



# South Coast Air Quality Management District

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SENT VIA E-MAIL:

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**Draft Program Environmental Impact Report (PEIR) for the Proposed  
Rancho Los Amigos South Campus Specific Plan (Proposed Project)  
(SCH No.: 2019029057)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Downey is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. The following comments include recommended revisions to the CEQA air quality impact analysis, air quality mitigation measures, and information on South Coast AQMD rules and permits that the Lead Agency and should be incorporated into the Final PEIR.

Based on the Draft PEIR, the Lead Agency proposes to demolish 105 existing structures and build a maximum of 700 residential units and 1,130,000 square feet of new non-residential uses such as (commercial, retail, office, and public facilities uses on a 62.5-acre portion of 172 acres<sup>1</sup> (Proposed Project). The Proposed Project is located on the southwest corner of East Imperial Highway and Rives Avenue in the City of Downey. For the purpose of the environmental analysis in the Draft PEIR, construction of the Proposed Project will take place over 14 years beginning in late 2021 and buildout by 2035<sup>2</sup>.

Based on a review of the Draft PEIR and supporting technical appendices, South Coast AQMD staff has four comments. A summary of these comments is provided as follows with additional details provided in the attachment.

1. CEQA Air Quality Impact Analysis from Construction Activities: In the Draft PEIR, The Lead Agency did not quantify the Proposed Project's construction emissions. Since the Proposed Project's maximum number of residential units and square feet of non-residential uses at full buildout in 2035 are available at the time of the environmental analysis, the Lead Agency can and should use the information to develop a potential construction scenario to quantify the Proposed Project's emissions from likely construction activities and make a good faith and reasonable disclosure of the construction air quality impacts that would take place over 14 years in the Final PEIR.
2. CEQA Air Quality Impact Analysis from Cleanup Activities: Based on the Draft PEIR, it is reasonably foreseeable that cleanup activities to remediate and control contaminated soil

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<sup>1</sup> Draft PEIR. Section 2.0 Project Description. Page 20-19.

<sup>2</sup> *Ibid.* Page 2.0-23.

would need to take place prior to implementation of the Proposed Project with residential uses. The Lead Agency should quantify emissions from cleanup activities in the Final PEIR.

3. Additional Recommended Project-Level Air Quality Mitigation Measures: The Draft PEIR can be used as first-tier, programmatic level analysis that can provide guidance to subsequent, project-level environmental analyses for future proposed development projects at the Proposed Project. To facilitate this, and to further reduce the significant, unavoidable construction air quality impacts, South Coast AQMD staff recommends that the Final PEIR include additional project-level mitigation measures for clean off-road and on-road construction equipment such as Tier 4 final construction equipment, zero-emissions or near-zero emissions heavy-duty trucks (e.g., material delivery trucks and soil import/export) in the Final PEIR.
4. Responsible Agency and South Coast AQMD Permits and Rules: If the Proposed Project will use stationary equipment such as groundwater remediation equipment or requires soil excavation, permits from South Coast AQMD are required. South Coast AQMD should be identified as a Responsible Agency in the Final PEIR. The Proposed Project may also be subject to requirements of South Coast AQMD Rule 431.2, Rule 1110.2, Rule 1166, and Rule 1466 that the Lead Agency should discuss in the Final PEIR.

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 PEIR. 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 findings that additional recommended air quality mitigation measures are not feasible, the Lead Agency should describe the specific reasons supported by substantial evidence for rejecting them in the Final PEIR (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 Steve Tsumura, Air Quality Specialist, at [stsumura@aqmd.gov](mailto:stsumura@aqmd.gov) or (909) 396-2549, should you have any questions.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment  
LS:ST  
LAC210608-03  
Control Number

## ATTACHMENT

### **1. CEQA Air Quality Impact Analysis from Construction Activities**

The Lead Agency did not quantify the Proposed Project's construction emissions in the Draft PEIR. The Lead Agency stated that "it is infeasible to quantify the individual projects that would contribute incrementally to construction emissions throughout the City. As specific development projects are unknown at this time, quantifying individual future development's air emissions from short-term, temporary construction-related activities is not possible due to project-level variability and uncertainties concerning locations, detailed site plans, construction schedules/duration, equipment requirements, etc., among other factors, which are presently unknown"<sup>3</sup>.

