



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

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[arico@fontana.org](mailto:arico@fontana.org)

Alejandro Rico, Associate Planner  
City of Fontana  
Planning Department  
8353 Sierra Avenue  
Fontana, CA 92335

**Draft Environmental Impact Report (Draft EIR) for the Proposed  
City of Fontana Downtown Core Project (Proposed Project)  
(SCH No. 2022110624)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Fontana (City) is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. The following comments include recommended revisions to the haul truck trips in the California Emissions Estimator Model (CalEEMod) Analysis, CEQA regional air quality impacts analysis for cleanup activities during construction, mitigation measures, cumulative impact analysis, health risk assessments, and CEQA air quality analyses for overlapping construction and operation activities that the Lead Agency should include in the Final EIR.

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

Based on the Draft EIR, the Proposed Project consists of amendments to the City of Fontana's General Plan and Form-Based Code (FBC).<sup>1</sup> Such amendments will create a new General Plan land use category and six FBC districts to be applied to a portion of the City's downtown area.<sup>2</sup> The particular downtown area for which the amendments are proposed is referred to as the Downtown Core.<sup>3</sup> The Proposed Project, by serving as a regulatory document that will guide future development of the Proposed Project area, will aid in increasing the number of dwelling units (which is also intended to accommodate the City's share of statewide housing needs as allocated to it by the Southern California Association of Governments)<sup>4</sup> and supporting commercial developments.<sup>5</sup> The Proposed Project area encompasses approximately 478 acres of downtown Fontana in San Bernardino County and is bounded by Foothill Boulevard, Randall Avenue, Juniper Avenue, and Mango Avenue.<sup>6</sup> The Proposed Project area is located approximately two miles south of the I-210 freeway, five miles east of the I-215 freeway, and one mile north of the I-10 freeway. Construction is projected to commence in 2023 and end in

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<sup>1</sup> Draft EIR. Executive Summary. Page 1-3.

<sup>2</sup> *Ibid.* Pages 1-3 through 1-5.

<sup>3</sup> *Ibid.* Page 1-1.

<sup>4</sup> *Ibid.* Air Quality. Page 5.2-26

<sup>5</sup> *Ibid.* Executive Summary. Page 1-2.

<sup>6</sup> *Ibid.* Project Description. Page 3-1.

the buildout year of 2040.<sup>7</sup> During this period, the Proposed Project anticipates new development of up to 10,920 residential dwelling units and 3,992,868 square feet of commercial land uses.<sup>8</sup> At full buildout in year 2040, the Proposed Project is anticipated to result in approximately 1,403 additional truck trips per day and 103,765 automobile trips per day when compared to the base year.<sup>9</sup>

### South Coast AQMD Staff's Comments

#### *Underestimated Emissions from Hauling Truck Trips Associated with Various Construction Phases*

The Draft EIR mentions that construction emissions would be generated in part by demolition, grading, and excavation activities, and the delivery and hauling of construction supplies and debris via trucks from the Proposed Project Area.<sup>10</sup> However, Table 5.5-2 of the Draft EIR identifies zero delivery and haul trips for construction, which is inconsistent with this narrative.<sup>11</sup> Additionally, the CalEEMod output files in Appendix C state that the soil grading activities are anticipated to balance on-site<sup>12</sup> and no truck trips for delivering and hauling supplies and debris are assumed for any of the construction phases in the CalEEMod estimates.<sup>13</sup> South Coast AQMD recommends that the Lead Agency estimate the quantities of soil that will be imported and/or exported from the Proposed Project site, determine the number of truck trips associated with the import and/or export activities during all phases of construction, and include the emissions from the aforementioned activities in the Final EIR. If the estimated emissions analysis from the truck trips during the various phases of construction is excluded from the Final EIR, the Lead Agency should provide reasons supported by substantial evidence in record to explain why.

If the revised emissions analysis of construction air quality impacts requires a change in the significance determination for the Proposed Project, CEQA requires the application of all feasible mitigation measures which go beyond what is required by law to minimize these impacts. Further, any impacts that may result from the application of mitigation measures must also be analyzed.

