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Sent via email

Brandi Jones:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Irwindale Gateway Specific Plan (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2023020290. The Project is proposed within the City of Irwindale (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

The Project proposes the development of up to three industrial buildings on approximately 53 acres of land under two options. Option 1 would allow for the construction of up to three buildings used for Industrial/Business Park uses totaling 1,000,000 square feet, and Option 2 would allow for the development of up to two buildings used for Industrial/Business Park uses totaling 705,000 square feet and a Battery Energy Storage System (BESS). Option 2 would also include the construction of an overhead electric tie-line for the BESS, including three 220 kilovolt conductor cables below an optical ground wire that serves dual purposes of grounding and fiber optic communications. In the DEIR, the City assumed Option 1 and Option 2 would include up to 387,500 square feet of cold storage uses. Once fully built, the Project would result in up to 2,058 daily vehicle trips (including 550 daily heavy-duty truck trips) under Option 1 and 1,511 daily vehicle trips (including 418 daily heavy-duty truck trips) under Option 2.¹

CARB staff are concerned 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 to the southeast and northwest of the Project site, with the closest residence located within 2,200 feet southeast of the Project site. These residences are located near existing toxic diesel particulate matter (diesel PM) emission sources, which

¹ City of Irwindale. Irwindale Gateway Specific Plan Draft Environmental Impact Report. Page 5.2-25. Accessible at https://files.ceqanet.opr.ca.gov/285285-2/attachment/R8PSgfRrWe0tMdL_xIR934aNRo6a9ZV3A0aef-nsSlycfhar3r0Y6N4RLx3IK3DmjoTyS8B27IEtW36t0

include existing industrial facilities, rail traffic along existing rail lines, and vehicular traffic along Interstate 605.

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.

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 17% for Pollution Burden and is considered a disadvantaged community. The City 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.² 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 City, stay in step with evolving

² 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, explains that in CARB's expert view, local mitigation is critical to achieving climate goals and reducing greenhouse gases below levels of significance. CARB's 2022 Scoping Plan for Achieving Carbon Neutrality, published November 16, 2022, is available at https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp_1.pdf

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 Executive Order N-79-20, CARB staff urges the City to plan for the use of zero-emission technologies within the Project area as described in this letter.

The City Used Inappropriate Assumptions When Modeling the Project's Health Risk Impacts

The HRA prepared for the Project and presented in Section 5.2 (Air Quality) of the DEIR concluded that residences near the Project site would be exposed to diesel PM emissions that would result in cancer risks of 5.9 chances per million during Project operations under Option 1, and 4.4 chances per million during Project operations under Option 2. Since the Project's cancer risks were below the South Coast Air Quality Management District's (SCAQMD) significance threshold of 10 chances per million, the DEIR concluded that the Project would have a less than significant impact on public health. CARB has reviewed the Project's HRA and is concerned that the Project's cancer risk impacts may have been underestimated for the reasons detailed below.

The City assumed an idling duration for onsite transportation refrigeration units (TRUs) that is not supported by substantial evidence. Based on CARB's review of the modeling methodology provided in Appendix D1 (Health Risk Assessment) of the DEIR, the City assumed trucks and trailers with TRUs would idle within the Project site for 30 minutes.³ CARB has obtained survey data indicating trucks with TRUs can operate for as long as two hours while unloading and two hours while loading frozen goods from trucks and trailers. Trucks that are unloading and loading on the same visit would be assumed to idle for four hours of onsite operation.⁴ TRUs on trucks and trailers can emit large quantities of diesel exhaust while operating within the Project site. By assuming a 30-minute TRU idling duration, the City may have underestimated the Project's potential to expose nearby residents to diesel exhaust emissions that could result in a significant cancer risk impact to the nearby community. To fully evaluate the Project's potential health risk impacts, the City must either add a project design feature in the DEIR restricting TRU idling within the Project site to less than 30 minutes or revise the Project's HRA assuming a TRU idling duration supported by substantial evidence.

