



# South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

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## **Mitigated Negative Declaration (MND) for the Proposed Beyond Food Mart Project**

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 MND.

### South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to construct a 7,250-square-foot convenience store, an 1,870-square-foot car wash, a gasoline service station with 10 fueling pumps, and a 5,320-square-foot fueling canopy on 1.75 acres (Proposed Project). The Proposed Project is located on the southeast corner of Nuevo Road and Murrieta Road within the City of Perris. Construction is anticipated to last nine months, with operations beginning in November 2020<sup>1</sup>. Once operational, the Lead Agency estimated that the Proposed Project's gasoline service station would have an annual throughput of 1,000,000 gallons of gasoline<sup>2</sup>. Based on a review of the MND and aerial photographs, South Coast AQMD staff found that the Proposed Project is located within 93 feet of existing residential uses and within 288 feet of an existing elementary school<sup>3</sup>.

### Permits and Compliance with South Coast AQMD Rules

Since the Proposed Project includes the operation of a gasoline service station with 10 fueling pumps, a permit from South Coast AQMD will be required, and South Coast AQMD should be identified as a Responsible Agency under CEQA for the Proposed Project in the Final MND. Should there be any questions on permits, please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>. The Final MND should also include a discussion of compliance with applicable South Coast AQMD Rules, including, but not limited to, Rule 201 – Permit to Construct<sup>4</sup>, Rule 203 – Permit to Operate<sup>5</sup>, Rule 461 – Gasoline Transfer and Dispensing<sup>6</sup>, and Rule 1401 – New Source Review of Toxic Air Containments<sup>7</sup>. Any assumptions used in the Air Quality and Health Risk Assessment (HRA) analyses in the Final MND will be used as the basis for permit conditions and limits.

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<sup>1</sup> MND. Section 3: Air Quality. Page 3-17.

<sup>2</sup> MND. Section 2: Project Description. Page 2-9.

<sup>3</sup> MND. Section 3: Air Quality. Page 3-13.

<sup>4</sup> South Coast AQMD. Rule 201 – Permit to Construct. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>.

<sup>5</sup> South Coast AQMD. Rule 203 – Permit to Operate. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>.

<sup>6</sup> South Coast AQMD. Rule 461 – Gasoline Transfer and Dispensing. Accessed at: <https://www.aqmd.gov/docs/default-source/compliance/Gas-Dispensing/rule-461.pdf>.

<sup>7</sup> South Coast AQMD. 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>.

The 2015 revised Office of Environmental Health Hazard Assessment (OEHHA) methodology<sup>8</sup> is being used by South Coast AQMD for determining operational health impacts for permitting applications and also for all CEQA projects where South Coast AQMD is the Lead Agency. If there is any information in the permitting process suggesting that the Proposed Project would result in significant adverse air quality and health risks impacts not analyzed in the Final MND or substantially more severe air quality and health risks impacts than those analyzed in the Final MND, the Lead Agency should commit to reevaluating the Proposed Project's air quality and health risks impacts through a CEQA process (CEQA Guidelines Section 15162).

#### South Coast AQMD Staff's Summary of the Air Quality Analysis

In the Air Quality Analysis Section of the MND, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analyses, the Lead Agency found that the Proposed Project's regional and localized air quality impacts would be less than significant<sup>9</sup>. The Lead Agency also included a discussion<sup>10</sup> of the California Air Resources Board's (CARB's) *Air Quality and Land Use Handbook: A Community Health Perspective*, which recommends avoiding siting sensitive receptors within 300 feet of a large gas station or 50 feet for a typical gas station<sup>11</sup>, and can serve as guidance for siting sources of air pollution near sensitive land uses. Additionally, in Appendix A: *Air Quality Impact Analysis* of the MND the Lead Agency used a screening-level health risk estimate to find the health risk from operating the Proposed Project's gasoline dispensing station. Based on the analysis, the Lead Agency found that operation of the Proposed Project's gasoline dispensing station would not expose sensitive receptors to a cancer risk greater than 3.23 in one million, which would not exceed South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk<sup>12</sup>.

