

October 12, 2023

Russell Brady  
Contract Planner  
County of Riverside County  
4080 Lemon Street, 12<sup>th</sup> Floor  
Riverside, California 92501  
[rbrady@rivco.org](mailto:rbrady@rivco.org)

*Sent via email*

Dear Russell Brady:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Majestic Freeway Business Center Phase II (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2022080060. The Project proposes the development of four separate plan applications consisting of the proposed Building 18 Site, Building 17 Site, Building 14A/14B Site, and Building 13 Site. The Project would allow for the construction and operation of five warehouse buildings totaling up to 1,219,222 square feet. The proposed Project would result in an increase of 1,908 daily vehicle trips along local roadways, including a net increase of 420 truck trips.<sup>1</sup> The Project is proposed within an unincorporated area of Riverside County (County), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

The DEIR shows that the Project will expose nearby residential communities to elevated levels of air pollution beyond the existing baseline emissions at the Project site. Residences are located west of the Project site, with the closest residence approximately 220 feet west of the proposed Building 14A/14B site. In addition to residences, Mead Valley Elementary School, Manuel L. Real Elementary School, and Val Verde Elementary School are all located within two miles from the proposed four Project sites. These residences and schools are located near existing toxic diesel particulate matter (diesel PM) emission sources, which include industrial facilities, rail traffic along the Atchison Topeka and Santa Fe rail lines, aircraft and airport equipment operations at the March Air Reserve Base, and vehicular traffic along Interstate 215. Due to the Project's proximity to residences and schools already 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.

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<sup>1</sup> County of Riverside County. Rubidoux Majestic Freeway Business Center Phase II Draft Environmental Impact Report. Table 3-9. Page 3-42. Accessible at [https://files.ceqanet.opr.ca.gov/280554-2/attachment/9LHzyBmeeHu6GB1V-oKmM\\_NTQamNMvDUgibdCHgy0aUTDPp88HqxN\\_dm7tVcC5r02ipS8mVlkMLAHkby0](https://files.ceqanet.opr.ca.gov/280554-2/attachment/9LHzyBmeeHu6GB1V-oKmM_NTQamNMvDUgibdCHgy0aUTDPp88HqxN_dm7tVcC5r02ipS8mVlkMLAHkby0)

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 neighboring communities, which are already impacted by existing air pollution.

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% 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 5% for Pollution Burden and is considered a disadvantaged community.<sup>2</sup> The County must ensure that the Project does not adversely impact neighboring disadvantaged communities.

Industrial facilities, like the facilities described in the Project, 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.<sup>3</sup> To better address regional air pollution and global climate change, 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% 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% 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% 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 Project, stay in step with evolving scientific knowledge to protect public health from adverse air quality and greenhouse gas impacts from the transportation sector, which serves as the basis of the Governor's

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

<sup>3</sup> 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 2022, makes clear that in CARB's expert view, local mitigation is critical to achieving climate goals and reducing greenhouse gases below levels of significance.

Executive Order N-79-20, CARB staff urges the County to plan for the use of zero-emission technologies within the Project area.

## **The Final Environmental Impact Report Should Restrict the Operation of Transport Refrigeration Units within the Project Area**

The County does not specify in the DEIR whether the proposed Project would be used for cold storage. Warehouse facilities used for cold storage result in an increase in the number of trucks and trailers equipped with transport refrigeration units (TRUs) traveling along local roadways.<sup>4</sup> TRUs on trucks and trailers can emit large quantities of diesel exhaust while operating within nearby communities. Should the Project later include cold storage uses, residences near the Project site could be exposed to significantly higher levels of toxic diesel PM, oxides of nitrogen (NOx), and greenhouse gases than they would if the Project included only trucks and trailers without TRUs. To ensure TRUs will not operate within the Project site before their potential impacts are first quantified and mitigated, CARB urges the County to include one of the following design measures in the Final Environmental Impact Report (FEIR):

- A Project design measure requiring contractual language in tenant lease agreements that prohibits tenants from operating TRUs within the Project-site unless they are zero-emission; or
- A condition requiring a restrictive covenant over the parcel that prohibits the applicant's use of diesel-powered TRUs on the property, unless the applicant seeks and receives an amendment to its conditional use permit allowing such use.

