



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 Interstate 5/El Toro Road Interchange 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 construct an interchange modification to improve traffic flow along a 1.9-mile segment of Interstate 5 (I-5) from the Los Alisos Boulevard Overcrossing [Post Mile (PM) 17.8] to Ridge Route Drive (PM 19.7) (Proposed Project). The Proposed Project will also include signalization improvements. Three alternatives proposed by the Lead Agency include a No Build Alternative, Build Alternative 2 – Flyover, and Build Alternative 4 – Collector-Distributor and Hook Ramps. The Proposed Project is located within the cities of Laguna Hills, Lake Forest, and Laguna Woods at the I-5 and the El Toro Road Interchange. Construction activities are expected to occur over 24 to 36 months, beginning in 2023 and ending in 2026¹. Upon a review of the MND and aerial photographs, South Coast AQMD staff found that residential units are located within 44 feet².

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 emissions and found that construction activities would not result in significant adverse air quality impacts. However, the Lead Agency did not use South Coast AQMD's regional CEQA air quality significance thresholds to determine the level of significance. Additionally, the Lead Agency did not conduct a localized air quality impact analysis. If the Lead Agency finds, after revisions to the Air Quality Analysis, that the Proposed Project's localized construction emissions would be significant, South Coast AQMD staff has compiled a list of recommended mitigation measures as suggested resources and guidance to the Lead Agency to assist in the identification of feasible mitigation measures for incorporation in the Final MND. Please see the attachment for more information.

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,

¹ MND. Chapter 2.11 Affected Environment, Environmental Consequences, and Avoidance: Air Quality. Page 2.11-6.

² *Ibid.* Table 3.4 List of Sensitive Receptors Location and Distance.

informative, or useful to decision makers and the public who are interested in the Proposed Project. Further, if the Lead Agency makes a finding that additional recommended mitigation measures are not feasible, the Lead Agency should describe the specific reasons for rejecting or substituting these mitigation measures in the Final MND (CEQA Guidelines Section 15074.1).

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

ORC190405-05

Control Number

ATTACHMENT

South Coast AQMD's Air Quality CEQA Thresholds of Significance

1. While CEQA allows a Lead Agency to apply appropriate thresholds to determine the level of significance, the Lead Agency may not apply thresholds in a manner that precludes consideration of substantial evidence demonstrating that there may be a significant effect on the environment. Evaluation of air quality impacts, unlike some other impact areas, easily lends itself to quantification. Not only does quantification make it easier for the public and decision-makers to understand the breadth and depth of the potential air quality impacts, but it also facilitates the identification of mitigation measures required to reduce any significant adverse air quality impacts. South Coast AQMD's CEQA thresholds of significance for air quality provide a clear quantitative benchmark to determine the significance of a project's air quality impacts. Therefore, for most projects within the South Coast AQMD, South Coast AQMD's air quality CEQA thresholds of significance for construction and operation³ are used to determine the level of significance for a project's air quality impacts.

The Lead Agency quantified the Proposed Project's daily construction emissions in pounds per day⁴ and found that the Proposed Project's construction-related air quality impacts would be less than significant. However, to support this finding, the Lead Agency did not compare the estimated construction emissions to South Coast AQMD's regional air quality CEQA significance thresholds. Using South Coast AQMD's CEQA significance thresholds would clearly identify whether the build alternatives would result in significant air quality impacts under CEQA, disclose the magnitude of the impacts, facilitate the identification of feasible mitigation measures, and evaluate the level of impacts before and after mitigation measures. Therefore, South Coast AQMD staff recommends that the Lead Agency compare the Proposed Project's construction emissions to South Coast AQMD's regional air quality CEQA significance thresholds in the Final MND to determine the level of significance.

