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**Draft Subsequent Environmental Impact Report (Draft SEIR) for the
Prima Deshecha Landfill (Proposed Project)
(SCH No: 1999041035)**

The South Coast Air Quality Management District (South Coast AQMD) appreciates the opportunity to comment on the above-referenced document. The Orange County Waste and Recycling (OCWR) is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD has provided a brief summary of the Proposed Project information and prepared the following comments which are organized by topic of concern.

Summary of Proposed Project Information in the Draft SEIR

Based on the Draft SEIR, the Proposed Project involves Amendment No. 5 to the 2001 Prima Deshecha Landfill General Development Plan (GDP) for the Prima Deshecha Landfill located in southern Orange County, California.¹ The facility is a 1,530-acre Class III municipal solid waste landfill owned by the County of Orange and operated by OCWR.² The landfill site is located at 32250 Avenida La Pata in the City of San Juan Capistrano, with portions of the site extending into the City of San Clemente and unincorporated Orange County.³

The Proposed Project would modify landfill operations by increasing the maximum permitted daily waste intake capacity from 4,000 tons per day (tpd) to 8,000 tpd and would allow for up to 36 operational emergency days during which the 8,000 tpd limit could be exceeded by an additional 2,000 tpd, which would result in a peak daily maximum intake of up to 10,000 tpd.⁴ The increase in daily waste intake is anticipated to occur gradually over time. The Proposed Project seeks to conduct simultaneous landfill operations within two disposal areas (Zone 1 and Zone 4) and have two active working faces at the landfill rather than one.⁵

¹ Draft SEIR, p. 1-1.

² Draft SEIR, p. 3-3

³ Draft SEIR, p. 1-3.

⁴ *Ibid.*

⁵ *Ibid.*

The landfill is divided into several planning zones. Zone 1 is the existing active disposal area, while Zone 4 represents the future landfill disposal area to be developed east of Avenida La Pata. Zones 2 and 3 are designated for recreational uses and habitat preservation, respectively, while Zone 5 consists of the Avenida La Pata roadway corridor. The Proposed Project seeks to increase the daily maximum rate at which waste may be received at the landfill without expanding the overall landfill footprint or increase the total permitted landfill capacity.⁶

Implementation of the Proposed Project would increase traffic associated with landfill operations from 3,041 average daily trips (ADT) under existing conditions to 4,937 ADT at the maximum waste intake capacity of 8,000 tpd during non-emergency days. Of the next increase of 1,896 ADT, approximately 1,806 daily trips would be attributable to landfill trucks and 90 trips would be associated with passenger vehicles (e.g., employees and support activities).⁷ Based on available landfill capacity, the landfill is anticipated to continue operating within its permitted footprint through approximately 2102.⁸

Chronology of CEQA Documents for the Proposed Project

According to the Draft SEIR, the following environmental documents have been prepared by the Lead Agency for the Proposed Project and provide the environmental review history for the Prima Deshecha Landfill:

- Final Environmental Impact Report No. 575 for the Prima Deshecha Landfill General Development Plan, certified in 2001 (2001 GDP EIR).
- Final Supplemental Environmental Impact Report No. 597 for the Second Amendment to the Prima Deshecha Landfill General Development Plan, certified in 2006 (First Supplemental EIR to the 2001 GDP EIR).
- Supplemental EIR No. 2 to Final EIR No. 575 for the Prima Deshecha General Development Plan, certified in 2021 (Second Supplemental EIR to the 2001 GDP EIR).
- Notice of Preparation (NOP) for the Subsequent Environmental Impact Report for the Increase in Maximum Daily Operations at Prima Deshecha Landfill, issued on September 27, 2023.
- Draft Subsequent Environmental Impact Report (Draft SEIR) for the Increase in Maximum Daily Operations at Prima Deshecha Landfill, released in January 2026.

The comments provided in this letter are based primarily on South Coast AQMD staff's review of the Draft SEIR and the technical modeling files provided for the air quality, odor, and health risk analyses.

⁶ Draft SEIR, p. 2-4.

⁷ Appendix –Traffic Volume and VMT Study, Table B.

⁸ Draft SEIR, p. 7-10.

