

March 12, 2021

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Submitted via email: OMartinez@TorranceCA.gov
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Oscar Martinez:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the 2555 West 190th Street Industrial Warehouse Project (Project) Initial Study and Mitigated Negative Declaration (IS/MND), State Clearinghouse No. 2021020220. The Project would result in the demolition of approximately 160,000 square feet of vacant office building space and construction of one industrial warehouse building totaling 305,550 square feet on a 13.29-acre site. Once in operation, the Project would introduce 1,129 daily vehicle trips, including 190 daily heavy-duty truck trips, along local roadways. The Project is located within the City of Torrance (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

Freight facilities, like the one proposed in the Project, can result in high volumes of heavy-duty diesel trucks 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. CARB has reviewed the IS/MND and is concerned about the air pollution and health risk impacts that would result should the City approve the Project. Listed below is a summary of CARB's comments:

I. 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 approximately 240 feet from the Project's western boundary. In addition, six schools (Yukon Elementary School, Edison Elementary School, North High School, North Torrance Pre-School, Arlington Elementary School, and 186th Street Elementary School) are located within one mile of the Project. The communities near the Project are exposed to existing toxic diesel particulate matter (diesel PM) emissions from existing industrial facilities, and vehicular traffic along Interstate 405 (I-405). Due to the Project's proximity to residences and 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, and vehicular traffic along I-405.

II. It is Unclear Whether the Proposed Project Would Include Cold Storage Space

The air pollutant emissions and cancer risks reported in the IS/MND were estimated under the assumption that the Project would not be used for cold storage. Since the Project description in the IS/MND did not explicitly state that the proposed industrial warehouse building would not include cold storage space, there is a possibility that trucks and trailers visiting the Project-site would be equipped with transport refrigeration units (TRU).^{1, 2}

TRUs on trucks and trailers can emit large quantities of diesel exhaust while operating within the Project-site. Residences and other sensitive receptors (e.g., daycare facilities, senior care facilities, and schools) located near where these TRUs could be operating would be exposed to diesel exhaust emissions that would result in significant cancer risk. CARB urges the applicant and City to clearly define the Project's description, so the public can fully understand the potential environmental effects of the Project on their communities.

If the Project will not be used for cold storage, CARB urges the City to include one of the following measures in the Project's final design:

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.

¹ 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.

² Project descriptions "must include (a) the precise location and boundaries of the proposed project, (b) a statement of the objectives sought by the proposed project, (c) a general description of the project's technical, economic and environmental characteristics, and (d) a statement briefly describing the intended use of the EIR." (*stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 16.) "This description of the project is an indispensable element of both a valid draft EIR and final EIR." (*Ibid.*) Without explicit acknowledgment in the project description that the proposed project will not include cold storage facilities, the current project description fails to meet the bare minimum of describing the project's technical and environmental characteristics.

If the City does allow TRUs within the Project-site, CARB urges the City to model air pollutant emissions from on-site TRUs, as well as include potential cancer risks from on and off-site TRUs in the Project's health risk assessment (HRA). The revised HRA should account for all potential health risks from Project-related diesel PM emission sources such as backup generators, TRUs, heavy-duty truck traffic, and include all the air pollutant reduction measures listed in Attachment A of this letter.

III. 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.

IV. The IS/MND Did Not Model Mobile Air Pollutant Emissions Using CARB's 2021 Emission Factor Model (EMFAC2021)

The City and applicant modeled the Project's air pollutant emissions using mobile emission factors obtained from CARB's 2014 Emission Factors model (EMFAC2014). Since the public release of EMFAC2014 in May 2015, CARB has made many updates to the EMFAC model and has released two updated versions: EMFAC2017, released in May 2018, and EMFAC2021, released in January 2021. Some of the updates to the EMFAC model included updates to the heavy-duty truck activity and emission rates, and implementation of CARB's latest regulations.

EMFAC2014 underestimated diesel PM emission rates from diesel heavy-duty trucks due to limited in-use test data for engine model year 2010 and newer, thus the Project's mobile source diesel PM emissions are likely underestimated in the IS/MND. CARB urges the City and applicant to model and report the Project's air pollution emissions from mobile sources using emission factors found in CARB's latest EMFAC2021. Mobile emission factors can be easily obtained by running the EMFAC2021 Web Database:

<https://arb.ca.gov/emfac/emissions-inventory>.

V. Conclusion

CARB recommends that the City and applicant clearly define whether the proposed industrial warehouse building will be used for cold storage. If the City and applicant decide to include cold storage use within the Project-site, the IS/MND should be revised to include an evaluation

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/cnr/2015guidancemanual.pdf>

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of potential air quality and public health impacts from on-site TRUs, and recirculated for public review. The Project's HRA should be revised to include potential cancer risks resulting from Project construction. The Project's air quality analysis should be revised in the Final IS/MND using the latest version of EMFAC (i.e., EMFAC2021). Lastly, to reduce the Project's construction and operational air pollution emissions, CARB urges the City to implement all applicable 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. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist, via email at stanley.armstrong@arb.ca.gov.

Sincerely,



Robert Krieger, Chief
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Attachment

cc: See next page.

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ATTACHMENT A

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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

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.

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.

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 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 walls⁶ or other effective barriers that separate loading docks and people living or working nearby.

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/hdvp/hdvp.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>.