Localized Air Quality Impact Analysis during Construction

2. Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. They include schools, parks and playgrounds, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. Upon a review of the MND and aerial photographs, South Coast AQMD staff found that sensitive receptors are located within 44 feet of the Proposed Project⁵. The Lead Agency did not quantify the Proposed Project's localized construction emissions in the MND. Therefore, South Coast AQMD staff recommends that the Lead Agency quantify the Proposed Project's localized construction emissions that would occur over a 24- to 36-month period and compare those emissions to South Coast AQMD's localized significance thresholds in the Final MND to ensure that any nearby sensitive receptors (e.g., residents within 44 feet of the Proposed Project) are not adversely affected by construction activities that are occurring in close proximity. South Coast AQMD guidance for performing a localized air quality analysis is available on South Coast AQMD's website⁶.

Recommended Mitigation Measures

3. In the event that the Lead Agency finds, after revisions to the Air Quality Analysis based on Comment No. 2, that the Proposed Project's localized construction emissions would be significant, identification and implementation of feasible mitigation measures would be required under CEQA.

³ South Coast AQMD. March 2015. *South Coast AQMD Air Quality Significance Thresholds*. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁴ MND. Chapter 4 Environmental Consequences. Table 4.1, Construction Emissions for Build Alternative 1 through 4.

⁵ *Ibid*. Chapter 3 Affected Environment. Table 3.4 List of Sensitive Receptors Location and Distance.

⁶ South Coast AQMD. *Localized Significance Thresholds*. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

South Coast AQMD staff has compiled a list of recommended mitigation measures as suggested resources and guidance to the Lead Agency to assist the identification of feasible mitigation measures for incorporation in the Final MND. For more information on potential mitigation measures as guidance to the Lead Agency, please visit South Coast AQMD's CEQA Air Quality Handbook website⁷.

- a) Use off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and U.S. Environmental Protection Agency (USEPA) Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during construction. Such equipment should be outfitted with Best Available Control Technology (BACT) devices including, but not limited to, a CARB certified Level 3 Diesel Particulate Filters (DPF). Level 3 DPFs are capable of achieving at least an 85 percent reduction in particulate matter emissions⁸. A list of CARB verified DPFs are available on the CARB website⁹. Additionally, the Lead Agency should include this requirement in applicable bid documents, and that successful contractor(s) must demonstrate the ability to supply compliant equipment prior to the commencement of any construction activities. A copy of each unit's certified tier specification and CARB or South Coast AQMD 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. In the event that the Lead Agency finds that Tier 4 construction equipment is not feasible pursuant to CEQA Guidelines Section 15364, the Project representative or contractor must demonstrate through future study with written findings supported by substantial evidence that is reviewed and approved by the Lead Agency before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, Tier 3 construction equipment, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Proposed Project, and/or limiting the number of individual construction project phases occurring simultaneously, if applicable.
- b) 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.
- c) 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>.
- d) The On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation by the California Air Resources Board mandates fleet turn-over to ensure that, by January 1, 2023, nearly all on-road diesel trucks will have 2010 model year engines or equivalent¹⁰. Since the construction schedule of the

⁷ South Coast Air Quality Management District. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

⁸ 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.

⁹ *Ibid.* Page 18.

¹⁰ California Air Resources Board. December 20, 2018. <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

Proposed Project extends into 2026, it is reasonably foreseeable that 2010 model year trucks will become more widely available commercially during the Proposed Project's construction. Therefore, South Coast AQMD staff recommends that the Lead Agency require the use of zero-emissions or near-zero emission on-road haul trucks (e.g., material delivery trucks and soil import/export) such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that construction vendors, contractors, and/or haul truck operators commit to using 2010 model year or newer engines that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. The Lead Agency should also include analyses to evaluate and identify sufficient power available for zero emission trucks and supportive infrastructures in the Energy and Utilities and Service Systems Sections of the Final MND, where appropriate. Additionally, 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 meets the minimum 2010 model year engine emission standards. The Lead Agency should conduct regular inspections of the records to the maximum extent feasible and practicable to ensure compliance with this mitigation measure.

- e) 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, and post signs throughout the Proposed Project site stating that idling longer than five minutes is not permitted.