



South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

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Recirculated Draft Environmental Impact Report (Recirculated Draft EIR) for the Proposed General Plan Land Use and Urban Design Elements Project (SCH No.: 2015051054)

South Coast Air Quality Management District (South Coast AQMD) 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.

South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to update the City of Long Beach's (City) General Plan to guide growth and future development with a planning horizon year of 2040 (Proposed Project). The Proposed Project includes the approval of both the General Plan Land Use Element (LUE) and Urban Design Element. The Proposed Project anticipates a net growth of 18,230 new residents for a total of 484,485 by 2040; 28,524 new dwelling units for a total of 192,318 by 2040; and 28,511 new jobs for a total of 181,665 by 2040¹.

South Coast AQMD Staff's Summary of Air Quality Analysis and Mitigation Measures

In the Air Quality Section, the Lead Agency quantified the Proposed Project's construction emissions and compared those emissions to South Coast AQMD's air quality CEQA significance thresholds. Due to the first-tier environmental analysis at a programmatic level, construction emissions were modeled based on an average annual level of development (e.g., 1,640 residential units within a one-year construction period) necessary to reach the build-out projection in 2040². The Lead Agency found that on average, the maximum construction emissions associated with the projected development activities allowed under the Proposed Project would not exceed South Coast AQMD's daily maximum thresholds for all criteria pollutants³. "However, because the scale and timing of construction activities has not been determined," the Lead Agency found that the Proposed Project's construction air quality impacts would be significant and unavoidable after the implementation of Mitigation Measures (MMs) AQ-1 and AQ-2 and compliance measure (CM) AQ-1⁴, which are summarized below.

- MM AQ-1 requires future, individual development projects subject to discretionary review under CEQA to conduct a construction air quality analysis and implement project-level mitigation measures such as Tier 4 or newer construction equipment and 2010 model year trucks that meet the California Air Resources Board's (CARB) 2010 engine emission standards at 0.01 grams per brake horsepower-hour (g/bhp-hr) of particulate (PM) and 0.20 g/bhp-hr of nitrogen oxides (NOX) emissions or newer, cleaner trucks, if project-level construction emissions exceed South Coast AQMD's air quality CEQA significance thresholds.

¹ Recirculated Draft EIR. Project Description. Page 3-19.

² *Ibid.* Page 4.2-31.

³ *Ibid.* Table 4.2.F. Page 4.2-32.

⁴ *Ibid.* Pages 1-14 through 1-20.

- MM AQ-2 requires future, individual development projects subject to discretionary review under CEQA to conduct an operational air quality analysis and implement project-level mitigation measures such as infrastructure for plug-in loading docks and electric vehicle charging stations and water-based or low volatile organic compound (VOC) cleaning products, if project-level operational emissions exceed South Coast AQMD's air quality CEQA significance thresholds
- CM AQ-1 requires future, individual development projects to comply South Coast AQMD rules and provide best management practices such as limiting idling of equipment and trucks to a maximum of five minutes.

The Lead Agency also quantified the Proposed Project's operational emissions and compared these emissions to three types of baselines that are summarized below.

- Comparison A (the existing conditions baseline with 2040 emission factors): The Lead Agency compared the Proposed Project's operational emissions at the expected buildout scenario (year 2040) to an adjusted existing conditions baseline (year 2018)⁵. The adjustments were based on "existing (2018) vehicle mile travel (VMT) and demographic data, with [future year 2040] emission factors and building standards for 2040⁶." In this comparison, the Lead Agency found that Proposed Project would result in net increases in operational VOC and CO emissions and net decreases in operational NOx, SOx, PM10, and PM2.5 emissions⁷. This comparison was the basis for determining the significance level for the Proposed Project's operational air quality impacts.
- Comparison B (the future conditions baseline): The Lead Agency compared the Proposed Project's operational emissions at the expected buildout scenario (future conditions in year 2040 with the Proposed Project) to future conditions in year 2040 without the Proposed Project⁸. In this comparison, while SOx, PM10, and PM2.5 were below South Coast AQMD's air quality CEQA significance thresholds, VOC, NOx, and CO emissions were found to be 381 pounds/day (lbs/day), 527 lbs/day, and 1,193 lbs/day, respectively, which would substantially exceed South Coast AQMD's air quality CEQA significance thresholds for VOC (55 lbs/day), NOx (55 lbs/day), and CO (550 lbs/day). This comparison was included for CEQA disclosure purposes only and was not used for determining the significance level for the Proposed Project's operational air quality impacts.
- Comparison C (the traditional CEQA existing conditions baseline): The Lead Agency compared the Proposed Project's operational emissions at the expected buildout scenario (year 2040) to an existing conditions baseline (year 2018)⁹. The existing conditions include existing VMT data modeled with emission factors for 2018, current household units, and estimated commercial square footage within the City using current building efficiency standards¹⁰. In this comparison, emissions from VOC, NOx, CO, SOx, PM10, and PM2.5 were all found to be below South Coast AQMD's air quality CEQA significance thresholds.

During the implementation of the Proposed Project, the Lead Agency is committed to two land use policies and a mitigation measure for reducing health effects from criteria pollutants and toxic air contaminants as follows. While "CEQA does not generally require an agency to consider the effects of

⁵ *Ibid.* Pages 4.2-33 through 35.

⁶ *Ibid.* Page 4.2-36.

⁷ *Ibid.* Table 4.2.H. Page 4.2-35.

⁸ *Ibid.* Table 4.2.H. Page 4.2-35.

⁹ *Ibid.*

¹⁰ *Ibid.* Page 4.2-33.

existing environmental conditions on a proposed project's future users or residents¹¹," the Lead Agency found that compliance with LU Policy 16-13, LU Policy 16-14, and MM AQ-3 would ensure the Proposed Project's toxic air contaminants health risk impact associated with the operation of the Proposed Project would be less than significant¹².

- Land Use (LU) Policy 16-13: The Lead Agency requires that "sensitive land uses that are within the recommended buffer distances listed in the [California Air Resources Board] Handbook shall provide enhanced filtration units *or* submit a Health Risk Assessment (HRA) to the City (*emphasis added*). If the HRA shows that the project would exceed the applicable thresholds, mitigation measures capable of reducing potential impacts to an acceptable level must be identified and approved by the City¹³".
- LU Policy 16-14: The Lead Agency requires the use of the discretionary review process to impose site plan and design features aimed at minimizing exposure to environmental pollution when residential or other sensitive land uses are proposed within proximity to freeways or the Port¹⁴.
- MM AQ-3: The Lead Agency requires that future industrial or warehouse projects conduct a HRA analysis in accordance with policies and procedures of the most current State Office of Environmental Health Hazard Assessment (OEHHA) and the South Coast AQMD's guidance and use best available control technologies for toxics if the HRA shows that the incremental health risks exceed respective thresholds¹⁵.

South Coast AQMD Staff's General Comments

The Proposed Project includes land use updates for West Long Beach. West Long Beach is disproportionately impacted by air pollution generated from sources, such as, heavy-duty diesel trucks, marine ports, and oil drilling and production facilities. As a result, West Long Beach is part of the South Coast AQMD Assembly Bill (AB) 617 Community Emission Reduction Program. Through this program the Wilmington, Carson, West Long Beach community has developed a Draft Community Emissions Reduction Plan that identifies air quality priorities and actions to reduce air pollution in the community¹⁶. South Coast AQMD staff recommends that the Lead Agency review the Draft Community Emissions Reduction Plan for measures to reduce air quality impacts from the Proposed Project.

Based on the use of a future conditions baseline, the Lead Agency disclosed that operation of the Proposed Project would exceed South Coast AQMD's air quality CEQA significance thresholds for VOC, NOx and CO. However, this analysis was not used to determine the significance level for the Proposed Project's operational air quality impacts. Using a future conditions baseline is reasonable and proper in some cases to determine a project's CEQA significance level, and the air quality analysis has already shown that the Proposed Project will likely result in long-term, significant adverse air quality impacts on regional NOx emissions, additional air quality mitigation should be required. South Coast AQMD staff also recommends that the Lead Agency require future, individual sensitive land use projects that will be located within 500 feet of freeways or other sources of air pollution to conduct a HRA analysis in subsequent, project-level CEQA documents and install enhanced filtration system. This recommendation will facilitate the implementation of LU Policies 16-13 and 16-14, support CEQA goals and policies on

¹¹ *Ibid.* Page 4.2-43.

¹² *Ibid.* Page 4.2-44.

¹³ *Ibid.* Page 4.2-26.

¹⁴ *Ibid.* Page 4.2-26.

¹⁵ *Ibid.* Page 4.2-48.

¹⁶ The South Coast AQMD Governing Board is scheduled to consider approval of the AB 617 Draft Final Community Emissions Reduction Plans for the Year 1 Communities on September 6, 2019.

public disclosure of useful information about potential health risks from living near freeways or other sources of air pollution, and maximize protection against exposures to toxic air contaminants such as diesel particulate matter. Please see the attachment for more information.

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD 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, informative, or useful to decision makers and to the public who are interested in the Proposed Project.

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment
JW:LS/DG:BB
LAC190619-06
Control Number

ATTACHMENT

CEQA Baseline

1. Notwithstanding the general rule, the Lead Agency has the discretion to define the existing physical conditions, supported by substantial evidence. To facilitate an EIR's role as an informational document, the use of future baseline is proper in some cases. "Thus an agency may forego analysis of a project's impacts on existing environmental conditions if such an analysis would be uninformative or misleading to decision makers and the public." (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439) (See also CEQA Guidelines Section 15125(a)(2)). Consideration of future conditions in determining whether a project's impacts may be significant is consistent with CEQA's rules regarding baseline, especially when the project has a long-term buildout schedule. "[N]othing in CEQA law precludes an agency ... from considering both types of baseline—existing and future conditions—in its primary analysis of the project's significant adverse effects." (*Neighbors for Smart Rail, supra*, 57 Cal.4th 439). "Even when a project is intended and expected to improve conditions in the long term—20 or 30 years after an EIR is prepared—decision makers and members of the public are entitled under CEQA to know the short- and medium-term environmental costs of achieving that desirable improvement. ... [¶] ... The public and decision makers are entitled to the most accurate information on project impacts practically possible, and the choice of a baseline must reflect that goal." (See also *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310).

The Lead Agency calculated the Proposed Project's operational emissions and made three comparisons (Comparisons A, B, and C). In Comparison A, the Proposed Project's operational emissions at the expected buildout scenario (year 2040) were compared to an existing conditions baseline (year 2018) with 2040 emission factors. The Lead Agency found that the Proposed Project would result in long-term significant adverse air quality impacts from VOC and CO, but not NOx. The Lead Agency used the results from Comparison A to determine the significance level for the Proposed Project's operational air quality impacts. However, when a future conditions baseline was used (Comparison B), the Proposed Project would result in long-term significant adverse air quality impacts from NOx, in addition to VOC and CO. The Lead Agency included the results from Comparison B for a disclosure purpose only and did not use them to determine the significance level for the Proposed Project's operational air quality impacts.

Using future conditions is reasonable and proper to determine the significance level for the Proposed Project's operational air quality impacts when the Proposed Project has a long planning horizon of 20 years. Since the air quality analysis in the Recirculated Draft EIR has already shown that the Proposed Project will result in long-term, significant adverse air quality impacts on regional NOx emissions based on a future conditions baseline (Comparison B), the Lead Agency should identify additional measures in the Final EIR to mitigate the impacts, if feasible, or the Lead Agency should provide an explanation on the rationale for selecting the existing conditions baseline with 2040 emission factors (Comparison A) for a CEQA significance determination purpose but not selecting the future conditions baseline (Comparison B) when it showed the Proposed Project will be have greater impact on regional NOx emissions.

