



South Coast Air Quality Management District

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Review of the Draft Environmental Impact Report (Draft EIR) for the Proposed Warner Center Regional Core Comprehensive 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 Environmental Impact Report (Final EIR) as appropriate.

The AQMD staff is concerned that the lead agency has not demonstrated that the proposed project will have less than significant air quality impacts absent sufficient operational mitigation measures. The lead agency relies on nominal mitigation such as the use of air filters with a minimum efficiency reporting value (MERV) of 13 placed in the HVAC systems of residential and commercial buildings (excluding storage/warehouse areas or garages) to reduce the project's health risk impacts from the 101 Freeway to a less than significant level. However, the lead agency does not quantify the effectiveness of the proposed operational mitigation measures thereby failing to demonstrate that this impact is insignificant. While air filters can be effective against particulate pollution they do not have the ability to remove a wide variety of gaseous pollutants including NO_x, VOC's and TAC's associated with traffic-related pollution. Given, that the 101 Freeway is a potentially significant source of toxic air pollutants due to the approximate 228,000 vehicles per day that travel along this section the AQMD staff recommends that the lead agency include mitigation in the final CEQA document that precludes any sensitive land uses within 500 feet of the 101 Freeway.¹ None of these freeway proximate areas are located in a defined Transportation Oriented District (TOD). Further, AQMD staff recommends that the lead agency consider additional mitigation

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>

measures to minimize the project's significant construction air quality impacts pursuant to Section 15126.4 of the California Environmental Quality Act (CEQA) Guidelines. Details regarding these comments are attached to this letter.

AQMD 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

LAC111206-04
Control Number

Potential Health Risk Impacts to Sensitive Land Uses

1. Based on the lead agency's discussion regarding toxic air contaminant (Page 36 of Section 4.2) of the Draft EIR the proposed project includes sensitive land uses (i.e., residences) within 500 feet of the 101 Freeway. As a result, the AQMD staff is concerned about the potential health risk impacts from toxic air pollutants emitted by the significant volume of traffic that would travel in close proximity to these homes and the insufficient mitigation to reduce these impacts. Specifically, the lead agency relies on a list of nominal mitigation measures that include requirements for the use of air filters with a minimum efficiency reporting value (MERV) of 13 placed in residential and commercial (excluding storage/warehouse areas or garages) HVAC systems to mitigate significant health risk impacts from the 101 Freeway. While air filters can be effective against particulate pollution they do not have the ability to remove a wide variety of gaseous pollutants (i.e., NO_x, VOC's and TAC's) associated with traffic-related pollution. Also, these filters have no effectiveness on outdoor activities associated with residential uses and require long term and potentially costly maintenance. Without quantifying the effectiveness of the proposed mitigation measures, the lead agency has not demonstrated that this impact is insignificant. Therefore, AQMD staff recommends that the lead agency maintain the 500-foot buffer specified in the CARB Land Use Handbook for any new residential uses built in close proximity to the 101 Freeway.

Further, the AQMD staff notes that the objectives of the Draft EIR identify the project as a TOD, therefore, the lead agency should consider providing future residents with maximum access to the nearest transit center (Orange Line) by placing residential land uses closest to the transit hubs. Contrary to this concept the lead agency allows housing next to the 101 Freeway that is furthest from the Orange Line bus station/transit hub and outside of the primary TOD boundary and centroid identified in Figures 2-3 and 2-4 of the Draft EIR. Also, the lead agency does not mention any future plans for a transit stop within 500 feet of the 101 Freeway. Therefore, it appears that the lead agency has an opportunity to prevent future residents from being exposed to high levels of TAC's while still achieving the project's TOD objectives by providing a 500-foot buffer between the 101 Freeway and the residential uses associated with the proposed project.

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 provide 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.
 - 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) and if the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NOx and PM emissions requirements,
- During project construction, all internal combustion engines/construction equipment operating on the project site shall meet EPA-Certified Tier 3 emissions standards, or higher according to the following:
 - ✓ Project Start, 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.