



South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

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Draft Program Environmental Impact Report (Draft PEIR) for the Proposed Downtown Commercial Core Specific Plan (SCH No.: 2016081004)

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 PEIR.

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to develop a Specific Plan that establishes the long-term vision with goals and objectives to create a vibrant, cohesive, connected, livable, and memorable City core (Proposed Project). The Proposed Project is divided into six Development Areas to reflect differences in the character of the built environment. The Proposed Project would provide for 887 residential units and 300,000 square feet of commercial and office spaces on 220 acres. Based on a review of Figure 3-1 and Figure 3-2 in the Draft PEIR, SCAQMD staff found that community residential uses are planned for Development Area 6 which is located immediately north of Interstate 5 (I-5) Freeway. The Proposed Project is expected to be developed over 17 years from 2018 through 2035¹.

SCAQMD Staff's Air Quality Analysis

Based on a review of the Air Quality Section, SCAQMD staff found that the Air Quality Analysis was based on the “a worst-case construction scenario [...]” to conservatively assume that construction would occur throughout the 17-year period,” and “the emissions that would be generated from buildout of the [Proposed Project] were averaged over this timeframe².” A theoretical “maximum construction day” including onsite construction activities such as demolition, site preparation, and construction was also used³. However, there is a possibility that development projects may overlap with construction activities⁴.

The Lead Agency quantified the Proposed Project's construction and operational emissions and compared them to SCAQMD's regional air quality CEQA significance thresholds. After incorporating Mitigation Measure AQ-1 through AQ-6⁵, the Lead Agency found that the Proposed Project's mitigated construction emissions would remain significant and unavoidable for ROG and NOx. The Proposed Project's operational emissions would exceed SCAQMD's regional CEQA significance thresholds for ROG and NOx emissions after incorporating Mitigation Measures AQ-7 and AQ-8⁶.

¹ Draft PEIR. Page 5.2-14.

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.* Page 5.2-17.

⁵ *Ibid.*

⁶ *Ibid.* Table 5.2-8.

SCAQMD's 2016 Air Quality Management Plan

On March 3, 2017, the SCAQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP)⁷, which was later approved by the California Air Resources Board on March 23, 2017. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and the challenges facing the South Coast Air Basin. The most significant air quality challenge in the Basin is to achieve an additional 45 percent reduction in nitrogen oxide (NOx) emissions in 2023 and an additional 55 percent NOx reduction beyond 2031 levels for ozone attainment.

General Comments

SCAQMD staff has reviewed the Air Quality Analysis in the Draft PEIR and has comments on the methodology. Please see the attachment for more information. Additionally, as described in the 2016 AQMP, to achieve NOx emissions reductions in a timely manner is critical to attaining the National Ambient Air Quality Standard (NAAQS) for ozone before the 2023 and 2031 deadlines. SCAQMD is committed to attain the ozone NAAQS as expeditiously as practicable. The Proposed Project plays an important role in contributing to NOx emissions. Therefore, SCAQMD staff has comments on air quality mitigation measures to further reduce NOx emissions as well as ROG emissions. Finally, the attachment includes recommendations to include discussions on SCAQMD rules.

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), SCAQMD staff requests that the Lead Agency provide SCAQMD staff with written responses to all comments contained herein prior to the certification of the Final PEIR. 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 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 PEIR (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 me at lsun@aqmd.gov 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

LAC180216-04

Control Number

⁷ South Coast Air Quality Management District. March 3, 2017. *2016 Air Quality Management Plan*. Accessed at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

ATTACHMENT

Air Quality Analysis – Overlapping Construction and Operational Activities

1. When specific development is reasonably foreseeable as a result of the goals, policies, and guidelines in the Proposed Project, the Lead Agency should identify any potential adverse air quality impacts and sources of air pollution that could occur using its best efforts to find out and a good-faith effort at full disclosure in a CEQA document. In the Draft PEIR, the Lead Agency stated that there is potential overlap of concurrent development projects and various construction activities. Since an overlapping construction and operation scenario is reasonably foreseeable, the Lead Agency should analyze a scenario where construction activities overlap with operational activities, unless the Lead Agency includes requirements and/or conditions in applicable bid document and/or development agreement to expressly prohibit overlapping construction and operational activities.

To analyze a worst-case impact scenario that is reasonably foreseeable at the time the Draft PEIR is prepared, SCAQMD staff recommends that the Lead Agency identify the overlapping years, combine construction emissions (including emissions from demolition) with operational emissions, and compare the combined emissions to SCAQMD's air quality CEQA operational thresholds of significance to determine the level of significance in the Final FEIR. In the event that the Lead Agency, after revising the Air Quality analysis, finds that the Proposed Project's air quality impacts would be significant, mitigation measures will be required pursuant to CEQA Guidelines Section 15126.4. For more information on potential mitigation measures as guidance to the Lead Agency, please see Comment Nos. 2 through 7 below and visit SCAQMD's CEQA Air Quality Handbook website⁸.

