



South Coast Air Quality Management District

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Mitigated Negative Declaration (MND) for the Proposed Archibald Oil

(General Plan Amendment DRC2015-00683, Zoning Map Amendment DRC2015-00684, Design Review DRC2015-00682, Conditional Use Permit DRC2015-00681, Variance DRC2016-00831, and Minor Exception DRC2017-00879)

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

SCAQMD Staff's Summary of the Project Description

The Lead Agency proposes to re-establish the operation of a gas service station that consists of a 1,728-square-foot service station building, a 1,481-square-foot fueling pump canopy with four pumps, and a 968-square-foot car wash on 1.22 acres (Proposed Project). According to the MND, the Proposed Project is partially surrounded by sensitive land uses such as an early education center to the north and residential uses to the east and west (across Archibald Avenue). Construction is expected to take approximately six months¹.

SCAQMD Staff's Comments

Permits and Compliance with SCAQMD Rules

Since the Proposed Project involves operation of a gasoline service station, a permit from the SCAQMD would be required, and the SCAQMD should be identified as a Responsible Agency for the Proposed Project in the Final MND. Please note that any assumptions used in the air quality analysis in the Final MND will be the basis for permit conditions and limits.

The Final MND should also demonstrate compliance with SCAQMD Rules, including, but are not limited to, Rule 201 – Permit to Construct, Rule 203 – Permit to Operate, and Rule 461 – Gasoline Transfer and Dispensing. If there are permitting questions concerning the gasoline service station, they can be directed to SCAQMD Engineering and Permitting staff at (909) 396-2551.

Air Quality Analysis – Operational Impacts

In the Air Quality analysis, the Lead Agency found that the Proposed Project's regional and localized construction and operational air quality impacts would be less than significant. However, it does not appear that the Air Quality analysis included operational ROG emissions generated from storage tanks or from the fueling process. This may have likely led to an under-estimation of the Proposed Project's operational air quality impacts. It is important to note that while CalEEMod² quantifies mobile source

¹ MND, Appendix A, *CalEEMod Output*.

² CalEEMod incorporates up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and is available free of charge at: www.caleemod.com.

emissions (e.g., trip visits by patrons) associated with operating a gasoline service station, CalEEMod does not quantify the operational stationary source emissions from the storage tanks and fueling equipment. Therefore, it is recommended that the Lead Agency use its best efforts to quantify and disclose operational emissions from the fueling process in the Final MND.

Health Risk Assessment (HRA) Analysis

In the MND, the Lead Agency stated that a HRA analysis is not required for the Proposed Project because the Proposed Project does not include use of stationary emergency or prime compression ignition internal combustion engines, portable diesel engines, or other equipment subject to AB2588³.

SCAQMD staff disagrees with the analysis. Enacted in 1987, AB2588 is an air toxics hot spots program and requires stationary sources to report the types and quantities of certain substances routinely released into the air. An AB2588 Air Toxics Hot Spot Health Risk Assessment (HRA) estimates potential health risks over a lifetime of exposure from air toxics for *existing* facilities (*Emphasis added*) pursuant to SCAQMD Rule 1402 and does not apply to new or planned facilities. Here, the Proposed Project is a new or planned gasoline service facility that is subject to the requirements of SCAQMD Rule 1401. Therefore, AB2588 HRA should not be used as a screening tool to determine if a HRA analysis is warranted for the Proposed Project. Moreover, since the operation of gasoline stations will emit air toxics, HRAs are required as part of the SCAQMD permitting requirements for gasoline stations⁴. Any assumptions used in the HRA analysis in the Final MND will be used as the basis for permit conditions and limits. Furthermore, the Proposed Project would be located in close proximity to existing sensitive receptors such as residents and children at the early education center, thereby warranting a HRA analysis. Benzene, which is a toxic air contaminant, may be emitted from the Proposed Project's gasoline refueling operations. Given SCAQMD staff's concern about the potential health impacts on the residents and children from being exposed to benzene, it is recommended that the Lead Agency evaluate, quantify, and perform a gasoline dispensing station HRA⁵ for the Proposed Project in the Final MND. Guidance for performing this HRA can be found in the SCAQMD's *Emission Inventory and Risk Assessment Guidelines for Gasoline Dispensing Stations*⁶.

