



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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MLuna@lakeforestca.gov

Marie Luna, Senior Planner

City of Lake Forest, Community Development Department

25550 Commercentre, Suite 100

Lake Forest, CA 92630

Draft Environmental Impact Report (Draft EIR) for the Proposed Nakase Nursery/Toll Brothers Project (SCH No. 2018071035)

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 EIR.

South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes construction of a planned community, consisting of 776 residential units and an elementary school with 1,000 students on 122 acres (Proposed Project). The Proposed Project would be constructed in five distinct neighborhoods. The Proposed Project is located on the southwest corner of Bake Parkway and Rancho Parkway. Construction of the Proposed Project would require extensive grading, including 825,000 cubic yards (cy) of cut-and-fill to be balanced on-site, 1.8 million cy of remedial grading, and 150,000 cy of soil export¹. Construction of the Proposed Project is expected to take place over approximately 67 months with a full buildout in 2025².

South Coast AQMD Staff's Summary of Air Quality Analysis

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, after the implementation of regulatory compliance measures (RCM) AQ-1 through RCM AQ-4. RCM AQ-1 through RCM AQ-4 require construction contractors to comply with South Coast AQMD Rules 403, 1113, and 445, and the 2019 Building Energy Efficiency Standards (CCR Title 24) energy conservation and the California Green Building Standards Code (CALGreen)³.

South Coast AQMD Staff's General Comments

South Coast AQMD staff has comments on the Air Quality Analysis and recommends that the Lead Agency incorporate project-specific mitigation measures, beyond regulatory requirements, to further reduce the Proposed Project's construction emissions. Upon reviews of the Draft EIR and technical appendices, South Coast AQMD found an inconsistency between the amount of grading in the Proposed Project's description and the amount used to quantify the Proposed Project's construction emissions in CalEEMod. Additionally, the Lead Agency did not analyze an overlapping construction and operation scenario, or expressly restrict an overlapping construction and operation scenario through a condition of approval, mitigation measure, or project design feature. Please see the attachment for more information. The attachment also includes a list of potential mitigation measures as resources to further reduce the

¹ Draft EIR. Section 3, *Project Description*. Page 3-46.

² *Ibid.*

³ *Ibid.* Executive Summary. Table 1.A – *Summary of Project Impacts, Regulatory Compliance Measures, Mitigation Measures, and Level of Significance after Mitigation*. Page 1-8.

Proposed Project's construction and operation emissions that the Lead Agency should consider for incorporation in the Final EIR. Finally, the attachment includes additional considerations for a new school facility.

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 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 mitigation measures are not feasible, the Lead Agency should describe the specific reasons for rejecting them in the Final 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 Robert Dalbeck, Assistant Air Quality Specialist, at RDalbeck@aqmd.gov or (909) 396-2139, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS:RD

ORC190820-03

Control Number

ATTACHMENT

Air Quality Analysis – Emissions from Grading Activities

1. South Coast AQMD staff is concerned that the Lead Agency has underestimated the Proposed Project's construction emissions resulting from grading activities. The Lead Agency stated in the Draft EIR that construction of the Proposed Project would require extensive grading, including 825,000 cubic yards (cy) of cut-and-fill to be balanced on-site, 1.8 million cy of remedial grading, and 150,000 cy of soil export⁴. However, in the CalEEMod output file, South Coast AQMD staff found that the Lead agency estimated emissions resulting from 672.5 acres of grading but did not provide an explanation on how 672.5 acres was calculated. Therefore, South Coast AQMD staff recommends that the Lead Agency provide additional information to clarify the amount of total grading anticipated and recalculate the Proposed Project's construction emissions in the Final EIR. If the Lead Agency finds, after revisions, that the Proposed Project's construction air quality impacts would be significant, mitigation measures will be required (CEQA Guidelines Section 15126.4).

