

March 16, 2023

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Sent via email

Dear Myriam Beltran:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Airport Gateway Specific Plan (AGSP) Program Environmental Impact Report (PEIR), State Clearinghouse No. 2022060349. The Project is proposed within portions of the City of Highland and City of San Bernardino. The Inland Valley Development Agency (IVDA) is the lead agency for the AGSP PEIR.

The AGSP is guiding the long-range development plan for a 678-acre area immediately north of San Bernardino International Airport. The current land uses within the AGSP area allow for the development of up to 150,647 square feet of commercial uses, 3,000 square feet of educational facilities, 526,915 square feet of industrial uses, 3,686 square feet of public facilities, and 127.96 acres of residential uses. The AGSP envisions replacing the existing mix of uses within the planning area with approximately 9.27 million square feet of Mixed-Use Business Park uses. The proposed Mixed-Use Business Park uses consist of 1,376,919 square feet of industrial distribution uses, 6,425,623 square feet of industrial uses, 1,325,922 square feet of tech business park uses, and 142,792 square feet of commercial uses, and a 75,000 square foot hotel. The proposed AGSP would substantially increase the industrial uses within the specific plan area and result in 29,382 daily vehicle trips along local roadways, including 3,171 daily heavy-duty truck trips.¹

If approved, the AGSP will expose nearby communities to elevated levels of air pollution beyond the existing baseline emissions at the AGSP site. Residences are located directly north and west of the AGSP. There are also existing residences situated within the AGSP. In addition to residences, Monterey Elementary School, E Neal Roberts Elementary School, San Geronio High School, and Indian Springs High School are located within one mile of the Project.

¹ Tom Dodson & Associates. Draft Program Environmental Impact Report for the Airport Gateway Specific Plan. Appendix 11a Traffic Impact Study (Draft). Table 3. Page 30. Accessible at https://files.ceqanet.opr.ca.gov/279422-2/attachment/Y5PwmTJFP_q4R98RZyWX_9X6CGhGawExPtLczHAjTkj_W3AssZIXqopGGNPtDx7k_6N_qcDSDveRvlpf0

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 AGSP would negatively impact neighboring communities, which are already impacted by air pollution from existing industrial buildings, vehicle traffic along SR-210, and aircraft traffic from the San Bernardino International Airport.

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 4.0 (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 15 percent for Pollution Burden² and is considered a disadvantaged community. The AGSP is also adjacent to the San Bernardino, Muscoy community, which has been designated as a disadvantaged community under AB617. The IVDA must ensure that the AGSP does not adversely impact neighboring disadvantaged communities.

Industrial facilities, like the facilities described in the AGSP, can result in high 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.³ Governor Gavin Newsom signed Executive Order N-79-20 on September 23, 2020. The executive order states: "It shall be a goal of the State that 100 percent of in-state sales of new passenger cars and trucks will be zero-emission by 2035. It shall be a further goal of the State that 100 percent of medium and heavy-duty vehicles in the State be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks. It shall be further a goal of the State to transition to 100 percent zero-emission off-road vehicles and equipment by 2035 where feasible." The executive order further directs the development of regulations to help meet these goals. To ensure that lead agencies, like the IVDA, stay in step with evolving scientific knowledge to protect public health from

² Pollution Burden represents the potential exposure to pollutants and the adverse environmental conditions caused by pollution.

³ 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.

adverse air quality and greenhouse gas impacts from the transportation sector, which serves as the basis of the Governor's Executive Order N-79-20, CARB staff urges the IVDA to plan for the use of zero-emission technologies within the AGSP area recommended in this letter.

