



South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

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Draft Environmental Impact Report (Draft EIR) for the Proposed Butcher-Solana Residential Development Project

South Coast Air Quality Management District (South Coast AQMD) 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.

South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to construct three buildings with 248 apartment units totaling 371,309 square feet, a six-story parking structure, and a 7,470-square-foot health club on a 5.71-acre portion of 24.68 acres (Proposed Project). The Proposed Project is located on the southwest corner of Via Valmonte and Hawthorne Boulevard. Construction of the Proposed Project is anticipated to occur over 29 months including 4.5 months of grading from January 2020 to June 2022¹. During the grading phase of construction, 119,270 cubic yards of soil export is anticipated to occur, resulting in 7,455 round truck trips (14,910 one-way truck trips)². The Lead Agency conducted a Phase I Environmental Site Assessment (Phase 1 ESA) and found that the Proposed Project site may be contaminated due to historical uses as a diatomaceous soil mine, and its proximity to the former Palos Verdes Landfill Site and a Shell Service Station³.

South Coast AQMD Staff's Summary of the Air Quality Analysis

In the air quality analysis section, the Lead Agency quantified the Proposed Project's construction and operational emissions associated with building 248 apartment units and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analysis, the Lead Agency found that the Proposed Project's construction and operational air quality impacts from building 248 apartment units would be less than significant. No mitigation for air quality was included⁴. The Lead Agency performed a Health Risk Assessment (HRA) analysis for the Proposed Project's construction activities and found that the maximum individual cancer risk would be 4.53 in a million at the nearest residential receptor⁵, which would be below South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk. The Lead Agency also included discussions on applicable South Coast AQMD rules, including Rule 401 – Visible Emissions, Rule 402 – Nuisance, Rule 403 – Fugitive Dust, Rule 431.2 – Sulfur Content of Liquid Fuels, Rule 1110.2 – Emissions From Gaseous- and Liquid- Fueled Engines, Rule 1113 – Architectural Coatings, and Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants⁶.

¹ Draft EIR. Page 3-21.

² *Ibid.*

³ *Ibid.* Page 5.4-2.

⁴ *Ibid.* Page 1-10.

⁵ *Ibid.* Appendix A, *Air Quality and Greenhouse Gas Emissions analysis Technical Report for the Solana Torrance Project*. Page 59.

⁶ *Ibid.* Pages 5.2-5, 5.2-6, and 5.7-27.

South Coast AQMD Staff's Comments on the Air Quality Analysis

After a review of the Draft EIR's air quality analysis and supporting technical documents, South Coast AQMD staff has concerns about the Proposed Project's air quality analysis for construction, which have likely led to an under-estimation of the Proposed Project's construction emissions.

First, the Lead Agency used a default one way trip length of 20 miles to quantify the Proposed Project's hauling emissions from soil export. Three off-site landfill disposal facilities were identified, and the facility that is closest to the Proposed Project is 40 miles (one way) north in Azusa, California. Using a default one way trip length of 20 miles likely underestimated the Proposed Project's construction emissions, particularly NO_x emissions, from haul truck trips. Second, due to the historic uses, on-site remediation is anticipated. A Response Plan to address the potential for soil vapor intrusion into the residential buildings will be prepared subject to review and approval by the Department of Toxic Substance Control (DTSC). However, the Lead Agency did not account for emissions from remediation activities or actions that will be identified in the Response Plan when calculating the Proposed Project's construction emissions. These have likely led to an under-estimation of the Proposed Project's air quality impacts in the Draft EIR, and additional mitigation should be included to reduce impacts. Please see the attachment for more information. The attachment also includes detailed information on South Coast AQMD rules and regulations.

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD 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, informative, 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 EIR (CEQA Guidelines Section 15091).