Facility Description

The Prima Deshecha Landfill has the following equipment with South Coast AQMD permits:

- One landfill gas condensate/leachate collection and storage system (Permit No. G80309);
- One landfill gas collection system (Permit No. G38403);
- Two landfill gas enclosed flare systems (Permit Nos. G69892 for Flare No. 1 and G69894 for Flare No. 2);
- One service station for storage and dispensing gasoline (Permit No. N24522);
- One emergency diesel internal combustion engine rated at 197 horsepower (Permit No. G8104); and
- One hot water washer rated at approximately 2,500 British thermal units per hour (Btu/hr) (Permit No. G54606).

South Coast AQMD Comments

Air Quality Analysis – Baseline, Landfill Gas Generation Rates and Flare Capacity/Emissions

The generation of landfill gas (LFG) at a landfill is directly related to type and amount of waste received and the rate of decomposition rates and any proposed increase to the daily intake of waste at a landfill has the potential to increase the amount of LFG produced. Since the Proposed Project seeks to increase the maximum permitted daily waste intake from 4,000 tpd to 8,000 tpd on non-emergency days and allow up to 10,000 tpd during emergency days (approximately 2.5 times more the currently permitted daily intake), more waste will be decomposing on a daily basis, and more LFG will be produced, collected and routed to the flares for destruction.

The facility currently operates two flares (Permit Nos. G69892 and G69894), each with a maximum capacity to process approximately 4,000 standard cubic feet per minute (scfm) of LFG. Available permit evaluation documents indicate that the landfill currently generates approximately 3,000 to 4,000 scfm of LFG.⁹ The Draft SEIR includes baseline emissions from all stationary sources at the landfill, which appear to include the emissions from the two existing LFG flares. However, the Draft SEIR indicates that baseline emissions were derived from Annual Emissions Reporting (AER) data for the years 2021 through 2023.¹⁰ Because AER emissions inventories are typically based on calculated emissions estimates using emission factors and assumed activity levels for regulatory reporting purposes, relying on a baseline from AER may not represent actual measured emissions or fully reflect site-specific operating conditions.

Because the baseline conditions used in the CEQA analysis provide the foundation for evaluating project impacts, including the health risk assessment (HRA), it is important that the baseline

⁹ South Coast AQMD – Statement of Basis and Engineering Evaluation, dated May 11, 2022.

¹⁰ Draft SEIR, Table 4.1.F – Annual Baseline Emissions.

emissions inventory accurately reflect existing conditions and emission sources at the facility. The Draft SEIR should clarify how the AER reporting data were used to establish the baseline emissions inventory and explain whether additional project-specific data, source test results, or site-specific activity information were used to ensure that the baseline conditions accurately represent existing operational emissions.

In addition, the Draft SEIR does not quantify the projected LFG increase or evaluate whether the existing landfill gas collection and control system comprised of Flare No. 1 and Flare No. 2 have sufficient capacity to manage the peak LFG flow for the maximum permitted daily waste intake of 8,000 tpd on non-emergency days and 10,000 tpd during emergency days.

Although the Draft SEIR acknowledges that LFG generation would increase, there does not appear to be an evaluation of how the increased production of LFG may affect the operation of the two existing flares, including the frequency of flare use and the amount of LFG routed to the flares. Also, the Draft SEIR does not appear to explain how the landfill will handle the LFG when one of the two flares is offline for maintenance.

Lastly, the Draft SEIR does not provide an updated modeling or analysis demonstrating that the existing LFG collection and control system has sufficient capacity to capture and control the increased LFG volumes associated with the proposed increase in waste intake. Even if LFG generation and control capacity was evaluated in the prior CEQA documents as summarized earlier in the Chronology of CEQA Documents section of this letter, the Draft SEIR does not demonstrate that those prior analyses remain applicable for the Proposed Project. As a result, the air quality analysis may not accurately represent worst-case conditions and may have underestimated the air quality impacts if the Proposed Project is implemented.

Therefore, the Lead Agency is recommended to include an analysis in the Draft SEIR that provides: 1) a source-specific baseline for the two existing flares based on actual, measured data; and 2) a forecast of the anticipated increase of peak LFG that could be generated based on 8,000 tpd of waste intake during non-emergency days and 10,000 tpd of waste intake during emergency days; 3) a demonstration with an updated modeling analysis explaining whether the LFG collection and control system (flares) has sufficient capacity to accommodate the maximum anticipated amount of LFG generation and flow rates over the life of the Proposed Project; 4) an evaluation of LFG emissions from combustion in the two existing flares under these increased throughput conditions, including potential changes in flare operation; and 5) a discussion about how the landfill will handle the anticipated increases in LFG production rates when one of the two existing flares is offline.

