



South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

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Draft Environmental Impact Report (Draft SEIR) for the Proposed Duarte Station Specific Plan Project (SCH No.: 2013041032)

South Coast Air Quality Management District (South Coast AQMD) 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 SEIR.

South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes construction of 1,400 residential units, 12,500 square feet of retail/restaurant use, and 100,000 square feet of office uses on 19.08 acres (Proposed Project). The Proposed Project is located on the northwest corner of Duarte Road and Highland Avenue. The Proposed Project would be constructed in two phases. Phase 1 consists of approximately 700 residential units, 1,348 parking garage spaces, and 6,250 square feet of retail/restaurant use¹. Phase 2 consists of approximately 700 apartment units, 6,250 square feet of retail/restaurant use, and 100,000 square feet of commercial space². Construction of Phase 1 would begin in 2020 followed by construction of Phase 2 in 2022. The Proposed Project would reach full buildout by 2025³. Based on a review of Figure 3-3, *Specific Plan Area*, in the Draft SEIR, and aerial photographs, South Coast AQMD staff found that the Proposed Project is located within 500 feet of Interstate 210 (I-210)⁴.

South Coast AQMD Staff's Summary of Air Quality and Health Risk Assessment (HRA) Analyses

In the Air Quality section, the Lead Agency quantified the Proposed Project's construction and operation emissions and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analyses, the Lead Agency found that the Proposed Project's construction air quality impacts would be less than significant, after the implementation of mitigation measure (MM) AIR-2A. MM AIR-2A requires construction contractors to utilize super-compliant architectural coatings with 10 grams of VOC per liter or less. Additionally, the Lead Agency found that the Proposed Project's operational emissions would not exceed South Coast AQMD's CEQA operational significance thresholds, after the implementation of MM AIR-2B. MM AIR-2B requires that no more than 60% of new residential units be built with fireplaces. The Lead Agency also performed a mobile source HRA analysis and found that future residents living at the Proposed Project would be exposed to a cancer risk ranging from 21.9 to 40.7 in one million⁵, which would exceed South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk by up to four times. To reduce the significant cancer risk impact, the Proposed Project is required to install and perform ongoing maintenance of HVAC systems with air filters that meet or exceed a Minimum Efficiency Reporting Value (MERV) of 13⁶.

¹ Draft SEIR. Section 5.5, *Air Quality*. Page 5.5-23.

² *Ibid.*

³ *Ibid.* Page 5.5-23 and 5.5-24.

⁴ *Ibid.* Figure 3-3, *Specific Plan Area*. Page 3-4.

⁵ *Ibid.* Page 5.5-39.

⁶ *Ibid.* Executive Summary. Table 1-5, *Summary of Environmental Impacts and Mitigation Measures*. Page 1-15 and 1-16.

South Coast AQMD Staff's Comments on Air Quality Impact Analysis and Mitigation Measures*Air Quality Impact Analysis – Overlapping Construction and Operation*

1. South Coast AQMD staff has comments on the Air Quality Analysis. Based on a review of the Air Quality Analysis, South Coast AQMD staff found that the Lead Agency did not consider or analyze a scenario where construction activities overlap with operational activities (e.g., some components of Phase 1 may be operational while some components of Phase 2 are under construction). Since implementation of the Proposed Project is expected to occur in phases and sub-phases over a multi-year timeframe of five years from 2019 to 2025⁷, and since the Lead Agency has received multiple development applications⁸, it is reasonably foreseeable that construction and operation of various development components may overlap. If an overlapping construction and operation scenario is reasonably foreseeable, to conservatively analyze a worst-case impact scenario, South Coast AQMD staff recommends that the Lead Agency use its best efforts to identify the overlapping construction and operational years and development components, combine construction emissions (including emissions from demolition, if applicable) with operational emissions, and compare the combined emissions to South Coast AQMD's air quality CEQA *operational* thresholds of significance to determine the level of significance in the Final SEIR, unless the Lead Agency includes requirement(s) that will prohibit overlapping construction and operational activities. If the Lead Agency finds, after analyzing an overlapping construction and operation scenario, that the Proposed Project's air quality impacts would be significant, additional mitigation measures will be required (CEQA Guidelines Section 15126.4). To assist the identification of feasible mitigation measures that are capable of reducing construction emissions from NO_x and particulate matter, South Coast AQMD recommends that the Lead Agency incorporate the following mitigation measures in the Final SEIR. Please see Comment Nos. 2 to 6 below. If the Lead Agency finds, after revising the Air Quality Analysis, that a new significant impact or a substantial increase in the severity of an environmental impact than that analyzed in the Draft SEIR would result from the Proposed Project that cannot be reduced to less than significant with existing air quality mitigation measures and additional recommended air quality mitigation measures in Comment Nos 2 to 6, the Lead Agency should commit to reevaluating the Proposed Project's air quality impacts and recirculating the air quality impact section of the Draft SEIR for public review and comments (CEQA Guidelines Section 15088.5).

