

## Appendix B      Regulatory Standards

## Appendices

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# Regulatory Standards

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## 1. AESTHETICS

### Federal Regulations

#### National Scenic Byways Program

The National Scenic Byways program is part of the U.S. Department of Transportation, Federal Highway Administration. The program was established under the Intermodal Surface Transportation Efficiency Act of 1991 and was reauthorized in 1998 under the Transportation Equity Act for the 21st Century. Under the program, the U.S. Secretary of Transportation recognizes certain roads as National Scenic Byways or All-American Roads based on their archaeological, cultural, historic, natural, recreational, and scenic qualities. The only National Scenic Byway located within southern California is the Arroyo Seco Historic Parkway – Route 110 in Los Angeles County. The National Scenic Byway is not located in the vicinity of the proposed project.

### State Regulations

#### State Scenic Highway Program

The State Scenic Highway Program, created by the California Legislature in 1963, was established to preserve and protect scenic highway corridors from change that would diminish the aesthetic value of lands adjacent to highways. A scenic highway is designated under this program when a local jurisdiction adopts a scenic corridor protection program, applies to Caltrans for scenic highway approval, and receives notification from Caltrans that the highway has been designated as a Scenic Highway. When a City or County nominates an eligible scenic highway for official designation, it defines the scenic corridor, which is land generally adjacent and visible to a motorist on the highway. State Laws governing the Scenic Highway Program are found in the Streets and Highways Code, Sections 260 through 263. There are no known State Scenic Highways in the vicinity of the proposed project.

### Local Regulations

#### City of Walnut General Plan

Future development in the City of Walnut is guided by the City's General Plan, which was adopted in 2018. The Land Use and Community Design Element; Circulation Element; Conservation, Open Space, and Recreation Element; and Community Facilities and Infrastructure Element include policies pertaining to aesthetics and visual resources.

#### Walnut Municipal Code

Chapter 6.84 (Site Plan and Architectural Review) of the Walnut Municipal Code (WMC) establishes procedures for review of development in the City. Architectural review is required prior to issuance of any building or use

## Regulatory Standards

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permit for construction, alteration or addition to any building or structure, including signs or outdoor advertising structures in any zone in the City.

The WMC further establishes standards for development that relate to visual quality. Development standards such as building heights, lot coverage, setbacks, landscaping, signage, lighting and access are identified for each zone. In addition, the WMC provides a citywide Oak/Walnut Tree Preservation ordinance that establishes standards for protection of the environmental, aesthetic, and cultural value of trees in the City. (WMC Chapter 6.52, Article V).

## 2. AIR QUALITY

### Federal and State

#### Ambient Air Quality Standards

The Clean Air Act was passed in 1963 by the US Congress and has been amended several times. The 1970 Clean Air Act amendments strengthened previous legislation and laid the foundation for the regulatory scheme of the 1970s and 1980s. In 1977, Congress again added several provisions, including nonattainment requirements for areas not meeting National AAQS and the Prevention of Significant Deterioration program. The 1990 amendments represent the latest in a series of federal efforts to regulate the protection of air quality in the United States. The Clean Air Act allows states to adopt more stringent standards or to include other pollution species. The California Clean Air Act, signed into law in 1988, requires all areas of the state to achieve and maintain the California AAQS by the earliest practical date. The California AAQS tend to be more restrictive than the National AAQS.

These National and California AAQS are the levels of air quality considered to provide a margin of safety in the protection of the public health and welfare. They are designed to protect “sensitive receptors” most susceptible to further respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed.

Both California and the federal government have established health-based AAQS for seven air pollutants. As shown in Table A-1, *Ambient Air Quality Standards for Criteria Pollutants*, these pollutants are O<sub>3</sub>, NO<sub>2</sub>, CO, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and Pb. In addition, the state has set standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles. These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety.

**Table A-1** Ambient Air Quality Standards for Criteria Pollutants

Pollutant	Averaging Time	California Standard <sup>1</sup>	Federal Primary Standard <sup>2</sup>	Major Pollutant Sources
Ozone (O <sub>3</sub> ) <sup>3</sup>	1 hour	0.09 ppm	*	Motor vehicles, paints, coatings, and solvents.
	8 hours	0.070 ppm	0.070 ppm	
Carbon Monoxide (CO)	1 hour	20 ppm	35 ppm	Internal combustion engines, primarily gasoline-powered motor vehicles.
	8 hours	9.0 ppm	9 ppm	

Table A-1 Ambient Air Quality Standards for Criteria Pollutants

Pollutant	Averaging Time	California Standard <sup>1</sup>	Federal Primary Standard <sup>2</sup>	Major Pollutant Sources
Nitrogen Dioxide (NO <sub>2</sub> )	Annual Arithmetic Mean	0.030 ppm	0.053 ppm	Motor vehicles, petroleum-refining operations, industrial sources, aircraft, ships, and railroads.
	1 hour	0.18 ppm	0.100 ppm	
Sulfur Dioxide (SO <sub>2</sub> ) <sup>5</sup>	Annual Arithmetic Mean	*	0.030 ppm	Fuel combustion, chemical plants, sulfur recovery plants, and metal processing.
	1 hour	0.25 ppm	0.075 ppm	
	24 hours	0.04 ppm	0.14 ppm	
Respirable Coarse Particulate Matter (PM <sub>10</sub> )	Annual Arithmetic Mean	20 µg/m <sup>3</sup>	*	Dust and fume-producing construction, industrial, and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g., wind-raised dust and ocean sprays).
	24 hours	50 µg/m <sup>3</sup>	150 µg/m <sup>3</sup>	
Respirable Fine Particulate Matter (PM <sub>2.5</sub> ) <sup>4</sup>	Annual Arithmetic Mean	12 µg/m <sup>3</sup>	12 µg/m <sup>3</sup>	Dust and fume-producing construction, industrial, and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g., wind-raised dust and ocean sprays).
	24 hours	*	35 µg/m <sup>3</sup>	
Lead (Pb)	30-Day Average	1.5 µg/m <sup>3</sup>	*	Present source: lead smelters, battery manufacturing & recycling facilities. Past source: combustion of leaded gasoline.
	Calendar Quarter	*	1.5 µg/m <sup>3</sup>	
	Rolling 3-Month Average	*	0.15 µg/m <sup>3</sup>	
Sulfates (SO <sub>4</sub> )	24 hours	25 µg/m <sup>3</sup>	*	Industrial processes.
Visibility Reducing Particles	8 hours	ExCo =0.23/km visibility of 10≥ miles	*	Visibility-reducing particles consist of suspended particulate matter, which is a complex mixture of tiny particles that consists of dry solid fragments, solid cores with liquid coatings, and small droplets of liquid. These particles vary greatly in shape, size and chemical composition, and can be made up of many different materials such as metals, soot, soil, dust, and salt.
Hydrogen Sulfide	1 hour	0.03 ppm	*	Hydrogen sulfide (H <sub>2</sub> S) is a colorless gas with the odor of rotten eggs. It is formed during bacterial decomposition of sulfur-containing organic substances. Also, it can be present in sewer gas and some natural gas and can be emitted as the result of geothermal energy exploitation.
Vinyl Chloride	24 hours	0.01 ppm	*	Vinyl chloride (chloroethene), a chlorinated hydrocarbon, is a colorless gas with a mild, sweet odor. Most vinyl chloride is used to make polyvinyl chloride (PVC) plastic and vinyl products. Vinyl chloride has been detected near landfills, sewage plants, and hazardous waste sites, due to microbial breakdown of chlorinated solvents.

Table A-1 Ambient Air Quality Standards for Criteria Pollutants

Pollutant	Averaging Time	California Standard <sup>1</sup>	Federal Primary Standard <sup>2</sup>	Major Pollutant Sources
<p>Source: CARB 2016.                      Notes: ppm: parts per million; µg/m<sup>3</sup>: micrograms per cubic meter                      * Standard has not been established for this pollutant/duration by this entity.  <sup>1</sup> California standards for O<sub>3</sub>, CO (except 8-hour Lake Tahoe), SO<sub>2</sub> (1 and 24 hour), NO<sub>2</sub>, and particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.  <sup>2</sup> National standards (other than O<sub>3</sub>, PM, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The O<sub>3</sub> standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM<sub>10</sub>, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m<sup>3</sup> is equal to or less than one. For PM<sub>2.5</sub>, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard.  <sup>3</sup> On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.  <sup>4</sup> On December 14, 2012, the national annual PM<sub>2.5</sub> primary standard was lowered from 15 µg/m<sup>3</sup> to 12.0 µg/m<sup>3</sup>. The existing national 24-hour PM<sub>2.5</sub> standards (primary and secondary) were retained at 35 µg/m<sup>3</sup>, as was the annual secondary standard of 15 µg/m<sup>3</sup>. The existing 24-hour PM<sub>10</sub> standards (primary and secondary) of 150 µg/m<sup>3</sup> also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.  <sup>5</sup> On June 2, 2010, a new 1-hour SO<sub>2</sub> standard was established, and the existing 24-hour and annual primary standards were revoked. The 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.</p>				

## State

California has also adopted a host of other regulations that reduce criteria pollutant emissions.

- **Assembly Bill (AB) 1493: Pavley Fuel Efficiency Standards.** Pavley I is a clean-car standard that reduces greenhouse gas (GHG) emissions from new passenger vehicles (light-duty auto to medium-duty vehicles) from 2009 through 2016. In January 2012, CARB approved the Advanced Clean Cars program (formerly known as Pavley II) for model years 2017 through 2025.
- **Heavy-Duty (Tractor-Trailer) GHG Regulation.** The tractors and trailers subject to this regulation must either use EPA SmartWay-certified tractors and trailers or retrofit their existing fleet with SmartWay-verified technologies. The regulation applies primarily to owners of 53-foot or longer box-type trailers, including both dry-van and refrigerated-van trailers, and owners of the heavy-duty tractors that pull them on California highways. These owners are responsible for replacing or retrofitting their affected vehicles with compliant aerodynamic technologies and low rolling resistance tires. Sleeper cab tractors model year 2011 and later must be SmartWay certified. All other tractors must use SmartWay-verified low-rolling-resistance tires. There are also requirements for trailers to have low-rolling-resistance tires and aerodynamic devices.
- **SB 1078 and SB 107. Renewables Portfolio Standards.** A major component of California’s Renewable Energy Program is the renewables portfolio standard established under Senate Bills 1078 (Sher) and 107 (Simitian). Under this standard, certain retail sellers of electricity were required to increase the amount of renewable energy each year by at least 1 percent in order to reach at least 20 percent by December 30, 2010.
- **California Code of Regulations (CCR), Title 20: Appliance Energy Efficiency Standards.** The 2006 Appliance Efficiency Regulations (20 CCR sections 1601–1608) were adopted by the California Energy Commission on October 11, 2006, and approved by the California Office of Administrative Law on December 14, 2006. The regulations include standards for both federally regulated appliances and non–federally regulated appliances.

- **24 CCR, Part 6: Building and Energy Efficiency Standards.** Energy conservation standards for new residential and nonresidential buildings adopted by the California Energy Resources Conservation and Development Commission (now the California Energy Commission) in June 1977.
- **24 CCR, Part 11: Green Building Standards Code.** Establishes planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants.<sup>1</sup>

### Tanner Air Toxics Act and Air Toxics Hot Spot Information and Assessment Act

Public exposure to TACs is a significant environmental health issue in California. In 1983, the California legislature enacted a program to identify the health effects of TACs and reduce exposure to them. The California Health and Safety Code defines a TAC as “an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health” (17 CCR sec. 93000). A substance that is listed as a hazardous air pollutant pursuant to Section 112(b) of the federal Clean EPA Protection Agency, acting through CARB, is authorized to identify a substance as a TAC if it is an air pollutant that may cause or contribute to an increase in mortality or serious illness, or may pose a present or potential hazard to human health.

California regulates TACs primarily through AB 1807 (Tanner Air Toxics Act) and AB 2588 (Air Toxics “Hot Spot” Information and Assessment Act of 1987). The Tanner Air Toxics Act set up a formal procedure for CARB to designate substances as TACs. Once a TAC is identified, CARB adopts an “airborne toxics control measure” for sources that emit that TAC. If there is a safe threshold for a substance (i.e., a point below which there is no toxic effect), the control measure must reduce exposure to below that threshold. If there is no safe threshold, the measure must incorporate “toxics best available control technology” to minimize emissions. To date, CARB has established formal control measures for 11 TACs that are identified as having no safe threshold.

Under AB 2588, TAC emissions from individual facilities are quantified and prioritized by the air quality management district or air pollution control district. High-priority facilities are required to perform a health risk assessment, and if specific thresholds are exceeded, are required to communicate the results to the public through notices and public meetings.

CARB has promulgated the following specific rules to limit TAC emissions:

- **13 CCR Chapter 10 Section 2485: Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.** Generally restricts on-road diesel-powered commercial motor vehicles with a gross vehicle weight rating of greater than 10,000 pounds from idling more than five minutes.
- **13 CCR Chapter 10 Section 2480: Airborne Toxic Control Measure to Limit School Bus Idling and Idling at Schools.** Generally restricts a school bus or transit bus from idling for more than five minutes when within 100 feet of a school.

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<sup>1</sup> The green building standards became mandatory in the 2010 edition of the code.

- **13 CCR Section 2477 and Article 8: Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets and Facilities Where TRUs Operate.** Regulations established to control emissions associated with diesel-powered TRUs.

## Regional

### Air Quality Management Planning

The South Coast AQMD is the agency responsible for improving air quality in the SoCAB and ensuring that the National and California AAQS are attained and maintained. South Coast AQMD is responsible for preparing the air quality management plan (AQMP) for the SoCAB in coordination with the Southern California Association of Governments (SCAG). The AQMP is a regional strategy plan to achieve air quality standards by examining emissions, looking at regional growth projections, and the impact of existing and proposed control measures to provide healthful air in the long-term. Since 1979, a number of AQMPs have been prepared.

The Clean Air Act requires CARB to develop a SIP that describes how an area will attain national AAQS. The AQMP provides the framework for air quality basins to achieve attainment of the state and federal ambient air quality standards through the SIP. Areas are classified as unclassified, attainment, or nonattainment areas for a particular pollutant depending on whether they meet the AAQs. Severity classifications for ozone nonattainment range in magnitude from marginal, moderate, and serious to severe and extreme.

- ***Unclassified.*** A pollutant is designated unclassified if the data are incomplete and do not support a designation of attainment or nonattainment.
- ***Attainment.*** A pollutant is in attainment if the AAQS for that pollutant was not violated at any site in the area during a three-year period.
- ***Nonattainment.*** A pollutant is in nonattainment if there was at least one violation of an AAQS for that pollutant in the area.
- ***Nonattainment/Transitional.*** A subcategory of the nonattainment designation. An area is designated nonattainment/transitional to signify that the area is close to attaining the AAQS for that pollutant.

### 2022 AQMP

South Coast AQMD adopted the 2022 AQMP on December 2, 2022, which serves as an update to the 2017 AQMP. On October 1, 2015, the EPA strengthened the National AAQS for ground-level ozone, lowering the primary and secondary ozone standard levels to 70 parts per billion (ppb) (2015 Ozone National AAQS.). The SoCAB is currently classified as an “extreme” nonattainment for the 2015 Ozone National AAQS. Meeting the 2015 federal ozone standard requires reducing NO<sub>x</sub> emissions, the key pollutant that creates ozone, by 67 percent more than is required by adopted rules and regulations in 2017. The only way to achieve the required NO<sub>x</sub> reductions is through extensive use of zero emission (ZE) technologies across all stationary and mobile sources. South Coast AQMD’s primary authority is over stationary sources which account for approximately 20 percent of NO<sub>x</sub> emissions. The overwhelming majority of NO<sub>x</sub> emissions are from heavy-duty trucks, ships and other State and federally regulated mobile sources that are mostly beyond the South Coast AQMD’s control. The region will not meet the standard absent significant federal action. In addition to federal action, the 2022 AQMP requires substantial reliance on future deployment of advanced technologies to meet the standard. The



control strategy for the 2022 AQMP includes aggressive new regulations and the development of incentive programs to support early deployment of advanced technologies. The two key areas for incentive programs are (1) promoting widespread deployment of available ZE and low-NO<sub>x</sub> technologies and (2) developing new ZE and ultra-low NO<sub>x</sub> technologies for use in cases where the technology is not currently available. South Coast AQMD is prioritizing distribution of incentive funding in Environmental Justice areas and seeking opportunities to focus benefits on the most disadvantaged communities (South Coast AQMD 2022).

### **South Coast AQMD PM<sub>2.5</sub> Redesignation Request and Maintenance Plan**

In 1997, the EPA adopted the 24-hour fine PM<sub>2.5</sub> standard of 65 micrograms per cubic meter (µg/m<sup>3</sup>). In 2006, this standard was lowered to a more health-protective level of 35 µg/m<sup>3</sup>. The SoCAB is designated nonattainment for both the 65 and 35 µg/m<sup>3</sup> 24-hour PM<sub>2.5</sub> standards (24-hour PM<sub>2.5</sub> standards). In 2020, monitored data demonstrated that the SoCAB attained both 24-hour PM<sub>2.5</sub> standards. The South Coast AQMD has developed the “2021 Redesignation Request and Maintenance Plan” for the 1997 and 2006 24-hour PM<sub>2.5</sub> Standards demonstrating that the SoCAB has met the requirements to be redesignated to attainment for the 24-hour PM<sub>2.5</sub> standards (South Coast AQMD 2021b).

### **AB 617, Community Air Protection Program**

AB 617 (C. Garcia, Chapter 136, Statutes of 2017) requires local air districts to monitor and implement air pollution control strategies that reduce localized air pollution in communities that bear the greatest burdens. In response to AB 617, CARB has established the Community Air Protection Program.

Air districts are required to host workshops to help identify disadvantaged communities that are disproportionately affected by poor air quality. Once the criteria for identifying the highest priority locations have been identified and the communities have been selected, new community monitoring systems would be installed to track and monitor community-specific air pollution goals. In 2018 CARB prepared an air monitoring plan, the Community Air Protection Blueprint (Blueprint) that evaluates the availability and effectiveness of air monitoring technologies and existing community air monitoring networks. Under AB 617, the Blueprint is required to be updated every five years.

Under AB 617, CARB is also required to prepare a statewide strategy to reduce TACs and criteria pollutants in impacted communities; provide a statewide clearinghouse for best available retrofit control technology; adopt new rules requiring the latest best available retrofit control technology for all criteria pollutants for which an area has not achieved attainment of California AAQS; and provide uniform, statewide reporting of emissions inventories. Air districts are required to adopt a community emissions reduction program to achieve reductions for the communities impacted by air pollution that CARB identifies.

### **Lead Implementation Plan**

In 2008, the EPA designated the Los Angeles County portion of the SoCAB as a nonattainment area under the federal lead (Pb) classification because of the addition of source-specific monitoring under the new federal regulation. This designation was based on two source-specific monitors in the City of Vernon and the City of Industry that exceeded the new standard in the 2007 to 2009 period. The remainder of the SoCAB, outside the Los Angeles County nonattainment area, remains in attainment of the new 2008 lead standard. On May 24, 2012, CARB approved the SIP revision for the federal lead standard, which the EPA revised in 2008. Lead concentrations in this nonattainment area have been below the level of the federal standard since December 2011. The SIP revision was submitted to the EPA for approval.

### South Coast AQMD Rules and Regulations

All projects within the SoCAB are subject to South Coast AQMD rules and regulations in effect at the time of activity.

