AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

January 30, 2009

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Mark Hutchinson, Environmental Programs Manager
San Luis Obispo County Dept. of Public Works
County Government Center
Room 207
San Luis Obispo CA 93408

SUBJECT: APCD Comments Regarding the Los Osos Wastewater Project Draft Environmental Impact Report

Dear Mr. Hutchinson,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located in the community of Los Osos and submit these comments for your consideration.

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

CONSTRUCTION PHASE

Ozone Precursor and Toxic Air Contaminant

For all alternatives being considered, the air quality analysis indicates that construction phase air quality impacts will be considerably higher than the APCD's CEQA significance threshold of emissions per quarter total ozone precursors (NOx + ROG). These thresholds are when nitrogen oxide (NOx), reactive organic compound (ROG) or PM combustion emissions meet either of the following limits: more than 185 lbs/day or 2.5 ton/quarter. Compared to APCD's threshold of 2.5 tons per quarter, Alternative 1 is forecast to emit 54.79 tons of ozone precursor and 18.37 tons of PM. Further, the project's proximity to sensitive receptors throughout the project area and the length of construction activities (approx. 2 years) makes reduction of impacts through on-site mitigation critical. The APCD's strategy to address these impacts will be to insist on the highest possible on-site mitigation with any remaining exceedence mitigated through off-site measures. Best Available Control Technology (BACT) measures are needed when construction emissions exceed APCD mitigation thresholds as defined in section 6.2.1 in the Air Quality Handbook.

All project alternatives in the DEIR substantially exceed the ozone precursors (ROG and NOx) and PM thresholds. In order to mitigate the construction emissions to a level of insignificance, BACT will be required.

- Minimize the number of large pieces of construction equipment operating during any given period.

- Schedule construction related truck trips and construction equipment work during non-peak hours to reduce peak-hour emissions and overall daily/quarterly emissions (e.g. limit concurrent diesel operation).
- Maintain all construction equipment in proper tune according to manufacturer's specifications.
- Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
- All diesel construction equipment shall meet ARB's Tier 3 standard for off-road heavy-duty diesel engines.
- All on-road heavy-duty trucks that meet the ARB's 2007 or newer certification standard for on-road heavy-duty diesel engines.
- All on and off-road diesel equipment shall not be allowed to idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit.
- Electrify all portable equipment wherever possible throughout the project area.
- All diesel powered portable equipment used shall have tier 2 or tier 3 engines and retrofitted with an ARB level 3 verified diesel emissions control strategy (VEDEC).

Following selection of contractor and prior to issuance of construction permit, the applicant will submit to the APCD a Construction Activity Management Plan (see item below) to be approved by APCD. This plan will be consistent with the above measures and include an updated air emissions analysis. The contractor will also provide the APCD with proof that APCD approved BACT has been implemented prior to the start of construction activity.

Construction Activity Management Plan (CAMP)
The CAMP should include but not be limited to the following elements:

A. Schedule construction truck trips during non-peak hours to reduce peak hour emissions;
B. Limit the length of the construction work-day period, if necessary; and,
C. Phase construction activities, if appropriate.
D. Construction Equipment composition and schedule including:
    1. Equipment Type
    2. Equipment Model
    3. Equipment Year
    4. Engine Type
    5. Engine Model
    6. Engine Year
    7. Engine Horsepower
    8. Schedule of use
E. Updated Air Quality Emissions Analysis
    An updated air quality emissions analysis consistent with the CAMP and mitigation measures above will be submitted to determine if additional measures (e.g. off-site mitigation) are required to reduce the air quality impact below the levels of significance.

Off-Site Mitigation

Off-site mitigation is needed if impacts can not be fully mitigation on-site. Following approval of the CAMP and associated schedule and updated emissions impacts analysis, **APCD and applicant can establish off-site mitigation program based on the ozone precursor and PM exceedence. The applicant may use the funding of this program to implement APCD approved emission reduction projects near the project site or may pay that funding level plus a 15% administration fee to the APCD for the APCD to implement emission reduction projects in close proximity to the project. The applicant shall provide this funding at least two (2) months prior to the start of the project to help facilitate emission offsets that are real-time as possible.**

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.

Dust Control Measures

Construction activities will generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the APCD's 402 "Nuisance" Rule. Any project with a grading area greater than 4.0 acres exceeds the APCD's PM10 quarterly threshold. **This project exceeds this threshold and is near potentially sensitive receptors and shall be conditioned to comply with all applicable Air Pollution Control District regulations pertaining to the control of fugitive dust (PM10) as contained in section 6.5 of the Air Quality Handbook and DEIR. All site grading and demolition plans noted shall list the following regulations:**

a. Reduce the amount of the disturbed area where possible,
b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible,
c. All dirt stock pile areas should be sprayed daily as needed,
d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities,
e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating native grass

seed and watered until vegetation is established,

f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD,
g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used,
h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site,
i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114,
j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site, and
k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
l. If visible emissions of fugitive dust persist beyond a distance of 200 feet from the boundary of the construction site, all feasible measures shall be implemented to eliminate potential nuisance conditions at off-site receptors (e.g., increase frequency of watering or dust suppression, install temporary wind breaks where appropriate, suspend excavation and grading activity when winds exceed 25 mph)
m. The contractor will designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties will include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons will be provided to the SLOAPCD prior to the start of construction.

Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at *http://www.slocleanair.org/business/asbestos.asp* for more information or contact the APCD Enforcement Division at 781-5912.

Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower

(hp) or greater, used during construction activities will require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- IC engines;
- Unconfined abrasive blasting operations;
- Concrete batch plants;
- Rock and pavement crushing;
- Tub grinders; and
- Trommel screens.

To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

OPERATIONAL PHASE

The APCD staff considered the operational impact of this project which indicates that operational phase impacts will likely be less than the APCD's CEQA Tier I significance threshold value of 10 lbs of emissions per day. Therefore, APCD is not requiring any operational phase mitigation measures for this project.

Operational Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present at the site. Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Public utility facilities;
- Cogeneration facilities;

To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

GREENHOUSE GAS IMPACTS AND MITIGATION

The DEIR reports very high amounts of Greenhouse Gas Emissions from the construction phase of the project; 3.7 million metric tons per year for two years. The DEIR identifies that this represents a class III impact. The APCD strongly disagrees and identifies proposed

mitigation below. The APCD is unclear on how the GHG emissions were determined. The GHG analysis appears to be inconsistent with the project scope. Additional information defining quantification protocol should be submitted to APCD for review.

In 2006, the California State Legislature adopted AB 32, the California Global Warming Solutions Act of 2006. On June 19, 2008, the California Office of Planning and Research (OPR) released a Technical Advisory titled *CEQA and Climate Change: Addressing Climate Change Through CEQA Review.* In this document OPR verifies that GHG emissions are appropriate subjects for CEQA analysis that should be evaluated even without the presence of established thresholds. Further OPR establishes that lead agencies must assess whether emissions are individually or cumulative significant. As guidelines are not currently finalized, the APCD suggests that projects subject to CEQA should quantify project related GHG emissions and identify feasible mitigation.

APCD recommends the applicant identify and feasible mitigation for both construction and operations. Measures could include electrification of diesel engines, methane recovery, and C02 offset programs. The APCD is in the process of establishing a carbon-offsetting program for San Luis Obispo County.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,

Darren Brown
Air Quality Specialist

DCB/lmg

cc: Tim Fuhs, Enforcement Division, APCD
Gary Willey, Engineering Division, APCD

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