South Coast
Air Quality Management District
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Mitigated Negative Declaration (MND) for the Proposed Gateway Sign/Station 215 (Mobil) Project

South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final MND.

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to convert an existing two-story commercial building into a gasoline service station, including partial demolition of the existing building. The Lead Agency also proposes to construct a gasoline station canopy, fueling pumps, and a 1,344-square-foot advertising sign on 22,215 square feet (Proposed Project). The Proposed Project is located at 2680 South La Cadena Drive on the northeast corner of South La Cadena Drive and South Iowa Avenue.

SCAQMD Staff's Summary of Air Quality Analysis

Based on a review of the Air Quality Section in the MND, SCAQMD staff found that the Lead Agency did not quantify the Proposed Project's regional or localized construction or operational emissions. The Lead Agency stated that "based on a survey of published air quality studies … if the proposed project has less than 75,000 square feet of nonresidential use and involves less than 20,000 cubic yards of soil, it will not likely exceed the SCAQMD construction or operational thresholds"[1]. Based on this statement, the Lead Agency found that the Proposed Project's air quality impacts would be less than significant[2].

SCAQMD Staff's General Comments

SCAQMD staff is concerned with the Air Quality Analysis in the MND. The Lead Agency did not quantify the Proposed Project's construction and operational emissions in the MND[3] to support the finding that the Proposed Project's construction and operational air quality impacts would be less than significant. One of the basic purposes of CEQA is to inform decision-makers and the public about the potential, significant environmental effects of proposed activities (CEQA Guidelines Section 15002(a)(1)). A mitigated negative declaration is appropriate when the initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment (CEQA Guidelines Section 15070(a)). Furthermore, CEQA Guidelines Section 15834(a) states that substantial evidence includes enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion and that argument, speculation, or unsubstantiated opinion or narrative […] do not constitute substantial evidence. Additionally, substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines Section 15834(b)). Therefore, to support

[1] MND. Page IS 19.
[2] *Ibid*.
[3] Please note that no air quality technical study documenting construction and operational emissions estimations was included with the MND that was circulated for public review and comments from February 15, 2019 to March 16, 2019.

a fair argument that the Proposed Project will have a less than significant regional or localized air quality impact during construction or operation, SCAQMD staff recommends that the Lead Agency revise the Air Quality Analysis, quantify the Proposed Project's construction and operational emissions, and compare those emissions to the applicable SCAQMD regional and localized CEQA air quality significance thresholds to determine the level of significance in the Final MND. The revised Air Quality Analysis serves as substantial evidence to support the Lead Agency's findings. Additional details are provided in the attachment.

Additionally, since the Proposed Project includes the operation of a gasoline service station, a permit from SCAQMD would be required. Therefore, the Lead Agency should identify SCAQMD as a Responsible Agency for the Proposed Project and include a discussion of applicable SCAQMD rules in the Final MND. Additional details are provided in the attachment.

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 SCAQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, response 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.

SCAQMD staff is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Robert Dalbeck, Assistant Air Quality Specialist, CEQA-IGR Section, at (909) 396-2139 or RDalbeck@aqmd.gov, if you have any questions regarding the enclosed comments.

Sincerely,

Lijin Sun

Lijin Sun, J.D.
Program Supervisor, CEQA IGR
Planning, Rule Development & Area Sources

Attachment
LS:RD
SBC190220-01
Control Number

ATTACHMENT

Air Quality Impact Analysis

1. SCAQMD staff is concerned with the Air Quality Analysis in the MND. The Lead Agency did not quantify the Proposed Project's construction and operational emissions in the MND to support the findings that the Proposed Project's construction and operational air quality impacts would be less than significant. One of the basic purposes of CEQA is to inform decision-makers and the public about the potential, significant environmental effects of proposed activities (CEQA Guidelines Section 15002(a)(1)). A mitigated negative declaration is appropriate when the Lead Agency finds that the project will not have a significant effect on the environment after incorporating mitigation measures (CEQA Guidelines Sections 15070 to 15075). Reasons to support this finding shall be documented in the initial study. Without quantifying emissions from construction and operational activities, the MND has not made that documentation. Therefore, SCAQMD staff recommends that the Lead Agency revise the Air Quality Analysis and quantify the Proposed Project's emissions during construction and operation. The following comments are meant as guidance to assist the Lead Agency's quantifications of the Proposed Project's construction and operational emissions in the Final MND.