- **Rule 401, Visible Emissions.** This rule is intended to prevent the discharge of pollutant emissions from an emissions source that results in visible emissions. Specifically, the rule prohibits the discharge of any air contaminant into the atmosphere by a person from any single source of emission for a period or periods aggregating more than three minutes in any one hour that is as dark as or darker than designated No. 1 on the Ringelmann Chart, as published by the US Bureau of Mines.
- **Rule 402, Nuisance.** This rule is intended to prevent the discharge of pollutant emissions from an emissions source that results in a public nuisance. Specifically, this rule prohibits any person from discharging quantities of air contaminants or other material from any source such that it would result in an injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public. Additionally, the discharge of air contaminants would also be prohibited where it would endanger the comfort, repose, health, or safety of any number of persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property. This rule does not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.
- **Rule 403, Fugitive Dust.** This rule is intended to reduce the amount of particulate matter entrained in the ambient air as a result of anthropogenic (human-made) fugitive dust sources by requiring actions to prevent, reduce, or mitigate fugitive dust emissions. Rule 403 applies to any activity or human-made condition capable of generating fugitive dust and requires best available control measures to be applied to earth-moving and grading activities.
- **Rule 445, Wood Burning Devices.** In general, the rule prohibits new developments from the installation of wood-burning devices. This rule is intended to reduce the emission of particulate matter from wood-burning devices and applies to manufacturers and sellers of wood-burning devices, commercial sellers of firewood, and property owners and tenants that operate a wood-burning device.
- **Rule 1113, Architectural Coatings.** This rule serves to limit the VOCs content of architectural coatings used on projects in the South Coast AQMD. Any person who supplies, sells, offers for sale, or manufactures any architectural coating for use on projects in the South Coast AQMD must comply with the current VOC standards set in this rule.
- **Rule 1403, Asbestos Emissions from Demolition/Renovation Activities.** The purpose of this rule is to specify work practice requirements to limit asbestos emissions from building demolition and renovation activities, including the removal and associated disturbance of asbestos-containing materials (ACM). The requirements for demolition and renovation activities include asbestos surveying, notification, ACM removal procedures and time schedules, ACM handling and clean-up procedures, and storage, disposal, and landfilling requirements for asbestos-containing waste materials. All operators are required to maintain records, including waste shipment records, and are required to use appropriate warning labels, signs, and markings.

### 3. BIOLOGICAL RESOURCES

#### Federal Regulations

##### Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973, as amended, protects and conserves any species of plant or animal that is endangered or threatened with extinction, as well as the habitats where these species are found. “Take” of endangered species is prohibited under Section 9 of the FESA. “Take” means to “harass, harm, pursue, hunt, wound, kill, trap, capture, collect, or attempt to engage in any such conduct.” Section 7 of the FESA requires federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) on proposed federal actions that may affect any endangered, threatened, or proposed (for listing) species or critical habitat that may support the species. Section 4(a) of the FESA requires that critical habitat be designated by the USFWS “to the maximum extent prudent and determinable, at the time a species is determined to be endangered or threatened.” This provides guidance for planners/managers and biologists by indicating locations of suitable habitat and where preservation of a particular species has high priority. Section 10 of the FESA provides the regulatory mechanism for incidental take of a listed species by private interests and nonfederal government agencies during lawful activities. Habitat conservation plans (HCPs) for the impacted species must be developed in support of incidental take permits to minimize impacts to the species and formulate viable mitigation measures.

##### Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 (MBTA) affirms and implements the United States’ commitment to four international conventions—with Canada, Japan, Mexico, and Russia—to protect shared migratory bird resources. The MBTA governs the take, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. It prohibits the take, possession, import, export, transport, sale, purchase, barter, or offering of these items, except under a valid permit or as permitted in the implementing regulations. USFWS administers permits to take migratory birds in accordance with the MBTA.

##### Clean Water Act, Section 404

The United States Army Corps of Engineers (Corps) regulates discharge of dredged or fill material into “waters of the United States.” Any filling or dredging within waters of the United States requires a permit, which entails assessment of potential adverse impacts to Corps wetlands and jurisdictional waters and any mitigation measures that the Corps requires. Section 7 consultation with USFWS may be required for impacts to a federally listed species. If cultural resources may be present, Section 106 review may also be required. When a Section 404 permit is required, a Section 401 Water Quality Certification is also required from the Regional Water Quality Control Board (RWQCB).

##### Clean Water Act, Sections 401 and 402

Section 401(a)(1) of the CWA specifies that any applicant for a federal license or permit to conduct any activity that may result in any discharge into navigable waters shall provide the federal permitting agency with a certification, issued by the state in which the discharge originates, that any such discharge will comply with the applicable provisions of the CWA. In California, the applicable RWQCB must certify that the project will comply with water quality standards. Permits requiring Section 401 certification include Corps Section 404

permits and National Pollutant Discharge Elimination System (NPDES) permits issued by the Environmental Protection Agency (EPA) under Section 402 of the CWA. NPDES permits are issued by the applicable RWQCB. The City of XXX is in the jurisdiction of the Santa Ana RWQCB (Region 8).

## State Regulations

### California Fish and Game Code, Section 1600

Section 1600 of the California Fish and Game Code requires a project proponent to notify the California Department of Fish and Wildlife (CDFW) of any proposed alteration of streambeds, rivers, and lakes. The intent is to protect habitats that are important to fish and wildlife. CDFW may review and place conditions on the project, as part of a Streambed Alteration Agreement (SAA), that address potentially significant adverse impacts within CDFW's jurisdictional limits.

### California Endangered Species Act

The California Endangered Species Act (CESA) generally parallels the main provisions of the FESA and is administered by the CDFW. Its intent is to prohibit take and protect state-listed endangered and threatened species of fish, wildlife, and plants. Unlike its federal counterpart, CESA also applies the take prohibitions to species petitioned for listing (state candidates). Candidate species may be afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the Fish and Game Commission. Unlike the FESA, CESA does not include listing provisions for invertebrate species. Under certain conditions, CESA has provisions for take through a 2081 permit or memorandum of understanding (MOU). In addition, some sensitive mammals and birds are protected by the state as “fully protected species.” California “species of special concern” are species designated as vulnerable to extinction due to declining population levels, limited ranges, and/or continuing threats. This list is primarily a working document for the CDFW's California Natural Diversity Database (CNDDDB), which maintains a record of known and recorded occurrences of sensitive species. Informally listed taxa are not protected per se but warrant consideration in the preparation of biological resources assessments.

## Regional Regulations

### County of Los Angeles Significant Ecological Areas

The County of Los Angeles maintains an inventory of undeveloped lands designated as Significant Ecological Areas (SEAs). SEAs are defined as ecologically important land and water systems that support valuable habitat for plants and animals, and are often integral to the preservation of rare, threatened, or endangered species and the conservation of biological diversity in the County.<sup>2</sup> The project site is not included within a SEA.<sup>3</sup>

## Local Regulations

### City of Walnut Municipal Code

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<sup>2</sup> Los Angeles County, Significant Ecological Areas Program, accessed November 14, 2023, <https://planning.lacounty.gov/long-range-planning/significant-ecological-areas-program/>.

<sup>3</sup> Los Angeles County, Significant Ecological Areas: Inventory (GIS web map), accessed November 14, 2023, <https://lacounty.maps.arcgis.com/apps/webappviewer/index.html?id=9c9047fe1d2844f387f8ca1777f009fc>.

## Chapter 5.20, Public Tree Preservation

Chapter 5.20, Public Tree Preservation, implements the provisions and responsibilities of the City's Tree Policy Manual which is the City of Walnut's official guideline for the planting, pruning, removal, preservation, and protection of City-owned/maintained trees. This policy is based on nationally accepted standards for tree care and acts as the source reference by City staff for the implementation of the duties, authorities and regulations delineated in Chapter 5.20.

## Chapter 6.52, Article V., Oak/Walnut Tree Preservation

Trees protected by the City of Walnut's Oak/Walnut Tree Preservation Ordinance (No. 03-05, § 1; City of Walnut Municipal Code Section 6.52.240 et seq.), include "any oak tree of the genus *Quercus* including, but not limited to, Blue Oak (*Quercus douglasii*), California Black Oak (*Quercus kelloggii*), Valley Oak (*Quercus lobata*), California-Live Oak (*Quercus agrifolia*), Canyon Oak (*Quercus chrysolepia*), Interior Live Oak (*Quercus wislizenii*), Scrub Oak (*Quercus dumosa*), and California Black Walnut (*Juglans californica*)."

The Ordinance and WMC sections state the following: "No person, partnership, firm, corporation, government agency, or other legal entity shall cut, prune, remove, relocate, endanger or damage any tree protected by this division on any land located within the incorporated areas of the City of Walnut except in accordance with the conditions of a valid tree permit issued by the city." (WMC Section 6.52.240) It shall be the policy of the City of Walnut to require the preservation of all healthy trees unless compelling reasons justify the removal of such trees. This policy shall apply to the removal, pruning, cutting and/or encroachment into the protected zone of the trees. The community development department shall have the primary and overall responsibility to administer, evaluate and monitor this policy to assure strict compliance." (WMC Section 6.52.250)

## 4. CULTURAL RESOURCES

### Federal Regulations

#### National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) coordinates public and private efforts to identify, evaluate, and protect the nation's historic and archaeological resources. The act authorized the National Register of Historic Places, which lists districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture.

Section 106 (Protection of Historic Properties) of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties. Section 106 Review ensures that historic properties are considered during federal project planning and implementation. The Advisory Council on Historic Preservation, an independent federal agency, administers the review process with assistance from state historic preservation offices.

#### Archaeological Resources Protection Act

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological resources and sites on federal and Indian lands.

## State Regulations

### California Environmental Quality Act

CEQA requires a lead agency to analyze whether historic and/or archaeological resources may be adversely impacted by a proposed project. Under CEQA, a “project that may cause a substantial adverse change in the significance of a historic resource is a project that may have a significant effect on the environment” (PRC Section 21084.1). Answering this question is a two-part process. First, a determination must be made as to whether the proposed project involves cultural resources. Second, if cultural resources are present, the proposed project must be analyzed for a potential “substantial adverse change in the significance” of the resource.

### Historical Resources

According to CEQA Guidelines Section 15064.5, for the purposes of CEQA, historical resources are:

A resource listed in, or formally determined eligible...for listing in the California Register of Historical Resources (PRC 5024.1, Title 14 California Code of Regulations [CCR], Section 4850 et seq.)

A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the PRC or identified as significance in a historic resources survey meeting the requirements of Section 5024.1(g) of the PRC.

Any object, building, structure, site, area, place, record, or manuscript that the lead agency determines to be eligible for national, state, or local landmark listing; generally, a resource shall be considered by the lead agency to be historically significant (and therefore a historic resource under CEQA if the resource meets the criteria for listing on the California Register (as defined in PRC Section 5024.1, Title 14 CCR, Section 4852).

Resources nominated to the CRHR must retain enough of their historic character or appearance to convey the reasons for their significance. Resources whose historic integrity (as defined above) does not meet NRHP criteria may still be eligible for listing in the CRHR.

According to CEQA, the fact that a resource is not listed in or determined eligible for listing in the CRHR or is not included in a local register or survey shall not preclude the lead agency from determining that the resource may be a historical resource (PRC Section 5024.1). Pursuant to CEQA, a project with an effect that may cause a substantial adverse change in the significance of a historical resource may have a significant effect on the environment (State CEQA Guidelines, Section 15064.5[b]).

### Substantial Adverse Change and Indirect Impacts to Historical Resources

CEQA Guidelines specify that a “substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” (State CEQA Guidelines, Section 15064.5). Material impairment occurs when a project alters in an adverse manner or demolishes “those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion” or eligibility for inclusion in the NRHP, CRHR, or local register. In addition, pursuant to State CEQA Guidelines Section 15126.2, the “direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects.”

The following guides and requirements are of relevance to this study's analysis of indirect impacts to historic resources. Pursuant to CEQA Guidelines (Section 15378), study of a project under CEQA requires consideration of "the whole of an action, which has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." State CEQA Guidelines (Section 15064(d)) further define direct and indirect impacts:

- (1) A direct physical change in the environment is a physical change in the environment which is caused by and immediately related to the project
- (2) An indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment.
- (3) An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project.

### **Archaeological Resources**

In terms of archaeological resources, PRC Section 21083.2(g) defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- (1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
- (2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.

If it can be demonstrated that a proposed project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that they cannot be left undisturbed, mitigation measures are required (PRC Sections 21083.2[a], [b], and [c]). CEQA notes that, if an archaeological resource is neither a unique archaeological resource nor a historical resource, the effects of the project on those resources shall not be considered to be a significant effect on the environment (State CEQA Guidelines Section 15064.5[c][4]).

### **California Public Resources Code**

Archaeological, paleontological, and historical sites are protected under a wide variety of state policies and regulations in the California Public Resources Code (PRC). In addition, cultural and paleontological resources are recognized as nonrenewable resources and receive protection under the PRC and CEQA.

PRC Sections 5020 to 5029.5 continued the former Historical Landmarks Advisory Committee as the State Historical Resources Commission. The commission oversees the administration of the California Register of Historical Resources and is responsible for designating State Historical Landmarks and Historical Points of Interest.

PRC Sections 5079 to 5079.65 define the functions and duties of the Office of Historic Preservation (OHP), which administers federal- and state-mandated historic preservation programs in California as well as the California Heritage Fund.

## Local Regulations

### City of Walnut Municipal Code

Chapter 6.104, *Historical Preservation*, of the City of Walnut Municipal Code establishes the City's procedures and guidelines for the preservation of historically and culturally significant cultural resources. Section 6.104.060, Criteria for establishment of a historical resource, notes criteria for landmarks to be considered historic by the City. Per Section 6.104.090, Historical Resources Register, the City maintains a historical resources register.

## 5. ENERGY

### Federal Regulations

#### Federal Energy Policy and Conservation Act

The Energy Policy and Conservation Act of 1975 was established in response to the 1973 oil crisis. The act created the Strategic Petroleum Reserve, established vehicle fuel economy standards, and prohibited the export of US crude oil (with a few limited exceptions). It also created Corporate Average Fuel Economy (CAFE) standards for passenger cars starting in model year 1978. The CAFE standards are updated periodically to account for changes in vehicle technologies, driver behavior, and/or driving conditions.

The federal government issued new CAFE standards in 2012 for model years 2017 to 2025 that required a fleet average of 54.5 miles per gallon (mpg) for model year 2025. However, on March 30, 2020, the US Environmental Protection Agency (EPA) finalized an updated CAFE and greenhouse gas (GHG) emissions standards for passenger cars and light trucks and established new standards covering model years 2021 through 2026, known as the Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule for Model Years 2021–2026. Under SAFE, the fuel economy standards will increase 1.5 percent per year compared to the 5 percent per year under the CAFE standards established in 2012. Overall, SAFE requires a fleet average of 40.4 mpg for model year 2026 vehicles (85 Federal Register 24174 (April 30, 2020)).

On December 21, 2021, under direction of Executive Order (EO) 13990 issued by President Biden, the National Highway Traffic Safety Administration repealed Safer Affordable Fuel Efficient Vehicles Rule Part One, which had preempted state and local laws related to fuel economy standards. In addition, on March 31, 2022, the National Highway Traffic Safety Administration finalized new fuel standards in response to EO 13990. Fuel efficiency under the standards proposed will increase 8 percent annually for model years 2024 to 2025 and 10 percent annually for model year 2026. Overall, the new CAFE standards require a fleet average of 49 MPG for passenger vehicles and light trucks for model year 2026, which would be a 10 MPG increase relative to model year 2021 (NHTSA 2022).

#### Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 (Public Law 110-140) seeks to provide the nation with greater energy independence and security by increasing the production of clean renewable fuels; improving vehicle fuel economy; and increasing the efficiency of products, buildings, and vehicles. It also seeks to improve



the energy performance of the federal government. The Act set higher CAFE standards; the Renewable Fuel Standard; appliance energy efficiency standards; building energy efficiency standards; and accelerated research and development tasks on renewable energy sources (e.g., solar energy, geothermal energy, and marine and hydrokinetic renewable energy technologies), carbon capture, and sequestration (USEPA 2022).

### Energy Policy Act of 2005

Passed by Congress in July 2005, the Energy Policy Act includes a comprehensive set of provisions to address energy issues. This Act includes tax incentives for energy conservation improvements in commercial and residential buildings, fossil fuel production and clean coal facilities, and construction and operation of nuclear power plants, among other things. Subsidies are also included for geothermal, wind energy, and other alternative energy producers.

### National Energy Policy

Established in 2001 by the National Energy Policy Development Group, the National Energy Policy is designed to help the private sector and state and local governments promote dependable, affordable, and environmentally sound production and distribution of energy for the future. Key issues addressed by the energy policy are energy conservation, repair and expansion of energy infrastructure, and ways of increasing energy supplies while protecting the environment.

### Natural Gas Pipeline Safety Act of 1968

The Natural Gas Pipeline Safety Act of 1968 authorizes the United States Department of Transportation to regulate pipeline transportation of flammable, toxic, or corrosive natural gas and other gases as well as the transportation and storage of liquefied natural gas. The Pipeline and Hazardous Materials Safety Administration within the Department of Transportation develops and enforces regulations for the safe, reliable, and environmentally sound operation of the nation's 2.6-million-mile pipeline transportation system.

## State Regulations

### California Energy Commission

The California Energy Commission (CEC) was created in 1974 under the Warren-Alquist Act as the State's principal energy planning organization to meet the energy challenges facing the state in response to the 1973 oil embargo. The CEC is charged with six basic responsibilities when designing state energy policy:

- Forecast statewide electricity needs.
- License power plants to meet those needs.
- Promote energy conservation and efficiency measures.
- Develop renewable energy resources and alternative energy technologies.
- Promote research, development and demonstration.
- Plan for and direct the state's response to energy emergencies.

### California Public Utilities Commission

In September 2008, the California Public Utilities Commission (CPUC) adopted the Long-Term Energy Efficiency Strategic Plan, which provides a framework for energy efficiency in California through the year 2020

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and beyond. It articulates a long-term vision, as well as goals for each economic sector, identifying specific near-term, mid-term, and long-term strategies to assist in achieving these goals. This Plan sets forth the following four goals, known as Big Bold Energy Efficiency Strategies, to achieve significant reductions in energy demand:

- All new residential construction in California will be zero net energy by 2020.
- All new commercial construction in California will be zero net energy by 2030.
- Heating, Ventilation and Air Conditioning (HVAC) will be transformed to ensure that its energy performance is optimal for California's climate.
- All eligible low-income customers will be given the opportunity to participate in the low-income energy efficiency program by 2020.

With respect to the commercial sector, the Long-Term Energy Efficiency Strategic Plan notes that commercial buildings, which include schools, hospitals, and public buildings, consume more electricity than any other end-use sector in California. The commercial sector's five billion-plus square feet of space accounts for 38 percent of the State's power use and over 25 percent of natural gas consumption. Lighting, cooling, refrigeration, and ventilation account for 75 percent of all commercial electric use, while space heating, water heating, and cooking account for over 90 percent of gas use. In 2006, schools and colleges were in the top five facility types for electricity and gas consumption, accounting for approximately 10 percent of the State's electricity and gas use.

The CPUC and CEC have adopted the following goals to achieve zero net energy (ZNE) levels by 2030 in the commercial sector:

**Goal 1:** New construction will increasingly embrace zero net energy performance (including clean, distributed generation), reaching 100 percent penetration of new starts in 2030.

**Goal 2:** 50 percent of existing buildings will be retrofit to zero net energy by 2030 through achievement of deep levels of energy efficiency and with the addition of clean distributed generation.

**Goal 3:** Transform the commercial lighting market through technological advancement and innovative utility initiatives.

### Renewables Portfolio Standard

#### **Senate Bills 1078, 107, X1-2, and Executive Order S-14-08**

The California Renewables Portfolio Standard (RPS) Program was established in 2002 under SB 1078 (Sher) and 107 (Simitian). The RPS program required investor-owned utilities, electric service providers, and community choice aggregators to increase the use of eligible renewable energy resources to 33 percent of total procurement by 2020. Initially under the RPS, certain retail sellers of electricity were required to increase the amount of renewable energy each year by at least 1 percent in order to reach at least 20 percent by December 30, 2010. EO S-14-08 was signed in November 2008, which expanded the state's Renewable Energy Standard to 33 percent renewable power by 2020. This standard was adopted by the legislature in 2011 (SB X1-2). The California Public Utilities Commission (CPUC) is required to provide quarterly progress reports on progress toward RPS goals. This has accelerated the development of renewable energy projects throughout the state. For year 2020, the three largest retail energy utilities provided an average of 43 percent of their supplies

from renewable energy sources. Community choice aggregators provided an average of 41 percent of their supplies from renewable sources (CPUC 2021).

