



South Coast Air Quality Management District

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

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rung@newportbeachca.gov

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Ms. Rosalinh Ung, Associate Planner
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92663

Review of the Draft Environmental Impact Report (Draft EIR) for the Uptown Newport Project

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

Based on a review of the Draft Environmental Impact Report (Draft EIR) the lead agency has not provided sufficient transportation-related technical information to substantiate the project's operational air quality impacts from the proposed project. Therefore, the AQMD staff recommends that the lead agency provide additional information in the Final EIR that addresses these concerns. Further, given that the Draft EIR demonstrates significant air quality impacts from NO_x emissions during construction the AQMD staff recommends that the lead agency provide additional mitigation pursuant to CEQA Guidelines Section 15126.4. Details regarding these comments are attached to this letter.

Pursuant to Public Resources Code Section 21092.5, please provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. Further, staff

is available to work with the lead agency to address these issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,



Ian MacMillan

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

Attachment

IM:DG

ORC120911-05
Control Number

CalEEMod Input Data-Vehicle Fleet Mix

1. Upon review of the air quality appendix for the Draft EIR the AQMD staff noticed that the reported values for the transportation emissions source categories (i.e., fleet-mix input values) are based on a set of non-default values in CalEEMod. Specifically, the lead agency assumed that 60% of the project's vehicle trips are attributed to light duty automobiles (LDA) and 30% are due to light duty trucks (LDT2) based on CalEEMod input sheets, however, the lead agency did not provide any technical information to substantiate these values. Therefore, the AQMD staff recommends that the lead agency provide additional information in the Final EIR that substantiates the fleet-mix values used to determine the project's air quality impacts.

Construction Mitigation Measures

2. Given that construction air quality analysis in the Draft EIR demonstrates significant air quality impacts from NO_x emissions the AQMD staff recommends that the lead agency provide additional mitigation pursuant to CEQA Guidelines Section 15126.4. Specifically, AQMD staff recommends that the lead agency minimize or eliminate significant adverse air quality impacts by adding the mitigation measures provided below. These measures should be made applicable to all construction equipment regardless of the duration of time that certain equipment pieces remain on site.
 - Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NO_x and PM emissions requirements.
 - Consistent with measures that other lead agencies in the region (including Port of Los Angeles, Port of Long Beach, Metro and City of Los Angeles)¹ have enacted, require all on-site construction equipment to meet EPA Tier 3 or higher emissions standards according to the following:
 - ✓ Project Start, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
 - ✓ Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions

¹ For example see the Metro Green Construction Policy at:

http://www.metro.net/projects_studies/sustainability/images/Green_Construction_Policy.pdf

reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

- ✓ A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- ✓ Encourage construction contractors to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website:
<http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>

For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website:

www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html.