



South Coast Air Quality Management District

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Draft Environmental Impact Report (Draft EIR) for the Proposed Red Hill Avenue Specific Plan

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 comprehensive set of goals and objectives, a land use plan, regulatory standards, design criteria, and administration and implementation programs to guide future change, promote high-quality development, and implement the community's vision for an approximate 43.11-acre Specific Plan area (Proposed Project). Projected build-out for residential and non-residential development would include a net increase of 325,000 square feet of non-residential uses and 500 additional dwelling units.¹ The Proposed Project extends along Red Hill Avenue and is generally bounded by Bryan Avenue to the northeast and Walnut Avenue to the southwest. Interstate 5 (I-5) bisects the Red Hill Avenue in the middle of the Proposed Project. The Proposed Project is expected to be developed over time with an expected buildout year of 2035².

SCAQMD Staff's Air Quality Analysis

Based on a review of the Air Quality Section, SCAQMD staff found that the Air Quality Analysis was based on the expected buildout scenario. The Lead Agency did not quantify construction emissions because it determined that "[q]uantifying individual future development's air emissions from short-term, temporary construction-related activities is not possible due to project-level variability and uncertainties concerning locations, detailed site plans, construction schedules/duration, equipment requirements, etc., among other factors, which are presently unknown. Since these parameters can vary so widely (and individual project-related construction activities would occur over time dependent upon numerous factors), quantifying precise construction-related emissions and impacts would be speculative³." However, the Lead Agency found that "construction-related air quality impacts would be considered significant and unavoidable due to the potential magnitude of construction that could occur from implementation of the Specific Plan⁴."

The Lead Agency quantified the Proposed Project's operational air quality emissions based on the expected buildout scenario and compared the emissions to SCAQMD's regional air quality CEQA significance thresholds for operation. After incorporating Mitigation Measures (MM) 4.2-1 through 4.2-4⁵, which require future projects to accommodate electric vehicle charging stations, include a voluntary vanpool/shuttle ridesharing program for commercial uses, consider and mitigate the impacts on regional air quality and greenhouse gas (GHG) emissions through recommended mitigation measures for future site plans, and conduct a Health Risk Assessment (HRA) for future residential development located

¹ Draft EIR. Section 3.2: Specific Plan Project Overview. Page 3-1.

² *Ibid.* Section 3.8: Phasing. Page 3-35.

³ *Ibid.* Section 4.2.5 Environmental Impacts. Page 4.2-11.

⁴ *Ibid.* Page 4.2-13.

⁵ *Ibid.* Page 4.2-15.

within 500 feet of I-5, the Lead Agency found that the Proposed Project's mitigated operational emissions would exceed SCAQMD's regional CEQA significant thresholds for NOx emissions, resulting in a significant and unavoidable impact⁶. Although the Lead Agency did not conduct a localized significance thresholds (LSTs) analysis or a HRA analysis because, as the Lead Agency stated, the analysis could only be conducted at the project-specific level⁷ and were not applicable for regional projects such as Specific Plans, the Lead Agency concluded that sensitive receptors could be potentially exposed to substantial pollutant concentrations or diesel particulate matter (DPM), resulting in a less than significant impact with implementation of MM 4.2-4.

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 reviewed the Air Quality Analysis in the Draft EIR and has comments on the methodology. 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 operation. Therefore, SCAQMD staff has comments on existing air quality mitigation measures and recommends additional mitigation measures to further reduce NOx emissions as well as ROG, PM10, and PM2.5 emissions. Finally, the attachment includes recommendations to include a discussion on SCAQMD rules and regulations.

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).

⁶ *Ibid.* Page 4.2-20.

⁷ *Ibid.* Pages 4.2-9, 4.2-15, and 4.2-16.

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>.

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

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS:RB

ORC180202-02

Control Number

ATTACHMENT

Air Quality Analysis – Construction Impact Analysis

1. When specific development is reasonably foreseeable as a result of the goals, policies, and guidelines in the Proposed Project, the Lead Agency should identify any potential adverse air quality impacts and sources of air pollution that could occur using its best efforts to find out and a good-faith effort at full disclosure in the EIR. “Drafting an EIR [...] necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can” (CEQA Guidelines Section 15144). The degree of specificity will correspond to the degree of specificity involved in the underlying activity which is described in the EIR (CEQA Guidelines Section 15146). When quantifying air quality emissions, emissions from both construction (including demolition, if any) and operations should be calculated.

