



South Coast Air Quality Management District

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SENT VIA E-MAIL:

September 29, 2022

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**Draft Environmental Impact Report (Draft EIR) for the Proposed
Westminster Mall Specific Plan Project (Proposed Project)
(SCH No. 2019100444)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Westminster is the Lead Agency under the California Environmental Quality Act (CEQA) for the Proposed Project. The following comments include recommended revisions to the additional recommended air quality mitigation measures, CEQA localized construction and operation analysis, overlap of construction and operation analysis, health risk assessment and health risk reduction strategies, and South Coast AQMD permits that the Lead Agency should include in the Final EIR.

South Coast AQMD Staff's Summary of Project Information in the Draft EIR

Based on the Draft EIR, the Lead Agency proposed the following City actions, including (1) General Plan Amendment to increase the number of allowable dwelling units from 824 to a range of 2,000 to 3,000 units associated with increasing of 2,676 to a maximum of 8,373 residents, an increase from 1,396,070 nonresidential square feet to 1,433,750 square feet with 1,200,000 square feet of nonresidential and 425 hotel rooms¹; (2) Specific Plan Adoption²; and (3) Development Agreement to enter one or more agreements with landowners within the Specific Plan area³. The Proposed Project would provide guidelines for mixed commercial, professional office, hotel, and residential development⁴. The Proposed Project is located at 1025 Westminster Mall, City of Westminster in Orange County, on an approximately 100-acre site⁵. The Proposed Project is bounded by Interstate 405 (I-405) to the north and east, Edwards Street to the west, Bolsa Avenue to the south, and Goldenwest Street to the east⁶. Based on the aerial photographs, South Coast AQMD staff found that the nearest sensitive receptors (e.g., residences) are within 100 feet west and south of the Proposed Project. Additionally, there are K-12 schools located within 600 feet west and northeast of the Proposed Project. The Proposed

¹ Draft EIR. Page 3-5.

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.* Page 1-9.

⁵ *Ibid.* Page 1-4.

⁶ *Ibid.* Page 3-1.

Project's construction activities are anticipated to occur sporadically over approximately 19 years or more⁷.

South Coast AQMD Staff's Comments on the Draft EIR

Additional Recommended Air Quality Mitigation Measures

Based on the Draft EIR, the Proposed Project's construction is expected to result in a significant impact on NOx emissions when compared to the South Coast AQMD Regional Air Quality Significant Thresholds. To reduce the construction emissions, the Lead Agency proposes mitigation measures, including an air quality mitigation measure (MM AQ-1), that construction equipment shall meet the USEPA Tier 4 emissions standards (the model year 2008 or newer) and applicable for engines between 50 to 750 brake horsepower⁸. However, as mentioned in the Draft EIR, the Proposed Project's construction could occur over 19 years or more. It is reasonably foreseeable that Tier 4 might not be the cleanest technology when construction occurs later during the 19 years or more of construction duration. According to the California Air Resource Board (CARB) Strategies for Reducing Emissions from Off-Road Construction Equipment, the implementation of off-road Tier 5 starting in 2027/2028 and the Governor's Executive order in September 2020 requires CARB to develop and propose a full transition to Zero Emissions (ZE) by 2035, wherever feasible⁹. Therefore, South Coast AQMD staff recommends that the Lead Agency revise the AQ-1 to commit to using the cleanest technology for construction during the construction period, if available and feasible, and includes the revision in the Final EIR. If the revisions are not included in the Final EIR, the Lead Agency should provide reasons for not having them supported by substantial evidence in the record.

CEQA requires that all feasible mitigation measures beyond what is required by law be utilized to minimize or eliminate significant adverse impacts. The Proposed Project is a blueprint for the City's future development. The Draft EIR for the Proposed Project serves as a planning-level document, and there is no defined development schedule for future projects. Therefore, the emission analysis associated with buildout will be based on a very conservative scenario in which several construction projects would occur at the same time, and all construction phases would overlap¹⁰. South Coast AQMD staff recommends that the Lead Agency include the following project-level mitigation measures in the Final EIR to further reduce emissions from construction and operation activities in future development projects (e.g., development projects that generate and attract heavy-duty diesel-fueled trucks). These mitigation measures will support the efforts in implementing the control measures and strategies identified in the 2016 Air Quality Management Plan¹¹.

⁷ *Ibid.* Page 5.2-26

⁸ *Ibid.* Page 5.2-36.

⁹ Presentation can be found at:

<http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2022-air-quality-management-plan/combined-construction-carb-amp-aqmp-presentations-01-27-21.pdf?sfvrsn=8>.

¹⁰ *Ibid.* Page 5.2-26,27.