Air Quality Analysis – Assumptions and Methodology for Trip Generation

Implementation of the Proposed Project would increase traffic associated with landfill operations from 3,041 average daily trips (ADT) under existing conditions to 4,937 ADT at the maximum waste intake capacity of 8,000 tpd during non-emergency days. Of the next increase of 1,896 ADT, approximately 1,806 daily trips would be attributable to landfill trucks and the remaining 90 trips are associated with passenger vehicles (e.g., employees and support activities).¹¹ However, the

¹¹ *Ibid.*

Draft SEIR does not clearly describe the methodology used to derive these trip generation estimates which were used as assumptions for quantifying emissions in the air quality analysis.

These ADT estimates in Draft SEIR appear to be derived by scaling existing landfill operational traffic rates to the proposed increased of waste intake during non-emergency days. Specifically, according to the trip generation methodology described in Table B of the Appendix –Traffic Volume and VMT Study, the number of landfill truck trips (4,937 ADT) appears to be proportionate to the waste acceptance rate of 8,000 tpd. By applying the same methodology, it is reasonably foreseeable that daily trips could increase to approximately 5,300 ADT under the peak waste intake rate of 10,000 tpd during emergency conditions. However, the Draft SEIR does not appear to evaluate or discuss the potential increased ADT during emergency conditions. .

In addition, the Draft SEIR does not explain the assumptions used to convert the waste acceptance rate into ADT for truck trips such as truck load capacity, vehicle types, inbound and outbound trip factors, or other operational trip sources associated with landfill activities. Without this background information, it is difficult to verify the trip generation estimates in order to determine if the emissions estimates in the air quality analysis are accurate.

The Traffic Volume and Vehicle Miles Traveled Study estimates trips based on existing landfill operational data from July 2022 through June 2023. The analysis derives trip generation rates by dividing existing daily vehicle trips by the existing daily waste tonnage and then applying those rates to the proposed increase in tonnage to estimate future trips. While this approach relies on existing operational data, the Draft SEIR does not clearly explain or present the underlying trip-per-ton conversion rates used in the analysis.

Additionally, the analysis evaluates traffic associated with the proposed maximum permitted daily tonnage of 8,000 tpd. However, the Proposed Project would allow up to 36 operational emergency days during which the landfill could accept up to 10,000 tpd. Therefore, it is recommended that the Lead Agency provide additional detail describing the assumptions and calculations used to derive the trip generation estimates and clarify whether potential traffic impacts associated with emergency days exceeding 8,000 tpd were evaluated in the Final SEIR and update the air quality analysis accordingly.

Air Quality Modeling – Use of Outdated Meteorological Data

CEQA Guidelines Sections 15126.2 and 15126.4 require a CEQA document to accurately describe the environmental effects of a proposed project and disclose the assumptions and methodologies used to evaluate potential impacts. Air quality, health risk assessment (HRA), and odor dispersion modeling rely heavily on meteorological data to estimate how pollutants disperse and affect nearby sensitive receptors.

Based on South Coast AQMD staff's review of the Quantitative HRA and Odor Analysis included in Appendices B and C, respectively, of the Draft SEIR, dispersion modeling was conducted using five years of meteorological data from the South Coast AQMD Mission Viejo monitoring station for the period from 2011 to 2014 and 2016.

Meteorological conditions such as wind speed, wind direction, atmospheric stability, and mixing height strongly influence the dispersion of air pollutants and odors. Because these conditions can vary significantly over time, the use of older meteorological datasets may not accurately represent current or future dispersion conditions surrounding the landfill.

Given that the modeling analyses relied upon for the Draft SEIR were prepared more than a decade after the meteorological data were compiled, it is unlikely that the meteorological data for the period from 2011 to 2014 and 2016 from the South Coast AQMD Mission Viejo monitoring station is reflective of current local meteorological conditions or land use characteristics in the surrounding area since meteorological patterns may have changed due to regional climate variability, local land use development, and ongoing changes at and around the landfill.

