



South Coast Air Quality Management District

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SENT VIA FAX, E-MAIL, AND USPS:

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Draft Environmental Impact Report (DEIR) for the Pepper Avenue Specific Plan (State Clearinghouse No.: 2016021047)

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 Environmental Impact Report (Final EIR).

Project Description

The proposed project consists of a 101.7-acre specific plan which allows for up to 275 multi-family dwelling units, 462,000 square feet of retail shopping center, 125,000 square feet of business park uses, 29.5 acres of natural open space, and 13.7 acres of water facilities, including water wells, a pump station, and a reservoir. The proposed project site is mostly vacant and undeveloped, and it is located south of the 210 Freeway and west of BNSF railroad. Construction is expected to begin in 2017, and the build-out year would be 2035.

Air Quality and Health Risk Assessment (HRA) Analyses

Based on the air quality analysis, the Lead Agency found that regional construction emissions would be less than significant after incorporating Mitigation Measure AQ-1. Additionally, the Lead Agency performed an HRA for “informational purposes [to] provide information to the City and applicant regarding health impacts and allow the applicant to make an informed decision about site planning and design” (see page 4.8-39 of the DEIR). The Lead Agency found that the potential Maximum Exposed Individual (MEI) is 217 Carcinogenic Risk in one million which is significantly greater than the SCAQMD’s CEQA significance threshold of 10 in one million (see Table 4.B-16 on page 4.B-38 of the DEIR). The SCAQMD staff has concerns about the proposed project’s potential health impacts to on-site sensitive receptors. Additional details are included in the attachment. The attachment also includes a discussion of recommended changes to the existing Mitigation Measure AQ-1 and proposes new mitigation measures which the Lead Agency should implement to further reduce NO_x and PM_{2.5} emissions from construction and health impacts during operation.

Incomplete Air Quality and HRA Documentation for Review

The DEIR for the proposed project was released for public review and comments beginning on March 7 through April 24, 2017. However, the electronic versions of air quality modeling and HRA files, including original emission calculation spreadsheets and air dispersion modeling files (not PDF files) were not provided to SCAQMD staff for review. On January 29, 2016¹, the SCAQMD staff provided comments on the Notice of Preparation (NOP) for the proposed project, where the SCAQMD staff requested the Lead Agency send with the DEIR all of the air quality modeling, health risk assessment files, and original

¹ SCAQMD NOP Comment Letter, dated January 29, 2016. Available at: <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2016/january/noppepperave.pdf>

emission calculation spreadsheets in electronic versions to the SCAQMD for review. Further, in the same comment letter on the NOP for the proposed project, SCAQMD staff stated that without all files and supporting air quality documentation, the SCAQMD staff would be unable to complete its review of the air quality analysis in a timely manner, and that any delays in providing all supporting air quality documentation would require additional time for review beyond the end of the comment period. As such, it is recommended that the Lead Agency extend the comment period to allow for additional review.

Pursuant to Public Resources Code Section 21092.5, SCAQMD staff requests that the Lead Agency provide the SCAQMD with written responses to all comments contained herein prior to the certification of the Final EIR. Further, when the Lead Agency makes the finding that the recommended mitigation measures are infeasible, the Lead Agency shall describe the specific reasons for rejecting them in the Final EIR (CEQA Guidelines Section 15091).

SCAQMD staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact Jack Cheng, Air Quality Specialist, CEQA IGR Section, at (909) 396-2448, 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

Attachment

LS:JC

SBC170310-01

Control Number

ATTACHMENT

Compliance with SCAQMD Rule 403(e)

1. Since the proposed project is considered a large operation on a 101.7-acre site (50 acres or more of disturbed surface area; or daily earth-moving operations of 3,850 cubic yards or more on three days in any year) in the South Coast Air Basin, the Lead Agency is required to comply with SCAQMD Rule 403(e) – Additional Requirements for Large Operations². The requirements may include, but not limited to, Large Operation Notification (Form 403N), appropriate signage, additional dust control measures, and employment of a dust control supervisor that has successfully completed the Dust Control in the South Coast Air Basin training class³. Therefore, the Final EIR should contain a detailed description to demonstrate compliance with SCAQMD Rule 403(e).

Guidance Regarding Residences Sited Near a High-Volume Freeway or Other Sources of Air Pollution

2. The 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 the SCAQMD to reduce community exposure to source-specific and cumulative air pollution impacts, the SCAQMD adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning in 2005. This Guidance Document provides suggested 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. The SCAQMD staff recommends that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions. This Guidance Document is available on SCAQMD's website at: <http://www.aqmd.gov/home/library/documents-support-material/planning-guidance/guidance-document>. Additional guidance on siting incompatible land uses (such as placing homes near freeways or other polluting sources) can be found in the California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>.

Numerous health studies have demonstrated potential adverse health effects associated with living near highly travelled roadways. In traffic-related studies, the additional non-cancer health risk attributable to proximity is seen within 1,000 feet and is strongest within 300 feet⁴. California freeway studies show about a 70% drop off in particulate pollution levels at 500 feet⁵. As a result of these studies, the CARB developed a Land Use Handbook⁶ that recommends avoiding new sensitive land uses (such as housing) within 500 feet of a freeway. Additional research has shown that the near roadway environment also contains elevated levels of many pollutants that adversely affect human health, including some pollutants that are unregulated (e.g., ultrafine particles) and whose potential health effects are still emerging⁷.

Notwithstanding the court rulings, the SCAQMD staff recognizes that the Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing, mitigating, and disclosing the environmental impacts of a project. Because of SCAQMD's concern about the potential public health impacts of siting sensitive populations within close proximity

² SCAQMD Rule 403. Last amended June 3, 2005. Available at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf>.

³ SCAQMD Compliance and Enforcement Staff Contact Information for Rule 403(e) Large Operations is (909) 396-2608 or by e-mail at dustcontrol@aqmd.gov.

⁴ California Air Resources Board. April 2005. "Air Quality and Land Use Handbook: A Community Health Perspective." Accessed at: <http://www.arb.ca.gov/ch/landuse.htm>.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ See Chapter 9 of the 2012 AQMP for further information. Accessed at: <http://www.aqmd.gov/aqmp/2012aqmp/Final-February2013/Ch9.pdf>.

of freeways or other sources of air pollution, the SCAQMD staff will continue to recommend that, prior to approving the project, Lead Agencies consider the impacts of air pollutants on people who will live in a new project and provide mitigation where necessary.

Limitations of the Air Filtration Systems

3. On page 4.8-38 of the DEIR, the Lead Agency discusses the use of air filtration systems with filters meeting or exceeding the ASHRAE 52.2 Minimum Efficiency Reporting Value (MERV) of 8 or higher for sensitive uses. The SCAQMD staff believes that there are limitations to enhanced filtration units. The Lead Agency should consider the limitations of MERV filters on housing residents. For example, in a study that SCAQMD conducted to investigate filters⁸ similar to those proposed for this project, costs were expected to range from \$120 to \$240 per year to replace each filter. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the resident. Filters are assumed to operate 100 percent of the time while residents are indoors and does not account for the times when the residents have their windows or doors open or are in common space areas of the project. MERV filters are effective in improving indoor air quality as compared to lower efficiency filters for PM10 and PM2.5 but they have no ability to filter out any toxic gasses from vehicle exhaust. The presumed effectiveness and feasibility of air filtration systems should therefore be evaluated in more detail prior to assuming that they will sufficiently alleviate near roadway exposures. Therefore, the SCAQMD staff recommends that the Lead Agency evaluate the effectiveness of MERV of 8 and include a discussion on the effectiveness of this in the Final EIR.

