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Review of the Draft Environmental Impact Report (Draft EIR) for the Proposed NBC Universal Evolution Plan

The South Coast Air Quality Management District (AQMD) 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 Environmental Impact Report (final EIR) as appropriate.

The AQMD staff is concerned that the proposed project places residential land uses approximately 200 feet from the 101 Freeway. The AQMD staff is specifically concerned about potential health risk impacts from toxic air pollutants emitted by the significant volume (i.e., 253,000 annual average daily trips) of traffic on the 101 freeway. Therefore, AQMD staff requests that the lead agency revise the Health Risk Assessment (HRA) to determine the potential health risk impacts to future sensitive receptors at the project site from the 101 freeway. Further, AQMD staff recommends that pursuant to Section 15370 of the California Environmental Quality Act (CEQA) Guidelines additional mitigation measures are considered to minimize the project's significant air quality impacts. Details regarding these comments are attached to this letter.

Pursuant to Public Resources Code Section 21092.5, AQMD staff requests that the lead agency provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. Further, staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact Dan

Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

LAC101103-05
Control Number

Health Risk Impacts

1. Based on the project description (i.e., chapter two) in the draft EIR the proposed project includes residential uses located approximately 200 feet from the 101 Freeway. Residential land uses are considered sensitive land uses[1], as a result, AQMD staff is concerned about the potential health risk impacts from toxic air pollutants emitted by the significant volume (i.e., 253,000 annual average daily trips)[2] of traffic on this segment of the 101 freeway. Therefore, the AQMD staff requests that the lead agency evaluate the cumulative health risk impacts to future sensitive receptors at the project site in the HRA. In the event that the HRA demonstrates significant health risk impacts the lead agency should provide mitigation that prohibits residential development within 500 feet[3] of the 101 freeway.

Mitigation Measures for Construction Air Quality Impacts

2. Given that the lead agency's construction air quality analysis demonstrates significant air quality impacts from NOx, CO, PM10, PM2.5 and VOC emissions the AQMD staff recommends that the lead agency provide additional mitigation pursuant to CEQA Guidelines §15370. Specifically, AQMD staff recommends that the lead agency minimize or eliminate significant adverse air quality impacts by adding the mitigation measures provided below.

   - Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow,
   - Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site,
   - Reroute construction trucks away from congested streets or sensitive receptor areas,
   - Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation,
   - Improve traffic flow by signal synchronization, and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications,
   - Use coatings and solvents with a VOC content lower than that required under AQMD Rule 1113,
   - Construct or build with materials that do not require painting,
   - Require the use of pre-painted construction materials,
   - Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export),

[1] California Air Resources Board. April 2005. "Air Quality and Land Use Handbook: A Community Health Perspective." Accessed at: http://www.arb.ca.gov/ch/landuse.htm
[2] Based on the 2009 traffic counts published by Caltrans. Accessed at: http://traffic-counts.dot.ca.gov/
[3] Based on the recommendations for siting new sensitive land uses on page four of the "Air Quality and Land Use Handbook: A Community Health Perspective."

- During project construction, all internal combustion engines/construction equipment operating on the project site shall meet EPA-Certified Tier 2 emissions standards, or higher according to the following:

  - ✓ Project Start, to December 31, 2011: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  - ✓ January 1, 2012, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  - ✓ Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  - ✓ A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

  - ✓ Encourage construction contractors to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: http://www.aqmd.gov/tao/Implementation/SOONProgram.htm

For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html.

Mitigation Measures for Operational Air Quality Impacts

3. The lead agency's operational air quality analysis demonstrates significant air quality impacts from NOx, CO and VOC emissions. These impacts are primarily from an increase in mobile source emissions related to a significant increase of vehicle trips associated with the proposed project. However, the lead agency fails to adequately address this large increase in mobile source emissions and only requires nominal mitigation measures to address the project's mobile source emission reductions. Therefore, the AQMD staff recommends that the lead agency further reduce the project's significant air quality impacts by reviewing and incorporating the transportation mitigation measures in the greenhouse gas quantification report[4] that are not included the final EIR.

[4] California Air Pollution Control Officer's Association. August 2010. Quantifying Greenhouse Gas Mitigation Measures. Accessed at: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf