



# South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

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## **Draft Program Environmental Impact Report (Draft PEIR) for the Proposed San Bernardino Countywide Plan (SCH No.:2017101033)**

South Coast Air Quality Management District (South Coast AQMD) 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 PEIR.

### South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to develop a countywide plan with four components: (1) a County Policy Plan to develop a new planning policy and approach to county planning, (2) a Community Actions Guide to facilitate implementation, (3) a County Business Plan to outline policies and strategies for providing municipal and regional services, and (4) a Regional Issues Forum to create an online resource to share countywide information (Proposed Project). The Proposed Project addresses land uses for the unincorporated areas of the County of San Bernardino, which encompasses 1.58 million acres<sup>1</sup>. The Proposed Project anticipates a net population growth of 49,680 people and 12,546 jobs throughout the planning horizon year of 2040<sup>2</sup>.

### South Coast AQMD Staff's Summary of the Air Quality Analysis

Although the Proposed Project would not directly result in construction of any development or infrastructure, future development implementing the Proposed Project could result in potentially significant air quality impacts. Therefore, the Lead Agency committed to mitigation measure (MM) AQ-2, which requires future development projects implementing the Proposed Project to evaluate potential project-level construction air quality impacts, compare the project-level air quality impacts to South Coast AQMD's CEQA air quality significance thresholds, and incorporate mitigation measures, such as Tier 3 or Tier 4 construction equipment, to reduce air quality impacts that are found to exceed the air quality significance thresholds<sup>3</sup>. However, because there is potential for future development to result in significant construction-related emissions even with implementation of programmatic mitigation measures identified in this document, the Lead Agency found that air quality impacts from construction would be significant and unavoidable<sup>4</sup>.

The Lead Agency also quantified the Proposed Project's net operational emissions in 2040 by calculating the operational emissions of the existing land uses, assuming the existing 2007 General Plan will remain in effect (i.e. future without the Proposed Project) under 2040 growth conditions and comparing those emissions to emissions from operations of the Proposed Project's land uses under 2040 growth conditions (i.e. future with the Proposed Project)<sup>5</sup>. Based on the analysis, the Lead Agency found that the Proposed

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<sup>1</sup> Draft PEIR. Section 5.3 Air Quality. Page 5.3-34.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.* Page 5.3-44 through 5.3-45.

<sup>4</sup> *Ibid.* Page 5.3-49.

<sup>5</sup> *Ibid.* Pages 5.3-35 through 5.3-37.

Project's unmitigated regional operational emissions would exceed South Coast AQMD's regional operational air quality CEQA significance thresholds for NO<sub>x</sub>, VOC, CO, PM<sub>10</sub>, and PM<sub>2.5</sub><sup>6</sup>. With the implementation of MMs AQ-1, -3 and -4, the Proposed Project's NO<sub>x</sub>, VOC, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions would remain significant and unavoidable<sup>7</sup>. MM AQ-1 requires future development projects implementing the Proposed Project to evaluate the potential operational air quality impacts, compare the air quality impacts to South Coast AQMD's CEQA air quality significance thresholds, and incorporate mitigation measures, such as electrical vehicle charging infrastructure for passenger and heavy-duty trucks, to reduce air quality impacts that are found to exceed the air quality significance thresholds<sup>8</sup>. MM AQ-3 requires that future industrial or warehousing projects that would generate diesel truck trips to conduct a project-specific Health Risk Assessment (HRA) analysis, compare the cancer risk to South Coast AQMD's maximum incremental cancer risk threshold of 10 in one million, and commit to risk reductions measures such as restricting offsite truck trips by creating project-specific truck routes<sup>9</sup>. MM AQ-4 requires future development projects with the potential to emit nuisance odors to create an odor management plan<sup>10</sup> to ensure compliance with South Coast AQMD's Rule 402 – Nuisance<sup>11</sup>. Additionally, the Lead Agency discussed South Coast AQMD rules that may be applicable to the implementation of the Proposed Project, such as Rule 403 – Fugitive Dust, which includes additional requirements for large operations<sup>12</sup>, and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities<sup>13</sup>.

