

2020 Recirculated Draft Environmental Impact Report  
Irwindale Materials Recovery Facility  
and  
Transfer Station Project  
SCH No. 2013051029



City of Irwindale

June 2020

# **Executive Summary**

## **1.0 Introduction**

This 2020 Recirculated Draft Environmental Impact Report (“2020 Recirculated DEIR”) is an informational document that supplements information that was previously presented in a Final EIR certified by the City of Irwindale on June 8, 2016 for the proposed Irwindale Materials Recovery Facility and Transfer Station (“MRF/TS” or “Proposed Project”). In response to the Los Angeles Superior Court’s Writ of Mandate, the City decertified the Final EIR, and vacated all other project-related approvals and entitlements, including the City’s adoption of Addendum No. 1 to the Final EIR in December 2019. However, the decertified Final EIR and Addendum No. 1 thereto remain a part of the City’s administrative record for the Proposed Project. The entirety of the administrative record, with the exception of those portions of the record invalidated by the Court, provides the evidence and support upon which the City may rely in considering this 2020 Recirculated DEIR, re-certification of the Final EIR, and its decision whether to re-approve the Proposed Project.

## **1.1 Project Description**

A detailed Project Description is presented in Chapter 2 of this 2020 Recirculated DEIR, including the Statement of Objectives and list of discretionary approvals. The MRF/TS involves the development of a materials recovery facility and transfer station, and convenience store/public gas station. The Proposed Project site is addressed as 2200 Arrow Highway, Irwindale, CA 91706, and is located at the northwestern intersection of Live Oak Avenue and Arrow Highway, within the City of Irwindale, in eastern Los Angeles County, California. The Proposed Project site is 17.22 acres and is currently zoned for Heavy Manufacturing and is designated for commercial land use in the City’s General Plan. The Assessor’s Parcel Number for the property is 8535-001-911.

The MRF/TS includes the construction of a municipal solid waste processing facility designed to sort and recover recyclable and compostable materials, and bundle those for transport to respective destinations. The remaining residual wastes are transported to a regional landfill for disposal. The MRF/TS also includes a convenience store/public gas station. The convenience store / public gas station will have eight vehicle fueling positions (gasoline and diesel). No CNG fueling facilities are proposed within the project site. Athens waste collection and transfer trucks would not fuel at the public gas station; (see Chapter 3: Fueling Operations herein).

The MRF/TS facility would be designed to receive, process and transfer 6,000 tons per day (tpd), based upon estimated averages of 3,000 tpd of municipal solid waste, 1,000 tpd of green waste, 1,000 tpd of construction & demolition materials, and 1,000 tpd of self-haul waste.

The MRF/TS is proposed to be open for waste receipt 24 hours per day, seven days per week with the majority of waste receipt typically occurring between the hours of 6:00 AM to 8:00 PM from Monday through Friday, 6:00 AM to 4:00 PM on Saturday, and from 8:00 AM to 4:00 PM on Sunday. The Proposed Project would add approximately 345 employees to the local and regional workforce.

**Figure 1-1** shows the current Site Plan and **Figure 1-2** shows a rendition of the Proposed Project.

## **1.2 History of CEQA Process, Land Use Approvals, and Litigation that Led to this 2020 Recirculated DEIR**

In May 2013, Irwindale circulated a Notice of Preparation ("NOP") of the Draft Environmental Impact Report ("DEIR") for the proposed Irwindale MRF/TS. In April 2014, the DEIR was circulated for public review and comment. In response to comments received, Irwindale elected to prepare a ("2014 Recirculated DEIR"), which was circulated for comment in August 2014. The 2014 Recirculated DEIR included minor revisions to the Project Description, modified analyses of air quality and greenhouse gas emissions and traffic circulation, eliminated one alternative and added two additional alternatives, and made a minor correction to the Notice of Completion.