Recommended Changes to Existing Mitigation Measure AQ-1

4. The DEIR includes Mitigation Measure AQ-1, which requires the preparation of future study when all construction equipment cannot meet the Tier 4 engine certification. Based on a review of the air quality analysis, SCAQMD staff found that Tier 4 for all construction equipment was used to calculate NOx and PM2.5 construction emissions as substantial evidence to support the finding that construction emissions after incorporating Mitigation Measure AQ-1 would not exceed the SCAQMD's CEQA thresholds of significance. Additionally, CEQA requires that mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments (Public Resources Code Section 21081.6 (b) and CEQA Guidelines Section 15126.4 (a)(2)). To ensure that construction impacts from NOx and PM2.5 emissions are adequately mitigated, and to be consistent with the air quality modeling assumption, the SCAQMD staff recommends that the Lead Agency commits to using Tier 4 for all construction equipment throughout the entire construction phase. In the event Tier 4 engine certification is found not feasible, the SCAQMD staff recommends revising Mitigation Measure AQ-1 as follows and including the revised Mitigation Measure AQ-1 as a mandatory condition in the project's Contractor Agreement.

Mitigation Measure AQ-1: All off-road construction equipment with a horsepower (HP) greater than 50 shall be required to have USEPA certified Tier 4 interim engines or engines that are certified to meet or exceed the emission ratings for USEPA Tier 4 engines. In the event that all construction equipment cannot meet the Tier 4 engine certification, the applicant must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies other that reductions in the daily NOx and PM2.5 emissions can be achieved by other technologies/strategies so that emissions from all concurrent construction would not exceed applicable SCAQMD daily emission thresholds. Alternative measures may include, but would not be limited to: reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Specific Plan area, using cleaner

⁸ This study evaluated filters rated MERV 13+ filters. Available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>.

vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously.

Additional Mitigation Measures

Technology Review

5. Given that the construction phase for the proposed project would take approximately 18 years, SCAQMD staff believes that the Lead Agency should take this opportunity to deploy the lowest emission technologies possible by requiring a review and implementation of new, feasible lower-emission technologies every two years as part of the future study prescribed in Mitigation Measure AQ-1, and include it as a new mitigation measure in the Final EIR. This deployment should include those technologies that are “capable of being accomplished in a successful manner within a reasonable period of time” (Public Resources Code §21061.1), such as zero and near-zero emission technologies that are expected to be available during the life of the project. A technology review that is performed every two years will allow the Lead Agency to assess equipment availability, equipment fleet mixtures, and best available emissions control devices. Additionally, to ensure that the biennial technology review is enforceable during the eighteen-year construction phase, the SCAQMD staff recommends that the Lead Agency include the biennial technology review in the project contract agreement, including the Contractor Agreement. Furthermore, when a new emission control technology is found to be feasible and would substantially reduce air emissions, but the Lead Agency declines to implement such technology, a subsequent EIR shall be prepared (CEQA Guidelines Section 15162(a)(3)(C)).

Construction Mitigation Measures

6. The SCAQMD staff recommends that the Lead Agency include in the Final EIR additional mitigation measures provided below to further reduce emissions from NOx and PM2.5 during construction.
 - a) Include in all construction contracts the requirement to use 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export). In the event that that 2010 model year or newer diesel trucks cannot be obtained, provide documentation as information becomes available and use trucks that meet EPA 2007 model year NOx emissions requirements.
 - b) Enter into a contract that notifies all vendors and construction contractors that vehicle and construction equipment 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 delivery that is expected to take longer than five minutes, each project applicant, project sponsor, or public agency will require the vehicle’s operator to shut off the engine. Notify the vendors of these idling requirements at the time that the purchase order is issued and again when vehicles enter the gates of the facility. To further ensure that drivers understand the vehicle and construction equipment idling requirement, post signs at each facility entry gates stating idling longer than five minutes is not permitted.
 - c) Employ on-road heavy-duty diesel trucks or equipment with a gross vehicle weight rating (GVWR) of 19,500 pounds or greater that complies with EPA 2007 on-road emission standards for PM and NOx (0.01 gram per brake horsepower - hour (g/bhp-hr) and at least 0.2 g/bhp-hr, respectively).
 - d) 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. The Lead Agency will maintain their construction equipment and the construction contractor will be responsible for maintaining their equipment and maintenance records. All maintenance records for each facility and their construction contractor(s) will remain on-site for a period of at least two years from completion of construction.

