

July 24, 2024

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*Sent via email*

Sophia Pagoulatos:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the South Central Specific Plan (Specific Plan) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2019079022. The Specific Plan would establish a planning framework to facilitate and guide future development within the 5,567-acre planning area through the year 2040. The Specific Plan area currently supports nearly 19.6 million square feet of industrial development and 400 residential units. It was assumed in the DEIR that an additional 12 million square feet of industrial, retail, and office uses, and 91 dwelling units would be constructed by 2040. The Specific Plan is proposed within the City of Fresno (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

CARB submitted a comment letter, which is attached to this letter, on the Notice of Preparing (NOP) for the DEIR released in April 2021. CARB's comments dated April 23, 2021, highlighted the need for preparing a health risk assessment (HRA) for the Specific Plan and encouraged the City and applicant to implement all existing and emerging zero emission technologies to minimize exposure to diesel particulate matter (diesel PM) and oxides of nitrogen (NOx) emissions for all neighboring communities, and to minimize the greenhouse gases that contribute to climate change. Due to the Specific Plan's proximity to residences already burdened by multiple sources of pollution, CARB's comments expressed concerns with the potential cumulative health risks associated with the construction and operation of the Specific Plan.

CARB is encouraged to see that the City would implement many of the recommended mitigation reduction measures requested in CARB's letter on the NOP for the DEIR released in April 2021. Section 3.6.6 (Development Standards) of the DEIR shows the City would require all on-site motorized operational equipment within the Specific Plan area to be zero-emission, would require 100% of loading dock doors at warehouses used for cold storage to install electric plug-in units to service trucks and trailers with transport refrigeration units (TRU) and would require all TRUs to plug-in while within the Specific Plan

area.<sup>1</sup> The Specific Plan also includes Mitigation Measures 4.3-1h and 4.3-1i, which would require vans/trucks and heavy-duty trucks to be zero emission by 2026 and 2031, respectively.

However, CARB remains concerned that the construction and operation described in the Specific Plan will expose nearby residential communities to elevated levels of air pollution beyond the existing baseline emissions.

Residences are located adjacent to and within the proposed Specific Plan area. As described in the DEIR, the existing 400 residences within the Specific Plan area are already exposed to diesel PM emissions from the 19.6 million square feet of industrial land uses currently in operation within the Specific Plan area, vehicular traffic along State Route 99 and State Route 41, and rail traffic along existing rail lines. These residences within and around the Specific Plan area are within the South Central Fresno Community which has been designated as a disadvantaged community under Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes of 2017).<sup>2</sup> 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. CARB has selected the South Central Fresno Community, which encompasses the Project area, as a community that, due to its high pollution burden, requires the development of a community emissions reduction program (CERP), to significantly reduce emissions within the community. Therefore, it is imperative that the City ensure that its land use decisions, including its decision on this Project, are consistent with the South Central Fresno Community CERP, in its entirety.

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 4% for Pollution Burden and is considered a

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<sup>1</sup> City of Fresno. Fresno Central Specific Plan Draft Environmental Impact Report. Page 4-32 through 4-33. Accessible at [https://files.ceqanet.opr.ca.gov/252896-7/attachment/rOpLXb209Ofk3eZe4wDFg7wHQDVSv6wq019ZVSHYYW7VgHSIL\\_TwoEWyadgEWrMCOwpSZq5Z-w-IYpd0](https://files.ceqanet.opr.ca.gov/252896-7/attachment/rOpLXb209Ofk3eZe4wDFg7wHQDVSv6wq019ZVSHYYW7VgHSIL_TwoEWyadgEWrMCOwpSZq5Z-w-IYpd0)

<sup>2</sup> Assembly Bill 617, Garcia, C., Chapter 136, Statutes of 2017, modified the California Health and Safety Code, amending § 40920.6, § 42400, and § 42402, and adding § 39607.1, § 40920.8, § 42411, § 42705.5, and § 44391.2.

disadvantaged community. The City must ensure that the Project does not adversely impact neighboring disadvantaged communities.

