

June 5, 2024

Russell Brady  
Contract Planner  
Riverside County  
4080 Lemon Street, 12<sup>th</sup> Floor  
Riverside, California 92501  
[rbrady@rivco.org](mailto:rbrady@rivco.org)

*Sent via email*

Dear Russell Brady:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Majestic Thousand Palms DEIR (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2022110600. The Project proposes the construction and operation of a single warehouse building totaling 1,238,002 square feet and an electric substation on approximately 83 acres of land. It was assumed in the DEIR that 20% of the proposed warehouse development (247,798 square feet) would be used for cold storage. Once fully built out, the proposed Project would result in up to 2,640 daily vehicle trips along local roadways, including 564 daily truck trips.<sup>1</sup> The Project is proposed within the Riverside County (County), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

CARB staff are concerned that the Project will expose nearby communities to elevated levels of air pollution beyond the existing baseline emissions at the Project site. Residences are located south and southeast of the Project site, with the closest residence located approximately 1,300 feet south of the Project site. In addition to residences, Della S. Lindley Elementary School is located within 2,650 feet of the Project site. These residences and schools are located near existing toxic diesel particulate matter (diesel PM) emission sources, which include existing industrial facilities, and vehicular traffic along Interstate 10. Due to the Project's proximity to residences and a school 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 tractors) that emit toxic diesel emissions, and contribute to regional air pollution and global

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<sup>1</sup> Riverside County. Majestic Thousand Palms Draft Environmental Impact Report. Page 4.3-35 Accessible at: <https://files.ceqanet.opr.ca.gov/283490-3/attachment/S5Ev3G-zKxymKXhbjAb586F7L4GJ-JiociUDPYk9ozKaE2NCOBKEGqSK380gQ-oSNS-JkBNmgFP4hmpJ0>

climate change.<sup>2</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 meet these goals. To ensure that lead agencies, like the County, 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 County to plan for the use of zero-emission technologies within the Project area as described in this letter.

## **The County Used Inappropriate Assumptions When Modeling the Project's Health Risk Impacts**

The Health Risk Assessment (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 0.94 chances per million during Project operation. Since the Project's cancer risks are below the South Coast Air Quality Management District's (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 is concerned the Project's health risk impacts were underestimated by assuming an idling duration for onsite transport refrigeration units (TRU) not supported by substantial evidence.

Based on CARB's review of the modeling methodology provided in Appendix B1 (Mobile Source Health Risk Assessment) of the DEIR, the County assumed trucks and trailers with TRUs would idle within the Project site for 30 minutes.<sup>3</sup> CARB has obtained survey data indicating trucks with TRUs can operate for as long as two hours while unloading and two hours while loading frozen goods from trucks and trailers, assuming a visiting truck has the potential to both unload and load during a single visit, this totals up to four hours of onsite

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<sup>2</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 2022, explains that in CARB's expert view, local mitigation is critical to achieving climate goals and reducing greenhouse gases below levels of significance. CARB's 2022 Scoping Plan for Achieving Carbon Neutrality, published November 16, 2022, is available at [https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp\\_1.pdf](https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp_1.pdf)

<sup>3</sup> Riverside County. Majestic Thousand Palms Draft Environmental Impact Report. Appendix B1. Page 17. Accessible at: [https://files.ceqanet.opr.ca.gov/283490-3/attachment/3uzqJMS2HiSGX4V6dvotPlwNSVmvDT4D3wdWI5s9\\_9lkvw1hBsqM2bqk21C5wIDN7s68iWn-udCt50S80](https://files.ceqanet.opr.ca.gov/283490-3/attachment/3uzqJMS2HiSGX4V6dvotPlwNSVmvDT4D3wdWI5s9_9lkvw1hBsqM2bqk21C5wIDN7s68iWn-udCt50S80)

operation for some portion of trucks.<sup>4</sup> TRUs on trucks and trailers can emit large quantities of diesel exhaust while operating within the Project site. By assuming a 30-minute TRU idling duration, the County may have underestimated the Project's potential to expose nearby residents to diesel exhaust emissions that could result in a significant cancer risk impact to the nearby community. To fully evaluate the Project's potential health risk impacts, the County must either add a project design feature in the DEIR restricting TRU idling within the Project site to less than 30 minutes or revise the Project's HRA assuming a TRU idling duration supported by substantial evidence.

