



South Coast Air Quality Management District

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E-Mailed: April 5, 2012
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Ms. Heather Allen
City of Fullerton
303 West Commonwealth Avenue
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Review of the Draft Environmental Impact Report (Draft EIR) for the Fullerton Plan Project

The South Coast Air Quality Management District (AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comment is intended to provide guidance to the lead agency and should be incorporated into the Final Environmental Impact Report (Final EIR) as appropriate.

Based on a review of the Draft EIR the AQMD staff recognizes the potential regional air quality benefits from the proposed project that facilitates mixed land uses and encourages transit oriented development in the identified focus areas. However, given the potential health risk impacts from placing sensitive land uses (e.g., residential, hospital, school and park uses) within close proximity to significant emissions sources, such as the 91 Freeway, 5 Freeway, 57 Freeway, and industrial facilities the AQMD staff encourages the lead agency to focus development of these sensitive land uses as far as possible from these emissions sources. As the majority of the transit oriented development areas for this project lay outside the California Air Resources Board (CARB) recommended buffer zones¹, it appears that the goal of increasing development near transit hubs should still be achievable.

Further, AQMD staff requests that the lead agency further clarify how the policies for the proposed plan effectively reduce the project's growth inducing impacts to be consistent with regional and statewide planning efforts including the 2007 Air Quality Management Plan (AQMP), the Regional Transportation Plan (RTP) and the California Air Resources Board Climate Change Scoping Plan². Also, the lead agency should consider additional mitigation measures to minimize the project's significant regional construction-related air

¹ California Air Resources Board recommended buffer zones can be found in the "Air Quality and Land Use Handbook: A Community Health Perspective." Accessed at: <http://www.arb.ca.gov/ch/landuse.htm>

² The California Air Resources Board AB 32 Climate Change Scoping Plan document. Accessed at: <http://www.arb.ca.gov/cc/scopingplan/document/scopingplandocument.htm>

quality impacts pursuant to Section 15126.4 of the California Environmental Quality Act (CEQA) Guidelines. Details regarding these comments are attached to this letter.

Pursuant to Public Resources Code Section 21092.5, please provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. Further, staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,



Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

ORC120221-02
Control Number

Siting Criteria and Performance Standards for Sensitive Land Uses

1. The AQMD staff recognizes that the proposed project may provide regional air quality benefits compared to “traditional” development by fostering transit oriented development through a mix of land uses that could reduce the overall vehicle miles traveled (VMT) in the region. However, the AQMD staff is concerned that the proposed project could pose significant health risk impacts to future residents from emissions sources that have not been quantified and disclosed in the Draft EIR. Specifically, the lead agency is proposing mixed land uses that consist of commercial, residential, and educational uses that are either adjacent or in close proximity to industrial land uses, the 91 Freeway, the 5 Freeway, and the 57 Freeway which are prominent sources of toxic air contaminants (TACs). For example, in Exhibit 3-4 of the Draft EIR the lead agency indicates that focus areas could allow new residential units to be placed between Orangethorpe Avenue and the 91 Freeway that carries over 270,000 vehicles per day. As a result, the lead agency determined that the proposed project would impose significant air quality impacts; therefore, the AQMD staff recommends that the lead agency enhance mitigation measure AQ-13 to include performance standards that exhaust all options to minimize TAC exposure to sensitive land uses besides the buffers recommended in the CARB Handbook³. Potential additional measures to consider are included in the Environmental Justice Appendix (see pages 149 and 150 of the appendix) of the recently adopted RTP

Greenhouse Gas Emissions Analysis

2. Based on a review of the Draft EIR the lead agency has determined that the proposed project will achieve its greenhouse gas (GHG) reduction target of 15% below 2009 levels by 2020. However, the AQMD staff requests further clarification about how the project is consistent with statewide AB 32 goals. Specifically, the baseline year used for the proposed project is 2009 GHG emissions levels whereas the baseline year used in the CARB Scoping Plan is 2005. The AB 32 Scoping Plan proposed a 15% reduction below 2005 emissions to achieve 1990 levels by 2020. If the project area 2009 levels are greater than 2005 levels then the project’s proposed 15% reduction may not be sufficient to achieve 1990 levels by 2020. Therefore, the AQMD staff requests that the lead agency clarify that a 15% GHG emissions reduction from 2009 levels is consistent with statewide initiatives.

Further, the project’s GHG emissions impacts are primarily from mobile source emissions (i.e., approximately 66%) related to the substantial increase of vehicle mile traveled (VMT) associated with the proposed project. As a result, the lead agency addresses this large increase in mobile source emissions with aggressive measures such as Measure T-1 of the Climate Action Plan that requires a reduction in single occupant vehicle trips and garners a substantial GHG emission reduction (29% of the total reduction). However, the lead agency does not provide calculations that include baseline VMT assumptions, VMT forecasts, and population penetration data that demonstrates the presumed effectiveness of these measures. Therefore, the AQMD

³ California Air Resources Board. April 2005. “Air Quality and Land Use Handbook: A Community Health Perspective.” Accessed at:<http://www.arb.ca.gov/ch/landuse.htm>

staff recommends that the lead agency provide additional data and detailed calculations that disclose how the proposed project will achieve the GHG emission reduction target. The lead agency is encouraged to consult with AQMD staff to discuss our experience implementing Rule 2202

Regional Plan Consistency

3. The lead agency determined that the proposed project will result in housing and population growth that exceeds the assumptions of the 2008 RTP forecast (based on Table 5.2-11 of the Draft EIR). Further, the lead agency states that plan accounts for this population growth by establishing goals and policies that reduce all potential growth-related air quality impacts. However, the lead agency does not provide any quantitative analyses or measures to demonstrate that the project's goals and policies will sufficiently mitigate the project's growth inducing impacts consistent with the 2008 RTP and subsequently consistency with the 2007 AQMP. The final CEQA document should therefore provide a quantified analysis demonstrating consistency with the 2007 AQMP. As the 2012 RTP was recently adopted by SCAG, the final CEQA document should also describe if or how this project has been incorporated into this update, and if not, if it would still be consistent.

Construction Equipment Mitigation Measures

4. The lead agency determined that the proposed project will exceed the CEQA regional construction significance thresholds; therefore, AQMD staff recommends that the lead agency provide the following additional mitigation measures pursuant to CEQA Guidelines Section 15126.4.
 - Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NOx emissions requirements,
 - Consistent with measures that other lead agencies in the region (including Port of Los Angeles, Port of Long Beach, Metro and City of Los Angeles) have enacted, require all on-site construction equipment to meet EPA Tier 3 or higher emissions standards according to the following:
 - ✓ Project start, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
 - ✓ Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices

certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

- ✓ A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- ✓ Encourage construction contractors to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: <http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>

For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website:
www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html