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E-mailed: October 7, 2013
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Review of the Draft Mitigated Negative Declaration for the Interstate 5 Widening from State Route 73 to El Toro Road Project

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above mentioned document. The SCAQMD staff is concerned that the Draft Mitigated Negative Declaration (Draft MND) provides an air quality analysis for the proposed project that is not adequate to determine potential air quality impacts pursuant to SCAQMD Guidance and CEQA Guidelines. As a result, the air quality impacts appear to be understated in the Draft MND and potentially significant impacts may not have been disclosed to the public. The lead agency generally concludes that the project will have a net environmental benefit by reducing regional air quality impacts by improving traffic flow and reducing congestion in the project area. However, SCAQMD staff is concerned that the proposed project could increase health risk impacts to residents in close proximity to the Interstate 5 (I-5) Freeway. The project will add at least one general purpose lane to the I-5 Freeway (within the project area) in each direction and extend an existing High Occupancy Vehicle (HOV) lane in each direction. As a result, the additional freeway lanes placed closer to residences could potentially increase localized impacts to residents adjacent to the project area. Further, the addition of lanes may increase freeway capacity and could have potential growth inducing impacts not discussed in the Draft MND.

There are several areas in which the Draft MND has not adequately addressed the potential for air quality impacts. These include the determination of the project's health risk impacts to surrounding sensitive receptors (i.e., residences, recreational parks and schools), local and regional air quality impacts, climate change impacts, the use of an inappropriate CEQA baseline for existing conditions, growth inducing impacts, and the lack of quantification of mitigation measure effectiveness. Because of the technical inadequacies of the Draft MND the SCAQMD staff strongly recommends that the lead agency revise the air quality analysis based on the comments contained within this letter.

SCAQMD staff requests that the lead agency provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the final environmental document.

Additional detailed comments on this project are attached to this letter. Should you have any questions, please contact Dan Garcia at (909) 396-3304.

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

ORC130910-12
Control Number

Significant Air Quality Impacts

1. The peak daily operational emissions presented in Table 17 of the Air Quality Appendix of the Draft MND demonstrates significant PM10 and PM2.5 emissions impacts from the project in comparison to the SCAQMD regional emissions thresholds. However, the lead agency determined that the proposed project will have insignificant impacts from operation related activities. Based on a review of the Section 2.13 of the Draft MND it appears that the lead agency made its significance determination solely on the Mobile Sour Air Toxics (MSAT) emissions budget analysis summarized in Table 2.13-14, however, this analysis inappropriately excludes non MSAT emissions sources that result in a substantial increase of PM10 and PM2.5 emissions from the proposed project. Specifically, Table 17 of the Air Quality Appendix demonstrates a net increase of 234 lbs/day of PM10 and 57 lbs/day of PM2.5 and both of these emissions values exceed the SCAQMD's CEQA significance thresholds for daily operations. However, the lead agency concluded that the project's operational emissions would be insignificant as a result of the project's operational activity. Therefore, SCAQMD staff recommends that the lead agency provide a revised air quality analysis that includes all emissions sources in the operational emissions analysis, quantifies all criteria pollutants and uses the SCAQMD's operational emissions thresholds to make a significance determination.[1] Although Caltrans may not have adopted SCAQMD's recommended thresholds for use throughout the state, as this project is only occurring within our jurisdiction, we strongly recommend that the lead agency use our thresholds for this project, as has been done for other Caltrans projects. Further, given that the proposed project demonstrates significant air quality impacts the SCAQMD staff recommends that the lead agency provide mitigation to minimize these impacts consistent with the CEQA Guidelines.

Proper Quantification of Operational Air Quality Impacts

2. SCAQMD staff requests that the lead agency update two aspects of its estimation of potential emissions during operation of the project. First, the emissions estimate should include all criteria pollutants. Specifically, in Table 2.13-4 of the Draft MND the lead agency should quantify and disclose all of the project's criteria pollutant impacts from NOx, VOC, CO, PM10, PM2.5 and SOx (as mentioned above). Second, the analysis provided in the Draft MND uses EMFAC 2007 to estimate emissions for future years. The state Air Resources Board has released the updated EMFAC 2011 that updates vehicle emission factors. The final environmental document should present an estimate of operational emissions using these updated emissions factors.

Localized Operational Air Quality Impacts

3. The lead agency did not conduct a localized air quality analysis or Health Risk Assessment (HRA) to determine how the construction or operation of the project may impact the residences, contrary to CARB, CAPCOA, and SCAQMD Guidance for projects that place sensitive receptors within 500 feet of a freeway. According to the air quality analysis, over 1.3 million additional vehicles miles traveled per day will occur on this segment of I-5 Freeway. Because of the project's widening of the freeway, the emissions source will be

[1] http://www.aqmd.gov/ceqa/hdbk.html

located closer to adjacent residents. The lead agency did not analyze the potential impacts to all local ambient air quality standards from this activity, and its evaluation of potential health risks ignores the well-documented and industry standard procedures for quantitatively assessing carcinogenic and non-carcinogenic health risks, and potential criteria pollutant exceedances.[2]

