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November 11, 2025

VIA E-MAIL

Chi Charlie Nguyen, Mayor
Carlos Manzo, Vice Mayor
Amy Phan West, Councilmember
Mark Nguyen, Councilmember
Namquan Nguyen, Councilmember
City Council
City of Westminster
8200 Westminster Blvd
Westminster, CA 92683
CityClerkCSR@westminster-ca.gov
eComments@westminster-ca.gov

Ken Fitchelman, Principal Planner
Planning Division
Community Development Department
City of Westminster
8200 Westminster Boulevard
Westminster, CA 92683
kfichtelman@westminster-ca.gov

Re: Comment on 15172 Goldenwest Circle Project (Case No. 2024-0160), November 12, 2025, City Council Hearing, Agenda Item No. 4.2

Dear Honorable Mayor Nguyen, Councilmembers, and Mr. Fitchelman:

This correspondence is submitted on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") and its members living and/or working in and around the City of Westminster regarding the 15172 Goldenwest Circle Project (Case No. 2024-0160), which proposes the demolition of an existing warehouse to make way for the development of a 115,339 square-foot warehouse located at 15172 Goldenwest Circle in the City of Westminster ("Project"). SAFER hereby submits these supplemental comments in support of its appeal of the Planning Commission's July 2, 2025 decision to approve the Development Review and associated Mitigated Negative Declaration prepared for the project.

On July 15, 2025, SAFER submitted comments in support of its appeal of the Planning Commission's decision to approve the Project. SAFER's appeal was supported by air quality experts Dr. Paul Rosenfeld, Ph.D., and Matt Hagemann, P.G., C.Hg., of Soil, Water, Air Protection Enterprise ("SWAPE") who reviewed the MND for the Project and found its air quality analysis deficient. SWAPE's comments supporting SAFER's appeal are attached as Exhibit A. SAFER's appeal is also supported by air quality expert Patrick Sutton, P.E., of Baseline Environmental Consulting. Mr. Sutton's comments and CV are attached as Exhibit B.

PROJECT DESCRIPTION

The Project would involve the construction and operation of an approximately 116,000 square foot building consisting of the 405 Cabinets and Stone showroom, administrative offices, and warehouse/assembly line areas on a 5.3-acre site located along the 405 Freeway and Goldenwest Circle. The warehouse portion of the building will include five drive-in door and right-loading door. The Project will include 147 parking spaces.

LEGAL STANDARD

As the California Supreme Court has held "[i]f no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR." (*Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319-320 [citing *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 88; *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 504–505].) "Significant environmental effect" is defined very broadly as "a substantial or potentially substantial adverse change in the environment." (Pub. Res. Code § 21068; *see also* 14 Cal. Code Regs. § 15382.)

The EIR is the very heart of CEQA. *Bakersfield Citizens for Local Control v. City of Bakersfield (*2004) 124 Cal.App.4th 1184, 1214 (*Bakersfield Citizens*); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927. The EIR is an "environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return." (*Bakersfield Citizens*, 124 Cal.App.4th at 1220.) The EIR also functions as a "document of accountability," intended to "demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." (*Laurel Heights Improvements Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392.) The EIR process "protects not only the environment but also informed self-government." (*Pocket Protectors*, 124 Cal.App.4th at 927.)

Where an initial study shows that the project may have a significant effect on the environment, a mitigated negative declaration may be appropriate. However, a mitigated negative declaration is proper *only* if the project revisions would avoid or mitigate the potentially significant effects identified in the initial study "to a point where clearly no significant effect on the environment would occur, and…there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment." (PRC §§ 21064.5 and 21080(c)(2); *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 331.) In that context, "may" means a reasonable possibility of a significant effect on the environment. (PRC §§ 21082.2(a), 21100, 21151(a); *Pocket Protectors*, 124 Cal.App.4th at 927; *League for Protection of Oakland's etc. Historic Res. v. City of Oakland* (1997) 52 Cal.App.4th 896, 904–05.)

