

SENT VIA E-MAIL AND USPS:

October 17, 2019

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**Mitigated Negative Declaration (MND) for the Proposed  
Magnolia Crossings**

**(Planning Cases P18-0571, P18-0612, P18-0432, P18-0433, P18-0434, P18-0436, P18-0437, P19-0282)**

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 MND.

South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes the construction of a 1,200-square-foot car wash, a 3,800-square-foot convenience store with an attached 1,300-square foot quick service restaurant, a 9,250-square-foot retail building, a 3,812-square-foot restaurant with drive through, a 4,395-square-foot fueling canopy, and a gasoline service station with 16 fueling pumps on 3.9 acres (Proposed Project). The Proposed Project is located at 3505 Van Buren Boulevard on the northeast corner of Van Buren Boulevard and State Route (SR) 91. Based on a review of aerial photographs, South Coast AQMD staff found that the Proposed Project is located immediately west of the existing residential uses that are located on the southwest corner of Teran Court and Farnham Place. Construction of the Proposed Project is anticipated to last 12 months, with operation beginning in 2020<sup>1</sup>.

South Coast AQMD Staff's Summary of the Air Quality Analysis

In the Air Quality Analysis Section, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analysis, the Lead Agency found that the Proposed Project's regional and localized air quality impacts would be less than significant, after the implementation of Mitigation Measure (MM) T-1<sup>2</sup>. MM T-1 would require the payment of fair share contribution fees toward implementation of signal re-timing that would improve the intersection operating conditions at the Van Buren Boulevard/Magnolia Avenue intersection, reducing the possibility of CO hotspot formation<sup>3</sup>.

South Coast AQMD Staff Comments

South Coast AQMD staff has comments on the Air Quality analysis. It did not appear that the Air Quality Analysis included operational ROG emissions from storage tanks or the fueling process. Additionally, the Air Quality Analysis did not include a Health Risk Assessment (HRA) to disclose the health risks from operation of a gasoline service station. Please see the attachment for more information. The attachment also includes a list of potential mitigation measures as resources to further reduce the Proposed Project's operational NOx emissions, which the Lead Agency should consider and incorporate in the Final MND.

<sup>1</sup> MND. Appendix A, *Air Quality and Greenhouse Gas Assessment*. PDF Pages 51 and 55.

<sup>2</sup> MND. Page 23.

<sup>3</sup> *Ibid*.

### 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. Further, if the Lead Agency makes a finding that the recommended mitigation measures are not feasible, the Lead Agency should describe the specific reasons for rejecting or substituting these mitigation measures in the Final MND (CEQA Guidelines Section 15074.1).

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](mailto:lsun@aqmd.gov), should you have any questions.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS:RD

RVC191003-02

Control Number

## ATTACHMENT

### **Air Quality Analysis – Operational ROG Emissions**

1. Upon reviews of the Air Quality Analysis and the fleet mix information in the CalEEMod output files<sup>4</sup>, it did not appear that the Lead Agency analyzed the Proposed Project's air quality impacts, particularly operational reactive organic gas (ROG) emissions, from storage tanks or the fueling process during operation. This may have likely led to an underestimation of the Proposed Project's operational air quality impacts. Although South Coast AQMD Rule 461 – Gasoline Transfer and Dispensing requires the use of California Air Resources Board (CARB) certified Phase I and Phase II enhanced vapor recovery systems with minimum volumetric efficiencies of 98% and 95%, respectively<sup>5</sup>, ROG emissions are not entirely eliminated from the fueling process and should be taken into consideration when analyzing the Proposed Project's operational air quality impacts. As an informational document, the Final MND should, at a minimum, include a discussion on potential operational air quality impacts from the fueling process. The Lead Agency should use its best efforts to quantify and disclose ROG emissions from the fueling process in the Final MND. If there is no substantial evidence to support a quantitative analysis of ROG emissions from the fueling process, the Lead Agency should disclose the reasons supported by factual information in the Final MND. It is also important to note that while CalEEMod<sup>6</sup> quantifies mobile source emissions (e.g., trip visits by patrons) associated with operating a gasoline service station, CalEEMod does not quantify the operational stationary source emissions from the storage tanks and fueling equipment.

### **Air Quality Analysis – Health Risk Assessment (HRA)**

2. Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. As stated above, the Proposed Project includes, among others, the operation of a gasoline service station with 16 pumps. The Proposed Project has the potential to expose nearby residents living immediately east of the Proposed Project to toxic air contaminants, such as benzene, which is a known carcinogen. South Coast AQMD staff has concerns about the potential health impacts to sensitive receptors from the exposures to benzene during the operation of the Proposed Project. Therefore, to facilitate informed decision-making and public participation with useful information about the Proposed Project's potential long-term health impacts to nearby residents, it is recommended that the Lead Agency evaluate, quantify, and prepare a gasoline dispensing station Health Risk Assessment (HRA) analysis to disclose the health risks in the Final MND and include feasible mitigation measures if the cancer risk is found to be significant<sup>7</sup>. Guidance for performing a HRA analysis can be found on South Coast AQMD's website<sup>8</sup>.

