



# South Coast Air Quality Management District

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## **Draft Mitigated Negative Declaration (DMND) for the Proposed Vernola Marketplace Apartments Project (Master Application No. 1485)**

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 25 apartment buildings with 397 total units on the vacant 17.4-acre site. Additional construction for infrastructure, landscaping, a courtyard, pool area, etc., are also proposed. The air quality analysis assumes an 18-month construction period starting in June 2015 with the opening year estimated to begin in the fall of 2017.

Based on the existing setting, proposed future residents would be located just east of the Interstate 15 (I-15) Freeway and would therefore be exposed to potential vehicle emissions including Toxic Air Contaminants (TAC) from vehicles operating on the adjoining freeway. Based on exposure from diesel particulate matter (DPM) to the future sensitive receptor residents living near freeway, the Lead Agency has estimated unmitigated cancer risk that substantially exceeds the recommended significance threshold.

To address these significant adverse health impacts, the Lead Agency and has proposed mitigation to reduce exposure to below the level of significance. The SCAQMD staff has concerns that the mitigation used in the DMND should be enforceable throughout the life of the proposed project. Significant cancer risks of up to 22.8 in one million were estimated in the Health Risk Assessment (HRA), which is greater than the recommended SCAQMD Toxic Air Contaminant (TAC) threshold for Maximum Incremental Cancer Risk (greater than or equal to 10 in 1-million). This significant impact is mostly from the DPM emitted from diesel-fueled vehicles including truck traffic operating on the adjoining freeway. Since Mitigation Measures AQ-4 and AQ-5 (starting on page 6-25) are used in the CEQA document to reduce cancer impacts below levels of significance, these measures should be fully enforceable beyond transferring responsibility to future

tenants. It is also imperative that the proposed Minimum Efficiency Rating Value (MERV) filters are properly serviced or maintained to obtain the control efficiencies assumed in the DMND throughout the life of the project. Further, there is no discussion in the DMND about the installation, use and maintenance of a negative-pressure system installed to keep unfiltered air from entering the residential units bypassing the filter system. This is usually accomplished through a pressurized Heating, Venting and Air Conditioning (HVAC) system. The SCAQMD staff recommends revising the proposed mitigation to ensure that the proposed filters and any HVAC systems will achieve the efficiencies claimed in the air quality analysis throughout the life of the project. Without demonstrating that the applied mitigation reduction credits will continue throughout the life of the project, the Lead Agency has not demonstrated that project's impacts are less than significant. Project cancer risks would then continue to be significant and unavoidable. 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.  
Program Supervisor  
Planning, Rule Development & Area Sources

Attachment

JW:GM

SBC150129-06  
Control Number

### **Health Risk Assessment (HRA)**

1. The health risk assessment (HRA) for the project should also analyze emissions from operations for the duration of project. The DMND used 30-year and 9-year exposure duration scenarios instead of the SCAQMD recommended guidance of using a 70-year exposure period, which is the basis of the SCAQMD significance thresholds cited in the HRA by the Lead Agency. The Final CEQA document should therefore analyze the health risks from project operations using an exposure duration that lasts for either 70 years or for the life of the project. Otherwise, the HRA and DMND have not demonstrated that the TAC impacts are less than significant compared with the SCAQMD Maximum Incremental Cancer Risk and Chronic & Acute Hazard Index thresholds.

### **Significant HRA Impacts to Potential Residents**

2. The Lead Agency has determined in its HRA that project impacts are significant, as high as 22.8 in 1-million, and could also exceed the Chronic & Acute Hazard Index threshold (see also the discussion on reanalyzing cancer risks using the SCAQMD approved 70-year exposure duration guidance in comment number 1),<sup>1</sup> which is substantially above the recommended SCAQMD thresholds of significance for project Maximum Incremental Cancer Risk (greater than or equal to 10 in 1-million) and the Chronic & Acute Hazard Index (greater than or equal to 1). These results are due to the proposed residential use being located close to vehicles including trucks operating on the I-15 Freeway. Most of the exposure to future project residents comes from the vehicles operating on the freeway that would expose sensitive receptors to significant levels of TAC diesel particulate matter, which has been determined by CARB as a carcinogenic. The estimated peak vehicle activity on the I-15 near the project site is 158,000 vehicles per day<sup>2</sup>. 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 #3).

### **Mitigation During Operations (MERV Filters and HVAC Systems)**

3. Starting on page 6-22, the Lead Agency discusses Health Risk results concluding that during occupancy, adverse air quality impacts from vehicles traveling on the existing freeway 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 pages 6-25 and 6-26, the Lead Agency is proposing mitigation to reduce the proposed project's significant health impacts. Further, many mitigation measures should be considered in the Final CEQA document that have been proposed for other projects as well to

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<sup>1</sup>DMND, Air Quality Section, page 6-22 and 6-23.

<sup>2</sup> 2012 Traffic Volumes on the California State Highway System: <http://traffic-counts.dot.ca.gov/2012all/Route12-15.html> .

reduce exposure, including building filtration systems, placing the residential units furthest from the freeway, making any windows facing 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 (Measures AQ-4 and AQ-5 on pages 6-25 and 6-26) for this project on the housing residents. For example, in a study that SCAQMD conducted to investigate filters<sup>3</sup> 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 there is a HVAC system that draws enough air to support the filter system and that the HVAC system is fully operable throughout the life of the project. In addition, 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 22.8 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, being around the pool area, residents relaxing or walking outside, working outside on a balcony, cleaning a vehicle, etc. 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 truck exhaust exposures. Otherwise, impacts to residents from exposure to Toxic Air Contaminants will remain significant and unavoidable.

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<sup>3</sup> <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](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) .