Under the "fair argument" standard, an EIR is required if any substantial evidence in the record indicates that a project may have an adverse environmental effect—even if contrary evidence exists to support the agency's decision. (14 Cal. Code Regs § 15064(f)(1); *Pocket Protectors,* 124 Cal.App.4th at 931; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-51; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602.) The "fair argument" standard creates a "low threshold" favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA. (*Pocket Protectors*, 124 Cal.App.4th at 928.) The "fair argument" standard is virtually the opposite of the typical deferential standard accorded to agencies. As a leading CEQA treatise explains:

This 'fair argument' standard is very different from the standard normally followed by public agencies in making administrative determinations. Ordinarily, public agencies weigh the evidence in the record before them and reach a decision based on a preponderance of the evidence. [Citations]. The fair argument standard, by contrast, prevents the lead agency from weighing competing evidence to determine who has a better argument concerning the likelihood or extent of a potential environmental impact. The lead agency's decision is thus largely legal rather than factual; it does not resolve conflicts in the evidence but determines only whether substantial evidence exists in the record to support the prescribed fair argument. (Kostka & Zischke*, Practice Under CEQA*, §6.29, pp. 273–74.)

The Courts have explained that "it is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency's determination. Review is de novo, with *a preference for resolving doubts in favor of environmental review*." (*Pocket Protectors*, 124 Cal.App.4th at 928 [emphasis in original].).

DISCUSSION

I. There is a Fair Argument that the Project may have Significant Unmitigated Air Quality Impacts.

Dr. Rosenfeld and Mr. Hagemann reviewed the IS/MND and Air Quality and GHG Impact Analysis prepared by Gerrick Environmental and determined that the Project's air quality impacts were not adequately analyzed. IS/MND concluded, without preparing a health risk analysis ("HRA") that the Project's construction emissions would not create a significant health risk to sensitive receptors approximately 300 feet away from the Project Site. However, Dr. Rosenfeld and Mr. Hagemann found that the Project's emissions of diesel particulate matter ("DPM") were not considered in the IS/MND's air quality analysis.

The IS/MND concluded that the Project's emissions would not result in a significant health risk because the Project's construction and operational emissions would not exceed localized significance thresholds ("LSTs"). However, Dr. Rosenfeld and Mr. Hagemann note that "[t]he use of a LST analysis [instead of an HRA] to determine the health risk posed to nearby sensitive receptors as a result of the Project's construction and operational toxic air contaminants ("TACs") emissions is not advised" because "LST analyses are only applicable

to NO_x, CO, PM_{10}, and $PM_{2.5}$ emissions, which are collectively referred to as criteria air pollutants." (Ex. A, p. 2.) Thus, "[b]ecause LST methods can only be applied to criteria air pollutants, they cannot be used to determine whether emissions from TACs, specifically diesel particulate matter ("DPM"), a known human carcinogen, would result in a significant health risk impact to nearby sensitive receptors." (*Id*.) By not preparing an HRA for the Project, the City's conclusion that the Project will not result in a significant health risk is not supported by substantial evidence.

SAFER's air quality expert, Mr. Sutton, also analyzed the IS/MND and Air Quality and GHG Impact Analysis and reached the same conclusion as Dr. Rosenfeld and Mr. Hagemann; the IS/MND's conclusion that the Project would not pose a significant health risk to nearby sensitive receptors is unsubstantiated. (Ex. B, p. 2.) Mr. Sutton prepared a construction HRA using the CalEEMod inputs provided in the Air Quality and GHG Impact Analysis and found that the Project's unmitigated DPM construction emissions would result in a cancer risk of 7.9 per million. (*Id*. at p. 4.) This cancer risk exceeds the cancer risk threshold of 3 per million recommended by the South Coast Air Quality Management District ("SCAQMD") for projects, such as the one here, built in areas with existing high cumulative air pollution exposure. (*Id*. at p. 3.)

Mr. Sutton also notes that the City's decision not to prepare an HRA is not consistent with guidance authored by the Office of Environmental Health Hazard Assessment ("OEHHA"), which recommends the preparation of an HRA for projects lasting longer than two months. According to the IS/MND, project construction will occur over a 14-month period, "which is substantially longer than the two-month limitation for short-term exposures recommended by OEHHA.' (*Id.* at p. 2.) The IS/MND's inconsistency with OEHHA guidance and Mr. Sutton's construction HRA results indicating that the Project's risk would exceed SCAQMD's threshold demonstrates that there is substantial evidence of a fair argument that the Project may have a significant air quality impact requiring an EIR.

SAFER requests that the City Council grant the appeal and reverse the Planning Commission's July 2, 2025 decision to approve the IS/MND and that an environmental impact report (EIR) be prepared for the Project rather than an MND because there is a fair argument that the Project may have adverse environmental impacts. An EIR will ensure that potentially significant impacts of this Project are fully disclosed, analyzed, and mitigated.