## **The County Used Inappropriate Assumptions When Modeling the Project's Air Quality Impacts**

In the Project's air quality analysis presented in Section 4.3 (Air Quality) and Appendix B2 (Air Quality) of the DEIR, the County modeled air pollutant emissions from on- and off-site operation of Project-related trucks and trailers with TRUs.<sup>5</sup> This analysis was conducted assuming trucks and trailers with TRUs would each operate for a total of four hours, which accounts for TRU travel from the Project site to a final destination as well as the assumed onsite 30-minute TRU idling duration.<sup>6</sup> Although assuming longer TRU operating durations to account for off-site travel seems reasonable, it does not account for the potentially long durations TRUs would have to idle within the Project site; as previously discussed, this could be up to four hours of onsite operation. Since the Project site is located approximately two hours from the Port of Long Beach and Port of Los Angeles, CARB recommends either the County adjust the assumption for TRU operating duration when modeling the Project's air quality impacts to account for the potential for trucks and trailers with TRUs idling within the Project site for four hours or add a project design feature in the DEIR restricting TRU idling within the Project site to less than 30 minutes.

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<sup>4</sup> California Air Resource Board. Proposed Amendments to the Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities Where TRUs Operate. Appendix I. Page 39. Table II.G.1. Accessible

<https://ww2.arb.ca.gov/sites/default/files/barcu/board/rulemaking/tru2021/appi.pdf>

<sup>5</sup> Riverside County. Majestic Thousand Palms Draft Environmental Impact Report. Page 4.3-29 Accessible at:

<https://files.ceqanet.opr.ca.gov/283490-3/attachment/S5Ev3G-zKxymKXhbjAb586F7L4GJ-JiociUDPYk9ozKaE2NCOBKEGqSK380gQ-oSNS-JkBNmgFP4hmpJ0>

<sup>6</sup> Riverside County. Majestic Thousand Palms Draft Environmental Impact Report. Appendix B2. Appendix 3.4. Accessible at:

<https://files.ceqanet.opr.ca.gov/283490-3/attachment/S5Ev3G-zKxymKXhbjAb586F7L4GJ-JiociUDPYk9ozKaE2NCOBKEGqSK380gQ-oSNS-JkBNmgFP4hmpJ0>

## The County Must Provide More Meaningful Mitigation Measures to Reduce the Project's Significant and Unavoidable Impact on Air Quality

The County concluded in Chapter 4.3 (Air Quality) of the DEIR that the operation of the Project would result in a significant impact on air quality. According to Table 4.3-11 (Summary of Peak Operational Emissions), the operation of the Project would emit volatile organic compounds (VOC) as high as 59.53 pounds per day and oxides of nitrogen (NOx) as high as 169.5 pounds per day, which were both found to exceed the SCAQMD significance threshold and would result in a significant impact on air quality. To mitigate the Project's operational air quality impacts, the DEIR described eight mitigation measures (MM-4.3-1 through MM-4.3-8), which included requiring off-road construction equipment to be equipped with Tier 4 interim compliant engines, landscaping equipment to be electric wherever feasible, all on-site mobile equipment used as part of building operations to be powered by electricity, and installation of electric vehicle charging stations. Even after implementing these measures, the County concluded in the DEIR that the impact on air quality associated with the Project operation would remain significant and unavoidable.

To reduce the Project's operational air pollutant emissions, CARB urges the County to use zero-emission trucks starting at the beginning of Project operations and to install on-site infrastructure to support those zero-emission trucks. As presented below, CARB has many regulations that promote and eventually require 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. A list of commercially-available zero-emission trucks can be obtained from the Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP).<sup>7</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, commercially available zero-emission trucks can meet the cargo transportation needs of individual industrial uses proposed in the County 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.

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

- **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 manufacturing zero-emission trucks and vans 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 use of 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 in anticipation of fully 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 use of 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 development must begin the transition from diesel trucks and vans to zero-emission trucks. To protect the air quality of the residences near the Project site, CARB urges the County to include contractual language in tenant lease agreements requiring future tenants to use zero-emission trucks at the start of Project operations.

## Conclusion

CARB is concerned about the Project's air quality and public health impacts. To fully assess the Project's impact on neighboring communities, the County must evaluate the Project's air quality impacts by using TRU idling durations supported by substantial evidence and include a mitigation measure or project design measure in the DEIR that requires trucks serving the Project to be zero-emission at the start of Project operations.

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 Final Environmental Impact Report (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,



Matthew O'Donnell, Chief, Risk Reduction Branch

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

Yassi Kavezade, Organizer, Sierra Club  
[yassi.kavezade@sierraclub.org](mailto:yassi.kavezade@sierraclub.org)

Sam Wang, Program Supervisor, CEQA Intergovernmental Review, South Coast Air Quality Management District  
[swang1@aqmd.gov](mailto:swang1@aqmd.gov)

Morgan Capilla, NEPA Reviewer, U.S. Environmental Protection Agency, Air Division, Region 9  
[capilla.morgan@epa.gov](mailto:capilla.morgan@epa.gov)

Stanley Armstrong, Air Pollution Specialist, Risk Reduction Branch