

April 8, 2026

Nicole Menchaca
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Sent via email

Dear Nicole Menchaca:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Airport Commerce Center Industrial Project (Project), State Clearinghouse No. 2025030498. The Project is located at the southern end of the San Joaquin Valley in the Oildale area of unincorporated Kern County (County), which serves as the lead agency for California Environmental Quality Act (CEQA) purposes.

The Project proposes the construction and operation of four industrial warehouses totaling approximately 1,505,440 square feet, including 626,446 square feet for warehousing, 393,624 square feet of cold storage, 335,826 square feet of food/beverage manufacturing, and two associated quick-serve restaurants totaling 9,410 square feet on a 110-acre site. Once fully developed in 2028, the Project is expected to generate up to approximately 6,885 daily vehicle trips, including 824 daily vehicle heavy-duty truck trips, 265 of which are associated with transport refrigeration units (TRU).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 east and southeast of the Project site, with the closest residence located within 400 feet of the Project's eastern boundary. In addition to residences, North High School and Wingland Elementary School are located approximately one mile from the Project.² These residences and schools are located near existing toxic diesel particulate matter (diesel PM) emission sources, which include aircraft traffic from the

¹ County of Kern. Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC. Draft Environmental Impact Report. February 2026. Page 4.2-51. Accessible at:

<https://ceqanet.lci.ca.gov/2025030498/2/Attachment/MHGdLo>

² County of Kern. Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC. Draft Environmental Impact Report. February 2026. Page 4.2-50. Accessible at:

<https://ceqanet.lci.ca.gov/2025030498/2/Attachment/MHGdLo>

Meadows Field Airport, existing industrial facilities, and vehicular traffic along State Routes 65 and 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).³ AB 617 is a significant piece of air quality legislation that highlights the need for further emissions reductions in communities with high exposure burdens. 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. In this capacity, CalEPA currently defines a disadvantaged community 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). The census tract containing the Project (6029000101) has a cumulative CalEnviroScreen 4.0 score in the 88th percentile, which includes a Pollution Burden score in the 94th, and is therefore considered a disadvantaged community.⁴ This means that the Project area is more impacted by environmental and socioeconomic challenges than 88% of the rest of California. Specifically, this community has a higher exposure to pollution and environmental hazards than 94% of the communities in the rest of the state. Accordingly, the County must ensure the Project does not adversely impact neighboring disadvantaged communities.

Industrial facilities, like the warehouse 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) that emit toxic diesel emissions and contribute to regional air pollution and global climate change. California is advancing its zero-emission goals through the Clean Truck Partnership, a collaborative agreement between CARB and leading manufacturers to increase the availability of zero-emission trucks and vans.⁵ This partnership ensures a steady supply of clean technology to the market, aligning with the state's long-term air quality and climate objectives. CARB staff urges the County to plan for the use of zero-emission technologies within the Project area as described in this letter.

³ 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.

⁴ California Office of Environmental Health Hazard Assessment (OEHHA). California Communities Environmental Health Screening Tool. CalEnviroScreen 4.0. Accessible at: <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

⁵ CARB. Clean Truck Partnership. Accessible at: <https://ww2.arb.ca.gov/clean-truck-partnership-home>

To protect the health of the community and nearby sensitive receptors (e.g., residents and school students),⁶ CARB urges the County to:

- Participate in CARB’s California Clean Construction Program
- Provide substantial evidence supporting the 30-minute idling duration for transportation refrigeration units (TRU) and 15-minute idling duration for heavy-duty truck idling used to evaluate the Project’s cancer risk impacts in the DEIR
- Include a project design feature or mitigation measure restricting heavy-duty truck traffic to the specific routes modeled in the health risk assessment (HRA) to prevent trucks from travelling through residential neighborhoods
- Include additional enforceable mitigation measures or project design features requiring the use of Tier 4 Final construction equipment, the mandatory use of electric hookups for all TRU-equipped trucks, and the transition to zero-emission heavy-duty trucks and on-site service equipment.

