

September 26, 2019

DiTanyon Johnson
Senior Planner
City of Fontana
8353 Sierra Avenue
Fontana, California 92335

Dear DiTanyon Johnson:

Thank you for providing California Air Resources Board (CARB) staff the opportunity to comment on the I-15 Logistics Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2018011008. The Project consists of the construction and operation of a 1,175,720 square-foot non-refrigerated logistics facility on approximately 76 acres of land. The Project includes the improvement of the portion of Lytle Creek Road from the western Project boundary eastward to a new intersection with Sierra Avenue. The Project area would be annexed by the City of Fontana (City), which is the lead agency for California Environmental Quality Act (CEQA) purposes. Implementation of the Project would require a change to the existing land use designation from residential to either light industrial or residential mixed-use with a warehouse distribution/logistic overlay district.

Residences are located approximately 80 feet from the Project's northern boundary. In addition to residences, Kordyak Elementary School, Fitzgerald Elementary School, Falcon Ridge Elementary School, Sierra Lakes Elementary School, and Summit High School are located within two miles of the Project. The community is surrounded by existing toxic diesel particulate matter (diesel PM) emission sources, which include existing warehouses and vehicular traffic along Interstate 15 (I-15). Due to the Project's proximity to residences and schools already disproportionately burdened by multiple sources of air pollution, CARB staff 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 617 (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 freight facilities and vehicular traffic along I-15.

Through its authority under Health and Safety Code, section 39711, 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). CalEnviroScreen uses a screening methodology to help identify California communities currently disproportionately burdened by multiple sources of pollution. The census tract containing the Project is within the top 25 percent for Pollution Burden.¹ Therefore, CARB urges the City to ensure that the Project and land use change do not adversely impact neighboring disadvantaged communities.

The diesel PM emissions used to estimate cancer risks from the Project's trucks trips were from the 2014 version of CARB's Emission FACtors Model (EMFAC2014). Project-related air pollutant emissions and potential health risks from mobile sources should be modeled using the most current version of EMFAC (EMFAC2017). One of the many updates made to EMFAC2017 included an update to the model's heavy-duty emission rates and idling emission factors, which resulted in higher diesel PM emissions as compared to EMFAC2014. Since EMFAC2017 generally shows higher emissions of diesel PM from trucks than EMFAC2014, CARB staff is concerned that the Project's mobile source diesel PM and oxides of nitrogen (NO_x) emissions are underestimated in the DEIR.²

In addition to this, CARB staff have the following comments on the DEIR:

1. The Air Quality section of the DEIR states that the Project would result in 2,036 daily heavy-duty trucks trips, which conflicts with the Transportation Impact section estimate. The Transportation Impact section relies on the traffic impact analysis in Appendix I, which states the "proposed project is forecast to generate approximately 2,046 vehicle trips per day", of which 634 will consist of truck trips involving two, three, and four plus axle trucks, not just heavy-duty trucks. As such, the daily truck trip estimate in the Air Quality section is not consistent with those provided in the Transportation Impact section.

¹ Pollution Burden represents the potential exposures to pollutants and the adverse environmental conditions caused by pollution.

² See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516 [EIR's significant effect analysis must contain enough "detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (citation omitted)]

2. According to the DEIR, 24,900 cubic yards of soil will need to be exported from the Project site during the grading phase. However, the CalEEMod outputs found in Appendix B of the DEIR shows zero-haul-truck trips during the Project's grading phase. The CalEEMod output should have accounted for 1,556 one-way truck trips during the Project's grading phase, assuming a truck capacity of 16-cubic yards. CARB staff is concerned that construction-related mobile source NO_x and diesel PM emissions are underestimated in the DEIR.³
3. The HRA modeled cancer risks from onsite sources and the new onsite road leading to the proposed logistics facility. The HRA should also model health risks along local roadways that would be used as a haul route to the project site.⁴

The Air Quality section of the DEIR concludes that operation of the Project would result in emissions of NO_x that will exceed the significance thresholds established by the South Coast Air Quality Management District (SCAQMD) even after mitigation is applied. Consequently, the DEIR concluded that the Project would generate NO_x emissions that would result in a significant and unavoidable impact. Though NO_x emissions from the Project would exceed the SCAQMD's significance threshold, the DEIR did not model operational emissions after the implementation of all feasible mitigation measures. The City must adequately account for all sources that may contribute to operational emissions and clearly articulate the foundation and calculations used to assess the effectiveness of mitigation measures.