The IVDA Did Not Evaluate Air Quality or Health Risk Impacts Associated With the Operation of Transport Refrigeration Units

Chapter 3 (Project Description) of the PEIR states that the proposed Mixed Use Business Park would include industrial and distribution uses. However, the PEIR does not specifically state whether these uses would include cold storage. Since the project description in the PEIR did not explicitly state that the planned industrial uses would not include cold storage space, there is a possibility that trucks and trailers visiting the AGSP site would be equipped with transport refrigeration units (TRU).⁴

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 IVDA to revise the PEIR to clearly define the AGSP's project description, so the public can fully understand the potential environmental effects of the proposed land uses on their communities.⁵

If the industrial uses proposed in the AGSP will not be used for cold storage, the IVDA must include one of the following design measures in the Final Program Environmental Impact Report (FPEIR):

- A design measure requiring contractual language in tenant lease agreements that prohibits tenants from operating TRUs within the AGSP 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 IVDA will allow for the development of cold storage uses within the AGSP area, the IVDA must re-model the AGSP's air quality impact analysis and Health Risk Assessment (HRA)

⁴ 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.

⁵ 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.

to account for potential health risk impacts. 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 to 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.⁶
- Include contractual language in tenant lease agreements that requires all TRUs entering the project site to be plug-in capable.

The IVDA Should Include Meaningful Mitigation Measures to Minimize the Project's Impact on Air Quality and Public Health

The IVDA concluded in Chapter 4.4 (Air Quality) of the PEIR that the construction and operation of the uses proposed in the AGSP would result in the emissions of nitrogen oxides (NOx) and particulate matter 10 micrometers in diameter (PM10) that would exceed the South Coast Air Quality Management District's (SCAQMD) significances thresholds. Consequently, the IVDA concluded in the PEIR that the AGSP would result in a significant impact on air quality.

The IVDA included 44 mitigation measures to reduce the AGSP's impact on air quality (Mitigation Measure AQ-1 through AQ-44). These mitigation measures include requiring, in all future development, the use construction equipment that meets Environmental Protection Agency (EPA)/CARB Tier 4 emissions standards or equivalent, use electric or alternative fueled construction equipment where technically feasible and/or commercially available, use 2010 and newer haul trucks when zero emission or near-zero emission trucks are not feasible, use of electric cargo-handling equipment where feasible. The mitigation measures also require individual projects to conduct modeling of the regional and localized emissions associated with the construction activities estimated for any proposed individual developments one acre or larger, and to prepare a HRA for industrial facilities that generate more than 100 diesel truck trips per day or within a 100-foot buffer of the nearest sensitive receptor. After implementation of the mitigation measures listed in the PEIR, the IVDA concludes that the construction and operation of the AGSP's would result in a significant and unavoidable impact on air quality.

⁶ 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.

Although the mitigation measures listed in the PEIR would reduce the AGSP's impact on air quality, many of the mitigation measures simply require the project proponent to comply with local, state, and federal regulations, such as complying with SCAQMD's rules (e.g., Rule 1113, Rule 403, and Rule 1301). Compliance with laws and regulations should not be used exclusively to mitigate the Project's impacts. To limit the AGSP's impact on air quality and public health, IVDA must implement more stringent mitigation measures than are already required under existing rules and regulations.

CEQA requires that all feasible mitigation measures be incorporated into projects where one or more significant effects on the environment would occur if a lead agency approves or carries out a project (see California Public Resources Code § 21081; 14 CCR § 15126.4). CEQA defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (California Public Resources Code § 21061.1.) To meet this requirement, the IVDA must add the feasible emission reduction measures listed below in the FPEIR to reduce the AGSP's significant adverse air quality impacts.

Mitigation Measure AQ-12 in the PEIR requires future industrial development in the AGSP to use zero-emission or near-zero emission trucks if and when feasible. The mitigation measure allows the use of 2010 and newer trucks if zero emission or near-zero emission trucks are unavailable and do not meet a comparable cost to diesel-powered trucks. Mitigation Measure AQ-20 also redundantly requires trucks within the AGSP to be a model year 2010 or newer. CARB's Truck and Bus Regulation requires trucks, by law, to have 2010 or newer model year engines by January 1, 2023.⁷ Once the AGSP is fully built-out, all trucks operating within the AGSP area will already have been required to comply with the regulation. Although complying with CARB's regulations would reduce the AGSP's mobile source air pollutant emissions, the industrial uses within the AGSP would have to comply with these regulations by law. Compliance with laws and regulations should not be used exclusively to mitigate the AGSP's impact on air quality.

