



South Coast Air Quality Management District

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Mitigated Negative Declaration (MND) for the Proposed 2020 Walnut Industrial Park 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 included into the Final MND.

South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to construct a total of 151,075 square feet of buildings for warehouse and light industrial uses on an 8.2-acre vacant site (Proposed Project). The Proposed Project is located on the southwest corner of Gundry Avenue and E Hill Street. Construction of the Proposed Project will take place approximately 19 months beginning in 2020¹. During full operation in 2021, the Proposed Project would generate 2,320 one-way trips per day, including 348 truck trips.²

Summary of South Coast AQMD Staff's Comments

In the MND, the Lead Agency quantified the Proposed Project's regional and localized emissions and found that the Proposed Project's construction and operational air quality impacts would be less than significant. The Lead Agency includes one construction mitigation measure (MM III-1) to restrict daily grading activities and truck hauling activities to four hours a day³.

Based on reviews of the MND and supporting technical documents, South Coast AQMD staff has eight comments on the air quality analysis and mitigation measures. A summary of these comments is provided as follows with additional details provided later in the attachment.

1. **Air Quality Impacts from Cleanup Activities:** According to the MND, hazardous contaminants including total petroleum hydrocarbons (TPH) and volatile organic compounds (VOCs) have been found on-site. In order to facilitate the subsequent use of the Final MND by the Los Angeles Regional Water Quality Control Board (LARWQCB) for final approval of the Soil Reuse Plan and any other remediation plans, the Lead Agency should quantify emissions and fully disclose air quality impacts from cleanup activities in the Final MND.
2. **Construction Emissions from Stockpiling, Material Loading and Unloading, and Truck Idling:** During construction of the Proposed Project, there will be on-site stockpiles of both contaminated and clean soil and materials. In the MND, the Lead Agency did not quantify fugitive dust emissions from on-site stockpiles and associated material loading and unloading activities. In addition, the localized construction air quality impact analysis in the MND did not quantify haul truck exhaust emissions from on-site travel and idling (e.g., during queuing and/or material

¹ MND. Section A. Page 4.

² MND. Section D. XVII. Page 126.

³ MND. Page 41.

loading and unloading). Therefore, the Lead Agency likely underestimated the Proposed Project's construction emissions and should revise the air quality analysis in the Final MND.

3. Health Risk Assessment (HRA): The MND indicated that after Proposed Project becomes operational, toxic air contaminants (TACs) will continue to be emitted from ongoing remediation activities such as operation of a soil vapor extraction (SVE) system. Additionally, diesel particulate matter (DPM), which has been identified by the California Air Resources Board (CARB) as a TAC based on its carcinogenic effects, will be emitted from 348 daily truck trips (e.g., 174 trucks) that will occur during operation. The Lead Agency should conduct a quantitative HRA to analyze the Proposed Project's TACs emissions from all concurrent operational sources and activities in the Final MND.
4. Inconsistency Regarding Haul Truck Trip Numbers: The MND used different haul truck trip numbers to analyze the Proposed Project's environmental impacts. South Coast AQMD staff recommends that the Lead Agency use one haul truck trip number consistently throughout the Final MND and technical appendices.
5. Guidance Regarding Warehouses Sited Near Sensitive Receptor: Since the Proposed Project will be developed in close proximity to sensitive receptors, the Lead Agency should consider and discuss state and South Coast AQMD's guidance that recommends a buffer between warehouse uses and sensitive land uses such as residences in the Final MND.
6. Additional Recommended Mitigation Measures for Construction Air Quality Impacts: To further reduce the Proposed Project's construction emissions and their impacts on residents living in close proximity of the Proposed Project, and in addition to MM III-1, South Coast AQMD staff recommends that the Lead Agency require the use of Tier 4 Final construction equipment and limit the daily haul truck trip numbers during the grading phase in the Final MND.
7. Additional Recommended Mitigation Measures for Operational Air Quality Impacts: Because operation of the Proposed Project generates or attracts heavy-duty, diesel-fueled trucks, and residential receptors are living in close proximity, South Coast AQMD staff recommends that the Lead Agency incorporate additional mitigation measures to reduce the Proposed Project's operational air quality impacts and health risks on nearby receptors in the Final MND.
8. South Coast AQMD Rules and Consultation: The Lead Agency discussed South Coast AQMD Rule 1166 in the MND⁴. It is recommended that the Lead Agency initiate consultation with South Coast AQMD in advance to determine permit requirements and any South Coast AQMD rules that the Proposed Project must comply pursuant to CEQA Guidelines Section 15096(b). 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.

