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Draft Program Environmental Impact Report (PEIR) for the Downey 2045 General Plan Update and Zoning Text and Map Amendment (Proposed Project) (SCH No.: 2026030591)

South Coast Air Quality Management District (South Coast AQMD) staff appreciate the opportunity to review the above-mentioned document. The City of Downey is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff has provided a brief summary of the project information and prepared the following comments which are organized by topic of concern.

Summary of Proposed Project Information in the Draft PEIR

Based on the Draft PEIR, the Proposed Project consists of adopting the Downey 2045 General Plan Update with 14 land use designations and amending the Zoning Map across 1,640 parcels (1,950 acres) to accommodate an estimated increase of 10,350 dwelling units, 31,483 residents, 2.6 million square feet of non-residential space, and 6,649 jobs by 2045 within the 6,249-acre planning area. The Proposed Project is located citywide in Downey.[1]

South Coast AQMD Comments

Insufficient Evaluation of Localized and Regional Construction and Operational Air Quality Emissions

Based on the Draft PEIR, the air quality emissions analysis for the Proposed Project appears to focus primarily on the unmitigated operational emissions presented in Table 4.3-6.[2] The Draft PEIR does not appear to provide a comparable quantitative analysis of the potential air pollutant emissions associated with construction activities that could occur as a result of development of the Proposed Project.

In addition, although the Draft PEIR identifies mitigation measures (MMs) intended to reduce air quality impacts, including the measures identified in Table 2.2,[3] it does not appear to quantify the

[1] Draft PEIR. Page 17.
[2] *Ibid*. Page 116.
[3] *Ibid*. Page 22.

resulting operational emissions after implementation of these MMs. This is particularly concerning since many air quality impacts are identified as significant and unavoidable. Even where an impact remains significant and unavoidable, the Draft PEIR should disclose emissions before and after mitigation so the public and decision-makers can understand how much the measures reduce emissions and why the remaining impact cannot be reduced further.

This approach is inconsistent with the scope of analysis required by CEQA for a General Plan-level environmental review. CEQA Guidelines section 15126 explains that *"all phases of a project must be considered when evaluating its impact on the environment," including planning, acquisition, development, and operation."* A general plan itself is a project subject to CEQA, and General Plan review is intended to evaluate the environmental consequences of the plan at a broader, programmatic level rather than defer meaningful environmental analysis until individual development projects are proposed. The California Attorney General's Office similarly recognizes that a general plan is a CEQA project and that CEQA review at the General Plan level is intended to examine the "big picture" environmental effects of the long-term development framework established by the plan. Consequently, the fact that individual future development projects have not yet been designed does not provide a sufficient basis for omitting analysis of reasonably foreseeable construction and operational emissions. The General Plan Update (GPU) establishes the land use framework, development capacity, zoning designations, and policies that would facilitate future development within the City. These activities are not speculative in the abstract; they are reasonably foreseeable consequences of implementing the Proposed Project. The PEIR should therefore evaluate their environmental effects to the extent they can reasonably be forecast at the programmatic level.

Additionally, the GPU would facilitate substantial new development and associated construction activities, including demolition, grading, excavation, hauling, building construction, paving, and architectural coating. The PEIR should therefore estimate reasonably foreseeable construction emissions and compare those emissions with applicable South Coast AQMD CEQA thresholds. Where construction mitigation is proposed, the PEIR should also quantify the expected reduction in emissions. The Draft PEIR should also address potential localized air quality effects from construction and operation, particularly where development-related emissions could affect nearby sensitive receptors and surrounding communities.

Moreover, the Draft PEIR should also evaluate greenhouse gas (GHG) emissions associated with both construction and operation, quantify reasonably foreseeable construction and operational GHG emissions, evaluate the effectiveness of applicable GHG mitigation measures, and explain the basis for any conclusion that GHG impacts would be less than significant or significant and unavoidable. GHG emissions would result from construction activities, building energy use, transportation, and other activities associated with implementation of the GPU and the development it would facilitate. CEQA requires the Lead Agency to consider direct and reasonably foreseeable indirect physical changes caused by a project and to base significance determinations, to the extent possible, on scientific and factual data. Cal. Code Regs., tit. 14, § 15064.

