



South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

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Mitigated Negative Declaration (MND) for the Proposed Rancho Palos Verdes General 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 MND.

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to amend the existing City of Rancho Palos Verde's General Plan (Proposed Project). With the exception of the Housing Element, the Proposed Project will amend all of the other General Plan elements which are divided into six separate sections: I) Introduction, II) Natural Environment Element, III) Social/Cultural Element, IV) Urban Environment Element, V) Land Use Plan, and VI) Fiscal Element¹. The Proposed Project will be implemented over time with a buildout year of 2040. "The amended Land Use Element designates approximately 399.48 acres for new residential development primarily as infill lots, with approximately 756 proposed dwelling units by 2040, of which 668 are designated as single family and 88 are designated as multi-family²."

SCAQMD Staff's Summary of Air Quality Analysis

The Lead Agency quantified the Proposed Project's construction and operational emissions and compared them to SCAQMD regional and localized air quality CEQA thresholds of significance in Appendix C, *Air Quality Technical Report*, to the MND. Regional construction emissions were modeled based on "an assumed growth of up to 10 percent of the total anticipated growth within one year, [...] beginning in year 2018³." Localized construction emissions were modeled based on the development of a one-acre parcel with sensitive receptors at 25 meters⁴. The Lead Agency found that the Proposed Project's regional and localized construction air quality impacts would be less than significant⁵.

The Proposed Project's air quality impacts during operation were modeled based on the incremental increase in emissions⁶. Operational emissions at buildout (year 204) were compared to the existing conditions (year 2015) to determine the level of significance. Localized operational emissions were based on the same assumptions (e.g., a one-acre parcel with sensitive receptors at 25 meters). "Because of the general increase in efficiencies with respect to vehicle emissions and the limited growth anticipated in the

¹ MND. Page 3.

² MND. Appendix C, *Air Quality Technical Report*. Page 2.

³ *Ibid.* Page 25.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.* Table 6. Page 37.

Updated General Plan, there is an overall decrease in criteria pollutant emissions at buildout year 2040 compared to the existing emissions in 2015⁷.”

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)⁸, 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.

SCAQMD Staff’s General Comments

SCAQMD staff reviewed the Air Quality Analysis in the main body of the MND and in Appendix C 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 reduction. Therefore, SCAQMD staff recommends that the Lead Agency incorporate additional mitigation measures in the Final MND. Finally, the attachment includes a recommendation to include a discussion on SCAQMD Rule 403(e).

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 adoption 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 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
LAC180327-01
Control Number

⁷ *Ibid.* Page 36.

⁸ 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>.

ATTACHMENT

CEQA Baseline

1. 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 Proposed Project's operational emissions were estimated for the 2015 CEQA baseline year and the 2040 future buildout year. The 2015 existing conditions were held constant (i.e. using emission rates from 2015) and compared to the future year (i.e. using emission rates from the future year). This approach using a comparison between the Proposed Project's impacts in the future year (using emission rates from year 2040) and a 2015 baseline (using emission rates from year 2015) improperly credits the Project with emission reductions that will occur independent of the Proposed Project due to adopted state and federal rules and regulations and technology advancements, since these rules and regulations and technology are expected to improve air quality over time, even in the absence of the Proposed Project. Therefore, the use of the 2015 baseline may have led to an under-estimation of true emission increases from the Proposed Project.

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 analysis to include a comparison between the emissions in year 2040 with the Proposed Project at buildout and the emissions in the same respective year without the Proposed Project, and use this comparison for disclosure and informational purposes, at a minimum.

Air Quality Analysis – Interim Milestone Years

2. The Air Quality Analysis years in the MND included only two analysis years: baseline year (2015) and buildout year (2040). By 2040, the Proposed Project is assumed fully built. Although the Proposed Project may not be at peak capacity in earlier years, it is possible that due to higher emission rates of vehicles, trucks, and equipment in earlier years that peak daily emissions may occur before 2040. The overall emission rates of vehicles, trucks, and equipment are generally higher in earlier years as more stringent emission standards and cleaner technologies have not been fully implemented and fleets have not fully turned over. Therefore, SCAQMD staff recommends that the Lead Agency include interim milestone years (i.e., year 2020, year 2025, year 2030, and year 2035) in the Air Quality Analysis to ensure the peak daily emissions are identified and adequately disclosed

in the Final MND. The interim milestone years will also assist in the demonstration of progress overtime from implementing air quality-related General Plan policies.

Air Quality Analysis – Overlapping Construction and Operational Impacts

3. When specific development is reasonably foreseeable as result of the goals, policies, and guidelines 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. Based on a review of the Air Quality Analysis, SCAQMD staff found that the Lead Agency did not analyze a scenario where construction emissions overlap with operational emissions. Since implementation of the Proposed Project is expected to occur within the City over a period of 20 years to year 2040, an overlapping construction and operation scenario may be reasonably foreseeable, unless the Proposed Project includes requirement(s) that will avoid overlapping construction and operational activities. To properly analyze a worst-case impact scenario that is reasonably foreseeable at the time a CEQA document is prepared, SCAQMD staff recommends that the Lead Agency use 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 MND. 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 visit SCAQMD's CEQA Air Quality Handbook website⁹.