Regional and Localized Air Quality Impacts during Construction and Operation

2. The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from construction (including the partial demolition) should be calculated and included in the Final MND. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of off-road heavy-duty construction equipment used during site preparation, grading, earth-loading/unloading, paving, architectural coatings, and on-road mobile sources (e.g., construction worker vehicle trips, haul truck trips, and vendor truck trips). SCAQMD staff recommends that the Lead Agency quantify criteria pollutant emissions from construction activities and compare the results to SCAQMD's CEQA air quality regional significance thresholds for construction to determine the level of significance.

   The Lead Agency should also quantify the Proposed Project's operational emissions and compare the emissions to SCAQMD's CEQA air quality regional significance thresholds for operation to determine the level of significance in the Final MND. Operation-related air quality impacts typically include, but are not limited to, emissions from stationary sources (e.g., on-site equipment, boilers, emergency generators), area sources (e.g., solvents and coatings), and mobile sources (e.g., worker, vendor, haul truck, and other vehicular trips). Additionally, operation-related emissions may include off-site emissions resulting from energy use (e.g., the use of electricity, natural gas, water, solid waste disposal, etc.).

   SCAQMD staff also recommends that the Lead Agency quantify the Proposed Project's construction and operational localized emissions (on-site emissions) and disclose the localized emissions in the Final MND to ensure that any nearby sensitive receptors are not adversely affected by the Proposed Project's construction and operational activities that are occurring in close proximity. The analysis serves as substantial evidence to support a finding that the Proposed Project would not result in significant adverse localized air quality impacts. SCAQMD guidance for performing a localized air quality analysis is available on SCAQMD's website[4].

[4] South Coast Air Quality Management District. Localized Significance Thresholds. Accessed at: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds.

California Emissions Estimator Model (CalEEMod)

3. SCAQMD staff recommends that the Lead Agency estimate the Proposed Project's short- and long-term air quality impacts using the current version of California Emissions Estimator Model (CalEEMod). CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects[5]. Moreover, this software is free of charge and incorporates up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use developments. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. Lastly, CalEEMod is capable of quantifying emissions reductions due to implementation of mitigation measures, such as cleaner construction equipment, vegetation sequestrations (one-time planting trees or permanent changes to the landscape), traffic mitigation (e.g., increasing pedestrian mobility, limiting parking supply, etc.), water mitigation (e.g., high-efficiency faucets), and various other quantifiable mitigation measures. Therefore, SCAQMD staff recommends that the Lead Agency review SCAQMD's CEQA Air Quality Handbook[6] as guidance and utilize CalEEMod to quantify and disclose the Proposed Project's construction and operational emissions in the Final MND. However, it is important to note that while CalEEMod quantifies energy, water, and mobile source emissions associated with operating a gasoline service station, CalEEMod does not quantify the operational stationary source emissions (e.g. storage tanks and fueling equipment). Therefore, SCAQMD staff recommends that the Lead Agency use its best efforts to quantify emissions from the fueling process and include the results as part of the Proposed Project's operational emissions in the Final MND.

Mitigation Measures

4. In the event that the Lead Agency finds that the Proposed Project's construction and/or operational emissions would exceed applicable SCAQMD's CEQA air quality significance thresholds, feasible mitigation measures to minimize these impacts are required. Several resources are available to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project, including:
   - Chapter 11 of SCAQMD's CEQA Air Quality Handbook.
   - SCAQMD's CEQA web pages available here: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies.
   - SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities.
   - SCAQMD's Mitigation Monitoring and Reporting Plan (MMRP) for the 2016 Air Quality Management Plan (2016 AQMP) available here (starting on page 86): http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf.
   - CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures* available here: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf.

