



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 Gilman Springs Mine (Surface Mining Permit No. 159, Revision No. 2) (SCH No.: 2018051029)

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 revisions to an existing surface mining permit to allow the expansion of areas permitted for mining by 54.5 acres, resulting in approximately 204.9 acres permitted for mining activities (Proposed Project). The Lead Agency also proposes to increase mining reserves from 14 million tons to 44 million tons. The Proposed Project is located approximately 0.6 miles southeast of the intersection of Bridge Street and Gilman Springs Road in Riverside County. Based on the maximum daily tonnage of production at 2,489 tons per day, the Proposed Project is expected to generate an additional 199 daily truck trips¹.

South Coast AQMD Staff's Summary of Air Quality Analysis

The Lead Agency quantified the Proposed Project's emissions from the mining activities and found that nitrogen oxides (NO_x), PM₁₀, and PM_{2.5} emissions would be significant at 105.59 pounds per day (lbs/day), 295.93 lbs/day, and 83.51 lbs/day, respectively². The Lead Agency requires the use of Tier 4 Interim equipment³, where feasible, limiting of idling of engines to no more than five minutes [Mitigation Measure (MM) AQ-1], and providing information about the Carl Moyer Program to truck fleet operators (Mitigation Measure AQ-2)⁴. However, NO_x, PM₁₀, and PM_{2.5} emissions remain significant and unavoidable after mitigation⁵.

Summary of South Coast AQMD Staff's Comments

Based on a review of Draft EIR and supporting technical documents, South Coast AQMD staff recommends that the Lead Agency strengthen the existing MM AQ-2 to require the use of zero-emissions or near-zero emissions heavy-duty trucks and incorporate additional mitigation measures into the Final EIR. Additionally, since the Proposed Project is greater than 50 acres, the Lead Agency should include a discussion in the Final EIR on the specific requirements of South Coast AQMD Rule 403(e) – Additional Requirements for Large Operations⁶. Please see the attachment for more information.

¹ Draft EIR. Pages 3-11 and 4.9-26.

² *Ibid.* Appendix B1. Air Quality Report. Page 42.

³ *Ibid.* Page 121.

⁴ Draft EIR. Page 4.2-43.

⁵ *Ibid.* Pages 4.2-42 and 43.

⁶ 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>.

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 Project. Further, if the Lead Agency makes the finding that the recommended additional 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).

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 Margaret Isied, Assistant Air Quality Specialist, at misied@aqmd.gov or (909) 396-2543, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS:MI

RVC200204-02

Control Number

ATTACHMENT**1. Recommended Revisions to the Existing Air Quality Mitigation Measure (MM) AQ-2**

In the Draft EIR, the Lead Agency encourages the vendor trucks to seek assistance from the Carl Moyer Program to modernize and retrofit trucks that will visit the Proposed Project. While it is important to provide truck operators with resources such as the South Coast AQMD's Carl Moyer Program to accelerate truck turnover, providing information alone does not minimize or reduce emissions or ensure clean trucks will be used at the Proposed Project, not elsewhere in the South Coast Air Basin.

NZE heavy-duty truck engines are commercially available. Examples of commercially available NZE heavy-duty truck engines that meet CARB's optional low NOx standards include, but are not limited to, Cummins Westport 8.9- and 6.7-liter natural gas engines and Roush Cleantech 6.8- liter compressed natural gas and liquefied petroleum gas engines⁷. Therefore, NZE heavy-duty trucks should be required for use.

CEQA requires that the Lead Agency considers mitigation measures to minimize significant adverse impacts (CEQA Guidelines Section 15126.4) and 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. The Proposed Project's air quality impacts, particularly from NOx, would remain significant and unavoidable after mitigation. To comply with CEQA requirements, South Coast AQMD staff also recommends ZE heavy-duty trucks (e.g., material delivery trucks) be used to further reduce the Proposed Project's NOx emissions since NZE heavy-duty truck engines are commercially available. When requiring ZE heavy-duty trucks, the Lead Agency should include analyses to evaluate and identify sufficient power and supportive infrastructure available in the Energy and Utilities and Service Systems Sections of the Final EIR, where appropriate.

On March 3, 2017, the South Coast AQMD'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.

Implementation of the Proposed Project contributes to Basin-wide NOx emissions. Requiring the use of ZE heavy-duty trucks supports South Coast AQMD's efforts to attain state and federal air quality standards as outlined in the 2016 AQMP, specifically for NOx emissions reductions. Requiring the use of ZE heavy-duty trucks also fulfills the Lead Agency's legal obligation to mitigate the Proposed Project's significant air quality impacts and complies with CEQA's requirements for mitigation measures. Therefore, South Coast AQMD staff recommends that the Lead Agency make a stronger commitment to cleaner trucks by strengthening MM AQ-2. should make the following revisions to MM AQ-2. South Coast AQMD staff's recommended revisions to MM AQ-2 in strikethrough and underline are provided as follows.

