



# 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 Monterey Park Focused General Plan Update (SCH No.: 2001011074)**

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 update the City of Monterey Park (City) General Plan Land Use Element to remove growth control zoning and create land use policies to attract economic and housing development (Proposed Project). The Proposed Project encompasses 4,270 acres of the City of Monterey Park, which is bounded by Interstate 10 to the north, the City of Rosemead to the east, State Route 60 to the south, and Interstate 710 to the west. The Proposed Project anticipates a net growth of 3,816 residential units and 1,264,092 square feet of non-residential uses throughout the planning horizon year of 2040<sup>1</sup>.

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

Although the Proposed Project would not directly result in construction of any development or infrastructure, future development implementing the Proposed Project could result in potentially significant air quality impacts. Therefore, 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.

The Lead Agency quantified construction emissions based on the assumption that a maximum of 10 percent of the Proposed Project's anticipated net growth could be under construction in any given year<sup>2</sup>. The Lead Agency found that the Proposed Project's construction emissions would exceed South Coast AQMD's regional construction air quality CEQA significance threshold for VOCs at 140 pounds per day (lbs/day), while all other unmitigated regional and localized emissions would be less than significant<sup>3</sup>. With the implementation of Mitigation Measure (MM) AQ-2A, which requires use of coatings that meet 10 grams of VOC per liter, regional VOC emissions would be reduced to below the level of significance at 25 lbs/day<sup>4</sup>.

The Lead Agency also found the Proposed Project's net operational emissions in 2040 by quantifying the operations of the existing land uses under 2040 growth conditions compared to the operations of the Proposed Project's land uses under 2040 growth conditions<sup>5</sup>. Based on the analysis, the Lead Agency

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<sup>1</sup> Draft EIR. Section 3 Project Description. Table 3-4 Growth Projections, 2019 - 2040. Page 3-21.

<sup>2</sup> *Ibid.* Section 4.3 Air Quality. Page 4.3-23 through 4.3-27.

<sup>3</sup> *Ibid.* Pages 4.3-25 through 4.3-26.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.* Pages 4.3-27 through 4.3-31.

found that the Proposed Project's unmitigated regional operational emissions would exceed South Coast AQMD's regional operational air quality CEQA significance threshold for NO<sub>x</sub> at 119 lbs/day, while all other unmitigated regional and localized emissions would be less than significant<sup>6</sup>. With the implementation of MMs AQ-2B through AQ-2D, the Proposed Project's NO<sub>x</sub> emissions would remain significant and unavoidable at 119 lbs/day<sup>7</sup>. MMs AQ-2B through AQ-2D require, among others, implementation of the Residential and Non-Residential Voluntary Measures from the CalGreen Code and a travel demand management program for commercial and industrial projects greater than 25,000 square feet<sup>8</sup>. Additionally, the Lead Agency discussed South Coast AQMD rules that may be applicable to the Proposed Project, such as Rule 403 – Fugitive Dust, which includes additional requirements for large operations<sup>9</sup>, and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities<sup>10</sup>.

#### South Coast AQMD Staff's General Comments

South Coast AQMD staff has comments on the Air Quality Analysis. Construction and operational activities implementing the Proposed Project may overlap over the 20-year implementation period. Therefore, the Lead Agency should evaluate a development scenario with overlapping construction and operational activities. Additionally, to support the implementation of the Lead Agency's General Plan Update Policies 4.3 through 4.5, South Coast AQMD staff recommends that the Lead Agency include a requirement in this programmatic CEQA document for individual, freeway adjacent projects with sensitive receptors, such as residential developments, to conduct a project-specific health risk assessment (HRA) analysis in subsequent, project-level CEQA analyses to disclose potential health risks and implement health risk reduction strategies. Furthermore, since the Proposed Project will be implemented over a period of 20 years, South Coast AQMD staff recommends adopting a new mitigation measure requiring periodic, performance standards-based technology review. Please see the attachment for more information.

