



San Diego County Air Pollution Control District

October 13, 2023

San Diego Unified Port District
Development Services Department
3165 Pacific Highway
San Diego, CA 92101
SeaportSD@portofsandiego.org

Re: Seaport San Diego Redevelopment Project (UPD #EIR-2022-117)

The San Diego County Air Pollution Control District (APCD) appreciates the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Seaport San Diego Redevelopment Project.

The project is in close proximity to the Portside Environmental Justice Community (Portside Community), which was selected as an Environmental Justice community under the California Air Resources Board (CARB) Community Air Protection Program (Program) (established in response to Assembly Bill 617 [C. Garcia, Chapter 16, Statutes of 2017]). The Program requires new community-focused and community-driven actions to reduce air pollution and improve public health in communities that experience disproportionate burdens from exposure to air pollutants. The Program's mission is to reduce pollution exposure in communities based on environmental, health and socioeconomic information, and it establishes new strategies to improve air quality in California environmental justice communities.

Since the project is near the Portside Community, and the initial study (III. Air Quality) indicates potentially significant impacts, the APCD would like to provide information on some air pollution topics and propose some potential mitigation measures to limit exposure to the surrounding community.

Dust

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

- APCD [Rule 50¹](#), *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 Ringelmann Chart (20% opacity).

¹ <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-50.pdf>



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- APCD [Rule 51²](#), *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 55³](#), *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.

Specifically, the construction activities and earthwork have the potential to create dust. A dust mitigation plan including watering schedules should be included in the DEIR.

Asbestos Renovation or Demolition

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 1206⁴](#) 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 1206](#) 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).

Specifically, 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.

Odors

Projects or operations causing odors might be subject to Rule 51 - 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.”

² <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-51.pdf>

³ <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-55.pdf>

⁴ <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-1206.pdf>



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Specifically, in regard to the fish processing facility, odors should be considered when designing the function and processes of the facility to minimize impact to the surrounding community. Also, restaurants have the potential to cause odors and smoke from cooking operations.

Commercial Harbor Craft

Several types of harbor craft including fishing vessels, ferries, excursion vessels, tugboats, barges, and dredges are subject to a Commercial Harbor Craft (CHC) regulation⁵ from the California Air Resources Board. The regulation requires CHC vessel owners to replace older engines with newer and cleaner engines, which reduce the emissions of air pollutants including diesel particulate matter (DPM), fine particulate matter (PM_{2.5}), oxides of nitrogen (NO_x), oxides of sulfur (SO_x), reactive organic gases (ROG), and greenhouse gases (GHG). The regulation is designed to provide significant health benefits, avoid premature death and mortality, and protect workers and on-vessel passengers from exposure to diesel and other combustion-generated air pollutants.

Specifically, any applicable vessel types, such as fishing, ferries or excursion vessels are required to comply with the CHC regulation including the potential to install shore power for vessels to reduce idling while at dock. The DEIR should evaluate the operations included in the project to ensure CHC compliance.

Vehicle Miles Traveled (VMT) Emission Reduction Measures

Please consider these items which can reduce VMT impacts from the project:

- Provide transit enhancing infrastructure (benches, street lighting, bus stop shelters, route signs) to promote non passenger vehicle transportation
- Implement carpool/vanpool program with tenants
- Provide subsidies/incentives/awards for carpooling/vanpool participants
- Provide last mile, first mile options to established transit connections (Park n Ride, bus stops, trolley stations) such as electric shuttle service, coordinated ride sharing/car pooling
- Provide employees information on strategies to reduce commute trips (new employee orientation, event promotions, publications, or personalized consultations)
- Provide pedestrian enhancing infrastructure (sidewalks, pedestrian paths, street trees and/or lighting)
- Provide bicycle enhancing infrastructure (bikeways/paths, secure bicycle parking, employee lockers/showers)
- Install EV car charging stations for employees/public

⁵ <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2021/chc2021/chcfro.pdf>



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Potential Operational Mitigation Measures

- Include contractual language in tenant lease agreements that requires tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site.
- Include contractual language in tenant lease agreements that requires future tenants to exclusively use zero-emission light and medium-duty delivery trucks.
- Include contractual language in tenant lease agreements that requires all service equipment used within the project site to be zero-emission.
- Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering or on the project site to be zero-emission vehicles.
- Include contractual language in tenant lease agreements restricting diesel trucks and support equipment from idling longer than two minutes while on site.
- Include contractual language in tenant lease agreements, requiring the installation of vegetative walls or other effective barriers that separate loading docks and people living or working nearby.

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 Regulation and must be registered under the current owner with the California Air Resources Board (CARB) [Diesel Off-Road Online Reporting System \(DOORS\)](#)⁶. Each vehicle is assigned an Equipment Identification Number (EIN) which must be labeled on both sides of the vehicle. Fleets must meet emission targets.

Fleets must limit their 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. 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.

Specifically, the following construction mitigation measures should be considered:

- Ensure the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment and providing the necessary infrastructure (e.g., electrical hookups) to support zero and near-zero equipment and tools.
- Implement, and plan accordingly for, the necessary infrastructure to support the zero and near-zero emission technology vehicles and equipment that will be operating on site. Necessary infrastructure may include the physical (e.g., needed footprint), energy, and fueling

⁶ <https://ww2.arb.ca.gov/our-work/programs/use-road-diesel-fueled-fleets-regulation>



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- infrastructure for construction equipment, on-site vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.
- In construction contracts, include language that requires all off-road diesel-powered equipment used during construction to be equipped with Tier 4 or cleaner engines, except for specialized construction equipment in which Tier 4 engines are not available.
- In construction contracts, include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) used during project construction be battery powered.
- In construction contracts, include language that requires all heavy-duty trucks entering the construction site during the grading and building construction phases be model year 2014 or later. All heavy-duty haul trucks should also meet CARB's lowest optional low-oxides of nitrogen (NOx) standard.
- In construction contracts, include language that requires all construction equipment and fleets to be in compliance with all current air quality regulations.

Should you have any questions about these comments or APCD requirements please contact Supervising Air Resources Specialist, Eric Luther (858) 586-2893 or eric.luther@sdapcd.org.

Sincerely,

Eric Luther

Eric Luther

Supervising Air Resources Specialist