

**NOTICE OF PREPARATION of a DRAFT ENVIRONMENTAL
IMPACT REPORT and PUBLIC SCOPING MEETING**
NOP Comment Period: December 18, 2023 to January 19, 2024

To: (Responsible, Trustee, Federal, and
Local Agencies, and adjacent
property owners)

From: City of Hemet Planning Department
445 East Florida Avenue
Hemet, CA 92543

CEOA Lead Agency

Staff Contact: Monique Alaniz-Flejter, Community
Development Director
City of Hemet Planning Department
445 East Florida Avenue
Hemet, CA 92543
Email: MFlejter@hemetca.gov
Phone: (951) 765-2370

Subject: Newland Simpson Road Project

NOTICE IS HEREBY GIVEN that the City of Hemet (City) is commencing preparation of an Environmental Impact Report (Draft EIR) for the Simpson Road project (proposed Project) and has released this Notice of Preparation (NOP) per requirements of the California Environmental Quality Act (CEQA).

The proposed Project site is 72.95 acres, located in the western portion of the city of Hemet at the intersection of Warren Road and Simpson Road. The Project site consists of two parcels, located on the southeast and southwest corners of the intersection of Simpson Road and Warren Road, and are identified by Riverside County Assessor's Parcel Numbers (APNs) 465-140-043 and 465-140-042. The site is relatively flat and is currently utilized for farming activities with no existing structures or improvements, other than irrigation infrastructure (see Figure 1, *Local Vicinity Map*). The Project site is zoned Business Park (B-P) and has a General Plan land use designation of Mixed Use (MU). The site is surrounded by vacant and agricultural land uses to the north, south and west, and vacant land and residential uses to the east. As described in more detail below, an application has been received by the City for a General Plan Amendment, Tentative Parcel Map, Site Development Review, and a Conditional Use Permit to split APN 465-140-043 into two parcels and to develop the 72.95-acre site with two new speculative industrial buildings totaling approximately 1,192,418 SF, a trailer parking lot, and related improvements, as shown on Figure 2, *Conceptual Site Plan*.

The City wants to know the views of your agency as to the scope and content of the environmental information germane to your agency's statutory responsibilities. As a Responsible or Trustee agency, your agency may need to use the Project EIR prepared by the City when considering issuance of a permit or other approval for the proposed Project. Information gathered during the NOP comment period will be used to shape and focus future analyses of the Project's potential environmental impacts.

NOP COMMENT PERIOD

The City invites you to submit written comments describing your specific environmental concerns, and if representing a public agency, please identify your specific areas of statutory responsibility, if applicable. Written comments are desired at the earliest possible date, but due to the time limits mandated by State law, your response must be sent no later than 30 days after receipt of this notice. **The NOP public comment**

period begins on December 18, 2023 and ends on January 19, 2024. Please send your written comments to the City staff identified above, and please include your name, address, and contact information in your correspondence.

Copies of the Notice of Preparation are available at the following location:

City of Hemet Planning Department
445 East Florida Avenue
Hemet, CA 92543

An electronic version of this notice, a distribution list, and Project-related documents can be found on the City's website: <https://www.hemetca.gov/797/Environmental-Documents>.

SCOPING MEETING

The City will conduct a public scoping meeting in conjunction with this Notice of Preparation in order to receive public comments and suggestions regarding the scope and content of the EIR. The meeting will be held on:

Date: Wednesday, January 3, 2024
Time: 5 p.m. to 6 p.m.
Location: Hemet Public Library Conference Room
300 E Florida Ave
Hemet, CA 92543

I. Project Description

The proposed Project includes a Site Development Review and Conditional Use Permit to construct approximately 1,192,418 square feet (SF) of speculative industrial uses on an approximately 72.95 acre site, as well as a General Plan Amendment to change the current land use designation of Mixed Use (MU) to Business Park (BP) in order to be consistent with the B-P zoning for the site. The proposed Project would develop the site with two new speculative industrial buildings totaling approximately 1,192,418 SF, a trailer parking lot, and related improvements, as shown on Figure 2, *Conceptual Site Plan*.

Building 1

The westernmost portion of the Project site consisting of 45.28-acres located southwest of the intersection of Warren Road and Simpson Road Avenue, is proposed to be developed with an 883,080 SF speculative high-cube warehouse building (Building 1). Building 1 would include 838,926 SF of warehouse space and 44,154 SF of office space, as well as 144 dock-high doors and four grade-level doors. Building 1 would result in a FAR of 0.47 and would have a maximum height of 61-feet. Building 1 would include 945 auto parking stalls, located to the north and south sides of the building, and 204 trailer parking stalls, which would be located to the east and west sides of the building. Building 1 would be accessible via Simpson Road from three new driveways, two that are proposed to be 40-feet wide and one proposed to be 26-feet-wide.

Building 2

The smaller building (Building 2) is proposed on an 18.73-acre portion of the Project site, at the southeast corner of the intersection of Warren Road and Simpson Road Avenue. Building 2 is proposed to be developed as a 309,338 SF speculative high-cube warehouse building, consisting of 293,944 SF of warehouse space and 15,394 SF of office space, as well as 50 dock-high doors and two grade-level doors. Building 2 would result in a FAR of 0.39 and would have a maximum height of 61-feet. Building 2 would include 352 auto

parking stalls, located to the north, east, and south of the building, and 55 trailer parking stalls, which would be located to the east side of the building. Building 2 would be accessible via Simpson Road from one 26-foot and one 40-foot-wide driveway.

Trailer Parking

The 8.93-acre easternmost portion of the Project site, located at the southeast corner of the intersection of Warren Road and Simpson Road, is proposed to be developed with an ancillary trailer parking lot and a 64,078 SF detention basin. The proposed trailer parking lot includes 161 trailer parking stalls with 70-foot-wide drive aisles. Access would be via Simpson Road from a new 40-foot-wide driveway.

Landscaping

The proposed Project would include approximately 483,977 SF (or 11.11 acres) of landscaping that would cover about 24.5-percent of the site. Landscaping would be provided along the perimeter of each building, along street frontages and site boundaries, and throughout the parking lot areas.