#### *Contaminated Soil Information*

Section 5.8 of the Draft EIR - Hazard and Hazardous Materials - states "*excavation and grading activities associated with future development could expose the public to unknown hazardous*

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<sup>7</sup> Draft EIR. Air Quality. Page 5.2-29.

<sup>8</sup> *Ibid.* Executive Summary. Page 1-6.

<sup>9</sup> *Ibid.* Appendix A: Detailed VMT Impact Summary found within Appendix E: Transportation Analysis. Staff calculated additional daily trips by subtracting the 2016 Base Year Daily Vehicle Trip number from the 2040 With Project Daily Vehicle Trip number.

<sup>10</sup> *Ibid.* Air Quality. Page 5.2-27.

<sup>11</sup> *Ibid.* Energy. Page 5.5-11.

<sup>12</sup> *Ibid.* Appendix C: Air Quality, Energy and Greenhouse Gas Emissions Modeling Data. PDF Page 247 of 1062.

<sup>13</sup> *Ibid.* Appendix C: Air Quality, Energy and Greenhouse Gas Emissions Modeling Data. PDF Page 256 of 1062.

*materials present in soil or groundwater, which would require remediation activities. Remediation, if any, would include potential transport of hazardous materials to an approved landfill facility.”*<sup>14</sup> Due to the proposed removal actions involving soil movement activities, the Proposed Project would be subjected to the requirements of South Coast AQMD Rule 1166 (Volatile Organic Compound Emissions from Decontamination of Soil)<sup>15</sup> and Rule 1466 (Control of Particulate Emissions from Soils with Toxic Air Contaminants).<sup>16</sup> These rules should be evaluated to determine applicability to the proposed soil movement activities.

Furthermore, South Coast AQMD staff recommends that the Lead Agency use good faith, best efforts to: 1) estimate the quantities of contaminated soils; 2) estimate the number of truck trips associated with the removal and hauling of contaminated soil; and 3) identify the hazardous landfill site location and the length of each haul truck trip. The Lead Agency should rely on this information to quantify emissions from removing and hauling contaminated soil and include those emissions in the Proposed Project’s regional construction emissions profile to be compared to South Coast AQMD’s regional air quality CEQA significance thresholds for construction to determine the level of significance. This information should be included in the Final EIR. Alternatively, if those emissions are excluded from the Final EIR, the Lead Agency should provide reasons supported by substantial evidence in the record to explain why. Further, if soil removal and disposal measures have not been fully developed or approved prior to certification of the Final EIR, the Lead Agency should commit to evaluating the air quality impacts from soil removal and hauling activities through a CEQA process when such measures and/or site-specific contamination information becomes known but prior to allowing the commencement of any soil removal and hauling activities at the Proposed Project.

#### *Recommended Revisions to Air Quality Mitigation Measures (MM)*

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 guiding regulatory document for the future development of the Downtown Core. The Draft EIR for the Proposed Project serves as the first-tier, programmatic level analysis that can provide guidance to subsequent, project-level environmental analyses. South Coast AQMD staff therefore recommends that the Lead Agency include the following revised mitigation measures in the Final EIR to further reduce emissions from construction and operation activities that may result from future implementation of the Proposed Project.

#### *Recommended revisions to Mitigation Measures for Construction*

The current air quality analysis in the Draft EIR concludes that the Proposed Project’s regional construction emissions for nitrogen oxides (NOx) would be significant before mitigation, and not

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<sup>14</sup> Draft EIR. Hazards and Hazardous Materials. Page 5.8-15.

<sup>15</sup> South Coast AQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil. Access at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>.

