



# South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

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## **Mitigated Negative Declaration (MND) for the Proposed Promontory Point Apartment Project**

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 MND.

### South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to build 234 apartment units totaling 481,950 square feet on an 8.37-acre vacant site (Proposed Project)<sup>1</sup>. The Proposed Project is located on the southeast corner of Delhaven Street and Date Street in the City of Murrieta. The nearest sensitive receptors to the Proposed Project include residential uses<sup>2</sup>. Construction of the Proposed Project is expected to begin no sooner than July 2019 and end by mid-December 2019, and operation of the Proposed Project is expected in 2020<sup>3</sup>. Upon review of Figure 13-1: *Measurement Location* and aerial photographs, South Coast AQMD staff found that the Proposed Project is located approximately 100 feet from a gasoline service station, and less than 200 feet from the State Route 79 (SR-79).

### South Coast AQMD Staff's Summary of the Air Quality Analysis

In the Air Quality Analysis Section, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to South Coast AQMD's recommended regional and localized CEQA air quality significance thresholds. Based on the analysis, the Lead Agency found that the Proposed Project's regional construction and operational air quality impacts would be less than significant<sup>4</sup>. No air quality mitigation measures were proposed. The Lead Agency has also included in the MND<sup>5</sup> a discussion on South Coast AQMD Rule 403 – Fugitive Dust<sup>6</sup>.

### South Coast AQMD Staff's General Comments

Due to close proximity to a gasoline service station and a freeway, South Coast AQMD staff recommends that the Lead Agency perform a Health Risk Assessment (HRA) analysis in the Final MND to disclose potential impacts to future residents at the Proposed Project. Please see the attachment for more information. The attachment also includes a list of strategies that are capable of reducing exposure to diesel particulate matter (DPM) from trucks traveling on SR-79.

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<sup>1</sup> MND. Page 48.

<sup>2</sup> MND. Pages 2.

<sup>3</sup> MND. Page 12.

<sup>4</sup> MND. Pages 15 through 17.

<sup>5</sup> *Ibid.* Page 13.

<sup>6</sup> South Coast AQMD. Rule 403 – Fugitive Dust. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf>.

Conclusion

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 South Coast AQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, responses 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, informative, or useful to decision makers and 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. Please contact Margaret Isied, Assistant Air Quality Specialist, at [misied@aqmd.gov](mailto:misied@aqmd.gov) or (909) 396-2543, should you have any questions.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS:MI

RVC191203-01

Control Number

## ATTACHMENT

### Health Risk Assessment (HRA) from Freeways and Other Sources of Air Pollution

1. 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's concern about the potential public health impacts of siting sensitive land uses, such as residential uses, within close proximity to the SR-79 and a gasoline service station, South Coast AQMD staff recommends that the Lead Agency review and consider the following comments when making local planning and land use decisions.

The Proposed Project will site future residents in close proximity to SR-79, where, in 2016, had approximately 849 annual average daily truck trips<sup>7</sup>. Since future residents at the Proposed Project would be exposed to DPM from the mobile sources traveling on SR-79 (e.g., diesel fueled, heavy-duty trucks), and other Toxic Air Contaminants (TACs), such as Benzene, from the nearby gasoline service station, South Coast AQMD staff recommends that the Lead Agency perform a HRA<sup>8</sup> to disclose potential health risks to future residents at the Proposed Project in the Final MND<sup>9</sup>. This will facilitate the purpose and goal of CEQA on public disclosure and enable decision-makers with meaningful information to make an informed decision on project approval. This will also foster informed public participation by providing the public with information that is needed to understand health risks from living in close proximity to pollution sources, such as freeways or gasoline service stations.

### Guidance Regarding Residences Sited Near a High-Volume Freeway or Other Sources of Air Pollution

2. To facilitate stronger collaboration between Lead Agencies and South Coast AQMD to reduce community exposure to source-specific and cumulative air pollution impacts, South Coast AQMD adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning in 2005<sup>10</sup>. This Guidance document provides suggested 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. In addition, guidance on siting incompatible land uses (such as placing residential uses near freeways and gasoline service stations) can be found in the California Air Resources Board (CARB)'s *Air Quality and Land Use Handbook: A Community Health Perspective* (Handbook)<sup>11</sup>. In the Handbook, CARB recommends avoiding siting new sensitive land uses such as the Proposed Project within 500 feet of a freeway<sup>12</sup>, and 300 feet of a large gasoline dispensing facility (defined as a facility with a throughput of 3.6 million gallons per year or greater.) A 50-foot separation is recommended for typical gasoline dispensing facilities<sup>13</sup>. Therefore, South Coast AQMD staff recommends that the Lead Agency review the guidance documents when making local planning and land use decisions.

<sup>7</sup> California Department of Transportation. 2016. *Truck Traffic: Annual Average Daily Truck Traffic*. Accessed at: <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/f0017681-2016-aadt-truck-a11y.pdf>

<sup>8</sup> South Coast Air Quality Management District. *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>.

<sup>9</sup> 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.

<sup>10</sup> South Coast AQMD. 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>.

<sup>11</sup> California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*. Accessed at: <http://www.arb.ca.gov/ch/handbook.pdf>.

<sup>12</sup> *Ibid.* Page 10.

<sup>13</sup> *Ibid.* Page 32.

### Health Risk Reduction Strategies

3. Many strategies are available to reduce exposure, including, but 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. 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 units have limitations. In a study that South Coast AQMD conducted to investigate filters<sup>14</sup>, 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. It is typically assumed that the filters operate 100 percent of the time while sensitive receptors are indoors, and the environmental analysis does not generally account for the times when sensitive receptors have windows or doors open or are in common space areas of a 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 TACs including DPM emissions.

Because of the limitations, to ensure that enhanced filters are enforceable throughout the lifetime of the Proposed Project and effective in reducing exposures to DPM emissions, South Coast AQMD staff recommends that the Lead Agency make the installation of enhanced filtration units a project design feature, mitigation measure, or condition of approval, and provide additional details regarding the ongoing, regular inspection, maintenance, and monitoring of filters in the Final MND. To facilitate a good-faith effort at full disclosure and provide useful information to future residents living at the Proposed Project, at a minimum, the Final MND should include the following information:

- a) Disclose potential health impacts to residents from living in close proximity to CA-79 and the reduced effectiveness of air filtration systems when windows are open and/or when residents are outdoor;
- b) 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;
- c) Identify the responsible implementing and enforcement agency such as the Lead Agency's building and safety inspection unit to ensure that enhanced filtration units are inspected and maintained regularly;
- d) Disclose the potential increase in energy costs for running the HVAC system with enhanced filtration units;
- e) Provide information to residents living at the Proposed Project and the rental property manager of the Proposed Project on where enhanced filtration units can be purchased;
- f) Provide recommended schedules (e.g., every year or every six months) for replacing the enhanced filtration units to residents living at the Proposed Project;
- g) Identify the responsible entity (e.g. residents and/or the rental property manager) for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if the rental property

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<sup>14</sup> 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>.

manager is 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);

- h) Identify, provide, and disclose ongoing cost-sharing strategies, if any, for replacing the enhanced filtration units;
- i) Set City-wide or project-specific criteria for assessing progress in installing and replacing the enhanced filtration units; and
- j) Develop a City-wide or project-specific process for evaluating the effectiveness of the enhanced filtration units.