Infrastructure Improvements

The proposed Project would construct onsite water lines to connect to the existing 24-inch water main in Simpson Road.

The Project would also construct onsite sewer lines to connect to a new 24-inch sewer main in Simpson Road, which would also be constructed by the Project.

Runoff from the Project site would be collected and treated by four underground and two aboveground infiltration basins, located throughout the site. Onsite basins would include an emergency pump overflow that would discharge onsite and ultimately discharge to Salt Creek Channel, mimicking existing conditions.

The proposed Project would include a 44-foot dedication to Simpson Road and would widen Simpson Road by 10 feet. Additionally, the Project includes a 14-foot (half-width) dedication to the Simpson Road right-of-way and would widen Simpson Road by 20-feet. Additionally, the Project would include a 12-foot reduction to the Warren Road right-of-way and would widen Warren Road by 26-feet, as well as the construction of new sidewalks on all Project frontages.

Anticipated Construction

Construction of the proposed Project would occur in one phase and is anticipated to last for 14 months, beginning in the last quarter of 2024 and ending in 2026. Construction activities would include site preparation (clearing and grubbing), grading, building construction, paving, and architectural coating. It is anticipated that the proposed Project would result in the import of 96,300 cubic yards of soil. Although individual users have not been identified, the proposed buildings are anticipated to operate up 24 hours a day, 7 days a week as high-cube warehouses. The warehousing uses could include multiple shifts with operational activities 24 hours per day.

II. Required Actions/Permits

To allow for development of the proposed Project, the following discretionary actions are required from the City:

- General Plan Amendment from Mixed Use (MU) to Business Park (BP)
- Tentative Parcel Map
- Conditional Use Permit (CUP)
- Site Development Review
- California Environmental Quality Act Compliance, including technical studies.

Other City, regional, and state departments/agencies also may use the EIR in conjunction with other required permits and approvals, including (but not limited to) the following:

- Eastern Municipal Water District
- Riverside County Airport Land Use Commission
- Riverside County Flood Control and Water Conservation District
- Southern California Edison
- Riverside County Department of Environmental Health
- South Coast Air Quality Management District
- State Water Board & Santa Ana Regional Water Quality Control Board

III. Probable Environmental Effects of the Proposed Project

The Draft EIR will contain a detailed Project Description, a map identifying the location of the project site and surrounding land uses, a description of the existing environmental setting, project-specific impacts, cumulative impacts, mitigation measures to reduce potentially significant impacts, and an alternatives analysis. It is anticipated that the Draft EIR will focus on the following environmental issues:

- Aesthetics
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology & Water Quality
- Land Use & Planning
- Mineral Resources
- Noise
- Population & Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities & Service Systems
- Wildfire

IV. Response to this NOP

Please provide written comments to the City no later than 30 days from receipt of this NOP. According to Section 15082(b) of the *CEQA Statute and Guidelines*, your comments should address the scope and content of environmental information related to your agency's area of statutory responsibility. More specifically, your response should identify the significant environmental issues and reasonable alternatives and mitigation measures that your agency will need to have explored in the Draft EIR, and whether your agency will be a responsible agency or trustee agency, as defined by Sections 15381 and 15386 of the *CEQA Statute and Guidelines*, respectively. Please return all comments either via U.S. postal mail to the following address:

Monique Alaniz-Flejter, Community Development Director
City of Hemet Planning Department
445 East Florida Avenue
Hemet, CA 92543

Or via email with the subject line "**Newland Simpson Road Project - NOP Comments**"

Email: MFletjer@hemetca.gov

The City appreciates your conscientious attention to this NOP.

Project Title: Newland Simpson Road Project

Project Applicant: Newland Capital Group
Ty Newland
Newland Capital Group
200 Spectrum Center Drive, Suite 300
Irvine, CA, 92618
(949)-214-4779

