



South Coast Air Quality Management District

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SENT VIA E-MAIL:

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**Draft Program Environmental Impact Report (Draft PEIR) for the Proposed
Los Angeles County Metro Area Plan (Project No.: PRJ2021-004165) (Proposed Project)
(State Clearinghouse No.: 2022020274)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The County of Los Angeles is the Lead Agency under the California Environmental Quality Act (CEQA) for the Proposed Project. The following comments include information from the Community Emissions Reduction Plan (CERP) for four Assembly Bill 617 (AB 617)-designated communities located in the Proposed Project area and recommended revisions to policies, goals, and mitigation measures that the Lead Agency should include in the Final PEIR.

South Coast AQMD Staff's Summary of Project Information in the Draft PEIR

Based on the Draft PEIR, the Proposed Project consists of amendments to the Los Angeles County 2035 General Plan to establish the Metro Area Plan, which is intended to serve as a guide for growth and regional development within unincorporated communities in the Metro Planning Area.¹ The Metro Planning Area consists of the following seven unincorporated communities in the County of Los Angeles: East Los Angeles, Florence-Firestone, Willowbrook, West Rancho Dominguez-Victoria, East Rancho Dominguez, Walnut Park, and West Athens-Westmont.² The Metro Area Plan will also include amendments to zoning maps and codes that effect the Metro Planning Area. The Proposed Project aims to provide a planning framework for the Metro Planning Area for a 12-year period through 2035.³ During this period the Proposed Project anticipates a new growth of approximately 30,968 residential units, 106 Accessory Commercial Units (ACUs),⁴ and 1,124,731 square feet of industrial, small manufacturing and/or life sciences facilities.⁵ The Proposed Project area has a total land area of approximately 21.34 square miles.⁶

South Coast AQMD Staff's Comments on the Draft PEIR

Information on the CERP for the four AB 617-designated Communities

AB 617 was signed into law in 2017 to address the disproportionate impacts of air pollution in environmental justice communities. Since 2018, the California Air Resources Board (CARB) has designated six (6) AB 617 communities in South Coast AQMD to develop CERPs and Community Air Monitoring Plans (CAMPs). An AB 617-designated community requires South Coast AQMD to work

¹ Draft PEIR. Executive Summary. Page ES-1.

² *Ibid.*

³ *Ibid.*

⁴ Per the Draft PEIR (Executive Summary. Page ES-3), ACUs refer to instances of neighborhood scale retail and commercial uses, such as corner markets, cafes, or in-home businesses, within residential-only zones.

⁵ Draft PEIR. 4.17 Transportation. Page 4.17-33.

⁶ *Ibid.* 2 Environmental Setting. Page 2-12.

with a Community Steering Committee (CSC) consisting of stakeholders including active residents, representatives of community-based organizations, schools, government agencies, and businesses to develop a CERP that identifies air quality priorities and actions to reduce air pollution in the community. The Proposed Project encompasses a large region of Los Angeles County and is located within parts of four AB 617 communities⁷: East Los Angeles, Boyle Heights, West Commerce (ELABHWC), Southeast Los Angeles (SELA), South Los Angeles (SLA), and Wilmington, Carson, West Long Beach (WCWL). Much of the Proposed Project area is thus disproportionately impacted by air pollution generated from various sources, including goods movement (i.e., heavy-duty diesel trucks, warehouses, railyards, ports activity), general industrial and metal processing facilities, auto body shops, refineries, and the oil and gas industry. The Proposed Project will increase emissions in these four AB 617 communities which are already disproportionately burdened by air pollution. South Coast AQMD staff recommends that the Lead Agency review the ELABHWC,⁸ SELA,⁹ SLA,¹⁰ and WCWL¹¹ CERPs, in particular the actions included in Chapter 5, and include a discussion on the AB 617 Program, the four affected communities, and their respective CERPs. Additionally, South Coast AQMD staff recommends the Lead Agency work with South Coast AQMD throughout the duration of the LA County Metro Area Plan to explore whether additional mitigation measures can be identified and implemented at the Proposed Project.

Recommended Revisions to Policies and Goals Based on AB 617 Requirements

The Proposed Project includes policies and goals related to air quality impacts. South Coast AQMD staff recommends the Lead Agency revise the policies mentioned below to ensure they are enforceable and will reduce air quality impacts.

