

February 18, 2021

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Submitted via email: [mtomich@coltonca.gov](mailto:mtomich@coltonca.gov)

Governor's Office of Planning & Research

**Feb 23 2021**

**STATE CLEARINGHOUSE**

Dear Mark Tomich:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Barton Road Logistics Center (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2020029049. The Project would result in the demolition of four existing on-site buildings and the construction of two industrial warehouse logistics buildings totaling 960,040 square feet. The existing cold storage building located at 280 De Berry Street within the Project site would not be demolished. Once in operation, the Project would introduce 1,348 daily vehicle trips, including 218 daily heavy-duty truck trips, along local roadways. The Project is located within the City of Colton (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

CARB submitted a comment letter, which is attached to this letter, on the Notice of Preparation (NOP) for the DEIR released in February 2020. CARB's comments, dated March 16, 2020, highlighted the need for preparing a health risk assessment (HRA) for the Project and encouraged the City and applicant to implement all existing and emerging zero-emission technologies to minimize exposure to diesel particulate matter (diesel PM) and nitrogen oxides (NO<sub>x</sub>) emissions for all neighboring communities, and to minimize the greenhouse gases that contribute to climate change. Due to the Project's proximity to residences already disproportionately burdened by multiple sources of pollution, CARB's comments expressed concerns with the potential cumulative health risks associated with the construction and operation of the Project. Listed below is a summary of CARB's comments:

**I. If the Lead Agency Allows for the Operation of On-site Cold Storage, the Project's Air Quality and Cancer Risk Impacts Associated with the Operation of Transport Refrigeration Units Must be Evaluated.**

Although the Project does not propose the development of on-site cold storage space, the DEIR included an alternative that would allow for the operation of such uses under Alternative 2. Alternative 2 proposed the demolition of all existing on-site buildings, including the existing cold storage building located at 280 De Berry Street, and the construction of one 480,020 square-foot dry goods warehouse building and one 480,020 square-foot cold storage warehouse building. Based on the alternative analysis presented in Chapter 5 (Alternatives to

the Proposed Project) of the DEIR, Alternative 2 was found to be environmentally inferior to the proposed Project.

If the City later decides to allow for the development of cold storage space within the Project site, a portion of the trucks and trailers visiting the Project site would be equipped with transport refrigeration units (TRU).<sup>1</sup> These TRUs would emit large quantities of diesel PM exhaust while in operation. Residences and other sensitive receptors (e.g., daycare facilities, senior care facilities, and schools) located near the operation of the TRUs would be exposed to diesel PM exhaust emissions that could result in significant cancer risk. If the City does allow TRUs within the Project site, CARB urges the City to model air pollutant emissions from TRUs, as well as include potential cancer risks from TRUs in the Project's HRA.

## **II. The Project Should Include Design Measures to Reduce the Air Pollutants Emitted by the Existing On-site Cold Storage Warehouse at 280 De Berry Street.**

Chapter 2 (Project Description) of the DEIR states that the Project would not result in the demolition of the existing 125,801 square-foot cold storage building located at the southernmost portion of the Project site (280 De Berry Street). The existing cold storage warehouse building would continue to operate with only roadway access improvements proposed under the Project. The Project does not propose additional improvements that would reduce air pollutant emissions from TRUs on trucks and trailers visiting the existing cold storage warehouse. As previously discussed under Section I of this letter, cold storage facilities are commonly associated with the operation of TRUs on trucks and trailers, which emit large quantities of diesel PM exhaust.

CARB is concerned with the cumulative air pollutant emissions emitted from within the Project site. To this end, CARB urges the City and applicant to include a design measure in the Final Environmental Impact Report (FEIR) that would require site improvements to the existing on-site cold storage warehouse building that would reduce air pollutant emissions from heavy on-site TRUs. The design measure should require all loading/unloading docks and trailer spaces associated with the existing cold storage building to be equipped with electrical hookups for trucks with TRUs. 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.

## **III. The DEIR Should Include More Mitigation Measures to Further Reduce the Project's Air Pollution Emissions.**

Chapter 3.2 (Air Quality) of the DEIR concluded that the Project's operational air pollution emissions would result in a less than significant impact, and no additional mitigation measures were proposed. Based on the air pollution emission estimates presented in Table 3.2-7 of the

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<sup>1</sup>: TRUs are refrigeration systems powered by integral diesel engines that protect perishable goods during transport in insulated trucks and trailer vans, rail cars, and domestic shipping containers.

DEIR, operation of the Project would result in NO<sub>x</sub> emissions of 54.95 pounds per day (ppd); slightly below the South Coast Air Quality Management District's (SCAQMD) 55 ppd significance threshold. Since the Project's operational emissions are less than 0.05 ppd below SCAQMD's significance threshold, CARB urges the City and applicant to include additional mitigation measures to lessen the exposure of NO<sub>x</sub> at residences located near the Project site. To further reduce the Project's operational emissions of NO<sub>x</sub>, CARB urges the City and applicant to implement all applicable emissions reduction measures referenced in Attachment A of this letter in the FEIR.

