

December 17, 2020

Governor's Office of Planning & Research

**Dec 18 2020**

**STATE CLEARINGHOUSE**

Rocio Lopez  
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Submitted via email: [rlopez@jurupavalley.org](mailto:rlopez@jurupavalley.org)

Dear Rocio Lopez:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Agua Mansa Road Development Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2020010137. The Project would allow for the construction and operation of two industrial buildings totaling 335,002 square feet on approximately 23 acres of land. Once in operation, the Project would introduce 1,316 daily vehicle trips, including 282 daily heavy-duty truck trips, along local roadways. The Project is located within the City of Jurupa Valley (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

Freight facilities, like the one proposed under the Project, can result in high volumes of heavy-duty diesel trucks, line-haul and switcher locomotive 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.<sup>1</sup> CARB has reviewed the DEIR and is concerned about the air pollution and health risk impacts that would result should the City approve the Project.

**I. The Project Would Increase Exposure to Air Pollution in Disadvantaged Communities**

The Project, if approved, will expose nearby disadvantaged communities to elevated levels of air pollution. Residences are located north of the Project with the closest residences located approximately 330 feet from the Project's northern boundary. In addition, two schools (Crestmore Elementary School and Walter Zimmerman

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<sup>1</sup>: 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 2017, makes clear that in CARB's expert view, local mitigation is critical to achieving climate goals and reducing greenhouse gases below levels of significance.

Elementary School) are located within two miles of the Project. The community is surrounded by existing toxic diesel particulate matter (diesel PM) emission sources, which include existing industrial uses and vehicular traffic along State Route 60 (SR 60) and Interstate 215 (I-215). Due to the Project's proximity to residences and schools already disproportionately burdened by multiple sources of air pollution, CARB is concerned with the potential cumulative health impacts associated with the construction and operation of the Project.

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 the community, which is already disproportionately impacted by air pollution from existing traffic on SR 60 and I-215.

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 percent of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 3.0 (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 5 percent for Pollution Burden<sup>2</sup> and is considered a disadvantaged community; therefore, CARB urges the City to ensure that the Project does not adversely impact neighboring disadvantaged communities.

## **II. It is Unclear Whether the Proposed Project Would Include Cold Storage Space**

The air pollutant emissions and cancer risks reported in the DEIR were estimated under the assumption that the Project would not be used for cold storage. Since the Project description in the DEIR did not explicitly state that the proposed industrial buildings

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<sup>2</sup>. Pollution Burden represents the potential exposure to pollutants and the adverse environmental conditions caused by pollution.

would not include cold storage space, there is a possibility that trucks and trailers visiting the Project site would be equipped with transport refrigeration units (TRU).<sup>3,4</sup>

TRUs on trucks and trailers can emit large quantities of diesel exhaust while operating within the Project site. 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 exhaust emissions that would result in significant cancer risk. CARB urges the applicant and City clearly define the Project's description, so the public can fully understand the potential environmental effects of the Project on their communities.

If the Project will not be used for cold storage, CARB urges the City to include one of the following design measures in the Final Environmental Impact Report (FEIR):

- A Project design measure requiring contractual language in tenant lease agreements that prohibits tenants from operating 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.

If the City does allow TRUs within the Project site, CARB urges the City to model air pollutant emissions from TRUs in the FEIR, as well as include potential cancer risks from TRUs in the Project's revised HRA. The revised HRA should account for all potential health risks from Project-related diesel PM emission sources such as backup generators, TRUs, and heavy-duty truck traffic.

### **III. The DEIR Did Not Model Mobile Air Pollutant Emissions Using CARB's 2017 Emission Factor Model (EMFAC2017)**

The Project's air pollutant emissions were modeled using mobile emission factors obtained from CARB's 2014 Emission Factors model (EMFAC2014). Project-related air pollutant emissions from mobile sources should be modeled using CARB's latest EMFAC2017.<sup>5</sup> One of the many updates made to EMFAC included an update to the model's heavy-duty emission rates and idling emission factors, which results in higher

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<sup>3</sup>. 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.

<sup>4</sup>. Project descriptions "must include (a) the precise location and boundaries of the proposed project, (b) a statement of the objectives sought by the proposed project, (c) a general description of the project's technical, economic and environmental characteristics, and (d) a statement briefly describing the intended use of the EIR." (*stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 16.) "This description of the project is an indispensable element of both a valid draft EIR and final EIR." (*Ibid.*) Without explicit acknowledgment in the project description that the proposed project will not include cold storage facilities, the current project description fails to meet the bare minimum of describing the project's technical and environmental characteristics.

