



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 Newport Crossings Mixed-Use Project (SCH No.: 2017101067)

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 EIR.

SCAQMD Staff's Summary of Project Description

The Lead Agency is proposing to demolish 58,277 square feet of the existing structures for the construction of a mixed-use development consisting of 350 residential units, a 2,000-square-foot restaurant, and 5,500 square feet of retail uses on 5.69 acres (Proposed Project). The Proposed Project is located on the southeast corner of Corinthian Way and Scott Drive. Construction of the Proposed Project is expected to occur over approximately 38 months, beginning in December 2019¹.

SCAQMD Staff's Summary of 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 SCAQMD's regional and localized air quality CEQA significance thresholds. The Proposed Project would result in a daily maximum of 217 pounds per day (lbs/day) of NO_x emissions during construction, which would exceed SCAQMD's regional air quality CEQA significance threshold of 100 lbs/day for NO_x. After the implementation of mitigation measures (MM) AQ-1 through MM AQ-3, construction-related NO_x emissions would be mitigated to be less than significant². MM AQ-1 would limit the hauling of soil to a maximum 269 trucks per day and restrict overlapping between rough grading and associated soil hauling activities and other construction activities³. MM AQ-2 would limit the hauling of building demolition debris to a maximum 47 trucks per day and restrict overlapping between demolition and associated debris hauling activities and other construction activities such as rough grading and site preparation⁴. MM AQ-3 would require that construction equipment meet or exceed the U.S. EPA Tier 3 emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower⁵.

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)⁶, 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

¹ DEIR. Page 5.2-21.

² DEIR. Table 5.2-12. Pages 5.2-34 and 35.

³ DEIR. Page 5.2-32.

⁴ *Ibid.*

⁵ *Ibid.* Pages 5.2-32 and 33.

⁶ 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>.

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

As described in the 2016 AQMP, achieving 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 attaining the ozone NAAQS as expeditiously as practicable. While construction-related NOx emissions were mitigated to be less than significant with the implementation of MM AQ-1 through MM AQ-3, to further reduce NOx emissions during construction, SCAQMD staff recommends that the Lead Agency incorporate changes to MM AQ-3 and include additional mitigation measures in the Final EIR. Details are provided in the attachment.

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), SCAQMD staff requests that the Lead Agency provide SCAQMD 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 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 Robert Dalbeck, Assistant Air Quality Specialist, at rdalbeck@aqmd.gov or (909) 396-2139, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J. D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS:RD

ORC181205-10

Control Number

ATTACHMENTAir Quality Analysis*Overlapping Construction and Operation Scenario*

1. According to the Draft EIR⁷, construction of the Proposed Project would occur over 38 months beginning in December 2019 and be completed by the end of January 2023. However, based on a review of the CalEEMod output file, SCAQMD staff found that the Proposed Project would be operational in 2022⁸. Therefore, it is recommended that the Lead Agency clarify in the Final EIR if any of the construction activities would overlap with operation. In the event that there is an overlapping construction and operation scenario, SCAQMD staff recommends that the Lead Agency identify the overlapping phases, combine construction emissions with operational emissions, and compare the combined emissions to SCAQMD's regional and localized air quality CEQA significance thresholds for *operation* to determine the level of significance in the Final EIR. Should the Lead Agency, after revising the Air Quality Analysis, find that the Proposed Project's air quality impacts would be significant, the Lead Agency is required to consider feasible mitigation measures and determine if new mitigation measures would be warranted in addition to the existing Mitigation Measure (MM) AQ-1 through MM AQ-3.

Mitigation Measures*Recommended Changes to Existing MM AQ-3*

2. While the Proposed Project's NOx emissions during construction (i.e., approximately 217 lbs/day) were mitigated to be less than significant with the implementation of MM AQ-1 through MM AQ-3, to further reduce NOx emissions during construction, SCAQMD recommends that the Lead Agency incorporate the following changes to MM AQ-3 and include additional mitigation measures in the Final EIR.

AQ-3 Construction contractors shall, at minimum, use equipment that meets the EPA's Tier ~~3~~ 4 emissions standards for off-road diesel-powered construction equipment ~~with more than of 50 horsepower or greater, for all building and asphalt demolition, building and asphalt demolition debris hauling, rough grading, and rough grading soil hauling activities~~ phases of construction activity, unless it can be demonstrated to the City of Newport Beach Building Division with substantial evidence that such equipment is not available. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by Tier ~~3~~ 4 emissions standards for a similarly sized engine, as defined by the California Air Resources Board's regulations. 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 SCAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment.

To ensure that Tier 4 construction equipment or better will be used during the Proposed Project's construction, SCAQMD staff recommends that the Lead Agency include this requirement in applicable bid documents, purchase orders, and contracts. The Lead Agency should also require periodic reporting and provision of written construction documents by construction contractor(s), and conduct regular inspections to the maximum extent feasible to ensure and enforce compliance.

⁷ DEIR. Page 5.2-31.

⁸ DEIR. Appendix B, *Air Quality and Greenhouse Gas Modeling*.

Additional Recommended Mitigation Measures

3. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. SCAQMD staff recommends that the Lead Agency incorporate the following mitigation measures in the Final EIR.
 - Require zero-emissions or near-zero emission on-road haul trucks such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NO_x emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. At a minimum, require that construction vendors, contractors, and/or haul truck operators commit to using 2010 model year trucks (e.g., material delivery trucks and soil import/export) that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NO_x emissions or newer, cleaner trucks. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards. The Lead Agency should include this requirement in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards, and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure and enforce compliance.
 - Suspend all on-site construction activities when wind speeds (as instantaneous gusts) exceed 25 miles per hour.
 - All trucks hauling dirt, sand, soil or other loose materials are to be covered, or should maintain at least two feet of freeboard in accordance with California Vehicle Code Section 23114 (freeboard means vertical space between the top of the load and top of the trailer).
 - Enter into applicable bid documents, purchase orders, and contracts to notify all construction vendors, contractors, and/or haul truck operators that vehicle and construction equipment idling time will be limited to no longer than five minutes, consistent with the California Air Resources Board's policy⁹. For any idling that is expected to take longer than five minutes, the engine should be shut off. Notify construction vendors, contractors, and/or haul truck operators of these idling requirements at the time that the purchase order is issued and again when vehicles enter the Proposed Project site. To further ensure that drivers understand the vehicle idling requirement, post signs at the Proposed Project entry gate and throughout the Proposed Project site, where appropriate, stating that idling longer than five minutes is not permitted.

⁹ California Air Resources Board. June 2009. *Written Idling Policy Guidelines*. Accessed at: <https://www.arb.ca.gov/msprog/ordiesel/guidance/writtenidlingguide.pdf>.