When specific development is reasonably foreseeable as a result of the goals, policies, and guidelines in the Proposed Project, the Lead Agency should identify any potential adverse air quality impacts and sources of air pollution that could occur using its best efforts to find out and a good-faith effort at full disclosure in the EIR. The degree of specificity will correspond to the degree of specificity involved in the underlying activity which is described in the EIR (CEQA Guidelines Section 15146). When quantifying air quality emissions, emissions from both construction (including demolition, if any) and operations should be calculated. Preparing the CEQA analysis "necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can" (CEQA Guideline Section 15144).

Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips).

When the precise construction schedule or scenario is unknown, the Lead Agency should use its best efforts to identify and quantify a worst-case construction impact scenario that is reasonably foreseeable at the time the Draft PEIR is prepared. As discussed in the Project Description, the Proposed Project includes a Focus Area with a net developable area of 47.8 acres assuming a 20 percent allowance for the circulation system and a seven-percent allowance for landscaping. Accordingly, the Focus Area could accommodate a maximum of 700 residential units and 1,130,000 square feet of new non-residential uses such as commercial, retail, office, and public facilities uses. Therefore, the Lead Agency can and should use this information to develop construction scenarios that would be required to implement the full buildout of the Proposed Project, quantify associated construction emissions, including emissions from any demolition activities, and compare the emissions to South Coast AQMD's air quality CEQA significance thresholds to determine the level of significance for the Proposed Project's air quality impacts from construction activities in the Final PEIR. The Lead Agency should use the most current version of California Emission Estimator Model (CalEEMod)<sup>4</sup> to quantify construction emissions. While this recommendation may not change the Lead Agency's finding that the Proposed Project's construction air quality impacts would be significant and unavoidable, a

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<sup>3</sup> *Ibid.* Section 4.2 Air Quality. Page 4.2-18.

<sup>4</sup> South Coast AQMD. CalEEMod. Accessed at: <http://www.aqmd.gov/calceemod/download-model>.

quantitative analysis will facilitate the goal and purpose of CEQA on public disclosure with useful information on the kind, size, scope, intensity, duration, density, and location of subsequent project-level development to foster meaningful public participation and informed decision making (CEQA Guidelines Section 15003(c)). The recommended analysis will also ensure the Final PEIR includes an adequate and complete air quality impact analysis with a good-faith effort at full disclosure (CEQA Guidelines Section 15003(i)).

## **2. CEQA Air Quality Impact Analysis from Cleanup Activities**

Based on the Hazards and Hazardous Materials Section in the Draft PEIR, it is reasonably foreseeable that soil and groundwater at the Proposed Project may be contaminated with volatile organic compounds (VOCs), including tetrachloroethylene and trichloroethylene from nearby sources<sup>5</sup>. In addition to the absence of an air quality impact analysis from construction activities associated with developing residential and non-residential uses, the Lead Agency did not quantify emissions from cleanup activities which may take place concurrently with development.

Cleanup activities will likely involve the use of heavy-duty, diesel-fueled trucks for soil export and result in emissions from vehicle trips by workers that will be 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 Draft PEIR 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 PEIR. Alternatively, if emissions from cleanup activities are not included in the Final PEIR, the Lead Agency should provide reasons for not including them supported by substantial evidence in the record.

## **3. Additional Recommended Project-Level Air Quality Mitigation Measures**

CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate significant adverse impacts. The Proposed Project is a blueprint for the Rancho Los Amigos South Campus' future development. The Draft PEIR for the Proposed Project may serve as the first-tier, programmatic level analysis that can provide guidance to subsequent, project-level environmental analyses for future development projects at the Proposed Project. Therefore, South Coast AQMD staff recommends that the Lead Agency include the following project-level mitigation measures in the Final PEIR to further reduce significant, unavoidable air quality impacts from construction activities.

- All off road diesel-powered construction equipment greater than 50 horsepower shall meet U.S. EPA Tier 4 Final off-road emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by the California Air Resources Board (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. This requirement shall be included in applicable bid documents, purchase orders, and contracts. Successful contractor(s) must demonstrate the ability to supply the

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<sup>5</sup> Draft PEIR. Pages 4.7-4 and 5.

compliant construction equipment for use prior to any ground disturbing and construction activities. A copy of each unit's certified tier specification or model year specification shall be available upon request at the time of mobilization of each applicable unit of equipment. Require periodic reporting and provision of written construction documents by construction contractor(s) to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance. In the event that construction equipment cannot meet the Tier 4 Final engine certification, the project representative or contractor must demonstrate through future studies 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, construction equipment with Tier 4 Interim or reduction in the number and/or horsepower rating of construction equipment and/or limiting the number of construction equipment operating at the same time. All equipment must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. All maintenance records for each equipment and their contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction.