Irwindale then prepared a Final EIR ("FEIR"), which included responses to comments and revisions to the EIR. In April 2016, the City provided notice that it would consider certification of the FEIR. On June 8, 2016, the City Council considered and certified the FEIR, and adopted Findings of Fact, a statement of overriding considerations, and a mitigation monitoring and reporting program. The EIR concluded that the Project would result in several significant and unavoidable impacts to the environment, including impacts to air quality, traffic, and noise. In the FEIR, Irwindale incorporated the 2014 DEIR and its appendices and the 2014 Recirculated DEIR and its appendices. This 2020 Recirculated DEIR refers to these documents collectively as "EIR."

On June 8, 2016, the City also approved the Disposition and Development Agreement ("DDA"), agreeing to sell the Project Site to Athens. In late 2016, after the EIR was certified, Athens proposed final plans for the Project Site, including certain changes to the Project considered in the EIR. Thereafter Irwindale prepared an Addendum to the FEIR, which was approved by the Irwindale City Council on October 11, 2017. In October 2017, Irwindale also approved a General Plan Amendment, a Conditional Use Permit, and other land use approvals for the Project.

Figure 1-1: Site Plan





**Figure 1-2: Rendering of Proposed Project**



Aerial view west-northwest from above the intersection of Arrow Highway and Live Oak Avenue. Main building is the MRF/TS with the administration office incorporated in front-center, and convenience store at lower right.

Subsequently, the certified Final EIR was the subject of two Petitions for Writ of Mandate, one by the City of Baldwin Park and the second by Waste Management Collection and Recycling, Inc. (collectively “plaintiffs”) seeking to invalidate the City’s decisions. The plaintiffs alleged that the City had violated CEQA on a number of points of fact and process. Upon review, the Court found that, for the most part, the City proceeded in the manner required by law and that its decisions were supported by substantial evidence in the record, with the exception of four elements described in more detail below.

The Superior Court of California in the County of Los Angeles issued its Decision on September 5, 2019<sup>1</sup>. The Decision concluded by issuing a writ of mandate which directed the City of Irwindale to reconsider its decision on the project in light of the Court’s opinion. The Court also entered a judgment directing the City to set aside and vacate the certification of the EIR, approval of the project, and all related approvals for the project.

Based on the Court’s decision, the City is now charged with revising four related elements of the impact assessment. This 2020 Recirculated DEIR will revise the 2016 Final EIR to address the potential significance of four elements of the project, including:

- Fueling Operations
- Greenhouse Gas Emissions
- Transportation Energy Impacts
- Project-specific Health Risks from Emissions of ROG, NOx and Ozone

CEQA Guidelines Section 15234(d) provides direction that all other portions of the 2016 Final EIR, as affirmed by the Court, remain valid, and the City’s responsibility for subsequent review is restricted only to those portions of the CEQA analysis that are germane to these four elements. As this document is limited to the bulleted issues identified above, pursuant to CEQA Guidelines Section 15088.5, subdivision (c), other contents of the DEIR and the FEIR are not being recirculated for public review and comment.

### **1.3 Environmental Review Process for this 2020 Recirculated Draft EIR**

This document constitutes the entire 2020 Recirculated Draft EIR. Other environmental documents associated with the proposed project may be found on the City of Irwindale’s website at [www.IrwindaleCA.gov](http://www.IrwindaleCA.gov) including the 2016 Final EIR, 2014 Draft EIR, 2014 Recirculated Draft EIR, and 2017 Addendum. Pursuant to State CEQA Guidelines Section

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<sup>1</sup> (See Appendix 1: Superior Court of California, County of Los Angeles, Judge Mary Strobel: *City of Baldwin Park and Waste Management Collection and Recycling, Inc. of San Gabriel / Pomona Valley v. City of Irwindale, et al., Respondents; Arakelian Enterprises, Inc. dba Athens Services, Real Party in Interest, September 5, 2019*; 55 pages)

15088.5(f)(2), the Lead Agency requests that reviewers limit their comments to the revised chapters and portions of the recirculated EIR. The Lead Agency will only respond to comments received during the recirculation period that relate to the chapters and portions of the EIR that have been revised and recirculated. Comments will be responded to and included in a new Final EIR, which will then be considered for certification by the City.