Health Risk Assessment (HRA) Analysis and Health Risk Reduction Strategies

2. LU Policies 16-13 requires new sensitive land uses such as residences, schools, and daycare centers avoid being located within the CARB's recommended buffer distances, and provide enhanced filtration units or submit a HRA to the Lead Agency (*emphasis added*). If the HRA shows that the project would exceed the applicable thresholds, mitigation measures capable of reducing potential

impacts to an acceptable level must be identified and approved by the Lead Agency¹⁷. LU Policy 16-14 requires the use of the discretionary review process to impose site plan and design features aimed at minimizing exposure to environmental pollution when residential or other sensitive land uses are proposed within proximity to freeways or the Port¹⁸

Notwithstanding the court rulings, South Coast AQMD 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. Because of South Coast AQMD staff's concern about the potential public health impacts of siting sensitive populations within close proximity of freeways or other sources of air pollution, South Coast AQMD staff recommends that, prior to approving the project, Lead Agencies consider the impacts of air pollutants on people who will live in a new project and provide mitigation where necessary.

To facilitate the implementation of LU Policies 16-13 and 16-14, South Coast AQMD staff recommends that the Lead Agency require future individual sensitive land use projects that will be located within 500 feet of freeways or other sources of air pollution to conduct project-specific health risk assessment (HRA) analysis¹⁹ to disclose the potential health risks in the subsequent, project-level CEQA documents²⁰. This requirement will facilitate the purpose and goal of CEQA on public disclosure at the project level, and enable decision-makers with meaningful information to make an informed decision on subsequent project approval. It will also foster informed public participation by providing the public with information that is needed to understand the potential health risks from living in close proximity to freeways or other sources of air pollution.

In addition to requiring future individual sensitive land use projects that will be located within 500 feet of freeways or other sources of air pollution to conduct a HRA analysis in subsequent, project-level CEQA documents, the Lead Agency should consider high efficiency or enhanced filtration units, such as Minimum Efficiency Reporting Value (MERV) 13 or better for these projects. Enhanced filtration units are capable of reducing exposures. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.

Enhanced filtration systems have limitations. In a study that South Coast AQMD conducted to investigate filters²¹, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. 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

¹⁷ *Ibid.* Page 4.2-26.

¹⁸ *Ibid.* Page 4.2-26.

¹⁹ South Coast AQMD. "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>.

²⁰ South Coast AQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When South Coast AQMD acts as the Lead Agency, South Coast AQMD 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.

²¹ 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 South Coast AQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.

units should be carefully evaluated in more detail and disclosed to prospective residences prior to assuming that they will sufficiently alleviate health risk exposures to toxic air emissions.

Because of the limitations, South Coast AQMD staff recommends that the Lead Agency provide additional details regarding the ongoing, regular maintenance of filters in the Final EIR as guidance to future, individual sensitive land use development projects. To facilitate a good faith effort at full disclosure and provide useful information to future sensitive receptors who will live and/or work in proximity to freeways or other sources of air pollution, the Lead Agency should require the following information be included, at a minimum, in the subsequent, project-level CEQA documents:

- Disclosure potential health impacts to prospective sensitive receptors from living in close proximity to freeways or other sources of air pollution and the reduced effectiveness of air filtration systems when windows are open and/or when residents are outdoors (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 and maintained regularly;
- Disclose the potential increase in energy costs for running the HVAC system to prospective residents;
- Provide information to residents on where MERV filters can be purchased;
- Provide recommended schedules (e.g., every year or every six months) for replacing the enhanced filtration units;
- Identify the responsible entity such as future residents themselves, Homeowner's Association (HOA), 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 purchase and replacement of the enhanced filtration units, the Lead Agency should include this information in the disclosure form);
- Identify, provide, and disclose ongoing cost-sharing strategies, if any, for replacing the enhanced filtration units;
- Set City-wide criteria for assessing progress in installing and replacing the enhanced filtration units; and
- Develop a City-wide process for evaluating the effectiveness of the enhanced filtration units.