When the precise construction schedule or scenario is unknown, the Lead Agency should identify and quantify a worst-case construction impact scenario that is reasonably foreseeable at the time the Draft EIR is prepared. As shown in Table 3-4 and Table 3-5 in the Draft EIR, the Lead Agency has identified the estimated development potential in terms of a net increase of 325,000 non-residential square feet and 500 additional dwelling units for the Proposed Project. Therefore, the Lead Agency can and should use this information and its best efforts to identify construction activities that would be required to implement the maximum build-out scenarios and quantify associated construction emissions, including emissions from any demolition activities.

Alternatively, the Lead Agency should use construction scenarios from other comparable projects to develop an appropriate construction scenario for modeling the Proposed Project’s construction impacts. For example, the Downtown Commercial Core Specific Plan in the City of Tustin is expected to be developed over time from 2018 and 2035, and the maximum construction emissions were quantified and disclosed in the Draft EIR for that project⁹. Therefore, the Lead Agency should use the construction scenarios that has already been developed for the Downtown Commercial Core Specific Plan to quantify the construction air quality impacts for the Proposed Project. Otherwise, there is no substantial evidence to support the Lead Agency’s finding that the Proposed Project’s construction impacts would be significant and unavoidable.

Air Quality Analysis – Interim Milestone Years

2. The Draft EIR included only one Air Quality Analysis year for modeling: 2019¹⁰ (operational year). By 2035, the Proposed Project is assumed to be fully built based on the projections. Although the Proposed Project may not be at peak capacity in earlier years, it is possible that due to higher emission rates of vehicles, trucks, and equipment in earlier years, peak daily emissions may occur in 2018 and beyond. The overall emission rates of vehicles, trucks, and equipment are generally higher in earlier years as more stringent emission standards and technologies have not been fully implemented, and fleets have not fully turned over. Furthermore, according to the Lead Agency, construction activities associated with future development would occur in incremental phases over time and would be based on numerous factors¹¹. Therefore, SCAQMD staff recommends that the Lead Agency include interim milestone years (i.e., year 2020, year 2025, and year 2030) in the Air Quality Analysis to ensure the peak daily emissions are identified and adequately disclosed in the Final EIR. The interim milestone years will also assist in the demonstration of progress overtime from implementing air quality-related mitigation measures and policies included in the Draft EIR.

⁹ Draft EIR. Downtown Commercial Core Specific Plan. February 2018. Page 5.2-17. Accessed at: <http://www.tustinca.org/civicax/filebank/blobdload.aspx?BlobID=28094>.

¹⁰ *Ibid.* Appendix B: Air Quality and Greenhouse Gas. Pages 3, 11, 20, 28, 37, and 48.

¹¹ *Ibid.* Section 4.2.5. Page 4.2-12.

Air Quality Analysis – Overlapping Construction and Operational Impacts

3. Based on a review of the Air Quality Analysis, SCAQMD staff found that the Lead Agency did not analyze a scenario where construction activities overlap with operational activities. Since implementation of the Proposed Project is expected to occur over a multi-year timeframe of 17 years from 2018 to 2035¹², an overlapping construction and operation scenario is reasonably foreseeable, unless the Proposed Project includes requirement(s) that will prohibit overlapping construction and operational activities. To properly analyze a worst-case impact scenario that is reasonably foreseeable at the time the Draft EIR is prepared, SCAQMD staff recommends that the Lead Agency identify the overlapping years, combine construction emissions (including emissions from demolition) with operational emissions, and compare the combined emissions to SCAQMD's air quality CEQA *operational* thresholds of significance to determine the level of significance in the Final EIR. In the event that the Lead Agency, after revising the Air Quality Analysis, finds that the Proposed Project's air quality impacts would be significant, mitigation measures will be required pursuant to CEQA Guidelines Section 15126.4. For more information on suggested potential mitigation measures as guidance to the Lead Agency, please see Comment No. 6 below and visit SCAQMD's CEQA Air Quality Handbook website¹³.

