



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 Fletcher Jones Audi Automotive Dealership 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 demolish an existing 55,540-square-foot retail building and construct a 68,282-square-foot automotive center on 4.9 acres (Proposed Project). The Proposed Project is located at 1275 Bristol Street near the northwest corner of Bristol Street and Red Hill Avenue within the City of Costa Mesa. Construction of the Proposed Project is anticipated to occur over 14 months, beginning in September 2019 and will be completed by November 2020¹. During construction 1,034 haul trips are anticipated to occur². Due to the historical site usage, the Lead Agency conducted a Phase I Environmental Site Assessment (Phase I ESA) and found that the Proposed Project site may be adversely impacted by previous site usage as a lumber facility³.

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 construction and operational air quality impacts would be less than significant, without the implementation of any air quality mitigation measures⁴. The Lead Agency also included a discussion to demonstrate compliance with South Coast AQMD's Rules applicable to the Proposed Project including, but not limited to, Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities⁵.

South Coast AQMD Staff's Comments

Upon review of Appendix A: *Air Quality and Greenhouse Gas Assessment* South Coast AQMD staff found that the Lead Agency will require a limited Phase II ESA subsurface investigation to determine if the subject property has been adversely impacted by the previous site usage, including the use of at least one 8,000-gallon diesel unground storage tank (UST)⁶. However, it did not appear to South Coast AQMD staff that emissions from the subsurface investigation activities were included in the Air Quality Analysis.

¹ MND. Appendix A: *Air Quality and Greenhouse Gas Assessment*. Page 1.

² MND. Appendix A: *Air Quality and Greenhouse Gas Assessment*. CalEEMod Summer Run, 3.0 Construction Detail, Trips and VMT. PDF Page 85.

³ MND. Appendix C: *Phase I Environmental Site Assessment*. Pages 30 through 31.

⁴ MND. Section 4 Air Quality. Pages 4-1 through 4-17.

⁵ 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>

⁶ MND. Appendix C: *Phase I Environmental Site Assessment*. Pages ii through iii.

Additionally, South Coast AQMD staff found that the Lead Agency quantified the Proposed Project's construction emissions based on the modeling assumptions that Tier 3, Tier 4 Interim, and Tier 4 Final construction equipment will be used⁷. However, the Lead Agency did not require the Proposed Project to use Tier 3, Tier 4 Interim, or Tier 4 Final construction equipment in the MND. To be consistent with the modeling assumptions, and to further reduce the Proposed Project's construction emissions, South Coast AQMD staff recommends that the Lead Agency require the use of Tier 4 Final construction equipment and include this as either a project requirement or mitigation measure in the Final MND. Please see the attachment for more information. The attachment includes a discussion of potentially applicable South Coast AQMD Rules. Additionally, South Coast AQMD staff recommends mitigation measures as resources to further reduce the Proposed Project's construction emissions that the Lead Agency should consider and incorporate in the Final MND.

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. Further, if the Lead Agency makes a finding that additional recommended mitigation measures are not feasible, the Lead Agency should describe the specific reasons for rejecting or substituting these mitigation measures in the Final MND (CEQA Guidelines Section 15074.1).

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
LAC190625-06
Control Number

⁷ MND. Appendix A: *Air Quality and Greenhouse Gas Assessment*. CalEEMod Summer Run, 1.3 User Entered Comments & Non-Default Data. PDF Pages 45 through 48.

ATTACHMENT**Air Quality Analysis**

1. The Air Quality Analysis did not describe soil sampling activities that would be carried as part of a limited Phase II ESA subsurface investigation or quantify associated emissions. For example, a limited Phase II subsurface investigation may include, but is not limited to, drilling equipment. This may have likely led to an under-estimation of the Proposed Project's construction air quality impacts. Although these activities may be short term in nature, CEQA requires that the Lead Agency use its best efforts to disclose all reasonably foreseeable and potentially significant environmental impacts. Therefore, South Coast AQMD staff recommends that the Lead Agency revise the Air Quality Analysis to describe the scope of activities for a limited Phase II subsurface investigation, quantify emissions, and include the emissions in the Proposed Project's construction emissions to be compared to South Coast AQMD's air quality CEQA significance thresholds for construction to determine the level of significance in the Final MND. Alternatively, the Lead Agency should include a new air quality mitigation measure in the Air Quality Section of the Final MND to commit to evaluating the limited Phase II subsurface investigation through CEQA prior to commencing the investigation activities.

