



South Coast Air Quality Management District

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Mitigated Negative Declaration (MND) for the Proposed Bejarano Cannabis Cultivation Project

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments include information on South Coast AQMD rules and permits that may be applicable to the Proposed Project and should be incorporated into the Final MND.

South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to demolish an existing wrecking and vehicle storage yard and construct and operate two buildings totaling 225,705 square feet to be used for cannabis cultivation (Proposed Project). The Proposed Project is located on the southeast corner of Avenue 48 and Harrison Street within the City of Coachella. Construction is anticipated to begin in 2022 and will take seven to nine months¹. Once operational in 2023, the Proposed Project will generate 405 vehicle trips per day from employees and customers². Operations of the Proposed Project will require odor control equipment³ and an emergency generator⁴.

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

In the Air Quality Analysis Section of the MND, 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 air quality CEQA significance thresholds. Based on the analysis, the Lead Agency found that the Proposed Project's regional and localized construction and operational air quality impacts would be less than significant and no mitigation measures were included⁵.

Responsible Agency and South Coast AQMD Permits

The Proposed Project will include cannabis cultivation operations. Depending on the operational activities, the Proposed Project may require utilization of the following equipment and processes, which may require permits from South Coast AQMD. South Coast AQMD's Engineering and Permitting staff should be consulted in advance to determine if cannabis cultivation operations at the Proposed Project will require permits from South Coast AQMD and if any additional equipment

¹ MND. Page 3.

² MND. Section XVII. Transportation. Page 57.

³ MND. Section III. Air Quality. Page 23.

⁴ *Ibid.* Page 21.

⁵ *Ibid.* Pages 19 to 23.

and processes that are not listed below require permits from South Coast AQMD prior to start of the construction and/or operation of the Proposed Project. If South Coast AQMD permits are required for the Proposed Project, South Coast AQMD is a Responsible Agency for the Proposed Project (CEQA Guidelines Section 15381) and should be identified as such in the Final MND.

- Mechanic processing
 - Sifting, grinding, squeezing, and screening
- Solvent use
 - Storage, cleaning, and extraction
- Odor and volatile organic chemicals (VOC) control
 - Nuisance odors and VOC emissions
- Stationary and portable engines rated at 50 horsepower and greater
- Turbines
- Boilers and heaters

Implementation of the Proposed Project may require permits South Coast AQMD. At the time of the release of the MND, South Coast AQMD does not have permit applications for the Proposed Project. If South Coast AQMD permits are required for the Proposed Project, it is important that impacts from the permits be fully and adequately evaluated and disclosed as required under CEQA Guidelines Section 15096(b). The assumptions used in the air quality analysis and health risk assessment in the Final MND will be used as the basis for evaluating the permits under CEQA and imposing permit conditions and limits. The 2015 revised Office of Environmental Health Hazard Assessment (OEHHA) methodology⁶ is being used by South Coast AQMD for determining operational health impacts for permitting applications and also for all CEQA projects where South Coast AQMD is the Lead Agency. Should there be any questions on permits, please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>.

Federal, State, and South Coast AQMD Rules and Regulations

Federal, state and South Coast AQMD rules and regulations may apply to the implementation of the Proposed Project. Therefore, it is recommended that the Lead Agency evaluate applicability of the following rules and regulations for inclusion in the Final MND.

U.S. Code of Federal Regulations Title 40 Chapter 60 – New Source Performance Standards (NSPS)

- Subpart GG – Standards for Stationary Gas Turbines⁷
- Subpart KKKK – Standards of Performance for Stationary Combustion Turbines⁸
- Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines⁹

⁶ Office of Environmental Health Hazard Assessment. "Notice of Adoption of Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments 2015". Accessed at: <https://oehha.ca.gov/air/crn/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0>.

⁷ U.S. Code of Federal Regulations. Title 40 Chapter 60 Subpart GG – Standards for Stationary Gas Turbines. Accessed at: <https://www.epa.gov/stationary-sources-air-pollution/stationary-gas-and-combustion-turbines-new-source-performance>.

