

July 30, 2024

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Sent via email

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Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the 9th and Vineyard Development Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2019110456. The Project proposes the construction and operation of three warehouse buildings totaling 982,096 square feet. Once fully built out, the proposed Project would result in up to 1,680 daily vehicle trips along local roadways, including 343 daily truck trips.¹ The Project is proposed within the City of Rancho Cucamonga (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

CARB is concerned that the Project will expose nearby residential communities to elevated levels of air pollution beyond the existing baseline emissions at the Project site. Residences are located to the north, south and west of the Project site, with the closest residence located within 25 feet north of the Project site. These residences are located near existing toxic diesel particulate matter (diesel PM) emission sources, which include existing industrial facilities, rail traffic along existing rail lines, and vehicular traffic along Interstate 10.

The State of California has placed additional emphasis on protecting local communities from the harmful effects of air pollution through the passage of Assembly Bill 617 (AB 617) (Garcia, Chapter 136, Statutes of 2017). AB 617 is a significant piece of air quality legislation that highlights the need for further emission reductions in communities with high exposure burdens, like those in which the Project is located. Diesel PM emissions generated during the construction and operation of the Project would negatively impact neighboring communities.

¹ City of Rancho Cucamonga. 9th and Vineyard Development Project Draft Environmental Impact Report. Page 4.3-21. Accessible at https://files.ceqanet.opr.ca.gov/257328-4/attachment/T2Zqz9520ZL2J7Nnj5xZhHONfLISLDcOk_fTxy73IKhaRsA9x8Wn210eBP4MYzwLjMW9fS-1gSlvXDzn0

Through its authority under Health and Safety Code section 39711, the California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)); In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25% of the census tracts as analyzed by the California Communities Environmental Health Screening Tool Version 4.0 (CalEnviroScreen). CalEnviroScreen uses a screening methodology to help identify California communities currently disproportionately burdened by multiple sources of pollution. The census tract containing the Project is within the top 24% for Pollution Burden and is considered a disadvantaged community. The City must ensure that the Project does not adversely impact neighboring disadvantaged communities.

Industrial facilities, like the facilities described in the Project, can result in high volumes of heavy-duty diesel truck traffic, and operation of on-site equipment (e.g., forklifts and yard tractors) that emit toxic diesel emissions, and contribute to regional air pollution and global climate change.² To better address regional air pollution and global climate change, Governor Gavin Newsom signed Executive Order N-79-20 on September 23, 2020. The Executive Order states: "It shall be a goal of the State that 100% of in-state sales of new passenger cars and trucks will be zero-emission by 2035. It shall be a further goal of the State that 100% of medium and heavy-duty vehicles in the State be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks. It shall be further a goal of the State to transition to 100% zero-emission off-road vehicles and equipment by 2035 where feasible." The Executive Order further directs the development of regulations to help meet these goals. To ensure that lead agencies, like the City, stay in step with evolving scientific knowledge to protect public health from adverse air quality and greenhouse gas impacts from the transportation sector, which serves as the basis of the Governor's Executive Order N-79-20, CARB staff urges the City to plan for the use of zero-emission technologies within the Project area as described in this letter.

² With regard to greenhouse gas emissions from this project, CARB has been clear that local governments and project proponents have a responsibility to properly mitigate these impacts. CARB's guidance, set out in detail in the Scoping Plan issued in 2022, explains that in CARB's expert view, local mitigation is critical to achieving climate goals and reducing greenhouse gases below levels of significance. CARB's 2022 Scoping Plan for Achieving Carbon Neutrality, published November 16, 2022, is available at https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp_1.pdf

The DEIR is Unclear on Whether the Project Would be Used for Cold Storage

It is unclear in the DEIR whether the proposed warehouses would be used for cold storage. In the Section 4.3 (Air Quality), the City states “[t]he proposed warehouses would not be refrigerated, and TRUs would not be required for project operation.”³ However, Section 2 (Project Description) of the DEIR does not specifically state that the proposed warehouses would not be used for cold storage. Furthermore, the City does not provide a project design feature in Table ES-2 (Project Design Features) of the DEIR restricting trucks and trailers with transport refrigeration units (TRU) from operating within the Project site. TRUs on trucks and trailers can emit large quantities of diesel PM exhaust while operating within the Project site and along local roadways. Residences and other sensitive receptors (e.g., daycare facilities, senior care facilities, and schools) located near where these TRUs could be operating, would be exposed to diesel PM exhaust emissions that could result in a significant cancer risk impact to the nearby community.

