



South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

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Draft Environmental Impact Report (EIR) for the Proposed Lewis Retail and Civic Center (PLN17-20015) and Al's Corner (PLN17-20029)

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comment is meant as guidance for the Lead Agency and should be incorporated into the Final EIR.

Project Description

The Lead Agency proposes to develop various commercial, retail, service, office, and civic uses within two noncontiguous properties: Site 1 and Site 2 (Proposed Project). Specifically, the Lead Agency proposes to develop a gasoline station with eight fueling pumps, four restaurants totaling 15,500 square feet, 4,000 square feet of retail uses, a 10,000-square-foot medical office, a hotel with 130 rooms, and 65,000 square feet of civic uses on 23 acres (Site 1)¹. Additionally, the Lead Agency proposes to develop another gasoline station with 16 fueling pumps on 1.38 acres (Site 2)². Based on a review of aerial photographs and Figure 3.3-2, *Vicinity Land Uses*, in the Draft EIR, SCAQMD staff found that existing residential uses are located immediately to the north, east, and southwest of Site 1, and Site 2 is also surrounded by existing residential uses. Additionally, according to Figure 3.4-1, *Site Plan Concept*, in the Draft EIR, the gasoline station will be located immediately south of existing residential uses on "PAD-1". Construction of the Proposed Project is expected to take approximately 12 months and be completed in year 2019³.

Compliance with SCAQMD Rules

As stated in the comment letter on the Notice of Preparation of a Draft EIR for the Proposed Project⁴, since the Proposed Project includes gasoline service stations, operation of the gasoline service stations will require SCAQMD permit(s). SCAQMD should be identified as a Responsible Agency for this Project in the Final EIR. The assumptions in the air quality analysis in the Final EIR will be the basis for permit conditions and limits.

The Draft EIR discussed SCAQMD Rule 402 and Rule 461⁵. The Final EIR should also include a discussion to demonstrate compliance with SCAQMD Rule 201 – Permit to Construct and Rule 203 – Permit to Operate. If there are permitting questions concerning the gasoline service station, they can be directed to SCAQMD Engineering and Permitting staff at (909) 396-2551.

Health Risk Assessment

As stated above, the Proposed Project would be sited in close proximity to sensitive receptors (e.g., residential uses). Benzene, which is a toxic air contaminant, may be emitted from the Proposed Project's

¹ Draft EIR. Table 3.4-1. Page 3-9.

² *Ibid.*

³ Draft EIR. Page 3-11.

⁴ South Coast Air Quality Management District. February 15, 2018. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2018/noplewisretail-021518.pdf>.

⁵ Draft EIR. Pages 4.3-39 and 42.

gasoline refueling operations. SCAQMD staff is concerned about the potential health impacts on the residents from being exposed to benzene. As such, it is recommended that the Lead Agency evaluate, quantify, and perform a health risk assessment for the Proposed Project in the Final EIR. Guidance for performing a gasoline dispensing station health risk assessment can be found in the SCAQMD's *Emission Inventory and Risk Assessment Guidelines for Gasoline Dispensing Stations*⁶.

Guidance Regarding Gasoline Dispensing Facilities Sited Near Sensitive Receptors

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*⁷ in 2005. Additionally, it is recommended that a 50-foot separation between a gasoline dispensing facility and sensitive land uses (e.g., residential uses)⁸. SCAQMD staff recommends that the Lead Agency review and consider these guidance when making local planning and land use decisions.

Mitigation Measures

CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate significant adverse impacts. Because the Proposed Project's localized air quality impacts from PM10 emissions were found to exceed SCAQMD air quality CEQA localized significance threshold⁹, SCAQMD staff recommends that the Lead Agency incorporate the following mitigation measure in the Final EIR. Additional information on potential mitigation measures as guidance to the Lead Agency is available on the SCAQMD CEQA Air Quality Handbook website¹⁰.

- To further reduce particulate matter emissions during construction and minimize their impacts on nearby residents, SCAQMD staff recommends that the Lead Agency use construction equipment fitted with CARB verified Level 3 Diesel Particulate Filters (DPF) for off-road diesel-powered construction equipment of 50 horsepower or more that are utilized during grading or site preparation operations. Level 3 DPFs are capable of achieving at least 85 percent reduction in particulate matter emissions¹¹. A list of CARB verified DPFs are available on the CARB website¹².

Additionally, in the Draft EIR, the Lead Agency found that the Proposed Project would cause significant and unavoidable NO_x emissions during operation¹³ and identified no feasible mitigation measures because "neither the Project Applicant nor Lead Agency has any regulatory control over these vehicular-source emissions. Rather, vehicular-source NO_x emissions are regulated by CARB and USEPA"¹⁴.

SCAQMD staff recommends that the Lead Agency use its best efforts to identify mitigation measures to reduce vehicular-source NO_x emissions. While CEQA allows the approval of a project, despite its significant and unavoidable environmental impacts, when such impacts are outweighed by the project's economic, legal, social, technological, or other benefits, it does not remove the Lead Agency's powers or responsibilities to mitigate or avoid significant environmental impacts. Mitigation measures that are

⁶ South Coast Air Quality Management District. Accessed at: <http://www.aqmd.gov/home/permits/risk-assessment>.

⁷ 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/home/library/documents-support-material/planning-guidance/guidance-document>.

⁸ California Air Resources Board. 2005. *Air Quality and Land Use Handbook: A Community Health Perspective*. Page 4. Accessed at: <https://www.arb.ca.gov/ch/handbook.pdf>.

⁹ Draft EIR. Table 4.3-7. Page 4.3-35.

¹⁰ South Coast Air Quality Management District. *CEQA Air Quality Handbook*. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

¹¹ California Air Resources Board. November 16-17, 2004. *Diesel Off-Road Equipment Measure – Workshop*. Page 17. Accessed at: https://www.arb.ca.gov/msprog/ordiesel/presentations/nov16-04_workshop.pdf.

¹² *Ibid.* Page 18.

¹³ Draft EIR. Table 4.3-6. Page 4.3-29.

¹⁴ Draft EIR. Executive Summary. Table 1.10-1. Page 1-55.

capable of reducing the Proposed Project's vehicle-source NOx emissions may include, but not limited to, provision of shuttle services, designation of parking locations for carpool and vanpool for employees and/or visitors, inclusion of bicycle and pedestrian measures such as sidewalks and bicycle lanes, and provision of electric vehicles (EV) charging stations (at a minimum, the electric infrastructure).

For the EV charging stations, the Lead Agency should require that 240-Volt electrical outlets or Level 2 chargers be installed in parking lots that would enable charging of NEVs and/or battery powered vehicles. Vehicles that can operate at least partially on electricity have the ability to substantially reduce the significant NOx impacts from the Proposed Project. It is important to make this electrical infrastructure available when the Proposed Project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, SCAQMD staff recommends the Lead Agency require the Proposed Project be constructed with the appropriate infrastructure to facilitate sufficient electric charging for vehicles to plug-in.

SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

Since the Proposed Project would include demolition¹⁵, asbestos may be encountered. As such, SCAQMD staff recommends that the Lead Agency include a discussion to demonstrate compliance with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities¹⁶ in 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.

SCAQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact me at lsun@aqmd.gov if you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

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¹⁵ Draft EIR, Page 1-5.

¹⁶ South Coast Air Quality Management District, Rule 1403. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf>.