Sincerely,

Kylah Staley
Lozeau Drury LLP

EXHIBIT A

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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July 14, 2025

Kylah Staley
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94618

Subject: Comments on the 15172 Goldenwest Circle Project

Dear Ms. Staley,

We have reviewed the May 2025 Initial Study and Mitigated Negative Declaration ("IS/MND") for the 15172 Goldenwest Circle Project ("Project") located in the City of Westminster ("City"). The Project proposes to construct a 116,000-square-feet ("SF") storage and warehouse facility and 147 parking spaces on the 5.33-acre site.

Our review concludes that the IS/MND fails to adequately evaluate the Project's health risk impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed. An Environmental Impact Report ("EIR") should be prepared to adequately assess and mitigate the potential health risk impacts that the project may have on the environment.

Air Quality

Diesel Particulate Matter Emissions Inadequately Evaluated

The IS/MND relies on Localized Significance Thresholds ("LSTs") to determine significance instead of conducting a quantified construction or operational health risk analysis ("HRA") (p. 26, 27). Regarding the health risk impacts associated with the Project construction and operation, the IS/MND states:

> "Construction equipment exhaust contains carcinogenic compounds within the diesel exhaust particulates. The toxicity of diesel exhaust is evaluated relative to a 24-hour per day, 365 days per year, 70-year lifetime exposure. The SCAQMD does not generally require the analysis of construction-related diesel emissions relative to health risk due to the short period for which the majority of diesel exhaust would occur. Health risk analyses are typically assessed over a 9-,

30-, or 70-year timeframe and not over a relatively brief construction period due to the lack of health risk associated with such a brief exposure." (p. 26).

The IS/MND concludes that the Project would have less-than-significant impacts because the Project's anticipated criteria air pollutant emissions would not exceed LSTs (p. 27). The use of a LST analysis to determine the health risk impacts posed to nearby, existing sensitive receptors as a result of the Project's construction and operational of toxic air contaminants ("TACs") emissions is not advised. While the LST method assesses the impact of pollutants at a local level, it only evaluates impacts from criteria air pollutants. According to the *Final Localized Significance Threshold Methodology* document prepared by the South Coast Air Quality Management District ("SCAQMD"), LST analyses are only applicable to NO_x, CO, PM_{10}, and $PM_{2.5}$ emissions, which are collectively referred to as criteria air pollutants.[1] Because LST methods can only be applied to criteria air pollutants, they cannot be used to determine whether emissions from TACs, specifically diesel particulate matter ("DPM"), a known human carcinogen, would result in a significant health risk impact to nearby sensitive receptors. As a result, health impacts during Project construction and operation, from exposure to TACs, such as DPM, were not analyzed.

By not preparing a quantified construction and operational HRA, the Project is inconsistent with CEQA's requirement to make "a reasonable effort to substantively connect a project's air quality impacts to likely health consequences." [2] This poses an issue, as construction of the Project would produce DPM emissions through the exhaust stacks of construction equipment over a duration of approximately 276 days (p. 25). The IS/MND neglects to evaluate the TAC emissions associated with Project construction and operation nor indicate the concentrations at which such pollutants would trigger adverse health effects. Without making a reasonable effort to connect the Project's TAC emissions to the potential health risks posed to nearby receptors, the IS/MND is inconsistent with CEQA's requirement to correlate Project-generated emissions with potential adverse impacts on human health.

Additionally, the Office of Environmental Health Hazard Assessment ("OEHHA"), the organization responsible for providing guidance on conducting HRAs in California, released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments* in February 2015. This guidance document describes the types of projects that warrant the preparation of an HRA. Specifically, OEHHA recommends that all short-term projects lasting at least 2 months assess cancer risks.[3] Additionally, according to OEHHA:

[1] "Final Localized Significance Threshold Methodology." South Coast Air Quality Management District (SCAQMD), Revised July 2008, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf.

[2] "Sierra Club v. County of Fresno." Supreme Court of California, December 2018, a*vailable at:* https://law.justia.com/cases/california/supreme-court/2018/s219783a.html.

[3] "Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 8-18.

