



South Coast Air Quality Management District

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SENT VIA E-MAIL:

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Draft Environmental Impact Report (EIR) for the Proposed Kaiser Permanente Los Angeles Center Project (Proposed Project) (SCH No.: 2017091061)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Los Angeles is the Lead Agency under the California Environmental Quality Act (CEQA) for the Proposed Project. The following comments include recommended revisions to the CEQA air quality analysis for regional construction impacts from cleanup activities and information on South Coast AQMD rules and permits that the Lead Agency should incorporate into the Final EIR.

South Coast AQMD Staff's Summary of Project Descriptions in the Draft EIR

Based on the Draft EIR, the Proposed Project consists of demolition of 234,200 square feet of existing structures, and construction of 1,088,900 square feet of medical uses on 15.34 acres. Environmental Site Assessments and Subsurface Assessment Report have been prepared, indicating potential soil contamination with polychlorinated biphenyls and volatile organic compounds. As such, Mitigation Measures HAZ-1 through HAZ-4 require development of plans such as Disposal and Reuse Plan and Soil Management Plan to remove and clean up soil during construction¹.

South Coast AQMD Staff's Comments

Based on a review of the Draft EIR and supporting technical appendices, South Coast AQMD staff has two comments.

CEQA Air Quality Analysis for Regional Construction Impacts from Cleanup Activities

Based on the Hazards and Hazardous Materials Section in the Draft EIR, soil cleanup activities are reasonably foreseeable and would be conducted during construction of the Proposed Project. The Lead Agency did not quantify emissions from cleanup activities in the Draft EIR. Cleanup activities will likely involve the use of heavy-duty, diesel-fueled trucks for soil export and result in emissions from vehicle trips by workers that will be required to conduct cleanup activities. Additionally, cleanup activities will likely require the use of additional equipment that may be different from typical equipment for grading and site preparation for construction. Since cleanup activities are reasonably foreseeable for the Proposed Project at the time the EIR is prepared, the Lead Agency should use good faith, best efforts to provide information on the scope, types, and

¹ Draft EIR. Executive Summary. Pages I-43-49.

duration of cleanup activities, quantify emissions from cleanup activities, and include those emissions in the Proposed Project's construction emissions profile to be compared to South Coast AQMD's air quality CEQA significance thresholds for construction to determine the level of significance in the Final EIR. Alternatively, if emissions from cleanup activities are not included in the Final EIR, the Lead Agency should provide reasons for not including them supported by substantial evidence in the record or consider including a new mitigation measure to commit to evaluating potential environmental impacts from cleanup activities under CEQA prior to commencing any cleanup activities.

South Coast AQMD Rules and Permits

Disturbing and excavated soils that may contain hydrocarbons or toxic air contaminants are subject to the requirements of South Coast AQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil², and Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants³. The Lead Agency should discuss South Coast AQMD Rules 1166 and 1466 in the Air Quality Section of the Final EIR.

If it is reasonably foreseeable at the time of the EIR is prepared that cleanup activities would involve the use of equipment which either emits or controls air pollution, South Coast AQMD staff should be consulted in advance to determine whether or not any permits or plans are required to be filed and approved by South Coast AQMD prior to the operation of such equipment, and to identify if any other South Coast AQMD Rules, such as Rule 431.2 – Sulfur Content of Liquid Fuels⁴ and Rule 1110.2 – Emissions from Gaseous and Liquid-Fueled Engines⁵ will be applicable and should be discussed in the Final EIR.

Operation of portable engines and portable equipment units of 50 brake horsepower or greater (> 50bhp) that emit particulate matter requires a permit from South Coast AQMD or registration under the Portable Equipment Registration Program (PERP) through the California Air Resources Board (CARB)⁶. The Lead Agency should consult with South Coast AQMD's Engineering and Permitting staff to determine if there is any diesel-powered equipment during implementation that will require a South Coast AQMD permit or if the equipment will need to be registered under the PERP through CARB. If a permit from South Coast AQMD is required, South Coast AQMD is a Responsible Agency for the Proposed Project and should be identified in the Final EIR. Any assumptions used in the Air Quality Analysis in the Final EIR will be used as the basis for permit conditions and limits for the Proposed Project. 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

² South Coast AQMD. Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>.

³ South Coast AQMD. Rule 1466 – control of Particulate Emissions from Soils with Toxic Air Contaminants. Accessed at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>.

⁴ South Coast AQMD. Rule 431.2 – Sulfur Content of Liquid Fuels. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-431-2.pdf>.

⁵ 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>.

⁶ South Coast AQMD. *Portable Equipment Registration Program (PERP)*. Accessed at: <http://www.aqmd.gov/home/permits/equipment-registration/perp>.

webpage at: <http://www.aqmd.gov/home/permits>. For more information on the PERP Program, please contact CARB at (916) 324-5869 or visit CARB's webpage at: <https://ww2.arb.ca.gov/our-work/programs/portable-equipment-registration-program-perp>.

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 a finding that the recommended mitigation measures is not feasible, the Lead Agency should describe the specific reasons supported by substantial evidence for rejecting it 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 me at lsun@aqmd.gov should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS:ST

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