To fully mitigate the AGSP's air quality impacts from mobile sources, mitigation measure AQ-12 should be modified to require all heavy-duty trucks to be electric and to install on-site infrastructure to support those electric trucks. A list of commercially available zero-emission trucks can be obtained from the Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP).⁸ The HVIP is a part of California Climate Investments to incentivize the purchase of zero-emission trucks. Based on CARB's review of the zero-emission trucks listed in the HVIP, there are commercially available electric trucks that can meet the cargo transportation needs of individual industrial uses proposed in the AGSP today. The list below

⁷ CARB. Truck and Bus Regulation Compliance Requirement Overview. June 18, 2019. Accessible at <https://ww3.arb.ca.gov/msprog/onrdiesel/documents/fsregsum.pdf>

⁸ Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: <https://californiahvip.org/>

details the CARB regulations that will result in the reduction of diesel PM and NOx emissions from trucks within California:

- **Drayage Truck Regulation:** The existing Drayage Truck Regulation requires all drayage trucks to operate with an engine that is a 2007 model year or newer and the Truck and Bus Regulation requires all trucks, including drayage, to have 2010 or newer model year engines by January 1, 2023. As part of CARB's overall approach to accelerate a large-scale transition to zero-emission medium-and heavy-duty vehicles, the amendments to the Advanced Clean Trucks regulation were approved in March 2021 to help ensure that zero-emission vehicles are brought to market. CARB directed staff to ensure that fleets, businesses, and public entities that own or direct the operation of medium- and heavy-duty vehicles in California purchase and operate ZEVs to achieve a smooth transition to ZEV fleets by 2045 everywhere feasible, specifically to reach:
 - 100 percent zero-emission drayage trucks, last mile delivery, and government fleets by 2035
 - 100 percent zero-emission refuse trucks and local buses by 2040
 - 100 percent zero-emission capable utility fleets by 2040
- **Heavy-Duty Low-NOx Omnibus Rule:** On August 27, 2020, CARB approved the Heavy-Duty Low-NOx Omnibus Rule that requires truck emission standards to be reduced from 0.20 to 0.05 grams per brake horsepower-hour (g/bhp-hr) from 2024 to 2026, and to 0.02 g/bhp-hr in 2027.
- **Advanced Clean Trucks Regulation:** On June 25, 2020, CARB approved the Advanced Clean Trucks Regulation. The regulation requires manufacturers to start the transition from diesel trucks and vans to zero-emission trucks beginning in 2024. The rule is expected to result in about 100,000 electric trucks in California by the end of 2030 and about 300,000 by 2035.

Mitigation Measure AQ-22 requires future industrial development within the AGSP to use electric cargo-handling equipment (CHE), where feasible. The IVDA does not specify in the PEIR how electric cargo-handling equipment will be determined to be feasible to implement or who will make this determination. Electric CHE are also commercially available and can be purchased using incentive funding from CARB's Clean Off-Road Equipment Voucher Incentive Project (CORE) administered by CALSTART.⁹ To fully mitigate on-site emission sources within industrial uses proposed in the AGSP, mitigation measure AQ-22 should be modified to require all cargo-handling equipment to be electric at the start of operation of industrial uses proposed in the AGSP.

⁹ Clean Off-Road Equipment Voucher Incentive Project. Accessible at: <https://californiacore.org/how-to-participate/>

In addition to the mitigation modification recommended above, the IVDA should add the air pollutant emission reduction measures listed below in the FPEIR.

- 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 2022.¹⁰
- Include contractual language in tenant lease agreements restricting trucks and support equipment from idling longer than two minutes while on site.
- Include contractual language in tenant lease agreements, requiring the installing of vegetative walls¹¹ or other effective barriers that separate loading docks and people living or working nearby.