> "Exposure from projects lasting more than 6 months should be evaluated for the duration of the project. In all cases, for assessing risk to residential receptors, the exposure should be assumed to start in the third trimester to allow for the use of the ASFs (OEHHA, 2009)."[4]

As the Project's anticipated construction duration exceeds the 2-month and 6-month requirements set forth by OEHHA, construction of the Project meets the threshold warranting a quantified HRA under OEHHA guidance and should be evaluated for the entire 276-day construction period. Furthermore, OEHHA recommends that an exposure duration of 30 years should be used to estimate the individual cancer risk at the maximally exposed individual resident ("MEIR").[5] While the IS/MND does not provide the expected lifetime of the proposed Project, we can reasonably assume that the Project would operate for at least 30 years, if not more. Therefore, operation of the Project also exceeds the 2-month and 6-month requirements set forth by OEHHA and should be evaluated for the entire 30-year residential exposure duration, as indicated by OEHHA guidance. These recommendations reflect the most recent state health risk policies, and as such, a DEIR should be prepared to include an analysis of health risk impacts posed to nearby sensitive receptors from Project-generated DPM emissions.

By not conducting a quantified construction or operational HRA for nearby, existing sensitive receptors, the IS/MND does not compare the Project's excess cancer risk to the SCAQMD's specific numeric threshold of 10 in one million.[6] In accordance with the most relevant guidance, a DEIR should be prepared to include an assessment of the health risk posed to nearby, existing receptors as a result of Project construction and operation.

Disclaimer

SWAPE has received limited documentation regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

[4] "Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 8-18.
[5] "Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 2-4.
[6] "South Coast AQMD Air Quality Significance Thresholds." SCAQMD, March 2023, *available at*: https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf?sfvrsn=25.

Sincerely,

Matt Hagemann, P.G., C.Hg.

Paul E. Rosenfeld, Ph.D.

EXHIBIT B

July 30, 2025
25208-00

Kylah Staley
Lozeau Drury LLP
1939 Harrison St., Suite 150
Oakland, CA 94612

Subject: **Review of Air Quality Impacts Analyzed for the ArtiCraft Cabinetry Facility, 15172 Goldenwest Circle, Westminster, California.**

Dear Ms. Staley:

Baseline Environmental Consulting (Baseline) has reviewed the air quality analysis included in the Initial Study and Mitigated Negative Declaration (IS/MND) for the ArtiCraft Cabinetry Facility (project) at 15172 Goldenwest Circle in the City of Westminster, California. The purpose of our review was to determine whether potential environmental impacts related to air quality were appropriately evaluated and disclosed to the public. Based on our review, we have identified flaws in the analysis used to support the significance determinations for the IS/MND, as described in detail below.

Air Quality Health Risks to Sensitive Receptors

Project construction would generate diesel particulate matter (DPM) emissions from the exhaust of off-road diesel equipment that could pose a health risk to nearby sensitive receptors. The California Air Resources Board has identified DPM as a toxic air contaminant (TAC) based on its potential to cause cancer and other adverse health effects.[1] Adverse health effects associated with particulate matter can vary based on factors such as particle size, source, and chemical composition. DPM is typically composed of carbon particles and a variety of organic compounds including more than 40 known cancer-causing organic substances.

Sensitive receptors near the project site could be exposed to DPM emissions generated during project construction. As discussed on page 26 of the IS/MND, nearby sensitive receptors include residence approximately 300 feet to the east and west of the project perimeter. However, the IS/MND did not provide a quantitative assessment of the health risks to nearby sensitive receptors exposed to DPM emissions generated during project construction. Instead, the IS/MND provided a

[1] California Air Resources Board, 1998. Initial Statement of Reasons for Rulemaking; Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, June.

qualitative analysis concluding that the project would not expose sensitive receptors to substantial DPM concentrations. As discussed below, this conclusion is not supported by substantial evidence.

Unsubstantiated Analysis of Construction Health Risks

Regarding the exposure of sensitive receptors to substantial DPM emissions during project construction, the IS/MND states the following on page 26:

> *The toxicity of diesel exhaust is evaluated relative to a 24-hour per day, 365 days per year, 70-year lifetime exposure. The SCAQMD does not generally require the analysis of construction-related diesel emissions relative to health risk due to the short period for which the majority of diesel exhaust would occur. Health risk analyses are typically assessed over a 9-, 30-, or 70-year timeframe and not over a relatively brief construction period due to the lack of health risk associated with such a brief exposure.*

The IS/MND provides no references to documentation from the South Coast Air Quality Management District (SCAQMD) to support the statement that health risk assessments are not required for construction-related emissions due to the short-period of emissions. Furthermore, this statement is contrary to, and unsupported by, the Office of Environmental Health Hazard Assessment's (OEHHA) guidance for preparing health risk assessments.[2] According to OEHHA, the uncertainty in assessing very short-term exposures to TACs only applies to construction activities lasting less than two months. Based on the air quality analysis in the IS/MND, construction of the project would occur over an approximately 14-month period, which is substantially longer than the two-month limitation for short-term exposures recommended by OEHHA.

