



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 Mill Creek Promenade Specific Plan No. 2016-246 Project (SCH No. 2017111041)

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 construction of 398 residential units, 117,245 square feet of commercial uses, and a 33,171-square-foot business park on 58.5 acres. The Proposed project is located on the southeast corner of Garbani Road and Sherman Road. The Proposed Project is expected to be constructed in two phases over 38 months, with Phase 1 becoming operational in 2020 and Phase 2 becoming operational in 2022¹.

South Coast AQMD 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 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 operational air quality impacts would be significant and unavoidable for NO_x, after the implementation of Mitigation Measures (MMs) 4.4-1 through 4.4-23. MMs 4.4-1 through 4.4-10 are intended to reduce NO_x emissions from vehicle miles traveled (VMT) and include, but are not limited to, building structures that meet or exceed 2016 Title 24, Part 6 of the Building Energy Efficiency Standards and that meet Green Building Code Standards, electric vehicle (EV) charging stations, 10,000 square feet of covered parking with rooftop solar panels, and the preparation of a South Coast AQMD Rule 2202 "On-Road Motor Vehicle Mitigation Plan²." MM 4.4-11 requires the use of architectural coatings limited to 10 grams/liter (g/L) volatile organic compound (VOC) for buildings and 100 g/L VOC for parking lot striping³. MMs 4.4-12 through 4.4-23 are intended to reduce construction-related emissions and include, but are not limited to, compliance with South Coast AQMD Rule 403, idling to five minutes or less, and other dust control measures⁴. The Lead Agency also analyzed a scenario in which operation of Phase 1 and construction of Phase 2 would overlap, combined the construction and operational emissions, compared the combined emissions to South Coast AQMD air quality CEQA significance thresholds for operation, and found that the overlapping scenario would result in significant and unavoidable air quality impacts for NO_x emissions. However, no mitigation measures for construction were proposed, such as those that are capable of reducing NO_x emissions with the use of Tier 4 off-road construction equipment and zero-emission or near-zero emission heavy-duty haul trucks.

¹ Draft EIR. Section 4.4, *Air Quality*. Page 4-38.

² *Ibid.* Page 4-37 and 4-38.

³ *Ibid.* Page 4-43.

⁴ *Ibid.* Page 4-43 through 4.4-45.

South Coast AQMD's 2016 Air Quality Management Plan

On March 3, 2017, South Coast AQMD's Governing Board adopted the 2016 AQMP⁵, which was later approved by the California Air Resources Board (CARB) 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 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.

South Coast AQMD 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. South Coast AQMD is committed to attaining the ozone NAAQS as expeditiously as practicable. The Proposed Project plays an important role in contributing to additional regional NOx emissions during the three-year construction period in the Basin⁶, notably when construction activities from Phase 2 overlap with operational activities from Phase 1. As such, South Coast AQMD staff recommends that the Lead Agency consider and incorporate additional recommended mitigation measures to reduce construction emissions in the Final EIR. 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 recommended mitigation measures are 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 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

RVC190501-10

Control Number

⁵ South Coast AQMD. March 3, 2017. *2016 Air Quality Management Plan*. Accessed at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

⁶ Draft EIR. Section 3.5, *Phasing And Construction*. Page 3-11.

ATTACHMENT**Recommended Mitigation Measures for Construction Air Quality Impacts**

1. The Lead Agency found that the overlapping construction and operational scenario would result in a significant, unavoidable air quality impact for NOx emissions but did not propose any mitigation measures for construction, such as those that are capable of reducing emissions from off-road construction equipment and on-road haul trucks. To assist the identification of feasible mitigation measures to reduce NOx emissions and facilitate the goals and timeline for ozone attainment identified in the 2016 AQMP, South Coast AQMD staff recommends that the Lead Agency incorporate the following mitigation measures in the Final EIR.
 - a. Require construction contractor(s) to use off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and U.S. Environmental Protection Agency (U.S. EPA) Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during construction. Such equipment should be outfitted with Best Available Control Technology (BACT) devices including, but not limited to, a CARB certified Level 3 Diesel Particulate Filters (DPF). Level 3 DPFs are capable of achieving at least an 85 percent reduction in particulate matter emissions. A list of CARB verified DPFs are available on the CARB website. Additionally, the Lead Agency should include this requirement in applicable bid documents, and that successful contractor(s) must demonstrate the ability to supply compliant equipment prior to the commencement of any construction activities. A copy of each unit's certified tier specification and CARB or South Coast AQMD operating permit (if applicable) should be available upon request at the time of mobilization of each applicable unit of equipment. The Lead Agency should require periodic reporting and provision of written documentation by contractors to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance with this mitigation measure. If the Lead Agency finds that Tier 4 construction equipment is not feasible pursuant to CEQA Guidelines Section 15364, the Project representative or contractor must demonstrate through future study with written findings supported by substantial evidence that is reviewed and approved by the Lead Agency before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, Tier 3 construction equipment, 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, and/or limiting the number of individual construction project phases occurring simultaneously, if applicable.
 - b. Require the use of zero-emission or near-zero emission heavy-duty haul trucks during construction, such as trucks with natural gas engines that meet CARB's adopted optional NOx emissions standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that operators of heavy-duty haul trucks visiting the Proposed Project during construction commit to using 2010 model year⁷ or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Include analyses to evaluate and identify sufficient power available for zero emission trucks and supportive infrastructures in the Energy and Utilities and Service Systems Sections of the Final EIR, where appropriate. Require that contractor(s) maintain records of all trucks visiting the Proposed Project and make these records available to the Lead Agency upon request. The records will serve as evidence to prove that each truck called to the Proposed Project during construction meets the minimum 2010 model year engine emission standards. The Lead

⁷ CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulations is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.html>.

Agency should conduct regular inspections of the records to the maximum extent feasible and practicable to ensure compliance with this mitigation measure.

- c. Maintain vehicle and equipment maintenance records for the construction portion of the Proposed Project. All construction vehicles must be maintained in compliance with the manufacturer's recommended maintenance schedule. All maintenance records shall remain on-site for a period of at least two years from completion of construction.
- d. Enter into a contract that notifies all construction vendors and contractors that vehicle idling time will be limited to no longer than five minutes or another time-frame as allowed by the California Code of Regulations, Title 13 section 2485 – CARB's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. For any vehicle that is expected to idle longer than five minutes, each project applicant, project sponsor, or public agency will require the vehicle's operator to shut off the engine. To further ensure that drivers understand the vehicle idling requirement, post signs at the entrance and throughout the site stating that idling longer than five minutes is not permitted. Include this mitigation measure for air quality impacts in the Final EIR.
- e. Encourage construction contractors to apply for South Coast AQMD "SOON" funds. The "SOON" program provides funds to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles. More information on this program can be found at South Coast AQMD's website: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines>.