The IVDA Incorrectly Concludes in the PEIR that the AGSP Would Expose Sensitive Receptors to Substantial Pollutant Concentrations Resulting in a Less than Significant Impact after Mitigation

In Chapter 4.4 (Air Quality) of the PEIR, the IVDA found that the operation of the AGSP would expose nearby residents to diesel PM emissions that would result in a less than significant impact after mitigation. This conclusion was reached without any substantial evidence, such as an HRA or qualitative analysis, to support this impact conclusion. The IVDA states in the PEIR that individual projects would have to prepare their own HRA and develop their own mitigation measures to reduce their impacts to below the SCAQMD's 10 in a million cancer risk significance threshold, following Mitigation Measure AQ-15 in the PEIR. Mitigation Measure AQ-15 would require individual industrial projects within the AGSP area to prepare an HRA if the project generates more than 100 diesel truck trips per day or is located within a 100-foot buffer of the nearest sensitive receptor. The IVDA does not provide any substantial evidence in the PEIR supporting the 100 diesel truck trips per day threshold that would trigger the preparation of an HRA for individual projects within the AGSP. It is also very likely that the combined operation of the proposed approximately 8 million square feet of industrial development would expose residences in the proximity of the AGSP to diesel PM emissions that would exceed the SCAQMD's 10 in a million significance threshold.

¹⁰ 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>.

¹¹ 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>

As required under CEQA, “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects” (Public Resources Code, section 21002.) Relying on substantial evidence, a lead agency must determine if a mitigation measure adequately mitigates a significant effect, with CEQA explicitly requiring the following: “the lead agency shall determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record” (Public Resources Code, section 21082.2(a).) The IVDA does not provide substantial evidence that shows how Mitigation Measure AQ-15 would reduce cancer risk impacts to below the SCAQMD’s significance thresholds to support the less than significant after mitigation conclusion. Since the combined operation of the proposed industrial uses is expected to result in over 3,171 daily diesel-powered heavy-duty truck trips, the combined operation of all industrial development within the AGSP would likely exceed the SCAQMD’s 10 in a million significance threshold. Due to the lack of commitment to using zero-emission trucks in Mitigation Measure AQ-12 in the PEIR and the lack of substantial evidence showing how Mitigation Measure AQ-15 would reduce impacts to a less than significant level, IVDA should conclude in the FPEIR that the industrial development proposed in the AGSP would expose nearby disadvantaged communities to diesel PM emissions that would result in a significant and unavoidable impact. This impact conclusion will ensure that the public and decision-makers are fully aware of the AGSP’s potential significant impact before approving a project like this one.

The IVDA Does not Provide Sufficient Evidence Supporting their Decision to Not Prepare a HRA for the AGSP

In Chapter 4.4 (Air Quality), IVDA states, “as a result of the scale of the proposed AGSP, and the lack of specific project level proposals for development under the AGSP, it is not possible to perform a HRA that would accurately reflect risk to sensitive receptors within the project area.”¹² The IVDA goes on to state, “while the whole of the AGSP is anticipated to result in some health risk to sensitive receptors in the project area, the extent of such risks is unknown.”¹³ CARB disagrees with these statements. The AGSP would result in the operating of over 7.8 million square feet of industrial development and add over 3,171 daily heavy-duty truck trips along local roadways, which would expose residences near and within the AGSP to

¹² Tom Dodson & Associates. Draft Program Environmental Impact Report for the Airport Gateway Specific Plan. Page 4-91. Accessible at https://files.ceqanet.opr.ca.gov/279422-2/attachment/Glv_nleBCUMNMvGYwUM9Sedv2a6JSPGjmXPvQ17xmx9F43acaCvh13SdvheTPHBa_Av2TGhy_Q4OA_60

¹³ Tom Dodson & Associates. Draft Program Environmental Impact Report for the Airport Gateway Specific Plan. Page 4-91. Accessible at https://files.ceqanet.opr.ca.gov/279422-2/attachment/Glv_nleBCUMNMvGYwUM9Sedv2a6JSPGjmXPvQ17xmx9F43acaCvh13SdvheTPHBa_Av2TGhy_Q4OA_60

diesel PM levels that would likely exceed the SCAQMD's significance thresholds and result a significant health risk impact.

