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*Sent via email*

Mark Tolentino:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the IPG Industrial Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2023110442. The Project proposes the construction and operation of two single-story warehouse, distribution, and logistics facilities totaling 923,130 square feet on approximately 48 acres of land. The proposed industrial development would primarily be used for high cube and cold storage uses, where cold storage would occupy up to 20% (184,626 square feet) of the proposed industrial development. Once fully built, the proposed Project would result in up to 1,430 daily vehicle trips along local roadways, including 371 daily truck trips.<sup>1</sup> The Project is proposed within an unincorporated area of Kern County (County), 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 east and southeast of the Project site, with the closest residence located within 900 feet of the Project's easternmost boundary. In addition to residences, North High School and Wingland Elementary are located within one mile of the Project. These residences and schools 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.

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<sup>1</sup> Kern County. IPG Industrial Project Draft Environmental Impact Report. Page 4.17-21. Table 4.17-1. Accessible at [https://files.ceqanet.opr.ca.gov/292957-2/attachment/xlKAf53XFFtnU1TFozVx67s8rmwLjapg\\_0ZgW-s1EJw6aI02bNIH0f-w5SBvQFKbEDSTKS79aDinIH9W0](https://files.ceqanet.opr.ca.gov/292957-2/attachment/xlKAf53XFFtnU1TFozVx67s8rmwLjapg_0ZgW-s1EJw6aI02bNIH0f-w5SBvQFKbEDSTKS79aDinIH9W0)

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 12% for Pollution Burden and is considered a disadvantaged community. 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>2</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 County, 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> 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](https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp_1.pdf)

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

## **The County Used Inappropriate Assumptions When Modeling the Project's Health Risk Impacts**

The Health Risk Analysis (HRA) prepared for the Project and presented in Section 4.3 (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 approximately 17 chances per million during the combined construction and operation of the Project. Since the Project's cancer risks were below the San Joaquin Valley Air Pollution Control District's (SJVAPCD) significance threshold of 20 chances per million, the DEIR concluded that the Project would have a less than significant impact on public health. CARB is concerned that the lead agency may have underestimated the Project's potential health risk impacts by relying on modeling assumptions not supported by substantial evidence.

The County may have underestimated the Project's operational cancer risk impacts by not using conservative TRU idling durations in the Project's HRA. Based on CARB's review of the modeling methodology provided in the HRA of the DEIR, the County assumed TRUs on trucks and trailers would idle within the Project site for 2.1 hours.<sup>3</sup> 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, totaling four hours of onsite operation in cases where both loading and unloading take place within the same visit. To conservatively evaluate the Project's cancer risk impacts to residents near the Project site, the County should revise the HRA assuming each TRU visiting the Project site would idle for four hours per visit or provide evidence to substantiate a 2.1 hour idling time.

Although the County modeled cancer risk impacts from TRUs on trucks and trailers idling within the Project site, it is unclear in the HRA whether the County accounted for health risk impacts resulting from trucks and trailers with TRUs traveling along the proposed truck routes. To provide decision-makers with a better understanding of the Project's health risk impacts, CARB urges the County to model the potential health risk impacts associated with TRUs on trucks and trailers traveling local roadways and report the findings in the Final Environmental Impact Report (FEIR).

The County may have underestimated the Project's operational health risk impacts by assuming an idling duration for onsite heavy-duty trucks that is not supported by substantial evidence. The County assumed an idling duration of 15 minutes for onsite heavy-duty trucks when evaluating the Project's health risk impacts. CARB's Airborne Toxic Control Measure to

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<sup>3</sup> Kern County. IPG Industrial Project Draft Environmental Impact Report. Appendix B. Table 2-4. Page 17. Accessible at [https://files.ceqanet.opr.ca.gov/292957-2/attachment/xlKaf53XFFtnU1TFozVx67s8rmwLjapg\\_0ZgW-s1EJw6aI02bNIH0f-w5SBvQFKbEDSTKS79aDinIH9W0](https://files.ceqanet.opr.ca.gov/292957-2/attachment/xlKaf53XFFtnU1TFozVx67s8rmwLjapg_0ZgW-s1EJw6aI02bNIH0f-w5SBvQFKbEDSTKS79aDinIH9W0)

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 when operating outside of 100 feet of a restricted area (e.g., residences, schools).<sup>4</sup> 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, well above the 15 minute idling duration assumed in the HRA.<sup>5</sup> To fully evaluate the Project's potential unmitigated health risk impacts, the County must revise the Project's HRA to assume a heavy-duty truck idling duration supported by substantial evidence.