## **1.4 Notice of Completion**

The City has prepared this 2020 Recirculated DEIR in accordance with the directives established by the trial court. Accordingly, the City has filed a Notice of Completion (NOC) for this 2020 Recirculated DEIR with the Governor's Office of Planning and Research to begin the 45-day public review period (Public Resources Code, Section 21161). In addition, the City has provided a Notice of Availability of this 2020 Recirculated DEIR via publication in the San Gabriel Valley Tribune newspaper, via mailings and outreach to interested agencies and other parties, and by posting on the City's website.

## **1.5 Public Notice and Public Review**

This 2020 Recirculated DEIR is available for public review for a 45-day period, during which time written comments may be submitted to the City at the address provided below. Responses to comments received on the 2020 Recirculated DEIR and submitted within the specified review period will be prepared and included in the Final EIR. Given the limited scope of the 2020 Recirculated DEIR, together with the directives contained in the Court's remand and the requirements of CEQA Guidelines Section 15234(d), comments that are not related to the specific issues under review will not be responded to.

All comments or questions regarding the 2020 Recirculated DEIR should be addressed as follows:

**By email to:**

[MSimpson@IrwindaleCA.gov](mailto:MSimpson@IrwindaleCA.gov)

**By mail to:**

City of Irwindale Community Development Department  
Attn: Irwindale MRF/TS Recirculated DEIR  
5050 N. Irwindale Avenue  
Irwindale, CA 91706

## **1.6 Final EIR and Certification**

Following the public review period, a new Final EIR will be prepared. The Final EIR will include written responses to comments on this 2020 Recirculated DEIR received during the public review period. The Final EIR will also include all of the materials included and incorporated by reference in the 2014 Recirculated DEIR and 2016 Final EIR and 2017 Addendum No. 1 to the Final EIR. Pursuant to State CEQA Guidelines Section 15088.5(f)(2), the Final EIR will only include responses to those comments received during the recirculation period that relate to the chapters and portions of the EIR that have been revised and recirculated.

## **1.7 Certification of the EIR and Project Consideration**

The City will review and consider the new Final EIR at a noticed public hearing and if the City finds that the new Final EIR is adequate and complete, the City will certify the Final EIR. Upon review and consideration of the Final EIR, the City Council may take action to approve, conditionally approve, revise, or reject the Proposed Project. A decision to approve the Project must be accompanied by written findings in accordance with CEQA *Guidelines* Section 15091, and Section 15093, as applicable. A Mitigation Monitoring and Reporting Program, as described below, would also be adopted for project design features and mitigation measures that have been incorporated into the proposed Project or adopted as conditions of approval to reduce or avoid significant effects on the environment.

## **1.8 Mitigation Monitoring and Reporting Program**

Throughout the EIR, mitigation measures have been identified and incorporated in a comprehensive Mitigation Monitoring and Reporting Program (“MMRP”). Public Resources Code Section 21081.6(a) requires lead agencies to adopt a MMRP including all measures that have been made a condition of project approval to mitigate or avoid significant adverse impacts on the environment. The MMRP will be presented to the City Council for adoption at the time of project approval. The MMRP is intended to ensure that all adopted measures are carried out during project implementation.

## **1.9 Organization of this 2020 Recirculated DEIR**

Per the Court’s directives, the City’s responsibility for revised environmental review is limited to the four elements described above. Accordingly, the 2020 Recirculated DEIR is comprised of the following:

**Chapter 1: Executive Summary** provides an overview of the Proposed Project and background to the 2020 Recirculated DEIR. The Executive Summary includes an overview



of the Project Description, describes the process that will be followed during public review of the 2020 Recirculated DEIR and the preparation and consideration of a new Final EIR, and summarizes the conclusions of the four required supplemental analyses.

**Chapter 2: Project Description** provides details of the proposed MRF/TS waste streams and operations, goals and objectives, and a list of agencies with related project approvals that will rely upon the Final EIR.

**Chapter 3: Fueling Operations** presents an assessment of fueling operations for all vehicles using the MRF/TS and distinguishes those fueling operations from the vehicles that would use the convenience store / public gas station located on the project site. The analysis concludes that there are no adverse environmental impacts caused by these fueling operations.

**Chapter 4: Greenhouse Gas Emissions** presents analysis of the quantitative GHG threshold, identifying a “net zero GHG” quantitative threshold and providing substantial evidence for that threshold. As with transportation energy use, the analysis recognizes that the Irwindale MRF/TS would not generate waste, rather, it would process waste that would be redirected from the Athens’ City of Industry MRF/TS or other MRF/TS facilities in the region. The regional efficiencies obtained with reduced average travel distances for waste collection and haul trucks results in a net reduction in related emissions, including greenhouse gas emissions. Therefore, the analysis concludes that there are no potentially significant GHG impacts, and no mitigation is needed.

**Chapter 5: Transportation Energy Impacts** presents an assessment of potential energy impacts based upon energy questions in the CEQA Guidelines *Appendix G: Environmental Checklist form, section VI., Energy*, that were added to the CEQA Guidelines in 2019, and analysis of the Proposed Project’s transportation energy use requirements and use of efficient transportation alternatives, per CEQA Guidelines, *Appendix F: Energy Conservation*. The analysis recognizes that the proposed MRF/TS would not generate waste but would instead process waste that would be redirected from the Athens’ City of Industry MRF/TS or other MRF/TS facilities in the region. The regional efficiencies obtained with reduced average travel distances for waste collection and haul trucks results in a net reduction in fuel demand. The analysis concludes that with the regional efficiencies obtained by processing materials at this site rather than at locations at greater distance from collection sources and/or processing and disposal facilities, there are no adverse environmental impacts caused by the transportation energy use required for waste collection and materials hauling operations.

**Chapter 6: Project-Specific Health Risks from Emissions of ROG, NO<sub>x</sub> and Ozone** provides assessment of the potential health impacts from significant and unavoidable air pollutant emissions of ROG and NO<sub>x</sub>, and related ozone. This chapter explains the health assessments that

were presented in the 2014 Recirculated DEIR and explains why additional modeling to isolate project-specific local and regional emissions related health effects is not feasible or meaningful given the details of the Proposed Project and current state of air quality modeling.

**Chapter 7: Report Preparation** identifies the authors of this 2020 Recirculated DEIR.

**Appendix 1: Overview of Relevant Criteria Air Pollutants Status / Control in the South Coast Air Basin**

**Appendix 2:** Friant Case: South Coast Air Quality Management District Amicus Brief, April 13, 2015

**Appendix 3:** Friant Case: San Joaquin Valley Unified Air Pollution Control District Amicus Brief, April 13, 2015

**Appendix 4:** Superior Court of California, County of Los Angeles, Judge Mary Strobel: *City of Baldwin Park and Waste Management Collection and Recycling, Inc. of San Gabriel / Pomona Valley v. City of Irwindale, et al., Respondents; Arakelian Enterprises, Inc. dba Athens Services, Real Party in Interest, September 5, 2019*

## **1.10 Intended Uses of the Final EIR**

Once complete and certified, the Final EIR will provide the CEQA compliance documentation upon which the City of Irwindale's reconsideration of, and action on, all applicable land use permits and other approvals for the proposed project are based. These include all approvals listed in the 2016 Final EIR and Resolutions, as well as any additional approvals that may be necessary to implement the proposed project. These include, but may not be limited to:

- *General Plan Amendment*
- *Zoning Ordinance Amendment*
- *Site Plan & Design Review Permit*
- *Conditional Use Permit*
- *Development Agreement*
- *Disposition and Development Agreement, or other disposition document*
- *Franchise and Facility Operations Agreement*

The Final EIR will provide the additional CEQA compliance documentation, together with the 2014 Draft EIR, 2016 Final EIR, 2017 Addendum No. 1, and this 2020 Recirculated DEIR that will be relied upon by responsible agencies and trustee agencies in considering and acting upon related project approvals.