## **The City Must Fully Evaluate the Project's Health Risk Impacts**

The DEIR did not include an HRA for the Specific Plan “[b]ecause no specific developments are proposed and no site-specific construction and operational information is available, and because of the programmatic nature of analyses for a large-scale plan...”<sup>3</sup> Consequently, the City evaluated the Specific Plan’s health risk impacts qualitatively. Based on this qualitative analysis, the City concluded that the construction and operation of the Specific Plan would expose nearby residences to diesel PM emissions that would result in a significant impact. To mitigate this impact, the City included mitigation measures MM 4.3-3a and MM 4.3-3b, which would require the preparing of a construction and operational HRA for each proposed industrial development within the Specific Plan area located within 1,000 feet of a sensitive receptor.<sup>4</sup> Even after the implantation of these mitigation measures, the City concluded in the DEIR that the construction and operation of the Specific Plan would result in a significant and unavoidable health risk impact.

To fully understand the Project’s health risk impacts, mitigation measures MM 4.3-3a and MM 4.3-3b must be modified to require all proposed industrial development within the Specific Plan area to prepare their own individual HRA; the City must also ensure the combined construction and operation of all industrial developments within the Specific Plan area does not expose any existing or future proposed residences to a health risk that exceeds the San Joaquin Valley Air Pollution Control District’s (SJVAPCD) 20 in a million cancer risk significance threshold. Some of the proposed industrial development could be located well beyond the specified 1,000-foot distances required to prepare an HRA. The combined operation of heavy-duty trucks, onsite equipment, and other industrial emissions sources at each of the proposed industrial developments within the Specific Plan area would very likely expose residences within the South Central Fresno Community to cancer risks that would exceed the SJVAPCD’s health risk significance threshold. To mitigate this impact, the City must track the potential health risk impacts as the proposed industrial development is built out. The City must require additional mitigation measures to be implemented if existing or future residences within or outside of the Specific Plan are exposed to diesel PM emissions above the SJVAPCD’s health risk significance threshold.

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<sup>3</sup> City of Fresno. Fresno Central Specific Plan Draft Environmental Impact Report. Page 4.3-17. Accessible at [https://files.ceqanet.opr.ca.gov/252896-7/attachment/rOpLXb209Ofk3eZe4wDFg7wHQDVSv6wq019ZVSHYYW7VgHSIL\\_TwoeWyyadgeWrmCOwpSZq5Z-w-IYpd0](https://files.ceqanet.opr.ca.gov/252896-7/attachment/rOpLXb209Ofk3eZe4wDFg7wHQDVSv6wq019ZVSHYYW7VgHSIL_TwoeWyyadgeWrmCOwpSZq5Z-w-IYpd0)

<sup>4</sup> City of Fresno. Fresno Central Specific Plan Draft Environmental Impact Report. Page 4.3-31. Accessible at [https://files.ceqanet.opr.ca.gov/252896-7/attachment/rOpLXb209Ofk3eZe4wDFg7wHQDVSv6wq019ZVSHYYW7VgHSIL\\_TwoeWyyadgeWrmCOwpSZq5Z-w-IYpd0](https://files.ceqanet.opr.ca.gov/252896-7/attachment/rOpLXb209Ofk3eZe4wDFg7wHQDVSv6wq019ZVSHYYW7VgHSIL_TwoeWyyadgeWrmCOwpSZq5Z-w-IYpd0)