<sup>4</sup> Appendix A. PDF Pages 39 and 71.

<sup>5</sup> South Coast AQMD. Rule 461 – Gasoline Transfer and Dispensing. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-461.pdf>.

<sup>6</sup> CalEEMod incorporates up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and is available free of charge at: [www.caleemod.com](http://www.caleemod.com).

<sup>7</sup> South Coast AQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When South Coast AQMD acts as the Lead Agency, South Coast AQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant. The 2015 OEHHA methodology is being used by South Coast AQMD for determining operational health impacts for permitting applications and also for all CEQA projects where South Coast is the lead agency.

<sup>8</sup> South Coast AQMD. Risk Assessment Procedures for Rules 1401. Accessed at: <http://www.aqmd.gov/home/permits/risk-assessment>.

### **Guidance Regarding Gasoline Dispensing Facilities Sited Near Sensitive Receptors**

3. South Coast AQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between Lead Agencies and South Coast AQMD to reduce community exposure to source-specific and cumulative air pollution impacts, South Coast AQMD adopted the *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*<sup>9</sup> in 2005. Additional guidance is available in the California Air Resources Board (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*, available at: <https://www.arb.ca.gov/ch/handbook.pdf>. For gasoline dispensing facilities, a 300-foot separation is recommended between a large gasoline station with a throughput of 3.6 million gallons per year or greater and sensitive land uses (e.g., residential uses)<sup>10</sup>. For typical gasoline dispensing facilities, a 50-foot separation is recommended<sup>11</sup>. South Coast AQMD staff recommends that the Lead Agency review and consider these guidance when making local planning and land use decisions.

### **Recommended Mitigation Measures**

4. In the event that, upon revisions to the Air Quality Analysis based on the Comments above, the Lead Agency finds that the Proposed Project would result in significant adverse air quality and health risks impacts from operation, mitigation measures would be required (CEQA Guidelines Sections 15070 to 15075). Therefore, South Coast AQMD staff has compiled a list of recommended mitigation measures as suggested resources and guidance to the Lead Agency to assist in the identification of feasible mitigation measures for incorporation in the Final MND. For more information on potential mitigation measures as guidance to the Lead Agency, please visit South Coast AQMD's CEQA Air Quality Handbook website<sup>12</sup>.

#### *Mitigation Measures for Operational Air Quality Impacts from Mobile Sources*

- Provide incentives for vendors and material delivery trucks that would be visiting the retail and convenience store to encourage the use of zero-emission or near-zero emission heavy-duty trucks during operation, such as trucks with natural gas engines that meet CARB's adopted optional NOx emissions standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, incentivize the use of 2010 model year<sup>13</sup> 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. Include analyses to evaluate and identify sufficient power available for zero emission trucks and supportive infrastructures in the Energy and Utilities and Service Systems Sections of the Final MND, where appropriate.
- Provide electric vehicle (EV) charging stations for the Proposed Project. Require at least five percent of all vehicle parking spaces include EV charging stations, or at a minimum, require the Proposed Project to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for passenger vehicles and trucks to plug-in. Electrical panels should be appropriately sized to allow for future expanded use. The Lead Agency should also include

<sup>9</sup> South Coast AQMD. May 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Accessed at: <http://www.aqmd.gov/home/library/documents-support-material/planning-guidance/guidance-document>.

<sup>10</sup> CARB. *Air Quality and Land Use Handbook: A Community Health Perspective*. Page 4. Accessed at: <https://www.arb.ca.gov/ch/handbook.pdf>.

<sup>11</sup> *Ibid.*

<sup>12</sup> South Coast AQMD. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

<sup>13</sup> CARB adopted the statewide On-Road Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulations is available here: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

analyses to evaluate and identify sufficient power available for zero emission trucks and supportive infrastructures (e.g., EV charging stations) in the Energy and Utilities and Service Systems Sections of the Final MND, where appropriate.

- Provide incentives for employees working at the Proposed Project to encourage the use of public transportation or carpooling, such as discounted transit passes or carpool rebates.
- Implement a rideshare program for employees working at the Proposed Project and set a goal to achieve a certain participation rate over a period of time.

*Mitigation Measures for Operational Air Quality Impacts from Area Sources*

- Maximize the use of solar energy including solar panels. Install the maximum possible number of solar energy arrays on the building roofs and/or on the Proposed Project site to generate solar energy for the facility and/or EV charging stations.
- Require the use of electric landscaping equipment, such as lawn mowers and leaf blowers.
- Require use of electric or alternatively fueled sweepers with HEPA filters.
- Maximize the planting of trees in landscaping and parking lots.
- Use light colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.