Figure 1: Local Vicinity

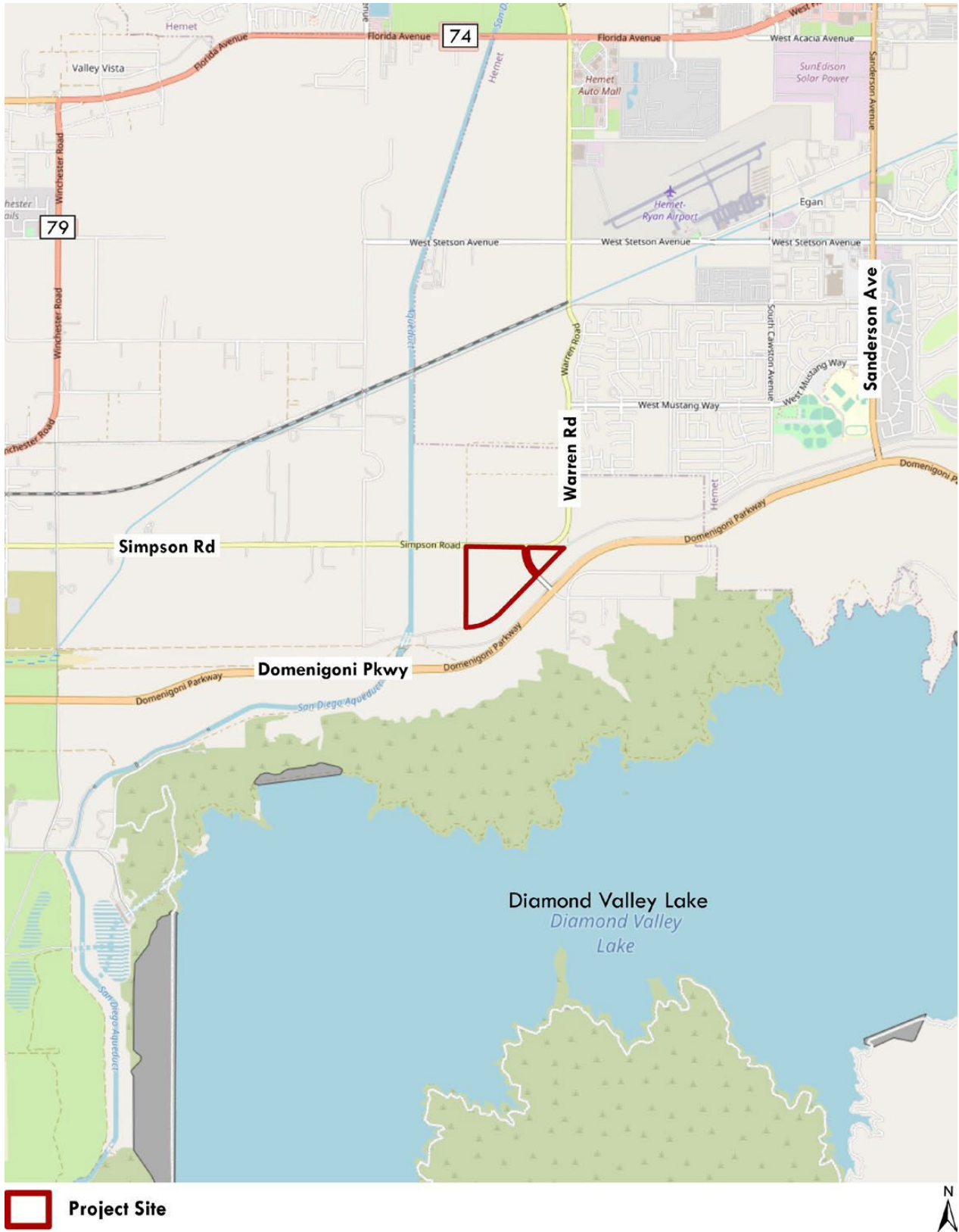
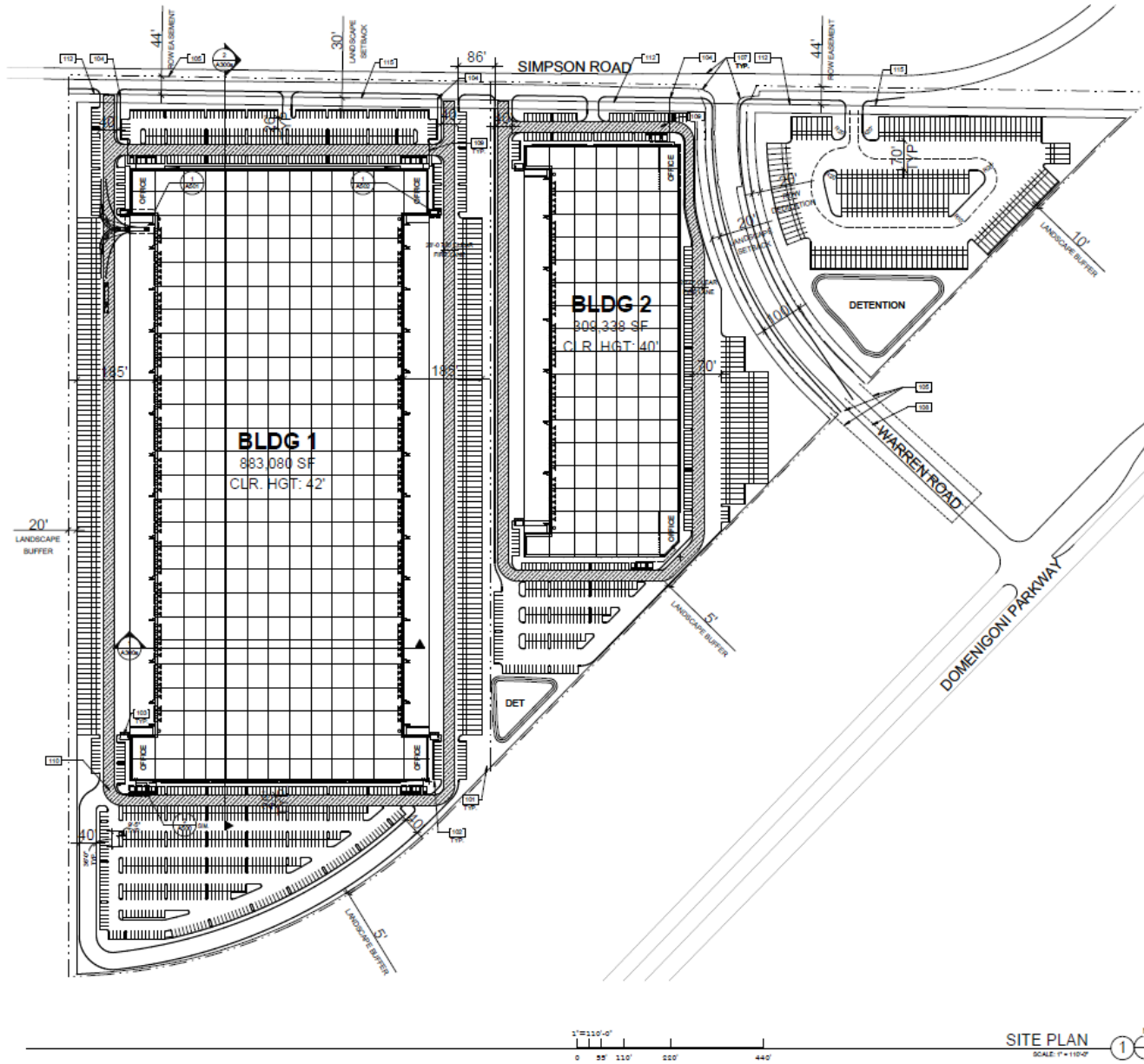


Figure 2: Conceptual Site Plan



NATIVE AMERICAN HERITAGE COMMISSION

December 19, 2023

Monique Alaniz-Flejter
 City of Hemet
 445 East Florida Avenue
 Hemet, CA 92543

Re: 2023120462, Newland Simson Road Project, Riverside County

Dear Ms. Alaniz-Flejter:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

[AB 52](#)



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 Chumash

VICE-CHAIRPERSON
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 1550 Harbor Boulevard
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 West Sacramento,
 California 95691
 (916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov



AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a.** A brief description of the project.
 - b.** The lead agency contact information.
 - c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a.** Alternatives to the project.
 - b.** Recommended mitigation measures.
 - c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:
 - a.** Type of environmental review necessary.
 - b.** Significance of the tribal cultural resources.
 - c.** Significance of the project's impacts on tribal cultural resources.
 - d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

January 18, 2024

Monique Alaniz-Flejter
Community Development Director
City of Hemet Planning Department
445 East Florida Avenue
Hemet, California 92543
mflejter@hemetca.gov

Sent via email

Monique Alaniz-Flejter:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Notice of Preparation (NOP) for the Newland Simpson Road Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2023120462. The Project proposes the construction and operation of approximately 1,192,418 square feet of speculative industrial uses on an approximately 73-acre site, as well as a General Plan Amendment to change the current land use designation of Mixed Use (MU) to Business Park (BP) in order to be consistent with the B-P zoning for the site. The Project site is located within the City of Hemet (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

Industrial developments, such as the Project, can result in high daily volumes of heavy-duty diesel truck traffic and operation of on-site equipment (e.g., forklifts and yard tractors) that emit toxic diesel particulate matter (diesel PM), and contribute to regional air pollution and global climate change.¹ The Project will expose nearby communities to elevated levels of air pollution. Existing residences are located north, west, and east of the Project with the closest residence located within 815 feet from the Project's eastern boundary. Due to the Project's proximity to existing residences, CARB is concerned with the potential health impacts associated with the construction and operation of the Project.

The DEIR Should Quantify and Discuss the Potential Cancer Risks from Project Operation

Since the Project is near existing residences, and near a future residential development proposed within the Project site, CARB urges the City to prepare a health risk assessment (HRA) for the Project. The HRA should account for all potential operational health risks from Project-related diesel PM emission sources, including but not limited to, back-up

¹ With regard to greenhouse gas emissions from this project, CARB has been clear that local governments and project proponents have a responsibility to properly mitigate these impacts. CARB's guidance, set out in detail in the Scoping Plan issued in 2017, makes clear that in CARB's expert view, local mitigation is critical to achieving climate goals and reducing greenhouse gases below levels of significance.

generators, on-site diesel-powered equipment, and heavy-duty trucks. The HRA should also determine if the operation of the Project in conjunction with past, present, and reasonably foreseeable future projects or activities would result in a cumulative cancer risk impact on nearby residences. To reduce diesel PM exposure and associated cancer risks, CARB urges the City to include all the air pollution reduction measures listed in Attachment A.

Since the Project description provided in the NOP does not explicitly state that the proposed industrial land uses would not be used for cold storage, there is a possibility that trucks and trailers visiting the Project-site would be equipped with transport refrigeration units (TRU).² TRUs on trucks and trailers can emit large quantities of diesel exhaust while operating within the Project-site. Residences and other sensitive receptors (e.g., daycare facilities, senior care facilities, and schools) located near where these TRUs could be operating, would be exposed to diesel emissions that would result in a significant cancer risk impact to the nearby community. If the Project may be used for cold storage, CARB urges the City to model air pollutant emissions from on-site TRUs in the DEIR, and to include potential cancer risks from on-site TRUs in the Project HRA. If the Project will not be used for cold storage, CARB urges the City to include one of the following design measures in the DEIR:

- A Project design measure requiring contractual language in tenant lease agreements that prohibits tenants from operating diesel-powered TRUs within the Project-site; or
- A condition requiring a restrictive covenant over the parcel that prohibits the applicant's use of diesel-powered TRUs on the property unless the applicant seeks and receives an amendment to its conditional use permit allowing such use.

The HRA prepared in support of the Project should be based on the latest Office of Environmental Health Hazard Assessment's (OEHHA) guidance (2015 Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments),³ and CARB's Hot Spots Analysis and Reporting Program (HARP2 model). The Project's mobile PM emissions used to estimate the Project's cancer risk impacts should be based on CARB's latest 2021 Emission Factors model (EMFAC2021). Mobile emission factors can be easily obtained by running the EMFAC2021 Web Database: <https://arb.ca.gov/emfac/>.

The HRA should evaluate and present the existing baseline (current conditions), future baseline (full build-out year, without the Project), and future year with the Project. The health risks modeled under both the existing and the future baselines should reflect all applicable federal, state, and local rules and regulations. By evaluating health risks using both

² TRUs are refrigeration systems powered by integral diesel engines that protect perishable goods during transport in an insulated truck and trailer vans, rail cars, and domestic shipping containers.

³ Office of Environmental Health Hazard Assessment (OEHHA). Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February 2015. Accessed at: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>.

baselines, the public and planners will have a complete understanding of the potential health impacts that would result from the Project.

The DEIR Should Quantify and Discuss the Potential Cancer Risks from Project Construction

In addition to the health risks associated with operational diesel PM emissions, health risks associated with construction diesel PM emissions should also be included in the air quality section of the DEIR and the Project's HRA. Construction of the Project would result in short-term diesel PM emissions from the use of both on-road and off-road diesel equipment. The OEHHA guidance recommends assessing cancer risks for construction projects lasting longer than two months. Since construction would very likely occur over a period lasting longer than two months, the HRA prepared for the Project should include health risks for existing sensitive receptors near the Project-site during construction.

The HRA should account for all diesel PM emission sources related to Project construction, including, but not limited to, off-road mobile equipment, diesel generators, diesel-powered TRUs, and on-road heavy-duty trucks. As previously stated, the cancer risks evaluated in the construction HRA should be based on the latest OEHHA guidance, and CARB's HARP2 model. The cancer risks reported in the HRA should be calculated using the latest emission factors obtained from CARB's latest EMFAC (currently EMFAC 2021) and off-road models.

Conclusion

To reduce the exposure of toxic diesel PM emissions in disadvantaged communities already impacted by air pollution, the final design of the Project should include all existing and emerging zero-emission technologies to minimize diesel PM and NOx emissions, as well as the greenhouse gases that contribute to climate change. CARB encourages the City to implement the applicable measures listed in Attachment A of this letter.

