

May 14, 2021

Connie Chauv
City Planner
Department of City Planning
200 North Spring Street, Room 720/721
Los Angeles, California 90012
connie.chauv@lacity.org

Dear Connie Chauv:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Bridge Point South Bay VII (Project) Draft Initial Study/Mitigated Negative Declaration (IS/MND), State Clearinghouse No. 2021040316. The Project would allow for future development of a 174,211 square foot warehouse building on a 7.36 acre site. Once in operation, the Project would introduce an additional 1,095 daily vehicle trips, including 122 daily heavy-duty truck trips, along local roadways. The Project is located within the City of Los Angeles (City), 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 Due to the Project's proximity to residences already disproportionately burdened by multiple sources of pollution, CARB's comments expressed concerns with the potential cumulative air quality impacts associated with the construction and operation of the Project.

The Project Would Increase Exposure to Air Pollution in Disadvantaged Communities

The Project will expose nearby disadvantaged communities to increased levels of air pollution. Addressing the disproportionate impacts that air pollution has on disadvantaged communities is a pressing concern across the State, as evidenced by statutory requirements compelling California's public agencies to target these communities for clean air investment, pollution mitigation, and environmental regulation. The following three pieces of legislation

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.

need to be considered and included in the Final IS/MND when developing a project like this near a disadvantaged community:

Senate Bill 535 (De León, 2012)

Senate Bill 535 (De León, Chapter 830, 2012)² recognizes the potential vulnerability of low-income and disadvantaged communities to poor air quality and requires funds to be spent to benefit disadvantaged communities. The California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)). In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25 percent of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 3.0 (CalEnviroScreen).³ This Project falls just outside the boundary of the Wilmington, Carson, West Long Beach Community. The maximum CalEnviroScreen score for the Wilmington, Carson, West Long Beach Community is in the top 1 percent, indicating that the area is home to some of the most vulnerable neighborhoods in the State. The air pollution levels in the Wilmington, Carson, West Long Beach Community routinely exceed state and federal air quality standards. CARB urges the City to ensure that the Project does not adversely impact neighboring disadvantaged communities.

Senate Bill 1000 (Leyva, 2016)

Senate Bill 1000 (SB 1000) (Leyva, Chapter 587, Statutes of 2016)⁴ amended California's Planning and Zoning Law. SB 1000 requires local governments that have identified disadvantaged communities to incorporate the addition of an environmental justice element into their general plans upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018. SB 1000 requires environmental justice elements to identify objectives and policies to reduce unique or compounded health risks in disadvantaged communities. Generally, environmental justice elements will include policies to reduce the community's exposure to pollution through air quality improvement. SB 1000 affirms the need to integrate environmental justice principles into the planning process to prioritize improvements and programs that address the needs of disadvantaged communities.

2 Senate Bill 535, De León, K., Chapter 800, Statutes of 2012, modified the California Health and Safety Code, adding § 39711, § 39713, § 39715, § 39721 and § 39723.

3 "CalEnviroScreen 3.0." Oehha.ca.gov, California Office of Environmental Health Hazard Assessment, June 2018, <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>.

4 Senate Bill 1000, Leyva, S., Chapter 587, Statutes of 2016, amended the California Health and Safety Code, § 65302.

Assembly Bill 617 (Garcia, 2017)

The State of California has emphasized protecting local communities from the harmful effects of air pollution through the passage of Assembly Bill 617 (AB 617) (Garcia, Chapter 136, Statutes of 2017).⁵ AB 617 requires CARB to develop the process that creates new community-focused and community-driven action to reduce air pollution and improve public health in communities that experience disproportionate burdens from exposure to air pollutants. In response to AB 617, CARB established the Community Air Protection Program with the goal of reducing exposure in communities heavily impacted by air pollution. As part of its role in implementing AB 617, CARB must annually consider the selection of communities for development and implementation of community air monitoring plans and/or community emission reduction programs for those communities affected by a high cumulative exposure burden. The Wilmington, Carson, West Long Beach Community is one of 15 communities statewide chosen thus far for inclusion in the Community Air Protection Program.