<sup>16</sup> South Coast AQMD Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants. Access at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>.

significant after mitigation is applied.<sup>17</sup> The Greenhouse Gas (GHG) Emissions analysis section of the Draft EIR concludes that the construction GHG Emissions for the Proposed Project is 13,362.2 metric tons of carbon dioxide equivalent per year (MTCO<sub>2</sub>e/year), which exceeds the South Coast AQMD Air Quality Significance Threshold for GHG emissions of 10,000 MTCO<sub>2</sub>e/year.<sup>18</sup> Even with the mitigation measures that the Lead Agency proposes, GHG mitigation measures GHG-1 through GHG-3 and air quality (AQ) mitigation measures AQ-1 through AQ-23, it is anticipated that the construction GHG threshold will still be exceeded.<sup>19</sup> Given that the Proposed Project is meant to guide development through at least year 2040, South Coast AQMD staff recommends that the Lead Agency consider revising its mitigation measures in the Final EIR to further reduce the Proposed Project's air quality and significant and unavoidable GHG impacts during construction.

- MM AQ-2 states that as a condition of the Grading Permit issuance, the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) will be required.<sup>20</sup> It further states that “*If the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NOx and PM emissions requirement.*”<sup>21</sup> South Coast AQMD staff recommends that the Lead Agency revise MM AQ-2 to require trucks entering or on the Proposed Project site to use model year 2014 or newer haul trucks instead of 2010, and include this revision in the Final EIR. Additionally, all heavy-duty haul trucks should meet CARB's lowest optional low oxides of nitrogen (NOx) standard.<sup>22</sup>
- MM AQ-2 also states that “*...off-road diesel construction equipment rated at 150 horsepower (hp) or greater, complies with Environmental Protection Agency (EPA)/California Air Resources Board (CARB) Tier 4 off-road emissions standards or equivalent...*”<sup>23</sup> Given that the Proposed Project is meant to guide development through at least year 2040, it is reasonably foreseeable that Tier 4 might not be the cleanest technology when construction occurs later during the approximately 17 year time span of the Proposed Project's planned construction period. One of CARB's strategies for reducing emissions from off-road construction equipment aims to start implementing off-road Tier 5 in 2027/2028.<sup>24</sup> Furthermore, the Governor Newsom'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.<sup>25</sup> South Coast AQMD staff therefore recommends

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<sup>17</sup> *Ibid.* Air Quality. Pages 5.2-27 through 5.2-29.

<sup>18</sup> *Ibid.* Greenhouse Gas Emissions. Page 5.7-22 & 5.7-33.

<sup>19</sup> *Ibid.* Executive Summary & Greenhouse Gas Emissions. Page 1-11 through 1-23 & 5.7-23.

<sup>20</sup> *Ibid.* Air Quality. Page 5.2-32.

<sup>21</sup> *Ibid.* Air Quality. Page 5.2-32.

<sup>22</sup> CARB's optional low-NOx emission standard can be found at: <https://ww2.arb.ca.gov/our-work/programs/optional-reduced-nox-standards>

<sup>23</sup> Draft EIR. Air Quality. Page 5.2-32.

<sup>24</sup> 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>

<sup>25</sup> 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>

that the Lead Agency revise the air quality analysis section in the Draft EIR 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.

- MM AQ-8 states that “*Future individual projects within the Project Area shall be required to use electric or alternative fueled construction equipment where technically feasible and/or commercially available, where the electric or alternatively fueled equipment can perform adequately when compared to gasoline or diesel fueled equipment.*”<sup>26</sup> MM AQ-8 will only be implemented by the Lead Agency when such construction equipment is “*technically feasible and/or commercially available*” Clean construction equipment will become increasingly more feasible and commercially available as technology advances. If using zero emission (ZE) or near zero emission (NZE) technologies is not feasible today, it could become feasible in a reasonable period during the Proposed Project’s construction schedule which was analyzed to begin in 2023 and end in 2040. [CEQA Guidelines Section 15364].

South Coast AQMD staff therefore recommends that the Lead Agency, in the Final EIR, provide additional information on how “*technically feasible and/or commercially available*” will be defined and determined. This recommended information would establish a clear set of standards and criteria for assessing the technological, commercial, and economic availability and feasibility of using cleaner construction equipment, provide public transparency in the Lead Agency’s decision-making regarding cleaner construction equipment, demonstrate a commitment by the Lead Agency to using cleaner construction equipment, ensure implementation when they are available, strengthen the Proposed Project’s air quality commitments, and facilitate the purpose and goal of CEQA on public disclosure.