⁸ U.S. Code of Federal Regulations. Title 40 Chapter 60 Subpart KKKK – Standards of Performance for Stationary Combustion Turbines. Accessed at: <https://www.epa.gov/stationary-sources-air-pollution/stationary-gas-and-combustion-turbines-new-source-performance>.

- Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines¹⁰

U.S. Code of Federal Regulations Title 40 Chapter 63 – National Emission Standards for Hazardous Air Pollutants (NESHAP)

- Subpart YYYY – National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines¹¹
- Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines¹²

California Code of Regulations Title 17. Public Health Division; Division 3. Air Resources; Chapter 1. Air Resources Board

- Subchapter 7.5 Airborne Toxic Control Measures (ATCM)¹³
 - Section 93115 – ATCM for Stationary Compression Ignition Engines
 - Section 93116 – ATCM for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater

South Coast AQMD Regulation XI – Source Specific Standards

- Rule 1134 – Emission of Oxides of Nitrogen from Stationary Gas Turbines¹⁴
- Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines¹⁵

South Coast AQMD Regulation XIII – New Source Review

- Rule 1303 – Requirements¹⁶
- Rule 1306 – Emission Calculations¹⁷
- Rule 1307 – Emission Offsets¹⁸

⁹ U.S. Code of Federal Regulations. Title 40 Chapter 60 Subpart III – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. Accessed at: <https://www.epa.gov/stationary-engines/new-source-performance-standards-stationary-compression-ignition-internal-0>.

¹⁰ U.S. Code of Federal Regulations. Title 40 Chapter 60 Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. Accessed at: <https://www.epa.gov/stationary-engines/new-source-performance-standards-stationary-spark-ignition-internal-combustion-0>.

¹¹ U.S. Code of Federal Regulations. Title 40 Chapter 63 Subpart YYYY – National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines. Accessed at: <https://www.epa.gov/stationary-sources-air-pollution/stationary-combustion-turbines-national-emission-standards>.

¹² U.S. Code of Federal Regulations. Title 40 Chapter 63 Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. Accessed at: <https://www.epa.gov/stationary-engines/national-emission-standards-hazardous-air-pollutants-reciprocating-internal-0>.

¹³ California Code of Regulations Title 17. Public Health Division; Division 3. Air Resources; Chapter 1. Air Resources Board. Subarticle 7.5. Airborne Toxic Control Measures. Accessed at: [https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I29272FD0D60811DE88AEDDE29ED1DC0A&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I29272FD0D60811DE88AEDDE29ED1DC0A&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)).

¹⁴ South Coast AQMD. Rule 1134 – Emission of Oxides of Nitrogen from Stationary Gas Turbines. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1134.pdf>.

¹⁵ South Coast AQMD. Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1110-2.pdf>.

¹⁶ South Coast AQMD. Rule 1306 – Requirements. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiii/rule-1303-requirements.pdf>.

¹⁷ South Coast AQMD. Rule 1306 – Emission Calculations. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiii/rule-1306-emission-calculations.pdf>.

- Rule 1309 – Emission Reduction Credits¹⁹

South Coast AQMD Regulation XIV – Toxics and Other Non-Criteria Pollutants

- Rule 1401 – New Source Review of Toxic Air Containments²⁰
- Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines²¹

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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 Alina Mullins, Air Quality Specialist, at amullins@aqmd.gov, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS:AM/JT

RVC200922-03

Control Number

¹⁸ South Coast AQMD. Rule 1307 – Emission Offsets. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiii/rule-1307-emission-offset.pdf>.

¹⁹ South Coast AQMD. Rule 1309 – Emission Reduction Credits. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiii/rule-1309.pdf>.

²⁰ South Coast AQMD. Rule 1401 – New Source Review of Toxic Air Contaminants. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf>.

²¹ South Coast AQMD. Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines. Accessed at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>.