



South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

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Draft Environmental Impact Report (Draft EIR) for the Proposed East West Valley Interceptor Sewer Project (SCH No.: 2019011054)

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 construct 15,785 linear feet of pipeline ranging in diameter from 24 to 48 inches (Proposed Project). The Proposed Project is located along Victoria Boulevard between Vineland Avenue and Haskell Avenue in the communities of North Hollywood - Valley Village and Van Nuys - North Sherman Oaks within the City of Los Angeles. The Proposed Project would be constructed over a 30-month period, from April 2021 through November 2023 with overlapping phases¹.

South Coast AQMD Staff's Summary of Air Quality Analysis

In the Air Quality Analysis, the Lead Agency quantified the Proposed Project's regional construction emissions and compared those emissions to South Coast AQMD's recommended regional air quality CEQA significance thresholds. The Lead Agency found that the Proposed Project would result in significant regional air quality impacts during construction from NO_x at 489.9 pounds per day (lbs/day). The Lead Agency also found that the Proposed Project's construction activities would result in significant localized air quality impacts from PM₁₀, PM_{2.5}, and NO_x at 21 lbs/day, 9 lbs/day, and 137 lbs/day, respectively². In Mitigation Measure (MM)-AQ-1, the Lead Agency requires that all off-road, diesel-fueled construction equipment greater than 50 horsepower (hp) meet Tier 4 Final emission standards or next cleanest equipment available, unless the compliant construction equipment is not available if any of the four conditions occurs³:

- Not within the contractor's current inventory; or
- Unavailable funding to retrofit, repower, or purchase Tier 4 Final construction equipment; or
- Tier 4 Final construction equipment has not arrived in time for use at the Proposed Project; or
- Diesel-fueled construction equipment that will be used for fewer than 20 calendar days per calendar year may have engines that do not meet Tier 4 Final emission standards.

Since it is reasonably feasible that Tier 4 Final construction equipment may not be available for use at the Proposed Project, the Lead Agency included an off-road equipment compliance step down schedule of

¹ Draft EIR. Executive Summary. Page ES-7.

² *Ibid.* Section 3.1 Air Quality. Page 3.1-14.

³ *Ibid.* Pages 3.1-17.

three alternatives⁴. Compliance alternative 1 will allow the Lead Agency to use Tier 4 Interim construction equipment. Compliance alternative 2 will allow the Lead Agency to use Tier 3 construction equipment with level 3 diesel particulate filters (DPFs). Compliance alternative 3 will allow the Lead Agency to use Tier 3 construction equipment not equipped with level 3 DPFs. Additionally, the Lead Agency assumed 50 percent of construction equipment will meet Tier 4 emission standards in the air modeling and that the remaining 50 percent of construction equipment will meet Tier 3 emission standards. Based on this modeling assumption, the Lead Agency found that the Proposed Project's regional NOx emissions would remain significant and unavoidable at 373.8 lbs/day, and that localized air quality impacts from particulate matter and NOx would also remain significant and unavoidable at 19 lbs/day, 7 lbs/day, and 96 lbs/day, respectively⁵.

General Conformity Review Request and Determination

The Proposed Project requires a federal action. The Lead Agency prepared a general conformity analysis and found that the Proposed Project's mitigated NOx emissions would exceed the general conformity de minimis emission level during the three-year construction period, with the highest annual emissions at 19 tons in 2022⁶

The Clean Air Act requires that federal actions undergo a General Conformity review and determination process in order to demonstrate that emissions from a proposed federal action will not interfere with a state or tribal implementation plan (SIP/TIP) for an area that has been designated by the United States Environmental Protection Agency (U.S. EPA) as a nonattainment or maintenance area for a National Ambient Air Quality Standard (NAAQS). The conformity determination process is intended to demonstrate that a proposed Federal action will not: (1) cause or contribute to new violations of a NAAQS; (2) interfere with provisions in the applicable SIP for maintenance of any NAAQS; (3) increase the frequency or severity of existing violations of any standard; or (4) delay the timely attainment of any standard.

