Manure to Energy Conversion Facility, Pg. ES-1

² DEIR, *Ibid*, Pg. ES-1

³ DEIR, *Ibid*, Pg. 1-1

⁴ DEIR, *Ibid*, Pg. 21-1

provide preliminary comments concerning this Project. In addition, Meritage Homes was not included in the mailing list for that Notice of Preparation nor, so far as we know, has it been provided with a copy of the DEIR even though their residential development is directly across the street to the east of the Authority's treatment plant which is the proposed site for the Project.

2. Section 15126.6 of the CEQA guidelines require that the EIR describe a range of reasonable alternatives to the Project or the location of the Project. The subject Project is proposed to be constructed and sited at the Authority's wastewater treatment plant, but no alternative locations were identified or discussed⁵. Further, under the "No Project Alternative" discussion, the DEIR simply states that the City would maintain the status quo, which "cannot be considered a long-term solution to the City's horse manure management program"⁶. Such alternate Project locations should be included and analyzed in the DEIR as there can be no assurances that the Authority's Board of Directors will permit the Project to be located on the Authority's treatment plant property. Furthermore, alternate projects and a "no project alternative" should be included and analyzed in the DEIR since there can be no assurances that the Authority's Board of Directors will allow the Project on its treatment plant property.
3. As noted above, the proposed Project DEIR analyzes a potential incoming waste stream consisting of 60 TPD horse manure and 120 TPD green waste. However, the underlying Chevron engineering study evaluated a total incoming waste stream of 215 TPD, and anticipated a potential total incoming waste stream of up to 250 TPD⁷. A literature search revealed that manure and bedding waste from 17,000 horses could be greater than 60 TPD. No analysis and no references are provided in the DEIR regarding the potential impacts of the Project with these estimated incoming waste stream volumes.
4. The proposed Project layout does not take into account the current scope and design of the Authority's wastewater treatment plant 13.25 MGD expansion project⁸. The DEIR should evaluate the proposed Project layout considering the location and function of all new and modified processes included in the 13.25 MGD expansion project.
5. The emissions analysis⁹ extrapolates emission tests conducted at the Outotec Energy Products facility, and was based on a single truckload of Norco horse manure. The feedstock was blended at a ratio of 65% manure to 35% wood. The wood was "partially composted" and "may or may not be a reliably

⁵ DEIR, *Ibid*, Pg. 2-9

⁶ DEIR, *Ibid*, Pg. 20-3

⁷ Horse Manure to Energy Conversion Study, City of Norco, December 2011, pg 1-6, *et. seq.*

⁸ DEIR, *Op. Cit.* Project Layout, Pg, 2-17 *et. seq.*

⁹ DEIR, *Op. Cit.* Pg. 5-23

representative sample"¹⁰. Thus, the emissions analysis does not represent the actual nature of incoming feedstock at the proposed Project and is inconsistent with the proposed 1:2 ratio of manure to green waste referenced elsewhere in the DEIR.

6. No analysis was conducted of the air quality impacts resulting from the additional truck traffic into the Authority's site (see also comment No. 11). Such analysis should be performed because, among other things, Meritage Homes has expressed concerns to the Authority concerning alleged air quality issues perceived by Meritage Homes allegedly emanating from the Authority's treatment plant site which is also the proposed site of the Project.
7. The DEIR states that because "materials would be delivered to the site in covered trucks and processed in a closed building with odor control facilities...there are no odors anticipated from the operation of the facility"¹¹. No analysis was conducted in support of the assumption that the facility would produce "no" odors. Further, 120 TPD of wood chips and green waste are proposed to be delivered and "windrowed in an open area to dry"¹². No evaluation of potential odors (and other factors such as windblown debris, vector control, etc.) resulting from this process was conducted. Furthermore, in light of Meritage Homes' complaints concerning odors allegedly emanating from the Authority's treatment plant site evaluation and analysis of potential odors resulting from the Project process must be conducted and documented in the DEIR.
8. The Project proposes to manage stormwater runoff in consonance with the Authority's wastewater treatment plant's Stormwater Pollution Prevention Plan. No analysis was conducted to determine the potential qualitative and quantitative impacts on the Authority's wastewater treatment plant operations. The Authority is required to capture and treat all stormwater runoff emanating from its site and operations. However, Section 2 (Discharge Prohibitions and Limitations), Subsection 2.1 (General Limitations on Wastewater), Paragraph (R) of WRCRWA Ordinance 97-OR5 specifically prohibits the introduction of "[A]ny rainwater, stormwater, groundwater, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds or lawn sprays, or any other uncontaminated water." Thus, as the proposed Project would be a separate operating entity from the Authority, discharge of stormwater runoff to the wastewater treatment plant would be prohibited.

¹⁰ DEIR, *Op. Cit.* Pg. 5-23

¹¹ DEIR, *Op. Cit.* Pg. 5-31

¹² DEIR, *Op. Cit.* Pg. ES-11

9. The proposed Project site currently is zoned A-2-10 and the Eastvale General Plan lists the site as "public facility". Would the Project be considered a public facility? The DEIR does not mention the nature of the facility's ownership or operations. The DEIR states that there are no land use/planning issues¹³, however no analysis was conducted to confirm this assertion.
10. The DEIR acknowledges that there is "little definitive data regarding the overall potential operational noise generation characteristics of the proposed Project...it is assumed that final design specifications will include measures to limit Project noise emissions to comply with local ordinances"¹⁴. No analysis of the proposed processes was provided to confirm this assertion. Further, while the DEIR "assumes" that measures will be taken to limit Project noise emissions, no mitigation measures are, in fact, included in the DEIR. Analysis of potential noise impacts should be included in the DEIR with appropriate mitigation measures.
11. DEIR Section 17 evaluates the transportation and traffic impacts of the proposed Project. The DEIR estimates that there would be "approximately 20 round trips per day...these trucks presently drive on River Road near the Project site..."¹⁵. The DEIR did not conduct a traffic analysis to confirm this assertion. Further, the project description cites a proposed incoming waste stream of 60 TPD of horse manure and 120 TPD of green waste. This amount of waste cannot be accommodated by only 20 truck round trips per day. Additional data is needed to support the transportation/traffic significance finding of "less than significant" with no proposed mitigation measures¹⁶. Furthermore, in light of Meritage Homes' expressed concerns about truck traffic and construction activities at the Authority's treatment plant property in connection with the Authority's future expansion project further evaluation of transportation and traffic impacts of the Project and the proposed mitigation measures should be included in the DEIR.
12. Based on the above comments, the Authority believes that, contrary to the discussion under "Areas of Controversy" that areas of controversy do, in fact, exist regarding the Horse Manure to Energy Conversion Facility¹⁷.
13. Based on the above comments, the Authority believes that, contrary to the discussion under "Issues to Resolved" that a number of issues do, in fact, remain to be resolved regarding the Horse Manure to Energy Conversion Facility¹⁸.

¹³ DEIR, *Op. Cit.* Section 11, Land Use and Planning, Pg. 11-1 *et. seq.*

¹⁴ DEIR, *Op. Cit.* Pg. 13-4

¹⁵ DEIR, *Op. Cit.* Pg. 17-2

¹⁶ DEIR, *Op. Cit.* Pg. 17-3

¹⁷ *Ibid*, Pg. ES-18

¹⁸ *Ibid*, Pg. ES-18

WRCRWA DEIR Comments
August 12, 2012
Page 5

The Authority respectfully requests that the above comments, observations, and concerns be included in further analysis by the Lead Agency and revisions to the DEIR to address the foregoing concerns, and that since there is no project associated with the DEIR that the DEIR remain in draft form. The Authority respectfully requests of the City Council that Norco not certify the EIR.

The Authority appreciates the opportunity to comment on the DEIR for the proposed Project. Please contact me if you have any questions regarding these comments.

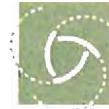
WESTERN RIVERSIDE COUNTY REGIONAL
WASTEWATER AUTHORITY

for Jeff Sims



Jeffrey D. Sims
Administrator

Cc: Bill Thompson, City of Norco
WRCWA Member Agencies
David L. Wysocki, Aklufi & Wysocki



VCS Environmental

EXPERT SOLUTIONS | CEQA NEPA | Biology Regulatory

August 10, 2012

Keith S. Dunbar
City of Norco
45375 Vista Del Mar
Temecula, CA 92590-4314

Subject: Comment Letter for Norco Horse Manure to Energy Conversion Facility Project EIR

Dear Mr. Dunbar:

At the request of Meritage Homes, VCS Environmental has completed our review of the City of Norco's Draft Environmental Impact Report (EIR) for the Horse Manure to Energy Conversion Facility (the project). The City of Norco is the lead agency for this project. During our review we found the following deficiencies with the preparation and determinations of significance for impacts associated with the project under the California Environmental Quality Act (CEQA).

I. Comments on the Overall Inadequacy of the EIR

1. *The lead agency failed to provide adequate public notice of the preparation of the EIR.*

The City of Norco's policy is to provide notice of the preparation of an EIR to property owners within 300 feet of the project or other radius that includes at least 25 property owners. There is no indication in the EIR that such notification was provided.

2. *Failure to provide adequate public notice did not allow proper scoping of the potential impacts of the proposed project; therefore, the EIR does not focus on the significant effects on the environment required under Section 15143 of CEQA.*

While this project does not trigger a mandatory scoping process under CEQA (Section 21083.9), the lead agency failed to conduct adequate public outreach to determine the issues of concern for the surrounding communities potentially affected by construction and operation of the project. For example, the delivery of up to 4,000 pounds of manure per day has the potential, *prima facie*, to result in significant noise, traffic, odor, and health and safety impacts. CEQA (Section 15143) requires that the lead agency emphasize the portions of the EIR that are useful to decision makers, and as is discussed later in this comment letter, none of these environmental impacts were explored in the EIR in proportion to their severity and probability of occurrence.

In addition, the lead agency did not provide an adequate basis to the public for limiting the impacts to the ones discussed as required by CEQA. According to Section 15143, effects dismissed in an Initial Study as clearly insignificant and unlikely to occur need not be discussed further in the EIR *unless the Lead Agency subsequently receives information inconsistent with the finding in the Initial Study* (emphasis added). A copy of the Initial Study may be attached to the EIR to provide the basis for limiting the impacts discussed; however the EIR did not provide either the Initial Study or the adequate explanation for limiting the discussion of noise, land use, traffic, air quality, and health and safety impacts.

3. *The EIR does not provide the degree of specificity required by Sections 15146 and 15147.*

"The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR" (Section 15146). The project description and the discussion of the potential environmental impacts do not sufficiently identify the design measures or mitigation that would be taken to reduce the potentially significant impacts to below significance. For example, the discussion of the facility's features that would reduce odor impacts below significance was insufficient; the EIR defers the mitigation for this potential impact by stating the "materials would be delivered to the site in covered trucks and processed in a closed building with odor control facilities" without further discussion of those facilities. Without details, the public cannot analyze the adequacy of the odor control facilities to lead to the determination that the impact is less than significant.

Section 15147 requires that "the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public." The lead agency avoided the requirements of Section 15147 by determining that potential impacts to aesthetics, air quality, hazards and hazardous materials, land use and planning, noise, and transportation/traffic are less than significant without providing the public with the basis for its determination.

4. *The EIR does not meet the standards for adequacy of an EIR required by Section 15151.*

Section 15151 requires that an EIR be prepared with a sufficient degree of analysis to provide decision makers with information that enables them to make a decision, which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure. Because of the failure of the lead agency to provide a good faith effort to describe the potential impacts, specifically to aesthetics, air quality, hazards and hazardous materials, land use and planning, noise, and transportation/traffic, the EIR does not meet the standards of adequacy of an EIR required by Section 15151.

5. *The EIR does not meet the standards for consideration and discussion of alternatives to the proposed project required by Section 15126.6.*

The EIR does not adequately describe the reasonable range of alternatives to the proposed project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which 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, and evaluate the comparative merits of the alternatives." The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. Here, the purpose of the EIR is to address a long-term solution to the disposal of the horse manure generated within the City of Norco; however, the EIR addresses only one solution: the horse manure to energy conversion project.

Even if the only alternative to manage the disposal of the horse manure is to convert it to energy, there is no discussion of the search for an alternative location. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), *the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly* (Section 15156.6; emphasis added).

The key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location (Section 15156.6). There was no attempt to identify alternate locations that would avoid or substantially lessen the potentially significant effects to aesthetics, hazards and hazardous materials, land use and planning, noise, and transportation/traffic.

6. *The project description is inadequate to allow the public to properly analyze the potential impacts of the project.*

The Project Description fails to fully describe the specific components of the Horse Manure to Energy Conversion Facility. What is the volume of ash generated daily? How many daily truck trips would be needed to dispose of the ash? What is the disposal location? What is the total time each day the doors of the closed building need to be open to accept the delivery of the horse manure? What time of the day would the deliveries occur? How is the manure stored in the building? How is the manure transferred from the building to the energy conversion facility? What role does the large moisture content of the manure play in odor control? How long would the manure be stored before transfer to the energy conversion facility? What steps would be taken to provide vector control? What steps would be taken to protect the health of the workers inside the closed building? Where is the 150 tons per day of woody biomass needed at the energy conversion plant currently disposed of and would the redirection of that material result in other, undisclosed, impacts?

7. *There is confusion regarding the determination of the lead agency.*

To apply the proper context for analysis and comment by the public, a description of the process for selecting the City of Norco as the lead agency should be included. Section 21067 defines "lead agency" as the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment. In this case, the appropriate lead agency would be the City of Eastvale, yet there is no discussion on the reasoning for the City of Norco to take the lead agency status for this project. The project is not located in the City of Norco, the land use impacts are not in the City of Norco, and the potential significant impacts would not be to the residents of the City of Norco.

8. *The California Regional Water Quality Control Board was not identified as a Trustee Agency.*

9. *The Chevron Study conclusions are abstract and not tied to the objectives of the Study.*

10. *The Chevron Study does not adequately describe the storage of the manure as part of the proposed project.*

11. *The Chevron Study does not address contingencies such as delivery of manure if the building cannot accommodate additional loads.*

II. **Comments on the Analysis of Impacts**

12. *Aesthetics.*

The EIR states that the height of the new facility would be slightly over 67 feet. There are no other buildings in the area comparable in height and the analysis of this impact to the new neighborhood immediately east of the facility is not addressed. Rather, the EIR states that the "project would introduce new vertical elements that might be visible from off-site locations" and that "they need not detract from the visual quality of the site" and that the facilities would be "designed to blend with existing facilities and become, from an aesthetic standpoint, an extension of the existing site character." This description of a new 67-foot tall industrial facility next to a new neighborhood and located in a rural area is disingenuous at best and

purposefully misleading at the worst. There is no serious discussion of the potential visual impacts to the residents in the area and to the City of Eastvale in general, or of the methods in which the facility would "blend" with its environs. The EIR does not state that that the facility would not detract from the visual quality of the site, only that it "need not detract." There is no discussion of possible mitigation (e.g., screening) that reduce this potentially significant impact. These same comments are applicable to the discussion of lighting contained in the EIR.

