

**RESPONSE TO COMMENT LETTER A**  
**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**  
**LIYIN SUN, PROGRAM SUPERVISOR/CEQA IGR**

**Response to Comment A-1:**

The City appreciates the South Coast Air Quality Management District's (SCAQMD's) review of the Draft Mitigated Negative Declaration (MND). The comment offers introductory remarks and describes the proposed project. Comment noted. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the Draft MND. Neither this comment nor the response constitutes new information requiring revisions to the Draft MND.

**Response to Comment A-2:**

Comment noted. This comment notes that the Air Quality section of the Draft MND analyzed the construction and operational emissions from implementation of the proposed project which concluded that impacts would be less than significant with incorporation of Mitigation Measures (MM) AQ-1 and MM AQ-2 (refer to page 19 through 24 of the Draft MND). This comment does not identify any significant new environmental issues or impacts that were not already addressed in the Draft MND. Neither this comment nor the response constitutes new information requiring revisions to the Draft MND.

**Response to Comment A-3:**

Comment noted. The comment states that the City performed a Health Risk Assessment (HRA) given the project site's proximity to the Burlington Northern Santa Fe (BNSF) railway and State Route 91 (SR-91) freeway (refer to Appendix B of the Draft MND). The comment notes the cancer risk before and after mitigation measure as described in the HRA and Draft MND and states that the project would exceed SCAQMD's CEQA significance threshold of 10 in one million for cancer risk.

The California Environmental Quality Act (CEQA) case (California Building Industry Association v. Bay Area Air Quality Management District (2015) 62 Cal.4th 369) established that CEQA does not require the analysis of the existing air environment on a project. In its examination of project impacts, CEQA (Guidelines §15126.2) requires lead agencies to, "... limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced." The entire project area currently exceeds recommended SCAQMD cancer risk threshold of 10 in one million. The cancer risk of 813 in one million for children over a nine-year exposure period and 1,170 in one million for adults over a 30-year exposure period for future residents of the proposed project is attributed to the existing sources such as frequent nearby Metrolink and BNSF freight trains and heavy traffic on nearby SR-91 freeway. The proposed project does not add any emissions of Toxic Air Contaminant (TAC). Thus, there is no incremental increase of TAC with implementation of the proposed project from baseline conditions (refer to Page 18 of the Draft MND).

Nonetheless, the HRA (refer to Appendix B of the Draft MND) and Draft MND identifies the installation of MERV-16 filtration systems (MM AQ-1) which would significantly reduce health risk exposures within the project site from baseline conditions. Compared to the existing condition, the proposed MERV-16 filtration systems would reduce the maximum cancer risk (per million) in children and adults to 48 and 51, respectively (refer to Page 18 of the Draft MND). This comment does not identify any significant new environmental issues or impacts that were not already addressed in the Draft MND. Neither this comment nor the response constitutes new information requiring revisions to the Draft MND.

**Response to Comment A-4:**

Comment noted. This comment notes the limitations of the MERV-16 filtration systems due to maintenance cost to upkeep the functionality of the filtration systems. CEQA (Guidelines §15131) states, “. . . Economic or social effects of a project shall not be treated as significant effects on the environment.” While MM AQ-1 requires the installation of MERV-16 filtration systems (through review and approval of project building permits) in the proposed residential structures, the maintenance of any such filtration system becomes the sole responsibility of the owner of the residence. The maintenance cost associated with such systems is not a relevant environmental issue.

The City has identified MM AQ-2, requiring the disclosure of information to prospective buyers about potential TAC exposure at the project site. The disclosure of potential TAC exposure and the consideration of potential maintenance costs of any filtration system is a matter best reserved for the individual property owner. The increased energy costs associated with operation of heating, ventilation, and air conditioning (HVAC) and MERV systems is not a factor that would result in a physical impact on the environment; therefore, discussion of any such economic effect is not warranted.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the Draft MND. Neither this comment nor the response constitutes new information requiring revisions to the Draft MND.

**Response to Comment A-5:**

The commenter states concerns regarding the effectiveness and feasibility of the filtration systems. As previously mentioned in Response to Comment A-3 above, there is no incremental increase of TAC with implementation of the proposed project from baseline conditions (refer to Page 18 of the Draft MND). Nonetheless, the HRA (refer to Appendix B of the Draft MND) and Draft MND identifies the installation of MERV-16 filtration systems (MM AQ-1) which would significantly reduce health risk exposures within the project site from baseline conditions.

The higher the MERV rating on a filter, the fewer dust particles and other contaminants can pass through it. Most residential systems can adequately remove airborne contaminants with a filter rated MERV 7-12 systems. MERV 13-16 systems are typically found in hospital and general surgery settings. MM AQ-1 requires the installation of MERV-16 filtration systems in all proposed residences. As stated in the HRA and Draft MND, the average particle size efficiency (PSE) removal based on ASHRAE<sup>1</sup> Standard 52.2 for MERV 16 filtration systems is

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<sup>1</sup> American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE).

approximately 95% for 0.3 to 1.0  $\mu\text{g}/\text{m}^3$  (diesel particulate matter) and 95% for 1.0 to 10  $\mu\text{g}/\text{m}^3$  (PM10 and PM2.5). Operation of the required filtration systems would reduce the inhalation cancer risk from 813 to 41 in one million for children and from 1,170 to 58 in one million for adults (refer to pages 18 and 19 of the Draft MND).