The South Coast Air Basin (Basin) is designated as extreme non-attainment for ozone and serious non-attainment for PM2.5. To streamline the review process and to facilitate conformity determinations for projects in the Basin, two separate VOC and NOx general conformity budgets were established in the Final 2012 Air Quality Management Plan (AQMP): 1 tons per day (tpd) of NOx and 0.2 tpd of VOC were set aside for this purpose every year, starting in 2013 until 2030. South Coast AQMD has set up a tracking system for projects requiring conformity determinations on a first-come-first-serve basis, whereby the project emissions are debited from the applicable set aside accounts until they are depleted.

On July 9, 2019, South Coast AQMD staff requested that the Lead Agency submit a formal general conformity determination letter to provide additional information on emission calculations for the Proposed Project's components that require federal action *with specific and precise amount of emissions by year* to be accommodated in the AQMP/SIP⁷ (*emphasis added*). Any questions related to the South Coast AQMD General Conformity review process and determination can be directed to Dr. Sang-Mi Lee, Program Supervisor, at slee@aqmd.gov.

⁴ *Ibid.* Pages 3.1-17.

⁵ *Ibid.* Pages 3.1-17 through 3.1-20.

⁶ Draft EIR. Chapter 4 CEQA-Plus Evaluation. Pages 4-2 through 4-3.

⁷ E-mail correspondence. South Coast AQMD staff (Dr. Sang-Mi Lee) to the Lead Agency (Mr. Eduardo Perez) on July 9th, 2019.

South Coast AQMD's 2016 AQMP

On March 3, 2017, South Coast AQMD's Governing Board adopted the 2016 AQMP⁸, which was later approved by the California Air Resources Board (CARB) 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 NOx emissions in 2023 and an additional 55 percent NOx reduction beyond 2031 levels for ozone attainment.

South Coast AQMD Staff's General Comments

After a review of the Draft EIR's air quality analysis and supporting technical documents, South Coast AQMD staff has concerns about the mitigated construction emission calculations, which have likely led to an under-estimation of the Proposed Project's construction NOx emissions. First, MM AQ-1 in the Draft EIR included four availability conditions, and if any of the conditions occurs, Tier 4 Final construction equipment will be not available. Second, MM AQ-1 in the Draft EIR included a step down schedule of three off-road equipment compliance alternatives to Tier 4 Final construction equipment. Having a choice of compliance alternatives does not support that the Lead Agency commits itself to Tier 4 Final construction equipment at the Proposed Project. Third, MM AQ-1 did not include requirements to support that, at a minimum, half of construction equipment will meet or exceed Tier 4 emission standards, which was used as an air modeling assumption. Therefore, it is not appropriate to quantify the Proposed Project's mitigated construction emissions under CEQA based on this modeling assumption. Since emission calculations for the Proposed Project's components that require federal actions should be specific and precise for the general conformity determination purposes, it is important that the Lead Agency revised the construction emission calculations in the Final EIR. Please see the attachment for more information.

As described in the 2016 AQMP, achieving 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. South Coast AQMD is committed to attaining the ozone NAAQS as expeditiously as practicable. To further reduce the Proposed Project's construction criteria pollutants emissions, and to facilitate implementation the goals of the 2016 AQMP, South Coast AQMD staff recommends additional construction mitigation measures, which the Lead Agency should review for incorporation in the Final EIR. 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. Further, when the Lead Agency makes the finding that the additional 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).

⁸ South Coast AQMD. March 3, 2017. *2016 Air Quality Management Plan*. Accessed at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

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 Alina Mullins, Assistant Air Quality Specialist, at amullins@aqmd.gov or (909) 396-2402, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment
LS:AM
LAC190613-06
Control Number

ATTACHMENT

Recommended Revisions to Existing Mitigation Measure (MM) AQ-1

1. Upon a review of the Draft EIR, South Coast AQMD staff found that the Lead Agency assumed the implementation of 50 percent of Tier 3 construction equipment and 50 percent of Tier 4 Final construction equipment as an air quality modeling assumption to quantify the Proposed Project's mitigated construction emissions, since "[t]ier 4 construction equipment may not be completely available"⁹. However, MM-AQ-1 did not commit the Lead Agency to using Tier 4 Final construction equipment since Tier 4 Final construction equipment may be not available if any of the conditions described in the mitigation occurs. The Lead Agency also included an off-road equipment compliance step down schedule to allow the use of Tier 4 Interim and Tier 3 construction equipment at the Proposed Project. Moreover, MM-AQ-1 did not have any information on how the 50-and-50 percentage breakdown between Tier 3 and Tier 4 Final construction equipment was developed, nor did it include a commitment to 50 percent of Tier 4 Final construction equipment, at a minimum.

Mitigation measures must be fully enforceable and must show that the Lead Agency commits itself to the mitigation (CEQA Guidelines Section 15126.4). To further reduce the Proposed Project's NOx emissions during construction, South Coast AQMD staff recommends that the Lead Agency remove the availability conditions and compliance step down schedule and fully commit to using Tier 4 Final construction equipment at the Proposed Project in the Final EIR. To ensure that Tier 4 Final construction equipment, or better, will be used during the Proposed Project's construction, South Coast AQMD staff recommends that the Lead Agency include this requirement in applicable bid documents, purchase orders, and contracts. Successful contractor(s) must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction activities. A copy of each unit's certified tier specification or model year specification and CARB or South Coast AQMD operating permit (if applicable) shall 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 construction documents by construction contractor(s) to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance.

Alternatively, the Lead Agency should re-model a worst-case mitigated impact scenario for the Proposed Project's construction emissions based on an assumption that 100 percent of construction equipment will be Tier 3 for comparison with South Coast AQMD's air quality CEQA significance thresholds for construction to determine the level of significance, as well as for general conformity determination purposes in the Final EIR.

Additional Recommended Mitigation Measures for Construction Air Quality Impacts

2. 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. To further reduce the Proposed Project's significant and unavoidable air quality impacts from NOx emissions during construction, and to facilitate the achievement of goals and attainment timelines outlined in the 2016 AQMP, South Coast AQMD staff recommends that the Lead Agency incorporate the following mitigation measures in addition to MMAQ-1 in the Final EIR. For more information on potential mitigation measures as guidance to the Lead Agency, please visit South Coast AQMD's CEQA Air Quality Handbook website¹⁰.

⁹ Draft EIR. Section 3.1 Air Quality. Page 3.1-18.

¹⁰ South Coast AQMD. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

- Maintain equipment maintenance records for the construction portion of the Proposed Project. All construction equipment must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. All maintenance records for each equipment and their construction contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction.
- Encourage construction contractors to apply for South Coast AQMD "SOON" funds. The "SOON" program provides funds to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles. More information on this program can be found at South Coast AQMD's website: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines>.
- Require the use of zero-emission (ZE) or near-zero emission (NZE) on-road construction haul trucks (e.g., material delivery trucks and soil import/export) such as heavy-duty trucks with natural gas engines that meet the California Air Resources Board (CARB)'s adopted optional NOx emission standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), or at a minimum, require that construction vendors, contractors, and/or haul truck operators commit to using 2010 model year¹¹ haul trucks. When requiring ZE or NZE on-road haul trucks, the Lead Agency should include analyses to evaluate and identify sufficient power and supportive infrastructure available for ZE/NZE trucks in the Energy and Utilities and Service Systems Sections of the Final EIR, where appropriate.

To monitor and ensure ZE, NZE, or 2010 model year trucks are used at the Proposed Project, the Lead Agency should require that operators maintain records of all trucks associated with the Proposed Project's construction and make these records available to the Lead Agency upon request. The records will serve as evidence to prove that each truck called to the Proposed Project during construction meets the minimum 2010 model year engine emission standards. Alternatively, the Lead Agency should require periodic reporting and provision of written records by contractors, and conduct regular inspections of the records to the maximum extent feasible and practicable.

- Restrict non-essential diesel engine idle time to not more than five consecutive minutes or another time-frame as allowed by the California Code of Regulations, Title 13 section 2485 - CARB's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. For any vehicle delivery that is expected to take longer than five minutes, each project applicant, project sponsor, or public agency will require the vehicle's operator to shut off the engine. Notify the vendors of these idling requirements at the time that the purchase order is issued and again when vehicles enter the gates of the facility. To further ensure that drivers and operators understand the idling requirement, include the idling requirement in the training materials for drivers, operators, and vendors, post signs at the entry of the construction site and throughout the Proposed Project site stating that idling longer than five minutes is not permitted.

¹¹ CARB adopted the statewide On-Road Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulations is available here: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.