

May 14, 2021

Alisa Goulart
Associate Planner
County of San Joaquin
Community Development Department
1810 East Hazelton Avenue
Stockton, California 95205
alisa.goulart@sjgov.org

Dear Alisa Goulart:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the 14800 W. Schulte Road Logistics Center (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2020110406. The Project would allow for the construction and operation of three industrial warehouse buildings totaling 678,913 square feet. Once in operation, the Project would introduce an additional 1,182 daily vehicle trips, including 381 daily heavy-duty truck trips, along local roadways. The Project is located within an unincorporated area of San Joaquin County (County), 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 CARB has reviewed the DEIR and is concerned about the air pollution impacts that would result should the County approve the Project. Listed below is a summary of CARB's comments:

The Project Would Increase Exposure to Air Pollution in Disadvantaged Communities

The Project, if approved, will expose nearby disadvantaged communities to elevated levels of air pollution. Residences are located to the east of the Project, with the closest residences located within 1,600 feet of the Project's eastern boundary. In addition, John C. Kimball High School, Kelly Elementary School are located within one and a half miles of the Project. The communities near the Project are exposed to toxic diesel particulate matter (diesel PM) emissions from existing industrial facilities, vehicular traffic along Interstate 205 (I-205), Interstate 580 (I-580) and locomotive traffic along Union Pacific rail lines. Due to the Project's

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.

proximity to residences, schools already burdened by 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 (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 disproportionately impacted by air pollution from existing industrial facilities, vehicular traffic along I-205, I-580 and locomotive traffic along Union Pacific rail lines.

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

Chapter 3.4.1 (Project Characteristics) of the DEIR states that the Project applicant currently has no plans to lease the proposed warehouse buildings to any tenant needing cold storage space. Consequently, air pollutant emissions associated with cold storage operation were not included in the DEIR. 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 TRUs will not operate within the Project site without first quantifying and mitigating their potential impacts, CARB urges the County to include one of the following design measures in the Final Environmental Impact Report (FEIR):

- 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.

If the County later chooses to allow TRUs to operate within the Project site, CARB urges the County to re-model the Project's air quality impact analysis and HRA to account for 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.²

- Include contractual language in tenant lease agreements that requires all TRUs entering the project site be plug-in capable

Recommended Mitigation Measures

The DEIR includes three mitigation measures (MM-AQ-1 through MM-AQ-3) and five project design features (PDF-AQ-1 through PDF-AQ-5) to reduce the Project's significant impact on air quality. These mitigation measures and project design features include: requiring the proposed warehouse buildings to achieve, at a minimum, the Leadership in Energy and Environmental Design (LEED) Certified goal identified by the LEED Green Building Rating System, installing electric truck and vehicle conduits, implementing vehicle miles traveled reduction strategies, restricting onsite truck idling to 5 minutes, operating only electric powered forklifts and diesel powered yard trucks that meet Tier 4 Interim standards or better. Although these mitigation measures would reduce the Project's air pollutant emissions, the DEIR concludes that the Project's impact on air quality would remain significant after mitigation. Even where impacts will remain significant and unavoidable after mitigation, CEQA requires that all feasible mitigation measures be incorporated (see California Public Resources Code § 21081; 14 CCR § 15126.2(b)). To meet this requirement, CARB urges the County and applicant to add the emission reduction measures listed below in the FEIR.

- 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.
- 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 2022.³
- 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.

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.

³ 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/ourwork/programs/optional-reduced-nox-standards>.

- Including language in tenant lease agreements, requiring the installing of vegetative walls⁴ or other effective barriers that separate loading docks and people living or working nearby

Conclusion

CARB is concerned about the potential public health impacts should the County approve the Project. As concluded in Chapter 4.1 (Air Quality) of the DEIR, the Project's operation would expose residences to NO_x emissions that would result in a significant and unavoidable impact on air quality. Should the County allow the operation of TRUs within the Project site, the County 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. Lastly, to reduce the Project's impact on public health, CARB urges the County to implement the mitigation measures provided in 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 DEIR 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 DEIR 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

cc: See next page.

⁴ 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>.

cc: State Clearinghouse
state.clearinghouse@opr.ca.gov

Dillon Delvo, Executive Director, Little Manila Rising
dillon@littlemanila.org

Patia Siong, Supervising Air Quality Specialist, San Joaquin Valley Air Pollution Control District
patia.siong@valleyair.org

Jonathan Pruitt, Environmental Justice Program Coordinator, Catholic Charities of the Diocese of Stockton
jpruitt@ccstockton.org

Mariah Looney, Campaign Coordinator, Restore the Delta
mariah@restorethedelta.org

Morgan Capilla, NEPA Reviewer, U.S. Environmental Protection Agency, Air Division, Region 9
capilla.morgan@epa.gov

Stanley Armstrong, Air Pollution Specialist, Risk Reduction Branch