

Memo



455 Capitol Mall, Suite 205
Sacramento, CA 95814
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Date: May 20, 2013

To: Nancy MacKenzie, Chief
Environmental Planning Section
Facility Planning, Construction and Management
California Department of Corrections and Rehabilitation

From: Gary Jakobs, AICP, Principal
Mike Parker, AICP, Project Manager

Subject: **Proposed Responses to Public Comments Received on the Initial Study/Negative Declaration Prepared for the California Institution for Men Health Care Facility Improvement Project**

This letter has been prepared to accompany the Public Draft Initial Study/Proposed Negative Declaration (IS/Proposed ND) prepared for the proposed California Institution for Men (CIM) Health Care Facility Improvement Project (HCFIP). The Public Draft IS/Proposed ND evaluated the potential for environmental consequences associated with the proposed project. No potentially significant impacts were identified. This letter responds to comments submitted on the Public Draft IS/Proposed ND. These responses, together with the Public Draft IS/Proposed MND and the public comments thereon, will be considered when deciding whether to approve the CIM HCFIP.

ENVIRONMENTAL REVIEW PROCESS

On April 18, 2013 CDCR (Lead Agency) released the CIM HCFIP Public Draft IS/Proposed ND for public review (State Clearinghouse No. 2013041066). The Public Draft IS/Proposed ND evaluates the environmental effects of the proposed renovations and additions to existing health care facilities, the construction of small new facilities, and associated infrastructure improvements, all within the developed area of CIM. Specifically, the project includes construction of three new primary care clinics and a new health care administration building, totaling approximately 17,500 square feet of new building space. The project also includes interior renovations (approximately 20,000 square feet) and additions (approximately 8,000 square feet) for medication distribution rooms, pharmacy, central health services, and other necessary health care improvements. All construction would be consistent in character, design, and height with other existing buildings and would not exceed one story. No high-mast lighting would be installed as part of the project. The project does not include any new beds and would not increase inmate capacity. One additional employee would be hired, primarily for maintenance.

The 20-day public review and comment period on the Public Draft IS/Proposed ND began on April 19, 2013 and was closed on May 8, 2013. CDCR will consider comments received on the Public Draft IS/Proposed ND as part of the entire record concerning the potential for the CIM HCFIP to result in significant impacts prior to adopting the Final IS/Proposed ND.

This letter contains copies of comment letters received during the comment period followed by CDCR's responses to those comments. Each comment is numerically coded in the margin of the comment letter, based on the number assigned for each letter (see Table 1 below) and the order of the comments.

Table 1 lists all persons and organizations that submitted comments on the Public Draft IS/Proposed ND during the comment period, the date of the letters, and the numbers used to identify each letter.

With regard to changes in the text of the Public Draft IS/Proposed ND, under Section 3.9, Hydrology and Water Quality, the third full paragraph page 3-39 of the IS/Proposed ND the following text is hereby changed as follows (double-underline = added text; ~~strikethrough~~ = deleted text):

The Magnolia Channel is an unimproved straight earthen stormwater channel primarily under the responsibility of the City of Chino (City of Chino 2010b). It runs through agricultural fields on CIM property (where it falls under the responsibility of CDCR) and empties into Chino Creek about two miles south of CIM.

This change does not alter the analysis or conclusions of the IS/Proposed ND.

| Letter Number | Author, Title, and Affiliation | Date Sent |
|----------------------|--|------------------|
| 1 | Rafiq Ahmed, Project Manager, Department of Toxic Substances Control | May 3, 2013 |
| 2 | Mike Kellison, AICP, Senior Planner, City of Chino | May 6, 2013 |
| 3 | Joann Lombardo, Community Development Director, City of Chino Hills | May 7, 2013 |



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630



Edmund G. Brown Jr.
Governor

Letter
1

May 3, 2013

Ms. Nancy MacKenzie, Chief
Environmental Planning Section
Facility Planning, Construction and Management
California Department of Corrections and Rehabilitation
9898 Old Placerville Road, Suite B
Sacramento, California 95827

