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Sent via email

Dear Alejandro Rico:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Poplar South Distribution Center (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2022090611. The Project proposes the demolition of 40 existing residential homes, and associated structures, on the site and the construction of a 490,565 square foot warehouse building on approximately 19-acre project site. The proposed warehouse buildings would be used for the storage and/or consolidation of manufactured goods and would not include any warehouse cold storage or refrigerated uses. The proposed Project would result in 687 daily vehicle trips along local roadways, including 140 heavy-duty truck trips.¹ The Project is proposed within the City of Fontana (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

If approved, the Project will expose nearby communities to elevated levels of air pollution beyond the existing baseline emissions at the Project site. Residences are located northeast, southeast, and south of the Project site. With the closest residence located approximately 1,310 feet southeast of the Project site. In addition to residences, Jurupa Hills High School, Citrus High School, and Michael D'Arcy Elementary School are located within a mile from the Project site. These communities are surrounded by existing toxic diesel particulate matter (diesel PM) emission sources, which include the many existing warehouse facilities surrounding the Project site, rail traffic along the Union Pacific rail line, and vehicular traffic along Interstate 10. Due to the Project's proximity to residences and schools already 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.

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

¹ City of Fontana. Popular South Distribution Center Draft Environmental Impact Report. Table 5.14-1. Page 5.14-6. Accessible at https://files.ceqanet.opr.ca.gov/281975-2/attachment/35v_IM6_n4sIFv3AwMaX5AsT_VYcJZkPKeln5h3eHBBA6Nki2pdfmht283pQ-VSINQwZDMB8KLoB72rk0

tractors) that emit toxic diesel emissions, and contribute to regional air pollution and global climate change.² 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 percent 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 percent 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 percent 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 Project, 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 recommended in this letter.

The Final Environmental Impact Report Should Restrict the Operation of Transport Refrigeration Units within the Project Area

Chapter 3.5 (Description of the Project) of the DEIR states that the proposed warehouse build will not be "designed to accommodate and will not include any warehouse cold storage or refrigerated uses."³ Consequently, air pollutant emissions associated with cold storage operation were not included in the DEIR. Warehouses used for cold storage would result in an increase in the number trucks and trailers equipped with transport refrigeration units (TRUs)⁴ traveling along local roadways. TRUs on trucks and trailers can emit large quantities of diesel exhaust 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 and nitrogen oxides (NO_x), and greenhouse gases than trucks and trailers without TRUs. To ensure TRUs⁵ 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):

² With regard to greenhouse gas emissions from this project, CARB has been clear that local governments and project proponents have a responsibility to properly mitigate these impacts. CARB's guidance, set out in detail in the Scoping Plan issued in 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.

³ City of Fontana. Popular South Distribution Center Draft Environmental Impact Report. Page 3-33. Accessible at https://files.ceqanet.opr.ca.gov/281975-2/attachment/35v_IM6_n4slFv3AwMaX5AsT_VYcJZkPKeln5h3eHBBA6Nki2pdfmht283pQ-VSINQwZDMB8KLoB72rk0

⁴ 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.

⁵ 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.

- 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.

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

Chapter 3.5 (Description of the Project) of the DEIR states that a net of 8,743 cubic yards of soil would need to be exported from the Project site during the construction grading phase. Based on CARB's review of the Estimator Model (CalEEMod) outputs found in Appendix B (Air Quality Studies) of the DEIR, the City and applicant assumed the Project would require 72.9 truck trips to export the 8,753 cubic yards of net soil from the site. According to the CalEEMod User Guide (Version 2022.1),⁶ a truck can haul 16 cubic yards of soil per trip. Assuming each truck can hold 16 cubic yards per trip, the number trips would equate to approximately 546 truck trips. 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. CARB urges the City to remodel the Project's construction air pollutant emissions using accurate heavy duty truck trip estimates.

The Final Environmental Impact Report Should Include More Mitigation Measures to Further Reduce the Project's Air Pollution Emissions

The DEIR concluded that the Project would not exceed the South Coast Air Quality Management District's (SCAQMD) significance thresholds and potential impacts are expected to be less than significant. Therefore, the Project has no mitigation measures specific to air quality except for Project Design Measures AQ-1 through AQ-4, which would require the City to comply with the SCAQMD's existing rules. These rules would require the City to implement a series of measures to reduce fugitive dust during Project construction, use low volatile organic compounds while painting the proposed warehouse building, and restrict the time of use of onsite diesel pumps. The community near the Project site is already exposed to toxic diesel PM emissions from freight operations at existing industrial buildings and vehicular traffic on Interstate 10. Due to the Project's proximity to residences and

⁶ California Air Pollution Control Officers Association. California Emissions Estimator Model User Guide (Version 2022.1). Page 38. Accessible at: https://www.caleemod.com/documents/user-guide/01_User%20Guide.pdf

schools, CARB is concerned with the potential cumulative health impacts associated with the construction and operation of the Project.

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 and the Truck and Bus Regulation requires all trucks, including drayage, to have 2010 or newer model year engines by January 1, 2023. As part of CARB's overall approach to accelerate a large-scale transition to zero-emission medium- and heavy-duty vehicles, the amendments to the Advanced Clean Trucks regulation was approved March 2021 to help ensure that 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, specifically to reach:
 - 100 percent zero-emission drayage trucks, last mile delivery, and government fleets by 2035
 - 100 percent zero-emission refuse trucks and local buses by 2040
 - 100 percent zero-emission capable utility fleets by 2040
- **Heavy-Duty Low-NOx Omnibus Rule:** On August 27, 2020, CARB approved 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:** On June 25, 2020, CARB approved the Advanced Clean Trucks Regulation. The regulation 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.
- **Advanced Clean Fleets Regulation:** The Advanced Clean Fleets Regulation is part of CARB's overall strategy to accelerate a large-scale transition to zero-emissions medium- and heavy-duty vehicles. This regulation works in conjunction with the Advanced Clean Trucks regulation, approved in 2021, which helps ensure that zero-emissions vehicles are available for sale. 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.

To further reduce the Project's air pollution emissions and stay in step with CARB regulations, it is critical that the City plans for the infrastructure to support electric trucks. To this end, CARB urges the City to include a mitigation measure or project design feature that requires all heavy-duty trucks to be electric and to install on-site infrastructure to support those electric trucks. A list of commercially available zero-emission trucks can be obtained from the Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP).⁷ 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.

In addition to the mitigation modification recommended above, the City should add the air pollutant emission reduction measures listed below in the FEIR.

- 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-NO_x standard starting in the year 2022.⁸
- Include contractual language in tenant lease agreements restricting trucks and support equipment from idling longer than two minutes while on site.
- Include contractual language in tenant lease agreements, requiring the installing of vegetative walls⁹ or other effective barriers that separate loading docks and people living or working nearby.

Conclusion

Due to the Project's proximity to nearby industrial uses, residences, and schools, CARB is concerned the construction and operation of the Project may negatively contribute to cumulative impacts to the surrounding community. CARB urges the City to include more mitigation measures or project design features to reduce air pollutant emissions emitted by the Project. CARB also urges the City to fully account for heavy-duty truck trips during the

⁷ Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: <https://californiahvip.org/>

⁸ 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>.

⁹ 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>

Project's construction grading phase, and to include a design measure restricting the operation of TRUs within the Project site.

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. 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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