



CITY of LAGUNA NIGUEL

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CITY COUNCIL

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Council Member Elaine Gennaway
Council Member Fred Minagar
Council Member Sandy Rains

February 27, 2019

Mr. Wayne Nastri
Executive Officer
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765

RE: Opposition to Proposed Amended Rule 1403

Dear Mr. Nastri,

On behalf of the City of Laguna Niguel, I am writing to express its opposition to the Proposed Amended Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities) as written. I am also writing to express the City's desire for a delay in the implementation of these proposed regulations so that additional meetings with water, gas, and power utilities and cities can be held to attempt to resolve issues and differences. Additional time will also allow for utilities and cities to fully evaluate the full potential implications of these proposed regulations.

The Proposed Amended Rule 1403 presents new requirements for on-site surveys, inspections, and samplings for excavation, street repairs, and other construction projects. These requirements would create unnecessary time delays and excessive costs, prolong the completion of crucial construction projects, and burden utilities and their customers. These severe interruptions in service for utility customers, delays for improvement projects, and negative impacts to commuters are unacceptable.

Laguna Niguel's concerns with the delays caused by Proposed Amended Rule 1403 also include the potential risk of increase air emissions causing a public health risk. Laguna Niguel takes pride in supporting efforts to improve air quality and reduce other forms of pollution but the proposed rule should be reassessed for potential increases in air emissions and the corresponding increase in health risks.

In addition to the concerns previously listed, these proposed regulations would increase costs through the newly-required Asbestos Hazard Emergency Response Act building inspector certification, and could negatively impact resource management, necessitating labor and contracting. These consequences to the proposed regulations place more burdens with lack of evidence for the necessity of increased regulations.

Laguna Niguel believes that every level of government must act within its lawful powers. Proposed Amended Rule 1403 exceeds the requirements set by the National Emissions Standards for Hazardous Air Pollutants, State law, and the Occupational Safety and Health Administration – all without providing evidence to justify the need for increased regulations.

Laguna Niguel has an expansive Capital Improvement Project plan and the implementation of the Proposed Amended Rule 1403 as written would create delays in project completion, increase cost, and burden residents, visitors, travelers, and utility customers.

For these reasons, Laguna Niguel asks that South Coast Air Quality Management District delay the implementation of this rule change to allow for additional communication between its water, gas, and power utilities and cities, with the goal of resolving these significant issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Mark Jennings", with a large, stylized flourish underneath.

John Mark Jennings
Mayor

cc: Peter Whittingham, peter@whittinghamPAA.com
Jenn Lowe, Association of CA Cities-OC, jlowe@accoc.org