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,

⁴ MND. Page 87.

informative, or useful to decision makers and the public who are interested in the Proposed Project. Further, when the Lead Agency makes the finding that the additional recommended mitigation measures are not feasible, the Lead Agency should describe the specific reasons supported by substantial evidence for rejecting them in the Final MND (CEQA Guidelines Sections 15070 and 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 feel free to contact Tina Su, Air Quality Specialist, at tsu@aqmd.gov or (909) 396-2498 if you have questions or wish to discuss the comments.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS:TS

LAC200303-12

Control Number

ATTACHMENT

1. Air Quality Impacts from Cleanup Activities

Workers and Equipment for Cleanup Activities

As indicated in the MND's Hazards and Hazardous Materials section, soil cut, light non-aqueous phase liquid (LNAPL) removal, and other remediation activities are required for the implementation of the Proposed Project⁵. Based on the review of the Air Quality Analysis, the MND quantified the Proposed Project's emissions from construction worker vehicle trips and construction equipment for developing the proposed industrial uses, but it did not quantify emissions from vehicle trips by workers that will be required to conduct cleanup activities. Additionally, cleanup activities proposed in the Response Plan and Soil Reuse Plan of the Proposed Project site will likely require the use of additional equipment that may be different from typical equipment for grading and site preparation for construction. The MND did not identify emissions from cleanup equipment. Therefore, South Coast AQMD staff recommends that the Lead Agency quantify emissions from vehicle trips by workers conducting cleanup activities and emissions from the use of cleanup equipment, include those emissions in the Proposed Project's construction emissions profile, and compare the combined emissions to South Coast AQMD's air quality CEQA significance thresholds for construction to determine the level of significance in the Final MND. This recommendation ensures that the air quality impacts from cleanup activities are fully identified and disclosed in the Final MND to facilitate the subsequent use of this Final MND by the Los Angeles Regional Water Quality Control Board (LARWQCB) for final approval of the Soil Reuse Plan and any other remediation plans.

Haul Trip Length and Trip Numbers

In the MND, the Lead Agency estimated 8,551 cubic yards (cy) of contaminated soil and materials would be exported off-site and 41,672 cy of clean fill material would be imported to the Proposed Project site⁶. This will result in approximately 17 percent of the estimated 6,696 one-way haul truck trips be used for exporting contaminated soil and materials. Based on a review of the MND, South Coast AQMD staff found that the Lead Agency used a default one-way haul trip length of 20 miles to quantify the Proposed Project's emissions from exporting contaminated soil and materials⁷. However, the Lead Agency did not identify which landfill facilities will be used for accepting contaminated soil and materials from the Proposed Project in the MND to support the use of the default one-way haul trip length. Additionally, since only limited number of permitted landfills in California accept hazardous materials, and they are generally located more than 20 miles away from the Proposed Project, using a default one-way trip length of 20 miles likely underestimated the Proposed Project's hauling emissions, particularly NO_x emissions. Therefore, South Coast AQMD staff recommends additional information be provided in the Final MND to justify the use of the default one-way haul trip length. Alternatively, the Lead Agency should use its best efforts to find out the permitted hazardous disposal facility that the Proposed Project will use to dispose contaminated soil and materials, disclose it in the Final MND, and re-calculate the emissions from haul truck trips based on a revised one-way haul trip length.

2. Construction Emissions from Stockpiling, Material Loading and Unloading, and Truck Idling

During construction of the Proposed Project, there will be on-site stockpiles of both contaminated and clean soil and materials⁸. However, the Lead Agency did not quantify fugitive dust emissions from

⁵ MND. Section D. IX. Pages 84-92.

