CALIFORNIA AIR RESOURCES BOARD

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Mike Szarzynski
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Dear Mike Szarzynski:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Southern California Logistics Airport Lot 44 Distribution Center Project (Project) Draft Initial Study/Mitigated Negative Declaration (IS/MND), State Clearinghouse No. 2021050330. The Project would allow for the construction and operation of a 1,080,308 square foot distribution center. Once in operation, the Project would introduce an additional 1,987 daily vehicle trips, including 616 daily heavy-duty truck trips, along local roadways. The Project is located within the City of Victorville (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

Industrial development, such as those proposed under the Project, 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.[1] Due to the Project's proximity to residences already disproportionately burdened by multiple sources of pollution, CARB's comments expressed concerns with the potential cumulative air quality impacts associated with the construction and operation of the Project.

The Project Would Increase Exposure to Air Pollution in Disadvantaged Communities

The Project, if approved, will expose nearby communities to elevated levels of air pollution. Residences are located within 75 feet of the Project's western boundary. In addition to residences, Adelanto Elementary School and Westside Park Elementary School are located within two miles of the Project-site. The community is near existing toxic diesel particulate matter (diesel PM) emission sources, which include existing industrial uses, vehicular traffic along State Route 395 (SR-395) and aircraft operations from the George Air Force Base. Due to the Project's proximity to residences and schools already burdened by multiple sources of

1. 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.

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 impacted by air pollution from existing industrial uses, vehicular traffic along SR-395 and aircraft operations from the George Air Force Base.

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 residences near the Project is within the top 15 percent for Pollution Burden[2] and is considered a disadvantaged community; therefore, CARB urges the City to ensure that the Project does not adversely impact neighboring disadvantaged communities.

The IS/MND Should Restrict the Operation of Transport Refrigeration Units within the Project Area

Chapter 4.3 (Air Quality) of the IS/MND states that the proposed distribution center will not be used for cold storage. However, if that were to change in the future, residences near the Project site could be exposed to significantly higher levels of toxic diesel PM and nitrogen oxides (NO_x), and greenhouse gases than trucks and trailers without TRUs. To ensure TRUs will not operate within the Project site without first quantifying and mitigating their potential impacts, CARB urges the City and applicant to include one of the following design measures in the Final Initial Study/Mitigated Negative Declaration (Final IS/MND):

- 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.

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

If the City later chooses to allow TRUs to operate within the Project site, CARB urges the City to re-model the Project's air quality impact analysis and Health Risk Assessment (HRA) to account for the potential health risks. The updated air quality impact analysis and HRA should include the following air pollutant emission reduction measures:

- Include contractual language in tenant lease agreements that requires all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with 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.
- Include contractual language in tenant lease agreements that requires all TRUs entering the project site be plug in capable.

The IS/MND Did Not Evaluate Potential Cancer Risk Impacts During Project Construction.

The IS/MND 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.[3] Since Project construction would occur over a period longer than two months and the Project will be located in close proximity to existing toxic diesel PM emission sources, the City should revise the Project's HRA to include the Project's construction cancer and noncancer risks and disclose the results in the Final IS/MND.

The IS/MND Use 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 IS/MND by using vehicle trip lengths unsupported by substantial evidence. 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 A (Air Quality/Greenhouse Gas/Energy/Health Risk Data) of the IS/MND, the City and Applicant relied on CalEEMod vehicle trip length defaults to estimate the Project's mobile source air pollutant emissions. After applying these defaults, the Project's vehicle trip length would consist of 9.5 miles for auto vehicles and 7.3 miles for trucks. Since the vehicle trip length defaults were not adjusted in CalEEMod, it was

3 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/crnr/2015guidancemanual.pdf

concluded in the IS/MND that all air pollutant emissions modeled would not exceed the Mojave Desert Air Quality Management District (MDAQMD) significance thresholds.

Chapter 2.4 (Project Characteristics) of the IS/MND, states that the proposed distribution center would function as a fulfillment center and receive products from vendors and other warehouses. The IS/MND does not specify the distance workers and truck drivers would need to travel to keep the proposed distribution operational. Based on CARB's review of aerial photos of the surrounding area, there appears to be no warehouses located within 7.3 miles of the Project site. Furthermore, the urban areas of Victorville is approximately a 15 mile drive from the Project site. Due to Project's location, it is likely that people working at the proposed distribution center and trucks transporting goods to and from the proposed distribution center, would need to travel much further than the default trip lengths presented in Appendix A of the IS/MND. For this reason, CARB is concerned that the Project's mobile sources emissions were underestimated. CARB urges the City and applicant to remodel the Project's air pollutant emissions using Project specific trip lengths supported by substantial evidence and report those findings in the Final IS/MND.

The Final IS/MND Should Include More Mitigation Measures to Further Reduce the Project's Air Pollution Emissions.

Chapter 4.3 (Air Quality) of the IS/MND concluded that the Project's construction and operational air pollution emissions would result in a less than significant impact after the implementation of two mitigation measures (AQ-1 and AQ-2). These mitigation measures require the applicant to use low VOC cleaning products that go beyond the requirements of MDAQMD's Rule 442, install outdoor electrical outlets the proposed building to support the use of electric lawn equipment, and uses exclusively electric landscaping equipment. To further reduce the Project's operational air pollutant emissions, CARB urges the City and applicant to implement the applicable emissions reduction measures listed in Attachment A of this letter.

Conclusion

CARB is concerned about the potential public health impacts should the City approve the Project. Should the City allow the operation of TRUs within the Project site, 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 vehicle trip lengths used to estimate the Project mobile source emissions should be based on substantial evidence. The construction cancer risk impacts should be evaluated and included in the Project's HRA. Lastly, to reduce the Project's impact on public health, CARB urges the City to implement the mitigation measures listed in Attachment A of this letter.

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 IS/MND 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 IS/MND as part of the comment period. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist via email at *stanley.armstrong@arb.ca.gov*.

Sincerely,

Robert Krieger, Branch Chief, Risk Reduction Branch

Attachment

cc: State Clearinghouse
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Attachment A

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 to 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_x) standard starting in the year 2022.[1]

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1. In 2013, CARB adopted optional low-NO_x emission standards for on-road heavy-duty engines. CARB encourages engine manufacturers to introduce new technologies to reduce NO_x emissions below the current mandatory on-road heavy-duty diesel engine emission standards for model-year 2010 and later. CARB's optional low-NO_x emission standard is available at: *https://ww2.arb.ca.gov/our-work/programs/optional-reduced-nox-standards*.

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.[2]

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.
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

2. 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*.

including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation,[3] Periodic Smoke Inspection Program (PSIP),[4] and the Statewide Truck and Bus Regulation.[5]

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[6] or other effective barriers that separate loading docks and people living or working nearby.

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3. 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://ww2.arb.ca.gov/our-work/programs/ttghg*.
4. 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/hdvip/hdvip.htm*.
5. 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*.
6. 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*.