

MEMORANDUM

January 7, 2021

To:Ricky Ramos, Senior Planner
City of Huntington Beach**From:**Alia Hokuki, Senior Project Manager
Psomas**Subject:** Unite Here Local 11 Comments on the Final Program Environmental Impact Report (State Clearinghouse No. 2017101041) for the Magnolia Tank Farm Specific Plan

The City of Huntington Beach received a comment letter submitted on behalf of Unite Here Local 11 on the proposed Final Program Environmental Impact Report (EIR) for the Magnolia Tank Farm Project (Project) (State Clearinghouse Number 2017101041) on February 27, 2020. As noted in the Responses to Comments document for the proposed Final Program EIR, the City of Huntington Beach circulated the Draft Program EIR for a 60-day public review and comment period beginning on December 17, 2018 and ending on February 14, 2019. Based on requests from the community, the City extended the review period by another 30 days, ending on March 18, 2019. With the extension, the City provided a public review period that was twice as long as required by the California Environmental Quality Act (CEQA) Guidelines (Section 15105). This comment letter was received over 11 months after the close of the public review period.

The City has complied with and exceeded requirements in the processing of the EIR. Consistent with Section 15132(d) of the CEQA Guidelines, the City prepared written responses to comments received during the public review period on the Draft Program EIR to comments regarding “significant environmental points raised in the review and consultation process”. Although Section 15088 of the CEQA Guidelines does not require the City to respond to late comments, the City elected to prepare written responses to comments that were received within the timeframe when responses were being prepared. The City provided multiple forums for the public to provide verbal testimony at study sessions and public hearing at the Planning Commission.

In keeping with the requirement of Section 21092.5 of the *California Public Resources Code* (PRC) the City sent a copy of the written responses to each public agency that commented on the Draft Program EIR on October 9, 2019 (to be delivered on October 10, 2019), which substantially exceeds the minimum of 10-days prior to the proposed City Council action on the EIR. In addition, as part of the public notice for the October 22, 2019, Planning Commission action on the Project, the public received notice that the Responses to Comments were posted on the City’s website.

Given the timing of when Unite Here Local 11 submitted their comment letter (over 11 months after the close of the public review period and four months after the Planning Commission took action on the Project), the comment letter is included in the materials being transmitted to the City Council prior to action on the Project although consistent with the CEQA Guidelines, no written responses are provided nor necessary. Section 21092.5(c) of the PRC states:

Nothing in this section requires the lead agency to respond to comments not received within the comment periods specified in this division, to reopen comment periods, or to delay acting on a negative declaration or environmental impact report.

In addition to not being required to respond to the comment letter pursuant to the CEQA statutes, it should be noted that the comment letter focuses on topical areas already addressed in the Draft

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Program EIR, as well as in responses to other timely comments received during the public review period as part of the Response to Comments. The letter focuses on air quality and greenhouse gas (GHG) emissions. The comment letter includes unsubstantiated statements regarding the adequacy of the air quality and GHG emissions modeling. It should be noted that the South Coast Air Quality Management District (SCAQMD) reviewed the Draft Program EIR and did not raise questions about the methodology and assumptions used in the quantification of emissions. All comments raised by the SCAQMD were responded in writing as part of the Responses to Comments. As noted above, a copy of the Responses to Comments was provided to the commenting agencies. The SCAQMD, the agency with jurisdiction over the issues identified in the Unite Here letter, did not raise any further concerns.

The following provides a brief overview of the air quality and GHG analysis provided in the Final Program EIR, which demonstrates that the air quality and GHG emissions analyses were completed consistent with the SCAQMD protocols.

Air Quality Analysis

Section 4.2 of the Draft Program EIR evaluated air quality impacts. The analysis concluded that the impacts are either less than significant or less than significant with compliance with regulatory requirement and implementation of Mitigation Measures.

As noted in Section 4.2.3, Methodology, the air quality emissions were calculated using California Emissions Estimator Model (CalEEMod) version 2016.3.2 (CAPCOA 2016). CalEEMod is a computer program accepted by the SCAQMD to estimate criteria pollutant and GHG emissions associated with land development projects in California. CalEEMod has separate databases for specific counties and air districts. The Orange County database was used for the Project. The model calculates emissions of carbon monoxide (CO); sulfur dioxide (SO₂); particulate matter, including both particles equal to or smaller than 10 microns in size (PM₁₀) and particles equal to or smaller than 2.5 microns in size (PM_{2.5}); and ozone (O₃) precursors volatile organic compounds (VOCs) and nitrogen oxides (NO_x).