The Wilmington, Carson, West Long Beach Community was selected for both community air monitoring and the development of a Community Emissions Reduction Plan (CERP) due to its high cumulative exposure burden, the presence of a significant number of sensitive populations (children, elderly, and individuals with pre-existing conditions), and the socioeconomic challenges experienced by its residents. In September 2019, CARB approved the community's CERP, making it a legally enforceable emission reduction program. The CERP included several strategies to achieve emission reductions throughout this community, including significantly reducing or eliminating emissions from heavy-duty mobile sources and industrial stationary sources.⁶

Health-harming emissions, including particulate matter (PM), toxic air contaminants, and diesel PM generated from the proposed increase in heavy and light industrial development in the Project area will negatively impact the community, which is already disproportionately impacted by air pollution from existing freight operations as well as stationary sources of air pollution. Part of the AB 617 process required CARB and the South Coast Air Quality Management District (SCAQMD) to create a highly-resolved inventory of air pollution sources within this community. CARB would be willing to share and discuss this community emissions inventory with the City to aid in the IS/MND's cumulative impact analysis.

⁵ Assembly Bill 617, Garcia, C., Chapter 136, Statutes of 2017, modified the California Health and Safety Code, amending § 40920.6, § 42400, and § 42402, and adding § 39607.1, § 40920.8, § 42411, § 42705.5, and § 44391.2.

⁶ South Coast Air Quality Management District. AB 617 Wilmington, Carson, West Long Beach Community. Accessible at:

<https://scaqmdonline.maps.arcgis.com/apps/View/index.html?appid=534f48ca127c430abb1a5f4f6e86cf00&extent=-118.5536,33.6686,-117.8945,33.9359>.

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.⁷ 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.

The Final IS/MND Should Include More Mitigation Measures to Further Reduce the Project's Air Pollution Emissions.

Section III (Air Quality) of the IS/MND concluded that the Project's construction and operational air pollution emissions would result in a less than significant impact after the implementation of two mitigation measures (MM III-1 and MM III-2). These mitigation measures require the applicant to implement a list of fugitive dust control measures and require all off-road diesel-powered equipment used during Project construction, greater than 50 horsepower, to meet Tier 4 off-road emission standards. In addition to these measures, the IS/MND includes a list of design measures aimed to reduce the Project's operational air pollutant emissions. These design measures include installing electric vehicle chargers at a limited number of parking spaces, designating "clean air" vehicle parking spaces and installing electric vehicle chargers at all trucking loading docks. To further reduce the Project's operational air pollutant emissions, CARB urges the city and applicant to implement the emissions reduction measures referenced below in the Final IS/MND.

- 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 c
- Construction phases be model year 2014 or later. All heavy-duty haul trucks should also meet CARB's lowest optional low-Nitrogen Oxide (NO_x) standard starting in the year 2022.⁸

⁷ 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/crn/2015guidancemanual.pdf>

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

- 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.
- Including 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

To reduce the exposure of toxic diesel PM emissions in disadvantaged communities already impacted by air pollution, the final design of the Project should include all existing and emerging zero-emission technologies to minimize diesel PM and NO_x emissions, as well as the GHGs that contribute to climate change. CARB encourages the city to implement the measures listed in this comment letter to reduce the Project's construction and operational air pollution emissions.

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. Please include CARB on your State Clearinghouse list of selected State agencies that will receive the IS/MND 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.

optional low-NO_x emission standard is available at: <https://ww2.arb.ca.gov/ourwork/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>.

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

Carlo De La Cruz, Senior Campaign Representative, Sierra Club
carlo.delacruz@sierraclub.org

Lijin Sun, Program Supervisor, CEQA Intergovernmental Review, South Coast Air
Quality Management District
lsun@aqmd.gov

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

Taylor Thomas, Research and Policy Analyst, East Yard Communities for Environmental
Justice
tbthomas@eycej.org

Torres Ivette, Policy Analyst, Center for Community Action and Environmental Justice
ivette.t@ccaej.org

Stanley Armstrong, Air Pollution Specialist, Risk Reduction Branch