CARB Urges the County to Participate in CARB’s California Clean Construction Program

The DEIR concludes in Section 4.2 (Air Quality) that the Project’s construction activities would result in a less-than-significant impact.⁷ As shown in Tables 4.2-5 (Proposed Project Construction Emissions) of the DEIR, air pollutants modeled for Project construction would be below the San Joaquin Valley Air Pollution Control District’s (SJVAPCD) significance thresholds.⁸ Although air pollutants emitted during the construction of the Project would not exceed SJVAPCD’s significance thresholds, it should be the County’s goal to reduce the Project’s air quality impacts as much as possible to protect public health.

The construction of the Project would temporarily expose nearby residences to harmful air pollution and would contribute to the existing significant air pollution burden in the community. To reduce these impacts, CARB urges the County to include a project design measure in the Final Environmental Impact Report (FEIR) requiring the County to participate in CARB’s California Clean Construction (CCC) program for the Project.

The CCC program is a voluntary initiative administered by CARB to accelerate the deployment of zero-emission and advanced clean off-road construction equipment across

⁶ California Health and Safety Code Section 42705.5, subdivision (a)(5) “Sensitive receptors”:
[leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=42705.5&lawCode=HSC](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=42705.5&lawCode=HSC)

⁷ County of Kern. Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC. Draft Environmental Impact Report. February 2026. Page 4.2-59. Accessible at:
<https://ceqanet.lci.ca.gov/2025030498/2/Attachment/MHGdLo>

⁸ County of Kern. Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC. Draft Environmental Impact Report. February 2026. Page 4.2-48 and 4.2-49. Accessible at:
<https://ceqanet.lci.ca.gov/2025030498/2/Attachment/MHGdLo>

California. The program was developed as part of CARB's broader strategy to meet State Implementation Plan commitments and improve air quality in communities disproportionately burdened by diesel pollution, such as the communities in Oildale. The program serves as a voluntary framework that recognizes and encourages fleets to go beyond existing regulations, such as CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation. The program prioritizes the use of battery-electric, hydrogen fuel cells, and other zero-emission construction equipment where those technologies are commercially available, and where not, encourages the use of the cleanest available diesel equipment.

CARB maintains a Zero-Emission Equipment List identifying eligible equipment models, and it provides guidance to awarding bodies on how to integrate clean construction criteria into bid specifications and contract documents.⁹ To participate in the CCC program and earn project recognition, if the following equipment types are used in the Project, the County would be required to use the following zero-emission off-road equipment:

- Aerial lift (scissor and personnel)
- Compact/mini excavator (up to 15,000 pounds operating weight)
- Compact/mini track and wheel loaders (up to 15,000 pounds operating weight)
- Dumper/buggy
- Forklift (up to 5,000 pounds lift capacity)
- Light cart/tower/stand
- Power generation systems, Battery Energy Storage Systems, and hybrid gensets
 - On project diesel generators are only allowed if incorporated into hybrid genset systems (as defined in the program section titled Definitions)
- Tampers/mini-compactors/mini-rollers
- Walk-behind concrete saw

The construction of the Project will likely use many of the off-road equipment listed in the Zero-Emission Equipment List. As presented in Appendix B: Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report Table 8 (Project Construction Assumptions),¹⁰ the County assumed in their construction emission modeling that the Project construction would require the use of trenchers, tractors/loaders/backhoes, rollers, forklifts, and

⁹ California Clean Construction Program. Accessible at: [California Clean Construction Zero-Emission Equipment List | California Air Resources Board](#).

¹⁰ County of Kern. Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC. Draft Environmental Impact Report. February 2026. Appendix B. Table 8. Page 69. Accessible at: <https://ceqanet.lci.ca.gov/2025030498/2/Attachment/ceNcMY>

generator sets, all of which can be provided as zero-emission in the Zero-Emission Equipment List.

In addition to participating in the CCC program, CARB urges the County to include the following recommended emission reduction strategies as project design features in the DEIR.

