



South Coast Air Quality Management District

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Mitigated Negative Declaration (MND) for the Proposed Symphony at San Gabriel

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 MND.

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to develop an assisted living and memory care facility with 151 senior independent-living residential units and 46 senior memory care residential units on 3.08 acres (Proposed Project). Construction of the Proposed Project is expected to take approximately 15 months to complete¹.

SCAQMD Staff's Comments

Tier 4 Construction Equipment or Level 3 Diesel Particulate Filters

Based on a review of Appendix A, *Air Quality Study*, SCAQMD staff found that the Lead Agency used Tier 2 construction equipment to quantify the Proposed Project's construction emissions. While the Proposed Project's construction air quality impacts were found to be less than significant, SCAQMD staff recommends that the Lead Agency use off-road diesel-powered construction equipment that meets or exceeds the CARB and USEPA Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during Project construction to further reduce criteria pollutants emissions. Such equipment will be outfitted with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filters (DPF). Level 3 DPFs are capable of achieving at least 85 percent reduction in particulate matter emissions². A list of CARB verified DPFs are available on the CARB website³. SCAQMD staff's recommended change is as follows. Additionally, SCAQMD staff recommends that the Lead Agency include this requirement in applicable bid documents, and that successful contractor(s) must demonstrate the ability to supply such equipment prior to demolition and ground disturbance activities. A copy of each unit's certified tier specification and CARB or SCAQMD operating permit (if applicable) should be available upon request at the time of mobilization of each applicable unit of equipment. Additionally, the Lead Agency should require periodic reporting and provision of written documentation by contractors to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance.

Enforceability

To ensure that Tier 4 construction equipment will be used during the construction phase of the Proposed Project, SCAQMD recommends that the Lead Agency include this requirement as a project design feature

¹ MND, Appendix A, Page 15.

² 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.

³ *Ibid*. Page 18.

or a standard condition of approval for air quality in the Final MND. In the event that the Lead Agency finds that Tier 4 construction equipment is not feasible pursuant to CEQA Guidelines Section 15364, the Lead Agency should, at a minimum, specify in the Final MND that using Tier 3 or newer construction equipment is a project requirement that contractor(s) must provide evidence to the City for review and approval prior to demolition and ground disturbing activities.

Other Comment

While the CEQA Guidelines do not prescribe the level of technical details in a MND, there are some guidance on how to handle technical details in an environmental impact report (EIR). “Writing Environmental Impact Reports in plain language” (CEQA Guidelines Section 15006(q)). “The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review (CEQA Guidelines Section 15147).

After reviewing the Air Quality Analysis in the main body of the MND, SCAQMD staff found that the Analysis there was substantively deficient and lacking. The Air Quality Analysis in the main body of the MND merely referred to the air quality technical appendix but did not include any actual analysis (e.g., regional and localized construction and operation emissions) or relevant technical information from the technical appendix to support the conclusion that the Proposed Project’s air quality impacts would be less than significant.

The MND, together with all of the technical appendices, is an informational document to inform government decision makers and the public about the potential, significant environmental effects of proposed activities (CEQA Guidelines Section 15002(a)(1)). While the air quality technical appendix was released together with the MND for public review, the Lead Agency should include more information on the air quality analysis in the main body of the MND in a manner that will be meaningful and useful to decision makers and the public. For example, the main body of the MND should include a summary of the environmental setting, regulatory framework that guide the assessment of the Proposed Project’s air quality impacts, methodology (including any modeling tools and assumptions used), and impact analysis (including a summary of any modeling results for the construction and operational emissions) from the Air Quality Technical Appendix A,

Closing

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process. Please provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, response should provide sufficient details 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 do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful or useful to decision makers and the public who are interested in the Proposed Project.

SCAQMD staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact me at lsun@aqmd.gov 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

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