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA-IGR

Planning, Rule Development & Area Sources

Attachment
JW:LS:RD
LAC190619-10
Control Number

ATTACHMENT

Construction Air Quality Impacts Analysis

1. The Lead Agency used a default one way trip length of 20 miles to quantify the Proposed Project’s construction emissions from exporting soil during the grading phase. In the Utilities and Service System section of the Draft EIR, the Lead Agency has identified three off-site disposal landfill facilities: Azusa Land Reclamation in Azusa, California, Chiquita Canyon Landfill in the community of Castaic in Los Angeles County, and Sunshine Canyon Landfill in the community of Sylmar within the City of Los Angeles⁷. As shown in Table A below, the closest off-site landfill facility to the Proposed Project is the Azusa Land Reclamation that is at least 40 miles away (one way). Using a default one way trip length of 20 miles likely underestimated the Proposed Project’s construction emissions, particularly NOx emissions, from haul truck trips for soil export. As such, South Coast AQMD staff recommends that the Lead Agency provide additional information in the Final EIR to justify the use of a default one way trip length. Alternatively, to conservatively analyze a worst case construction impact scenario, the Lead Agency should re-calculate the Proposed Project’s construction emissions from haul truck trips based on a 55-mile one way trip length. If the Lead Agency finds, after revisions, that the Proposed Project’s construction emissions would be significant, mitigation measures will be required (CEQA Guidelines Section 15126.4).

Table A: Trip Lengths to Landfills Identified by the Lead Agency

<u>Off-site Disposal Landfill Facility Identified in the Draft EIR</u>	<u>One Way Trip Length from the Proposed Project</u>
Azusa Land Reclamation	44 miles
Chiquita Canyon Landfill	55 miles
Sunshine Canyon Landfill	40 miles

Source: South Coast AQMD staff generated using Google Maps. Date: August, 2019.

2. In the Phase 1 ESA, the Lead Agency found that due to the historical site uses and surrounding uses, there is evidence of soil contamination that could have a potentially significant impact on the residential development⁸. Based on the results of the Phase I ESA, the Lead Agency included a mitigation measure (MM) in the Hazards and Hazardous Materials section (MM HAZ-1), which will require the preparation of a Response Plan for review and approval by the DTSC⁹. The purpose of a Response Plan is to prevent and control soil vapor intrusion into the residential buildings if encountered during construction and/or operation of the Proposed Project¹⁰. Additionally, the Lead Agency stated that on-site remediation using engineering controls will be developed in consultation with the DTSC (MM HAZ-1). Engineering controls may include, for example, engineered fills to cap the site, a subslab venting system with venting material (sand or gravel), a motorized blower, and a series of collection and discharge pipes¹¹. Therefore, it is reasonably foreseeable that there will be activities for remediating the Proposed Project site in addition to the activities for constructing the apartment buildings.

While the Air Quality Section in the Draft EIR quantified the Proposed Project’s emissions from constructing 248 apartment units, it did not quantify emissions from on-site remediation activities or implementation of the Response Plan, which could take place concurrently with construction activities for the apartment buildings. Additionally, remediation activities will likely involve on-site equipment and workers’ trips. Their emissions should be included in the air quality analysis of the

⁷ Draft EIR, Table 5.14-4, *Landfill Capacity*. Page 5.14-16.

⁸ *Ibid.* Pages 1-22 and 23.

⁹ *Ibid.* Page 1-23.

¹⁰ *Ibid.*

¹¹ *Ibid.*

Final EIR. The Lead Agency should also use its good faith, best efforts to provide information on the scope, types, and duration of remediation activities and the Response Plan. Therefore, South Coast AQMD staff recommends that the Lead Agency revise the air quality analysis to provide such information, quantify emissions from remediation activities and any actions or controls identified in the Response Plan, and include those emissions in the Proposed Project's construction emission profile to be compared to South Coast AQMD's air quality CEQA significance thresholds for construction to determine the level of significance in the Final EIR. Alternatively, the Lead Agency should include a new air quality mitigation measure in the Air Quality Section of the Final EIR to commit to evaluating subsequent remediation activities and the Response Plan through a CEQA process prior to commencing the Proposed Project's construction activities.

