



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

January 22, 2013

THE PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

E-MAIL: legals@pe.com
FAX: (951) 368-9018

RE: NOTICE OF PUBLIC HEARING: PP 25252 (FTA 2012-04) EIR 466

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **One (1) Time on Thursday, January 24, 2013.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, **WITH TWO CLIPPINGS OF THE PUBLICATION.**

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Mcgil

Cecilia Gil, Board Assistant to
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: mtinajero@pe.com on behalf of Master, PEC Legals <legalsmaster@pe.com>
Sent: Tuesday, January 22, 2013 9:32 AM
To: Gil, Cecilia
Subject: Re: [Legals] FOR PUBLICATION: PP 25252 FTA 2012-04 EIR 466

Received for publication on Jan. 24. Proof with cost to follow.

On Tue, Jan 22, 2013 at 8:10 AM, Gil, Cecilia <CCGIL@rcbos.org> wrote:

Good Morning! Attached is a Notice of public hearing, for publication on Thursday, Jan. 24, 2013. Please confirm.
THANK YOU!

Cecilia Gil

Board Assistant to the
Clerk of the Board of Supervisors
[951-955-8464](tel:951-955-8464)

THE COUNTY ADMINISTRATIVE CENTER IS CLOSED EVERY FRIDAY UNTIL FURTHER NOTICE.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING.

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Please note, we will be closed 1/21/13 in observance of the Martin Luther King Holiday. Our deadlines are as follows:

Martin Luther King Deadlines	
Publication Date	Date to be submitted to the PE
Sat 1/19 - Tues 1/22	Thurs 1/17 @ 10:30am
Wed 1/23	Fri 1/18 @ 10:30am

Thank You!
Legal Advertising



NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON A FAST TRACK PLOT PLAN IN THE NORTH PERRIS ZONING AREA - FIRST SUPERVISORIAL DISTRICT AND NOTICE OF INTENT TO CERTIFY AN ENVIRONMENTAL IMPACT REPORT

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, February 5, 2013 at 11:00 A.M.** or as soon as possible thereafter, to consider the application submitted by Doug Bergman, on **Fast Track Plot Plan No. 25252 (FTA 2012-04)**, which proposes to construct a 399,150 square foot office/warehouse facility for Discount Tire on 26 gross acres ("the project"). The project is located northerly of Commerce Center Drive, easterly side of Harvill Avenue, westerly of I-215 in the North Perris Zoning Area, First Supervisorial District.

The Planning Department approved the project, found that the environmental effects have been addressed and recommended the consideration of an Addendum to **Environmental Impact Report No. 466**.

The project case file may be viewed from the date of this notice until the public hearing, Monday through Thursday, from 7:30 a.m. to 5:30 p.m. at the Clerk of the Board of Supervisors, 1st Floor, and at the Riverside County Planning Department, 12th Floor, at 4080 Lemon Street, Riverside, California 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT PAUL RULL, PROJECT PLANNER, AT (951) 955-0972 OR EMAIL prull@rctlma.org.

Any person wishing to testify in support of or in opposition to the project may do so in writing between the date of this notice and the public hearing, or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the project.

If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Planning Commission or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the project and/or the related environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the project, may be changed in a way other than specifically proposed.

Please send all written correspondence to Riverside County Clerk of the Board at 4080 Lemon Street, 1st Floor, P.O. Box 1147, Riverside, CA 92502-1147.

Dated: January 22, 2013

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

CERTIFICATE OF POSTING

(Original copy, duly executed, must be attached to
the original document at the time of filing)

I, Cecilia Gil, Board Assistant to Kecia Harper-Ihem, Clerk of the Board of Supervisors, for the County of Riverside, do hereby certify that I am not a party to the within action or proceeding; that on January 22, 2013, I forwarded to Riverside County Clerk & Recorder's Office a copy of the following document:

NOTICE OF PUBLIC HEARING PLOT PLAN NO. 25252 (FTA 2012-04)

to be posted, pursuant to Government Code Section 21092 et seq, in the office of the County Clerk at 2724 Gateway Drive, Riverside, California 92507. Upon completion of posting, the County Clerk will provide the required certification of posting.