- 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.
- In construction contracts, include language requiring all off-road diesel-powered equipment used during construction to be equipped with Tier 4 final engines with a diesel particulate filter or cleaner engines, except for specialized construction equipment for which such engines are not available. Information on finding Tier 4 final equipment with diesel particulate filter is available on CARB's website.¹¹
- In construction contracts, include language requiring that all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) used during project construction be battery-powered.
- 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.
- In construction contracts, include language that requires all heavy-duty trucks entering the construction site during the grading and building construction phases be ZEV where feasible. If ZEVs are not feasible, trucks must be model year 2017 or later. All heavy-duty haul trucks should also meet CARB's lowest optional low-oxides of nitrogen (NOx) standard.¹²
- Include contractual language in tenant lease agreements requiring all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be zero-emission as this equipment is widely available and can be purchased using incentive funding from CARB's Clean Off-Road Equipment Voucher Incentive Project (CORE).¹⁷

¹¹ Optional Tier 4 Final + Diesel Particulate Filter Equipment. Accessible at [Optional Tier 4 Final + Diesel Particulate Filter Equipment](#) | California Air Resources Board.

¹² 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/optional-reduced-nox-standards>

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

According to the DEIR in Section 4.2 (Air Quality), the HRA prepared for the Project concluded that unmitigated cancer risks for the Maximally Exposed Individual would be 8.88 chances per million.¹³ Since the Project's operational cancer risk was found to be below the SJVAPCD's significance threshold of 20 chances per million, the DEIR concluded that the Project would have a less than significant impact health risk impact. CARB is concerned that the County 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 operational cancer risk impacts by not using conservative TRU idling durations. Based on CARB's review of the HRA in Appendix B, the County assumed TRUs would idle for only 30 minutes per visit.¹⁴ 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.¹⁵ 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 30-minute idling time.

Additionally, The HRA did not evaluate cancer risk impacts from trucks with TRUs traveling along local roadways. According to the Project's description, trucks serving the Project would travel along Merle Haggard Drive to access the Project site. There are residences located adjacent to this roadway that will be exposed to diesel PM emissions from trucks and TRUs traveling to and from the Project site, creating the potential to cause significant cancer risk impact. To fully understand the Project's impact on public health, the revised HRA should evaluate potential cancer risks along local roadways serving the Project site.

The County used an idling duration for on-site heavy-duty trucks not supported by substantial evidence. In Appendix B of the DEIR, the county assumed heavy-duty trucks serving the Project would idle onsite for 15 minutes. CARB's Airborne Toxic Control Measure (ATCM) restricts idling to five minutes. However, the ATCM has an exemption for trucks equipped with a diesel engine meeting the optional nitrogen oxides (NOx) idling

¹³ County of Kern. Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC. Draft Environmental Impact Report. February 2026. Page 4.2-52. Accessible at: <https://ceqanet.lci.ca.gov/2025030498/2/Attachment/MHGdLo>

¹⁴ County of Kern. Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC. Draft Environmental Impact Report. February 2026. Appendix B. Page 11. Accessible at: <https://ceqanet.lci.ca.gov/2025030498/2/Attachment/ceNcMY>

¹⁵ CARB. Proposed Amendments to the Air Borne 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. Accessible at <https://ww3.arb.ca.gov/board/rulemaking/tru2021/appi.pdf>.

emissions standard when operating outside of 100 feet of a restricted area (e.g., residences, schools).¹⁶ 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.¹⁷ 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 County Should Include a Project Design Feature Restricting Truck Routing to Modeled Paths

The Project's operational HRA only included one truck route for vehicles leaving the Project site, identified as traveling westbound on Merle Haggard Drive (*Figure 1*).¹⁸ Because the HRA only evaluated the health risk impacts associated with this specific path, any Project-related heavy-duty truck traffic utilizing a different route through nearby residential neighborhoods remains unanalyzed. CARB is concerned that trucks could travel southbound on Airport Drive or through local streets such as McCray Street, exposing residential neighborhoods to elevated levels of diesel PM not evaluated in the Project's operational HRA. Additionally, while Section 3.7 (Project Characteristics) of the DEIR states that "remaining truck traffic would be routed from Airport Drive to James Road to SR-65," this route was omitted from the operational HRA.¹⁹ To ensure the Project's actual health impacts do not exceed those reported in the HRA, the County should include a project design feature that restricts heavy-duty truck traffic to routes evaluated in the Project's operational HRA.

