



South Coast Air Quality Management District

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SENT VIA E-MAIL:

October 18, 2024

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Notice of Availability and Notice of Completion for a Draft Environmental Impact Report for the Inland Valley Infrastructure Corridor (IVIC) (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciate the opportunity to review the above-mentioned document. The Inland Valley Development Agency is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff has provided a brief summary of the project information and prepared the following comments which are organized by topic of concern.

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

The project consists of improving the following infrastructure systems: water; wastewater/sewer; dry utilities, including communications; drainage; roads; and other future utility integration. The IVIC project is designed to be developed gradually over approximately 20 years, with each phase building upon the last.¹ As part of this long-term initiative, the project will include the installation of the following:

- Up to 20 miles of roadway (assuming one-lane width)
- City Creek Bypass Channel improvements
- 3.5 MG storage reservoir located in the lower zone
- New Well intermediate zone
- Up to 5,000 feet of sewer

Based on a review of aerial photographs, South Coast AQMD staff found that the nearest sensitive receptor (e.g., residential development) is located 50 feet west Victoria Avenue.² Construction of the Proposed Project is anticipated to occur in Septemebr 2024. The project is bounded by San Bernardino International Airport to the north, State Route 210 to the east, and Tippecanoe Avenue to the west.³

South Coast AQMD Staff's Comments

Health Risk Assessment (HRA) during Project Construction

¹ Draft EIR. Page 27.

² *Ibid.* Page 202.

³ *Ibid.* Page 27.

CEQA Guidelines Sections 15126.2 and 15126.4 require a Draft EIR to include a description of the significant environmental effects of a Proposed Project, significant environmental effects that cannot be avoided, significant irreversible environmental changes, growth-inducing impacts, and mitigation measures proposed to minimize the significant adverse impacts. An impact is considered significant under CEQA if it leads to a “substantial, or potentially substantial, adverse change in the environment.” In addition to the air quality impacts from the criteria air pollutants and greenhouse gases, the adverse air quality health risk impacts associated with increased emissions of toxic air contaminants (TACs) from all sources (including but not limited to expected future permitted stationary and portable sources, mobile sources, and other emission sources) during the construction phases need to be appropriately evaluated using qualitative and/or quantitative approaches to justify whether there will be potentially substantial adverse impacts.

The Draft EIR for the Proposed Project needs a thorough assessment of the health risks associated with mobile, stationary, and portable sources, including high-power engines, during the 20-year construction phase. Given that residential developments are just 50 feet from the project site, it is crucial to quantify the health risks to the surrounding community over this extended period. As a result, the potential cancer risk for this long duration of construction activities linked to the Proposed Project is unknown and undisclosed.

South Coast AQMD staff recommend that the Lead Agency conduct a construction-phase Health Risk Assessment (HRA). This assessment should include an evaluation of emissions from diesel-powered stationary and portable sources, high-power engines, and mobile source emissions related to the Proposed Project. An HRA assessment is essential for determining the potential cancer risk impacts associated with the construction of the Proposed Project to the offsite sensitive receptors and workers so that they can be compared to the South Coast AQMD Air Quality Significance Thresholds for TACs⁴ to determine whether there will be a potentially significant air quality impact. The analysis should also disclose the potential health risks for chronic and acute impacts of the Proposed Project’s construction on residents living and/or workers working outside the Proposed Project’s boundary in the Revised Draft EIR or Final EIR.

Air Quality Mitigation Measures for NOx and PM Emissions from Construction

Given the long-range plan of the Proposed Project, which is roughly 20 years, Tier 4 technology may not be the cleanest technology when construction occurs later for individual projects. According to the CARB Strategies for Reducing Emissions from Off-Road Construction Equipment, the implementation of off-road Tier 5 starting in 2027 or 2028 and the Governor's Executive Order in September 2020 requires CARB to develop and propose a complete transition to Zero Emissions (ZE) by 2035.¹⁴ Considering the scope of the project, it is crucial to ensure that the levels of construction emissions, specifically NOx and PM10, remain below significant thresholds during the construction period for each proposed individual project. Moving towards achieving this goal, where feasible, involves opting for electric emission-free engines instead of diesel-fueled engines for construction equipment. This proactive choice aligns with environmental concerns and demonstrates a commitment to minimizing the project's