Board Agenda Date: February 5, 2013 @ 11:00 A.M.

SIGNATURE: Mcgil DATE: January 22, 2013
Cecilia Gil

Gil, Cecilia

From: Anderson, Rosemarie <randerso@asrclkrec.com>
Sent: Tuesday, January 22, 2013 11:21 AM
To: Gil, Cecilia; Kennemer, Bonnie; Meyer, Mary Ann; Reese, Brenda
Subject: RE: FOR POSTING: PP 25252 FTA 2012-04 EIR 466

received

From: Gil, Cecilia
Sent: Tuesday, January 22, 2013 8:12 AM
To: Anderson, Rosemarie; Kennemer, Bonnie; Meyer, Mary Ann; Reese, Brenda
Subject: FOR POSTING: PP 25252 FTA 2012-04 EIR 466

Good Morning! Attached is a Notice of Public Hearing, for POSTING. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant to the
Clerk of the Board of Supervisors
951-955-8464

**THE COUNTY ADMINISTRATIVE CENTER IS CLOSED EVERY FRIDAY UNTIL FURTHER NOTICE.
PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING.**

CERTIFICATE OF MAILING

(Original copy, duly executed, must be attached to
the original document at the time of filing)

I, Cecilia Gil, Board Assistant, for the
(NAME and TITLE)

County of Riverside, do hereby certify that I am not a party to the within action or proceeding; that on January 22, 2013, I mailed a copy of the following document:

NOTICE OF PUBLIC HEARING PLOT PLAN NO. 25252 (FTA 2012-04)

to the parties listed in the attached labels, by depositing said copy with postage thereon fully prepaid, in the United States Post Office, 3890 Orange St., Riverside, California, 92501.

Board Agenda Date: February 5, 2013 @ 11:00 A.M.

SIGNATURE: Mcgil
Cecilia Gil

DATE: January 22, 2013

PROPERTY OWNERS CERTIFICATION FORM

I, VINNIE NGUYEN, certify that on 1/10/2013.

The attached property owners list was prepared by Riverside County GIS.

APN (s) or case numbers PP 25252 For

Company or Individual's Name Planning Department.

Distance buffered 600'.

Pursuant to application requirements furnished by the Riverside County Planning Department, Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