## The City Must Evaluate the Specific Plan's Combined Air Quality Impacts

The City concluded in Section 4.3 (Air Quality) of the DEIR that the construction and operation of the Specific Plan would result in a significant impact on air quality. To reduce these impacts, the City includes 13 mitigation measures, including Mitigation Measure 4.3-1a, which would require the preparation of an Ambient Air Quality Analysis (AAQA) for all individual industrial projects within the Specific Plan area.<sup>5</sup> The AAQA would be submitted to the Director of the Fresno Planning and Development Department, or designee for approval. The AAQA would evaluate whether each project within the Specific Plan area, requiring discretionary approval, would exceed the SJVAPCD's CEQA significance thresholds or violate the Ambient Air Quality Standards. "If one or more thresholds are exceeded, prior to the issuance of Certificates of Occupancy, future development will engage in a voluntary emissions reduction agreement (VERA) through coordination with SJVAPCD to reduce emissions to meet SJVAPCD's annual mass emissions thresholds for any pollutant that exceeds the respective threshold."<sup>6</sup> After the implementation of the mitigation measures listed in the DEIR, the City concludes that the Specific Plan's impact on air quality would be reduced to a less than significant level.

The City does not provide substantial evidence showing how Mitigation Measure 4.3-1a and other mitigation measures listed in the DEIR would reduce the Specific Plan's construction and operational air pollutant emission rates to below the SJVAPCD's significance thresholds. Although the City provides unmitigated air pollutant emission rates in the DEIR showing the Specific Plan would impact air quality, it does not provide mitigated air pollutant emission rates showing how this impact would be reduced to a less than significant level. Implementation of Mitigation Measure 4.3-1a would ensure that each individual project within the Specific Plan area would be reduced to below the SJVAPCD's significance thresholds; however, it is unclear how this mitigation measure would ensure that the cumulative air pollutant emissions from all industrial projects within the Specific Plan area would be reduced to below the SJVAPCD's significance thresholds substantiating the less than significant impact after mitigation conclusion in the DEIR. To ensure that the Specific Plan's air quality impacts would be reduced to a less than significant level after mitigation, Mitigation Measure 4.3-1a should be modified to require the City to track the combined air pollutant emissions emitted by the proposed industrial developments as the

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<sup>5</sup> City of Fresno. Fresno Central Specific Plan Draft Environmental Impact Report. Page 4.2-20. Accessible at [https://files.ceqanet.opr.ca.gov/252896-7/attachment/rOpLXb209Ofk3eZe4wDFg7wHQDVSv6wq019ZVSHYYW7VgHSIL\\_TwoeWyyadgeWrmCOwpSZq5Z-w-IYpd0](https://files.ceqanet.opr.ca.gov/252896-7/attachment/rOpLXb209Ofk3eZe4wDFg7wHQDVSv6wq019ZVSHYYW7VgHSIL_TwoeWyyadgeWrmCOwpSZq5Z-w-IYpd0)

<sup>6</sup> City of Fresno. Fresno Central Specific Plan Draft Environmental Impact Report. Page 4.3-20. Accessible at [https://files.ceqanet.opr.ca.gov/252896-7/attachment/rOpLXb209Ofk3eZe4wDFg7wHQDVSv6wq019ZVSHYYW7VgHSIL\\_TwoeWyyadgeWrmCOwpSZq5Z-w-IYpd0](https://files.ceqanet.opr.ca.gov/252896-7/attachment/rOpLXb209Ofk3eZe4wDFg7wHQDVSv6wq019ZVSHYYW7VgHSIL_TwoeWyyadgeWrmCOwpSZq5Z-w-IYpd0)

Specific Plan is built out in the year 2040. If the combined air pollution rates of all industrial developments proposed in the Specific Plan exceed the SJVAPCD's significance threshold after all mitigation is applied, additional mitigation measures should be implemented to reduce the air quality impact.