Recommended Changes to Existing Mitigation Measures

2. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse impacts. SCAQMD staff recommends that the Lead Agency incorporate the following changes to existing Mitigation Measures AQ-1 and AQ-6 in the Final PEIR to further reduce NO_x emissions during construction and operation. Additionally, information on the localized air quality analysis during construction is provided to supplement Mitigation Measure AQ-9. Lastly, to reduce toxic air contaminants, it is recommended that the Lead Agency require the use of enhanced filtration units rated MERV 13 or better and ensures that the enhanced filtration units are enforceable and effective throughout the lifetime of the Proposed Project. For more information on other potential mitigation measures as guidance to the Lead Agency, please visit SCAQMD's CEQA Air Quality Handbook website⁹.

Mitigation Measure AQ-1

3. Under Mitigation Measure AQ-1, the Lead Agency requires project construction that utilizes construction equipment greater than 150 horsepower (>150 HP) to comply with EPA/CARB Tier 3 emissions standards during all construction phases and to ensure that all construction equipment be tuned and maintained in accordance with the manufacturer's specifications. To further reduce NO_x emissions during construction, SCAQMD staff recommends that the Lead Agency incorporate the following changes to Mitigation Measure AQ-1 in the Final EIR.

⁸ South Coast Air Quality Management District. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa>.

⁹ South Coast Air Quality Management District. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

Mitigation Measure AQ-1: Tier 3 4. The construction plans and specifications shall state that project construction that utilizes construction equipment greater than ~~150~~ 50 horsepower (>~~150~~ 50 HP) shall comply with EPA/CARB Tier ~~3~~ 4 emissions standards during all construction phases and shall ensure that all construction equipment be tuned and maintained in accordance with the manufacturer's specifications. In the event that construction equipment cannot meet the Tier 4 engine certification, the developer 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, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Project, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously.

Mitigation Measure AQ-6

4. Mitigation Measure AQ-6 requires the preparation of construction vehicle management plan, and the plan requires, among others, the use of low emission vehicles. To further reduce NOx emissions during construction, SCAQMD staff recommends that the Lead Agency revise Mitigation Measure AQ-6 to require all diesel-fueled trucks accessing the Proposed Project to meet the U.S. Environmental Protection Agency/California Air Resource Board truck engine standard for Model Year 2010 or better. In the event that that 2010 model year or newer diesel haul trucks cannot be obtained, provide documentation as information becomes available and use trucks that meet EPA 2007 model year NOx emissions requirements, at a minimum. Additionally, consider other measures such as incentives, phase-in schedules for clean trucks, etc. Alternatively, the Lead Agency should provide additional information on how the information included in this Mitigation Measure will be used to reduce the Proposed Project's significant operational NOx emissions.

Mitigation Measure AQ-9

5. Mitigation Measure AQ-9 requires the applicant to provide modeling of the regional and the localized emissions (NOx, CO, PM10, and PM2.5) associated with the maximum daily grading activities for the proposed development, and the emissions must not exceed applicable SCAQMD's significance thresholds.

SCAQMD staff recommends that the Lead Agency include the SCAQMD's guidance for performing a localized air quality analysis in the Final PEIR. The guidance can be found at the SCAQMD website¹⁰. In the event that localized emissions would exceed SCAQMD's localized air quality CEQA significance thresholds, mitigation measures are required pursuant to CEQA Guidelines Section 15126.4.

Mitigation Measure AQ-10

6. Mitigation Measure AQ-10 requires submittal of a health risk assessment (HRA) to the City of Tustin Planning Division prior to design review approval for development proposals for new residential and other sensitive land use projects (e.g., nursing homes, day care centers) in the Specific Plan area within 500 feet of major sources of toxic air contaminants (e.g., Interstate 5, and roadways with traffic volumes over 100,000 vehicles per day).

