

November 4, 2020

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Submitted via email: [rleonard@cityofhesperia.us](mailto:rleonard@cityofhesperia.us)

Dear Ryan Leonard:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Hesperia Commerce Center II Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2019110418. The Project consists of the construction and operation of three industrial/warehouse buildings totaling 3,745,429 square feet. Once in operation, the Project would introduce 11,898 daily vehicle trips, including 2,368 daily heavy-duty truck trips, along local roadways. The Project is located within the City of Hesperia (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

Freight facilities, like the one proposed in the Project, can result in high volumes of heavy-duty diesel trucks, line-haul and switcher locomotive 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>1</sup> CARB has reviewed the DEIR and is concerned about the air pollution and health risk impacts that would result should the City approve the Project.

## **I. The Project Would Increase Exposure to Air Pollution in Disadvantaged Communities**

The Project, if approved, will expose nearby disadvantaged communities to elevated levels of air pollution. Residences are located north, south, east, and west of the Project with the closest residences located approximately 215 feet from the Project's southern boundary. In addition, two schools (Canyon Ridge High School and Mission Crest Elementary School) are located within two miles of the Project. The communities near the Project are exposed to existing toxic diesel particulate matter (diesel PM) emissions from vehicular traffic along Interstate 15 (I-15). Due to the Project's proximity to residences and schools already burdened by air pollution, CARB is concerned with

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<sup>1</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 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.

the potential cumulative health impacts associated with the construction and operation of the Project.

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 (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 the community, which is already disproportionately impacted by air pollution from traffic on I-15.

## **II. The FEIR Should Restrict the Operation of Transport Refrigeration Units within the Project Area**

Chapter 1.4 (Project Description) of the DEIR states that no refrigerated warehouse space is currently proposed as part of the Project, and the Project applicant currently has no plans to lease to any tenant needing refrigerated space. Should the Project include cold storage uses in the future, it is very likely that trucks and trailers equipped with transport refrigeration units (TRU) would visit the site. If this were the case, residences near the Project site could be exposed to significantly higher levels of toxic diesel PM, as well as oxides of nitrogen (NO<sub>x</sub>), and greenhouse gases. To ensure TRUs will not operate within the Project site without first quantifying and mitigating their potential impacts, CARB urges the City to include one of the following design measures in the Final Environmental Impact Report (FEIR):

- 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.

If the City and applicant later choose to allow TRUs to operate within the Project site, CARB urges the City to re-model the Project's air quality impact analysis and Health Risk Assessment (HRA) to account for the potential health risks. The updated air quality impact analysis and HRA should include the following air pollutant emission reduction measures:

- Include contractual language in tenant lease agreements that requires all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with 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 should also be included in lease agreements.<sup>2</sup>
- Include contractual language in tenant lease agreements that requires all TRUs entering the project site be plug-in capable.

### **III. The DEIR Did Not Account for Air Pollutant Emissions from Heavy-Duty Trucks During On-Site Grading**

The DEIR did not account for mobile air pollutant emissions from grading operations during the Project's construction phase. Based on CARB's review of the California Emissions Estimator Model (CalEEMod) outputs found in Appendix C-1 of the DEIR, the City and applicant assumed that no heavy-duty truck trips would be required to import or export soil during the on-site grading. Furthermore, the DEIR does not explicitly state the quantity of soil needed to grade the Project site that would support this assumption. If soil must be imported or exported to grade the Project site, a large number of heavy-duty truck trips may be required to transport soil.

CARB urges the City and applicant to remodel the Project's construction air pollutant emissions using accurate heavy-duty truck trip estimates. Residences and other sensitive receptors (e.g., daycare facilities, senior care facilities, and schools) located near construction haul routes could be exposed to diesel exhaust emissions that were not evaluated in the DEIR. The DEIR should clearly state the total number of heavy-duty truck trips expected during Project construction so the public can fully understand the potential environmental effects of the Project on their communities.

### **IV. The DEIR Did Not Evaluate Potential Cancer Risk Impacts During Project Construction.**

Chapter 4.2 (Air Quality) of the DEIR did not quantify or evaluate the potential health risk impact that would result during Project construction. The Office of Environmental Health Hazard Assessment's (OEHHA) guidance, recommends assessing cancer risks for construction projects lasting longer than two months. Since Project construction would occur over a period longer than two months and the Project will be located in close proximity to existing and future proposed residences, the City should revise the

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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).

Project's HRA to include the Project's construction cancer and noncancer risks and disclose the results in the FEIR.

## **V. The DEIR Does Not Include all Feasible Mitigation Measures to Reduce the Project's Significant and Unavoidable Impact on Air Quality**

Chapter 4.2 (Air Quality) of the DEIR concludes that the Project's construction emissions of volatile organic compounds (VOC) and operational emissions of VOC, NO<sub>x</sub>, and particulate matter less than 10 micrometers (PM<sub>10</sub>) would exceed the Mojave Desert Air Quality Management District's (MDAQMD) significance thresholds. To lessen the Project's significant impact on air quality, the DEIR includes two mitigation measures (MM-AQ-1 and MM-AQ-2). These mitigation measures would require the use of "super-compliant" low-VOC paints during Project construction, restrict haul trucks that do not meet model year 2010 engine emission standards from accessing the Project site, require truck drivers to turn off their engines when not in use, restrict idling to no more than five minutes, and require the installation of electrical infrastructure to support electric vehicle charging stations. Although these mitigation measures would reduce the Project's construction emissions of VOC to a less than significant level, the DEIR concludes that the Project's impact on air quality would result in a significant and unavoidable impact on air quality. Even where impacts will remain significant and unavoidable after mitigation, CEQA requires that all feasible mitigation measures be incorporated (see California Public Resources Code § 21081; 14 CCR§ 15126.2(b)). To meet this requirement, CARB urges the City and applicant to implement all applicable air pollutant emission reduction measures provided in Appendix A of this letter.

## **VI. Conclusion**

CARB is concerned about the potential public health impacts should the City approve the Project. As concluded in Chapter 4.2 (Air Quality) of the DEIR, the Project's operation would expose residences to VOC, NO<sub>x</sub>, and PM<sub>10</sub> emissions that would result in a significant and unavoidable impact on air quality. To reduce the Project's impact on public health, CARB urges the City to implement all applicable mitigation measures listed in Attachment A of this letter. Although the Project, as proposed in the DEIR, is not anticipated to be used for cold storage, the City should restrict the proposed warehouse from servicing trucks and trailers with TRUs. Should the City later allow the Project to be used for cold storage, the City should update the Project's air quality analysis and HRA to account for the increase in air pollution and cancer risks resulting from trucks and trailers with TRUs visiting the Project site. The City and applicant should evaluate the Project's construction cancer and noncancer risks in the FEIR.

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

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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 DEIR for the Project 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, via email at [stanley.armstrong@arb.ca.gov](mailto:stanley.armstrong@arb.ca.gov).

Sincerely,

A handwritten signature in blue ink that reads "Richard Boyd".

Richard Boyd  
Assistant Division Chief  
Transportation and Toxics Division

Attachment

cc: See next page.

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cc: State Clearinghouse  
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## ATTACHMENT

## **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-oxides of nitrogen (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 2010 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 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.
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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<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/hdvip/hdvip.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>.

<sup>6</sup>. Effectiveness of Sound Wall-Vegetation Combination Barriers as Near-Roadway Pollutant Mitigation Strategies (2017) is available at: <https://www2.arb.ca.gov/sites/default/files/classic/research/apr/past/13-306.pdf>.