South Coast
Air Quality Management District
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Draft Mitigated Negative Declaration (Draft MND) for the Proposed Conditional Use Permit DRC2006-00580

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The air quality analysis for the proposed project tiered off of a Final EIR that is over 17 years old. The SCAQMD has repeatedly advised the lead agency that the air quality analysis from the 1990 Final EIR is woefully out of date because the model used at that time uses old emission factors and obsolete trip rate information. The SCAQMD asserts that continuing to rely on a 17-year old CEQA document does not comply with the spirit or intent of CEQA. The lead agency has not quantified criteria pollutant emissions from the construction or operation of the project. Further, the lead agency completely disregards potential air toxics emissions that are emitted during the pumping process. On page seven of 10, the lead agency inappropriately defers the analysis of emissions to a later date and inappropriately assigns the analysis to the SCAQMD. It is the lead agency's responsibility to quantify impacts from the proposed project.

Gasoline station operators must obtain permits from the SCAQMD, which makes the SCAQMD the responsible agency. Because the lead agency has failed to quantify criteria pollutant emissions during construction and operations and air toxic emissions during operations, the Draft MND is not adequate for the SCAQMD's purposes when considering any permits submitted for the proposed project. The SCAQMD requests that the lead agency revise the Draft MND by quantifying criteria pollutant and air toxics emissions and recirculate the document pursuant to CEQA Guidelines §15073.5 to avoid delays in processing permit applications submitted by the project proponent to the SCAQMD.

The SCAQMD staff would be happy to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Gordon Mize, Air Quality Specialist – CEQA Section, at (909) 396-3302, if you have any questions regarding these comments.

Sincerely,

Steve Smith, Ph.D.
Program Supervisor
Planning, Rule Development & Area Sources

Attachment

SS:GM

SBC071120-06
Control Number

Lead Agency Does Not Estimate Construction/Operational Emissions

1. The SCAQMD has repeatedly advised the lead agency that the general plan analysis using URBEMIS7G is woefully out of date because the model relies on EMFAC7G on-road mobile source emission factors, which have since been updated several times. Relying on a model using EMFAC7G emission factors substantially underestimates mobile source emissions. Further, URBEMIS7G relies on trip generation rates from a version of the ITE Trip Generation Manual that has been obsolete for a number of years. The URBEMIS model continues to be updated to reflect the most current on- and off-road emission factors, trip generation rates, and methodologies available. The most current version of the model, URBEMIS2007 version 9.2.2, was originally released in early June 2007 (Version 9.2) and was updated in September 2007 (Version 9.2.2). URBEMIS 2007 version 9.2.2 is available to lead agencies to assist them with calculating project-specific impacts for projects in their jurisdiction. Alternatively, the lead agency can calculate air quality impacts using the SCAQMD's CEQA Air Quality Handbook, as long as the most current emission factors are used.

   Some of the advantages of using the URBEMIS2007 model, in addition to the fact that it relies on the most current on- and off-road emission factors, are that it also calculates PM2.5 emissions (see comment #2) and CO_2 emissions. CO_2 is a greenhouse gas. The lead agency should be aware that the Attorney General has indicated that an EIR or MND must analyze greenhouse gas emissions. For this reason and based on the passage of AB32 and recent litigation over CEQA documents, the SCAQMD is advising lead agencies to quantify greenhouse gas emissions.

   Because the lead agency has not quantified project-specific air quality impacts from the proposed project, it has not demonstrated that the proposed project will not generate significant adverse construction or operational air quality impacts that may trigger further analysis pursuant to the California Environmental Quality Act.

   The lead agency can download the current URBEMIS 2007 land use emissions model at http://www.urbemis.com or, as previously mentioned, follow the calculation methodologies in Chapter 9 and the Appendix to Chapter 9 in the South Coast AQMD's CEQA Air Quality Handbook, as long as the most current emission factors are used.

PM2.5 Significance Thresholds

2. In response to adoption of PM2.5 ambient air quality standards by U.S. EPA and CARB, SCAQMD staff has developed a methodology for calculating PM2.5 emissions when preparing air quality analyses for California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) documents. To determine if PM2.5 air quality impacts are significant, SCAQMD staff has also developed recommended regional and localized significance thresholds. When preparing the air quality analysis for the proposed project, it is recommended that the

lead agency perform a PM2.5 significance analysis by following the guidance found at http://www.aqmd.gov/ceqa/handbook/PM2_5/PM2_5.html Further, SCAQMD staff has compiled mitigation measures to be implemented if the PM2.5 impacts or other pollutant air quality impacts are determined to be significant. Mitigation measure suggestions can be found at http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html

Localized Significance Thresholds

3. As noted in the Surrounding Land Uses and Settings on page 1 in Part II of the Initial Study/Draft MND, the proposed project is located within one-quarter mile of sensitive receptors north of the proposed project. Therefore, the SCAQMD requests that the lead agency evaluate localized air quality impacts to ensure that any nearby sensitive receptors are not adversely affected by the construction activities that are occurring in close proximity. SCAQMD guidance for performing a localized air quality analysis can be found at the following web address: http://www.aqmd.gov/ceqa/handbook/LST/LST.html .

CO Hotspots Analysis

4. In the Transportation/Traffic Section 15.a. through 15.g, the lead agency discusses transportation impacts but does not disclose potential project traffic impacts for intersections potentially affected by the proposed project. The lead agency concludes, "The proposed project is consistent with the General Plan for which the FEIR was prepared and impacts evaluated;" "will not create a substantial increase in the number of vehicle trips, traffic volume, or congestion in nearby intersections;" and "will not negatively impact the level of service standards on adjacent arterials" but does not provide even a summary of a current traffic study to support those findings. For the purposes of evaluating the proposed project's traffic impacts for CO hotspots analysis, the lead agency should at minimum include the following in the final CEQA document to demonstrate that the potential for CO hotspots is less than significant. The lead agency should identify the intersection(s) that would be affected by the proposed project; quantify the level of service and volume to capacity effects of the proposed project. Quantifying existing traffic volumes, the proposed traffic impacts and the impacts from any proposed mitigation measures are important because the results may warrant performing a CO hotspots analysis. The SCAQMD recommends that a CO hotspots analysis should be performed for any intersection where the LOS declines from C to D or for any intersection rated D or worse where the project increases the volume to capacity ratio by two percent or more.

   Should the lead agency, after estimating the proposed project's traffic impacts, believe that a CO hotspots analysis is warranted, please refer to the most current Cal Trans guidance regarding performing a CO hotspots analysis. This information can be obtained at the following internet address: http://www.dot.ca.gov/hq/env/air/coprot/htm .

Gasoline Fuel Dispensing

5. Because the proposed gas station convenience store will have gasoline dispensing equipment, the lead agency should cite compliance with SCAQMD Rule 461 - Gasoline Transfer and Dispensing in the Final MND. Further, because gasoline contains hazardous materials that are emitted as air toxics during the pumping process, for example, the proposed project is subject to the health risk assessment (HRA) requirements of SCAQMD Rule 1401 – New Source Review for Toxic Air Contaminants. The SCAQMD, therefore, requests that the lead agency prepare a HRA pursuant to the Risk Assessment Procedures for Rule 1401 and 212 (Rule 212 – Standards for Approving Permits and Issuing Public Notices) document, revise, and recirculate the CEQA document for the proposed project to avoid potential delays when reviewing any permit applications subsequently submitted to the SCAQMD.