



# South Coast Air Quality Management District

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SENT VIA E-MAIL:

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## **Draft Environmental Impact Report (DEIR) for the Proposed Shady View Residential Project (Proposed Project) (SCH No.: 2021060576)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Chino Hills is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. The following comments include information about South Coast AQMD rules and permits that the Lead Agency should include in the Final EIR.

### South Coast AQMD Staff's Summary of Project Description

Based on the Draft EIR, the Proposed Project consists of construction and operation of a single-family residential subdivision consisting of 159 residential units and approximately 80.8 acres of open space. The Proposed Project will also include the demolition of three existing aboveground oil storage tanks and construction of three new aboveground oil storage tanks. The Proposed Project site is approximately 130 acres and is located on the southeast corner of Via La Cresta Drive and Coyote Street in the City of Chino Hills, California 91709. Construction is anticipated to be completed in a single phase by end of 2024.<sup>1</sup>

### South Coast AQMD Staff's Summary of the Air Quality Analysis

In the Draft EIR, the Lead Agency quantified the Proposed Project's construction emissions and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds for construction. The Lead Agency found that the Proposed Project's unmitigated regional construction air quality impacts would be significant for nitrogen oxide (NO<sub>x</sub>) at 113.39 pounds per day (lbs/day),<sup>2</sup> which is above South Coast AQMD's regional air quality CEQA significance threshold for construction at 100 lbs/day. The Lead Agency is committed to Mitigation Measure AQ-1, which requires that all diesel-powered construction equipment 50 horsepower (hp) or greater meet USEPA Tier 4 (or better) off-road emission standards or be outfitted with California Air Resources Board (CARB) approved engine/exhaust retrofit kits to result in equivalent emissions.<sup>3</sup> With implementation of AQ-1, the Proposed Project's regional construction air quality impacts from NO<sub>x</sub> emissions would be reduced to less

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<sup>1</sup> Draft EIR. Section 3.0 Project Description. Page 3-1 through 3-10.

<sup>2</sup> Draft EIR. Appendix B-5 Air Quality and Greenhouse Gas Emissions Technical Report. Page 46.

<sup>3</sup> *Ibid.* Page 47.

than significant at 12.53 lbs/day.<sup>4</sup> Additionally, the Lead Agency found that the Proposed Project's unmitigated localized air quality emissions from construction were less than significant.<sup>5</sup>

The Lead Agency quantified the Proposed Project's operational emissions and compared those emissions to South Coast AQMD's recommended regional air quality CEQA significance thresholds for operation. Based on this analysis, the Lead Agency found that the Proposed Project's unmitigated regional operational air quality impacts would be less than significant.<sup>6</sup>

The Lead Agency also discussed compliance with South Coast AQMD Rules 401, 402, 403, 445, 1113, 1402, and 1403.<sup>7, 8, 9</sup>

#### Compliance with South Coast AQMD Rule 1166

The Hazards and Hazardous Materials Section in the Draft EIR states that multiple Environmental Site Assessments (ESA) were conducted at the Proposed Project Site. The ESAs found that the Proposed Project site has historically been used to store crude oil and to dispose of waste.<sup>10</sup> The ESAs also identified potential volatile organic compound (VOC) contaminated soil.<sup>11</sup> As such, soil decontamination measures may take place and it is possible that such contaminated soil would require export off-site;<sup>12</sup> the maximum estimated export is 19,000 cubic yards.<sup>13</sup> Furthermore, the Lead Agency has committed to mitigation measure HAZ-3. This mitigation measure requires that a Soil Management Plan be prepared that establishes guidelines to address potential areas of hazardous material that could be encountered during demolition and initial grading work.<sup>14</sup> Based on the information indicated in the Hazards and Hazardous Materials Section, South Coast AQMD Rule 1166 may also apply.

Disturbing and excavating soils that may contain hydrocarbons or toxic air contaminants are subject to the requirements of South Coast AQMD Rule 1166 – VOC Emissions from Decontamination of Soil.<sup>15</sup> The Lead Agency should include a discussion on South Coast AQMD Rule 1166 in the Air Quality Section of the Final EIR. In addition, prior to the commencement of soil or structure removal activities, the Lead Agency should consult with South Coast AQMD's Engineering and Permitting staff to determine whether any permits, plans, or additional compliance measures will need to be filed and approved by South Coast AQMD prior to start of such activities during the Proposed Project's construction.

#### South Coast AQMD Permits and Responsible Agency

As discussed above, the Proposed Project will consist of disturbing and excavating potentially VOC contaminated soils, the demolition of three existing aboveground oil storage tanks and the

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<sup>4</sup> *Ibid.* Page 48.

<sup>5</sup> *Ibid.* Page 49.

<sup>6</sup> *Ibid.* Page 47.

<sup>7</sup> Draft EIR. Appendix B-2 Air Quality and Greenhouse Gas Emissions Technical Report. Page 21 through 22.

<sup>8</sup> Draft EIR. Appendix B-4 Air Quality and Greenhouse Gas Emissions Technical Report. Page 39 through 40.

<sup>9</sup> Draft EIR. Section 4.7 Hazards and Hazardous Materials. Page 4.7-19 through 4.7-20.

<sup>10</sup> *Ibid.* Page 4.7-2 through 4.7-4.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.* Page 4.7-1 through 4.7-21.

<sup>13</sup> Draft EIR. Section 4.2 Air Quality. Page 4.2-11.

<sup>14</sup> Draft EIR. Section 4.7 Hazards and Hazardous Materials. Page 4.7-18 through 4.7-19.

<sup>15</sup> South Coast AQMD. Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>.

construction and operation of three new aboveground oil storage tanks. Therefore, permits from South Coast AQMD may be required for the Proposed Project. If permits are required, then South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Final EIR. South Coast AQMD's Engineering and Permitting staff should be consulted in advance to determine whether any permits will be needed prior to start of the construction or operation of the Proposed Project. It is important that impacts from the permits be fully and adequately evaluated and disclosed as required under CEQA Guidelines Section 15096(b). The assumptions used in the air quality analysis in the Final EIR will be used as the basis for evaluating the permits under CEQA and imposing permit conditions and limits. The 2015 revised Office of Environmental Health Hazard Assessment (OEHHA) methodology is being used by South Coast AQMD for determining operational health impacts for permitting applications and for all CEQA projects where South Coast AQMD is the Lead Agency.<sup>16</sup> Should there be any questions on permits, please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385. 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 prior to the certification of the Final EIR. In addition, when the Lead Agency's position is at variance with recommendations raised in the comments, the issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative or useful to decision makers and to the public who are interested in the Proposed Project.

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 feel free to contact Evelyn Aguilar, Air Quality Specialist, at [eaguilar@aqmd.gov](mailto:eaguilar@aqmd.gov), if you have questions or wish to discuss the comments.

Sincerely,

*Michael Morris*

Michael Morris

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MM:AM/EA  
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<sup>16</sup> Office of Environmental Health Hazard Assessment. "Notice of Adoption of Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments 2015". Accessed at: <https://oehha.ca.gov/air/cmr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0>