



South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

May 23, 2019

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Draft Program Environmental Impact Report (EIR) for the Proposed West Valley Water Reclamation Program

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 Program EIR.

South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to build 61,836 linear feet of pipelines and water reclamation facility (Proposed Project). Construction of the Proposed Project is expected to last approximately 18 months¹.

Responsible Agency, South Coast AQMD Permits, and Rules

Operation of the Proposed Project, including equipment and stand-by emergency generator², will require permits from South Coast AQMD. South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Final Program EIR (CEQA Guidelines Section 15381). The Lead Agency discussed South Coast AQMD Rule 1113 (Architectural Coatings), Rule 431.2 (Low Sulfur Fuel), Rule 403 (Fugitive Dust), and Rule 1186 / 1186.1 (Street Sweepers) in the Draft Program EIR³. Since the Lead Agency has already begun the consultations with South Coast AQMD to ensure applicable regulations are satisfied⁴, it is recommended that the Lead Agency consult with South Coast AQMD's Engineering and Permitting staff to determine if operation of the Proposed Project would be subject to any additional South Coast AQMD rules, and if so, discuss them in the Final Program EIR. It is important to note that the assumptions in the air quality analysis in the Final Program EIR will be used as 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 Program EIR or substantially more severe air quality impacts than those analyzed in the Final Program EIR, the Lead Agency should commit to re-evaluating the Proposed Project's air quality impacts through a CEQA process (CEQA Guidelines Section 15162).

Odor control is needed for the Proposed Project⁵. Odor management methods include, but not limited to, utilizing the misting systems and odor neutralizers or other additives. Odor neutralizers⁶ or other additives may contain VOCs and toxic compounds. If using these products are reasonably foreseeable odors management methods for the Proposed Project, and to facilitate a good-faith effort at full disclosure

¹ Draft Program EIR. Page 3-18.

² *Ibid.* Page 1-2.

³ *Ibid.* Page 4-41.

⁴ *Ibid.* Page 3-7.

⁵ *Ibid.* Pages 3-3 and 3-7.

⁶ The odor neutralizing products used in the odor misting system should have no adverse environmental impacts. The formulations should be free of toxic compounds, VOC, and fragrance. Many products available in the market attempt to mask odors with fragrances, which can also result in odor complaints.

during the CEQA process (CEQA Guidelines Section 15003(i)), the Lead Agency should calculate emissions and include them in the Proposed Project's operational emissions in the Final Program EIR. Questions on odor management methods can be directed to the South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

Recommended Changes to Mitigation Measure 4.4-2

The Lead Agency is committed to establishing a preference for contractors using Tier 3 or better rated heavy equipment⁷. To further reduce construction emissions from implementation of Phase 1 as well as emissions from implementation of future phases, Tier 4 or better construction equipment rated at 50 horsepower or greater is recommended. To ensure that Tier 4 or better construction equipment will be used for Phase 1 and future phases, South Coast AQMD staff recommends that the Lead Agency establish a requirement rather than a preference since preference is not enforceable, committing, or legally binding (*emphasis*). South Coast AQMD staff's recommended changes to Mitigation Measure 4.4.2 are shown in strikethrough and underline as follows.

4.4-2 Exhaust Emissions Control

- *Utilize well-tuned off-road construction equipment.*
- *Establish a ~~preference~~ requirement for contractors using Tier ~~3~~ 4 or better rated heavy equipment rated at 50 horsepower or greater. Include this requirement in applicable bid documents, purchase orders, and contracts with contractors. The requirement should also specify that successful contractors must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction activities. Require that contractors maintain records of all construction equipment used at the Proposed Project and make these records available to the Lead Agency upon request. Alternatively, require periodic reporting and provision of records by contractors to prove and ensure compliance. The records will serve as evidence to prove that each construction equipment used at the Proposed Project meets the Tier 4 off-road emission standards. The Lead Agency should also conduct regular inspections of the records to the maximum extent feasible and practicable to ensure compliance with this mitigation measure.*
- *Enforce 5-minute idling limits for both on-road trucks and off-road equipment.*

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 Program 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 changes to mitigation measure are not feasible, the Lead Agency should describe the specific reasons for rejecting them in the Final Program 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 me at lsun@aqmd.gov, should you have any questions.

⁷ *Ibid.* Page 4-42.

Danny Friend

May 23 2019

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

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