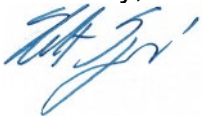
#### **IV. Conclusion**

CARB continues to urge the City and applicant to implement all feasible mitigation measures to lessen the Project's air pollutant emissions. Since the Project's operational emissions of NO<sub>x</sub> were reported in the DEIR to be slightly less than the SCAQMD's significance threshold, the City and applicant are encouraged to include all applicable emission reduction measures referenced in Attachment A of this letter in the FEIR. If the City and applicant decide to include cold storage use within the Project site, the DEIR should be revised to include an evaluation of potential air quality and public health impacts from on-site TRUs, and recirculated for public review. Lastly, the Project should include design measures that would result in the installation of electrical hookups at the existing on-site cold storage building for trucks with TRUs.

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 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,



Robert Krieger, Chief  
Risk Reduction Branch  
Transportation and Toxics Division

Attachment

cc: See next page.

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## **ATTACHMENT A**

March 16, 2020

Mark Tomich  
Director of Development Services  
City of Colton  
650 North La Cadena Drive  
Colton, California 92323

Dear Mark Tomich:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Notice of Preparation (NOP) for the Barton Road Logistics Center (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2020029049. The Project consists of the demolition of 4 industrial buildings and an office building totaling 659,432 square feet and construction of 2 industrial warehouse buildings totaling 960,040 square feet. The Project is proposed within the City of Colton (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

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 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 NOP and is concerned about the air pollution and health risk impacts that would result should the City approve the Project to build the two industrial warehouse buildings.

#### **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 and west of the Project site, with the closest residences situated approximately 85 feet from the Project's northern boundary. In addition to residences, Grand Terrace High School and Grand Terrace Elementary School are located within 1 mile of the Project. The community is surrounded by existing toxic diesel particulate matter (diesel PM) emission sources, which include existing industrial uses and vehicular traffic along Interstate 215 (I-215) and Interstate 10 (I-10). Due to the Project's proximity to residences and schools already disproportionately burdened by multiple sources of air pollution, CARB is

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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.



concerned with 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 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 the community, which is already disproportionately impacted by air pollution from existing industrial uses, and traffic on I-215 and I-10.

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 Project is within the top 5 percent for Pollution Burden<sup>2</sup> and is considered a disadvantaged community; therefore, CARB urges the City to ensure that the Project does not adversely impact neighboring disadvantaged communities.

## **II. The DEIR Should Quantify and Discuss the Potential Cancer Risks at Residential and Other Sensitive Receptors in the Vicinity of the Proposed Industrial Buildings**

Since the Project description in the NOP did not explicitly state that the two proposed industrial warehouse buildings would not include cold storage space, there is a possibility that trucks and trailers visiting the Project site would be equipped with transport refrigeration units (TRU).<sup>3</sup>

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 operating, would be exposed to diesel exhaust emissions that would result in significant

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<sup>2</sup> Pollution Burden represents the potential exposures to pollutants and the adverse environmental conditions caused by pollution.

<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.

cancer risk. CARB urges the applicant and City to clearly define the final use of the Project in the DEIR so the public can fully understand the potential environmental effects of the Project on their communities.<sup>4</sup>

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:

- 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 does allow TRUs within the Project site, CARB urges the City to model air pollutant emissions from on-site TRUs in the DEIR, as well as prepare a health risk assessment (HRA) that shows the potential health risks. The DEIR should also include the air pollutant reduction measures listed in Attachment A.

In addition to the health risks associated with operations, construction health risks should be included in the air quality section of the DEIR and the Project's HRA. Construction of the Project would result in short-term diesel emissions from the use of both on-road and off-road diesel equipment. The Office of Environmental Health Hazard Assessment's (OEHHA) guidance recommends assessing cancer risks for construction projects lasting longer than two months. Since construction would very likely occur over a period lasting longer than two months, the HRA prepared for the Project should include health risks for existing residences near the Project site during construction.

The HRA prepared in support of the Project should be based on the latest OEHHA guidance (2015 Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments),<sup>5</sup> and the South Coast Air Quality Management District's (SCAQMD) CEQA Air Quality Handbook.<sup>6</sup> The HRA should evaluate and present the existing baseline (current conditions), future baseline (full build-out year, without the Project), and future year with the Project. The health risks modeled under both the

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<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> Office of Environmental Health Hazard Assessment (OEHHA). Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February 2015. Accessed at: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>.

<sup>6</sup> SCAQMD's 1993 Handbook can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.



existing and the future baselines should reflect all applicable federal, state, and local rules and regulations. By evaluating health risks using both baselines, the public and City planners will have a complete understanding of the potential health impacts that would result from the Project.

### III. Conclusion

To reduce the exposure of toxic diesel emissions in disadvantaged communities already disproportionately impacted by air pollution, the final design of the Project should include all existing and emerging zero-emission technologies to minimize diesel and oxides of nitrogen (NO<sub>x</sub>) emission exposure to all neighboring communities, as well as the greenhouse gases that contribute to climate change. CARB encourages the City and applicant to implement the measures listed in Attachment A of this comment letter to reduce the Project's construction and operational air pollution emissions.

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 appreciates the opportunity to comment on the NOP for the Project and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your State Clearinghouse list of selected State agencies that will receive the DEIR as part of the comment period. 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.

Mark Tomich  
March 16, 2020  
Page 5

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## **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 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>.