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Air Quality Management District
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Mr. Aaron Burton
Caltrans District 8
464 W. 4th Street
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**Review of the Draft Environmental Impact Report (EIR) for the
State Route (SR) 91 Corridor Improvement Project**

The South Coast Air Quality Management District (AQMD) staff appreciates the opportunity to comment on the above mentioned document including the lead agency's willingness to consider late comments. AQMD staff is concerned that the draft EIR provides an inadequate air quality analysis for the proposed project. As a result, the air quality impacts may be understated in the draft EIR and potentially significant impacts may not have been disclosed to the public. The lead agency generally concludes that the project will have a net environmental benefit by reducing regional air quality impacts by improving traffic flow and reducing congestion in the project area. AQMD staff recognizes and strongly supports the benefits of increased traffic flow and decreased traffic congestion that can reduce exhaust emissions from cars and trucks. However, AQMD staff is concerned that the proposed project could increase health risk impacts to residents in close proximity to the State Route (SR) 91 Corridor and provide growth inducing impacts. The project will add one general purpose lane to SR 91 (within the project area) and maintain existing high occupancy vehicle (HOV) lanes or provide two additional toll express lanes in each direction. As a result, additional freeway lanes will be placed closer to residences potentially increasing health risk impacts to residents adjacent to the project area. Further, the addition of lanes will increase freeway capacity and could have potential growth inducing impacts.

There are four primary areas in which the draft EIR has not addressed the potential for air quality impacts. These include the determination of localized air quality impacts, the growth inducing potential of the project, the use of an inappropriate CEQA baseline for existing conditions, and the lack of quantification of mitigation measure effectiveness. Because of the technical inadequacies of the draft EIR the AQMD staff strongly recommends that the lead agency revise the air quality analysis based on the comments contained within this letter and include the revised analysis in the final EIR.

Pursuant to Public Resources Code Section 21092.5, we request that the lead agency provide the AQMD with written responses to all comments contained herein prior to the adoption of the final EIR. Additional detailed comments on this project are attached to this letter. Should you have any questions, please contact me at (909) 396-3105.

Sincerely,



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

Attachment

SN:DG

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Control Number

Local Air Quality Impacts

1. The lead agency did not conduct a localized air quality analysis or Health Risk Assessment (HRA) to determine how the construction or operation of the project may impact the residences adjacent to the SR 91 Corridor. According to the project description (Chapter One) of the draft EIR, up to 129,100 additional vehicles per day will travel on this segment of SR 91. The lead agency did not analyze the potential impacts to local ambient air quality standards from this activity, nor did it evaluate potential health risks.

Further, the lead agency determined that the proposed project will have short term air quality impacts from construction related activities, but did not present the peak daily emissions that are expected from the project in the draft EIR. Therefore, AQMD staff recommends that the lead agency quantify the construction emissions from the proposed project and use the AQMD's construction emissions thresholds to make a significance determination.¹

The lead agency relied on guidance from the Federal Highway Administration to determine that a quantitative analysis of toxic impacts is not possible due to potential uncertainties and that only a qualitative analysis is possible. This approach ignores section 15064 of the CEQA Guidelines that requires *substantial evidence* to determine the significance of an impact. Furthermore, Caltrans has relied on a HRA for other CEQA documents including the Schuyler Heims Bridge project and has agreed to conduct an HRA for the I-710 corridor expansion project. Therefore, AQMD staff recommends that the lead agency revise the air quality analysis to include a HRA for the proposed project. Further, the lead agency is strongly encouraged to use the SCAQMD regional and local significance thresholds for any project carried out within its jurisdiction.

Growth Inducing Potential and Cumulative Impacts

2. The lead agency claims that the SR 91 currently serves 280,000 vehicles per day, and that by 2035, the project could serve up to 409,100 vehicles per day. Further, the lead agency states that construction of this project will not generate new vehicle trips because 1) the project is intended to alleviate existing and future traffic congestion along SR 91 during peak hours and 2) the project would not generate new vehicular trips because it will not construct new homes or businesses. This argument ignores the requirements (Section 15126 and 15126.2 of the CEQA Guidelines) to assess growth inducing potential and cumulative impacts from the project.

The project will construct additional freeway lanes. Despite the argument that the proposed project will not generate additional trips, no enforceable measures have been included that will ensure that no additional trips occur. For example, if traffic increases beyond what is projected in this draft EIR, and more vehicles use this segment of SR 91, then the additional capacity that this project provides may result in additional air quality impacts. This scenario would lessen any potential regional benefits that the draft EIR is claiming. If the lead agency chooses not to assess this impact, than an enforceable measure is needed to ensure less than significant air quality impacts.

¹ <http://www.aqmd.gov/ceqa/hdbk.html>

Further, while this project may not directly generate traffic, it accommodates and potentially encourages growth. This indirect impact is “cumulatively considerable” under CEQA and must be analyzed by comparing existing conditions with future project conditions.

Effectiveness of Mitigation Measures

3. The lead agency states in the Air Quality Analysis that the project will reduce its construction emissions by utilizing mitigation measures SC-1 through SC-5. However, because the lead agency did provide a quantitative analysis of construction emissions or construction mitigation measures it has not demonstrated that there will be any reduction in emissions through the implementation of these mitigation measures or that the project will not pose a significant impact on the environment.

CEQA Baseline

4. The lead agency used an incorrect CEQA baseline throughout the analysis to determine the significance of impacts. Pursuant to Section 15125 of the CEQA Guidelines, the existing environmental setting “at the time that environmental assessment commences . . . will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” Instead of using this required methodology, the lead agency chose to compare a hypothetical and speculative future scenario without the project to one with the project. This speculative approach is contrary to CEQA requirements and serves to underestimate potential impacts. Further, in Table 3.14.4 of the Air Quality Analysis, the lead agency states that the project will have a net benefit by reducing regional PM10 emissions by seven pounds per day.