According to OEHHA, there is valid scientific concern regarding the health effects on children exposed to airborne carcinogens such as DPM from short-term construction activities lasting more than two months. This is because infants and children are generally more susceptible to health effects from exposure to carcinogens than adults. In addition, when accounting for the higher breathing rate per body mass and higher fraction of time at home for a child versus an adult, the estimated cancer risk for a child can be up to 48 times higher than an adult exposed to the same concentration of DPM. Therefore, the dismal of construction-related health risks in the IS/MND due to short-term nature of construction activities is not supported by substantial evidence, especially regarding the health risks the project would pose to nearby children.

Cancer Risk Threshold for Sensitive Receptors

Air quality impacts and resulting human health risks are by their very nature cumulative impacts. Emissions from past, present, and future projects contribute cumulatively to health risks for

[2] Office of Environmental Health Hazard Assessment (OEHHA). 2015. Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February.

sensitive receptors. As such, lead agencies should evaluate project-level health risk impacts by considering existing health risks plus the additional health risks that would be experienced by sensitive receptors as a result of a project.

According to the SCAQMD's Multiple Air Toxics Exposure Study V (MATES V), the existing cumulative air quality impacts to sensitive receptors in the project vicinity include the following:[3]

- The existing cancer risk is 449 in a million, which is in the 79th percentile for overall cancer risk in SCAQMD communities.

- Under Senate Bill (SB) 535, the project is in a disadvantaged community based on pollution burden and population characteristics.

Due to the existing high cumulative air pollution exposure in the project vicinity, the SCAQMD's draft guidance for evaluating cumulative impacts from air toxics for CEQA projects recommends a cancer risk threshold of 3 in a million.[4] The City of San Francisco Planning Department (SFPD) has applied a similar approach for evaluating cumulative impacts from air toxics for CEQA projects and recommends a cancer risk threshold of 7 in a million in areas within areas of high cumulative air pollution exposure.[5] Because the SCAQMD has not yet adopted the draft cancer risk threshold of 3 in a million, both the SCAQMD and SFPD cancer risk threshold are used in this analysis to evaluate potential health risks to nearby sensitive receptors during project construction.

Construction Health Risk Analysis

Baseline has prepared a health risk assessment to estimate the incremental increase in cancer risk at nearby sensitive receptors exposed to DPM emissions during project construction. The annual average concentrations of DPM during construction were estimated in the vicinity of the project using the U.S. Environmental Protection Agency's AERMOD air dispersion model. For this analysis, emissions of exhaust coarse particulate matter (PM_{10}) were used as a surrogate for DPM. Exhaust DPM emissions from off-road diesel construction equipment were obtained from the CalEEMod report in Appendix B of the IS/MND. To obtain daily emission rates, the annual off-road equipment exhaust PM_{10} emissions estimated during project construction were averaged over the total working days (14 months of construction, 294 workdays). The input parameters and assumptions used for estimating emission rates of DPM from off-road diesel construction equipment are provided in **Attachment A**.

[3] SCAQMD, 2021. Multiple Air Toxics Exposure Study (MATES) V. MATES Data Visualization Tool, Gridded Cancer Risk. https://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v. Accessed July 29, 2025.
[4] SCAQMD, 2024. Working Group Meeting #6 Cumulative Impacts from Air Toxics for CEQA Projects. November 6.
[5] City of San Francisco Planning Department, 2025. Air Quality and Greenhouse Gas Guidelines. February.

The exhaust from off-road equipment was represented in the AERMOD model as an area source on the project site with a unit emission rate of 1 gram per second, which was later scaled by the actual average emission rate. A variable emissions scenario was used based on the assumption that daily emissions from project construction would occur from 8:00 AM to 5:00 PM Monday through Friday.

A uniform grid of ground-level receptors spaced 10 meters apart with a breathing height of 1.5 meters was encompassed around the project site as a means of developing isopleths (i.e., concentration contours) that illustrate the air dispersion pattern of emissions from the construction site. In addition, discrete receptors were created adjacent to the project site to evaluate DPM concentrations at the maximally exposed individual resident (MEIR). The AERMOD model input parameters included five years of meteorological data from the Fullerton Airport Station located about 7 miles northeast of the project site.