### **Senate Bill 350**

Governor Jerry Brown signed SB 350 on October 7, 2015, which expands the RPS by establishing a goal of 50 percent of the total electricity sold to retail customers in California per year by December 31, 2030. In addition, SB 350 includes the goal to double the energy efficiency savings in electricity and natural gas final end uses (such as heating, cooling, lighting, or class of energy uses upon which an energy efficiency program is focused) of retail customers through energy conservation and efficiency. The bill also requires the CPUC, in consultation with the CEC, to establish efficiency targets for electrical and gas corporations consistent with this goal. SB 350 also provides for the transformation of the California Independent System Operator into a regional organization to promote the development of regional electricity transmission markets in the western states and to improve the access of consumers served by the California Independent System Operator to those markets, pursuant to a specified process.

### **Senate Bill 100**

On September 10, 2018, Governor Brown signed SB 100, which replaces the SB 350 requirements. Under SB 100, the RPS for public-owned facilities and retail sellers consist of 44 percent renewable energy by 2024, 52 percent by 2027, and 60 percent by 2030. SB 100 also established a new RPS requirement of 50 percent by 2026. Furthermore, the bill establishes an overall state policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all state agencies by December 31, 2045. Under the bill, the state cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

### **Senate Bill 1020**

SB 1020 was signed into law on September 16, 2022. It requires renewable energy and zero-carbon resources to supply 90 percent of all retail electricity sales by 2035 and 95 percent by 2040. Additionally, SB 1020 requires all state agencies to procure 100 percent of electricity from renewable energy and zero-carbon resources by 2035.

### **Appliance Efficiency Regulations**

California's Appliance Efficiency Regulations contain energy performance, energy design, water performance, and water design standards for appliances (including refrigerators, ice makers, vending machines, freezers, water heaters, fans, boilers, washing machines, dryers, air conditioners, pool equipment, and plumbing fittings) that are sold or offered for sale in California (California Code of Regulations [CCR] Title 20, Parts 1600–1608). These standards are updated regularly to allow consideration of new energy efficiency technologies and methods (CEC 2017).

### **Title 24, Part 6, Energy Efficiency Standards**

Energy conservation standards for new residential and nonresidential buildings were adopted by the California Energy Resources Conservation and Development Commission (now the CEC) in June 1977 (Title 24, Part 6, of the California Code of Regulations [CCR]). Title 24 requires the design of building shells and building

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components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods.

On August 11, 2021, the CEC adopted the 2022 Building Energy Efficiency Standards, which were subsequently approved by the California Building Standards Commission in December 2021. The 2022 standards went into effect on January 1, 2023, replacing the 2019 standards. The 2022 standards require mixed-fuel single-family homes to be electric-ready to accommodate replacement of gas appliances with electric appliances. In addition, the new standards also include prescriptive photovoltaic system and battery requirements for high-rise, multifamily buildings (i.e., more than three stories) and noncommercial buildings such as hotels, offices, medical offices, restaurants, retail stores, schools, warehouses, theaters, and convention centers (CEC 2021).

### Title 24, Part 11, Green Building Standards

On July 17, 2008, the California Building Standards Commission adopted the nation's first green building standards. The California Green Building Standards Code (24 CCR, Part 11, known as "CALGreen") was adopted as part of the California Building Standards Code. CALGreen established planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants.<sup>4</sup> The mandatory provisions of CALGreen became effective January 1, 2011. In 2021, the CEC approved the 2022 CALGreen, which went into effect on January 1, 2023, replacing the 2019 standards.

### Assembly Bill 1493

California vehicle GHG emission standards were enacted under AB 1493 (Pavley I). Pavley I is a clean-car standard that reduces GHG emissions from new passenger vehicles (light-duty auto to medium-duty vehicles) from 2009 through 2016 and is anticipated to reduce GHG emissions from new passenger vehicles by 30 percent in 2016. California implements the Pavley I standards through a waiver granted to California by the EPA. In 2012, the EPA issued a Final Rulemaking that sets even more stringent fuel economy and GHG emissions standards for model year 2017 through 2025 light-duty vehicles (see also the discussion on the update to the CAFE standards under *Federal*, above). In January 2012, the California Air Resources Board approved the Pavley Advanced Clean Cars program (formerly known as Pavley II) for model years 2017 through 2025. The program combines the control of smog, soot, and global warming gases and requirements for greater numbers of zero-emission vehicles into a single package of standards. Under California's Advanced Clean Car program, by 2025, new automobiles will emit 34 percent fewer global warming gases and 75 percent fewer smog-forming emissions (CARB 2017).

### Executive Order N-79-20

On September 23, 2020, EO N-79-20 was issued to set a time frame for the transition to zero-emissions (ZE) passenger vehicles, trucks, and off-road equipment. It directs the California Air Resources Board to develop and propose:

- Passenger vehicle and truck regulations requiring increasing volumes of new ZEVs (zero-emission vehicles) sold in California toward the target of 100 percent of in-state sales by 2035.

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<sup>4</sup> The green building standards became mandatory in the 2010 edition of the code.

- Medium- and heavy-duty vehicle regulations requiring increasing volumes of new ZE trucks and buses sold and operated in California toward the target of 100 percent of the fleet transitioning to ZEVs by 2045 everywhere feasible, and for all drayage trucks to be ZE by 2035.
- Strategies to achieve 100 percent zero emissions from all off-road vehicles and equipment operations in California by 2035, in cooperation with other state agencies, the EPA, and local air districts.

## Regional

### SCAG's 2020-2045 RTP/SCS

The 2020-2045 RTP/SCS, *Connect SoCal*, was adopted on September 3, 2020, and is an update to the 2016-2040 RTP/SCS (SCAG 2020). In general, the RTP/SCS outlines a development pattern for the region that, when integrated with the transportation network and other transportation measures and policies, would reduce VMT from automobiles and light duty trucks and thereby reduce energy consumption from these sources.

*Connect SoCal* focuses on the continued efforts of the previous RTP/SCSs to integrate transportation and land use strategies in development of the SCAG region through the horizon year 2045 (SCAG 2020). It forecasts that implementation of the plan will reduce VMT per capita in year 2045 by 4.1 percent compared to baseline conditions for that year. *Connect SoCal* includes a “Core Vision” that centers on maintaining and better managing the transportation network for moving people and goods, while expanding mobility choices by locating housing, jobs, and transit closer together; and increasing investments in transit and complete streets (SCAG 2020).

## 6. GEOLOGY AND SOILS

### Federal Regulations

There are no federal regulations directly applicable to the geotechnical conditions at the proposed project site. Nonetheless, installations of any underground utility lines are required to comply with industry standards specific to the type of utility (National Clay Pipe Institute for sewers; American Water Works Association for water lines, etc.), and the discharge of contaminants is required to be controlled through the National Pollutant Discharge Elimination System (NPDES) permitting program for management of construction and operational stormwater runoff. These standards contain specifications for installation, design, and maintenance to reflect site-specific geotechnical conditions.

#### Clean Water Act

Under the Clean Water Act (CWA) of 1977, the United States Environmental Protection Agency (EPA) seeks to restore and maintain the chemical, physical, and biological integrity of the nation’s waters. The statute employs a variety of regulatory and nonregulatory tools to reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. The CWA authorizes the EPA to implement water quality regulations.

#### National Pollution Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) permit program was established by the CWA to regulate municipal and industrial discharges to surface waters of the United States, including discharges from municipal separate storm sewer systems (MS4). Federal NPDES permit regulations have been established for

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broad categories of discharges, including point-source municipal waste discharges and nonpoint-source stormwater runoff. NPDES permits generally identify effluent and receiving water limits on allowable concentrations and/or mass emissions of pollutants in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities.

The MS4 permit requires dischargers to develop and implement a stormwater management program with the goal of reducing the discharge of pollutants to the maximum extent practicable. The program areas include education and outreach, involvement of the public in volunteer efforts and community activism, illicit discharge detection and elimination, construction storm water runoff control, post-construction stormwater management, pollution prevention and good housekeeping, and water quality monitoring.

### **Paleontological Resources Preservation Act**

The federal Paleontological Resources Preservation Act of 2002 limits the collection of vertebrate fossils and other rare and scientifically significant fossils to qualified researchers who have obtained a permit from the appropriate state or federal agency. These researchers must agree to donate any materials recovered to recognized public institutions where they will remain accessible to the public and other researchers. The act incorporates key findings of a report, “Fossils on Federal Land and Indian Lands,” issued by the Secretary of the Interior in 2000, which establishes that most vertebrate fossils and some invertebrate and plant fossils are considered rare resources.

## **State Regulations**

### **California Alquist-Priolo Earthquake Fault Zoning Act**

The California Alquist-Priolo Earthquake Fault Zoning Act was signed into state law in 1972, and amended, with its primary purpose being to mitigate the hazard of fault rupture by prohibiting the location of structures for human occupancy across the trace of an active fault. This state law was a direct result of the 1971 San Fernando Earthquake, which was associated with extensive surface fault ruptures that damaged numerous homes, commercial buildings, and other structures. The act requires the State Geologist of the California Geologic Survey to delineate regulatory zones known as “earthquake fault zones” along faults that are “sufficiently active” and “well defined” and to issue and distribute appropriate maps to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Pursuant to this act and as stipulated in the California Code of Regulations (CCR), Title 14, Section 3603(a), structures for human occupancy are not permitted to be placed across the trace of an active fault. The act also prohibits structures for human occupancy within 50 feet of the trace of an active fault, unless proven by an appropriate geotechnical investigation and report that the development site is not underlain by active branches of the active fault, as stipulated in 14 CCR Section 3603(a). Furthermore, the act requires that cities and counties withhold development permits for sites within an earthquake fault zone until geologic investigations demonstrate that the sites are not threatened by surface displacement from future faulting, as stipulated in 14 CCR Section 3603(d).

### **Seismic Hazard Mapping Act**

The Seismic Hazard Mapping Act was adopted by the state in 1990 to protect the public from the effects of earthquake hazards other than surface fault rupture, such as strong ground shaking, liquefaction, seismically

induced landslides, or other ground failure. The goal of the act is to minimize loss of life and property by identifying and mitigating seismic hazards. The California Geologic Survey prepares and provides local governments with seismic hazard zone maps that identify areas susceptible to amplified shaking, liquefaction, earthquake-induced landslides, and other ground failures. Section 2697(a) of the Act states that “cities and counties shall require, prior to the approval of a project located in a seismic hazard zone, a geotechnical report defining and delineating any seismic hazard.”

### Porter-Cologne Water Quality Act

The Porter-Cologne Water Quality Act (Water Code sections 13000 et seq.) is the basic water quality control law for California. Under this Act, the State Water Resources Control Board (SWRCB) has ultimate control over state water rights and water quality policy. In California, the EPA has delegated authority to issue NPDES permits to the SWRCB. The SWRCB, through its nine Regional Water Quality Control Boards (RWQCBs), carries out the regulation, protection, and administration of water quality in each region. Each regional board is required to adopt a water quality control plan (or basin plan) that designates beneficial uses and water quality objectives for the region’s surface water and groundwater basins.

### Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act was adopted by the state in 2014 to establish a statewide framework to help protect groundwater resources over the long term. The act established a priority framework for all 515 groundwater basins in California, categorizing them into very low, low, medium, and high priority based on eight components. The act requires local agencies to form groundwater sustainability agencies for the high and medium priority basins. These agencies develop and implement groundwater sustainability plans to avoid undesirable results and mitigate overdraft within 20 years. The project site is within the San Gabriel Valley Groundwater Basin, which is classified as a very low priority basin.

### California Building Code

Current law states that every local agency enforcing building regulations, such as cities and counties, must adopt the provisions of the California Building Code (CBC) within 180 days of its publication. The publication date of the CBC is established by the California Building Standards Commission, and the code is under Title 24, Part 2, of the CCR. The CBC provides minimum standards to protect property and public safety by regulating the design and construction of excavations, foundations, building frames, retaining walls, and other building elements to mitigate the effects of seismic shaking and adverse soil conditions. The CBC contains provisions for earthquake safety based on factors including occupancy type, the types of soil and rock on-site, and the strength of ground shaking with a specified probability at a site.

Chapter 16 and 16A of the CBC deal with structural design requirements governing seismically resistant construction (Section 1604), including factors and coefficients used to establish seismic site class and seismic occupancy category for the soil/rock at the building location and the proposed building design (Sections 1610). Chapter 18 and 18A include the requirements for foundation and soil investigations (Section 1803); excavation, grading, and fill (Section 1804); allowable load-bearing values of soils (Section 1806); retaining walls (Section 1807); the design of footings, foundations, and slope clearances (Sections 1808); and pier, pile, driven, and cast-in-place foundation support systems (Section 1810). Chapter 33 includes requirements for safeguards at work sites to ensure stable excavations and cut or fill slopes (Section 3304). Appendix J of the CBC includes grading requirements for the design of excavations and fills (Sections J106 and J107) and for erosion control (Sections

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J110). Construction activities are subject to occupational safety standards for excavation, shoring, and trenching as specified in Cal-OSHA regulations (CCR Title 8). The CBC is revised every three years. The 2022 CBC took effect on January 1, 2023.

### **Soils Investigation Requirements**

Requirements for soils investigations for new construction are in California Health and Safety Code Sections 17953 to 17955, and in Section 1803 of the California Building Code. Testing of samples from subsurface investigations is required, such as from borings or test pits. Studies must be done as needed to evaluate slope stability, soil strength, position and adequacy of load-bearing soils, the effect of moisture variation on load-bearing capacity, compressibility, liquefaction, differential settlement, and expansiveness which are included as part of the geotechnical evaluation required by the California Building Code.

### **California Public Resources Code**

Paleontological sites are protected under a wide variety of state policies and regulations in the California Public Resources Code (PRC). In addition, paleontological resources are recognized as nonrenewable resources and receive protection under the PRC and CEQA. PRC Division 5, Chapter 1.7, Section 5097.5, and Division 20, Chapter 3, Section 30244 states:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

This statute prohibits the removal, without permission, of any paleontological site or feature from lands under the jurisdiction of the state or any city, county, district, authority, or public corporation, or any agency thereof. As a result, local agencies are required to comply with PRC 5097.5 for their own activities, including construction and maintenance, as well as for permit actions (e.g., encroachment permits) undertaken by others. PRC Section 5097.5 establishes the removal of paleontological resources as a misdemeanor and requires reasonable mitigation of adverse impacts to paleontological resources from developments on public (state, county, city, and district) lands.

### **Statewide General Construction Permit**

Construction projects of one acre or more are regulated under the General Construction Permit, Order No. 2022-0057-DWQ, issued by the State Water Resources Control Board in 2022. Projects obtain coverage by developing and implementing a Stormwater Pollution Prevention Plan estimating sediment risk from construction activities to receiving waters and specifying best management practices (BMPs) that would be used by the project to minimize pollution of stormwater.

## **Regional Regulations**

### **Los Angeles County All-Hazard Mitigation Plan**

The Disaster Mitigation Act of 2000, Public Law 106-390 (Section 322(a–d)) requires that local governments, as a condition of receiving federal disaster mitigation funds, adopt a mitigation plan that describes the process for identifying hazards, vulnerabilities, and risks; identifies and prioritizes mitigation actions; encourages the



development of local mitigation; and provides technical support for those efforts. In response to this and the requirements of the California Office of Emergency Services, the County prepared the Los Angeles County All-Hazard Mitigation Plan to reduce and/or eliminate the effects of hazards through well-organized public education and awareness efforts, preparedness, and mitigation.

## Local Regulations

### City of Walnut Multi-jurisdictional Hazard Mitigation Plan

The Hazard Mitigation Plan (Mitigation Plan) was prepared in response to Disaster Mitigation Act of 2000 (DMA 2000). DMA 2000 (also known as Public Law 106-390) requires state and local governments to prepare mitigation plans to document their mitigation planning process, and identify hazards, potential losses, mitigation needs, goals, and strategies. This document is a federally mandated update to the 2005 City of Walnut, Mt. San Antonio Community College District, Walnut Valley Unified School District Multi-Jurisdictional Hazard Mitigation Plan and ensures continuing eligibility for Hazard Mitigation Grant Program (HMGP) funding. DMA 2000 was designed to establish a national program for pre-disaster mitigation, streamline disaster relief at the federal and state levels, and control federal disaster assistance costs. Congress believed these requirements would produce the following benefits:

- Reduce loss of life and property, human suffering, economic disruption, and disaster costs.
- Prioritize hazard mitigation at the local level with increased emphasis on planning and public involvement, assessing risks, implementing loss reduction measures, and ensuring critical facilities/services survive a disaster.
- Promote education and economic incentives to form community-based partnerships and leverage non-federal resources to commit to and implement long-term hazard mitigation activities.

### City of Walnut Municipal Code

The City of Walnut Municipal Code Titles 5 and 2, Chapters 5.08 and 2.04, are relevant to potential geological impacts of the proposed project. Chapter 5.08 provides minimum requirements to control the discharge of pollutants into the City's municipal storm drain system and to ensure that discharges from the municipal storm drain system comply with the current NPDES permit. Chapter 2.04, Building Code, establishes the adoption of the Los Angeles County Building Code for the City of Walnut with amendments.

## 7. GREENHOUSE GAS EMISSIONS

### Federal Regulations

The US Environmental Protection Agency (EPA) announced on December 7, 2009, that GHG emissions threaten the public health and welfare of the American people and that GHG emissions from on-road vehicles contribute to that threat. The EPA's final findings respond to the 2007 U.S. Supreme Court decision that GHG emissions fit within the Clean Air Act definition of air pollutants. The findings do not impose any emission reduction requirements but allow the EPA to finalize the GHG standards proposed in 2009 for new light-duty vehicles as part of the joint rulemaking with the Department of Transportation (USEPA 2009).

## **Regulatory Standards**

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To regulate GHGs from passenger vehicles, the EPA was required to issue an endangerment finding (USEPA 2023). The finding identified emissions of six key GHGs—CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, hydrofluorocarbons, perfluorocarbons, and SF<sub>6</sub>—that have been the subject of scrutiny and intense analysis for decades by scientists in the United States and around the world. The first three are applicable to the project's GHG emissions inventory because they constitute the majority of GHG emissions and, according to guidance by the South Coast AQMD, are the GHG emissions that should be evaluated as part of a project's GHG emissions inventory.

### **US Mandatory Report Rule for GHGs (2009)**

In response to the endangerment finding, the EPA issued the Mandatory Reporting of GHG Rule that requires substantial emitters of GHG emissions (large stationary sources, etc.) to report GHG emissions data. Facilities that emit 25,000 MT or more of CO<sub>2</sub>e per year are required to submit an annual report.

### **Update to Corporate Average Fuel Economy Standards (2017 to 2026)**

The federal government issued new Corporate Average Fuel Economy (CAFE) standards in 2012 for model years 2017 to 2025, which required a fleet average of 54.5 miles per gallon (MPG) in 2025. However, on March 30, 2020, the EPA finalized an updated CAFE and GHG emissions standards for passenger cars and light trucks and established new standards covering model years 2021 through 2026, known as the Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule for Model Years 2021 to 2026. Under SAFE, the fuel economy standards will increase 1.5 percent per year compared to the 5 percent per year under the CAFE standards established in 2012. Overall, SAFE requires a fleet average of 40.4 miles per gallon (mpg) for model year 2026 vehicles (85 Federal Register 24174 (April 30, 2020)).

On December 21, 2021, under the direction of Executive Order (EO) 13990 issued by President Biden, the National Highway Traffic Safety Administration (NHTSA) repealed SAFE Vehicles Rule Part One, which had preempted state and local laws related to fuel economy standards. In addition, the NHTSA announced new proposed fuel standards on March 31, 2022. Fuel efficiency under the new standards proposed will increase 8 percent annually for model years 2024 to 2025 and 10 percent annually for model year 2026. Overall, the new CAFE standards require a fleet average of 49 mpg for passenger vehicles and light trucks for model year 2026, which would be a 10 mpg increase over model year 2021 (NHTSA 2022).

## **State Regulations**

Current State of California guidance and goals for reductions in GHG emissions are generally embodied in EO S-03-05, EO B-30-15, EO B-55-18, Assembly Bill 32 (AB 32), AB 1279, Senate Bill 32 (SB 32), and SB 375.

