South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

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psamaras@elsegundo.org
Paul Samaras, AICP, Principal Planner
City of El Segundo – Department of Planning and Building Safety
350 Main Street
El Segundo, CA 90245

Draft Environmental Impact Report (Draft EIR) for the Proposed Smokey Hollow Specific Plan Update

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 land use, transportation, infrastructure, economic development, and urban design strategies to create a creative, innovative, and dynamic environment while preserving the existing industrial characters on 120 acres (Proposed Project). The total gross property development will be up to 2.97 million square feet of office, industrial, and public facility building uses[1]. With the existing overall intensity, the Proposed Project will result in a total net increase of approximately 517,094 square feet of office, commercial, and industrial uses and six residences[2]. The Proposed Project is expected to be developed over 20 years with a horizon year of 2040[3].

SCAQMD Staff's Air Quality Analysis

The Lead Agency quantified the Proposed Project's construction air quality impacts by assuming that a maximum 10 percent of the Proposed Project could be built under construction in any given year[4]. Additionally, the Lead Agency stated that "since multiple projects may occur at the same time in any given year, construction phases were overlapped to account for simultaneous demolition and site preparation, site preparation and grading, and grading and building construction phases[5]." Based on the analysis in Table 6-9, *Specific Plan Construction Emissions Estimates*, the Lead Agency found that the Proposed Project's construction emissions would not exceed SCAQMD air quality CEQA significance thresholds for construction. The Lead Agency also quantified the Proposed Project's operational air quality emissions and found "the net change in long-term operational emissions that would be generated by build out of the proposed Specific Plan" would be below SCAQMD air quality CEQA significance thresholds for operation[6]. Moreover, the Lead Agency analyzed the Proposed Project's localized air quality impacts for construction and operational activities and found that the impacts would be less than significant[7].

General Comments

SCAQMD staff reviewed the Air Quality Section in the Draft EIR and has comments on the methodology. Please see the attachment for more information. Additionally, since the Proposed Project will be implemented over a 20-year period, the Lead Agency should take this opportunity to develop a pathway to deploy the lowest emission technologies possible in the life of the Proposed Project by

[1] Draft EIR. Page 2-2.
[2] *Ibid.*
[3] *Ibid.* Page 3-19.
[4] *Ibid.* Page 6-25.
[5] *Ibid.*
[6] *Ibid.* Table 6-12. Page 6-28 and 29.
[7] *Ibid.* Table 6-10 and Table 6-13. Page 6-27 and 6-30.

incorporating air quality mitigation measures that are capable of further reducing NOx emissions. SCAQMD staff's recommended mitigation measures are in the attachment. Finally, the attachment includes recommendations to include a discussion on SCAQMD Rule 403(e) – Additional Requirements for Large Operations.

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

Lijin Sun, J.D.
Program Supervisor, CEQA IGR
Planning, Rule Development & Area Sources

Attachment
LS
LAC180309-02
Control Number

ATTACHMENT

CEQA Baseline

1. After a review of the Air Quality Section in the Draft EIR, it is not clear about the CEQA baseline year that was used to quantify the Proposed Project's long-term operational emissions. According to Appendix C, *CalEEMod Air Quality and Greenhouse Gas Emissions Estimates*, in the Draft EIR, the selected operational year was 2017. However, in other sections of the Draft EIR, different baseline years such as 2015 and 2005 were discussed for the Utilities and Service Systems Section and Greenhouse Gas Emissions Sections, respectively. SCAQMD staff recommends that the Lead Agency clarify which baseline year was used for estimating the Proposed Project's air quality impacts in the Final EIR.

2. Assuming that the Lead Agency chose a CEQA baseline year of 2017 for determining the Proposed Project's long-term operational emissions. The 2017 baseline was held constant (i.e. using emission rates from 2017) and compared to future horizon year 2040 (i.e. using emission rates from future year). This approach of using a comparison between the Proposed Project's air quality impacts in future years (using emission rates from 2040) and a 2017 baseline (using emission rates from 2017) improperly credits the Proposed Project with emission reductions that will occur due to adopted state and federal rules and regulations, and improving vehicle and fuel technologies, since these rules, regulations, and technologies are expected to improve air quality, even in the absence of the Proposed Project. For example, the California Air Resources Board's (CARB) current regulation for trucks and buses will provide significant near-term and long term reductions in NOx emissions from trucks and buses, at 124 tons per day for 2014 and 98 tons per day for 2023[8]. This improvement was recognized in the Draft EIR. "[…] The mobile source category had significant decreases in these emissions, which led to the net decrease in ROG, NOx, and CO emissions shown in Table 6-12[9]." Therefore, the methodology used to analyze the Proposed Project's long-term operational impacts in the Draft EIR may have led to an under-estimation of ***actual*** emission increases from the Proposed Project, by taking credit for emission reductions that have been and are expected to be achieved due to state and federal rules and regulations, independent of the Proposed Project. As shown in Table A, the use of the 2017 baseline comparison is misleading because it showcases the Proposed Project as an emissions reduction project without any quantifiable emissions reductions project design features or mitigation measures.

