



South Coast Air Quality Management District

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SENT VIA E-MAIL:

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Mitigated Negative Declaration (MND) for the Proposed 1435 West Rialto Avenue Project

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments include recommended air quality mitigation measures for construction that the Lead Agency should include in the Final MND.

South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to develop and operate a truck and trailer storage parking facility with 309 trailer stalls and 21 vehicle stalls on 12.56 acres (Proposed Project). The Proposed Project is located at 1435 West Rialto Avenue on the southeast corner of Rialto Avenue and South Muscott Street in the City of San Bernardino. Construction is anticipated to take six months and will be completed in 2021¹. Based on a review of Exhibit 2: *Local Vicinity Map*, in the MND and aerial photographs, South Coast AQMD staff found that the nearest sensitive receptors (e.g., residential uses) are located approximately 80 feet east of the Proposed Project².

The Proposed Project is located in an area heavily impacted by air pollution generated from sources, such as heavy-duty diesel trucks, warehouses, and railyard facilities. The San Bernardino and Muscoy community is a designated AB 617 community, which requires South Coast AQMD to work with community and other stakeholders to identify and address community concerns in disadvantaged communities. Through the AB 617 program, the community and South Coast AQMD staff have developed a Community Emissions Reduction Plan (CERP)³ that identifies air quality priorities and actions to reduce air pollution in the community. The MND includes a discussion of the CERP⁴. South Coast AQMD staff recommends that the Lead Agency review the actions included in Chapter 5 of the CERP to explore whether additional mitigation measures can be identified and implemented at the Proposed Project.

¹ MND. Page 31.

² MND. PDF Page 19 and 20.

³ South Coast AQMD. September 2019. Assembly Bill 617 Community Air Initiatives. Final Community Emissions Reduction Plan, San Bernardino, Muscoy. Accessed at: <http://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/san-bernardino/cerp/carb-submittal/final-cerp.pdf>.

⁴ MND. Appendix A: Air Quality/Greenhouse Gas Data/Health Risk Assessment. PDF Page 321.

Recommended Mitigation Measure for CEQA Air Quality Impacts from Construction

In the MND, the Lead Agency found that the Proposed Project's construction activities would result in 6.13 pounds per day (lbs/day) of localized PM_{2.5} emissions, which would be slightly below South Coast AQMD's localized air quality CEQA significance threshold for PM_{2.5} at 7 lbs/day⁵. Construction activities would result in the generation of diesel particulate matter (DPM) emissions from the use of off-road diesel equipment. In the MND, the Lead Agency found that the Proposed Project's construction-related DPM emissions would result in a maximum cancer risk 9.1 in a million^{6,7}.

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. To further reduce the Proposed Project's construction air quality and health risk impacts, South Coast AQMD staff recommends that the Lead Agency require the use of clean off-road construction equipment at the Proposed Project in the Final MND.

- Require the use of off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (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 emissions⁸. A list of CARB verified DPFs are available on the CARB website⁹.

To ensure that Tier 4 Final or cleaner construction equipment 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 with construction contractor(s). 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, 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 documents by construction contractor(s) to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance.

⁵ *Ibid.* Page 36.

⁶ *Ibid.* Page 38.

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 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.

⁹ *Ibid.* Page 18.

In the event that construction equipment cannot meet the Tier 4 Final engine certification, the Project representative(s) or contractor(s) 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 and reduction in the number and/or horsepower rating of construction equipment.

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. Further, when the Lead Agency makes the finding that the recommended mitigation measure is not feasible, the Lead Agency should describe the specific reasons supported by substantial evidence for rejecting it 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 contact Margaret Isied, Air Quality Specialist, at misied@aqmd.gov, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

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