Given the breadth and scope of projects subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a project, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. CARB's deliberate decision to substantively comment on some issues does not constitute an admission or concession that it substantively agrees with the lead agency's findings and conclusions on any issues on which CARB does not substantively submit comments.

CARB appreciates the opportunity to comment on the NOP for the Project and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your State Clearinghouse list of selected State agencies that will receive the DEIR as part of the comment period. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist via email at stanley.armstrong@arb.ca.gov.

Sincerely,



Matthew O'Donnell, Branch Chief, Risk Reduction Branch

Attachment

cc: State Clearinghouse
state.clearinghouse@opr.ca.gov

Yassi Kavezade, Organizer, Sierra Club
yassi.kavezade@sierraclub.org

Sam Wang, Program Supervisor, CEQA Intergovernmental Review, South Coast Air Quality Management District
swang1@aqmd.gov

Morgan Capilla, NEPA Reviewer, U.S. Environmental Protection Agency, Air Division, Region 9
capilla.morgan@epa.gov

Taylor Thomas, Research and Policy Analyst, East Yard Communities for Environmental Justice
tbthomas@eycej.org

Stanley Armstrong, Air Pollution Specialist, Risk Reduction Branch

Attachment A

Recommended Air Pollution Emission Reduction Measures for Warehouses and Distribution Centers

The California Air Resources Board (CARB) recommends developers and government planners use all existing and emerging zero to near-zero emission technologies during project construction and operation to minimize public exposure to air pollution. Below are some measures, currently recommended by CARB, specific to warehouse and distribution center projects. These recommendations are subject to change as new zero-emission technologies become available.

Recommended Construction Measures

1. Ensure the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment and providing the necessary infrastructure (e.g., electrical hookups) to support zero and near-zero equipment and tools.
2. Implement, and plan accordingly for, the necessary infrastructure to support the zero and near-zero emission technology vehicles and equipment that will be operating on site. Necessary infrastructure may include the physical (e.g., needed footprint), energy, and fueling infrastructure for construction equipment, on-site vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.
3. In construction contracts, include language that requires all off-road diesel-powered equipment used during construction to be equipped with Tier 4 or cleaner engines, except for specialized construction equipment in which Tier 4 engines are not available. In place of Tier 4 engines, off-road equipment can incorporate retrofits, such that, emission reductions achieved are equal to or exceed that of a Tier 4 engine.
4. In construction contracts, include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) used during project construction be battery powered.
5. In construction contracts, include language that requires all heavy-duty trucks entering the construction site during the grading and building construction phases be model year 2014 or later. All heavy-duty haul trucks should also meet CARB's lowest optional low-oxides of nitrogen (NO_x) standard starting in the year 2022.⁴

⁴ In 2013, CARB adopted optional low-NO_x emission standards for on-road heavy-duty engines. CARB encourages engine manufacturers to introduce new technologies to reduce NO_x emissions below the current mandatory on-road heavy-duty diesel engine emission standards for model-year 2010 and later. CARB's optional low-NO_x emission standard is available at: <https://ww2.arb.ca.gov/our-work/programs/optional-reduced-nox-standards>

6. In construction contracts, include language that requires all construction equipment and fleets to be in compliance with all current air quality regulations. CARB is available to assist in implementing this recommendation.

Recommended Operation Measures

1. Include contractual language in tenant lease agreements that requires tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site.
2. Include contractual language in tenant lease agreements that requires all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with transport refrigeration units (TRUs) or auxiliary power units. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration are encouraged and can also be included in lease agreements.⁵
3. Include contractual language in tenant lease agreements that requires all TRUs entering the project-site be plug-in capable.
4. Include contractual language in tenant lease agreements that requires future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.
5. Include contractual language in tenant lease agreements that requires all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be zero-emission. This equipment is widely available and can be purchased using incentive funding from CARB's Clean Off-Road Equipment Voucher Incentive Project (CORE).⁶
6. Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering or on the project site to be zero-emission vehicles, and be fully zero-emission. A list of commercially available zero-emission trucks can be obtained from the Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP).⁷ Additional incentive funds can be obtained from the Carl Moyer Program and Voucher Incentive Program.⁸

⁵ CARB's technology assessment for transport refrigerators provides information on the current and projected development of TRUs, including current and anticipated costs. The assessment is available at: https://www.arb.ca.gov/msprog/tech/techreport/tru_07292015.pdf

⁶ Clean Off-Road Equipment Voucher Incentive Project. Accessible at: <https://californiacore.org/how-to-participate/>

⁷ Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: <https://californiahvip.org/>

⁸ Carl Moyer Program and Voucher Incentive Program. <https://ww2.arb.ca.gov/carl-moyer-program-apply>

7. Include contractual language in tenant lease agreements that requires the tenant to be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation,⁹ Advanced Clean Trucks Regulation,¹⁰ Periodic Smoke Inspection Program (PSIP),¹¹ and the Statewide Truck and Bus Regulation.¹²
8. Include contractual language in tenant lease agreements restricting trucks and support equipment from idling longer than two minutes while on site.
9. Include rooftop solar panels for each proposed warehouse to the extent feasible, with a capacity that matches the maximum allowed for distributed solar connections to the grid.
10. Include contractual language in tenant lease agreements, requiring the installing of vegetative walls¹³ or other effective barriers that separate loading docks and people living or working nearby.
11. Include contractual language in tenant lease agreements, requiring all emergency generators to be powered by a non-diesel fuel.
12. The project should be constructed to meet CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking, and achieve a certification of compliance with LEED green building standards.