13. Agriculture and Forest Resources.

Figure -1, Farmland of Local Importance, incorrectly identifies the land use to the east of Baron Drive as "other." The correct designation is medium density residential.

14. Air Quality.

The EIR should distinguish the discussion of the significant impacts from greenhouse gas emission from the discussion of air quality impacts. The lead agency has indicated that it is following the thresholds of significance found in Appendix G (CEQA). However, for the only significant impact that it identified, Greenhouse Gases; the lead agency combined the discussion with the discussion of air quality. While perhaps unintentional, this approach gives the reader the impression that the lead agency has combined these issues to obscure the identified significant impact by placing it in an unexpected area of the EIR.

The EIR analyzes the air impacts from a single truckload of horse manure collected in Norco and delivered to Idaho for processing. It is appropriate that the EIR include a statistical discussion to validate using this single truckload to extrapolate the impacts to air quality from the conversion of 4,000 pounds of horse manure per day. Without this discussion, the conclusions reached by the EIR regarding air quality impacts are speculative.

The EIR states that no mitigation is feasible to reduce the operational carbon dioxide emissions from the proposed project. This statement ignores the options of purchasing credits, planting trees on the property, or operating the facility on a less than 24/7 schedule. Therefore, the EIR is wholly deficient by not identifying feasible mitigation alternatives to offset significant impacts.

The storage of horse manure has the potential to produce air-borne pollutants other than those identified in the EIR. For example, bioaerosols, primarily *Aspergillus fumigatus* are of potential concern to the health of operators of composting facilities and the neighboring communities. Typically, the general public is not affected, but immune compromised, asthmatic and allergic persons may be at risk. While this is not a composting facility, it is reasonable to assume that a similar risk is present in the manure storage area, however this risk is not identified in the EIR as an air quality concern or a health and safety issue.

15. Hazards and Hazardous Materials.

The EIR states that it would be necessary to transport and dispose of baghouse waste (ash), but does not identify the volume or the number of daily truck trips needed to dispose of this waste.

It has been demonstrated that storage of large amounts of manure can combust spontaneously. Some of the factors that cause compost to spontaneously combust are: large, insulated piles; limited air flow; and dry pockets in the pile. While not common, the potential for spontaneous combustion is not identified as a risk that could expose the surrounding community to hazardous materials if the storage facility and/or energy conversion facility were to burn. In January 8, 2007, a roughly 200-acre wildfire in Corona began when a pile of manure spontaneously combusted at the Red Star Fertilizer Company. Given this historical reference in the immediate geographical area, spontaneous combustion should be addressed in the EIR.

Additional hazards to human health and safety that may result from implementation of the project are not addressed in the EIR. For example, the impacts from pests such as flies and small rodents associated with manure management are absent from the analysis.

16. *Hydrology and Water Quality.*

The EIR states that the moisture content of the horse manure is approximately 45 percent; however it does not address the disposal of the water that will passively drain from the stored manure. This is a potential water quality impact that the EIR should identify and determine the level of significance.

17. *Land Use and Planning.*

Because there is insufficient discussion of the rationale for the City of Norco to be the lead agency for this project, it is unclear which policies should be analyzed for the proposed project. The significance criteria stated in Appendix G includes the question, does the proposed project "conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan" The City of Eastvale's General Plan was adopted by the City Council on June 13, 2012 and available in draft prior to its adoption. The EIR does not address the land use goals and policies of the City of Eastvale and therefore is wholly deficient.

The EIR does not demonstrate compliance with the following Land Use Goals and Policies adopted by the City of Eastvale:

GOAL LU-2: A balance of land uses that maintains and enhances the City's fiscal viability, economic diversity, and environmental integrity and meets the needs of Eastvale's residents.

POLICY LU-21: Retain and enhance the integrity of existing residential, employment, and open space areas by protecting them from encroachment of land uses that would result in land use conflicts due to noise, noxious fumes, glare, and traffic.

POLICY LU-22: Require that commercial projects abutting residential properties protect the residential use from the nuisance impacts of noise, light, fumes, odors, vehicular traffic, parking, and operational hazards.

POLICY LU-25: Ensure adequate separation between pollution-producing activities and sensitive emission receptors, such as ... residences....

POLICY LU-26: Require setbacks and other design elements to buffer residential units to the extent possible from the impacts of abutting agricultural, roadway, commercial, and industrial uses.

POLICY LU-27: The positive characteristics and unique features of the project site and surrounding community should be considered during the design and development process.

POLICY LU-31: The City will work with other agencies to coordinate development with supporting infrastructure and services, such as water and sewer service, libraries, parks and recreational facilities, transportation systems, and fire/police/medical services.

POLICY LU-35: The City will carefully review proposed industrial uses that use, store, produce, or transport hazardous materials or wastes, generate unacceptable levels of noise or air pollution, or result in other impacts.

POLICY LU-36: The City shall require that new public facilities protect sensitive uses, such as schools and residences, from the impacts of noise, light spillover, fumes, odors, vehicular traffic, parking, and operational hazards.

GOAL AQ-4: Safe and reliable energy including energy from renewable sources to meet Eastvale's needs and enable continued economic growth.

POLICY AQ-1: Promote and participate with regional and local agencies, both public and private, to protect and improve air quality.

POLICY AQ-5: Sensitive receptors should be separated and protected from polluting point sources to the greatest extent possible.

POLICY AQ-6: Require site plan designs to protect people and land uses sensitive to air pollution.

POLICY AQ-7: The City encourages the use of pollution control measures such as landscaping, vegetation, and other materials, which trap particulate matter or control pollution.

POLICY AQ-17: To the greatest extent possible, require every project to mitigate any of its anticipated emissions which exceed allowable emissions as established by the SCAQMD, the Environmental Protection Agency, and the California Air Resources Board.

POLICY AQ-19: Analyze and mitigate, to the extent feasible, potentially significant increases in greenhouse gas emissions during project review, pursuant to the California Environmental Quality Act.

GOAL N-1: Prevent and mitigate the adverse impacts of excessive noise exposure on the residents, employees, visitors, and noise-sensitive uses of Eastvale.

GOAL N-2: Locate noise-tolerant land uses within areas irrevocably committed to land uses that are noise producing, such as transportation corridors.

GOAL N-3: Ensure that noise sensitive uses do not encroach into areas needed by noise generating uses.

GOAL N-4: Locate noise sources away from existing noise sensitive land uses unless appropriate noise control measures are provided.

POLICY N-1: Protect noise-sensitive land uses from high levels of noise by restricting noise producing land uses from these areas.

POLICY N-5: Require that exterior noise forecasts use the appropriate Level of Service for the adjacent roadways, or a 20-year projection of traffic volumes (whichever is greater) for future noise forecasts.

POLICY N-6: Mitigate exterior noise to the levels shown in Table N-3 to the extent feasible.

POLICY N-7: Table N-4 provides the City's standards for maximum exterior non-transportation noise levels to which land designated for residential land uses may be exposed for any 30-minute

period on any day. Where existing ambient noise levels exceed these standards, the ambient noise level shall be highest allowable noise level as measured in dBA Leq (30 minutes).

Single-Family Homes and Duplexes

10 p.m. to 7 a.m., 50 dba

7 a.m. to 10 p.m., 60dba

POLICY N-9: The City may impose exterior noise standards which are less restrictive than those specified in Table N-4, provided that:

- 1) The noise impact on the residential or other noise-sensitive use is addressed in an environmental analysis and at least one outdoor area meets the standard; and
- 2) A finding is made by the approving body specifying why the exception would not be detrimental to the public health, safety and general welfare; and
- 3) The exception would not adversely affect the character of the surrounding development.
- 4) The exception would not be injurious to adjacent uses, property and improvements; and,
- 5) Alternatives have been considered but none are technologically feasible for the proposal; and,
- 6) Interior noise levels resulting from an external source will be no more than 45dBA CNEL from 7 a.m. to 10 p.m.; and,
- 7) Residents of noise sensitive uses are informed of the proposal during the review stage and prior to approval.

POLICY N-11: Developers of new residential or other noise-sensitive uses which are placed in environments subject to existing or projected noise that exceeds the "completely compatible" guidelines in Table N-3: Noise Compatibility by Land Use Designation shall be responsible for ensuring that acceptable exterior and interior noise levels will be achieved.

POLICY N-12: The City's preferences for providing noise mitigation are, in order of preference (#1 is most preferred; #5 is the least):

- 1) Reduce noise at the source.
- 2) If #1 is not practical, designate land uses which are compatible with projected noise levels.
- 3) If #1 or #2 are not practical, use distance from the source to reduce noise to acceptable levels.
- 4) If #1, #2, or #3 are not practical, use buildings, berms, or landscaping or a combination of these to reduce exterior noise to acceptable levels. Use construction techniques (sound-reducing windows, insulation, etc.) to reduce interior noise to acceptable levels.

5) The last measure which should be considered is the use of a sound wall to reduce noise to acceptable levels.

POLICY N-14: Ensure compatibility between industrial and commercial development and adjacent land uses. To achieve compatibility, industrial and commercial development projects may be required to include noise mitigation measures to avoid or minimize project impacts on adjacent uses.

POLICY N-15: Encourage noise-tolerant land uses such as commercial or industrial development, to locate in areas already committed to land uses that are noise-producing.

POLICY N-17: If noise levels in Table N-4 exceed, or are projected to be exceeded as a result of the proposed commercial or industrial loading dock or delivery area, require delivery hours be limited when adjacent to noise-sensitive land uses.

POLICY N-22: Ensure that construction activities are regulated to establish hours of operation in order to prevent and/or mitigate the generation of excessive or adverse noise impacts on surrounding areas.

17. Noise.

The EIR does not adequately inform the public regarding the potential impacts from noise generated by the operation of the proposed project. The EIR states that "[l]ittle definitive data regarding the overall potential operational noise generation characteristics of the proposed project are available at this juncture. However, it is assumed that final design specifications will include measures to limit project noise emissions to comply with local ordinances."

First, the ambient noise target identified in the EIR (55 dBA between 7:00 a.m. and 10:00 p.m. incorrectly states the noise levels required in the City of Eastvale's General Plan (Policy N-7, Table N-4). Therefore, if the "final design specifications" were to meet the target levels identified in the EIR, it would not be in compliance with local ordinances.

Second, quantifiable data exists to analyze the noise impacts from the proposed project. Unlike the air quality data generated from a single truckload of horse manure at the Idaho plant, the noise generated by the plant is much more definitive. The noise generated at the Idaho facility should have been incorporated into the EIR to provide at the least conceptual noise levels generated at the Eastvale facility.

Third, the deference of mitigation to offset significant noise impacts is not supported by CEQA. Without an analysis of the noise level generated by the project, it is not possible to identify specific mitigation measures that would be included in the facility design to meet all local ordinances with respect to noise.

18. Transportation/Traffic.

The EIR states that impacts to traffic due to the 50 additional truck trips per day would not be significant compared to the 4,095 vehicle trips per day in the vicinity of the project site. However, trucks are heavier, louder, and slower than the typical vehicle trip, and the cumulative impacts to traffic and road infrastructure from the truck trips should be addressed.

19. Cumulative Impacts.

The EIR does not adequately discuss cumulative impacts associated with traffic, noise, and land use.

In light of the deficiencies of the project identified above, we believe that the draft EIR should be revised and re-circulated. The flaws contained in the draft EIR cannot be overcome by revision. Section 21002 of CEQA states that the Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. Section 15088.5 requires recirculation when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.

Please contact me with any questions regarding these comments on the draft EIR for the Horse Manure to Energy Conversion Facility.

Sincerely,



Lennie Rae Cooke
VCS Environmental

cc: Peter Vanek, Meritage Homes

July 2, 2012

Attn: Keith S. Dunbar, P.E. BCEE, Hon.D.WRE, F. ASCE
K.S. Dunbar & Associates, Inc.
45375 Vista Del Mar
Temecula, CA 92590-4314



Re: Notice of Availability of a Draft Environmental Impact Report for the Horse Manure to Energy Conversion Facility (State Clearing House No. 2012051016)

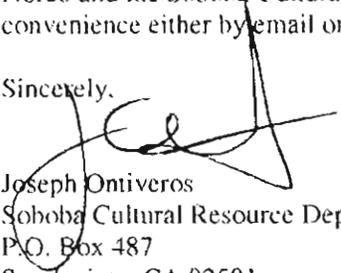
The Soboba Band of Luiseno Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department, where it was concluded that although it is outside the existing reservation, the project area does fall within the bounds of our Tribal Traditional Use Areas. This project location is in close proximity to known village sites and is a shared use area that was used in ongoing trade between the Luiseno and Cahuilla tribes. Therefore it is regarded as highly sensitive to the people of Soboba.

Soboba Band of Luiseno Indians is requesting the following:

1. To initiate a consultation with the Project Developer and Land owner.
2. The transfer of information to the Soboba Band of Luiseno Indians regarding the progress of this project should be done as soon as new developments occur.
3. Soboba Band of Luiseno Indians continues to act as a consulting tribal entity for this project.
4. Working in and around traditional use areas intensifies the possibility of encountering cultural resources during the construction/excavation phase. For this reason the Soboba Band of Luiseno Indians requests that a Native American monitoring component be included as a mitigation measure in the Environmental Impact Report. The Tribe is requesting that a Treatment and Dispositions Agreement between the developer and The Soboba Band be provided to the City of Norco prior to the issuance of a grading permit and before conducting any additional archaeological fieldwork.
5. Request that proper procedures be taken and requests of the tribe be honored (Please see the attachment)

The Soboba Band of Luiseno Indians is requesting a face-to-face meeting between the City of Norco and the Soboba Cultural Resource Department. Please contact me at your earliest convenience either by email or phone in order to make arrangements.

Sincerely,


Joseph Ontiveros
Soboba Cultural Resource Department
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

Cultural Items (Artifacts). Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Soboba Band. The Developer should agree to return all Native American ceremonial items and items of cultural patrimony that may be found on the project site to the Soboba Band for appropriate treatment. In addition, the Soboba Band requests the return of all other cultural items (artifacts) that are recovered during the course of archaeological investigations. When appropriate and agreed upon in advance, the Developer's archeologist may conduct analyses of certain artifact classes if required by CEQA, Section 106 of NHPA, the mitigation measures or conditions of approval for the Project. This may include but is not limited or restricted to include shell, bone, ceramic, stone or other artifacts.

The Developer should waive any and all claims to ownership of Native American ceremonial and cultural artifacts that may be found on the Project site. Upon completion of authorized and mandatory archeological analysis, the Developer should return said artifacts to the Soboba Band within a reasonable time period agreed to by the Parties and not to exceed (30) days from the initial recovery of the items.

Treatment and Disposition of Remains.

A. The Soboba Band shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and grave goods shall be treated and disposed of with appropriate dignity.

B. The Soboba Band, as MLD, shall complete its inspection within twenty-four (24) hours of receiving notification from either the Developer or the NAHC, as required by California Public Resources Code § 5097.98 (a). The Parties agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes.

C. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The Soboba Band, as the MLD in consultation with the Developer, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains.

D. All parties are aware that the Soboba Band may wish to rebury the human remains and associated ceremonial and cultural items (artifacts) on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The Developer should accommodate on-site reburial in a location mutually agreed upon by the Parties.

E. The term "human remains" encompasses more than human bones because the Soboba Band's traditions periodically necessitated the ceremonial burning of human remains. Grave goods are those artifacts associated with any human remains. These items, and other funerary remnants and their ashes are to be treated in the same manner as human bone fragments or bones that remain intact.

Coordination with County Coroner's Office. The Lead Agencies and the Developer should immediately contact both the Coroner and the Soboba Band in the event that any human remains

are discovered during implementation of the Project. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c).

Non-Disclosure of Location Reburials. It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).

Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Soboba Band. The Developer agrees to return all Native American ceremonial items and items of cultural patrimony that may be found on the project site to the Soboba Band for appropriate treatment. In addition, the Soboba Band requests the return of all other cultural items (artifacts) that are recovered during the course of archaeological investigations. Where appropriate and agreed upon in advance, Developer's archeologist may conduct analyses of certain artifact classes if required by CEQA, Section 106 of NHPA, the mitigation measures or conditions of approval for the Project. This may include but is not limited or restricted to include shell, bone, ceramic, stone or other artifacts.



Draft Environmental Impact Report (DEIR) for Norco's Horse Manure to Energy Conversion Facility

Amanda Stewart <astewart@icls.org>
To: ksdpe67@gmail.com

Mon, Aug 13, 2012 at 4:05 PM

Mr. Dunbar:

I am writing about the Draft Environmental Impact Report (DEIR) for Norco's Horse Manure to Energy Conversion Facility proposed to be built in Eastvale. I am an Eastvale resident and I do not wish for this facility to be built within our city lines. I am not clear as to why Norco does not build the facility within their city lines as they have much more available land than Eastvale. Why would Norco be interested in losing tax dollars to another city? If a big box store was petitioning to be built no question it would be located within Norco city lines. Ask yourself, do you want this facility built next to your home, of course not. It is clear to me this is because they wish to avoid all of the harm which will come from the facility. This harm far outweighs any tax benefit. My main concerns are the odors the facility would emit as well as the traffic and pollution which it would bring as the manure would be transported by trucks. Our city is small and the roads small as well. Causing unnecessary traffic through our streets would be burdensome to its citizens. Since our city is located close to the 15 fwy pollution is already an issue. I do not wish to add to this pollution by allowing trucks free flowing through our city streets. It's taken years to move out the dairies in favor of homes and businesses. In the 6 years I have lived in Eastvale I have seen a great reduction in the odor of cows, flies and mosquitoes. All of this progress to be undone by this facility which would no doubt bring back odor, flies, and mosquitoes. What about the damage to the roads after years of heavy trucks riding through them. There is no available land in Eastvale other than the land near the river road area. This is the tail end of the city. This means the trucks would have to drive through the entire city in order to get to their destination. I feel that the majority of Eastvaleians agree that Norco should bear these burdens and not Eastvale. Even if you find no environmental impact our citizens would still decline having this facility built within our city walls. What does it do for the image of a city? How would it improve the desirability of the city? Not in the least. Who wants

to live next to a shit farm. All this after I have already paid an arm and a leg for my home. No one in their right mind would be okay with this facility. There is a reason Norco does not wish to build the facility within their city lines. Whether it's the negative environmental impact or the negative connotation that comes with such a facility the fact remains - it is not desirable. Let them suffer through it - period.

Sincerely,

Amanda Stewart, Esq.

951-248-4727



Horse Manure to Energy Facility

cory skillern <cskills43@att.net>
To: ksdpe67@gmail.com

Thu, Aug 16, 2012 at 2:49 PM

Dear Norco Planning Commission and City Council,

I am writing to express my disappointment and anger that a Horse Manure to Energy Facility is being discussed as an option for a lot directly behind my house. It is incredible to me that the planning commission would think that a facility like this should be built next to housing. I am willing to bet that the members of the Planning Commission and City Council do not reside anywhere near the area in question.

When we moved into this home five years ago, it was never disclosed to us that the water treatment facility nearby would emit such a disgusting smell. In fact, every time that we did a walk through of the home, it was during the part of the day that the smells were not being emitted. Now, there is discussion of a new facility that will create even more disgusting smells? Give me a freaking break.

Why does it seem that government bodies will try to screw over the public every chance they get? I wish you would learn that you are suppose to represent the citizens. Unfortunately, I am unable to attend public hearings due to my work schedule. Please accept my letter as a vote against this facility. Furthermore, if this facility is deemed free of harmful vapors, environmental hazards and terrible smells but the opposite is true, it is a guarantee that a lawsuit will be filed against all parties responsible.

Sincerely,
A Concerned Citizen



Norco Manure Plant

Dan Ferguson <ferguson.dan@sbcglobal.net>

Sat, Aug 18, 2012 at 9:52 AM

Reply-To: Dan Ferguson <ferguson.dan@sbcglobal.net>

To: "ksdpe67@gmail.com" <ksdpe67@gmail.com>, "ENorris@EastvaleCA.gov" <ENorris@eastvaleca.gov>

Cc: Dan <ferguson.dan@sbcglobal.net>

Keith, I have several questions concerning the proposed manure energy plant.

1. What will be the impact to additional pollution in the area?
2. What is the impact if the plant has a fire? What will be emitted into the air?
3. Will all trucks be processed immediately, or will they sit outside the plant? If so, how will the odor and fly population be controlled.
4. What will be the impact to traffic and road use due to the additional trucks?
5. How will the manure smell prior, during and after the process?
6. How will the additional fly population be managed?
7. What is the impact of the additional carbon dioxide that will be above the suggested levels?

How will these questions be answered?

Thank you in advance,

Dan and Kate Ferguson



Comments on DEIR Horse Manure to Energy Conversion Facility

Simmons, Dick <DSimmons@iacbos.org>

Fri, Aug 24, 2012 at 1:56 PM

To: "Keith S. Dunbar (ksdpe67@gmail.com)" <ksdpe67@gmail.com>

Cc: "Enorris@eastvaleca.gov" <Enorris@eastvaleca.gov>

Comments for consideration:

1. noise: require trucks to be natural gas electric vehicles
2. odor: require use of air misters to dampen odor and exhaust fans for internal containment
3. dust: use of misters on site and on perimeter when conducting processes.
4. heat: ensure that generated heat is mitigated within perimeter
5. residue by-products: run-off and secondary diversionary dams are required. All run-off should be contained on site. especially during rain episodes.
6. excess carbon dioxide and it effects on the environment and surrounding neighborhoods should be monitored permanently
7. Establish long term monitoring devices within the surrounding neighborhoods to ensure long term monitoring.
8. truck traffic and resultant emissions: Use of natural gas/electric vehicles should be encourage
9. weight of trucks on our side roads (Baron Dr): Create a mitigation fund for the repairs and replacement of our roads to/from the facility. Limit access to a designated roadway with the least impacts to residential tracts.
10. over concentration of this sort of facility on one community: negative impact for having a centralized siting of these facilities in one area. Limit the use of this facility for future projects.
11. lack of proper notice to our community-there were no signs posted at site, no mailings of notices to residents within 500' of the site and along the pathway for transport, and their was NO open community meeting to inform the residents of this proposal, clearly in violation of CEQA. We request such an Open House to present to our community.
12. lack of proper consideration of alternative site locations as required by CEQA. Siting this facility next to a Sewer Treatment Plant was never given a thorough analysis and vetting of the issues of cumulative effects on the neighborhood. The DEIR dismisses this requirement as a "non issue". Clearly a CEQA violation.
13. Ensure the size of the facility does not pose an undue risk to property and life if an equipment failure occurs. Don't make it too big that if it blows up, it doesn't endanger our surrounding residents.
14. Ensure that on high wind days, operations shut down to ensure that ash, dust and any inert particles remain within the facility. Santa Ana Wind episodes create high winds that can create problems.
15. Create a hotline number that residents may be able to call in the event of an off-hours episode and ensure a ready response within a certain time.
16. Ensure that transport trucks are covered when loaded and cleaned when empty to ensure no dust/ash residue is blown from them when leaving the facility.
17. Have an "on site" sweeper vehicle to ensure constant cleaning of all hard surfaces where trucks are transporting the manure. This will ensure no blowing of dust into the surrounding neighborhoods.
18. Have an "on site" monitor during construction and during the off loading of material at this facility.

We respectfully request an "Open House" Informational Meeting held in our community on a weeknight and weekend so that those residents wishing to voice their opinion on this matter can do so. Please respect our residents and let them know what is being proposed without forcing them to glean through a document hundreds of pages in length and foreign to most of our understanding. And to do it with this tight timeline.

8/25/12

Gmail - Comments on DEIR Horse Manure to Energy Conversion Facility

Please respect us and we will reciprocate.



DEIR Horse Manure to Energy

Gennady <gennadyn@gmail.com>
To: ksdpe67@gmail.com
Cc: Irina Nyu <irinanyu@gmail.com>

Tue, Aug 21, 2012 at 12:38 AM

Dear Mr. Dunbar,

My family and I live on Fabiola Lane, Eastvale, within less than a half mile from the proposed location of the plant. Therefore, the horse manure project is highly concerned my family and myself when we learned about it. We bought a house and moved to this address about 4 months ago. We like our new neighborhood, however there have been two major discomforts that we have experienced ever since: air quality (waste odor) and flies. After reviewing the DEIR, I find that air quality analysis is not accurate. The horse manure will definitely will make situation with air quality worse on top of what we already have in the area. Transporting, storing, processing horse manure will significantly worsen air quality in the area. I do not see how any state-of-the-art technology that can mitigate the damage this project will bring to the area.

The project will hurt the values of homes in the area, but moreover, it will be bad for health of local citizens. There is a proposed Yorba Elementary school within a half mile from the plant, that has not yet build. If the project will take place as proposed, then our children will be affected.

There are two parks very close to the plant, where families spend time outdoors.

We are contacting our elected officials to look into this project and make sure it will not take place at the proposed location.

Please consider these arguments and discuss them in your meeting to reconsider and find more suitable location for such project.

Sincerely,

Gennady and Irina Nyu



Horse manure-to-energy/WRCRWT Expansion from 8 MGD to 13.25 MGD projects

Gennady Nyu <gennadyn@gmail.com>

Fri, Aug 24, 2012 at 1:22 PM

To: jdegrandpre@eastvaleca.gov, khowell@eastvaleca.gov, rwelch@eastvaleca.gov, arush@eastvaleca.gov, ibootsma@eastvaleca.gov, Keith Dunbar <ksdpe67@gmail.com>

Cc: Irina Nyu <irinanyu@gmail.com>

Dear All,

I am a resident of Eastvale live on Fabiola Lane within less than a half of a mile of WRCRWT. I just learned earlier this week about this two projects that considered by WMWD and others.

I want to voice my concern, concern of my family and many neighbors to whom I talked to over the last 4 days. None of them are pleased to have either of projects taken place in our "backyard." We are totally against any industrial expansion of any type in our residential area or near premises. For some it was surprise as both projects did not have good public exposure in the community. Just to name few reasons I hope it will be enough to understand our frustration:

1. Air quality: either project will increase pollutants and odors/smells. WRCRWT already releases heavy odors at nights; it is very difficult to breathe and impossible to go outside at that time.
2. Flying insects: the projects will definitely attract more of them in our area.
3. Health risks associated with worsen air quality and flying insects that carry diseases.
4. Value of our properties will drop significantly: I just moved to this area 4 months ago and did not expect such a tum.
5. City of Eastvale will loose from future property purchases (new constructions) and tax collected due to lower property values.
6. WRCRWT was built in 1988 with capacity expansion to 30 MGD but in 1988 it was almost none residential properties in the area at that time.

I understand good causes of both projects, however, they should not take place at the current proposed location. I will be more than happy if WRCRWT will employ technologies to lower treated water release into the Santa Ana river and use improved air bio-filters to lower odor emission but at the current capacity.

I was surprised to read Final Draft on DEIR on expansion plan by Keith Dunbar that in the section of Area of Controversy, it reads that there are no controversies, including public.

If time permits, I can gather hundreds of signatures for a petition to stop both projects at this location. In fact, we already started awareness program in our neighborhood and got common sense reaction from our neighbors.

Please not allow these project happen in our community.

Sincerely,

Gennady Nyu
Resident of Eastvale

8/25/12

Gmail - Horse manure-to-energy/WRCRWT Expansion from 8 MGD to 13.25 MGD projects



NO POOP IN OUR CITY

G. Hausman <sunniegnt2004@yahoo.com>
Reply-To: "G. Hausman" <sunniegnt2004@yahoo.com>
To: "ksdpe67@gmail.com" <ksdpe67@gmail.com>

Wed, Aug 15, 2012 at 10:01 PM

Keep Norco's manure in NORCO. We don't want it here. We also don't want MORE traffic. KEEP IT OUT!

Concerned Eastvale resident.



Horse manure public comment

Jennifer Prescott <jprescott3@hotmail.com>

Thu, Aug 16, 2012 at 1:32 PM

To: "ksdpe67@gmail.com" <ksdpe67@gmail.com>

Mr. Dunbar, this is a picture of my backyard looking directly at the location norco wants to put this manure plant! I have 3 children, I pay almost \$900 a month in property taxes. My children attended norco's public wee people preschool for 5 years! My son is playing football for the city of norco! I shop evety single week at stater bris on river rd If this thing gets built I will move out of here so quickly! This is absolutely unexceptable! I am not going to be having my children and family breathing in crap fumes every single day! Do not pass this!!! Do not build this!! It looks harmless when you don't live right in front of it!!!!

Sent from my iPhone



photo.JPG
1002K

Keith Dunbar <ksdpe67@gmail.com>

Thu, Aug 16, 2012 at 1:40 PM

To: Jennifer Prescott <jprescott3@hotmail.com>

Jennifer,

That you for the photo. This photo and your note will be passed on the City of Norco as part of the project record.

Keith

On Thu, Aug 16, 2012 at 1:32 PM, Jennifer Prescott <jprescott3@hotmail.com> wrote:

Mr. Dunbar, this is a picture of my backyard looking directly at the location norco wants to put this manure plant! I have 3 children, I pay almost \$900 a month in property taxes. My children attended norco's public wee people preschool for 5 years! My son is playing football for the city of norco! I shop evety single week at stater bris on river rd If this thing gets built I will move out of here so quickly! This is absolutely unexceptable! I am not going to be having my children and family breathing in crap fumes every single day! Do not pass this!!! Do not build this!! It looks harmless when you don't live right in front of it!!!!

Sent from my iPhone

--

Keith S. Dunbar, P.E., BCEE, Hon.D.WRE, F. ASCE

**K.S. DUNBAR & ASSOCIATES, INC.
ENVIRONMENTAL ENGINEERING**

45375 Vista Del Mar

Temecula, California 92590-4314

(951) 699-2082

Cell: (949) 412-2634

Email: ksdpe67@gmail.com

Jennifer Prescott <jprescott3@hotmail.com>

Thu, Aug 16, 2012 at 1:41 PM

To: Keith Dunbar <ksdpe67@gmail.com>

Thank you very much

Sent from my iPhone

[Quoted text hidden]

Keith Dunbar <ksdpe67@gmail.com>

Thu, Aug 16, 2012 at 1:44 PM

To: Steve King <sking@ci.norco.ca.us>, Bill Thompson <BTHOMPSON@ci.norco.ca.us>, Lori Askew <laskew@ci.norco.ca.us>, Wally Stokes <eirdr@spectrumtwo.com>

Steve, et. al.,

It will be an imposing structure from her back yard.

Keith

[Quoted text hidden]

Jonathan Shardlow

14877 Edgewood Drive, Eastvale, CA 92880 ♦ (949) 838-4645 ♦ jonnyucsb@hotmail.com

August 20, 2012

Keith S. Dunbar, P.E., BCEE, Hon.D.WRE, F. ASCE
K.S. Dunbar & Associates, Inc.
45375 Vista Del Mar
Temecula, California 92590-4314

The following comments are submitted in response to the Draft Environmental Impact Report for Horse Manure to Energy Conversion Facility, dated June 2012 (State Clearinghouse No. 2012051016).

A. Traffic Impacts Have Not Been Adequately Analyzed Violating CEQA

The analysis of project impacts must be based on existing conditions, and not outdated conditions. (CEQA Guidelines, §15125.) The baseline is the core by which all impacts, mitigation, and project alternatives are measured in an EIR. (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 953) The importance of a proper baseline in an EIR is paramount, as without it, “analys[is] of impacts, mitigation measures, and project alternatives become impossible.” (*Id.* [emphasis added].) It is only against a proper baseline that any significant environmental effects can be determined. (*Id.* at p. 952; CEQA Guidelines, §§ 15125, 15126.2, subd. (a).)

The Guidelines must be interpreted in such a way as to afford the fullest possible protection of the environment. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1197.) Thus, under CEQA the physical existing conditions on the ground in the project’s vicinity at the time the NOP is published constitute the “baseline physical conditions” for measuring environmental impacts under CEQA. The California courts have accordingly held that the impacts of the project must be measured against the “real conditions on the ground.” (See e.g., *City of Carmel-by-the Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 246; *Envtl. Planning & Info. Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 354; *County of Amador, supra*, 76 Cal.App.4th at 952; *Galante Vineyards v. Monterey Peninsula Water Mgmt. Dist.* (1997) 60 Cal.App.4th 1109, 1122; *Woodward Park Homeowners Ass’n, Inc. v. City of Fresno* (2007) 149 Cal.App.4th 892, 691.)

Here, the basic premise of CEQA has been violated by use of a “baseline” that is based on outdated conditions and not “real conditions on the ground.” Specifically, traffic impacts of the project were measured using data from April 17, 2009 which is the “[t]he latest count on River Road [] taken at the intersection of Helman Avenue.” (EIR at 17-1). First, the intersection utilized as the basis for concluding the existence of 4,095 vehicle trips per day near the project is virtually 1/2 mile away from the project. Second, even assuming the daily vehicle trip total was a fair estimation of the baseline for the project, the data (and therefore the baseline) is clearly

outdated. Since 2009, the area now comprised of the City of Eastvale has seen an enormous increase in population (and thus daily vehicle trips). In the immediate vicinity of the project, a large tract of new homes is currently under construction. In evaluating environmental impacts (including traffic), the EIR wholly fails to account for this existing condition. Moreover, the River Road Bridge Replacement just south of the project was recently completed in mid-2010 which added 2 lanes and increased the width of the now existing 4 lanes. The upgrades to the River Road Bridge undoubtedly have likewise caused an increase in daily vehicle trips.

California courts have consistently held that an EIR shall be deemed void if it omits material that is essential to informed decision making and informed public participation. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1106; *Rural Land Owners Ass'n v. City Council* (1983) 143 Cal.App.3d 1013, 1022; see also *Int'l Snowmobile Mfrs. Ass'n, supra*, 340 F.Supp.2d at 1258 [the court must ensure that the agency has taken a hard look at the environmental consequences of its actions and has adequately disclosed those impacts to the public].) Here, the use of outdated traffic data has resulted in minimization of traffic impacts and thus does not adequately inform the public or decision makers of the effects of the project. A new traffic study is required to satisfy the mandates of CEQA. Mitigation measures should be implemented to address traffic impacts which will be caused by the project.

B. The Aesthetic Section of the EIR Fails to Set Forth Facts and Analysis to Support Conclusory Statement in Violation of CEQA

“[An] EIR must contain facts and analysis, not just the bare conclusions of the agency.” (*Santiago Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831.)

No facts and analysis are present to support the conclusory statement that “[t]here are no scenic vistas in the immediate project area; therefore, there are no anticipated impacts and no mitigation is required.” (EIR at 3-2). Given that the EIR fails to account for the large tract of new homes currently under construction (and other nearby tracts) in the immediate vicinity of the project, the EIR must contain at least some facts and analysis to support its conclusions that (1) there are no scenic vistas in the immediate project area, and (2) therefore, no anticipated impacts.

C. The Hazard and Hazardous Section of the EIR Points to Non-Existent Mitigation and Contains Deferred Mitigation Violating CEQA

In the EIR’s Hazard and Hazardous section under “Slope Instability and Erosion,” the EIR states that “[t]he mitigation measures included in the Geology and Soils section would insure [sic] that erosion at the construction site is not a problem.” However, no mitigation measures are identified in the Geology and Soils section. (EIR at 9-1). While the Geology and Soils section makes a vague reference to mitigation measures in the Air Quality section, no mitigation measures are identified which would ensure “that erosion at the construction site is not a problem.”

A mitigation measure identified in the EIR’s Hazard and Hazardous section is deferred and speculative mitigation violating CEQA. (CEQA Guidelines, § 15126.4.) The deferral of decisions regarding whether and when to implement mitigation measures to agency staff after an

EIR is certified violates CEQA. (*Communities for a Better Env't v. City of Richmond*, 184 Cal. App. 4th 70, 91-96; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 306-309.) The mitigation measure commencing on EIR page 9-4 states:

To reduce potentially hazardous conditions and minimize the impacts from the handling of potentially hazardous materials, the City of Norco ***should*** include the following in its construction contract documents:... (emphasis added).

This mitigation measure is deferred and speculative mitigation violating CEQA. The mitigation measure, as drafted, permits agency staff to decide whether to implement the mitigation without disclosure to the public or the decision makers' approval.

Likewise, another mitigation measure identified in the EIR's Hazard and Hazardous section is deferred and speculative mitigation violating CEQA. The mitigation measure identified on EIR page 9-6 states:

The construction staging areas shall be designed to contain contaminants such as oil, grease, and fuel products so that they do not drain towards receiving waters or storm drain inlets.

The mitigation measure, as drafted, defers decision making as to the design of the construction staging areas.

D. The Hydrology and Water Quality Section of the EIR Contains Deferred Mitigation Violating CEQA.

The mitigation measure commencing on EIR page 10-13 states:

The City of Norco ***should*** require contractors to implement a program of best management practices (BMP's) and best available technologies to reduce potential impacts to water quality that may result from construction activities. To reduce or eliminate construction-related water quality impacts before the onset of construction activities, the City of Norco ***should*** obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Construction Permit. Construction activities shall comply with the conditions of this permit that include preparation of a storm water pollution prevention plan, implementation of BMP's, and monitoring to insure impacts to water quality are minimized. As part of this process, multiple BMP's ***should*** be implemented to provide effective erosion and sediment control. These BMP's ***should*** be selected to achieve maximum sediment removal and represent the best available technology that is economically achievable. BMP's to be implemented as part of this mitigation measure ***should*** include....(emphasis added).

This mitigation measure is deferred and speculative mitigation violating CEQA. The mitigation measure, as drafted, permits agency staff to decide whether to implement the mitigation without disclosure to the public or the decision makers' approval.

In violation of CEQA, the mitigation measure also permits agency staff to pick among an unlimited amount of BMP's without disclosure to the public or the decision makers' approval of what BMP's might be implemented. (See EIR page 10-13 stating "BMP's to be implemented as part of this mitigation measure should include, *but not be limited to*, the following....")

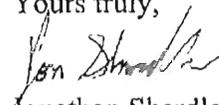
E. The Noise Section of the EIR Contains Deferred Mitigation Violating CEQA.

See mitigation measure on EIR page 13-6 permitting agency staff to decide whether or not to include the mitigation measure in construction contract documents. See mitigation measure on EIR page 13-7 providing for deferred mitigation in violation of CEQA.

F. The Utilities and Services Systems Section of the EIR Improperly Directs the Reader to Mitigation Measures Contained in a Separate EIR in Violation of CEQA.

A discussion of each mitigation measure must be contained within the EIR. (CEQA Guidelines, § 15126.4.) The "mitigation measure" identified on page 18-2, is not a discussion of a mitigation measure, but instead impermissibly directs the reader to another environmental document which contains unidentified mitigation measures.

Based on the foregoing comments, I anticipate revision and noticed recirculation. Please feel free to contact me if you have any questions or to discuss these comments.

Yours truly,

Jonathan Shardlow



Horse Manure to Energy Project/Recycled Water Program

Gennady Nyu <gennadyn@gmail.com>

Mon, Aug 27, 2012 at 11:16 AM

To: bthompson@ci.norco.ca.us, h.sullivan1@yahoo.com, hhiggins@ci.norco.ca.us, bhanna@ci.norco.ca.us, kazevedo@ci.norco.ca.us, kbash@ci.norco.ca.us, Keith Dunbar <ksdpe67@gmail.com>
Cc: syls.santos@att.net, velascoguido@hotmail.com, Irina Nyu <irinanyu@gmail.com>

Dear All,

I am a resident of Eastvale live on Fabiola Lane within less than a half of a mile of WRCRWT. I just learned early last week this and Recycled Water Program (wastewater treatment plant expansion from 8 mgd to 13.25 mgd at the current location of WRCRWTP; more information can be found here: <http://www.wmwd.com/index.aspx?nid=186>).

I want to voice my concern, concern of my family and many neighbors to whom I talked to over the last week. None of them are pleased to have either of projects taken place in our "backyard." We are totally against any industrial expansion of any type in our residential area or near premises. For some it was surprise as both projects did not have well enough public awareness in the community. Just to name few reasons I hope it will be enough to understand our frustration:

1. Air quality: either project will increase pollutants and odors/smells. WRCRWT already releases heavy odors at nights (I suspect sulfur dioxide); it is very difficult to breathe and impossible to go outside at that time.
2. Flying insects: the projects will definitely attract more of them in our area.
3. Health risks associated with worsen air quality and flying insects that may carry diseases.
4. Value of our properties will drop significantly.
5. City of Eastvale will loose from future property purchases (new constructions) and tax collected due to lower property values.
6. WRCRWT was built in 1988 with capacity expansion to 30 MGD but in 1988 it was almost none residential properties in the area at that time.

I understand good causes of both projects, however, they should not take place at the current proposed location. I will be more than happy if WRCRWT will employ technologies to lower treated water release into the Santa Ana river and use improved air bio-filters to lower odor emission but at the current capacity.

I was surprised to read Final Draft on DEIR on Recycled Water Program by Keith Dunbar that in the section of Area of Controversy, it reads that there are no controversies, including public.

If time permits, I can gather hundreds of signatures for a petition to stop both projects at this location. In fact, we already started awareness program in our neighborhood and got common sense reaction from our neighbors.

Sincerely,

Gennady Nyu
Resident of Eastvale

Sylvia Santos <sylys.santos@att.net>

Mon, Aug 27, 2012 at 12:23 PM

To: Gennady Nyu <gennadyn@gmail.com>, bthompson@ci.norco.ca.us, h.sullivan1@yahoo.com, hhiggins@ci.norco.ca.us, bhanna@ci.norco.ca.us, kazevedo@ci.norco.ca.us, kbash@ci.norco.ca.us, Keith Dunbar

<ksdpe67@gmail.com>

Cc: Gennady Nyu <gennadyn@gmail.com>, velascoguido@hotmail.com

Dear All,

I am also a resident of Eastvale since 2010 and at the time noticed and actually inquired about WRCRWT and received very little if not vague information however, thought such a beautiful community with nice families and state of the art schools with rapid and promising growth to our community thought, it must be nothing to worry about nor was anything disclosed to me at the close of my escrow. Therefore, I continued with my purchase of the home I am currently living in along with my two daughters.

I am now writing this letter out of great concern, not only do I not want Norco to bring its own Horse Manure to our city where our tax dollars will pay for their riding pleasures but, am greatly concerned for our health.

In talking to my neighbors who share the same questions, I discovered that they too have concerns and what appears to be some similiar symptoms of allergies, nausea and headaches, etc... I am demanding information be let out to our community and assurance of no damage or affects have threatened our health.

I am requesting complete disclosure about WRCRWT to myself and the people of Eastvale whom by the way share a concern in drinking our communities water.

Please advise me and my fellows neighbors of your next meeting regarding this concern,

Sylvia Santos
Eastvale Resident

From: Gennady Nyu <gennadyn@gmail.com>

To: bthompson@ci.norco.ca.us; h.sullivan1@yahoo.com; hhiggins@ci.norco.ca.us; bhanna@ci.norco.ca.us; kazevedo@ci.norco.ca.us; kbash@ci.norco.ca.us; Keith Dunbar <ksdpe67@gmail.com>

Cc: syls.santos@att.net; velascoguido@hotmail.com; Irina Nyu <irinanyu@gmail.com>

Sent: Mon, August 27, 2012 11:23:48 AM

Subject: Horse Manure to Energy Project/Recycled Water Program

[Quoted text hidden]



Horse Manure to Energy Conversion F

Irina Nyu <irinanyu@gmail.com>

Mon, Aug 27, 2012 at 2:08 PM

To: "ksdpe67@gmail.com" <ksdpe67@gmail.com>

Dear Keith,

I'm a resident of City of Eastvale. And I'm concerned about my two littel daughters growing up in this area because of air quality. After hearing about this project of Horse Manure to Energy Conversion, I became even more concerned about that. We even thinking of moving to another area if this project will take place in my neighborhood

Regards,

Irina



Horse manure-to-energy/WRCRWT Expansion from 8 MGD to 13.25 MGD projects

Gennady Nyu <gennadyn@gmail.com>

Fri, Aug 24, 2012 at 1:22 PM

To: jdegrandpre@eastvaleca.gov, khowell@eastvaleca.gov, rwelch@eastvaleca.gov, arush@eastvaleca.gov, ibootsma@eastvaleca.gov, Keith Dunbar <ksdpe67@gmail.com>

Cc: Irina Nyu <irinanyu@gmail.com>

Dear All,

I am a resident of Eastvale live on Fabiola Lane within less than a half of a mile of WRCRWT. I just learned earlier this week about this two projects that considered by WMWD and others.

I want to voice my concern, concern of my family and many neighbors to whom I talked to over the last 4 days. None of them are pleased to have either of projects taken place in our "backyard." We are totally against any industrial expansion of any type in our residential area or near premises. For some it was surprise as both projects did not have good public exposure in the community. Just to name few reasons I hope it will be enough to understand our frustration:

1. Air quality: either project will increase pollutants and odors/smells. WRCRWT already releases heavy odors at nights; it is very difficult to breathe and impossible to go outside at that time.
2. Flying insects: the projects will definitely attract more of them in our area.
3. Health risks associated with worsen air quality and flying insects that carry diseases.
4. Value of our properties will drop significantly: I just moved to this area 4 months ago and did not expect such a turn.
5. City of Eastvale will loose from future property purchases (new constructions) and tax collected due to lower property values.
6. WRCRWT was built in 1988 with capacity expansion to 30 MGD but in 1988 it was almost none residential properties in the area at that time.

I understand good causes of both projects, however, they should not take place at the current proposed location. I will be more than happy if WRCRWT will employ technologies to lower treated water release into the Santa Ana river and use improved air bio-filters to lower odor emission but at the current capacity.

I was surprised to read Final Draft on DEIR on expansion plan by Keith Dunbar that in the section of Area of Controversy, it reads that there are no controversies, including public.

If time permits, I can gather hundreds of signatures for a petition to stop both projects at this location. In fact, we already started awareness program in our neighborhood and got common sense reaction from our neighbors.

Please not allow these project happen in our community.

Sincerely,

Gennady Nyu
Resident of Eastvale

8/25/12

Gmail - Horse manure-to-energy/WRCRWT Expansion from 8 MGD to 13.25 MGD projects



DEIR Horse Manure to Energy

Gennady <gennadyn@gmail.com>
To: ksdpe67@gmail.com
Cc: Irina Nyu <irinanyu@gmail.com>

Tue, Aug 21, 2012 at 12:38 AM

Dear Mr. Dunbar,

My family and I live on Fabiola Lane, Eastvale, within less than a half mile from the proposed location of the plant. Therefore, the horse manure project is highly concerned my family and myself when we learned about it. We bought a house and moved to this address about 4 months ago. We like our new neighborhood, however there have been two major discomforts that we have experienced ever since: air quality (waste odor) and flies. After reviewing the DEIR, I find that air quality analysis is not accurate. The horse manure will definitely will make situation with air quality worse on top of what we already have in the area. Transporting, storing, processing horse manure will significantly worsen air quality in the area. I do not see how any state-of-the-art technology that can mitigate the damage this project will bring to the area.

The project will hurt the values of homes in the area, but moreover, it will be bad for health of local citizens. There is a proposed Yorba Elementary school within a half mile from the plant, that has not yet build. If the project will take place as proposed, then our children will be affected.

There are two parks very close to the plant, where families spend time outdoors.

We are contacting our elected officials to look into this project and make sure it will not take place at the proposed location.

Please consider these arguments and discuss them in your meeting to reconsider and find more suitable location for such project.

Sincerely,

Gennady and Irina Nyu

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Michael Daly, IT Manager

DATE: October 17, 2012

SUBJECT: Acceptance of the City Wide Fiber Optics Network Project as Complete

RECOMMENDATION: That the City Council Accept the City Wide Fiber Optics Network Project as complete and authorize the City Clerk to file the Notice of Completion with the County Recorder's Office.

SUMMARY: The City Wide Fiber Optics Network Project has been completed and staff is requesting that the Council accept the Project as complete and authorize the City Clerk to file a "Notice of Completion" with the County Recorder's Office.

BACKGROUND/ANALYSIS: On March 7, 2012, the City Council awarded a public works contract to John Griffin Construction Inc. for the construction of the City Wide Fiber Optics Network in the amount of \$498,046 with a 10% contingency.

John Griffin Construction Inc. completed their scope of work for the project at a total cost of \$522, 242. The work has been inspected by the Public Works Inspector and the I.T. Manger and found to be in full conformance with the plans and specifications of the contract document.

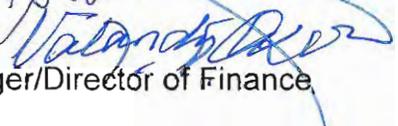
FINANCIAL IMPACT: None.

/md-81971

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Andy Okoro, Deputy City Manager/Director of Finance 

DATE: October 17, 2012

SUBJECT: Professional Services Agreement with Revenue Cost Specialists, LLC for Development Impact Fee Calculation and Nexus Report

RECOMMENDATION: Adopt **Resolution No. 2012- ____**, authorizing the City Manager to execute a Professional Services Agreement with Revenue Cost Specialists, LLC for development impact fee calculation and Nexus Report; and authorizing appropriation of funds from the Development Agreement Fund Account in an amount not to exceed \$22,625.

SUMMARY: Staff is recommending that the City Council authorize the City Manager to execute a Professional Services Agreement with Revenue Costs Specialists (RCS), LLC to update the calculation for the City's development impact fee and prepare the related Nexus Report. The development impact fee calculation and Nexus Report will cover all of the City's infrastructure facilities including water and sewer utility systems. The total cost for the recommended services will not exceed \$36,000. Of this amount, \$16,375 will be paid from Water and Sewer Funds. The remaining amount of \$22,625 is recommended to be appropriated from available remaining balance of \$130,761 in the Development Agreement Fund Account.

BACKGROUND/ANALYSIS: On May 5, 2004, the City Council approved the City's Development Impact Fee and Nexus Report prepared by RCS as supported by the Master Facilities Plan. The 2004 study by RCS did not include utility systems infrastructure. Impact fee calculation for water and sewer infrastructure facilities was last performed in 2003 by Reiter Lowry Consultants. Following the approval of general City infrastructure development impact fees in 2004, the City Council in 2005, approved a reduction to the surface transportation improvements component (streets, bridges and traffic signals) after it was determined that the Hamner Avenue Bridge improvement project will be funded from sources other than development impact fee. Since then, no additional changes have been made to the fees adopted in 2004. The consumer price index since then has risen by 24%. With respect to water and sewer systems infrastructure, no changes have been made to the fees that were approved in 2003. Consequently, sewer and water utility impact fees have greatly fallen behind the rates in neighboring jurisdictions.

Approval of Revenue Cost Specialists Agreement

Page 2

October 17, 2012

In order to maintain the City's ability to continue to provide basic municipal services, there is a need to increase the City's inventory of service-providing capital infrastructure and asset capacity. The proposed contract will first, update the City's Master Facilities Plan (MFP) through build-out. Then, the detail data from the MFP will be used as the basis for calculating development impact fee. This calculation is based on the impact of new development on City infrastructure. Development impact fee does not apply to existing development but is a fee paid on new development to fund the impact of such developments on City capital infrastructure. The fees collected will be used to fund projects related to the following broad infrastructures:

- Animal Control Facilities, Vehicles and Equipment
- Fire Suppression/Medic Facilities, Vehicles and Equipment
- Circulation (Streets, Signals, and Bridges) System
- Local Storm Drainage Collection Facilities
- General Facilities (City Hall, Corporate Yard and City Fleet)
- Water Distribution Systems
- Wastewater Collection and Treatment Systems
- Equestrian Trail Acquisition and Development Systems
- Library Facilities
- Community Use Facilities
- Aquatics Facilities
- Parks and Open Space

Revenue Cost Specialists, LLC specializes in cost of services studies including impact fee calculation for local governments. They have assisted the City in developing general user fee schedules over the last ten years and in 2004, they completed the first Comprehensive Impact Fee calculation for the City. They have performed similar services for many cities in the state.

FISCAL IMPACT: The estimated cost for developing the MFP and calculating the impact fee for each infrastructure category is not to exceed \$36,000. Of this amount \$16,375 will be paid from Water and Sewer Funds. The remaining amount of \$22,625 is recommended to be appropriated from available remaining balance of \$130,761 in the Development Agreement Fund Account.

/ao-82002

Attachment: Resolution No. 2012-_____
Revenue Cost Specialists' Work-Proposal

-

RESOLUTION NO. 2012-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH REVENUE COST SPECIALISTS, LLC FOR DEVELOPMENT IMPACT FEE CALCULATION AND NEXUS REPORT AND AUTHORIZING APPROPRIATION OF FUNDS FROM THE DEVELOPMENT AGREEMENT FUND ACCOUNT IN AN AMOUNT NOT-TO-EXCEED \$22,625

WHEREAS, the City desires to update the calculation for the City's development impact fee and prepare the related Nexus Report; and

WHEREAS, the last impact fee calculation for water and sewer infrastructure facilities was last performed in 2003 and adopted in 2004; and

WHEREAS, the consumer price index since 2003 has risen by 24%; and

WHEREAS, water and sewer utility impact fees have greatly fallen behind the rates in neighboring jurisdictions; and

WHEREAS, the water and sewer portion of the cost in the amount of \$16,375 will be paid from existing appropriation; and

WHEREAS, in order to maintain the City's ability to continue to provide basic municipal services, there is a need to increase the City's inventory of service-providing capital infrastructure and asset capacity.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco, does hereby ordain as follows:

Section 1. The award of professional services agreement with Revenue Cost Specialists, LLC for development impact fee calculation and Nexus Report is hereby approved with total cost for recommended services not-to-exceed \$36,000.

Section 2. Funds in the not-to-exceed amount of \$22,625 shall be appropriated from the Development Agreement Fund Account.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on October 17, 2012.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, City Clerk
City of Norco, California

Resolution No. 2012-_____

Page 2

October 17, 2012

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on October 17, 2012, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on October 17, 2012.

Brenda K. Jacobs, City Clerk
City of Norco, California

/jk-82009



Serving Local Governments Since 1975

October 1, 2012

Mr. Andy Okoro, CPA
Deputy City Manager/Director of Finance
City of Norco - City Hall
2870 Clark Avenue
Norco, CA 92860

RE: *Development Impact Fee Calculation and Nexus Report Proposal*

Mr. Okoro:

Revenue & Cost Specialists, (RCS) is pleased to submit this Proposal to update the City's existing *Development Impact Fee Nexus and Calculation Report* and add the City's two utilities to that effort. Such routine action is necessary to maintain the City's long-term capital financing policies. This comprehensive approach to the City's capital finances is provided in response to discussions over the past year. The Cost for Services will provide a cost for the full update as well as simply undertaking the effort for the two utilities.

The City's initial *Development Impact Fee Calculation and Nexus Report*, as supported by the *Master Facilities Plan*, was completed in February of 2004. The City has been subject to a 23.73% increase in the Cost Price Index since that time (CPI 02/04=186.20, 08/12=230.379)

RCS staff recommends the recalculation of development impact fee schedules for the following infrastructure and, in the addition of the City's two utility systems:

***Animal Control Facilities, Vehicles and Equipment,
Fire Suppression/Medic Facilities, Vehicles and Equipment,
Circulation (Streets, Signals and Bridges) System,
Local Storm Drainage Collection Facilities (including freeway access/egress ramps),
General Facilities (city hall, corporate yard, and City fleet),
Water Distribution System (et al.) Improvements (initial effort),
Wastewater Collection (and Treatment) System (et. al.) Improvements (initial effort),
Equestrian Trail Acquisition and Development,
Library Facilities Space,
Community Use Facilities (community, senior, teen centers, et. al.),
Aquatics Facilities,
Park Land and Open Space Acquisition and Recreation Facilities Development,
and any other infrastructure provided by the City allowed by Government Code
§66000, et. seq. (often referred to as AB 1600).***

Internet: www.revenuecost.com

Voice 714.992.9020

1519 E. Chapman Avenue • Suite C • Fullerton, CA 92831

Fax 714.992.9021

Recent State court proceedings (*Homebuilders Association of Tulare/Kings County vs. City of Lemoore*) and long-term federal court precedents (*Dolan, Nolan et al.*) establish a legal need for a City-wide development impact fee nexus calculation study. Such studies are not impossible, but simply need to be done.

In over thirty years and seventy-five municipal agencies, RCS has accumulated and demonstrated the analytical expertise necessary to calculate development impact fees and construct the required textual nexus. The selection of RCS to undertake the calculation of all the City's needed development impact fees would provide the following benefits:

- Direct experience in the presentation of technical information in lay-persons language leading to successful adoption.
- Development Impact fee calculations in a single document, fostering a focused discussion and review of impact fees leading to greater ease in understanding.
- Application of a consistent and compatible impact fee structure.
- Reduced effort required in future impact fee updating by increasing the up-front documentation effort.
- A systematized approach that efficiently provides for inevitable updating of impact fees as capital project construction and land acquisition costs escalate or change.
- Consistency of calculation based upon data generated by a variety of staff members and/or engineering consultants responsible for differing infrastructure
- A system that allows multi-year application and updating of impact fees based upon experience
- Experience in inclusion of residents, business, and development community.
- A comprehensive approach that not only meets State statutory and federal court precedence, but also provides collateral information that can serve as a short term capital improvement program or create a long range capital financing plan/policy.

As we point out in the enclosed Proposal, the strength of our capital planning system is in the identification of long range capital facility and infrastructure needs based upon the City's General and the supportive master facilities plan. This provides the City Council with the capability to utilize the proposed projects and their costs to make *informed* policy decisions. Our analysis is one time, but the data and programs allow for ease in future updating.

Our capital planning assistance would allow the staff to report the results to the City Council in two phases. The first phase, the **Master Facilities Plan** would provide the City Council with an understanding of the many capital improvements necessary through theoretical General Plan *build-out* (generally defined as 25 to 30 years for a growing community). Once the Council achieves consensus on what projects are necessary and/or desired, the second phase would compute specific and supportable **Development Impact Fees (DIFs)**.

When reading this Proposal, it is important to keep in mind that most of the cost to the City for the technical assistance referenced above and explained herein can be fully recovered and completed at no long-term cost to the City's General Fund or it's existing citizens.

We look forward to being of assistance to the City as it searches for ways to meet the future infrastructure needs of its present and future citizens.

Sincerely,

A handwritten signature in blue ink, appearing to read "SCOTT THORPE", is written over a light blue rectangular background. The signature is stylized and somewhat illegible due to the cursive nature of the handwriting.

SCOTT THORPE
Vice President

PROPOSAL

Services To Be Provided - To insure that the City can continue to provide basic municipal services by increasing it's inventory of service-providing capital capacity, RCS proposes to update the City's existing *Development Impact Fee Calculation and Nexus Report* as fully supported by the long range *Master Facilities Plan*. The two components are now described in detail (and may be further referred to as MFP or the DIFs).

Master Facilities Plan (MFP) Component - Revenue & Cost Specialist proposes to prepare an Extended MFP¹ (through "theoretical" General Plan build-out²) for the City. This document serves as evidence of a legally-supportable system of DIFs and provides other collateral purposes such as a CIP and basis for a long range capital financing planning policy document. A copy of a sample *Master Facilities Plan* project detail page is included as Appendix A.

