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Mitigated Negative Declaration (MND) for the Proposed Victoria Greens

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 175 residential units and 23,665 square feet of recreational uses on eight acres (Proposed Project). The Proposed Project is located on the northeast corner of South Central Avenue and East Victoria Street in the City of Carson. Based on a review of the MND and aerial photographs, SCAQMD staff found that the Proposed Project is located within close proximity to State Route 91 (SR-91) and is immediately adjacent to a distribution center[1]. Additionally, the Proposed Project site was historically used for oil exploration activities from 1920s through the late 1990s and contains eight abandoned oil wells[2]. The site will undergo remedial action to remove residual petroleum hydrocarbons, arsenic, and lead[3]. Construction of the Proposed Project is expected to last approximately 36 months starting in June 2019[4].

SCAQMD Staff's Summary of Air Quality Analysis

In the Air Quality Analysis section, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to SCAQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analyses, the Lead Agency found that the Proposed Project's construction and operational air quality impacts would be less than significant[5]. The Lead Agency also prepared a construction Health Risk Assessment (HRA) and compared the results to SCAQMD's CEQA significance threshold of 10 in one million for cancer risk[6]. The Lead Agency found that the Proposed Project's construction air quality impacts would result in an unmitigated Residential Maximum Individual Cancer Risk of 13.8 in one million[7]. After the implementation of Mitigation Measure (MM)-AQ-1, the Lead Agency found that the mitigated Residential Maximum Individual Cancer Risk would be 1.5 in one million[8], which would be below SCAQMD's CEQA significance threshold of 10 in one million for cancer risk. MM-AQ-1 requires the use of Tier 4 Interim equipment of 75

[1] MND. Section 2. Pages 5-7.
[2] *Ibid*.
[3] *Ibid*. Appendix D: Remedial Action Plan for Impacted Soil Removal and Human Health Risk Assessment. Introduction. Pages 1-7.
[4] *Ibid*.
[5] *Ibid*. Section 3.3. Pages 32-38.
[6] SCAQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When SCAQMD acts as the Lead Agency, 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.
[7] *Ibid*. Pages 38-39.
[8] MND. Section 3.3. Pages 38-39.

horsepower or greater if available[9]. If Tier 4 Interim equipment is not available, all other diesel-powered construction equipment will be classified as Tier 3 or higher, except when Tier 3 construction equipment is not available[10].

Additionally, for the purpose of disclosing potential health risks to future residents living within close proximity of SR-91 and the adjacent distribution center, the Lead Agency prepared a mobile source HRA and found that the unmitigated Residential Maximum Cancer Risk from the toxic air contaminant (TAC)-emitting sources surrounding the Proposed Project would be 29.5 in one million[11]. After the implementation of MM-AQ-2, which requires installation of high efficiency air filters with a Minimum Efficiency Reporting Value (MERV) of 13, the Lead Agency found that the mitigated Residential Maximum Cancer Risk would be reduced to 9 in one million, which is below SCAQMD's CEQA significance threshold of 10 in one million for cancer risk[12]. As such, the Lead Agency found that the Proposed Project's health impacts related to TACs would be less than significant.

SCAQMD Staff's General Comments

Upon a review of the MND and the CalEEMod output files provided in Appendix A, *Emissions Calculations*, SCAQMD staff has concerns regarding the modeling parameter based on Tier 4 Interim equipment. MM-AQ-1 allows for the use of Tier 3 construction equipment when Tier 4 Interim equipment is not available, or a lower tier equipment when Tier 3 construction equipment is not available. It is not appropriate to use Tier 4 Interim equipment to quantify construction emissions in the modeling. Using Tier 4 Interim equipment takes credit for emission reductions from cleaner construction equipment that the Lead Agency has not fully committed to implementing since Tier 3 or even a lower tier construction equipment could be used during construction. Additionally, SCAQMD staff has comments on the limitations of enhanced filtration systems and recommends that the Lead Agency disclose these limitations in the Final MND. Please see the attachment for SCAQMD staff's detailed comments.

Conclusion

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, informative, 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 any air quality questions that may arise from this comment letter. Please contact Alina Mullins, Assistant Air Quality Specialist, at amullins@aqmd.gov or (909) 396-2402, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.
Program Supervisor, CEQA IGR
Planning, Rule Development & Area Sources

Attachment
LS:AM
LAC190122-06
Control Number

[9] MND. Page 39.
[10] *Ibid*.
[11] *Ibid.* Page 40.
[12] *Ibid.*

ATTACHMENT

Recommended Changes to Mitigation Measure (MM)-AQ-1:

1. As currently written in the MND, MM-AQ-1 proposes that all diesel-powered equipment 75 horsepower or greater be powered with California Air Resources Board (CARB) certified Tier 4 Interim engines, except where the equipment is not available. All other diesel-powered construction equipment will be Tier 3 or higher, except where the equipment is not available[13]. Although MM-AQ-1 requires the use of Tier 4 Interim diesel-powered equipment, "except where the project applicant establishes to the satisfaction of the City that Tier 4 Interim equipment is not available", the CalEEMod mitigated modeling parameters assumed a full implementation and use of Tier 4 Interim diesel-powered equipment as a mitigation measure[14]. However, MM-AQ-1 allows for the use of Tier 3 construction equipment when Tier 4 Interim equipment is not available, or a lower tier equipment when Tier 3 construction equipment is not available. This makes the selection of "Tier 4 Interim" as a mitigation measure in CalEEMod not appropriate because it has likely led to an underestimation of the Proposed Project's mitigated construction emissions by assuming that the Proposed Project is committed to emissions reductions from Tier 4 Interim equipment that cannot be achieved when Tier 3 or lower tier construction equipment is in use. To be consistent with the modeling assumption in CalEEMod, SCAQMD staff recommends that the Lead Agency revise MM-AQ-1 as follows. Alternatively, to be conservative, the Lead Agency may revise the CalEEMod mitigated modeling parameters by using either Tier 3, or a lower tier construction equipment, if reasonably expected, to quantify the Proposed Project's mitigated construction emissions.

   Additionally, SCAQMD staff recommends that the Lead Agency require all diesel-fueled equipment 50 horsepower or greater be powered with CARB Tier 4 Final engines. Where Tier 4 Final equipment is not available, the Proposed Project should use Tier 4 Interim, at a minimum.

   Revised MM-AQ-1

   Prior to the start of construction activities, the project applicant, or its designee, shall ensure that all ~~75~~ 50 horsepower or greater diesel-powered equipment are powered with California Air Resources Board certified Tier 4 Final engines, except where the project applicant establishes to the satisfaction of the City that Tier 4 ~~Interim~~ Final equipment is not available. ~~All other diesel-powered construction equipment will be classified as Tier 3 or higher, at a minimum, except where the project applicant establishes to the satisfaction of the City that Tier 3 equipment is not available~~. In the case where the applicant is unable to secure a piece of equipment that meets the Tier 4 ~~Interim~~ Final requirement, the applicant may use Tier 4 Interim equipment, at a minimum ~~upgrade another piece of equipment to compensate (from Tier 4 Interim to Tier 4 Final)~~. Engine Tier requirements in accordance with this measure shall be incorporated on all construction plans.

   To ensure that Tier 4 Final construction equipment or better will be used during the Proposed Project construction, SCAQMD staff recommends that the Lead Agency include this requirement in applicable bid documents, purchase orders, and contracts. Successful contractor(s) must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction 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. Additionally, the Lead Agency should require periodic reporting and provision of written construction documents by construction contractor(s) to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance. In the event that construction equipment cannot meet the Tier 4 Final engine certification, the Construction Contractor must demonstrate through future study

[13] MND. Page 39.

with written findings supported by substantial evidence that is approved by the Lead Agency before using 4 Interim emissions standards compliant construction equipment and/or other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, reduction in the number and/or horsepower rating of construction equipment, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously.

Guidance on Siting Sensitive Receptors Near a High-Volume Freeway and Other Sources of Air Pollution

2. 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* in 2005[15]. This Guidance document provides recommended policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health.

Limits to Enhanced Filtration Units

3. Notwithstanding the court rulings, SCAQMD staff recognizes that the Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Based on a review of the MND, SCAQMD staff found that the Proposed Project is located in close proximity to SR-91, which had an annual average daily traffic (AADT) of 205,000 vehicles, including an AADT of 14,127 diesel-fueled trucks at Post Mile R7.426 in 2016[16]. Additionally, the Proposed Project is immediately adjacent to a distribution center, which is a potential source of air pollution because it is capable of generating or attracting heavy-duty, diesel-fueled trucks during operation that emit diesel particulate matter (DPM). The CARB has identified DPM as a toxic air contaminant based on its carcinogenic effects[17]. Because of SCAQMD's concern about the potential public health impacts of siting sensitive populations within close proximity to high-volume freeways and distribution centers, SCAQMD staff recommends that the Lead Agency review and consider the following comments when making local planning and land use decisions.

   Many strategies are available to reduce exposure, including, but not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Because of the potential adverse health risks involved with siting sensitive receptors near high-volume freeways and distribution centers, it is essential that any proposed strategy must be carefully evaluated before implementation.

   Here, the Lead Agency requires the installation of high efficiency air filters with a MERV of 13 at the Proposed Project (MM-AQ-2). SCAQMD staff recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that SCAQMD conducted to investigate filters[18], a cost burden is expected to be within the range of $120 to $240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system is not available and needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC

[15] 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/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf.

