



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 Norton Science and Language Academy 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 MND.

South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to construct 121,633 square feet of new school facilities, which include 107,069 square feet¹ of news buildings to accommodate a total of 1,720 students². A portion of the Proposed Project will be operated by the San Bernardino County Public School District and the other portion will be operated by an independent charter school authorized by the Apple Valley Unified School District on 18 acres (Proposed Project). The Proposed Project is located on the northwest corner of East Valley Street and South Waterman Avenue in the City of San Bernardino. Upon review of Exhibit 2: *Local Vicinity Map* in the MND and aerial photographs, South Coast AQMD staff found that the Proposed Project is located within 100 feet of an existing warehouse/distribution facility³. Construction of the Proposed Project is anticipated to occur over 13 months and will be operational by 2021⁴.

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 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 regional construction and operational air quality impacts would be less than significant⁵. No air quality mitigation measures were proposed. The Lead Agency has also included in the MND⁶ a discussion on South Coast AQMD Rule 403 – Fugitive Dust⁷.

South Coast AQMD Staff's General Comments

According to the Project Description in the main body of the MND, the Proposed Project would involve construction and operation of 121,633 square feet of new school facilities, including 107,069 square feet for new buildings. However, the Lead Agency quantified the Proposed Project's construction emissions based on 78,789 square feet of new buildings in CalEEMod, which has likely underestimated the Proposed Project's air quality impacts. Additionally, due to the Proposed Project's close proximity to an

¹ MND. Table 4. Page 14.

² *Ibid.* Page 7.

³ MND. Section 2.0 Project Information. "Exhibit 2: Local Vicinity Map." PDF Page 26.

⁴ MND. Appendix A: Air Quality and Greenhouse Gas Data. CalEEMod Output File. Summer Run. "NSLA San Bernardino: 1.0 Project Characteristics". PDF Page 2.

⁵ *Ibid.* Section 3 Air Quality. Pages 56 through 62.

⁶ *Ibid.* Page 58.

⁷ South Coast AQMD. Rule 403 – Fugitive Dust. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf>.

existing warehouse/distribution facility, which will generate or attract the use of diesel-fueled, heavy-duty trucks during operation, South Coast AQMD staff recommends that the Lead Agency perform a mobile source Health Risk Assessment (HRA) analysis in the Final MND to disclose potential health risks to children who will attend school at the Proposed Project and facility staff who will work at the Proposed Project. Please see the attachment for more information. The attachment also includes a list of strategies that are capable of reducing exposures to diesel particulate matter (DPM) from trucks visiting the nearby warehouse/distribution facility, as well as CEQA's consultation requirements for school facilities.

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, responses 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 Alina Mullins, Assistant Air Quality Specialist, at amullins@aqmd.gov or (909) 396-2402, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment
LS:AM
SBC191126-02
Control Number

ATTACHMENT

Air Quality Analysis

1. In the main body of MND, the Lead Agency stated that the Proposed Project would include the construction and operation of 121,633 square feet of new school facilities, including 107,069 square feet of new buildings⁸. However, upon a review of the CalEEMod output files, South Coast AQMD staff found that the Lead Agency quantified the Proposed Project’s air quality impacts based on 78,789 square feet of new buildings in CalEEMod. As such, it appears to South Coast AQMD staff that 28,280 square feet of the Proposed Project was not accounted for when calculating the Proposed Project’s construction and operational emissions (See Table 1). This has likely underestimated the Proposed Project’s air quality impacts from construction and operational activities. Therefore, South Coast AQMD staff recommends that the Lead Agency recalculate the Proposed Project’s emissions from construction and operation of 121,633 square feet of new school facilities, including 107,069 square feet of new buildings in the Final MND.

Table 1: South Coast AQMD Staff’s Comparison of Total Building Square Footage between the Proposed Project in the Main Body of the MND and CalEEMod¹

Land Use / Building Type	Total Building Square Footage in the Main Body of the MND	Total Building Square Footage in CalEEMod
Head Start/Preschool	17,179 square-foot building and; 14,564 square-foot play area	15,000 square feet
Kindergarten	6,610 square feet	*Information does not appear to be specified
Elementary School (Grades 1-5)	25,073	26,936 square feet
Middle School and High School (6-12)	26,120 square feet	36,853 square feet
Administration, Multi-Purpose, Gym, Media/Science Facilities	32,087 square feet	*Information does not appear to be specified
Parking Lot	*Information not specified	270,920 square feet
City Park	*Information not specified	10.03 acres
Total	107,069 square feet	78,789 square feet
Difference		28,280 square feet

Source: South Coast AQMD staff. December 17, 2019.

Notes: 1. The table was generated by South Coast AQMD staff based on the information from the Norton Science and Language Academy MND and; Appendix A *Air Quality and Greenhouse Gas Data*.

Health Risk Assessment (HRA) from Sources of Air Pollution

2. Notwithstanding the court rulings, South Coast AQMD staff recognizes that the Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of South Coast AQMD’s concern about the potential public health impacts of siting sensitive populations within a close proximity to major sources of air pollution, such as warehouse/distribution facilities, South Coast AQMD staff recommends that the Lead Agency review and consider the following comments when making local planning and land use decisions.

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. As stated above, the Proposed Project will include, construction and operation of school facilities with 1,720 students. Based on a review of Exhibit 2:

⁸ MND. Table 4. Page 14.