- Policy Land Use (LU) 5.1¹²: Ensure this policy encourages land-use compatibility, including rezoning of industrial areas near residential neighborhoods to light industrial uses with priority given to the cleaner industries mentioned in Policy LU 6.1.
- Policy LU 7.1¹³: Ensure this policy specifies requirements of the Green Zones Ordinance, including buffers, landscaping, and enclosure requirements.
- Policy LU 7.3¹⁴: Ensure this policy not only prohibits industrial uses from using residential streets for truck access and parking, but also requires new warehouse development to configure the warehouse layout with dock doors, on-site truck queuing/parking, and access points away from sensitive uses.
- Policy LU 7.5¹⁵: Encourage the rapid implementation of this policy for new and existing wells rezoned to M-0.5 to reduce public health impacts.

⁷ South Coast AQMD, AB 617 Webpage: <http://www.aqmd.gov/nav/about/initiatives/environmental-justice/ab617-134>

⁸ South Coast AQMD, ELABHWC CERP: <http://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/east-la/ceip/carb-submittal/final-cep.pdf?sfvrsn=8>

⁹ South Coast AQMD, SELA CERP: <http://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/southeast-los-angeles/final-cep.pdf?sfvrsn=9>

¹⁰ South Coast AQMD, SLA CERP: <https://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2022/2022-June3-027.pdf?sfvrsn=6>

¹¹ South Coast AQMD, WCWL CERP: <http://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/wilmington/ceip/final-cep-wcwl.pdf?sfvrsn=8>

¹² Draft PEIR. 4.3 Air Quality. Page 4.3-33.

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ Draft PEIR. Land Use and Planning. Page 4.11-44.

- Goal LU 9¹⁶: Ensure this policy also encourages vegetative buffers along freeways to trap/filter pollutants from vehicles.
- Policy HW/EJ 1.2¹⁷: Ensure this policy requires air filtration systems for new sensitive uses and tree planting in addition to setback requirements.
- Policy HW/EJ 2.4¹⁸: Ensure this policy requires air filtration systems, particularly for multifamily dwellings.

Recommended Project-Level Air Quality Mitigation Measures

Overview

According to the Draft PEIR, there are no site-specific development projects currently approved or proposed under the Proposed Project that could result directly in construction or operational impacts to the environment.¹⁹ The Draft PEIR also states that at this level of review, the exact location, orientation, number, and timing of individual development projects and/or infrastructure improvements that could occur as a result of implementation of the Proposed Project are unknown and thus no feasible mitigation measures can be identified at this time.²⁰ The Lead Agency concludes that construction activities resulting from potential future projects developed as part of the Proposed Project would potentially result in emissions from on-site and off-site sources that exceed South Coast AQMD's CEQA construction mass daily thresholds²¹ for volatile organic compounds (VOCs), oxides of nitrogen (NOx), particulate matter with an aerodynamic diameter equal to or less than 10 microns (PM10) and particulate matter with an aerodynamic diameter equal to or less than 2.5 microns (PM2.5).²² The Lead Agency also concludes that operation activities resulting from future projects at full buildout of the Proposed Project would potentially result in emissions that exceed South Coast AQMD's CEQA operation mass daily thresholds for VOCs, NOx, CO, PM10 and PM2.5.²³ The operational emissions are associated with area, energy, mobile, off-road equipment, and stationary sources.²⁴

CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate significant adverse impacts. The Proposed Project is a blueprint for the future development of the Metro Planning Area. The Draft PEIR for the Proposed Project serves as the first-tier, programmatic level analysis that can provide guidance to subsequent, project-level environmental analyses. The Lead Agency States throughout the Draft PEIR that no feasible mitigation measures are available to address potential significant air quality impacts (exceedance of South Coast AQMD's CEQA construction and operation mass daily thresholds) that may arise from implementation of the Proposed Project. Applicable air quality mitigation measures are available, however, and should be included in the Final PEIR. South Coast AQMD staff therefore recommends that the Lead Agency include the following project-level mitigation measures in the Final PEIR to further reduce emissions from construction and operation activities that may result from future implementation of the Proposed Project.

Background Construction Information

¹⁶ *Ibid.* 4.3 Air Quality. Page 4.3-34.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.* 4.8 Greenhouse Gas Emissions. Page 4.8-22.

²⁰ *Ibid.* 4.3 Air Quality. Page 4.3-37 through 4.3-39.

²¹ South Coast AQMD Air Quality Significance Thresholds. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>

²² Draft PEIR. 4.3 Air Quality. Page 4.3-37 through 4.3-39.