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION FOR THE CALIFORNIA INSTITUTION FOR MEN HEALTH CARE FACILITY IMPROVEMENT PROJECT, (SCH#2013041066), SAN BERNARDINO COUNTY, CALIFORNIA

Dear Ms. MacKenzie:

The Department of Toxic Substances Control (DTSC) has received your submitted Initial Study (IS) and a draft Negative Declaration (ND) for the above-mentioned project. The following project description is stated in your document:

"The project proponent, California Department of Correction and Rehabilitation (CDCR) is proposing renovations and additions to the existing health care facilities, the construction of small new facilities, and associated infrastructure improvements, all within the developed area of California Institution for Men (CIM). CIM is located at 14901 Central Avenue, in the central portion of the City of Chino in San Bernardino County, California. CIM encompasses approximately 2,500 acres owned by the State of California. The surrounding area is characterized by a combination of agricultural uses and industrial development, with a single-family residential subdivision located approximately one mile to the north and northeast of CIM's main complex. The predominant land uses on the north, west and southwest sides of the CIM property are light industrial/warehouse. The site is designated Urban Reserve on the City of Chino General Plan Land Use Diagram, and is zoned Urban Reserve with an Airport Overlay Zone."

Based on the review of the submitted document DTSC has the following comments:

- 1) Since the project site is listed on the DTSC's Hazardous Waste and Substances Sites List, the ND should evaluate whether conditions within the Project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:

1-1

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
 - EnviroStor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
 - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
 - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
 - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 2) The ND should identify the mechanism to initiate any required investigation and/or remediation for any site within the proposed Project area that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.
- 3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the ND.
- 4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the

1-1 cont'd

1-2

1-3

presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.

1-3 cont'd

- 5) Project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- 6) If the project area was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.
- 7) Human health and the environment of sensitive receptors should be protected during the field activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 9) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

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Ms. Nancy MacKenzie
May 3, 2013
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If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, by e-mail at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491.

Sincerely,



Rafiq Ahmed
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov.

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
Attn: Nancy Ritter
nritter@dtsc.ca.gov

CEQA # 3755

Letter 1
Response

Rafiq Ahmed, Project Manager,
Department of Toxic Substances Control
May 3, 2013

- 1-1 The commenter lists several databases recommended for review for hazardous sites near the project area. The lists identified by the commenter were reviewed. No clean-up sites were identified in the database searches, except the site associated with the former leaking underground storage tank (UST), as described in the IS/Proposed ND. Page 3-36 of the IS/Proposed ND states that because the leaking UST was removed 25 years ago and associated contamination remediated from onsite soil, and because ongoing groundwater quality monitoring has detected no significant concentrations since 2006 and all detected levels are within acceptable drinking water standards, the project site does not pose a hazard to existing or future inmates or staff associated with CIM or the proposed project. The comment does not result in changes to the IS/Proposed ND analysis or conclusions.
- 1-2 The commenter indicates that the IS/Proposed ND should specify mechanisms and oversight processes for investigation and remediation. As described above under response to comment 1-1, the appropriate database searches were completed and the results indicate one former leaking UST, the site of which has been remediated and associated groundwater monitored. No other issues on the project site have been identified; no known activities have occurred on the project site that involved hazardous substances; therefore, no additional investigations are required. The comment does not result in changes to the IS/Proposed ND analysis or conclusions.
- 1-3 The commenter indicates that an investigation should be conducted for presence of hazardous substances associated with building materials located within buildings proposed for demolition. Regarding extant building materials that may contain hazardous substances, the IS/Proposed ND addresses the potential for demolition activities associated with building additions and renovations to disturb building materials that could contain hazardous substances. Page 3-35 of the IS/Proposed ND states that CDCR's Environmental Compliance Section is responsible for complying with SCAQMD Rules, as well as EPA's NESHAPS and OSHA requirements for handling asbestos containing materials. Given the age of the existing CIM structures proposed for renovation, CDCR's Environmental Compliance Section would hire a licensed hazardous materials specialist to conduct a focused survey within existing buildings identified for these construction activities. If hazardous building materials are identified, the hazardous material specialist would prepare a hazardous materials safety plan, consistent with the requirements of SCAQMD, OSHA, and DTSC, to ensure construction worker safety and reduce impacts to the environment associated with release of these materials. The IS/Proposed ND specifies air district rules and Federal Laws that identify specific requirements for handling these materials, which CDCR's Environmental Compliance Section would include in the hazardous materials safety plan. Therefore, the investigation recommended by the commenter would be conducted. The comment does not result in changes to the IS/Proposed ND analysis or conclusions.
- 1-4 The commenter provides general instructions for actions to be taken if various conditions are identified on the project site or various activities are required by the project, such as prior use of the site by agricultural activities, excavation or fill in certain areas, proximity to nearby receptors, and generation of hazardous waste. The project site is currently developed and in use as a correctional facility. The proposed project would not involve disturbance of land used for agriculture, livestock, or related uses; therefore, presence of pesticides or other agricultural-related toxic chemicals is not anticipated. Furthermore, as described throughout the IS/Proposed

ND, most notably under Air Quality, Hazards and Hazardous Materials, and Hydrology and Water Quality, construction and operation of the proposed project would not involve emission of hazardous substances that could substantially affect existing sensitive receptors, or otherwise substantially affect human health and safety. No additional investigation or clean-up would be necessary to implement the proposed project. The comment does not result in changes to the IS/Proposed ND analysis or conclusions.

DENNIS R. YATES
Mayor

GLENN DUNCAN
Mayor Pro Tem



CITY of CHINO

EARL C. ELROD
TOM HAUGHEY
EUNICE M. ULLOA
Council Members

MATTHEW C. BALLANTYNE
City Manager

Letter
2

May 6, 2013

Nancy MacKenzie, Chief
Environmental Planning Section
Facility Planning, Construction and Management
California Department of Corrections and Rehabilitation
9838 Old Placerville Road, Suite B
Sacramento, CA 95827

RE: Notice of Availability and Intent to Adopt a Proposed Negative Declaration
by the California Department of Corrections and Rehabilitation for the
California Institution for Men Health Care Facility Improvement Project

Dear Ms. MacKenzie,

Thank you for the opportunity to review and comment on the Notice of Availability
of a Negative Declaration for the CIM Health Care Facility Improvement Project.

The proposed project, as described in the Initial Study/Proposed Negative
Declaration, would consist of 20,127 square feet of renovations to existing
facilities and 26,021 square feet of new construction in various areas on the CIM
property. Additionally, the proposed project would not increase the number of
beds nor the inmate capacity at CIM. We understand that the proposed project
would result in one additional staff person to maintain the new facilities.

The City of Chino continues to assert that the California Department of
Corrections should upgrade and rehabilitate existing facilities. City of Chino staff
has reviewed the proposed project and has the following comments:

1. It does not appear that a WQMP has been prepared for the proposed
project. Per the current Municipal Separate Storm Sewer Systems permit
for San Bernardino County, the addition of more than 5,000 square feet of
new impervious surfaces on an already developed site triggers the
requirement to prepare a WQMP. Please provide the City with a copy of
such document once prepared.

2-1



2. Page 3-39 of the Initial Study document states that the Magnolia Channel is under the responsibility of the City of Chino. However, the portion of the channel on CIM property is the State's responsibility. Please update the document accordingly.
3. Per Ordinance No. 2012-09, the City of Chino has adopted enhanced construction waste reduction requirements. Please divert or salvage at least 65% of nonhazardous construction and demolition debris generated at the site.

2-2
2-3

Thank you again for the opportunity to review and comment on this project. Should you have any questions, please feel free to contact me at (909) 334-3329.

Sincerely,



Mike Kellison, AICP
Senior Planner

Cc: Public Works Department File

Letter 2
Response

Mike Kellison, AICP, Senior Planner
City of Chino
May 6, 2013

- 2-1 The commenter asserts that a WQMP is required pursuant to the Municipal Separate Storm Sewer Systems permit for San Bernardino County because the project will add more than 5,000 sf of new impervious surface. The commenter's opinion is noted. CDCR, as a state agency, however, is a sovereign entity and is not subject to local plans and policy regulations. (See, e.g., *Guy Hall v. City of Taft* (1956) 47 Cal.2d 177 [when state agency engages in such sovereign activities as the construction and maintenance of its buildings, it is not subject to local regulations unless the constitution says it is or the legislature has consented to such regulation].) CDCR is therefore not required to obtain the County's Municipal Separate Storm Sewer Systems Permit. CDCR would continue to coordinate with City and County staff to ensure appropriate integration into existing stormwater systems. As discussed in the Hydrology and Water Quality section of the IS/Proposed ND (p. 3-41) the proposed project would not result in significant impact associated with altering the existing drainage pattern of the area or degrading water quality. The Utilities discussion (p. 3-61) indicates that the proposed project would be accommodated by CIM's existing stormwater drainage system without substantially affecting capacity. The comment does not introduce any substantial evidence resulting in changes to the IS/Proposed ND analysis or conclusions.
- 2-2 The commenter requests that a clarification be added to the IS/Proposed ND indicating that the portion of Magnolia Channel on the CIM property is CDCR's responsibility. In response to this comment, the following clarification is added to the third full paragraph page 3-39 of the IS/Proposed ND:
- The Magnolia Channel is an unimproved straight earthen stormwater channel primarily under the responsibility of the City of Chino (City of Chino 2010b). It runs through agricultural fields on CIM property (where it falls under the responsibility of CDCR) and empties into Chino Creek about two miles south of CIM.
- This minor text change is for clarification purposes only and does not result in changes to the analysis or conclusions in the IS/Proposed ND.
- 2-3 The commenter indicates that city ordinance requires 65 percent of construction and demolition debris be diverted or salvaged. Local land use planning and zoning regulations do not apply to state property, and CDCR is not required meet the City's construction waste reduction requirements. It should be noted, however, that CDCR's Standard Design Document includes a requirement to prepare a Construction Waste Management Plan (CWMP) to achieve reduction in non-hazardous solid waste generated by specific projects. The specific amount of construction waste is determined on a project-by-project basis. The comment does not result in changes to the IS/Proposed ND analysis or conclusions.



City of
Chino Hills

**Letter
3**

May 7, 2013

Nancy MacKenzie, Chief
Environmental Planning Section
Facility Planning, Construction and Management
California Department of Corrections and Rehabilitation
9838 Old Placerville Road, Suite B
Sacramento, CA 95827

By E-mail

RE: Notice of Availability and Intent to Adopt a Proposed Negative Declaration by the California Department of Corrections and Rehabilitation for the California Institution for Men (CIM) Health Care Facility Improvement Project

Dear Ms. MacKenzie:

Thank you for the opportunity to review and comment on the Notice of Availability of a Negative Declaration for the CIM Health Care Facility Improvement Project. The proposed project, as described in the Initial Study/Proposed Negative Declaration, would consist of 20,127 square feet of renovations to existing facilities and 26,021 square feet of new construction in various areas on the CIM property. We understand that the proposed project would not increase the number of beds, inmate capacity or number of staff persons at CIM.

3-1

Based on the understanding that the project would not increase CIM capacity, the City of Chino Hills has no comments on this project. Should you have any questions, please feel free to contact me at (909) 364-2740.

Sincerely,

Joann Lombardo, Community Development Director
City of Chino Hills

JL:kp

**Letter 3
Response**

**Joann Lombardo, Community Development Director
City of Chino Hills
May 7, 2013**

- 3-1 The comment states that the City has no comments on the project. This comment is noted. The comment does not address any environmental issues; therefore, no further response is required.