5. Mitigation measures that are capable of reducing construction-related air quality impacts resulting from off-road construction equipment and heavy-duty haul trucks as resources available to the Lead Agency include the following:

[5] California Emissions Estimator Model User guide. Homepage. Accessed at: http://caleemod.com.
[6] South Coast Air Quality Management District. Air Quality Analysis Guidance Handbook. Accessed at: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook.

- Construction contractors shall, at a minimum, use equipment that meets the United States Environmental Protection Agency's (U.S. EPA) Tier 4 emissions standards for off-road diesel-powered construction equipment of 50 horsepower or greater, unless it can be demonstrated to and approved by the Lead Agency with substantial evidence that such equipment is not available. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by Tier 4 emissions standards for a similarly sized engine, as defined by the California Air Resources Board's (CARB) regulations. SCAQMD staff recommends that the Lead Agency include this requirement in applicable bid documents, and that successful contractor(s) must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction activities. A copy of each unit's certified tier specification and CARB or SCAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment. Additionally, the Lead Agency should require periodic reporting and provision of written documentation by contractors to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance.

- Require zero-emission or near-zero emission on-road haul trucks, such as heavy-duty trucks with natural gas engines that meet the California Air Resources Board (CARB)'s adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that construction vendors, contractors, and/or haul truck operators commit to using 2010 model year or newer trucks (e.g., material delivery trucks and soil and aggregate import/export) that meet CARB's 2010 engine emission standards of 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks.

- Have truck access routes clearly marked with trailblazer signs, so that trucks will not enter residential areas during construction activities.

6. Additional mitigation measures that are capable of reducing operational air quality impacts as resources available to the Lead Agency include the following:

    - Maximize the use of solar energy including solar panels.

    - Install the maximum possible number of solar energy arrays on the building roofs and/or on the Proposed Project site to generate solar energy.

    - Maximize the planting of trees in landscaping areas and parking lots.

    - Use light colored paving and roofing materials.

    - Utilize only Energy Star heating, cooling, and lighting devices, and appliances.

    - Require the use of electric or alternatively-fueled sweepers with HEPA filters.

    - Require the use of water-based or low VOC cleaning products that go beyond the requirements of SCAQMD Rule 1113.

<u>Permits and Compliance with SCAQMD Rules</u>

7. Since the Proposed Project includes the operation of a gasoline service station, a permit from SCAQMD would be required, and SCAQMD should be identified as a Responsible Agency under CEQA for the Proposed Project in the Final MND. The Final MND should also include a discussion

of compliance with applicable SCAQMD Rules, including, but not limited to, Rule 201 – Permit to Construct[7], Rule 203 – Permit to Operate[8], Rule 461 – Gasoline Transfer and Dispensing[9], and Rule 1401 – New Source Review of Toxic Air Containments[10]. Any assumptions used in the Air Quality Analysis and Health Risk Assessment (HRA) will be used as the basis for permit conditions and limits (e.g. throughput, storage tank size, etc.). The 2015 revised Office of Environmental Health Hazard Assessment (OEHHA) methodology is being used by SCAQMD for determining operational health impacts for permitting applications and also for all CEQA projects where SCAQMD is the Lead Agency. Should there be any questions on permits, please contact SCAQMD's Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit SCAQMD's webpage at: http://www.aqmd.gov/home/permits.

[7] South Coast Air Quality Management District. Rule 201 – Permit to Construct. Accessed at: http://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf.

[8] South Coast Air Quality Management District. Rule 203 – Permit to Operate. Accessed at: http://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf.

[9] South Coast Air Quality Management District. Rule 461 – Gasoline Transfer and Dispensing. Accessed at: http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-461.pdf

[10] South Coast Air Quality Management District. 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.