



South Coast Air Quality Management District

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**Draft Environmental Impact Report for the Proposed
Fig and 8th (ENV-2016-1951-EIR)
(SCH No.: 2016101076)**

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 EIR.

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to demolish an existing parking lot and build a 481,753-square-foot building with 438 residential units and subterranean parking on 1.16 acres (Proposed Project). Construction is expected to begin in early 2019 and to be completed by late 2021 with occupation in 2022¹.

SCAQMD Staff's Comments

The Lead Agency found that construction of the Proposed Project would result a significant and unavoidable impact due to the exceedance of SCAQMD regional air quality CEQA significance threshold for NO_x after Mitigation Measures AIR-MM-1 through AIR-MM-4 are incorporated. Mitigation Measure AIR-MM-1 requires, among others, that off-road diesel-powered equipment within the Proposed Project's construction inventory list must meet the Tier 3 standards, where commercially available².

2016 Air Quality Management Plan

The Proposed Project plays an important role in contributing to NO_x emissions during construction. On March 3, 2017, the SCAQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP)³, which was later approved by the California Air Resources Board 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 Basin is to achieve an additional 45 percent reduction in nitrogen oxide (NO_x) emissions in 2023 and an additional 55 percent NO_x reduction beyond 2031 levels for ozone attainment. Achieving NO_x 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. Therefore, SCAQMD staff recommends revisions to the existing Mitigation Measure AIR-MM-1 and one additional air quality mitigation measure to further reducing NO_x emissions during construction. Details are discussed below.

¹ Draft EIR. Page IV.B-42.

² Draft EIR. Executive Summary. Pages 1-42 and 43.

³ 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>.

Mitigation Measures

CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate significant adverse impacts. Because the Proposed Project would cause NOx emissions to exceed SCAQMD regional air quality CEQA significance threshold during construction after mitigation measures are incorporated, SCAQMD staff recommends that the Lead Agency incorporate the following recommendations to further reduce NOx emissions in the Final EIR. Additional information on potential mitigation measures as guidance to the Lead Agency is available on the SCAQMD CEQA Air Quality Handbook website⁴.

- a. Recommended Revision to Mitigation Measure AIR-MM-1: Tier 4 Construction Equipment or Level 3 Diesel Particulate Filters

SCAQMD staff recommends that the Lead Agency use off-road diesel-powered construction equipment that meets or exceeds the CARB and USEPA Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during construction (Emphasis added). 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 emissions⁵. A list of CARB verified DPFs are available on the CARB website⁶. In the event that construction equipment cannot meet the Tier 4 engine certification, the Project representative(s) or contractor(s) 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 that meet Tier 3 emissions standards, reduction in the number and/or horsepower rating of construction equipment, and/or limiting the number of individual construction project phases occurring simultaneously.

Using Tier 4 construction equipment or Level 3 DPFs further reduces NOx emissions as well as particulate matter emissions during construction. This requirement should be included in applicable bid documents, and successful contractor(s) should be required to demonstrate the ability to supply such equipment before ground disturbance activities. A copy of each unit's certified tier specification or model year specification and CARB or SCAQMD operating permit (if applicable) should be available upon request at the time of mobilization of each applicable unit of equipment.

- b. Recommended New Mitigation Measure AIR-MM-5: Off-road Diesel-Fueled Trucks with 2010 Model Year Engines

To further reduce the impacts of NOx emissions during construction, the Lead Agency should require the use of diesel haul trucks that conform to 2010 EPA truck standards or newer diesel haul trucks (e.g., material delivery trucks and soil import/export) during construction. If the Lead Agency determines that 2010 model year or newer diesel haul trucks are not feasible supported by substantial evidence in the record, the Lead Agency shall use trucks that meet EPA 2007 model year NOx emissions requirements, at a minimum.

⁴ South Coast Air Quality Management District. *CEQA Air Quality Handbook*. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

⁵ 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.

⁶ *Ibid*. Page 18.

SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

Since the Proposed Project would include demolition activities, asbestos may be encountered during demolition. As such, SCAQMD staff recommends that the Lead Agency include a discussion to demonstrate compliance with SCAQMD Rule 1403⁷ in the Air Quality Section of the Final EIR.

Closing

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), SCAQMD staff requests that the Lead Agency provide SCAQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. 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 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

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

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⁷ South Coast Air Quality Management District. Rule 1403. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf>.