

May 31, 2022

San Diego Unified Port District
Attn: Megan Hamilton, Development Services Department
3165 Pacific Highway, San Diego, CA 92101-1128

Dear Ms. Hamilton,

The San Diego County Air Pollution Control District (APCD) appreciates the opportunity to provide comments on the proposed project. General comments contained in this letter are for information/education of APCD rules and requirements and do not require a response. The APCD requests a response when specific comments are made that reference a section of the CEQA document.

General Information About the APCD

The APCD is mandated under federal and state law to regulate air pollutant emissions and improve air quality to protect public health and the environment. Accordingly, the APCD operates a countywide air quality permitting, monitoring, and enforcement programs to ensure compliance with applicable air pollution regulations for healthful air quality. The APCD's jurisdiction covers all of San Diego County, including both the incorporated and unincorporated areas.

Project Description as Understood by the APCD

The NASSCO Floating Dry Dock Replacement and Waterfront Improvement Project (project) consists of the removal and replacement of the existing floating dry dock with a new floating dry dock of similar characteristics and the same functionality. Also, the removal and replacement of supporting infrastructure, demolition of the old and construction of a new Repair Complex Wharf, repair of the quay wall and revetments along identified stretches of shoreline, and as-needed programmatic repair or replacement of selected structural support piles throughout the project site. There would be no increase in operational capacity following completion of the proposed project.

Specific Comments on Emissions Estimates and the Health Risk Assessment (HRA)

The HRA did not address any risk from construction emissions other than long term (both cancer and non-cancer) for Diesel Particulate Matter (DPM). Other construction activities may contribute to risk (such as welding, coatings, abrasive blasting, etc.), and the acute risk must also be evaluated. Note that for diesel-fired equipment, the acute risk is based on the speciated toxic air contaminant emissions,

1. <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-10.pdf>
2. <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-11.pdf>
3. <https://www.sdapcd.org/content/dam/sdapcd/documents/compliance/advisories/2020/Proper%20Uses%20of%20Portable%20Equipment.pdf>
4. <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-50.pdf>
5. <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-51.pdf>
6. <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-55.pdf>
7. <https://ww2.arb.ca.gov/our-work/programs/use-road-diesel-fueled-fleets-regulation>
8. <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-1206.pdf>

rather than on the diesel particulate matter (DPM) emissions. The APCD has emission calculation methods for welding and other construction activities on its website at:

<https://www.sdapcd.org/content/sdapcd/permits/toxics-emissions/calculation-procedures.html>

The HRA only evaluated long term risk to offsite receptors during the 12-year project life. To accurately evaluate the potential risk, the exposure should be set to 30 years for residents and 25 years for offsite workers.

In the AERMOD run, volume sources for the construction emissions extended to cover all the area of the ways and building dock, even though no construction activities are described for that entire area. The volume sources should only be placed where construction activities are proposed to occur.

In the AERMOD run, the emissions assessed to the volume sources making up both the construction source and the haul road source do not total up to 1 gram/sec (g/s) each, as stated in the Air Dispersion Modeling and Health Risk discussion within section 4.3.3(c) of the Draft Environmental Initial Study Checklist (all the sources within AERMOD combined equal 0.83 g/s emissions, when they should have equaled 2 g/s (1 g/s for haul road and 1 g/s for construction)). Additionally, when the AERMOD results were brought into HARP, the annual emissions were not adjusted to account for this.

The annual emissions presented in Appendix A – Annual Emission Rates (w/T-BACT [Tier 4]) are slightly different than those listed in Appendix A – HRA Input Calculations (w/T-BACT [Tier 4]). It should be ensured that the correct emissions are evaluated.

In the HARP emissions input file, the annual emissions for both the haul road and construction emission sources are slightly different than the annual emissions presented in Appendix A – HRA Input Calculations (w/T-BACT [Tier 4]). It should be ensured that the correct emissions are evaluated in HARP.

In the Draft Environmental Study Checklist, it is stated that the required mitigation would be to have at least 75% of the construction equipment meet Tier 4 standards. However, the inputs into CalEEMod (a construction emissions estimator) show all offroad equipment would be Tier 4, and CalEEMod emissions were used in the HRA (notwithstanding the above comments). It should be clarified why only 75% of the equipment needs to be Tier 4 if the analysis assumed 100% of the equipment would be Tier 4.

The APCD recommends that different settings with HARP should be used, per the Office of Environmental Health Hazard Assessment's (OEHHA's) Guideline Manual for Preparation of Health Risk Assessments (<https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>) and APCD's "Hot Spots" Supplemental HRA Guidelines (<https://www.sdapcd.org/content/dam/sdapcd/documents/permits/air-toxics/Hot-Spots-Guidelines.pdf>):

1. <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-10.pdf>
2. <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-11.pdf>
3. <https://www.sdapcd.org/content/dam/sdapcd/documents/compliance/advisories/2020/Proper%20Uses%20of%20Portable%20Equipment.pdf>
4. <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-50.pdf>
5. <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-51.pdf>
6. <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-55.pdf>
7. <https://ww2.arb.ca.gov/our-work/programs/use-road-diesel-fueled-fleets-regulation>
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- The daily breathing rate should be set to the ARB Risk Management Policy (RMP) daily breathing rates, not the LongTerm24HR rate used in the HARP run (Supplemental Guidelines section 4.).
- The dermal climate should be set to warm, not mixed as was used in the HARP run (OEHHA Guidelines Section 5.4.2.1)
- The Draft Environmental Initial Study Checklist has some statements that indicate the HRA was done differently than it actually was:
 - The aforementioned issue with the emissions assessed in AERMOD
 - The aforementioned issue with the annual emissions in HARP
 - The Checklist says the Urban dispersion parameters were used, whereas the HRA used Rural dispersion parameters. Note that Urban dispersion parameters would be acceptable for evaluating this project.
 - The Checklist says meteorological data from Lindbergh Field was used, whereas the HRA used meteorological data from Perkins Elementary (Perkins Elementary is the appropriate data to use for this project).
- With these issues, it is recommended to re-run the HRA, to ensure all the construction emissions are evaluated and that all the risks are determined, in accordance with the OEHHA Guidelines and the APCD's Supplemental Guidelines. Additionally, if the HRA is re-run, the receptor grid may need to be expanded.

General Information About Equipment Potentially Requiring Permits

The APCD's permitting program has been established to minimize air pollution by specifying operating and compliance requirements for stationary and portable sources that emit air contaminants. APCD [Rule 10](#)¹ requires that any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain written authorization for such construction and operation from the APCD. Examples of air contaminants include, but are not limited to, carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, sulfur dioxide or toxic air contaminants, which can negatively impact public health. APCD [Rule 11](#)² lists exemptions for equipment or processes that do not emit a significant amounts of air pollutants.

Specific Comment on Equipment Which May be Used at Project

The following equipment listed in the project description may require authority to operate from the APCD; Crane for pile installation (second engine 50 hp or greater), Vibratory and/or diesel impact pile driver for pile installation, Concrete pump and boom, Portable welding units for overwater welding and Diesel-powered generators for barge power.

1. <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-10.pdf>
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3. <https://www.sdapcd.org/content/dam/sdapcd/documents/compliance/advisories/2020/Proper%20Uses%20of%20Portable%20Equipment.pdf>
4. <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-50.pdf>
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6. <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-55.pdf>
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There may be also instances where portable equipment may need to have a permit to operate in lieu of a registration. Please see the compliance advisory, [Proper Uses of Portable Equipment³](#).

The MND states that no changes in NASSCO's operation are expected to occur due to this project, with the change in dimensions of the dry dock and repair and expansion of the Repair Complex Wharf, there is the potential that operations could increase (a concept known as debottlenecking). The MND should show how this will not occur. If it cannot be shown that operations would not increase, then an application for Authority to Construct would need to be filed with the APCD for the dry dock replacement.

