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*SENT VIA EMAIL*

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**Re: Supplemental Comment on Mitigated Negative Declaration, 4416 Azusa Canyon Road (SCH 2021120500), Site Plan & Design Review DA No. 04-2020, and Resolution No. 813(22) and Resolution No. 814(22).**

Dear Ms. Jones, Ms. Chou, and Honorable Planning Commissioners:

I am writing on behalf of **Supporters Alliance for Environmental Responsibility ("SAFER")** regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the 4416 Azusa Canyon Road Project (SCH 2021120500), including all actions related or referring to the proposed construction of a 129,830 square-foot speculative concrete tilt-up warehouse, office, and manufacturing facility with associated passenger vehicle parking, located at the northeastern corner of the Azusa Canyon Road/Los Angeles Street intersection, on APN 8417-004-006, in the City of Irwindale ("Project").

After reviewing the IS/MND, we submitted comments on February 16, 2022, which concluded that the IS/MND fails as an informational document, and that there is a fair argument that the Project may have adverse environmental impacts. Therefore, we requested that the City of Irwindale ("City") prepare an environmental impact report ("EIR") for the Project pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000, et seq.

SAFER submits the following supplemental comment and related exhibit to inform the Commission of the new, significant impacts that the proposed Project will have on individuals

living and working in the City of Irwindale that were neither addressed in the IS/MND, nor adequately mitigated. Specifically, the comment and related exhibit address the Project's potentially significant air quality and greenhouse gas impacts. As evidenced by the expert comments submitted by environmental consulting firm Soil/Water/Air Protection Enterprise ("SWAPE"), CEQA requires that an EIR, rather than an MND, be prepared for the Project. SWAPE's comment and curriculum vitae are attached as Exhibit A hereto and is incorporated herein by reference in its entirety.

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As discussed below, SWAPE reported several issues related to the IS/MND requiring that the City prepare an EIR for the proposed Project.

**I. The IS/MND Relied on Unsubstantiated Input Parameters to Estimate Project Emissions and Thus the Project May Result in Significant Air Quality Impacts Requiring an EIR.**

SWAPE reviewed the Project's CalEEMod output files, provided in the Air Quality and GHG Background and Modeling ("AQ & GHG Report") as Appendix A to the IS/MND, and found that several model inputs used to generate a project's construction and operation emissions were not consistent with information disclosed in the IS/MND. *See* Ex. A, pp. 1-7. As a result, SWAPE concludes that the Project's construction and operational emissions are underestimated. An EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.

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Specifically, SWAPE found that several values used in the IS/MND and AQ & GHG Report's air quality analysis were either inconsistent with information provided in the IS/MND or otherwise unjustified (Ex. A, pp. 2-7), including:

1. Failure to Model All Proposed Land Uses. Ex. A, pp. 2-3.
2. Incorrect Land Use Type. Ex. A, p. 3.
3. Unsubstantiated Reduction to Parking Land Use Size. Ex. A, pp. 3-4.
4. Incorrect Application of Construction-Related Mitigation. Ex. A, pp. 4-7.

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Significantly, SWAPE points out that because the IS/MND includes project design features intended to mitigate construction-related emissions that are not formally included as mitigation measures, they may be eliminated from the Project's design altogether. Ex. A, pp. 5-7. As a result, there is no guarantee that any of the IS/MND's construction-related measures will be implemented, monitored, and enforced on the Project site. *Id.*, p. 6. Therefore, in incorrectly including several construction-related mitigation measures without properly committing to their implementation, the Project's construction emissions were underestimated and should not be relied upon to determine Project significance.

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As a result of these errors in the IS/MND, the Project's construction and operational emissions were underestimated and cannot be relied upon to determine the significance of the

Project's air quality impacts. Thus, an EIR is needed to adequately address the air quality impacts of the proposed Project, and to mitigate those impacts accordingly.

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**II. There is Substantial Evidence of a Fair Argument that the Project May Have Significant Health Impacts as a Result of Diesel Particulate Emissions.**

A subsequent EIR is required to evaluate the significant health impacts to individuals and workers from the Project's operational and construction-related diesel particulate matter ("DPM") emissions as a result of the proposed Project. SWAPE's analysis of health risks related to the Project concludes that the IS/MND failed to adequately analyze the health impacts related to the Project's operational and construction DPM emissions, and provides substantial evidence of a fair argument that the Project will have significant health impacts as a result of such emissions. *See* Ex. A, pp. 9-12.