While the reduction in potential cancer risk is substantial, there is no feasible method to mandate how or when required filtration systems are operated. The frequency and duration of each resident's occupancy of individual units is likely to be highly variable. Due to school, work and other commitments, it is unreasonable to expect that residents will be present inside a filtration system equipped residence 100 percent of the time. It is equally infeasible to attempt to predict where, when or for how long windows and/or doors may be opened in a manner that render the filtration system ineffective.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the Draft MND. Neither this comment nor the response constitutes new information requiring revisions to the Draft MND.

**Response to Comment A-6:**

The MERV filtration required under MM AQ-1 will be installed at individual residential units<sup>2</sup>. The project does not include the common ownership of HVAC units or the centralization of HVAC or filtration systems within the project site. The maintenance of individual air conditioning/heating and filtration system(s) will be the sole responsibility of the owner of each residence. While it is reasonable to conclude that individual owners will optimally maintain these systems; there is no enforcement procedure that will guarantee the appropriate maintenance of these systems in privately owned properties. This is not an environmental issue that warrants further discussion in the Draft MND.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the Draft MND. Neither this comment nor the response constitutes new information requiring revisions to the Draft MND.

**Response to Comment A-7:**

Comment noted. The commenter requested that the City consider recommendations included in *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* (SCAQMD, adopted 2005) and *Air Quality and Land Use Handbook: A Community Perspective* (California Air Resources Board, 2005) which suggest avoiding siting residential uses within 500 feet of a freeway or 1,000 feet of a rail line.

According to the Final MATES IV Report (2015), the average population-weighted cancer risk Basin-wide is 367 in one million. The average risk included all populated land cells that reside within the MATES IV modeling area<sup>3</sup>. While the MATES IV study recognizes a reduction in air

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<sup>2</sup> Some air cleaning devices are designed to be installed in the ductwork of a home's central heating, ventilating and air-conditioning (HVAC) system to clean the air in the whole house. Portable room air cleaners can be used to clean the air in a single room or specific areas, but they are not intended for whole-house filtration. (<https://www.epa.gov/indoor-air-quality-iaq/guide-air-cleaners-home>)

<sup>3</sup> Final Report, Multiple Air Toxics Exposure Study in the South Coast Air Basin (MATES IV), South Coast Air Quality Management District, May 2015.

toxics risks since from the previous report (MATES III, 2008), the average ambient condition throughout the Basin remains in excess of the SCAQMD threshold of 10 in one million.

The SCAQMD's *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning (Guidance)* encourages cities to adopt a proactive approach to address existing health concerns resulting from Toxic Air Contaminants (TACs). Selected policies in the *Guidance* include; the mapping and inventory resources to identify sensitive receptors and sources of air pollution; the mapping; and the incorporation of design features (e.g., pollution prevention, pollution reduction, barriers, landscaping, ventilation systems, or other measures) in the planning process to minimize the potential impacts of air pollution on sensitive receptors.

Given the proximity of the site to the BNSF railway and SR-91, a HRA was prepared for the project (refer to Appendix B of the Draft MND). The HRA and Draft MND noted that the project site and surrounding area is currently located within carcinogenic risk levels substantially higher (501 to 1,000 in a million) than the SCAQMD threshold of 10 in a million. The cancer risk of 813 in one million for children over a nine-year exposure period and 1,170 in one million for adults over a 30-year exposure period for future residents of the proposed project is attributed to the existing sources such as frequent nearby Metrolink and BNSF freight trains and heavy traffic on nearby SR-91 freeway. CEQA case (California Building Industry Association v. Bay Area Air Quality Management District (2015) 62 Cal.4th 369) established that CEQA does not require the analysis of the existing air environment on a project. The proposed project does not add any emissions of TAC. Nonetheless, the project will incorporate MERV-16 filtration systems substantially reducing the cancer risk levels from baseline conditions.

Through the preparation of the HRA and the identification MM AQ-1 (e.g., required installation of MERV-16 filtration systems), the City has considered the SCAQMD's *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. The proposed project would not result in incremental increase of TAC from baseline conditions (refer to Page 18 of the Draft MND). Other factors the City considered during the entitlement process included proposal by the applicant, necessity for housing, and compliance with the City's Codes.

Furthermore, in its 2017 *Technical Advisory: Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways* (April 2017)<sup>4</sup>, the California Air Resources Board (CARB) recognizes<sup>5</sup> the benefits provided by infill and compact development located near freeways and other busy traffic corridors. The Technical Advisory provides information on strategies to reduce exposure to traffic emissions to protect public health and promote equity and environmental justice. The project consists of in-fill development and incorporates features (e.g., solid barriers between receptors and the source of pollutants, vegetation, varied design, open space, filtration systems) which conform to the recently identified air pollution reduction strategies detailed in the Technical Advisory.

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This comment does not identify any significant new environmental issues or impacts that were not already addressed in the Draft MND. Neither this comment nor the response constitutes new information requiring revisions to the Draft MND.

**Response to Comment A-8:**

Comment noted. The commenter requests its comments be appropriately considered by the City during the decision-making process. Refer to Responses to Comment A-1 through A-7 above. The City of Riverside Planning Commission will fully consider SCAQMD's comments, these responses and all other relevant project material prior to any action taken on the proposed project. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the Draft MND.