

Comment Letter No. 11

7:25 AM 2/6/2012 7:25 AM

From: Mehta-Cooper, Mitra
Sent: Monday, February 06, 2012 7:11 AM
To: Nanthavongdouangsy, Phayvanh
Subject: FW: DPEIR Wine Country Community Plan Project
Attachments: DPEIRWineCountryCommunityPlan.pdf

FYI

From: Daniel Garcia [<mailto:dgarcia@aqmd.gov>]
Sent: Thursday, February 02, 2012 6:29 PM
To: Mehta-Cooper, Mitra
Cc: Ian MacMillan
Subject: DPEIR Wine Country Community Plan Project

The South Coast Air Quality Management District's comments are provided in the attached letter. Please be advised that you will also receive this letter by U.S. Mail.

} 11.1

Regards,

Dan Garcia
Air Quality Specialist
Planning, Rule Development, and Area Sources
21865 Copley Drive
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E-Mailed: February 2, 2012
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February 2, 2012

Ms. Mitra Metha-Cooper
Riverside County Planning Department
4080 Lemon Street, 12th Floor
P.O. Box 1409
Riverside, CA 92502-1409

**Review of the Draft Environmental Impact Report (Draft EIR)
for the Proposed Temecula Valley Wine Country Community Plan Project**

The South Coast Air Quality Management District (AQMD) 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 Environmental Impact Report (Final EIR) as appropriate.

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The AQMD staff is concerned about future potential localized air quality impacts to sensitive land uses (i.e., residential uses) within the project area from construction activity facilitated by the proposed project. Therefore, the lead agency should include mitigation in the Final EIR that requires all future projects in the plan area to conduct a localized air quality analysis and apply all feasible mitigation when necessary. Further, AQMD staff recommends that the lead agency consider additional mitigation measures to minimize the project's significant regional air quality and greenhouse gas emissions impacts pursuant to Section 15126.4 of the California Environmental Quality Act (CEQA) Guidelines. Details regarding these comments are attached to this letter.

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Pursuant to Public Resources Code Section 21092.5, AQMD staff requests that the lead agency provide the AQMD 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

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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.

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Sincerely,



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

Attachment

IM:DG

RVC111202-01
Control Number

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Potential Localized Air Quality Impacts to Sensitive Land Uses

1. Based on the lead agency's discussion for Impact 4.3-3 in the Draft EIR the proposed project may include construction activity in close proximity to sensitive land uses (i.e., residential). However, the lead agency determined that since residential uses are required to be low density (i.e., one home per acre), the localized construction emissions from individual residential development will remain below the localized significance thresholds (LSTs). As a result, the AQMD staff is concerned that this assessment does not account for individual parcel layout and that in some cases, regardless of density specifications, construction of an individual project could occur such that it is adjacent to existing residents yielding potential air quality impacts during construction. Therefore, AQMD staff recommends that the lead agency provide additional mitigation that requires: (a) all projects subject to CEQA review conduct an LST analysis consistent with AQMD's LST Methodology¹ and (b) any project that demonstrates significant localized impacts to reduce the impacts to the maximum extent feasible with the appropriate onsite measures such as those identified in comment number two (2) below.

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Mitigation Measures for Construction Air Quality Impacts

2. Given that the lead agency concluded that the proposed project will have significant construction related regional air quality impacts, the AQMD staff recommends that the lead agency provide additional mitigation pursuant to CEQA Guidelines §15126.4. Specifically, AQMD staff recommends that the lead agency minimize or eliminate significant adverse air quality impacts by adding the mitigation measures provided below.
 - Reroute construction trucks away from congested streets or sensitive receptor areas,
 - Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation,
 - Improve traffic flow by signal synchronization, and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications,
 - Use coatings and solvents with a VOC content lower than that required under AQMD Rule 1113,
 - Construct or build with materials that do not require painting,
 - Require the use of pre-painted construction materials,
 - 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 and PM emissions requirements,

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¹ <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>

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- During project construction, all internal combustion engines/construction equipment operating on the project site shall meet EPA-Certified Tier 3 emissions standards, or higher 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.