CEQA requires "an EIR [to] be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences" (see Title 14 CCR § 15151). Typically, CEQA practitioners should evaluate environmental impacts from a project based on reasonable assumptions using the best available information. When project information is limited, as in the case of the AGSP, lead agencies should employ a reasonable worst-case scenario to capture the largest expected potential environmental impacts from a project. The practice of creating a worst-case scenario is not mandated by CEQA, but is a commonly used practice to address uncertainty. Using the information contained in the Traffic Impact Study presented in Appendix 11a of the PEIR and the established truck routes referenced in the PEIR, CARB believes IVDA can prepare an HRA that evaluates the potential cancer risk impacts based on a worst-case scenario operation of the AGSP.

To meet the requirements of CEQA, IVDA should prepare an HRA for the AGSP to better inform decision makers and the public of how the proposed industrial develop will impact nearby disadvantaged communities. The HRA should be included in the FPEIR and account for all potential operational health risks from AGSP-related diesel PM emission sources, including, but not limited to, back-up generators, on-site diesel-powered equipment, TRUs, and heavy-duty trucks. The HRA prepared in support of the AGSP should be based on the latest Office of Environmental Health Hazard Assessment's (OEHHA) guidance (2015 Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments),¹⁴ and CARB's Hot Spots Analysis and Reporting Program (HARP2 model). The Project's mobile diesel PM emissions used to estimate the Project's cancer risk impacts should be based on CARB's latest 2021 Emission Factors model (EMFAC2021). Mobile emission factors can be easily obtained by running the EMFAC2021 Web Database: <https://arb.ca.gov/emfac/>.

The IVDA Did Not Account for a Realistic Scenario When Evaluating the AGSP Air Quality Impacts from Project Construction

In Chapter 4.4 (Air Quality) of the PEIR, IVDA evaluated construction emissions using the construction phases presented in Table 4.4-9 below. Using this construction phasing, IVDA modeled the AGSP's unmitigated construction emissions of NO_x and PM₁₀ to exceed the SCAQMD significance thresholds, and volatile organic compounds (VOC), carbon monoxide (CO) and particulate matter less than 2.5 micrometers in diameter (PM_{2.5}) to be just below the SCAQMD significance thresholds.

¹⁴ 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>.

**Table 4.4-9
CONSTRUCTION DURATION**

Phase Name	Start Date	End Date	Days
Demolition	06/01/2021	05/30/2022	260
Site Preparation	05/31/2022	12/12/2022	140
Grading	12/13/2022	07/22/2024	420
Building Construction	07/23/2024	12/31/2040	4,290
Paving	10/05/2038	12/31/2040	585
Architectural Coating	01/13/2032	12/31/2040	2,340

Source: Tom Dodson & Associates. Draft Program Environmental Impact Report for the Airport Gateway Specific Plan. Page 4-76. Accessible at https://files.ceqanet.opr.ca.gov/279422-2/attachment/Glv_nl-eBCUMNMvGYwUM9Sedv2a6JSPGjmXPvQ17xmx9F43acaCvh13SdvheTPHBa_Av2TGhy_Q4OA_60

CARB is concerned that the construction phasing used to estimate the AGSP's construction air pollutant emissions does not represent a realistic time frame. It seems unrealistic to CARB staff that the construction of the Mixed-Use Business Park proposed in the AGSP, which began with demolition in 2021, would all be completed simultaneously in 2040, rather than being built in phases and becoming operational while other phases of the project were under construction. To account for a more realistic construction schedule, CARB urges the IVDA to develop a construction phase schedule for the AGSP based on substantial evidence.

The Construction PM_{2.5} Emission Estimates Presented in the PEIR Should have been Reported as Significant

The IVDA used the wrong emission estimates when evaluating the AGSP's construction impacts in the PEIR. The AGSP's construction emissions were estimated using the California Emissions Estimator Model (CalEEMod), which is a land-use air quality modeling program developed by the California Air Pollution Officers Association in collaboration with California Districts. CalEEMod allows the user to model unmitigated and mitigated construction air pollutant emissions. Based on CARB's review of the CalEEMod outputs found in Appendix 1 (Air Quality Analysis) of the PEIR, the IVDA incorrectly transcribed the mitigated construction emissions found in the AGSP's CalEEMod outputs to Table 4.4-11 (Overall Construction Emissions Summary – Without Mitigation) of PEIR.