If these recommended revisions are excluded from the Final EIR, the Lead Agency should provide reasons supported by substantial evidence in the record to explain why.

#### *Recommended Revisions to Mitigation Measures for Operation*

The air quality analysis in the Draft EIR concludes that the Proposed Project’s regional operational emissions for reactive organic gases (ROG), NO<sub>x</sub>, carbon monoxide (CO), coarse particulate matter (PM<sub>10</sub>) and fine particulate matter (PM<sub>2.5</sub>) would be significant before and after mitigation.<sup>27</sup> The GHG emissions analysis section of the Draft EIR concludes that the operational GHG Emissions for the Proposed Project is 54,184.4 MTCO<sub>2e</sub> tons/year, which exceeds the South Coast AQMD Air Quality Significance Threshold for GHG emissions of 10,000 MTCO<sub>2e</sub> tons/year.<sup>28</sup> Even with the direct GHG reductions that mitigation measures GHG-1 through GHG-3 may achieve combined with indirect GHG reductions that may result

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<sup>26</sup> Draft EIR. Air Quality. Page 5.2-34.

<sup>27</sup> *Ibid.* Air Quality. Page 5.2-30.

<sup>28</sup> *Ibid.* Greenhouse Gas Emissions. Page 5.7-22. & 5.7-33.

from the application of air quality mitigation measures AQ-1 through AQ-23, the operational GHG emissions will continue to exceed the GHG significance threshold.<sup>29</sup>

As stated in the air quality section of the Draft EIR, the majority of the Proposed Project's NO<sub>x</sub>, CO, SO<sub>x</sub> and PM<sub>2.5</sub> operational emissions come from mobile sources.<sup>30</sup> At full buildout in year 2040, the Proposed Project is anticipated to result in approximately 1,403 additional truck trips per day and 103,765 automobile trips per day when compared to the base year.<sup>31</sup> Given that the Proposed Project is meant to guide development through at least year 2040, South Coast AQMD staff recommends that the Lead Agency consider revising its mitigation measures in the Final EIR to further reduce the Proposed Project's significant and unavoidable air quality and GHG impacts during operation.

- MM AQ-12 states that *"If trucks older than 2007 model year would be used at the project site, the developer/successor-in-interest shall encourage tenants, through contract specifications, to apply in good-faith funding for diesel truck replacements/retrofit through grant programs such as the Carl Moyer, Prop 18...."*<sup>32</sup> Similar to MM AQ-2, South Coast AQMD staff recommends that the Lead Agency revise MM AQ-12 so that tenants that use trucks older than 2014 model year are encouraged by the developer/successor-in-interest to apply in good-faith for funding for diesel truck replacements.
- MM AQ-12 also states that *"... the developer/successor-in interest shall provide building occupants and businesses with information related to the Southern California Air Quality Management District's (SCAQMD) Carl Moyer Program or other state programs that restrict operations to "clean" trucks..."*<sup>33</sup> South Coast AQMD staff recommends that the Lead Agency revise MM AQ-12 to include the incentive and programs found on the South Coast AQMD's "Incentives & Programs" webpage, <http://www.aqmd.gov/home/programs>. South Coast AQMD offers a broad range of programs for businesses, the community, and local government that help to achieve cleaner air quality for all. Many of these programs offer financial incentives for implementing new clean air technologies. Some provide partnerships and new ways of addressing air quality issues throughout the South Coast Basin.
- 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 NO<sub>x</sub> emission standard of 0.02 grams per brake horsepower-hour (g/bhp-hr), when feasible. Given California's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks, such as the

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<sup>29</sup> *Ibid.* Executive Summary & Greenhouse Gas Emissions. Pages 1-11 through 1-23 & Page 5.7-23

<sup>30</sup> *Ibid.* Air Quality. Pages 5.2-30 through 5.2-31.