<sup>5</sup>. The United States Environmental Protection Agency (U.S. EPA) approved the use of EMFAC2017 for SIP and conformity purposes effective August 15, 2019.

particulate matter (PM) emissions as compared to EMFAC2014. Since EMFAC2017 generally shows higher emissions of PM from trucks than EMFAC2014, the Project's mobile source diesel PM emissions are likely underestimated. CARB urges the applicant and City to model and report the Project's air pollution emissions from mobile sources using emission factors found in CARB's latest EMFAC2017.

#### **IV. The DEIR Did Not Evaluate Potential Cancer Risk Impacts During Project Construction.**

Chapter 4.2 (Air Quality) of the DEIR did not quantify or evaluate the potential health risk impact that would result during Project construction. The Office of Environmental Health Hazard Assessment's (OEHHA) guidance, recommends assessing cancer risks for construction projects lasting longer than two months. Since Project construction would occur over a period longer than two months and the Project will be located in close proximity to existing and future proposed residences, the City should revise the Project's HRA to include the Project's construction cancer and noncancer risks and disclose the results in the FEIR.

#### **V. The DEIR Does Not Include all Feasible Mitigation Measures to Reduce the Project's Significant and Unavoidable Impact on Air Quality**

Chapter 4.2 (Air Quality) of the DEIR concludes that the Project's operational emissions of volatile organic compounds nitrogen oxides (NO<sub>x</sub>), would exceed the South Coast Air Quality Management District's (SCAQMD) significance thresholds. The DEIR does not include any mitigation measures to lessen the Project's significant impact on air quality, but rather states, "no feasible mitigation measures exist that would reduce the Project's NO<sub>x</sub> emissions to levels that are less than significant". Consequently, the DEIR concludes the Project would result in a significant and unavoidable impact on air quality. The DEIR did include a series of project design features requiring the applicant to comply with SCAQMD's rules and CARB regulations aimed at reducing fugitive dust and air pollutant emissions. Although complying with local air district rules and CARB's regulations would reduce the Project's air pollutant and fugitive dust emission, the Project would have to comply with these regulations by law. Compliance with laws and regulations should not be used exclusively to mitigate the Project's impact on air quality. Consequently, the City and applicant should not rely on local air district rules and CARB regulations to reduce the Project's significant impact on air quality.

Even where impacts will remain significant and unavoidable after mitigation, CEQA requires that all feasible mitigation measures be incorporated (see California Public Resources Code § 21081; 14 CCR§ 15126.2(b)). To meet this requirement, CARB urges the City and applicant to implement all applicable air pollutant emission reduction measures provided in Appendix A of this letter.

## VI. Conclusion

CARB is concerned about the potential public health impacts should the City approve the Project. As concluded in Chapter 4.2 (Air Quality) of the DEIR, the Project's operation would expose residences to NO<sub>x</sub> emissions that would result in a significant and unavoidable impact on air quality. The Project's air quality analysis should be revised in the FEIR using the latest version of EMFAC (i.e., EMFAC2017). To reduce the Project's impact on public health, CARB urges the City to implement all applicable mitigation measures listed in Attachment A of this letter. The FEIR should specify whether the proposed industrial buildings would be used for cold storage. Should the City allow the Project to be used for cold storage, the City should update the Project's air quality analysis and HRA to account for the increase in air pollution and cancer risks resulting from trucks and trailers with TRUs visiting the Project site. The City and applicant should evaluate the Project's construction cancer and noncancer risks in the FEIR.

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 appreciates the opportunity to comment on the DEIR for the Project and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist, via email at [stanley.armstrong@arb.ca.gov](mailto:stanley.armstrong@arb.ca.gov).

Sincerely,



Heather Arias, Chief  
Transportation and Toxics Division

Attachment

cc: See next page.

Rocio Lopez  
December 17, 2020  
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cc: (via email)

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## ATTACHMENT A

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### Recommended Air Pollution Emission Reduction Measures for Warehouses and Distribution Centers

The California Air Resources Board (CARB) recommends developers and government planners use all existing and emerging zero to near-zero emission technologies during project construction and operation to minimize public exposure to air pollution. Below are some measures, currently recommended by CARB, specific to warehouse and distribution center projects. These recommendations are subject to change as new zero-emission technologies become available.

