



South Coast Air Quality Management District

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SENT VIA E-MAIL:

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Draft Environmental Impact Report/ Environmental Impact Statement (Draft EIR/EIS)
for the Proposed One San Pedro Specific Plan (Proposed Project)
(SCH Number: 2021010117)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The Housing Authority of the City of Los Angeles is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. The following comments recommended revisions to the CEQA regional air quality impacts analysis for cleanup activities during construction, revision to the air quality mitigation measures, additional recommended air quality mitigation measures for construction, and information about South Coast AQMD rules and permits that the Lead Agency should include in the Final EIR/EIS.

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

Based on the Draft EIR/EIS, the Lead Agency proposes development on approximately 20 acres of the One San Pedro Specific Plan Site (OSP Specific Plan Site) and an approximately 0.6-acre site at 319-327 North Harbor Boulevard (327 Harbor Site).¹ The Proposed Project consists of the phased demolition of the existing structures on the OSP Specific Plan Site and the construction of up to 1,553 residential units on the OSP Specific Plan Site and 47 residential units on the 327 Harbor Site.² The Proposed Project also includes 85,000 square feet of Neighborhood Serving Uses and 45,000 square feet of Commercial Retail use on the OSP Specific Plan Site.³ Based on a review of the aerial photographs, South Coast AQMD staff finds that the nearest sensitive receptors (e.g., other residential units) are within 50 feet north and west of the Proposed Project, specifically to the OSP Specific Plan Site. The construction of the 327 Harbor Site is anticipated to commence in 2023 and with completion in 2025.⁴ The construction of the OSP Specific Plan Site is expected to occur over three Phases spanning approximately 14 to 20 years, from 2024 to 2037, for a conservative analysis.⁵

¹ Draft EIR/EIS. Page 2-1.

² *Ibid.* Page 2-10.

³ *Ibid.*

⁴ *Ibid.* Page 2-47.

⁵ *Ibid.*

South Coast AQMD Staff's Comments on the Draft EIR/EIS*CEQA Regional Air Quality Impacts Analysis for Cleanup Activities During Construction*

Based on the Hazard and Hazardous Materials Section of the Draft EIR/EIS, the Proposed Project would have concerns regarding the elevated concentrations of, for instance, polynuclear aromatic hydrocarbon (PAHs), metals (specifically lead), and volatile organic compounds (VOCs) at either or both the OSP Specific Plan Site and 327 Harbor Site.⁶ In addition, there is potential for the presence of asbestos-containing materials (ACMs), lead and lead-based paint (LBP), and polychlorinated biphenyls (PCBs) to exist in buildings on the OSP Specific Plan Site.⁷ Due to past uses, contaminated soil is present and high levels of VOCs have been detected in soil vapor on the OSP Specific Plan Site and 327 Harbor Site.⁸ Thus, construction activities of the Proposed Project, such as excavation and grading, would result in a potentially significant hazard to the public or the environment.⁹ The Lead Agency proposes mitigation measures HAZ-1 to HAZ-5 to reduce the significant impacts. However, the Draft EIR/EIS does not analyze the air quality impacts from the remediation activities during construction.

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. Because cleanup activities are reasonably foreseeable, 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 EIR/EIS. Alternatively, if emissions from cleanup activities are not included in the Final EIR/EIS, the Lead Agency should include a new air quality mitigation measure in the Air Quality Section of the Final EIR/EIS 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 EIR/EIS, 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.

Under the Project Description section in the Draft EIR/EIS, the exported soil and materials would be transported to Sunshine Canyon Landfill and the Azusa Land Reclamation.¹⁰ Based on the aerial photographs, South Coast AQMD staff measures the distance from the Proposed Project location to the Sunshine Canyon Landfill and the Azusa Land Reclamation and gets approximately 50 and 42 miles of one-way trip length, respectively. However, according to the emission calculations from the CalEEMod output files, the Lead Agency used a default one-way truck trip length of 20 miles to quantify the Proposed Project's construction emissions from hauling construction exported soil and materials. Due to the inconsistency of the transport distance, when quantifying

⁶ *Ibid.* Page 4.6-12 to 4.6-14.

⁷ *Ibid.* Page 4.6-15 to 4.6-16.

⁸ *Ibid.* Page 4.6-39.

⁹ *Ibid.* Page 4.6-34.

¹⁰ *Ibid.* Page 2-49.

emissions from transportation and off-site disposal, the Proposed Project's construction emissions from haul truck trips for transporting and disposing of contaminated soil based on the appropriate one-way truck trip length should be re-calculated. South Coast AQMD staff recommends that the Lead Agency re-calculate the construction emissions reflecting the correct number of hauling truck trips and the hauling trip lengths in CalEEMod and include them in the Final EIR/EIS. If the number of hauling truck trips and the default one-way truck trip length of 20 miles are not re-calculated for quantifying emissions from haul truck trips for transporting contaminated soil, the Lead Agency should provide reasons for not re-calculating it supported by substantial evidence in the record.

Revision to the Air Quality Mitigation Measures

Based on the Air Quality Section of the Draft EIR/EIS, the Proposed Project construction and the overlapped construction and operation activities result in a significant impact on NOx emissions,¹¹ and the operation results in a significant impact on VOC emissions¹² when compared to the South Coast AQMD Regional Air Quality Significant Thresholds.¹³ Thus, the Lead Agency proposes mitigation measures AQ-1 for construction and AQ-2 for operation to minimize the potentially significant impacts related to criteria pollutant emissions. Mitigation measure AQ-1 requires the use of off-road construction equipment that meets the U.S. EPA Tier 4 final standard or at a minimum of Tier 3 standards.¹⁴ However, as mentioned in the Project Description, the construction of the OSP Specific Plan Site could span approximately 14 to 20 years.¹⁵ It is reasonably foreseeable that Tier 4 Final may not be the cleanest technology when construction occurs later. In addition, 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 feasible.¹⁶ South Coast AQMD staff recommends that the Lead Agency visit the CARB website regarding the *Potential Amendments to the Diesel Engine Off-road Emission Standards: Tier 5 Criteria Pollutants and CO₂ Standards*¹⁷ for more information.