⁴ South Coast AQMD Air Quality Significance Thresholds. <https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf>

environmental footprints. The reduction of NOx can also be pursued by enforcing greener constructions, such as limiting the usage of older engines in favor of adopting the latest available technologies or even incorporating exhaust retrofits such as cutting-edge exhaust after-treatment techniques. Additionally, several other resources to assist the Lead Agency with identifying additional potential mitigation measures for the Proposed Project are included in the South Coast AQMD's CEQA Air Quality Handbook¹⁵ for both operational and construction emissions.

South Coast AQMD Air Permits and Role as a Responsible Agency

If implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, etc., air permits from South Coast AQMD will be required. The final CEQA document, whether a MND or EIR, should include a discussion about the potentially applicable rules that the Proposed Project needs to comply with. Those rules may include, for example, Rule 201 – Permit to Construct, Rule 203 – Permit to Operate,⁵ Rule 401 – Visible Emissions,⁶ Rule 402 – Nuisance,⁷ Rule 403 – Fugitive Dust,⁸ Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines,⁹ Rule 1113 – Architectural Coating,¹⁰ Rule 1166 – VOC Contaminated Soil Excavation,¹¹ Rule 1179 – Publicly Owned Treatment Works Operation,¹² Regulation XIII – New Source Review,¹³ Rule 1401 – Air Toxics,¹⁴ Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants,¹⁵ Rule 1470 – Requirements for Stationary Diesel Fueled Internal Combustion and Other Compression Ignition Engines,¹⁶ etc. It is important to note that when air permits from South Coast AQMD are required, the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections 15086, the Lead Agency is required to consult with South Coast AQMD.

⁵ South Coast AQMD. Rule 203 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>

⁶ South Coast AQMD. Rule 401 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-401.pdf>

⁷ South Coast AQMD. Rule 402 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>

⁸ South Coast AQMD. Rule 403 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403>

⁹ South Coast AQMD. Rule 1110.2 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1110.2.pdf>

¹⁰ South Coast AQMD. Rule 1113 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf>

¹¹ South Coast AQMD. Rule 1166 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>

¹² South Coast AQMD. Rule 1179 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1179.pdf>

¹³ South Coast AQMD. Regulation XIII available at <https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/regulation-xiii>

¹⁴ South Coast AQMD. Rule 1401 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf>

¹⁵ South Coast AQMD. Rule 1466 available <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>

¹⁶ South Coast AQMD. Rule 1470 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>

CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of the process for conducting a review of the Proposed Project and issuing discretionary approvals. Moreover, it is important to note that if a Responsible Agency determines that a CEQA document is not adequate to rely upon for its discretionary approvals, the Responsible Agency must take further actions listed in CEQA Guideline Section 15096(e), which could have the effect of delaying the implementation of the Proposed Project. In its role as CEQA Responsible Agency, the South Coast AQMD is obligated to ensure that the CEQA document prepared for this Proposed Project contains a sufficient project description and analysis to be relied upon in order to issue any discretionary approvals that may be needed for air permits. South Coast AQMD is concerned that the project description and analysis in its current form in the MND is inadequate to be relied upon for this purpose.

For these reasons, the final CEQA document should be revised to include a discussion about any and all new stationary and portable equipment requiring South Coast AQMD air permits, provide the evaluation of their air quality and greenhouse gas impacts, and identify South Coast AQMD as a Responsible Agency for the Proposed Project as this information will be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD's webpage at <https://www.aqmd.gov/home/permits>.

Conclusion

As set forth in California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(a-b), the Lead Agency shall evaluate comments from public agencies on the environmental issues and prepare a written response at least 10 days prior to certifying the Final EIR. As such, please provide South Coast AQMD written responses to all comments contained herein at least 10 days prior to the certification of the Final EIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided.

Thank you for the opportunity to provide 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 Sahar Ghadimi, Air Quality Specialist, at Sahar Ghadimi Sahar Ghadimi sghadimi@aqmd.gov should you have any questions.

Sincerely,

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SW:SG

SBC240820-03

Control Number