



# South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

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## **Draft Environmental Impact Report (EIR) for the Proposed Toscana Village at Temescal Valley (SCH No.: 2017071006)**

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 build 15 non-residential, commercial buildings totaling 194,100 square feet and a gas station with 12 fueling stations on 27 acres (Proposed Project). Construction is expected to take approximately 14 months in two phases to complete<sup>1</sup>.

### SCAQMD Staff's Summary of the Air Quality and Health Risk Assessment (HRA) Analyses

In the Air Quality Analysis, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to SCAQMD air quality CEQA regional and localized thresholds of significance. As one of the project design considerations, the Proposed Project will be required to use "all heavy-duty off-road construction equipment engines used during mass grading for Phase 1, except for scrapers and tractor/loader/backhoes, [...] be Tier 2 or better to reduce construction-related NOx emissions<sup>2</sup>". The Lead Agency found that the Proposed Project's construction air quality impacts would be less than significant<sup>3</sup>. However, the Proposed Project would result in significant and unavoidable NOx emissions during operation after incorporating Existing Regulation (ER) AQ 1 and Mitigation Measures (MMs) AQ 1 through AQ 5. Furthermore, The Lead Agency discussed SCAQMD Rule 461 and SCAQMD Rule 2588 in the Draft EIR and concluded that since the Proposed Project would comply with existing SCAQMD rules and regulations, the proposed gas station would not be expected to result in impacts to the community<sup>4</sup>.

### 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)<sup>5</sup>, 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.

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<sup>1</sup> Draft EIR. Page 5.0-23.

<sup>2</sup> Draft EIR. Page 5.0-21 and 24.

<sup>3</sup> Draft EIR. Table 5.0-D. Page 5.0-25.

<sup>4</sup> Draft EIR. Page 5.0-31-33.

<sup>5</sup> 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>.

SCAQMD Staff's General Comments

SCAQMD staff reviewed the Air Quality Analysis in the Draft EIR and is concerned with the methodologies. 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 during operation. Therefore, SCAQMD staff recommends additional mitigation measures to further reduce NOx emissions. Finally, the attachment includes information on SCAQMD permits and rules for gas stations.

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 any air quality questions that may arise from this comment letter. Please contact me at [lsun@aqmd.gov](mailto:lsun@aqmd.gov) if you have any questions.

Sincerely,



Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS

RVC180524-02

Control Number

## ATTACHMENT

### Air Quality Analysis – Overlapping Construction Phases

1. As stated above, the Proposed Project will be developed in two phases. On Page 5.0-23 of the Draft EIR, the Lead Agency stated that “the Project will be developed in two *non-overlapping* phases<sup>6</sup>” (*Emphasis added*). However, on Page 5.0-25, the Lead Agency stated that “the construction activities that *may overlap* include building construction and paving in Phase 1 or building construction and paving in Phase 2<sup>7</sup>” (*Emphasis added*). Therefore, SCAQMD staff recommends that the Lead Agency clarify the inconsistency regarding the overlapping construction scenario in the Final EIR. Should the construction activities overlap, the Lead Agency should use its best efforts to quantify the overlapping construction emissions and revise Table 5.0-D, *Estimated Daily Construction Emissions*, accordingly in the Final EIR.

### Air Quality Analysis – Operational Impact Analysis

2. After a review of the Air Quality analysis, it did not appear that the analysis included operational ROG emissions generated from storage tanks or from the fueling process. This may have likely led to an under-estimation of the Proposed Project’s VOC emissions during operation. It is important to note that while CalEEMod<sup>8</sup> quantifies mobile source emissions (e.g., trip visits by patrons) associated with operating a gasoline service station, CalEEMod does not quantify the operational stationary source emissions from the storage tanks and fueling equipment. Therefore, it is recommended that the Lead Agency use its best efforts to quantify and disclose operational emissions from the fueling process in the Final EIR.

### Health Risk Assessment (HRA) Analysis

3. As stated above, the Lead Agency concluded that the proposed gas station would not result in any impacts to the community because it would be required to comply with SCAQMD Rule 461 and SCAQMD Rule 2588 requirements<sup>9</sup>. The Lead Agency did not conduct a HRA analysis for the gas station.