¹¹ South Coast Air Quality Management District. 2017, March. Final 2016 Air Quality Management Plan. <https://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan/final-2016-aqmp>

Project-level air quality mitigation measures for construction air quality impacts that the Lead Agency should consider and include in the Final EIR and any subsequent CEQA document and future development projects may consist of the following:

- Tune and maintain all construction equipment to be in compliance with the manufacturer's recommended maintenance schedule and specifications that optimize emissions without nullifying engine warranties. All maintenance records for each equipment and their construction contractor(s) should be made available for inspection and remain onsite for a period of at least two years from completion of construction.
- Require the use of electric or alternative-fueled (i.e., non-diesel) construction equipment, if available, including but not limited to, concrete/industrial saws, pumps, aerial lifts, material hoist, air compressors, forklifts, excavator, wheel loader, and soil compactors.
- Provide electric vehicle (EV) charging stations or at a minimum, provide the electrical infrastructure and electrical panels shall be appropriately sized. Electrical hookups should be provided for trucks to plug in any onboard auxiliary equipment.
- Provide temporary traffic controls such as a flag person, during all phases of significant construction activity to maintain smooth traffic flow, where necessary.
- Provide dedicated turn lanes for the movement of construction trucks and equipment on- and off-site, where applicable.
- Ensure that vehicle traffic inside the project site is as far away as feasible from sensitive receptors.
- Reduce traffic speeds on all unpaved roads to 15 miles per hour (mph) or less.
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
- Suspend use of all construction activities that generate air pollutant emissions during first stage smog alerts.
- Configure construction parking to minimize traffic interference.
- Require covering of all trucks hauling dirt, sand, soil, or other loose materials.
- Install wheel washers where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site for each trip.
- Apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more).
- Replace ground cover in disturbed areas as quickly as possible to minimize dust.
- Pave road and road shoulders, where applicable.
- Sweep streets at the end of the day with South Coast AQMD Rule 1186 and 1186.1 compliant sweepers if visible soil is carried onto adjacent public paved roads (recommend water sweepers that utilize reclaimed water).

Project-level air quality mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider and include in the Final EIR and any subsequent CEQA document and future development projects may consist of the following:

- The Lead Agency should require using ZE or NZE heavy-duty trucks for future development projects during operation, such as trucks with natural gas engines that meet CARB's adopted optional NO_x emission standard of 0.02 g/bhp-hr, if and when feasible.

Given the state's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks, such as the Advanced Clean Trucks Rule¹² and the Heavy-Duty Low NOx Omnibus Regulation¹³, ZE and NZE trucks will become increasingly more available to use. The Lead Agency can and should require future development projects to have a phase-in schedule to incentivize these cleaner operating trucks to reduce any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs. At a minimum, require the use of the 2010 model year¹⁴ that meets CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of PM and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Require future development projects to include an evaluation of sufficient electricity and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the subsequent, project-level environmental analyses, where appropriate. Future development projects can and should also include the requirement in applicable bid documents, purchase orders, and contracts. Owners and operators of future development projects shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards and make the records available for inspection. The Lead Agency should conduct regular inspections of future development projects.

- Limit the daily number of trucks allowed at future development projects to the levels analyzed in the subsequent, project-level environmental analyses for these projects. If higher daily truck volumes are anticipated to visit the site, an additional analysis should be done through CEQA prior to allowing this higher activity level.
- Require future development projects to provide electrical infrastructure and electrical panels, which should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

Project-level air quality mitigation measures for operational air quality impacts from other area sources that the Lead Agency should consider and include in the Final EIR for future development projects may include the following:

- Maximize the use of solar energy by installing solar energy arrays.
- Use light-colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices and appliances.

¹² CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

¹³ CARB has recently passed a variety of new regulations that require new, cleaner heavy-duty truck technology to be sold and used in state. For example, on August 27, 2020, CARB approved the Heavy-Duty Low NOx Omnibus Regulation, which will require all trucks to meet the adopted emission standard of 0.05 g/hp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdomnibuslownox>.

¹⁴ 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 Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

- Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.

Design considerations that the Lead Agency should consider and include in the Final EIR for future development projects to further reduce air quality and health risk impacts include the following:

- Clearly mark truck routes with trailblazer signs so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, daycare centers, hospitals, etc.).
- Design future development projects such that truck entrances and exits are not facing sensitive receptors and trucks will not travel past sensitive land uses to enter or leave the project site.
- Design future development projects such that any truck check-in point is inside the site to ensure no trucks are queuing outside.
- Design a future development project to ensure that truck traffic inside the project site is as far away as feasible from sensitive receptors.
- Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the future development project site.

Localized Construction and Operation Analysis

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds¹⁵ and localized significance thresholds (LSTs)¹⁶ to determine the Proposed Project's air quality impacts. In the Draft EIR, the Lead Agency discusses about South Coast AQMD LSTs in concentration and presents them in Table 5.2-7¹⁷. South Coast AQMD staff recommends that the Lead Agency revise the LSTs information to reflect the correct values for each criteria pollutant, determine the Proposed Project's air quality impacts and compare to the South Coast AQMD LSTs, and include them in the Final EIR. If the revision is not included in the Final EIR, the Lead Agency should provide reasons for not having it supported by substantial evidence in the record.

Overlap Construction and Operation Analysis

Based on the Draft EIR, the Lead Agency estimates and presents in Table 5.2-11 the potential overlap of construction and operational activities¹⁸. However, there are no comparisons between the overlapping emissions to any South Coast AQMD air quality CEQA regional operational significance thresholds to determine the air quality impacts. Therefore, South Coast AQMD staff

¹⁵ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>

¹⁶ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

¹⁷ Draft EIR. Page 5.2-20

¹⁸ *Ibid.* Page 5.2-30

recommends that the emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA operational thresholds to determine the level of significance¹⁹, and included in the Final EIR. If the revision is not included in the Final EIR, the Lead Agency should provide reasons for not having it supported by substantial evidence in the record.

Health Risk Assessment and Health Risk Reduction Strategies

In the Draft EIR, implementing the Proposed Project would result in the new development of sensitive land uses within 500 feet of a source of pollution, such as Interstate 405. In addition, in the California Air Resources Board (CARB) Air Quality and Land Use Handbook: *A Community Health Perspective*, Table 1-1: Recommendations on Siting New Sensitive Land Uses Such AS Residences, Schools, Daycare Centers, Playgrounds, or Medical Facilities, it is recommended that siting new sensitive land uses (e.g., residences) should not be within 500 feet of a freeway, urban roads within 100,000 vehicles per day, or rural roads with 50,000 vehicles per day²⁰. It 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 with additional guidance on strategies to reduce air pollution exposure near high-volume roadways available in CARB's technical advisory²¹. Due to the close proximity to Interstate 405, South Coast AQMD staff recommends that the Lead Agency include a mobile source HRA analysis discussion in the Final EIR to provide guidance for subsequent, project-level environmental analyses consulted with the recommendations from CARB. This discussion will demonstrate that the Lead Agency has adequately considered the potential health risk impacts of implementing the Proposed Project and that a subsequent, project-level HRA analysis will be completed to disclose health risk impacts at a later stage. Furthermore, the Lead Agency should include the health risk reduction strategies in the Final EIR as guidance for future sensitive land use development projects that will be sited near freeways or other sources of air pollution.

As mentioned in the Draft EIR, the construction activities associated with the buildout of the Proposed Project are anticipated to occur sporadically over approximately 19 years or more²². Due to the long duration of construction activities, it is recommended that the Lead Agency perform a construction HRA to determine the health risk impacts during the construction period. If an HRA is not feasible at the time due to the limited information, such as undefined construction schedule, it is recommended that, at minimum, the Lead Agency provide a qualitative analysis that inventories and evaluates all the stationary sources (including the permitted, proposed, and planned for future units) and mobile sources with the map showing the locations of the sources, the routes to and from the site and truck loading/unloading docks (if any), and their proximity to the sensitive receptors under the currently existing and foreseeable probable future conditions and show the justifications if the Proposed Project has potentially substantial health risk impacts or not from the existing condition. If a qualitative analysis is not

¹⁹ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

²⁰ CARB) Air Quality and Lan Use Handbook: A Community Health Perspective can be found at: <https://www.arb.ca.gov/ch/handbook.pdf>.

²¹ CARB's technical advisory can be found at: <https://www.arb.ca.gov/ch/landuse.htm>.

²² Draft EIR. Page 5.2-26

included in the Final EIR, the Lead Agency should provide reasons for not having it supported by substantial evidence in the record.

If the results from the qualitative analysis show the Proposed Project may have potentially significant health risk impacts, South Coast AQMD staff recommends that quantitative analysis, HRA should be conducted and compare the Proposed Project's cancer risks to South Coast AQMD CEQA significance threshold of 10 in one million²³ to determine the level of significance for the Proposed Project's health risk impact in the Final EIR²⁴. The Lead Agency should also disclose the potential health risks for chronic and acute impacts of the Project's operation on residents living and/or workers working outside the Proposed Project's boundary in the Final EIR. If an HRA is not included in the Final EIR, the Lead Agency should provide reasons for not having it supported by substantial evidence in the record.

South Coast AQMD Permits and Responsible Agency

If the implementation of the Proposed Project would require modifying the existing or use of new stationary equipment, including but not limited to emergency generators, fire/water pumps, etc., permits from South Coast AQMD are required. Stationary equipment not only requires permits to construct but also permits to operate. Therefore, the Lead Agency should include a discussion on stationary equipment, which would be utilized in the Proposed Project's construction and operation, requiring South Coast AQMD permits and identifying South Coast AQMD as a Responsible Agency for the Proposed Project in the Final EIR. Any assumptions used for the stationary sources in the Final EIR will also be used as the basis for the permit conditions and limits for the Proposed Project.

Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions on permits. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>.

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, 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 will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision-makers and to the public who are interested in the Proposed Project.

²³ South Coast AQMD Air Quality Significance Thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>.

²⁴ South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

Steven Ratkay

September 29, 2022

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 should you have any questions.

Sincerely,

Sam Wang

Sam Wang

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

SW:DN

ORC220816-07

Control Number