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Review of the Draft Negative Declaration (ND) for the Interstate 5 HOV Lanes Improvement Project

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above mentioned document. The SCAQMD staff is concerned that the Draft ND provides an air quality analysis for the proposed project that is inadequate to determine potential air quality impacts pursuant to SCAQMD Guidance and CEQA Guidelines. As a result, the air quality impacts may be understated in the Draft ND 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 from improved traffic flow and reduced congestion in the project area. The SCAQMD staff recognizes and supports the benefits of decreased traffic congestion that can reduce exhaust emissions from cars and trucks. However, SCAQMD staff is concerned that the proposed project could increase health risk impacts to residents in close proximity to the Interstate-5 (I-5) Freeway. Specifically, the project will result in widening of the I-5 Freeway thereby placing general purpose lanes closer to residences; potentially resulting in elevated localized air quality impacts to adjacent residents.

There are several areas in which the Draft ND has not addressed potential air quality impacts. These include the determination of the project's health risk impacts to surrounding sensitive receptors (i.e., residences and recreational parks), local and regional air quality impacts, climate change impacts, and the inappropriate use of CEQA baseline for existing conditions. Given the technical inadequacies of the Draft ND the SCAQMD staff strongly recommends that the Lead Agency revise the air quality analysis based on the comments contained within this letter. If the revised air quality analysis demonstrates the project will result in significant air quality impacts SCAQMD staff recommends that the Lead Agency include air quality mitigation measures pursuant to Section 15126.4 of the CEQA guidelines. Details regarding these comments are attached to this letter.

Pursuant to Public Resources Code Section 21092.5, we request that the Lead Agency provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the final CEQA document. Additional detailed comments on this project are attached to this letter. Should you have any questions, please contact Dan Garcia at (909) 396-3304.

Sincerely,

Edward Eckerle

Ed Eckerle
Program Supervisor
Planning, Rule Development & Area Sources

Attachment

IM:DG

ORC140815-04
Control Number

Local Operational Air Quality Impacts

1. According to the air quality analysis (i.e. page E-1 of the Air Quality Report) over 1.2 million additional vehicles miles traveled per day will occur on the focused segment of I-5 Freeway. Further, based on page eight (8) of the Draft ND the proposed project will require a widening of the I-5 Freeway, as a result, the project's primary emissions source (i.e. vehicle exhaust emissions) will be placed closer to adjacent residents. However, contrary to CARB, CAPCOA, and SCAQMD Guidance for projects that place sensitive receptors within 500 feet of a freeway the Lead Agency did not conduct a localized air quality analysis or Health Risk Assessment (HRA) to determine how the construction and/or operation of the project may impact the residences surrounding the project site.

   The Lead Agency relied on guidance from the Federal Highway Administration (FHWA) to quantify mobile source toxics emissions and determined that the project would result in a overall decrease of Mobile Source Air Toxics (MSATs), therefore, the project would have insignificant impacts on sensitive receptors. Pollutant concentrations are a result of total emissions in addition to site-specific characteristics such as proximity to the source, meteorology, and topography. The Draft ND is therefore insufficient for determining potential health risk impacts to sensitive receptors from the project and ignores section 15064 of the CEQA Guidelines that requires *substantial evidence* to determine the significance of an impact. Also, Caltrans has relied on an HRA for other CEQA documents including the Schuyler Heim Bridge Project and the I-710 Corridor Expansion Project. Therefore, SCAQMD 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, at a minimum; identify the total number of residences within 500 ft of the project's boundary (as measured from the outermost travel lane) in the existing condition and for each alternative. Even though some project alternative may have lower MSAT emissions, there may be a greater number of people exposed to these emissions.

Construction Emissions Analysis

2. The peak daily construction emissions information presented in Table 6 of the Air Quality Report does not appear to account for truck haul emissions during construction. Therefore, SCAQMD staff recommends that the Lead Agency provide a revised air quality analysis that includes truck haul emissions. Also, given that construction activity for the project may result in a temporary increase of traffic congestion the SCAQMD staff recommends that the revised construction emissions analysis account for any emissions increase resulting from this congestion. Further, the Lead Agency's revised emissions analysis should reflect the most current traffic data. All revised construction emissions should be compared to the SCAQMD's Regional and Localized Construction Emissions Thresholds.

Bottleneck at North and South End of Project Site

3. Based on page 48 of the Air Quality Report the proposed project will result in bottlenecks at the north and south end of the project site. Specifically, the bottlenecks appear to occur on the I-5 where the two-lane HOV segment narrows to one lane and the State Route (SR)-55 and SR-57 Freeway HOV lanes diverge (i.e. SR-55 and SR-57 Freeway junctions). Consequently, the Lead Agency should present an analysis of the potential regional and localized air quality impacts resulting from this induced congestion.

Climate Change Impacts

4. On page 188 of the Draft ND, the Lead Agency states, "… it is Caltrans determination, that in the absence of regulatory or scientific information related to greenhouse gas emissions and CEQA significance, it is too speculative to make a determination of the project's direct impact and its contribution on the cumulative scale to climate change." As a result, SCAQMD staff refers the Lead Agency to Section 15064.4(b)(1) of the CEQA Guidelines, that state, the Lead Agency should consider the following factors among others when assessing the significance of impacts from greenhouse gas emissions on the environment, "The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting," Therefore, SCAQMD staff requests that the Lead Agency revise the project's greenhouse gas emissions analysis to include a determination of significance, and, if necessary, feasible mitigation measures.

CEQA Baseline

5. 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 to determine CEQA and NEPA impacts. This speculative approach is contrary to CEQA requirements and may underestimate potential impacts.