General Information About Dust

Projects or operations that can generate fugitive dust emissions may be subject to the following APCD rules:

- APCD [Rule 50⁴](#), *Visible Emissions*, which states air contaminants shall not be discharged into the atmosphere for a period or periods aggregating more than three minutes in any period of 60 consecutive minutes which is darker in shade than a number 1 on the Ringlemann Chart (20% opacity).
- APCD [Rule 51⁵](#), *Nuisance*, which states *"a person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property"*

In addition to the rules listed above, any commercial construction or demolition activity capable of generating fugitive dust emissions may be subject to APCD [Rule 55⁶](#), *Fugitive Dust Control*. This rule has restrictions for airborne dust beyond the property line and visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out.

General Information About Off-Road Construction Equipment

Any project using off-road vehicles or equipment that are diesel-powered, self-propelled, and 25 horsepower (hp) or greater must comply with the In-Use Off-Road Diesel-Fueled Fleets Regulation⁷ and must be registered under the current owner with the California Air Resources Board (CARB) Diesel Off-Road Online Reporting System (DOORS). Each vehicle is assigned an Equipment Identification Number (EIN) which must be labeled on both sides of the vehicle. Fleets must meet emission targets.

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Fleets must limit unnecessary idling to 5 minutes; there are exceptions for vehicles that need to idle to perform work (such as a crane providing hydraulic power to the boom), vehicles being serviced, or in a queue waiting for work.

Written Idling Policy – Medium fleets (total max hp 2,501 – 5,000) and large fleets (total max hp greater than 5,000 hp) must also have a written idling policy that is made available to operators of the vehicles and informs them that idling is limited to 5 consecutive minutes or less.

Specific Comment on Off-Road Equipment

Mitigation Measure AQ-1: Construction Fleet Emissions Requirements, states “Prior to issuance of a construction-related permit, the applicant shall submit evidence to the District that the proposed off-road construction fleet will consist of at least 75 percent of offroad diesel construction equipment (greater than 50 horsepower) that meet Tier 4 (final) California Emissions Standards for off-road diesel engines.

The APCD recommends considering implementation of zero emission equipment wherever feasible as well as diesel equipment meeting Tier 4 standards to minimize emissions from project activities to the maximum extent practicable.

General Information About Asbestos

Asbestos is a known human carcinogen and the primary route of exposure is through inhalation of asbestos fibers. More information on the health effects of asbestos may be found at www.epa.gov/asbestos . As such, APCD [Rule 1206⁸](#) incorporates the requirements of the federal asbestos requirements found in National Emission Standards for Hazardous Air Pollutants (NESHAP) and includes additional requirements to minimize exposure to asbestos fibers.

APCD [Rule 1206⁸](#) requires a facility survey for certain projects to determine if asbestos is present prior to commencement of renovation or demolition. Persons conducting facility surveys shall have taken and passed a current EPA-approved Building Inspector Course. The asbestos content shall be analyzed by a laboratory certified by the National Voluntary Laboratory Accreditation Program (NVLAP).

If more than 100 square feet of asbestos containing materials will be disturbed or a demolition will occur a notification must be submitted to the APCD and procedures for asbestos emission control and waste handling and disposal must be in compliance with APCD Rule 1206.

Specific Comment About Asbestos

The environmental analysis states, “The existing building situated on the Repair Complex Wharf has been partially demolished and is anticipated to be fully demolished by July 2022 as part of a separate action related to structural concerns and safety”.

1. <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-10.pdf>
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6. <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-55.pdf>
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8. <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-1206.pdf>



“The existing building situated on the wharf (Building 19) would be demolished prior to project construction.”

As stated in the general information about asbestos, “If more than 100 square feet of asbestos containing materials will be disturbed or a demolition will occur a notification must be submitted to the APCD and procedures for asbestos emission control and waste handling and disposal must be in compliance with APCD Rule 1206.”

Should you have any questions about these comments or APCD requirements please contact Air Quality Specialist, Eric Luther (858) 586-2806 or eric.luther@sdapcd.org .

Sincerely,

Eric Luther

Eric Luther
Air Quality Specialist

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3. <https://www.sdapcd.org/content/dam/sdapcd/documents/compliance/advisories/2020/Proper%20Uses%20of%20Portable%20Equipment.pdf>
4. <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-50.pdf>
5. <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-51.pdf>
6. <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-55.pdf>
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