



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL AND USPS:

June 5, 2018

SouthwestTOD@planning.lacounty.gov

Anita D. Gutierrez, MPL, AICP, Supervising Regional Planner
County of Los Angeles – Department of Regional Planning
Community Studies West Section
320 West Temple Street, Room 1356
Los Angeles, CA 90012

**Draft Environmental Impact Report (Draft EIR) for the Proposed
Connect Southwest LA: TOD Specific Plan for West Athens-Westmont
(Project No. 2016-000317, Plan No. 2016002080)
(SCH No: 2017051051)**

The South Coast Air Quality Management District (SCAQMD) staff 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 EIR.

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to develop a transit oriented district specific plan that would allow the potential development of up to 1,061 additional residential units and approximately 1.7 million square feet of additional commercial uses over existing conditions on a 473-acre portion of 658 acres (Proposed Project). At the build-out, there would be up to 4,518 residential units and approximately 3.5 million square feet of non-residential development. The Proposed Project extends along West Imperial Highway and is bisected by Interstate 105 (I-105). The Proposed Project is expected to be developed over a 20-year period¹.

SCAQMD Staff's Summary of Air Quality Analysis

In the Air Quality Section, the Lead Agency quantified the Proposed Project's construction emissions based on "a very conservative scenario, where several construction projects throughout the Specific Plan area would occur at the same time and all construction phases would overlap²". The Lead Agency found that the Proposed Project would result in significant and unavoidable air quality impacts during construction, particularly from NO_x emissions, after incorporating Mitigation Measures (MMs) AQ-1 through AQ-5³.

The Lead Agency also quantified the Proposed Project's maximum daily operational emissions at buildout once construction is complete and during a worst-case year from overlap of the Project with construction⁴. After incorporating MMs AQ-1 through AQ-5, which require, among others, the use of Tier 4 construction equipment with more than 50 horsepower, Energy Star or equivalent appliances, provision of electric charging, preferential parking for low-emitting, fuel-efficient, and carpool/van vehicles, and project-level localized significance thresholds (LSTs) analysis within 25 meters (82 feet) of a sensitive land use, the Lead Agency found that the Proposed Project's mitigated operational emissions would exceed SCAQMD's air quality CEQA significance threshold for NO_x, resulting in a significant and unavoidable impact⁵. However, the Lead Agency did not conduct a HRA analysis citing the recent

¹ Draft EIR. Page 5.2-27.

² *Ibid.* Page 5.2-25.

³ *Ibid.* Page 4.2-15.

⁴ *Ibid.* Pages 1-17-19.

⁵ *Ibid.* Table 5.2-10. Page 5.2-27.

court ruling in the CBIA case⁶ and found that sensitive receptors could be potentially exposed to substantial pollutant concentrations, resulting in a significant and unavoidable impact⁷.

SCAQMD's 2016 Air Quality Management Plan

On March 3, 2017, the SCAQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP)⁸, which was later approved by the California Air Resources Board on March 23, 2017. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and the challenges facing the South Coast Air Basin. The most significant air quality challenge in the Basin is to achieve an additional 45 percent reduction in nitrogen oxide (NOx) emissions in 2023 and an additional 55 percent NOx reduction beyond 2031 levels for ozone attainment.

General Comments

SCAQMD staff has comments on the HRA analysis. Please see the attachment for more information. Additionally, as described in the 2016 AQMP, to achieve NOx emissions reductions in a timely manner is critical to attaining the National Ambient Air Quality Standard (NAAQS) for ozone before the 2023 and 2031 deadlines. SCAQMD is committed to attain the ozone NAAQS as expeditiously as practicable. The Proposed Project plays an important role in contributing to NOx emissions during construction and operation. Therefore, SCAQMD staff recommends an additional mitigation measure to further reduce NOx emissions. Finally, the attachment includes a recommendation to include a discussion on SCAQMD Rule 1403 in the Air Quality Section of the Final EIR.

Closing

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), SCAQMD staff requests that the Lead Agency provide SCAQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful or useful to decision makers and to the public who are interested in the Proposed Project. Further, when the Lead Agency makes the finding that the recommended mitigation measures are not feasible, the Lead Agency should describe the specific reasons for rejecting them in the Final EIR (CEQA Guidelines Section 15091).

SCAQMD staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact Ryan Bañuelos, Air Quality Specialist, CEQA Section, at (909) 396-3479 if you have any questions regarding the enclosed comments.

Sincerely,



Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS

LAC180522-08

Control Number

⁶ *Ibid.* Pages 5.2-18.

⁷ *Ibid.* Page 1-19.

⁸ South Coast Air Quality Management District. March 3, 2017. *2016 Air Quality Management Plan*. Accessed at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

ATTACHMENT**Health Risk Assessment (HRA) Analysis**

1. The Lead Agency cited the court ruling in the *California Building Industry Association v. Bay Area Air Quality Management District (2015) 62 Cal.4th 369 (Case No. S213478)* to support that a project-specific HRA analysis for future residential development proposed in proximity of the I-105 Freeway was not completed in the Draft EIR⁹.

