



South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

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Draft Environmental Impact Report (Draft EIR) for the Proposed Menifee North Specific Plan 260, Amendment No. 3 “Palomar Crossings” Project (SCH No.: 2019029123)

South Coast Air Quality Management District (South Coast AQMD) 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 EIR.

South Coast AQMD Staff’s Summary of Project Description and Health Risk Assessment Analysis

The Lead Agency proposes to construct and operate 637 residential units and 246,312 square feet of commercial uses on 53.88 acres (Proposed Project). The Proposed Project is located on the northeast corner of Palomar Road and State Route (SR) 74 within the City of Menifee. Construction of the Proposed Project will occur over a four-year period from 2019 through 2022¹. It is anticipated that the Proposed Project will become operational by 2023². Upon reviews of Figure 2-3: *Aerial Photo*³ in the Draft EIR and Appendix P: *Health Risk Assessment* of the Draft EIR, South Coast AQMD staff found that SR-74 is within 400 feet of the residential portion of the Proposed Project⁴.

The Lead Agency prepared a Health Risk Assessment analysis to disclose potential health risks for receptors living in close proximity to SR-74. The Lead Agency found that over a lifetime exposure period of 30 years, the maximum unmitigated cancer risk from the surrounding high-volume freeway would be 3.9 in one million⁵, which would not exceed South Coast AQMD’s CEQA significance threshold of 10 in one million for cancer risk⁶.

South Coast AQMD Staff’s Comments

Siting Sensitive Receptors near Freeways and Other Sources of Air Pollution

Notwithstanding the court rulings, South Coast AQMD staff recognizes that Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of South Coast AQMD’s concern about the potential public health impacts of siting sensitive populations within close proximity to major sources of air pollution, such as high-volume freeways, South Coast AQMD staff recommends that

¹ Draft EIR. Chapter 3. Project Description. “3.4.4.1 Project Grading” Page 3-17.

² *Ibid.*

³ Draft EIR. Chapter 2. Introduction. Figure 2-3: *Aerial Photo*. Page 2-5.

⁴ Draft EIR. Appendix P: *Health Risk Assessment*. Page 2.

⁵ *Ibid.* Page 19, 28.

⁶ South Coast AQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When South Coast AQMD acts as the Lead Agency, South Coast AQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

the Lead Agency review and consider the following comments when making local planning and land use decisions.

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. As stated above, the Proposed Project will include, among others, construction of 637 residential units within 400 feet of existing SR-74⁷. In 2016, SR-74 had 21,000 annual average daily trips, 23% of which was comprised of 4- and 5-axle trucks at Junction Route 215 (Post Mile 27.53)⁸. Sensitive receptors living at the Proposed Project could be exposed to diesel particulate matter (DPM) emissions from diesel fueled, heavy-duty trucks passing by on SR-74. The California Air Resources Board (CARB) has identified DPM as a toxic air contaminant based on its carcinogenic effects⁹. Since future residents at the Proposed Project could be exposed to DPM emissions from the mobile sources traveling on SR-74 (e.g., diesel fueled, heavy-duty trucks), South Coast AQMD staff recommends that the Lead Agency consider to incorporate the following health risk reduction strategies at the new residential development, at a minimum, when making local planning and land use decisions.

Health Risk Reduction Strategies

Many strategies are available to reduce exposure, including, but not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Enhanced filtration units are capable of reducing exposures. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.

Enhanced filtration systems have limitations. In a study that South Coast AQMD conducted to investigate filters¹⁰, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the building tenants. It is typically assumed that the filters operate 100 percent of the time while sensitive receptors are indoors, and the environmental analysis does not generally account for the times when sensitive receptors have windows or doors open or are in common space areas of a project. Moreover, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail and disclosed to prospective residences prior to assuming that they will sufficiently alleviate exposures to DPM emissions.

Because of limitations, to ensure that enhanced filters are enforceable throughout the lifetime of the Proposed Project and effective in reducing exposures to DPM emissions, South Coast AQMD staff recommends that the Lead Agency provide additional details regarding the ongoing, regular maintenance, and monitoring of filters in the Final EIR. To facilitate a good-faith effort at full disclosure and provide useful information to residents who will live at the Proposed Project, which is in close proximity to SR-74, at a minimum, the Final EIR should include the following information:

⁷ Draft EIR. Appendix P: *Health Risk Assessment*. Page 2.

⁸ California Department of Transportation. 2016. *Truck Traffic: Annual Average Daily Truck Traffic*. Accessed at: <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/f0017681-2016-aadt-truck-ally.pdf>

⁹ California Air Resources Board. August 27, 1998. Resolution 98-35. Accessed at: <http://www.arb.ca.gov/regact/diesltac/diesltac.htm>.

¹⁰ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by South Coast AQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.

- Disclose the potential health impacts to residents who live in a close proximity to sources of air pollution (e.g., high-volume freeway, etc.) and the reduced effectiveness of the air filtration system when windows are open and/or when students, staff, and/or residents are outdoors (e.g., in the common usable open space areas);
- Identify the responsible implementing and enforcement agency such as the Lead Agency, Homeowners Association (HOA), property manager(s), and/or building operator(s)/tenant(s) to ensure that enhanced filtration units are installed on-site at the Proposed Project before a permit of occupancy is issued;
- Identify the responsible implementing and enforcement agency, such as the Lead Agency, HOA, property manager(s), and/or building operator(s)/tenant(s) to ensure that enhanced filtration units are inspected and maintained regularly;
- Disclose the potential increase in energy costs for running the HVAC system to the HOA representatives, prospective residents, property manager(s), and/or building operator(s)/tenant(s);
- Provide information to the HOA representatives, prospective residents, property manager(s), and/or building operator(s)/tenant(s) on where the MERV filters can be purchased;
- Provide recommended schedules (e.g., every year or every six months) for replacing the enhanced filtration units;
- Identify the responsible entity, such as the Lead Agency, the HOA, residents themselves, or property management, for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if the building operators/tenants and/or residents should be responsible for the periodic and regular purchase and replacement of the enhanced filtration units, the Lead Agency should include this information in the disclosure form);
- Identify, provide, and disclose ongoing cost sharing strategies, if any, for replacing the enhanced filtration units;
- Set City-wide, or Proposed Project-specific criteria for assessing progress in installing and replacing the enhanced filtration units; and
- Develop a City-wide, or Proposed Project-specific process for evaluating the effectiveness of the enhanced filtration units.

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 EIR. 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.

Manny Baeza

January 21, 2020

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 Alina Mullins, Assistant Air Quality Specialist, at amullins@aqmd.gov or (909) 396-2402, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS:AM

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