



South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

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Mitigated Negative Declaration (MND) for the Proposed Dockweiler Residential Project (93-Unit Detached Condominium Subdivision)

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 93 residential units totaling 227,850 square feet on a 19.4-acre vacant site (Proposed Project). Based on a review of Exhibit 2, *Project Location*, in the MND and aerial photographs, South Coast AQMD staff found that the Proposed Project is located immediately west of State Route 14 (SR-14). Construction is expected to take 30 months, and the Proposed Project will be operational by late 2021¹.

South Coast AQMD Staff's Summary of 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 and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analyses, the Lead Agency found that the Proposed Project's construction and operational air quality impacts would be less than significant.

In the Hazards and Hazardous Materials section, the Lead Agency stated that the Proposed Project site was formerly used for oil extraction purposes². Based on a site reconnaissance, four above-ground storage tanks (ASTs), oil pipelines, oil well pads, an oil transmission line, and a paved road were observed³. The Lead Agency reviewed environmental database search results and previous environmental documentation. The Lead Agency also performed a Phase II environmental site assessment and found that there is no vapor encroachment condition for the Proposed Project site⁴. "While the soil and soil gas vapor tests did not identify hazardous concentrations of petroleum hydrocarbons in soil or hazardous concentrations of soil gas, because the proposed land use is for a community of single-family homes where residents could be exposed over the long term to potential contaminants from past oil field activities, further effort to ensure that the site remains free of significant contamination is warranted during grading and site construction activities." As such, the Lead Agency proposed five mitigation measures (MMs) in the Hazards and Hazardous Materials Section to require removal of existing well pads, ASTs, pipelines (MM 8-1), a memorandum with appropriate agencies to document appropriate removal and abandonment status (MM 8-2), a soil management plan (including off-site disposal of contaminated soil, if found, and remediation of suspected soil or groundwater contamination) prior to the issuance of a grading permit

¹ MND. Page 2

² *Ibid.* Page 56.

³ *Ibid.*

⁴ *Ibid.* Page 59.

(MM 8-3), additional methane testing (MM 8-4), and horizontal setbacks for previous abandoned oil wells, if necessary (MM 8-5)⁵.

South Coast AQMD Staff's Comments

While the Lead Agency quantified the Proposed Project's construction emissions associated with constructing 93 residential units, it did not quantify construction emissions from implementation of MMs 8-1 through 8-5. Additionally, the Lead Agency did not include a discussion on the potential long-term health risks to residents who will live at the Proposed Project, which will be located in close proximity to a freeway. 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 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 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

Attachment

LS

LAC190918-05

Control Number

⁵ *Ibid.* Pages 59-60.

ATTACHMENT

Construction Air Quality Analysis

1. While the Lead Agency quantified the Proposed Project's emissions from constructing 93 residential units and associated grading activities and truck trips for soil import and export, the Lead Agency did not quantify emissions from implementation of Mitigation Measures 8-1 through 8-5. For example, off-site disposal of hazardous materials will likely use additional medium- and/or heavy-duty, diesel fueled trucks. Methane testing and remediation activities will likely use equipment. Since activities identified in MMs 8-1 through 8-5 are reasonably foreseeable and must be completed prior to commencing construction activities for the residential development component of the Proposed Project, the Lead Agency should use good faith, best efforts to identify the scope, types, and duration of the soil and groundwater investigation, removal, and/or remedial activities that will be required by MMs 8-1 through 8-5, including additional truck trips, workers' trips, and equipment. The Lead Agency should provide such information in the Air Quality Analysis, quantify their 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 for the Proposed Project's construction air quality impacts in the Final MND. Alternatively, the Lead Agency should include a new air quality mitigation measure (MM 3-2) in the Air Quality Section of the Final MND to commit to evaluating the subsequent soil and groundwater investigation, removal, and/or remedial activities through a CEQA process prior to commencing construction activities for the residential development component of the Proposed Project.
2. If there is any information in the subsequent CEQA process suggesting that the soil and groundwater investigation, removal, and/or remedial activities, any actions identified in the memorandum and soil management plan, or any cleanup actions that will be required after consultation with appropriate agencies would result in new significant adverse air quality impacts not previously analyzed in the Final MND for the Proposed Project, or substantially more severe air quality impacts than those previously 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).

Health Risk Assessment (HRA) from Freeways and Other Sources of Air Pollution

3. Notwithstanding the court rulings, South Coast AQMD staff recognizes that the Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of South Coast AQMD's concern about the potential public health impacts of siting sensitive populations within a close proximity of SR-14, South Coast AQMD staff recommends that the Lead Agency review and consider the following comments when making local planning and land use decisions.