Guidance Regarding Gasoline Dispensing Facilities Sited Near Sensitive Receptors

SCAQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between Lead Agencies and SCAQMD to reduce community exposure to source-specific and cumulative air pollution impacts, SCAQMD adopted the *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*⁷ in 2005. Additional guidance is available in the California Air Resources Board (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*, available at: <https://www.arb.ca.gov/ch/handbook.pdf>. SCAQMD staff recommends that the Lead Agency review and consider these guidance when making local planning and land use decisions.

³ MND. PDF Page 21 of 92.

⁴ South Coast Air Quality Management District. Accessed at: <http://www.aqmd.gov/home/permits/risk-assessment>.

⁵ SCAQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When SCAQMD acts as the Lead Agency for its own projects or Responsible Agency for permit projects, SCAQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant. Health risks from operating a gasoline service station must be demonstrated to be below 10 in one million before a permit can be issued.

⁶ MND. PDF Page 21 of 92.

⁷ South Coast Air Quality Management District. May 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Accessed at: <http://www.aqmd.gov/home/library/documents-support-material/planning-guidance/guidance-document>.

Recommended Change to Mitigation Measure 1)

CEQA requires that all feasible mitigation measures go beyond what is required by law to minimize any significant impacts. To further reduce criteria pollutant emissions, SCAQMD staff recommends that the Lead Agency incorporate the following change to Mitigation Measure 1), which currently requires the use of construction equipment of 150 horsepower or greater to be CARB Tier 3 or better⁸.

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 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 emissions⁹. A list of CARB verified DPFs are available on the CARB website¹⁰. SCAQMD staff's recommended change to Mitigation Measure 1) is as follows.

- 1) During grading activity, all construction equipment (\geq ~~150~~ 50 horsepower) shall be California Air Resources Board (CARB) Tier ~~3~~ 4 certified or better.

To ensure that Tier 4 construction equipment or better will be used during the construction phase of the Proposed Project, SCAQMD staff recommends that the Lead Agency include this requirement in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment prior to issuance of a grading permitting and any demolition and ground disturbing activities. 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 the Lead Agency finds that Tier 4 construction equipment is not feasible pursuant to CEQA Guidelines Section 15364, the Project representative or contractor(s) must demonstrate the infeasibility by facts supported by substantial evidence before using other technologies/strategies that must be approved by the Lead Agency prior to demolition and ground disturbing activities. Alternative applicable technologies/strategies may include, but would not be limited to, Tier 3 construction equipment, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Project, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously.

CalEEMod Version 2016.3.2

An older version of CalEEMod (Version 2013.2.2)¹¹ was used to quantify the Proposed Project's construction and operational emissions. Updates to CalEEMod (Version 2016.3.2) were available since October 2017. While revising the construction and operational emissions calculations, based on this comments, is not expected to change the less than significant findings in the MND, it is recommended that the Lead Agency use the latest version of CalEEMod (Version 2016.3.2) that has been available since the release and public circulation of the MND to quantify the Proposed Project's construction and operational emissions in the Final MND.

Closing

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review

⁸ MND. PDF Page 22 of 92.

⁹ 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.

¹⁰ *Ibid*. Page 18.

¹¹ MND. Appendix A, *CalEEMod Output*.

process. Please provide the SCAQMD with written responses to all comments contained herein prior to the certification of the Final MND. When responding to issues raised in the comments, response should provide sufficient details 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 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 any air quality questions that may arise from this comment letter. Please contact me at lsun@aqmd.gov if you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

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