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**A. The IS/MND fails to adequately evaluate health risks from DPM emissions.**

According to SWAPE, the IS/MND incorrectly concludes that the proposed Project would have a less-than-significant health risk impact, without conducting an adequate quantified construction-related health risk analysis ("HRA"). Ex. A, pp. 7-9. Specifically, the IS/MND concludes that the Project would result in a less-than-significant construction-related health risk impact because "the Project's short term construction duration would limit exposure to [DPM], and exhaust emissions from off-road construction vehicles would not exceed the screening-level localized significance thresholds ("LSTs")." Ex. A, p. 8 (citing IS/MND, p. 60). However, as SWAPE points out, the IS/MND's evaluation of the Project's potential health risk impacts, as well as the subsequent less-than-significant impact conclusion, is incorrect for several reasons. Ex. A, pp. 8-9.

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First, the IS/MND's use of an LST analysis to determine the health risk impacts posed to nearby, existing sensitive receptors as a result of the Project's construction-related toxic air contaminant ("TAC") emissions is incorrect. Ex. A, p. 8. SWAPE points out that the IS/MND's LST analysis only evaluates impacts from criteria pollutants. *Id.* Because the LST method cannot be used to determine whether emissions from TACs, specifically DPM, a known human carcinogen, would result in a significant health risk impact to nearby sensitive receptors, the IS/MND fails to analyze the health impacts from exposure to TACs, such as DPM, from the Project. *Id.*

Second, by failing to prepare a quantified construction HRA, the IS/MND fails to quantitatively evaluate construction-related TACs, or make a reasonable effort to connect emissions to health impacts posed to nearby existing sensitive receptors from the Project. Ex. B, pp. 8-9. SWAPE identifies potential emissions from the exhaust stacks of construction equipment. *Id.*, p. 8 (citing IS/MND, p. 29). As such, the IS/MND fails to meet the CEQA requirement that projects correlate increases in project-generated emissions to adverse impacts on human health caused by those emissions.

Third, the IS/MND's conclusion is also inconsistent with the most recent guidance published by the Office of Health Hazard Assessment ("OEHHA"), the organization responsible for providing guidance on conducting HRAs in California, as well as local air district guidelines. Ex. A, p. 9.<sup>1</sup> OEHHA recommends that projects lasting at least 2 months be evaluated for cancer risks to nearby sensitive receptors, which SWAPE points out is a time period which this Project easily exceeds. *Id.* Since the proposed Project will vastly exceed the 2-month requirement set forth by OEHHA, a quantified construction-related HRA should be prepared for the Project. Because these recommendations reflect the most recent state health risk policies, SWAPE further recommends that an analysis of health risk impacts posed to nearby sensitive receptors from Project-generated construction DPM emissions be included in an EIR that is required for this Project. *Id.*

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Fourth, review of the IS/MND demonstrates that, while the Project did conduct an operational HRA, the HRA fails to evaluate the cumulative lifetime cancer risk to nearby, existing receptors as a result of Project construction and operation together. Ex. A, p. 9. As stated in the OEHHA guidance, and further referenced by the IS/MND, "the excess cancer risk is calculated separately for each age grouping and then summed to yield cancer risk at the receptor location." Ex. A, p. 9 (citing IS/MND, p. 60).<sup>2</sup> However, as SWAPE points out, "the Project's HRA fails to sum each age bin to evaluate the total cancer risk over the course of the Project's total construction and operation." Ex. A, p. 9. According to SWAPE, "this is incorrect." *Id.* Thus, "an updated analysis should quantify the entirety of the Project's construction and operational health risks together and sum them to compare to the SCAQMD threshold of 10 in one million, as referenced by the IS/MND." *Id.* (citing IS/MND, p. 62).

**B. There is substantial evidence that the Project may have a significant health risk impact.**

Correcting the above errors, SWAPE prepared a screening-level HRA to evaluate potential impacts from the construction of the Project. Ex. A, pp. 9-12. SWAPE prepared a screening-level HRA to evaluate potential health risk impacts posed to residential sensitive receptors as a result of the Project's construction-related TAC emissions. SWAPE used AERSCREEN, the leading screening-level air quality dispersion model. SWAPE applied a sensitive receptor distance of 175 meters and analyzed impacts to individuals at different stages of life based on OEHHA and SCAQMD guidance utilizing age sensitivity factors.