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. As stated above, the Proposed Project will include 93 new residential units. Based on a review of Figure 2 in the MND, South Coast AQMD staff found that the Proposed Project is located in immediately west of SR-14. Residents living at the Proposed Project will be exposed to diesel particulate matter (DPM), which the California Air Resources Board has identified as a toxic air contaminant based on its carcinogenic effects⁶. Therefore, South Coast AQMD staff recommends that the Lead Agency consider health impacts on future residents living at

⁶ California Air Resources Board. August 27, 1998. Resolution 98-35. Accessed at: <http://www.arb.ca.gov/regact/diesltac/diesltac.htm>.

the Proposed Project and perform a mobile source HRA⁷ analysis to disclose the potential health risks in the Final MND⁸. This recommendation will facilitate the purpose and goal of CEQA on public disclosure and enable decision-makers with meaningful information to make an informed decision on project approval. It will also foster informed public participation by providing the public with information that is needed to understand the potential health risks from living in close proximity to a high-volume freeway.

Guidance on Siting Sensitive Receptors near Freeways and Other Sources of Air Pollution

4. South Coast AQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between Lead Agencies and South Coast AQMD to reduce community exposure to source-specific and cumulative air pollution impacts, South Coast AQMD adopted the *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* in 2005⁹. This Guidance document provides recommended policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process.

Health Risk Reduction Strategies

5. Many strategies are available to reduce exposures to DPM, including, but are not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Enhanced filtration units are capable of reducing exposures. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.
6. Enhanced filtration systems have limitations. South Coast AQMD staff recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that South Coast AQMD conducted to investigate filters¹⁰, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the residents. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. In addition, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and

⁷ South Coast Air Quality Management District. *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/airquality-analysis-handbook/mobile-source-toxics-analysis>.

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

⁹ South Coast AQMD. May 2005. "Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning." Accessed at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

¹⁰This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by South Coast AQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.

feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to toxic emissions.

7. Because of the limitations, to ensure that enhanced filters are enforceable throughout the lifetime of the Proposed Project as well as effective in reducing exposures to DPM emissions, South Coast AQMD staff recommends that the Lead Agency provide additional details regarding the ongoing, regular maintenance and monitoring of filters in the Final MND. To facilitate a good faith effort at full disclosure and provide useful information to future sensitive receptors who will live and/or work in close proximity to SR-14, the Lead Agency should include the following information in the Final MND, at a minimum:

- Disclosure on potential health impacts to prospective residents from living in proximity to a freeway, and the reduced effectiveness of air filtration system when windows are open and when residents are outdoor;
- Identification of the responsible implementing and enforcement agency such as the Lead Agency for ensuring that enhanced filters are installed on-site at the Proposed Project before a permit of occupancy is issued;
- Identification of the responsible implementing and enforcement agency such as the Lead Agency's building and safety inspection unit to provide periodic, regular inspection on filters;
- Provide information and guidance to the Project developer or proponent on the importance of filter installation and ongoing maintenance;
- Provide information to residents about where the MERV filters can be purchased;
- Disclosure on increased costs for purchasing enhanced filtration systems to prospective residents;
- Disclosure on increased energy costs for running the HVAC system with MERV filters to prospective residents;
- Disclosure on recommended schedules (e.g., once a year or every six months) for replacing the enhanced filtration units to prospective residents;
- Identification of the responsible entity such as residents, tenants, Homeowner's Association (HOA) or property management to ensure filters are inspected for replacement and maintenance on time, if appropriate and feasible;
- Develop ongoing cost sharing strategies between the HOA and residents/tenants, if available, for replacing the enhanced filtration units;
- Set up criteria for assessing progress in installing, replacing, and maintaining the enhanced filtration units; and
- Set up process for evaluating the effectiveness of the enhanced filtration units at the Proposed Project.

South Coast AQMD Rules and Permits

8. 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 Soil¹¹, and Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants¹². Since the soil investigation is reasonably foreseeable under MMs 8-1 through MM 8-5, the Lead Agency should include a discussion on South Coast AQMD Rules 1166 and 1466 in the Air Quality Section of the Final MND.

¹¹ 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>.

¹² 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>.

9. If the soil investigation involves 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 the investigation, and to identify potentially applicable South Coast AQMD Rules, such as Rule 431.2 – Sulfur Content of Liquid Fuels¹³ and Rule 1110.2 – Emissions from Gaseous and Liquid-Fueled Engines¹⁴.
10. Operation of portable engines and portable equipment units of 50 brake horsepower or greater (> 50bhp) that emit particulate matter requires a permit from South Coast AQMD or registration under the Portable Equipment Registration Program (PERP) through the California Air Resources Board (CARB)¹⁵. 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 is a Responsible Agency for the Proposed Project and should be identified 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>.

¹³ South Coast AQMD. Rule 431.2 – Sulfur Content of Liquid Fuels. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-431-2.pdf>.

¹⁴ South Coast AQMD. Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1110-2.pdf>.

¹⁵ South Coast AQMD. *Portable Equipment Registration Program (PERP)*. Accessed at: <http://www.aqmd.gov/home/permits/equipment-registration/perp>.