



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

FAXED: OCTOBER 13, 2006

October 13, 2006

Mr. Oscar Orci
City of Banning
Planning Department
99 East Ramsey
Banning, CA 92220

Dear Mr. Orci:

**Mitigated Negative Declaration (MND) for
Tentative Tract Map 34736 (Michael Ohman)**

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. Because the analysis of operational air quality impacts for the project demonstrates that emissions will exceed the significance thresholds for carbon monoxide, oxides of nitrogen, and volatile organic compounds, there is substantial evidence that an environmental impact report should be prepared.

The SCAQMD is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Charles Blankson, Ph.D., Air Quality Specialist – CEQA Section, at (909) 396-3304 if you have any questions regarding these comments.

Sincerely

Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rule Development & Area Sources

Attachment

SS: CB

RVC060922-05
Control Number

**Mitigated negative Declaration (MND) for the
Tentative Tract Map 34736 (Michael Ohman)**

Operational Emissions: Table 3 on page 9 of the Environmental Checklist shows that the operational emissions at buildout from the proposed project would exceed the significance thresholds for carbon monoxide (CO), nitrogen oxide (NO_x) and volatile organic compounds (VOC). The lead agency then dismisses the significant adverse impacts qualitatively by stating that the proposed project is consistent with the General Plan and that although the project impacts will exceed the SCAQMD's recommended significance thresholds, benefits associated with buildout of the General Plan outweigh the potential impacts as they relate to air quality. Further, of the 10 mitigation measures listed on pages nine and 10, only measure 10 relates to operational emissions and the effectiveness of this measure is not quantified.

The SCAQMD believes that, because the operational air quality impacts for CO, NO_x and VOC exceed the recommended significance thresholds, the proposed project does not qualify for a negative declaration. Further, the rationale for dismissing impacts is flawed as consistency with the General Plan, does not in and of itself eliminate significant adverse impacts from the proposed project. Similarly, because there is a perceived benefit, this does not outweigh the fact that impacts exceed the significance criteria used by the lead agency.

Pursuant to CEQA Guidelines Section 15073.5 (b)(1), a lead agency is required to recirculate a negative declaration when "A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance..." Alternatively, pursuant to CEQA Guidelines Section 15073.5 (d), "If during the negative declaration process there is substantial evidence in light of the whole record, before the lead agency that the project, as revised, may have a significant effect on the environment which cannot be mitigated or avoided, the lead agency shall prepare a draft EIR..." Based on the fact that operational impacts exceed the CO, NO_x and VOC significance thresholds, this constitutes "substantial evidence" that an EIR should be prepared.

Carbon Monoxide (CO) Hot Spots Analysis: Table 3 on page 9 shows that the project would generate 951.5 pounds of carbon monoxide per day at buildout. This exceeds the SCAQMD recommended significance threshold for carbon monoxide. The discussion of the proposed project's impact on transportation / traffic indicates on page 28 of the MND that at buildout, six out of the seven intersections that were studied "are expected to fail", i.e., impacts at these intersections would be significant. Although the discussion states further that the various mitigation measures restore these intersections to acceptable levels of service, no information is provided on the levels of service at these intersections or the effects of the project on the volume-to-capacity ratios of these intersections.

Reference is made on page 27 of the MND to a traffic study which was not included in the MND. According to the air quality analysis (Table 3), CO emissions from the proposed project would be significant. This means that a CO hotspots analysis may be warranted. The SCAQMD CEQA Air Quality Handbook recommends that a CO hotspots analysis be performed when the CO analysis for a project shows a significant impact. In particular, a CO hotspots analysis is warranted for any intersection affected by the proposed project where the level of service worsens from C to D, or if a proposed project increases the volume to capacity ratio at any intersection rated D or worse by two percent or more. The methodology for performing the CO hotspots analysis may be found in the Caltrans Transportation Project-Level Carbon Monoxide Protocol (CO Protocol), Revised December 1997. The CO Protocol can be downloaded from the Caltrans website at <http://www.dot.ca.gov/hq/env/air/coprot.htm>. Sufficient documentation should be provided in the Final MND to allow reviewers to verify that the CO Protocol was followed correctly.

Diesel Truck Particulate Emissions: Table 3 also shows that the proposed project would generate 4,948 vehicle trips per day at buildout. The MND does not provide a breakdown of the number and type of vehicles that would be servicing the facility. However, given the nature of the proposed project, industrial condominiums, it is to be expected that some percentage of vehicle trips will be by heavy-duty diesel truck trips. With the designation of diesel particulates as a carcinogen by the California Air Resources Board (CARB), the SCAQMD requires that the revised analysis should include a demonstration that the diesel emissions from these trucks will not create a significant adverse cancer risk, that is, create a cancer risk greater than or equal to 10 in one million. Depending on the number of diesel truck trips per day, SCAQMD recommends that the lead agency perform an air toxics health risk analysis of the diesel particulate emissions for the proposed project. The SCAQMD has prepared guidance for conducting such an analysis which can be accessed at the SCAQMD website at: www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html under Health Risk Assessment Guidance.

Localized Impacts: Consistent with the SCAQMD's environmental justice program and policies, the SCAQMD recommends that the lead agency also evaluate localized air quality impacts of the proposed project. SCAQMD staff recommends that for this project and for future projects, the lead agency undertake the localized analysis to ensure that all necessary and feasible mitigation measures are implemented to protect the health of existing or potential sensitive receptors close to the proposed project. The methodology for conducting the localized significance thresholds analysis can be found on the SCAQMD website at: www.aqmd.gov/ceqa/handbook/LST/LST.html.

Reducing Operational Emissions: Since operational CO, NO_x and VOC emissions are expected to exceed the significance thresholds, SCAQMD staff

recommends that the lead agency consider the following additional mitigation measures where feasible:

- For trucks that would be supplying materials and produce to the project site, require the use of alternative clean fuel such as compressed natural gas-powered equipment with oxidation catalysts instead of gasoline- or diesel-powered engines. However, where diesel equipment has to be used because there are no practical alternatives, the construction contractor should use particulate filters, and oxidation catalysts.
- Require warehouse management to train employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks within the facility.
- Require installation of electrical sources for service equipment or docking of trucks to eliminate idling of main or auxiliary engines during loading and unloading, and when trucks are not in use.
- Provide a minimum buffer zone of 300 meters (roughly 1,000 feet) between the industrial condominiums and the nearest sensitive receptor.
- Use light-colored roofing materials to deflect heat and conserve energy. Install solar panels on roofs to supply electricity for air-conditioning.
- Install high energy-efficient appliances such as water heaters, refrigerators, furnaces and boiler units.
- Install automatic lighting on/off controls and energy-efficient lighting.
- To reduce volatile organic compounds (VOC) emissions, restrict the number of gallons of architectural coatings used per day. Where feasible, paint contractors should use hand applications instead of spray guns. The lead agency should also encourage water-based coatings or coatings with a lower VOC content than 100 grams per liter. Alternatively, consider using materials that do not need to be painted or are painted prior to transporting to the site.
- Provide information on truck routes that avoid residential areas or schools.
- Provide food options, fueling, truck repair and or convenience store on-site or within the warehouse complex to minimize the need for trucks to traverse through residential areas for these services.
- Pave roads and parking areas.

Other mitigation measures for consideration by the lead agency can be found in Chapter 11 of the SCAQMD's 1993 CEQA Air Quality Handbook. See also mitigation measures listed at the following URL:

www.aqmd.gov/ceqa/handbook/mitigation/mm_intro.html.