

January 31, 2020

Annette Tam  
Senior Planner  
City of Jurupa Valley  
8930 Limonite Avenue  
Jurupa Valley, California 92509-5183

Dear Annette Tam:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Agua Mansa Commerce Park Specific Plan (Specific Plan) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2017071034. The Specific Plan would allow for 4,216,000 square feet of industrial park uses and two additional alternatives for development. Alternative 1 would develop 200,000 square feet of business park uses and introduce an additional 7,674 daily vehicle trips, including 2,457 daily truck trips, along local roadways. Alternative 2 would develop up to 25,000 square feet of retail and/or food service uses, as well as 150,000 square feet of business park uses, and introduce an additional 9,741 daily vehicle trips, including 2,245 daily truck trips, along local roadways. The Specific Plan is located within the City of Jurupa Valley (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

The industrial uses proposed under the Specific Plan would permit high-cube logistics warehouse uses, fulfillment centers, e-commerce centers, warehousing and distribution facilities, cold storage facilities, and dock facilities. Freight facilities, such as warehouse and distribution facilities, can result in high daily volumes of heavy-duty diesel truck traffic and operation of on-site equipment (e.g., forklifts, yard tractors, etc.) which emit toxic diesel emissions and contribute to regional air pollution and global climate change. CARB has reviewed the DEIR and is concerned about the air pollution impacts that would result should the City approve the Specific Plan.

**I. The Specific Plan Would Increase Exposure to Air Pollution in Disadvantaged Communities**

The Specific Plan, if approved, will expose nearby disadvantaged communities to elevated air pollution. Residences are located immediately east of the Specific Plan with the closest residences located approximately 120 feet from the Specific Plan's northern and western boundaries. In addition to residences, four schools (Ruth O. Harris Middle School, Walter Zimmerman Elementary, Crestmore Elementary School, and Patricia Beatty Elementary School) are located within two miles of the Specific Plan area. The community is surrounded by existing toxic diesel particulate matter

(diesel PM) emission sources, which include existing industrial uses and vehicular traffic along Interstate 10 (I-10), Interstate 215 (I-215), and State Route 60 (SR-60). Due to the Specific Plan's proximity to residences and schools already disproportionately burdened by multiple sources of air pollution, CARB is concerned with the potential cumulative health impacts associated with the construction and operation of the Specific Plan.

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 Specific Plan is located. Diesel PM emissions generated during the construction and operation of the Specific Plan would negatively impact the community, which is already disproportionately impacted by air pollution from existing industrial uses and I-10, I-215 and SR-60.

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 percent of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 3.0 (CalEnviroScreen). CalEnviroScreen uses a screening methodology to help identify California communities currently disproportionately burdened by multiple sources of pollution. The census tract containing the Specific Plan is within the top 5 percent for Pollution Burden<sup>1</sup> and is considered a disadvantaged community; therefore, CARB urges the City to ensure that the Specific Plan does not adversely impact neighboring disadvantaged communities.

## **II. The DEIR Does Not Analyze Potential Air Quality and Health Impacts as a Result of the Development of Cold Storage Space Permitted under the Specific Plan**

Section 3.3.1.3 (Proposed Land Use) of the DEIR states that the industrial uses proposed in the Specific Plan permit cold storage space.<sup>2</sup> Trucks and trailers transporting cold or frozen goods to these spaces would very likely be equipped with

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<sup>1</sup> Pollution Burden represents the potential exposures to pollutants and the adverse environmental conditions caused by pollution.

<sup>2</sup> City of Jurupa Valley, 2020. Agua Mansa Commerce Park Specific Plan Draft Environmental Impact Report. December 2019. Page 3-14.

transport refrigeration units (TRU).<sup>3,4</sup> TRUs on trucks and trailers can emit large quantities of diesel exhaust while operating within the Specific Plan site. Residences and other sensitive receptors (e.g., daycare facilities, senior care facilities, and schools) located near where these TRUs could be operating would be exposed to diesel exhaust emissions that would result in significant cancer risk.

