

October 10, 2023

Governor's Office of Planning & Research

**Oct 11 2023**

**STATE CLEARINGHOUSE**

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*Sent via email*

Dear Jim Pechous:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Rubidoux Commerce Park Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2020110449. The Project proposes the development of five industrial buildings totaling 1,184,102 square feet, which would allow for high-cube fulfillment, manufacturing, and general light industrial uses. The proposed Project would result in an increase of 5,724 daily vehicle trips along local roadways, including a net increase of 422 two-way truck trips per day.<sup>1</sup> The Project is proposed within the City of Jurupa Valley (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

CARB submitted a comment letter, which is attached to this letter, on the Notice of Preparation (NOP) for the DEIR released in November 2020. CARB's comments, dated November 17, 2020, highlighted the need to prepare a health risk assessment (HRA) for the Project and encouraged the City and applicant to implement all existing and emerging zero-emission technologies to minimize exposure to diesel particulate matter (diesel PM) and oxides of nitrogen (NOx) emissions for all neighboring communities, and to minimize the greenhouse gases that contribute to climate change. Due to the Project's proximity to residences already disproportionately burdened by multiple sources of pollution, CARB's comments on the NOP expressed concerns with the potential cumulative health risks associated with the construction and operation of the Project.

CARB staff are 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 south and east of the Project site, with the closest residence located approximately 160 feet south of the Project site. In addition to residences, Rustic Lane Elementary School, Mission Middle School, Rubidoux High School, West Riverside Elementary School, and Spectrum Center Jurupa Valley Elementary School are all located

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<sup>1</sup> City of Jurupa Valley. Rubidoux Commerce Park Project Draft Environmental Impact Report. Page 4.2-39. Accessible at <https://files.ceqanet.opr.ca.gov/266184-4/attachment/5SRioY-2PVrAypGGDbpIWtZPiDmzz8HDvEp-SRWFndMVvu6tzf-xr1K2NtLpjz1K8B2hTfg02RVjnuRE0>

within two miles of the Project site. These residences and schools are located near existing toxic diesel PM emission sources, which include many existing industrial facilities, rail traffic along the Union Pacific rail line, and vehicular traffic along Interstate 280 and State Route 60.

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.

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 5% for Pollution Burden and is considered a disadvantaged community.<sup>2</sup> 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.<sup>3</sup> 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

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

<sup>3</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.

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 described in this letter.

## **The Final Environmental Impact Report Should Restrict the Operation of Diesel-Powered Transport Refrigeration Units within the Project Area**

The City does not specify in the DEIR whether the proposed Project would be used for cold storage. Warehouse facilities used for cold storage would result in an increase in the number of trucks and trailers equipped with transport refrigeration units (TRUs) traveling along local roadways.<sup>4</sup> Diesel-powered TRUs on trucks and trailers can emit large quantities of harmful emissions while operating within nearby communities. Should the Project later include cold storage uses, residences near the Project site could be exposed to significantly higher levels of toxic diesel PM, NO<sub>x</sub>, and greenhouse gases than they would if the Project included only trucks and trailers without TRUs. To ensure diesel-powered TRUs will not operate within the Project site without first quantifying and mitigating their potential impacts, 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 unless they are zero-emission; or
- A condition requiring a restrictive covenant over the parcel that prohibits the applicant's use of diesel-powered TRUs on the property, unless the applicant seeks and receives an amendment to its conditional use permit allowing such use.

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

The City may have underestimated mobile source air pollutant emissions in the DEIR by relying on unrealistic truck trip lengths. The Project's operational air pollutant emissions were estimated using the California Emissions Estimator Model (CalEEMod). Based on CARB's review of the CalEEMod outputs found in Appendix B (Air Quality Impact Analysis) of the DEIR, the City assumed approximately 54% of the total truck traffic would travel a distance of 30 miles, 31% of the total truck traffic would travel a distance of 10 miles, and

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<sup>4</sup> TRUs are refrigeration systems typically powered by integral diesel engines that protect perishable goods during transport in an insulated truck and trailer vans, rail cars, and domestic shipping containers.

14% of the total truck traffic would travel a distance of 14 miles. The City states in the DEIR that these truck trip distances are based on the South Coast Air Quality Management District's (SCAQMD) guidance.<sup>5</sup> SCAQMD's recommended truck trip lengths were calculated using trip length data provided in the California Association of Governments (SCAG) 2016 Regional Transportation Plan, which includes many short trips in the Los Angeles Region that do not fully reflect the truck trip distances for the Project. Since trucks serving the Project may originate from the Ports of Long Beach and Los Angeles or other regions further than 30 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 Used Inappropriate Vehicle Fleet Mixes to Evaluate the Project's Air Quality Impacts from Mobile Sources**

The Project's operational mobile source air pollutant emissions may have been underestimated by using inappropriate vehicle fleet mixes in the DEIR. The Project's operational air pollutant emissions were estimated assuming approximately 7% of the Project's 5,724 daily vehicle trips would consist of heavy-duty trucks. According to Appendix P (Traffic Impact Analysis) of the DEIR, this assumption was based on the Trip Generation manual, 11th Edition, 2021. CARB believes the number of trucks assumed to serve the proposed high-cube fulfillment, manufacturing, and general light industrial uses is too low for a facility over a million square feet. For example, according to the Fontana Truck Trip Generation Study, 20.4% of the total daily vehicle trips from a warehouse greater than 100,000 square feet would consist of trucks.<sup>6</sup> This example study is based on traffic counts from warehouses. CARB recommends that the City reevaluate the Project's air quality impacts, assuming a conservative fleet mix supported by substantial evidence.