While the proposed gas station would be subject to SCAQMD Rule 461 requirements, SCAQMD Rule 2588 does not apply to the Proposed Project. Enacted in 1987, AB2588 is an air toxics hot spots program and requires stationary sources to report the types and quantities of certain substances routinely released into the air. An AB2588 Air Toxics Hot Spot Health Risk Assessment (HRA) estimates potential health risks over a lifetime of exposure from air toxics for *existing* facilities (*Emphasis added*) pursuant to SCAQMD Rule 1402 and does not apply to new or planned facilities. Here, the Proposed Project is a new or planned gasoline service facility that is subject to the requirements of SCAQMD Rule 1401. Therefore, AB2588 should not be used as a screening tool to determine if a HRA analysis is warranted for the Proposed Project. Moreover, a SCAQMD permit is required prior to operation of the proposed gas station. Since operation of a gas station will emit air toxics, a HRA analysis is required as part of the SCAQMD permitting requirements for gas stations<sup>10</sup>. Any assumptions used in the HRA analysis in the Final EIR will be used as the basis for permit conditions and limits. Therefore, it is recommended that the Lead Agency evaluate, quantify, and perform a gasoline dispensing station HRA<sup>11</sup> for the Proposed Project in the Final EIR. Guidance for

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<sup>6</sup> Draft EIR. Page 5.0-23.

<sup>7</sup> Draft EIR. Page 5.0-25.

<sup>8</sup> CalEEMod incorporates up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and is available free of charge at: [www.caleemod.com](http://www.caleemod.com).

<sup>9</sup> Draft EIR. Page 5.0-31-33.

<sup>10</sup> South Coast Air Quality Management District. Accessed at: <http://www.aqmd.gov/home/permits/risk-assessment>.

<sup>11</sup> SCAQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When SCAQMD acts as the Lead Agency for its own projects or Responsible Agency for permit projects, 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. Health risks from operating a gasoline service station must be demonstrated to be below 10 in one million before a permit can be issued.

performing this HRA can be found in the SCAQMD's *Emission Inventory and Risk Assessment Guidelines for Gasoline Dispensing Stations*<sup>12</sup>.

#### **Air Quality Analysis – Project Design Consideration: Tier 4 Construction Equipment or Better**

4. While the Lead Agency found that the Proposed Project's construction activities would not exceed SCAQMD air quality CEQA significance thresholds, SCAQMD staff found that the estimated NOx emissions during construction were 95.47 pounds per day (lb/day) for Phase 1 and 95.69 for Phase 2<sup>13</sup>, which were slightly below SCAQMD air quality CEQA mass daily significance threshold of 100 lb/day for NOx. As stated above, one of the project design considerations for the Proposed Project is to use Tier 2 or better construction equipment, except for scrapers and tractor/loader/backhoes<sup>14</sup>.

To further reduce NOx emissions during construction and support the SCAQMD's commitment to NOx emissions reductions as outlined in the 2016 AQMP, SCAQMD staff recommends that the Lead Agency requires that all off-road diesel-powered construction equipment of 50 horsepower or greater to meet or exceed the CARB and USEPA *Tier 4* off-road emissions standards during Project construction. Such equipment will be outfitted with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filters (DPF). Level 3 DPFs are capable of achieving at least 85 percent reduction in in particulate matter emissions<sup>15</sup>. A list of CARB verified DPFs are available on the CARB website<sup>16</sup>. To ensure that Tier 4 construction equipment or better will be used during the Project construction, SCAQMD staff recommends that the Lead Agency include this requirement in applicable bid documents. Successful contractor(s) must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction activities. A copy of each unit's certified tier specification or model year specification and CARB or SCAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment. Additionally, the Lead Agency should require periodic reporting and provision of written documentation by contractors to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance.

#### **Recommended Changes to Mitigation Measure AQ-5**

5. Mitigation Measure AQ-5 requires the Project applicant to provide information to future office tenants about the benefits of telecommuting and alternative work schedules to reduce the number of commute trips and therefore vehicles miles traveled from employee<sup>17</sup>.