- During construction, require the use of zero-emissions (ZE) or near-zero emissions (NZE) trucks (e.g., material delivery trucks and soil import/export), 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, require that truck operator(s)/construction contractor(s) 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. To monitor and ensure ZE, NZE, or 2010 model year trucks are used at the future development projects, the lead agency should require that operators maintain records of all trucks associated with the future development projects' construction and make these records available to the lead agency upon request. The records will serve as evidence to prove that each truck called to the future development projects during construction meets the minimum 2010 model year engine emission standards. Alternatively, the lead agency should require periodic reporting and provision of written records by contractors working on the future development projects and conduct regular inspections of the records.
- 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.
- All construction equipment must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications that optimize emissions without nullifying engine warranties. All maintenance records for each equipment and their construction contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction.
- Encourage construction contractors to apply for South Coast AQMD "SOON" funds. The "SOON" program provides funds to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles<sup>6</sup>.

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<sup>6</sup> South Coast AQMD. Accessed at: <http://www.aqmd.gov/home/programs/business/detail?title=off-road-diesel-engines>

- Prohibit vehicles and construction equipment from idling longer than five minutes at the construction site by including these restrictions in the construction company contract(s) and by posting signs on-site, unless the exceptions in the CARB regulations which pertain to idling requirements are applicable.
- Require construction equipment such as concrete/industrial saws, pumps, aerial lifts, material hoist, air compressors, forklifts, excavator, wheel loader, and soil compactors be electric or alternative-fueled (i.e., non-diesel).
- Survey and document the proposed project's construction areas and identify all construction areas that are served by electricity. Onsite electricity, rather than temporary power generators, shall be used in all construction areas that are demonstrated to be served by electricity.

#### **4. Responsible Agency and South Coast AQMD Permits and Rules**

Disturbing and excavated soils that may contain hydrocarbons or toxic air contaminants are subject to the requirements of South Coast AQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil<sup>7</sup>, and Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants<sup>8</sup>. Since the soil and environmental site assessments are reasonably foreseeable under Mitigation Measure (MM) HAZ-1, the Lead Agency should include a discussion on South Coast AQMD Rules 1166 and 1466 in the Air Quality Section of the Final PEIR.

If the soil and environmental site assessments involve the use of equipment which either emits or controls air pollution, South Coast AQMD staff should be consulted in advance to determine whether or not any permits or plans are required to be filed and approved by South Coast AQMD prior to the operation of such equipment, and to identify if any other South Coast AQMD Rules, such as Rule 431.2 – Sulfur Content of Liquid Fuels<sup>9</sup> and Rule 1110.2 – Emissions from Gaseous and Liquid-Fueled Engines<sup>10</sup> will be applicable to the Proposed Project and discussed in the Final PEIR.

Operation of portable engines and portable equipment units of 50 brake horsepower or greater (> 50bhp) that emit particulate matter requires a permit from South Coast AQMD or registration under the Portable Equipment Registration Program (PERP) through the California Air Resources Board (CARB)<sup>11</sup>. The Lead Agency should consult with South Coast AQMD's Engineering and Permitting staff to determine if there is any diesel-powered equipment during implementation that will require a South Coast AQMD permit or if the equipment will need to be registered under the PERP through CARB. If a permit from South Coast AQMD is required, South Coast AQMD is a Responsible Agency for the Proposed Project and should be identified in the Final PEIR. Any assumptions used in the Air Quality Analysis in the Final PEIR will be

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<sup>7</sup> South Coast AQMD. Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>.

<sup>8</sup> South Coast AQMD. Rule 1466 – control of Particulate Emissions from Soils with Toxic Air Contaminants. Accessed at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>.

<sup>9</sup> South Coast AQMD. Rule 431.2 – Sulfur Content of Liquid Fuels. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-431-2.pdf>.

<sup>10</sup> South Coast AQMD. Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1110-2.pdf>.

<sup>11</sup> South Coast AQMD. *Portable Equipment Registration Program (PERP)*. Accessed at: <http://www.aqmd.gov/home/permits/equipment-registration/perp>.

used as the basis for permit conditions and limits for the Proposed Project. Should there be any questions on permits, please contact 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>. 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>.