



South Coast Air Quality Management District

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Valley Project Planning

6262 Van Nuys Boulevard, Rom 430

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**Mitigated Negative Declaration (MND) for the Proposed
Van Nuys Plaza
(ENV-2016-2945: 6569-6581 N. Van Nuys Blvd. & 14506-14534 W. Kittridge St.)**

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 demolish three buildings and construct a 157,100-square-foot building with 174 residential units and subterranean parking on 1.29 acres (Proposed Project). Construction is expected to take 15 months. Based on a review of Figure 2, *Project Location*, and aerial photographs, SCAQMD staff found that residential uses are located immediately west of the Proposed Project.

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 and localized air quality CEQA significance thresholds. The Lead Agency found that the Proposed Project's air quality impacts from construction would be less than significant. The Lead Agency also found that the Proposed Project's operational air quality impacts would be less than significant.

SCAQMD Staff's Comments

Tier 4 Construction Equipment or Level 3 Diesel Particulate Filters

CEQA requires that all feasible mitigation measures go beyond what is required by law to minimize any significant impacts. To further reduce particulate matter emissions during construction and minimize their impacts on nearby residents, SCAQMD staff 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 particulate matter emissions¹. A list of CARB verified DPFs are available on the CARB website². These requirements shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment. A copy of each unit's certified tier specification or model year specification and CARB or SCAQMD operating permit (if applicable) shall

¹ 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

² *Ibid*. Page 18.

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, 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.

Diesel-Fueled Trucks with 2010 Model Year Engines

To further reduce the impacts of NO_x emissions on nearby residents during construction, the Lead Agency should require the use of diesel haul trucks that conform to 2010 EPA truck standards or newer diesel haul trucks (e.g., material delivery trucks and soil import/export) during construction. If the Lead Agency determines that 2010 model year or newer diesel haul trucks are not feasible supported by substantial evidence in the record, the Lead Agency shall use trucks that meet EPA 2007 model year NO_x emissions requirements, at a minimum. Include this requirement as a bid or contract specification with contractors. Require periodic reporting and provision of written documents by contractors to prove and ensure compliance.

SCAQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil

According to the MND, lead and volatile organic compounds were detected in soil samples during preparation of the Phase II Environmental Site Assessment³. SCAQMD staff is concerned about the potential air quality impacts from VOC contaminated soils during remediating or extracting contaminated soil. Disturbing soils that may contain petroleum hydrocarbons are subject to the requirements of SCAQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil⁴. SCAQMD Rule 1166 should be incorporated during the development of the Final MND. If remediation or any on-site activity involves equipment or operations which either emits or controls air pollution, SCAQMD staff should be consulted in advance of the project start to determine whether or not any permits or plans are required to be filed and approved by SCAQMD prior to start of the operation. Additionally, the Final MND should discuss how the Proposed Project will comply with SCAQMD Rule 402 – Public Nuisance⁵ if volatile organic compounds and/or odors are emitted during soil disturbance activities.

SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

Since the Proposed Project would include demolition of three buildings, asbestos may be encountered during demolition. As such, SCAQMD staff recommends that the Lead Agency include a discussion to demonstrate compliance with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities⁶ in the Final MND.

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

³ MND. Page 9 of 139.

⁴ South Coast Air Quality Management District. Rule 1166. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>.

⁵ South Coast Air Quality Management District. Rule 402. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>.

⁶ South Coast Air Quality Management District. Rule 1403. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf>.

process. Please provide SCAQMD with written responses to all comments contained herein prior to the adoption 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 the public who are interested in the Proposed Project.

SCAQMD staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact me at lsun@aqmd.gov if you have any questions regarding the enclosed comments.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS

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