⁷ CARB. "Optional Reduced NOx Emissions Standards for On-Road Heavy-duty Engines". Accessed at: <https://ww3.arb.ca.gov/msprog/onroad/optionnox/optionnox.htm>

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

Mitigation Measure AQ-2

The Project will provide shall require the use of zero-emissions (ZE) or near-zero emissions (NZE) on-road vehicles and off-road equipment, 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 County 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 County should require that operators maintain records of all trucks and equipment, and make these records available to the County upon request. Alternatively, the County 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 the mitigation measure, the Project shall provide information to the truck fleet operators to encourage the vendor trucks 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.

If implementing ZE heavy-duty trucks are impractical or infeasible to include in the Final EIR, the Lead Agency should develop and include performance standards to achieve the use of ZE heavy-duty trucks (CEQA Guidelines Section 15126.4(a)). The Lead Agency can and should develop the following performance standards.

- Develop a minimum amount of ZE heavy-duty trucks that the Proposed Project must use each year to ensure adequate progress. Include this requirement in the Proposed Project's Business or Management Plan.
- Establish a contractor(s) selection policy that prefers contractor(s) who can supply ZE heavy-duty trucks at the Proposed Project. Include this policy in the Request for Proposal for selecting contractor(s).
- Develop a target-focused and performance-based process and timeline to implement the use of ZE heavy-duty trucks.
- Develop a project-specific process and criteria for periodically assessing progress in implementing the use of ZE heavy-duty trucks.

2. Additional Recommended Mitigation Measures

To further reduce the Proposed Project's significant emissions, South Coast AQMD staff recommends that the Lead Agency incorporate additional air quality mitigation measures in the Final EIR. For more information on potential mitigation measures as guidance to the Lead Agency, please visit South Coast AQMD's CEQA Air Quality Handbook website⁹.

- a) Require equipment that will be used at the Proposed Project to meet or exceed U.S. EPA Tier 4 Final off-road emission standards. To ensure that Tier 4 Final equipment or better would be used, South Coast AQMD staff recommends that the Lead Agency include this requirement in applicable bid documents, purchase orders, and contracts. Successful contractor(s) must demonstrate the ability to supply the compliant equipment for use. A copy of each unit's certified tier specification or model year specification and CARB or South Coast AQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit

⁹ South Coast AQMD. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

of equipment. Additionally, the Lead Agency should require periodic reporting and provision of written documents by contractor(s) to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance. In the event that 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, equipment with Tier 4 Interim, reduction in the number and/or horsepower rating of equipment, and/or limiting the number of equipment operating at the same time.

- b) Limit the daily number of truck trips allowed at the Proposed Project to the level that was analyzed in the EIR (e.g., 199 net new daily truck trips based on 2,489 tons per day in the Draft EIR¹⁰). If higher daily truck volumes are anticipated than what were analyzed in the EIR, the Lead Agency should commit to re-evaluating the Proposed Project's air quality impacts from truck emissions through a CEQA process prior to allowing higher truck activity levels (CEQA Guidelines Section 15162).

3. South Coast AQMD Rule 403(e), Permits, and Responsible Agency

The Lead Agency included a discussion of general compliance with South Coast AQMD Rule 403 – Fugitive Dust in the Draft EIR¹¹. Since the Proposed Project includes an expansion of areas permitted for mining activities by 54.5 acres, resulting in 204.9 acres¹² (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 Operations¹³. 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 class¹⁴. Therefore, South Coast AQMD recommends that the Lead Agency include a discussion to demonstrate specific compliance with South Coast AQMD Rule 403(e) in the Final EIR. Compliance with South Coast Rule 403(e) will further reduce regional and localized emissions from particulate matters.

Based on a review of the Draft EIR, the Proposed Project has two separate South Coast AQMD Permits to Operate (Permit Nos. G46950 and G46949)¹⁵. South Coast AQMD is a Responsible Agency for the Proposed Project. In the event that modifications to the existing air permits are required, it is recommended that the Lead Agency initiate consultation with South Coast AQMD as required under CEQA Guidelines Section 15096(b). It is important to note that any assumptions used in the air quality analysis in the Final EIR will be used as the basis for permit conditions and limits. Should there be any questions on permits, please contact the 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>.

Operation of portable engines and portable equipment units of 50 horsepower (hp) or greater that emit particulate matter require a permit from South Coast AQMD or registration with the Portable

¹⁰ Draft EIR. Pages 3-11 and 4.9-26.

¹¹ Draft EIR. Chapter 4.2. Air Quality. Page 4.2-48.

¹² Draft EIR. Chapter 4.5. Geology and Soils. Page 4.5-1.

¹³ 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>.

¹⁴ 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.

¹⁵ Draft EIR. Chapter 2. Environmental Setting. Page 2-14.

Equipment Registration Program (PERP) through CARB¹⁶. The Lead Agency should consult with South Coast AQMD's Engineering and Permitting staff to determine if the Proposed Project will involve uses of equipment requiring a South Coast AQMD permit or if registration under the PERP through CARB¹⁷. For more information on the PERP Program, please contact CARB at (916) 324-5869 or visit CARB's webpage at: <https://ww2.arb.ca.gov/our-work/programs/portable-equipment-registration-program-perp>.

¹⁶ South Coast Air Quality Management District. *Portable Equipment Registration Program (PERP)*. Accessed at: <http://www.aqmd.gov/home/permits/equipment-registration/perp>.

¹⁷ *Ibid.*