Project Requirement or Mitigation Measure – Tier 4 Construction Equipment

2. Upon review of Appendix A: *Air Quality/Greenhouse Gas Modeling Results*, South Coast AQMD staff found that the Lead Agency relied on the full implementation and use of Tier 3, Tier 4 Interim, and Tier 4 Final construction equipment as air quality modeling assumptions⁸ to mitigate the Proposed Project's construction NOx emissions from 113 pounds/day (lbs/day) to 76 lbs/day⁹. However, it did not appear that the Lead Agency included this as a project requirement or mitigation measure in the main body of the MND. To further reduce the Proposed Project's NOx emissions during construction, South Coast AQMD staff recommends that the Lead Agency require the use of Tier 4 Final construction equipment in the Final MND. To ensure that off-road construction equipment used will meet or exceed Tier 4 Final off-road engine emission standards during construction, South Coast AQMD staff recommends that the Lead Agency incorporate the following language as a project requirement or mitigation measure as a condition of approval for the Proposed Project in the Air Quality Section of the Final MND rather than mere modeling assumptions in CalEEMod.

Tier 4 Off-Road Diesel-Powered Construction Equipment and Enforceability

- a. Require the use of off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (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 Filters (DPFs). Level 3 DPFs are capable of achieving at least 85 percent reduction in particulate matter emissions¹⁰. A list of CARB verified DPFs are available on the CARB website¹¹.

⁸ MND. Appendix A: *Air Quality and Greenhouse Gas Assessment*. CalEEMod Summer Run, 1.3 User Entered Comments & Non-Default Data. PDF Pages 45 through 48.

⁹ *Ibid.* 2.1 Overall Construction (Maximum Daily Emissions) Unmitigated Construction and Mitigated Construction. PDF Page 81.

¹⁰ California Air Resources Board. 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.

¹¹ *Ibid.* Page 18.

- b. To ensure that Tier 4 Final construction equipment or better will 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.
- c. 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, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously. If alternative strategies are going to be used to mitigate the Proposed Project's construction emissions, they should be included as project requirements or mitigation measures in the Final MND, rather than mere modeling assumptions or parameters.

South Coast AQMD Rules and Regulations

3. In the Phase 1 ESA, the Lead Agency found that due to the historical site usage, there is evidence of recognized environmental conditions and environmental issues at the Proposed Project. Based on the results of the assessment, the Lead Agency has committed to Hazards and Hazardous Materials Mitigation Measure 1 (HAZ-1), which requires that the Lead Agency conduct a limited Phase II ESA subsurface investigation to determine if the subject property has been adversely impacted by the previous site usage, including the use of at least one 8,000-gallon diesel unground storage tank (UST)¹².

If the subsurface investigation shows any subsequent removal or remedial cleanup measures would be required for the Proposed Project, the Lead Agency should commit to re-evaluating the environmental impacts of the cleanup measures through CEQA prior to commencement of any cleanup measures.

It is important to note that disturbing and excavated soils that may contain petroleum hydrocarbons are subject to the requirements of South Coast AQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil¹³. Since the subsurface investigation is reasonable foreseeable pursuant to HAZ-1, the Lead Agency should include a discussion on South Coast AQMD Rule 1166 in the Air Quality Section of the Final MND. Additionally, the Final MND should discuss how the subsurface investigation will comply with South Coast AQMD Rule 402 – Nuisance¹⁴, in the event that the volatile organic compounds (VOCs) and/or odors are emitted during the investigation.

It is also important to note that if the subsurface investigation involves equipment or operations which either emits or controls air pollution, South Coast AQMD staff should be consulted in advance to

¹² MND. Appendix C: *Phase 1 Environmental Site Assessment*. Pages ii through iii.

¹³ 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>.

¹⁴ South Coast AQMD. Rule 402. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>.

determine whether or not any permits or plans are required to be filed and approved by South Coast AQMD prior to start of the investigation. In the event that a permit from South Coast AQMD will be required, the Lead Agency should identify South Coast AQMD as a Responsible Agency for the Proposed Project in the Final MND. The assumptions in the Air Quality Analysis in the MND will be the basis for permit conditions and limits.

If there is any information in the permitting process suggesting that the Proposed Project would result in significant adverse air quality impacts not analyzed in the Final MND or substantially more severe air quality impacts than those analyzed in the Final MND, the Lead Agency should commit to reevaluating the Proposed Project's air quality impacts through a CEQA process (CEQA Guidelines Section 15162). For more information on permits, please visit 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.