



South Coast Air Quality Management District

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November 17, 2010

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Draft Mitigated Negative Declaration (Draft MND) for the Proposed Interstate 215 Widening from Scott Road to Nuevo Road Project

The South Coast Air Quality Management District (AQMD) 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 CEQA document.

Based on the project description, the lead agency proposes to widen Interstate 215 (I-215) from Scott Road to Nuevo Road in Riverside County in the Perris and Menifee areas with construction beginning in June 2011 to be completed in December 2014. AQMD staff is concerned that the lead agency does not include in the Draft MND a quantified estimate of emissions from either operations or construction of this project, contrary to the mandates of CEQA. Without quantifying emissions, the lead agency has not demonstrated that impacts are less than significant under CEQA. In addition, this project will locally reduce the buffer zone between the freeway and residences to approximately 20 feet. Because of the potential health impacts from this project, AQMD staff strongly encourages the lead agency to conduct a more thorough air quality analysis, including a quantification of air quality and health risk impacts from all project alternatives. Lastly, consistent with commitments from Caltrans to a zero emissions regional freight corridor, the final CEQA document for this project should present an analysis of a dedicated truck lane that serves this growing goods movement corridor. Further details are provided in the attachment.

Please provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final CEQA document. The AQMD staff is available to work with the Lead Agency to address these issues and any other air quality questions that may arise. Please contact Ian MacMillan – CEQA Section, at (909) 396-3244, if you have any questions regarding these comments.

Mr. Russell Williams,
Environmental Branch Chief

2

November 17, 2010

Sincerely,

A handwritten signature in black ink that reads "Ian V. MacMillan". The signature is written in a cursive, slightly slanted style.

Ian MacMillan
Program Supervisor, Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:GM

RVC101015-04
Control Number

1) Quantitative Air Quality Analysis

Pursuant to CEQA Guidelines §15064 “The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency.” In order to satisfy this requirement, Caltrans has relied on federal methodologies to evaluate air quality impacts under CEQA, including performing qualitative assessments of particulate matter impacts and avoiding analyses of health risk impacts. Caltrans states that no methods are available to quantitatively evaluate air quality and health risk impacts, despite the standard approaches used by other transportation agencies in the state such as the Ports of Los Angeles and Long Beach, the Alameda Corridor Transportation Authority, etc. In addition, Caltrans ignores the draft guidance available from EPA regarding quantitative analysis of particulate matter for project level conformity determinations.¹ Although Caltrans’s approach may be adequate for federal conformity and NEPA determinations, they do not present the quantitative, substantial evidence necessary under CEQA Guidelines §15064 or CEQA case law (*Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal. App. 4th 1344, 1379). In order to present substantial evidence that air quality impacts are adequately evaluated, AQMD staff recommends that Caltrans use standard AQMD methodologies² for quantifying impacts for projects located within the jurisdiction of the AQMD. If Caltrans does not quantify air quality impacts, it won’t have the information needed to determine if impacts are significant, and what level of mitigation is needed to reduce impacts to a less than significant level. SCAQMD staff is willing to work with Caltrans to develop an air quality analysis protocol tailored to the needs of Caltrans if it finds that an alternative approach is necessary.

2) Potential Health Risks

In lieu of providing an analysis of potential health risks, the lead agency relies on an ad hoc rationale stating that “Because of the limitations in the methodologies for forecasting health impacts described, any predicted difference in health impacts between alternatives is likely to be much smaller than the uncertainties associated with predicting the impacts.” To support this conclusion, the lead agency relies extensively on conclusions by the Federal Highway Administration regarding potential health impacts of traffic related pollution, but ignores the toxicity criteria established by the local agencies that have jurisdiction in the project area including the California Environmental Protection Agency (Cal EPA) and the AQMD. Cal EPA has established quantitative toxicity criteria and analysis methodologies for mobile source air toxics, and the AQMD has established CEQA significance thresholds that should be used for all projects within its jurisdiction. In addition, the rationale presented in the Draft MND has been rejected by Caltrans in favor of conducting a Health Risk Assessment (HRA) for the I-710 Corridor project.