CARB urges the City to clearly define the Project’s description in the Final Environmental Impact Report (FEIR) so the public can fully understand the potential environmental effects of the Project on their communities. If the City plans to restrict the operation of trucks and trailers with TRUs within the Project site, CARB urges the City to include one of the measures in Table ES-2 (Project Design Features) of the DEIR:

- Require contractual language in tenant lease agreements that prohibits tenants from operating diesel powered TRUs within the Project site; or
- A condition requiring a restrictive covenant over the parcel that prohibits the applicant’s use of TRUs on the property unless the applicant seeks and receives an amendment to its conditional use permit allowing such use.

The City Used Inappropriate Assumptions When Modeling the Project's Health Risk Impacts

The Health Risk Assessment (HRA) prepared for the Project and presented in Section 4.3 (Air Quality) of the DEIR concluded that residences near the Project site would be exposed to diesel PM emissions that would result in cancer risks of 3.06 chances per million during Project operations. Since the Project’s cancer risks were below the South Coast Air Quality Management District’s (SCAQMD) significance threshold of 10 chances per million, the DEIR concluded that the Project would have a less than significant impact on public health.

³ City of Rancho Cucamonga. 9th and Vineyard Development Project Draft Environmental Impact Report. Page 4.3-17. Accessible at https://files.ceqanet.opr.ca.gov/257328-4/attachment/T2Zqz9520ZL2J7Nnj5xZhHONfLISLDcOk_fTxy73IKhaRsA9x8Wn210eBP4MYzwLjMW9fS-1gSlvXDzn0

The City may have underestimated the Project's health risk impacts by assuming an idling duration for onsite heavy-duty trucks that is not supported by substantial evidence. The City assumed an idling duration of 10 minutes for onsite heavy-duty trucks when evaluating the Project's health risk impacts.⁴ CARB's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (ATCM) restricts trucks from idling longer than five minutes; however, the ATCM has an exemption for trucks equipped with a diesel engine meeting the optional nitrogen oxides (NOx) idling emissions standard to operate outside of 100 feet of a restricted area (e.g., residences, schools).⁵ Because trucks starting with model year 2008+, are clean-idle certified, many of the trucks operating within the Project site could idle longer than five minutes. According to Table 4.4.2-5 of the EMFAC2021 Volume III Technical Document, heavy-duty trucks can idle for as long as approximately five hours in any one location.⁶ To fully evaluate the Project's potential health risk impacts, the City must either add a project design feature in the DEIR restricting heavy-duty truck idling within the Project site to less than 10 minutes or revise the Project's HRA to assume a heavy-duty truck idling duration supported by substantial evidence.

The Project's operational HRA did not evaluate potential health risk impacts from the operation of trucks and trailers with transportation refrigeration units visiting the Project site.⁷ As previously discussed, Section 4.3 (Air Quality) of the DEIR states that the proposed warehouses wouldn't be used for cold storage; however, this is not specifically stated in the Project's description. If the City plans to restrict trucks and trailers with TRUs from accessing the Project site, the operational HRA should be revised to include the potential health risk impacts associated with the on and off-site operation of trucks and trailers with TRUs visiting the Project site.

⁴ City of Rancho Cucamonga. 9th and Vineyard Development Project Draft Environmental Impact Report. Appendix B-2, Attachment A. Accessible at https://files.ceqanet.opr.ca.gov/257328-4/attachment/_cZZuBwwVXL2KBPfIOJViqs193P4o1brMLyMRn9V6xWDRFIF9xwWrDtDLOsjrwlhMmBvHh9OuFvbohfo

⁵ CARB. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. Accessible at https://ww2.arb.ca.gov/sites/default/files/2022-06/13_CCR_2485_OAL_06222022-2_ADA_06272022_0.pdf

⁶ CARB. EMFAC2021 Volume III Technical Document. Page 161. Table 4.4.2-5. Accessible at https://ww2.arb.ca.gov/sites/default/files/2021-03/emfac2021_volume_3_technical_document.pdf

⁷ TRUs are refrigeration systems powered by integral diesel engines that protect perishable goods during transport in an insulated truck and trailer vans, rail cars, and domestic shipping containers.

The DEIR Does Not Include a Project Design Feature Requiring All Off-Road Construction Equipment to be Equipped with Tier 4 Final Engines

Section 4.3 (Air Quality) concluded that the construction of the Project would result in the emissions of 59 pounds per day of volatile organic compounds (VOC), 10 pounds per day of NO_x, 8 pounds per day of particulate matter less than 10 micrometers (PM₁₀), and 4 pounds per day of particulate matter less than 2.5 micrometers (PM_{2.5}), which were all found to be substantially below the SCAQMD's significance thresholds. Consequently, the City concluded in the DEIR that the construction of the Project would result in a less than significant impact on air quality. The low construction air pollutant emissions reported in the DEIR were primarily attributed to the City's assumption that all off-road equipment used during Project construction would be equipment with Tier 4 Final engines. Off-road equipment with Tier 4 Final engines creates fewer harmful emissions than those equipped with lower-tiered engines. For example, a Tier 0 offroad engine has up to 80 times higher emissions per hour than a Tier 4 Final engine.

