



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

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downtownSP@sanjacintoca.us

leonarddla@earthlink.net

David Leonard

City of San Jacinto, Community Development Department

595 S. San Jacinto Avenue

San Jacinto, CA 92583

Draft Program Environmental Impact Report (Draft PEIR) for the Proposed Downtown San Jacinto Specific Plan

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 comprehensive set of goals and objectives, a land use plan, development standards, design guidelines, infrastructure improvements, and implementation strategies to encourage and promote economic development and revitalization to enhance the City's attractiveness to the local and regional marketplace (Proposed Project). At build-out, the Proposed Project will allow for the development of a maximum of 1,484 new residential units and over 4.05 million square feet of commercial, retail, office, and public facilities uses on approximately 1,158.15 acres. According to Exhibit 3-5, *General Plan Land Use Designation*, and aerial photographs, the northern portion of the Proposed Project is located immediately south of State Route 79 (SR-79). The Proposed Project is expected to be developed over time in phases based upon market conditions with an expected buildout year of 2040¹.

SCAQMD Staff's Summary of the Air Quality Analysis

Based on a review of the Air Quality Section, SCAQMD staff found that construction emissions were calculated based on an assumption that all development allowed under the Proposed Project begin on the same day and will last for 14 years². The construction air quality impact analysis did not include emissions from demolition because the Lead Agency stated that "the extent of demolition that may occur is not currently known and it would be speculative to assume a certain demolition volume³." The Lead Agency found that the Proposed Project's construction activities would result in significant and unavoidable NOx emissions after incorporating Mitigation Measure (MM) 4.3-1 and MM 4.3-2⁴. MM 4.3-1 requires the use of Tier 4 (or better) emissions standards of off-road heavy-duty diesel engines to the extent feasible⁵. MM 4.3-2 requires that construction equipment used by future development within the Specific Plan area comply with regulatory conditions to reduce NOx emissions⁶. Additionally, in the Air Quality Section, the Lead Agency discussed the Localized Significance Thresholds (LSTs) analysis and stated that the LSTs analysis was applicable to projects at the project-specific level and was not applicable to regional projects such as the Proposed Project⁷. Therefore, the Lead Agency did not conduct a LSTs analysis and made it a requirement for future development projects under the Proposed Project⁸.

¹ *Ibid.* Page 3-12.

² *Ibid.* Page 4.3-10.

³ *Ibid.* Page 4.3-10.

⁴ *Ibid.* Table 4.3-6. Page 4.3-14.

⁵ *Ibid.* Page 4.3-20.

⁶ *Ibid.*

⁷ *Ibid.* Page 4.3-10.

⁸ *Ibid.*

The Lead Agency quantified the Proposed Project's operational air quality emissions based on the expected buildout scenario and compared the emissions to SCAQMD's regional air quality CEQA significance thresholds for operation. After incorporating MM 4.3-3 and MM 4.3-4, the Lead Agency found that the Proposed Project's mitigated operational emissions would exceed SCAQMD's regional air quality CEQA significant thresholds for ROG, NOx, CO, PM10, and PM2.5 emissions, resulting in a significant and unavoidable impact⁹. MM 4.3-3 requires future projects to accommodate electric vehicle charging stations. MM 4.3-4 requires implementation of energy efficiency measures that are capable of reducing both criteria pollutants and greenhouse gas emissions¹⁰.

The Lead Agency did not conduct a HRA analysis. After discussing the California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective* (Handbook), the Lead Agency found that the Proposed Project would not cause significant health risks from exposures to diesel exhaust particulates because "State Route 79 carries approximately 14,000 vehicles per day which is far below the 100,000 vehicles per day threshold for determining toxic air contaminants (TACs) on urban roads¹¹."

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)¹², 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 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 during operation. Therefore, SCAQMD staff has recommendations on additional mitigation measures to further reduce ROG, NOx, PM10, and PM2.5 emissions.

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 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).

⁹ *Ibid.* Table 4.3-7. Page 4.3-15.

¹⁰ *Ibid.* Page 4.3-20 and 21.

¹¹ *Ibid.* Page 4.3-17.

¹² 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>.

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May 1, 2018

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

RVC180403-12

Control Number

ATTACHMENT

Air Quality Analysis – Overlapping Construction and Operational Impacts

1. 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. Since implementation of the Proposed Project is expected to occur over a multi-year timeframe with a buildout year of 2040, an overlapping construction and operation scenario (e.g., construction activities overlap with the new operation allowed under the Proposed Project) is reasonably foreseeable, unless the Proposed Project includes requirement(s) to 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 uses its best efforts to 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 PEIR. 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 website¹³.