⁹ In December 2008, CARB adopted a regulation to reduce greenhouse gas emissions by improving the fuel efficiency of heavy-duty tractors that pull 53-foot or longer box-type trailers. 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. CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation is available at: <https://ww2.arb.ca.gov/our-work/programs/ttghg>

¹⁰ On June 25, 2020, CARB approved the Advanced Clean Trucks Regulation. The regulation requires manufacturers to start the transition from diesel trucks and vans to zero-emission trucks beginning in 2024. The rule is expected to result in about 100,000 electric trucks in California by the end of 2030 and about 300,000 by 2035. CARB is expected to consider a fleet regulation in 2021 that would be compatible with the Advanced Clean Trucks regulation, requiring fleets to purchase a certain percentage of zero-emission trucks and vans for their fleet operations. <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>

¹¹ The PSIP program requires that diesel and bus fleet owners conduct annual smoke opacity inspections of their vehicles and repair those with excessive smoke emissions to ensure compliance. CARB's PSIP program is available at: <https://www.arb.ca.gov/enf/hdvp/hdvp.htm>

¹² The regulation requires that newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model-year engines or equivalent. CARB's Statewide Truck and Bus Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>

¹³ Effectiveness of Sound Wall-Vegetation Combination Barriers as Near-Roadway Pollutant Mitigation Strategies (2017) is available at: <https://ww2.arb.ca.gov/sites/default/files/classic/research/apr/past/13-306.pdf>



1/19/2024

VIA EMAIL ONLY

Monique Alaniz-Flejter
Community Development Director
City of Hemet Planning Department
445 East Florida Avenue
Hemet, CA 92543
Email: MFlejter@hemetca.gov

RE: NOP Comments for Newland Simpson Road Project

Dear Ms. Alaniz-Flejter,

On behalf of Californians Allied for a Responsible Economy ("CARE CA") thank you for the opportunity to provide comments on the Notice of Preparation ("NOP") for environmental review of the Newland Simpson Road Project (the "Project"). The proposed Project will be the construction of two buildings totaling approximately 1,192,418 square feet (SF) of speculative industrial uses on an approximately 72.95 acre site.

The goal of an EIR is to provide decisionmakers and the public with detailed information about the effects of a proposed project on the environment, how significant impacts will be minimized and alternatives to the project (Pub. Res. Code § 21002.2). We, therefore, respectfully request a complete analysis of all identified impacts, imposition of all feasible mitigation and study of a reasonable range of alternatives. In addition, we wish to provide the following comments:

- i) Project Description: The Project description contains a statement of the project objectives that the lead agency uses to determine a reasonable range of alternatives. The City should avoid developing objectives that are so narrow as to exclude any meaningful alternative other than the Project. Such a narrow approach for describing project objectives ensures that the alternatives analysis is essentially useless and a foregone conclusion.
- ii) Unspecified Industrial Uses: The DEIR should clearly articulate assumptions regarding the type and mix of warehouse uses that would likely occupy the massive warehouse space to

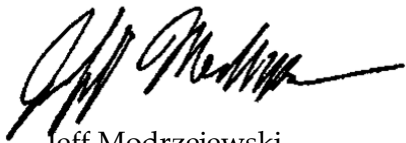
ensure that the unique impacts of each use (i.e., both truck and vehicular trips, air quality, GHG emissions, public health risk and other environmental effects) are comprehensively evaluated and disclosed to the public and City decision makers throughout the CEQA process.

If the Project will not include cold storage, then the City must include California Air Resources Board (CARB) recommended design measures in the DEIR. CARB recommends requiring contractual language in tenant lease agreements or restrictive covenant over parcels to prohibit use of transport refrigeration units (TRU).

iii) Public Health: We all know that the proposed uses will bring in hundreds and hundreds of diesel emitting trucks and cargo handling equipment into the neighborhood. No doubt, this will affect the public's health and we must not ignore the unjust consequences of toxic pollution on surrounding communities and workers. The City must ensure that the DEIR is not deficient in its informational discussion of air quality impacts as they connect to adverse human health effects.

Thank you for the opportunity to submit NOP comments. CARE CA respectfully urges the City to take this opportunity to protect the environment and the community to the maximum extent feasible. We look forward to reviewing and commenting on subsequent environmental review documents when these documents are released for public review.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Modrzejewski', with a long horizontal flourish extending to the right.

Jeff Modrzejewski
Executive Director



Hans W. Kernkamp, General Manager-Chief Engineer

SENT VIA EMAIL ONLY

MFlejter@hemetca.gov

January 18, 2024

Monique Alaniz-Flejter, Community Development Director
City of Hemet Planning Department (City),
445 East Florida Avenue
Hemet, CA 92543

RE: Notice of Preparation (NOP) and Public Scoping Meeting Notice for a Draft Environmental Impact Report (DEIR) for the proposed Newland Simpson Road Project

Dear Ms. Alaniz-Flejter,

The Riverside County Department of Waste Resources (RCDWR) has reviewed the NOP addressing a DEIR for the proposed Newland Simpson Road Project (Project). The Project includes various applications to construct approximately 1,192,418 square feet (SF) of speculative industrial uses on an approximately 72.95 acre site. The proposed Project would develop the site with two new speculative industrial buildings totaling approximately 1,192,418 SF, a trailer parking lot, and related improvements.

The RCDWR offers the following comments for your consideration while preparing the Project's final EIR:

1. Construction of the Project may generate a substantial quantity of construction and demolition (C&D) waste. Should a large quantity of C&D waste, that is unable to be recycled, be brought to a County landfill for disposal, it could exceed the landfill's daily permitted capacity, thus a violation of state regulations.¹ To assess waste impacts, the DEIR should consider quantitatively analyzing this potential solid waste impact and discuss feasible mitigation programs/regulatory compliance.

Note: CalRecycle's website may be helpful to determine the Project's waste generation:
<https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>

2. The following information can be useful in the analysis of the solid waste impacts:
 - a) Solid waste generated within the Project area is collected by WMI, with the bulk of recyclable waste and green waste delivered to the Moreno Valley Solid Waste Recycling and Transfer Station (MVRTS) for processing. The facility is located at 17700 Indian Street in Moreno Valley. It is permitted for a 2,500 tons per day (tpd) operation.

¹ Title 40, Vol. 41 C.F.R § 243.203 *et seq.* (1976).