In the PEIR, the IVDA states that the construction of the AGSP would generate unmitigated emissions of PM₁₀ that would exceed the SCAQMD's 150 pounds per day significance threshold. Because of a transcription error, the IVDA incorrectly concluded in the PEIR that the AGSP's unmitigated construction emissions of PM_{2.5} would not exceed the SCAQMD's 55 pounds per day significance threshold. Table 4.4-11 of the PEIR shows the AGSP's unmitigated construction emissions of PM₁₀ and PM_{2.5} to be 281.26 and 45.73 pounds per day, respectively. These emission estimates are identical to the mitigated construction emissions presented in the CalEEMod outputs of Appendix 1. Table 4.4-11 should have

included the unmitigated construction emissions from the CalEEMod outputs presented in Appendix 1 of the PEIR, which show AGSP's construction emissions to be 581.75 and 100.21 pounds per day, respectively.

Since the AGSP's unmitigated construction emissions of PM_{2.5} would exceed SCAQMD's 55 pounds per day significance threshold, Table 4-11 should have shown AGSP's unmitigated construction emissions of PM_{2.5} to be significant. To accurately portray the AGSP's air quality construction impacts to the public and decision makers, the IVDA should update Table 4.4-11 in the PEIR using the unmitigated construction emissions provided in Appendix 1 of the PEIR in the FPEIR.

The IVDA Must Provide Substantial Evidence Supporting Why Air Pollutant Emissions from On-Site Grading were not Evaluated in the PEIR

The DEIR did not account for mobile source air pollutant emissions from grading operations during the AGSP's construction phase. According to Chapter 4.4.6.1 (construction emissions) of the PEIR, IVDA states, "at the time of this analysis, no information on grading quantities were readily available."¹⁵ Consequently, the IVDA assumed that no heavy-duty truck trips would be required to import or export soil during the on-site grading and excavation. Furthermore, the DEIR does not explicitly state the quantity of soil needed to grade the AGSP site or any other evidence, such as a grading plan, to support this assumption. If soil must be imported or exported to grade the AGSP site, the heavy-duty truck trips needed to accomplish that must be accounted for in the AGSP's air quality impact analysis.

CEQA requires "substantial evidence [to] include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts" (see Title 14 CCR § 15384(b)). Not evaluating air pollutant emissions from on-site grading due to a lack of information is a violation of CEQA. To comply with CEQA, the IVDA must provide substantial evidence in the FPEIR showing that the AGSP site would not require heavy-duty trucks during its grading phase. If it is found that the AGSP's grading phase would require heavy-duty trucks to import and export soil to the AGSP site, the air pollutant emissions from those heavy-duty trucks must be modeled and presented in the FPEIR.

¹⁵ Tom Dodson & Associates. Draft Program Environmental Impact Report for the Airport Gateway Specific Plan. Page 4-75. Accessible at https://files.ceqanet.opr.ca.gov/279422-2/attachment/Glv_nleBCUMNMvGYwUM9Sedv2a6JSPGjmXPvQ17xmx9F43acaCvh13SdvheTPHBa_Av2TGhy_Q4OA_60

Conclusion

As concluded in Chapter 4.4 (Air Quality) of the PEIR, the AGSP's construction and operation would expose residences to air pollutant emissions that would result in a significant and unavoidable impact on air quality. CARB is concerned with the AGSP's potential cumulative impacts to the surrounding community. CARB urges the IVDA to include more meaningful and enforceable mitigation measures the PEIR, and to prepare an HRA for the AGSP. That HRA should evaluate the air quality impacts using a construction phasing schedule supported by substantial evidence. IVDA must also fix the transcription error in Table 4.4-11 of the PEIR and provide substantial evidence showing why air pollutant emissions from heavy-duty trucks during on-site grading were not evaluated in the PEIR. Lastly, to reduce the AGSP's impact on public health, CARB urges the IVDA to implement all the mitigation measures listed 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 PEIR for the AGSP and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your list of selected State agencies that will receive the FPEIR. 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

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