#### Recommended Construction Measures

1. 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.
2. 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 infrastructure for construction equipment, on-site vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.
3. 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 place of Tier 4 engines, off-road equipment can incorporate retrofits, such that, emission reductions achieved equal or exceed that of a Tier 4 engine.
4. 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.
5. 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 (NO<sub>x</sub>) standard starting in the year 2022.<sup>1</sup>

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<sup>1</sup> In 2013, CARB adopted optional low-NO<sub>x</sub> emission standards for on-road heavy-duty engines. CARB encourages engine manufacturers to introduce new technologies to reduce NO<sub>x</sub> emissions below the current mandatory on-road heavy-duty diesel engine emission standards for model-year 2010 and later. CARB's optional low-NO<sub>x</sub> emission standard is available at: <https://www.arb.ca.gov/msprog/onroad/optionnox/optionnox.htm>.



6. In construction contracts, include language that requires all construction equipment and fleets to be in compliance with all current air quality regulations. CARB is available to assist in implementing this recommendation.

## **Recommended Operation Measures**

1. 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.
2. Include contractual language in tenant lease agreements that requires all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration are encouraged and can also be included in lease agreements.<sup>2</sup>
3. Include contractual language in tenant lease agreements that requires all TRUs entering the project site be plug-in capable.
4. Include contractual language in tenant lease agreements that requires future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.
5. Include contractual language in tenant lease agreements requiring all TRUs, trucks, and cars entering the project site be zero-emission.
6. Include contractual language in tenant lease agreements that requires all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be zero-emission. This equipment is widely available.
7. Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering or on the project site to be model year 2014 or later, expedite a transition to zero-emission vehicles, and be fully zero-emission beginning in 2030.

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<sup>2</sup> CARB's technology assessment for transport refrigerators provides information on the current and projected development of TRUs, including current and anticipated costs. The assessment is available at: [https://www.arb.ca.gov/msprog/tech/techreport/tru\\_07292015.pdf](https://www.arb.ca.gov/msprog/tech/techreport/tru_07292015.pdf).

8. Include contractual language in tenant lease agreements that requires the tenant be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation,<sup>3</sup> Periodic Smoke Inspection Program (PSIP),<sup>4</sup> and the Statewide Truck and Bus Regulation.<sup>5</sup>
9. Include contractual language in tenant lease agreements restricting trucks and support equipment from idling longer than five minutes while on site.
10. Include contractual language in tenant lease agreements that limits on-site TRU diesel engine runtime to no longer than 15 minutes. If no cold storage operations are planned, include contractual language and permit conditions that prohibit cold storage operations unless a health risk assessment is conducted, and the health impacts fully mitigated.
11. Include rooftop solar panels for each proposed warehouse to the extent feasible, with a capacity that matches the maximum allowed for distributed solar connections to the grid.
12. Including language in tenant lease agreements, requiring the installing of vegetative walls<sup>6</sup> or other effective barriers that separate loading docks and people living or working nearby.

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<sup>3</sup>. In December 2008, CARB adopted a regulation to reduce greenhouse gas emissions by improving the fuel efficiency of heavy-duty tractors that pull 53-foot or longer box-type trailers. The regulation applies primarily to owners of 53-foot or longer box-type trailers, including both dry-van and refrigerated-van trailers, and owners of the heavy-duty tractors that pull them on California highways. CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation is available at: <https://www.arb.ca.gov/cc/hdghg/hdghg.htm>.

<sup>4</sup>. The PSIP program requires that diesel and bus fleet owners conduct annual smoke opacity inspections of their vehicles and repair those with excessive smoke emissions to ensure compliance. CARB's PSIP program is available at: <https://www.arb.ca.gov/enf/hdvp/hdvp.htm>.

<sup>5</sup>. The regulation requires that newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model-year engines or equivalent. CARB's Statewide Truck and Bus Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

<sup>6</sup>. Effectiveness of Sound Wall-Vegetation Combination Barriers as Near-Roadway Pollutant Mitigation Strategies (2017) is available at: <https://ww2.arb.ca.gov/sites/default/files/classic/research/apr/past/13-306.pdf>.