The lead agency stated that because of limitations in the methodologies available to forecast health impacts, "any predicted difference in health impacts between alternatives is likely to be much smaller than the uncertainties associated with predicting the impacts." This conclusory statement is not adequately substantiated in the MND and ignores the fact that CEQA documents prepared by Caltrans have relied on a HRA for other projects including the Schuyler Heim Bridge project and the I-710 Corridor Expansion project. As Caltrans is aware (evident in the aforementioned HRA's) pollutant concentrations are a result of total emissions in addition to site-specific characteristics such as proximity to the source, meteorology, and topography. As a result, the Draft MND is insufficient for determining potential health risk impacts to sensitive receptors from the project and it ignores section 15064 of the CEQA Guidelines that requires *substantial evidence* to determine the significance of an impact. Therefore, SCAQMD staff recommends that the lead agency revise the air quality analysis to include a HRA for the proposed project.

Further, the lead agency is strongly encouraged to, at a minimum, identify the total number of residences within 500 ft of the project's boundary (as measured from the outermost travel lane) in the existing condition and for each alternative. Even though some project alternative may have lower MSAT emissions, there may be a greater number of people exposed to these emissions (especially given the estimated growth projections provided in Chapter 2.2 of the Draft MND. A standard quantitative cancer burden analysis is well suited to determine if the population-wide impacts are significant.

Bottleneck at North End of Project

4. Based on a discussion provided on page 2.2-5 of the Draft MND Alternative 3 of the proposed project would result in a bottleneck at the north end of the project site. Specifically, under Alternative 3 this segment of the project site (I-5) would narrow down from 6 lanes to 5 lanes, however, the lead agency did not present an analysis of the potential regional and localized air quality impacts from bottlenecking at this location.

Localized and Regional Construction Air Quality Impacts

5. The lead agency concluded that the project's construction activities will not result in significant air quality impacts; however, it did not quantify any emissions resulting from construction of the proposed project. Specifically, the lead agency provided general non-substantive information regarding the construction phase of the project to reach its significance determination. For example, the lead agency requires minimization measures

[2] http://aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html
http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf

AQ-1 through AQ-3; however, it did not provide any quantitative emissions data that demonstrates emissions reductions/benefits from compliance with these measures. Further, the lead agency did not conduct a localized construction air quality analysis. Given that sensitive land uses (i.e., sensitive land uses) are located adjacent to this segment of the I-5 Freeway (i.e., within 100 feet of the proposed project) it is imperative that the lead agency conduct a localized air quality analysis to properly demonstrate and disclose any local air quality impacts to sensitive receptors adjacent to the I-5 Freeway. Therefore, SCAQMD staff recommends that the lead agency quantify the construction emissions from the proposed project and use the SCAQMD's construction emissions thresholds to make a significance determination.[3]

Climate Change Impacts

6. On page 2.22-17 of the Draft MND, the lead agency states, "… it is CalTrans determination, that in the absence of regulatory or scientific information related to greenhouse gas emissions and CEQA significance, it is too speculative to make a determination of the project's direct impact and its contribution on the cumulative scale to climate change," SCAQMD staff refers the lead agency to Section 15064.4(b)(2) of the CEQA Guidelines, that state, "whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project." SCAQMD staff therefore requests that the lead agency revise the project's greenhouse gas emissions analysis to include a determination of significance, and, if necessary, feasible mitigation measures.

CEQA Baseline

7. The lead agency used an incorrect CEQA baseline throughout the analysis to determine the significance of impacts. Pursuant to Section 15125 of the CEQA Guidelines, the existing environmental setting "at the time that environmental assessment commences . . . will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." Instead of using this required methodology, the lead agency chose to ignore this baseline and only compare a hypothetical and speculative future scenario without the project to one with the project to determine CEQA and NEPA impacts. This speculative approach is contrary to CEQA requirements and serves to underestimate potential impacts. Consistent with recent case law (e.g., Neighbors for Smart Rail), the lead agency should use both the existing conditions and the future conditions to determine impacts.

Growth Inducing Impacts

8. Page 2.2-6 of the Draft MND states that the proposed build alternatives include capacity enhancements along an existing freeway corridor that are intended to respond to expected demand and improve operations. However, the lead agency does not specify how the future traffic volumes (presented in the air quality appendix) were determined and their relationship to the growth projections in Chapter 2.2. For example, the county-wide growth projections presented in Chapter 2.2 extend through 2035, however, the project construction terminates

[3] http://www.aqmd.gov/ceqa/hdbk.html

in 2022. Further, the current reported volumes indicate that the alternative with more widening (i.e., Alternative 3) has higher volumes. It would therefore appear that the project is inducing growth as the widened freeway would be a trip attractor. This additional capacity may have the possibility of inducing growth in the area and have additional impacts beyond those discussed in the Draft MND. Any growth inducing impacts from potential project alternatives should be analyzed pursuant to CEQA Guidelines §15126 (d) prior to approving the final environmental document.

Conformity

9. It is unclear if all alternatives within the Draft MND meet federal transportation conformity requirements. The final CEQA document should clarify which specific alternatives have gone through the transportation conformity analysis.