



South Coast Air Quality Management District

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

SENT VIA E-MAIL AND USPS:

May 1, 2018

llevy@dpw.lacounty.gov

Leslie J. Levy, Environmental Engineering Specialist
Stormwater Quality Division, 11th Floor
County of Los Angeles, Department of Public Works
900 S. Fremont Avenue
Alhambra, California 91803

Addendum to Final Program Environmental Impact Report (Final PEIR) for the Proposed East Los Angeles Sustainable Median Stormwater Capture Project (SCH No.: 2014081106)

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final Addendum to the Final PEIR.

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to construct Low Impact Development features, including bioswales, pipelines, diversion structures, walkways, recreational and public use areas, and roadway improvements (Proposed Project). The Proposed Project will also include treatment of 232 acre-feet of stormwater from a 3,000-acre tributary area.

SCAQMD Staff's Summary of Air Quality Analysis

In the Addendum to the Final PEIR, the Lead Agency quantified the Proposed Project's construction emissions and compared the emissions to SCAQMD regional air quality CEQA thresholds of significance for construction. The Lead Agency found that the Proposed Project's construction emissions from NO_x would be significant and unavoidable after incorporating Mitigation Measures AIR-1 and AIR-2¹ that were previously adopted in the 2014 Mitigation Monitoring and Reporting Program (MMRP)². Details of these mitigation measures are discussed below.

- Mitigation Measure AIR-1 requires that for large Regional and Centralized BMPs, implementing agencies shall require the use of low-emission equipment meeting Tier II emissions standards at a minimum and Tier III and IV emissions standards where available as CARB required emissions technologies become readily available to contractors in the region³.
- Mitigation Measure AIR-2 requires that for large construction efforts that may result in significant air emissions, implementing agencies shall encourage contractors to use lower-emission equipment through the bidding process where appropriate⁴.

While the Proposed Project's NO_x emissions from construction would exceed SCAQMD regional air quality CEQA significance threshold, the determination is consistent with the findings in the Final PEIR for centralized structural BMP projects. Therefore, the Proposed Project does not result in a new significant air quality impact or a substantial increase in the severity of the air quality impact that has not been analyzed in the previously certified Final PEIR to trigger recirculation under Section 15088.5 of the CEQA Guidelines.

¹ Addendum, Page 4-11.

² MMRP, Page 2.

³ *Ibid.*

⁴ *Ibid.*

SCAQMD Staff's Comments

CEQA requires that all feasible mitigation measures go beyond what is required by law to minimize any significant adverse impacts. As stated above, while implementation of the Proposed Project does not generate a new or more severe air quality impact, NOx emissions during construction would remain significant. On March 3, 2017, the SCAQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP)⁵, which was later approved by the California Air Resources Board of Directors on March 23, 2017. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and the challenges facing the South Coast Air Basin. The most significant air quality challenge in the South Coast Air Basin is to achieve an additional 45 percent reduction in nitrogen oxide (NOx) emissions in 2023 and an additional 55 percent NOx reduction beyond 2031 levels for ozone attainment. To achieve NOx emissions reductions in a timely manner is critical to attaining the National Ambient Air Quality Standard (NAAQS) for ozone before the 2023 and 2031 deadlines. SCAQMD is committed to attain the ozone NAAQS as expeditiously as practicable. The Proposed Project plays an important role in contributing to NOx emissions during construction. For these reasons, SCAQMD staff recommends that the Lead Agency incorporate the following mitigation measure in the Final Addendum to further reduce NOx emissions from construction. The recommended mitigation measure is not considerably different from the existing Mitigation Measure AIR-1 since Mitigation Measure AIR-1 has already contemplates the use of construction equipment that meet or exceed Tier III and Tier IV emission standards.

Tier 4 Construction Equipment or Level 3 Diesel Particulate Filters

To further reduce NOx emissions during construction, SCAQMD staff recommends that the Lead Agency use off-road diesel-powered construction equipment that meets or exceeds the CARB and USEPA Tier IV off-road emissions standards for equipment rated at 50 horsepower or greater during Project construction. Such equipment will be outfitted with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filters (DPF). Level 3 DPFs are capable of achieving at least 85 percent reduction in particulate matter emissions⁶. A list of CARB verified DPFs are available on the CARB website⁷. A copy of each unit's certified tier specification or model year specification and CARB or SCAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment. In the event that construction equipment cannot meet the Tier IV engine certification, the Project representative or contractor must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, construction equipment with Tier III emissions standards, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Proposed Project, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously. The Lead Agency should include the requirements in applicable bid documents or contract specification with contractors for the Proposed Project. Successful contractor(s) must demonstrate the ability to supply such equipment. In addition, the Lead Agency should require periodic reporting and provision of written documents by contractors to prove and ensure compliance.

Conclusion

While an addendum need not be circulated for public review, and CEQA does not require provision of response to comments on an addendum prior to making a decision on a project, it is requested that the

⁵ South Coast Air Quality Management District. March 3, 2017. *2016 Air Quality Management Plan*. Accessed at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

⁶ California Air Resources Board. November 16-17, 2004. *Diesel Off-Road Equipment Measure – Workshop*. Page 17. Accessed at: https://www.arb.ca.gov/msprog/ordiesel/presentations/nov16-04_workshop.pdf.

⁷ *Ibid*. Page 18.

Lead Agency provide SCAQMD staff with written responses to the comments contained herein prior to the adoption of the Final Addendum to the Final PEIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful or useful to decision makers and to the public who are interested in the Proposed Project.

SCAQMD staff is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact me at lsun@aqmd.gov if you have any questions regarding the enclosed comments.

Sincerely,



Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS
LAC180417-09
Control Number