Based on the annual average concentrations of DPM estimated using the air dispersion model, potential health risks were evaluated for the MEIR located approximately 500 feet northeast of the project site. The incremental increase in cancer risk from on-site DPM emissions was assessed for an infant exposed to DPM starting from birth. It was assumed that the MEIR would be exposed to an annual average DPM concentration over the entire estimated 14-month duration of construction. This exposure scenario represents the most sensitive individual who could be exposed to adverse air quality conditions in the vicinity of the project site. The input parameters and results of the health risk assessment are included in **Attachment A**.

Table 1 summarizes the estimated health risks at the MEIR due to unmitigated DPM emissions from project construction. The estimated cancer risk at the MEIR from exposure to DPM emissions during project construction is approximately 7.9 in a million, which exceeds both the SCAQMD threshold of 3 in a million and the SFPD threshold of 7 in a million. Therefore, project construction would expose sensitive receptors to substantial pollutant concentrations and the air quality impact would be significant.

Table 1. Health Risks at MEIR During Project Construction

Construction Scenario	Cancer Risk (per million)
Unmitigated Emissions	7.9
SCAQMD Threshold	3.0
SFPD Threshold	7.0
Threshold Exceedance?	**Yes**

Source: See Attachment A

Conclusions

Based on our review of the IS/MND, construction of the project would result in a significant impact related to air quality. As a result, Baseline recommends that the City of Westminster prepare a revised CEQA analysis to evaluate and mitigate the air quality concerns described above.

Sincerely,

Patrick Sutton
Principal Environmental Engineer

ATTACHMENT A

Health Risk Assessment

Summary of AERMOD Model Parameters, Assumptions, and Results for DPM Emissions from Construction

AERMOD Model Parameters and Assumptions			
Source Type	**Units**	**Value**	**Notes**
Area Source: Off-Road Equipment Exhaust (DPM)			
Average Daily DPM Emission	lb/day	0.589	Exhaust PM10 emissions from offroad equipment were obtained from the CalEEMod report in Appendix B of hte IS/MND. This average daily DPM emission rate was calculated based on the total off-road PM10 exhaust emissions and construction duration of 14 months (294 workdays).
Average Hours/Work Day	hours/day	9.00	Assumed Monday through Friday: 8 am to 5 pm
DPM Emission Rate	gram/second	0.00825	This DPM emission rate is used to convert the unit emission results from AERMOD into the project emission results.
Release Height	meters	5.0	SMAQMD, 2015
Initial Vertical Dimension	meters	1.4	USEPA, 2022
AERMOD Model Results			
Sensitive Receptor	**Pollutant**	**Annual Average Concentration**	**Notes**
MEIR	DPM ($\mu g/m^3$)	0.0413	Nearest residential receptor

Notes:

