

March 27, 2020

Richard Ayala
Senior Planner
City of Ontario
303 East B Street
Ontario, California 91761

Dear Richard Ayala:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Ontario Ranch Business Park Specific Plan (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2019050018. The project includes the development of 8 industrial/warehouse buildings totaling 1,905,027 square feet, which includes 200,000 square feet of cold storage space. Once in operation, the Project would introduce up to 4,328 daily vehicle trips, including 796 daily heavy-duty truck trips, along local roadways. The Project is located within the City of Ontario (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

The industrial uses proposed under the Project would permit warehousing and distribution facilities. Freight facilities, such as warehouse and distribution, can result in high daily volumes of heavy-duty diesel truck traffic and operation of on-site equipment (e.g., forklifts, yard tractors, etc.) which 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 City approve the Project and the land-use change from General Commercial, Office Commercial, Low-Medium Density Residential to Business Park, Industrial to build the proposed industrial/warehouse buildings.

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 north, east, northeast, and northwest of the Project with the closest residences located approximately 85 feet from the Project's northern boundary. In addition to residences, two elementary schools (Edwin Rhodes Elementary School and Howard Cattle Elementary School), and a high school

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.

(Magnolia Junior High School) are located within 1 mile of the Project area. The community is surrounded by existing toxic diesel particulate matter (diesel PM) emission sources, which include existing industrial sources, the Chino Airport, and vehicular traffic along State Route 60 (SR-60) and State Route 71 (SR-71). Due to the Project's proximity to residences and schools already disproportionately burdened by multiple sources of 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 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 industrial sources, the Chino Airport, and traffic on SR-60 and SR-71.

II. The Health Risk Assessment Used Inappropriate Assumptions When Modeling the Project's Health Risk Impacts from On-Site Transport Refrigeration Units

CARB has reviewed the Project's health risk assessment (HRA) and has concerns regarding the assumptions used to estimate the Project's health impacts from on-site transport refrigeration units (TRU). Based on the Project's traffic analysis, 138 of the total 796 daily trucks serving the Project will be associated with the proposed 200,000 square feet of cold storage space. In the HRA, the City and applicant assumed half of the 138 heavy truck trips (i.e., 69 heavy truck trips) serving the proposed 200,000 square feet of cold storage space would be equipped with TRUs. Given the size of the Project, it is difficult to estimate the number of TRU-equipped trucks and trailers that may access the site. However, it is conceivable that it could be much higher than half of the total truck trips associated with the proposed cold storage space. CARB urges the applicant and City to revise the HRA assuming all of the Project's trucks serving the proposed cold storage space are equipped with TRUs.

The HRA assumed all TRUs visiting the Project site would not idle longer than 30 minutes. Data obtained by CARB indicates that TRUs can operate for as long as 2 hours per visit, which is well above the 30-minute duration assumed in the HRA. Unless the applicant and City restrict TRU idling duration to less than 30 minutes, the Project's HRA should be revised. The revised HRA should assume a TRU idling duration supported by substantial evidence.

The HRA assumed the TRUs accessing the Project site would have an average power rating of 50 horsepower (hp). TRUs with a power rating of less than 25 hp have a particulate matter (PM) emission rate of 0.3 grams per brake horsepower-hour

(g/bhp-hr), whereas TRUs with a power rating greater than 25 hp have a PM emission rate of 0.02 g/bhp-hr. Unless the applicant and City prohibit TRUs with a power rating of less than 25 hp from accessing the Project site, the Project's HRA should be revised to assume a conservative percentage of the TRUs entering the Project site have a power rating of less than 25 hp, supported by substantial evidence.

III. Air Pollutant Emissions from On-Road Trucks Reported in the DEIR are not Consistent with the Project's Air Quality Modeling Results

CARB has reviewed the air pollutant emission rates presented in Chapter 5.2 (Air Quality) and Appendix C (Air Quality Modeling and Reports) of the DEIR. Based on this review, CARB has identified inconsistencies between the air pollutant emission rates shown in Table 5.2-11 and Appendix C. According to Table 5.2-11, on-road trucks would emit 105 pounds per day (ppd) of nitrogen oxides (NO_x). This NO_x emission rate was estimated using the California Emissions Estimator Model (CalEEMod). After reviewing the CalEEMod outputs presented in Appendix C (Air Quality) of the DEIR, the operation of Project-related on-road trucks would result in 188 ppd of NO_x, which is higher than the truck emission rate reported in the air quality section of the DEIR (i.e., Table 5.2-11). Although the DEIR does ultimately conclude the Project would result in a significant and unavoidable impact after mitigation, CARB urges the City and applicant to report accurate air pollutant emission estimates in the FEIR.

IV. Recommended Mitigation Measures

Chapter 5.2 (Air Quality) of the DEIR includes Mitigation Measure AQ-1 through AQ-12 to reduce the Project's impacts on air quality during its construction and operation. These mitigation measures include requiring the use of Tier 4 equipment, the use of paints with a volatile organic compound (VOC) of 25 grams per liter or less during project construction, and the use of electric-powered on-site equipment (e.g., yard trucks/hostlers) and electrified truck/dock bays during project operation. With the implementation of these mitigation measures, the DEIR concluded that the Project would result in a significant and unavoidable impact on air quality. 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 City to implement the emission reduction measures found in Attachment A of this letter that are not already in the DEIR.

V. Conclusion

CARB is concerned about the Project's potential public health impacts. The DEIR does not incorporate conservative modeling assumptions when evaluating health risk impacts from on-site TRUs, has reporting inconsistencies, and does not include all feasible mitigation measures to reduce the Project's construction and operational air pollution

Richard Ayala
March 27, 2020
Page 4

emissions. CARB recommends that the City and applicant reanalyze the Project's health risk impacts using conservative assumptions and include the air pollution emission measures provided in Attachment A in the FEIR.

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. 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,



Richard Boyd, Chief
Risk Reduction Branch
Transportation and Toxics Division

Attachment

cc: See next page.

Richard Ayala
March 27, 2020
Page 5

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
tthomas@eycej.org

Andrea Vidaurre
Policy Analyst
Center for Community Action and Environmental Justice
andrea.v@ccaej.org

Stanley Armstrong
Air Pollution Specialist
Risk Analysis Section
Transportation and Toxics Division
stanley.armstrong@arb.ca.gov

ATTACHMENT A

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 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://www.arb.ca.gov/msprog/onroad/optionnox/optionnox.htm>.

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 5 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.

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

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>.