



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 Agua Mansa Commerce Park Specific Plan Project (SCH No.: 2017071034)

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

The Lead Agency proposes to redevelop a 302.8-acre site of the former Riverside Cement Plant (Proposed Project). The Proposed Project consists of four redevelopment components as follows.

- Industrial Uses: 4,216,000 square feet of industrial uses, including manufacturing, research and development, fulfillment centers, e-commerce centers, distribution centers, warehouses, cold storage facilities, and cross-dock facilities on 189.7 acres¹;
- Business Uses: A 33.8-acre business park that has two development options. Under development option 1, the proposed business park would include 264,000 square feet of research and development uses without retail. Under development option 2, the proposed business park would include 234,000 square feet of research and development uses with retail²;
- Open Space: 70.9 acres³; and
- Railroad right-of-way and canal: 8.4 acres⁴.

Upon a review of Figure 4-1: *Surrounding Land Use* in the Draft EIR and aerial photographs, South Coast AQMD staff found that existing residential uses are located within 133 feet north of the Proposed Project⁵. Because of the close proximity of sensitive receptors to the Proposed Project site that contains contaminated soil and materials with hexavalent chromium from historic use as a cement plant, and to protect public health and safety, South Coast AQMD staff recommends air monitoring for hexavalent chromium be conducted for the entire duration of cleanup and construction activities.

Construction is anticipated to occur over three years⁶. Once the Proposed Project is operational in 2023, the Proposed Project would generate 7,674 trips per day, including 2,457 truck trips under development option 1⁷. Under development option 2, the Proposed Project generate 9,741 trips per day, including 2,245 truck trips⁸.

¹ Draft EIR. Chapter 3. Pages 3-13 and 3-14.

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.* Chapter 4. Page 4-5.

⁶ *Ibid.* Chapter 3. Page 3-23.

⁷ *Ibid.* Page 5.2-32.

⁸ *Ibid.*

Summary of South Coast AQMD Staff's Comments

In the Draft EIR, the Lead Agency found that the Proposed Project's mitigated construction and operational air quality impacts would be significant and unavoidable for nitrogen oxide (NOx) and volatile organic compounds (VOCs). Based on review of the Draft EIR and supporting technical documents, South Coast AQMD staff has seven comments on the air quality analysis and mitigation measures as follows. A summary of these comments is provided as follows with additional details provided later in the attachment.

1. Air Quality Impacts from Cleanup Activities: The Lead Agency used a default one-way trip length of 20 miles to quantify the Proposed Project's hauling emissions from exporting contaminated soil and materials. Since hazardous materials are not accepted at Riverside County landfills, these materials will likely be disposed of at a permitted hazardous disposal facility outside Riverside County with a one-way trip length that is likely longer than 20 miles. Using a default one-way trip length of 20 miles likely underestimated the Proposed Project's hauling emissions, particularly NOx emissions, from exporting contaminated soil and materials. Additionally, the Lead Agency did not quantify emissions from workers and equipment that would be required for cleanup activities. Therefore, the Draft EIR has likely underestimated the Proposed Project's emissions from cleanup activities.
2. Air Quality Impacts from Cold Storage Facilities: One of the industrial uses for the Proposed Projects is cold storage facilities. However, the Lead Agency did not quantify emissions for the transport refrigeration units in the Draft EIR and likely underestimated the Proposed Project's operational air quality impacts.
3. Air Quality Impacts from Overlapping Construction and Operational Activities: The Lead Agency quantified emissions from the overlapping construction and operational activities for informational purposes and disclosed the combined emissions in the Draft EIR for informational purposes only. South Coast AQMD staff recommends that the Lead Agency compare the combined emissions from the overlapping construction and operational activities to South Coast AQMD regional air quality CEQA significance thresholds for operation to make a significance determination in the Final EIR. If the Lead Agency finds that the Proposed Project's air quality impacts from the overlapping scenario would be significant, mitigation measures are required. Therefore, South Coast AQMD staff recommends that the Lead Agency strengthen and add to the existing mitigation measures to mitigate the significant air quality impacts. (See also Comment Nos 4, 5, and 6).
4. Recommended Revisions to the Existing Air Quality Mitigation Measure AQ-1: In the Draft EIR, the Lead Agency recommended the use of Tier 3 construction equipment greater than 150 horsepower (hp). Since the Proposed Project's construction NOx emissions would remain significant and unavoidable after mitigation at 194.20 lbs/day, South Coast AQMD staff recommends the use of Tier 4 Final construction equipment greater than 50 hp and more information on the implementation and monitoring of this mitigation measure be provided in the Final EIR.
5. Recommended Revisions to the Existing Air Quality Mitigation Measure AQ-5: In the Draft EIR, the Lead Agency included MM AQ-5 to encourage the vendor trucks to seek assistance from the Carl Moyer Program to modernize and retrofit trucks and off-road equipment during operation. While it is important to provide truck operators with resources such as the South Coast AQMD's Carl Moyer Program to accelerate truck and equipment turnover, providing information alone does not minimize or reduce emissions. To comply with CEQA requirements for mitigation

measures that they must minimize or reduce significant adverse impacts (CEQA Guidelines Section 15126.4), the Lead Agency should go beyond providing information by requiring the use of zero-emissions (ZE) or near-zero emissions (NZE) heavy-duty trucks during operation, or include performance standards with a minimum amount of clean trucks and off-road equipment that the Proposed Project must achieve each year to ensure adequate progress.

6. Additional Mitigation Measures for Operational Air Quality Impacts from Mobile Sources and Area Sources: The Proposed Project's operational air quality impacts, particularly from NOx and VOCs, would remain significant and unavoidable after implementation of three operational air quality mitigation measures (MM AQ-4 through MM AQ-6). To further reduce those emissions during operation, South Coast AQMD staff recommends that the Lead Agency incorporate additional mitigation measures for mobile sources and area sources in the Final EIR.
7. South Coast AQMD Rules: The Proposed Project is located on the site of the former Riverside Cement Plant. Cleanup activities are required to excavate, transport, and dispose contaminated soil and materials. The Lead Agency should include additional details in the Final EIR on how cleanup activities will meet the South Coast AQMD Rule 1466 requirements to reduce fugitive dust emissions during earth-moving activities, including, but not limited to, conducting earth-moving activities in an area with fencing that is a minimum six feet tall and at least as tall as the height of the tallest stockpile, with a windscreen with a porosity of $50 \pm 5\%$ ⁹. Rule 1466 also includes monitoring, notification, signage, and recordkeeping requirements that should be included in the Final Response Plan. The Lead Agency should also provide additional information on other applicable South Coast AQMD rules including Rule 1156, Rule 403(e), and Rule 1403 in the Final EIR.

In conclusion, the Draft EIR likely underestimated the Proposed Project's emissions from cleanup activities and did not provide sufficient details on South Coast AQMD Rule 1156, Rule 1466, Rule 403(e), and Rule 1403. Therefore, South Coast AQMD staff recommends that the Lead Agency revise the Air Quality Analysis in the Final EIR.

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 feel free to call me at (909) 396-3308 if you have questions or wish to discuss the comments.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment
SN:JW:LS/MI
RVC191217-03
Control Number

⁹ South Coast AQMD. Rule 1466. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>.

ATTACHMENT

1. Air Quality Impacts from Cleanup Activities

Haul Trip Length

Based on a review of in the Draft EIR, South Coast AQMD staff found that the Lead Agency used a default one-way haul trip length of 20 miles to quantify the Proposed Project's emissions from exporting contaminated soil and materials during the remediation phase¹⁰. In the Utilities and Service System Section of the Draft EIR, the Lead Agency identified three landfill facilities in Riverside County serving the City of Jurupa Valley¹¹. However, hazardous materials are not accepted at Riverside County landfills¹². Contaminated soil and materials from the Proposed Project site will likely be disposed of a permitted hazardous disposal facility outside Riverside County that is more than 20 miles away. Cleanup activities would require an estimated 17,130 one-way haul truck trips¹³ for soil export to transport and dispose up to 20,000 cubic yards of contaminated soil and materials off-site¹⁴. Using a default one-way trip length of 20 miles likely underestimated the Proposed Project's hauling emissions, particularly NO_x emissions. Therefore, South Coast AQMD staff recommends additional information be provided in the Final EIR to justify the use of the default one-way trip length. Alternatively, the Lead Agency should use its best efforts to find out the permitted hazardous disposal facility that the Proposed Project will use to dispose contaminated soil and materials, disclose it in the Final EIR, and re-calculate the emissions from haul truck trips based on a revised one-way trip length. This recommendation ensures that the air quality impacts from cleanup activities are adequately analyzed and disclosed in the Final EIR to facilitate the subsequent use of this Final EIR by the Department of Toxic Substances Control (DTSC) for final approval of the Response Plan¹⁵.

Workers and Equipment for cleanup activities

While the Draft EIR quantified the Proposed Project's emissions from construction worker vehicle trips and construction equipment for developing the industrial and business uses, it did not quantify emissions from vehicle trips by workers that will be required to conduct cleanup activities. Additionally, cleanup activities will likely require the use of additional equipment that may be different from typical equipment for grading and site preparation for construction. The Draft EIR did not identify emissions from cleanup equipment. Therefore, South Coast AQMD staff recommends that the Lead Agency quantify emissions from vehicle trips by workers conducting cleanup activities and emissions from the use of cleanup equipment and include those emissions in the Proposed Project's construction emissions profile to be compared to South Coast AQMD's air quality CEQA significance thresholds for construction to determine the level of significance in the Final EIR. This recommendation ensures that the air quality impacts from cleanup activities are fully identified and disclosed in the Final EIR to facilitate the subsequent use of this Final EIR by the DTSC for final approval of the Response Plan.

¹⁰ Draft EIR. Appendix C1a – AQ Study. Page C1a-114.

¹¹ *Ibid.* Table 5.17-3. Page 5.17-29.

¹² *Ibid.* Page 5.17-31.

¹³ *Ibid.* Draft EIR. Page 3-23.

¹⁴ Draft EIR. Appendix C1a – AQ Study. Page C1a-91.

¹⁵ DTSC. December 2019. Community Notice: Proposed Cement Plan for Former Riverside Cement Plant, Jurupa Valley. Accessed at: https://dtsc.ca.gov/wp-content/uploads/sites/31/2020/01/Riverside_Cement_Plant_PN_Proposed_Cleanup_Plan-Eng.pdf.

Air Monitoring for Hexavalent Chromium

Because of the close proximity of sensitive receptors to the Proposed Project site that contains contaminated soil and materials with hexavalent chromium from historic use as a cement plant, South Coast AQMD staff recommends air monitoring for hexavalent chromium be conducted for the entire duration of cleanup and construction activities. This ensures protection of public health and safety.

2. Cold Storage Facilities

Since one of the industrial uses for the Proposed Projects is cold storage facilities, it is reasonably foreseeable that transport refrigeration units (TRUs), which are commonly in-use at cold storage warehouses, may be used at the Proposed Project. However, based on reviews of the Draft EIR and Appendix C1a, *Air Quality Study*, South Coast AQMD staff found that the “unrefrigerated warehouse-no rail”¹⁶ land use was used to quantify the Proposed Project’s operational emissions. If using TRUs is reasonably foreseeable, and to conservatively analyze the worst-case impact scenario, the Lead Agency should re-calculate the Proposed Project’s emissions from TRUs in the Final EIR, or provide justifications on why the Lead Agency does not need to quantify emissions from TRUs in the Final EIR as substantial evidence for the Lead Agency’s decision.

3. Overlapping Construction and Operational Activities

The Lead Agency quantified emissions from the overlapping construction and operational activities for informational purposes and disclosed the combined emissions in the Draft EIR for informational purposes only. South Coast AQMD staff recommends that the Lead Agency compare the combined emissions from the overlapping construction and operational activities to South Coast AQMD regional air quality CEQA significance thresholds for operation to make a significance determination in the Final EIR. If the overlapping scenario would result in a significant air quality impacts, mitigation measures are required. The Lead Agency could use the existing air quality mitigation measures to reduce emissions from the overlapping construction and operational activities or incorporate South Coast AQMD staff’s recommendations to strengthen and add to the existing air quality mitigation measures. (See also Comment Nos 4, 5, and 6).

4. Recommended Revisions to the Existing Air Quality Mitigation Measure AQ-1

CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. Since the Proposed Project’s construction NOx emissions would remain significant and unavoidable after mitigation at 194.20 lbs/day, South Coast AQMD staff recommends that the Lead Agency make the following revisions to MM AQ-1 to further reduce NOx emissions during construction.

Mitigation Measure AQ-1

For construction equipment greater than ~~450~~ 50 horsepower (>~~450~~ 50 HP) the Construction Contractor shall use off-road diesel construction equipment that complies with EPA/CARB Tier 4 ~~3~~ Final emission standards or better during all construction phases and will sure that all construction equipment is tuned and maintained in accordance with the manufacturer’s specifications. Include this requirement in applicable bid documents, purchase orders, and contracts. 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 or model year specification shall be available upon request at the time of mobilization of each applicable unit of equipment. Require periodic reporting and provision of written construction documents by construction contractor(s) to ensure

¹⁶ *Ibid.* Page C1a-844.

compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance. In the event that construction equipment cannot meet the Tier 4 Final engine certification, the Project representative or contractor must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, construction equipment with Tier 4 Interim or reduction in the number and/or horsepower rating of construction equipment and/or limiting the number of construction equipment operating at the same time. All reporting and maintenance records for each equipment and their contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction.

5. Recommended Revisions to the Existing Air Quality Mitigation Measure AQ-5

In the Draft EIR, the Lead Agency included MM AQ-5 to encourage the vendor trucks to seek assistance from the Carl Moyer Program to modernize and retrofit trucks and off-road equipment during operation. Pursuant to CEQA Guidelines Section 15126.4, mitigation measures are those capable of minimizing or reducing significant adverse impacts. While it is important to provide truck operators with resources such as the South Coast AQMD's Carl Moyer Program to accelerate truck and equipment turnover, providing information alone does not minimize or reduce emissions or ensure clean trucks and equipment will be used at the Proposed Project, not elsewhere in the South Coast Air Basin. To comply with CEQA requirements for mitigation measures that they must minimize or reduce significant adverse impacts from the Project, the Lead Agency should make the following revisions to MM AQ-5. If the specific details are impractical or infeasible to include, the Lead Agency should develop and include performance standards with a minimum amount of clean trucks and off-road equipment that the Proposed Project must achieve each year to ensure adequate progress in the Final EIR (CEQA Guidelines Section 15126.4(a)).

Mitigation Measure AQ-5

The City shall require the use of zero-emissions (ZE) or near-zero emissions (NZE) on-road vehicles and off-road equipment during operation, such as trucks with natural gas engines that meet the CARB's adopted optional NOx emission standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, the City may require that operators commit to using 2010 model year or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks and equipment. To monitor and ensure ZE, NZE, or 2010 model year or newer trucks are used at the Proposed Project, the City should require that operators maintain records of all trucks and equipment associated with the Proposed Project's operation, and make these records available to the City upon request. Alternatively, the City should require periodic reporting and provision of written records by operators, and conduct regular inspections of the records to the maximum extent feasible and practicable. To facilitate implementation of this mitigation measure, the City shall require operators of the proposed facilities to ~~encourage~~ provide the vendor trucks information to incorporate energy efficiency improvement features through the Carl Moyer Program – including truck modernization, retrofits, and/or aerodynamic kits and low rolling resistance tires – to reduce fuel consumption.

6. Additional Recommended Mitigation Measures for Operational Air Quality Impacts

The Proposed Project will result in significant and unavoidable air quality impacts for NOx and VOCs during operation. To further those emissions and their impacts on residents living close proximity to the Proposed Project (e.g., within 133 feet), South Coast AQMD staff recommends that the Lead Agency incorporate the following mitigation measures in the Final EIR.

Mitigation Measures for Operational Air Quality Impacts from Mobile Sources

- Provide electric vehicle (EV) charging stations for trucks and passenger vehicles. Trucks that can operate at least partially on electricity have the ability to substantially reduce the significant NOx impacts from this project. Further, trucks that run at least partially on electricity are projected to become available during the life of the project as discussed in the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016-2040 RTP/SCS)¹⁷. It is important to make this electrical infrastructure available when the project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, South Coast AQMD staff recommends the Lead Agency require the Proposed Project and other plan areas that allow truck parking to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for trucks to plug-in. Similar to the City of Los Angeles requirements for all new projects, South Coast AQMD staff recommends that the Lead Agency require at least five percent of all vehicle parking spaces (including for trucks) include EV charging stations¹⁸. Further, electrical hookups should be provided at the onsite truck stop for truckers to plug in any onboard auxiliary equipment. At a minimum, electrical panels should be appropriately sized to allow for future expanded use
- Create a buffer zone of at least 300 meters (roughly 1,000 feet), which can be office space, employee parking, greenbelt, etc. between the Proposed Project and sensitive receptors (e.g., residences to the north of the Proposed Project), where feasible.
- Design the Proposed Project such that entrances and exits are such that trucks are not traversing past residences, and other sensitive receptors near the Proposed Project.
- Design the Proposed Project such that any check-in point for trucks is well inside the Proposed Project site to ensure that there are no trucks queuing outside of the facility and that truck traffic within the Proposed Project site is located away from the property line(s) closest to the sensitive receptors (e.g., residences), which are within approximately 133 feet of the Proposed Project.
- Limit the daily number of truck trips allowed at the Proposed Project to the level that was analyzed in the Final EIR (e.g., 2,457 daily truck trip-ends under development option 1 or 2,245 daily truck trip-ends under development option 2). If higher daily truck volumes are anticipated during operation than what were analyzed in the certified Final EIR, the Lead Agency should commit to re-evaluating the Proposed Project's air quality and health risks impacts through a CEQA process prior to allowing higher truck activity levels (CEQA Guidelines Section 15162).
- Require trucks to use the truck routes that are used to analyze the air quality and HRA impacts in the Final EIR to avoid truck traffic near existing residential uses.
- Have truck routes clearly marked with trailblazer signs, so that trucks will not enter residential areas that are adjacent to portions of the designated truck routes analyzed in the Final EIR.
- Restrict overnight truck parking in residential areas. Establish parking within the Proposed Project where trucks can rest overnight.

¹⁷ Southern California Association of Governments. Accessed at: <http://scagrtpsc.net/Pages/FINAL2016RTPSCS.aspx>.

¹⁸ City of Los Angeles. Accessed at: http://ladbs.org/LADBSWeb/LADBS_Forms/Publications/LAGreenBuildingCodeOrdinance.pdf.

- Establish area(s) within the Proposed Project site for repair needs and ensure that these designated areas are away from any sensitive land uses.

Mitigation Measures for Operational Air Quality Impacts from Area Sources

- Maximize the use of solar energy including solar panels.
- Installing the maximum possible number of solar energy arrays on the building roofs and/or on the Proposed Project site to generate solar energy for the facility and/or EV charging stations.
- Require the use of electric landscaping equipment, such as lawn mowers and leaf blowers.
- Require use of electric or alternatively fueled sweepers with HEPA filters.
- Maximize the planting of trees in landscaping and parking lots.
- Use light colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.

7. South Coast AQMD Rules

The Proposed Project is located on the site of the former Riverside Cement Plant, which was historically used for mining, quarrying, and/or cement manufacturing from the early 1900s to 2014¹⁹. Cement kiln dust, which may contain metals, was a primary by-product of the cement production process. Petroleum fuels were also used for heating and stored in a six-million-gallon underground storage tank²⁰. The DTSC conducted site-wide investigations and found hexavalent chromium, polychlorinated biphenyl, arsenic, lead, cobalt, thallium, and mercury in soil, requiring cleanup to protect long-term public health and safety²¹.

The cleanup includes excavation, transportation, and off-site disposal of contaminated soil and materials. The DTSC has prepared a draft Response Plan for cleanup activities. According to the Hazards and Hazardous Materials Section in the Draft EIR, the Response Plan consists of a Soils Management Plan, a Contingency Plan, dust control measures and an air monitoring plan in accordance with South Coast AQMD Rule 1156, Rule 1466, and Rule 403, as applicable, and any other components deemed necessary by the DTSC to protect groundwater, air quality, or human health²². The DTSC as the public agency with authority to approve the Response Plan and will use this EIR, after it is certified by the Lead Agency, to comply with CEQA requirements for the Response Plan.

South Coast AQMD staff recommends that the Lead Agency include additional information in the Final EIR on how cleanup activities will comply with requirements of South Coast AQMD Rule 1466, Rule 1166, Rule 1156, and Rule 403(e). A summary of these rules is provided as follows.

¹⁹ Draft EIR. Pages 5.7-6 and 5.10-9.

²⁰ *Ibid.* Page 5.8-7.

²¹ DTSC. December 2019. Community Notice.

²² *Ibid.* Page 5.7-42.

*Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants*²³

The Lead Agency requires dust control measures in accordance with South Coast AQMD Rule 1466, as applicable. Rule 1466 includes a list of dust control measures to reduce fugitive dust emissions from toxic air contaminants, such as hexavalent chromium, during earth-moving activities. For example, Rule 1466 prohibits conducting of earth-moving activities unless the area is surrounded with fencing that is a minimum six feet tall and at least as tall as the height of the tallest stockpile, with a windscreen with a porosity of $50 \pm 5\%$. Due to the volume of soil to be excavated, PM10 monitoring will need to be conducted during earthmoving and vehicular traffic. Work stoppages, South Coast AQMD notification, and dust mitigation measures will need to occur if the site contribution exceeds 25 ug/m^3 of PM10 averaged over two hours. Due to the size of the perimeter of the site, the Lead Agency should consider multiple downwind monitors, and utilize PM10 monitors with telemetry to reduce response time to PM10 exceedances. Rule 1466 also includes speed limit, project date notification, signage, and recordkeeping requirements. Stockpiles will need to be maintained less than 400 cubic yards. Additionally, a Rule 403 Dust Control Supervisor will need to be on-site. Therefore, South Coast AQMD staff recommends that the Lead Agency include additional information on how cleanup activities will meet the South Coast AQMD Rule 1466 requirements in the Final EIR. The information on Rule 1466 should also be included in the Final Response Plan.

*Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil*²⁴

Historic use of the Proposed Project included the use of petroleum fuels and underground storage tanks. Disturbing and excavated soils that may contain petroleum hydrocarbons are subject to the requirements of South Coast AQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil²⁵. Excavation operations will need to be monitored for VOC concentrations, and notification, work practice, and handling requirements will need to be implemented for elevated VOC readings. A Rule 1166 excavation plan application will need to be submitted to South Coast AQMD, or the site may be able to utilize a various locations plan. In addition, a discussion should be included regarding the treatment and handling of any VOC-contaminated soil. Therefore, South Coast AQMD recommends that the Lead Agency include a discussion to demonstrate specific compliance with South Coast AQMD Rule 1166 in the Final EIR. South Coast AQMD Rule 1166 should be incorporated in the Final Response Plan.

*Rule 1156 – Further Reductions of Particulate Emissions*²⁶

In the Draft EIR, the Lead Agency stated that the current site operator is subject to South Coast AQMD Rule 1156 – Further Reductions of Particulate Emissions, which is intended to protect the public from hexavalent chromium exposure from cement manufacturing operations²⁷. Upon transfer of ownership, the project applicant must comply with Rule 1156 requirements to control fugitive dust that may include hexavalent chromium in the soil during facility demolition, removal of cement/dust materials, and during remediation-related activities²⁸. The current site operator is required to implement two plans under Rule 1156: Compliance Plan for Post Closure Activities and a Compliance Monitoring Plan. Additionally, the Lead Agency should identify immediate mitigation measures if elevated hexavalent chromium readings are detected during site remediation. Therefore,

²³ South Coast AQMD. Rule 1466. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>.

²⁴ South Coast AQMD. Rule 1166. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>.

²⁵ South Coast AQMD. Rule 1166. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>.

²⁶ South Coast AQMD. Rule 1156. Last amended November 6, 2015. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1156.pdf>.

²⁷ Draft EIR. Page 5.7-33.

²⁸ Draft EIR. Pages 5.7-35 to 5.7-36.

South Coast AQMD staff recommends that the Lead Agency include a discussion to demonstrate specific compliance with Rule 1156 in the Final EIR. The information on Rule 1156 should also be included in the Final Response Plan.

*Rule 403(e) – Additional Requirements for Large Operations*²⁹

The Lead Agency included a discussion of general compliance with South Coast AQMD Rule 403 – Fugitive Dust in the Draft EIR. Since the Proposed Project is a large operation of approximately 302 acres³⁰ and will include up to 2.1 million cubic yards of soil handling during construction³¹ (50-acre sites or more of disturbed surface area; or daily earth-moving operations of 3,850 cubic yards or more on three days in any year) in the South Coast Air Basin, the Lead Agency is required to comply with Rule 403(e) – Additional Requirements for Large Operations³². Additional requirements may include, but are not limited to, Large Operation Notification (Form 403 N), appropriate signage, additional dust control measures, and employment of a dust control supervisor that has successfully completed the Dust Control in the South Coast Air Basin training class³³. Therefore, South Coast AQMD staff recommends that the Lead Agency include a discussion to demonstrate specific compliance with South Coast AQMD Rule 403(e) in the Final EIR. The information on Rule 403(e) should also be included in the Final Response Plan.

*Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities*³⁴

The Lead Agency included a discussion of demolition of buildings and Rule 1403 requirements. Rule 1403 and 40 Code of Federal Regulations (CFR) 61 Subpart M will also apply to the demolition of foundations, equipment and facility components, and any underground asbestos-containing pipes. The Lead agency included a discussion of the presence of underground pipes, but should also include a discussion on how the site will maintain compliance with asbestos rules if any previously unknown asbestos containing pipes is disturbed during grading or excavation. South Coast AQMD staff recommends that the Lead Agency should detail the requirements that include a comprehensive asbestos survey by a Certified Asbestos Consultant, and notification requirements for demolitions, and detail how any verified asbestos-containing materials will be abated prior to renovation or demolition. Also, the Lead Agency will need to identify where the asbestos-containing waste materials will be disposed.

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

²⁹ South Coast AQMD. Rule 403. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf>.

³⁰ Draft EIR. Page 1-4.

³¹ Draft EIR. Page 5.5-13.

³² South Coast AQMD. Rule 403. Last amended June 3, 2005. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf>.

³³ South Coast AQMD Compliance and Enforcement Staff's contact information for Rule 403(e) Large Operations is (909) 396-2608 or by e-mail at dustcontrol@aqmd.gov.

³⁴ South Coast AQMD. Rule 1403. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf>.

Project. Further, if the Lead Agency makes the finding that the recommended revisions to MM AQ-1 and MM AQ-5 and the additional air quality mitigation measures are not feasible, the Lead Agency should describe the specific reasons supported by substantial evidence for rejecting them in the Final EIR (CEQA Guidelines Section 15091).