NAME: Vinnie Nguyen

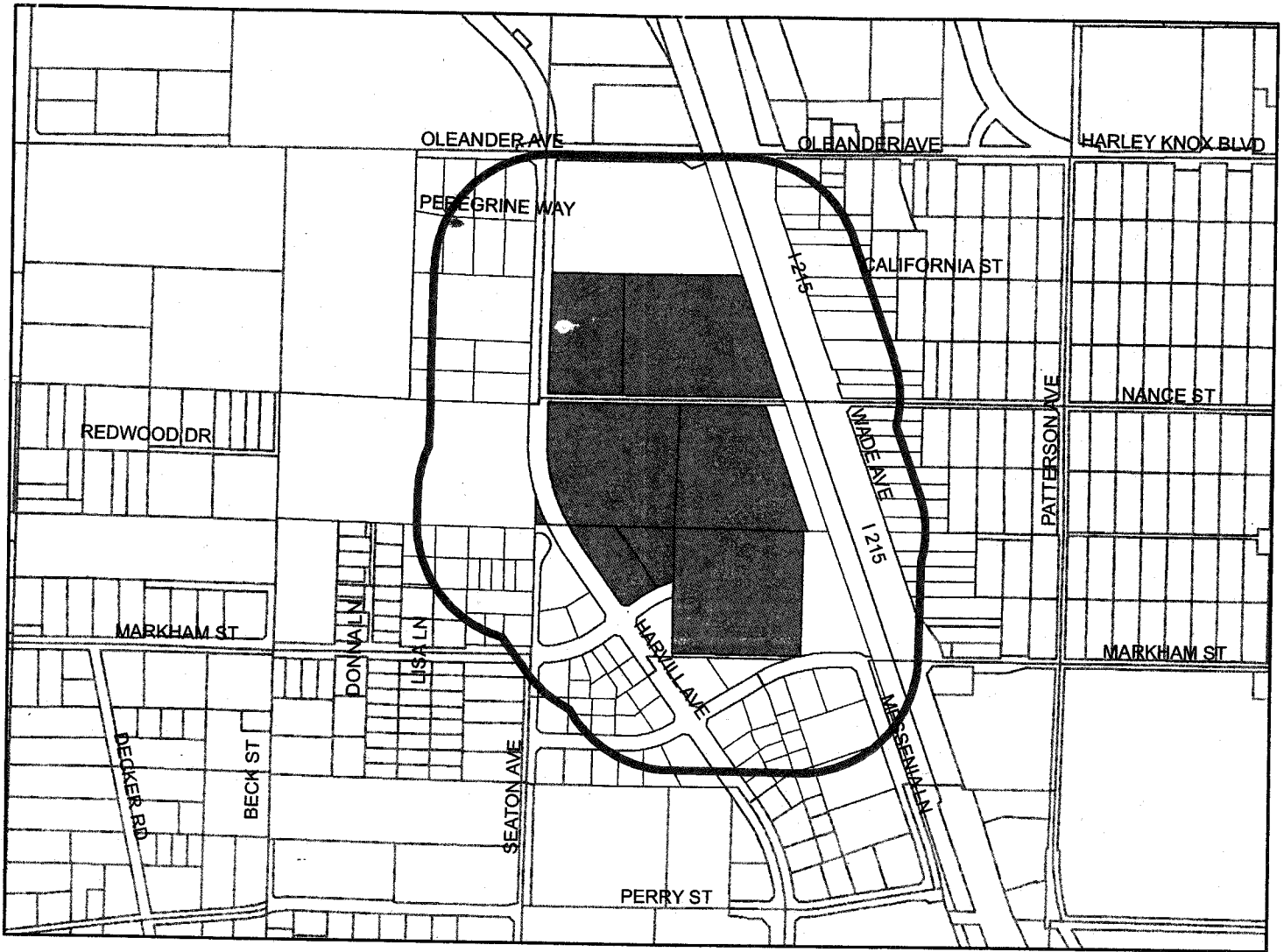
TITLE GIS Analyst

ADDRESS: 4080 Lemon Street 2nd Floor

Riverside, Ca. 92502

TELEPHONE NUMBER (8 a.m. – 5 p.m.): (951) 955-8158

PP25252 (600 feet buffer)



Selected Parcels

314-100-074	314-040-027	314-110-008	314-100-061	314-110-060	314-110-065	314-190-022	314-100-028	314-100-029	314-100-078
314-100-020	314-100-047	314-110-017	314-110-018	314-190-015	314-190-023	314-110-009	314-110-010	314-110-016	314-110-059
314-190-031	314-190-021	314-190-016	314-110-055	314-110-056	314-110-057	314-190-026	314-040-028	314-100-068	314-190-027
314-190-024	314-190-033	314-040-013	314-040-014	314-040-015	314-040-021	314-040-023	314-040-024	314-040-025	314-040-026
314-040-031	314-051-013	314-100-076	314-100-077	314-110-004	314-110-064	314-110-066	314-260-001	314-260-002	314-260-003
314-260-004	314-260-005	314-260-006	314-260-007	314-260-008	314-260-009	314-260-010	314-260-011	314-260-012	314-260-013
314-260-014	314-260-015	314-270-001	314-270-002	314-270-003	314-270-004	314-270-005	314-270-006	314-270-007	314-270-008
314-270-009	314-270-010	314-270-011	314-270-012	314-270-015	314-270-016	314-270-017	314-270-018	314-270-019	314-270-020
314-270-021	314-270-022	314-270-023	314-270-024	314-270-025	314-290-004	314-290-005	314-290-006	314-290-007	314-290-008