Additional Recommended Mitigation Measures

2. Require the use of off-road diesel-powered construction equipment that meets or exceeds the CARB and U.S. Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards for equipment rated at 50 horsepower or greater during construction of the Proposed Project. Such equipment will be outfitted with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filter (DPFs). 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.

To ensure that Tier 4 Final construction equipment or better would be used during the Proposed Project's construction, South Coast AQMD 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

⁷ *Ibid.* Section 5.5, *Air Quality*. Page 5.5-23 and 5.5-24.

⁸ *Ibid.* Executive Summary. Page 1-2.

⁹ CARB. 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.

CARB or South Coast AQMD 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 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 4 Interim or Tier 3 emission 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, and/or limiting construction phases occurring simultaneously.

3. Require the use of zero-emission or near-zero emission heavy-duty haul trucks during construction, such as trucks with natural gas engines that meet CARB's adopted optional NOx emissions standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that operators of heavy-duty haul trucks visiting the Proposed Project during construction commit to using 2010 model year¹¹ or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Include analyses to evaluate and identify sufficient power available for zero emission trucks and supportive infrastructures in the Energy and Utilities and Service Systems Sections of the Final SEIR, where appropriate. Require that the Proposed Project's tenant(s) shall maintain records of all trucks visiting the Proposed Project and make these records available to the Lead Agency upon request. The records will serve as evidence to prove that each truck called to the Proposed Project meets the minimum 2010 model year engine emission standards. The Lead Agency should conduct regular inspections of the records to the maximum extent feasible and practicable to ensure compliance with this mitigation measure.
4. Maintain vehicle and equipment maintenance records for the construction portion of the Proposed Project. All construction vehicles must be maintained in compliance with the manufacturer's recommended maintenance schedule. All maintenance records shall remain on-site for a period of at least two years from completion of construction.
5. Enter into a contract that notifies all construction vendors and contractors that vehicle idling time will be limited to no longer than five minutes or another time-frame as allowed by the California Code of Regulations, Title 13 section 2485 – CARB's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. For any vehicle that is expected to idle longer than five minutes, each project applicant, project sponsor, or public agency will require the vehicle's operator to shut off the engine. To further ensure that drivers understand the vehicle idling requirement, post signs at the entrance and throughout the site stating that idling longer than five minutes is not permitted.
6. Encourage construction contractors to apply for South Coast AQMD "SOON" funds. The "SOON" program provides funds to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles. More information on this program can be found at South Coast AQMD's website: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines>.

¹¹ The CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulations is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.html>.

Guidance on Siting Sensitive Receptors Near Sources of Air Pollution

7. South Coast AQMD 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 South Coast AQMD to reduce community exposure to source-specific and cumulative air pollution impacts, South Coast AQMD adopted the *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* in 2005¹². 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. In addition, guidance on siting incompatible land uses (such as placing new sensitive land uses near a freeway) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process.

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final SEIR. 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, informative, or useful to decision makers and to the public who are interested in the Proposed Project. Further, when the Lead Agency makes the finding that the recommended mitigation measures are not feasible, the Lead Agency should describe the specific reasons for rejecting them in the Final SEIR (CEQA Guidelines Section 15091).

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Robert Dalbeck, Assistant Air Quality Specialist, at RDalbeck@aqmd.gov or (909) 396-2139, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS:RD

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Control Number

¹² South Coast AQMD. 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>.