The MFP provides General Plan build-out detail necessary to support the Development Impact Fee calculation and nexus process described herein. While the MFP component is somewhat discretionary, the data generated and compiled is critical to serving the community, Council and staff in terms of improved public policy making, public information and long-term planning.

The MFP detail pages serve one additional important purpose. The MFP provides an audit trail for future updates. Development Impact Fees, to remain valid, need to be updated on a routine basis³. Experience, gained over past two decades has shown us that, without adequate detail, key project cost information can become unclear. Thus RCS recommends that a small additional effort now, creating MFP detail pages, will save a great deal of time later, during the necessary updates. However, strictly speaking, the *Master Facilities Plan* component is not required to complete the *Development Impact Fee Nexus and Calculation Report*.

RCS will also prepare a copy of a detail support document containing copies of all supporting data not appropriate for inclusion in the basic Report text, but necessary as evidence for any legal action. The final Reports and ordinance and resolutions will reference both the final Report and the support document as "nexus" documents.

¹ Defined as first four years and remaining years through build-out.

² The point in time when there is little if any raw land to be developed, typically defined for growing cities as twenty-five to thirty years.

³ RCS recommends that impact fees be updated no less than every two years.

Development Impact Fee Component (Calculation and Nexus Report) - Upon completion of the City's MFP, RCS staff would perform the following to complete the Development Impact Fee calculation and quantify the costs generated by new development in terms of a Development Impact Fee for City land uses as defined later in this Proposal.

RCS will quantify the impact of capital projects, their nexus with development projects, and establish a recommended impact fee for each of the following; even for those which the City may currently have adopted via the existing City-wide DIF Report:

1. Animal Control Facilities, Vehicles and Equipment
2. Fire Suppression Facilities, Vehicles and Equipment
3. Circulation (Streets, Signals, and Bridges) System
4. Local Storm Drainage System Facilities
5. General Facilities, Vehicles and Equipment (city hall, corporate yard, and fleet)
6. Water Distribution System (et. al.) System (to be added)
7. Wastewater Collection System (et. al.) System (to be added)
8. Equestrian Trails Acquisition and Development
9. Library Facilities Space and Collection Inventory
10. Community Use Facilities (community, senior, teen centers, et. al.
11. Aquatics Facilities
12. Parkland and Open Space Acquisition and Recreation Facilities Development, and any other Americans with Disabilities Act compliance needed for any of the above infrastructure areas and any infrastructure allowed by Government Code §66000, et. seq.

Scope of Work. To provide the basis for the Development Impact Fees the following steps would be taken by the Revenue & Cost Specialist staff, working with any consultant(s) and City staff where necessary and appropriate:

1. Do a field "windshield" survey to become acquainted with the physical characteristics and general improvement needs and standards of the City.
2. Meet with planning staff to identify the service area boundaries of the City and distribute the information to the other participating departments.
3. Discuss the City planning and capital financing process and community development standards with the City Engineer, City Planner, Director of Finance and any other consultant(s) employed by the City, to determine the level of improvements which most likely will evolve from the project planning documents and are needed to support, and give validity to, the City's Comprehensive General Plan.
4. Meet with Management and planning staff to determine the Land-use categories for which development impact fees will be calculated.

5. Review all City maps, land use documents and available master plans, especially the Comprehensive General Plan.
6. Work with the City Planner, City Engineer and other interested staff to determine and concur on the land-use based development impact fee categories and land-use data, where applicable, for each of the following existing and planned categories of impact fees:

Category of Land Use	Developed Units/Acres	Undeveloped Units/Acres	Total Units/Acres
Residential:			
Detached Dwellings			
Attached Dwellings			
Manufactured Dwellings			
Commercial Lodging			
Retail/Service Uses			
Office/Medical Uses			
Industrial Uses			
TOTAL			

The land use data-base may need to be completed on levels that recognize any specific area that may need a disproportionate amount of infrastructure (as an overlay zone) or by storm drainage zones recognizing their uniqueness in capital improvements. This would be determined at this point in time.

7. Identify the existing Levels of Service (LOS) provided by the infrastructure and appropriations currently afforded by the City.
8. Meet with City staff responsible for each infrastructure to assist in the identification of all projects needed through theoretical build-out via use of master plans, specific plans, and other service requirement studies. The greater the back-up detail available supporting the project need and the costs, the better. The greatest support is an engineer-prepared Master Plan. If such a document is not available, RCS will endeavor to increase the validity of available information.

RCS can assist in the process but cannot decide what facilities the City needs or wants, nor set development standards for the City. City staff retains the primary responsibility for determining the projects needed for the desired service levels or necessary to support the General Plan and its many elements. RCS must rely upon various reports, master plans, specific plans, and other related reports identifying needed infrastructure.

9. Review project cost estimates and textual explanations for accuracy and completeness.
10. Prepare a detailed Draft *Master Facilities Plan* capital improvement page (attached as Appendix A) identifying every project to be mentioned in the *Development Impact Fee Calculation and Nexus Report*.
11. Prepare the Draft Report for the combined *Master Facilities Plan* document with appropriate schedules, definitions, and commentary text and attend a review meeting with staff for final modification and consensus of the Master Facilities Plan project list. Amend project detail as required.
12. Identify and analyze the *demand drivers* specific to each infrastructure or service area. The *drivers* are the factors of nexus demand related to each land use and would be based upon the project plans or City productivity records.
13. Apply the RCS-copyrighted computerized formulas for the distribution of the benefits of, nexus for, and impact of each group of projects on each of the above categories of land use. ***Undertake the proportional analysis necessary to identify the appropriate burden to be placed upon both the existing and future infrastructure.***
14. Identify any *excess capacity* provided by the existing infrastructure, the cost for which may be recovered from future residents and businesses.
15. Develop a specific draft development impact fee structure (calculation) for each of the previously identified development impact fee categories.
16. Meet with the staff to review accuracy and completeness and with the City Attorney to review the draft development impact fee calculations and relevant California State Statutes, specifically Government Code §66000, et. seq., relating to land use and definition of fees in light of current State law, recent court decisions and United States Supreme Court rulings.
17. Prepare an comprehensive draft report consisting of the fee-structures and the necessary relevant nexus text and Report with recommended fees. One draft report (cycle) is included in the proposal and then the final Report. Any additional draft reports or final reports beyond those included in this proposal

will be invoiced separately at an amount reflecting the magnitude of the requested changes. Amend the Report as required and issue a Final Report. A period of thirty days will be deemed adequate for staff review of a draft. Delay beyond that point will likely require an additional draft.

- 18. Assist City staff in developing an ordinance for adoption or amending the existing ordinance, utilizing sample DIF documents as adopted by other agencies using RCS's services.
- 19. Attend a City Council study session and up to two public hearings of the resultant fees and the process through which they were determined.

Client Input. During the DIF calculation process, Revenue and Cost Specialists will make every effort to advise, seek input from, and in general to explain the work as it is being performed to interested parties by attending meetings of various groups and meet with any local chapter of organized builders or contractors to explain the process and receive any constructive input. This would be accomplished according to the process determined by City management staff.

Staff Time Required. RCS will require some Department Head, City Planner, City Engineer, Director of Finance time, as set out herein, to develop the basic cost distribution structure, once the capital needs are identified by the various planning documents and approved by Council (see *Master Facilities Plan* identified above). Time requirements will vary depending upon the current availability of needed information. As an example, a current Master Plan will reduce the time necessary for project identification and costing. Lack of one will require an engineer's time in creating the costing information.

RCS will use the best information possible to complete legally supportable DIFs. RCS will endeavor to limit the amount of time needed from the above staff members. However, RCS and any other contractual specialist are dependent upon City staff for the data that identifies the policies of the City Council. Appendix B is a graphic depiction of the proposed work schedule.

Fee for Services - The City has indicated the need for development impact fees for the previously identified infrastructure. Based upon these needs and the proposed scope of work, the flat fee for our services for the options is as follows:

Fee for Services	Total
Option A - Water and Wastewater DIF (Only) Report	\$16,375
Option B - Full DIF/MFP Update (including Water/Sewer) Report	\$35,400

The above flat rate fees cover all costs of either option with the exception of any required business license which would be added to the final invoice. These prices and the Proposal are in effect and will be honored until June 30, 2012. All efforts include one draft MFP and DIF Report and a final MFP and DIF Report for the final production of the two documents. Additional drafts requested by the client beyond the initially included draft would require a separate invoice of \$2,400. RCS will present the City with twenty sets of printing stock (covers and letterhead paper).

Invoicing Schedule. RCS will submit five equal invoices totaling the fee for services.

- First invoice Two weeks after the kick-off meeting.
- Second Invoice..... Upon submission of the draft MFP document.
- Third Invoice Upon submission of the draft DIF Report.
- Fourth Invoice Upon submission of the final DIF Report.
- Fifth and Final Invoice 30 days after submission of final DIF Report.

References - In addition to performing the previous *DIF/MFP* work for the City, we have recently completed similar *Master Facilities Plan* and *Development Impact Fee Nexus and Calculation Report* projects for the following recent jurisdictions (see resume in Appendix C for full history). They are identified following. We would request you to contact clients listed for references regarding our understanding of the nature of municipalities and of the quality of our work. They are on the following page.

<u>Jurisdiction</u>	<u>Reference</u>	<u>Title</u>
City of Ontario 909/395-2000	Grant Yee Otto Kroutil	Admin. Svcs. Dir. Comm. Dev. Dir.
City of Atascadero 805/470-3400	Wade McKinney Warren Frace	City Manager Comm. Dev. Dir.
City of Huntington Beach 714/536-5236	Bob Hall	Deputy City Administrator
City of King 831/386-5917	Michael Powers	City Manager
City of Gonzales 831/675-5000	Rene Mendez Carlos Lopez	City Manager Public Works Dir.
City of Barstow 805/461-5010	Mark Murphy	Sr. Mgmt. Analyst
City of San Bernardino 909/384-5057	Terri Rahal Robert Eisenbeisz P.E.	Principal Planner Sr. Civil Engineer

Project Staff- Scott I. Thorpe, Vice President, will manage and undertake the *Master Facilities Plan* and *Development Impact Calculation and Nexus Report* effort and may be assisted by Eric Johnson. Revenue and Cost Services does not have junior staff. All phases of all work products are undertaken by a partner.

Professional qualifications are attached hereto as Appendix C. While not anticipated, should other RCS partner's need to be assigned, for their expertise, maintenance of the proposed schedule or to maintain to assure continuance of the quality of product which RCS has become noted for, documentation representing their qualifications would be submitted to the City for approval prior to their participation.

Recovery of Proposal Fees by the City - In order to insure that the existing citizens are not unwittingly subsidizing the cost of development, the costs of undertaking this project can and should be recaptured from one of two possible methods. The first method of recovery would be through the application of a calculated overhead rate applied upon the collection of DIFs. The overhead rate should be calculated to generate adequate monies for additional staff hours required for the necessary accounting, annual auditing, and the updating of DIFs. An alternative to the above recovery method would be to capitalize the cost of the DIF calculations and include it as a project cost to be recovered directly from the DIF collections. RCS strongly recommends consideration of one of these options

Cost-Conscious Municipal Operations - The principles and staff of Revenue & Cost Specialist have well-deserved reputations for their long-standing efforts in bringing cost-consciousness to municipal operations and the considerable management advantages of such. The RCS principals have conducted a total of more than 300 consulting engagements.

The RCS Staff have also contributed to the body of text of general public financial management information through publication of articles and other writings. They are available for downloading from our website www.revenuecost.com. Described, they are:

"Financing Capital Improvements" was published in the *Journal (of the) American Water Works Association*, August, 1991, pages 50-52. This article, written at the AWWA's request, illustrates the continuing importance of the capital improvement planning process and simplifies its veneer of complexity. It also demonstrates RCS's understanding of the relationship of the DIFs to the City's Comprehensive General Plan and overall capital planning process.

"Impact Fees: Practical Guide for Calculation and Implementation" is considered by some to be the most concise primer on the calculation of impact fees. This paper was presented to the American Society of Civil Engineers at the Society's annual land management conference and was then selected for publication in their September, 1992 *Journal of Urban Planning and Development*, (Vol. 18, No. 3), pages 106-118. This document suitably demonstrates RCS's understanding of the nexus requirement for legally-supportable impact fees.

Conflict of Interest - No principal of RCS has any financial interests in the City of Norco that would preclude the completion of impartial work. RCS will complete such declarations and file them with the City Clerk. Our only interest is in leaving the City in better financial condition than before we started.

Software Available for Client Updating - RCS uses advanced software that we now make available for purchase by the client for ease in updating or conducting *what if* scenarios along with the General Plan update. RCS is proposing to undertake this update and also make the Basic® software available for purchase by the City. The software would allow City staff to undertake all future updates increasing the possibility of an annual update. The basic software would be available at a cost of \$8,500.00. RCS would respect this price should the City wish to purchase the software over the best three years.

Legal Advice - RCS is not authorized to practice law, however we will offer management advice on issues related to impact fee setting. The City is advised to verify the legality of such issues prior to attempting to adopt ordinances, resolutions and code modifications. The Report scope includes allowances for meetings with the City's legal team.

Insurance Certificates - RCS maintains adequate insurance and will provide proof.

Reservation of Rights - Some of the concepts discussed in this proposal are considered to be proprietary and are the property of Revenue & Cost Specialist. All rights are reserved and no part of this work may be reproduced or copied in any form without written permission of RCS. *Expressed permission is hereby granted to the City of Norco to make sufficient copies of this proposal to permit evaluation thereof.* No other use or distribution of this document is permitted.

RCS staff does not consider a Report to be complete until the City staff and City Council considers it so.

The Revenue & Cost Specialist staff looks forward to being of assistance in bringing the management advantages and the revenue fairness and equity benefits of our System to the City, the Mayor, the City Council, and their constituents, and to City staff.

END OF TEXT

APPENDIX A

Sample Master Facilities Plan Project Detail page

CITY OF GREENFIELD, CALIFORNIA

Master Facilities Plan Project Detail

June 30, 2012

Infrastructure: Fire Suppression, Vehicles And Equipment

Project Title / Ref#: Heavy Rescue Truck

FS -003

Submitting Departments: Volunteer Fire Department

Project Description:

Acquire a four-wheel drive specialty search and rescue vehicle with equipment such as heavy lifting and hydraulic breaking powered tools, shoring and breaching equipment and wood for stabilizing collapsed buildings. the City undertakes both rural and urban searches and needs adequate equipment to undertake said searches. NOTE the order in which the proposed improvements are listed on this schedule does not necessarily reflect the order in which the facilities will be needed or constructed or equipment will be acquired.

Justification / Consequences of Avoidance:

Existing Department equipment would have to suffice for future search and rescue operations. The construction of an additional 1,833 residential units, 30 hotel/motel units and over 3.7 million square feet of business space within the City's boundaries and will generate some 68 additional calls-for-service annually. It is anticipated that at some point in time, the additional calls-for-service will force the City to have some living quarters for full-time positions

Relationship to General Plan Development:

The improvements are necessary to accommodate the additional calls-for-service that can be expected from new development. The existing equipment will no longer suffice

Allocation To General Plan Buildout: 100.00%

Reference Document:

The projects are consistent with, but do include all of, the Department's 04/15/04 Need's Assessment Report.