Mitigation Measures for Operational Air Quality Impacts

3. The lead agency's operational air quality analysis demonstrates significant air quality impacts from all criteria pollutant emissions including NOx, CO, VOC, PM10 and greenhouse gas emissions impacts. These impacts are primarily from mobile source emissions related to vehicle trips associated with the proposed project. However, the lead agency fails to adequately address this large source of emissions. Specifically, the lead agency requires nominal mitigation measures in the Draft EIR that lack emission reduction targets and specificity relative to the mobile source emissions. Therefore, the lead agency should reduce the project's significant air quality impacts by reviewing and incorporating additional transportation mitigation measures from

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the greenhouse gas quantification report² published by the California Air Pollution Control Officer's Association and by revising mitigation measures AQ-1 through AQ-7 to provide specific emission reduction targets in the Final EIR. Further, the lead agency should be mindful of significant mobile source reductions that are needed in the near future for the South Coast Air Basin to achieve Federal Clean Air Standards by 2023 and 2030³.

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² California Air Pollution Control Officer's Association. August 2010. Quantifying Greenhouse Gas Mitigation Measures. Accessed at: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

³ See page six (6) of the Powering the Future Document accessed at: <http://www.aqmd.gov/pubinfo/images/cover-spread.jpg>

Response No. 11

**South Coast Air Quality Management District
Dan Garcia/ Ian MacMillan
Air Quality Specialist**

- 11.1 This comment does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments).)
- 11.2 This comment does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments).)
- 11.3 This comment summarizes the District’s concerns. Responses to the specific concerns noted are provided below.
- 11.4 The County of Riverside is complying with the requirements of the California Environmental Quality Act (CEQA) Section 21092.5, and will be preparing written responses to significant environmental comments provided to the County during the 60-day public review period. In compliance with CEQA, all public agencies will be provided written responses to their comments at least 10 days prior to Final PEIR certification. County staff appreciates the offer to consult with District staff in advance of the Final PEIR consideration, and will contact District staff if necessary.
- 11.5 The Draft PEIR Impact 4.3-3 states that, for construction-related impacts, operational impacts, and infrastructure impacts, implementing project activities may result in potentially significant impacts related to LST thresholds (Draft PEIR, page 4.3-31). Even with compliance with existing regulations and policies, and the implementation of mitigation measures AQ-1 through AQ-12, the Project may result in potentially significant and unavoidable impacts. Mitigation measures AQ-8 through AQ-12 will reduce construction-related impacts to the maximum extent feasible. Mitigation Measure AQ-12 specifically requires LST analysis, and will be modified as noted below to clarify the methodology.

“AQ-12 Proponents of non-residential implementing projects or projects larger than five acres in total size shall prepare appropriate air quality studies which demonstrate that emissions resulting from Project construction and operation do not result in significant localized impacts, or are mitigated to the

extent feasible. The site-specific studies shall utilize SCAQMD’s Localized Significance Threshold methodology, as reflected at <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>. This methodology is a guidance document and may be modified for site-specific implementing actions as determined appropriate by the County.”

Residential uses are not likely to result in localized impacts due to setback and minimum lot size requirements of the Project. Although construction activities may occur up to the property boundary, existing residential uses will be set back from the property boundary at a minimum distance of 50 feet and a minimum lot size of one acre. Based on this distance and lot size, construction occurring at adjacent parcels will not likely result in an exceedance of LST thresholds.

11.6 This is a Program EIR and its implementing projects will be required to comply with the Air Quality and Greenhouse Gas emission mitigation measures (AQ 1-12 and GHG 1-2) at the time of project development. Since the various implementing projects are not known at this time, it will be difficult to determine the extent of project impacts and to define the necessary mitigation measure to offset those impacts. The suggested additional mitigation measures will be considered by the County during Project deliberations.

The proposed Project being a community plan (programmatic EIR), will contain many individual projects which are not under the control of the County in terms of construction of operational parameters. The County is not responsible for building or operating any of those individual projects.

In addition, the California Air Resources Board (CARB) is responsible for regulating emissions from off-road (construction) equipment throughout the state by setting emissions standards for off-road (construction) equipment. With regard to on-road sources, the Environmental Protection Agency sets emissions standards. Emissions standards over time are reduced to meet pollution reduction goals.

Although the county is not responsible for regulating off-road and on-road emissions, emissions will be reduced over time as emissions standards are reduced through the appropriate regulatory agency (CARB, EPA, etc). Therefore, mitigation measures which are Project specific may not be feasible given the level of control available to the County.

The recommended mitigation measures to reduce VOC emissions during construction such as requiring coatings and solvents to contain VOC content less

than SCAQMD Rule 1113; use of pre-painted materials; and construct or build with materials that do not require painting may not be feasible to all implementing projects within the Project area such as single family residential uses to commercial wineries. As mentioned previously, the County will not be building or implementing the individual projects within the Community Plan Area. However, for larger implementing projects such as wineries, the County will recommend use of low VOC content paints beyond SCAQMD Rule 1113 requirements on a case-by-case basis through implementation of Mitigation Measure GHG-2.

The recommended mitigation measure requiring all haul trucks to meet the most stringent emissions standards may not be feasible due to the current availability of such equipment. Review of the EMFAC 2011 fleet data for T7 (heavy duty diesel) single construction trucks shows that only approximately 28% of the construction trucks in the Riverside region meet EPA 2007 or better emission standards by 2014. With a low availability of new (2007 or newer) haul trucks, it is not feasible to meet the suggested performance standard.

For individual projects within the Project area which are being constructed in the next few years, use of 2007 or newer trucks will not be feasible due to availability. However, the Project has a relatively long build out (Year 2035) and as time passes, more trucks in the construction fleet mix will eventually meet Year 2007 emissions standards.

The recommended mitigation measure requiring all construction equipment to meet Tier 3 or 4 emissions standards may not be feasible due to the current availability of such equipment. Review of the latest CARB Diesel Off-Road Online Reporting System (DOORS) data shows that heavy duty off-road construction equipment meeting Tier 3 or 4 emission standards account for only seven percent of the statewide fleet.¹ With a low availability of Tier 3 or 4 emissions compliant construction equipment, it is not feasible to require all construction equipment to meet these requirements. As discussed above, the availability of Tier 3 and 4 equipment within the construction fleet will increase with time. With the long build out (Year 2035), all construction equipment will eventually meet Tier 4 emissions standards.

With regard to participation with the AQMD SOON program, construction contractors will be encouraged to apply for AQMD “SOON” funds. Mitigation Measure AQ-13 has been added and will be implemented as part of the Final PEIR:

¹ Diesel Off-Road Online reporting System Access Database. April 14, 2010. California Air Resources Board.

“AQ-13: Construction contractors supplying heavy duty diesel equipment, greater than 50 hp, will be encouraged to apply for AQMD SOON funds. Information including the AQMD website will be provided to each contractor which uses heavy duty diesel for on-site construction activities.”

11.7 The Draft PEIR provides a comprehensive assessment of mobile emissions. Mitigation of operational mobile emissions is addressed in the following ways:

- 1) The Project itself can be considered “mitigation” as it represents a substantial reduction in Wine Country buildout compared to the current General Plan and Policy standards (over 1,000 less dwelling units and over 10,000 less employees, as shown on page 6.0-11 of the Draft PEIR);
- 2) The Project incorporates numerous Project Design Features as set forth in Chapter 3 (pages 3.0-16 to 3.0-21) and in Chapters 4.3 and 4.7. These measures have been incorporated into the Project and therefore are not identified as “mitigation measures” but they nonetheless provide for substantial reduction in overall mobile emissions;
- 3) The Project’s future implementing projects will be required to comply with numerous existing regulations and requirements as set forth in the Draft PEIR Chapters 4.3 and 4.7;
- 4) The Project includes various transportation improvements that also serve to reduce GHG, in that they provide for substantial non-vehicular transportation (pedestrian, bicycle and equestrian), and reduce total vehicle miles traveled through Transportation Demand Management measures such as those noted in TRF-2;
- 5) GHG-2 provides for a menu approach to allow individual implementing projects achieve the necessary GHG reduction; and
- 6) The Air Quality Chapter includes various measures that serve to reduce mobile emissions. AQ-1 requires new commercial and industrial implementing project to develop a trip reduction program. AQ-2 conditions all implementing projects to implement the Trails and Bikeways Systems map. AQ-3 requires implementing projects to incorporate bicycle parking areas and horse hitching posts. AQ-4 requires implementing projects to incorporate a comprehensive parking program. AQ-5 promotes the expanded use of renewable fuel and low-emissions vehicles. AQ-6 requires implementing projects to prohibit idling of on-and-off road heavy duty diesel vehicles for more than five minutes. AQ-7 promotes alternative modes of transportation.

As mentioned previously, the Project is a community plan (programmatic EIR) in which the County has little or no control over operations of each individual implementing project. The Project contains several measures

which serve to reduce vehicle trips as described above, however, detailed trip reduction mitigation measures such as requiring use of shuttles, mixed use development or increase density is not feasible for this Project.