¹ Available here: <http://www.epa.gov/otaq/stateresources/transconf/policy.htm>

² The SCAQMD CEQA Air Quality Analysis Handbook is available from SCAQMD Subscription Services by calling (909) 396-3720. Supplementary guidance is also available on the SCAQMD website at: <http://www.aqmd.gov/ceqa/hdbk.html>

As this project will reduce the buffer zone between homes and the freeway in some locations to approximately 20 feet, AQMD staff strongly encourages the lead agency to conduct an HRA to determine the potential impacts from this project. All alternatives should also be considered in the HRA. For example, in Appendix J of the Draft MND, the lead agency states that Alternative 3 could improve traffic congestion to a level of B-C compared to Alternative 2 with a level of D-F.

3) Truck Lanes

The lead agency should include the cumulative impact of recent projects on the proposed freeway expansion. For example, in and around the City of Perris, at least 18 million square feet of new warehouse space (served by thousands of diesel trucks every day) have been approved or are under consideration in the last two years. This truck traffic will necessarily utilize the I-215 freeway, however the impact of increased goods movement along this corridor has not been analyzed in the Draft MND. Caltrans has demonstrated a commitment to both a zero emissions regional freight corridor and to analyze the impacts of a dedicated clean truck lane for other freeway projects.³ Consistent with these goals, the lead agency should conduct a similar analysis for this proposed project.

4) Construction Impacts

Construction emissions from the proposed project may contribute to a violation of Ambient Air Quality Standards (AAQS) locally, regionally, and cumulatively. Substantial evidence should therefore be presented in the CEQA document that quantitatively determines the potential significance of this impact. Although Caltrans has determined that air quality impacts from construction are less than significant due to their temporary nature, many AAQS are based on short term averaging periods (<24 hours). Construction activities for this project will use many pieces of heavy duty diesel equipment for several months at a time. Further, CEQA Guidelines §15064(d) specifically requires that construction activities shall be considered by a lead agency as a direct physical change when determining the significance of a project.

In order to assist lead agencies with assessing construction impacts, the AQMD adopted a Localized Significance Threshold Methodology that simplifies an analysis of construction impacts.⁴ Although this method is voluntary in the AQMD, a lead agency is not relieved of its duty to fulfill the requirements of CEQA if it chooses not to use the Localized Significance Threshold Methodology. In order to answer Question III(b) in the CEQA checklist, a lead agency must determine if the project will violate any existing air quality standard. Many air quality standards are based on short term averaging periods

³ Letter from James J. McCarthy (Deputy Director Caltrans District 7) to Hasan Ikhata (SCAG) dated April 7, 2010.
I-710 project information available here: http://www.metro.net/projects/i710_corridor/

⁴ Available here: <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>

that are applicable to construction activities that occur over a period of days to months. Without quantification of construction emissions and mitigation measure effectiveness, a reliance on unspecified best management practices to reduce impacts to a less than significant level is inadequate.

In addition to evaluating the above-mentioned air quality impacts, the AQMD staff recommends that the lead agency estimate localized air quality impacts to ensure that any nearby sensitive receptors are not adversely affected by the construction activities that are occurring in close proximity. It is noted in the aerial pictures included in the Draft MND and in an aerial map inspection that the proposed project is located adjacent to sensitive receptors (residential properties) east and west of the proposed project. AQMD guidance for performing a localized air quality analysis can be found on the AQMD web page. Should the lead agency conclude after its analyses that construction localized air quality impacts exceed the AQMD daily significance thresholds, staff has compiled mitigation measures in addition to those measures listed starting on page 2-166 of the Draft MND that can be implemented if the air quality impacts are determined to be significant.