[8] California Air Resources Board. July 14, 2017. Trucks and Bus Regulation: On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation. Accessed at: https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm, and https://www.arb.ca.gov/msprog/onrdiesel/documents/truckrulehealth.pdf.

[9] Draft EIR. Page 6-29.

Table A: Copy of Table 6-12. Specific Plan Long-Term Operational Emissions Estimates

Table 6-12. Specific Plan Long-Term Operational Emissions Estimates

Emission Scenario	Maximum Daily Emissions (lbs/day)					
	ROG	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
Build-Out Emissions Levels[A]						
Area Sources	70.7	0.3	9.2	0.02	1.2	1.2
Energy Sources	1.4	12.8	10.7	0.1	1.0	1.0
Mobile Sources	31.9	205.9	409.8	2.3	244.2[B]	66.0[C]
Total Build-Out Emissions[D]	104.1	219.0	429.7	2.4	246.3	68.1
Existing Plan Area Emissions Levels						
Area Sources	57.5	0.2	5.6	0.01	0.7	0.7
Energy Sources	1.2	10.9	9.1	0.1	0.8	0.8
Mobile Sources	67.6	296.9	964.6	2.5	184.8[E]	51.7[F]
Total Existing Emissions[G]	126.3	318.6	979.3	2.6	186.3	53.2
Net Change in Emissions Levels						
Total Net Change	-22.2	-99.6	-549.6	+0.2	+60.0	+14.9
SCAQMD CEQA Threshold	55	55	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No

Source: MIG, 2017 (see Appendix C) and SCAQMD 2015c.

(A) Emissions presented are worst-case emissions and may reflect summer or winter emissions levels. Maximum daily ROG, CO, SO_X emissions occur during the summer. Maximum daily NO_X emissions occur during the winter. In general, due to rounding, there is no difference between summer and winter PM_{10} and $PM_{2.5}$ emissions levels for the purposes of this table.

(B) PM_{10} emissions estimates include both exhaust (1.0 lbs/day) and dust (243.2 lbs/day) emissions.

(C) $PM_{2.5}$ emissions estimates include both exhaust (0.9 lbs/day) and dust (65.1 lbs/day) emissions. Totals may not equal due to rounding.

(D) See Table 6-3.

(E) PM_{10} emissions estimates include both exhaust (3.3 lbs/day) and dust (181.5 lbs/day) emissions.

(F) $PM_{2.5}$ emissions estimates include both exhaust (3.1 lbs/day) and dust (48.6 lbs/day) emissions. Totals may not equal due to rounding.

(G) Totals may not equal due to rounding.

Notwithstanding the general rule that baseline conditions exist at the time of the environmental review is initiated and that a project's environmental impacts are assessed by limiting the examination to changes in the existing physical conditions in the affected area as they exist at the time the Notice of Preparation (NOP) is published, if there is a published NOP, the use of future baseline is proper in some cases, supported by substantial evidence in the record. Consideration of future conditions in determining whether a project's impacts may be significant is consistent with CEQA's rules regarding baseline, especially when the project has a long-term buildout schedule. "[N]othing in CEQA law precludes an agency … from considering both types of baseline—existing and future conditions—in its primary analysis of the project's significant adverse effects." (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 454.). "Even when a project is intended and expected to improve conditions in the long term--20 or 30 years after an EIR is prepared--decision makers and members of the public are entitled under CEQA to know the short- and medium-term environmental costs of achieving that desirable improvement. … [¶] … The public and decision makers are entitled to the most accurate information on project impacts practically possible, and the choice of a baseline must reflect that goal." (See also *Communities for a Better Environment v. South Coast Air Quality Management Dist*. (2010) 48 Cal.4th 310).

The purpose of CEQA is to disclose environmental impacts from the Proposed Project to the public and decision makers in order to provide the public and decision makers with the actual changes to the environment from the activities involved in the Proposed Project. By taking credit for future emission reductions from existing air quality rules, regulations, and emissions reductions strategies, the Proposed Project's air quality impacts are likely underestimated. Therefore, SCAQMD staff recommends that the Lead Agency revise the air quality operational impact analysis to include a comparison between the emissions in future interim year 2020, year 2025, year 2030, year 2035, and year 2040 with the Proposed Project and the emissions in the same interim years without the Proposed Project, and use this comparison to determine the level of significance for the Proposed Project's long-term operational air quality impacts.

Air Quality Analysis – Overlapping Construction and Operational Impacts

3. Based on a review of the Air Quality Analysis, SCAQMD staff found that the Lead Agency did not analyze a scenario where construction activities overlap with operational activities. For example, one Specific Plan planning area may be in operation while other planning areas are under construction. Since implementation of the Proposed Project is expected to occur over a multi-year timeframe of 20 years with a horizon year 2040, and in addition to the overlapping construction phases that have already been analyzed in the Draft EIR, an overlapping construction and operation scenario may be reasonably foreseeable, unless the Proposed Project includes requirement(s) that will prohibit overlapping construction and operational activities. To properly analyze a worst-case impact scenario that is reasonably foreseeable at the time the Draft EIR 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 EIR. 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 suggested potential mitigation measures as guidance to the Lead Agency, please see Comment No. 5 below and visit SCAQMD's CEQA Air Quality Handbook website[10].