SCAQMD staff is concerned about this Mitigation Measure for the following two reasons. First, pursuant to CEQA Guidelines Section 15126.4(a)(1), mitigation measures are those capable of *minimizing or reducing* significant adverse impacts (*Emphasis added*). While it is important to share information with future office tenants about telecommuting and alternative works schedules, providing information should not be qualified as a valid mitigation measure since the information does not minimize or reduce VMTs. Second, mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4(a)(2)). Here, there is no mechanism in Mitigation Measure AQ-5 that will require office tenants to implement or provide incentives to implement telecommuting and alternative work schedules since Project Applicant is only required to *provide information* (*Emphasis added*). Therefore, SCAQMD staff recommends that the Lead Agency revise Mitigation Measure AQ-5 by providing additional details on how the information described in the measure will be used to reduce the Proposed Project's employee trips-related NOx emissions during operation.

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<sup>12</sup> South Coast Air Quality Management District. *Emission Inventory and Risk Assessment Guidelines for Gasoline Dispensing Stations*. Accessed at: <http://www.aqmd.gov/home/permits/risk-assessment>.

<sup>13</sup> Draft EIR. Table 5.0-D. Page 5.0-25.

<sup>14</sup> Draft EIR. Page 5.0-21 and 24.

<sup>15</sup> 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](https://www.arb.ca.gov/msprog/ordiesel/presentations/nov16-04_workshop.pdf).

<sup>16</sup> *Ibid*. Page 18.

<sup>17</sup> Draft EIR. Page 1.0-15.

**Additional Recommended Mitigation Measures to Reduce Long-Term NOx Emissions**

6. CEQA requires that all feasible mitigation measures go beyond what is required by law to minimize any significant impacts. Since the Proposed Project's NOx emissions would exceed SCAQMD air quality CEQA significance threshold during operation, SCAQMD staff recommends that the Lead Agency incorporate the following mitigation measure in the Final EIR in addition to ER AQ 1 and MMs AQ 1 through AQ 5. Additional information on potential mitigation measures as guidance to the Lead Agency is available on the SCAQMD CEQA Air Quality Handbook website.
- In addition to providing electric vehicle (EV) charging for passenger vehicles, provide electric vehicle (EV) charging stations for trucks (e.g., material delivery trucks) (see the discussion below regarding EV charging stations).
  - Trucks that can operate at least partially on electricity have the ability to substantially reduce the significant NOx impacts from this project. Further, trucks that run at least partially on electricity are projected to become available during the life of the project as discussed in the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016-2040 RTP/SCS)<sup>18</sup>. 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 and other plan areas that allow truck parking to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for trucks to plug-in. Similar to the City of Los Angeles requirements for all new projects, SCAQMD staff recommends that the Lead Agency require at least 5% of all vehicle parking spaces (including for trucks) include EV charging stations<sup>19</sup>. Further, electrical hookups should be provided at the onsite truck stop for truckers to plug in any onboard auxiliary equipment. At a minimum, electrical panels should appropriately sized to allow for future expanded use.
  - 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 and the EV charging stations.

**Compliance with SCAQMD Rules**

7. Since the Proposed Project includes a gas station with 12 fueling pumps, a permit from SCAQMD would be required. SCAQMD should be identified as a Responsible Agency for this Project in the Final EIR. The assumptions in the air quality and HRA analyses in the Final EIR will be used as the basis for SCAQMD permit conditions and limits.
8. In addition to the discussion on SCAQMD Rule 461, the Final EIR should include a discussion on how the Proposed Project will comply with SCAQMD Rule 201 – Permit to Construct and Rule 203 – Permit to Operate. If there are permitting questions concerning the gasoline service station, they can be directed to SCAQMD Engineering and Permitting staff at (909) 396-2551.

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<sup>18</sup> Southern California Association of Governments. Accessed at: <http://scagrtpsc.net/Pages/FINAL2016RTPSCS.aspx>.

<sup>19</sup> City of Los Angeles. Accessed at: [http://ladbs.org/LADBSWeb/LADBS\\_Forms/Publications/LAGreenBuildingCodeOrdinance.pdf](http://ladbs.org/LADBSWeb/LADBS_Forms/Publications/LAGreenBuildingCodeOrdinance.pdf).