The operational mitigation measures proposed in the DEIR consist of restricting truck idling to five minutes (as required by CARB's Diesel-Fueled Commercial Motor Vehicle Idling regulation⁵), discretionary funding to an offsite mitigation fund such as the Carl Moyer Memorial Air Quality Standards Attainment Program, and installation of two onsite electric vehicle charging stations for employees and guests. The DEIR further states that there are no additional mitigation measures, beyond those already included in the DEIR, that could be applied to reduce the Project's operational air quality impacts to a less than significant level. CARB staff disagrees with this conclusion and believes more can be done to reduce the Project's air pollutant emissions and further protect public health.

³ See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516 [EIR's significant effect analysis must contain enough "detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (citation omitted)]

⁴ See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516 [EIR's significant effect analysis must contain enough "detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (citation omitted)]

⁵ CARB's Diesel-Fueled Commercial Motor Vehicle Idling regulation can be accessed at <https://ww3.arb.ca.gov/regact/idling/idling.htm>

CEQA requires that all feasible mitigation measures be incorporated (see Cal. Pub. Resources Code § 21081; 14 CCR § 15126.2(b)). Therefore, if the City approves the proposed Project and land use change, despite the issues raised in this letter, the mitigation measures outlined below should be incorporated into the Final EIR.

1. Include language that requires all off-road diesel-powered equipment used during construction and operation of the Project to be equipped with Tier 4 or cleaner engines, except for specialized 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 or exceed that of a Tier 4 engine.
2. 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 onsite.
3. Include contractual language in tenant lease agreements that requires future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.
4. 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.
5. 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 today, expedite a transition to zero-emission vehicles, and be fully zero-emission beginning in 2030.
6. 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,⁶ Periodic Smoke Inspection Program (PSIP),⁷ and the Statewide Truck and Bus Regulation.⁸

⁶ 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://www.arb.ca.gov/cc/hdghg/hdghg.htm>.

⁷ 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>.

⁸ The regulation requires newer heavier trucks and buses must meet PM filter requirements beginning January 1, 2012. Lighter and older heavier trucks replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010

7. 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.

The Project Description section of the DEIR states that there will be no refrigerated uses associated with the operation of the proposed logistics facility upon completion of the Project. The operation of refrigerated warehouses/logistics facilities would include trucks with transport refrigeration units (TRU)⁹ that emit significantly higher levels of toxic diesel PM, NOx, and greenhouse gas emissions than trucks without TRUs.

Although the Project, as proposed in the DEIR, will not include refrigerating spaces, CARB staff urges the City to include in the DEIR a Project design measure requiring contractual language in tenant lease agreements that prohibits tenants from operating TRUs within the Project site. Alternatively, the City can include 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 City does allow TRUs within the Project site, CARB staff recommends the City require all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with TRU or auxiliary power units and reevaluate the Project's health impacts in a recirculated HRA.

In conclusion, CARB staff is concerned with the modeling assumptions found in the Air Quality section of the DEIR. The emissions and health risks reported in the DEIR were estimated using an outdated version EMFAC and did not evaluate potential health risk impacts on residences along the Project's haul routes. Based on this, CARB staff believes that the DEIR does not assess the air quality impacts from the Project adequately. Without proper analysis, it is impossible to understand the magnitude of the Project's air quality impacts and the resulting health risk to nearby communities.

model year engines or equivalent. CARB's Statewide Truck and Bus Regulation is available at <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

⁹ Transport refrigeration units (TRU) are refrigeration systems powered by diesel internal combustion engines that protect perishable goods during transport in insulated truck and trailer vans, rail cars, and domestic shipping containers.

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CARB staff 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. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist, at (916) 440-8242 or via email at stanley.armstrong@arb.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Richard Boyd". The signature is written in a cursive style with a long horizontal stroke at the end.

Richard Boyd, Chief
Risk Reduction Branch
Transportation and Toxics Division

Attachment

cc: See next page.

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