



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL AND USPS:

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Jdille@fontana.org

Jon Dille, Associate Planner
City of Fontana
Community Development Department, Planning Division
8353 Sierra Avenue
Fontana, California 92335

Mitigated Negative Declaration (MND) for the Proposed Oakmont Live Oak Warehouse Project

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 MND.

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to construct a 240,800-square-foot warehouse on 10.89 acres with unknown tenants (Proposed Project). The Proposed Project is located at 10156 Live Oak Avenue on the southwest corner of Live Oak Avenue and Washington Drive. Based on a review of the MND and aerial photographs, SCAQMD staff found that sensitive receptors are within 92 feet of the Proposed Project¹. Construction is anticipated to begin in November 2018 and the Proposed Project is expected to be operational by October 2019². During operation, 84 truck trip-ends are expected to occur daily³.

SCAQMD Staff's Summary of Air Quality Analyses

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 recommended regional and localized air quality CEQA significance thresholds. Based on the analyses, the Lead Agency found that the Proposed Project's regional and localized construction air quality impacts would be less than significant, after the incorporation of mitigation measures (MM) AQ-1 and MM AQ-2⁴. MM AQ-1 requires the use of "super-compliant" low VOC paints, and MM AQ-2 requires that, during site preparation, construction equipment greater than 150 horsepower meet Tier 3 emission standards⁵. The Lead Agency also found that the Proposed Project's regional and localized operational air quality impacts would be less than significant⁶. Additionally, the Lead Agency prepared a mobile source Health Risk Assessment (HRA) and found that the Proposed Project's air quality impacts would result in an unmitigated Maximum Individual Cancer Risk of 1.55 in one million⁷, which would be below SCAQMD's CEQA significance threshold of 10 in one million for cancer risk⁸.

¹ MND. Air Quality Impact Analysis Report. Page 2.

² *Ibid.* Page 33.

³ *Ibid.* Page 37.

⁴ *Ibid.* Page 35.

⁵ *Ibid.* Page 5.

⁶ *Ibid.* Page 37-39.

⁷ MND. Mobile Source Health Risk Assessment. Page 15.

⁸ SCAQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When SCAQMD acts as the Lead Agency, SCAQMD 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.

SCAQMD's 2016 Air Quality Management Plan

On March 3, 2017, SCAQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP)⁹, 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 (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.

SCAQMD Staff's General Comments

As described in the 2016 AQMP above, 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. To further reduce the Proposed Project's localized construction impacts on nearby sensitive receptors, SCAQMD staff recommends that the Lead Agency revise MM AQ-2 to require the use of Tier 4 construction equipment of 50 horsepower or greater. SCAQMD staff also recommends additional construction and operational mitigation measures, as resources to the Lead Agency, which should be considered for incorporation into the Final MND. Please see the attachment for more information.

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 SCAQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, response 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, when the Lead Agency makes a finding that the additional recommended mitigation measures are not feasible, the Lead Agency should describe the specific reasons for rejecting or substituting it in the Final MND (CEQA Guidelines Section 15074.1).

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 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
SBC190308-03
Control Number

⁹ 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>.

ATTACHMENT

Recommended Changes to Mitigation Measure (MM) AQ-2:

1. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse impacts. SCAQMD staff recommends that the Lead Agency incorporate the following changes to MM AQ-2 in the Final MND to further reduce the Proposed Project's localized construction impacts on nearby sensitive receptors located within 92 feet of the Proposed Project.

MM AQ-2: Tier 4 Construction Equipment

MM AQ-2 During ~~construction the site preparation phase~~, construction equipment greater than ~~150~~ 50 horsepower (\geq 150 50 HP), the Construction Contractor shall use off-road diesel construction equipment that complies with, or exceeds, EPA/CARB ~~Tier 3~~ Tier 4 emissions standards and will ensure that all construction equipment be tuned and maintained in accordance with the manufacturer's specifications. Include the requirement on construction equipment in applicable bid documents, purchase orders, and/or contracts with the Construction Contractor. 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. 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. In the event that construction equipment cannot meet the Tier 4 engine certification, the Construction 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, use of Tier 3 construction equipment of 50 HP or greater, 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.

