



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

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hhernandez@pico-rivera.org

Hector Hernandez, Project Planner
City of Pico Rivera, Planning Department
6615 Passons Boulevard
Pico Rivera, California 90660

Mitigated Negative Declaration (MND) for the Proposed Beverly Boulevard Warehouse Project (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Pico Rivera is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. The following comments include recommended revisions to the CEQA regional air quality impacts analysis for cleanup activities during construction and information about South Coast AQMD Rules 2305 and 316 that the Lead Agency should include in the Final MND.

South Coast AQMD Staff's Summary of Project Information in the MND

Based on the MND, the Proposed Project consists of construction and operation of a 357,903-square-foot warehouse on 19.06 acres and is located on the southwest corner of Interstate 605 and Beverly Boulevard in the City of Pico Rivera. While the nearest sensitive receptor property line is located in the City of Whittier, adjacent to the southern portion of the Proposed Project, the nearest structure is located approximately 12 feet away¹. Construction of the Proposed Project will occur in a 16-month period². At full buildout in October 2023, the Proposed Project will include 52 loading docks to the northwest and south of the Proposed Project and generate 192 truck trips a day³.

South Coast AQMD Staff's Comments

CEQA Regional Air Quality Impacts Analysis for Cleanup Activities during Construction

Based on the Hazards and Hazardous Materials Section in the MND, preparation of a soil management plan to identify necessary cleanup activities, which may include, but not limited to, excavation and disposal of contaminated soil is required prior to the issuance of any grading permit for the Proposed Project⁴. However, the Lead Agency did not analyze air quality impacts from cleanup activities in the MND.

Cleanup activities will likely involve the use of heavy-duty, diesel-fueled trucks for soil export and result in emissions from truck hauling activities and vehicle trips by workers that will be

¹ MND. Page 4.13-10.

² *Ibid.* Page 2-12.

³ *Ibid.* Page 4.3-15.

⁴ *Ibid.* Page 4.9-4.

required to conduct cleanup activities. Additionally, cleanup activities will likely require the use of additional equipment that may be different from typical equipment for grading and site preparation for construction. Since cleanup activities are reasonably foreseeable at the time the MND was prepared, the Lead Agency should use good faith, best efforts to provide information on the scope, types, and duration of cleanup activities, quantify emissions from cleanup activities, and include those emissions in the Proposed Project's construction emissions profile to be compared to South Coast AQMD's air quality CEQA significance thresholds for construction to determine the level of significance in the Final MND. Alternatively, if emissions from cleanup activities are not included in the Final MND, the Lead Agency should provide reasons for not including them supported by substantial evidence in the record.

Based on the emission calculations from the CalEEMod output files, the Lead Agency used the non-default one-way truck trip length of 30 miles to quantify the Proposed Project's construction emissions from hauling construction materials and importing or exporting soil. Since cleanup activities could include the removal and disposal of contaminated soil, and depending on the type of contamination, contaminated soil may not be accepted at Olinda Alpha Landfill, El Sobrante Landfill, Azusa Land Reclamation, or the Frank R. Bowerman Sanitary Landfill servicing the City of Pico Rivera⁵ and may need to be disposed at a permitted hazardous disposal facility outside Los Angeles County with a one-way truck trip length that is likely longer than 30 miles. Therefore, South Coast AQMD staff recommends that the Lead Agency identify the permitted hazardous disposal facility that the Proposed Project could use to dispose contaminated soil, disclose the information in the Final MND, and re-calculate the Proposed Project's construction emissions from haul truck trips for the transport and disposal of contaminated soil based on the appropriate one-way truck trip length. If construction emissions from haul truck trips are not re-calculated in the Final MND, the Lead Agency should provide reasons for not re-calculating them supported by substantial evidence in the record.

South Coast AQMD Rule 2305 and Rule 316

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rules 2305 and 316 are new rules that will reduce regional and local emissions of nitrogen oxides (NOx) and particulate matter (PM), including diesel PM. These emission reductions will reduce public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt in to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated

⁵ *Ibid.* Page 4.19-3.

with Rule 2305 compliance activities. Since the Proposed Project consists of the development of one 357,903-square-foot warehouse, the Proposed Project's warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation. South Coast AQMD staff is available to answer questions concerning Rule 2305 implementation and compliance by phone or email at (909) 396-3140 or waire-program@aqmd.gov. For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage.⁶

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 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 me at lsun@aqmd.gov, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun

Program Supervisor, CEQA IGR

Planning, Rule Development and Area Sources

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⁶ South Coast AQMD. WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.