

SENT VIA E-MAIL:

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**Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the
Indian Street Sewer Crossing Project (Proposed Project)**

The South Coast Air Quality Management District (South Coast AQMD) appreciates the opportunity to review the above-mentioned document. The Eastern Municipal Water District is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff has provided a brief summary of the project information and prepared the following comments, which are organized by topic of concern.

South Coast AQMD's Summary of Project Information in the MND

The project consists of constructing a 15-inch sewer pipeline, filling the existing 10-inch sewer pipeline with grout, and removing any conflicting portions of abandoned sewer pipeline.¹ After reviewing aerial photographs of the site, South Coast AQMD staff found that the nearest sensitive receptors (e.g., occupied single-family homes) is located adjacent to the project site.² The project is located beneath State Route 60 to the north and Sunnymead Boulevard to the south.³

South Coast AQMD Comments

South Coast AQMD Air Permits and Role as a Responsible Agency

If implementation of the Proposed Project requires the use of new stationary and portable sources, including but not limited to emergency generators, electrical panel, various sewer pumps (one wet well approximately 20-feet deep and 8-feet in diameter, and two submersible pumps), etc., South Coast AQMD air permits will be required. The Final MND should include a discussion about the potentially applicable South Coast AQMD rules that may be applicable to the Proposed Project including but not limited to Rule 201 – Permit to Construct,⁴ Rule 203 – Permit to Operate,⁵ Rule

¹ Initial Study/MND. Page 13.

² *Ibid.*, p. 35.

³ *Ibid.*, p. 13.

⁴ South Coast AQMD Rule 201 – Permit to Construct. Available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>.

⁵ South Coast AQMD Rule 203 – Permit to Operate. Available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>.

401 – Visible Emissions,⁶ Rule 402 – Nuisance,⁷ Rule 403 – Fugitive Dust,⁸ Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines,⁹ Rule 1166 – VOC Contaminated Soil Excavation,¹⁰ Regulation XIII – New Source Review,¹¹ Rule 1401 – Air Toxics,¹² Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants,¹³ and Rule 1470 – Requirements for Stationary Diesel Fueled Internal Combustion and Other Compression Ignition Engines.¹⁴ It is important to note that when air permits from South Coast AQMD are required, the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections 15086, the Lead Agency is required to consult with South Coast AQMD.

CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of the process for conducting a review of the Proposed Project and issuing discretionary approvals. Moreover, it is important to note that if a Responsible Agency determines that a CEQA document is not adequate to rely upon for its discretionary approvals, the Responsible Agency must take further actions listed in CEQA Guideline Section 15096(e), which could have the effect of delaying the implementation of the Proposed Project. In its role as CEQA Responsible Agency, the South Coast AQMD is obligated to ensure that the CEQA document prepared for this Proposed Project contains a sufficient project description and analysis to be relied upon in order to issue any discretionary approvals that may be needed for air permits. South Coast AQMD is concerned that the project description and analysis in its current form in the MND is inadequate to be relied upon for this purpose.

For these reasons, the MND should be revised to include a discussion about any and all new stationary and portable equipment requiring South Coast AQMD air permits, provide the evaluation of their air quality and greenhouse gas impacts, and identify South Coast AQMD as a Responsible Agency for the Proposed Project as this information will be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions regarding what types

⁶ South Coast AQMD Rule 401 – Visible Emissions. Available at: <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-401.pdf>.

⁷ South Coast AQMD Rule 402 – Nuisance. Available at: <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>.

⁸ South Coast AQMD Rule 403 – Fugitive Dust. Available at: <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf>.

⁹ South Coast AQMD Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines. Available at: [rule-1110-2.pdf \(aqmd.gov\)](https://www.aqmd.gov/docs/default-source/rule-1110-2.pdf)

¹⁰ South Coast AQMD Rule 1166 – VOC Contaminated Soil Excavation. Available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>.

¹¹ South Coast AQMD Regulation 13 – New Source Review. Available at: <https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/regulation-xiii>.

¹² South Coast AQMD Rule 1401 – Air Toxics. Available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf>.

¹³ South Coast AQMD Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants. Available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>.

¹⁴ South Coast AQMD Rule 1470 – Requirements for Stationary Diesel Fueled Internal Combustion and Other Compression Ignition Engines. Available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>.

of equipment would require air permits. For more general information on permits, please visit South Coast AQMD's webpage at <http://www.aqmd.gov/home/permits>.

Conclusion

The Lead Agency is recommended to revise the CEQA analysis to address the aforementioned comments and provide the necessary evidence to sufficiently support the conclusions reached. If the requested information and analysis are not included in the final CEQA document, either the Final MND or other type of CEQA document, the Lead Agency should provide reasons for not doing so. Pursuant to California Public Resources Code Section 21092.5(b) and 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 and notify each public agency when any public hearings are scheduled. Please provide South Coast AQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided. In addition, if the Lead Agency decides to adopt the Final MND, please provide South Coast AQMD with a notice of any scheduled public hearing(s).

Thank you for the opportunity to provide comments. 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 Sahar Ghadimi, Air Quality Specialist, at sghadimi@aqmd.gov should you have any questions.

Sincerely,
Sam Wang

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