



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

November 10, 2022

[aacuna@cityofgardena.org](mailto:aacuna@cityofgardena.org)

Amanda Acuna, Senior Planner  
City of Gardena  
1700 West 162<sup>nd</sup> Street  
Gardena, California 90247

## **Mitigated Negative Declaration (MND) for the Proposed Gardena Industrial Center Project (Proposed Project)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Gardena is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. The following comments include recommended revisions to the CEQA localized air quality impacts analysis for construction activities, CEQA regional air quality impacts analysis for cleanup activities during construction, South Coast AQMD Rules 2305 and 316, and information about South Coast AQMD permits that the Lead Agency should incorporate in the Final MND.

### **South Coast AQMD Staff's Summary of Project Information in the MND**

Based on the MND, the Lead Agency proposes constructing an approximately 190,680-square-foot tilt-up concrete industrial building with 180,860 square feet of industrial use and 10,000 square feet of office use.<sup>1</sup> The Proposed Project also includes demolishing all existing on-site buildings, parking lot, and associated improvements.<sup>2</sup> The Proposed Project is located at 1600 West 135<sup>th</sup> Street in the City of Gardena.<sup>3</sup> According to the Project Site Plan drawing in Appendix A – Transportation Impact Analysis,<sup>4</sup> there will be 22 dock doors associated with the Proposed Project. Based on a review of aerial photographs, South Coast AQMD staff found that the nearest sensitive receptor (e.g., residence) is 85 feet north of the Proposed Project's northeastern corner. Construction of the Proposed Project is anticipated to begin in 2023 and take approximately 12-14 months.<sup>5</sup>

### **South Coast AQMD Staff's Comments**

#### *CEQA Localized Air Quality Impacts Analysis for Construction Activities*

In the MND, the Lead Agency identifies the closest sensitive receptors (e.g., residences) are approximately 350 feet northeast of the Proposed Project site.<sup>6</sup> Therefore, when discussing the localized significance thresholds (LSTs) in Table 3, the Lead Agency indicates the receptor

---

<sup>1</sup> MND. Page 2

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.* Page 1.

<sup>4</sup> Appendix A. PDF Page 6.

<sup>5</sup> MND. Page 3.

<sup>6</sup> *Ibid.* Page 40.

distance is 100-meter with a 1-acre site for the most conservative analysis.<sup>7</sup> However, South Coast AQMD staff found that the nearest residence is within 85 feet of the Proposed Project site, as mentioned in the above staff's summary paragraph. Hence, the most conservative LSTs receptor distance should be 25-meter for the same source receptor area with a 1-acre disturbance.

Table 6 in the MND shows the Proposed Project's construction emissions compared to the LSTs at a 100-meter receptor distance, resulting in the construction emission not exceeding the LSTs.<sup>8</sup> However, at a 25-meter receptor distance, South Coast AQMD staff found that the construction emissions would exceed the PM<sub>10</sub> and PM<sub>2.5</sub> significance thresholds compared to the South Coast AQMD LSTs. Table A below shows the analysis from South Coast AQMD staff compared to the analysis in the MND.

**Table A – Construction Emissions (lbs./day) Relative to Localized Significance Thresholds**

<b>Criteria</b>	<b>MND's Analysis</b>	<b>South Coast AQMD Staff's Analysis</b>
<b>Nearest Sensitive Receptor (residences)</b>	350 ft northeast of the Proposed Project Site <sup>9</sup>	85 ft north of the Proposed Project's northeastern corner (located at 1531, 1539, 1541 West 135 <sup>th</sup> St, Gardena)
<b>Receptor Distance Used in Analysis</b>	100-meter <sup>10</sup>	25-meter
<b>Localized Construction Emissions (lbs./day)<sup>11</sup></b>		NO <sub>x</sub> : 28 CO: 20 PM <sub>10</sub> : 10 PM <sub>2.5</sub> : 6
<b>Thresholds (lbs./day)<sup>12</sup></b>	NO <sub>x</sub> : 107 CO: 1,156 PM <sub>10</sub> : 28 PM <sub>2.5</sub> : 9	NO <sub>x</sub> : 91 CO: 664 PM <sub>10</sub> : 5 PM <sub>2.5</sub> : 3
<b>Significant?</b>	No	Yes. Exceed thresholds for PM <sub>10</sub> and PM <sub>2.5</sub>

South Coast AQMD staff recommends that the Lead Agency review and identify the nearest sensitive receptors to utilize the most accurate and conservative LST receptor distance in the analysis. Additionally, if the revised localized construction emissions show the exceedance in PM<sub>10</sub> and PM<sub>2.5</sub>, the Lead Agency should provide and discuss the mitigation measures to reduce the emissions below the significance thresholds and include them in the Final MND. If the revision is not included in the Final MND, the Lead Agency should provide reasons for not having them supported by substantial evidence in the record.

<sup>7</sup> *Ibid.* Page 37.

<sup>8</sup> *Ibid.* Page 42.

<sup>9</sup> *Ibid.* Page 8-9, 42

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> South Coast Localized Significance Thresholds. Access at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

*CEQA Regional Air Quality Impacts Analysis for Cleanup Activities during Construction*

Based on the Hazards and Hazardous Materials Section in the MND, Phase I, and Phase II Environmental Site Assessment (ESA) reports, there are four areas needing further evaluation to determine if soil remediation was needed and to assess the extent of impacted soils further.<sup>13,14</sup> It is reasonably foreseeable that cleanup activities for remediating and controlling contaminated soil may occur prior to or concurrently with the construction of the Proposed Project. The Lead Agency includes Mitigation Measures (MM) HAZ-1 in the MND and recommends further investigation, soil sampling, testing, and preparing a remediation plan before the Proposed Project's redevelopment.<sup>15</sup> However, the Lead Agency did not analyze air quality impacts from cleanup activities in the MND.

