



South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

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Mitigated Negative Declaration (MND) for the Proposed Page & Thomas Residential Project

The 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 MND.

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to develop 54 residential units totaling 54,000 square feet¹ in seven buildings on 2.33 acres (Proposed Project). Based on a review of Figure 2, *Project Site Aerial Location* in the MND, SCAQMD staff found that the Proposed Project is located less than 500 feet directly north of State Route 91 (SR-91). Additionally, the Proposed Project is located immediately east of existing residential uses and west of an industrial operation. It also appears that other industrial operations are located in the vicinity of the Proposed Project. Construction is expected to take approximately 12 months².

SCAQMD Staff's Summary of Air Quality Analysis

In the Air Quality Analysis Section, the Lead Agency quantified the Proposed Project's construction and operation emissions and compared them to SCAQMD's regional air quality CEQA significance thresholds. The Lead Agency found that the Proposed Project's air quality impacts from construction and operational activities would be less than significant.

General Comments

Despite the Proposed Project's close proximity to existing residential uses, the Lead Agency did not quantify the Proposed Project's localized emissions. Additionally, the Lead Agency did not conduct a health risk assessment to disclose in the MND the potential health risks from living in close proximity to SR-91. Please see the attachment for detailed comments.

Conclusion

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process. Please provide the SCAQMD with written responses to all comments contained herein prior to the certification of the Final MND. When responding to issues raised in the comments, response should provide sufficient details 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 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.

¹ MND. Appendix A, *Daily Emissions Calculations Output (CalEEMod)*. Page 1 of 28.

² MND. Page 38.

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 me at lsun@aqmd.gov if you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS

ORC180501-01

Control Number

ATTACHMENT

Localized Air Quality Analysis during Construction

1. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips).

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. They include schools, parks and playgrounds, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. As stated above, the Proposed Project is located east of existing residential uses. However, the Lead Agency did not quantify the Proposed Project's localized construction emissions in the MND. Therefore, SCAQMD staff recommends that the Lead Agency quantify the Proposed Project's localized construction emissions and disclose the localized air quality impacts in the Final MND to ensure that any nearby sensitive receptors are not adversely affected by the construction activities that are occurring in close proximity. SCAQMD guidance for performing a localized air quality analysis is available on SCAQMD website³.

2. In the event that the Proposed Project's localized emissions, after conducting the localized air quality analysis based on Comment No.1, exceed SCAQMD air quality CEQA localized significance thresholds, SCAQMD recommends that the Lead Agency use off-road diesel-powered construction equipment that meets or exceeds the CARB and USEPA Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during Project construction. Such equipment will be outfitted with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filters (DPF). Level 3 DPFs are capable of achieving at least 85 percent reduction in in particulate matter emissions⁴. A list of CARB verified DPFs are available on the CARB website⁵. This requirement is intended to reduce particulate matter emissions during Project construction and minimizing their impacts on nearby residents.

The Lead Agency should include this requirement in applicable bid documents, and successful contractor(s) should demonstrate the ability to supply such equipment before any ground disturbance activities. A copy of each unit's certified tier specification or model year specification and CARB or SCAQMD operating permit (if applicable) should be available upon request at the time of mobilization of each applicable unit of equipment. In the event that construction equipment cannot meet the Tier 4 engine certification, the Project representative or contractor must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, construction equipment that meet Tier 3 off-road emissions standards, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Project, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously.

Health Risk Assessment from Mobile Sources and Other Sources of Air Pollution

3. Notwithstanding the court rulings, SCAQMD staff recognizes that the Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to

³ South Coast Air Quality Management District. *Localized Significance Thresholds*. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

⁴ California Air Resources Board. November 16-17, 2004. *Diesel Off-Road Equipment Measure – Workshop*. Page 17. Accessed at: https://www.arb.ca.gov/msprog/ordiesel/presentations/nov16-04_workshop.pdf.

⁵ *Ibid*. Page 18.

assessing and mitigating the environmental impacts of a project. Because of SCAQMD's concern about the potential public health impacts of siting sensitive land uses such as residential uses within a close proximity of freeways, SCAQMD staff recommends that the Lead Agency review and consider the following comments when making local planning and land use decisions.