²³ *Ibid.* Page 4.3-39 through 4.3-41.

²⁴ *Ibid.* Page 4.3-39.

Based on the Draft PEIR, to reduce construction emissions of future development, the Lead Agency notes that such construction activity would be required to comply with South Coast AQMD Rules such as, but not limited, Rule 403 (Fugitive Dust), Rule 1113 (Architectural Coatings), and Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities).^{25,26} Such future projects resulting from implementation of the Proposed Project would also be required to follow all existing air quality regulations during construction such as those from the most recent California Green Building and Standards Code (CalGreen), the County's Grading Permit Procedures, and applicable California Airborne Toxic Control Measures.²⁷ Adherence to the aforementioned regulations serve to minimize potentially significant impacts.

Recommended Mitigation Measures for Construction

Given the potential proximity of sensitive receptors to future Proposed Project construction sites,²⁸ and given that the Proposed Project is meant to guide development through 2035, South Coast AQMD staff recommends that the Lead Agency consider including mitigation measures in the Final EIR to further reduce the Proposed Project's significant and unavoidable air quality impacts during construction. It is reasonably foreseeable that Tier 4 might not be the cleanest technology when construction occurs later during the approximately 12-year time span of the Proposed Project. One of CARB's strategies for reducing emissions from off-road construction equipment aims to start implementing off-road Tier 5 in 2027/2028.²⁹ Furthermore, the Governor's Executive order in September 2020 (N-79-20) requires CARB to develop and propose a full transition to Zero Emissions (ZE) off-road equipment by 2035, where feasible.³⁰ Therefore, South Coast AQMD staff recommends that the Lead Agency revise the air quality analysis section in the DPEIR³¹ to include a mitigation measure that commits it to using the cleanest technology for construction during future development projects, if available and feasible, and include the revisions in the Final EIR. If the revisions are not included in the Final EIR, the Lead Agency should provide reasons for not having them supported by substantial evidence in the record.

Other Construction Mitigation Measures to include:

- Require the use of electric or alternative-fueled (i.e., non-diesel) construction equipment, if available, including but not limited to, concrete/industrial saws, pumps, aerial lifts, material hoist, air compressors, forklifts, excavator, wheel loader, and soil compactors.
- Owners and operators of future development projects shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards and make the records available for inspection. The Lead Agency should conduct regular inspections of future development projects.
- Provide electric vehicle (EV) charging stations or, at a minimum, provide the electrical infrastructure and electrical panels shall be appropriately sized. Electrical hookups should be provided for trucks to plug in any onboard auxiliary equipment.

²⁵ Draft PEIR. 4.3 Air Quality. Page 4.3-37.

²⁶ South Coast AQMD Rule Book. Accessed at: <http://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book>

²⁷ Draft PEIR. 4.3 Air Quality. Page 4.3-38.

²⁸ *Ibid.* Page 4.3-46.

²⁹ Presentation accessed at: <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2022-air-quality-management-plan/combined-construction-carb-amp-aqmp-presentations-01-27-21.pdf>

³⁰ *Ibid.*

³¹ Draft PEIR. 4.3 Air Quality Page 4.3-1 through page 4.3-55.

- Provide temporary traffic controls such as a flag person, during all phases of significant construction activity to maintain smooth traffic flow, where necessary.
- Provide dedicated turn lanes for the movement of construction trucks and equipment on- and off-site, where applicable.
- Ensure that vehicle traffic inside the project site is as far away as feasible from sensitive receptors.
- Reduce traffic speeds on all unpaved roads to 15 miles per hour (mph) or less.
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
- Suspend use of all construction activities that generate air pollutant emissions during first stage smog alerts.
- Configure construction parking to minimize traffic interference.
- Require covering of all trucks hauling dirt, sand, soil, or other loose materials.
- Install wheel washers where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site for each trip.
- Apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more).
- Replace ground cover in disturbed areas as quickly as possible to minimize dust.
- Pave roads and road shoulders, where applicable.
- Sweep streets at the end of the day with South Coast AQMD Rule 1186 and 1186.1 compliant sweepers if visible soil is carried onto adjacent public paved roads (recommend water sweepers that utilize reclaimed water).