Therefore, the Lead Agency is recommended to update the dispersion modeling with the most recent representative meteorological dataset available to ensure that the analysis reflects current atmospheric conditions. The current meteorological dataset labeled Version 11 () contains the most recent five years of complete data.¹²

Localized Air Quality Impacts Analysis

Given the close proximity of the Proposed Project site to sensitive receptors such as residential areas and schools, the CEQA document should evaluate whether the Proposed Project could result in localized exceedances of applicable air quality thresholds. However, it does not appear that the Draft SEIR evaluated localized air quality impacts. Therefore, the Lead Agency is recommended to include an evaluation of localized air quality impacts. For reference, South Coast AQMD's Localized Significance Thresholds (LST) and corresponding methodology were initially approved by the Governing Board on October 3, 2003, with subsequent refinements and additions finalized in October 2006 and later updated in July 2008. The LST methodology serves as a voluntary screening tool for evaluating the potential for localized impacts of criteria pollutants such as nitrogen oxides (NO_x), carbon monoxide (CO), particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}), from construction and operational activities at projects located near sensitive receptors.

The Lead Agency is encouraged to rely on the South Coast AQMD's LST methodology, or other appropriate dispersion modeling, to demonstrate that emissions from construction and operational activities from the Proposed Project would not result in significant localized impacts to nearby sensitive receptors.

Health Risk Assessment (HRA) – Exclusion of Stationary Sources

CEQA Guidelines Sections 15126.2 and 15126.4 require a CEQA document to include a description of the significant environmental effects of a Proposed Project and mitigation measures proposed to minimize potentially significant adverse impacts. An impact is considered significant under CEQA if it results in a substantial, or potentially substantial, adverse change in the environment. In addition to air quality impacts from criteria pollutants and greenhouse gases, the potential health risk impacts associated with emissions of toxic air contaminants (TACs) from both

¹² South Coast AQMD Meteorological Data for AERMOD Applications; <https://www.aqmd.gov/home/air-quality/meteorological-data/data-for-aermod>.

mobile and stationary sources should be evaluated, where appropriate, to determine whether the Proposed Project may result in potentially significant health risks to nearby sensitive receptors.

As mentioned earlier in this letter, the facility operates multiple sources of combustion equipment which have air permits and this equipment may emit TACs during operation. Based on South Coast AQMD staff's review of the AERMOD modeling files provided in Appendix B-1, the operational HRA appears to evaluate TAC emissions associated primarily with diesel-powered heavy-duty truck activity and on-site equipment operations. However, it does not appear that emissions from the permitted stationary sources at the landfill, such as the two existing flares, emergency diesel internal combustion engine and other combustion equipment noted earlier in this letter, were included in the dispersion modeling inventory used in the HRA.

Because the Draft SEIR identifies LFG combustion and other stationary equipment as existing emission sources at the facility, excluding the emissions from these stationary sources in the HRA modeling inventory likely underestimated the potential cancer and non-cancer health risks to nearby sensitive receptors. In addition, the 2001 GDP EIR evaluated landfill development, assuming a maximum waste intake rate of approximately 4,000 tpd at that time. Since the Proposed Project would increase the maximum permitted daily waste intake to 8,000 tpd during non-emergency days and allow up to 10,000 tpd during emergency days, LFG generation, truck traffic, and associated emissions are also expected to increase. As such, these potential changes in daily waste intake rates represent substantially different operational conditions compared to those analyzed in the previously certified CEQA documents listed earlier in this letter (see the Chronology of CEQA Documents section).

Therefore, the Lead Agency is recommended to revise the HRA to include emissions from the two existing flares and the other stationary combustion equipment at the facility and provide updated dispersion modeling results in the Final SEIR.

HRA – Receptor Placement and Identification of Maximum Incremental Cancer Risk

According to the AERMOD modeling files provided in Appendix B-1 and the modeling files provided by the Lead Agency in their native format, the HRA appears to primarily evaluate risk at or near the landfill fenceline. However, the Draft SEIR does not clearly describe the receptor placement methodology used to identify the receptor with the maximum incremental cancer risks.