³ City of Irwindale. Irwindale Gateway Specific Plan Draft Environmental Impact Report. Appendix D1. Page D2-14. Accessible at https://files.ceqanet.opr.ca.gov/285285-2/attachment/R8PSgfRrWeOtMdL_xlR934aNRo6a9ZV3A0aef-nsSlycfhar3r0Y6N4RLx3IK3DmjoTyS8B27IEtW36t0

⁴ California Air Resource Board. Proposed Amendments to the Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities Where TRUs Operate. Appendix I. Page 39. Table II.G.1. Accessible <https://ww2.arb.ca.gov/sites/default/files/barcu/board/rulemaking/tru2021/appi.pdf>

Although the City modeled the cancer risk impacts from TRUs on trucks and trailers idling within the Project site, the City did not account for health risk impacts resulting from trucks and trailers with TRUs traveling along truck routes. TRUs on trucks and trailers can expose nearby communities to large quantities of diesel PM exhaust while operating along local roadways, which could pose a severe health risk impact. To provide decision-makers with a better understanding of the extent of the Project's health risk impacts, CARB urges the City to model the potential health risk impacts associated with TRUs on trucks and trails traveling local roadways and report the findings in the Final Environmental Impact Report (FEIR). Although the Emissions Estimator Model (EMFAC) does not provide mobile emission factors for TRUs, the City could estimate the mobile emission rate from TRUs traveling along local roadways by converting the tons per day emission rate obtained from the OFFROAD2021 model using the assumed speed of the trucks and their distance traveled.

The City may have underestimated the Project's health risk impacts by assuming an idling duration for onsite heavy-duty trucks that is not supported by substantial evidence. The City assumed an idling duration of 30 minutes for onsite heavy-duty trucks when evaluating the Project's health risk impacts.⁵ Although CARB's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (ATCM) restricts trucks from idling longer than five minutes. However, the ATCM has an exemption for trucks equipped with a diesel engine meeting the optional nitrogen oxides (NOx) idling emissions standard to operate outside of 100 feet of a restricted area (e.g., residences, schools).⁶ Because trucks starting with model year 2008+, are clean-idle certified, many of the trucks operating within the Project site could idle longer than five minutes. According to Table 4.4.2-5 of the EMFAC2021 Volume III Technical Document, heavy-duty trucks can idle for as long as approximately five hours in any one location.⁷ To fully evaluate the Project's potential health risk impacts, the City must either add a project design feature in the DEIR restricting heavy-duty truck idling within the Project site to less than 30 minutes or revise the Project's HRA to assume a heavy-duty truck idling duration supported by substantial evidence.

The City Must Provide Substantial Evidence Supporting the Project's Baseline and Cumulative Analysis

CARB is concerned that the Project's project-level and cumulative air quality impact analysis did not include air pollutant emissions from onsite grading. As discussed in Section 3.3.1 (Description of Project), the Project site was previously used as a sand and gravel quarry and

⁵ City of Irwindale. Irwindale Gateway Specific Plan Draft Environmental Impact Report. Appendix D1. Attachment B. Accessible at https://files.ceqanet.opr.ca.gov/285285-2/attachment/x-3m_0RpKfD18YAOzLt8TZvghljgMYTv2SyhwiOLH-b4u7XB_6DYmnwM2ckx0ldGAPB73OvNu5Zp9yUY0

⁶ CARB. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. Accessible at https://ww2.arb.ca.gov/sites/default/files/2022-06/13_CCR_2485_OAL_06222022-2_ADA_06272022_0.pdf

⁷ CARB. EMFAC2021 Volume III Technical Document. Page 161. Table 4.4.2-5. Accessible at https://ww2.arb.ca.gov/sites/default/files/2021-03/emfac2021_volume_3_technical_document.pdf

later as an inert landfill, formally known as the Nu-Way Live Oak Inert Landfill.⁸ According to the DEIR, “the former quarry was backfilled with inert materials to its capacity at street level”.⁹ However, the DEIR states the fill was not properly compacted requiring the inert waste from the landfill to be excavated, processed, and recompact, which is presently ongoing. The DEIR further states, “[t]he rough graded site per the [Nu-Way Live Oak Reclamation Operations Plan] serves as the baseline conditions for the implementation of the Specific Plan” and is not analyzed further in the DEIR.¹⁰

The Nu-Way Live Oak Reclamation Operations Plan would allow for the placement of 8.3 million cubic yards of fill material to complete the Project site. Assuming each heavy-duty truck can carry approximately 16 cubic yards of fill material, the ongoing reclamation activities within the Project site could result in up to a total of 518,750 heavy-duty truck trips (8.3 million cubic yards of fill divided by 16 cubic yards per truck). The residences near where these heavy-duty trucks would travel would be exposed to a substantial amount of diesel PM that was not evaluated in the DEIR. The Project’s cumulative air quality or health risk analysis did not address these potential air quality impacts. To fully understand the Project’s contribution to cumulative air quality impacts, the City should account for air pollutant and health risk impacts associated with the grading of the Project site.

