



South Coast Air Quality Management District

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Mitigated Negative Declaration (MND) for the Proposed Laguna Niguel Wetlands Operations and Maintenance Project

The 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 implement routine vegetation, sediment removal, and flood control maintenance activities at 13 City of Laguna Niguel-owned wetland sites in the Sulphur Creek and Salt Creek Watersheds within Chapparosa Park and Crown Valley Regional Park (Proposed Project). Maintenance activities would include, among others, removal of herbaceous vegetation and accumulated sediment around outfalls, risers, culverts, and bridge crossings. Based on Figure 2-2 and wetland sites-specific figures in the MND, South Coast AQMD staff found that existing residential uses are located in close proximity to the wetlands where maintenance activities would take place.

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

The Lead Agency *qualitatively* analyzed the Proposed Project's air quality impacts and found that due to the duration, frequency, number of workers, and amount of equipment required, maintenance activities would be on a smaller scale such that generation of pollutants in excess of regional and localized emissions thresholds is not anticipated¹ (*emphasis added*). South Coast AQMD staff has comments on the Proposed Project's air quality analysis. Please see below for more information.

South Coast AQMD Staff's Comments

Regional and Localized Air Quality Impact Analysis

South Coast AQMD staff recommends that the Lead Agency include *quantitative* estimations of the Proposed Project's operational (regional and localized) emissions as substantial evidence to support a fair argument that the Proposed Project's operational air quality impacts will not be significant (*emphasis added*). One of the basic purposes of CEQA is to inform government decision makers and the public about the potential, significant environmental effects of proposed activities (CEQA Guidelines Section 15002(a)(1)). A mitigated negative declaration is appropriate when the Lead Agency finds that the project will not have a significant effect on the environment after incorporating mitigation measures (CEQA Guidelines Sections 15070 to 15075). Reasons to support this finding shall be documented in the initial study. Evaluation of air quality impacts, unlike some other impact areas, easily lends itself to quantification. Not only does quantification make it easier for the public and decision-makers to understand the breadth and depth of the potential air quality impacts, but it also facilitates the

¹ MND. Page 3-12.

identification of mitigation measures, if required, to reduce any significant adverse air quality impacts. Without quantifying emissions from the Proposed Project's operational activities, the MND has not made the documentation which serves as substantial evidence to support a fair argument that the Proposed Project would not have any adverse effects on air quality. Therefore, South Coast AQMD staff recommends that the Lead Agency quantify and disclose the Proposed Project's air quality impacts (regional and localized operational air quality impacts) in the Final MND.

Air quality impacts from implementing the Proposed Project's operations and maintenance activities should be calculated. Emissions typically include, but are not limited to, those from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips during vegetation and sediment removal activates). South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions from the Proposed Project's operations and maintenance activities and anticipated equipment and compare the results to South Coast AQMD's CEQA regional pollutant emissions significance thresholds for construction² to determine air quality impacts.

As stated above, the Proposed Project's operations and maintenance activities will take place in close proximity to sensitive receptors (e.g., residential uses). Therefore, South Coast AQMD staff recommends that the Lead Agency quantify the Proposed Project's localized emissions and disclose the localized air quality impacts in the Final MND to ensure that any nearby sensitive receptors are not adversely affected by the vegetation and sediment removal activities and operation of diesel equipment that are occurring in close proximity. South Coast AQMD guidance for performing a localized air quality analysis is available on South Coast AQMD website³.

Mitigation Measures

In the event that the Lead Agency finds, after the analysis, that emissions from the Proposed Project's operations and maintenance activities would exceed South Coast AQMD's air quality CEQA daily significance thresholds, feasible mitigation measures to minimize these impacts are required. Several resources are available to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project, including:

- Chapter 11 of South Coast AQMD's CEQA Air Quality Handbook.
- South Coast AQMD's CEQA web pages available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>.
- South Coast AQMD's Mitigation Monitoring and Reporting Plan (MMRP) for the 2016 Air Quality Management Plan (2016 AQMP) available here (starting on page 86): <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf>.

For more information on potential mitigation measures as guidance to the Lead Agency, please visit South Coast AQMD's CEQA Air Quality Handbook website⁴.

²South Coast AQMD. South Coast AQMD Air Quality Significance Thresholds. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

³South Coast AQMD. Localized Significance Thresholds. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

⁴ South Coast AQMD. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

South Coast AQMD Permits and Responsible Agency

The Proposed Project includes the use of diesel-powered equipment⁵. It is important to note that generally, operation of portable engines and portable equipment units of 50 horsepower or greater that emit particulate matter require a permit from South Coast AQMD or registration with the Portable Equipment Registration Program (PERP) through the California Air Resources Board (CARB)⁶. The Lead Agency should consult with South Coast AQMD's Engineering and Permitting staff to determine if operation of diesel-powered equipment for the Proposed Project will require a South Coast AQMD permit or if the equipment will need to be registered under the PERP through CARB⁷. If an air permit from South Coast AQMD is required, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Final MND. Any assumptions used in the Air Quality Analysis in the Final MND will be used as the basis for permit conditions and limits for the Proposed Project. Should there be any questions on permits, please contact the South Coast AQMD's Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>. For more information on the PERP Program, please contact CARB at (916) 324-5869 or visit CARB's webpage at: <https://ww2.arb.ca.gov/our-work/programs/portable-equipment-registration-program-perp>.

Closing

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, 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.

South Coast AQMD staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact me at lsun@aqmd.gov if you have any questions regarding the enclosed comments.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

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⁵MND. Page 3-12.

⁶South Coast AQMD. Portable Equipment Registration Program (PERP). Accessed at: <http://www.aqmd.gov/home/permits/equipment-registration/perp>.

⁷Ibid.