Recommended Air Quality Mitigation Measures during Construction

3. In the event that the Lead Agency finds that the Proposed Project would result in significant adverse air quality impacts during construction after revisions to the air quality analysis based on Comment Nos. 1 and 2, mitigation measures will be required (CEQA Guidelines Section 15126.4). South Coast AQMD staff has identified the following air quality mitigation measures during construction that the Lead Agency should review and incorporate in the Final EIR.
 - a. Require the use of zero-emission or near-zero emission heavy-duty haul trucks during construction, such as trucks with natural gas engines that meet the California Air Resources Board's (CARB) adopted optional NO_x emissions standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that operators of heavy-duty haul trucks visiting the Proposed Project during construction commit to using 2010 model year¹² or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM) and 0.20 g/bhp-hr of NO_x emissions or newer, cleaner trucks. Include analyses to evaluate and identify sufficient power available for zero emission trucks and supportive infrastructures in the Energy and Utilities and Service Systems Sections of the Final EIR, where appropriate. Require that contractor(s) maintain records of all trucks visiting the Proposed Project and make these records available to the Lead Agency upon request. The records will serve as evidence to prove that each truck called to the Proposed Project during construction meets the minimum 2010 model year engine emission standards. The Lead Agency should conduct regular inspections of the records to the maximum extent feasible and practicable to ensure compliance with this mitigation measure.
 - b. Limit the daily number of truck trips allowed at the Proposed Project to levels analyzed in the Final EIR. If higher daily truck volumes are anticipated to visit the Proposed Project, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing the higher activity level.
 - c. Require the use of off-road diesel-powered construction equipment that meets or exceeds the CARB and U.S. Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards for equipment rated at 50 horsepower or greater during construction of the Proposed Project. Such equipment will be outfitted with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filter (DPFs). Level 3 DPFs are

¹² CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulations is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.html>.

capable of achieving at least 85 percent reduction in particulate matter emissions¹³. A list of CARB verified DPFs are available on the CARB website¹⁴.

- d. To ensure that Tier 4 Final construction equipment or better would be used during the Proposed Project's construction, South Coast AQMD staff recommends that the Lead Agency include this requirement in applicable bid documents, purchase orders, and contracts. 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 South Coast AQMD 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 construction documents by construction contractor(s) to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance.
- e. In the event that construction equipment cannot meet the Tier 4 Final 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, construction equipment with Tier 4 Interim or Tier 3 emission standards that the Lead Agency has already included in the air quality modeling, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Proposed Project, and/or limiting construction phases occurring simultaneously with the remediation activities.
- f. Maintain vehicle and equipment maintenance records for the construction portion of the Proposed Project. All construction vehicles must be maintained in compliance with the manufacturer's recommended maintenance schedule. All maintenance records shall remain on-site for a period of at least two years from completion of construction.
- g. Encourage construction contractors to apply for South Coast AQMD "SOON" funds. The "SOON" program provides funds to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles. More information on this program can be found at South Coast AQMD's website: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines>.

South Coast AQMD Rules and Regulations, and Responsible Agency

4. In the Phase I ESA, the Lead Agency found that due to the historical site uses and surrounding uses, there is evidence of soil contamination that could have a potentially significant impact on the residential development¹⁵. Based on the results of the Phase I ESA, the Lead Agency included a MM HAZ-1, which will require the preparation of a Response Plan for review and approval by the DTSC¹⁶. In the Draft EIR, the Lead Agency identified the South Coast AQMD a Responsible Agency for the Proposed Project¹⁷. South Coast AQMD staff is seeking an explanation of the South Coast AQMD's responsibilities for the Proposed Project. For more information on permits, please visit

¹³ CARB. 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.

¹⁴ *Ibid.* Page 18.

¹⁵ *Ibid.* Pages 1-22 and 23.

¹⁶ *Ibid.*

¹⁷ *Ibid.* Page 3-13.

South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

5. If the Response Plan includes any subsequent removal, remedial, or cleanup measures for the Proposed Project, the Lead Agency should commit to re-evaluating the environmental impacts of these measures through a CEQA process prior to commencing any construction activities.

If there is any information in the subsequent CEQA process suggesting that the remediation or any actions that will be identified in the Response Plan, after consultation with the DTSC, would result in significant adverse air quality impacts not analyzed in the Final EIR for the Proposed Project, or substantially more severe air quality impacts than those analyzed in the Final EIR for the Proposed Project, the Lead Agency should commit to reevaluating the Proposed Project's air quality impacts through a CEQA process (CEQA Guidelines Section 15162).

6. It is important to note that in addition to South Coast AQMD Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants, activities disturbing and excavating contaminated soils will also be subject to the requirements of South Coast AQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil¹⁸. The Lead Agency should include a discussion on South Coast AQMD Rule 1166 in the Air Quality Section of the Final EIR.

¹⁸ South Coast AQMD. Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>.