The City does not provide substantial evidence supporting why onsite grading was not included in the Project’s air quality and health risk impact analysis. The DEIR states that a Supplemental Environmental Impact Report (SEIR) was prepared for the Nu-Way Live Oak Inert Land Fill was certified and approved in 1994, and a Mitigated Negative Declaration (MND) for early closure of the Nu-Way Live Oak Inert Landfill was approved in 2011. However, it is unclear if the SEIR or MND accounted for the potential air quality and health risk impacts associated with the remediation of the Project site. To make decision-makers and the general public fully aware of the Project’s potential environmental impacts, the City must provide substantial evidence supporting how the onsite rough grading and remediation activities are incorporated in the baseline condition in the FEIR.

⁸ City of Irwindale. Irwindale Gateway Specific Plan Draft Environmental Impact Report. Page 3-2. Accessible at https://files.ceqanet.opr.ca.gov/285285-2/attachment/R8PSgfRrWe0tMdL_xIR934aNRo6a9ZV3A0aef-nsSlycfhar3r0Y6N4RLx3IK3DmjoTyS8B27IEtW36t0

⁹ City of Irwindale. Irwindale Gateway Specific Plan Draft Environmental Impact Report. Page 4-4. Accessible at https://files.ceqanet.opr.ca.gov/285285-2/attachment/R8PSgfRrWe0tMdL_xIR934aNRo6a9ZV3A0aef-nsSlycfhar3r0Y6N4RLx3IK3DmjoTyS8B27IEtW36t0

¹⁰ City of Irwindale. Irwindale Gateway Specific Plan Draft Environmental Impact Report. Page 3-12. Accessible at https://files.ceqanet.opr.ca.gov/285285-2/attachment/R8PSgfRrWe0tMdL_xIR934aNRo6a9ZV3A0aef-nsSlycfhar3r0Y6N4RLx3IK3DmjoTyS8B27IEtW36t0

The City Must Provide More Meaningful Mitigation Measures to Reduce the Project's Significant and Unavoidable Impact on Air Quality

The City concluded in Chapter 5.2 (Air Quality) of the DEIR that the operation of the Project would result in a significant impact on air quality. According to Table 5.2-11 (Maximum Daily Regional Operation Emissions (Option1)) and Table 5.2-12 (Maximum Daily Regional Operation Emissions (Option2)), the operation of the full buildout of the Project would emit as much as 64 pounds per day of organic compounds (VOC), and 150 pounds per day of NO_x, which were all found to exceed the SCAQMD's significance threshold and would result in a significant impact on air quality. To mitigate the Project's operational air quality impacts, the DEIR included six mitigation measures (Mitigation Measures AQ-1, AQ-2, GHG-1, GHG-2, GHG-3, and GHG-7), which include:

- requiring construction contractors to use interior and exterior paints with a low VOC content,
- implementation of an odor management plan if it is determined that a project has the potential to emit nuisance odors beyond the property line, and
- all onsite cargo-handling equipment to be electric or non-diesel fueled, and all truck/dock bays that serve cold storage facilities be electrified to facilitate plug-in capabilities and support use of electric standby and/or hybrid electric TRUs.

While CARB commends the City for requiring the use of electric onsite cargo-handling equipment and infrastructure to support electric TRUs serving the Project, more could be done to reduce the Project's significant and unavoidable impact on air quality. To reduce the Project's operational air pollutant emissions, CARB urges the City to include a measure that requires all heavy-duty trucks to be zero-emission and to install on-site infrastructure to support those zero-emission 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 City to require the infrastructure to 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).¹¹ 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

¹¹ Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: <https://californiahvip.org/>

individual industrial uses proposed in the City today. CARB has implemented or is developing regulations that will require the use of zero-emission trucks.

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 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 zero-emission 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-emission 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 help mitigate the Project's impact on air quality and public health, CARB urges the City to include contractual language in tenant lease agreements requiring future tenants to use zero-emission trucks during their operation in the FEIR.

Conclusion

CARB is concerned about the Project's air quality and public health impacts. To fully assess the Project's impact on neighboring communities, the City must evaluate the Project's health risk impacts by using TRU and heavy-duty truck idling durations supported by substantial evidence and account for diesel PM emissions emitted by trucks and trailers with TRUs traveling along local roadways. To fully understand the Project's contribution to cumulative air quality impacts, the City should account for air pollutant and health risk impacts associated with the grading of the Project site, or provide substantial evidence supporting how the onsite rough grading and remediation activities serve as the baseline condition for the Project. Lastly, to mitigate the Project's significant and unavoidable impact on air quality, CARB urges the City to include a mitigation or design measure in the DEIR that requires trucks serving the Project to be zero-emission at the start of operations.

CARB appreciates the opportunity to comment on the SEIR for 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.

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CARB staff can provide assistance with 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.

Sincerely,



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