



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 33-Unit Condominium Development at 751 East Bastanchury Road

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 MND.

South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to build 33 residential units totaling 66,825 square feet on 2.4 acres (Proposed Project). Construction is expected to take 17 months in three phases: (1) re-abandonment of oil wells; (2) grading and site improvements; and (3) building construction¹. The Proposed Project is anticipated to be operational in June 2021².

South Coast AQMD Staff's Summary of Air Quality and Hazards and Hazardous Materials Analyses

In the Air Quality Analysis section, the Lead Agency quantified the Proposed Project's construction and operational emissions associated with the construction of 33 residential units and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analyses, the Lead Agency found that the Proposed Project's construction and operational air quality impacts would be less than significant. To ensure that these impacts would remain less than significant, the Lead Agency requires 11 project design features (PDFs) related to air quality and greenhouse gas emissions, including, for example, the use of Tier 4 construction equipment (PDF-AQ3) and electric landscaping equipment (PDF-AQ11), in addition to aesthetics and air quality mitigation measures from the Fullerton Plan Final Environmental Impact Report that are applicable to the Proposed Project and incorporated in this MND by reference³.

In the Hazards and Hazardous Materials section, the Lead Agency stated that the Proposed Project site was formerly used for oil exploration and production activities⁴. The Lead Agency reviewed environmental database search results and previous environmental documentation, and performed a Phase I environmental site assessment and geophysical investigation. The Lead Agency found that on-site oil wells will need to be located before re-abandonment that may be required to meet the current abandonment requirements⁵. Additionally, the Lead Agency found that impacted soils and methane gas may be encountered and would need to be evaluated for remedial actions or control measures⁶. As such, the Lead Agency requires the Proposed Project to implement five mitigation measures (MMs) in the Hazards and Hazardous Materials Section: additional soil investigation to determine the need for

¹ MND. Page 2-7.

² *Ibid.*

³ *Ibid.* Pages 4-22 to 4-26.

⁴ *Ibid.* Page 4-69.

⁵ *Ibid.* Pages 4-73 to 4-74.

⁶ *Ibid.*

excavation, disposal, remediation, or any other necessary measures (MM HAZ-2); additional site and subsurface assessments for oil well re-abandonment and identification of the oil well setback distance prior to the issuance of a grading permit (MM HAZ-A); development of methane mitigation (including, but not limited to, well venting and/or methane barrier installation beneath the Proposed Project site) (MM HAZ-B); development of remedial actions in the event that impacted soils are encountered during grading (MM HAZ-C); and proper transport and disposal of contaminated soils and hazardous materials (MM HAZ-D)⁷.

South Coast AQMD Staff's Comments

While the Lead Agency quantified the Proposed Project's construction emissions associated with constructing 33 residential units, it did not quantify emissions from implementation of MM HAZ-2 and MMs HAZ-A through HAZ-D. Please see the attachment for more information.

Conclusion

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 South Coast AQMD 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, informative, or useful to decision makers and the public who are interested in the Proposed Project.

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. Please contact me at lsun@aqmd.gov, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS

ORC191204-02

Control Number

⁷ *Ibid.* Page 4-75.

ATTACHMENT

Construction Air Quality Analysis

1. While the Lead Agency quantified the Proposed Project's emissions from constructing 33 residential units and associated grading activities and truck trips for soil import and export, the Lead Agency did not quantify emissions from implementation of MM HAZ-2 and MMs HAZ-A through HAZ-D. For example, off-site disposal of hazardous materials will likely use additional medium- and/or heavy-duty, diesel fueled trucks. Methane testing and remediation actions will likely use equipment. Since activities identified in MM HAZ-2 and MMs HAZ-A through HAZ-D are reasonably foreseeable and must be completed prior to the completion of construction activities for the residential development component of the Proposed Project, the Lead Agency should use good faith, best efforts to identify the scope, types, and duration of the soil and subsurface investigation, removal, and/or remedial actions that will be required by MM HAZ-2 and MMs HAZ-A through HAZ-D, including additional truck trips, workers' trips, and equipment. The Lead Agency should provide such information in the Air Quality Analysis, quantify their emissions, and include those emissions in the Proposed Project's construction emissions profile to be compared to South Coast AQMD's air quality CEQA significance thresholds for construction to determine the level of significance for the Proposed Project's construction air quality impacts in the Final MND. Alternatively, the Lead Agency should include a new air quality mitigation measure or project design feature in the Air Quality Section of the Final MND to commit to evaluating the subsequent soil and subsurface investigation, removal, and/or remedial activities through a CEQA process prior to commencing construction activities for the residential development component of the Proposed Project.
2. If there is any information in the subsequent CEQA process suggesting that the soil and subsurface investigation, removal, remedial, and/or cleanup actions that will be required after consultation with appropriate agencies would result in new significant adverse air quality impacts not previously analyzed in the Final MND for the Proposed Project, or substantially more severe air quality impacts than those previously analyzed in the Final MND 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).

South Coast AQMD Rules and Permits

3. Disturbing and excavated soils that may contain hydrocarbons or toxic air contaminants are subject to the requirements of South Coast AQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil⁸, and Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants⁹. Since the soil and subsurface assessments are reasonably foreseeable under MM HAZ-2 and MMs HAZ-A through HAZ-D, the Lead Agency should include a discussion on South Coast AQMD Rules 1166 and 1466 in the Air Quality Section of the Final MND.
4. If the soil and subsurface assessments involve the use of equipment which either emits or controls air pollution, South Coast AQMD staff should be consulted in advance to determine whether or not any permits or plans are required to be filed and approved by South Coast AQMD prior to the operation of such equipment, and to identify if any other South Coast AQMD Rules, such as Rule 431.2 –

⁸ 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>.

⁹ South Coast AQMD. Rule 1466 – control of Particulate Emissions from Soils with Toxic Air Contaminants. Accessed at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>.

Sulfur Content of Liquid Fuels¹⁰ and Rule 1110.2 – Emissions from Gaseous and Liquid-Fueled Engines¹¹ will be applicable to the Proposed Project and discussed in the Final MND.

5. Operation of portable engines and portable equipment units of 50 brake horsepower or greater (> 50bhp) that emit particulate matter requires a permit from South Coast AQMD or registration under the Portable Equipment Registration Program (PERP) through the California Air Resources Board (CARB)¹². The Lead Agency should consult with South Coast AQMD's Engineering and Permitting staff to determine if there is any diesel-powered equipment during implementation that will require a South Coast AQMD permit or if the equipment will need to be registered under the PERP through CARB. If a permit from South Coast AQMD is required, South Coast AQMD is a Responsible Agency for the Proposed Project and should be identified in the Final MND. Any assumptions used in the Air Quality Analysis in the Final MND will be used as the basis for permit conditions and limits for the Proposed Project. Should there be any questions on permits, please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>. For more information on the PERP Program, please contact CARB at (916) 324-5869 or visit CARB's webpage at: <https://ww2.arb.ca.gov/our-work/programs/portable-equipment-registration-program-perp>.

¹⁰ South Coast AQMD. Rule 431.2 – Sulfur Content of Liquid Fuels. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-431-2.pdf>.

¹¹ South Coast AQMD. Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1110-2.pdf>.

¹² South Coast AQMD. *Portable Equipment Registration Program (PERP)*. Accessed at: <http://www.aqmd.gov/home/permits/equipment-registration/perp>.