⁶ MND. Page 36.

⁷ MND. Appendix A.

⁸ MND. Page 82.

on-site stockpiles and associated material loading and unloading activities in the MND. In addition, the localized construction air quality impact analysis in the MND did not include haul truck exhaust emissions from on-site travel and idling. Therefore, to provide a more comprehensive analysis of the Proposed Project's construction air quality impacts, South Coast AQMD staff recommends that the Lead Agency quantify those emissions and include them in the Proposed Project's construction emissions profile to be compared to South Coast AQMD's regional and localized air quality CEQA significance thresholds for construction to determine the level of significance in the Final MND.

3. Health Risk Assessment (HRA)

Based on the site location information in the MND and a review of aerial photographs, South Coast AQMD staff found that the nearest sensitive receptor location is located within 15 feet of the Proposed Project. The Hazards and Hazardous Material section of the MND indicated that remediation activities that include soil vapor extraction (SVE) system will continue after the Proposed Project becomes operational. Nearby sensitive receptors will likely be exposed to volatile TACs emissions from such ongoing remediation activities through the inhalation pathway^{9,10}. In addition, the Transportation/Traffic section of the MND stated that the Proposed Project is expected to generate approximately 348 truck trips (174 trucks) per day during operation. Diesel particulate matter (DPM) will be emitted from the transportation and idling of trucks visiting the Proposed Project. DPM has been identified by California Air Resources Board (CARB) as a TAC based on its carcinogenic effects. However, the Lead Agency did not quantify the Proposed Project's operational TAC emissions and did not perform an HRA to analyze the Proposed Project's health risks in the MND.

One of the basic purposes of CEQA is to inform decision-makers and the public about the potential, significant environmental effects of proposed activities (CEQA Guidelines Section 15002(a)(1)). A mitigated negative declaration is appropriate when the Lead Agency finds that the project will not have a significant effect on the environment after incorporating mitigation measures (CEQA Guidelines Sections 15070 to 15075). Reasons to support this finding shall be documented as substantial evidence in the initial study. Therefore, South Coast AQMD staff recommends that the Lead Agency quantify TACs emissions from concurrent operational activities (e.g., those from the ongoing remediation activities, heavy-duty, diesel-fueled truck trips, and other TAC emission sources including the use of equipment potentially generating TACs), perform a quantitative operational HRA of those TAC emissions, and compare the results to South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk¹¹ to determine the level of significance for the Proposed Project's health risk impacts in the Final MND.

4. Inconsistency Regarding Haul Truck Trip Numbers

The Lead Agency used different haul truck numbers in different sections of the MND. Specifically, the Air Quality section assumed a total of 6,278 haul truck trips¹², while 4,140 haul truck trips and 6,696 haul truck trips were used in the Energy section¹³ and the Transportation/Traffic section¹⁴, respectively. South Coast AQMD staff recommends that the Lead Agency correct the inconsistency and use one haul truck trip number consistently throughout the Final MND and technical appendices.

⁹ MND, Page 81.

¹⁰ MND, Page 83.

¹¹ 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.

¹² MND, Appendix A, CalEEMod output.

¹³ MND, Appendix A, page 230.

¹⁴ MND, page 121.

5. Guidance Regarding Warehouses Sited Near Sensitive Receptor

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*¹⁵ in 2005. Additional guidance is available in the CARB's *Air Quality and Land Use Handbook: A Community Health Perspective*, available at: <https://www.arb.ca.gov/ch/handbook.pdf>. For warehouses that accommodate more than 100 trucks per day, or more than 40 trucks with operating transport refrigeration units (TRUs) per day, a 1,000-foot separation between sensitive land uses (e.g., residential uses)¹⁶ and the operating warehouse is recommended. Since operation of the Proposed Project includes approximately 348 daily truck trips (174 trucks), South Coast AQMD staff recommends that the Lead Agency review and consider these guidance documents when making local planning and land use decisions.

