



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 EIR) for the Proposed Monarch Hills Residential Development (SCH No.: 2016101065)

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 EIR.

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to develop 489 residential units, three parks, a recreation facility, trails, and water quality basins on 139.4 acres (Proposed Project). According to Figure 3.5, *Development Concept*, in the Draft EIR, the Proposed Project is located immediately north of the Interstate 15 (I-15) Freeway. Construction is expected to take approximately three years commencing in 2019 with a planned opening in late 2022¹.

SCAQMD Staff's Summary of the Air Quality Analysis

The Lead Agency quantified the Proposed Project's construction and operational emissions and compared them to SCAQMD regional and localized air quality CEQA significance thresholds. The Lead Agency found that the Proposed Project's construction emissions would be less than significant after incorporating standard measures, including compliance with SCAQMD Rule 403, use of EPA Certified Tier 4 (or equivalent) emissions standards with a minimum of Level 1 diesel particulate emission device, and use of low VOC coatings². In addition, the Lead Agency conducted a health risk assessment (HRA) and disclosed in the Draft EIR that the Proposed Project would result in long-term carcinogenic and chronic impacts to both adult and child residents³. While this impact is not considered a CEQA impact pursuant to the California Supreme Court holding in *California Building Industry Association v. Bay Area Air Quality Management District (2015) (S213478)*⁴, the Lead Agency proposed two project features to reduce the onsite cancer risk levels: (1) use of MERV 13 or better and (2) provide a Toxic Air Contaminant (TAC) Disclosure to convey information to prospective buyers about potential TAC exposure at the project site⁵.

SCAQMD Staff's Comments

Level 3 Diesel Particulate Filters

CEQA requires that all feasible mitigation measures go beyond what is required by law to minimize any significant adverse impacts. To further reduce particulate matter emissions during construction and minimize their impacts on nearby single-family residents that are located to the west of the Proposed Project, SCAQMD staff recommends that the Lead Agency use construction equipment fitted with CARB verified Level 3 Diesel Particulate Filters (DPF) for off-road diesel-powered construction equipment of

¹ Draft EIR. Page 4.3-26.

² Draft EIR. Table 4.3.I. Pages 4.3-29 and 30.

³ Draft EIR. Table 4.3.N. Pages 4.3-36 and 37.

⁴ Draft EIR. Page 4.3-36.

⁵ Draft EIR. Page 4.3-38.

50 horsepower or more that are utilized during grading or site preparation operations. Level 3 DPFs are capable of achieving at least 85 percent reduction in in particulate matter emissions⁶. A list of CARB verified DPFs are available on the CARB website⁷. Additional information on potential mitigation measures as guidance to the Lead Agency is available on the SCAQMD CEQA Air Quality Handbook website⁸.

Limits of Enhanced Filtration System

The Lead Agency requires the use of MERV 13 or better at the Proposed Project (Project Feature 4.3.5.4A). It is important that the Lead Agency consider the limitations of enhanced filtration system. In a study that SCAQMD conducted to investigate filters⁹, 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. Moreover, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail and disclosed to prospective residences prior to assuming that they will sufficiently alleviate exposures to DPM emissions.

Enforceability of Enhanced Filtration System

The Lead Agency requires a Toxic Air Contaminant Disclosure to convey information to prospective buyers about potential TAC exposure at the Proposed Project (Project Feature 4.3.5.4B). Since the enhanced filtration system has limitations, SCAQMD staff recommends that the Lead Agency include additional information in the Toxic Air Contaminant Disclosure as follows.

- Disclose to prospective buyers about the use of in-house filtration system and the MERV rating;
- Disclose to prospective buyers about the reduced effectiveness of enhanced filtration system when windows and/or doors are open;
- Disclose to buyers about the increased energy costs for running the HVAC system;
- Include a recommended schedule (e.g., once a year or every six months) for replacing the enhanced filtration units;
- Identify ongoing cost sharing strategies, if any, for replacing the enhanced filtration units or if prospective buyers will be responsible for the replacement costs;
- Identify the responsible entity such as Homeowners Association or property management for ensuring filters are replaced on time, if appropriate and feasible;
- Develop a city-wide or project-specific criteria for assessing progress in installing and replacing the enhanced filtration units and include the criteria in the Toxic Air Contaminant Disclosure; and
- Develop a process for evaluating the effectiveness of the enhanced filtration units at the Proposed Project.

⁶ California Air Resources Board. 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.

⁷ *Ibid.* Page 18.

⁸ South Coast Air Quality Management District. <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

⁹ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see the 2012 Peer Review Journal article by SCAQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.

SCAQMD Rule 403(e) – Large Operations

The Lead Agency included a discussion on general compliance with SCAQMD Rule 403 in the Draft EIR. Based on the project description, the Proposed Project is a large operation of approximately 139.4 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 Operations¹⁰, 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 class¹¹. Therefore, SCAQMD recommends that the Lead Agency include a discussion to demonstrate specific compliance with SCAQMD Rule 403(e) in the Final EIR. Compliance with SCAQMD Rule 403(e) will further reduce particulate matter from the Proposed Project.

Closing

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 EIR. 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.

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, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

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SBC180413-03
Control Number

¹⁰ South Coast Air Quality Management District Rule 403. Last amended June 3, 2005. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf>.

¹¹ 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.