## **The DEIR Did Not Fully Account for Air Pollutant Emissions from Heavy-Duty Trucks During On-Site Grading**

The DEIR did not fully account for mobile source air pollutant emissions from grading operations during the Project's construction phase. According to Chapter 3.5.2 (Landscaping/Exterior Features) of the DEIR, the construction of the Project would result in

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<sup>5</sup> City of Jurupa Valley. Rubidoux Commerce Park Project Draft Environmental Impact Report. Appendix B. Page 42. Accessible at [https://files.ceqanet.opr.ca.gov/266184-4/attachment/Daoo4Nm9DNClplagz23g\\_tK\\_T45-jrO6QjDoTuWdW4UYnL0krj1BitejmlcOT4ya1JrDA80AF373bp2p0](https://files.ceqanet.opr.ca.gov/266184-4/attachment/Daoo4Nm9DNClplagz23g_tK_T45-jrO6QjDoTuWdW4UYnL0krj1BitejmlcOT4ya1JrDA80AF373bp2p0)

<sup>6</sup> City of Fontana. Truck Trip Generation Study. August 2003. Accessible at: <https://tampabayfreight.com/pdfs/Freight%20Library/Fontana%20Truck%20Generation%20Study.pdf>

the export of approximately 216,715 cubic yards of soil and, for the purpose of analysis, the City assumed trucks exporting soil from the Project site would travel a distance of 20 miles.<sup>7</sup> Based on CARB's review of the CalEEMod outputs, found in Appendix B (Air Quality Impact Analysis) of the DEIR, the City assumed the Project would require 143 daily truck trips to export soil from the Project site. According to the CalEEMod User Guide, it is assumed that trucks importing or exporting soil from a project site can carry a load of 16 cubic yards.<sup>8</sup> Assuming each truck exporting soil from the Project site can carry a maximum load of 16 cubic yards, the Project's air quality analysis should have assumed a total of 13,545 truck trips would be required to export soil from the Project site. Furthermore, the CalEEMod outputs used to calculate the Project's air quality impacts during the construction of the Project assumed trucks exporting soil from the Project site would travel a distance of 10 miles, which conflicts with the 20-mile trip distances provided in the Project's description.

The City must remodel the Project's construction air pollutant emissions using accurate heavy-duty truck trip estimates and travel distances. Residences and other sensitive receptors (e.g., daycare facilities, senior care facilities, and schools) located near construction haul routes could be exposed to diesel exhaust emissions that were not evaluated in the DEIR. The DEIR should clearly state the total number of heavy-duty truck trips expected during Project construction so the public can fully understand the potential environmental and human health impacts of the Project on their communities.

## **The City Should Include a Mitigation Measure Requiring the use of Zero-Emission Trucks**

Based on CARB's comments provided above, the City may have underestimated the Project's air quality impacts. To mitigate any potential air quality impacts by the proposed Project, the City should include a mitigation measure or project design feature that requires all heavy-duty trucks serving the Project 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. 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 install infrastructure at the Project site support on-site electric trucks at the start of Project operations. A list of commercially available zero-emission trucks can be obtained from the

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<sup>7</sup> City of Jurupa Valley. Rubidoux Commerce Park Project Draft Environmental Impact Report. Page 3-24. Accessible at [https://files.ceqanet.opr.ca.gov/266184-4/attachment/Daoo4Nm9DNClplagz23g\\_tK\\_T45-jrO6QjDoTuWdW4UYnL0krj1BitejmlcOT4ya1JrDA80AF373bp2p0](https://files.ceqanet.opr.ca.gov/266184-4/attachment/Daoo4Nm9DNClplagz23g_tK_T45-jrO6QjDoTuWdW4UYnL0krj1BitejmlcOT4ya1JrDA80AF373bp2p0)

<sup>8</sup> California Air Pollution Control Officers Association. California Emissions Estimator Model User Guide. Page 38. Accessible at [https://www.caleemod.com/documents/user-guide/01\\_User%20Guide.pdf](https://www.caleemod.com/documents/user-guide/01_User%20Guide.pdf)

Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP).<sup>9</sup> 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 electric 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 that 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 electric 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 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

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

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 industrial/warehouse development must begin the transition from diesel trucks and vans to zero-emission trucks. To protect the air quality for nearby residences and schools, CARB urges the City to state in the FEIR that contractual language in tenant lease agreements will require future tenants to use zero-emission trucks during their operation at Project facilities.

