



South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

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Recirculated Draft Environmental Impact Report (RDEIR) for the Proposed Trails at Santiago Creek Project (SCH: 2017031020)

South Coast Air Quality Management District (SCAQMD) staff 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 EIR.

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to construct 128 residential units on a 40.7-acre portion of 109 acres (Proposed Project). The Proposed Project will also include 69 acres of natural greenway and open space. The Proposed Project is located at 6118 East Santiago Canyon Road on the northwest corner of East Santiago Canyon Road and Orange Park Boulevard. Construction of the Proposed Project would occur over a four and one half year period, beginning on January 1, 2020 and completed by June 6, 2024¹.

SCAQMD Staff's Summary of Air Quality Analysis

In the Air Quality Analysis section, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to SCAQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analyses, the Lead Agency found that the Proposed Project's regional construction air quality impacts would be significant and unavoidable for NO_x after the incorporation of Mitigation Measure (MM) AIR-1g, which requires the use of U.S. EPA/CARB Tier 4 construction equipment, where commercially available.

SCAQMD's 2016 Air Quality Management Plan

On March 3, 2017, the SCAQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP)², which was later approved by the California Air Resources Board on March 23, 2017. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and the challenges facing the South Coast Air Basin. The most significant air quality challenge in the Basin is to achieve an additional 45 percent reduction in nitrogen oxide (NO_x) emissions in 2023 and an additional 55 percent NO_x reduction beyond 2031 levels for ozone attainment.

SCAQMD Staff's General Comments

As described in the 2016 AQMP, achieving NO_x emissions reductions in a timely manner is critical to attaining the National Ambient Air Quality Standard (NAAQS) for ozone before the 2023 and 2031 deadlines. SCAQMD is committed to attaining the ozone NAAQS as expeditiously as practicable. The Proposed Project plays an important role in contributing to regional NO_x emissions during the four and a

¹ RDEIR. Chapter 3.3. Page 3.3-34.

² South Coast Air Quality Management District. March 3, 2017. *2016 Air Quality Management Plan*. Accessed at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

half years of construction³. Upon review of the RDEIR and the CalEEMod output files provided in the Appendix F, SCAQMD staff found an inconsistency between the MM AIR-1g and tier construction equipment input in CalEEMod. SCAQMD staff recommends changes to MM AIR-1g. The recommended changes will further reduce the Proposed Project's NOx emissions during construction. Additionally, SCAQMD staff has comments regarding the feasibility of 2010 model year on-road haul trucks during construction. Please see the attachment for SCAQMD staff's detailed comments.

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), SCAQMD staff requests that the Lead Agency provide SCAQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful or useful to decision makers and to the public who are interested in the Proposed Project.

SCAQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Alina Mullins, Assistant Air Quality Specialist, at amullins@aqmd.gov or (909) 396-2402, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS:AM

ORC181114-03

Control Number

³ *Ibid.*

ATTACHMENT

Recommended Changes to MM AIR-1g

1. As currently written in the RDEIR, MM AIR-1g proposes that all off-road equipment with engines greater than 50 horsepower meet EPA/CARB Tier 4 Final off-road emission standards. If Tier 4 Final construction equipment is not commercially available, the construction contractor shall use the next cleanest piece of off-road equipment (e.g. Tier 4 Interim) available. The term “commercially available” is defined in mitigation measure to take into consideration the “critical-path timing of construction” and “geographic proximity to the project site of [the] equipment”⁴.

Although MM AIR-1g only requires the full implementation of Tier 4 Final construction equipment during construction where they are “commercially available,” the CalEEMod emissions modeling assumed a full implementation and use of Tier 4 Final equipment as a mitigation measure⁵. The selection of “Tier 4 Final” as a mitigation measure in the CalEEMod emissions model is not appropriate because it has likely led to an underestimation of the emissions associated with the construction of the Proposed Project by assuming that the Proposed Project is committed to emissions reductions from Tier 4 Final equipment that cannot be achieved through the use of the “next cleanest piece of off-road equipment” such as Tier 4 Interim or Tier 3 construction equipment. To be consistent with the modeling assumption in CalEEMod, SCAQMD staff recommends that the Lead Agency revise MM AIR-1g as follows. Alternatively, to be conservative, the Lead Agency may revise the CalEEMod emissions modeling to use Tier 3 construction equipment to quantify the Proposed Project’s construction emissions.

MM AIR-1g During construction activities, all off-road equipment with engines greater than 50 horsepower shall meet either EPA or ARB Tier IV Final off-road emission standards. The construction contractor shall maintain records concerning its efforts to comply with this requirement, including equipment lists. Off-road equipment descriptions and information may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

~~If engines that comply with Tier IV Final off road emission standards are not commercially available, then the construction contractor shall use the next cleanest piece of off road equipment (e.g., Tier IV Interim) available. For purposes of this mitigation measure, “commercially available” shall mean the availability of Tier IV Final engines taking into consideration factors such as (i) critical path timing of construction; and (ii) geographic proximity to the project site of equipment. The contractor can maintain records for equipment that is not commercially available by providing letters from at least two rental companies for each piece of off road equipment where the Tier IV Final engine is not available.~~

Feasibility of Diesel-Fueled Haul Trucks with 2010 Model Year Engines

2. In the Air Quality section, the Lead Agency found that 196.17 pounds of the 199.47 pounds per day of NOx emissions occurring during the construction phase of the Proposed Project would be generated by off-site sources⁶. While the Proposed Project would require up to 275,400 haul trips during the grading period, the Lead Agency did not propose any mitigation measures to reduce NOx emissions from haul trucks. The Lead Agency stated that it would not be feasible to mandate the use of specific vehicles to haul soils for the Proposed Project. Because no additional feasible mitigation

⁴ *Ibid.* Executive Summary. Page 20.

⁵ *Ibid.* Appendix F AQ-GHG Summary. Annual, Summer and Winter Runs.

⁶ *Ibid.* Chapter 3.3. Page 3.3-37

measures are available beyond those already quantified in Table 3.3-9, the project's regional operational emissions of NO_x would continue to exceed the applicable SCAQMD regional construction significance threshold even after implementation of all feasible mitigation⁷.

SCAQMD staff is concerned with the feasibility determination. The On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation by the California Air Resources Board mandates fleet turn-over to ensure that by January 1, 2023 nearly all on-road diesel trucks will have 2010 model year engines or equivalent⁸. Since the construction schedule of the Proposed Project extends into 2024, it is reasonably foreseeable that 2010 model year trucks will become more widely available commercially during the Proposed Project's construction. Therefore, SCAQMD staff recommends that Lead Agency require the use of diesel haul trucks (e.g., material delivery trucks and soil import/export) that conform to 2010 EPA/CARB truck standards or newer diesel hauls during construction. If the Lead Agency determines that 2010 model year or newer diesel haul trucks are not feasible, the Lead Agency should include good faith, reasoned analysis in the Final EIR supported by factual information as substantial evidence, rather than conclusory statements, in the record. Specifically, the Public Resources Code Section 21061.1 defines feasibility to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (CEQA Guidelines Section 15364). The feasibility analysis should, at a minimum, include a discussion on these feasibility factors.

SCAQMD Rules & Permits

3. The Proposed Project will be built in close proximity to the closed Villa Park Landfill⁹. If there is potential for construction to impact the landfill or related gas monitoring equipment, the Lead Agency should consult with SCAQMD Permitting and Engineering staff. In the event that the Proposed Project requires a permit from SCAQMD, SCAQMD should be identified as a Responsible Agency in the Final EIR. Any assumptions used in the air quality analysis in the certified Final EIR will be the basis for permit conditions and limits. For more information on permits, please visit SCAQMD's webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to SCAQMD's Engineering and Permitting staff at (909) 396-3385.

⁷ *Ibid.* Page 3.3-38

⁸ California Air Resources Board. December 20, 2018. <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

⁹ *Ibid.* Chapter 2. Page 11.