Air Quality Analysis – Demolition

2. The construction air quality impact analysis in the Draft PEIR did not include emissions from demolition. The Lead Agency stated that "the extent of demolition that may occur is not currently known and it would be speculative to assume a certain demolition volume¹⁴." SCAQMD staff is concerned with this analysis. Detailed comments are discussed below.

To analyze and disclose a worst-case impact scenario that is reasonably foreseeable at the time the Draft PEIR is prepared, the Lead Agency should use its best efforts, based on the already available Project information such as General Plan Land Use Designations and Zoning Districts, to identify a range of square feet that will likely be demolished, quantify the associated emissions, and disclose the construction impacts from demolition in the Final PEIR to the extent feasible.

Alternatively, the Lead Agency should consider to include a new air quality mitigation measure to require the project-level construction air quality impact analysis to include emissions calculation from demolition prior to approving individual development project as follows:

Prior to the approval of individual development project allowed under the Specific Plan, the applicant, developer, and/or project proponent shall provide modeling of the construction emissions analysis. The analysis shall include emissions calculations from demolition, if demolition is involved. If the modeling shows that construction emissions, including emissions from demolition, would exceed SCAQMD's regional air quality CEQA daily thresholds of significance for construction, feasible mitigation measures shall be required subject to applicable requirements in the CEQA Guidelines.

Inclusion of this mitigation measure in the Final PEIR demonstrates that the Lead Agency has adequately analyzed the Proposed Project's construction impacts from demolition at a programmatic level to justify deferring the analysis, and that a project- or site-specific construction air quality impact analysis including demolition will be completed in a later stage.

¹³ South Coast Air Quality Management District. *CEQA Air Quality Handbook*. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

¹⁴ *Ibid.* Page 4.3-10.

Air Quality Analysis – Localized Significance Thresholds (LSTs) Analysis

3. When specific development is reasonably foreseeable as a result of the goals, policies, and elements 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 “the LSTs analysis was applicable to projects at the project-specific level and was not applicable to regional projects such as the Proposed Project¹⁵.” SCAQMD staff is concerned with this analysis. Detailed comments are discussed below.

To analyze and disclose a worst-case impact scenario that is reasonably foreseeable at the time the Draft PEIR is prepared, SCAQMD staff recommends that the Lead Agency use its best efforts, based on already available Project information such as the maximum dwelling units and non-residential uses in square feet, to quantify the Proposed Project’s localized emissions and disclose the localized air quality impacts in the Final PEIR. SCAQMD guidance for performing a localized air quality analysis is available on SCAQMD website¹⁶.

Alternatively, the Lead Agency should consider to include a new air quality mitigation measure to require a project- or site-specific LSTs analysis prior to issuance of a grading permit for each individual development project as follows:

Prior to issuance of a grading permit for a new development project that is one acre or larger, the applicant, developer, and/or project proponent shall provide modeling of the localized emissions (NOx, CO, PM10, and PM 2.5) associated with the maximum daily grading activities for the proposed development. If the modeling shows that emissions would exceed SCAQMD’s air quality CEQA localized thresholds for those emissions, the maximum daily grading activities of the proposed development shall be limited to the extent that could occur without resulting in emissions in excess of SCAQMD’s significance thresholds for those emissions.

Inclusion of this mitigation measure in the Final PEIR demonstrates that the Lead Agency has adequately analyzed the Proposed Project’s localized air quality impacts at a programmatic level to justify deferring the LSTs analysis, that a project- or site-specific LSTs analysis will be completed in a later stage, and that any nearby sensitive receptors will not be adversely affected by the Proposed Project’s construction activities that are occurring in close proximity.

Air Quality Analysis – Health Risk Assessment (HRA) Analysis

4. As discussed above, the Lead Agency found that the Proposed Project would not cause significant health risks from exposures to diesel exhaust particulates. The reason to support this finding is that “State Route 79 carries approximately 14,000 vehicles per day which is far below the 100,000 vehicles per day threshold for determining toxic air contaminants (TACs) on urban roads¹⁷.” SCAQMD staff is concerned with this analysis. First, SCAQMD staff does not agree with using the 100,000 vehicles per day value from the CARB’s 2005 Handbook as a screening threshold to determine the level of significance for health impacts. The 100,000 vehicles per day value is an advisory recommendation on siting sensitive land uses such as residences, schools, daycare centers, playgrounds, or medical facilities near freeways and high-volume roads. Therefore, the advisory recommendation is not intended to be used as a screening tool to determine if quantitative health impacts analysis would be warranted under CEQA. Second, it does not appear that SR-79 is an urban

¹⁵ *Ibid.* Page 4.3-10.