Although the Specific Plan would allow for cold storage space, the City did not model air pollutant emissions from TRUs in the DEIR. The air pollutant emission estimates found in Table 5.2-7 (Operational emissions for Alternative 1 (Without Mitigation)) and Table 5.2-8 (Operational emissions for Alternative 2 (Without Mitigation)), were modeled using the California Emission Estimator Model (CalEEMod). Although CalEEMod can estimate air pollutant emissions from area (e.g., hearths, architectural coatings, and landscaping, etc.), energy, and mobile sources, the current version of CalEEMod does not account for air pollutant emissions from TRUs. CARB urges the applicant and City to model and report the Specific Plan's air pollutant emissions from TRUs in the Final Environmental Impact Report (FEIR). Air pollutant emissions from TRUs should reflect CARB's latest emission factors assuming a conservative percentage of the Specific Plan's truck fleet is equipped with TRUs, as well as a conservative idling duration for each TRU.

The applicant and City evaluated potential cancer risks from the operation of the Specific Plan in a standalone health risk assessment (HRA) (see Appendix C of the DEIR). According to the HRA, operation of the Specific Plan would expose the nearest residents to cancer risks up to 3.92 in a million. Since diesel PM emissions from trucks and trailers with TRUs were not considered in the HRA, CARB is concerned that the health risks presented in the HRA are underestimated. Residences and other sensitive receptors located near where these TRUs could be operating would be exposed to diesel exhaust emissions that could result in significant cancer risk. CARB urges the applicant and City to consider diesel PM emissions in a revised HRA in the FEIR.<sup>5</sup>

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<sup>3</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.

<sup>4</sup> 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.5th 1, 16.) "This description of the project is an indispensable element of both a valid draft EIR and final EIR." (*Ibid.*) Without explicit acknowledgment in the project description that the proposed project will not include cold storage facilities, the current project description fails to meet the bare minimum of describing the project's technical and environmental characteristics.

<sup>5</sup> In fact, the California Supreme Court recently addressed this issue in its landmark ruling in *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502 (Friant Ranch). In *Friant Ranch*, the Court held that an Environmental Impact Report (EIR) is inadequate if it does not make "a reasonable effort to discuss relevant specifics regarding the connection between two segments of information already contained in the EIR, the general health effects associated with a particular pollutant and the estimated amount of that pollutant the project will likely produce." (*Id.*, at p. 521.) The current version of the IS/MND fails to do this and, as a result, is currently inadequate as a matter of law.

### **III. The DEIR Did Not Model Mobile Air Pollutant Emissions Using CARB's 2017 Emission Factor Model (EMFAC2017)**

The Specific Plan's air quality health risk impacts were modeled using mobile emission factors obtained from CARB's 2014 Emission Factors model (EMFAC2014). Specific Plan-related air pollutant emissions from mobile sources should be modeled using CARB's latest EMFAC2017.<sup>6</sup> One of the many updates made to EMFAC included an update to the model's heavy-duty emission rates and idling emission factors, which results in higher PM emissions as compared to EMFAC2014. Since EMFAC2017 generally shows higher emissions of particulate matter from trucks than EMFAC2014, the Specific Plan's mobile source nitrogen oxides (NO<sub>x</sub>) and diesel PM emissions are likely underestimated. CARB urges the applicant and City to model and report the Specific Plan's air pollution emissions from mobile sources using emission factors found in CARB's latest EMFAC2017.

### **IV. The DEIR Did Not Implement all Feasible Mitigation Measures to Reduce the Specific Plan's Construction and Operation Air Pollutant Emissions**

CARB is concerned the applicant and City may not be implementing all feasible mitigation measures to reduce the Specific Plan's air quality impacts. The air quality section of the DEIR concludes the Specific Plan's operational emissions of volatile organic compounds (VOC), NO<sub>x</sub>, and particulate matter 10 micrometers in diameter (PM<sub>10</sub>) would result in a significant and unavoidable impact after mitigation. The DEIR includes a series of project design features (PDF-AQ-1 through PDF-AQ-4) and mitigation measures (MM AQ-1 through MM AQ-6) to reduce air pollutant emissions. The project design features include requiring equipment to be turned off when not in use, using model year 2010 or better engines, using alternative-fueled outdoor cargo handling equipment, and implementing a ridesharing program. The mitigation measures include using Tier 3 off-road equipment and low-VOC paint during construction, implementing a construction vehicle management plan, encouraging vendor trucks to participate in the Carl Moyer Program,<sup>7</sup> and installing infrastructure to support the use of electric-powered forklifts. Although the design features and mitigation measures included in the DEIR would reduce the Specific Plan's construction and operational air pollutant emissions, more should be done to lessen the Specific Plan's impact on public health.