- b) The waste hauler may utilize the El Sobrante, Lamb Canyon, and/or the Badlands Landfill for disposal. Descriptions of the local landfills are provided below:

El Sobrante Landfill:

The El Sobrante Landfill is located east of Interstate 15 and Temescal Canyon Road to the south of the City of Corona and Cajalco Road at 10910 Dawson Canyon Road. The landfill is owned and operated by USA Waste of California, a subsidiary of Waste Management, Inc., and encompasses 1,322 acres, of which 645 acres are permitted for landfill operation. The El Sobrante Landfill has a total disposal capacity of approximately 209.9 million cubic yards and can receive up to 70,000 tons per week (tpw) of refuse. USA Waste must allot at least 28,000 tpw for County refuse. The landfill's permit allows a maximum of 16,054 tons per day (tpd) of waste to be accepted into the landfill, due to the limits on vehicle trips. If needed, 5,000 tpd must be reserved for County waste, leaving the maximum commitment of Non-County waste at 11,054 tpd. Per the 2022 Annual Report, the landfill had a remaining in-County disposal capacity of approximately 48.7 million tons.² In 2022, the El Sobrante Landfill accepted a daily average of 10,646 tons with a period total of approximately 3,278,846 tons. The landfill is expected to reach capacity in approximately 2057.

Lamb Canyon Landfill:

The Lamb Canyon Landfill is located between the City of Beaumont and City of San Jacinto at 16411 Lamb Canyon Road (State Route 79), south of Interstate 10 and north of Highway 74. The landfill is owned and operated by Riverside County. The landfill property encompasses approximately 1,189 acres, of which 703.4 acres encompass the current landfill permit area. Of the 703.4-acre landfill permit area, approximately 144.6 acres are permitted for waste disposal. The landfill is currently permitted to receive 5,000 tpd of MSW for disposal and 500 tpd for beneficial reuse. The site has an estimated total disposal capacity of approximately 21.1 million tons.² As of January 1, 2023 (beginning of day), the landfill has a total remaining capacity of approximately 7.3 million tons.³ The current landfill remaining disposal capacity is estimated to last, at a minimum, until approximately 2032.⁴ From January 2022 to December 2022, the Lamb Canyon Landfill accepted a daily average of 1,969 tons with a period total of approximately 606,481 tons. Landfill expansion potential exists at the Lamb Canyon Landfill site.

Badlands Landfill:

The Badlands Landfill is located northeast of the City of Moreno Valley at 31125 Ironwood Avenue and accessed from State Highway 60 at Theodore Avenue. The landfill is owned and operated by Riverside County. The existing landfill encompasses 1,168.3 acres, with a total disturbance area of 278 acres, of which 150 acres are for refuse disposal. Landfill expansion potential exists at the Badlands Landfill site. Under the 2022 Solid Waste Facility Permit (SWFP), the permitted disturbance area increased from 278 acres to 811

² 2022 El Sobrante Landfill Annual Report

² GASB 18_2022 – Engineering Estimate for total landfill capacity

³ GASB 18_2022 & SiteInfo

⁴ SWFP # 33-AA-0007

acres, and the refuse disposal area increased from 150 acres to 409 (in multiple stages). The landfill is currently permitted to receive 5,000 tpd of MSW for disposal and 300 tpd for beneficial reuse. The site has an estimated total capacity of approximately 82.3 million tons.⁵ As of January 1, 2023 (beginning of day), the landfill had a total remaining disposal capacity of approximately 3.5 million tons.⁶ Under the 2022 SWFP, the landfill would have a remaining disposal capacity estimated to last, at a minimum, until approximately 2059.⁷ From January 2022 to December 2022, the Badlands Landfill accepted a daily average of 2,660 tons with a period total of approximately 819,166 tons.

3. Additionally, you may wish to consider incorporating the following measures to help reduce the Project's anticipated solid waste impacts and enhance efforts to comply with the State's mandate (AB 75) of 50% solid waste diversion from landfilling⁸:

- The use of mulch and/or compost in the development and maintenance of landscaped areas within the project boundaries is recommended. Recycle green waste through either onsite composting of grass, i.e., leaving the grass clippings on the lawn, or sending separated green waste to a composting facility.
- Consider xeriscaping and the use of drought tolerant low maintenance vegetation in all landscaped areas of the project.
- Hazardous materials are not accepted at the Riverside County landfills. Any hazardous wastes, including paint, used during construction must be properly disposed of at a licensed facility in accordance with local, state and federal regulations. For further information regarding the determination, transport, and disposal of hazardous waste, please contact the Riverside County Department of Health, Environmental Protection and Oversight Division, at 1.888.722.4234.
- AB 341 focuses on increased commercial waste recycling as a method to reduce greenhouse gas (GHG) emissions.⁹ The regulation requires businesses and organizations that generate four or more cubic yards of waste per week and multifamily units of 5 or more, to recycle. A business shall take at least one of the following actions in order to reuse, recycle, compost, or otherwise divert commercial solid waste from disposal:
 - Source separate recyclable and/or compostable material from solid waste and donate or self-haul the material to recycling facilities.
 - Subscribe to a recycling service with waste hauler.
 - Provide recycling service to tenants (if commercial or multi-family complex).
 - Demonstrate compliance with requirements of California Code of Regulations Title 14.

⁵ SWFP # 33-AA-0006

⁶ GASB_18_2022 & SiteInfo

⁷ SWFP # 33-AA-0006

⁸ A.B. 75, Chapter 764, 1999-2000 Strom-Martin, (Cal. 1999).

⁹ A.B. 341, Chapter 476, 2011-2012 Chesbro, (Cal. 2011).

For more information, please visit:

<http://www.rcwaste.org/business/recycling/mcr>

- AB 1826 requires businesses and multifamily complexes to arrange for organic waste recycling services.¹⁰ Those subject to AB 1826 shall take at least one of the following actions in order to divert organic waste from disposal:
 - Source separate organic material from all other recyclables and donate or self-haul to a permitted organic waste processing facility.
 - Enter into a contract or work agreement with gardening or landscaping service provider or refuse hauler to ensure the waste generated from those services meet the requirements of AB 1826.
- Demonstrate compliance with SB 1383 which establishes regulations to reduce organics waste disposal and went into effect on January 1, 2022.¹¹ This law establishes methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants caused by organics waste disposal.

Thank you for including RCDWR in the review process. Please continue to include the RCDWR in future transmittals. Please email me at kaavila@rivco.org if you have any questions regarding the above comments.