#### 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 additional new mitigation measure is 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. Please contact Alina Mullins, Assistant Air Quality Specialist, at [amullins@aqmd.gov](mailto:amullins@aqmd.gov) or (909) 396-2402, should you have any questions.

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<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.* Pages 4.3-31 through 4.3-33.

<sup>9</sup> South Coast AQMD Rule 403 – Fugitive Dust. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf>.

<sup>10</sup> South Coast AQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf>.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS:AM

LAC190611-03

Control Number

## ATTACHMENT

### **Air Quality Analysis – Overlapping Construction and Operational Impacts**

1. 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, South Coast AQMD 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 over a period of 20 years, an overlapping construction and operation scenario may be reasonably foreseeable, unless the Proposed Project includes requirement(s) that will prohibit overlapping construction and operational activities. To conservatively analyze a worst-case impact scenario that is reasonably foreseeable at the time the Draft EIR is prepared, South Coast AQMD 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 from the overlapping years, and compare the combined emissions to South Coast AQMD's air quality CEQA *operational* thresholds of significance to determine the level of significance in the Final EIR.

### **Health Risk Assessment (HRA) Analysis and Risk Reduction Strategies**

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 land uses, such as residential uses, within close proximity of freeways, South Coast AQMD staff recommends that the Lead Agency review and consider the following comments when making local planning and land use decisions.

The Lead Agency is committed to General Plan Update Policies 4.3 through 4.5<sup>11</sup>, which encourage new development that reduces disproportionate and compounding community health risks, integrates greening buffers in neighborhoods adjacent to nearby freeways, and ensures the long-term sustainability of the City's air quality and resident health. Additionally in the Draft EIR, the Lead Agency discussed the County of Los Angeles Department of Public Health's *Air Quality Recommendations for Local Jurisdictions*<sup>12</sup> and the California Air Resources Board's *Air Quality and Land Use Handbook*<sup>13</sup>, both of which recommend a buffer of at least 500 feet between freeways and sensitive land uses.

To facilitate the implementation of the General Plan Policies 4.3 through 4.5, and to be consistent with the existing state and regional recommendations, South Coast AQMD staff recommends that the Lead Agency require individual, freeway adjacent (e.g. within 500 feet) projects that will include sensitive receptors (e.g. residential developments, schools, daycares, hospitals, etc.) to conduct a project-specific health risk assessment (HRA) analysis<sup>14</sup> in subsequent, project-level CEQA analyses to disclose the potential health risks to sensitive receptors living and/or working adjacent to

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<sup>11</sup> Draft Monterey Park Land Use and Urban Design Element. Page 41.

<sup>12</sup> Los Angeles Department of Public Health *Air Quality Recommendations for Local Jurisdictions*. Accessed at: <http://www.publichealth.lacounty.gov/eh/docs/AQinFreeways.pdf>.

<sup>13</sup> California Air Resources Board *Air Quality and Land Use Handbook: A Community Health Perspective* Accessed at: <https://ww3.arb.ca.gov/ch/handbook.pdf>.

<sup>14</sup> South Coast AQMD. "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>.

freeways<sup>15</sup>. This requirement will demonstrate that the Lead Agency has adequately addressed the Proposed Project's health risks in this programmatic CEQA document and that a project-level HRA analysis will be completed in a later stage to facilitate the purpose and goal of CEQA on public disclosure of health impacts to future sensitive receptors living and/or working adjacent to freeways. Further, the Lead Agency should consider incorporating the following strategies to reduce exposures by people living and/or working near freeways in the Final EIR.