### **Executive Order S-03-05**

EO S-03-05 was signed June 1, 2005, and set the following GHG reduction targets for the state:

- 2000 levels by 2010
- 1990 levels by 2020
- 80 percent below 1990 levels by 2050

### **Assembly Bill 32, the Global Warming Solutions Act (2006)**

AB 32 was passed by the California state legislature on August 31, 2006, to place the state on a course toward reducing its contribution of GHG emissions. AB 32 follows the 2020 tier of emissions reduction targets

established in EO S-03-05. CARB prepared the 2008 Scoping Plan to outline a plan to achieve the GHG emissions reduction targets of AB 32.

### Executive Order B-30-15

EO B-30-15, signed April 29, 2015, set a goal of reducing GHG emissions in the state to 40 percent of 1990 levels by year 2030. Executive Order B-30-15 also directed CARB to update the Scoping Plan to quantify the 2030 GHG reduction goal for the state and requires state agencies to implement measures to meet the interim 2030 goal as well as the long-term goal for 2050 in EO S-03-05. It also requires the Natural Resources Agency to conduct triennial updates of the California adaptation strategy, *Safeguarding California*, in order to ensure climate change is accounted for in state planning and investment decisions.

### Senate Bill 32 and Assembly Bill 197

In September 2016, Governor Brown signed SB 32 and AB 197 into law, making the executive order goal for year 2030 into a statewide mandated legislative target. AB 197 established a joint legislative committee on climate change policies and requires the CARB to prioritize direct emissions reductions rather than the market-based cap-and-trade program for large stationary, mobile, and other sources.

### Executive Order B-55-18

Executive Order B-55-18, signed September 10, 2018, sets a goal “to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter.” Executive Order B-55-18 directs CARB to work with relevant state agencies to ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal. The goal of carbon neutrality by 2045 is in addition to other statewide goals, meaning not only should emissions be reduced to 80 percent below 1990 levels by 2050, but that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO<sub>2e</sub> from the atmosphere, including through sequestration in forests, soils, and other natural landscapes.

### Assembly Bill 1279

Assembly Bill 1279, signed by Governor Newsom in September 2022, codifies the carbon neutrality targets of EO B-55-18 for year 2045 and sets a new legislative target for year 2045 of 85 percent below 1990 levels for anthropogenic GHG emissions. CARB will be required to update the scoping plan to identify and recommend measures to achieve the net-zero and GHG emissions-reduction goals.

## **2022 Climate Change Scoping Plan**

CARB adopted the *2022 Scoping Plan for Achieving Carbon Neutrality* (2022 Scoping Plan) on December 15, 2022, which lays out a path to achieve carbon neutrality by 2045 or earlier and to reduce the State’s anthropogenic GHG emissions (CARB 2022b). The Scoping Plan was updated to address the carbon neutrality goals of EO B-55-18 (discussed below) and the ambitious GHG reduction target as directed by AB 1279. Previous Scoping Plans focused on specific GHG reduction targets for industrial, energy, and transportation sectors—to meet 1990 levels by 2020, and then the more aggressive 40 percent below that for the 2030 target. This plan expands upon earlier Scoping Plans with a target of reducing anthropogenic emissions to 85 percent below 1990 levels by 2045. Carbon neutrality takes it one step further by expanding actions to capture and store carbon including through natural and working lands and mechanical technologies, while drastically reducing anthropogenic sources of carbon pollution at the same time.

## Regulatory Standards

The path forward was informed by the recent AR6 of the IPCC, and the measures would achieve 85 percent below 1990 levels by 2045 in accordance with AB 1279. CARB's 2022 Scoping Plan identifies strategies as shown in Table G-1, *Priority Strategies for Local Government Climate Action Plans*, that would be most impactful at the local level for ensuring substantial progress toward the State's carbon neutrality goals.

**Table G-1 Priority Strategies for Local Government Climate Action Plans**

Priority Area	Priority Strategies
Transportation Electrification	Convert local government fleets to zero-emission vehicles (ZEV) and provide electric vehicle (EV) charging at public sites.
	Create a jurisdiction-specific ZEV ecosystem to support deployment of ZEVs statewide (such as building standards that exceed state building codes, permit streamlining, infrastructure siting, consumer education, preferential parking policies, and ZEV readiness plans).
Vehicle Miles Travelled (VMT) Reduction	Reduce or eliminate minimum parking standards.
	Implement Complete Streets policies and investments, consistent with general plan circulation element requirements.
	Increase access to public transit by increasing density of development near transit, improving transit service by increasing service frequency, creating bus priority lanes, reducing or eliminating fares, microtransit, etc.
	Increase public access to clean mobility options by planning for and investing in electric shuttles, bike share, car share, and walking.
	Implement parking pricing or transportation demand management pricing strategies.
	Amend zoning or development codes to enable mixed-use, walkable, transit-oriented, and compact infill development (such as increasing allowable density of the neighborhood).
Building Decarbonization	Preserve natural and working lands by implementing land use policies that guide development toward infill areas and do not convert "greenfield" land to urban uses (e.g., green belts, strategic conservation easements)
	Adopt all-electric new construction reach codes for residential and commercial uses.
	Adopt policies and incentive programs to implement energy efficiency retrofits for existing buildings, such as weatherization, lighting upgrades, and replacing energy-intensive appliances and equipment with more efficient systems (such as Energy Star-rated equipment and equipment controllers).
	Adopt policies and incentive programs to electrify all appliances and equipment in existing buildings such as appliance rebates, existing building reach codes, or time of sale electrification ordinances
	Facilitate deployment of renewable energy production and distribution and energy storage on privately owned land uses (e.g., permit streamlining, information sharing)
	Deploy renewable energy production and energy storage directly in new public projects and on existing public facilities (e.g., solar photovoltaic systems on rooftops of municipal buildings and on canopies in public parking lots, battery storage systems in municipal buildings).

Source: CARB 2022b.

For residential and mixed-use development projects, CARB recommends the approach which demonstrates that these land use development projects are aligned with State climate goals based on the attributes of land use development that reduce operational GHG emissions while simultaneously advancing fair housing. The second approach to project-level alignment with State climate goals is net zero GHG emissions, especially for new residential development. The third approach is to align with GHG thresholds of significance, which many local air quality management and air pollution control districts have developed or adopted (CARB 2022b).

### Senate Bill 375

SB 375, the Sustainable Communities and Climate Protection Act, was adopted in 2008 to connect the GHG emissions reduction targets established in the 2008 Scoping Plan for the transportation sector to local land use decisions that affect travel behavior. Its intent is to reduce GHG emissions from light-duty trucks and

automobiles (excludes emissions associated with goods movement) by aligning regional long-range transportation plans, investments, and housing allocations to local land use planning to reduce VMT and vehicle trips. Specifically, SB 375 required CARB to establish GHG emissions reduction targets for each of the 18 metropolitan planning organizations (MPO). The Southern California Association of Governments (SCAG) is the MPO for the Southern California region, which includes Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial counties. Pursuant to the recommendations of the Regional Transportation Advisory Committee, CARB adopted per capita reduction targets for each of the MPOs rather than a total magnitude reduction target.

### **2017 Update to the SB 375 Targets**

CARB is required to update the targets for the MPOs every eight years. CARB adopted revised SB 375 targets for the MPOs in March 2018. The updated targets became effective in October 2018. All Sustainable Communities Strategies (SCSs) adopted after October 1, 2018, are subject to these new targets. CARB's updated SB 375 targets for the SCAG region were an 8 percent per capita GHG reduction in 2020 from 2005 levels (unchanged from the 2010 target) and a 19 percent per capita GHG reduction in 2035 from 2005 levels (compared to the 2010 target of 13 percent) (CARB 2018).

The targets consider the need to further reduce VMT, as identified in the 2017 Scoping Plan Update (for SB 32), while balancing the need for additional and more-flexible revenue sources to incentivize positive planning and action toward sustainable communities. Like the 2010 targets, the updated SB 375 targets are in units of “percent per capita” reductions in GHG emissions from automobiles and light trucks relative to 2005; this excludes reductions anticipated from implementation of state technology and fuels strategies and any potential future state strategies, such as statewide road user pricing (e.g., tolls). The proposed targets call for greater per-capita GHG emission reductions from SB 375 than are currently in place, which for 2035 translate into proposed targets that either match or exceed the emission reduction levels in the MPOs' currently adopted SCSs to achieve the SB 375 targets. CARB foresees that the additional GHG emissions reductions in 2035 may be achieved from land use changes, transportation investment, and technology strategies (CARB 2018).

### **Transportation Sector Specific Regulations**

#### **Advanced Clean Fleets and Advanced Clean Trucks**

CARB adopted the Advanced Clean Fleets (ACF) regulation in 2023 to accelerate the transition to zero-emission medium- and heavy-duty vehicles. In conjunction with the Advanced Clean Trucks (ACT) regulation, the ACF regulations help to ensure that medium- and heavy-duty ZEVs are brought to the market by requiring certain fleets to purchase them. The ACF ZEV phase-in approach, which provides initial focus where the best fleet electrification opportunities exist, sets clear targets for regulated fleets to make a full conversion to ZEVs and creates a catalyst to accelerate development of a heavy-duty public charging infrastructure network.

#### **Assembly Bill 1493**

California vehicle GHG emission standards were enacted under AB 1493 (Pavley I). Pavley I is a clean-car standard that reduces GHG emissions from new passenger vehicles (light-duty auto to medium-duty vehicles) from 2009 through 2016 and is anticipated to reduce GHG emissions from new passenger vehicles by 30 percent in 2016. California implements the Pavley I standards through a waiver granted to California by the EPA. In 2012, the EPA issued a Final Rulemaking that sets even more stringent fuel economy and GHG

emissions standards for model years 2017 through 2025 light-duty vehicles. (See also the previous discussion in federal regulations under “Update to Corporate Average Fuel Economy Standards [2017 to 2026].”)

In January 2012, CARB approved the Advanced Clean Cars program (formerly known as Pavley II) for model years 2017 through 2025. The program combines the control of smog, soot, and GHGs with requirements for greater numbers of ZEVs into a single package of standards. Under California’s Advanced Clean Car program, by 2025 new automobiles will emit 34 percent less GHG emissions and 75 percent less smog-forming emissions.

### **Executive Order S-01-07**

On January 18, 2007, the state set a new low-carbon fuel standard for transportation fuels sold in the state. EO S-01-07 set a declining standard for GHG emissions measured in CO<sub>2e</sub> gram per unit of fuel energy sold in California. The low-carbon fuel standard required a reduction of 2.5 percent in the carbon intensity of California’s transportation fuels by 2015 and a reduction of at least 10 percent by 2020. The standard applied to refiners, blenders, producers, and importers of transportation fuels, and used market-based mechanisms to allow these providers to choose the most economically feasible methods for reducing emissions during the “fuel cycle.”

### **Executive Order B-16-2012**

On March 23, 2012, the state identified that CARB, the California Energy Commission (CEC), the Public Utilities Commission, and other relevant agencies worked with the Plug-in Electric Vehicle Collaborative and the California Fuel Cell Partnership to establish benchmarks to accommodate ZEVs in major metropolitan areas, including infrastructure to support them (e.g., electric vehicle charging stations). EO B-16-2012 also directed the number of ZEVs in California’s state vehicle fleet to increase through the normal course of fleet replacement so that at least 10 percent of fleet purchases of light-duty vehicles are ZE by 2015 and at least 25 percent by 2020. The executive order also established a target for the transportation sector of reducing GHG emissions to 80 percent below 1990 levels.

### **Executive Order N-79-20**

On September 23, 2020, Governor Newsom signed EO N-79-20, whose goal is that 100 percent of in-state sales of new passenger cars and trucks will be ZE by 2035. Additionally, the fleet goals for trucks are that 100 percent of drayage trucks are ZE by 2035, and 100 percent of medium- and heavy-duty vehicles in the state are ZE by 2045, where feasible. The EO’s goal for the state is to transition to 100 percent ZE off-road vehicles and equipment by 2035, where feasible.

## **Renewables Portfolio: Carbon Neutrality Regulations**

### **Senate Bills 1078, 107, and X1-2 and Executive Order S-14-08**

A major component of California’s Renewable Energy Program is the renewables portfolio standard established under Senate Bills 1078 (Sher) and 107 (Simitian). Under the Renewable Portfolio Standards (RPS), certain retail sellers of electricity were required to increase the amount of renewable energy each year by at least 1 percent in order to reach at least 20 percent by December 30, 2010. EO S-14-08, signed in November 2008, expanded the state’s renewable energy standard to 33 percent renewable power by 2020. This standard was adopted by the legislature in 2011 (SB X1-2). Renewable sources of electricity include wind, small hydropower,

solar, geothermal, biomass, and biogas. The increase in renewable sources for electricity production decreases indirect GHG emissions from development projects because electricity production from renewable sources is generally considered carbon neutral.

### **Senate Bill 350**

Senate Bill 350 (de Leon) was signed into law in September 2015 and establishes tiered increases to the RPS—40 percent by 2024, 45 percent by 2027, and 50 percent by 2030. SB 350 also sets a new goal to double the energy-efficiency savings in electricity and natural gas through energy efficiency and conservation measures.

### **Senate Bill 100**

On September 10, 2018, Governor Brown signed SB 100. Under SB 100, the RPS for public-owned facilities and retail sellers consists of 44 percent renewable energy by 2024, 52 percent by 2027, and 60 percent by 2030. SB 100 also established a new RPS requirement of 50 percent by 2026. Furthermore, the bill establishes an overall state policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all state agencies by December 31, 2045. Under the bill, the state cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

### **Senate Bill 1020**

SB 1020 was signed into law on September 16, 2022. SB 1020 provides interim RPS targets (90 percent renewable energy by 2035 and 95 percent renewable energy by 2040) and requires renewable energy and zero-carbon resources to reach 100 percent clean electricity by 2045.

## Energy Efficiency Regulations

### **California Building Code: Building Energy Efficiency Standards**

Energy conservation standards for new residential and nonresidential buildings were adopted by the California Energy Resources Conservation and Development Commission (now the CEC) in June 1977 (Title 24, Part 6, of the California Code of Regulations [CCR]). Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for the consideration and possible incorporation of new energy efficiency technologies and methods.

CEC adopted the 2022 Building Energy Efficiency Standards on August 11, 2021, and they went into effect on January 1, 2023. The 2022 standards encourage efficient electric heat pumps, establish electric-ready requirements for new homes, expand solar photovoltaic and battery storage standards, strengthen ventilation standards, and more. The 2022 standards require mixed-fuel single-family homes to be electric-ready to accommodate replacement of gas appliances with electric appliances. In addition, the new standards also include prescriptive photovoltaic system and battery requirements for high-rise, multifamily buildings (i.e., more than three stories) and noncommercial buildings such as hotels, offices, medical offices, restaurants, retail stores, schools, warehouses, theaters, and convention centers (CEC 2021).

### **California Building Code: CALGreen**

On July 17, 2008, the California Building Standards Commission adopted the nation's first green building standards. The California Green Building Standards Code (24 CCR, Part 11, known as "CALGreen") was

adopted as part of the California Building Standards Code. CALGreen established planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants.<sup>5</sup> The mandatory provisions of CALGreen became effective January 1, 2011, and were last updated in 2022. The 2022 CALGreen standards became effective on January 1, 2023.

### 2006 Appliance Efficiency Regulations

The 2006 Appliance Efficiency Regulations (20 CCR Sections 1601–1608) were adopted by the CEC on October 11, 2006, and approved by the California Office of Administrative Law on December 14, 2006. The regulations include standards for both federally regulated appliances and non–federally regulated appliances. Though these regulations are now often viewed as “business as usual,” they exceed the standards imposed by all other states, and they reduce GHG emissions by reducing energy demand.

### Solid Waste Diversion Regulations

#### **AB 939: Integrated Waste Management Act of 1989**

California’s Integrated Waste Management Act of 1989 (AB 939, Public Resources Code Section 40050 et seq.) set a requirement for cities and counties throughout the state to divert 50 percent of all solid waste from landfills by January 1, 2000, through source reduction, recycling, and composting. In 2008, the requirements were modified to reflect a per capita requirement rather than tonnage. To help achieve this, the Act requires that each city and county prepare and submit a source reduction and recycling element. AB 939 also established the goal for all California counties to provide at least 15 years of ongoing landfill capacity.

#### **AB 341**

AB 341 (Chapter 476, Statutes of 2011) increased the statewide goal for waste diversion to 75 percent by 2020 and requires recycling of waste from commercial and multifamily residential land uses. Section 5.408 of CALGreen also requires that at least 65 percent of the nonhazardous construction and demolition waste from nonresidential construction operations be recycled and/or salvaged for reuse.

#### **AB 1327**

The California Solid Waste Reuse and Recycling Access Act (AB 1327, Public Resources Code Section 42900 et seq.) requires areas to be set aside for collecting and loading recyclable materials in development projects. The act required the California Integrated Waste Management Board to develop a model ordinance for adoption by any local agency requiring adequate areas for collection and loading of recyclable materials as part of development projects. Local agencies are required to adopt the model or an ordinance of their own.

#### **AB 1826**

In October of 2014, Governor Brown signed AB 1826 requiring businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week. This law also requires that on and after January 1, 2016, local jurisdictions across the state implement an organic waste recycling program to divert organic waste generated by businesses and multifamily residential dwellings with five or more units.

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<sup>5</sup> The green building standards became mandatory in the 2010 edition of the code.



Organic waste means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed with food waste.

### Water Efficiency Regulations

#### **SBX7-7**

The 20x2020 Water Conservation Plan was issued by the Department of Water Resources (DWR) in 2010 pursuant to Senate Bill 7, which was adopted during the 7th Extraordinary Session of 2009–2010 and therefore dubbed “SBX7-7.” SBX7-7 mandated urban water conservation and authorized the DWR to prepare a plan implementing urban water conservation requirements (20x2020 Water Conservation Plan). In addition, it required agricultural water providers to prepare agricultural water management plans, measure water deliveries to customers, and implement other efficiency measures. SBX7-7 required urban water providers to adopt a water conservation target of a 20 percent reduction in urban per capita water use by 2020 compared to 2005 baseline use.

#### **AB 1881: Water Conservation in Landscaping Act**

The Water Conservation in Landscaping Act of 2006 (AB 1881) requires local agencies to adopt the updated DWR model ordinance or an equivalent. AB 1881 also requires the CEC to consult with the DWR to adopt, by regulation, performance standards and labeling requirements for landscape irrigation equipment, including irrigation controllers, moisture sensors, emission devices, and valves, to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy or water.

### Short-Lived Climate Pollutant Reduction Strategy

On September 19, 2016, the Governor signed SB 1383 to supplement the GHG reduction strategies in the Scoping Plan to consider short-lived climate pollutants, including black carbon and methane. Black carbon is the light-absorbing component of fine particulate matter produced during the incomplete combustion of fuels. SB 1383 required the state board, no later than January 1, 2018, to approve and begin implementing a comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40 percent, hydrofluorocarbon gases by 40 percent, and anthropogenic black carbon by 50 percent below 2013 levels by 2030. The bill also established targets for reducing organic waste in landfills. On March 14, 2017, CARB adopted the Short-Lived Climate Pollutant Reduction Strategy, which identifies the state’s approach to reducing anthropogenic and biogenic sources of short-lived climate pollutants. Anthropogenic sources of black carbon include on- and off-road transportation, residential wood burning, fuel combustion (charbroiling), and industrial processes. According to CARB, ambient levels of black carbon in California are 90 percent lower than in the early 1960s, despite the tripling of diesel fuel use (CARB 2017). In-use on-road rules were expected to reduce black carbon emissions from on-road sources by 80 percent between 2000 and 2020. South Coast AQMD is one of the air districts that requires air pollution control technologies for chain-driven broilers, which reduces particulate emissions from these char broilers by over 80 percent (CARB 2017). Additionally, South Coast AQMD Rule 445 limits installation of new fireplaces in the South Coast Air Basin.

## **Regional**

### SCAG’s 2020-2045 RTP/SCS

SB 375 requires each MPO to prepare a sustainable communities strategy (SCS) in its regional transportation plan (RTP). For the SCAG region, the 2020-2045 RTP/SCS, *Connect SoCal*, was adopted on September 3, 2020, and is an update to the 2016-2040 RTP/SCS (SCAG 2020). In general, the RTP/SCS outlines a development pattern for the region that, when integrated with the transportation network and other transportation measures and policies, would reduce VMT from automobiles and light duty trucks and thereby reduce GHG emissions from these sources.