¹⁶ 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

¹⁷ 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

¹⁸ County of Kern. Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC. Draft Environmental Impact Report. February 2026. Appendix B. Page 225. Accessible at: <https://ceqanet.lci.ca.gov/2025030498/2/Attachment/ceNcMY>

¹⁹ County of Kern. Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC. Draft Environmental Impact Report. February 2026. Page 3-16. Accessible at: <https://ceqanet.lci.ca.gov/2025030498/2/Attachment/MHGdLo>

Operational HRA - Source and Receptor Locations Map with Modeled Truck Routes

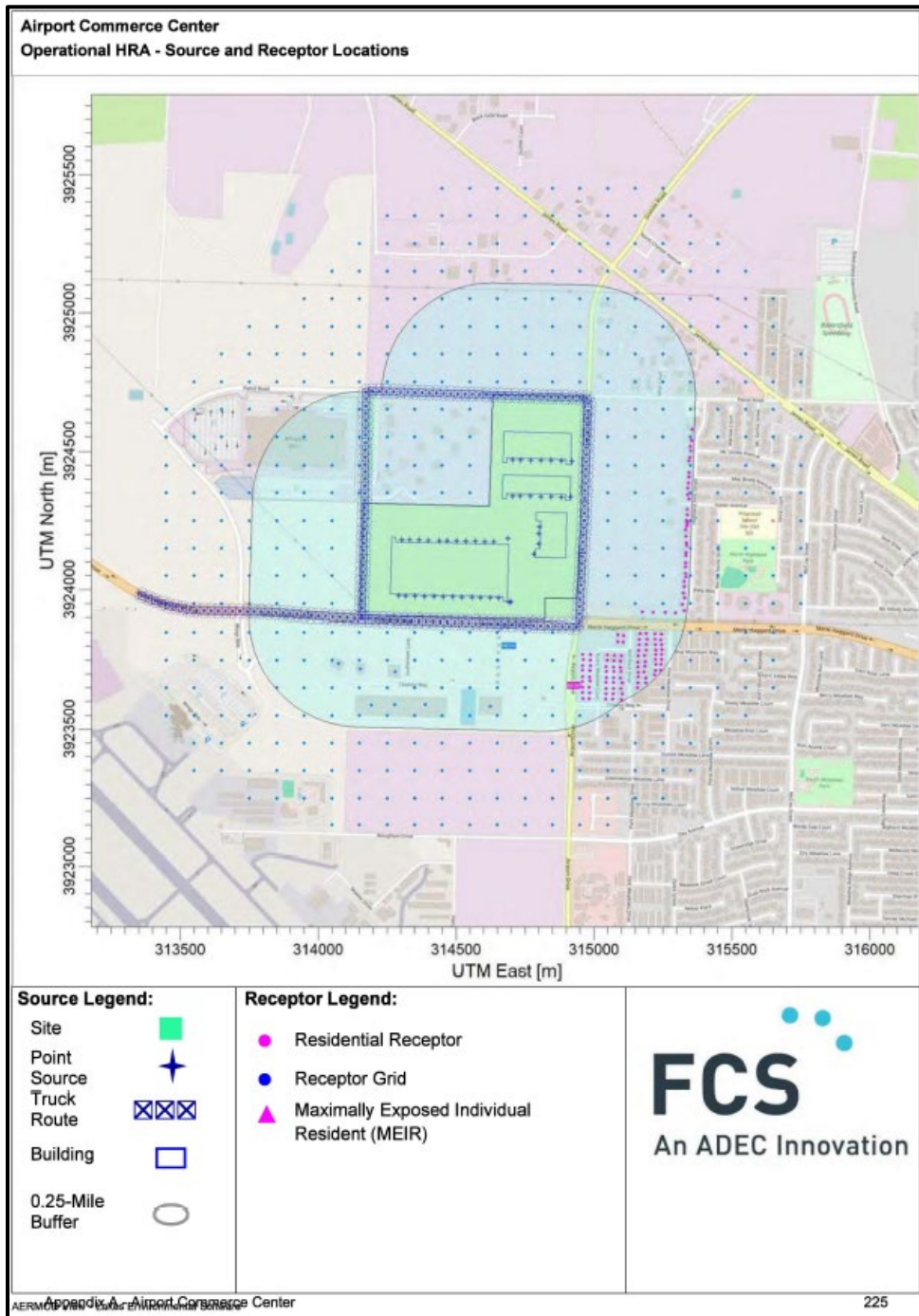


Figure 1: County of Kern. Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC. Draft Environmental Impact Report. February 2026. Appendix B. Page 225. Accessible at: <https://ceqanet.lci.ca.gov/2025030498/2/Attachment/ceNcMY>