Lastly, although the Proposed Project encompasses approximately 1,950 acres and would be built out over approximately 20 years,[4] the Draft PEIR does not analyze the potential overlap

[4] *Ibid*. Page 54.

between construction and operational activities. Therefore, South Coast AQMD staff recommend that the Lead Agency revise the air quality analysis to include overlapping construction and operation activities. The estimated overlapping emissions should then be compared with South Coast AQMD's applicable regional air quality CEQA thresholds to determine their level of significance, and the results should be included in the Final PEIR. If the overlapping emissions analysis is not included in the Final PEIR, the Lead Agency should provide reasons for its omission supported by substantial evidence in the record.

In summary, the Lead Agency should revise the Draft PEIR to:

1. Quantify reasonably foreseeable construction emissions associated with the GPU's 20-year buildout and the development facilitated by the Proposed Project.

2. Evaluate both localized and regional air quality impacts from construction and operation.

3. Quantify reasonably foreseeable construction and operational GHG emissions associated with implementation of the GPU and evaluate the effectiveness of applicable GHG mitigation measures.

4. Provide unmitigated and mitigated operational emissions, including the emission reductions resulting from the mitigation measures identified in Table 2.2.

5. Provide unmitigated and mitigated construction emissions, where construction mitigation measures are proposed.

6. Analyze overlapping construction and operational emissions that could occur when new development is being constructed while existing or newly completed uses are operating and compare the resulting emissions with applicable South Coast AQMD thresholds.

7. Explain the basis for the significant-and-unavoidable conclusions using the mitigated and, where applicable, overlapping emissions estimates.

8. Evaluate additional feasible mitigation where significant impacts remain after implementation of the proposed measures.

Without this information, the Draft PEIR does not provide sufficient factual support or transparency regarding the magnitude of the GPU's localized, regional, construction, operational, overlapping, and GHG emissions, the effectiveness of the proposed mitigation measures, or the basis for its significance conclusions to the Proposed Project's air quality impacts.

Insufficient Evaluation of Toxic Air Contaminants and Cancer Risk

Based on the Draft PEIR for the Proposed Project, the air quality analysis does not appear to include an evaluation of the potential cancer risk associated with exposure to toxic air contaminants (TACs) that could result from implementation of the Proposed Project. While the

Draft PEIR evaluates criteria pollutant emissions, the analysis should also address the potential health risks associated with TAC emissions from future development that could be facilitated by the GPU.

Although the specific development projects that may occur under the Proposed Project have not yet been identified, the GPU would establish a framework for future residential, commercial, industrial, and other development throughout the City. Such development could introduce new sources of TAC emissions or place sensitive receptors, such as residences, schools, and other sensitive land uses, in proximity to existing or future TAC sources. The Lead Agency should therefore evaluate the potential for TAC exposure and associated cancer risk under the Proposed Project, identify potential areas of concern, and determine whether additional policies or MMs are warranted at the General Plan level.

Accordingly, South Coast AQMD staff recommend that the Lead Agency revise the air quality analysis section to include:

Identify the types of existing and future land uses and activities that could generate TAC emissions and the sensitive receptors that could potentially be exposed to such emissions.

1. Qualitatively evaluate the potential for implementation of the Proposed Project to result in exposure to TACs and associated cancer risk, including potential TAC emissions from construction and operation activities and future land uses facilitated by the GPU.

2. Evaluate whether the potential cancer risk associated with TAC exposure could result in a significant environmental impact under CEQA and clearly disclose the significance determination.

3. Identify appropriate General Plan policies or MMs to reduce potential TAC exposure and associated cancer risk where potentially significant impacts are identified.

At the General Plan level, an evaluation of potential TAC exposure and associated cancer risk would allow the Lead Agency to identify potential areas of concern and establish an appropriate framework for addressing those risks. More detailed health risk assessments can be conducted for individual development projects when sufficient project-specific information becomes available.

Recommend Conducting a Quantitative Analysis of Human Health Consequences

Section 4.3 (Air Quality) of the Draft PEIR acknowledges potential health effects associated with air pollutant emissions;[5] however, the Lead Agency does not provide a quantitative analysis of the potential human health consequences associated with those emissions. The February 2023 Friant Community Plan Update and Friant Ranch Specific Plan contained a detailed quantitative analysis of Human Health Consequences,[6] which demonstrates that this type of analysis can be performed.