## **Conclusion**

To reduce the exposure of toxic diesel PM emissions in disadvantaged communities already disproportionately impacted by air pollution, the final design of the Project should include all zero-emission technologies to minimize diesel PM and NOx emissions, as well as the greenhouse gases that contribute to climate change. CARB also urges the City to specify whether the Project would be used for cold storage, to use a Project-specific trip distance and truck fleet mix when evaluating the project's mobile source air pollutant emissions, and to fully account for heavy-duty truck trips during the construction of 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.

Jim Pechous  
October 10, 2023  
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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. 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](mailto:stanley.armstrong@arb.ca.gov).

Sincerely,



Richard Boyd, Assistant Branch Chief, Transportation and Toxics Division

Attachment

cc: State Clearinghouse  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

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Stanley Armstrong, Air Pollution Specialist, Risk Reduction Branch



December 17, 2020

Patty Anders  
Senior Planning Consultant  
City of Jurupa Valley  
8930 Limonite Avenue  
Jurupa Valley, California 92509  
Submitted via email: [panders@jurupavalley.org](mailto:panders@jurupavalley.org)

Dear Patty Anders:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Notice of Preparation (NOP) for the Rubidoux Commerce Park Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2020110449. The Project consists of the construction of two warehouse buildings totaling approximately 1,299,156 square feet. The proposed Project is within the City of Jurupa Valley, California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

Freight facilities, such as warehouse and distribution facilities, can result in high daily 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.<sup>1</sup> CARB has reviewed the NOP 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 within approximately 100 feet south of the Project's southern boundary. In addition to residences, three schools (Ina Arbuckle Elementary School, West Riverside Elementary School, and Mission Middle School) are located within one mile 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

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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.

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 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. The DEIR Should Quantify and Discuss the Potential Cancer Risks from On-site Transport Refrigeration Units**

Since the Project description provided in the NOP does not explicitly state that the proposed industrial land uses would not be used for cold storage, there is a possibility that trucks and trailers visiting the Project site would be equipped with transport refrigeration units (TRU).<sup>3</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 a significant cancer risk impact.

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

<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.

CARB urges the City to model air pollutant emissions from on-site TRUs in the DEIR, as well as include potential cancer risks from on-site TRUs in the Project's health risk assessment (HRA). The HRA prepared for the Project should account for all potential health risks from Project-related diesel PM emission sources such as backup generators, TRUs, and heavy-duty truck traffic, and include all the air pollutant reduction measures listed in Attachment A of this comment letter.

In addition to the health risks associated with operational emissions, health risks associated with construction emissions should also be included in the air quality section of the DEIR and the Project's HRA. Construction of the Project would result in short-term diesel emissions from the use of both on-road and off-road diesel equipment. The Office of Environmental Health Hazard Assessment's (OEHHA) guidance recommends assessing cancer risks for construction projects lasting longer than two months. Since construction would very likely occur over a period lasting longer than two months, the HRA prepared for the Project should include health risks for existing residences near the Project site during construction.

The HRA prepared in support of the Project should be based on the latest OEHHA guidance (2015 Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments),<sup>4</sup> and the South Coast Air Quality Management District's (SCAQMD) CEQA Air Quality Handbook.<sup>5</sup> The HRA should evaluate and present the existing baseline (current conditions), future baseline (full build-out year, without the Project), and future year with the Project. The health risks modeled under both the existing and the future baselines should reflect all applicable federal, state, and local rules and regulations. By evaluating health risks using both baselines, the public and City planners will have a complete understanding of the potential health impacts that would result from the Project.

### **III. Conclusion**

To reduce the exposure of toxic diesel PM emissions in disadvantaged communities already disproportionately impacted by air pollution, the final design of the Project should include all existing and emerging zero-emission technologies to minimize diesel PM and oxides of nitrogen (NO<sub>x</sub>) emissions, as well as the greenhouse gases that contribute to climate change. CARB encourages the City and applicant to implement the measures listed in Attachment A of this comment letter to reduce the Project's construction and operational air pollution emissions.

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

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<sup>4</sup> Office of Environmental Health Hazard Assessment (OEHHA). Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February 2015. Accessed at: <https://oehha.ca.gov/media/downloads/cmr/2015guidancemanual.pdf>.

<sup>5</sup> SCAQMD's 1993 Handbook can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

Patty Anders  
December 17, 2020  
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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 NOP for the Project and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your State Clearinghouse list of selected State agencies that will receive the DEIR as part of the comment period. If you have questions, please contact Michaela Nucal, Air Pollution Specialist via email at [michaela.nucal@arb.ca.gov](mailto:michaela.nucal@arb.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Heather Arias".

Heather Arias, Chief  
Transportation and Toxics Division

Attachment

cc: See next page.

Patty Anders  
December 17, 2020  
Page 5

cc: (via email)

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## **ATTACHMENT A**

### **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>.