*Connect SoCal* focuses on the continued efforts of the previous RTP/SCSs to integrate transportation and land use strategies in development of the SCAG region through the horizon year 2045 (SCAG 2020). *Connect SoCal* forecasts that the SCAG region will meet its GHG per capita reduction targets of 8 percent by 2020 and 19 percent by 2035. It also forecasts that implementation of the plan will reduce VMT per capita in year 2045 by 4.1 percent compared to baseline conditions for that year. *Connect SoCal* includes a “Core Vision” that centers on maintaining and better managing the transportation network for moving people and goods, while expanding mobility choices by locating housing, jobs, and transit closer together and increasing investments in transit and complete streets (SCAG 2020).

### SCAG's 2024-2050 RTP/SCS

SCAG is in the process of updating the RTP/SCS. The draft 2024-2050 RTP/SCS, *Connect SoCal 2024*, is anticipated to be adopted in 2024. *Connect SoCal 2024* includes a comprehensive regional transportation planning integrated with the SCS. SCAG's first RTP/SCS in 2012 included strategies like Complete Streets, Transportation Demand Management, and Sustainable Development. The updated plan reflects holistic approach to programs and strategies, such as workforce development, broadband and mobility hubs. The region has also developed new ideas like Mobility-as-a-Service (MaaS) and Universal Basic Mobility (SCAG 2023).

## 8. HAZARDS AND HAZARDOUS MATERIALS

### Federal Regulations

#### Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) of 1976 (42 US Code sec. 6901 et seq.) is the principal federal law regulating waste generation, management, and transportation. Hazardous waste management includes storage, creating, storing, or disposal of hazardous waste. RCRA gave the US Environmental Protection Agency (EPA) the authority to control hazardous waste from “cradle to grave”— from generation to transportation, treatment, storage, and disposal—at active and future facilities. It does not address abandoned or historical sites. RCRA also sets up a framework for managing non-hazardous wastes. Later amendments required phasing out land disposal of hazardous waste and added underground tanks storing petroleum and other hazardous substances.

#### Comprehensive Environmental Response, Compensation and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) protects water, air, and soil resources from the risks created by past chemical disposal practices. This law is also called the Superfund Act and regulates sites on the National Priority List (NPL), which are called Superfund sites. The act was intended to encompass the prevention of and response to uncontrolled hazardous substances releases. It provides mechanisms for reacting to emergencies and chronic hazardous material releases. In addition to

procedures to prevent and remedy problems, it established a system for compensating appropriate individuals and assigning appropriate liability. It is designed to plan for and respond to failure in other regulatory programs and remedy problems resulting from action taken before the era of comprehensive regulatory protection.

### Emergency Planning and Community Right-to-Know Act

Title III of the Superfund Amendments and Reauthorization Act (SARA) authorized the Emergency Planning and Community Right-to-Know Act (EPCRA) (42 US Code sec. 11001 et seq.) to inform communities and citizens of chemical hazards in their areas. It requires businesses to report: the locations and quantities of chemicals stored on-site to state and local agencies; releases to the environment of more than six hundred designated toxic chemicals; off-site transfers of waste; and pollution prevention measures and activities; and participation in chemical recycling. EPA maintains and publishes an online, publicly available, national database of toxic chemical releases and other waste management activities by specific industry groups and federal facilities—the Toxics Release Inventory.

To implement EPCRA, each state appoints a state emergency response commission to coordinate planning and implementation activities associated with hazardous materials. The commissions divide their states into emergency planning districts and name each district's local emergency planning committee. The federal EPCRA program is implemented and administered in California by the Governor's Office of Emergency Services, a state commission, six district committees, and 81 Certified Unified Program agencies (CUPAs). The Office of Emergency Services coordinates and provides staff support for the commission and district committees.

### Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 gives the EPA the authority to require reporting, record-keeping, testing requirements, and restrictions related to chemical substances and/or mixtures. TSCA addresses the production, importation, use, and disposal of specific chemicals, including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint. Title IV of the TSCA directs the EPA to regulate lead-based paint hazards.

TSCA's sections 402/404 require those engaged in lead abatements, risk assessments, and inspections in homes or child-occupied facilities before 1978 (such as in daycare centers and kindergartens) to be trained and certified in specific practices to ensure accuracy and safety. TSCA Section 403, Residential Hazard Standards for Lead in Paint, Dust, and Soil, sets standards for dangerous lead levels in paint, household dust, and residential soil.

### Hazardous Materials Transportation Act

The United States Department of Transportation (DOT) regulates hazardous materials transportation to reduce risks to life and property from hazards associated with the transport of hazardous materials under Title 49 of the Code of Federal Regulations, which reflects laws passed by Congress as of January 2, 2006, last amended April 15, 2022 (CFR 2022). State agencies responsible for enforcing federal and state regulations and responding to hazardous materials transportation emergencies are the California Highway Patrol and the California Department of Transportation. These agencies also govern permitting for hazardous materials transportation.

## State Regulations

### California Health and Safety Code and Code of Regulations

## Regulatory Standards

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California Health and Safety Code Chapter 6.95 and California Code of Regulations, Title 19, Section 2729 set out the minimum requirements for business emergency plans and chemical inventory reporting. A business that uses hazardous materials or a mixture containing hazardous materials must establish and implement a business plan if the hazardous material is handled in certain quantities. These regulations require businesses to provide emergency response plans and procedures, training program information, and a hazardous material chemical inventory disclosing hazardous materials stored, used, or handled on-site.

### California Code of Regulations, Title 22, Division 4.5

Title 22, Division 4.5, of the California Code of Regulations (CCR) sets forth the requirements for hazardous waste generators; transporters; and owners or operators of treatment, storage, or disposal facilities. These regulations include the requirements for packaging, storage, labeling, reporting, and general management of hazardous waste prior to shipment. In addition, the regulations identify standards applicable to transporters of hazardous waste. These regulations specify the requirements for transporting loads of hazardous waste, including manifesting, vehicle registration, and accidental emergency discharges during transportation.

### Asbestos-Containing Materials Regulations

In conjunction with the EPA and California Occupational Safety and Health Administration (Cal/OSHA), state-level agencies regulate removal, abatement, and transport procedures for asbestos-containing materials. These regulations prohibit asbestos releases from industrial, demolition or construction activities, and medical evaluation and monitoring are required for employees performing activities that could expose them to asbestos. The regulations include warnings and practices needed to reduce the risk of asbestos emissions and exposure. For example, 8 CCR Section 1529 provides for exposure limits, exposure monitoring, respiratory protection, and good working practices for workers exposed to asbestos. Finally, federal, state, and local agencies must be notified prior to the onset of demolition or construction activities with the potential to release asbestos.

### Lead Regulations

Cal/OSHA's "Lead in Construction Standard" is contained in 8 CCR Section 1532.1. This section applies to all construction work where an employee may be exposed to lead. The regulations address these areas: permissible exposure limits; exposure assessment; compliance methods; respiratory protection; protective clothing and equipment; housekeeping; medical surveillance; medical removal protection; employee information, training, and certification; signage; record keeping; monitoring; and agency notification.

### Hazardous Materials Disclosure Programs

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) administered by the State of California consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities for environmental and emergency management programs, which include Hazardous Materials Release Response Plans and Inventories (business plans), the California Accidental Release Prevention Program, and the Underground Storage Tank (UST) Program. The Unified Program is implemented at the local government level by CUPAs. The Los Angeles County Fire Department (LACFD) is the designated CUPA for hazardous materials in Los Angeles County. Under the Unified Program, the LACFD's Health Hazardous Materials Division consolidates, coordinates, and makes consistent the administrative requirements, permits, inspection, and enforcement activities associated with several regulatory programs.

### Underground Storage Tank Program

The purpose of the UST Program is to protect people and the environment from releases of petroleum and other hazardous substances from tanks. The statutes govern the UST Program in the Solid Waste Disposal Act (1965). Because of the localized nature of USTs, the EPA shifts enforcement and oversight authority to local governments. California laws and regulations authorize the State Water Board to implement the UST program. The State Water Board then delegates the field implementation to CUPAs.

There are four program elements related to USTs: 1) Leak Prevention includes requirements for tank installation, construction, testing, leak detection, spill containment, and overflow protection. The state issues CUPAs as the overseer for the Leak Prevention Program. Within the City of Walnut, the CUPA responsible for implementing this program element is the Los Angeles County CUPA, specifically the Los Angeles County Fire Departments Health Hazardous Materials Division. 2) Cleanup of leaking tanks includes groundwater and soil testing followed by remediation. The Los Angeles County Fire Departments Health Hazardous Materials Division (CUPA) oversees the cleanup of "soils-only" contamination cases. The local CUPA refers sites with groundwater contamination to the Los Angeles Regional Water Quality Control District. 3) Enforcement of existing regulations is delegated by the State Water Resources Control Board to local agencies enforcing UST requirements (LA County CUPAs) for everything except cleanup of groundwater contamination. 4) Tank Tester Licensing tests the integrity of tanks and is required by law and administered by the Office of Tank Tester Licensing within the State Water Board.

### California Fire Code

The California Fire Code is contained in 24 CCR Part 9. The Code is updated every three years and includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, fire hydrant locations and distribution, and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildlife hazard areas.

The California Department of Forestry and Fire Protection (CAL FIRE) is dedicated to the fire protection and stewardship of over 31 million acres of California's wildlands. The Office of the State Fire Marshal supports CAL FIRE's mission to protect life and property through fire prevention engineering programs, law and code enforcement, and education. The State Fire Marshal provides for fire prevention by enforcing fire-related laws in state-owned or -operated buildings; investigating arson fires in California; licensing those who inspect and service fire protection systems; approving fireworks for use in California; regulating the use of chemical flame retardants; evaluating building materials against fire safety standards; regulating hazardous liquid pipelines, and tracking incident statistics for local and state government emergency response agencies. The California Fire Plan is the state's road map for reducing wildfire risk through planning and prevention to reduce firefighting costs and property losses, increase firefighter safety, and contribute to ecosystem health. The California Fire Plan is a cooperative effort between the State Board of Forestry and Fire Protection and CAL FIRE.

LACFD provides emergency management and fire protection for the City of Walnut. The LACFD is a full-service fire department that provides fire suppression, urban search and rescue, paramedic ambulance service, fire prevention inspections/permits, public fire education programs, emergency preparedness planning, fire cause and origin investigation, fire patrols, and other services based on community needs. LACFD calls for service pertaining to the City of Walnut are dispatched from Station No. 61, located in the City of Walnut at 20011 La Puente Road. Station No. 61 is also the closest fire station to the project site and is located approximately 0.8 roadway miles north of the project site. According to LACFD, the estimated response time

## **Regulatory Standards**

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to the project site from Station No. 61 is three minutes. Fire Station No. 61 is staffed with a three-person engine and a two-person paramedic squad. Other fire stations that would respond to the project site are Station No. 146 which would be the second responding station, Station No. 120 which would be the third responding station, and Station No. 119 which would be the fourth responding station. Also see Section 5.12, *Public Services*. In addition, the LACFD is also responsible for disaster preparedness and other services, such as building plan review, fire prevention, and fire hydrant testing.

### **Porter-Cologne Water Quality Control Act**

The Porter-Cologne Water Quality Act (California Water Code Sections 13000 et seq.) authorizes the RWQCBs to require groundwater investigations when the quality of groundwater or surface waters of the state is threatened, and to require remediation actions, if necessary. Extraction and disposal of contaminated groundwater due to investigation/remediation activities or due to dewatering during construction require a permit from the RWQCBs if the water were discharged to storm drains, surface water, or land.

## **Regional Regulations**

### **South Coast Air Quality Management District**

South Coast Air Quality Management District's Rule 1403 governs the demolition of buildings containing asbestos materials. Rule 1403 specifies work practices to minimize asbestos emissions during building demolition and renovation activities, including the removal and associated disturbance of asbestos-containing materials (ACMs). The requirements for demolition and renovation activities include asbestos surveying, notification, ACM removal procedures, and time schedules, ACM handling and cleanup procedures, and storage and disposal requirements for asbestos-containing waste materials.

### **Los Angeles County All-Hazards Mitigation Plan**

The Disaster Mitigation Act of 2000, Public Law 106-390 (Section 322(a-d)) requires that local governments, as a condition of receiving federal disaster mitigation funds, adopt a mitigation plan that describes the process for identifying hazards, vulnerabilities, and risks; identifies and prioritizes mitigation actions; encourages the development of local mitigation; and provides technical support for those efforts. In response to this and the requirements of the California Office of Emergency Services, the County prepared the Los Angeles County All-Hazards Mitigation Plan to reduce and/or eliminate the effects of hazards through well-organized public education and awareness efforts, preparedness, and mitigation.

### **Los Angeles County Operational Area Emergency Response Plan**

The Los Angeles County Operational Area Emergency Response Plan establishes the County's coordinated emergency management system, which includes prevention, protection, response, recovery, and mitigation within the operational area. When a county proclaims a local emergency pursuant to Section 8630 of the Government Code, based upon conditions that include both incorporated and unincorporated territory of the county, it is not necessary for the cities to also proclaim the existence of a local emergency independently. Further, cities within a county are bound by county rules and regulations adopted by the county under Section 8634 of the Government Code during a county proclaimed local emergency when the local emergency includes both incorporated and unincorporated territory of the county, even if the cities do not independently proclaim the existence of a local emergency. The plan describes:

- Emergency organization.
- Authorities and responsibilities of the emergency organization.
- Mutual aid process during emergencies to ensure effective coordination of needed resources. (LA County 2012).

### City of Walnut Multi-Jurisdictional Hazard Mitigation Plan

The Hazard Mitigation Plan (Mitigation Plan) was prepared in response to Disaster Mitigation Act of 2000 (DMA 2000). DMA 2000 (also known as Public Law 106-390) requires state and local governments to prepare mitigation plans to document their mitigation planning process, and identify hazards, potential losses, mitigation needs, goals, and strategies. This document is a federally mandated update to the 2005 City of Walnut, Mt. San Antonio Community College District, Walnut Valley Unified School District Multi-Jurisdictional Hazard Mitigation Plan and ensures continuing eligibility for Hazard Mitigation Grant Program (HMGP) funding. DMA 2000 was designed to establish a national program for pre-disaster mitigation, streamline disaster relief at the federal and state levels, and control federal disaster assistance costs. Congress believed these requirements would produce the following benefits:

- Reduce loss of life and property, human suffering, economic disruption, and disaster costs.
- Prioritize hazard mitigation at the local level with increased emphasis on planning and public involvement, assessing risks, implementing loss reduction measures, and ensuring critical facilities/services survive a disaster.
- Promote education and economic incentives to form community-based partnerships and leverage non-federal resources to commit to and implement long-term hazard mitigation activities.

## Local Regulations

### Walnut Municipal Code

The City of Walnut Municipal Code addresses hazards and hazardous materials in chapters of Titles 3 and 5.

- **Chapter 3.16 Fire Prevention:** the Los Angeles County Fire Code was adopted by reference. The Los Angeles Fire Code is based on the adopted sections of the 2022 California Fire Code and unadopted sections of the California Fire Code found in the 2021 International Fire Code.
- **Chapter 3.24 Health and Sanitation:** the Los Angeles County Code, Title 11, Health and Safety, and Title 8, Consumer Protection and Business Regulations were adopted by reference and are the health and safety ordinance of the City.
- **Chapter 3.28 Collection and Disposal of Refuse:** allows the City to operate, maintain, repair and manage a system and facilities for the collection, removal and disposal of garbage, waste, refuse, rubbish, offal, trimmings, other refuse matter, and recyclable materials within the City.
- **Chapter 5.04 Sewers and Sewage Disposal:** the City adopted Division 2 of Title 20 of the Los Angeles County Code as contained in Los Angeles County Ordinance No. 90-0067 which allows for the establishment of a sanitary sewer and industrial waste ordinance.

- **Chapter 5.08 Stormwater and Urban Runoff Pollution Control:** the purpose is to ensure the future health, safety and general welfare of the citizens of the City and the water quality of the receiving waters of the County of Los Angeles and surrounding coastal areas.

### City of Walnut Emergency Plan

The City of Walnut's Emergency Operation Center (EOC) administers the State-required Walnut Emergency Plan and ensures the City's efficient and effective response to disaster and emergency situations. In the event of an emergency, the City's Walnut Emergency Plan has developed three levels of activation. Level three, which is the minimum activation level, calls for minimal staffing for emergency operations and is meant for situations such as weather alerts, low risk planned events, wind or rainstorms, etc. The designated EOC facilities may or may not be needed during this level. Level two involves more emergency staff but is not a full activation of that staff. This level is mainly used for major scheduled events, major wind or rainstorms, moderate earthquakes, and large-scale hazardous materials incidences or large-scale evacuations. The physical EOC facility will need to be opened and staffed. Lastly, Level one will require full activation of all emergency staff. This level is activated during a major county/city or regional emergency, a major earthquake, or a terrorism threat or incident. The physical EOC facility will need to be opened and fully staffed.

### Airports

Airport authorities and other agencies regulate aircraft activity. The State Aeronautics Act of the California Public Utilities Code establishes statewide requirements for airport land use compatibility planning. It requires nearly every county to create an Airport Land Use Commission (ALUC) or an alternative. Los Angeles County opted for an ALUC. There are 15 airports under LA County ALUC's jurisdiction. Five are county-owned, other public entities own nine, and one is privately owned. The airport land use compatibility plan is primarily concerned with land uses near Los Angeles International Airport, Long Beach Municipal Airport, Bob Hope Airport, and Torrance Airport. The project site is not located within an airport influence area or protection zone.

## 9. HYDROLOGY AND WATER QUALITY

### Federal Regulations

#### Clean Water Act

The United States Environmental Protection Agency (EPA) is the lead federal agency responsible for water quality management. The Clean Water Act (CWA) (codified at 33 US Code Sections 1251 to 1376) of 1972 is the primary federal law that governs and authorizes water quality control activities by the EPA and the states.

Under federal law, the EPA has published water quality regulations under Volume 40 of the Code of Federal Regulations. Section 303 of the CWA requires states to adopt water quality standards for all surface waters of the United States. As defined by the CWA, water quality standards consist of two elements: (1) designated beneficial uses of the water body in question and (2) criteria that protect the designated uses. Section 304(a) requires the EPA to publish advisory water quality criteria that accurately reflect the latest scientific knowledge on the kind and extent of all effects on health and welfare that may be expected from the presence of pollutants in water. Where multiple uses exist, water quality standards must protect the most sensitive use.



When water quality does not meet CWA standards and compromises designated beneficial uses of a receiving water body, Section 303(d) of the CWA requires that the water body be identified and listed as “impaired.” Once a water body has been designated as impaired, a total maximum daily load (TMDL) must be developed for the impairing pollutant(s). A TMDL is an estimate of the total load of pollutants from point, nonpoint, and natural sources that a water body may receive without exceeding applicable water quality standards, with a factor of safety included. Once established, the TMDL allocates the loads among current and future pollutant sources to the water body.

### National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) permit program was established by the CWA to regulate municipal and industrial discharges to surface waters of the United States, including discharges from municipal separate storm sewer systems (MS4). Federal NPDES permit regulations have been established for broad categories of discharges, including point-source municipal waste discharges and nonpoint-source stormwater runoff. NPDES permits generally identify effluent and receiving water limits on allowable concentrations and/or mass emissions of pollutants in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities.

The MS4 permit requires dischargers to develop and implement a stormwater management program with the goal of reducing the discharge of pollutants to the maximum extent practicable. The program areas include education and outreach, involvement of the public in volunteer efforts and community activism, illicit discharge detection and elimination, construction storm water runoff control, post-construction stormwater management, pollution prevention and good housekeeping, and water quality monitoring.

### National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) is responsible for determining flood elevations and floodplain boundaries based on Army Corps of Engineer studies and approved agency studies. FEMA is also responsible for distributing the Flood Insurance Rate Maps, which are used in the National Flood Insurance Program. These maps identify the locations of special flood hazard areas (SFHA), including the 100-year flood zone. FEMA allows nonresidential development in SFHAs; however, construction activities are restricted depending upon the potential for flooding within each area. Federal regulations governing development in an SFHA are in Title 44, Part 60 of the Code of Federal Regulations, which enables FEMA to require municipalities that participate in the National Flood Insurance Program to adopt certain flood hazard reduction standards for construction and development in 100-year floodplains. In addition, the Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994 mandate the purchase of flood insurance as a condition of federal or federally related financial assistance for acquisition and/or construction of buildings in SFHAs of any community.