SCAQMD staff recognizes that the Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Notwithstanding the court rulings, SCAQMD staff is concerned about the potential public health impacts of siting sensitive land uses such as residential uses within a close proximity of freeways. Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, parks, playgrounds, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. As stated above, the Proposed Project is bisected by the I-105 Freeway. New residents living may live in a close proximity to I-105 and could be exposed to diesel particulate matter (DPM) from vehicles and trucks traveling on I-105. DPM is a toxic air contaminant and a carcinogen. To facilitate the purpose and goal of CEQA on public disclosure, SCAQMD staff recommends that the Lead Agency use the applicable Project information that is already available in the Draft EIR to conduct a HRA analysis¹⁰ to disclose the information on health risks in the Final EIR, at a minimum¹¹.

Guidance on Siting Sensitive Receptors Near a High-Volume Freeway and Other Sources of Air Pollution

2. SCAQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between Lead Agencies and SCAQMD to reduce community exposure to source-specific and cumulative air pollution impacts, SCAQMD adopted the *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* in 2005¹². This Guidance document provides recommended policies that local governments can use in their General Plans or other local planning efforts to prevent or reduce potential air pollution impacts and protect public health. In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process.

⁹ Draft EIR. Page 5.2-18.

¹⁰ "Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis," Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

¹¹ SCAQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When SCAQMD acts as the Lead Agency, SCAQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

¹² South Coast Air Quality Management District. May 2005. "Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning" Accessed at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

Limits to Enhanced Filtration Units

3. Many strategies are available to reduce exposure, including, but are not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. SCAQMD recommends that the Lead Agency consider these strategies to reduce the health impacts from DMP exposures.

Because of the potential adverse health risks involved with siting sensitive receptors near sources of air pollution, it is essential that any proposed strategy must be carefully evaluated before implementation. In the event that enhanced filtration units are proposed for installation at the Proposed Project, SCAQMD staff recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that SCAQMD conducted to investigate filters¹³, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased operational costs in energy. It is typically assumed that the filters operate 100 percent of the time while people are indoors, and the environmental analysis does not generally account for the times when people have their windows open or are outdoors (e.g., in common space areas of the project). In addition, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to DPM emissions.

Other Information Recommended for Disclosure in the Final EIR

4. To facilitate a good faith effort at full disclosure and provide useful information to future residents at the Proposed Project, the Final EIR should include the following information:
 - At a minimum, disclose the potential health impacts to prospective residents from living in a close proximity of I-105;
 - If enhanced filtration units are installed at the Proposed Project,
 - Disclose to prospective residents about the reduced effectiveness of air filtration system when windows are open and/or when residents are outdoor (e.g., in the common usable open space areas)
 - Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are installed on-site at the Proposed Project before a permit of occupancy is issued;
 - Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are inspected regularly;
 - Provide information to residents on where the MERV filters can be purchased;
 - Disclose the potential increase in energy costs for running the HVAC system to prospective residents;
 - Provide recommended schedules (e.g., once a year or every six months) for replacing the enhanced filtration units to prospective residents;
 - Identify the responsible entity such as residents themselves, Homeowner's Association, or property management for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if residents should be responsible for the periodic and regular

¹³ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by SCAQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.

- purchase and replacement of the enhanced filtration units, the Lead Agency should include this information in the disclosure form);
- Identify, provide, and disclose any ongoing cost sharing strategies, if any, for the purchase and replacement of the enhanced filtration units;
 - Set City-wide or Project-specific criteria for assessing progress in installing and replacing the enhanced filtration units; and
 - Develop a City-wide or Project-specific process for evaluating the effectiveness of the enhanced filtration units at the Proposed Project.

Additional Recommended Mitigation Measure – Diesel Haul Trucks of Model Year 2010 or Newer

5. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse impacts. Since the Proposed Project's NOx emissions would exceed SCAQMD air quality CEQA significance threshold, SCAQMD staff recommends that the Lead Agency incorporate the following mitigation measure in the Final EIR in addition to using Tier 4 construction equipment of 50 horsepower or greater. Additional information on potential mitigation measures as guidance to the Lead Agency is available on the SCAQMD CEQA Air Quality Handbook website.
- a) Require the use of 2010 model year diesel haul trucks that conform to 2010 EPA truck standards or newer diesel haul trucks (e.g., material delivery trucks and soil import/export) during construction. If the Lead Agency determines that 2010 model year or newer diesel haul trucks are not feasible, the Lead Agency shall use trucks that meet EPA 2007 model year NOx emissions requirements, at a minimum. It is also recommended that the Lead Agency include this requirement in applicable bid documents. Successful contractor(s) must demonstrate the ability to supply the compliant diesel haul trucks for use prior to any construction activities. Additionally, the Lead Agency should require periodic reporting and provision of written documentation by contractors, and conduct regular inspections to the maximum extent feasible to ensure compliance.

SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

6. Since the Proposed Project is assumed to involve demolition of approximately 2,178,964 square feet of the existing structures, asbestos may be encountered during demolition. As such, SCAQMD staff recommends that the Lead Agency include a discussion to demonstrate compliance with SCAQMD Rule 1403¹⁴ in the Air Quality Section in the Final EIR.

¹⁴ South Coast Air Quality Management District. Rule 1403. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf>.