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SWAPE found that the excess cancer risks at a sensitive receptor located approximately 175 meters away over the course of Project construction, *with* utilizing the recommended age

<sup>1</sup> "Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at:

<https://oehha.ca.gov/media/downloads/cmr/2015guidancemanual.pdf>.

<sup>2</sup> Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at:

<https://oehha.ca.gov/media/downloads/cmr/2015guidancemanual.pdf>, p. 8-4.

sensitivity factors, are approximately 1.98 in one million for 3<sup>rd</sup> trimester of pregnancy and 10.1 in one million for infants. Ex. A, p. 12. Based on these estimates SWAPE concluded that the excess lifetime cancer risk over the course of the 245-day construction period, utilizing ASFs, is approximately 12.1 in one million. *Id.* Moreover, when summing the Project's construction-related cancer risk, as estimated by SWAPE, with the IS/MND's operational cancer risk of 1.4 in one million, SWAPE further estimates an excess cancer risk of approximately 13.5 in one million over the course of a residential lifetime. *Id.* (citing IS/MND, p. 62, Table 8). The cancer risk for infants and lifetime residents exceeds the SCAQMD's threshold of 10 in one million, thus resulting in a potentially significant impact not previously addressed or identified by the IS/MND. Hence, an EIR is required for the Project.

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CEQA requires an agency to include an analysis of health risks that connects the Project's air emissions with the health risk posed by those emissions. SWAPE's screening-level HRA demonstrates that the Project's construction and operation may have a significant health risk impact, when correct exposure assumptions and up-to-date, applicable guidance are used. Because SWAPE's screening-level HRA indicates a potentially significant impact, the City must prepare an EIR. This EIR should also include an HRA which makes a reasonable effort to connect the Project's air quality emissions and the potential health risks posed to nearby receptors. Thus, as SWAPE recommends, "an EIR should be prepared, including a quantified air pollution model as well as an updated, quantified refined health risk assessment which adequately and accurately evaluates health risk impacts associated with both Project construction and operation" Ex. A, p. 12.

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### **III. The IS/MND Failed to Adequately Analyze Greenhouse Gas Impacts and Thus the Project May Result in Significant Greenhouse Gas Emissions Requiring an EIR.**

SWAPE's review of the IS/MND, AQ & GHG Report, and related appendices found that the IS/MND fails to adequately evaluate the GHG impacts of the proposed Project. Ex. A, pp. 13-20 (citing IS/MND, pp. 84-85, Table 13). However, SWAPE concludes that the IS/MND's GHG analysis and subsequent less-than-significant impact conclusion, is incorrect for several reasons. *See* Ex. A, pp. 14-20.

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First, the IS/MND's quantitative analysis relies upon an incorrect and unsubstantiated air model. Ex. A, p. 14. As a result, GHG emissions are underestimated and the IS/MND's quantitative GHG analysis should not be relied upon to determine Project significance. *Id.* Thus, an EIR should be prepared to adequately assess the Project's potential GHG impacts on the surrounding environment from construction and operation.

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Second, the IS/MND analysis of GHG emissions is flawed. Ex. A, pp. 14-15. According to SWAPE, "[t]he IS/MND estimates that the Project would generate net annual GHG emissions of 2,223 MT CO<sub>2</sub>e/year by subtracting the emissions associated with the existing bottling plant from the emissions associated with the proposed land uses." *Id.*, p. 14 (citing IS/MND, pp. 84-85, Table 13). However, SWAPE explains that the Project's GHG analysis is incorrect. *Id.*, p. 14-15. Section 15125 of the CEQA Guidelines states that the existing environmental conditions at the time of the Notice of Preparation ("NOP") will constitute the baseline physical conditions

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used to determine the significance of the Project's impacts. Ex. A, pp. 14-15 (citing CEQA Guidelines § 15125). SWAPE notes that since the Project has not yet prepared a NOP, the Project should rely on the time that the environmental analysis was commenced, which was December 2021 when the IS/MND and Notice of Intent ("NOI") were issued. *Id.*, p. 15. Because the IS/MND states that the Project site was vacant as of December 2020 (IS/MND, p. 7), the IS/MND should have used a vacant environmental setting as the baseline physical condition. Ex. A, p. 15. Therefore, SWAPE concludes that "the IS/MND incorrectly subtracts the existing emissions from the emissions associated with the proposed land uses, and the GHG emissions purported by the IS/MND are underestimated," and "[a]s a result, the IS/MND fails to identify a potentially significant GHG impact and the Project's GHG analysis should not be relied upon." *Id.*