Since the Proposed Project would increase landfill throughput and associated truck traffic, the HRA should include a comprehensive receptor grid and discreet sensitive receptor locations (e.g., residences, schools, daycare centers) to ensure that the maximum exposure is properly identified. Therefore, the Lead Agency is recommended to: 1) include additional receptors at nearby sensitive land uses, including residential areas, schools, and along primary truck haul routes; 2) ensure that the HRA identifies the maximum incremental cancer risk for all potential receptor locations, and not solely for project boundary locations; and 3) clarify the receptor placement methodology used in the HRA, including whether a full receptor grid and discrete sensitive receptor locations were included in the analysis.

Odor Impact Analysis and Community Odor Complaints

LFG not only is comprised of methane but also includes hydrogen sulfide and other odorous compounds that could contribute to nuisance odor conditions affecting nearby residential communities. As noted earlier in this letter, because LFG gas generation will increase as the additional waste to be received at the landfill decomposes, the proposed increase in waste intake rates during non-emergency and emergency days is expected to result in higher LFG production over time. If the amount of LFG generation exceeds the capacity of the existing LFG collection and control system, fugitive LFG emissions will occur which may result in violations of South Coast AQMD Rule 402 – *Nuisance*.¹³ In addition, South Coast AQMD Rule 1150.1 – *Control of Gaseous Emissions from Municipal Solid Waste Landfills*,¹⁴ requires LFG collection and control systems to be designed to accommodate the maximum expected LFG flow rate.

Therefore, the Lead Agency is recommended to revise the CEQA document to include an analysis of the projected LFG generation rates that could be generated based on 8,000 tpd of waste intake during non-emergency days and 10,000 tpd of waste intake during emergency days, evaluate the maximum expected LFG flow rates over the life of the landfill, and demonstrate how the Proposed Project will comply with Rules 402 and 1150.1.

In addition, South Coast AQMD issued Notices of Violation (NOV) for nuisance impacts on January 30, 2026 (NOV No. P77645) and February 9, 2026 (NOV No. P81179)¹⁵. These recent violations indicate ongoing odor-related issues at the facility and are relevant to the evaluation of existing conditions and raise the question as to whether the proposed mitigation measures in the Draft SEIR are effective. The Draft SEIR should include a discussion on the past and ongoing compliance issues and status and clarify how these recent enforcement actions were considered in the analysis of operational controls, odor mitigation effectiveness, and the Mitigation Monitoring and Reporting Program.

Recommended Mitigation Measures for Operational Air Quality Impacts

Because the Draft SEIR concludes that operational air quality impacts would remain significant and unavoidable, the following additional mitigation measures are recommended to be included in the Final SEIR to further reduce operational emissions impacts where feasible.

Mobile Sources

1. Require zero-emission (ZE) or near-zero emission (NZE) on-road haul trucks, such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible.

Note: Given the state's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks, such as the Advanced Clean

¹³ South Coast AQMD, Rule 402 is available at: <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>.

¹⁴ South Coast AQMD, Rule 1150.1 is available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1150-1.pdf>.

¹⁵ NOV's can be found at <https://xappprod.aqmd.gov/find/facility/AQMDsearch?facilityID=52753>

Trucks Rule and the Heavy-duty Low NOx Omnibus Regulation, ZE and NZE trucks will become increasingly more available to use.

2. Require a phase-in schedule to incentivize the use of cleaner operating trucks to reduce any significant adverse air quality impacts.

Note: South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency.

3. Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final SEIR. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level.
4. Provide electric vehicle (EV) charging stations or, at a minimum, provide electrical infrastructure, and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.
5. Require the use of Tier 4 Final off-road equipment or cleaner technologies where feasible.
6. Where available, utilize zero-emission off-road equipment (e.g., electric compactors, loaders, or other equipment).
7. Require that diesel-powered equipment be retrofitted with the best available control technologies, such as diesel particulate filters (DPFs).

Landfill Gas and Stationary Sources

1. Ensure that landfill gas collection and control systems are properly maintained and operated to maximize gas capture efficiency.
2. Evaluate opportunities to utilize landfill gas for renewable energy generation rather than flaring where feasible.
3. Implement monitoring and operational practices to minimize fugitive landfill gas emissions and associated odors.

