



# 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 Vista Del Agua Specific Plan (SCH No.: 2015031003)**

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 1,640 residential units, 281,397 square feet of commercial uses, a 13.8-acre park, 12.7 acres of paseo and trail uses, and 29 acres of off-site infrastructure improvements on 304 acres (Proposed Project). Based on a review of Project Location and aerial photographs, SCAQMD staff found that Planning Area 3 with a multifamily residential designation is located in a close proximity to Interstate 10 (I-10). The Proposed Project is expected to be developed over time with an expected buildout year of 2022<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. The Lead Agency found that the Proposed Project's construction air quality impacts would be less than significant after incorporating Standard Condition (SC)-AQ-1 and Mitigation Measure (MM)-AQ-1 through MM-AQ-10<sup>2</sup>. However, the Proposed Project would result in significant and unavoidable impacts from NO<sub>x</sub>, VOC, and CO emissions during operation after incorporating MM-AQ-11 through MM-AQ-13<sup>3</sup>.

Furthermore, The Lead Agency discussed SCAQMD's guidance document, "*Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, (A Reference for Local Governments Within the South Coast Air Quality Management District)*" in the Health Risk Assessment (HRA) analysis<sup>4</sup>. The Lead Agency stated that "the busiest roadway segment near the Project site is Interstate 10, which will have an estimated 40,855 average daily traffic (ADT) in Year 2035<sup>5</sup>." Since the I-10 segment that is closest to the Proposed Project has a lower ADT than the ADTs used to define freeways and busy roadways in urban areas, and since cancer risk from diesel particulate matter emissions decrease as the distance from the edge of a freeway increases, the Lead Agency found that the Proposed Project's HRA impact would be less than significant<sup>6</sup>.

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<sup>1</sup> Draft EIR. Page 4.4-4.

<sup>2</sup> Draft EIR. Pages 4.4-54 to 56.

<sup>3</sup> Draft EIR. Pages 4.4-56.

<sup>4</sup> Draft EIR. Pages 4.4-46.

<sup>5</sup> *Ibid.*

<sup>6</sup> Draft EIR. Page 4.4-47.

SCAQMD Staff's General Comments

SCAQMD staff has comments on the air quality analysis methodology. Please see the attachment for more information. Additionally, notwithstanding the court rulings, SCAQMD staff recognizes that the Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of SCAQMD's concern about the potential public health impacts of siting sensitive land uses such as residential uses within a close proximity of freeways, SCAQMD staff recommends that the Lead Agency consider the health impacts on people at the Proposed Project when making local planning and land use decisions. See the attachment for more information.

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) or Daniel Garcia, Program Supervisor, at [dgarcia@aqmd.gov](mailto:dgarcia@aqmd.gov) if you have any questions.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS

RVC180612-05

Control Number

## ATTACHMENT

### Air Quality Analysis – Overlapping Construction and Operational Impacts

1. The Proposed Project would be developed over time in six phases<sup>7</sup>. Construction of one phase may overlap with operation of another phase. However, it did not appear that the Lead Agency analyzed a scenario where construction activities overlap with operational activities in the Draft EIR. If an overlapping construction and operation scenario is reasonably foreseeable, and to analyze a worst-case impact scenario, 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 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, the Lead Agency should evaluate if this is a new significant impact requiring new mitigation measures in addition to the existing MM-AQ-1 through MM-AQ-13.

### Health Risk Assessment (HRA) Analysis

2. As stated above, the Lead Agency used the SCAQMD guidance document to support the finding that the Proposed Project's HRA impact would be less than significant<sup>8</sup>. The reason to support this finding is that the busiest segment of I-10 near the Proposed Project has 40,855 average daily traffic (ADT) in Year 2035, which is far below the 100,000 ADT and 50,000 ADT for defining freeways and busy roadways<sup>9</sup>.

