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Sent via email

Louis Ramirez:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Hageman Industrial Park (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2023070665. The Project proposes the construction and operation of up to 1,197,643 square feet of industrial building space on 78 acres of land. The proposed industrial building space would consist of 40% manufacturing uses and 60% warehouse uses. The Project is proposed within the City of Bakersfield (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

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 west of the Project site, with the closest residence located within 800 feet of the Project's westernmost boundary. These residences are located near existing toxic diesel particulate matter (diesel PM) emission sources, which include existing industrial facilities, aircraft traffic from the Meadows Field Airport, rail traffic along existing rail lines, and vehicular traffic along State Route 99.

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).[1] 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 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.

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[1] California Office of Environmental Health Hazard Assessment, CalEnviroScreen 4.0. Accessible at *https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40*

[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*

The DEIR Does Not Include Adequate Analysis of the Project's Potential Impact on Air Quality

The DEIR, in its current state, does not include a thorough analysis of the Project's construction and operational air quality impacts. The City relied on an Air Impact Assessment (AIA) described under San Joaquin Valley Air Pollution Control District's (SJVAPCD) Rule 9510 to justify not preparing a comprehensive air quality and health risk assessment for the Project. While the SJVAPCD's Rule 9510, also known as the Indirect Source Review Rule, requires an AIA for certain types of projects that indirectly affect air quality (such as land use projects, residential or commercial developments, or large-scale infrastructure projects), relying solely on this rule for evaluating air quality and health risk impacts in a DEIR is inadequate. This inadequacy stems from the differences in scope and objectives between Rule 9510 and the broader requirements of CEQA, particularly in assessing environmental and health risks from a public health perspective.

The City should not rely on the preparation of an AIA to justify not preparing a health risk assessment for the Project. An AIA, required under SJVAPCD Rule 9510, is designed to evaluate and mitigate the indirect air quality impacts of land development projects but does not explicitly address a project's potential health risk impacts to nearby sensitive receptors such as residences, schools, or childcare facilities. CEQA requires all potential environmental impacts, such as air quality and health risks, to be comprehensively assessed at a project-specific level. It requires a detailed, site-specific analysis of all potential significant impacts that the proposed Project may cause. This includes direct, indirect, and cumulative impacts, and most importantly, health risk assessments that focus on human exposure to toxic air contaminants such as diesel PM. By relying on the AIA, the City does not fulfill CEQA's requirement for a thorough and independent evaluation of the Project's air quality and health risk impacts.

The AIA does not evaluate all criteria pollutants the Project would emit during its construction and operation. As shown in Appendix B (San Joaquin Valley Air Pollution Control District Air Impact Assessment Application Approval ISR Project Number C-20190445 Letter) of the DEIR, the AIA only evaluated the Project's emissions of particulate matter less than 10 micrometers (PM10) and nitrogen oxides (NOx) during its construction and operation. However, the AIA does not evaluate the Project's potential emission of other criteria pollutant emissions such as reactive organic gas (ROG), carbon monoxide (CO), sulfur oxides (SOx), and particulate matter less than 2.5 micrometers (PM2.5). To fully evaluate the Project's impact on air quality, the City must prepare a project-specific air quality analysis that evaluates all criteria pollutants emissions emitted by the Project and compares those emissions to the SJVACPD's significance thresholds.

The City's assumptions used to calculate the NOx and PM10 emissions reported in the AIA may be outdated. According to Section 4.3 (Air Quality) of the DEIR, the City states that an AIA was issued to the SJVAPCD on November 7, 2022. However, based on CARB's review of Appendix B (San Joaquin Valley Air Pollution Control District Air Impact Assessment

Application Approval ISR Project Number C-20190445 Letter) of the DEIR, the SJVAPCD received the AIA on November 7, 2019, six years before the release of the DEIR. Due to the early submission, the AIA may not have included the latest operation and construction assumptions (e.g., heavy-duty truck trips, number and types of construction equipment, etc.) used during the preparation of the DEIR.

The Project's industrial square footage presented in the Project's AIA is inconsistent with the DEIR. According to Section 3.3.1 (Project Summary) of the DEIR, the City assumed the Project would result in the construction of up to 1,197,643 square feet of manufacturing and warehouse space. However, the project description in the AIA states that the Project would result in 410,000 square feet of industrial use, which is 787,643 less than what was reported in the DEIR. Due to the inconsistencies between building square footage in the DEIR and AIA, CARB is concerned that the construction and operational NOx and PM10 emissions rates presented in the AIA may be underestimated.

The DEIR does not provide substantial evidence supporting the emissions of NOx and PM10 reported in the AIA. Specifically, the AIA does not provide the methodology and assumptions used to estimate the emission rates of these criteria pollutants. These assumptions include mobile emission factors, the number of heavy-duty truck trips, fleet mixes, heavy-duty truck trip distances, and types of construction equipment. Without providing these assumptions in the AIA, it is not possible for agencies and the public to review the City's air quality impact conclusion.

