



South Coast
Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

FAXED: SEPTEMBER 7, 2007

September 7, 2007

Mr. Oscar Orci
City of Banning
Planning Department
99 East Ramsey
Banning, CA 92220

Dear Mr. Orci:

**Mitigated Negative Declaration (MND) for
Tentative Tract Map 34335 (Messenger Investment Company)**

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. Because the analysis of the proposed project's construction and operational air quality impacts demonstrates that even after mitigation, emissions will exceed the significance thresholds for carbon monoxide, oxides of nitrogen, and volatile organic compounds, there is substantial evidence that an environmental impact report should be prepared for the proposed project.

The SCAQMD is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Charles Blankson, Ph.D., Air Quality Specialist – CEQA Section, at (909) 396-3304 if you have any questions regarding these comments.

Sincerely

Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rule Development & Area Sources

Attachment

SS: CB

RVC070815-06
Control Number

**Mitigated negative Declaration (MND) for the
Tentative Tract Map 34335 (Messenger Investment Company)**

1. Construction Emissions:

Table 2 on page 7 of the MND shows emissions from grading of the project site. The lead agency does not provide any information on the assumptions that went into producing that table. For example, there is no data on the type and number of heavy-duty construction equipment that would be used to grade the site. There is no information on the number of workers, the number of vehicle trips and distance (mileage) covered by construction workers and for transporting construction materials and supplies that would be used for project construction. There is also no information on the emission factors or the sources used to generate the emissions in the table. Three calls made to the lead agency contact were not returned and failed to provide the requisite data. A similar request was made, without success, for a copy of the traffic analysis mentioned on page 27 of the MND. Without the requested information, SCAQMD staff is unable to verify the results of the construction air quality analysis.

Further, According to Table 2, VOC (ROG), CO, and NO_x emissions exceed their respective construction air quality significance thresholds. Although construction air quality mitigation measures have been identified on pages eight and nine, the lead agency has not quantified the effectiveness of the mitigation measures listed in reducing construction air quality impacts. Consequently, the lead agency has not demonstrated that construction air quality impacts are not significant. As a result the proposed project does not currently qualify for a mitigated negative declaration.

2. Operational Emissions:

The footnote to Table 3 on page 8 of the MND shows that emission factors from California Air Resources Board (ARB)'s EMFAC 2002 Emissions Model were used to calculate the proposed project's operational emissions. Please note that EMFAC 2007 has been available since November 2006 and so the EMFAC 2007 emission factors should be used to recalculate the proposed project's operational emissions.

As noted in Table 3 on page 8, operational air quality impacts for CO, PM₁₀, NO_x and VOC substantially exceed the recommended significance thresholds. Further, since the lead agency has not demonstrated that the proposed project's operational emissions can be reduced to a level below the significance thresholds, the proposed project does not qualify for a mitigated negative declaration.

3. **Project Consistency:**

The lead agency concludes in the first paragraph on page eight that the proposed project is consistent with the General Plan land use for the property and that, although air quality impacts “will exceed SCAQMD thresholds, the benefits associated with buildout of the General Plan outweigh the potential impacts as they relate to air quality.” First, consistency with a general plan is a separate requirement under CEQA in addition to analyzing environmental impacts. Further, the SCAQMD does not agree with the implication that consistency with a general plan somehow eliminates significant adverse air quality impacts. Finally, the statement that consistency with the general plan outweighs potential adverse air quality impacts is comparable to a statement of overriding considerations (CEQA Guidelines Section 15093), which is appropriate for an environmental impact report, not an MND. The magnitude of the operational emissions and the fact that CO, PM10, VOC, and NO_x emissions substantially exceed the SCAQMD’s recommended operational significance thresholds further support the SCAQMD’s assertion that the proposed project does not qualify for an MND.

Pursuant to CEQA Guidelines Section 15073.5 (d), “If during the negative declaration process there is substantial evidence in light of the whole record, before the lead agency that the project, as revised, [significant adverse impacts will not be reduced to less than significant], may have a significant effect on the environment which cannot be mitigated or avoided, the lead agency shall prepare a draft EIR...” Based on the fact that operational impacts exceed the CO, PM10, NO_x and VOC significance thresholds, this constitutes “substantial evidence” that an EIR should be prepared.