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Third, the IS/MND utilizes an outdated GHG threshold, and as a result, the IS/MND fails to identify a potentially significant GHG impact. Ex. A, pp. 15-16. SWAPE notes that when compared to the correct quantitative threshold, the Project's GHG impacts are demonstrably significant. *Id.*, p. 16. Accordingly, the IS/MND's conclusion of a less-than-significant GHG impact should not be relied upon, and instead, an EIR should be prepared that includes an updated GHG analysis. *Id.*, pp. 16-17. SWAPE recommends that "the Project apply the SCAQMD 2035 efficiency target of 3.0 MT CO<sub>2</sub>e/SP/year, which was calculated by applying a 40% reduction to the 2020 targets." *Id.*, p. 16 (citing "Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #15." SCAQMD, September 2010, [available at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf), p. 2).

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Fourth, the IS/MND unsubstantiated air model indicates a potentially significant impact. Ex. A, pp. 16-17. Specifically, SWAPE found that the Project's service population efficiency value, as estimated by the IS/MND's asserted net annual GHG emissions (IS/MND, pp. 84-85, Table 13), and service population (i.e. the number of jobs supported by the Project, which is 72 people) (IS/MND, p. 25), exceed the SCAQMD 2035 efficiency target of 3.0 MT CO<sub>2</sub>e/SP/year, indicating a potentially significant impact not previously addressed by the IS/MND. Ex. A, pp. 16-17. Consequently, the IS/MND's less-than-significant GHG impact conclusion is incorrect and should not be relied upon. Thus, an EIR must be prepared and should include an updated GHG analysis and incorporate mitigation measures intended to reduce GHG emissions to less-than-significant levels.

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Fifth, SWAPE's updated analysis, which "included the correct land use types and sizes as well as excluded the incorrect construction-related mitigation measures," indicates a potential significant impact in GHG emissions. Ex. A, pp. 17-18. According to SWAPE:

SWAPE's updated air model indicates a potentially significant GHG impact, when applying the outdated SCAQMD bright-line threshold of 3,000 MT CO<sub>2</sub>e/year. The updated CalEEMod output files disclose the Project's mitigated emissions, which include approximately 598 MT CO<sub>2</sub>e of total construction emissions and approximately 1,988 MT CO<sub>2</sub>e/year of annual operational emissions (sum of area-, energy-, mobile-, waste-, and water-related emissions).

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When amortizing the Project's construction-related GHG emissions over a period of 30 years and summing them with the Project's operational GHG emissions, we estimate net annual GHG emissions of approximately 3,030 MT CO<sub>2</sub>e/year.

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Ex. A, pp. 17-18. As such, the IS/MND's less-than-significant GHG impact conclusion is incorrect and should not be relied upon. Thus, an EIR must be prepared and should include an updated GHG analysis and incorporate mitigation measures intended to reduce GHG emissions to less-than-significant levels

Sixth and Seventh, the IS/MND fails to consider the performance-based standards underlying CARB's Scoping Plan and SCAG's RTP/SCS. Ex. A, pp. 18-20. Based on SWAPE's quantitative consistency evaluation utilizing these standards, SWAPE concluded that the IS/MND's GHG significance determination regarding the Project's consistency with applicable plans and policies should not be relied upon. *Id.*, p. 19-20.

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SWAPE's analysis demonstrated a potentially significant health risk impact from the project that necessitates mitigation, and it proposes that the project design features that are incorrectly applied as mitigation measures by the model be implemented formally as mitigation measures in order to adequately reduce construction and operational emissions. SWAPE also provides a number of cost-effective, feasible mitigation measures that the City should consider implementing prior to approving the Project. *See* Ex. A, pp. 20-22. In addition to implementing these measures, an EIR should be included with updated air quality, health risk, and GHG analysis.

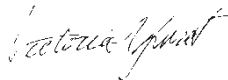
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#### IV. CONCLUSION

For the foregoing reasons, the IS/MND for the Project is in violation of CEQA. Thus, an EIR must be prepared for the proposed Project and should be circulated for public review and comment in accordance with CEQA. SAFER reserves the right to supplement these comments in advance of and during public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997). Thank you for considering these comments.

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Sincerely,



Victoria Ann Yundt  
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