## **State Regulations**

### Porter-Cologne Water Quality Act

The Porter-Cologne Water Quality Act (Water Code sections 13000 et seq.) is the basic water quality control law for California. Under this Act, the State Water Resources Control Board (SWRCB) has ultimate control over state water rights and water quality policy. In California, the EPA has delegated authority to issue NPDES

## Regulatory Standards

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permits to the SWRCB. The SWRCB, through its nine Regional Water Quality Control Boards (RWQCBs), carries out the regulation, protection, and administration of water quality in each region. Each regional board is required to adopt a water quality control plan (or basin plan) that designates beneficial uses and water quality objectives for the region's surface water and groundwater basins.

### Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA) of 2014 passed in September 2014 and is a comprehensive three-bill package that provides a framework for the sustainable management of groundwater supplies by local authorities. The SGMA requires the formation of local groundwater sustainability agencies (GSA) to assess local water basin conditions and adopt locally based management plans. The SGMA provides 20 years for GSAs to implement plans, achieve long-term groundwater sustainability, and protect existing surface water and groundwater rights. The SGMA also provides local GSAs with the authority to require registration of groundwater wells, measure and manage extractions, require reports and assess fees, and request revisions of basin boundaries, including establishing new subbasins. Furthermore, under the SGMA, GSAs responsible for high- and medium-priority basins must adopt groundwater sustainability plans (GSP) within five to seven years, depending on whether the basin is in critical overdraft.

### SWRCB Construction General Permit

Construction activities that disturb one or more acres of land must comply with the requirements of the SWRCB Construction General Permit—Order 2022-0057-DWQ. Under the terms of the permit, applicants must file Permit Registration Documents with the SWRCB prior to the start of construction. These documents include a Notice of Intent, risk assessment, site map, Stormwater Pollution Prevention Plan (SWPPP), annual fee, and a signed certification statement. The documents are submitted electronically to the SWRCB via the Stormwater Multiple Application and Report Tracking System website.

Applicants must also demonstrate conformance with applicable best management practices (BMPs) and prepare a SWPPP containing a site map that shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project area. The SWPPP must list BMPs that would be implemented to prevent soil erosion and discharge of construction-related pollutants that could contaminate nearby water resources. Additionally, the SWPPP must contain a visual monitoring program for all risk levels and a stormwater sampling and analysis program for risk levels 2 and 3.

### SWRCB Trash Amendments

On April 7, 2015, the SWRCB adopted an amendment to the Water Quality Control Plan for Ocean Waters of California to control trash and Part 1, Trash Provisions, of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California. They are collectively referred to as “the Trash Amendments.” The Trash Amendments apply to all surface waters of California and include a land-use-based compliance approach to focus trash controls on areas with high trash-generation rates. Areas such as high density residential, industrial, commercial, mixed urban, and public transportation stations are considered priority land uses. There are two compliance tracks:

- **Track 1:** Permittees install, operate, and maintain a network of certified full-capture systems in storm drains that capture runoff from priority land uses.

- **Track 2:** Permittees must implement a plan with a combination of full-capture systems, multibenefit projects, institutional controls, and/or other treatment methods that have the same effectiveness as Track 1 methods.

The Trash Amendments provide a framework for permittees to implement its provisions. Full compliance must occur within 10 years of the permit, and permittees must also meet interim milestones, such as average load reductions of 10 percent per year.

## Regional Regulations

### Los Angeles Region Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties

The Los Angeles RWQCB's Basin Plan is designed to preserve and enhance water quality and protect the beneficial uses of all regional waters. Specifically, the Basin Plan:

- Designates beneficial uses for surface and ground waters.
- Sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state's antidegradation policy.
- Describes implementation programs to protect all waters in the region.

In addition, the Basin Plan incorporates (by reference) all applicable SWRCB and RWQCB plans and policies and other pertinent water quality policies and regulations.

The Basin Plan is a resource for the RWQCB and others who use water and/or discharge wastewater in Region 4. Other agencies and organizations involved in environmental permitting and resource management activities also use the Basin Plan. Finally, the Basin Plan provides valuable information to the public about local water quality issues.

### Los Angeles Regional Water Control Board Municipal Stormwater NPDES Permit

On July 23, 2021, the Los Angeles RWQCB adopted a Regional Phase I Municipal Separate Stormwater Sewer System (MS4) Permit for discharges within the coastal watersheds of Los Angeles and Ventura counties (Order No. R4-2021-0105, NPDES Permit No. CAS004004). The municipal discharges of stormwater and non-storm water by the City of Walnut are subject to waste discharge requirements in this MS4 permit.

### Los Angeles County Low Impact Development Standards Manual

The County of Los Angeles prepared the 2013 Low Impact Development (LID) Standards Manual to comply with the requirements of the NPDES MS4 Permit. The LID Standards Manual provides guidance for the implementation of stormwater quality control measures in new development and redevelopment projects with the intention of improving water quality and mitigating potential water quality impacts from stormwater and non-stormwater discharges.

### Los Angeles County Department of Public Works Hydrology Manual (2006)

The Los Angeles County Department of Public Works Hydrology Manual establishes hydrologic design procedures and contains the data necessary to conduct a hydrologic study within the County of Los Angeles.

The manual contains procedures and standards developed and revised by the Department of Water Resources (DWR) based on historic rainfall and runoff data collected within the county. The hydrologic techniques in the manual apply to the design of local storm drains, retention and detention basins, pump stations, and major channel projects. The techniques also apply to storm drain deficiency and flood hazard evaluations. Low flow hydrology methods related to water quality standards are also discussed.

## Local

### City of Walnut Watershed Management Plan

Conditions of the MS4 Permit require that all permittees develop a watershed management plan on an individual or joint basis that will address water quality issues within the permittee's jurisdictional area. Due to the topographic nature and land use of the City of Walnut, the single permittee Watershed Management Plan (WMP) option was selected. The intention of the WMP is to provide a viable plan for implementing water quality improving infrastructure, policies, and programs. The result of the WMP is focused on complying with final effluent limitations and numeric targets for known pollutants in receiving waters.

### City of Walnut Municipal Code

**Chapter 2.04.040 Appendix Chapter J of said Los Angeles County Building Code supplemented by development grading standards:** This chapter includes all grading work requirements including the development of a grading plan and erosion control plan.

**Chapter 5.08, Stormwater and Urban Runoff Pollution Control:** The purpose of this chapter is to ensure the water quality of receiving waters of the County of Los Angeles and surrounding coastal areas by:

- Reducing pollutants in stormwater discharges to the maximum extent practicable.
- Regulating illicit connections and illicit discharges and thereby reducing the level of contamination of stormwater and urban runoff into the municipal stormwater system.
- Regulating non-stormwater discharges to the municipal stormwater system.

## 10. LAND USE AND PLANNING

### Regional Regulations

#### Southern California Association of Governments

SCAG is a council of governments representing Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties. It is the region's federally recognized metropolitan planning organization, encompassing over 38,000 square miles. SCAG is a regional planning agency and a forum for addressing regional issues concerning transportation, the economy, community development, and the environment. SCAG is also the regional clearinghouse for projects requiring federal and state law environmental documentation. In this role, SCAG reviews proposed development and infrastructure projects to analyze their impacts on regional planning programs. As the Southern California region's metropolitan planning organization, SCAG cooperates with the Southern California Air Quality Management District (AQMD), the California Department of Transportation

(Caltrans), and other agencies in preparing regional planning documents. SCAG has developed regional plans to achieve specific regional objectives.

## Regional Transportation Plan / Sustainable Communities Strategy

The SCAG Regional Council adopted Connect SoCal (its 2020-2045 RTP/SCS) in September 2020 to replace the 2016-2040 RTP/SCS. The RTP/SCS helps coordinate the development of the region's transportation improvements and provides a vision for transportation investments throughout the region. Using growth forecasts and economic trends that project out over 20 years, the RTP/SCS considers the role of transportation in the broader context of economic, environmental, and quality-of-life goals for the future, identifying regional transportation strategies to address regional mobility needs. Connect SoCal builds upon and expands land use and transportation strategies of previous RTPs/SCSs, increases mobility options and achieves a more sustainable growth pattern in the region. The RTP/SCS is a long-range visioning plan that balances mobility and housing and goals for the environment, economy, equity, environmental justice, and public health that is developed and updated by SCAG every four years.

## Local Regulations

### City of Walnut General Plan

The City of Walnut adopted the current General Plan in 2018. It included six principal components: Land Use and Community Design, Conservation, Open Space, and Recreation, Community Facilities and Infrastructure, Public Safety, and Noise. The General Plan is a policy document that represents the official statement of the City regarding its social, physical, and economic goals and helps determine the potential growth of the City, including residential, commercial, and industrial development; then, it establishes goals to accommodate that growth.

### City of Walnut Municipal Code

**Chapter 25 Zoning:** This chapter includes Zoning designations that establish how properties can be used, developed and subdivided, and set forth permitting processes for project review.

## 11. NOISE

### State Regulations

#### California Building Code

The State of California's noise insulation standards for nonresidential uses are codified in the California Code of Regulations, Title 24, Building Standards Administrative Code, specifically Part 11, California Green Building Standards Code (CALGreen). CALGreen noise standards are applied to new or renovation construction projects in California to control interior noise levels resulting from exterior noise sources. Proposed projects may use either the prescriptive method (Section 5.507.4.1) or the performance method (Section 5.507.4.2) to show compliance. Under the prescriptive method, a project must demonstrate transmission loss ratings for the wall and roof-ceiling assemblies and exterior windows when located within a noise environment of 65 dBA CNEL or higher. Under the performance method, a project must demonstrate that interior noise levels do not exceed 50 dBA  $L_{eq(1hr)}$ .

## **Regulatory Standards**

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### **General Plan Guidelines**

The State of California's *General Plan Guidelines* discusses how ambient noise should influence land use and development decisions and includes a table of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable uses at different noise levels, expressed in CNEL. A conditionally acceptable designation implies new construction or development should be undertaken only after a detailed analysis of the noise reduction requirements for each land use is made and needed noise insulation features are incorporated in the design. A normally acceptable designation indicates standard construction with no special noise reduction requirements. Local municipalities adopt these compatibility standards as part of their general plans and modify them as appropriate for their local environmental setting. The City of Walnut has adopted its own land use compatibility standards in its general plan.

### **Local Regulations**

#### **Walnut General Plan**

The City of Walnut Noise Element includes noise and land use compatibility guidelines to be considered when setting new land uses/developments, which are shown in Table N-1, *Walnut Noise and Land Use Compatibility Guidelines*. These noise compatibility standards establish an acceptable limit for noise exposure for various land uses in the City. New buildings and developments (not including modifications or additions to existing structures) should be reviewed to determine if the project lies in one of the following noise classifications.

**Table N-1 Walnut Noise and Land Use Compatibility Guidelines**

Land Uses	CNEL or Ldn (dBA)					
	55	60	65	70	75	80
Residential-Low Density Single Family, Duplex, Mobile Homes	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded
Residential- Multiple Family	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded
Transient Lodging: Hotels and Motels	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded
Schools, Libraries, Churches, Hospitals, Nursing Homes	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded
Auditoriums, Concert Halls, Amphitheaters	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded
Sports Arena, Outdoor Spectator Sports	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded
Playground, Neighborhood Parks	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded
Golf Courses, Riding Stables, Water Recreation, Cemeteries	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded
Office Buildings, Businesses, Commercial and Professional	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded
Industrial, Manufacturing, Utilities, Agricultural	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded

**Explanatory Notes**

	<p><b>Clearly Acceptable:</b> Specified land use is satisfactory, based on the assumption that any buildings are of normal conventional construction, without any special noise insulation requirements</p>		<p><b>Normally Unacceptable:</b> New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of noise reduction requirements must be made and needed noise insulation features included in design.</p>
	<p><b>Normally Acceptable:</b> New construction or development should be undertaken only after a detailed analysis of noise reduction requirements is made and needed noise insulation features included in design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.</p>		<p><b>Clearly Unacceptable:</b> New construction or development should generally not be undertaken. If the proposed development is intended for storage or other uses where persons will not be exposed to excessive noise levels, and a detailed analysis provides for adequate noise insulation features, the new development or construction may occur.</p>

Source: City of Walnut General Plan 2018.

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### Walnut Municipal Code

Section 3.40.050. of the City’s municipal code sets the exterior noise threshold at various land uses for stationary or operational equipment (e.g., HVAC) as shown in Table N-2.

**Table N-2 External Noise Standards**

Jurisdiction	Time of day	Exterior Noise Level Limit (dBA L <sub>eq</sub> )	
		Daytime (7am – 10pm)	Nighttime (10pm – 7am)
City of Walnut <sup>1</sup>	Residential	50	45
	Commercial	60	55
	Industrial	70	70

<sup>1</sup> City of Walnut Municipal Code, Section 3.40.050.

## 12. PUBLIC SERVICES

### Fire Protection and Emergency Services

#### Federal Regulations

#### **International Fire Code**

The International Fire Code is a model code regulating minimum fire-safety requirements for new and existing buildings, facilities, storage, and processes. The code includes specialized, technical, fire- and life-safety regulations, with topics addressing fire-department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, use and storage of hazardous materials, protection of emergency responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings.

#### State Regulations

#### **California Fire Code**

The California Fire Code (CFC; Title 24 California Code of Regulations, Part 9) is based on the 2021 International Fire Code and includes amendments from the State of California fully integrated into the code. The California Fire Code has fire safety–related building standards that are referenced in other parts of Title 24 of the California Code of Regulations. Fire access road requirements are set forth in CFC Section 503; water supply requirements for fire flow are set forth in CFC Appendix B; and fire hydrant spacing requirements are in CFC Appendix C. The current 2022 CFC took effect in January 2023; the CFC is updated on a three-year cycle.

#### **California Health and Safety Code Sections 13000 et seq.**

Sections 13000 et seq. of the California Health and Safety Code include regulations for building standards (also in the California Building Code), fire-protection and -notification systems, fire-protection devices such as extinguishers and smoke alarms, high-rise building and childcare facility standards, and fire-suppression training.



## Regional Regulations

### **Los Angeles County Fire District Facilities Master Plan**

The Los Angeles County Fire District (LACFD) Facilities Master Plan identifies existing and future LACFD fire station development needs. The process consists of two phases; evaluating the current capacity, condition, and functionality of LACFD's facilities and then projecting future capacity deficits utilizing Southern California Association of Governments population growth projections and methodologies developed in the first phase.

### **County of Los Angeles Fire Code**

The 2023 edition of the Los Angeles County Fire Code adopts and incorporates the 2022 edition of the California Fire Code, with certain amendments, by the County of Los Angeles in the Fire Code, or Title 32, of the County's Municipal Code.

Sections 1206.1 through 1206.4 of the County's Fire Code include provisions applicable to energy storage systems designed to provide electrical power to a building or facility.

## Local Regulations

### **City of Walnut Municipal Code**

The City of Walnut adopts the Los Angeles County Fire Code by reference as provided in Section 3.16.010, County Fire Code of the City of Walnut Municipal Code. In July of 2023, Ordinance 23-03 was passed in order to adopt Los Angeles County Ordinance 23-0008 which is the 2022 edition of the California Fire Code.

## **Police Protection**

There are no regulations relevant to police protection services.

## **School Services**

### State Regulations

#### **Leroy F. Greene School Facilities Act of 1998 (Senate Bill (SB) 50)**

Senate Bill 50 (SB 50) was enacted by the State Legislature in 1998, which amended existing state law governing school fees. In particular, SB 50 amended prior California Government Code (CGC) Section 65995(a) to prohibit state or local agencies from imposing school impact mitigation fees, dedications, or other requirements in excess of those provided in the statute in connection with "any legislative or adjudicative act...by any state or local agency involving...the planning, use, or development of real property...."

The legislation also amended CGC Section 65996(b) to prohibit local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any "legislative or adjudicative act [involving] the planning, use or development of real property." Further, SB 50 established the base amount of allowable developer fees, commonly called "Level 1 fees" and are the same caps that were in place at the time SB 50 was enacted. Level 1 fees are subject to inflation adjustment every two years.

#### **Mitigation Fee Act (California Government Code 66000-66008)**

Enacted as Assembly Bill (AB) 1600, the Mitigation Fee Act requires a local agency establishing, increasing, or imposing an impact fee as a condition of development to identify the purpose of the fee and the use to which the fee is to be put. The agency must also demonstrate a reasonable relationship between the fee and the purpose for which it is charged, and between the fee and the type of development plan on which it is to be levied. The Act came into force on January 1, 1989.

## 13. TRANSPORTATION

### State Regulations

#### Senate Bill 743

On September 27, 2013, Senate Bill (SB) 743 was signed into law. The legislature found that with the adoption of SB 375, the state had signaled its commitment to encourage land use and transportation planning decisions and investments that reduce Vehicle Miles Traveled (VMT) and thereby contribute to the reduction of greenhouse gas (GHG) emissions, as required by Assembly Bill (AB) 32. Additionally, AB 1358, described subsequently, requires local governments to plan for a balanced, multimodal transportation network that meets the needs of all users.

SB 743 started a process that fundamentally changes transportation impact analysis as part of California Environmental Quality Act (CEQA) compliance. These changes include the elimination of auto delay, level of service (LOS), and similar measures of vehicular capacity or traffic congestion as the basis for determining significant impacts in many parts of California (if not statewide). As part of the new CEQA Guidelines, the new criteria “shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses” (California Public Resources Code section 21099[b][1]). On January 20, 2016, the Governor’s Office of Planning and Research (OPR) released proposed revisions to its CEQA Guidelines for the implementation of SB 743. OPR developed alternative metrics and thresholds based on VMT. The guidelines were certified by the Secretary of the Natural Resources Agency in December 2018, and automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment. As of July 1, 2020, lead agencies are required to consider VMT as the metric for determining transportation impacts under CEQA. The guidance provided relative to VMT significance criteria is focused primarily on land use projects, such as residential, office, and retail uses.

#### Assembly Bill 1358: The California Complete Streets Act

The California Complete Streets Act (AB 1358) of 2008 was signed into law on September 30, 2008. Beginning January 1, 2011, AB 1358 requires circulation elements to address the transportation system from a multimodal perspective. The bill states that streets, roads, and highways must “meet the needs of all users in a manner suitable to the rural, suburban, or urban context of the general plan.” Essentially, this bill requires a circulation element to plan for all modes of transportation where appropriate, including walking, biking, car travel, and transit.

The Complete Streets Act also requires circulation elements to consider the multiple users of the transportation system, including children, adults, seniors, and the disabled. AB 1358 tasks the OPR to release guidelines for compliance, which are so far undeveloped.

## Sustainable Communities and Climate Protection Act

The Sustainable Communities and Climate Protection Act (SB 375) was signed into law on September 30, 2008. The SB 375 regulation provides incentives for cities and developers to bring housing and jobs closer together and to improve public transit. The goal behind SB 375 is to reduce automobile commuting trips and length of automobile trips, thus helping to meet the statewide targets for reducing greenhouse gas (GHG) emissions set by the California Global Warming Solutions Act of 2006 (AB 32). SB 375 requires each metropolitan planning organization to add a broader vision for growth, called a “sustainable communities strategy” (SCS), to its transportation plan. The SCS must lay out a plan to meet the region’s transportation, housing, economic, and environmental needs in a way that enables the area to lower greenhouse gas emissions. The SCS should integrate transportation, land use, and housing policies to plan for achievement of the regional emissions target.

## Regional Regulations

### Southern California Association of Governments

The Southern California Association of Governments (SCAG) is a council of governments representing Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties. SCAG is the federally recognized Metropolitan Planning Organization (MPO) for this region, which encompasses over 38,000 square miles. SCAG is a regional planning agency and a forum for addressing regional issues concerning transportation, the economy, community development, and the environment. SCAG is also the regional clearinghouse for projects requiring environmental documentation under federal and state law. In this role, SCAG reviews proposed development and infrastructure projects to analyze their impacts on regional planning programs. The southern California region’s MPO, SCAG cooperates with South Coast AQMD, the Caltrans, and other agencies in preparing regional planning documents. SCAG has developed regional plans to achieve specific regional objectives, as discussed below.