The DEIR Does Not Analyze Potential Air Quality Impacts from the Project's Transport Refrigeration Units

It is unclear in the DEIR whether the Project would be used for cold storage. Although the DEIR does not specifically state that the Project could be used for cold storage, the manufacturing uses proposed under the Project would be zoned as M-2 (General Manufacturing), allowing cold storage use within the Project site. According to Table 4.8-1 of the DEIR, uses permitted in the M-2 (General Manufacturing) zone would include cold storage within the Project site, such as ice cold storage plants.[3] Since the manufacturing uses proposed in the DEIR would include cold storage, the operation of these uses would likely result in trucks and trailers with transportation refrigeration units (TRU) visiting the Project site. [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

[3] City of Bakersfield. Hageman Industrial Park Draft Environmental Impact Report. Table 4.8-1. Accessible at *https://ceqanet.opr.ca.gov/2023070665/2/Attachment/y3Y2WO*

[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.

operating would be exposed to diesel emissions that would result in a significant cancer risk impact.

To fully understand the Project's potential health risk impacts on neighboring communities, the City must explicitly state in the DEIR whether the proposed uses within the Project site include cold storage. If the Project includes cold storage, the City must evaluate the potential air quality and health risk impacts associated with the operation of trucks and trailers with TRUs visiting the Project site. 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:

- Require contractual language in tenant lease agreements that prohibits tenants from operating diesel powered TRUs within the Project-site; or
- Add 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 City Must Include Meaningful Mitigation Measures to Reduce the Project's Potentially Significant impact on Air Quality

The City concluded in Section 4.2 (Air Quality) of the DEIR that the construction and operation of the Project would result in a less than significant impact on air quality. As discussed in this letter, the City reached this impact conclusion by relying on an AIA submitted to SJVAPCD on November 7, 2019. For reasons already discussed in this letter, the City should not rely on district rules and regulations to justify a less than significant impact on air quality under CEQA. Since the Project's air quality and health risk impacts were not thoroughly evaluated in the DEIR, the City lacks substantial evidence that the construction and operation of the Project would not significantly impact air quality and public health.

To fully understand the Project's impact on air quality, the City must prepare an air quality analysis and HRA for the Project. To reduce the Project's operational air pollutant emissions, CARB urges the City to include a measure requiring all TRUs and all heavy-duty trucks visiting the Project site to be zero-emission and to install on-site infrastructure to support those zero-emission TRUs and 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).[5] 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 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:

- **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 manufacturing zero-emission trucks and vans 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 use of 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 in anticipation of fully 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

With the implementation of the above regulations, the Project would, over time, be required to phase out the use of diesel trucks. To protect the air quality of the communities located at the proposed facilities and along truck routes, CARB urges the City to include all feasible project design features and/or mitigation measures in the Project's final design that would facilitate the transition to exclusively zero-emission trucks.

[5] Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: *https://californiahvip.org/*

In addition to requiring all trucks serving the Project site to be zero-emission at the start of operations, the City should add the air pollutant emission reduction measures provided below to the Additional Air Quality Mitigation Measures listed in the DEIR.

- 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 are equal to or cleaner than a Tier 4 engine.
- 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 (NOx) standard starting in the year 2022.[6]
- In tenant lease agreements, include language that requires all TRUs entering the project-site be zero-emission or capable of plugging in to electric infrastructure for zero-emission operation while on the property.
- In tenant lease agreements, include language that prohibits trucks and support equipment from idling longer than two minutes while on site.

Conclusion

CARB is concerned that the DEIR, as currently drafted, does not fully assess the Project's potential air quality and public health impacts. Specifically, the DEIR lacks a thorough evaluation of the air quality and health risks associated with the construction and operation. Additionally, the DEIR does not address the air quality impacts from trucks and trailers equipped with TRUs, which could pose significant health risks if cold storage is incorporated into the Project. Due to these gaps, CARB urges the City to conduct a comprehensive air quality analysis and HRA. If the analysis and HRA indicate that the Project would exceed the SJVAPCD's significance thresholds, the DEIR should be revised and recirculated for public review. The recirculated DEIR must also include meaningful mitigation measures to reduce the Project's impact on air quality, such as requiring the use of zero-emission trucks and TRUs, along with the necessary infrastructure to support them, as well as mandating the use of off-road equipment with Tier 4 engines during construction.

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

[6] In 2013, CARB adopted optional low-NOx emission standards for on-road heavy-duty engines. CARB encourages engine manufacturers to introduce new technologies to reduce NOx emissions below the current mandatory on-road heavy-duty diesel engine emission standards for model-year 2010 and later. CARB's optional low-NOx emission standard is available at: https://ww2.arb.ca.gov/our-work/programs/optionalreduced-nox-standards

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 Final Environmental Impact Report (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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