6. Additional Recommended Mitigation Measures for Construction Air Quality Impacts

As stated above, the Lead Agency likely underestimated the Proposed Project's construction emissions. (See Comment Nos. 1 and 2). Should the Lead Agency, after revising the Air Quality Analysis, find that the Proposed Project's construction air quality impacts would be significant, mitigation measures are required (CEQA Guidelines Section 15126.4). To further reduce the Proposed Project's construction emissions and their impacts on nearby sensitive receptors (e.g., residents), South Coast AQMD staff recommends that the Lead Agency incorporate the following mitigation measures in addition to MM III-1 in the Final MND.

- Limit the daily number of haul truck trips allowed at the Proposed Project to the level that was analyzed in the Final MND (e.g., 6,696 truck trips / 132 days = 51 daily truck trips during grading phase). If higher daily truck volumes are anticipated during grading phase than the level that was analyzed in the Final MND, the Lead Agency should commit to re-evaluating the Proposed Project's air quality impacts through a CEQA process prior to allowing higher truck activity levels (CEQA Guidelines Section 15162).
- For construction equipment greater than 50 horsepower (>50 HP), the Construction Contractor shall use off-road diesel construction equipment that complies with EPA/CARB Tier 4 Final emission standards or better during all construction phases, and shall ensure that all construction equipment is tuned and maintained in accordance with the manufacturer's specifications. 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 shall be available upon request at the time of mobilization of each applicable unit of equipment. 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,

¹⁵ South Coast AQMD. May 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Accessed at: <http://www.aqmd.gov/home/library/documents-support-material/planning-guidance/guidance-document>.

¹⁶CARB. *Air Quality and Land Use Handbook: A Community Health Perspective*. Page 4. Accessed at: <https://www.arb.ca.gov/ch/handbook.pdf>.

construction equipment with Tier 4 Interim or reduction in the number and/or horsepower rating of construction equipment and/or limiting the number of construction equipment operating at the same time. All reporting and maintenance records for each equipment and their contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction.

7. Additional Recommended Mitigation Measures for Operational Air Quality Impacts

CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. Since operation of the Proposed Project generates or attracts heavy-duty, diesel-fueled trucks that will emit DPM from transportation and idling, and residential receptors are living in close proximity to the Proposed Project, South Coast AQMD staff recommends that the Lead Agency incorporate the following mitigation measures in the Final MND to reduce operational emissions and associated health risk impacts on nearby residents.

Mitigation Measures for Operational Air Quality Impacts from Mobile Sources

- a) Require the use of zero-emissions (ZE) or near-zero emissions (NZE) on-road vehicles and off-road equipment during operation, such as trucks with natural gas engines that meet the CARB's adopted optional NOx emission standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, the Lead Agency may require that operators commit to using 2010 model year 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 and equipment. To monitor and ensure ZE, NZE, or 2010 model year or newer trucks are used at the Proposed Project, the Lead Agency should require that operators maintain records of all trucks and equipment associated with the Proposed Project's operation, and make these records available to the Lead Agency upon request. Alternatively, the Lead Agency should require periodic reporting and provision of written records by operators, and conduct regular inspections of the records to the maximum extent feasible and practicable. To facilitate implementation of this mitigation measure, the Lead Agency shall require operators of the proposed facilities to provide the vendor trucks information to incorporate energy efficiency improvement features through the Carl Moyer Program – including truck modernization, retrofits, and/or aerodynamic kits and low rolling resistance tires – to reduce fuel consumption.

NZE heavy-duty truck engines are commercially available. Examples of commercially available NZE heavy-duty truck engines that meet CARB's optional low NOx standards include, but are not limited to, Cummins Westport 8.9- and 6.7-liter natural gas engines and Roush Cleantech 6.8-liter compressed natural gas and liquefied petroleum gas engines¹⁹. Therefore, NZE heavy-duty trucks should be required for use during operation in the Final MND.

If implementing ZE heavy-duty trucks are impractical or infeasible to include in the Final MND, the Lead Agency should develop and include performance standards to achieve the use of ZE heavy-duty trucks (CEQA Guidelines Section 15126.4(a)). The Lead Agency can and should develop the following performance standards or any other comparable standards in the Final MND.

