



South Coast Air Quality Management District

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Mitigated Negative Declaration (MND) for the Proposed Pavilion Palms Shopping Center

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comment is meant as guidance for the Lead Agency and should be incorporated into the Final MND.

Project Description

The Lead Agency proposes to develop a total of 125,800 square-foot mixed-use commercial center development project on the 12-acre vacant parcel (Proposed Project). The Proposed Project will include various commercial uses, including banks, restaurants, gasoline service station, and grocery store. Based on a review of aerial photographs and Figure 2, *Site Location*¹, in the MND, SCAQMD staff found that residential uses are located immediately to the south and southwest of the Proposed Project.

Compliance with SCAQMD Rules

Since the Proposed Project includes gasoline service station, a permit from SCAQMD would be required, and SCAQMD should be identified as a Responsible Agency for this Project in the Final MND. The assumptions in the air quality analysis in the Final MND will be the basis for permit conditions and limits.

The Final MND should also demonstrate compliance with SCAQMD Rules, including, but are not limited to, Rule 201 – Permit to Construct, Rule 203 – Permit to Operate, and Rule 461 – Gasoline Transfer and Dispensing. If there are permitting questions concerning the gasoline service station, they can be directed to SCAQMD Engineering and Permitting staff at (909) 396-2551.

Air Quality Analysis

In the Air Quality analysis, the Lead Agency found that the Proposed Project's regional construction and operational air quality impacts would be less than significant. However, it does not appear that the Air Quality analysis include 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 operational air quality impacts. It is important to note that while CalEEMod² 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 quantify operational emissions from the fueling process in the Final MND.

Health Risk Assessment

The Proposed Project would be sited in close proximity to existing residential uses. Benzene, which is a toxic air contaminant, may be emitted from the Proposed Project's gasoline refueling operations.

¹ MND. Page 6.

² 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.

SCAQMD staff is concerned about the potential health impacts on the residents from being exposed to benzene. As such, it is recommended that the Lead Agency evaluate, quantify, and perform a health risk assessment for the Proposed Project in the Final MND. Guidance for performing a gasoline dispensing station health risk assessment can be found in the SCAQMD's *Emission Inventory and Risk Assessment Guidelines for Gasoline Dispensing Stations*³.

Guidance Regarding Gasoline Dispensing Facilities Sited Near Sensitive Receptors

SCAQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between Lead Agencies and SCAQMD to reduce community exposure to source-specific and cumulative air pollution impacts, SCAQMD adopted the *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*⁴ in 2005. Additionally, it is recommended that a 50-foot separation between a gasoline dispensing facility and sensitive land uses (e.g., residential uses)⁵. SCAQMD staff recommends that the Lead Agency review and consider these guidance when making local planning and land use decisions.

Mitigation Measures

Six mitigation measures from the Fairway Plaza Amendment 1 – Resolution 2002-2006 are incorporated in the MND for the Proposed Project⁶. Since CEQA requires that all feasible mitigation measures go beyond what is required by law to minimize any significant impacts, and to further reduce criteria pollutant emissions, SCAQMD staff recommends that the Lead Agency incorporate the following mitigation measures that are more stringent than those from the Fairway Plaza Amendment 1 – Resolution 2002-2006.

Regarding the Second Bullet of Mitigation Measure – “Low Emission Construction Equipment”

To further reduce particulate matter emissions during construction and minimize their impacts on nearby residents, SCAQMD staff recommends that the Lead Agency use off-road diesel-powered construction equipment that meets or exceeds the CARB and USEPA Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater 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 particulate matter emissions⁷. A list of CARB verified DPFs are available on the CARB website⁸. These requirements shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment. 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. In the event that construction equipment cannot meet the Tier 4 engine certification, the Project representative or contractor must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies. Alternative applicable 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 Project, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously.

³ South Coast Air Quality Management District. Accessed at: <http://www.aqmd.gov/home/permits/risk-assessment>.

⁴ South Coast Air Quality Management District. May 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Accessed at: <http://www.aqmd.gov/home/library/documents-support-material/planning-guidance/guidance-document>.

⁵ California Air Resources Board. 2005. *Air Quality and Land Use Handbook: A Community Health Perspective*. Page 4. Accessed at: <https://www.arb.ca.gov/ch/handbook.pdf>.

⁶ MND. Page 25.

⁷ 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.

⁸ *Ibid*. Page 18.

Regarding the Third Bullet of Mitigation Measure – “Low VOC Paints, Primers, and Coatings”

To further reduce VOC emissions from architectural coating, SCAQMD staff recommends that the Lead Agency require the use of architectural coatings (no more than 50 grams/liter of VOC) that are beyond the limits in SCAQMD Rule 1113 – Architectural Coatings⁹.

Regarding the Sixth Bullet of Mitigation Measure – “Deliveries during Off-Peak Periods”

SCAQMD staff recommends that the Lead Agency require that no delivery vehicles may idle for more than five consecutive minutes. This is consistent with the California Air Resources Board’s idling policy guidelines¹⁰.

Closing

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process. Please provide the SCAQMD with written responses to all comments contained herein prior to the certification of the Final MND. When responding to issues raised in the comments, response should provide sufficient details 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 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 if you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

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Control Number

⁹ South Coast Air Quality Management District. Rule 1113: Architectural Coatings. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf>.

¹⁰ California Air Resources Board. June 2009. *Written Idling Policy Guidelines*. Accessed at: <https://www.arb.ca.gov/msprog/ordiesel/guidance/writtenidlinguide.pdf>.