



South Coast Air Quality Management District

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SENT VIA E-MAIL:

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Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the 5665 Plaza Drive Project (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciate the opportunity to review the above-mentioned document. The City of Cypress is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff has provided a brief summary of the project information and prepared the following comments which are organized by topic of concern.

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

Based on the MND, the Proposed Project is comprised of the project consists of demolishing a 150,626 square-foot office building and constructing a 191,394-square-foot industrial building with 181,061 square feet of warehouse space and 10,333 square feet of office space on 8.53 acres.¹ Based on a review of aerial photographs, South Coast AQMD staff found that the nearest sensitive receptor (e.g., residential homes) is located north of the project site at approximately 1,398 feet from the site boundary line.² Construction of the Proposed Project is anticipated to occur over 11 months, with construction beginning in April 2024 and completion expected in March 2025.³ The project is located north of the intersection of Plaza Drive and Douglas Drive at 5665 Plaza Drive.⁴

South Coast AQMD Staff's Comments

Health Risk Assessment (HRA) during Project Operation

Per the California Environmental Quality Act (CEQA) Guidelines Section 15062 and 15063, the MND must include a thorough evaluation of potential environmental impacts, including those related to air quality and public health. Specifically, CEQA requires an analysis of the health risks posed by emissions from various sources, considering factors such as proximity to sensitive receptors and the potential for cumulative impacts. Given the nature of the Proposed Project, which involves industrial activities, it is crucial to conduct a comprehensive assessment of potential health risks associated with air pollutants emitted during the operational phase. This

¹ Initial Study/Mitigated Negative Declaration (IS/MND). Page 15.

² *Ibid.* Page 42.

³ *Ibid.* Page 46.

⁴ *Ibid.* Page 15.

assessment should encompass mobile sources (e.g., vehicle trips associated with operation emissions, TRUs emissions), stationary sources (e.g., emergency generators), and area or portable Sources. However, the MND for the Proposed Project did not contain a comprehensive assessment of the health risk associated with mobile, stationary and portable sources during the operation phase. Please refer to the South Coast AQMD's guidance for performing a mobile source health risk assessment.⁵ As a result, the potential cancer risk linked to the Proposed Project is unknown and undisclosed. This omission is concerning because the operation of 5665 Plaza Drive Project is expected to involve various diesel-powered stationary and portable sources and vehicles that emit Diesel Particulate Matter (DPM), known as an air toxic and carcinogen. As mentioned earlier in this letter, the aerial maps indicate that the nearest sensitive receptor, residential homes, is located adjacent to or within 1,398 feet north of the Proposed Project site. Therefore, the Lead Agency is recommended to conduct an operational phase HRA, which should include evaluating the impacts from truck emissions (including the truck routes to and from the site, truck loading/unloading docks, and their proximity to the sensitive receptors) and the impact of diesel-powered stationary and portable sources under the foreseeable probable future conditions. An quantitative HRA assessment is essential for determining the potential cancer risk impacts associated with the operation of the Proposed Project to the offsite sensitive receptors and workers so that they can be compared to the South Coast AQMD Air Quality Significance Thresholds for TACs⁶ to determine whether there will be a potentially significant air quality impact. The analysis should also disclose the potential health risks for chronic and acute impacts from the Proposed Project's operation on residents living and/or workers working outside the Proposed Project's boundary in the Revised or Final MND. If a quantitative HRA assessment is not included in the Revised or Final MND, the Lead Agency should provide reasons supported by substantial evidence in the record to explain why.

South Coast AQMD Air Permits and Role as a Responsible Agency

If implementation of the Proposed Project requires the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, etc., air permits from South Coast AQMD will be required. The final CEQA document, whether a MND or EIR, should include a discussion about the potentially applicable rules that the Proposed Project needs to comply with. Those rules may include, for example, Rule 201 – Permit to Construct,⁷ Rule 203 – Permit to Operate,⁸ Rule 401 – Visible Emissions,⁹ Rule 402 – Nuisance,¹⁰ Rule 403 – Fugitive Dust,¹¹ Rule 1110.2 – Emissions from Gaseous and Liquid

⁵ South Coast AQMD's guidance for performing a mobile source health risk assessment is available at: <https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>

⁶ South Coast AQMD Air Quality Significance Thresholds. <https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf>

⁷ South Coast AQMD. Rule 201 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>

⁸ South Coast AQMD. Rule 203 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>

⁹ South Coast AQMD. Rule 401 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-401.pdf>

¹⁰ South Coast AQMD. Rule 402 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>

¹¹ South Coast AQMD. Rule 403 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403>

Fueled Engines,¹² Rule 1113 – Architectural Coating,¹³ Rule 1166 – VOC Contaminated Soil Excavation,¹⁴ Rule 1179 – Publicly Owned Treatment Works Operation,¹⁵ Regulation XIII – New Source Review,¹⁶ Rule 1401 – Air Toxics,¹⁷ Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants,¹⁸ Rule 1470 – Requirements for Stationary Diesel Fueled Internal Combustion and Other Compression Ignition Engines,¹⁹ etc. It is important to note that when air permits from South Coast AQMD are required, the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections 15086, the Lead Agency is required to consult with South Coast AQMD.

CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of the process for conducting a review of the Proposed Project and issuing discretionary approvals. Moreover, it is important to note that if a Responsible Agency determines that a CEQA document is not adequate to rely upon for its discretionary approvals, the Responsible Agency must take further actions listed in CEQA Guideline Section 15096(e), which could have the effect of delaying the implementation of the Proposed Project. In its role as CEQA Responsible Agency, the South Coast AQMD is obligated to ensure that the CEQA document prepared for this Proposed Project contains a sufficient project description and analysis to be relied upon in order to issue any discretionary approvals that may be needed for air permits. South Coast AQMD is concerned that the project description and analysis in its current form in the MND is inadequate to be relied upon for this purpose.

For these reasons, the final CEQA document should be revised to include a discussion about any and all new stationary and portable equipment requiring South Coast AQMD air permits, provide the evaluation of their air quality and greenhouse gas impacts, and identify South Coast AQMD as a Responsible Agency for the Proposed Project as this information will be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD's webpage at <https://www.aqmd.gov/home/permits>.

¹² South Coast AQMD. Rule 1110.2 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1110_2.pdf

¹³ South Coast AQMD. Rule 1113 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf>

¹⁴ South Coast AQMD. Rule 1166 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>

¹⁵ South Coast AQMD. Rule 1179 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1179.pdf>

¹⁶ South Coast AQMD. Regulation XIII available at <https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/regulation-xiii>

¹⁷ South Coast AQMD. Rule 1401 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf>

¹⁸ South Coast AQMD. Rule 1466 available <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>

¹⁹ South Coast AQMD. Rule 1470 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>

Conclusion

The Lead Agency is recommended to revise the CEQA analysis to address the aforementioned comments and provide the necessary evidence to sufficiently support the conclusions reached. If the requested information and analysis are not included in the final CEQA document, either the Final MND or other type of CEQA document, the Lead Agency should provide reasons for not doing so. Pursuant to California Public Resources Code Section 21092.5(b) and 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 and notify each public agency when any public hearings are scheduled. 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, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided. In addition, if the Lead Agency decides to adopt the Final MND, please provide South Coast AQMD with notice of any scheduled public hearing(s).

Thank you for the opportunity to provide 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 Sahar Ghadimi, Air Quality Specialist, at sghadimi@aqmd.gov should you have any questions.

Sincerely,

Sam Wang

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Planning, Rule Development & Implementation

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