## **The DEIR Did Not Fully Account for Air Pollutant Emissions from Waste Export during Project Operations**

While the DEIR provides an assessment of air pollutant emissions from various aspects of the project's construction and operation, it appears to lack a comprehensive accounting of potential emissions associated with the export of waste generated during the project's operational phase. As CARB is concerned with all sources of air pollutant emissions that could affect air quality in the San Joaquin Valley Air Basin, it is important that the DEIR fully addresses emissions from all project-related activities.

Section 3.7.3 (Project Operations and Maintenance Activities) of the DEIR indicates that the operation of the proposed industrial development may generate a small quantity of hazardous waste.<sup>6</sup> This waste would be transported to a landfill located approximately 16 miles from the project site. However, the lead agency does not provide details regarding the number of daily truck trips required for this transport or the specific types of trucks that would be utilized. Based on CARB's review of the air pollutant emission calculations presented in Appendix B of the DEIR, these trips were not included in the Project's air quality impact analysis. To accurately assess the Project's potential health risk impacts, the County must model emissions from the heavy-duty trucks associated with hazardous waste transport and include the results in the FEIR.

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<sup>4</sup> 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](https://ww2.arb.ca.gov/sites/default/files/2022-06/13_CCR_2485_OAL_06222022-2_ADA_06272022_0.pdf)

<sup>5</sup> 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](https://ww2.arb.ca.gov/sites/default/files/2021-03/emfac2021_volume_3_technical_document.pdf)

<sup>6</sup> Kern County. IPG Industrial Project Draft Environmental Impact Report. Page 3-27. Accessible at [https://files.ceqanet.opr.ca.gov/292957-2/attachment/xlKAf53XFFtnU1TFozVx67s8rmwLjapg\\_0ZgW-s1EJw6al02bNIH0f-w5SBvQFKbEDSTKS79aDinIH9W0](https://files.ceqanet.opr.ca.gov/292957-2/attachment/xlKAf53XFFtnU1TFozVx67s8rmwLjapg_0ZgW-s1EJw6al02bNIH0f-w5SBvQFKbEDSTKS79aDinIH9W0)

## **The County Must Include Meaningful Mitigation Measures to Reduce the Project's Potentially Significant Impact on Air Quality**

The County concluded in Section 4.3 (Air Quality) of the DEIR that the operation of the Project would result in a potentially significant impact on air quality. According to Table 4.3-9 (Unmitigated Operational Emissions Summary) of the DEIR, the operation of the Project would emit NO<sub>x</sub> as high as approximately 14 pounds per day, which would exceed the SJVAPCD's significance threshold and would result in a significant impact on air quality. To mitigate the Project's operational air quality impacts, the DEIR includes five mitigation measures (Mitigation Measure 4.3-1 through Mitigation Measure 4.3-5), which included complying with applicable rules and regulations, preparation of a dust control plan, restricting the idling duration of onsite equipment and heavy-duty trucks to five minutes, requiring the use of offroad equipment equipped with tier 4 engines, and preparing a Developer Mitigation Agreement (DMA) with the SJVAPCD.

CARB is concerned about using Mitigation Measure 4.3-5, which proposes the preparation of a DMA with the SJVAPCD, as a means to address the Project's air quality impacts. Under this measure, the Project applicant would be required to pay fees intended to fully offset emissions of NO<sub>x</sub>, particulate matter less than 10 microns (PM<sub>10</sub>), and particulate matter less than 2.5 microns (PM<sub>2.5</sub>) generated by the Project. The reliance on a fee-based offsite mitigation program raises significant concerns under CEQA. Chief among these is the lack of assurance that the mitigation will effectively and directly reduce the Project's localized emissions and health risks to nearby communities. Paying a fee without a clear, enforceable connection to specific, quantifiable emissions reductions does not necessarily result in real-time, localized improvements in air quality where the impacts occur.

To reduce the Project's significant and unavoidable impact on air quality, the County should include a project design feature or mitigation measures in the DEIR requiring all TRUs on trucks and trailers serving the proposed industrial development to be zero-emission and include contractual language in tenant lease agreements that requires all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with TRUs or auxiliary power units. Use of all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration are encouraged and can also be included in lease agreements.

CARB also urges the County to require the use of zero-emission heavy-duty trucks during the proposed industrial developments operation. 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 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).<sup>7</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 uses proposed by the County 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 County 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.

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<sup>7</sup> Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: <https://californiahvip.org/>

## Conclusion

CARB remains concerned about the Project's potential impacts on air quality. To enable a thorough assessment of the Project's effects on surrounding communities, the County must provide robust, evidence-based justification for the assumed idling durations of on-site TRUs and heavy-duty trucks. Additionally, the County should evaluate the potential health risks associated with TRU operations along local roadways, as well as the air quality impacts related to the transport of hazardous waste during Project operations. Finally, CARB strongly encourages the County to include in the FEIR a project design element or mitigation measure requiring all TRUs and heavy-duty trucks serving the Project site to be zero-emission.

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

cc: see next page.

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