- Develop a minimum amount of ZE heavy-duty trucks that the Proposed Project must use each year to ensure adequate progress. Include this requirement in the Proposed Project's Business or Management Plan.

- Establish a contractor(s)/truck operator(s) selection policy that prefers contractor(s)/truck operator(s) who can supply ZE heavy-duty trucks at the Proposed Project. Include this policy in the Request for Proposal for selecting contractor(s)/truck operator(s).
 - Develop a target-focused and performance-based process and timeline to implement the use of ZE heavy-duty trucks during operation.
 - Develop a project-specific process and criteria for periodically assessing progress in implementing the use of ZE heavy-duty trucks during operation.
- b) Create a buffer zone of at least 1,000 feet, which can be office space, employee parking, greenbelt, etc. between the Proposed Project and sensitive receptors (e.g., residences in the Zinnia apartment complex, which is to the north of the Proposed Project), where feasible.
- c) Design the Proposed Project such that entrances and exits are such that trucks are not traversing past residences, and other sensitive receptors near the Proposed Project.
- d) Design the Proposed Project such that any check-in point for trucks is well inside the Proposed Project site to ensure that there are no trucks queuing outside of the facility and that truck traffic within the Proposed Project site is located away from the property line(s) closest to the sensitive receptors (e.g., the apartment complex to the north of the Project site).
- e) Limit the daily number of truck trips allowed at the Proposed Project to the level that was analyzed in the Final MND (e.g., 348 daily truck trips). If new information becomes available, after the Proposed Project is approved, suggesting that the Proposed Project will generate more than 348 daily truck trips, the Lead Agency is required to determine if a Subsequent MND is required under CEQA Guidelines Section 15162. This recommended mitigation measure is to ensure that the modeling assumption of 348 daily truck trips used to quantify the Proposed Project's operational air quality impacts and HRA will serve as a condition of project approval.
- f) Require trucks to use the truck routes that are used to analyze the air quality impacts and HRA in the Final MND to avoid truck traffic near existing residential uses.
- g) Have truck routes clearly marked with trailblazer signs, so that trucks will not enter residential areas that are adjacent to portions of the designated truck routes analyzed in the Final MND.
- h) Restrict overnight truck parking in residential areas. Establish parking within the Proposed Project where trucks can rest overnight.
- i) Establish area(s) within the Proposed Project site for repair needs and ensure that these designated areas are away from any sensitive land uses.

Mitigation Measures for Operational Air Quality Impacts from Area Sources

- j) Maximize the use of solar energy including solar panels.
- k) Installing the maximum possible number of solar energy arrays on the building roofs and/or on the Proposed Project site to generate solar energy for the facility and/or EV charging stations.
- l) Require the use of electric landscaping equipment, such as lawn mowers and leaf blowers.
- m) Require use of electric or alternatively fueled sweepers with HEPA filters.

- n) Maximize the planting of trees in landscaping and parking lots.
- o) Use light colored paving and roofing materials.
- p) Utilize only Energy Star heating, cooling, and lighting devices, and appliances.

8. South Coast AQMD Rules and Consultation

The Proposed Project site is contaminated with total petroleum hydrocarbons (TPH) and volatile organic compounds (VOCs)¹⁷. The proposed cleanup activities include excavation, transportation, in-situ treatment and off-site disposal of contaminated soil and materials. The LARWQCB has prepared a Response Plan and Soil Reuse Plan for cleanup activities. The MND stated that the Proposed Project will comply with South Coast AQMD Rule 403 and Rule 1166. In addition to these rules, South Coast AQMD staff recommends that the Lead Agency consult with the South Coast AQMD in advance to determine permit requirements and any other applicable air quality rules that the Proposed Project must comply. The Lead Agency should initiate consultation with South Coast AQMD as required under CEQA Guidelines Section 15096(b). After consultation, if it is determined that 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. The Final MND should also include discussions of all applicable South Coast AQMD rules that the Proposed Project must comply. 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.

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 PERP through the CARB. 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. 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>.

¹⁷ MND, Section D, IX, Page 78.