Project Timing:

The timing or scheduling of the capital construction or acquisitions described herein, was not included in the scope of this engagement, thus all project costs default to the "Build-out" Column. However, in general, as needed and required and as development impact fee receipts are collected.

PROPOSED EXPENDITURES	FY 2012-3	FY 2013-4	FY 2014-5	FY 2015-6	FY 2016 To B/O	Total all Years
1. Design / Engineering / Administratic	\$0	\$0	\$0	\$0	\$0	\$0
2. Land Acquisition / Right Of Way	\$0	\$0	\$0	\$0	\$0	\$0
3. Construction	\$0	\$0	\$0	\$0	\$0	\$0
4. Contingency	\$0	\$0	\$0	\$0	\$0	\$0
5. Equipment / Other	\$0	\$0	\$0	\$0	\$300,000	\$300,000
TOTAL COST:	\$0	\$0	\$0	\$0	\$300,000	\$300,000

APPENDIX B
Project Calendar

Step or Process	1st Month	2nd Month	3rd Month	4th Month	5th Month
1 Meet with Staff w/overview					
2 Land-use Database Category Selection					
3 Compile Land-use Database					
4 Obtain New Census Data (STF# File)					
5 Public Safety Calls-for-Service					
6 Obtain Quality of Life Services Figures					
7 Determine Existing "Quality of Life" Standards					
8 Obtain/Agree to City Population					
9 Determine Land Costs					
10 Meet with Staff for Desired Projects					
11 Generate Existing Community Assets					
12 Generate Capital Projects					
13 Write Capital Project Detail Pages					
14 Staff Review of Capital Projects					
15 Submit Draft MFP for Review					
16 Staff Review of Draft MFP					
17 Address Desired MFP Changes					
18 Obtain DIF Fund Balances					
19 Complete Draft Fees for Review					
20 Review Draft Fees with Staff					
21 Write DIF Text					
22 Prepare/Submit Draft DIF Report					
23 Staff Review of Draft DIF Report					
24 Address Desired DIF Report Changes					
25 Complete Final MFP/DIF Reports					
26 Submit Final MFP/DIF Reports					

MFP = Master Facilities Plan

DIF = Development Impact Fee Calculation and Nexus Report

APPENDIX C

Resumes

SCOTT IAN THORPE

EDUCATION

Bachelor of Public Administration (B.P.A.) - San Diego State University

Master of Public Administration (M.P.A.) - California State University Fullerton

PROFESSIONAL EXPERIENCE

Revenue & Cost Specialists, L.L.C. - Senior Vice President

(1998-Present) The principals of Management Services Institute formed Revenue & Cost Specialists, as an LLC.

Management Services Institute - Senior Vice President

(1985-1998) Principal in a municipal management services company providing diversified financial services.

City of Brea-Management and Budget Manager (1984-1985)

City of Anaheim - Budget Analyst/Management Operations Auditor (1979-1984)

City of Covina-Administrative Assistant to the City Manager (1974-1979)

City of Chula Vista-Administrative Aide (1973-1974).

OTHER ACCOMPLISHMENTS

ABC Elementary School District Closure Project-Enrollment Projections
Charter Oak Unified School District Facility Closure Committee-Board Appointee
Lecturer on various municipal government/management topics at two universities

PUBLICATIONS (Both available at www.reveunecost.com)

"Financing Capital Improvements", *Journal American Water Works Association*, August, 1991, pages 50-52

"Impact Fees: Practical Guide for Calculation and Implementation", *Journal of Urban Planning and Development*, Vol. 18, No. 3, September, 1992, pages 106-118

CLIENTS SERVED

DEVELOPMENT IMPACT FEES

City of Alhambra Utilities, CA
 City of Anaheim CA, Fire/Police/Library Services (1)(2)
 Town of Apple Valley, CA
 Antelope Valley Fire Protection District, CA
 Apple Valley Fire Protection District, CA
 City of Atascadero, CA (1)
 City of Barstow, CA Bridge/Interchange
 City of Barstow, CA
 Barstow Fire Protection District, CA
 Bridgeport Fire Protection District, CA
 City of Big Bear Lake, CA (1)
 Brigham City Corporation, UT
 Carpinteria-Summerland, CA Fire Protection District (1)
 Chalfant Public Services (Fire) District, CA
 City of Carpinteria, CA (1)
 City of Chino, CA (1)
 City of Chino *Preserve* (Sub-area II)
 City of Coachella, CA
 City of Corona, CA (1)
 City of Corona - South Corona Specific Plan Impact Fees
 City of Desert Hot Springs, CA (1)
 City of Folsom, CA (1)
 City of Gilroy, CA, Review of Existing DIFs
 City of Glendale CA, Parks, Open Space and Community Facilities
 City of Gonzales, CA (1)
 City of Grand Terrace, CA
 City of Greenfield, CA, Police/Fire/Community Centers
 Feather River Recreation and Park District
 City of Hemet, CA (1)
 City of Highland, CA (1)
 City of Huntington Beach, CA (in progress)
 June Lake (CA) Fire Protection District
 King City, CA (1)
 City of Lake Havasu City, AZ
 City of Lemoore, CA
 Long Valley (CA) Fire Protection District
 City of Loma Linda, CA
 Town of Mammoth Lakes, CA (1)
 County of Monterey Sheriff's Department DIFs (2)
 City of Morgan Hill, CA
 City of Murrieta, CA (1)
 City of Needles, CA (1)
 City of Newport Beach, CA Circulation System DIFs
 City of Norco, CA
 City of North Ogden City, UT
 North Central Fire Protection District, CA
 North View Fire Department, UT
 City of Ontario, Core/New Model Colony, CA (1)
 City of Orange - Fire Services, CA
 City of Oroville, CA
 Town of Paradise, CA
~~City of Paso Robles, CA~~
 City of Petaluma, CA
 City of Rancho Cordova CA, Circulation System DIFs
 City of Reedley, CA
 City of Rialto, CA
 City of Riverside, CA Public Safety Services
 City of Riverside, CA, Parks/Open Space (K-Rat Habitat)

City of Santa Paula, CA (1)
DEVELOPMENT IMPACT FEES (continued)

City of Sedona, AZ (1)
 City of Selma, CA (1)
 City of Sierra Madre, CA
 SANBAG, CA
 City of San Bernardino, CA (1)
 County of San Bernardino, CA
 City of Scotts Valley, CA
 San Ramon Fire Protection District (in progress)
 South Jordan City, UT (1)
 South Ogden City, UT
 City of Thousand Oaks, CA, Review Existing Impact Fees
 City of Tracy, CA Public Facilities
 Town of Truckee, CA
 City of Tulare, CA
 Washington Terrace City, UT
 West Jordan City, UT
 Wheeler Crest (CA) Fire Protection District
 City of Wheatland, CA
 City of Whittier, CA, Parkland and Facilities (2)

MASTER FACILITIES PLANS/CIPs

City of Anaheim, CA Police/Fire/Library Services (1)(2)
 Town of Apple Valley, CA
 Apple Valley Fire Protection District
 Antelope Valley Fire Protection District
 City of Atascadero, CA
 City of Barstow, CA
 Barstow Fire Protection District, CA
 Bridgeport Fire Protection District, CA
 City of Big Bear Lake, CA (5/10 year)
 Brigham City Corporation, UT
 City of Carpinteria, CA
 Carpinteria-Summerland Fire Protection District
 Chalfant Public Services (Fire) Protection District
 City of Chino, CA (1)
 City of Corona, CA (1)
 City of Folsom, CA (1)
 City of Desert Hot Springs, CA (1)
 City of Gonzales, CA
 City of Grand Terrace, CA
 City of Greenfield, CA
 City of Highland, CA (1)
 June Lake (CA) Fire Protection District
 King City, CA
 City of Lake Havasu City, AZ
 City of Huntington Beach, CA (in progress)
 City of Lancaster, CA
 City of Loma Linda, CA
 Long Valley (CA) Fire Protection District
~~Town of Mammoth Lakes, CA (1)~~
 City of Murrieta, CA (1)
 City of Needles, CA
 City of Newport Beach

(1) Includes one or more impact fee calculation updates
 (2) Project in progress

MASTER FACILITIES PLANS/CIPs (continued)

City of Norco, CA
North Ogden City, UT
North Central Fire Protection District
City of Ontario, CA
City of Oroville, CA
City of Orange, CA Fire Suppression System
Town of Paradise, CA
City of Paso Robles, CA
City of Rancho (CA) Cordova Circulation System City of
Riverside, CA Police/Fire Services
City of San Bernardino, CA City of San Bernardino, CA
San Ramon Fire Protection District (in progress)
City of Santa Paula, CA (1)
City of Sedona, AZ
City of Selma, CA (1)
South Jordan City, UT (1)
South Ogden City, UT
City of Tracy, CA, Public Facilities
Town of Truckee, CA
City of San Bernardino, CA
City of San Bernardino, CA
Wheeler Crest (CA) Fire Protection District
City of Wheatland, CA
City of Whittier Park System

MISCELLANEOUS PROJECTS

City of Azusa, CA - Bldg. Plan Check/Inspection Process
Review
Brigham City Corporation - Closed Indian School Use
Conversion
City of Colton, CA - Electric Utilities Collection Procedural
Manual
City of Corona, CA - I-15 Area Public Safety Facility Financing
City of Corona, CA - Communication Repeater Cost
Financing
City of Fontana, CA - General & Departmental Overhead Plan
City of Hemet, CA - Supplemental DIF - Public Peril Report
City of Highland, CA - Capital Financing Plan
City of Highland, CA - Fee and Rate Schedule
City of Lake Havasu City, AZ - Capital Financing Plan
Los Angeles Fire/Police Retirement System - Fiscal Review
City of Needles - Development Agreement Assistance
City of Milpitas - Business License Ordinance Review
City of Redlands, CA - Corporation Yard Debt Financing Cost
Distribution
City of Redlands, CA - Solid Waste Collection/Landfill Rate
Study
City of Redlands, CA - Street Sweeping Rate Study
City of Pico Rivera - Business License Ordinance Review
City of Port Hueneme, CA - Revenue Search Report
San Bernardino County, CA, Special Dist. Office, Finance
Review
City of San Clemente Business License Review
San Diego City - Building & Safety Fee Litigation Assistance
San Diego County Counsel - Impact Fee Use Litigation
Assistance
City of Santa Paula Park General Plan Element

MISCELLANEOUS PROJECTS (continued)

City of Seaside - Hayes Housing Development Service
Demands
South Jordan City- Business Regulation Costing
City of South Lake Tahoe, CA - Transfer of Custody Cost
Verification
City of Westminster, CA - Productivity Measurement Module
Town of Windsor, CA - Long Range Capital Financing Plan
City of San Bernardino, CA - Verdmont Area Financing
Analysis

INTERNATIONAL MUNICIPAL MANAGEMENT TRAINING

Slovenia Ministry of Local Affairs (municipal services)
Philippine Ministry of Economic and Capital Development

**MUNICIPAL BUSINESS SYSTEM COST OF SERVICES
CALCULATIONS**

City of Azusa, CA
City of Banning, CA
City of Brea, CA
City of Bend, OR
City of Carpinteria, CA
City of Carson, CA
City of Chino, CA
Chino Valley Independent Fire District, CA
City of Corona, CA
City of Cotati, CA
City of Fontana, CA
City of Hesperia, CA
City of Highland, CA
City of Kennewick, WA
City of Lake Elsinore, CA
City of Long Beach, CA, Marine Bureau
City of Lynwood, CA
City of Ontario, CA, Fire Department
City of Porterville, CA
City of Rancho Mirage, CA
City of Redlands, CA
City of Rialto, CA
City of Rocklin, CA
San Ramon Fire Protection District (in progress)
South Jordan City, UT
City of Shafter, CA
City of Taft, CA
City of Upland, CA
City of West Covina, CA
County of Imperial, CA
County of Ventura Consolidated Fire District, CA

(1) Includes one or more impact fee calculation updates
(2) Project in progress

End of Proposal

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Bill Wilkman, Historic Preservation Consultant

DATE: October 17, 2012

SUBJECT: Resolution Adopting Phase I Survey of Historic Resources

RECOMMENDATION: Adopt **Resolution No. 2012-___**, approving the Phase I Survey of Norco Historic Resources.

SUMMARY: In the fall of 2009, Norco became the State's 57th Certified Local Government. CLG status recognizes Norco as having a professionally qualified historic preservation program. Among the City's obligations to retain this status is the requirement that it conduct surveys to determine which properties may qualify for historic designation. In 2010, the City received a grant from the State Office of Historic Preservation to survey all potential historic resources in the City of Norco with a build date of 1945 or earlier. Of the 319 properties surveyed, 24 properties contained resources that appeared to be eligible for historic designation. The survey did not include the Norconian property as it is already being surveyed by the U.S. Navy. Adopting the survey puts the City under no obligation to designate any of the potential historic resources. It will, however, allow the City to retain its CLG status and to use the survey in any future historic preservation related work.

BACKGROUND/ANALYSIS: The survey that is the subject of this report involved two major tasks. The first task was the documentation of Norco's pre-1946 history and the identification of the types of resources that reflect that history. This task also established criteria to be used in deciding whether a property retains the characteristics necessary to be considered for historic designation. Norco's Historic Preservation Consultant Wilkman Historical Services completed this task. The results of this task are documented in Volume I of the survey report. The second task was a survey of all resources with a known build date of 1945 or earlier. Historic preservation consulting firm LSA Associates completed this task, which is detailed in Volume II. Volume II is designed to serve as more of a technical resource, as all of the information provided in this Volume is fully summarized in Volume I. Overall, 349 resources with a build date of 1945 or earlier were identified. Of these, 26 potential resources were so altered they were not considered worth surveying. The 319 remaining properties were surveyed and documented. Below is a summary of the survey results. Associated with each category is a CHR (California Historical Resource) Status Code. This is simply a shorthand way for City staff to quickly know if a property merits any further consideration as potentially historic.

Potentially Eligible for Historic Designation: (CHR Status Codes 3CS and 5S3)

Twenty four properties contain resources that appear eligible for historic designation.

Potential Historic District: (CHR Status Code 5D3) One potential historic district was identified consisting generally of Old Hamner Avenue, between 6th and Taft Streets, some of the buildings along this section of street, the Old Norco School, and Beacon Hill.

Could be Eligible for Historic Designation: (CHR Status Code 6L) In their present state, 53 resources do not qualify for historic designation, but they could qualify for historic designation with relatively minor alterations that would return them to their original historic form.

Not Eligible for Historic Designation: (CHR Status Code 6Z) Of the properties surveyed, 194 were found to be so altered that they cannot qualify for historic designation at any level.