Background Operation Information

Based on the Draft PEIR, to reduce operational emissions of future development, the Lead Agency states that future projects would comply with applicable South Coast AQMD Rules such as, but not limited to, Rule 445 (Wood Burning Devices), Rule 1103 (Pharmaceuticals and Cosmetics Manufacturing Operations), Rule 1110.2 (Emissions from Gaseous- and Liquid-Fueled Engines), Rule 1111 (Reduction of NO_x emissions from Fan-Type Central Furnaces), Rule 1113, Rule 1141.2 (Surfactant Manufacturing), Rule 1146 (Emissions of NO_x from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters), Rule 1153.1 (Emissions of Oxides of Nitrogen from Commercial Food Ovens), Rule 1164 (Semiconductor Manufacturing), Rule 1171 (Solvent Cleaning Operations), Rule 1401 (New Source of Toxic Air Contaminants), Rule 1470 (Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines), and Rule 2305 (Warehouse Indirect Source Rule).^{32,33} All emergency generators anticipated to be required were also modeled as diesel-fueled and as meeting Tier 4 Final engine emission regulatory standards.³⁴ The Lead Agency further states that existing regulations and the Proposed Project's adherence to applicable Los

³² Draft PEIR. 4.3 Air Quality. Page 4.3-6 through 4.3-8.

³³ *Ibid.* Page 4.3-47.

³⁴ *Ibid.* Page 4.3-29.

Angeles County Codes and specific Proposed Project goals and policies such as the Green Zone District standards and Development Standards for Sensitive Uses, would help to reduce operational emissions in the Proposed Project area.³⁵ Such measures include, but are not limited to, setbacks, landscaping, air filtration systems in residential units, and siting of buildings and vehicular access areas as far away from sensitive uses as practically feasible.³⁶ Even with compliance with existing rules, regulations, and proposed goals and policies laid out in the Metro Area Plan, the Proposed Project's operation air quality impacts at the program level would remain significant and unavoidable.³⁷

Recommended Mitigation Measures for Operation

Project-level air quality mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider and include in the Final PEIR and any subsequent CEQA document and future development project may include the following:

- The Lead Agency should require the use of ZE or NZE heavy-duty trucks by future development projects during operation such as trucks with natural gas engines that meet CARB's adopted optional NOx emission standard of 0.02 g/bhp-hr, if and when feasible. Given the state's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks such as the Advanced Clean Trucks Rule³⁸ and the Heavy-Duty Low NOx Omnibus Regulation,³⁹ ZE and NZE trucks will become increasingly more available to use. The Lead Agency can and should require future development projects to have a phase-in schedule to incentivize the use of these cleaner operating trucks to reduce any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs. At a minimum, require the use of 2010 model year⁴⁰ that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of PM and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Require future development projects to include an evaluation of sufficient electricity and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the subsequent, project-level environmental analyses, where appropriate. Future development projects can and should also include the requirement in applicable bid documents, purchase orders, and contracts. Owners and operators of future development projects shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards, and make the records available for inspection. The Lead Agency should conduct regular inspections at the future development projects.
- Limit the daily number of trucks allowed at future development projects to the levels analyzed in the subsequent, project-level environmental analyses for these projects. If higher daily truck

³⁵ *Ibid.* Page 4.3-50.

³⁶ *Ibid.* Page 4.3-47.

³⁷ *Ibid.* Page 4.3-45.

³⁸ CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

³⁹ CARB has recently passed a variety of new regulations that require new, cleaner heavy-duty truck technology to be sold and used in state. For example, on August 27, 2020, CARB approved the Heavy-Duty Low NOx Omnibus Regulation, which will require all trucks to meet the adopted emission standard of 0.05 g/hp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdomnibuslownox>.

⁴⁰ CARB adopted the statewide 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 Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

volumes are anticipated to visit the site, additional analysis should be done through CEQA prior to allowing this higher activity level.

- Require future development projects to provide electrical infrastructure and electrical panels, which should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

Design considerations that the Lead Agency should consider and include in the Final EIR for future development projects to further reduce air quality and health risk impacts include the following:

- Clearly mark truck routes with trailblazer signs, so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, day care centers, etc.).
- Design future development projects such that any check-in point for trucks is inside the project site to ensure that there are no trucks queuing outside.
- Design a future development project to ensure that truck traffic inside the project site is as far away as feasible from sensitive receptors.
- Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the future development project site.

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 PEIR. 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.

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 Evelyn Aguilar, Air Quality Specialist, at eaguilar@aqmd.gov should you have any questions.

Sincerely,

Sam Wang

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Planning, Rule Development & Implementation

SW:EA

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