4. **Carbon Monoxide (CO) Hot Spots Analysis:**

Table 3 on page 8 of the MND shows that the project would generate 1950.3 pounds of carbon monoxide per day at buildout. This exceeds the SCAQMD recommended significance threshold for carbon monoxide. The lead agency also states on page 28 of the MND that at buildout, “all studied intersections, with the exception of Hargrave/I-10 westbound ramps, will operate at LOS E or F during the AM and PM peak hours.” The lead agency admits that these are significant impacts which require mitigation. This means that a CO hotspots analysis may be warranted. The SCAQMD CEQA Air Quality Handbook recommends that a CO hotspots analysis be performed when the CO analysis for a project shows a significant impact. In particular, a CO hotspots analysis is warranted for any intersection affected by the proposed project where the level of service worsens from C to D, or if a proposed project increases the volume to capacity ratio at any intersection rated D or worse by two percent or more. The methodology for performing the CO hotspots analysis may be found in the Caltrans Transportation Project-Level Carbon Monoxide Protocol (CO Protocol), Revised December 1997. The CO Protocol can be downloaded from the Caltrans website at

<http://www.dot.ca.gov/hq/env/air/coprot.htm>. Sufficient documentation should be provided in the Final MND to allow reviewers to verify that the CO Protocol was followed correctly.

5. **Diesel Truck Particulate Emissions:**

On page 7 of the MND the lead agency states that the proposed one million-square foot 63.9-acre industrial space project would generate 4,960 average daily trips at buildout. According to Table 3 on page 8 of the MND, 2,480 of these trips would be diesel truck trips. Diesel trucks are a major source of diesel particulates. With the designation of diesel particulates as a carcinogen by the California Air Resources Board (CARB), the SCAQMD requires that the revised analysis should include a demonstration that the diesel emissions from these trucks will not create a significant adverse cancer risk. A significant adverse cancer risk is defined by ARB as risk greater than or equal to 10 in one million. SCAQMD recommends that the lead agency perform an air toxics health risk analysis of the diesel particulate emissions for the proposed project. The SCAQMD has prepared guidance for conducting such an analysis which can be accessed at the SCAQMD website at: www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html under Health Risk Assessment Guidance.

6. **Localized Impacts:**

Consistent with the SCAQMD's environmental justice program and policies, the SCAQMD recommends that the lead agency also evaluate localized air quality impacts of the proposed project. SCAQMD staff recommends that for this project and for future projects, the lead agency undertake the localized analysis to ensure that all necessary and feasible mitigation measures are implemented to protect the health of existing or potential sensitive receptors close to the proposed project. The methodology for conducting the localized significance thresholds analysis can be found on the SCAQMD website at: www.aqmd.gov/ceqa/handbook/LST/LST.html.

7. **PM 2.5 Emissions:**

In response to the adoption of PM2.5 ambient air quality standards by U.S. EPA and CARB, SCAQMD staff has developed a methodology for calculating PM2.5 emissions when preparing air quality analyses for California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) documents. In conjunction with the PM2.5 calculation methodology, the SCAQMD has also adopted regional and localized significance thresholds for PM2.5. To determine if PM2.5 air quality impacts are significant, please evaluate the emissions against the recommended regional and localized significance thresholds. Guidance for preparing the PM2.5 significance analysis can be found at http://www.aqmd.gov/ceqa/handbook/PM2_5/PM2_5.html

Further, SCAQMD staff has compiled mitigation measures to be implemented if the PM_{2.5} impacts are determined to be significant. Mitigation measure suggestions can be found at

http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html

8. **Reducing Operational Emissions:**

Since operational CO, PM₁₀, NO_x and VOC emissions are expected to exceed the significance thresholds, SCAQMD staff recommends that the lead agency consider the following additional mitigation measures where feasible:

- For trucks and other vehicles that would be supplying materials and produce to the project site, require those using alternative clean fuel such as compressed natural gas.
- Require warehouse management to train employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks within the facility.
- Require installation of electrical sources for service equipment or docking of trucks to eliminate idling of main or auxiliary engines during loading and unloading, and when trucks are not in use.
- Provide a minimum buffer zone of 300 meters (roughly 1,000 feet) between the industrial condominiums and the nearest sensitive receptor.
- Use light-colored roofing materials to deflect heat and conserve energy. Install solar panels on roofs to supply electricity for air-conditioning.
- Install high energy-efficient appliances such as water heaters, refrigerators, furnaces and boiler units.
- Install automatic lighting on/off controls and energy-efficient lighting.
- To reduce volatile organic compounds (VOC) emissions, restrict the number of gallons of architectural coatings used per day. Where feasible, paint contractors should use hand applications instead of spray guns. The lead agency should also encourage water-based coatings or coatings with a lower VOC content than 100 grams per liter. Alternatively, consider using materials that do not need to be painted or are painted prior to transporting to the site.
- Provide information on truck routes that avoid residential areas or schools.
- Provide food options, fueling, truck repair and or convenience store on-site or within the warehouse complex to minimize the need for trucks to traverse through residential areas for these services.
- Pave roads and parking areas.

Other mitigation measures for consideration by the lead agency can be found in Chapter 11 of the SCAQMD's 1993 CEQA Air Quality Handbook. See also mitigation measures listed at the following URL:

www.aqmd.gov/ceqa/handbook/mitigation/mm_intro.html.