DPM = diesel particulate matter

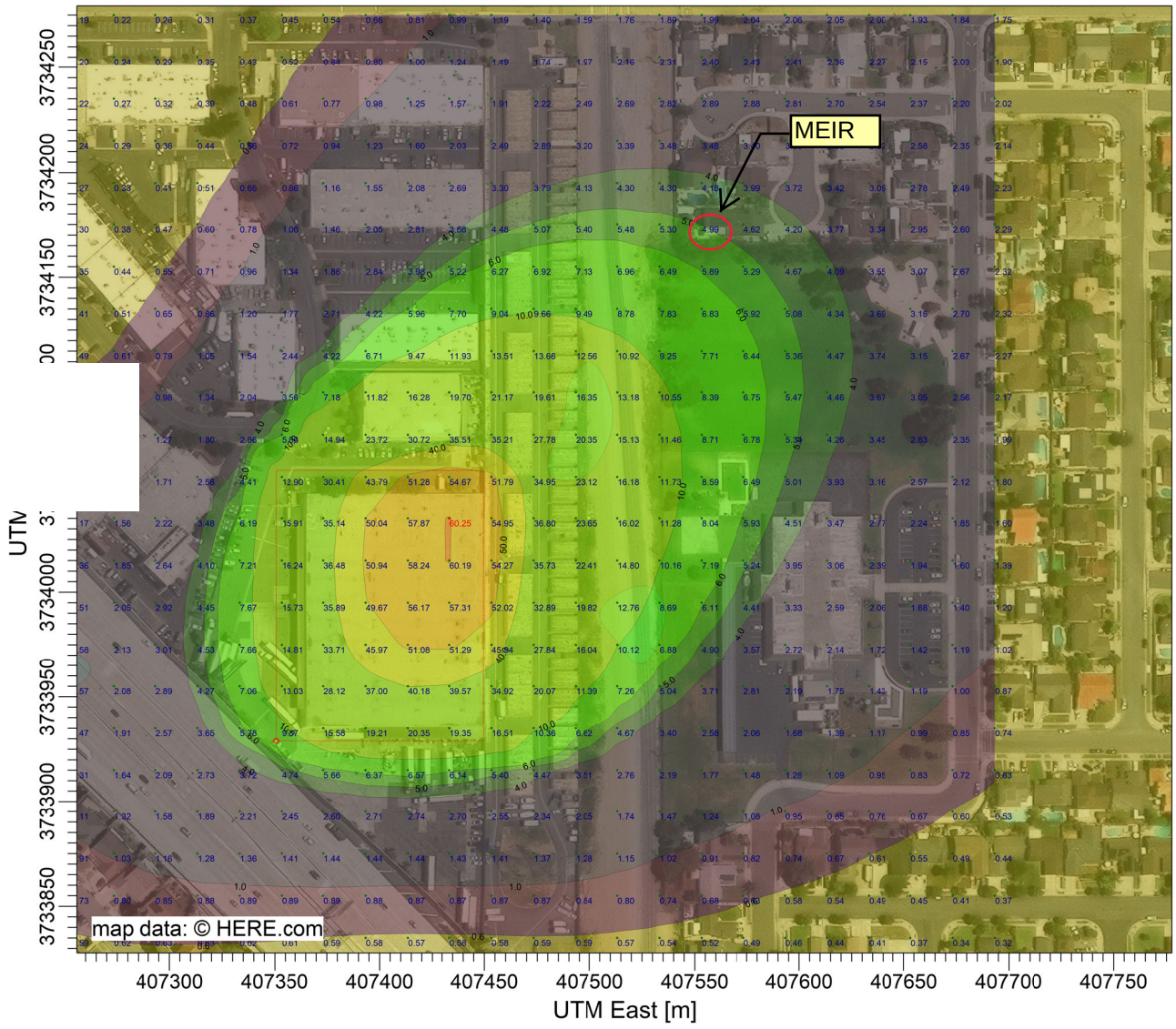
PM10 = particulate matter with aerodynamic resistance diameters equal to or less than 10 microns

$\mu g/m^3$ = micrograms per cubic meter

Sacramento Metropolitan Air Quality Management District (SMAQMD), 2015. Guide to Air Quality Assessment in Sacramento Coun

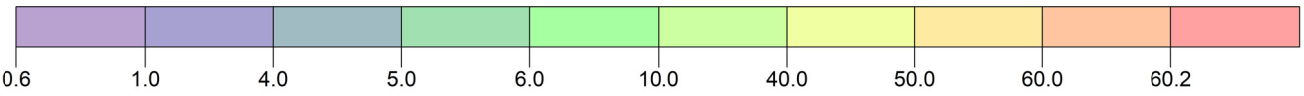
U.S. Environmental Protection Agency (USEPA), 2022. User's Guide for the AMS/EPA Regulatory Model (AERMOD).

PROJECT TITLE:
C:\Users\patrick\Desktop\Westminster\Westminster.isc



PLOT FILE OF PERIOD VALUES AVERAGED ACROSS 0 YEARS FOR SOURCE GROUP: ALL ug/m^3

Max: 60.2 [ug/m^3] at (407433.29, 3734035.07)



COMMENTS: Annual concentration based on unit emission rate	SOURCES: **1**	
	RECEPTORS: **900**	
	OUTPUT TYPE: **Concentration**	SCALE: 1:3,279 0 0.1 km
	MAX: **60.2 ug/m^3**	PROJECT NO.:

Summary of Health Risk Assessment at the Maximally Exposed Individual Resident

Health Risk Assessment Parameters and Results			
Inhalation Cancer Risk Assessment for DPM	**Units**	**MEIR 0-2 Year Infant**	**Notes**
DPM Concentration (C)	$\mu g/m^3$	0.041	AERMOD Annual Average
Daily Breathing Rate (DBR)	L/kg-day	1090	95th percentile (OEHHA, 2015)
Inhalation absorption factor (A)	unitless	1.0	OEHHA, 2015
Exposure Frequency (EF)	unitless	0.96	350 days/365 days in a year (OEHHA, 2015)
Dose Conversion Factor (CF_D)	$mg\text{-}m^3/\mu g\text{-}L$	0.000001	Conversion of µg to mg and L to m^3
Dose (D)	mg/kg/day	0.000043	$C*DBR*A*EF*CF_D$ (OEHHA, 2015)
Cancer Potency Factor (CPF)	$(mg/kg/day)^{-1}$	1.1	OEHHA, 2015
Age Sensitivity Factor (ASF)	unitless	10	OEHHA, 2015
Annual Exposure Duration (ED)	years	1.2	Based on total construction period of 14 months
Averaging Time (AT)	years	70	70 years for residents (OEHHA, 2015)
Fraction of time at home (FAH)	unitless	1	OEHHA, 2015
Cancer Risk Conversion Factor (CF)	m^3/L	1000000	Chances per million (OEHHA, 2015)
Cancer Risk	per million	7.9	D*CPF*ASF*ED/AT*FAH*CF (OEHHA, 2015)

Notes:

DPM = diesel particulate matter

REL = reference exposure level

$\mu g/m^3$ = micrograms per cubic meter

L/kg-day = liters per kilogram-day

m^3/L = cubic meters per liter

$(mg/kg/day)^{-1}$ = 1/milligrams per kilograms per day

Office of Environmental Health Hazard Assessment (OEHHA), 2015. Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February.

ATTACHMENT B

Staff Resumes

Patrick Sutton, P.E.

Principal Environmental Engineer

Areas of Expertise

Air Quality, GHGs, Noise, Hazardous Materials, Geology, and Hydrology

Education

M.S., Civil and Environmental Engineering, University of California – Davis

B.S., Environmental Science, Dickinson College

Registration

Professional Engineer No. 13609 (RI)

Years of Experience

20 Years

Patrick Sutton is an environmental engineer who specializes in the assessment of hazardous materials released into the environment. Mr. Sutton prepares technical reports in support of environmental review, such as Phase I/II Environmental Site Investigations, Air Quality Reports, and Health Risk Assessments. He has prepared numerous CEQA/NEPA evaluations for air quality, GHGs, noise, energy, geology, hazardous materials, and water quality related to residential, commercial, and industrial projects, as well as large infrastructure developments. His proficiency in a wide range of modeling software (AERMOD, CalEEMod, RCEM, CT-EMFAC) as well as relational databases, GIS, and graphics design allows him to thoroughly and efficiently assess and mitigate environmental concerns.

For mixed-use development projects, Mr. Sutton has prepared health risk assessments for sensitive receptors exposed to toxic air contaminants based on air dispersion modeling. For large transportation improvement projects, Mr. Sutton has prepared air quality and hazardous materials technical reports in accordance with Caltrans requirements. The air quality assessments include the evaluation of criteria air pollutants, mobile source air toxics, and GHG emissions to support environmental review of the project under CEQA/NEPA and to determine conformity with the State Implementation Plan. The hazardous materials investigations include sampling and statistically analysis of aerially-deposited lead adjacent to highway corridors. Mr. Sutton is also an active member of ASTM International and is the author of the Standard Practice for Low-Flow Purging and Sampling Used for Groundwater Monitoring.

Project Experience

Alameda CTC I-80/Ashby Avenue Interchange Improvements. Prepared Phase I/II ESAs to evaluate contaminants of potential concern in soil and groundwater. Prepared Air Quality Report to determine the project's conformity to federal air quality regulations and support CEQA/NEPA environmental review.

Oakland Downtown Specific Plan EIR. Prepared a program- and project-level Air Quality and GHG Emissions analysis. Developed a mitigation measure with performance standards to ensure GHG emissions from future projects comply with the Citywide 2030 GHG reduction target.

CCTA I-680 Express Lanes from SR 84 to Alcosta Boulevard Project. Prepared Initial Site Assessment and Preliminary Site Investigation to evaluate contaminants of potential concern in soil and groundwater. Prepared Air Quality Report to determine the project's conformity to federal air quality regulations and to support environmental review of the project under CEQA and NEPA.

Altamont Corridor Expressway (ACE/Forward) Project EIR/EIS. Prepared a program- and project-level Hazardous Materials analysis for over 120 miles of railroad corridor from San Jose to Merced. Hazardous materials concerns, such as release sites, petroleum pipelines, agricultural pesticides, and nearby school sites were evaluated in GIS.

BART Silicon Valley Extension Project. Prepared Initial Site Assessment and Hazardous Materials EIS/EIR section for extending 6 miles of proposed BART service through the Cities of San Jose and Santa Clara.