



# South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

October 16, 2019

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## **Negative Declaration (ND) for the Proposed K-8 STEAM Academy Project (SCH No. 2019099047)**

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 ND.

### South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to construct a 126,281-square-foot school consisting of 10 permanent buildings and seven portable buildings on 23 acres (Proposed Project)<sup>1</sup>. The Proposed Project would have a capacity to accommodate approximately 1,191 students. The Proposed Project is located on the northwest corner of Washington Street and Abelia Street in the unincorporated community of French Valley. Construction is anticipated to occur in two phases. Phase one would be constructed over 18 months and would consist of eight buildings totaling 59,534 square feet<sup>2</sup>. Operation of Phase one would begin in 2021<sup>3</sup>. Phase two would be constructed over 12 months and would consist of six buildings totaling 66,747 square feet<sup>4</sup>. Operation of Phase two would begin in 2024<sup>5</sup>.

### South Coast AQMD Staff's Summary of Air Quality 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 analysis, the Lead Agency found that the Proposed Project's regional and localized construction and operational air quality impacts would be less than significant. No air quality mitigation measures were identified.

### South Coast AQMD Staff's General Comments

South Coast AQMD staff has comments on the Air Quality Analysis. 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, including a list of potential air quality mitigation measures that the Lead Agency should consider for incorporation in the Final ND. The attachment includes additional considerations for a new school facility.

### Conclusion

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the ND for adoption together with any comments received during the public review

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<sup>1</sup> ND. Page 16.

<sup>2</sup> ND. Table 1, *School Facilities*. Page 15.

<sup>3</sup> ND. Page 17.

<sup>4</sup> *Ibid.* Table 1, *School Facilities*. Page 15.

<sup>5</sup> ND. Page 17.

process. Please provide South Coast AQMD with written responses to all comments contained herein prior to the adoption of the Final ND. 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. Further, if 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 ND.

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](mailto: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:RD  
RVC190917-05  
Control Number

## ATTACHMENT

### **Air Quality Analysis – Overlapping Construction and Operation Scenario**

1. Based on a review of the Air Quality analysis, South Coast AQMD staff found that the Lead Agency did not analyze a scenario where construction activities overlap with operational activities (e.g., Phase one may be operational while Phase two is under construction). Since implementation of the Proposed Project is expected to occur in two distinct phases, it is reasonably foreseeable that construction and operation of various development components may overlap. Additionally, the Lead Agency stated in the ND that “the proposed project would be developed in several construction phases” and “Phase 2 [...] is expected to begin approximately two years after completion of the Phase 1”<sup>6</sup>. If an overlapping construction and operation scenario is reasonably foreseeable, and 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 construction and operational years and development components, 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 ND, unless the Lead Agency includes requirement(s) that will prohibit overlapping construction and operational activities through a condition of approval, mitigation measure, or project design feature.

### **Recommended Mitigation Measures during Construction**

2. If the Lead Agency finds, after revising the Air Quality Analysis based on South Coast AQMD staff’s Comment 1, that the Proposed Project would result in significant adverse air quality impacts, mitigation measures are required (CEQA Guidelines 15126.4). To assist the identification of feasible mitigation measures that are capable of reducing construction emissions, South Coast AQMD recommends that the Lead Agency consider the following mitigation measures for incorporation in the Final ND.
  - 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 capable of achieving at least 85 percent reduction in particulate matter emissions<sup>7</sup>. A list of CARB verified DPFs are available on the CARB website<sup>8</sup>.

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.

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<sup>6</sup> ND. Page 17.

<sup>7</sup> 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](https://www.arb.ca.gov/msprog/ordiesel/presentations/nov16-04_workshop.pdf).

<sup>8</sup> *Ibid*. Page 18.

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 year<sup>9</sup> 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 ND, where appropriate. Require that construction contractor(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 during construction 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 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.
- d. Enter into a contract that notifies all construction vendors and contractors that vehicle idling time will be limited to no longer than five consecutive 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 consecutive minutes, the vehicle's operators or drivers will be required to shut off the engine. To further ensure that operators or drivers understand the vehicle idling requirement, post signs at the entrance and throughout the site stating that idling longer than five consecutive 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>.

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<sup>9</sup> 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>.

**Recommended Mitigation Measures during Operation**

3. 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 ND to further reduce the Proposed Project's operational air quality impacts.
  - a. Since the Proposed Project includes operation of a new school facility, the Lead Agency should take this opportunity to encourage operators of school bus fleets that would regularly visit the Proposed Project to consider and 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.

**Consultation with South Coast AQMD for New School Facilities**

4. 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 school facility, 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>.

**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 with an engine greater than 50 brake horsepower during operation that will require a South Coast AQMD permit. 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 ND. Any assumptions used in the Air Quality Analysis in the Final ND 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>.