[16] California Department of Transportation. Caltrans Traffic Volume Data for 2016. Route 91, Post Mile R7.426 (Carson, Avalon Blvd Interchange). Accessed at: http://www.dot.ca.gov/trafficops/census/.

[17] California Air Resources Board. August 27, 1998. Resolution 98-35. Accessed at: http://www.arb.ca.gov/regact/diesltac/diesltac.htm.

[18] This study evaluated filters rated MERV 13 or better. Accessed at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf. Also see 2012 Peer Review Journal article by SCAQMD: https://onlinelibrary.wiley.com/doi/10.1111/ina.12013.

system is running, there may be increased energy costs to the residents. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. Moreover, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to DPM emissions.

Enforceability of Enhanced Filtration Units

4. In MM-AQ-2, the Lead Agency stated that "the Homeowners Association property management for these multifamily residential receptors shall maintain the air filtration system on any HVAC system installed for the specified residential units in accordance with the manufacturer's recommendations for the duration of the project[19]." To ensure that the enhanced filtration units are enforceable throughout the lifetime of the Proposed Project and that they are effective in reducing exposures to DPM emissions, SCAQMD staff recommends that the Lead Agency provide additional details about the ongoing, regular maintenance, and monitoring of enhanced filters in the Final MND. To provide useful information to future residents at the Proposed Project, at a minimum, the Final MND should include the following information:

   - Disclose the potential health impacts to prospective residents from living in a close proximity to freeways and distribution center and the reduced effectiveness of the air filtration system when windows are open and/or when residents are outdoors (e.g., in the common usable open space areas);
   - Identify the responsible implementing and enforcement agency, such as the Lead Agency, to ensure that enhanced filtration units are installed on-site at the Proposed Project before a permit of occupancy is issued;
   - Identify the responsible implementing and enforcement agency, such as the Lead Agency, to ensure that enhanced filtration units are inspected and maintained regularly;
   - Disclose the potential increase in energy costs for running the HVAC system to prospective residents;
   - Provide information to the members of the Homeowner's Association on where the MERV filters can be purchased, if applicable;
   - Provide recommended schedules (e.g., every year or every six months) for replacing the enhanced filtration units;
   - Identify and disclose if there will be additional fees that will be collected by the Homeowner's Association in order to maintain the enhanced filtration units, if applicable;
   - Identify, provide, and disclose ongoing cost sharing strategies, if any, for replacing the enhanced filtration units;
   - Set City-wide or Proposed Project-specific criteria for assessing progress in installing and replacing the enhanced filtration units to document and verify implementation at the Proposed Project;
   - Develop a City-wide or Proposed Project-specific process for evaluating the effectiveness of the enhanced filtration units.

Compliance with SCAQMD Rules & Permits

5. Based on a review of Appendix D, *Remedial Action Plan for Impacted Soil Removal and Human Health Risk Assessment*, SCAQMD staff found that historical use of the site for oil exploration activities has left the site impacted with residual petroleum hydrocarbons, arsenic, and lead[20]. Since

[19] MND. Page 40.

[20] MND. Appendix D: Remedial Action Plan for Impacted Soil Removal and Human Health Risk Assessment. Introduction. Pages 1-7.

preparation of the Proposed Project site would include soil remedial actions that might cause residual petroleum hydrocarbons, arsenic, and lead to become airborne, the Lead Agency should include a discussion to demonstrate compliance with SCAQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil[21] and Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants[22] in the Air Quality Section of the Final MND.

6. If remediation or any on-site activity involves equipment or operations which either emits or controls air pollution, SCAQMD staff should be consulted in advance to determine whether or not any permits or plans are required to be filed and approved by SCAQMD prior to start of any remedial activity. In the event that remedial actions require the use of stationary diesel-fueled internal combustion or compression engines (i.e., generators or firefighting equipment), emissions should be quantified and included in the construction emissions for the Proposed Project in the Final MND. The Final MND should also include a discussion to demonstrate compliance with SCAQMD Rule 1470 – Requirement for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines[23]. If the use of stationary diesel-fueled internal combustion or compression engines requires a permit from SCAQMD, the Lead Agency should identify SCAQMD as a Responsible Agency for the Proposed Project in the Final MND. The assumptions in the Air Quality Analysis in the MND will be the basis for permit conditions and limits. For more information on permits, please visit SCAQMD's webpage at: http://www.aqmd.gov/home/permits. Questions on permits can be directed to SCAQMD's Engineering and Permitting staff at (909) 396-3385.

[21] South Coast Air Quality Management District. Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil. Accessed at: http://www.aqmd.gov/docs/default-source/rule book/reg-xi/rule-1166.pdf.

[22] South Coast Air Quality Management District. Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants. Accessed at: https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf.

[23] South Coast Air Quality Management District. Rule 1470 – Requirement for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines. Accessed at: http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf.