



## South Coast Air Quality Management District

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June 12, 2009

Mr. Ronald J. Kosinski  
Department of Transportation, District 7  
Division of Environmental Planning  
100 South Main Street, MS-16A  
Los Angeles, CA 90012

Dear Mr. Kosinski:

### **Final Environmental Impact Statement/Environmental Impact Report for the Proposed Schuyler Heim Bridge Replacement and SR-47 Expressway Project**

The South Coast Air Quality Management District (SCAQMD) staff appreciates the responses to the comments provided in the Final EIS/EIR (FEIS/EIR), and the additional time that Caltrans has provided to comment on this important project. The SCAQMD staff is concerned that our comments were not fully addressed by your responses in FEIS/EIR. These concerns are addressed below.

#### **Mitigation Measure for On-Road Trucks (Caltrans Ref. AJ18-8)**

The SCAQMD staff recommended, in its February 13, 2009 comment letter, that the lead agency should use the cleanest available trucks for construction, and that on-road trucks should meet the lowest certified emission levels, but not greater than EPA 2007 standards. Caltrans responded that the lead agency will require contractors to meet the CARB in-use on-road heavy-duty fleet rule regulation (as required by its Standard Spec. 7/1.0F).

During the construction phase of the Project, emissions will exceed the SCAQMD Significance Thresholds by a wide margin. NO<sub>x</sub> emissions during construction will exceed the SCAQMD threshold by 15 to 17 times, depending on estimation method, PM<sub>10</sub> emissions by 5 to 6 times, and PM<sub>2.5</sub> emissions by 4 to 5 times (data from Table 3.13-10).

CEQA Guidelines §15126.4(a)(1) state that,

“An EIR shall describe feasible measures which could minimize significant adverse impacts. . .”

Construction emissions have been determined in the FEIS/EIR to create a significant adverse impacts. Therefore, the lead agency is obligated to analyze feasible measures which could minimize these impacts. Under the CARB regulation, companies can demonstrate a fleet-wide

average emission rate for NO<sub>x</sub> and PM every year. This average may be comprised of a combination of trucks that meet the 2007 standards, and trucks that do not. There is no guarantee that 2007-compliant trucks will be used for the Project, just because a company is able to demonstrate a fleet-wide average emission rate.

Trucks that meet 2007 standards are commercially available now. Use of these trucks during construction therefore constitutes a potential mitigation measure that is technically feasible. Simply relying on the CARB On-Road Heavy-Duty Diesel Vehicles regulation to mitigate emissions from vehicles used during construction activities does not go far enough as there are additional measures that can further mitigate construction emissions. SCAQMD staff strongly urges Caltrans to use on-road trucks meeting the 2007 emission standards during the 2009 – 2011 construction phase, and on-road trucks meeting the 2010 emissions standards during the post-2011 construction phase. Caltrans could award contracts preferentially to those contractors with a higher percentage of compliant trucks in their fleet.

#### **Mitigation Measure for Off-Road Construction Equipment (Caltrans Ref. AJ18-8)**

In our February 13, 2009 comment letter, SCAQMD staff recommended that the 2009 – 2011 construction equipment should meet U.S. EPA Tier 3 emission standards and be equipped with the highest level of CARB Verified Diesel Emission Control System (VDECS) available. In addition, during any construction occurring after 2014, construction equipment should meet U.S. EPA Tier 4 emission standards. Caltrans responded that contractors will be required to meet the CARB in-use off-road construction equipment regulation (as required by its Standard Spec. 7/1.0F).

As stated in our previous comment, because the impacts from construction activities are many times above the CEQA significance level and as there are additional measures that can further mitigate construction emissions, the SCAQMD staff strongly urges the lead agency to consider all available means to reduce the air quality impacts from construction equipment. Equipment meeting Tier 3 standards are available now and there are VDECS certified for numerous types of construction equipment. Caltrans should require use of this equipment, as well as equipment meeting Tier 4 standards when they become available beginning in 2011. Caltrans could award contracts preferentially to those contractors with a higher percentage of Tier 3 equipment in their fleet. Extensive use of Tier 3 and Tier 4 equipment will go a long way towards mitigating air quality impacts of project construction emissions, and should be encouraged.

#### **Health Risk Assessment (Caltrans Ref. AJ18-4)**

In our February 13, 2009 comment letter, SCAQMD staff states,

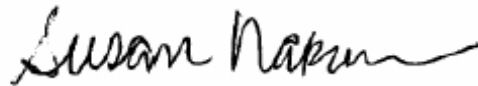
“Page 3.13-60 of the Draft Supplemental EIS/Recirculated EIR states that the “Caltrans has determined that there is not adequate or satisfactory evidence to support a determination of a significant impact due to exposure to air toxics. The evidence provided in ACTA’s HRA document is not sufficient to make the determination of a CEQA significance related to increased cancer risk for this project.” The text then states that ACTA considered Alternative 1 and 2 to be significant for carcinogenic health risk.”

Caltrans responded that significance cannot be determined due to the inherent uncertainties associated with health risk assessments. The response cites an evaluation by UC Davis supporting this conclusion. The SCAQMD staff believes that the UC Davis evaluation in this regard is not relevant. There is sufficient guidance by OEHHA and SCAQMD to conduct health risk assessments on mobile sources. In addition, SCAQMD staff contends that the final conclusion should be based on the ACTA analysis, which uses accepted OEHHA methodology.

The response to SCAQMD staff's comment references pages 1-4 and 1-5 of OEHHA's Air Toxic Hotspots Program Guidance Manual for Preparation of Health Risk Assessments which recognizes the substantial uncertainty associated with health risk assessments. The OEHHA document outlines sources of uncertainty that may underestimate or overestimate risk on the referenced pages. However, it is a misrepresentation to imply in the response to SCAQMD's comment that OEHHA's intent is to suggest that health risk should not be estimated, or that a significance determination cannot be made using the methodology presented in the Air Toxic Hotspots Program Guidance Manual for Preparation of Health Risk Assessments.

The SCAQMD staff is available to answer questions regarding the concerns expressed in this letter. Please contact me at (909) 396-3105 if you have any questions regarding these comments.

Sincerely,

A handwritten signature in black ink that reads "Susan Nakamura". The signature is fluid and cursive, with a long horizontal flourish at the end.

Susan Nakamura  
Planning Manager