Additional Recommended Mitigation Measures

4. It is unclear what General Plan policies that are capable of reducing air quality impacts have been incorporated in the MND since both the main body of the MND and the technical appendix are silent on this. 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. As such, in addition to Mitigation Measures AQ-1 through AQ-8, SCAQMD staff recommends that the Lead Agency incorporate the following mitigation measures in the Final MND to further reduce criteria pollutant emissions.
 - a) Implement performance standards-based technology review during the development phase of the Proposed Project. Technology is transforming land use and transportation planning. 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 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 operation, and if the Lead Agency determines that 2010 model year or newer

⁹ South Coast Air Quality Management District. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

diesel haul trucks are not feasible, the Lead Agency shall use trucks that meet EPA 2007 model year NOx emissions requirements, at a minimum.

- c) Require that 240-Volt electrical outlets or Level 2 chargers be installed in parking lots that would enable charging of NEVs and/or battery powered vehicles.

Vehicles that can operate at least partially on electricity have the ability to substantially reduce the significant NOx and ROG impacts from this project. 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 be constructed with the appropriate infrastructure to facilitate sufficient electric charging for vehicles to plug-in.

- d) 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.
- e) Limit parking supply and unbundle parking costs.
- f) Maximize the planting of trees in landscaping and parking lots.
- g) Use light colored paving and roofing materials.
- h) Install light colored “cool” roofs and cool pavements.
- i) Require use of electric or alternatively fueled sweepers with HEPA filters.
- j) Require use of electric lawn mowers and leaf blowers.
- k) Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- l) Use of water-based or low VOC cleaning products.

To further reduce particulate matter from the Proposed Project, SCAQMD staff recommends that the Lead Agency include the following mitigation measures in the Final MND.

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

SCAQMD Rule 403(e) and Permits

5. The Lead Agency included a discussion on general compliance with SCAQMD Rule 403 in the MND. Based on the project description, the Proposed Project is a large operation of approximately 399.48 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 Operations¹⁰, 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 class¹¹. Therefore, SCAQMD recommends that the Lead Agency include a discussion to demonstrate specific compliance with SCAQMD Rule 403(e) in the Final MND. Compliance with SCAQMD Rule 403(e) will further reduce particulate matter from the Proposed Project.
6. In the event that development of the Proposed Project requires a permit from SCAQMD (e.g., an emergency generator rated greater than 50 brake horsepower), SCAQMD should be identified as a responsible agency for the Proposed Project in the Final MND. Any assumptions used in the air quality analysis in the Final MND will be the basis for permit conditions and limits. For more information on permits, please visit SCAQMD webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to SCAQMD’s Engineering and Permitting staff at (909) 396-3385.

Other Comment

7. While the CEQA Guidelines do not prescribe the level of technical details in a MND, there are some guidance on how to handle technical details in an environmental impact report (EIR). “Writing Environmental Impact Reports in plain language” (CEQA Guidelines Section 15006(q)). “The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review (CEQA Guidelines Section 15147).

After reviewing the Air Quality Analysis in the main body of the MND, SCAQMD staff found that the Analysis there was substantively deficient and lacking. The Analysis in the main body of the MND did not discuss SCAQMD air quality CEQA significance thresholds for construction and operation or the methodology that was used to analyze the Proposed Project’s regional and localized construction and operational air quality impacts. The Analysis did not disclose the Proposed Project’s construction emissions, although they were disclosed in the technical appendix. The Analysis did not discuss the impact level of significance before and after Mitigation Measures AQ-1 through AQ-8 were incorporated. The Analysis did not disclose the Proposed Project’s localized air quality emissions in the main body of the MND to support a fair argument that the Proposed Project would not exceed SCAQMD air quality CEQA LSTs significance thresholds for NOx, CO, PM10, or PM2.5. Lastly, there was no discussion in the main body of the MND on the Proposed Project’s operational impacts.

¹⁰ South Coast Air Quality Management District Rule 403. Last amended June 3, 2005. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf>.

¹¹ 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.

The MND, together with all of the technical appendices, is an informational document to inform government decision makers and the public about the potential, significant environmental effects of proposed activities (CEQA Guidelines Section 15002(a)(1)). The Air Quality Analysis in the main body of the MND should be revised in a manner that will be meaningful and useful to decision makers and to the public. For example, the main body of the MND should include a summary of the environmental setting, regulatory framework that guide the assessment of the Proposed Project's air quality impacts, methodology (including modeling tools and any assumptions used), analysis, and findings from the Air Quality Technical Report (Report) and include a reference to the Report.