## **The DEIR Uses Inappropriate Trip Lengths When Modeling the Project's Air Quality Impacts from Mobile Sources**

The County may have underestimated mobile source air pollutant emissions in the DEIR by relying on unrealistic truck trip lengths. The Project's operational air pollutant emissions were estimated using the California Emissions Estimator Model (CalEEMod). Based on CARB's review of the CalEEMod inputs provided to CARB staff by the County, the County assumed approximately 54% of the total truck traffic would travel a distance of 30 miles, 31% of the total truck traffic would travel a distance of 10 miles, and 14% of the total truck traffic would travel a distance of 14 miles. The County states in the DEIR that these truck trip distances are based on the South Coast Air Quality Management District's (SCAQMD)

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<sup>4</sup> 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.

guidance.<sup>5</sup> SCAQMD's recommended truck trip lengths were calculated using trip length data provided in the California Association of Governments (SCAG) 2016 Regional Transportation Plan, which includes many short trips in the Los Angeles Region that do not fully reflect the truck trip distances for the Project. Since trucks serving the Project may originate from the Ports of Long Beach and Los Angeles or other regions further than 30 miles, CARB urges the County to use project-specific truck trip distances in their air quality impact analysis. Unless the County includes a mitigation measure or project design feature in the DEIR that restricts trucks from traveling a distance greater than what was analyzed in the DEIR, the County should re-evaluate the Project mobile source air pollutant emissions by using Project-specific trip distances.

## **The Trip Generation Rates Used to Evaluate the Project's Mobile Air Pollutant Emissions is Unsubstantiated**

In DEIR Chapter 3.6.2 (Operational Characteristics), the County shows that "the buildout of all five of the Project's proposed buildings would result in the generation of approximately 1,908 daily vehicle trips..."<sup>6</sup> This daily vehicle trip rate was calculated using the trip-generation statistics published in the ITE Trip Generation Manual 11th Edition assuming the proposed Project would be used as a High-Cube Transload and Short-Term Storage Warehouse. The trip generation rates presented in the Project's traffic impact analysis and later used in the Project's air quality analysis seem underestimated, considering the combined size of the proposed warehouse buildings is 1,219,222 square feet. For example, the Rubidoux Commerce Park DEIR states that its proposed project will be similar to the Project in both size, at 1,184,102 square feet, and location, approximately 13 miles from the Project sites, yet it projects 5,724 daily vehicle trips, a daily vehicle trip rate three times higher than what is presented in DEIR for the Project; CARB is concerned that the DEIR for the Project may have underestimated daily vehicle trip rates.

The Project's description shows that the Project would be used as light industrial use but does not provide substantial evidence to show that the proposed warehouse development would fit the High-Cube Transload and Short-Term Storage Warehouse category. Other warehouse categories in the ITE Trip Generation Manual, such as General Light Industrial and High-Cube Fulfilment Center Warehouse uses, are shown to have higher trip

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<sup>5</sup> County of Jurupa Valley. Rubidoux Commerce Park Project Draft Environmental Impact Report. Appendix B. Page 42. Accessible at [https://files.ceqanet.opr.ca.gov/266184-4/attachment/Daoo4Nm9DNCIplagz23g\\_tK\\_T45-jrO6QjDoTuWdW4UYnL0krj1BitejmlcOT4ya1JrDA80AF373bp2p0](https://files.ceqanet.opr.ca.gov/266184-4/attachment/Daoo4Nm9DNCIplagz23g_tK_T45-jrO6QjDoTuWdW4UYnL0krj1BitejmlcOT4ya1JrDA80AF373bp2p0)

<sup>6</sup> County of Riverside County. Rubidoux Majestic Freeway Business Center Phase II Draft Environmental Impact Report. Page 3-39. Accessible at [https://files.ceqanet.opr.ca.gov/280554-2/attachment/9LHzyBmeeHu6GB1V-oKmM\\_NTQamNMvDUgibdCHgy0aUTPDp88HqxN\\_dm7tVcC5r02ipS8mVlkMLAHkby0](https://files.ceqanet.opr.ca.gov/280554-2/attachment/9LHzyBmeeHu6GB1V-oKmM_NTQamNMvDUgibdCHgy0aUTPDp88HqxN_dm7tVcC5r02ipS8mVlkMLAHkby0)

generation rates than was used to evaluate the Project's mobile source air pollutant emission rates in the DEIR.<sup>7</sup>

To fully evaluate the Project's impact on air quality, the County must provide substantial evidence in the DEIR for their selection of a High-Cube Transload and Short-Term Storage Warehouse land use obtained from the ITE Trip Generation Manual 11th Edition in the FEIR. If it is discovered that the Project does not fit this category, the County must evaluate the Project's mobile source air quality impacts using the most conservative land use category found in the ITE Trip Generation Manual. The revised vehicle trip rates must include Project-specific fleet mixes. For example, according to the Fontana Truck Trip Generation Study, 20.4% of the total daily vehicle trips from a warehouse greater than 100,000 square feet would consist of trucks.<sup>8</sup> This example study is based on traffic counts from warehouses.

## **The County Should Include a Mitigation Measure Requiring the Use of Electric Trucks**

Based on CARB's comments provided above, the County may have underestimated the Project's air quality impacts by not using Project-specific truck trip distances, as discussed above in this letter. To mitigate any potential air quality impacts by the proposed Project, the County should include a mitigation measure or project design feature that requires all light-, medium- and heavy-duty trucks serving the Project to be zero-emission and to install on-site infrastructure to support those trucks. As presented below, CARB has many regulations that promote and eventually require the use of zero-emission trucks at freight facilities, such as the proposed Project. Specifically, the Advanced Clean Fleet Regulation would require all drayage trucks in California to be zero-emission by 2035. To support trucks serving the Project that are already complying with the Advanced Clean Fleets regulation, CARB urges the County to install infrastructure at the Project site support on-site zero-emission trucks at the start of Project operations. A list of commercially available zero-emission trucks can be obtained from the Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP).<sup>9</sup> 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 County today. CARB has implemented or is developing regulations that will require the use of zero-emission trucks.

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<sup>7</sup> Institute of Transportation Engineers. Common Trip Generation Rates. Accessible at [https://www.troutdaleoregon.gov/sites/default/files/fileattachments/public\\_works/page/966/ite\\_land\\_use\\_list\\_10th\\_edition.pdf](https://www.troutdaleoregon.gov/sites/default/files/fileattachments/public_works/page/966/ite_land_use_list_10th_edition.pdf)

<sup>8</sup> City of Fontana. Truck Trip Generation Study. August 2003. Accessible at: <https://tampabayfreight.com/pdfs/Freight%20Library/Fontana%20Truck%20Generation%20Study.pdf>

<sup>9</sup> Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: <https://californiahvip.org/>

The list below 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.
- **Truck and Bus Regulation:** The Truck and Bus Regulation requires all trucks, including drayage, to have 2010 or newer model year engines by January 1, 2023.
- **Heavy-Duty Low-NOx Omnibus Rule:** 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:** The Advanced Clean Trucks Regulation, approved by CARB on June 25, 2020, 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. The Advanced Clean Trucks regulation is part of CARB's overall approach to accelerate a large-scale transition to zero-emission medium- and heavy-duty vehicles. CARB approved amendments to the Advanced Clean Trucks regulation in March 2021; the amendments help ensure that more 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, and specifically to reach:
  - 100% zero-emission drayage trucks, last mile delivery, and government fleets by 2035
  - 100% zero-emission refuse trucks and local buses by 2040
  - 100% zero-emission capable utility fleets by 2040
- **Advanced Clean Fleets Regulation:** The Advanced Clean Fleets Regulation is part of CARB's overall strategy to accelerate a large-scale transition to zero-emissions medium- and heavy-duty vehicles. This regulation works in conjunction with the Advanced Clean Trucks regulation. The regulation applies to trucks performing drayage operations at seaports and railyards, fleets owned by State, local, and federal government agencies, and high priority fleets. High priority fleets are those entities that own, operate, or direct at least one vehicle in California, and that have either \$50 million or more in gross annual revenue, or that own, operate, or have common ownership or control of a total of 50 or more vehicles. The regulation affects medium- and heavy-duty on-road vehicles with a gross vehicle weight rating greater than 8,500 pounds, off-road yard tractors, and light-duty mail and package delivery vehicles. All drayage trucks entering seaports and intermodal railyards would be required to be zero-emission by 2035.

With the implementation of the regulations listed above, specifically the Advanced Clean Trucks Regulation, tenants at the proposed industrial/warehouse development must begin the transition from diesel trucks and vans to zero-emission trucks. To protect the air quality nearby residences and children at nearby schools breath, CARB urges the County to include contractual language in tenant lease agreements that require future tenants to use zero-emission trucks during their operation in the FEIR.

## **Conclusion**

To reduce the exposure of toxic diesel PM emissions in disadvantaged communities already disproportionately impacted by air pollution, the final design of the Project should include all existing and emerging zero-emission technologies to minimize diesel PM and NOx emissions, as well as the greenhouse gases that contribute to climate change. CARB also urges the County to specify in the Project's description in the DEIR whether the Project would be used for cold storage, and to use Project-specific truck trip distances and conservative daily vehicle trip rates when evaluating the project's mobile source air pollutant emissions during the operation of the Project.

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.

Russell Brady  
October 12, 2023  
Page 8

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. Please include CARB on your list of selected State agencies that will receive the FEIR. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist via email at [stanley.armstrong@arb.ca.gov](mailto: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 extending to the right.

Richard Boyd, Assistant Branch Chief, Transportation and Toxics Division

cc: State Clearinghouse  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

Yassi Kavezade, Organizer, Sierra Club  
[yassi.kavezade@sierraclub.org](mailto:yassi.kavezade@sierraclub.org)

Sam Wang, Program Supervisor, CEQA Intergovernmental Review, South Coast Air Quality Management District  
[swang1@aqmd.gov](mailto:swang1@aqmd.gov)

Morgan Capilla, NEPA Reviewer, U.S. Environmental Protection Agency, Air Division, Region 9  
[capilla.morgan@epa.gov](mailto:capilla.morgan@epa.gov)

Stanley Armstrong, Air Pollution Specialist, Risk Reduction Branch