¹⁶ South Coast Air Quality Management District. *Localized Significance Thresholds*. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

¹⁷ *Ibid.* Page 4.3-17.

road. According to the California Department of Transportation annual traffic volumes reports¹⁸, SR-79 is a State highway. Therefore, the comparison to the 100,000 vehicles per day value, which is for urban roads, is misleading. For these reasons, SCAQMD staff recommends that the Lead Agency use applicable Project information that is already available in the Draft PEIR to conduct a HRA analysis¹⁹ and disclose the potential health risks in the Final PEIR²⁰.

Alternatively, the Lead Agency should consider to include a new air quality mitigation measure to require a project- or site-specific HRA analysis for any individual development project with sensitive land uses that will be located within 500 feet of SR-79. Inclusion of this mitigation measure in the Final PEIR demonstrates that the Lead Agency has adequately considered the Proposed Project's health impacts at a programmatic level to justify deterring the analysis, and that a project- or site-specific HRA analysis will be completed in a later stage to facilitate the disclosure of health impacts in CEQA document.

The Lead Agency should also consider to include the following information when formulating the new mitigation measure in the Final PEIR.

- a) **Enhanced Filtration Systems.** The Lead Agency should consider requiring the use of enhanced filtration systems with maximum efficiency rating value (MERV) of 13 or better for sensitive land uses within 500 feet of SR-79 to ensure the maximum reduction of health risks from exposures to diesel particulate matter (DPM) emissions from vehicles and trucks traveling on the freeway.
- b) **Limitations.** If enhanced filtration system is installed, it is important to consider the limitations. In a study that SCAQMD conducted to investigate filters²¹, 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.
- c) **Enforceability.** Because of the limitations, SCAQMD staff recommends that the Lead Agency make the following disclosures and include them as requirements for applicable individual projects in the Final PEIR.

¹⁸ California Department of Transportation. *2016 Traffic Volumes on California State Highways*. Page 85. Accessed at: http://www.dot.ca.gov/trafficops/census/docs/2016_aadt_volumes.pdf.

¹⁹ 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>.

²⁰ 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.

²¹ 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>.

- Identify the responsible implementing and enforcement agency such as the Lead Agency for ensuring that enhanced filters are installed at the sensitive land uses before a permit of occupancy is issued;
- Disclose to prospective sensitive receptors about the potential health impacts from living and working in proximity to SR-79 and the reduced effectiveness of air filtration system when windows and/or doors are open;
- Disclose to prospective sensitive receptors about the increased energy costs for running the HVAC system;
- Include recommended schedules (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;
- Identify the responsible entity such as Homeowners Association or property management for ensuring filters are replaced on time, if appropriate and feasible;
- Set criteria for assessing progress in installing and replacing the enhanced filtration units; and
- Develop a process for evaluating the effectiveness of the enhanced filtration units at the Proposed Project.

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 significant adverse impacts. SCAQMD staff recommends that the Lead Agency incorporate the following mitigation measures in the Final PEIR to further reduce emissions from ROG, NOx, and particulate matter. Additional information on potential mitigation measures as guidance to the Lead Agency is available on the SCAQMD CEQA Air Quality Handbook website.
 - a) 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.
 - b) The Lead Agency proposes to use Tier 4 rated engines or better for all off-road construction equipment during construction²². To ensure that the lowest emission technologies will be used throughout the project development spanning over 20 years beginning in 2019 and ending in 2040, SCAQMD staff recommends that the Lead Agency develop and implement a program-level, performance standards-based technology review that is generally appropriate for a long-range development project such as the Proposed Project. The deployment should include those technologies that are “capable of being accomplished in a successful manner within a reasonable period of time” (California Public Resources Code Section 21061.1), such as zero and near-zero emission technologies that are expected to be available in the life of the Proposed Project. Therefore, SCAQMD staff recommends that the Lead Agency conduct the technology review, develop performance standards for the review or other comparable strategies or tools to assess the availability of equipment and fleets with newer engine standards and model years, and implement the best available emissions control devices. Since technology is being developed and deployed at a rapid pace, the technology review should occur every two years. Alternatively, the Lead Agency should develop appropriate timeline (or schedule) for the technology review that supports the NOx emissions reductions goals and timeline in the 2016 AQMP. The information from the

²² The CalEEMod was based on Tier 4 Final. Appendix B, *Air Quality and Greenhouse Gas Study*. Page 3 of 69 of the CalEEMod Results.

ongoing, biennial technology review will help identify the lowest emission technologies available. Subsequently, the Lead Agency should use this information to require the project-level development to implement these technologies either as mitigation measures or project design features to minimize construction and/or operational air quality impacts.

SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

6. Since the Proposed Project would include demolition over time, asbestos may be encountered. As such, SCAQMD staff recommends that the Lead Agency include a discussion to demonstrate compliance with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities²³ in the Final PEIR.

²³ South Coast Air Quality Management District. Rule 1403. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf>.