



South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

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Draft Environmental Impact Report (DEIR) for the Proposed Volara Townhomes Project (SCH No.: 2019060214)

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 54 residential units totaling 88,522 square feet on a 2.92-acre vacant site (Proposed Project). The Proposed Project is located on the southeast corner of Electric Avenue and Euclid Street in the City of La Habra. Construction of the Proposed Project is expected take place over 12 months¹. Upon review of Exhibit 3-4: *Aerial Photograph* in the Draft EIR² and aerial photographs, South Coast AQMD staff found that the Proposed Project is located immediately south of the Union Pacific Railroad track and north of existing residential uses.

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 significant³. However, the Proposed Project's localized construction emissions for PM10 at 20.46 pounds per day (lbs/day) and PM2.5 at 12 lbs/day would exceed South Coast AQMD's localized significance thresholds at 11 lbs/day and 6 lbs/day, respectively⁴. With implementation of watering the Proposed Project site three times per day to control fugitive dust emissions⁵, localized construction emissions from PM10 and PM2.5 would be reduced to less than significant at 9.44 lbs/day and 5.94 lbs/day, respectively⁶.

South Coast AQMD Staff's General Comments

While the Proposed Project's mitigated localized PM10 and PM2.5 construction emissions did not exceed South Coast AQMD's localized air quality CEQA thresholds, they were slightly below the applicable significance thresholds. Therefore, to further reduce PM10 and PM2.5 emissions during construction and to ensure that nearby residents are not adversely affected by emissions from the use of off-road diesel-powered construction equipment, South Coast AQMD staff recommends that the Lead Agency require the use of Tier 4 Final construction equipment.

¹ Draft EIR. Page 57

² *Ibid.* Page 55.

³ *Ibid.* Page 84.

⁴ *Ibid.* Page 88.

⁵ *Ibid.*

⁶ *Ibid.*

Additionally, upon review of the Air Quality Analysis section, South Coast AQMD staff found that the Lead Agency did not include a discussion on the potential long-term health risks to residents who will live at the Proposed Project in close proximity to an existing railroad track, which is capable of attracting the use of locomotives that emit diesel particulate matter (DPM). To disclose potential health impacts to future residents at the Proposed Project, South Coast AQMD staff recommends that the Lead Agency perform a health risk assessment in the Final EIR and incorporate strategies to reduce exposure to DPM from railroad tracks. 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, if the Lead Agency makes the finding that the recommended additional mitigation measures are not feasible, the Lead Agency should describe the specific reasons supported by substantial evidence for rejecting them in the Final EIR (CEQA Guidelines Section 15091).

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 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

ORC200205-03

Control Number

ATTACHMENT

1. Recommended Mitigation Measure for Localized Air Quality Impacts from Construction Activities

The Proposed Project's localized PM10 and PM2.5 construction emissions would be mitigated to 9.44 lbs/day and 5.94 lbs/day, which were slightly below South Coast AQMD's localized air quality CEQA significance threshold at 11 lbs/day and 6 lbs/day, respectively. To further reduce those emissions and their impacts on nearby sensitive receptors (e.g., residential uses south of the Proposed Project) during the 12-month construction period, South Coast AQMD staff recommends that the Lead Agency incorporate the following mitigation measure into the Final EIR.

Tier 4 Construction Equipment or Level 3 Diesel-Particulate Filters

Require the use of 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 Final off-road emissions standards for equipment rated at 50 horsepower or greater during construction of the Proposed Project. Such equipment will be outfitted with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filter (DPFs). Level 3 DPFs are capable of achieving at least 85 percent reduction in particulate matter emissions⁷. A list of CARB verified DPFs are available on the CARB website⁸.

To ensure that Tier 4 Final construction equipment or better would 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.

In the event that construction equipment cannot meet the Tier 4 Final engine certification, the Project representative or contractor must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, construction equipment with Tier 4 Interim or Tier 3 emission standards and/or reduction in the number and/or horsepower rating of construction equipment.

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

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 Union Pacific railroad track, South Coast AQMD staff recommends that the Lead Agency review and consider the following comments when making local planning and land use decisions.

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, daycare centers, nursing homes, elderly care facilities,

⁷ CARB. 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.

⁸ *Ibid.* Page 18.

hospitals, and residential dwelling units. As stated above, the Proposed Project will include 54 new residential units. Based on a review of Exhibit 3-4: *Aerial Photograph* in the Draft EIR⁹ and aerial photographs, South Coast AQMD staff found that the Proposed Project is located immediately south of the Union Pacific Railroad track. Residents who will live at the Proposed Project in close proximity to an existing railroad track will be exposed to diesel particulate matter (DPM) that will be emitted from locomotives. DPM has been identified by the California Air Resources Board as a toxic air contaminant (TAC)¹⁰ based on its carcinogenic effects. To disclose potential health impacts to future residents at the Proposed Project, South Coast AQMD staff recommends that the Lead Agency perform a health risk assessment (HRA) in the Final EIR. This recommended HRA facilitates the purpose and goal of CEQA on information disclosure, fosters informed decision-making and public participation, and provides decision-makers and the public with meaningful and useful information regarding the potential long-term health risks to future residents at the Proposed Project from exposures to locomotives.

3. Guidance Regarding Residences Sited Near Freeways or Other Sources of Air Pollution

South Coast AQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. 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. 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. This Guidance Document is available on South Coast AQMD's website at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>. Additional guidance on siting incompatible land uses (such as placing residential uses near railroad tracks) can be found in the CARB's *Air Quality and Land Use Handbook: A Community Health Perspective*, which is available at: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with projects that go through the land use decision-making process. South Coast AQMD staff recommends that the Lead Agency review the guidance documents when making local planning and land use decisions.

4. Health Risk Reduction Strategies

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 systems have limitations. South Coast AQMD staff recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that South Coast AQMD conducted to investigate filters¹¹, 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. In addition, these filters have no ability to filter out any toxic gases from

⁹ *Ibid.* Page 55.

¹⁰ California Air Resources Board. August 27, 1998. Resolution 98-35. Accessed at: <http://www.arb.ca.gov/regact/diesltac/diesltac.htm>.

¹¹ 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>.

vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to toxic 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 maintenance, and monitoring of filters in the Final EIR. 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 EIR should include the following information:

- a) Disclose potential health impacts to residents from living in close proximity to railroad track 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 and/or the Home Owners Association (HOA)¹² 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 HOA 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 HOA) for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if the building operator/residents are 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.

¹² Draft EIR. Page 56.