<sup>31</sup> *Ibid.* Appendix A: Detailed VMT Impact Summary found within Appendix E: Transportation Analysis. Staff calculated additional daily trips by subtracting the 2016 Base Year Daily Vehicle Trip number from the 2040 With Project Daily Vehicle Trip number.

<sup>32</sup> *Ibid.* Air Quality. Page 5.2-34.

<sup>33</sup> *Ibid.* Air Quality. Page 5.2-34.

Advanced Clean Trucks Rule<sup>34</sup> and the Heavy-Duty Low NOx Omnibus Regulation,<sup>35</sup> 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, the Lead Agency should require the use of 2014 or newer model year trucks.

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.).
- Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the future development project site.
- 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.

If these recommended revisions are excluded from the Final EIR, the Lead Agency should provide reasons supported by substantial evidence in the record to explain why.

### *Cumulative Impacts Analysis*

The Air Quality section of the Draft EIR which discusses the cumulative impacts analysis states that the Proposed Project's operational emissions, even with implementation of all proposed mitigation measures, would result in a cumulatively considerable contribution to significant cumulative air quality impacts.<sup>36</sup> Emissions would exceed South Coast AQMD air quality thresholds for ROG (used synonymously with VOC), NOx, CO, PM10 and PM2.5, with the majority of these exceedances coming from mobile sources.<sup>37</sup> The Draft EIR also discusses projected growth for the City and region as forecasted by the City's General Plan and the

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<sup>34</sup> CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Access at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

<sup>35</sup> CARB has recently passed a variety of new regulations that require new, cleaner heavy-duty truck technology to be sold and used in California. 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>.

<sup>36</sup> Draft EIR. Air Quality. Page 5.2-31 & Pages 5.2-41 through 5.2-43.

<sup>37</sup> *Ibid.* Air Quality. Pages 5.2-30 through 5.2-31.

Southern California Association of Governments (SCAG).<sup>38</sup> Table 4-1 lists San Bernardino County Growth Projections through year 2045 and Table 4-2 lists the City of Fontana Growth Projections also through year 2045.<sup>39</sup>

As mentioned in the Draft EIR,<sup>40</sup> pursuant to CEQA Guidelines Section 15130(b)(1), the Lead Agency should discuss the significant cumulative impacts either by including:

*“(A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or*

*(B) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect...”*

South Coast AQMD staff recommends that the Lead Agency conduct research and review in-depth other projects that contribute to the cumulative impacts in the area, such as those found on the City’s Planning Website.<sup>41</sup> Staff is primarily concerned with the cumulative air quality impacts from increased air toxic concentrations in the area from mobile sources. Therefore, South Coast AQMD staff recommends that, at minimum, the Lead Agency perform a qualitative analysis to provide the potential cumulative impacts from air toxics in consideration and list all surrounding past, present, and probable future projects. If such a revision is not included in the Final EIR, the Lead Agency should provide reasons supported by substantial evidence in the record to explain why.

### *Health Risk Assessment*

#### *Construction*

The Air Quality section of the Draft EIR discusses diesel particulate matter (DPM) from construction of the Proposed Project. This section states that DPM emissions from construction activity would be generated by off-road diesel equipment<sup>42</sup> and South Coast AQMD staff agrees with the statement that construction would be transient throughout the Proposed Project area during the projected timeline of the Proposed Project (2023 - 2040). Staff disagrees, however, with the Lead Agency’s conclusion that *“DPM generated by Project construction activities, in and of itself, would not expose sensitive receptors to substantial amounts of air toxins and the proposed Project would result in a less than significant impact.”*<sup>43</sup>

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<sup>38</sup> *Ibid.* Basis of Cumulative Analysis. Pages 4-2 through 4-3.

<sup>39</sup> *Ibid.* Basis of Cumulative Analysis. Pages 4-3 through 4-4.

<sup>40</sup> *Ibid.* Basis of Cumulative Analysis. Pages 4-1 through 4-2.

<sup>41</sup> City of Fontana Planning Department, Environmental Documents. Access at <https://www.fontanaca.gov/2137/Environmental-Documents>

<sup>42</sup> Draft EIR. Air Quality. Page 5.2-40.