## **The DEIR May Have Used Inappropriate Trip Lengths When Modeling the Specific Plan's Air Quality Impacts from Mobile Sources**

The City 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 are presented in Section 4.3 (Air Quality) of the DEIR and modeled in Appendix B (Air Quality, Energy, and Greenhouse Gases Emissions Modeling Data). Based on CARB's review of the Project's air quality analysis, the Project's mobile air quality impacts were modeled assuming trucks would travel a distance of 40 miles.<sup>7</sup> The City does not provide any substantial evidence in the DEIR explaining why this would be a representative trip distance. Since trucks serving the Project may originate from the Ports of Stockton or other regions approximately 130 miles from the Project site, CARB urges the City to use Project-specific truck trip distances in their air quality impact analysis. Unless the City re-evaluates or provides substantiation for the designated truck trip lengths, the Project should include a mitigation measure or project design feature that restricts trucks from traveling a distance greater than what was analyzed in the DEIR.

## **Conclusion**

CARB is concerned about the Specific Plan's air quality and public health impacts. CARB urges the City to modify MM 4.3-3a and MM 4.3-3b to require the preparation of an HRA for each of the industrial developments proposed within the Specific Plan area and ensure the combined construction and operation of all industrial developments within the Specific Plan area does not expose any existing or future proposed residences to a health risk that exceeds the SJVAPCD's significance threshold. To ensure that the Specific Plan's air quality impacts would be reduced to a less than significant level after mitigation, as concluded in the DEIR, Mitigation Measure 4.3-1a should be modified to require the City to track the combined air pollutant emissions as the Specific Plan is built out in the year 2040, and ensure air pollutant emissions do not exceed the SJVAPCD's significance thresholds. Lastly, the City must evaluate the Project's mobile air quality impacts using trip distances supported by substantial evidence.

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<sup>7</sup> City of Fresno. Fresno Central Specific Plan Draft Environmental Impact Report. Appendix B. Accessible at [https://files.ceqanet.opr.ca.gov/252896-7/attachment/LYZTBtoo7I-0ssk8usW36TN6-i2AvbU2w6WDSa26PODNT3s-17vo4mcCkq3bqbt2RUtDyPLZem\\_QHEI00](https://files.ceqanet.opr.ca.gov/252896-7/attachment/LYZTBtoo7I-0ssk8usW36TN6-i2AvbU2w6WDSa26PODNT3s-17vo4mcCkq3bqbt2RUtDyPLZem_QHEI00)

CARB appreciates the opportunity to comment on the DEIR 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.

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](mailto:stanley.armstrong@arb.ca.gov).

Sincerely,



Matthew O'Donnell, Chief, Risk Reduction Branch

Attachment

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

Yassi Kavezade, Organizer, Sierra Club  
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Stanley Armstrong, Air Pollution Specialist, Risk Reduction Branch

April 23, 2021

Jennifer Clark, Planning Director  
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Dear Jennifer Clark:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Notice of Preparation (NOP) for the South Central Specific Plan Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2019079022. The Project would establish a planning framework to facilitate and guide future development within the 4,997-acre planning area through the year 2040. The Project is located in the City of Fresno (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

Consistent with CARB's letter in response to the first NOP for this Project, dated January 14, 2020, CARB is again providing comments urging the City to address potential air quality impacts and associated public health effects related to the construction and operation of the Project.<sup>1</sup> The Project would result in the development of light and heavy industrial land uses that will result in higher daily volumes of heavy-duty diesel truck traffic and operation of on-site equipment (e.g., forklifts, yard tractors, and transport refrigeration units). This increase in activity will negatively impact local air quality with health-harming emissions, including particulate matter, diesel particulate matter (diesel PM), and other toxic air contaminants, generated during the construction and operation of the Project. These air pollutant emissions also contribute to regional air pollution by emitting precursors that lead to the formation of secondary air pollutants, like ozone, and contribute to an increase in greenhouse gas (GHG) emissions.<sup>2</sup>

Notably, as clearly laid out in the California Attorney General's letter in response to the City's NOP for the first iteration of this project, entitled the South Industrial Priority Area (SIPA) Specific Plan, the Project area sits squarely in and adjacent to several communities already suffering from the highest pollution burdens in Fresno and the State.<sup>3</sup> Indeed, as explained

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1 California Air Resources Board. Letter to the City of Fresno. January 14, 2020. Comments on the Notice of Preparation for the South Stockton Commerce Center Project Draft Environmental Report. Accessible at

<https://ww2.arb.ca.gov/sites/default/files/classic/toxics/ttdceqalist/southstocktoncommercecenternop.pdf>

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 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.