at 90 parcels shown



830 415 0 830 Feet

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

ASMT: 314040027, APN: 314040027
ELVIRA SANSOTA, ETAL
22980 PEREGRINE WAY
PERRIS, CA. 92570

ASMT: 314100061, APN: 314100061
CARI SMEDLEY, ETAL
4615 WADE AVE
PERRIS, CA. 92571

ASMT: 314040028, APN: 314040028
KIM TRAN
24921 NANDINA AVE
MORENO VALLEY CA 92551

ASMT: 314100074, APN: 314100074
ALPHA OWENS CORNING CO
C/O STEVE JAMESON
950 HIGHWAY 57 E
COLLIERVILLE TN 38017

ASMT: 314040029, APN: 314040029
ESTEBAN DIAZ, ETAL
17517 CANYONWOOD DR
RIVERSIDE CA 92506

ASMT: 314100078, APN: 314100078
MARY TIMMONS, ETAL
4675 WADE AVE
PERRIS, CA. 92570

ASMT: 314040030, APN: 314040030
TIMOTHY TAYLOR, ETAL
P O BOX 6170
MORENO VALLEY CA 92554

ASMT: 314100079, APN: 314100079
TERRI MASON, ETAL
4635 WADE AVE
PERRIS, CA. 92571

ASMT: 314100005, APN: 314100005
KAREN CONNELL, ETAL
10265 VICTORIA AVE
RIVERSIDE CA 92503

ASMT: 314110008, APN: 314110008
LAURIE BARNES, ETAL
C/O MICHAEL LANE
26786 IRONWOOD AVE
MORENO VALLEY CA 92555

ASMT: 314100019, APN: 314100019
MIJO INV
1101 E MENDOCINO ST
ALTADENA CA 91001

ASMT: 314110017, APN: 314110017
GEORGE FROST
2935 S PACIFIC AVE
SAN PEDRO CA 90731

ASMT: 314100047, APN: 314100047
EDGE O TOWN INC
C/O LAURIE BARNES
22923 LAVA WAY
NUEVO CA 92567

ASMT: 314110031, APN: 314110031
CHERYL REISSNER, ETAL
P O BOX 3132
LAKE ARROWHEAD CA 92352

(50)