Design Considerations for Reducing Air Quality and Health Risk Impacts

1. Clearly mark truck routes with trailblazer signs so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, daycare centers, etc.).
2. Design the Proposed Project such that truck entrances and exits are not facing sensitive receptors and trucks will not travel past sensitive land uses to enter or leave the Proposed Project site.
3. Design the Proposed Project such that any truck check-in point is inside the Proposed Project site to ensure no trucks are queuing outside.

4. Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors.
5. Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.

Lastly, the South Coast AQMD also suggests that the Lead Agency conduct a review of the following references and incorporating additional mitigation measures as applicable to the Proposed Project in the Final SEIR:

1. South Coast AQMD 2022 Air Quality Management Plan,¹⁶ specifically:
 - a) Appendix IV-A – South Coast AQMD’s Stationary and Mobile Source Control Measures
 - b) Appendix IV-B – CARB’s Strategy for South Coast
 - c) Appendix IV-C – SCAG’s Regional Transportation Strategy and Control Measure
2. United States Environmental Protection Agency (U.S. EPA): Mobile Source Pollution - Environmental Justice and Transportation.¹⁷

South Coast AQMD Air Permits and Role as a Responsible Agency

If implementation of the Proposed Project would require the use or modification of new stationary and portable sources, including but not limited to additional flares, emergency generators, fire water pumps, boilers, etc., one or more air permits from South Coast AQMD will be required. The Final SEIR should include a discussion about the potentially applicable South Coast AQMD rules that may be applicable to the Proposed Project. Those rules may include, for example, Rule 201 – Permit to Construct,¹⁸ Rule 203 – Permit to Operate,¹⁹ Rule 401 – Visible Emissions,²⁰ Rule 402 – Nuisance,²¹ Rule 403 – Fugitive Dust,²² Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines,²³ Regulation XIII – New Source Review,²⁴ Rule 1401 – New Source Review of Toxic Air Contaminants,²⁵ Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines,²⁶ Rule 1150.1 – Control of Gaseous Emissions from Municipal Solid Waste Landfills,²⁷ etc.

¹⁶ South Coast AQMD, 2022 Air Quality Management Plan (AQMP). Available at: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan>.

¹⁷ United States Environmental Protection Agency (U.S. EPA), Mobile Source Pollution - Environmental Justice and Transportation. Available at: <https://www.epa.gov/mobile-source-pollution>.

¹⁸ South Coast AQMD, Rule 201 is available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>.

¹⁹ South Coast AQMD, Rule 203 is available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>.

²⁰ South Coast AQMD, Rule 401 is available at: <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-401.pdf>.

²¹ South Coast AQMD, Rule 402 is available at: <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>.

²² South Coast AQMD, Rule 403 is available at: <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403>.

²³ South Coast AQMD, Rule 1110.2 is available at: https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1110_2.pdf.

²⁴ South Coast AQMD, Regulation XIII is available at: <https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/regulation-xiii>.

²⁵ South Coast AQMD, Rule 1401 is available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf>.

²⁶ South Coast AQMD, Rule 1470 is available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>.

²⁷ South Coast AQMD, Rule 1150.1 is available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1150-1.pdf>.

It is important to note that if air permits from the South Coast AQMD are required, South Coast AQMD's role under CEQA will become the Responsible Agency of the Proposed Project. Per CEQA Guidelines Section 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. Also, as set forth in CEQA Guidelines Section 15096(h), the Responsible Agency is required to make Findings in accordance with CEQA Guidelines Section 15091 for each significant effect of the project and issue a Statement of Overriding Considerations in accordance with CEQA Guidelines Section 15093, if necessary. Lastly, as set forth in CEQA Guidelines Section 15096(i), the Responsible Agency may file a Notice of Determination.

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.

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>.

Conclusion

As set forth in Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(a-b), the Lead Agency shall evaluate comments from public agencies on the environmental issues and provide a written response at least 10 days prior to certifying the Final SEIR. As such, please provide South Coast AQMD written responses to all comments contained herein, including the referenced comment letters attached, at least 10 days prior to the certification of the Final SEIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided.

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 Jivar Afshar, Air Quality Specialist, at jafshar@aqmd.gov should you have any questions.

Sincerely,

Sam Wang

Sam Wang

Program Supervisor, CEQA IGR

MK:BR:SW:KN:JA:FK

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