



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:

April 24, 2018

MCollings@mnwd.com

Matt Collings, Assistant General Manager
Moulton Niguel Water District
27500 La Paz Road
Laguna Niguel, CA 92677

Mitigated Negative Declaration (MND) for the Proposed Moulton Niguel Water District Operations Center and Site Consolidation Project

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 MND.

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to construct three buildings totaling 64,664 square feet and refurbish 21,735 square feet for warehouse and storage uses on 11.33 acres (Proposed Project). Construction is expected to take 17 months. Based on a review of Figure 2.3, *Existing Site Characteristics*, and aerial photographs, SCAQMD staff found that residential uses are located immediately north, south, and west of the Proposed Project.

SCAQMD Staff's Summary of Air Quality Analysis

In the Air Quality Analysis Section, the Lead Agency quantified the Proposed Project's construction and operation emissions and compared them to SCAQMD's regional and localized air quality CEQA significance thresholds. The Lead Agency also quantified the Proposed Project's construction emissions from overlapping construction phases. Overlapping construction phases would generate 99.41 pounds per day (lbs/day)¹, which was slightly below SCAQMD air quality CEQA significance threshold for NO_x during construction (100 lbs/day). The Lead Agency found that the Proposed Project's construction air quality impacts would be less than significant. The Lead Agency also found that the Proposed Project's operational air quality impacts would be less than significant.

SCAQMD Staff's Comments

CEQA requires that all feasible mitigation measures go beyond what is required by law to minimize any significant adverse impacts. While the Proposed Project's NO_x emissions during construction were found to be below SCAQMD air quality CEQA significant threshold and therefore less than significant, the NO_x emissions were slightly below the threshold and may still create a substantial impact over the 17-month construction period. Therefore, SCAQMD staff recommends that the Lead Agency incorporate the following recommended changes to Compliance Measure (CM)-AQ-2 in the Final MND, and include both CM-AQ-1 and the revised CM-AQ-2 in applicable bid documents or contract specification with contractors. Successful contractor(s) must demonstrate the ability to supply such equipment. The Lead Agency should also require periodic reporting and provision of written documents by contractors to prove and ensure compliance.

¹ MND, Table 4.3.C, Page 4-44.

Tier 4 Construction Equipment or Level 3 Diesel Particulate Filters

To further reduce NO_x emissions as well as particulate matter emissions during construction and minimize their impacts on nearby residents, and instead of requiring Tier 2 or higher engine with Level 1 diesel particulate control devices (CM-AQ-2), 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 emissions². A list of CARB verified DPFs are available on the CARB website³. 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 4 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 3 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.

Diesel-Fueled Trucks with 2010 Model Year Engines

To further reduce the impacts of NO_x emissions on nearby residents 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 NO_x emissions requirements, at a minimum.

SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

Since the Proposed Project would include demolition of some structures totaling approximately 7,000 square feet⁴, asbestos may be encountered during demolition. As such, SCAQMD staff recommends that the Lead Agency include a discussion to demonstrate compliance with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities⁵ in the Final MND.

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 process. Please provide SCAQMD with written responses to all comments contained herein prior to the adoption 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 the public who are interested in the Proposed Project.

² 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.

³ *Ibid.* Page 18.

⁴ MND. Table 2.A. Page 2-5.

⁵ South Coast Air Quality Management District. Rule 1403. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf>.

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

LS

ORC180403-10

Control Number