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Governor's Office of Planning & Research

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STATE CLEARINGHOUSE

Sent via email

Dear Adam Rush:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Sunset Crossroads Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2021020011. The Project proposes the construction and operation of 268,400 square feet of medical office, professional office, education, recreation, and commercial uses, up to 5,545,000 square feet of industrial land uses on an approximately 543-acre site. Of the proposed industrial land uses, the City plans to construct 330,000 square feet would be used for cold storage.¹ The proposed Project would result in 20,963 daily vehicle trips along local roadways, including 3,257 heavy-duty truck trips.² The Project is proposed within the City of Banning (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 February 2021. CARB's comments, dated March 2, 2021, highlighted the need for preparing 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 burdened by multiple sources of pollution, CARB's comments expressed concerns with the potential cumulative health risks associated with the construction and operation of the Project.

¹ City of Banning. Sunset Crossroads Draft Environmental Impact Report. Page 3-4. Accessible at <https://files.ceqanet.opr.ca.gov/267351-3/attachment/mslMa09flKlFplfkUbbOIRocZUKU38sECvSjz85tZ3wpJSTJcrG9QgOnXC3ChA5bGBHF0lgfgr3B2Bb0>

² City of Banning. Sunset Crossroads Draft Environmental Impact Report. Appendix J-2 (Traffic Analysis) Page 59. Accessible at <https://ceqanet.opr.ca.gov/2021020011/3>

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 north, south, east and west of the Project site, with the closest residence located within 58 feet east of the Project site. In addition to residences, Hemmerling Elementary School, Sundance Elementary School, and Central Elementary School are all located within two miles of the Project site. These residences and schools are located near existing toxic diesel PM emission sources, which include existing industrial facilities, rail traffic along the Union Pacific rail line, 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.

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 15% for Pollution Burden and is considered a disadvantaged community.³ 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.⁴ 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

³ Pollution Burden represents the potential exposure to pollutants and the adverse environmental conditions caused by pollution.

⁴ 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.

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 described in this letter.

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 C-1 (Air Quality Impact Analysis) of the DEIR, the City assumed approximately 59% of the total truck traffic would travel a distance of 40 miles, and 41% of the total truck traffic would travel a distance of 6.9 miles. The City states in the Chapter 4.3 (Air Quality) of the DEIR that these truck trip distances are based on South Coast Air Quality Management District’s (SCAQMD) recommend 40 mile trip distance.⁵ 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 40 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.

⁵ City of Banning. Sunset Crossroads Draft Environmental Impact Report. Page 4.3-44. Accessible at https://files.ceqanet.opr.ca.gov/267351-3/attachment/11Vlhk8hxFD3pYPascEWKNyiq_ZNtzQOSNGpa0QI3c5NjDJF5fTE26tvYJGiDPUGpaPIf7xACd8hOj590

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 3.5.3.8 (Grading) of the DEIR, the construction of the Project would result in "approximately 2,266,112 cubic yards (CY) of cut and approximately 2,118,698 CY of fill"⁶ Based on this cut and fill grading estimate, the construction of the Project would require 147,414 cubic yards of soil to be exported from the Project site. However, in Chapter 4.3 (Air Quality) of the DEIR, the Project's construction air quality analysis "assumes the site would be balanced (no import or export needed)."⁷ The CalEEMod User Guide assumes that trucks importing or exporting soil from a project site can carry a maximum load of 16 cubic yards. 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 9,213 truck trips would be required to export soil from the Project site.

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 emissions that were not evaluated in the DEIR. The Final Environmental Impact Report (FEIR) 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 DEIR Does Not Analyze Potential Air Quality Impacts from the Project's Transport Refrigeration Units

Chapter 3 (Project Description) of the DEIR states approximately 330,000 square feet of the proposed light industrial uses would be used for cold storage. Warehouses containing cold storage are serviced by trucks with transport refrigeration units (TRU) to transport refrigerated goods to and from the facility.⁸ However, based on CARBs review of the DEIR,

⁶ City of Banning. Sunset Crossroads Draft Environmental Impact Report. Page 3-83. Accessible at <https://files.ceqanet.opr.ca.gov/267351-3/attachment/mslMa09fIKlFplfkUbbOIRocZUKU38sECvSjz85tZ3wpJSTJcrG9QgOnXC3ChA5bGBHFOlfgfrr3B2Bb0>

⁷ City of Banning. Sunset Crossroads Draft Environmental Impact Report. Page 4.3-15. Accessible at https://files.ceqanet.opr.ca.gov/267351-3/attachment/11Vlhk8hxFD3pYPascEWKNyiq_ZNtzQOSNGpa0QI3c5NjDJF5fTE26tvYJGiDPUGpaPlf7xACd8hOj590

⁸ 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 City did not model and report air pollutant emissions from TRUs. The air pollutant emission estimates, found in Table 4.3.L through Table 4.3.N of the DEIR, were modeled using the CalEEMod. Although CalEEMod can estimate air pollutant emissions from area, energy, and mobile sources, the current version of CalEEMod does not account for air pollutant emissions from TRUs. Since a portion of the Project will be used for cold storage, CARB urges the City to model and report the Project's air pollution emissions from TRUs using CARB's latest emission factors. The City should assume that a percentage of the Project's truck fleet is equipped with TRUs, and should estimate the idling duration for each TRU; estimates of TRU percentage and idling time should be conservative from a health protection standpoint.

The Health Risk Assessment Used Inappropriate Assumptions When Modeling the Project's Health Risk Impacts from On-Site Transport Refrigeration Units

The 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 3.3 chances per million during Project operation. Since the Project's cancer risks are below the South Coast Air Quality Management District (SCAQMD) significance threshold of 10 chances per million, the DEIR concluded that the Project would result in a less than significant impact on public health. CARB has reviewed the Project's HRA and is concerned that the Project's cancer risk impacts may have been underestimated for the reasons detailed below.