<sup>43</sup> *Ibid.* Air Quality. Page 5.2-40.



Given the net new development potential of the Proposed Project as listed in Table 3-2 (3,992,868 sq. ft commercial land uses and 10,920 residential dwelling units),<sup>44</sup> duration of construction from 2023 to 2040, and the existence of sensitive land uses (e.g., residences and schools) near and within the Proposed Project area itself, the health risk impact from construction activities cannot be determined to be less than significant without a Health Risk Assessment (HRA) and/or supporting evidence. South Coast AQMD staff therefore recommends that the Lead Agency conduct an HRA for construction to evaluate the impacts from at least the construction's mobile sources (off-road and on-road diesel construction equipment) and provide an analysis discussion of this in the Final EIR. If the HRA results in significant impacts, the Lead Agency should make a good faith effort to discuss mitigation measures to reduce or minimize the health risk impacts and include those mitigation measures in the Final EIR. If the HRA is not performed and disclosed in the Final EIR, the Lead Agency should provide reasons supported by substantial evidence in the record to explain why. The Lead Agency may also include a mitigation measure that states that, for subsequent project-level CEQA environmental analyses (future individual projects within the Proposed Project Area), it will commit to evaluating the air quality impacts from individual project construction via modeling of the DPM emissions. This discussion in the Final EIR will demonstrate that the Lead Agency has adequately considered the potential construction health risk impact of implementing the Proposed Project and that a subsequent, project-level DPM analysis will be completed to disclose health risk impacts at a later stage.

### *Operation*

Although the Air Quality section of the Draft EIR discusses DPM exposure to sensitive receptors that may occur as a result of the construction phase of the Proposed Project, it does not discuss DPM exposure to sensitive receptors that may occur as a result of the operational phase of the Proposed Project.<sup>45</sup> At full buildout in year 2040, the Proposed Project is anticipated to result in approximately 1,403 additional truck trips per day when compared to the base year.<sup>46</sup> These trucks will emit DPM, which is an air toxic and carcinogen. South Coast AQMD staff therefore recommends that the Lead Agency discuss and analyze the health risk impacts from operation at full buildout. The Lead Agency may choose to perform a mobile source HRA.<sup>47</sup> If an operational HRA discussion is not included in the Final EIR, the Lead Agency should provide reasons supported by substantial evidence in the record to explain why.

### *Overlapping Construction and Operation Activities*

The Draft EIR has separate air quality impact assessments for the construction and operation phases of the Proposed Project. Given that construction is assumed to commence in 2023 and

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<sup>44</sup> *Ibid.* Project Description. Page 3-14.

<sup>45</sup> *Ibid.* Air Quality. Pages 5.2-1 through 5.2-44.

<sup>46</sup> *Ibid.* Appendix A: Detailed VMT Impact Summary found within Appendix E: Transportation Analysis. Staff calculated additional daily trips by subtracting 2016 Base Year Daily Vehicle Trip number from 2040 With Project Daily Vehicle Trip number.

<sup>47</sup> South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

end in the buildout year of 2040, construction and operation activities are likely to overlap. South Coast AQMD staff therefore recommends that the Lead Agency revise the air quality analysis section to consider and analyze the overlapping construction and operation emissions.

Overlapping emissions should be compared to South Coast AQMD's regional Air Quality Significance Thresholds for operation to determine their level of significance, which should be included in the Final EIR. If the overlapped emissions analysis is excluded from the Final EIR, the Lead Agency should provide reasons supported by substantial evidence in the record to explain why.

#### Conclusion

Pursuant to Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), the Lead Agency is required to provide written responses to South Coast AQMD for all comments contained herein at least 10 days prior to certifying the Final EIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with the recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record must be provided to explain why specific comments and recommendations are not accepted.

We appreciate the opportunity to review the Proposed Project. Thank you for considering these comments. 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](mailto:eaguilar@aqmd.gov) should you have any questions.

Sincerely,

*Sam Wang*

Sam Wang

Program Supervisor, CEQA IGR

Planning, Rule Development & Implementation

BR:SW:EA  
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