

June 5, 2024

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*Sent via email*

Dear Travis Clark:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Mojave Industrial Pak Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2023110478. The Project proposes the construction and operation of three industrial/warehouse buildings totaling 1,351,400 square feet on approximately 81 acres of land. Once fully built out, the proposed Project would result in up to 3,669 daily vehicle trips along local roadways, including 1,123 daily truck trips.<sup>1</sup> The Project is proposed within the City of Victorville (City), 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 east and south of the Project site, with the closest residence located approximately 100 feet east of the Project site. In addition to residences, Gus Franklin Jr. Elementary School, and West Creek Elementary School are all located within 1,500 feet from the Project site. Due to the Project's proximity to residences and schools, CARB is concerned with the potential 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, which contribute to regional air pollution and

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<sup>1</sup> City of Victorville. Mojave Industrial Park Draft Environmental Impact Report. Page 4.2-27 Accessible at: [https://files.ceqanet.opr.ca.gov/293036-2/attachment/GMLCeTS7EHF0vJd\\_btP0CiQk5mH\\_beUJFngo4RqfdN3Gl\\_uqxuBtJuoFTr8VXoe-x\\_0Tk-aQWqvcuWO80](https://files.ceqanet.opr.ca.gov/293036-2/attachment/GMLCeTS7EHF0vJd_btP0CiQk5mH_beUJFngo4RqfdN3Gl_uqxuBtJuoFTr8VXoe-x_0Tk-aQWqvcuWO80)

global 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 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 as described in this letter.

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

The City concluded in Chapter 4.2 (Air Quality) of the DEIR that the operation of the Project would result in a significant impact on air quality. According to Table 4.2-14 (Estimated Maximum Daily Operational Criteria Air Pollutant Emissions - Unmitigated), the operation of the Project would emit oxides of nitrogen (NO<sub>x</sub>) as high as 417 pounds per day, and particulate matter less than 10 microns in size (PM<sub>10</sub>) as high as 94 pounds per day; these values were found to exceed the Mojave Desert Air Quality Management District's (MDAQMD) significance threshold and would result in a significant impact on air quality.<sup>3</sup> To mitigate the Project's operational air quality impacts, the DEIR noted seven mitigation measures (MM-AQ-1 through MM-AQ-7), which included requiring off-road construction equipment greater than 75 horsepower to be zero-emissions or equipped with Tier 4 Final compliant engines, requiring installation of electric vehicle infrastructure, requiring trucks serving the Project to meet CARB's 2010 engine emission standards, requiring the use of zero-emission offroad equipment during Project operation, requiring tenants to use zero-emission heavy-duty vehicles by 2030 as feasible, and requiring use of zero-emission

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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> City of Victorville. Mojave Industrial Park Draft Environmental Impact Report. Page 4.2-36. Table 4.2-14. Accessible at: [https://files.ceqanet.opr.ca.gov/293036-2/attachment/GMLCeTS7EHF0vJd\\_btP0CiQk5mH\\_beUJFngo4RqfdN3Gl\\_uqxuBtJuoFTr8VXoe-x\\_0Tk-aQWqvcuWO80](https://files.ceqanet.opr.ca.gov/293036-2/attachment/GMLCeTS7EHF0vJd_btP0CiQk5mH_beUJFngo4RqfdN3Gl_uqxuBtJuoFTr8VXoe-x_0Tk-aQWqvcuWO80)

light- and medium duty vehicles as part of business operations as feasible. Even after implementing these measures, the City concluded in the DEIR that the impact on air quality associated with the operation of the Project would remain significant and unavoidable.

The City should not exclusively rely on existing rules and regulations to mitigate the Project's air quality impacts from the operation of heavy-duty trucks. MM-AQ-2 includes a requirement that all "Only haul trucks meeting California Air Resources Board (CARB) model year 2010 engine emission standards shall be used for the on-road transport of materials to and from the Project site."<sup>4</sup> CARB's Truck and Bus Regulation requires trucks, by law, to have 2010 or newer model year engines by January 1, 2023.<sup>5</sup> Since this date has already passed, trucks with a model year of 2009 or older are already required to comply with the regulation. Compliance with laws and regulations does not represent mitigation of the Project's impact on air quality.

CARB applauds the City and Project applicant for including mitigation measures in the DEIR requiring the installation of electric vehicle charging stations to power on-site employee vehicles and heavy-duty trucks and for requiring the use of zero-emission on-site cargo handling equipment. CARB is also happy to see the inclusion of MM-AQ-6 in the DEIR that requires all heavy-duty vehicles engaged in drayage to or from the Project site to be zero emission beginning in 2030 and requires tenants to use zero-emission light- and medium-duty vehicles as part of business operations. Including these zero-emission technologies will reduce the Project's air quality and health impacts on neighboring communities while helping California achieve the goals set forth in Executive Order N-79-20. However, MM-AQ-6 states that the City will require zero-emission trucks when "feasible." MM-AQ-6, as written, leaves it up to the City to determine the feasibility of requiring the use of zero-emission trucks. Allowing the City to make feasibility determinations related to mitigation measures after project approval is improper because the feasibility of the measures must be established prior to the time of project approval.

To reduce the Project's operational air pollutant emissions, CARB urges the City to use zero-emission trucks starting at the beginning of Project operations. 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>6</sup> The HVIP is a part of

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<sup>4</sup> City of Victorville. Mojave Industrial Park Draft Environmental Impact Report. Page 4.2-48. Accessible at: [https://files.ceqanet.opr.ca.gov/293036-2/attachment/GMLCeTS7EHF0vJd\\_btP0CiQk5mH\\_beUJFngo4RqfdN3GI\\_uqxuBtJuoFTr8VXoe-x\\_0Tk-aQWqvCuWO80](https://files.ceqanet.opr.ca.gov/293036-2/attachment/GMLCeTS7EHF0vJd_btP0CiQk5mH_beUJFngo4RqfdN3GI_uqxuBtJuoFTr8VXoe-x_0Tk-aQWqvCuWO80)

<sup>5</sup> CARB. Truck and Bus Regulation Compliance Requirement Overview. June 18, 2019. Accessible at <https://ww3.arb.ca.gov/msprog/onrdiesel/documents/fsregsum.pdf>

<sup>6</sup> Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: <https://californiahvip.org/>

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 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 particulate matter (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 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 City to include contractual language in tenant lease agreements requiring future tenants to use zero-emission trucks at the start of Project operations.

## **Conclusion**

Although CARB applauds the City for including mitigation measures that promote the use of zero-emission on-site equipment, vehicles, and trucks, CARB is concerned that the Project's operation may negatively impact air quality in the surrounding community. To protect the air quality the residents near the Project site breathe, CARB urges the City to require the use of zero-emission trucks 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.

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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,



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