The City must include a project design measure in the FEIR requiring all off-road equipment used during Project construction to have Tier 4 Final engines. Based on CARB's review of the California Emissions Estimator Model (CalEEMod) outputs presented in Appendix B-1 (CalEEMod Data Sheets), the City assumed all 31 off-road equipment used during Project construction would have Tier 4 Final engines. However, no enforcement mechanism in the DEIR requires off-road construction equipment to have Tier 4 Final engines. To ensure all Project-related off-road construction equipment has with Tier Final engines, CARB urges the City to include a project design measure Table ES-2 (Project Design Features) of the DEIR requiring all off-road equipment used during Project construction to have Tier 4 Final engines.

The DEIR Used Inappropriate Trip Lengths When Modeling the Project's Air Quality Impacts from Mobile Sources

The Project's operational mobile source air pollutant emissions may have been underestimated in the DEIR by using vehicle trip lengths unsupported by substantial evidence. The Project's operational air pollutant emissions were estimated using CalEEMod. Based on CARB's review of the CalEEMod outputs found in Appendix B-1 (CalEEMod Data Sheets) of the DEIR, the City relied on CalEEMod vehicle trip length defaults to estimate the Project's mobile source air pollutant emissions. After applying these defaults, 49% of the Project's total truck trips would travel a distance of 19 miles, 18% of the Project's total truck trips would travel a distance of 8 miles, and 33% of the Project's total truck trips would travel a distance of 6 miles.

The DEIR does not specify the distance trucks would need to travel to visit the proposed warehouse buildings. Since trucks serving the Project may originate from the Ports of Long Beach and Los Angeles or other regions approximately 60 miles from the Project site, further than 19 miles, CARB urges the City to use Project-specific truck trip distances in their air quality impact analysis. Unless the City re-evaluates or provides substantiation for the designated truck trip lengths, the Project should include a mitigation measure or project design feature that restricts trucks from traveling a distance greater than what was analyzed in the DEIR.

The City Must Include Mitigation Measures to Lessen the Project's Potential Air Quality Impacts

The City concluded in Section 4.3 (Air Quality) of the DEIR that the operation of the Project would result in a less than significant impact on air quality. According to Table 4.3-7 (Project Operational Emissions) of the DEIR, the operation of the Project would emit as much as 34 pounds per day of VOC, 48 pounds per day of NO_x, 17 pounds per day of PM₁₀, and 5 pounds per day of PM_{2.5}, which were all found to be below the SCAQMD's significance thresholds. Consequently, the City concluded that the operation of the Project would have a less than significant impact on air quality. CARB is concerned this impact conclusion may be incorrect. As previously discussed, the City used CalEEMod default truck trip lengths when estimating the Project's mobile air pollutant emission rates and does not specifically state that the Project would not be used for cold storage. Trucks could travel a distance far greater than was assumed in the Project's air quality analysis, which would result in air quality impacts that were not considered in the DEIR.

To reduce the Project's potential operational air quality impacts, CARB urges the City to include a project design feature or mitigation measure in the DEIR that would require all cargo handling equipment (CHE) operating with the proposed warehouses to be zero-emission. Zero-emission CHE is commercially available and can be purchased using incentive funding from CARB's Clean Off-Road Equipment Voucher Incentive Project (CORE)

administered by CALSTART or the Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP).^{8,9}

CARB also urges the City to include a measure requiring all off and all heavy-duty trucks to be zero-emission and to install on-site infrastructure to support those zero-emission trucks. As presented below, CARB has many regulations that promote and eventually require the use of zero-emission trucks at freight facilities, such as the proposed Project. Specifically, the Advanced Clean Fleet Regulation would require all drayage trucks in California to be zero-emission by 2035. To support trucks serving the Project that are already complying with the Advanced Clean Fleets regulation, CARB urges the City to require the infrastructure to support on-site zero-emission trucks at the start of Project operations. A list of commercially-available zero-emission trucks can be obtained from the HVIP. The HVIP is a part of California Climate Investments to incentivize the purchase of zero-emission trucks. Based on CARB's review of the zero-emission trucks listed in the HVIP, there are commercially available electric trucks that can meet the cargo transportation needs of individual industrial uses proposed in the City today. CARB has implemented or is developing regulations that will require the use of zero-emission trucks.