Air Quality Analysis – Overlapping Construction and Operation Scenario

2. The Proposed Project includes a planned community with five neighborhoods that would be constructed over a period of 67 months on 122 acres. While the Lead Agency modeled emissions by combining all proposed construction activities into one continuous construction phase in CalEEMod, the Lead Agency did not analyze a scenario in which the Proposed Project's construction and operational activities overlap. It is reasonably foreseeable that the Proposed Project's construction activities will occur in phases and may overlap with operational activities on-site. To conservatively analyze a worst-case impact scenario, South Coast AQMD staff recommends that the Lead Agency use its best efforts to identify the overlapping years, combine construction emissions (including emissions from demolition) with operational emissions, and compare the combined emissions to South Coast AQMD's air quality CEQA *operational* thresholds of significance to determine the level of significance in the Final EIR, unless the Lead Agency includes requirements and/or conditions in applicable bid document and/or development agreement to expressly prohibit overlapping construction and operational activities (*emphasis added*). If the Lead Agency finds, after analyzing an overlapping construction and operation scenario, that the Proposed Project's air quality impacts would be significant, mitigation measures will be required (CEQA Guidelines Section 15126.4).

Recommended Mitigation Measures for Construction Air Quality Impacts

3. If the Lead Agency finds, after revising the Air Quality Analysis based on South Coast AQMD staff's Comment Nos. 1 and 2, that the Proposed Project would result in significant construction air quality impacts, particularly from NO_x emissions, and in addition to RCM AQ-1 through RCM AQ-4, mitigation measures are required (CEQA Guidelines 15126.4). To assist the identification of feasible mitigation measures that are capable of reducing construction emission, South Coast AQMD recommends that the Lead Agency consider the following mitigation measures for incorporation in the Final EIR.
 - a. Require the use of off-road diesel-powered construction equipment that meets or exceeds the CARB and U.S. Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards for equipment rated at 50 horsepower or greater during construction of the Proposed Project. Such equipment will be outfitted with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filter (DPFs). Level 3 DPFs are

⁴ Draft EIR, Section 3, *Project Description*. Page 3-46.

capable of achieving at least 85 percent reduction in particulate matter emissions⁵. A list of CARB verified DPFs are available on the CARB website⁶.

To ensure that Tier 4 Final construction equipment or better would be used during the Proposed Project's construction, South Coast AQMD staff recommends that the Lead Agency include this requirement in applicable bid documents, purchase orders, and contracts. 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 South Coast AQMD 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 Final engine certification, the Project representative or 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, construction equipment with Tier 4 Interim or Tier 3 emission standards, 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, and/or limiting construction phases occurring simultaneously.

- b. Require the use of zero-emission or near-zero emission heavy-duty haul trucks during construction, such as trucks with natural gas engines that meet CARB's adopted optional NOx emissions standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that operators of heavy-duty haul trucks visiting the Proposed Project during construction commit to using 2010 model year⁷ 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 NOx 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 EIR, where appropriate. Require that the Proposed Project's tenant(s) shall maintain records of all trucks visiting the Proposed Project and make these records available to the Lead Agency upon request. The records will serve as evidence to prove that each truck called to the Proposed Project meets the minimum 2010 model year engine emission standards. The Lead Agency should conduct regular inspections of the records to the maximum extent feasible and practicable to ensure compliance with this mitigation measure.
- c. Maintain vehicle and equipment maintenance records for the construction portion of the Proposed Project. All construction vehicles must be maintained in compliance with the manufacturer's recommended maintenance schedule. All maintenance records shall remain on-site for a period of at least two years from completion of construction.

⁵ CARB. November 16-17, 2004. *Diesel Off-Road Equipment Measure – Workshop*. Page 17. Accessed at: https://www.arb.ca.gov/msprog/ordiesel/presentations/nov16-04_workshop.pdf.

⁶ *Ibid.* Page 18.

⁷ The CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulations is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.html>.