**South Coast AQMD Permits and Compliance with South Coast AQMD Rules**

5. In addition to an approval from South Coast AQMD for the Dust Control Plan, operation of a gasoline service station with 16 fueling pumps requires a permit from South Coast AQMD. As such, South Coast AQMD should be identified as a Responsible Agency under CEQA in the Final MND. 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>. In addition to a discussion<sup>14</sup> on Rule 461 – Gasoline Transfer and Dispensing<sup>15</sup>, the Final MND should include a discussion on South Coast AQMD Rule 201 – Permit to Construct<sup>16</sup>, Rule 203 – Permit to Operate<sup>17</sup>, and Rule 1401 – New Source Review of Toxic Air Contaminants<sup>18</sup> to demonstrate compliance. Any assumptions used in the Air Quality and HRA analyses in the Final MND will be used as the basis for permit conditions and limits. The 2015 revised Office of Environmental Health Hazard Assessment (OEHHA) methodology<sup>19</sup> is being used by South Coast AQMD for determining operational health impacts for permitting applications and also for all CEQA projects where South Coast AQMD is the Lead

<sup>14</sup> MND, Page 49.

<sup>15</sup> South Coast AQMD. Rule 461 – Gasoline Transfer and Dispensing. Accessed at: <https://www.aqmd.gov/docs/default-source/compliance/Gas-Dispensing/rule-461.pdf>.

<sup>16</sup> South Coast AQMD. Rule 201 – Permit to Construct. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>.

<sup>17</sup> South Coast AQMD. Rule 203 – Permit to Operate. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>.

<sup>18</sup> South Coast AQMD. Rule 1401 – New Source Review of Toxic Air Contaminants. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf>.

<sup>19</sup> Office of Environmental Health Hazard Assessment. "Notice of Adoption of Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments 2015". Accessed at: <https://oehha.ca.gov/air/crn/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0>.

Agency. If any information in the permitting process suggests the Proposed Project would result in new significant adverse air quality impacts not analyzed in the Final MND or substantially more severe air quality impacts than those analyzed in the Final MND that cannot be reduced to less than significant after implementation of recommended mitigation measures in Comment No. 3, the Lead Agency should commit to reevaluating the Proposed Project's air quality and health risks impacts through a CEQA process (CEQA Guidelines Section 15162).





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October 18, 2019

Job No. 3-418-0671

**MITIGATED NEGATIVE DECLARATION (MND) FOR THE PROPOSED  
MAGNOLIA CROSSINGS  
(PLANNING CASES P18-0571, P18-0612, P18-0432, P18-0433, P18-0434,  
P18-0436, P18-0437, P19-0282)**

Below are the responses to SCAQMD comments for the MND for the Proposed Magnolia Crossings:

1. South Coast AQMD Staff's Summary of the Air Quality Analysis

In the Air Quality Analysis Section, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analysis, the Lead Agency found that the Proposed Project's regional and localized air quality impacts would be less than significant, after the implementation of Mitigation Measure (MM) T-1 2 . MM T-1 would require the payment of fair share contribution fees toward implementation of signal re-timing that would improve the intersection operating conditions at the Van Buren Boulevard/Magnolia Avenue intersection, reducing the possibility of CO hotspot formation<sup>3</sup>

*Correct. Mitigation Measures will be completed with construction of this project. Impacts with Mitigation Measures will be less than significant.*

2. Air Quality Analysis – Operational Impact Analysis

South Coast AQMD staff has comments on the Air Quality analysis. It did not appear that the Air Quality Analysis included operational ROG emissions from storage tanks or the fueling process. Additionally, the Air Quality Analysis did not include a Health Risk Assessment (HRA) to disclose the health risks from operation of a gasoline service station. Please see the attachment for more information. The attachment also includes a list of potential mitigation measures as resources to further reduce the Proposed Project's operational NOx emissions, which the Lead Agency should consider and incorporate in the Final MND.

*The additional ROG that would be generated from storage tanks or from the fueling process is expected to be 10 lbs per day. The calculated ROG as stated in the Air Quality Report is 12 lbs/day. The total project's ROG emissions the site will emit is now 22 lbs/day ROG which is below the 55lbs/day threshold set by SCAQMD. This assumes the annual throughput for this project is 3,599,000 gallons annually. A fuel dispersion factor of 0.98 lbs/1000gals was used which exceeds the Air District factor of 0.89 lbs/1000gals.*

*The Health Risk assessment is complete and attached. The health risk has been reviewed in regard to cancer causes chemicals in close proximity to sensitive receptors. The health risk tool provide by SCAQMD was used to review this risk. The project is expected to have a throughput of 3,599,000 million gallons annually. The assessment used a conservative approach using 5.5 million gallons of gasoline annually with the sensitive receptors located approximately 50 meters from the fueling station. Based on this assessment the gas station will have a Maximum Individual Cancer Risk (MICR) of 9.229 this is below the SCAQMD threshold of 10 MICR therefore this project will have a less than significant impact to the surrounding sensitive receptors.*

If you have any questions, or if we may be of further assistance, please do not hesitate to contact our office at (909) 489-8515.

Respectfully submitted,

**SALEM Engineering Group, Inc.**

**SAN JOSE, CA | STOCKTON, CA | FRESNO, CA | BAKERSFIELD, CA | RANCHO CUCAMONGA, CA**

**P18-0571, 0612, 0432, 0433, 0436, 0437, P19-0282  
DALLAS, TX | DENVER, CO | CHARLESTON, SC**

Exhibit 13- Comment Letter and Applicant Prepared Response