3 State of California Department of Justice. Letter to the City of Fresno. August 2, 2019. Accessible at:

<https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/comments-fresno-south-industrial-priority-area-specific-plan-08-02-2019.pdf>.

below, CARB has selected South Central Fresno Community, which encompasses the Project area<sup>4</sup>, as a community that, due to its high pollution burden, requires the development of a community emissions reduction program (CERP), to significantly reduce emissions within the community. Therefore, it is imperative that the City ensure that its land use decisions, including its decision on this Project, are consistent with the South Central Fresno Community CERP, in its entirety.

## **The Industrial Uses Will Increase Exposure to Air Pollution in Disadvantaged Communities**

The proposed heavy and light industrial land uses will undoubtedly expose the nearby disadvantaged communities to increased levels of air pollution. Addressing the disproportionate impacts that air pollution has on disadvantaged communities is a pressing concern across the State, as evidenced by statutory requirements compelling California's public agencies to target these communities for clean air investment, pollution mitigation, and environmental regulation. The following three pieces of legislation need to be considered and included in the DEIR when developing a project like this in a disadvantaged community:

### **Senate Bill 535 (De León, 2012)**

Senate Bill 535 (De León, Chapter 830, 2012)<sup>5</sup> recognizes the potential vulnerability of low-income and disadvantaged communities to poor air quality and requires funds to be spent to benefit disadvantaged communities. The California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)). In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25 percent of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 3.0 (CalEnviroScreen).<sup>6</sup> This Project falls within the boundary of the South Central Fresno Community. The maximum CalEnviroScreen score for the South Central Fresno Community is in the top 1 percent, indicating that the area is home to some of the most vulnerable neighborhoods in the State. The air pollution levels in the South Central Fresno Community routinely exceed State and federal air quality standards. CARB urges the City to ensure that the Project does not adversely impact neighboring disadvantaged communities.

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4 San Joaquin Valley Air Pollution Control District. AB 617 Fresno Community Boundary. Accessible at: <https://sjvapcd.maps.arcgis.com/apps/webappviewer/index.html?id=8ec36b5d4f61474094aacd37ad4f0f95>.

5 Senate Bill 535, De León, K., Chapter 800, Statutes of 2012, modified the California Health and Safety Code, adding § 39711, § 39713, § 39715, § 39721 and § 39723.

6 "CalEnviroScreen 3.0." Oehha.ca.gov, California Office of Environmental Health Hazard Assessment, June 2018, <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>.



## **Senate Bill 1000 (Leyva, 2016)**

Senate Bill 1000 (SB 1000) (Leyva, Chapter 587, Statutes of 2016)<sup>7</sup> amended California's Planning and Zoning Law. SB 1000 requires local governments that have identified disadvantaged communities to incorporate the addition of an environmental justice element into their general plans upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018. SB 1000 requires environmental justice elements to identify objectives and policies to reduce unique or compounded health risks in disadvantaged communities. Generally, environmental justice elements will include policies to reduce the community's exposure to pollution through air quality improvement. SB 1000 affirms the need to integrate environmental justice principles into the planning process to prioritize improvements and programs that address the needs of disadvantaged communities.

## **Assembly Bill 617 (Garcia, 2017)**

The State of California has emphasized 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).<sup>8</sup> AB 617 requires CARB to direct the process that creates new community-focused and community-driven action to reduce air pollution and improve public health in communities that experience disproportionate burdens from exposure to air pollutants. In response to AB 617, CARB established the Community Air Protection Program with the goal of reducing exposure in communities heavily impacted by air pollution. As part of its role in implementing AB 617, CARB must annually consider the selection of communities for development and implementation of community air monitoring plans and/or community emission reduction programs for those communities affected by a high cumulative exposure burden. The South Central Fresno Community is one of 15 communities statewide chosen thus far for inclusion in the Community Air Protection Program.