Air Quality Analysis – Localized Significance Thresholds (LSTs) Analysis

4. When specific development is reasonably foreseeable as a result of the goals, policies, and elements in the Proposed Project, the Lead Agency should identify any potential adverse air quality impacts and sources of air pollution that could occur using its best efforts to find out and a good-faith effort at full disclosure in a CEQA document. In the Draft EIR, the Lead Agency stated that "LSTs are applicable to projects at the project-specific level and are not applicable to regional projects such as Specific Plans (SCAQMD, 2003). As such, LSTs would be required for future development projects, but do not apply to the programmatic Specific Plan analysis¹⁴." SCAQMD staff is concerned with this analysis. Detailed comments are discussed below.

Localized Significance Thresholds Analysis

To analyze and disclose a worst-case impact scenario that is reasonably foreseeable at the time the Draft EIR is prepared, SCAQMD staff recommends that the Lead Agency use its best efforts, based on already available Project information such as build-out nonresidential uses in square feet and dwelling units to quantify the Proposed Project's localized emissions and disclose the localized air quality impacts in the Final EIR. SCAQMD guidance for performing a localized air quality analysis is available on SCAQMD website¹⁵. Alternatively, the Lead Agency should consider to include a new air quality mitigation measure to require a project-level LSTs analysis prior to issuance of a grading permit as follows:

Prior to issuance of a grading permit for new development projects that are one acre or larger, the applicant/developer shall provide modeling of the localized emissions (NOx, CO, PM10, and PM 2.5) associated with the maximum daily grading activities for the proposed development. If the modeling shows that emissions would exceed SCAQMD's air quality CEQA localized thresholds for those emissions, the maximum daily grading activities of the proposed development shall be limited to the extent that could occur without resulting in emissions in excess of SCAQMD's significance thresholds for those emissions.

¹² *Ibid.* Section 3.8. Page 3-35.

¹³ South Coast Air Quality Management District. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

¹⁴ *Ibid.* Section 4.2.4. Page 4.2-9.

¹⁵ South Coast Air Quality Management District. Localized Significance Thresholds. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

This mitigation measure ensures that the Lead Agency has adequately analyzed the Proposed Project's localized air quality impacts to justify deferring the LSTs analysis, that a project- or site-specific LSTs analysis will be completed in a later stage, and that any nearby sensitive receptors are not adversely affected by the Proposed Project's construction activities that are occurring in close proximity.

Health Risk Assessment (HRA) Analysis and Additional Consideration for Existing Mitigation Measure (MM) 4.2-4

5. According to the Lead Agency, residential units could be constructed as close as 100 feet from the I-5¹⁶. To facilitate the purpose and goal of CEQA on public disclosure, SCAQMD staff recommends that the Lead Agency use applicable Project information that is already available in the Draft EIR to conduct a HRA analysis¹⁷ and to disclose the potential health risks in the Final EIR¹⁸. In addition, the Lead Agency, as part of MM 4.2-4, is committed to a project-specific HRA for future residential development proposed within 500 feet of I-5. This mitigation measure ensures that the Lead Agency would adequately consider the Proposed Project's health impacts and that a project-level HRA analysis will be completed in a later stage to facilitate the disclosure of health impacts to prospective residents. Further, the Lead Agency is committed to mitigation should a project-level HRA be found to exceed the SCAQMD's HRA thresholds¹⁹.

Additional Consideration for Existing MM 4.2-4

- a) The Lead Agency should also consider requiring the use of enhanced filtration systems with maximum efficiency rating value (MERV) of 13 or better in residential units within 500 feet of I-5 to ensure the maximum reduction of health risks from exposures to diesel particulate matter (DPM) emissions from vehicles and trucks traveling on the freeway.
- b) If enhanced filtration system is installed, it is important to consider the limitations. In a study that SCAQMD conducted to investigate filters²⁰, 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 energy costs to the residents. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. Moreover, 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 and disclosed to prospective residences prior to assuming that they will sufficiently alleviate exposures to DPM emissions.

¹⁶ *Ibid.* Section 4.2.5. Page 4.2-16.

¹⁷ "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>.

¹⁸ 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.

¹⁹ *Ibid.* Section 4.2. Page 4.2-20.

²⁰ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see also 2012 Peer Review Journal article by SCAQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.