### Regional Transportation Plan/Sustainable Communities Strategy

SCAG’s Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) provides a regional transportation plan for six counties in Southern California: Orange, San Bernardino, Riverside, Los Angeles, Ventura, and Imperial. The primary goal of the RTP/SCS is to increase mobility for the region. With recent legislation, this plan also encompasses sustainability as a key principle in future development. Current and recent transportation plan goals generally focus on balanced transportation and land use planning that:

- Maximize mobility and accessibility for all people and goods in the region.
- Ensure travel safety and reliability for all people and goods in the region.
- Preserve and ensure a sustainable regional transportation system.
- Maximize the productivity of our transportation system.
- Protect the environment and health of residents by improving air quality and encouraging active transportation (e.g., bicycling and walking).
- Encourage land use and growth patterns that facilitate transit and active transportation.

## Regulatory Standards

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On September 3, 2020, SCAG’s Regional Council unanimously voted to approve and fully adopt *Connect SoCal: The 2020-2045 Regional Transportation Plan / Sustainable Communities Strategy of the Southern California Association of Governments* (2020–2045 RTP/SCS or Connect SoCal), and the addendum to the Connect SoCal Program Environmental Impact Report. Connect SoCal is a long-range visioning plan that builds on and expands land use and transportation strategies established over several planning cycles, including SCAG’s 2016 RTP/SCS, to increase mobility options and achieve a more sustainable growth pattern. The 2020–2045 RTP/SCS focuses on the continued efforts of the previous RTP/SCSs for an integrated approach in transportation and land use strategies in development of the SCAG region through horizon year 2045. It projects that the SCAG region will meet the GHG per-capita reduction targets established for the SCAG region of 8 percent by 2020 and 19 percent by 2035. Additionally, it is projected that implementation of the plan would reduce VMT per capita for year 2045 by 4.1 percent compared to baseline conditions for the year. The 2020–2045 RTP/SCS includes a “core vision” that centers on maintaining and better managing the transportation network for moving people and goods while expanding mobility choices by locating housing, jobs, and transit closer together and increasing investments in transit and complete streets.

### San Gabriel Valley Council of Governments (SGVCOG)

SGVCOG is a joint powers authority that acts as the sub-regional COG for the San Gabriel Valley geographic area, which includes the City of Walnut. The COG provides a number of transportation planning resources for its member agencies including the Regional Vehicle Miles Travelled Analysis Tool and the Regional Vehicle Miles Travelled Mitigation Program. The COG also funds and manages housing and transportation planning projects within its region.

## Local Regulations

### City of Walnut Municipal Code

#### ■ **Chapter 6.52.110 Transportation demand and trip reduction measures.**

##### A. Applicability of Requirements.

1. Prior to approval of any development project, the applicant shall make provisions for, as a minimum, all of the following applicable transportation demand management and trip reduction measures.
2. This article shall not apply to projects for which a development application has been deemed “complete” by the City pursuant to Government Code Section 65943, or for which a Notice of Preparation for a DEIR has been circulated or for which an application for a building permit has been received, prior to the effective date of this article.
3. All facilities and improvements constructed or otherwise required shall be maintained in a state of good repair.

##### B. Development Standards.

1. Nonresidential development of 25,000 square feet or more shall provide the following to the satisfaction of the City:

- a. A bulletin board, display case or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information in the area shall include, but is not limited to, the following:
  - i. Current maps, routes and schedules for public transit routes serving the site;
  - ii. Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators;
  - iii. Ridesharing promotional material supplied by commuter-oriented organizations;
  - iv. Bicycle route and facility information including regional/local bicycle maps and bicycle safety information;
  - v. A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.
2. Nonresidential development of 50,000 square feet or more shall comply with paragraph 1 of this subsection and shall provide all of the following measures to the satisfaction of the City:
  - a. Not less than 10% of employee parking area shall be located as close as is practical to the employee entrance(s), and shall be reserved for use by potential carpool/vanpool vehicles, without displaying handicapped and customer parking needs. This preferential carpool/vanpool parking area shall be identified on the site plan upon application for building permit, to the satisfaction of the City. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the required transportation information board. Spaces will be signed/stripped as demand warrants; provided that at all times at least one space for projects of 50,000 square feet to 100,000 square feet and two spaces for projects over 100,000 square feet will be signed/stripped for carpool/vanpool vehicles.
  - b. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of 7'2" shall be provided for those spaces and accessways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool areas. Compliance with this minimum vertical clearance standard is not intended to relieve the duty or obligation that may be imposed with any requirements or provisions of the Americans with Disabilities Act or Title 24, State of California Energy/Insulation Regulations and Handicapped Persons Standards.
  - c. Bicycle racks or other secure bicycle parking shall be provided to accommodate four bicycles per the first 50,000 square feet of nonresidential development and one bicycle per each additional 50,000 square feet of nonresidential development. Calculations which result in a fraction of 0.5 or higher shall be rounded up to the nearest whole number. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bike from inclement weather. Specific facilities and location (e.g., provision of racks, lockers, or locked room) shall be to the satisfaction of the City.
3. Nonresidential development of 100,000 square feet or more shall comply with paragraphs 1 and 2 of this subsection, and shall provide all of the following measures to the satisfaction of the City:

- a. A safe and convenient zone in which vanpool and carpool vehicles may deliver or board their passengers.
- b. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development.
- c. If determined necessary by the City to mitigate the project impact, bus stop improvements must be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances must be designed to provide safe and efficient access to nearby transit stations/stops.
- d. Safe and convenient access from the external circulation system to bicycle parking onsite.

■ **Chapter 6.52.120 Transportation demand and trip reduction measures monitoring.**

All development projects for which an Environmental Impact Report (EIR) will be prepared pursuant to the requirements of the California Environmental Quality Act (CEQA), and for which all applicable demand management and trip reduction measures are required per this article, shall comply with the Mitigation Monitoring Program and Enforcement of Mitigation Measures as established within the environmental impact report for this specific project.

■ **Chapter 6.52.130 Transportation demand and trip reduction measures enforcement.**

No person shall violate or fail to comply with any or all of the applicable demand management and trip reduction measures, as required per this article and as enforceable as conditions of approval of an unclassified use permit, site plan and architectural review, or other discretionary approval(s) for the project. Should the developer, or responsible or trustee agency, violate or fail to comply with this article, and applicable conditions of approval, all permits including, but not limited to, the certificate of occupancy and/or business license, unclassified use permits, site plans and architectural reviews, or other discretionary approvals for the project may be revoked by the City. Any such violation or failure to comply with any or all of this article may result in the revocation of the certificate of occupancy and/or business license. Any violation of this article may be prosecuted as a misdemeanor or abated as a nuisance pursuant to Walnut Municipal Code Section 1.12.020.

### Resolution No. 20-39 Vehicle Miles Traveled (VMT) Threshold of Significance

Resolution No. 20-39 is the Walnut City Council's resolution to adopt VMT Thresholds of Significance for the purposes of analyzing transportation impacts under CEQA. The staff report for the resolution outlines the screening criteria and thresholds for analyzing VMT impacts for development projects in the City.

## 14. TRIBAL CULTURAL RESOURCES

### Federal Regulations

#### Archaeological Resources Protection Act

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological resources and sites on federal and Indian lands.

## American Indian Religious Freedom Act and Native American Graves Protection and Repatriation Act

The American Indian Religious Freedom Act recognizes that Native American religious practices, sacred sites, and sacred objects have not been properly protected under other statutes. It establishes as national policy that traditional practices and beliefs, sites (including right of access), and the use of sacred objects shall be protected and preserved. The Native American Graves Protection and Repatriation Act (NAGPRA) is a federal law passed in 1990 that mandates museums and federal agencies to return certain Native American cultural items—such as human remains, funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants or culturally affiliated Indian tribes.

## State Regulations

### State Laws Pertaining to Human Remains

Any human remains encountered during ground-disturbing activities are required to be treated in accordance with California Code of Regulations Section 15064.5(e) (CEQA), PRC Section 5097.98, and the California Health and Safety Code Section 7050.5. California law protects Native American burials, skeletal remains, and associated grave goods regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. Specifically, Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are determined to be of Native American origin, the county coroner must contact the California NAHC within 24 hours of this identification. An NAHC representative will then identify a Native American Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. In addition, CEQA Guidelines Section 15064.5 specifies the procedures to be followed in case of the discovery of human remains on non-federal land. The disposition of Native American burials falls within the jurisdiction of the NAHC.

### California State Assembly Bill 52

Assembly Bill 52 of 2014 amended PRC Section 5097.94 and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3.

### Consultation with Native Americans

AB 52 formalizes the lead agency – tribal consultation process, requiring the lead agency to initiate consultation with California Native American groups that are traditionally and culturally affiliated with the project, including tribes that may not be federally recognized. Lead agencies are required to begin consultation prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report.

### Tribal Cultural Resources

Section 4 of AB 52 adds Sections 21074 (a) and (b) to the PRC, which address tribal cultural resources and cultural landscapes. Section 21074 (a) defines tribal cultural resources as one of the following:

- 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following.
  - A. Included or determined to be eligible for inclusion in the California Register of Historical Resources.
  - B. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Section 1 (a)(9) of AB 52 establishes that “a substantial adverse change to a tribal cultural resource has a significant effect on the environment.” Effects on tribal cultural resources should be considered under CEQA. Section 6 of AB 52 adds Section 21080.3.2 to the PRC, which states that parties may propose mitigation measures “capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource.” Further, if a California Native American tribe requests consultation regarding project alternatives, mitigation measures, or significant effects to tribal cultural resources, the consultation shall include those topics (PRC Section 21080.3.2[a]). The environmental document and the mitigation monitoring and reporting program (where applicable) shall include any mitigation measures that are adopted (PRC Section 21082.3[a]).

## 15. UTILITIES AND SERVICE PROVIDERS

### Wastewater Treatment and Collections

#### Federal Regulations

##### **Clean Water Act and National Pollution Elimination Discharge System**

CWA establishes regulations to control the discharge of pollutants into the waters of the United States and regulates water quality standards for surface waters (US Code, Title 33, Sections 1251 et seq.). Under the act, EPA is authorized to set wastewater standards and runs the NPDES permit program. Under the NPDES program, permits are required for all new developments that discharge directly into Waters of the United States. The federal CWA requires wastewater treatment of all effluent before it is discharged into surface waters. NPDES permits for such discharges in the project region are issued by the Los Angeles RWQCB.

#### State Regulations

##### **State Water Resources Control Board: Statewide General Waste Discharge Requirements for Sanitary Sewer Systems**

The Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (Order No. 2006-003-DWQ) specify that all federal and state agencies, municipalities, counties, districts, and other public entities that own or operate sanitary sewer systems greater than one mile in length which collect and/or convey untreated or partially treated wastewater to a publicly owned treatment facility in the State of California need to develop a



sewer master plan. The master plan evaluates existing sewer collection systems and provides a framework for undertaking the construction of new and replacement facilities to maintain proper levels of service. It includes inflow and infiltration studies to analyze flow monitoring and water use data, a capacity assurance plan to analyze the existing system with existing land use and unit flow factors, a condition assessment and sewer system rehabilitation plan, and a financial plan with recommended capital improvements and financial models.

### **General Pretreatment Regulations for Existing and New Sources of Pollution**

The General Pretreatment Regulations establish the responsibilities of federal, state, and local governments; industry; and the public to implement National Pretreatment Standards to control pollutants that pass through or interfere with treatment processes in publicly owned treatment works or that may contaminate sewage sludge. Pretreatment standards are pollutant discharge limits that apply to industrial users.

### **Regional Regulations**

#### **San Jose Creek Water Reclamation Plant NPDES Permit**

The San Jose Creek Water Reclamation Plant (WRP) is owned and operated by the Los Angeles County Sanitary District (LACSD) and provides primary, secondary, and tertiary wastewater treatment. Wastewater discharge requirements for the San Jose Creek WRP are detailed in NPDES No. CA0053911, Order No. R4-2015-0070. The permit includes the conditions needed to meet minimum applicable technology-based requirements. The permit includes limitations more stringent than applicable federal technology-based requirements where necessary to achieve the required water quality standards.

#### **Carson Joint Water Pollution Control Plant NPDES Permit**

The Carson Joint Water Pollution Control Plant is owned and operated by LACSD and provides primary and secondary wastewater treatment. Wastewater discharge requirements are detailed in NPDES No. CA0053813, Order No. R4-2017-0180. The permit includes the conditions needed to meet minimum applicable technology-based requirements. The permit includes limitations more stringent than applicable federal technology-based requirements where necessary to achieve the required water quality standards.

#### **Consolidated Sewer Maintenance District of Los Angeles County Sewer System Management Plan**

Pursuant to the SWRCB Order No. 2006-003-DWQ, LACSD are required to present the Sewer System Management Plan (SSMP) to their governing board for readoption every five years following the date of original approval or whenever there is a significant change in the document.

The Consolidated Sewer Maintenance District of Los Angeles County SSMP was initially adopted by the Board on May 6, 2008. The Board last recertified the SSMP on June 4, 2013. No significant changes have been made to the SSMP since that time. The goals of the SSMP are to ensure:

- The sanitary sewer collection system facilities are properly operated, maintained, and managed to reduce frequency and severity of sanitary sewer overflows (SSOs) and their potential impacts on public health, safety, and on the environment.
- When SSOs occur, prompt action is taken to identify, contain, remove the cause, promptly report the event to appropriate regulatory authorities, and the public is adequately and timely notified.

## Regulatory Standards

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- All SSOs and system deficiencies and remedial actions taken are well documented.
- The sewer system operators, employees, contractors, responders, or other agents are adequately trained and equipped to address an SSO event.
- The sewer system is adequately designed, constructed, and funded to provide adequate capacity to convey base flows and peak flows while meeting or exceeding applicable regulations, laws, and the generally acceptable practices relative to sanitary sewer system operations and maintenance.

### Local Regulations

#### **City of Walnut Municipal Code**

**Chapter 5.04 Sewers and Sewage Disposal:** This chapter adopts the County Sanitary Sewer and Industrial Waste Ordinance by reference as amended by this chapter. The chapter also includes the regulations concerning connection fees, and reimbursements.

## **Water Supply and Distribution**

### Federal Regulations

#### **Safe Drinking Water Act**

The federal Safe Drinking Water Act (SDWA) is enforced by the EPA and sets standards for drinking water quality and oversees the states, localities, and water suppliers who implement those standards. SDWA requires actions to protect drinking water and its sources, which include rivers, lakes, and groundwater.

### State Regulations

#### **Urban Water Management Planning Act**

In 1983 the California Legislature enacted the Urban Water Management Planning Act (Water Code Section 10610–10656). The Act states that every urban water supplier that provides water to 3,000 or more customers, or that provides over 3,000 acre-feet annually, should make every effort to ensure the appropriate level of reliability in its water service to meet the needs of its various categories of customers during normal, dry, and multiple dry years. The Act requires that urban water suppliers adopt an Urban Water Management Plan (UWMP) at least once every 5 years and submit it to the Department of Water Resources. Noncompliant urban water suppliers are ineligible to receive funding pursuant to Division 24 or Division 26 of the California Water Code, or receive drought assistance from the State, until the UWMP is submitted and deemed complete pursuant to the Urban Water Management Planning Act.

#### **Statewide Water Conservation Act of 2009 (Senate Bill X7-7)**

In November 2009, the California State legislature passed, and the Governor approved, a comprehensive package of water legislation, including SB X7-7 addressing water conservation. In general SB X7-7 requires a 20 percent reduction in per capita urban water use by 2020, with an interim 10 percent target in 2015. The legislation requires urban water users to develop consistent water use targets and to use those targets in their UWMPs.

## **20x2020 Water Conservation Plan**

The 20x2020 Water Conservation Plan of 2010 was a byproduct of the Water Conservation Act of 2009. The plan had a threefold effect, establishing: 1) a benchmark of current usage per capita of 2005 baseline data; 2) an intermediate goal for all water providers to meet by 2015; 3) a 20 percent reduction by 2020 of water usage.

## **Assembly Bill 1668 and Senate Bill 606**

On May 31, 2018, Governor Brown signed two bills (Assembly Bill 1668 and Senate Bill 606) that established long-term standards for water suppliers. The bills called for the creation of new urban efficiency standards for indoor use, outdoor use, and water lost to leaks as well as any appropriate variances for unique local conditions. The indoor water use standard will be 55 gallons per person per day until January 2025; the standard will become stricter over time, decreasing to 50 gallons per person per day in January 2030. The outdoor water use standard will be based on land cover, climate, and other factors determined by the DWR and the SWRCB. SWRCB adopted the water loss standards in October of 2022 and will adopt the standards for outdoor residential and commercial water use in the Spring of 2024.

## **Senate Bill 1157**

On September 28, 2022, Governor Newsom signed Senate Bill 1157 to update the standards for daily per capita indoor water use to reflect the joint recommendations of DWR and SWRCB. The bill would require that from January 1, 2025, to January 1, 2030, the standard for indoor residential water use be 47 gallons per capita daily and beginning January 1, 2030, the standard be 42 gallons per capita daily. The bill would require DWR, in coordination with and SWRCB to conduct necessary studies and investigations to assess and quantify the economic benefit and impacts of the 2030 indoor residential use standard on water, wastewater, and recycled water systems, and summarize the findings of these studies and investigations in a report to the legislature by October 1, 2028.

## **Mandatory Water Conservation**

Following the declaration on July 15, 2014, of a state of emergency due to drought conditions, the SWRCB adopted Resolution No. 2014-0038 for emergency regulation of statewide water conservation efforts. These regulations, which went into effect on August 1, 2014, were intended to reduce outdoor urban water use and persuade all California households to voluntarily reduce their water consumption by 20 percent. Water companies with 3,000 or more service connections were required to report monthly water consumption to the SWRCB. The SWRCB readopted the regulations several times until Governor Brown issued Executive Order B-40-17 in April 2017, ending the drought emergency and directing the SWRCB to rescind portions of its existing drought emergency water conservation regulations but maintain the portions that prohibit wasteful water use practices until permanent requirements are in place. The prohibitions that are still in effect address: 1) the application of potable water to outdoor landscapes in a manner that causes excess runoff; 2) the use of a hose to wash a motor vehicle except where the hose is equipped with a shut-off nozzle; 3) the application of potable water to driveways and sidewalks; 4) the use of potable water in nonrecirculating ornamental fountains; and 5) the application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall. Also, urban water suppliers are still required to submit monthly water monitoring reports to the SWRCB.

### Governor's 2021 Drought Declaration

Governor Gavin Newsom declared a drought state of emergency on April 21, 2021, and asked state agencies to partner with local water districts and utilities to make Californians aware of drought and encourage actions to reduce water usage by promoting the DWR's Save Our Water Campaign and other water conservation programs. The proclamation also included measures to be implemented by the DWR, SWRCB, the Department of Fish and Wildlife, and the Department of Food and Agriculture that included coordinated state and local actions to address issues stemming from continued dry conditions.

The governor issued subsequent drought emergency proclamations on May 10, June 8, and October 19 of 2021, and March 28 of 2022. The May 10 proclamation included further measures to be implemented by DWR, SWRCB, the Department of Fish and Wildlife, and the Department of Food and Agriculture. The July 8 proclamation called on Californians to voluntarily reduce water use by 15 percent from their 2020 levels. The October 19 proclamation required local water suppliers to implement water shortage contingency plans that are responsive to local conditions and prepare for the possibility of a third dry year. The March 28 proclamation requires that by May 25, 2022, the SWRCB must consider adopting emergency regulations defining non-functional turf<sup>6</sup> and banning irrigation of non-functional turf in the commercial, industrial, and institutional sectors. The proclamation also requires that by May 25, 2022, SWRCB must consider adopting emergency regulations to implement the shortage response actions specified in UWMPs for a water shortage level of up to twenty percent. The Walnut Valley Water District's (WVWD) Board of Directors have declared a Stage 2 Water Shortage, which calls for a 20 percent reduction of water use.

The SWRCB tracks and reports monthly on the state's progress toward achieving a 15 percent reduction in statewide urban water use compared to 2020 use.

### State Water Resources Control Board 2022 Water Conservation Emergency Regulations

In 2022, SWRCB adopted two emergency regulations that prohibit certain wasteful water use practices statewide and encourage water suppliers and Californians to monitor water use more closely while building habits to use water wisely and make conservation a way of life.

The following prohibitions adopted in December 2022 are effective until December 2023:

- Outdoor watering that lets water run onto sidewalks and other areas (except incidental runoff)
- Washing vehicles without an automatic shutoff nozzle
- Washing hard surfaces like driveways or sidewalks that don't absorb water
- Street cleaning or construction site preparation
- Filling decorative fountains, lakes, or ponds without a recirculation pump
- Outdoor watering within 48 hours after at least 1/4 inch of rainfall
- Watering decorative grass on public medians

The following prohibitions adopted in June 2022 are effective until June 2023:

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<sup>6</sup> Non-functional turf is turf that is ornamental and not otherwise used for human recreation purposes such as school fields, sports fields, and parks.

- Watering decorative grass in commercial, industrial, and institutional areas, including common areas of homeowners' associations (HOAs)

### **Water Conservation in Landscaping Act of 2006 (AB 1881)**

The Water Conservation in Landscaping Act of 2006 (AB 1881) required the DWR to update the State Model Water Efficient Landscape Ordinance by 2009. The State's model ordinance was issued on October 8, 2009. Under AB 1881, cities and counties are required to adopt a State updated model landscape water conservation ordinance by January 31, 2010, or to adopt a different ordinance that is at least as effective in conserving water as the updated model ordinance. It also requires reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015.

### **2015 Update of the State Model Water Efficient Landscape Ordinance (Executive Order B-29-15)**

To improve water savings in the landscaping sector, the DWR updated the State Model Water Efficient Landscape Ordinance in accordance with Executive Order B-29-15. The Model Ordinance promotes efficient landscapes in new developments and retrofitted landscapes. The Executive Order called for revising the Model Ordinance to increase water efficiency standards for new and retrofitted landscapes through more efficient irrigation systems, greywater usage, and on-site stormwater capture, and by limiting the portion of landscapes that can be covered in turf.

New development projects that include landscaped areas of 500 square feet or more—including residential, commercial, industrial, and institutional projects that require a permit, plan check, or design review—are subject to the Model Ordinance. The previous landscape-size threshold for new development projects ranged from 2,500 square feet to 5,000 square feet.

### **California Plumbing Code**

The California Plumbing Code was adopted as part of the California Building Code (CBC) and specifies technical standards of design, materials, workmanship, and maintenance for plumbing systems. The CBC is updated on a three-year cycle; the latest edition is dated 2022 and is effective as of January 1, 2023. One of the purposes of the plumbing code is to prevent conflicting plumbing codes within local jurisdictions. Among many topics covered in the code are water fixtures, potable and non-potable water systems, and recycled water systems.

### **California Green Building Standards Code**

The residential provisions of the current (2022) California Green Building Standards Code (CALGreen) outline planning, design and development methods that include environmentally responsible site selection, building design, building siting and development to protect, restore and enhance the environmental quality of the site and respect the integrity of adjacent properties. CALGreen also establishes the means of conserving water used indoors, outdoors and in wastewater conveyance, outlines the means of achieving material conservation and resource efficiency; and outlines means of reducing the quantity of air contaminants.

### Regional Regulations

#### **Walnut Valley Water District (WVWD) 2020 Urban Water Management Plan**

The project site is within the existing service area of WVWD. WVWD is required to prepare a UWMP for its service areas pursuant to Water Code Sections 10610 through 10656 of the Urban Water Management Planning Act, effective January 1, 1984. The Urban Water Management Planning Act requires all urban water suppliers to prepare, adopt, and file a UWMP with the DWR every five years. WVWD's 2020 UWMP outlines current water demands, sources, and supply reliability to the City by forecasting water use based on climate, demographics, and land use changes in the City. The plan also details the Water Shortage Contingency Plan used in case of shortage emergencies.

#### **WVWD Rules and Regulations**

WVWD's Board of Directors has adopted rules and regulations with respect to water service. The rules and regulations include conditions of service and the rights of WVWD and customers, applicable rates and charges for water consumption, water conservation requirements, requirements for water service connections and extensions to water mains, and rules applicable to developers and subdividers.

### Local Regulations

#### **City of Walnut Municipal Code**

**Chapter 2.24 California Green Building Code:** This chapter adopts by reference the 2022 edition of the California Green Building Code.

**Chapter 6.52 Supplemental Planning Requirements - Article I. Water Efficient Landscaping:** The purpose of the City's Water Efficient Landscape Ordinance is to establish an alternative model that is at least as effective as the State MWELo in the context of conditions in the City in order to:

- Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
- Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
- Establish provisions for water management practices and water waste prevention for existing landscapes;
- Use water efficiently without waste by setting a maximum applied water allowance as an upper limit for water use and reduce water use to the lowest practical amount;
- Encourage the use of economic incentives that promote the efficient use of water.

#### **Storm Drainage**

### Federal Regulations

## Clean Water Act

The EPA is the lead federal agency responsible for water quality management. The CWA (codified at 33 US Code Sections 1251 to 1376) of 1972 is the primary federal law that governs and authorizes water quality control activities by the EPA and the states.

Under federal law, the EPA has published water quality regulations under Volume 40 of the Code of Federal Regulations. Section 303 of the CWA requires states to adopt water quality standards for all surface waters of the United States. As defined by the CWA, water quality standards consist of two elements: (1) designated beneficial uses of the water body in question and (2) criteria that protect the designated uses. Section 304(a) requires the EPA to publish advisory water quality criteria that accurately reflect the latest scientific knowledge on the kind and extent of all effects on health and welfare that may be expected from the presence of pollutants in water. Where multiple uses exist, water quality standards must protect the most sensitive use.

When water quality does not meet CWA standards and compromises designated beneficial uses of a receiving water body, Section 303(d) of the CWA requires that the water body be identified and listed as “impaired.” Once a water body has been designated as impaired, TMDL must be developed for the impairing pollutant(s). A TMDL is an estimate of the total load of pollutants from point, nonpoint, and natural sources that a water body may receive without exceeding applicable water quality standards, with a factor of safety included. Once established, the TMDL allocates the loads among current and future pollutant sources to the water body.

## National Pollution Elimination Discharge System

The CWA mandates permits for stormwater discharges and requirements for stormwater discharges are regulated under the NPDES program. In California, the NPDES permit program is administered by the State SWRCB through the nine RWQCB. The project site lies within the jurisdiction of the Los Angeles RWQCB (Region 4).

### State Regulations

#### Porter-Cologne Water Quality Act

The Porter-Cologne Water Quality Act (Water Code sections 13000 et seq.) is the basic water quality control law for California. Under this Act, the SWRCB has ultimate control over state water rights and water quality policy. In California, the EPA has delegated authority to issue NPDES permits to the SWRCB. The SWRCB, through its nine RWQCBs, carries out the regulation, protection, and administration of water quality in each region. Each regional board is required to adopt a water quality control plan (or basin plan) that designates beneficial uses and water quality objectives for the region’s surface water and groundwater basins.

#### SWRCB Construction General Permit

Construction activities that disturb one or more acres of land must comply with the requirements of the SWRCB Construction General Permit—Order 2022-0057-DWQ. Under the terms of the permit, applicants must file Permit Registration Documents with the SWRCB prior to the start of construction. These documents include a Notice of Intent, risk assessment, site map, SWPPP, annual fee, and a signed certification statement. The documents are submitted electronically to the SWRCB via the Stormwater Multiple Application and Report Tracking System website.

## Regulatory Standards

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Applicants must also demonstrate conformance with applicable BMPs and prepare a SWPPP containing a site map that shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project area. The SWPPP must list BMPs that would be implemented to prevent soil erosion and discharge of construction-related pollutants that could contaminate nearby water resources. Additionally, the SWPPP must contain a visual monitoring program for all risk levels and a stormwater sampling and analysis program for risk levels 2 and 3.

### SWRCB Trash Amendments

On April 7, 2015, the SWRCB adopted an amendment to the Water Quality Control Plan for Ocean Waters of California to control trash and Part 1, Trash Provisions, of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California. They are collectively referred to as “the Trash Amendments.” The Trash Amendments apply to all surface waters of California and include a land-use-based compliance approach to focus trash controls on areas with high trash-generation rates. Areas such as high density residential, industrial, commercial, mixed urban, and public transportation stations are considered priority land uses. There are two compliance tracks:

- **Track 1:** Permittees install, operate, and maintain a network of certified full-capture systems in storm drains that capture runoff from priority land uses.
- **Track 2:** Permittees must implement a plan with a combination of full-capture systems, multibenefit projects, institutional controls, and/or other treatment methods that have the same effectiveness as Track 1 methods.

The Trash Amendments provide a framework for permittees to implement its provisions. Full compliance must occur within 10 years of the permit, and permittees must also meet interim milestones, such as average load reductions of 10 percent per year.

### Regional Regulations

#### Los Angeles RWQCB Regional Municipal Stormwater (MS4) Permit

On July 23, 2021, the Los Angeles RWQCB adopted a Regional Phase I MS4 Permit for discharges within the coastal watersheds of Los Angeles and Ventura counties (Order No. R4-2021-0105, NPDES Permit No. CAS004004). The municipal discharges of stormwater and non-storm water by the City of Walnut are subject to waste discharge requirements in this MS4 permit.

#### Los Angeles County Department of Public Works Hydrology Manual

The Los Angeles County Department of Public Works (LAC-DPW) hydrology manual establishes hydrologic design procedures and contains charts, graphs, and tables necessary to conduct a hydrologic study within the County of Los Angeles. The manual contains procedures and standards developed and revised by the Water Resources Division based on historic rainfall and runoff data collected within the county. The hydrologic techniques in the manual apply to the design of local storm drains, retention and detention basins, pump stations, and major channel projects. Standards set forth in the manual govern all hydrology calculations done under LAC-DPW's jurisdiction.



## Local Regulations

### *City of Walnut Municipal Code*

**Chapter 2.04.040 Appendix Chapter J of said Los Angeles County Building Code supplemented by development grading standards:** This chapter includes all grading work requirements including the development of a grading plan and erosion control plan.

**Chapter 5.08, Stormwater and Urban Runoff Pollution Control:** The purpose of this chapter is to ensure the water quality of receiving waters of the County of Los Angeles and surrounding coastal areas by:

- Reducing pollutants in stormwater discharges to the maximum extent practicable;
- Regulating illicit connections and illicit discharges and thereby reducing the level of contamination of stormwater and urban runoff into the municipal stormwater system; and
- Regulating non-stormwater discharges to the municipal stormwater system.

## **Solid Waste**

### Federal Regulations

#### **Resource Conservation and Recovery Act**

The Resource Conservation and Recovery Act of 1976 (RCRA) (Title 40 of the Code of Federal Regulations), Part 258, contains regulations for municipal solid waste landfills and requires states to implement their own permitting programs incorporating the federal landfill criteria. The federal regulations address the location, operation, design (liners, leachate collection, run-off control, etc.), groundwater monitoring, and closure of landfills.

### State Regulations

#### **California Green Building Standards Code**

Section 5.408 (Construction Waste Reduction, Disposal, and Recycling) of CALGreen requires that at least 65 percent of the nonhazardous construction and demolition waste from nonresidential construction operations be recycled and/or salvaged for reuse. CALGreen is updated on a three-year cycle; the current (2022) CALGreen took effect on January 1, 2023.

#### **Assembly Bill 939**

Assembly Bill (AB) 939 (California Integrated Solid Waste Management Act of 1989; Public Resources Code Section 40050 et seq.) established an integrated waste-management system that focused on source reduction, recycling, composting, and land disposal of waste. AB 939 required every California city and county to divert 50 percent of its waste from landfills by the year 2000. Compliance with AB 939 is measured in part by comparing solid waste disposal rates for a jurisdiction with target disposal rates; actual rates at or below target rates are consistent with AB 939. AB 939 also requires California counties to show 15 years of disposal capacity for all jurisdictions in the county or show a plan to transform or divert its waste.

### **Assembly Bill 1327**

The California Solid Waste Reuse and the Recycling Access Act of 1991 (AB 1327) is codified in Public Resources Code Sections 42900-42911. As amended, AB 1327 requires each local jurisdiction to adopt an ordinance requiring commercial, industrial, institutional, and residential buildings having five or more living units to provide an adequate storage area for the collection and removal of recyclable materials. The size of these storage areas is determined by the appropriate jurisdictions' ordinance.

### **Organic Waste Methane Emissions Reduction Act (Senate Bill 1383)**

In September 2016, SB 1383 was signed into law establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants in various sectors of California's economy. SB 1383 establishes goals to reduce the landfill disposal of organics by achieving a 50 percent reduction in the 2014 level of statewide disposal of organic waste by 2020 and a 75 percent reduction by 2025. SB 1383 grants CalRecycle the regulatory authority to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food must be recovered for human consumption by 2025.

As of January 2022, SB 1383 affects all generators of organic waste, including businesses, institutions, and non-profit organizations, multi-family property owners or managers of buildings with five or more units, residents in single-family homes, apartments, and condos, public and private schools, and government agencies, such as State agencies and park districts. All generators must be provided with curbside organics service.

### **Senate Bill (SB) 1016**

SB 1016 requires that the 50 percent solid waste diversion requirement established by AB 939 be expressed in pounds per person per day. SB 1016 changed the CalRecycle review process for each municipality's Integrated Waste Management Plan (IWMP). The CalRecycle Board reviews a jurisdiction's diversion rate compliance in accordance with a specified schedule. Beginning January 1, 2018, the Board will be required to review a jurisdiction's source Reduction and Recycling Element and Hazardous Waste Element every two years.

### **Assembly Bill 341**

AB 341 (Chapter 476, Statutes of 2011) increased the statewide solid waste diversion goal to 75 percent by 2020. AB 341, which was passed in 2011 and took effect July 1, 2012, mandates recycling for businesses producing four or more cubic yards of solid waste per week or multi-family residential dwellings of five or more units. Under AB 341, businesses and multi-family dwellings of five or more units must separate recyclables from trash and either subscribe to recycling services, self-haul their recyclables, or contract with a permitted private recycler.

### **Assembly Bill 1826**

Assembly Bill 1826 currently requires businesses and multi-family complexes that generate two or more cubic yards of solid waste, recycling, and organic waste combined per week to start recycling organic waste. Single-family dwellings are not required to have a food waste diversion program. This requirement was instated by CalRecycle to meet the target set by SB 1383.

## Regional Regulations

### **County of Los Angeles Countywide Integrated Waste Management Plan**

The County Integrated Waste Management Plan comprises the solid waste reduction planning documents produced by the County and its cities. To assess compliance with AB 939, a Disposal Reporting System was established to measure the amount of disposal from each jurisdiction. Comparing current disposal rates to base year solid waste generation determines whether each jurisdiction complies with the diversion mandate. Additionally, the Siting Element is a long-term planning document that describes how the County and the cities in the county plan to manage the disposal of their solid waste for a 15-year planning period. The Siting Element contains goals and policies on a variety of solid waste management issues.

## Local Regulations

### **City of Walnut Municipal Code**

**Chapter 3.29, Mandatory Organic Waste Disposal Reduction:** This chapter includes the requirements for commercial business and residential use with respect to the collection of organic wastes, the provision of waste containers, access to organic waste containers, and education, training, and maintenance requirements.

**Chapter 3.28 Collection and Disposal of Refuse:** Includes requirements related to the collection, removal, disposal, and recycling of solid waste including mandatory refuse and recycling programs.

**Chapter 2.24 California Green Building Code:** This chapter adopts by reference the 2022 edition of the California Green Building Code.

## **Other Utilities**

### Federal Regulations

#### **Energy Independence and Security Act of 2007**

The Energy Independence and Security Act of 2007 (Public Law 110-140) seeks to provide the nation with greater energy independence and security by increasing the production of clean renewable fuels; improving vehicle fuel economy; and increasing the efficiency of products, buildings, and vehicles. It also seeks to improve the energy performance of the federal government. The act sets increased corporate average fuel economy standards; the renewable fuel standard; appliance energy-efficiency standards; building energy-efficiency standards; and accelerated research and development tasks on renewable energy sources (e.g., solar energy, geothermal energy, and marine and hydrokinetic renewable energy technologies), carbon capture, and sequestration.

#### **Energy Policy Act of 2005**

Passed by Congress in July 2005, the Energy Policy Act includes a comprehensive set of provisions to address energy issues. This Act includes tax incentives for energy conservation improvements in commercial and residential buildings, fossil fuel production and clean coal facilities, and construction and operation of nuclear power plants, among other things. Subsidies are also included for geothermal, wind energy, and other alternative energy producers.

### National Energy Policy

Established in 2001 by the National Energy Policy Development Group, the National Energy Policy is designed to help the private sector and state and local governments promote dependable, affordable, and environmentally sound production and distribution of energy for the future. Key issues addressed by the energy policy are energy conservation, repair and expansion of energy infrastructure, and ways of increasing energy supplies while protecting the environment.

### State Regulations

#### California Energy Commission

The California Energy Commission (CEC) was created in 1974—as the California Energy Resources Conservation and Development Commission—to be the state’s principal energy planning organization and meet the energy challenges of the 1973 oil embargo. The CEC is charged with six basic responsibilities when designing state energy policy:

- Forecast statewide electricity needs.
- License power plants to meet those needs.
- Promote energy conservation and efficiency measures.
- Develop renewable energy resources and alternative energy technologies.
- Promote research, development, and demonstration.
- Plan for and direct the state’s response to energy emergencies.

#### California Energy Benchmarking and Disclosure (AB 802)

On October 8, 2015, AB 802 directed the CEC to establish a statewide energy benchmarking and disclosure program and enhanced the CEC’s existing authority to collect data from utilities and other entities for the purposes of energy forecasting, planning, and program design. Among the specific provisions, AB 802 requires utilities to maintain records of the energy usage data of all buildings to which they provide service for at least the most recent 12 complete months. AB 802 requires each utility, upon the request and authorization of the owner, owner’s agent, or operator of a covered building, to deliver or provide aggregated energy usage data for a covered building to the owner, owner’s agent, operator, or to the owner’s account in the Energy Star Portfolio Manager, subject to specified requirements. AB 802 also authorized the CEC to specify additional information to be delivered by utilities for certain purposes.

#### California Building Code: Building Energy Efficiency Standards

Energy conservation standards for new residential and nonresidential buildings were adopted by the California Energy Resources Conservation and Development Commission (now the CEC) in June 1977 (24 CCR, Part 6). Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. The 2019 Building Energy Efficiency Standards, which were adopted on May 9, 2018, went into effect starting January 1, 2020. The 2019 standards move toward cutting energy use in new homes by more than 50 percent and will require installation of solar photovoltaic systems for single-family homes and multifamily buildings of three stories and less. The 2019 standards focus on four key areas: 1) smart residential photovoltaic systems; 2) updated thermal envelope standards (preventing heat transfer from the

interior to exterior and vice versa); 3) residential and nonresidential ventilation requirements; 4) and nonresidential lighting requirements.

The 2022 Building Energy Efficiency Standards were approved by the California Building Standards Commission in December 2021. The 2022 standards became effective and replaced the existing 2019 standards on January 1, 2023. The 2022 standards require mixed-fuel single-family homes to be electric-ready to accommodate replacement of gas appliances with electric appliances. In addition, the new standards also include prescriptive photovoltaic system and battery requirements for high-rise, multifamily buildings (i.e., more than three stories) and noncommercial buildings such as hotels, offices, medical offices, restaurants, retail stores, schools, warehouses, theaters, and convention centers.

### **Title 24, Part 11, Green Building Standards**

On July 17, 2008, the California Building Standards Commission adopted the nation's first green building standards. CALGreen established planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. The mandatory provisions of CALGreen became effective January 1, 2011, and the 2022 CALGreen standards became effective January 1, 2023.

### **Appliance Efficiency Regulations**

California's Appliance Efficiency Regulations (Cal. Code Regs. Title 20, Parts 1600–1608) contain energy performance, energy design, water performance, and water design standards for appliances that are sold or offered for sale in California (including refrigerators, ice makers, vending machines, freezers, water heaters, fans, boilers, washing machines, dryers, air conditioners, pool equipment, and plumbing fittings). These standards are updated regularly to allow consideration of new energy efficiency technologies and methods.

### Local Regulations

#### **City of Walnut Municipal Code**

**Chapter 2.24 California Green Building Code:** This chapter adopts by reference the 2022 edition of the California Green Building Code.

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