The list below details the CARB regulations that will result in the reduction of diesel PM and NOx emissions from trucks within California:

- **Drayage Truck Regulation:** The existing Drayage Truck Regulation requires all drayage trucks to operate with an engine that is a 2007 model year or newer.
- **Truck and Bus Regulation:** The Truck and Bus Regulation requires all trucks, including drayage, to have 2010 or newer model year engines by January 1, 2023.
- **Heavy-Duty Low-NOx Omnibus Rule:** The Heavy-Duty Low-NOx Omnibus Rule requires truck emission standards to be reduced from 0.20 to 0.05 grams per brake horsepower-hour (g/bhp-hr) from 2024 to 2026, and to 0.02 g/bhp-hr in 2027.
- **Advanced Clean Trucks Regulation:** The Advanced Clean Trucks Regulation, approved by CARB on June 25, 2020, requires manufacturers to start the transition from diesel trucks and vans to zero-emission trucks beginning in 2024. The rule is expected to result in about 100,000 zero-emission trucks in California by the end of 2030 and about 300,000 by 2035. The Advanced Clean Trucks regulation is part of CARB's overall approach to accelerate a large-scale transition to zero-emission medium-and heavy-duty vehicles. CARB approved amendments to the Advanced Clean Trucks regulation in March 2021; the amendments help ensure that more zero-emission vehicles are brought to market. CARB directed staff to ensure that fleets, businesses, and public entities that own or direct the operation of

⁸ Clean Off-Road Equipment Voucher Incentive Project. Accessible at: <https://californiacore.org/how-to-participate/>

⁹ Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: <https://californiahvip.org/>

medium- and heavy-duty vehicles in California purchase and operate ZEVs to achieve a smooth transition to ZEV fleets by 2045 everywhere feasible, and specifically to reach:

- 100% zero-emission drayage trucks, last mile delivery, and government fleets by 2035
- 100% zero-emission refuse trucks and local buses by 2040
- 100% zero-emission capable utility fleets by 2040
- **Advanced Clean Fleets Regulation:** The Advanced Clean Fleets Regulation is part of CARB's overall strategy to accelerate a large-scale transition to zero-emission medium- and heavy-duty vehicles. This regulation works in conjunction with the Advanced Clean Trucks regulation. The regulation applies to trucks performing drayage operations at seaports and railyards, fleets owned by State, local, and federal government agencies, and high priority fleets. High priority fleets are those entities that own, operate, or direct at least one vehicle in California, and that have either \$50 million or more in gross annual revenue, or that own, operate, or have common ownership or control of a total of 50 or more vehicles. The regulation affects medium- and heavy-duty on-road vehicles with a gross vehicle weight rating greater than 8,500 pounds, off-road yard tractors, and light-duty mail and package delivery vehicles. All drayage trucks entering seaports and intermodal railyards would be required to be zero-emission by 2035.

With the implementation of the regulations listed above, specifically the Advanced Clean Trucks Regulation, tenants at the proposed warehouse development must begin the transition from diesel trucks and vans to zero-emission trucks. To help mitigate the Project's impact on air quality and public health, CARB urges the City to include contractual language in tenant lease agreements requiring future tenants to use zero-emission trucks during their operation in the FEIR.

Conclusion

CARB is concerned about the Project's potential impact on air quality and public health. To fully assess the Project's impact on neighboring communities, the City must specifically state in the Project's description whether the proposed warehouses would be used for cold storage. If the Project is used for cold storage, the Project's air quality and health risk impacts must evaluate potential air quality and health risk impacts from Project-related trucks and trailers operating within the Project site and traveling along local roadways. The City must evaluate the Project's mobile air pollution rates from trucks serving the Project site using trip distances supported by substantial evidence. The City must also include a project design measure requiring all off-road equipment used during Project construction to be equipped with Tier 4 Final engines to substantiate the assumptions used in the Project's construction air quality analysis. Lastly, CARB urges the City to include a project design or

mitigation measure in the FEIR that would require all CHE and trucks serving the Project site to be zero-emission.

CARB appreciates the opportunity to comment on the DEIR for the Project. Given the breadth and scope of projects subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a project, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. CARB's deliberate decision to substantively comment on some issues does not constitute an admission or concession that it substantively agrees with the lead agency's findings and conclusions on any issues on which CARB does not substantively submit comments.

CARB staff can provide assistance with zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your list of selected State agencies that will receive the FEIR. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist via email at stanley.armstrong@arb.ca.gov.

Sincerely,



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