Health Risk Assessment (HRA) Analysis

4. In the Draft EIR, the Lead Agency stated that "[a]lthough the proposed Specific Plan update is not anticipated to result in such projects, specific emissions reductions may be required for projects involving or attracting the use of heavy-duty diesel trucks to ensure such projects would not adversely affect nearby sensitive receptor locations. This would be determined during the review of future, site-specific development proposals, and the implementation of standard review procedures would ensure projects to not result in significant health risks from diesel-fueled trucks[11]." To facilitate the purpose and goal of CEQA on public disclosure and foster meaningful public input and informed decision making, SCAQMD staff recommends that the Lead Agency use applicable Project information that is currently available in the Draft EIR to disclose the potential health risks in the Final EIR[12] by conducting a HRA analysis[13].

[10] South Coast Air Quality Management District. Accessed at: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook.

[11] Draft EIR. Page 6-32.

[12] 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.

[13] South Coast Air Quality Management District. "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

Alternatively, the Lead Agency should consider to include a new air quality mitigation measure to require submittal of a project-level HRA analysis to the City of El Segundo Planning and Building Safety Department prior to design review approval for development proposals in the Specific Plan area. This mitigation measure ensures that the Lead Agency has adequately considered the Proposed Project's health impacts at the Specific Plan-level and that a future, site-specific HRA analysis will be completed to facilitate the disclosure and reduction of health risks from diesel-fueled trucks. Further, the Lead Agency should be committed to mitigation, should a future, site-specific HRA result in health risks level that exceed the SCAQMD's 10 in one million threshold for cancer risk.

Additional Recommended Mitigation Measures

5. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate these impacts. SCAQMD staff recommends that the Lead Agency take this opportunity to develop a pathway to deploy the lowest emission technologies possible in the development life of the Proposed Project by incorporating the following mitigation measures in the Final EIR that are capable for reducing emissions, particularly from ROG, NOx, and particulate matter. The recommended mitigation measures b) through g) should be made requirements for future, site-specific development with the Specific Plan area. Additional information on potential mitigation measures as guidance to the Lead Agency is available on the SCAQMD CEQA Air Quality Handbook website.

   a) Implement performance standards-based technology review during the development phase of the Proposed Project. Technology is transforming land use planning and transportation. Since the Proposed Project will be built over a 20-year period, and as technology continues to advance, the Lead Agency should take this opportunity to develop a pathway to deploy lowest emission technologies possible in the development life of the Proposed Project. To facilitate this requirement, SCAQMD staff recommends that the Lead Agency develop a plan to assess equipment availability, equipment fleet mixtures, and best available emissions control devices every two years beginning two years after the Proposed Project is approved, and specify performance standards for the technology assessment. A performance standards-based technology review is generally feasible at a programmatic level for an area-wide and long-range plan such as the Proposed Project.

   b) Require all off-road diesel-powered construction equipment meet or exceed Tier 4 off-road emissions standards. A copy of the fleet's tier compliance documentation, and CARB or SCAQMD operating permit shall be provided to the Lead Agency at the time of mobilization of each applicable unit of equipment. In the event that all construction equipment cannot meet the Tier 4 engine certification, the Lead Agency must demonstrate through future study with written findings supported by substantial evidence before using other technologies/strategies. Alternative 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 Proposed Project, and/or limiting the number of individual construction project phases occurring simultaneously. Include this requirement as a bid or contract specification with contractors. Require periodic reporting and provision of written documents by contractors to prove and ensure compliance.

   c) Require the use of 2010 model year diesel haul trucks that conform to 2010 EPA truck standards or newer diesel haul trucks (e.g., material delivery trucks and soil import/export) during construction, and if the Lead Agency determines that 2010 model year or newer diesel haul trucks are not feasible, the Lead Agency shall use trucks that meet EPA 2007 model year NOx emissions requirements, at a minimum. Include this requirement as a bid or contract specification with contractors. Require periodic reporting and provision of written documents by contractors to prove and ensure compliance.

To further reduce particulate matter from the Proposed Project, SCAQMD staff recommends that the Lead Agency include the following mitigation measures in the Final EIR and require future, site-specific development to implement them.

d) Suspend all soil disturbance activities when winds exceed 25 mph as instantaneous gusts or when visible plumes emanate from the site and stabilize all disturbed areas.

e) Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.

f) Sweep all streets at least once a day using SCAQMD Rule 1186, 1186.1 certified street sweepers or roadway washing trucks if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water).

g) Apply water three times daily or non-toxic soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas, unpaved road surfaces, or to areas where soil is disturbed. Reclaimed water should be used.

Compliance with SCAQMD Rule 403(e)

h) The Lead Agency included a discussion on general compliance with SCAQMD Rule 403 in the Draft EIR. Since the Proposed Project is a large operation of approximately 120 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 Operations[14], 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 class[15]. 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 matters from the Proposed Project.

[14] South Coast Air Quality Management. Rule 403(e). Page 7. Accessed at: http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf.

[15] 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.