The County Must Include Meaningful Mitigation Measures to Reduce the Project's Impact on Air quality

The County concluded in Section 4.2 (Air Quality) of the DEIR that the operation of the Project would result in a significant impact on air quality. According to Table 4.2-7 (Mitigated Proposed Project Long-Term Operational Emissions, Annual Criteria Pollutant Emissions (tons/year)) the operation of the fully built Project would emit approximately 30 tons per year of NO_x, exceeding the SJVAPCD's significance threshold.²⁰ To mitigate the Project's operational air quality impact, the DEIR included Mitigation Measures 4.2-1 through 4.2-12 which CARB acknowledges.

However, MM 4.2-5 involves a Developer Mitigation Agreement, formally known by the SJVAPCD as a Voluntary Emission Reduction Agreement (VERA) which requires the payment of fees to offset criteria emissions. VERA programs are intended to offset regional criteria pollutants such as NO_x and CO, they do not necessarily reduce the localized emissions of diesel PM from Project related equipment and heavy-duty trucks, which are the primary driver of cancer risk for nearby sensitive receptors. CARB is concerned about the reliance on fee-based offsite mitigation as it lacks assurance that the mitigation will effectively and directly reduce localized emissions and health risks to the Oildale community. Paying a fee does not guarantee in real-time, localized air quality improvements necessary to mitigate impacts where they occur.

To reduce the Project's significant impacts, CARB urges the County to include the following emission reduction measures, either as a mitigation measure or a project design measure in the FEIR:

- Include contractual language in tenant lease agreements requiring future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.
- 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.
- Include contractual language in tenant lease agreements requiring a phased transition of heavy-duty trucks entering or on the project site, culminating in a

²⁰ County of Kern. Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC. Draft Environmental Impact Report. February 2026. Table 4.2-7. Page 4.2-47. Accessible at: <https://ceqanet.lci.ca.gov/2025030498/2/Attachment/MHGdLo>

requirement for 100% zero-emission trucks beginning in 2030. Incentive funds can be obtained from the Carl Moyer Program and Voucher Incentive Project.^{21, 22}

- Include contractual language in tenant lease agreements that restrict trucks and support equipment from idling longer than two minutes while on site.
- Include contractual language in tenant lease agreements, requiring the installation of vegetative walls or other effective barriers that separate loading docks and people living or working nearby.²³

Conclusion

CARB is concerned about the potential cumulative air quality and public health impact should the County approve the Project. The Project is close to residences and schools that already suffer from exposure to existing air pollution sources and reside in census tracts that score within the top six percent for pollution burden, according to CalEnviroScreen. These sources include existing industrial facilities, vehicle traffic along State Routes 65 and 99, and local air traffic from Meadows Field Airport. To protect the health of the residents and students within these communities, the County must include legally enforceable design features and mitigation measures that promote the use of zero-emission trucks and onsite equipment and the infrastructure to support those technologies.

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 agrees with the lead agency's findings and conclusions on any issues for which CARB does not submit substantive comments.

²¹ Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: <https://californiahvip.org/>

²² Carl Moyer Program and Voucher Incentive Program. Accessible at: <https://ww2.arb.ca.gov/carl-moyer-program-apply>

²³ Effectiveness of Sound Wall-Vegetation Combination Barriers as Near-Roadway Pollution Mitigation Strategies (2017) is available at: <https://ww2.arb.ca.gov/sites/default/files/classic/research/apr/past/13-306.pdf>

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CARB appreciates the opportunity to comment on the DEIR for the Project and can provide assistance with 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 Alejandro (Alex) Sanchez, Air Pollution Specialist, via email at alex.sanchez@arb.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Matthew O'Donnell". The signature is fluid and cursive, with the first name being more prominent.

Matthew O'Donnell, Chief, Risk Reduction Branch

cc: State Clearinghouse
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