Sincerely,



Katherine Avila
Urban/Regional Planner I

Cc: Kinika Hesterly, RCDWR

DM# 325694

¹⁰ A.B. 1826, Chapter 727, 2013-2014 Chesbro, (Cal. 2014).

¹¹ A.B. 1383, Chapter 395, 2015-2016 Lara, (Cal. 2016).

From: [Monique Alaniz-Flejter](#)
To: [Meaghan Truman](#)
Cc: [Charlie Cisakowski](#)
Subject: FW: Newland Simpson Road Project
Date: Thursday, January 4, 2024 1:12:02 PM
Attachments: [image001.png](#)

[NON-EPD]

From: White, Kevin <kwhite@sanjacintoca.gov>
Sent: Thursday, December 28, 2023 4:43 PM
To: Monique Alaniz-Flejter <MFlejter@hemetca.gov>
Cc: McKibbin, Stuart <stuart@trilakeconsultants.com>
Subject: Newland Simpson Road Project

Warning: This email originated from outside the City of Hemet. Think before you click!

Hi Monique,

The City of San Jacinto would like to review the Traffic Scoping Agreement, including the Trip Generation and Trip Distribution. Please provide that information when it becomes available.

We would also like to review the DEIR once it has been completed.

Thanks

Kevin White

Planning Manager
City of San Jacinto
595 S. San Jacinto Avenue
San Jacinto, CA 92583

P: 951.487-7330 EXT 306

F: 951.654.3728

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www.sanjacintoca.gov

City of San Jacinto Office Hours:
Monday – Thursday, 8 am – 5 pm
*Closed all Fridays and Holidays





South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

January 19, 2024

MFlejter@hemetca.gov

Monique Alaniz-Flejter, Community Development Director
City of Hemet
445 East Florida Avenue
Hemet, CA 92543

Notice of Preparation of a Draft Environmental Impact Report for the Newland Simpson Road Project (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send a copy of the Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses (electronic versions of all emission calculation spreadsheets, air quality modeling, and health risk assessment input and output files, not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction

¹ South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

² CalEEMod is available free of charge at: www.caleemod.com.

³ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment⁵.

In the event that implementation of the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Draft EIR. The assumptions in the air quality analysis in the EIR will be the basis for evaluating the permit under CEQA and imposing permit conditions and limits. Questions on permits should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

South Coast AQMD staff is concerned about potential public health impacts of siting warehouses within close proximity of sensitive land uses, especially in communities that are already heavily affected by the existing warehouse and truck activities. The South Coast AQMD's Multiple Air Toxics Exposure Study (MATES V), completed in August 2021, concluded that the largest contributor to cancer risk from air pollution is diesel particulate matter (DPM) emissions⁶. According to the MATES V carcinogenic risk interactive map, the area surrounding the Proposed Project has an estimated cancer risk of over 250 in one million⁷. Operation of warehouses generates and attracts heavy-duty diesel-fueled trucks that emit DPM. When the health impacts from the Proposed Project are added to those existing impacts, residents living in the communities surrounding the Proposed Project will possibly face an even greater exposure to air pollution and bear a disproportionate burden of increasing health risks.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook,⁸ South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2022 Air Quality Management Plan,⁹ and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy.¹⁰

Mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider in the Draft EIR may include the following:

⁵ South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁶ South Coast AQMD. August 2021. *Multiple Air Toxics Exposure Study in the South Coast Air Basin V*. Available at: <http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>.

⁷ South Coast AQMD. MATES V Data Visualization Tool. Accessed at: [MATES Data Visualization \(arcgis.com\)](https://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v).

⁸ <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

⁹ South Coast AQMD's 2022 Air Quality Management Plan can be found at: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan> (Chapter 4 - Control Strategy and Implementation).

¹⁰ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.

- Require zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. Given the state's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks such as the Advanced Clean Trucks Rule¹¹ and the Heavy-Duty Low NOx Omnibus Regulation¹², ZE and NZE trucks will become increasingly more available to use. The Lead Agency should require a phase-in schedule to incentivize the use of these cleaner operating trucks to reduce any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency. At a minimum, require the use of 2010 model year¹³ that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Include environmental analyses to evaluate and identify sufficient electricity and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the CEQA document, where appropriate. Include the requirement in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards, and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure compliance.
- Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final CEQA document. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level.
- Provide electric vehicle (EV) charging stations or, at a minimum, provide electrical infrastructure and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

Mitigation measures for operational air quality impacts from other area sources that the Lead Agency should consider in the Draft EIR may include the following:

- Maximize use of solar energy by installing solar energy arrays.
- Use light colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.

Design considerations for the Proposed Project that the Lead Agency should consider to further reduce air quality and health risk impacts include the following:

- Clearly mark truck routes with trailblazer signs, so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, day care centers, etc.).
- Design the Proposed Project such that truck entrances and exits are not facing sensitive receptors and trucks will not travel past sensitive land uses to enter or leave the Proposed Project site.

¹¹ CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

¹² CARB has recently passed a variety of new regulations that require new, cleaner heavy-duty truck technology to be sold and used in state. For example, on August 27, 2020, CARB approved the Heavy-Duty Low NOx Omnibus Regulation, which will require all trucks to meet the adopted emission standard of 0.05 g/hp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdomnibuslownox>.

¹³ CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

- Design the Proposed Project such that any check-in point for trucks is inside the Proposed Project site to ensure that there are no trucks queuing outside.
- Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors.
- Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rules 2305 and 316 are new rules that will reduce regional and local emissions of nitrogen oxides (NOx) and particulate matter (PM), including diesel PM. These emission reductions will reduce public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt in to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of a 883,080-square-foot warehouse and a 309,338-square-foot warehouse, the Proposed Project's warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation¹⁴. South Coast AQMD staff is available to answer questions concerning Rule 2305 implementation and compliance by phone or email at (909) 396-3140 or waire-program@aqmd.gov. For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage¹⁵.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at swang1@aqmd.gov.

Sincerely,

Sam Wang

Sam Wang
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Planning, Rule Development & Implementation

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RVC231221-04
Control Number

¹⁴ South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf>.

¹⁵ South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.