The modeled results, which are expressed in pounds per day (lbs/day), were compared with the SCAQMD mass daily thresholds to determine impact significance for project related construction phase and operations phase emissions. The methodology section provides information on the specific inputs to CalEEMod for both construction and operational emissions. CalEEMod also includes data to calculate emissions reductions based on Project-specific characteristics, as well as those resulting from the implementation of mitigation measures. The methodology used for calculating emissions reductions is based on the California Air Pollution Control Officers Association's 2010 publication entitled *Quantifying Greenhouse Gas Mitigation Measures, A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures* (CAPCOA 2010).

Additionally, the air quality analysis in the Draft Program EIR also utilized the SCAQMD assessment method to evaluate local air quality conditions (localized significance threshold or LST). The LST methodology addresses NO₂, CO, PM₁₀, and PM_{2.5} emissions for construction and operational emissions. Since the SCAQMD does not have a screening approach for carbon monoxide hotspots at congested intersections, the Bay Area Air Quality Management District (BAAQMD) screening is used in the Draft Program EIR. The BAAQMD screening establishes the number of vehicles that are likely to cause a CO hotspot. The cumulative analysis followed SCAQMD's policy with respect to cumulative impacts, which states if direct project impacts are less than significant then cumulative impacts would also be less than significant.

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The thresholds for the evaluation utilized the air quality questions from the City of Huntington Beach *Environmental Checklist Form*, which is substantially consistent with the CEQA Environmental Checklist provided in Appendix G of the State CEQA Guidelines. The analysis was extensive and a quantitative evaluation is provided for each of the criteria pollutants. In addition to complying with SCAQMD's regulations, additional provisions are recommended for minimizing construction emissions. As noted in the Responses to Comments, even though impacts are less than significant with the recommended use of Tier 3 scrapers during construction (required only for Alternative 1), and no additional mitigation is required, Mitigation Measure (MM) AQ-1 has been amended to include a number of measures requested by the SCAQMD as part of the proposed Final Program EIR. Additional measures have also been incorporated as part of the GHG analysis, as discussed below.

Greenhouse Gas Emissions

The GHG emissions were evaluated in Section 4.6 of the Draft Program EIR. As noted above, Project emissions were calculated by using CalEEMod version 2016.3.2 (CAPCOA 2016). The model calculates emissions of CO₂, methane (CH₄), and nitrous oxide (N₂O) and combines these emissions to calculate carbon dioxide equivalent (CO₂e). The output is presented in the proposed Final Program EIR in metric tons of carbon dioxide equivalent per year (MTCO₂e/year). The GHG questions from the City of Huntington Beach *Environmental Checklist Form* are utilized as the thresholds for evaluating potential impacts. Construction and operational emissions were evaluated. Consistent with SCAQMD guidance, construction emissions are amortized over a project lifetime (typically 30 years). The model inputs for operational impacts includes project-specific data for water use and CalEEMod default data for electricity, natural gas, and solid waste.

The proposed Project is considered to be consistent with California and the City of Huntington Beach plans, policies or regulations adopted for the purpose of reducing the emissions of GHG. However, even with implementation of the mitigation program, the proposed Project would generate GHG emissions, that may have a significant impact on the environment due to exceedance of the SCAQMD's draft interim significance threshold. The impacts would be significant and unavoidable at both the project and cumulative levels. Alternative 1 would be less than significant and no mitigation measures would be required. As with air quality, the proposed Final Program EIR incorporated additional mitigation as recommended by SCAQMD in the Responses to Comments. However, the impacts associated with the proposed Project would remain significant.

Conclusion

As stated above, comment letter submitted on behalf of Unite Here Local 11 on the proposed Final Program EIR for the Magnolia Tank Farm Project was received over 11 months after the close of the public review period and four months after the Planning Commission made a recommendation to the City Council on the Project and certification of the Final Program EIR. There is no evidence that the issues raised in the Unite Here letter would result in new significant impacts not adequately addressed in the proposed Final Program EIR. Consistent with Section 21092.5(c) of the *California Public Resources Code*, no written responses are necessary. However, the comment letter is included in the materials being transmitted to the City Council for their consideration.