SCAQMD staff is concerned with this analysis. First, SCAQMD staff does not agree with using the ADT values as a screening threshold to determine if a quantitative HRA analysis would be warranted in CEQA for projects that are located in a close proximity to freeways. The ADTs are used to define freeways and busy traffic corridors in urban and rural areas<sup>10</sup>. They are not intended to be used as a screening tool to determine the level of significance for the Proposed Project's health risk impacts. Second, the SCAQMD guidance document includes advisory recommendations on siting sensitive land uses such as residences, schools, daycare centers, playgrounds, or medical facilities near freeways and high-volume roads. The guidance document is intended to assist Lead Agencies in evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Therefore, the guidance document is not intended to be used as substantial evidence to support the Lead Agency's finding that the Proposed Project's HRA impact would be less than significant. Third, as shown in Table 2-2 in Appendix D to the Draft EIR, while cancer risks from diesel particulate matter decrease within the first 100 – 150 meters from the edge of a roadway in both urban and rural areas, they substantially exceed SCAQMD CEQA significance threshold of 10 in a million for cancer risks.

3. Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, parks, playgrounds, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. As stated above, SCAQMD staff found that Planning Area 3 of the Proposed Project is located in a close proximity to I-10. Residents living in the Planning Area 3 would be exposed to diesel particulate matter emissions from vehicles and diesel-fueled heavy-duty trucks traveling on I-10. Diesel particulate matter is a toxic air contaminant and a carcinogen. To facilitate the purpose and goal of CEQA on public disclosure, SCAQMD staff recommends that the Lead Agency consider the health impacts on people at the

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<sup>7</sup> Draft EIR. Page 3-7.

<sup>8</sup> Draft EIR. Page 4.4-47.

<sup>9</sup> *Ibid.*

<sup>10</sup> South Coast Air Quality Management District. May 6, 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. (A Reference for Local Governments Within the South Coast Air Quality Management District)*. Page 2-5.

Proposed Project by performing a HRA<sup>11</sup> analysis to disclose the potential health risks in the Final EIR<sup>12</sup>.

#### *Limits to Enhanced Filtration Units*

4. Many strategies are available to reduce exposure, including, but are not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, 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.

In the event that enhanced filtration units are proposed for installation at the multifamily residences in Planning Area 3 either as a new mitigation measure or project standard condition, SCAQMD staff recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that SCAQMD conducted to investigate filters<sup>13</sup>, 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 operational costs in energy. It is typically assumed that the filters operate 100 percent of the time while people are indoors, and the environmental analysis does not generally account for the times when people have their windows open or are outdoors (e.g., 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 effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to diesel particulate matter emissions.

#### *Enforceability of Enhanced Filtration Units*

5. If enhanced filtration units are installed, and to ensure that they are enforceable throughout the lifetime of the Proposed Project as well as effective in reducing exposures to diesel particulate matter emissions, SCAQMD staff recommends that the Lead Agency provide additional details on ongoing, regular maintenance of filters in the Final EIR. To facilitate a good faith effort at full disclosure and provide useful information to future residents at the Proposed Project, at a minimum, the Final EIR should include the following information:
  - Disclose the potential health impacts to prospective residents from living in a close proximity of I-10 and the reduced effectiveness of air filtration system when windows are open and/or when residents are outdoor (e.g., in the common areas);
  - Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are installed on-site at the multifamily residences in Planning Area 3 before a permit of occupancy is issued;
  - Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are inspected regularly;
  - Provide information to residents on where the MERV filters can be purchased;
  - Disclose the potential increase in energy costs for running the HVAC system to prospective residents;

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<sup>11</sup> 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>.

<sup>12</sup> 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.

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

- Provide recommended schedules (e.g., once a year or every six months) for replacing the enhanced filtration units to prospective residents;
- Identify the responsible entity such as residents themselves, Homeowner's Association, or property management for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if residents should be responsible for the periodic and regular purchase and replacement of the enhanced filtration units, the Lead Agency should include this information in the disclosure form);
- Identify, provide, and disclose any ongoing cost sharing strategies, if any, for the purchase and replacement of the enhanced filtration units;
- Set City-wide or Project-specific criteria for assessing progress in installing and replacing the enhanced filtration units; and
- Develop a City-wide or Project-specific process for evaluating the effectiveness of the enhanced filtration units at the Proposed Project.

**Recommended Change to MM-AQ-2: Tier 4 Construction Equipment or Better**

6. MM-AQ-2 requires the use of Tier 4 construction equipment<sup>14</sup>. Since the Proposed Project will be developed over time, and technology continues to improve and advance at a rapid pace, SCAQMD staff recommends that the Lead Agency revise MM-AQ-2 to require the use of Tier 4 or better construction equipment rated at 50 horsepower or greater during construction in the Final EIR.

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<sup>14</sup> Draft EIR. Page 1-13.