PP 25252

ASMT: 314110053, APN: 314110053
SOUTHERN CALIF UNDERGROUND CONTRAC
P O BOX 1747
BREA CA 92822

ASMT: 314190017, APN: 314190017
JILL LAZROVICH, ETAL
22906 MARKHAM ST
PERRIS CA 92570

ASMT: 314110056, APN: 314110056
R EQUIPMENT, ETAL
C/O CRAIG KNOPP
4461 WADE AVE
PERRIS, CA. 92570

ASMT: 314190021, APN: 314190021
NANCY LAZROVICH, ETAL
22938 MARKHAM ST
PERRIS, CA. 92570

ASMT: 314110059, APN: 314110059
J EVANS, ETAL
19 SAVONA WALK
LONG BEACH CA 90803

ASMT: 314190022, APN: 314190022
ALICE STANLEY, ETAL
C/O DAN STANLEY
2661 HUTCHINGS DR
SAN JOSE CA 95111

ASMT: 314110065, APN: 314110065
COUNTY OF RIVERSIDE
C/O REAL ESTATE DIVISION
P O BOX 1180
RIVERSIDE CA 92502

ASMT: 314190023, APN: 314190023
JAMES LAZROVICH
P O BOX 59396
SAN JOSE CA 95159

ASMT: 314120018, APN: 314120018
RIVERSIDE COUNTY TRANSPORTATION COM
PO BOX 12008
RIVERSIDE CA 92502

ASMT: 314190024, APN: 314190024
LORI PERALEZ
18399 SEATON AVE
PERRIS, CA. 92570

ASMT: 314190015, APN: 314190015
GLORIA LAZROVICH
22920 MARKHAM ST
PERRIS, CA. 92570

ASMT: 314190025, APN: 314190025
ABELINA MARTINEZ, ETAL
P O BOX 1811
PERRIS CA 92572

ASMT: 314190016, APN: 314190016
JENNIFER STANLEY, ETAL
22912 MARKHAM ST
PERRIS, CA. 92570

ASMT: 314190026, APN: 314190026
KEN RAYMOND
18431 SEATON AVE
PERRIS, CA. 92570



ASMT: 314190027, APN: 314190027
LERNER HOME FURNISHINGS INC
14940 PERRIS BLV NO D
MORENO VALLEY CA 92551

ASMT: 314210040, APN: 314210040
ENRIQUETA SALGADO, ETAL
18552 STALLION CREST RD
RIVERSIDE CA 92504

ASMT: 314190028, APN: 314190028
ANGELA LAZROVICH, ETAL
555 MCLAUGHLIN AVE 14A
SAN JOSE CA 95116

ASMT: 314290022, APN: 314290022
MAJESTIC FREEWAY BUSINESS CENTER
C/O LINDA J CASEY
13191 CROSSROADS N 6TH FL
CITY OF INDUSTRY CA 91746

ASMT: 314190030, APN: 314190030
KATHLEEN STANLEY, ETAL
20800 HOMESTEAD RD APT 17A
CUPERTINO CA 95014

ASMT: 314190031, APN: 314190031
SHELLY TODOROVITCH, ETAL
PMB 227
925 LAKEVILLE ST
PETALUMA CA 94952

ASMT: 314190032, APN: 314190032
JAMES TODOROVITCH, ETAL
22950 MARKHAM ST
PERRIS CA 92570

ASMT: 314190033, APN: 314190033
LUIS LIERA
15517 DARTMOOR
NORWALK CA 90650

ASMT: 314190034, APN: 314190034
WYNN HUFFMAN, ETAL
C/O WYNN NEAL HUFFMAN
22990 MARKHAM ST
PERRIS, CA. 92570

Doug Bergman
2121 S Haven Ave, Suite 100
Ontario CA 91761

Chris Bratty
8881 Research Drive
Irvine CA 92618

Majestic Freeway Business Center
13191 Crossroads Parkway, 6th Floor
City of Industry CA 91746

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City of Industry CA 91746





CALTRANS District #8
ATTN: Dan Kopulsky
464 W. 4th St., 6th Floor
Mail Stop 725
San Bernardino, CA 92401-1400

Southern California Edison
2244 Walnut Grove Ave., Rm 312
P.O. Box 600
Rosemead, CA 91770

452nd MSG/CECC
March Air Reserve Base
Civil Engineering - BOS
610 Meyer Dr., Building 2403
March ARB, CA 92518-2166

Centralized Correspondence,
Southern California Gas Company
P.O. Box 3150
San Dimas, CA 91773

Verizon Engineering
9 South 4th St.,
Redlands, CA 92373

Eastern Municipal Water District
ATTN: Elizabeth Lovsted
2270 Trumble Rd.
P.O. Box 8300
Perris, CA 92570

EDA
ATTN: Rob Moran
Mail Stop 1040

Val Verde Unified School District
975 W. Morgan St.
Perris, CA 92571-3103

Mead Valley Municipal
Advisory Council
ATTN: Lee Cussins, Secretary
18870 Springwood Ln.
Perris, CA 92570

Eastern Information Center (UCR)
Department of Anthropology
1334 Watkins Hall
Riverside CA 92521

Doug Bergman
2121 S Haven Ave, Suite 100
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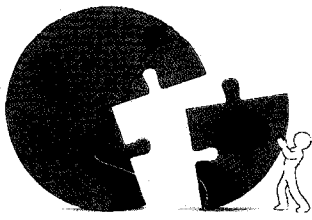
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Carolyn Syms Luna

RIVERSIDE COUNTY PLANNING DEPARTMENT

Memorandum

DATE: February 5, 2013
TO: Riverside County Board of Supervisors
FROM: Planning Staff
RE: **February 5, 2013 Board of Supervisors meeting for Agenda Item 16-1 [Plot Plan No. 25252 (Discount Tire)]**