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<sup>6</sup> The United States Environmental Protection Agency (U.S. EPA) approved the use of EMFAC2017 for SIP and conformity purposes effective August 15, 2019.

<sup>7</sup> The Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program) provides grant funding for cleaner-than-required engines, equipment, and other sources of air pollution. The Carl Moyer Program is implemented as a partnership between CARB and California's 35 local air districts. CARB works collaboratively with the air districts and other stakeholders to set Guidelines and ensure the Program reduces pollution and provides cleaner air for Californians. More information regarding the Carl Moyer Program is available at: <https://ww2.arb.ca.gov/our-work/programs/carl-moyer-memorial-air-quality-standards-attainment-program>.



Even where impacts will remain significant and unavoidable after mitigation, CEQA nevertheless requires that all feasible mitigation measures be incorporated (see California Public Resources Code § 21081; 14 CCR § 15126.2(b)). To meet this CEQA requirement, CARB urges the applicant and City to include the reduction measures found in Attachment A in the FEIR.

## **V. Conclusion**

CARB is concerned about the Specific Plan's potential public health impacts and the lack of analysis and mitigation presented in the DEIR. The DEIR potentially underestimates air pollutant emissions by using an outdated version of EMFAC, does not provide mitigation measures to reduce the Specific Plan's operational air pollution emissions, and does not evaluate the Specific Plan's potential air quality and health effects from on-site TRUs. CARB recommends that the City reanalyze the Specific Plan's air quality and health risk impacts using the appropriate and current models, account for all on-site emission sources and include the air pollution emission measures provided in Attachment A in the FEIR.

CARB appreciates the opportunity to comment on the DEIR for the Specific Plan and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist, at (916) 440-8242 or via email at [stanley.armstrong@arb.ca.gov](mailto:stanley.armstrong@arb.ca.gov).

Sincerely,



Richard Boyd, Chief  
Risk Reduction Branch  
Transportation and Toxics Division

Attachment

cc: See next page.

Annette Tam  
January 31, 2020  
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cc: State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812

Morgan Capilla  
NEPA Reviewer  
U.S. Environmental Protection Agency  
Air Division, Region 9  
75 Hawthorne Street  
San Francisco, California 94105

Carlo De La Cruz  
Senior Campaign Representative  
Sierra Club  
714 West Olympic Boulevard, Suite 1000  
Los Angeles, California 90015

Lijin Sun  
Program Supervisor  
CEQA Intergovernmental Review  
South Coast Air Quality Management District  
[lsun@aqmd.gov](mailto:lsun@aqmd.gov)

Andrea Vidaurre  
Policy Analyst  
Center for Community Action and Environmental Justice  
P.O. Box 33124  
Riverside, California 92519

Stanley Armstrong  
Air Pollution Specialist  
Risk Analysis Section  
Transportation and Toxics Division

## **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 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-NO<sub>x</sub> standard starting in the year 2022.<sup>1</sup>

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<sup>1</sup> 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 2014 and later. CARB's optional low-NO<sub>x</sub> emission standard is available at: <https://www.arb.ca.gov/msprog/onroad/optionnox/optionnox.htm>.

6. In construction contracts, include language that requires all construction equipment and fleets to be in compliance with all current air quality regulations. CARB staff 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.

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<sup>2</sup> 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).



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 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.

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<sup>3</sup>. 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://www.arb.ca.gov/cc/hdghg/hdghg.htm>.

<sup>4</sup>. 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>.

<sup>5</sup>. 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>.