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, parks, playgrounds, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. Based on a review of the Project Description, Figure 2 in the MND, and aerial photographs, SCAQMD staff found that the Proposed Project is located directly north of SR-91 in less than 500 feet, and SCAQMD-permitted industrial facilities⁶ are located immediately east of and in the vicinity of the Proposed Project. Residents living at the Proposed Project would be exposed to diesel particulate matter (DPM) emissions from vehicles and diesel-fueled heavy-duty trucks traveling on SR-91 and may also be exposed to toxic emissions from the nearby industrial operations. DPM is a toxic air contaminant and a carcinogen. To facilitate the purpose and goal of CEQA on public disclosure, SCAQMD staff recommends that the Lead Agency consider the health impacts on people at the Proposed Project by performing a HRA⁷ analysis to disclose the potential health risks in the Final MND⁸.

Guidance on Siting Sensitive Receptors Near a High-Volume Freeway and Other Sources of Air Pollution

4. SCAQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between Lead Agencies and SCAQMD to reduce community exposure to source-specific and cumulative air pollution impacts, SCAQMD adopted the *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* in 2005⁹. This Guidance document provides recommended policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process.

Limits to Enhanced Filtration Units

5. Many strategies are available to reduce exposure, including, but are not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Because of the potential adverse health risks involved with siting sensitive receptors near sources of air pollution, it is essential that any proposed strategy must be carefully evaluated before implementation.

⁶ South Coast Air Quality Management District. Information on SCAQMD-permitted industrial facilities may be obtained by searching in the Facility Information Detail (FIND). Accessed at: <http://www3.aqmd.gov/webappl/fim/prog/search.aspx>.

⁷ South Coast Air Quality Management District. Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁸ SCAQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When SCAQMD acts as the Lead Agency, SCAQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

⁹ South Coast Air Quality Management District. May 2005. "Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning" Accessed at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

In the event that enhanced filtration units are proposed for installation at the Proposed Project either as a mitigation measure or project design feature requirement, SCAQMD staff recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that SCAQMD conducted to investigate filters¹⁰, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased operational costs in energy. It is typically assumed that the filters operate 100 percent of the time while people are indoors, and the environmental analysis does not generally account for the times when people have their windows open or are outdoors (e.g., in common space areas of the project). In addition, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to DPM emissions.

Enforceability of Enhanced Filtration Units

6. If enhanced filtration units are installed at the Proposed Project, and to ensure that they are enforceable throughout the lifetime of the Proposed Project as well as effective in reducing exposures to DPM emissions, SCAQMD staff recommends that the Lead Agency provide additional details on ongoing, regular maintenance of filters in the Final MND. To facilitate a good faith effort at full disclosure and provide useful information to future residents at the Proposed Project, at a minimum, the Final MND should include the following information:
 - Disclose the potential health impacts to prospective residents from living in a close proximity of SR-91 and the reduced effectiveness of air filtration system when windows are open and/or when residents are outdoor (e.g., in the common usable open space areas);
 - Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are installed on-site at the Proposed Project before a permit of occupancy is issued;
 - Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are inspected regularly;
 - Provide information to residents on where the MERV filters can be purchased;
 - Disclose the potential increase in energy costs for running the HVAC system to prospective residents;
 - Provide recommended schedules (e.g., once a year or every six months) for replacing the enhanced filtration units to prospective residents;
 - Identify the responsible entity such as residents themselves, Homeowner's Association, or property management for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if residents should be responsible for the periodic and regular purchase and replacement of the enhanced filtration units, the Lead Agency should include this information in the disclosure form);
 - Identify, provide, and disclose any ongoing cost sharing strategies, if any, for the purchase and replacement of the enhanced filtration units;
 - Set City-wide or Project-specific criteria for assessing progress in installing and replacing the enhanced filtration units; and
 - Develop a City-wide or Project-specific process for evaluating the effectiveness of the enhanced filtration units at the Proposed Project.

¹⁰ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see also 2012 Peer Review Journal article by SCAQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.

Compliance with SCAQMD Rule 1403

7. Since the Proposed Project will involve demolition of the existing structures that were built between 1963 and 1977¹¹, asbestos may be encountered during demolition. SCAQMD staff recommends that the Lead Agency include a discussion to demonstrate compliance with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities¹² *in the Air Quality Section* of the Final MND.

¹¹ MND. Page 4.

¹² South Coast Air Quality Management District. Rule 1403. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf>.