- d. 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 Code of Regulations, Title 13 section 2485 – CARB’s Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. For any vehicle that is expected to idle longer than five minutes, each project applicant, project sponsor, or public agency will require the vehicle’s operator to shut off the engine. To further ensure that drivers understand the vehicle idling requirement, post signs at the entrance and throughout the site stating that idling longer than five minutes is not permitted.
- e. Encourage construction contractors to apply for South Coast AQMD “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 NOx emissions from in-use off-road diesel vehicles. More information on this program can be found at South Coast AQMD’s website: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines>.

Recommended Mitigation Measures for Operational Air Quality Impacts

4. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized. South Coast AQMD staff recommends that the Lead Agency consider incorporating the following additional mitigation measures in the Final EIR to further reduce the Proposed Project’s operational air quality impacts.
 - a. Since the Proposed Project includes operation of an elementary school, the Lead Agency should take this opportunity to encourage operators of school bus fleets that would regularly visit the Proposed Project to seek funding opportunities to replace older diesel buses with cleaner school buses. South Coast AQMD’s Lower-Emission School Bus Program provides funding opportunities to applicable fleets for the purchase of alternatively fueled buses or retrofits for older diesel buses. More information on this program can be found at South Coast AQMD’s website: <https://www.aqmd.gov/home/programs/business/lower-emission-school-bus-program>

Funding opportunities are also available through the California Air Resources Board’s (CARB) administration of the Volkswagen Environmental Mitigation Trust for California for Zero-Emission Transit, School, and Shuttle Buses, which is anticipated to become available fall of 2019. More information on funding opportunities through the CARB’s program can be found at: <https://ww2.arb.ca.gov/our-work/programs/volkswagen-environmental-mitigation-trust-california/about>.
 - b. Require the use of electric landscaping equipment, such as lawn mowers and leaf blowers.
 - c. Require the use of electric or alternatively fueled sweepers with HEPA filters.
 - d. Maximize the planting of trees in landscaping and parking lots.

Responsible Agency and South Coast AQMD Permits and Rules

5. The Lead Agency should consult with South Coast AQMD’s Engineering and Permitting staff to determine if there is any diesel-powered equipment during operation that will require a South Coast AQMD. 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 EIR. Any assumptions used in the Air Quality Analysis in the Final EIR would 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>.

6. Since the Proposed Project includes demolition of existing structures and other asphalt surfaces, asbestos may be encountered during demolition. Therefore, South Coast AQMD staff recommends that the Lead Agency incorporate a discussion to demonstrate compliance with South Coast AQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities⁸ in the Air Quality section of the Final EIR. Additionally, if during soil disturbing activities such as grading, petroleum hydrocarbons, lead, and/or arsenic are encountered that will cause volatile organic compounds to become airborne, the Lead Agency should include a discussion to demonstrate compliance with South Coast AQMD Rule 1166 – Volatile Organic Compounds Emissions from Decontamination of Soil⁹ in the Air Quality Section of the Final EIR.

Consultation with South Coast AQMD for New School Facilities

7. The California Public Resources Code 21151.8 and CEQA Guidelines Section 15186 establish special consultation requirements for school projects, which are meant to ensure that lead agencies consult with other agencies, such as the local air district, in order to carefully examine and disclose the potential health impacts that may result from siting a school within one-fourth mile of facilities that may reasonably be anticipated to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. Since the Proposed Project involves construction of a new elementary school, the Proposed Project is subject to the consultation requirements. South Coast AQMD staff recommends that the Lead Agency review the respective CEQA Guidelines sections and meet the appropriate CEQA requirements, where applicable. For a search of South Coast AQMD permitted facilities pursuant to California Public Resources Code Section 21151.8 and CEQA Guidelines Section 15186, please fill out the “Grid Search Request Form” that is available at: <http://www.aqmd.gov/docs/default-source/aqmd-forms/Permit/ab3205-request-form.pdf>.

⁸ South Coast AQMD. Rule 1403. Assessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf>.

⁹ South Coast AQMD. Rule 1166. Assessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>.