



South Coast Air Quality Management District

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Draft Mitigated Negative Declaration (DMND) for the Proposed Millennium Palm Desert Project (Tentative Parcel Map 36792, Tentative Tract Map 36793)

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final Mitigated Negative Declaration.

The Lead Agency proposes construction of a mixed-use development on the vacant 152-acre site. The proposed project is planned for up to 778 residences including single- and multi-residential uses. Up to 551,000 square feet of commercial uses including 110,000 square feet of service industrial and 441,000 square feet of hotel and other commercial uses are proposed. Construction will be phased with the first phase beginning in 2015 with build-out as far as 2035, based on market conditions. Because the Lead Agency is unsure of the construction period, the Lead Agency should require in the Final MND that additional CEQA analysis shall occur if the proposed timeline is accelerated or limit construction activities to the amounts analyzed in the DMND. The DMND does not state if soil disturbance will be balanced on-site or whether soil import or export is expected.

Based on exposure from diesel particulate matter (DPM) to sensitive receptors (residences) living near the adjacent Interstate 10 Freeway (I-10 Freeway) and Union Pacific Railroad tracks, the Lead Agency has estimated cancer risks that substantially exceed the recommended significance thresholds for Toxic Air Contaminants (TACs). To address these significant adverse health impacts, the Lead Agency and has proposed mitigation to reduce exposure to below significant levels. The SCAQMD staff has concerns that the mitigation used in the DMND is not enforceable throughout the life of the proposed project. Significant cancer risks of up to 73 in one million were estimated in the Health Risk Assessment (HRA), which is greater than the recommended SCAQMD Toxic Air Contaminant Threshold for Maximum Incremental Cancer Risk (greater than or equal to 10 in 1-million). These significant impacts are mostly from the DPM emitted from the railroad and truck traffic operating just north of the project site. Since Mitigation Measures 12, 13(i)(ii), and the applicable portions of the Mitigation Monitoring and Reporting Plan described on page 25 in the Air Quality Section, are used

in the CEQA document to reduce cancer impacts below levels of significance, these measures should be fully enforceable beyond simply transferring responsibility to future homeowners or tenants by notifications and covenants, conditions and restrictions (CC&Rs). Those actions, as worded, do not ensure the maintenance throughout the life-time of the project. Further, disclosing the potential cancer risk does not ensure that the proposed Minimum Efficiency Rating Value (MERV) filters or the Heating, Venting and Air Conditioning (HVAC) systems are properly serviced or maintained to obtain the control efficiencies assumed in the DMND throughout the life of the project. Without demonstrating that the reduction credits applied through the proposed mitigation will continue throughout the life of the project, the Lead Agency has not demonstrated that project's impacts are less than significant. The SCAQMD staff recommends revising the proposed mitigation to ensure that the proposed filters and HVAC systems will achieve the efficiencies claimed in the DMND over the periods analyzed. Otherwise, project cancer risks would continue to be significant and unavoidable. Finally, the SCAQMD staff recommends that all feasible mitigation measures be included in the Final CEQA document and incorporated into the project to reduce significant impacts, as applicable. Further details are included in the appendix.

Please provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final CEQA document. The SCAQMD staff is available to work with the Lead Agency to address these issues and any other air quality 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,

Jillian Wong

Jillian Wong, Ph.D.
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Planning, Rule Development & Area Sources

Attachment

JW:GM

LAC150128-01
Control Number

Significant Health Risk Assessment (HRA) Impacts to Potential Residents

1. The Lead Agency has determined in its HRA that project impacts are significant, as high as 73 in 1-million,¹ which is substantially above the recommended SCAQMD threshold of significance for the Toxic Air Contaminant Threshold for Maximum Incremental Cancer Risk (greater than or equal to 10 in 1-million). These results are due to the proposed residential use being located close to trains using railroad tracks operated by the Union Pacific Railroad and trucks operating on the I-10 Freeway. Based on the HRA, most of the exposure to future project residents comes from the train emissions and these train emissions, in particular, would expose sensitive receptors to significant levels of Toxic Air Contaminants (TAC) diesel particulate matter, which has been determined by CARB as a carcinogenic. The estimated daily train activity is approximately 32 trains² that have an average of 2-3 diesel-fueled locomotive engines per train operating on those tracks. Based on the estimated significant project impacts, the final project and CEQA document should include enforceable mitigation that demonstrates that exposure to residents will be reduced below significant threshold levels during the life of the project (see discussion below in comment #2).

Mitigation During Operations (MERV Filters and HVAC Systems)

2. Starting on page 22, the Lead Agency discusses Health Risk results concluding that during occupancy, both of these existing sources would expose sensitive receptors to significant levels of TAC pollutants due to existing ambient air pollution in the vicinity. The SCAQMD staff recognizes the many factors lead agencies must consider when siting new housing. On page 25, the Lead Agency is proposing mitigation to reduce the proposed project's significant health impacts. Further, many mitigation measures have been included in the DMND and proposed for other projects to reduce exposure, including building filtration systems, placing the residential units furthest from the train tracks, making any windows facing the tracks and the freeway inoperable, building sound walls, planting vegetation barriers, etc. However, because of the potentially significant health risks involved, it is critical that any proposed mitigation must be carefully evaluated prior to determining if those health risks would be brought below recognized significance thresholds.

Limits to Enhanced Filtration Units

The Lead Agency should consider the limitations of the proposed enhanced filtration mitigation (Mitigation Measure 13(i)(ii) on page 25) for this project on the housing

¹DMND, Air Quality Section, page 22.

² Dept. of Transportation (DOT) Crossing Inventory Information website: <http://safetydata.fra.dot.gov/OfficeofSafety/publicsite/crossing/XingLocResults.aspx?state=06&countycity=065&railroad=&reportinglevel=ALL&radionm=County&street=Avenue+50&xingtype=%25&xingstatus=%25&xingpos=%25> . These railroad tracks show daily train activity of approximately 32 trains that have an average of 2-3 diesel-fueled locomotive engines per train operating crossing Avenue 50 in Coachella.

residents. For example, in a study that SCAQMD conducted to investigate filters³ similar to those proposed for this project, costs were expected to range from \$120 to \$240 per year to replace each filter. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the resident. The proposed mitigation also assumes that the filters operate 100 percent of the time while residents are indoors to reduce significant TAC impacts up to 52 in one million compared with the SCAQMD threshold of 10 in one million. It should be noted that these filters have no ability to filter out any toxic gasses from vehicle exhaust and would not reduce exposure when residents are outside of their homes, e.g. children playing outdoors, park use, residents working in their yard, cleaning a vehicle, relaxing outside, etc. For outside exposure, the HRA shows a cancer risk of up to 73 in one million compared with the SCAQMD threshold of 10 in one million. In the Final CEQA document, the presumed effectiveness and feasibility of this mitigation should therefore be evaluated in more detail prior to assuming that it will sufficiently alleviate near railway and truck exhaust exposures. Otherwise, impacts to residents from exposure to Toxic Air Contaminants will remain significant.

³ <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf?sfvrsn=0> . This study evaluated filters rated MERV 13+ while the proposed mitigation calls for less effective MERV 12 or better filters. See also CARB link for the “Status of Research on Potential Mitigation Concepts to Reduce Exposure to Nearby Traffic Pollution” (August 23, 2012): http://www.arb.ca.gov/db/search/search_result.htm?q=Potential+Mitigation+Concepts+to+Reduce+Exposure+to+Nearby+Traffic+Pollution&which=arb_google&cx=006180681887686055858%3Abew1c4wl8hc&srch_words=&cof=FORID%3A11 .