



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 Norte Dame High School Facilities Master Plan (ENV-2018-4524: 13500 West Houston Street)

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 construct a 14,000-square-foot cafeteria/banquet hall, a 13,600-square-foot gymnasium, a 5,200-square-foot classroom building, and 9,700 square feet to be added to existing structures on 727,485 square feet (Proposed Project). The Proposed Project is located on the southeast corner of West Huston Street and Sunnyslope Avenue in the community of Van-Nuys-North Sherman Oaks. Construction is expected to occur in seven phases beginning in 2019 and to be completed in 2030¹.

SCAQMD Staff's Comments on Air Quality Analysis

Overlapping Construction and Operational Impacts

The Lead Agency quantified the Proposed Project's construction emissions and found that the Proposed Project's construction-related air quality impacts would be less than significant after comparing those emissions to applicable SCAQMD's recommended regional and localized air quality CEQA significance thresholds. This analysis was based on an assumption that project construction phases would not overlap. "Since a construction schedule is not available at this time, it is assumed that the activities within each phase will not overlap²."

SCAQMD staff is concerned that the Lead Agency did not analyze the Proposed Project's air quality impacts from overlapping construction and operational activities. Since the Proposed Project's construction activities will occur over a period of 11 years in seven phases, an overlapping construction and operation scenario is reasonably foreseeable (e.g., the gymnasium may be operational at the same time when the classroom building is under construction), unless the Lead Agency includes a requirement, as a condition of approval, that will avoid overlapping construction and operational activities from the implementation of project development phases. To conservatively analyze a worst-case impact scenario that is reasonably foreseeable at the time the MND is prepared, SCAQMD staff recommends that the Lead Agency revise the Air Quality Analysis to identify the overlapping years, combine construction emissions (including emissions from demolition) with operational emissions, and compare the combined emissions to SCAQMD's air quality CEQA *operational* thresholds of significance to determine the level

¹ MND. Publication of Environmental Notices. Los Angeles Times. Thursday, February 7, 2019. Appendix A, *Air Quality Analysis for Notre Dame High School*. Page 2.

² MND. Appendix A. Page 2.

of significance in the Final MND. In the event that the Lead Agency, after revising the Air Quality Analysis, finds that the Proposed Project's air quality impacts would be significant, feasible mitigation measures will be required (CEQA Guidelines Sections 15070 and 15071).

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 (PM) emissions during construction and minimize the impacts beyond the Project's boundary, and in addition to requiring watering the active areas of the Proposed Project site three times daily, which is expected to result in 61% reduction in PM emissions³, SCAQMD staff recommends that the Lead Agency use off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and U.S. Environmental Protection Agency (EPA) Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during 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 emissions⁴. A list of CARB verified DPFs are available on the CARB website⁵. Additionally, SCAQMD staff recommends that the Lead Agency include this requirement in applicable bid documents, and that successful contractor(s) must demonstrate the ability to supply such equipment prior to demolition and ground disturbance activities. A copy of each unit's certified tier 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. Additionally, the Lead Agency should require periodic reporting and provision of written documentation by contractors to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance.

Enforceability

To ensure that Tier 4 construction equipment or Level 3 DPFs will be used during construction, SCAQMD recommends that the Lead Agency include this requirement as a project design feature or a condition of approval for the Proposed Project in the Final MND. In the event that the Lead Agency finds that Tier 4 construction equipment is not feasible pursuant to CEQA Guidelines Section 15364, the Lead Agency should, at a minimum, specify in the Final MND that using Tier 3 or newer construction equipment is a project requirement that contractor(s) must provide evidence to the City for review and approval prior to the commencement of any construction activities.

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 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, informative, or useful to decision makers and the public who are interested in the Proposed Project.

³ MND. Appendix A. Pages 2-7.

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.

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February 19, 2019

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 or (909) 396-3308, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

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