- e) Conduct a survey of the proposed project construction area(s) to assess whether the existing infrastructure can provide access to electricity, as available, within the facility or construction site, in order to operate electric on-site mobile equipment. For example, each project applicant, project sponsor, or public agency and/or their construction contractor(s) will assess the number of electrical welding receptacles available.
- f) Construction areas within the facility or construction site where electricity is and is not available must be clearly identified on a site plan. The use of non-electric onsite mobile equipment shall be prohibited in areas of the facility that are shown to have access to electricity. The use of electric on-site mobile equipment within these identified areas of the facility or construction site will be allowed.
- g) Include in all construction contracts the requirement that the use of non-electric on-site mobile equipment is prohibited in certain portions of the facility as identified on the site plan. Maintain records that indicate the location within the facility or construction site where all electric and non-electric on-site mobile equipment are operated, if at all, for a period of at least two years from completion of construction.
- h) Provide temporary traffic controls such as a flag person, during all phases of significant construction activity to maintain smooth traffic flow.
- i) Provide dedicated turn lanes for the movement of construction trucks and equipment on- and off-site.
- j) Re-route construction trucks away from congested streets or sensitive receptor areas.
- k) Coordinate with the local city to improve traffic flow by signal synchronization in the area near the construction site.
- l) Ensure that drivers understand that traffic speeds on all unpaved roads will be limited to 15 mph or less. In addition, post signs on all unpaved roads indicating a speed limit of 15 mph or less.
- m) Schedule construction activities that affect traffic flow on the arterial system to occur during off-peak hours to the greatest extent practicable.
- n) If and when winds speeds exceed 25 mph, suspend all excavating and grading activities and shall record the date and time when the use of construction equipment associated with these construction activities are suspended. This log shall be maintained on-site for a period of at least two years from completion of construction.
- o) If and when any first stage smog alert occurs, record the date and time of each alert, suspend all construction activities that generate emissions, and record the date and time when the use of construction equipment and construction activities are suspended. This log shall be maintained on-site for a period of at least two years from completion of construction.
- p) Coordinate with the construction contractor to site parking areas to minimize interference with roadway traffic.
- q) Evaluate the use of alternate fuels for on-site mobile construction equipment prior to the commencement of construction activities, provided that suitable equipment is available for the activity. Equipment vendors shall be contacted to determine the commercial availability of alternate-fueled construction equipment. Priority should be given during the bidding process for contractors committing to use alternate-fueled construction equipment.
- r) Include in all construction contracts the requirement to cover all haul trucks delivering or hauling away dirt, sand, soil, or other loose materials.
- s) Require the construction contractor to install and use wheel washers where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site for each trip to prevent drag-out.
- t) Require the construction contractor to apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (e.g., previously graded areas inactive for ten days or more).

- u) Require the construction contractor to replace ground cover in disturbed areas as quickly as possible to minimize dust.
- v) Require the construction contractor to pave road and road shoulders.
- w) Require the construction contractor to sweep streets at the end of the day using SCAQMD Rule 1186 and 1186.1 compliant sweepers if visible soil is carried onto adjacent public paved roads. In the event that water sweepers are used, recommend the use of reclaimed water by construction contractor.

Construct Roadside Vegetative Barriers to Improve Near-Road Air Quality

7. Based on a review of the informational HRA in the DEIR, the SCAQMD staff is concerned about the significant adverse health impacts to on-site sensitive receptors as demonstrated in Table 4.B-16 on page 4.B-38 of the DEIR. As such, it is recommended that the Lead Agency use vegetative barriers as a measure to reduce near road air quality impacts to residents. For additional information on road side vegetation barriers, please visit: <https://www.epa.gov/air-research/recommendations-constructing-roadside-vegetation-barriers-improve-near-road-air-quality>.

Require Setbacks of at least 500 feet as a Project Design Feature

8. Because of the significant adverse health risks from the proposed project, the SCAQMD staff recommends that the Lead Agency include in the project design feature setbacks of at least 500 feet between the residential development and the 210 Freeway to the north and the BNSF railroad to the west as recommended in the CARB's guidance document described above.