



South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

March 22, 2019

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Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) for the Proposed Prado Basin Ecosystem Restoration and Water Conservation Integrated Feasibility Report (SCH No.: 2016041002)

South Coast Air Quality Management District (SCAQMD) 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/EIS.

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes development of a water conservation plan that will increase current allowable temporary storage, and reduce flow release from Prado Dam during flood seasons. The Lead Agency will also include development of an ecosystem restoration plan to restore quality and function of aquatic, riparian, and transitional habitats (Proposed Project). Four alternatives proposed by the Lead Agency include Alternative 1 – No Project: no water conservation or ecosystem restoration activities occur along any segment of the Santa Ana River; Alternative 2 – Proposed Action: 17 water conservation and ecosystem restoration activities occur across four focal areas of the Santa Ana River; Alternative 3: 11 water conservation and ecosystem restoration activities occur across four focal areas of the Santa Ana River; and Alternative 4: 22 water conservation and ecosystem restoration activities occur across four focal areas of the Santa Ana River¹. The Proposed Project is located within a portion of the Santa Ana River downstream of the Prado Basin reservoir encompassing portions of Riverside, San Bernardino, and Orange counties. Initial implementation of the Proposed Project is estimated to begin in 2021 and last approximately five years with periodic maintenance extending 45 years thereafter through 2071².

SCAQMD Staff's Summary of Air Quality Analysis

In the Air Quality Analysis section, the Lead Agency quantified the Proposed Project's construction and operational emissions for each of the four alternatives and compared those emissions to SCAQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analyses, the Lead Agency found that Alternative 3 would have a less than significant impact after implementation of Environmental Commitment 1, which requires all off-road diesel-powered equipment greater than 50 horsepower to meet Tier 4 emissions standards, and Environmental Commitment 2, which requires that all haul trucks meet model year 2010, or newer, emissions standards³. Alternatives 2 and 4 would have significant and unavoidable air quality impacts after implementation of Environmental Commitments 1 and 2⁴. Since the Proposed Project is being undertaken in part by a Federal Agency (the United States Army Corps of Engineers), the Proposed Project is subject to a General Conformity review. The Lead Agency prepared General Conformity analyses and found that each alternative would be below the *de*

¹ Draft EIR/EIS Appendix H "Air Quality". Pages 3-5.

² *Ibid.* Page 3.

³ *Ibid.* Page 3. Pages 42-48.

⁴ *Ibid.*

minimis thresholds, and, as such, a General Conformity Determination does not apply⁵. Additionally, the Lead Agency prepared a Health Risk Assessment (HRA) for the Proposed Project and compared the results to SCAQMD's CEQA significance threshold of 10 in on million for cancer risk⁶. The Lead Agency found that the Proposed Project's operational air quality impacts would result in a mitigated Maximum Individual Cancer Risk of 1.15 in one million, which would be below SCAQMD's CEQA significance threshold of 10 in one million for cancer risk⁷.

SCAQMD's 2016 Air Quality Management Plan

On March 3, 2017, the SCAQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP)⁸, which was later approved by the California Air Resources Board on March 23, 2017. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and the challenges facing the South Coast Air Basin (Basin). The most significant air quality challenge in the Basin is to achieve an additional 45 percent reduction in nitrogen oxide (NOx) emissions in 2023 and an additional 55 percent NOx reduction beyond 2031 levels for ozone attainment.

General Comments

As described in the 2016 AQMP, achieving NOx emissions reductions in a timely manner is critical to attaining the National Ambient Air Quality Standard (NAAQS) for ozone before the 2023 and 2031 deadlines. SCAQMD is committed to attaining the ozone NAAQS as expeditiously as practicable.

The Proposed Project will be developed with one of the four alternatives. At the time of circulation for public review, the Lead Agency has selected Alternative 2 as the Proposed Action to be undertaken for the Proposed Project⁹. Alternative 2 will result in a significant and avoidable regional air quality impact from NOx during the first five years of implementation and 45 years thereafter¹⁰. Therefore, the Proposed Project plays an important role in contributing to regional NOx emissions. As such, SCAQMD staff recommends that the Lead Agency commit to a technological review of available off-road construction equipment and on-road haul trucks throughout the life of the Project in order to create a process for incorporating the best available control technologies to further reduce significant air quality impacts overtime. Additionally, as a resource to the Lead Agency, information regarding SCAQMD and General Conformity determinations has been provided. Please see the attachment for more information.