The South Central Fresno Community was selected for both community air monitoring and the development of a CERP due to its high cumulative exposure burden, the presence of a significant number of sensitive populations (children, elderly, and individuals with pre-existing conditions), and the socioeconomic challenges experienced by its residents. On February 13, 2020, CARB approved the community's CERP, making it a legally enforceable emission reduction program. The CERP included several strategies to achieve emission reductions throughout this community, including significantly reducing or eliminating emissions from heavy-duty mobile sources and industrial stationary sources.<sup>9</sup>

Health-harming emissions, including particulate matter (PM), toxic air contaminants, and diesel PM generated from the proposed increase in heavy and light industrial development in the Project area will negatively impact the community, which is already disproportionately

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<sup>7</sup> Senate Bill 1000, Leyva, S., Chapter 587, Statutes of 2016, amended the California Health and Safety Code, § 65302.

<sup>8</sup> Assembly Bill 617, Garcia, C., Chapter 136, Statutes of 2017, modified the California Health and Safety Code, amending § 40920.6, § 42400, and § 42402, and adding § 39607.1, § 40920.8, § 42411, § 42705.5, and § 44391.2.

<sup>9</sup> San Joaquin Valley Air Pollution Control District. AB 617 Fresno Community Boundary. Accessible at: <https://sjvapcd.maps.arcgis.com/apps/webappviewer/index.html?id=8ec36b5d4f61474094aacd37ad4f0f95>.

impacted by air pollution from existing freight operations as well as stationary sources of air pollution. Part of the AB 617 process required CARB and the San Joaquin Valley Air Pollution Control District (SJVAPCD) to create a highly-resolved inventory of air pollution sources within this community. CARB would be happy to share and discuss this community emissions inventory with the City to aid in the DEIR's cumulative impact analysis.

## **The DEIR Should Quantify and Discuss the Potential Cancer Risks from Project Operation**

Since the light and heavy industrial land uses proposed under the Project are near residential communities that are already burdened by multiple air pollution sources, CARB urges the City to prepare a health risk assessment (HRA) for the Project. The HRA should account for all potential operational health risks from Project-related diesel PM emission sources, including, but not limited to, back-up generators, on-site diesel-powered equipment, and heavy-duty trucks. The City has approved, in a piecemealed manner, over 5 million square feet of industrial warehouse space along East Central Avenue over the past few years without adequately addressing air quality impacts from the approved projects. Going forward, the City must prepare the HRA that accounts for operation of the full buildout of the Project before it can consider approving the Project. Given the past approvals of industrial warehouses and other industrial uses, the HRA should also determine if the operation of the Project in conjunction with the operation of past, present, and reasonably foreseeable future projects or activities would result in a cumulative cancer risk impact on nearby residences. To reduce diesel PM exposure and associated cancer risks, CARB urges the City to include all the air pollution reduction measures listed in Attachment A of this comment letter in the HRA and DEIR.

The project description in the NOP does not state whether the industrial uses proposed under the Project would include cold storage warehouses. 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.5<sup>th</sup> 1, 16.) "This description of the project is an indispensable element of both a valid draft EIR and final EIR." (Ibid.) Given this mandate to include a complete project description, CARB urges the City to prepare an EIR that addresses the impacts from the full buildout of the Project area.

Since the Project description provided in the NOP does not explicitly state that the proposed industrial land uses would not be used for cold storage, there is a possibility that trucks and trailers visiting the Project-site would be equipped with transport refrigeration units (TRU).<sup>10</sup> 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

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<sup>10</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.

facilities, and schools) located near where these TRUs could be operating, would be exposed to diesel exhaust emissions that would result in a significant cancer risk impact to the nearby community. If the industrial land uses proposed under the Project would be used for cold storage, CARB urges the City to model air pollutant emissions from on-site TRUs in the DEIR, as well as include potential cancer risks from on-site TRUs in the Project's HRA. If the Project will not be used for cold storage, CARB urges the City to include one of the following design measures in the DEIR:

- A Project design measure requiring contractual language in tenant lease agreements that prohibits tenants from operating TRUs within the Project-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.