*Health Risk Reduction Strategies for Implementing General Plan Update Policies 4.3 through 4.5*

- a) The Lead Agency should consider the use of high efficiency or enhanced filtration units, such as Minimum Efficiency Reporting Value (MERV) 13 or better in buildings within 500 feet of freeways to ensure the maximum reduction of health risks from exposures to diesel particulate matter (DPM) emissions from vehicles and trucks traveling on the nearby freeways (e.g., Interstate 10, Interstate 710, and State Route 60<sup>16</sup>). South Coast AQMD staff recommends that the Lead Agency require subsequent projects that will include sensitive receptors to install enhanced filtration units as a project design feature that must be verified during occupancy inspection prior to the issuance of an occupancy permit.
- b) Enhanced filtration systems have limitations. In a study that South Coast AQMD conducted to investigate filters<sup>17</sup>, 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 the 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 residences prior to assuming that they will sufficiently alleviate exposures to DPM emissions.
- c) Because of the limitations, South Coast AQMD staff recommends that the Lead Agency provide additional details regarding the ongoing, regular maintenance of filters in the Final EIR. To facilitate a good faith effort at full disclosure and provide useful information to future sensitive receptors who will live and/or work in proximity to freeways, the Lead Agency should require subsequent projects with sensitive receptors living and/or working within 500 feet of freeways to include the following information, at a minimum, in the project-level CEQA documents:
  - Disclosure potential health impacts to prospective sensitive receptors from living and/or working in close proximity to freeways or other sources of air pollution and the reduced effectiveness of air filtration systems when windows are open and/or when sensitive receptors are outdoors (e.g., in the common usable open space areas);

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<sup>15</sup> 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 analysis, 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.

<sup>16</sup> Draft EIR. Chapter 3 - Project Description. Page 3-1.

<sup>17</sup> 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>.

- 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;
- Identify the responsible implementing and enforcement agency such as the Lead Agency, to ensure that enhanced filtration units are inspected and maintained regularly;
- Disclose the potential increase in energy costs for running the HVAC system;
- Provide information to sensitive receptors living and/or working at the Proposed Project on where MERV filters can be purchased;
- Provide recommended schedules (e.g., every year or every six months) for replacing the enhanced filtration units;
- Identify the responsible entity (e.g. future residents, Homeowner’s Associations (HOAs), or property managers) for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if tenants and/or residents should be 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);
- Identify, provide, and disclose ongoing cost-sharing strategies, if any, for replacing the enhanced filtration units;
- Set City-wide or project-specific criteria for assessing progress in installing and replacing the enhanced filtration units; and
- Develop a City-wide or project-specific process for evaluating the effectiveness of the enhanced filtration units.

**Additional Recommended Mitigation Measure – Performance Standards-Based Periodic Technology Review**

3. 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 significant adverse impacts. Since the Proposed Project would be implemented over a 20-year period, the Lead Agency should take this opportunity to incorporate a periodic, technology review of both off-road and on-road construction and operational equipment that will be used during the life of the Proposed Project. South Coast AQMD staff recommends that the Lead Agency develop project-specific or agency-wide strategies to foster and facilitate the deployment of the lowest emissions technologies as they become available. This may include incorporating a periodic, performance standards-based technology review, or developing other comparable strategies or tools, to periodically assess equipment availability, equipment fleet mixtures, and best available emissions control devices. The deployment should include technologies that are “capable of being accomplished in a successful manner within a reasonable period of time” (California Public Resources Code Section 21061.1), such as zero and near-zero emission technologies or best available control technologies (BACTs) that are expected to become more readily available over the life of the Proposed Project. A technology review should also incorporate an appropriate timeline/schedule for the assessment that will also be supportive of emissions reductions goals being implemented at local, regional, state, and federal levels (e.g. South Coast AQMD’s AQMPs and other air quality and public health goals). If the technology review identifies that cleaner equipment and fleets have become available, the Lead

Agency should commit to incorporating this new technology into the Proposed Project to further reduce the Proposed Project's emissions. South Coast AQMD staff encourages the Lead Agency to involve the public and interested parties, such as the South Coast AQMD and the California Air Resources Board, in developing an appropriate process and performance standards for technology review.