Cleanup activities will likely involve using heavy-duty, diesel-fueled trucks for soil export, resulting in emissions from truck hauling activities and vehicle trips by workers that will be required to conduct cleanup activities. Additionally, cleanup activities will likely require the use of additional equipment that may differ from typical equipment for grading and site preparation for construction. If cleanup activities were reasonably foreseeable at the time the MND was prepared, the Lead Agency should use good faith and best efforts to provide information on the scope, types, and duration of cleanup activities, quantify emissions from cleanup activities, and include those emissions in the Proposed Project's construction emissions profile to be compared to South Coast AQMD's air quality CEQA significance thresholds for construction to determine the level of significance in the Final MND. Alternatively, if emissions from cleanup activities are not included in the Final MND, the Lead Agency should include a new air quality mitigation measure in the Air Quality Section of the Final MND to commit to evaluating the potential environmental impacts from cleanup activities through CEQA prior to commencing any cleanup activities. If a new air quality mitigation measure is not included in the Final MND, the Lead Agency should provide reasons supported by substantial evidence in the record to explain why a new air quality mitigation measure is not included.

Based on the emission calculations from the CalEEMod output files, the Lead Agency used the default one-way truck trip length of 20 miles to quantify the Proposed Project's construction emissions from hauling construction materials and importing or exporting soil. If cleanup activities would include removing and disposal of contaminated soil, depending on the type of contamination, contaminated soil may not be accepted at the landfill that served the Proposed Project. It may need to be disposed of at a permitted hazardous disposal facility with a one-way truck trip length that is likely longer than 20 miles. Therefore, South Coast AQMD staff recommends that the Lead Agency identify the permitted hazardous disposal facility that the Proposed Project could use to dispose of contaminated soil if the cleanup activities involve transport and off-site disposal of contaminated soil and disclose the information in the Final MND. When quantifying emissions from transport and off-site disposal, the Proposed Project's construction emissions from haul truck trips for the transportation and disposal of contaminated soil based on the appropriate one-way truck trip length should be re-calculated. If the default one-way truck trip length of 20 miles is not re-calculated for quantifying emissions from haul truck

---

<sup>13</sup> *Ibid.* Page 68-69.

<sup>14</sup> Appendix G. Page 10.

<sup>15</sup> MND. Page 71.

trips for transporting contaminated soil, the Lead Agency should provide reasons for not recalculating it supported by substantial evidence in the record.

### *South Coast AQMD Rule 2305 and Rule 316*

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program,<sup>16</sup> and Rule 316 – Fees for Rule 2305.<sup>17</sup> Rule 2305 is a new rule that will reduce regional and local emissions of nitrogen oxides (NOx) and particulate matter (PM), including diesel PM, associated with warehouses and mobile sources attracted to warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards.

Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Operators are subject to an annual WAIRE Points Compliance Obligation calculated based on the annual number of truck trips to the warehouse under Rule 2305. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt-in to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance, the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305, allowing South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of one 190,860-square-foot industrial warehouse building, the Proposed Project's warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation. South Coast AQMD staff is available to answer questions concerning Rule 2305 implementation and compliance by phone or email at (909) 396-3140 or [waireprogram@aqmd.gov](mailto:waireprogram@aqmd.gov). For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage.<sup>18</sup>

### *Responsible Agency and South Coast AQMD Permits*

In the event that cleanup activities at the Proposed Project or implementation of the Proposed Project require the use of stationary equipment, permits from South Coast AQMD are required unless a written permit is not required.<sup>19</sup> The Lead Agency should use good faith effort to include a discussion of equipment that will require South Coast AQMD permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project in the Final MND. Due to the presence

---

<sup>16</sup> South Coast AQMD Rule 2305 - Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. Access at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf>.

<sup>17</sup> South Coast AQMD Rule 316 – Fees for Rule 2305. Access at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-iii/r316.pdf>.

<sup>18</sup> South Coast AQMD. WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

<sup>19</sup> South Coast AQMD. Rule 219. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-ii/Rule-219.pdf>.

of VOCs in soil, requirements of South Coast AQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil<sup>20</sup> will apply and should be discussed in the Final MND.

If any activities involve using equipment that either emits or controls air pollution, the Lead Agency should consult with South Coast AQMD staff to determine whether or not permits or plans are required and approved by South Coast AQMD prior to the operation and to identify if any other South Coast AQMD Rules will be applicable and discussed in the Final MND. Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 or visit South Coast AQMD's web page for more general information on permits: <http://www.aqmd.gov/home/permits>.

### Conclusion

According 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 the Lead Agency's position is at variance with recommendations raised in the comments, the 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 and 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 Danica Nguyen, Air Quality Specialist, at [dnguyen1@aqmd.gov](mailto:dnguyen1@aqmd.gov) should you have any questions.

Sincerely,

*Sam Wang*

Sam Wang

Program Supervisor, CEQA-IGR

Planning, Rule Development, and Implementation

SW:DN

LAC221018-08

Control Number

---

<sup>20</sup> South Coast AQMD. Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>.