Not Surveyed: . (CHR Status Code 7R) Only those properties that could be clearly viewed from the street were surveyed. Seven of the properties on the survey list were not surveyed due to obstructions that made it impossible to see property improvements from the street. Another 34 resources were not surveyed because they appeared to be more associated with the Post-War period which is the subject of the context statement being prepared at this time. Once this context statement is completed, each of these 34 resources will be evaluated

The City Council is directed to Appendix B of the Volume I Historic Resources Survey which provides a complete summary of the results of the survey. Subsequent to the City Council's adoption of the survey, the owners of the properties that appear eligible for historic designation will be notified and informed of the processes for, and benefits of historic designation.

The City Council is also directed to the conclusions and recommendations in the report, which provide guidance for following up on the survey work. Adoption of the survey includes adoption of the survey results and the report's recommendations.

FINANCIAL IMPACT: The adoption of this resolution will not have a direct fiscal impact on the City.

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Attachment: Executive Summary of the Historic Resources Survey Pre-1946. —

Historic Resources Survey, Volumes I and II, are available in the office of the City Clerk for public viewing.

EXECUTIVE SUMMARY

Scope of Work: LSA Associates, Inc. (LSA) was engaged by the City of Norco (City) in February of 2011 to conduct an intensive-level survey of the built environment resources in the City identified as dating prior to 1946. Wilkman Historical Services (WHS) researched and wrote the historic context for this effort. LSA assembled the survey and context statement into a two-volume report.

Properties to be surveyed were determined via a Riverside County Assessor's database identifying properties by address, Assessor's Parcel Number, and build date. This database identified 341 properties with a build date of 1945 or earlier. WHS and LSA subsequently conducted windshield surveys of these properties and eliminated properties found to be vacant or with structures that were so altered as to no longer reflect their period of construction. WHS and LSA also examined properties with no assigned build date and found a small number with buildings likely to have been constructed during the pre-1946 time-period. This fieldwork netted a total of 319 properties with structures having sufficient integrity to survey. The following is a summary of the City's historic context and the results of the historic resources survey:

Summary of Norco's Historic Context: Norco has a varied and fascinating history. Native Americans used the area's resources to sustain their lives in camps located north and south of today's Norco. Native Americans used plants and seeds for food and hunted animals for meat. It is also likely fish were taken from the Santa Ana River to sustain a healthy diet. Boulders in the area tell of these uses in grinding slicks, metates, and manos. Lithic scatters and rock art have also been located in the area. The Spanish and Mexican peoples who entered the area in the 18th and 19th centuries used Norco lands for grazing, leaving little if any evidence of their presence here.

At the turn of the 20th century, the first evidence of land improvements began to appear in the form of quarries in the Norco Hills. Around the same time, the area that would become Norco got its first permanent structure, a power generating plant built in 1902 by William E. Pedley, a local entrepreneur and innovator. Pedley's power plant building survives near the Santa Ana River north of Viceroy Street in northeast Norco. Portions of the canal and water distribution system that fed water to the plant are also intact above the power plant building.

The sale of the westerly portion of Rancho La Sierra (Sepulveda) to investors Willits Hole and George Pillsbury in 1908 was significant news in the area real estate world. It was the last intact rancho to be sold in the Los Angeles area. Hole held onto the land east of the Norco Hills and created his own agriculturally based community of La Sierra Heights. The Citrus Belt Land Company bought much of the rancho land west of the Norco Hills and created two subdivisions, Orange Heights Tract #1 and Orange Heights Tract #2 covering the land roughly between 1st and 5th Streets in today's Norco. These tracts were recorded in 1909 and 1910 and consisted of farm lots, most commonly about 10 acres in size. Orange Heights functioned as a suburb of Corona, having no commercial, industrial, or office uses within its boundaries. A 1913 Corona newspaper referenced a "Citrus School" that also included a library; however, WHS was not able to determine its location. "The Citrus Belt Land Company also owned many acres of undivided land north of the Orange Heights

Tracts, a portion of which was improved with a company-owned farm complex. The Citrus Belt Land Company provided irrigation and domestic water to Citrus Belt area homes and farms via its Orange Heights Water Company.

The Citrus Belt subdivisions appear to have been relatively successful. Less than 10 years after the first individually owned and improved properties appeared on the County Assessor's rolls, a majority of the Citrus Belt lots were privately owned. In 1921, of the 209 lots in the two Orange Heights Tracts, 155 (74%) were individually owned. A total of 109 lots (52%) had assessable structures, and 29 lots (14%) had assessable tree or vine crops.

Rex Clark began to show an interest in the area in the early 1920s. By 1923 he had purchased all of the unsold Orange Heights lots and Citrus Belt's farm and vacant lands north of the Orange Heights Tracts. He also purchased the Orange Heights Water Company and expanded its water systems to serve land he proposed to subdivide north of the Orange Heights Tracts. Starting in 1923, he began to record a series of tracts to support his vision of a self-sustaining farming community. His real estate development company was named the North Corona Land Company, and he used a contraction of the first two words in this name to come up with the name Norco for his new town.

Clark was a visionary and his concept for Norco was, in many respects, utopian in nature. He promoted his town as a place where an individual could achieve prosperity through hard work and ingenuity on a small ranch or farm. His town was equipped with almost everything a landowner would need to sustain a farm and family. It had its own general store, pavilion, manufacturing district, and school. His North Corona Land Company had its own lumberyard, concrete block manufacturing operation, and irrigation pipe making machinery. Using these facilities, a landowner could build a house, construct farm buildings, and bring water to his crops. The North Corona Land Company would sell a farmer a tractor and its machine shop would maintain it. At the Norco Garage, a resident could buy a car, purchase fuel, and have any passenger vehicle or light truck serviced. At the Pavilion, farmers could meet, display their products, and exchange ideas. The Norco Store sold groceries, feed, clothing, hardware, and other merchandise. One could have a meal at the store's café, borrow books from the volunteer-run library under its roof, hold meetings in its community spaces, and board guests in rooms located on the second floor. Across from the Norco Store were the offices of the North Corona Land Company and the Orange Heights Water Company. In 1929, E.L. Upham, an entrepreneur from Pasadena, built the first privately constructed commercial building with space to house his drug store and other lease spaces. Clark also built an elementary school, the grounds of which served as a park and playground for the community.

In subdividing the land for Norco, Clark created a Townsite Tract, and five Norco Farms Tracts where rugged individuals could buy land for small farms or ranches. These tracts were generally located north of today's 5th Street. Clark aggressively promoted his town through advertisements in local newspapers and by offering free excursions from his Los Angeles headquarters to Norco. He also improved a large number of lots with residences and farm buildings to demonstrate his vision and to provide "turnkey" lots for buyers wanting to get started with no delay. In addition to his Norco Farms tracts, Clark re-subdivided lots in the Orange Heights Tract where sales had been hampered due to hilly and rocky land. This Hilldale Tract transformed 14 Orange Heights lots into 123 Hilldale lots.

In 1929, Rex Clark opened his Lake Norconian Resort Supreme where he hoped to lure wealthy patrons for a pampered existence in a luxury hotel and spa. The resort was built on land Clark had intended to improve with a poultry farm. This plan changed when he discovered hot mineral water while drilling a well. Unfortunately, the Norconian Resort opened at the dawn of the Great Depression, and it operated at a loss from day one.

With the Norconian Resort draining Clark's resources, his ability to attend to the needs of Norco were significantly diminished. Advertising for land sales in Norco dropped off considerably after the Resort's opening and land improvements slowed. By 1945, only about half of the lots in Norco Farms Tracts #1 and #2 had sold. Norco Farms Tract #3 lots found very few buyers and Norco Farms Tract #4 was largely operated as a North Corona Land Company farming operation. Only a handful of Norco Townsite lots sold and its lands were later re-subdivided into conventional mid-century single family lots. Most of Norco Farms Tract #5 also remained unsold and it too was later subdivided into semi-rural lots developed with conventional single-family homes.

The Great Depression was as hard on the Norco community as it was on the Norconian Resort. While poultry farming fared better than most businesses during the Depression, foreclosures were common. Some properties reverted to the North Corona Land Company, some were taken back by lending institutions, and the County of Riverside acquired others for unpaid taxes. With these trends, property values dropped and building activity was greatly reduced.

Norco, like much of the United States, did not come out of the Depression until World War II. In 1941, the U.S. Navy bought the Norconian Resort and converted it into a Naval Hospital to treat injured and sick military personnel. The Naval Hospital and other military activity in the vicinity of Norco created a demand for housing and boosted the local economy. But, World War II was also a demarcation point for Norco. Rex Clark's vision of Norco as a family farm based village was in its last days, as agriculture shifted to large-scale operations. The demand for housing that brought people and prosperity also brought a demand for urban services and a reduced tolerance for the negative environmental consequences of poultry operations. In the two decades following World War II, Norco would face the challenge of redefining itself in a rapidly urbanizing Southern California.

Summary of Survey Results: Of the 319 properties documented during the current survey, 24 appear to be historical resources under the California Environmental Quality Act (CEQA) because they are eligible for listing in one or more historic registers or are contributors to a potential historic district. Of the remaining 295 properties, 247 were determined not to be significant under any criteria and 48 require additional survey and/or research before they can be formally evaluated. All of the properties surveyed, including their historic status codes, are listed in Appendix B's Master List of Properties. The following is a summary of the survey findings listed by historic resource category:

National Register of Historic Places: None of the surveyed resources qualify for listing on the National Register of Historic Resources. It should be noted, however, that this survey did not include the Norconian Resort property, portions of which are already listed on the National Register. Survey work underway at this time by the Navy may reveal other Norconian resources that may be eligible for National Register listing and/or listing on the California Register of Historical Resources.

California Register of Historical Resources: As a result of this study, the following five resources appear eligible for listing in the California Register (Status code 3CS):

- *The Pedley Power House:* Located adjacent to the Santa Ana River in the northeast corner of Norco; important as Norco's oldest building and an early example of electrical power generation.
- *Beacon Hill:* Located southwest of Sixth Street and Hamner Avenue; significant as the site of a lighthouse that marked the location of Norco, its association with Norco's grand opening, and for possible archaeological values.
- *The Old Norco School (current Community Center):* Located northwest of Hamner Avenue and Sixth Street; important as Norco's first school, its association with Rex Clark, its design by prominent architect G. Stanley Wilson, and its importance as Norco's only intact example of Spanish Colonial Revival architecture (outside of the Norconian Resort).
- *The Upham Drug Store Building:* Located south of, and immediately adjacent to the Norco branch library on Old Hamner Avenue; important as Norco's first privately owned and built commercial building, its use of Norco produced concrete block, and as the only intact example of a commercial building built during the North Corona Land Company Era (1923–1945).
- *The residence at 4260 Sierra Avenue:* Important as the most intact and preserved example of a North Corona Land Company built residence.

City of Norco Landmarks: A total of 17 resources were found eligible for local Landmarks designation. Primarily residences, they consist of all properties with a status code of 5S3 in the Master Table of Properties. The five California Register eligible properties also qualify for local Landmark designation.

Potential Norco Townsite Historic District: Located the vicinity of Hamner Avenue and Sixth Street, Norco's original town center is the most important area in relation to Norco's core history. This area also has the potential for further development that could build on the theme of Norco's history. Some of the historic fabric of this area has been lost or compromised over time. Most importantly, the City lost its very significant Norco Store building when I-15 was built. The Norco Pavilion building was also demolished sometime in the past to make way for the present metal building occupied by the American Legion. Other negatives include the remodel of the Orange Heights Water Company building into a city hall (currently part of the library), and the false front placed on the Norco Garage. Nonetheless, this area still contains some of Norco's most historically significant resources. The following resources are "District Contributors" (Status code 5D3):

- *Beacon Hill:* (History summarized above.) Much of the hill is preserved in its natural state, and the lighthouse foundation remains at the top of the hill. The lighthouse could be recreated, perhaps by allowing the construction of a cell phone tower in the form of the old lighthouse.
- *Old Norco School (Community Center):* (History summarized above.) A very intact building associated many phases of Norco's history.
- *Norco Library:* Actually two interconnected buildings, the northerly of which housed the Orange Heights Water Company and North Corona Land Company, and the southerly part of which was built as Norco's first privately constructed and owned commercial building. A façade placed over the Orange Heights Water Company building could be removed to reveal the original building behind it.
- *Norco Garage:* The oldest building remaining from Norco's original town center, it served as a garage, gasoline station, and post office. A western false front placed over the front of the

building could be removed to reveal the historic building behind. Flaking paint and plaster on the side walls could be removed to fully expose the historic signs painted on the building's original Norco produced concrete block.

- *Residence West of Norco Garage:* One of the earliest residences in the town center.
- *Old Hamner Avenue:* Norco's original "main street" this two lane section of Hamner Avenue, including several historic trees, became a "time capsule" of Norco's commercial history when Hamner Avenue was realigned in the early 1940s.

Ineligible for Historic Designation: Of the 319 properties surveyed, 247 were determined ineligible for historic designation at any level. These include all properties listed in the Master Table of Properties with status codes beginning with a 6.

Fifty three of these properties, however, retain enough historic fabric that they should be given some consideration in local planning. They are identified with the status code of 6L in the Master Table of Properties. These resources typically have alterations or additions that detract from their historic integrity. If they were restored, they might qualify for historic designation. Even if not restored, however, they may qualify for the honorary Point of Historical Interest designation under the local ordinance.

The remaining 194 properties with little or no historic integrity are listed with a status code of 6Z in the Master Table of Properties.

Neither the 6L nor the 6Z resources are considered "historical resources" for the purposes of CEQA.

Resources that Were Not Evaluated: A total of 48 resources were not formally evaluated. Seven of these could not be seen well enough from the public right-of-way to allow for formal evaluation. The remaining 34 date to the 1940–1945 period and their status codes will be determined as part of the post World War II context statement. All unevaluated properties are listed in Appendix B's Master Table of Properties with a status code of 7R.

Conclusions and Recommendations: The conclusions and recommendations of this report may be found beginning on page 106.

RESOLUTION NO. 2012-____

A RESOLUTION OF THE CITY OF NORCO, CALIFORNIA, APPROVING THE PHASE I SURVEY OF NORCO HISTORIC RESOURCES

WHEREAS, in the fall of 2009, Norco became the State's 57th Certified Local Government.; and

WHEREAS, CLG status recognizes Norco as having a professionally qualified historic preservation program; and

WHEREAS, among the City's obligations to retain this status is the requirement that it conduct surveys to determine which properties may qualify for historic designation; and

WHEREAS, adoption of the Phase I Survey of Norco Historic Resources will allow the City to retain its CLG status and to use the survey in any future historic preservation related work; and

WHEREAS, adoption of the survey includes adoption of the survey results and the report's recommendations.

NOW, THEREFORE, the City Council of the City of Norco does hereby ordain as follows:

SECTION 1. The City Council hereby adopts and approves the Phase I Survey of Norco Historic Resources.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on October 17, 2012.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, CMC, City Clerk
City of Norco, California

October 17, 2012

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California do hereby certify that the foregoing Resolution was introduced and adopted by the City Council of the City of Norco at a meeting held on October 17, 2012 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California on October 17, 2012.

Brenda K. Jacobs, CMC, City Clerk
City of Norco, California

/bj-81046