



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 Avanti Anaheim Boulevard Townhomes Project

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 demolish eight buildings and build 292 residential units totaling 442,988 square feet on 11.87 acres (Proposed Project). Based on a review of Exhibit 2, *Local Vicinity Map Aerial Base* and Exhibit 5, *Site Plan*, in the MND, and aerial photographs, South Coast AQMD staff found that the Proposed Project is located immediately west of Interstate 5 (I-5).

South Coast AQMD Staff's Summary of Air Quality and Health Risk Assessment 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.

The Lead Agency also performed a health risk assessment (HRA) analysis for the Proposed Project's construction activities and found that the mitigated construction cancer risk at the maximum impacted sensitive receptor would be 8.2 in one million¹, which is below the South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk. The Lead Agency was committed to using construction equipment that will meet Tier 4 Final off-road emission standards [Mitigation Measure (MM) AIR-1]², and if Tier 4 Final off-road emission standards are not commercially available, the "the construction contractor shall use the next cleanest piece of off-road equipment (e.g., Tier IV Interim) available³." Commercial availability was defined based on a number of factors such as timing and geographic proximity to the Proposed Project⁴. However, the Lead Agency did not discuss the potential health risks from living next to a freeway in the MND. As such, South Coast AQMD staff recommends that the Lead Agency perform a HRA analysis and include strategies to maximize protection against exposures to toxic air contaminants such as diesel particulate matter in the Final MND. Please see the attachment for detailed comments.

¹ MND. Page 34.

² MND. Page 36.

³ *Ibid.*

⁴ *Ibid.*

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

ORC190822-01

Control Number

ATTACHMENT

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

1. 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 I-5, 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 292 new residential units. Based on a review of Exhibits in the MND, South Coast AQMD staff found that the Proposed Project is located in immediately west of I-5. 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 effects⁵. Therefore, South Coast AQMD staff recommends that the Lead Agency consider health impacts on future residents living at the Proposed Project by performing a mobile source HRA⁶ analysis to disclose the potential health risks in the Final MND⁷. 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

2. 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 2005⁸. 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.

⁵ California Air Resources Board. August 27, 1998. Resolution 98-35. Accessed at: <http://www.arb.ca.gov/regact/diesltac/diesltac.htm>.

⁶ 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>.

⁷ 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.

⁸ South Coast Air Quality Management District. 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>.

Health Risk Reduction Strategies

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.

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 filters⁹, 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 feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to toxic emissions.

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 proximity to sources of air pollution, 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;

⁹ This 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>.

- 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.