



South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

November 1, 2019

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Mitigated Negative Declaration (MND) for the Proposed Wilmington Apartments (ENV-2018-7330)

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 build a 51,202-square-foot affordable housing project with 56 dwelling units on 56,060 square feet (Proposed Project). Construction is expected to take 10 months¹. During construction, "the [Proposed Project] will involve the grading of approximately 2,750 cubic yards of soil²." The Proposed Project site is currently vacant. It contains seven oil wells that were plugged and abandoned in 1990s, and one of the oil wells will require re-abandonment in accordance with the California Department of Conservation, Division of Oil, Gas and Geothermal Resources ("DOGGR") requirements³. Based on a review of aerial photographs, South Coast AQMD staff found that the Proposed Project is located near railroad tracks.

South Coast AQMD Staff's Summary of the Air Quality and Hazards and Hazardous Materials Analyses

In the Air Quality Analysis Section, the Lead Agency quantified the Proposed Project's construction and operational emissions associated with building 56 dwelling units 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. No air quality mitigation was included⁴.

In the Hazards and Hazardous Materials Section, the Lead Agency included seven mitigation measures MM-1 through MM-7⁵. Specifically, the Lead Agency requires the Applicant to perform exploratory excavation to locate the abandoned wells; abandon any oil wells that are found during the exploratory excavation, which would require additional grading before well abandonment; submit an application for Construction Site Well Review and Notices of Intention for any of the seven potential abandoned oil wells to DOGGR; install a methane mitigation system, a standard de-watering system, and a sub-slab vapor collection and ventilation system; perform a subsurface methane investigation to install three to four gas probes set throughout the Proposed Project site; and place a protection and ventilation cone over the well cap (head) of each oil well that meets current abandonment standards.

¹ MND. Appendix A, *Air Quality and Greenhouse Gas Impact Analysis*. PDF page 4.

² MND. Page 10.

³ *Ibid.* Pages 10 and 22. See also Appendix C, *California Department of Conservation, Division of Oil, Gas and Geothermal Resources ("DOGGR") Construction Site Well Review and Records, September 18, 2019*, and Appendix D, *Memorandum on Proposed and Anticipated Oil Well and Methane Mitigation Measures, August 21, 2019*.

⁴ *Ibid.* Pages 29 to 33. See also Appendix A.

⁵ *Ibid.* Pages 50 and 51.

The Community Emissions Reduction Plan for Wilmington, Carson, West Long Beach Community

The Proposed Project is located within the Wilmington Community that is heavily impacted by air pollution. The Wilmington, Carson, West Long Beach community was identified as an Assembly Bill (AB) 617 community, which requires the South Coast AQMD to work with community and other stakeholders to identify and address community concerns in disadvantaged communities suffering from disproportionate air pollution impacts generated from sources, such as marine ports, heavy-duty diesel trucks, oil drilling and production facilities. Through the AB 617 program, the Wilmington community and South Coast AQMD staff have developed a Community Emissions Reduction Plan (CERP)⁶ that identifies air quality priorities and actions to reduce air pollution in the community.

South Coast AQMD Staff's Comments on the Construction Air Quality Analysis

While the Air Quality Section in the MND quantified the Proposed Project's emissions from constructing 56 dwelling units and associated grading activities, it did not quantify emissions from on-site well abandonment or re-abandonment activities or implementation of Hazards and Hazardous Materials MM-1 through MM-7, which could take place concurrently with construction activities for the residential development. Additionally, well abandonment or re-abandonment activities will likely involve additional on-site grading, equipment, and mobile sources. For example, "some grading may need to be performed before well abandonment to allow access to the wells [...]"⁷. Drilling activities will require the use of drilling equipment⁸. Other heavy-duty equipment may also be required for grading, earth-loading/unloading, and installation of various collection systems. On-road mobile sources such as medium- and/or heavy-duty, diesel fueled trucks to transport the equipment, worker vehicle trips, and material transport trips may also occur. Since the activities identified in Hazards and Hazardous Materials MM-1 through MM-7 are reasonably foreseeable, their emissions should be included in the Air Quality Analysis of the Final MND. The Lead Agency should use its good faith, best efforts to provide information on the scope, types, and duration of the well abandonment or re-abandonment activities, including information on additional truck trips, workers vehicle trips, and equipment that will be required. Therefore, South Coast AQMD staff recommends that the Lead Agency revise the Air Quality Analysis to provide such information, quantify emissions, and include those emissions in the Proposed Project's construction emissions profile 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 subsequent well abandonment or re-abandonment activities through a CEQA process prior to commencing the Proposed Project's construction activities.

If there is any information in the subsequent CEQA process suggesting that the well abandonment or re-abandonment activities, or any other activities identified during the Construction Site Well Review and consultation with DOGGR, would result in new significant adverse air quality impacts not analyzed in the Final MND for the Proposed Project, or substantially more severe air quality impacts than those analyzed in the Final MND for the Proposed Project, the Lead Agency should commit to reevaluating the Proposed Project's air quality impacts through a CEQA process (CEQA Guidelines Section 15162).

South Coast AQMD Rules and Permits

It is important to note that disturbing and excavated soils that may contain hydrocarbons or toxic air contaminants are subject to the requirements of South Coast AQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil⁹, and Rule 1466 – Control of Particulate Emissions

⁶ The Wilmington, Carson, West Long Beach Community Emissions Reduction Plan. Accessed at: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2019/2019-sep6-025c.pdf>.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ 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](http://www.aqmd.gov/docs/default-source/rule%20book/reg-xi/rule-1166.pdf).

from Soils with Toxic Air Contaminants¹⁰. The Lead Agency should include discussions on South Coast AQMD Rules 1166 and 1466 in the Air Quality Section of the Final MND. Additionally, the Final MND should discuss how the well abandonment or re-abandonment activities will comply with South Coast AQMD Rule 402 – Nuisance¹¹, in the event that the volatile organic compounds (VOCs) and/or odors are emitted.

It is also important to note that if the well abandonment or re-abandonment activities involve equipment or operations which either emits or controls air pollution, South Coast AQMD staff should be consulted in advance to determine whether or not any permits or plans are required to be filed and approved by South Coast AQMD prior to start of any of the activities. Generally, operation of portable engines and portable equipment units of 50 brake horsepower or greater that emit particulate matter require a permit from South Coast AQMD or registration under the Portable Equipment Registration Program (PERP) through the California Air Resources Board (CARB)¹². The Lead Agency should consult with South Coast AQMD's Engineering and Permitting staff to determine if there is any diesel-powered equipment during implementation that will require a South Coast AQMD permit or if the equipment will need to be registered under the PERP through CARB. If a 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 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>.

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 the recommended mitigation measure is not feasible, the Lead Agency should describe the specific reasons for rejecting or substituting it 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 me at lsun@aqmd.gov, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS

LAC191023-05
Control Number

¹⁰ South Coast AQMD. Rule 1466 – control of Particulate Emissions from Soils with Toxic Air Contaminants. Accessed at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>.

¹¹ South Coast AQMD. Rule 402 – Nuisance. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>.

¹² South Coast AQMD. *Portable Equipment Registration Program (PERP)*. Accessed at: <http://www.aqmd.gov/home/permits/equipment-registration/perp>.