In the HRA, the City "assumed that all refrigerated trucks would use the electrical hookups rather than operate their [TRUs]."⁹ This assumption is based on Mitigation Measure AIR-2 that requires "all truck/dock bays serving cold storage facilities within the Project site to be electrified to facilitate plug-in capabilities and support use of electric standby and/or hybrid electric TRUs."¹⁰ Because of this assumption, the City assumed that all TRUs entering the Project site would be electric during its operation. Consequently, the City did not model or report potential cancer risk impacts associated with the idling of TRUs within the Project site or along local roadways in the DEIR. The City should not include mitigation measures when evaluating the Project's unmitigated health risk impacts. Unless the City plans to include a design measure in the FEIR that would require all trucks and trailers with TRUs to be plug-in capable and require all trucks to run in a zero-emission mode while at the facility, the City should model and report potential cancer risk impacts associated with diesel-powered TRUs

⁹ City of Banning. Sunset Crossroads Draft Environmental Impact Report. Appendix C-2 (Health Risk Assessment). Page 4-6. Accessible at <https://ceqanet.opr.ca.gov/2021020011/3>

¹⁰ City of Banning. Sunset Crossroads Draft Environmental Impact Report. Page 4.3-35. Accessible at https://files.ceqanet.opr.ca.gov/267351-3/attachment/11Vlhk8hxFD3pYPascEWKNyiq_ZNtzQOSNGpa0QI3c5NjDJF5fTE26tvYJGiDPUGpaPIf7xACd8hOj590

operating within the Project site. The revised HRA should also evaluate potential cancer risks from diesel-powered TRUs traveling along local roadways serving the Project site.

The cancer risks reported in the HRA did not account for the overlap of construction and operation of the Project. In the Chapter 4.3 (Air Quality) of the DEIR, the City states, "there is potential for overlap between construction and operational activity."¹¹ Although the City accounted for this overlap when modeling the Project's air quality analysis, they did not account for this overlap in the HRA. In the HRA, the City evaluated potential cancer risks only associated with the Project operation. To fully understand the Project's potential cancer risk impacts to nearby communities, the City should model the health risks associated with Project construction overlapping with Project operation in the HRA and report the findings in the FEIR.

The City Must Include More Mitigation Measures to Reduce the Project's Significant Impact on Air Quality and Public Health During Project Operation

The City concluded in Chapter 4.3 (Air Quality) of the DEIR that the combined operation and construction of the Project would result in a potentially significant impact on air quality. According to Table 4.3.J through Table 4.3.M, the combined construction and operation of the Project would expose nearby residences to volatile organic compounds (VOC) as high as 964 pounds per day, NO_x as high as 439 pounds per day, carbon monoxide (CO) as high as 985 pounds per day, particulate matter less than 10 microns in size (PM₁₀) as high as 219 pounds per day, and particulate matter less than 2.5 microns in size (PM_{2.5}) as high as 66 pounds per day, which were all found to exceed the SCAQMD's significance thresholds.

The City included two mitigation measures (Mitigation Measure AIR-1 and Mitigation Measure AIR-2). These mitigation measures include requiring all 50 horsepower or more off-road diesel-powered construction equipment to be equipped with Tier 4 Final engines, all vehicles with a gross weight greater than 14,000 pounds to meet or exceed 2010 model-year emissions equivalent engines standards, all on-site cargo handling equipment to be electric, diesel-powered heavy-duty trucks to idle less than five minutes, the installation of 50 Level 3 AC Class 8 electric vehicle truck chargers at tractor trailer parking spaces, and the installation of electric plug-ins for trucks and trailers with TRUs. Even after implementing these mitigation measures, the City concludes in the DEIR that the Project's combined construction and operational emissions of VOC, NO_x, CO, PM₁₀ and PM_{2.5} would result in a significant and unavoidable impact on air quality.

¹¹ City of Banning. Sunset Crossroads Draft Environmental Impact Report. Page 4.3-44. Accessible at https://files.ceqanet.opr.ca.gov/267351-3/attachment/11Vlhk8hxFD3pYPascEWKNyiq_ZNtzQOSNGpa0QI3c5NjDJF5fTE26tvjJGiDPUGpaPlf7xACd8hOj590

Mitigation Measure AIR-2 includes requiring all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site to meet or exceed 2010 model-year emissions requirements. MM AIR-2 is nearly identical to CARB's Truck and Bus Regulation, which requires trucks, by law, to have 2010 or newer model year engine by January 1, 2023.¹² Once the Project is fully operational in the year 2027, trucks with a model year of 2009 or older would already have been required to comply with the regulation. Compliance with laws and regulations should not be used exclusively to mitigate the Project's impact on air quality.

To mitigate the Project's operational NOx emissions to a less than significant level after mitigation, CARB urges the City to include a measure that requires 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 Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP).¹³ 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

¹² CARB. Truck and Bus Regulation Compliance Requirement Overview. June 18, 2019. Accessible at <https://ww3.arb.ca.gov/msprog/onrdiesel/documents/fsregsum.pdf>

¹³ Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: <https://californiahvip.org/>

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 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 industrial/warehouse development must begin the transition from diesel trucks and vans to zero-emission trucks. To protect the air quality the residences near the Project site, 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

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 emissions, NOx emissions, and emissions of the greenhouse gases that contribute to climate change. CARB

also urges the City to evaluate air pollutant emissions from heavy-duty trucks during onsite grading, analyze potential air quality impacts from trucks and trailers with TRUs serving the Project, and include diesel PM exposure to nearby residents from the operation of TRUs within the Project site and along local roadways in the HRA.

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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