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), SCAQMD staff requests that the Lead Agency provide SCAQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR/EIS. 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,

⁵ *Ibid.*

⁶ SCAQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When SCAQMD acts as the Lead Agency, SCAQMD 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.

⁷ Draft EIR/EIS Appendix H "Air Quality". Pages 48-54.

⁸ South Coast Air Quality Management District. March 3, 2017. *2016 Air Quality Management Plan*. Accessed at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

⁹ Draft EIR/EIS Appendix H "Air Quality". Page 4.

¹⁰ Draft EIR/EIS Appendix H "Air Quality". Pages 3.

informative, or useful to decision makers and to the public who are interested in the Proposed Project. Further, when the Lead Agency makes a finding that the additional recommended mitigation measure on technology review is not feasible, the Lead Agency should describe the specific reasons for rejecting it in the Final EIR/EIS (CEQA Guidelines Section 15091).

SCAQMD 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

Attachment

LS:AM

ORC190212-04

Control Number

ATTACHMENT

Additional Recommended Mitigation Measure:

1. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate these impacts. To further reduce the Proposed Project's regional emissions during initial years of implementation and the years of periodic maintenance that follow, SCAQMD staff recommends that the Lead Agency incorporate the following recommended mitigation measure in the Final EIR/EIS.

Since the Proposed Project would be implemented over a period of 50 years, the Lead Agency should take this opportunity to incorporate a periodic, technology review of both off-road construction equipment and on-road haul trucks. SCAQMD staff recommends that the Lead Agency develop project-specific or agency-wide strategies to foster and facilitate the deployment of the lowest emissions technologies as they become available. This may include incorporating a performance standards-based technology review, or developing other comparable strategies or tools, to periodically assess equipment availability, equipment fleet mixtures, and best available emissions control devices. The deployment should include those technologies that are "capable of being accomplished in a successful manner within a reasonable period of time" (California Public Resources Code Section 21061.1), such as zero and near-zero emission technologies or BACTs that are expected to become more readily available over the life of the Proposed Project. A technology review should also incorporate an appropriate timeline/schedule for the assessment that will also be supportive of emissions reductions goals being implemented at local, regional, state, and federal levels (e.g. SCAQMD's AQMPs and other air quality and public health goals). If the technology review identifies that cleaner equipment has become available, the Lead Agency should commit to incorporating this new technology into the Proposed Project to further reduce the Proposed Project's significant and unavoidable NOx emissions under Alternative 2, if selected. SCAQMD staff encourages the Lead Agency to involve the public and interested parties such as the SCAQMD and the California Air Resources Board in developing an appropriate process and performance standards for technology review.

General Conformity Review Request and Determination:

2. The Clean Air Act requires that federal agencies undergo a General Conformity review and determination process in order to demonstrate that emissions from a proposed federal action will not interfere with a state or tribal implementation plan (SIP/TIP) for an area that has been designated by the United States Environmental Protection Agency (U.S. EPA) as a nonattainment or maintenance area for a NAAQS. The conformity determination process is intended to demonstrate that a proposed Federal action will not: (1) cause or contribute to new violations of a NAAQS; (2) interfere with provisions in the applicable SIP for maintenance of any NAAQS; (3) increase the frequency or severity of existing violations of any standard; or (4) delay the timely attainment of any standard¹¹.

The South Coast Air Basin (Basin) is designated as extreme non-attainment for ozone and serious non-attainment for PM_{2.5}. To streamline the review process and to facilitate conformity determinations for projects in the Basin, two separate VOC and NOx general conformity budgets were established in the Final 2012 Air Quality Management Plan (AQMP): 1 tons per day (tpd) of NOx and 0.2 tpd of VOC were set aside for this purpose every year, starting in 2013 until 2030. SCAQMD has set up a tracking system for projects requiring conformity determinations on a first-come-first-serve basis, whereby the project emissions are debited from the applicable set aside accounts until they are depleted. While each of the four alternatives was found to be below the *de minimis* thresholds for

¹¹ United States Environmental Protection Agency. *General Conformity*. Accessed at: <https://www.epa.gov/general-conformity/what-general-conformity>.

which a conformity determination must be performed, in the event that the Lead Agency has any questions related to SCAQMD's General Conformity review process and determination, they can be directed to Dr. Sang-Mi Lee, Program Supervisor, at slee@aqmd.gov.