



# South Coast Air Quality Management District

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SENT VIA E-MAIL:

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## **Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the West Foothill Development Project (Proposed Project)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to review the above-mentioned document. The City of Upland 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 MND

Based on the MND, the Proposed Project is comprised of a 3,570-square-foot drive-through restaurant, a 42,476-square-foot warehouse with two condominiums, and a 51,959-square-foot warehouse with two condominiums. Based on a review of aerial photographs, South Coast AQMD staff found that the nearest sensitive receptor (e.g., residential development) is located 125 feet to the northeast of the project site. The project will commence in late 2023, and the construction is expected to last 12 months. The Proposed Project is located at 1780 West Foothill Boulevard.

### South Coast AQMD Staff's Comments

#### *Health Risk Assessment (HRA) during Project Operation and Construction*

CEQA Guidelines require a MND to include a description of the significant environmental effects of a Proposed Project, significant environmental effects which 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 operation phases need to be appropriately evaluated using qualitative and/or quantitative approaches to justify whether there will be potentially substantial adverse impacts.

However, the MND for the Proposed Project did not contain a comprehensive assessment of the health risk associated with mobile, stationary and portable sources during the operation and

construction phase. Please refer to the South Coast AQMD's guidance for performing a mobile source health risk assessment.<sup>1</sup> As a result, the potential cancer risk linked to the Proposed Project is unknown and undisclosed.

As mentioned earlier in this letter, the aerial maps indicate that the nearest sensitive receptor, a residential area, is located adjacent to or within 125 feet to the northeast of the Proposed Project site. As such, the Lead Agency is recommended to conduct an operational and constructional HRA, which should include evaluating truck emissions (including the truck routes to and from the site, truck loading/unloading docks, and their proximity to the sensitive receptors) and the impact of diesel-powered stationary and portable sources under the foreseeable probable future conditions. An HRA assessment is essential for determining the potential cancer risk impacts associated with the operation 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 TACs<sup>2</sup> 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 operation on residents living and/or workers working outside the Proposed Project's boundary in the Revised MND or Final MND.

#### *South Coast AQMD Air Permits and Role as a Responsible Agency*

If the 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, spray booths, and etc., air permits from South Coast AQMD will be required and 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. In addition, 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 evaluating the applications for air permits. For these reasons, the Final MND should include a discussion about any new stationary and portable equipment requiring South Coast AQMD air permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project.

The Final MND should also include calculations and analyses for construction and operation emissions for the new stationary, and portable sources, as this information will also 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: <http://www.aqmd.gov/home/permits>.

#### Conclusion

The Lead Agency is recommended to revise the CEQA analysis to address the aforementioned comments and provide the necessary evidence to sufficiently support the conclusions reached. If

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<sup>1</sup> South Coast AQMD's guidance for performing a mobile source health risk assessment is available at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

<sup>2</sup> South Coast AQMD. Air Quality Significance Thresholds. <https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf>

the requested information and analysis are not included in the final CEQA document, either the Final MND or other type of CEQA document, the Lead Agency should provide reasons for not doing so. Pursuant to California Public Resources Code Section 21092.5(b) and 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 and notify each public agency when any public hearings are scheduled. 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, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided. In addition, if the Lead Agency decides to adopt the Final MND, please provide South Coast AQMD with a notice of any scheduled public hearing(s).

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 [sghadimi@aqmd.gov](mailto:sghadimi@aqmd.gov) should you have any questions.

Sincerely,

*Sam Wang*

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