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[5] *Ibid*. Page 102.
[6] Quantitative Analysis of Human Health Consequences Analysis, Table 3.3-8. Available at: https://www.fresnocountyca.gov/files/sharedassets/county/v/1/vision-files/files/72347-friant-prr-deir_2-7-23.pdf

For context, the Bloomington Business Park Specific Plan Project[7] was required to recirculate its Draft EIR following a legal challenge in San Bernardino County Superior Court (Case No. CIVSB2228456). In that proceeding, the court directed the County to set aside its prior approvals, finding that the EIR was legally inadequate with respect to its analysis of air quality impacts, including the application of the Friant Ranch methodology for evaluating health effects. As articulated in the court's ruling, *"a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact.[8]"* This standard underscores the requirement under CEQA that an EIR provide a meaningful, evidence-based analysis that allows decision-makers and the public to understand the extent and severity of a project's environmental and public health impacts.

Therefore, the Lead Agency should review the analyses in the above-referenced documents, perform a quantitative health effect analysis specific to the Proposed Project where feasible, and incorporate the results in the Final PEIR.

Recommended Air Quality and Greenhouse Gas Mitigation Measures and Project Design Features for Consideration

CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. To further reduce the Proposed Project's air quality impacts, the following mitigation measures and project design considerations are recommended to be incorporated into the Final PEIR.

<u>Mobile Sources</u>

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 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.

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[7] Bloomington Business Park Specific Plan Project (SCH: 2020120545). Available at: https://ceqanet.lci.ca.gov/2020120545/10

[8] Bloomington Business Park Specific Plan Project. Court Ruling. p. 34 of PDF. Available at: https://www.climatecasechart.com/documents/california-superior-court-found-that-ceqa-review-for-industrial-rezoning improperly-analyzed-greenhouse-gas-reduction-measures_4d86

3. Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final PEIR. 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.

Other Area Sources

1. Maximize the use of solar energy by installing solar energy arrays.

2. Use light-colored paving and roofing materials.

3. Utilize only Energy Star heating, cooling, and lighting devices and appliances.

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 incorporate additional mitigation measures as applicable to the Proposed Project in the Final PEIR:

1. State of California – Department of Justice: Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act.[9]

2. South Coast AQMD 2022 Air Quality Management Plan,[10] specifically:

[9] State of California – Department of Justice, Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act. Available at: https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf

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

3. United States Environmental Protection Agency (U.S. EPA): Mobile Source Pollution - Environmental Justice and Transportation.[11]

South Coast AQMD Air Permits and Role as a Responsible Agency

If implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, etc., one or more air permits from South Coast AQMD will be required. The Final PEIR 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,[12] Rule 203 – Permit to Operate,[13] Rule 401 – Visible Emissions,[14] Rule 402 – Nuisance,[15] Rule 403 – Fugitive Dust,[16] Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines,[17] Rule 1113 – Architectural Coatings,[18] Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil,[19] Rule 1179 – Publicly Owned Treatment Works Operations,[20] Regulation XIII – New Source Review,[21] Rule 1401 – New Source Review of Toxic Air Contaminants,[22] Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants,[23] Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines,[24] etc. It is important to note if air permits from South Coast AQMD are required, the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections 15086, the Lead Agency is required to consult with South Coast AQMD.

Conclusion

As set forth in California 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

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[10] 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
[11] United States Environmental Protection Agency (U.S. EPA), Mobile Source Pollution - Environmental Justice and Transportation. Available at: https://www.epa.gov/mobile-source-pollution.
[12] South Coast AQMD, Rule 201 is available at: https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf
[13] South Coast AQMD, Rule 203 is available at: https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf
[14] South Coast AQMD, Rule 401 is available at: https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-401.pdf
[15] South Coast AQMD, Rule 402 is available at: https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf
[16] South Coast AQMD, Rule 403 is available at: https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403
[17] South Coast AQMD, Rule 1110.2 is available at: https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1110_2.pdf
[18] South Coast AQMD, Rule 1113 is available at https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf
[19] South Coast AQMD, Rule 1166 is available at: https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf
[20] South Coast AQMD, Rule 1179 is available at: https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1179.pdf
[21] South Coast AQMD, Regulation XIII is available at: https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/regulation-xiii
[22] South Coast AQMD, Rule 1401 is available at: https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf
[23] South Coast AQMD, Rule 1466 is available at: https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf
[24] South Coast AQMD, Rule 1470 is available at: https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf

environmental issues and prepare a written response at least 10 days prior to certifying the Final PEIR. As such, please provide South Coast AQMD written responses to all comments contained herein at least 10 days prior to the certification of the Final PEIR. 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 are available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. Please contact Sahar Ghadimi, Ph.D., Air Quality Specialist, at sghadimi@aqmd.gov or me at SWang1@aqmd.gov should you have any questions.

Sincerely,

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