Additional Recommended Mitigation Measures

2. To further reduce the Proposed Project's construction and operational emissions and associated impacts on nearby sensitive receptors, and to facilitate the goals of the 2016 AQMP, SCAQMD staff recommends that the Lead Agency review and incorporate the following mitigation measures in the Final MND. For more information on potential mitigation measures as guidance to the Lead Agency, please visit SCAQMD's CEQA Air Quality Handbook website¹⁰.
 - a) Maintain vehicle and equipment maintenance records for the construction portion of the Proposed Project. All construction equipment and vehicles must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. All maintenance records for each vehicle and equipment and their construction contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction.
 - b) 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

¹⁰ South Coast Air Quality Management District. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

Code of Regulations, Title 13 section 2485 - CARB's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. For any vehicle delivery that is expected to take longer than five minutes, each project applicant, project sponsor, or public agency will require the vehicle's operator to shut off the engine. Notify the vendors of these idling requirements at the time that the purchase order is issued and again when vehicles enter the gates of the facility. To further ensure that drivers and operators understand the idling requirement, post signs at the entry of the construction site and throughout the Proposed Project site stating that idling longer than five minutes is not permitted.

- c) Encourage construction contractors to apply for SCAQMD "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 NO_x emissions from in-use off-road diesel vehicles. More information on this program can be found at SCAQMD's website: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines>.

Mitigation Measures for Operational Air Quality Impacts from Mobile Sources

- d) Require the use of zero-emission or near-zero emission heavy-duty trucks during operation, such as trucks with natural gas engines that meet CARB's adopted optional NO_x emissions standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that operators of heavy-duty trucks visiting the Proposed Project during operation commit to using 2010 model year 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 NO_x 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 MND, where appropriate.
- e) Provide electric vehicle (EV) charging stations, or at a minimum, require the Proposed Project to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for trucks to plug-in. Electrical hookups should be provided at the onsite truck stop for truckers to plug in any onboard auxiliary equipment. Electrical panels should be appropriately sized to allow for future expanded use. Include analyses to evaluate and identify sufficient power available for zero emission trucks and supportive infrastructures (e.g., EV charging stations) in the Energy and Utilities and Service Systems Sections of the Final MND, where appropriate.
- f) Require trucks to use the truck route that was analyzed in the Health Risk Assessment of the Final MND.
- g) Have truck routes clearly marked with trailblazer signs so that trucks will not enter residential areas.
- h) Limit the daily number of truck trips allowed at the Proposed Project to the level that was analyzed in the Final MND (e.g., 84 truck trip-ends per day). If higher daily truck volumes are anticipated during operation, the Lead Agency should commit to re-evaluating the Proposed Project's air quality impacts through CEQA prior to allowing higher activity levels.
- i) Design the Proposed Project such that entrances and exits are such that trucks are not traversing past neighbors or other sensitive receptors.

- j) Design the Proposed Project such that any check-in point for trucks is well inside the Proposed Project site to ensure that there are no trucks queuing outside of the facility and away from residential or sensitive receptors to the maximum extent that is feasible and practicable.
- k) Design the Proposed Project to ensure that truck traffic within the Proposed Project site is located away from the property line(s) closest to its residential or sensitive receptor neighbors.
- l) Restrict overnight parking in residential areas.
- m) Establish overnight parking within the industrial building where trucks can rest overnight.
- n) Establish area(s) within the Proposed Project site for repair needs.
- o) Develop, adopt and enforce truck routes both in and out of the City, and in and out of facilities.
- p) Provide incentives for employees in order to encourage the use of public transportation or carpooling, such as discounted transit passes or carpool rebates.
- q) Implement a rideshare program for employees and set a goal to achieve a certain participation rate over a period of time.

Mitigation Measures for Operational Air Quality Impacts from Area Sources

- r) Maximize the use of solar energy including solar panels. Installing the maximum possible number of solar energy arrays on the building roofs and/or on the Project site to generate solar energy for the facility.
- s) Require the use of electric landscaping equipment, such as lawn mowers and leaf blowers.
- t) Require use of electric or alternatively fueled sweepers with HEPA filters.
- u) Maximize the planting of trees in landscaping and parking lots.
- v) Use light colored paving and roofing materials.
- w) Utilize only Energy Star heating, cooling, and lighting devices, and appliances.