Local Vicinity Map and aerial photographs, South Coast AQMD staff found that the Proposed Project is located within 100 feet of a warehouse/distribution facility, which may attract or generate diesel-fueled, heavy-duty truck trips during operations. Students and faculty/staff attending school and working at the Proposed Project would be exposed to DPM from the transportation and idling of these truck visiting the warehouse/distribution facility. DPM is a toxic air contaminant (TAC) and a carcinogen. Therefore, South Coast AQMD staff recommends that the Lead Agency perform a mobile source HRA⁹ to disclose potential health risks to future students and faculty/staff attending school or working at the Proposed Project in the Final MND¹⁰. This will facilitate the purpose and goal of CEQA on public disclosure and enable decision-makers with meaningful information to make an informed decision on project approval. This will also foster informed public participation by providing the public with information that is needed to understand health risks from attending school or working in close proximity to a warehouse.

Guidance Regarding Siting New Sensitive Land Uses Near Sources of Air Pollution

3. To facilitate stronger collaboration between Lead Agencies and the South Coast AQMD to reduce community exposure to source-specific and cumulative air pollution impacts, South Coast AQMD adopted the *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* in 2005¹¹. This Guidance document provides suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. In addition, guidance on siting incompatible land uses (such as placing schools near warehouse/distribution centers) can be found in the California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective* (Handbook)¹². In the Handbook, CARB recommends avoiding siting new sensitive land uses such as the Proposed Project within 1,000 feet of a distribution center that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week¹³. CARB also recommends that the configuration of existing distribution centers should be consideration to avoid locating new sensitive land uses such as the Proposed Project near entry and exit points¹⁴. Therefore, South Coast AQMD staff recommends that the Lead Agency review these guidance documents when making local planning and land use decisions.

Health Risk Reduction Strategies

4. Many strategies are available to reduce exposure, including, but not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Enhanced filtration units are capable of reducing exposures. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.

⁹ 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>.

¹⁰ South Coast AQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When South Coast AQMD acts as the Lead Agency, South Coast AQMD 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.

¹¹ South Coast AQMD. May 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Accessed at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

¹² California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*. Accessed at: <http://www.arb.ca.gov/ch/handbook.pdf>.

¹³ *Ibid.* Table 1-1. Page 4.

¹⁴ *Ibid.*

Enhanced filtration units have limitations. In a study that South Coast AQMD conducted to investigate filters¹⁵, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the building tenants. It is typically assumed that the filters operate 100 percent of the time while sensitive receptors are indoors, and the environmental analysis does not generally account for the times when sensitive receptors have windows or doors open or are in common space areas of a 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 parents, students who will attend school, and faculty/staff prior to assuming that they will sufficiently alleviate exposures to TACs including DPM emissions.

Because of the limitations, to ensure that enhanced filters are enforceable throughout the lifetime of the Proposed Project and effective in reducing exposures to DPM emissions, South Coast AQMD staff recommends that the Lead Agency make the installation of enhanced filtration units a project design feature, mitigation measure, or condition of approval, and provide additional details regarding the ongoing, regular inspection, maintenance, and monitoring of filters in the Final MND. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit. To facilitate a good-faith effort at full disclosure and provide useful information to prospective parents, students, and faculty/staff, at a minimum, the Final MND should include the following information:

- a) Disclose potential health impacts to prospective parents, students, and faculty/staff from attending school or working in close proximity to warehouses and the reduced effectiveness of air filtration systems when windows are open and/or when sensitive receptors are outdoors (e.g., in outdoor playgrounds and common usable open space areas);
- b) Identify the responsible implementing and enforcement agency, such as the Lead Agency, to ensure that enhanced filtration units are installed on-site at the Proposed Project before a permit of occupancy is issued;
- c) Identify the responsible implementing and enforcement agency such as the Lead Agency, to ensure that enhanced filtration units are inspected and maintained regularly;
- d) Disclose the potential increase in energy costs for running the HVAC system to the building owner/operator(s);
- e) Provide information to the building owner/operator of the Proposed Project on where MERV filters can be purchased;
- f) Provide recommended schedules (e.g., every year or every six months) for replacing the enhanced filtration units;
- g) Identify the responsible entity (e.g. the building owner/operator, the applicable school district, or self-appointed board) for ensuring enhanced filtration units are replaced on time, if appropriate and feasible. If the building owner/operator, applicable school district, or self-appointed board is

¹⁵ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by South Coast AQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.

responsible for the periodic and regular purchase and replacement of the enhanced filtration units, the Lead Agency should include this information in the disclosure form;

- h) Identify, provide, and disclose ongoing cost-sharing strategies, if any, for replacing the enhanced filtration units;
- i) Set City-wide, school district-wide, or project-specific criteria for assessing progress in installing and replacing the enhanced filtration units; and
- j) Develop a City-wide, school district-wide, or project-specific process for evaluating the effectiveness of the enhanced filtration units.

CEQA Consultation Requirements for School Facilities

5. The California Public Resources Code 21151.8 and CEQA Guidelines Section 15186 establish special consultation requirements for new school facilities, which are meant to ensure that lead agencies consult with other agencies, such as the local air district, in order to carefully examine and disclose the potential health impacts that may result from siting a school within one-fourth mile of facilities that may reasonably be anticipated to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. Since the Proposed Project involves construction and operation of new school facilities, the Proposed Project is subject to the consultation requirements. South Coast AQMD staff recommends that the Lead Agency review the respective CEQA Guidelines sections and meet the appropriate CEQA requirements, if applicable. For a search of South Coast AQMD permitted facilities pursuant to California Public Resources Code Section 21151.8 and CEQA Guidelines Section 15186, please fill out the “Grid Search Request Form” that is available at: <http://www.aqmd.gov/docs/default-source/aqmd-forms/Permit/ab3205-request-form.pdf>.