Additionally, during the construction activities such as soil export or material delivery, all heavy-duty trucks entering the construction site should be model 2014 or newer. Further, all heavy-duty haul trucks should meet CARB's lowest optional low oxides of nitrogen (NOx) standard.¹⁸ Therefore, South Coast AQMD staff recommends that the Lead Agency revise the mitigation measure AQ-1 to commit to using the cleanest technology for construction during the long-term construction period, if available and feasible, require all heavy-duty trucks be model year 2014 or newer, and includes the revision in the Final EIR/EIS. If the revisions are not included in the Final

¹¹ *Ibid.* Pages 4.2-31 and 4.2-33. Tables 4.2-6 and 4.2-8.

¹² *Ibid.* Page 4.2-32. Table 4.2-7.

¹³ South Coast AQMD Air Quality Significance Thresholds. Access at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf>

¹⁴ *Ibid.* Page 4.2-29.

¹⁵ *Ibid.* Page 2-47.

¹⁶ 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>

¹⁷ CARB Potential Amendments to the Diesel Engine Off-road Emission Standards: Tier 5 Criteria Pollutants and CO₂ Standards. Access at: <https://ww2.arb.ca.gov/our-work/programs/tier5>

¹⁸ CARB's optional low-NOx emission standard can be found at: <https://ww2.arb.ca.gov/our-work/programs/optional-reduced-nox-standards>

EIR/EIS, the Lead Agency should provide reasons for not having them supported by substantial evidence in the record.

Additional Recommended Air Quality Mitigation Measures for Construction

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 air quality impacts, and in addition to AQ-1, South Coast AQMD staff recommends that the Lead Agency incorporate the following mitigation measures in the Final EIR.

- Maintain equipment maintenance records for the construction portion of the Proposed Project. All construction equipment must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. All maintenance records for each piece of equipment and their construction contractor(s) should be made available for inspection and remain on-site for a period of at least two years from the completion of construction.
- Require the use of zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks (e.g., material delivery trucks and soil import/export) such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NO_x emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr). CARB also 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.¹⁹ Since the construction schedule of the Proposed Project extends into 2023, it is reasonable to assume that 2010 model-year trucks will become more widely available commercially. Additionally, the Proposed Project will include an estimated 36,529 haul trips during construction¹⁵, contributing to the Proposed Project's significant and unavoidable construction NO_x emissions. Therefore, South Coast AQMD staff recommends that the Lead Agency, at a minimum, require that construction vendors, contractors, and/or haul truck operators commit to using 2010 model year or newer engines that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NO_x emissions or newer, cleaner trucks. When requiring ZE or NZE on-road haul trucks, the Lead Agency should include analyses to evaluate and identify sufficient power and supportive infrastructure available for ZE/NZE trucks in the Energy and Utilities and Service Systems Sections of the Final EIR, where appropriate. Additionally, the Lead Agency should require that operators maintain records of all trucks associated with the Proposed Project's construction and make these records available to the Lead Agency upon request. The records will serve as evidence to prove that each truck called to the Proposed Project meets the minimum 2010 model-year engine emission standards. The Lead Agency should conduct regular inspections of the records to the maximum extent feasible and practicable to ensure compliance with this mitigation measure.

¹⁹ California Air Resources Board. December 20, 2018. <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

- Restrict non-essential diesel engine idle time to not more than five consecutive minutes or another timeframe as allowed by the California Code of Regulations, Title 13 section 2485 - CARB's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. For any vehicle delivery that is expected to take longer than five minutes, each project applicant, project sponsor, or public agency will require the vehicle's operator to shut off the engine. Notify the vendors of these idling requirements at the time that the purchase order is issued and again when vehicles enter the gates of the facility. To further ensure that drivers and operators understand the idling requirement, include the idling requirement in the training materials for drivers, operators, and vendors, and post signs at the entry of the construction site and throughout the Proposed Project site stating that idling longer than five minutes is not permitted.

South Coast AQMD Permits and Responsible Agency

If the implementation of the Proposed Project would require the use of new stationary equipment (e.g., internal combustion engines), permits from South Coast AQMD are required. The Final EIR/EIS should include a discussion on any existing and new stationary equipment requiring South Coast AQMD permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project. 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, at least ten (10) days prior to the certification of the Final EIR.²⁰ In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with the recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record must be provided to explain why specific comments and recommendations are not accepted.

We appreciate the opportunity to review the Proposed Project. Thank you for considering these comments. 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,

²⁰ 2022 CEQA Statutes and Guidelines Section 21092.5(a): "At least 10 days prior to certifying an environmental impact report, the lead agency shall provide a written proposed response to a public agency on comments made by that agency which conform with the requirements of this division. Proposed responses shall conform with the legal standards established for responses to comments on draft environmental impact reports. Copies of responses or the environmental document in which they are contained, prepared in conformance with other requirements of this division and the guidelines adopted pursuant to Section 21083, may be used to meet the requirements imposed by this section."

Access at: https://www.califaep.org/docs/2022_CEQA_Statue_and_Guidelines.pdf.

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