



## South Coast Air Quality Management District

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E-Mailed: September 9, 2011

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Mr. Larry Longnecker  
City of Laguna Niguel  
Community Development Department  
27781 La Paz Road  
Laguna Niguel, CA 92677

### **Review of the Draft Program Environmental Impact Report (Draft PEIR) for the Proposed Laguna Niguel Specific Plan Project**

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 Program Environmental Impact Report (final PEIR) as appropriate.

Given that the proposed project includes sensitive land uses (i.e., residences and parks) the AQMD staff is concerned about the potential health risk impacts to the proposed project's residents from an active rail line and the I-5 Freeway adjacent (within 500 feet) to the project's eastern boundary. Specifically, AQMD staff is concerned about the significant impacts a cancer risk of 57 in one million) from toxic air pollutants emitted by the substantial volume (approximately 300,000 automobiles per day) of traffic on the I-5 Freeway and the active rail line (approximately 61 trains per day) that runs through the project area. Further, the proposed mitigation measures do not appear to be adequate to reduce these impacts to a less than significant level. Also, the lead agency has determined that the project will have significant construction and operational air quality impacts. As a result, the AQMD staff requests that the lead agency revise the draft PEIR to include additional mitigation pursuant Section 15126.4 of the CEQA Guidelines. 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 PEIR. 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,

A handwritten signature in black ink that reads "Ian V. MacMillan". The signature is written in a cursive style with a large initial "I" and "M".

Ian MacMillan

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

Attachment

IM:DG

ORC110726-06  
Control Number

### Health Risk Impacts to Sensitive Land Uses and Mitigation

1. The proposed project contains sensitive land uses (i.e., residences) surrounded by known sources of Toxic Air Contaminants (TACs) including an active rail line that facilitates 61 trains per day and the I-5 Freeway that carries at least 9,000 trucks<sup>1</sup> and approximately 300,000 cars per day. As a result, the lead agency has determined that these sources will pose a significant health risk impact (i.e., a cancer risk of 57 in one million) to the proposed project. To address this significant health risk impact the lead agency incorporated Mitigation Measures (MM) 4.2-17 and 4.2-18. Specifically, MM4.2-17 requires the use of particulate filters placed in residential HVAC systems and MM4.2-18 requires tiered planting of vegetation adjacent to uses that contain sensitive receptors within 500 feet of the I-5 Freeway, State Route (SR) 73 and the Railway within the project's boundary. However, the lead agency fails to quantify the effectiveness of these measures. The AQMD staff is concerned that while filters can be effective against particulate pollution they do not have the ability to remove a wide variety of gaseous pollutants (i.e., NO<sub>x</sub>, TAC's and VOC's) associated with traffic-related (locomotives and automobiles) pollution. These filters also have no effectiveness when windows or doors are open, or on outdoor activities associated with residential uses, and require long term maintenance beyond the requirements set forth in the proposed mitigation measures. Therefore, AQMD staff recommends that the lead agency require mitigation that avoids placing sensitive receptors within 500 feet of the I-5 Freeway, SR 73 and the existing railway to minimize the health risk impacts to future residents.

### Mitigation Measures for Construction Air Quality Impacts

2. Given that the lead agency concluded that the proposed project will have significant construction related air quality impacts the AQMD staff recommends that the lead agency consider additional mitigation pursuant to CEQA Guidelines §15126.4. 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,
  - Require the use of the cleanest burning diesel haul trucks available, such as trucks that meet 2010 model year EPA standards, and
  - During project construction, all construction equipment operating on the project site shall meet EPA-Certified Tier 2 emissions standards, or higher according to the following:

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<sup>1</sup> CalTrans data (<http://traffic-counts.dot.ca.gov/2009all/docs/2009truckpublication.doc>) presents approximately 9,000 trucks per day whereas the Air Quality Appendix in the draft PEIR presents approximately 3,000 trucks per day, therefore, this discrepancy should be explained in the final EIR.

- ✓ Project Start, to December 31, 2011: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards at a minimum. 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 at minimum. 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 at a minimum, 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 emissions, refer to the mitigation measure tables located at the following website:  
[www.aqmd.gov/ceqa/handbook/mitigation/MM\\_intro.html](http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html).