#### South Coast AQMD Staff's General Comments

Upon review of the MND and Appendix A: *Air Quality Impact Analysis*, it did not appear that the Lead Agency quantified operational Reactive Organic Gas (ROG) emissions generated from storage tanks and the fueling process during operation. This may have likely led to an underestimation of the Proposed Project's operational air quality impacts. Additionally, the Lead Agency did not include information on how the Proposed Project's operational screening-level health risk estimate was calculated. Therefore, South Coast AQMD staff recommends that the Lead Agency provide additional information on how the screening-level health risk estimate for the gasoline service station was calculated in the Final MND as substantial evidence to support the finding that the Proposed Project's operational health risks impacts will be less than significant. Please see the attachment for more information.

#### 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 South Coast AQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, responses

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<sup>8</sup> Office of Environmental Health Hazard Assessment. "Notice of Adoption of Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments 2015". Accessed at: <https://oehha.ca.gov/air/crn/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0>.

<sup>9</sup> MND. Section 3: Air Quality. Page 3-18 through 3-21.

<sup>10</sup> *Ibid.* Page 3-23.

<sup>11</sup> California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*. Accessed at: <https://www.arb.ca.gov/ch/handbook.pdf>.

<sup>12</sup> 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.

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.

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](mailto: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

Attachment

LS:AM

RVC191220-05

Control Number

## ATTACHMENT

### **Air Quality Analysis -Operational ROG Emissions from Storage Tanks or Fueling Process**

1. Upon a review of the Air Quality Analysis in Appendix A: *Air Quality Impact Analysis*, it did not appear that the analysis included operational ROG emissions generated from storage tanks or from the fueling process during operation. This may have likely led to an underestimation of the Proposed Project's operational air quality impacts. Although South Coast AQMD Rule 461 – Gasoline Transfer and Dispensing requires the use of California Air Resources Board certified Phase I and Phase II enhanced vapor recovery systems with minimum volumetric efficiencies of 98% and 95%, respectively<sup>13</sup>, ROG emissions are not entirely eliminated from the fueling process and should be taken into consideration when analyzing the Proposed Project's operational air quality impacts. As an informational document, the Final MND should, at a minimum, include a discussion on potential operational air quality impacts from the fueling process. The Lead Agency should use its best efforts to quantify and disclose ROG emissions from the fueling process in the Final MND. If there is no substantial evidence to support a quantitative analysis of ROG emissions from the fueling process, the Lead Agency should disclose the reasons supported by factual information in the Final MND. It is also important to note that while CalEEMod<sup>14</sup> quantifies mobile source emissions (e.g., trip visits by patrons) associated with operating a gasoline service station, CalEEMod does not quantify the operational stationary source emissions from the storage tanks and fueling equipment.

### **Air Quality Analysis – Health Risk Assessment (HRA)**

2. 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 includes, among others, the operation of a gasoline service station with 10 pumps. The Proposed Project has the potential to expose nearby residents and students to toxic air contaminants, such as benzene, which is a known carcinogen. South Coast AQMD staff has concerns about the potential health impacts to sensitive receptors from the exposures to benzene during the operation of the Proposed Project.

In Appendix A of the MND, the Lead Agency performed a screening-level analysis and found that the Proposed Project would not expose sensitive receptors to a cancer risk greater than 3.23 in one million. However, South Coast AQMD staff was unable to find additional information in the MND or Appendix A: *Air Quality Impact Analysis* on how the cancer risk was calculated. To facilitate informed decision-making and public participation with useful information about the Proposed Project's potential long-term health impacts to nearby residents and students, it is recommended that the Lead Agency provide additional information in the Final MND to disclose how the Proposed Project's health risks from operating a gasoline dispensing station were calculated as substantial evidence to support the Lead Agency's less than significant finding for cancer risk.

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<sup>13</sup> South Coast AQMD. Rule 461 – Gasoline Transfer and Dispensing. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-461.pdf>.

<sup>14</sup> CalEEMod incorporates up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and is available free of charge at: [www.caleemod.com](http://www.caleemod.com).