- c) Because of the limitations, SCAQMD staff recommends that the Lead Agency make the following disclosures to prospective residences and include them as requirements in the Final EIR.
- Disclosure on potential health impacts to prospective residents from living in proximity to freeways and the reduced effectiveness of air filtration system when windows are open;
 - Disclosure on increased energy costs for running the HVAC system to prospective residents;
 - Recommended schedules (e.g., once a year or every six months) for replacing the enhanced filtration units;
 - Ongoing cost sharing strategies, if any, for replacing the enhanced filtration units;
 - Identification of the responsible implementing and enforcement agency such as the Lead Agency for ensuring that enhanced filters are installed at residential units before a permit of occupancy is issued;
 - Identification of the responsible entity such as Homeowners Association or property management for ensuring filters are replaced on time, if appropriate and feasible;
 - Criteria for assessing progress in installing and replacing the enhanced filtration units; and
 - Process for evaluating the effectiveness of the enhanced filtration units at the Proposed Project.

Additional Guidance for Siting Sensitive Receptors for Existing MM 4.2-4

- d) 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 2005²¹. This Guidance document provides recommended policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. Therefore, it is recommended that the Lead Agency review this Guidance document in addition to the California Air Resources Board's Guidance document, *Air Quality and Land Use Handbook: A Community Health Perspective*, prior to approving the Proposed Project.

Additional Recommended Mitigation Measures

6. 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 these impacts. SCAQMD staff recommends that the Lead Agency incorporate the following mitigation measures in the Final EIR to further reduce emissions, particularly from ROG, NOx, and particulate matter. Additional information on potential mitigation measures as guidance to the Lead Agency is available on the SCAQMD CEQA Air Quality Handbook website.
- a) Require all off-road diesel-powered construction equipment meet or exceed Tier 4 off-road emissions standards. A copy of the fleet's tier compliance documentation, and CARB or SCAQMD operating permit shall be provided to the Lead Agency at the time of mobilization of each applicable unit of equipment. In the event that all construction equipment cannot meet the Tier 4 engine certification, the Lead Agency must demonstrate through future study with written findings supported by substantial evidence before using other technologies/strategies. Alternative strategies may include, but would not be limited to, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and

²¹ 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>.

from the Proposed Project, and/or limiting the number of individual construction project phases occurring simultaneously. Include this requirement as a bid or contract specification with contractors. Require periodic reporting and provision of written documents by contractors to prove and ensure compliance.

- b) 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, and 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. Include this requirement as a bid or contract specification with contractors. Require periodic reporting and provision of written documents by contractors to prove and ensure compliance.
- c) Maximize use of solar energy including solar panels; installing the maximum possible number of solar energy arrays on the building roofs and/or on the Project site to generate solar energy for the facility.
- d) Limit parking supply and unbundle parking costs.
- e) Maximize the planting of trees in landscaping and parking lots.
- f) Use light colored paving and roofing materials.
- g) Install light colored “cool” roofs and cool pavements.
- h) Require use of electric or alternatively fueled sweepers with HEPA filters.
- i) Require use of electric lawn mowers and leaf blowers.
- j) Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- k) Use of water-based or low VOC cleaning products.

To further reduce particulate matter from the Proposed Project, SCAQMD staff recommends that the Lead Agency include the following mitigation measures in the Final EIR.

- a) Suspend all soil disturbance activities when winds exceed 25 mph as instantaneous gusts or when visible plumes emanate from the site and stabilize all disturbed areas.
- b) Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.
- c) Sweep all streets at least once a day using SCAQMD Rule 1186, 1186.1 certified street sweepers or roadway washing trucks if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water).
- d) Apply water three times daily or non-toxic soil stabilizers according to manufacturers’ specifications to all unpaved parking or staging areas, unpaved road surfaces, or to areas where soil is disturbed. Reclaimed water should be used.

Other Comment

7. SCAQMD staff found an inconsistency amongst the references included in the Draft EIR. In the Air Quality Analysis, the Lead Agency refers to “MM 4.2-5” to mitigate threshold 4.2-4; however, the Lead Agency did not proposed or include the “MM 4.2-5” in the Draft EIR²². This inconsistency makes the Air Quality Analysis difficult to follow. Therefore, the Lead Agency should correct the inconsistency in the Final EIR.

²² *Ibid.* Section 4.2.5. Page 4.2-16.