#### South Coast AQMD Staff's General Comments

The Proposed Project includes land use updates for the San Bernardino and Muscoy community. This community is disproportionately impacted by air pollution generated from sources, such as, heavy-duty diesel trucks, warehouses, and railyard facilities. As a result, the San Bernardino and Muscoy community is part of the South Coast AQMD's AB 617 Community Emission Reduction Program. Through this program the community has developed a Draft Community Emissions Reduction Plan that identifies air quality priorities and actions to reduce air pollution in the community<sup>14</sup>. South Coast AQMD staff recommends that the Lead Agency review the Draft Community Emissions Reduction Plan for measures to reduce air quality impacts from the Proposed Project.

Additionally, to support the implementation of the countywide plan goal Land Use (LU)-2, Land Use Mix and Compatibility, South Coast AQMD staff recommends that the Lead Agency include a requirement in this programmatic CEQA document for future individual projects with sensitive receptors such as residential developments, schools, hospitals, and daycare centers that will be located adjacent to freeways and other sources of air pollution to conduct a project-specific HRA analysis in subsequent, project-level CEQA analyses to disclose potential health risks and incorporate strategies to minimize exposures. Furthermore, South Coast AQMD staff recommends revisions to existing air quality MM AQ-3, and a new air quality mitigation measure requiring periodic, performance standards-based technology review that the Lead Agency should review and incorporate in the Final PEIR. Please see the attachment for more information.

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<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.* Page 5.3-43.

<sup>9</sup> Draft PEIR. Section 5.3 Air Quality. Page 5.3-43 through 5.3-44.

<sup>10</sup> *Ibid.* Page 5.3-46 through 5.3-47.

<sup>11</sup> South Coast AQMD Rule 402 – Nuisance. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>

<sup>12</sup> South Coast AQMD Rule 403 – Fugitive Dust. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf>.

<sup>13</sup> South Coast AQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf>.

<sup>14</sup> The South Coast AQMD Governing Board is scheduled to consider approval of the AB 617 Draft Final Community Emissions Reduction Plans for the Year 1 Communities on September 6, 2019.

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final PEIR. 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, informative, or useful to decision makers and to the public who are interested in the Proposed Project. Further, when the Lead Agency makes the finding that the additional recommended mitigation measures are not feasible, the Lead Agency should describe the specific reasons for rejecting them in the Final PEIR (CEQA Guidelines Section 15091).

South Coast AQMD 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](mailto: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  
SBC190619-05  
Control Number

**ATTACHMENT****Health Risk Assessment (HRA) Analysis and Health Risk Reduction Strategies**

1. Notwithstanding the court rulings, South Coast AQMD staff recognizes that the Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of South Coast AQMD's concern about the potential public health impacts of siting sensitive land uses, such as residential uses, within close proximity of freeways and other sources of air pollution, South Coast AQMD staff recommends that the Lead Agency review and consider the following comments when making local planning and land use decisions.

To facilitate the implementation of the countywide plan goal Land Use (LU)-2, Land Use Mix and Compatibility<sup>15</sup>, which requires new residential developments to be designed in such a way that will balance residential, commercial, and industrial developments, South Coast AQMD staff recommends that the Lead Agency require individual projects with sensitive receptors (e.g. residential developments, schools, daycares centers, and hospitals) that will be located adjacent to freeways (e.g. within 500 feet) and other sources of air pollution to conduct a project-specific HRA analysis<sup>16</sup> in subsequent, project-level CEQA analyses to disclose the potential health risks to sensitive receptors living and/or working adjacent to these sources<sup>17</sup>. This requirement will demonstrate that the Lead Agency has adequately addressed the Proposed Project's health risks in this programmatic CEQA document and that a project-level HRA analysis will be completed in a later stage to facilitate the purpose and goal of CEQA on public disclosure of health risks to future sensitive receptors living and/or working adjacent to freeways and sources of air pollution. Furthermore, the Lead Agency should consider incorporating the following strategies to maximize protection against exposures toxic air contaminants in the Final PEIR.

*Health Risk Reduction Strategies for Implementing Countywide Plan Goal LU-2*

- a) The Lead Agency should consider the use of high efficiency or enhanced filtration units, such as Minimum Efficiency Reporting Value (MERV) 13 or better, for projects within 500 feet of freeways and other sources of air pollution to reduce exposures to diesel particulate matter (DPM) emissions from vehicles and trucks traveling on the nearby freeways (e.g., Interstate 10 and Interstate 15, among others<sup>18</sup>) or visiting industrial uses. Enhanced filtration units are capable of reducing exposures. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.
- b) Enhanced filtration systems have limitations. In a study that South Coast AQMD conducted to investigate filters<sup>19</sup>, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC

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<sup>15</sup> Draft County Policy Plan. Goals and Policies: Goal LU-2 *Land Use Mix and Compatibility*. May 2019. Pages 3 through 4.

<sup>16</sup> South Coast AQMD. "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>.

<sup>17</sup> South Coast AQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When South Coast AQMD acts as the Lead Agency, South Coast AQMD staff conducts a HRA analysis, 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.

<sup>18</sup> Draft PEIR. Chapter 3 - Project Description. Page 3-1.

<sup>19</sup> This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by South Coast AQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.

system is running, there may be increased energy costs to the building tenants. It is typically assumed that the filters operate 100 percent of the time while sensitive receptors are indoors, and the environmental analysis does not generally account for the times when sensitive receptors have windows or doors open or are in common space areas of a project. Moreover, 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 and disclosed to prospective residences prior to assuming that they will sufficiently alleviate exposures to DPM emissions.

- c) Because of the limitations, South Coast AQMD staff recommends that the Lead Agency provide additional details regarding the ongoing, regular monitoring and maintenance of filters in the Final PEIR. To facilitate a good faith effort at full disclosure and provide useful information to future sensitive receptors who will live and/or work in proximity to freeways and other sources of air pollution, the Lead Agency should require the following information be included, at a minimum, in the subsequent, project-level CEQA documents:
- Disclose potential health impacts to prospective sensitive receptors from living and/or working in close proximity to freeways or other sources of air pollution and the reduced effectiveness of air filtration systems when windows are open and/or when sensitive receptors are outdoors (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 and maintained regularly;
  - Disclose the potential increase in energy costs for running the HVAC system;
  - Provide information to sensitive receptors living and/or working at the Proposed Project on where MERV filters can be purchased;
  - Provide recommended schedules (e.g., every year or every six months) for replacing the enhanced filtration units;
  - Identify the responsible entity (e.g. future residents, Homeowner's Associations (HOAs), or property managers) for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if tenants and/or 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 ongoing cost-sharing strategies, if any, for replacing the enhanced filtration units;
  - Set County-wide or project-specific criteria for assessing progress in installing and replacing the enhanced filtration units; and
  - Develop a County-wide or project-specific process for evaluating the effectiveness of the enhanced filtration units.

**Recommended Revisions to Existing Mitigation Measure (MM) AQ-3**

2. The Lead Agency has committed to implementing mitigation measures to reduce the Proposed Project's significant air quality impacts from construction and operational activities of future development projects implementing the Proposed Project. One of the air quality mitigation measures (MM AQ-3) requires future industrial or warehousing projects to analyze the potential air quality impacts that will be generated from diesel truck trips visiting the development by conducting a project-specific HRA analysis, comparing the cancer risk to South Coast AQMD's maximum incremental cancer risk threshold of 10 in one million<sup>20</sup>, and committing to risk reductions measures to reduce cancer risk. To further strengthen the Lead Agency's list of risk reductions measures identified in MM AQ-3, South Coast AQMD staff recommends that the Lead Agency incorporate the following revisions to MM AQ-3 in the Final PEIR.

**AQ-3**

[...] Measures to reduce risk impacts may include but are not limited to:

- Restricting idling onsite beyond Air Toxic Control Measures idling restrictions, as feasible.
- Electrifying warehousing docks.
- Requiring use of newer equipment and/or vehicles. A current example of newer vehicles include the use of zero-emission (ZE) or near-zero emission (NZE) heavy-duty trucks during operation, such as heavy-duty trucks with natural gas engines that meet the California Air Resources Board (CARB)'s adopted optional NOx emission standard at 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that operators of heavy-duty trucks visiting the Proposed Project during operation commit to using 2010 model year<sup>21</sup> or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. When requiring ZE or NZE on-road trucks, the Lead Agency should include analyses to evaluate and identify sufficient power and supportive infrastructure available for ZE/NZE trucks in the Energy and Utilities and Service Systems Sections of the Final PEIR, where appropriate.

To monitor and ensure ZE, NZE, or 2010 model year trucks are used at the development, operators should maintain records of all trucks and make these records available to the Lead Agency upon request. The records will serve as evidence to prove that each truck visiting the development during construction and operation meets the minimum 2010 model year engine emission standards. Alternatively, require periodic reporting and provision of written records by contractors. Regular inspections of the records should be conducted to the maximum extent feasible and practicable.

- Restricting offsite truck travel through the creation of truck routes; require trucks to utilize truck route(s) that are analyzed in the Health Risk Assessment of the Final CEQA document(s).

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<sup>20</sup> South Coast AQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When South Coast AQMD acts as the Lead Agency, South Coast AQMD staff conducts a HRA analysis, 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.

<sup>21</sup> CARB adopted the statewide On-Road Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulations is available here: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

- Limit the daily number of truck trips allowed at the future, project-specific developments to the level that is analyzed in the Final CEQA document(s). If higher daily truck volumes are anticipated during operation, the Lead Agency should commit to re-evaluating the Proposed Project's air quality impacts through CEQA prior to allowing higher activity levels.
- Design the Proposed Project such that entrances and exits are such that trucks are not traversing past sensitive receptors (i.e. residential units); orient the Proposed Project such that truck docking stations are located away from sensitive receptors to the maximum extent that is feasible and practicable.
- Restrict overnight parking in residential areas; establish area(s) within the Proposed Project site for trucks to rest overnight.

### **Additional Recommended Mitigation Measure – Performance Standards-Based Periodic Technology Review**

3. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse impacts. Since the Proposed Project would be implemented over a 20-year period with a planning horizon year of 2040, and will result in significant and unavoidable air quality impacts from construction and operation of future development projects<sup>22</sup>, the Lead Agency should take this opportunity to incorporate a periodic, technology review of both off-road and on-road construction and operational equipment that will be used during the life of the Proposed Project. South Coast AQMD staff recommends that the Lead Agency develop project-specific or countywide strategies to foster and facilitate the deployment of the lowest emissions technologies as they become available. This may include incorporating a periodic, performance standards-based technology review, or developing other comparable strategies or tools, to periodically assess equipment availability, equipment fleet mixtures, and best available emissions control devices. The deployment should include technologies that are “capable of being accomplished in a successful manner within a reasonable period of time” (California Public Resources Code Section 21061.1), such as zero and near-zero emission technologies or best available control technologies (BACTs) that are expected to become more readily available over the life of the Proposed Project. A technology review should also incorporate an appropriate timeline/schedule for the assessment that will also be supportive of emissions reductions goals being implemented at local, regional, state, and federal levels (e.g. South Coast AQMD's AQMPs and other air quality and public health goals). If the technology review identifies that cleaner equipment and fleets have become available, the Lead Agency should commit to incorporating this new technology at subsequent, individual developments that are subject to discretionary reviews under the CEQA to further reduce emissions. South Coast AQMD staff encourages the Lead Agency to involve the public and interested parties, such as the South Coast AQMD and the CARB, in developing an appropriate process and performance standards for technology review.

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<sup>22</sup> Draft PEIR. Section 5.3 Air Quality. Page 5.3-47 through 5.3-50.