The HRA prepared in support of the Project 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),<sup>11</sup> 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 HRA should evaluate and present the existing baseline (current conditions), future baseline (full build-out year, without the Project), and future year with the Project. The health risks modeled under both the existing and the future baselines should reflect all applicable federal, state, and local rules and regulations. By evaluating health risks using both baselines, the public and planners will have a complete understanding of the potential health impacts that would result from the Project.

## **The DEIR Should Quantify and Discuss the Potential Cancer Risks from Project Construction**

In addition to the health risks associated with operational diesel PM emissions, health risks associated with construction diesel PM emissions should also be included in the air quality section of the DEIR and the Project's HRA. Construction of the Project would result in short-term diesel PM emissions from the use of both on-road and off-road diesel equipment. The OEHHA guidance recommends assessing cancer risks for construction projects lasting longer than two months. Since construction of the Project would very likely occur over a period lasting longer than two months, the HRA prepared for the Project should include health risks for existing residences near the Project-site during construction.

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<sup>11</sup> 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/crn/2015guidancemanual.pdf>.

The HRA should account for all diesel PM emission sources related to Project construction, including, but not limited to, off-road mobile equipment, diesel generators, and on-road heavy-duty trucks. As previously stated in Section II of this letter, the cancer risks evaluated in the construction HRA should be based on the latest OEHHA guidance and CARB's HARP2 model. The cancer risks reported in the HRA should be calculated using the latest emission factors obtained from CARB's latest EMFAC (currently EMFAC 2021) and Off-road models.

## Conclusion

To reduce the exposure of toxic diesel PM emissions in disadvantaged communities already impacted by air pollution, the final design of the Project should include all existing and emerging zero-emission technologies to minimize diesel PM and NO<sub>x</sub> emissions, as well as the GHGs that contribute to climate change. CARB encourages the City to implement the measures listed in Attachment A of this comment letter to reduce the Project's construction and operational air pollution emissions.

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 NOP for the Project and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your State Clearinghouse list of selected State agencies that will receive the DEIR as part of the comment period. 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,

*Deldi Reyes*

Deldi Reyes, Director, Office of Community Air Protection

Attachment

cc: See next page.

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Stanley Armstrong, Air Pollution Specialist, Risk Reduction Branch

# ATTACHMENT A

## 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 to 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<sub>x</sub>) standard starting in the year 2022.<sup>1</sup>

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1. In 2013, CARB adopted optional low-NO<sub>x</sub> emission standards for on-road heavy-duty engines. CARB encourages engine manufacturers to introduce new technologies to reduce NO<sub>x</sub> emissions below the current mandatory on-road heavy-duty diesel engine emission standards for model-year 2010 and later. CARB's optional low-NO<sub>x</sub> emission standard is available at: <https://ww2.arb.ca.gov/our-work/programs/optional-reduced-nox-standards>.

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.<sup>2</sup>
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.
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

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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](https://www.arb.ca.gov/msprog/tech/techreport/tru_07292015.pdf).



including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation,<sup>3</sup> Periodic Smoke Inspection Program (PSIP),<sup>4</sup> and the Statewide Truck and Bus Regulation.<sup>5</sup>

9. Include contractual language in tenant lease agreements restricting trucks and support equipment from idling longer than five 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.
12. Including language in tenant lease agreements, requiring the installing of vegetative walls<sup>6</sup> or other effective barriers that separate loading docks and people living or working nearby.

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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://ww2.arb.ca.gov/our-work/programs/ttghg>.

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>.

6. 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>.