1. The following exhibit is being recommended for addition (applicant initiated):
 - Exhibit W-1. Revised wall/fencing exhibit. This exhibit will be entered into modified Conditions of Approval:
 - 10. EVERY. 3. Definitions
 - 80. PLANNING. 9. Fencing Plan Required
 - 90. PLANNING. 13. Wall Required
 - 90. PLANNING. 19. Wall & Fence Locations
2. The following condition is being recommended for addition (staff initiated):
 - 10. PLANNING. 41. GEO02311. *The submitted Geology Study and recommendations satisfies Planning/CEQA purposes.*
3. The following conditions are being recommended for their statuses to be changed to denied (staff initiated - project covered under previous archaeological reports):
 - 60. PLANNING. 17. Archaeological Monitor
 - 60. PLANNING. 18. Archaeo M/M Program
 - 70. PLANNING. 4. Phase IV Archaeo Report
4. The following conditions are being recommended for modification:
 - 10. PLANNING. 6. Hours of Operation. *Applicant is requesting the operating use be 24 hours.*
 - 10. PLANNING. 38. Noise Impact Measures. *Applicant is requesting deletion of subsections d) and e).*
 - 10. FLOOD. 1. Flood Hazard Report 12/26/12. *Applicant is requesting the project details be clarified to:*
 - *The correct net land area is 25.91 acres.*
 - *The correct gross land area is 26 acres.*
 - *The correct proposed building size is 399,150 square feet.*
 - 90. TRANS. 1. Signing & Striping. *Staff revised condition to reflect current County process.*
 - 90. TRANS. 6. Existing Maintained SL1. *Staff revised condition to clarify location of sidewalk improvements.*

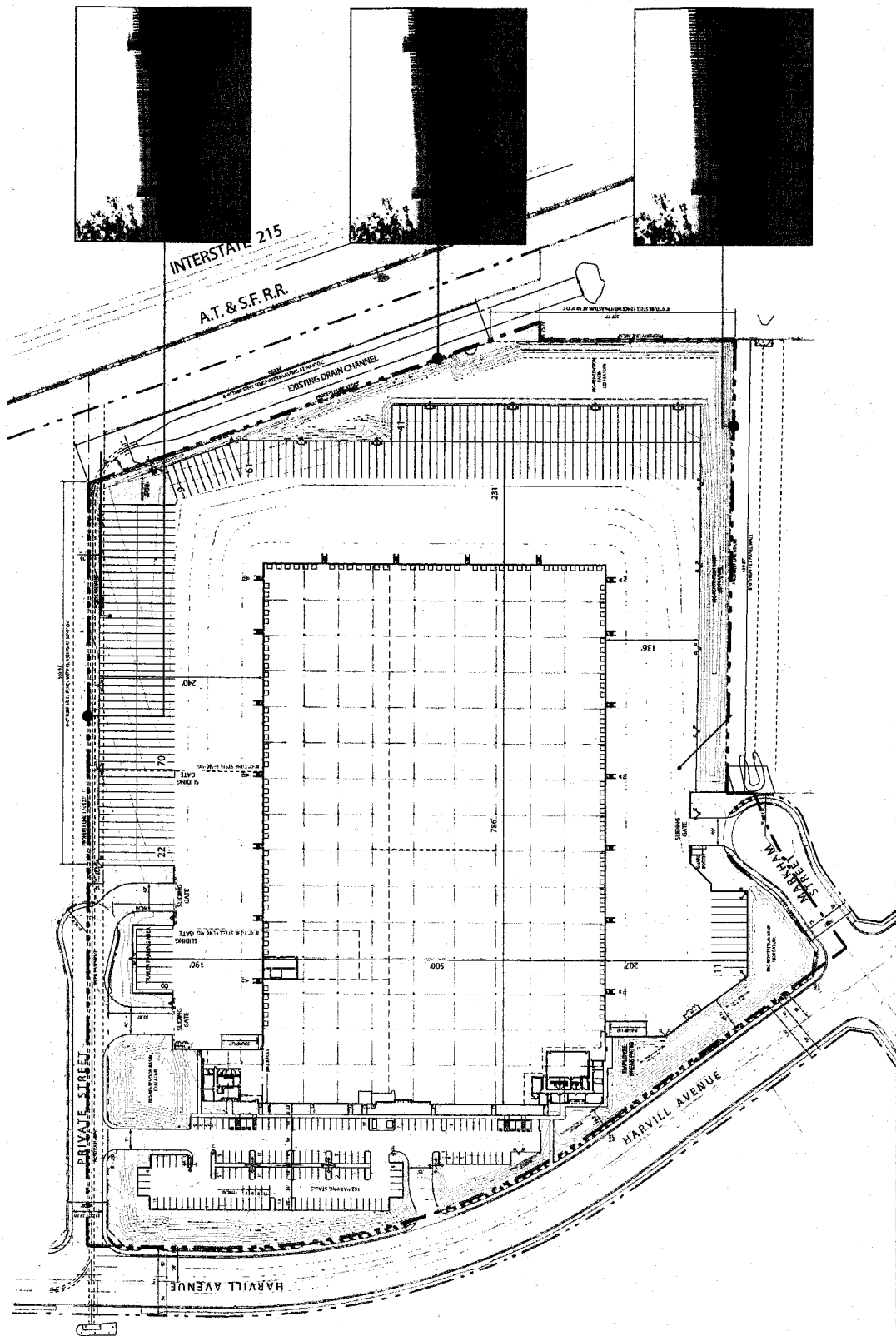
Riverside Office • 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 • Fax (951) 955-3157