¹⁰ South Coast Air Quality Management District. Localized Significance Thresholds. Accessed at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

- a) SCAQMD Staff Comment 1: Notwithstanding the court rulings, SCAQMD is concerned about the potential public health impacts of siting sensitive populations within close proximity of freeways or other sources of air pollution. As such, SCAQMD staff supports the requirement that a HRA shall be prepared and submitted prior to design review approval for new residential and other sensitive land use projects that are located within 500 feet of freeways such as I-5 and roadways with traffic volumes over 100,000 vehicles per day. This requirement is in line with the purpose and goal of CEQA on public disclosure¹¹. The SCAQMD guidance for performing a HRA is available on SCAQMD website¹².
- b) SCAQMD Staff Comment 2: In addition, 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 2005¹³. 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. Therefore, it is recommended that the Lead Agency review this Guidance document prior to approving the Proposed Project.
- c) SCAQMD Staff Comment 3: Mitigation Measure AQ-10, among others, requires the use of enhanced filtration system rated MERV 12 or better. SCAQMD staff recommends that the Lead Agency require the use of MERV 13 or better to ensure the maximum reduction of health risks from exposures to diesel particulate matter (DPM) emissions from vehicles and trucks traveling on I-5 and roadways with traffic volumes over 100,000 vehicles per day.
- d) SCAQMD Staff Comment 4: Enhanced filtration units have limits. Many strategies are available to reduce exposure, including, but are not limited to, building filtration systems, sound walls, vegetation barriers, etc. Because of the potential adverse health risks involved with siting sensitive receptors near sources of air pollution, it is essential that any proposed strategy must be carefully evaluated before implementation. Since enhanced filtration system is required under Mitigation Measure AQ-10, SCAQMD staff recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that SCAQMD conducted to investigate filters¹⁴, a cost burden is expected to be within the range of \$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 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. In addition, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed

¹¹ 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.

¹² "Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis," accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

¹³ 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>.

¹⁴ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see also 2012 Peer Review Journal article by SCAQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.

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.

- e) SCAQMD Staff Comment 5: Since enhanced filtration units are proposed for the Proposed Project, and 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 on future operational and maintenance implementation and monitoring in the Final PEIR to facilitate a good faith effort at full disclosure. At a minimum, the Final PEIR should include the following information:
- Disclosure on increased energy costs for running the HVAC system to prospective residents;
 - Disclosure on potential health impacts to prospective residents who live in proximity to freeways;
 - Identification of the responsible implementing and enforcement agency (or entity);
 - Recommended schedules for replacing the enhanced filtration units;
 - Ongoing monitoring schedules;
 - Ongoing cost sharing strategies, if any, for replacing the enhanced filtration units;
 - Criteria for assessing progress in installing and replacing the enhanced filtration units; and
 - Process for evaluating the effectiveness of the enhanced filtration units.

Additional Recommended Mitigation Measures

7. In addition to the recommended changes to existing air quality mitigation measures, SCAQMD staff recommends that the Lead Agency incorporate the following mitigation measures for air quality impacts in the Final PEIR.
- a) Require that 240-Volt electrical outlets or Level 2 chargers be installed in parking lots that would enable charging of NEVs and/or battery powered vehicles.
- Vehicles that can operate at least partially on electricity have the ability to substantially reduce the significant NOx and ROG impacts from this project. It is important to make this electrical infrastructure available when the project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, SCAQMD staff recommends the Lead Agency require the Proposed Project be constructed with the appropriate infrastructure to facilitate sufficient electric charging for vehicles to plug-in.
- b) Maximize use of solar energy including solar panels; installing the maximum possible number of solar energy arrays on the building roofs and/or on the Project site to generate solar energy for the facility.
- c) Limit parking supply and unbundle parking costs.
- d) Maximize the planting of trees in landscaping and parking lots.
- e) Use light colored paving and roofing materials.
- f) Install light colored “cool” roofs and cool pavements.

- g) Require use of electric or alternatively fueled sweepers with HEPA filters.
- h) Require use of electric lawn mowers and leaf blowers.
- i) Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- j) Use of water-based or low VOC cleaning products.

Compliance with SCAQMD Rule 403(e) and Rule 1403

8. The Lead Agency included a discussion on general compliance with SCAQMD Rule 403 in the Draft PEIR. Since the Proposed Project is a large operation of approximately 220 acres (50-acre sites 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 Operations¹⁵, which includes requirements to provide Large Operation Notification Form 403 N, 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 class¹⁶. Therefore, SCAQMD recommends that the Lead Agency include a discussion to demonstrate specific compliance with SCAQMD Rule 403(e) in the Final PEIR. Compliance with SCAQMD Rule 403(e) will further reduce particulate matters from the Proposed Project.
9. Since the Proposed Project would include demolition, asbestos may be encountered during demolition. As such, SCAQMD staff recommends that the Lead Agency include a discussion to demonstrate compliance with SCAQMD Rule 1403 in the Final PEIR.

¹⁵ *Ibid.*

¹⁶ South Coast Air Quality Management District Compliance and Enforcement Staff's contact information for Rule 403(e) Large Operations is (909) 396-2608 or by e-mail at dustcontrol@aqmd.gov.