Desert Office • 38686 El Cerrito Road
Palm Desert, California 92211
(760) 863-8277 • Fax (760) 863-7555

02.05.2013
16-1

**Memo For February 5, 2013 Board of Supervisors meeting for Agenda Item 16-1
[Plot Plan No. 25252 (Discount Tire)]**

- 90. TRANS. 9. Existing Curb & Gutter. *Staff revised condition to clarify location of sidewalk improvements.*
 - 90. TRANS. 12. Dedication SL1. *Staff revised condition:*
 - *to indicate Nance Street is a private street,*
 - *updated pavement width consistent with exhibit, and*
 - *clarify location of sidewalk improvements.*
5. Staff received public comments from George Hague on February 4, 2013, and has been introduced in this memo.



DISCOUNT TIRE
Cross Dock Facility
BERGMAN
Bergman Development Services

SCREENING EXHIBIT
2.5.13

PP25252
Riverside County, CA.

CASE #: PP25252
EXHIBIT: W-1
DATED: 2/4/13
PLANNER: P. RULL

02/05/13
10:08

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 1

PLOT PLAN:TRANSMITTED Case #: PP25252

Parcel: 314-260-013

10. GENERAL CONDITIONS

EVERY DEPARTMENT

10. EVERY. 3 USE - DEFINITIONS

RECOMMND

The words identified in the following list that appear in all capitals in the attached conditions of Plot Plan No.25252 shall be henceforth defined as follows:

APPROVED EXHIBIT A = Plot Plan No.25252, Exhibit A (Sheets 1-4) dated 12/20/12,
Exhibit G, dated 12/20/12,
Exhibit L, dated 12/20/12,
Exhibit L-1, dated 12/20/12,
Exhibit W, dated 1/17/13,
Exhibit W-1, dated 2/4/13.

(proposed amendments for Board of Supervisors meeting on 2/5/13)

FLOOD RI DEPARTMENT

10.FLOOD RI. 1 USE FLOOD HAZARD RPT 12/26/12

RECOMMND

Plot Plan No. 25252 is a proposal to construct a 399,150 square foot logistics facility for distribution of tires. The approximately 26-acre site is located in the Mead Valley area, west of Interstate 215 and at the northeast corner of Harvill Avenue and Markham Street. This project is associated with Plot Plan 25252, Specific Plan 341, and Environmental Impact Report 466.

The site is impacted by offsite runoff from the west and northwest. As part of SP341, drainage infrastructure was constructed in this area in the early 1990's by Community Facilities District (CFD) No. 88-8. The CFD constructed storm drains conforming to the Flood Control District's Perris Valley Master Drainage Plan. It should be noted that the SP 341 also acknowledges the lack of an adequate conveyance between the three culvert outfalls (located east of the site at I-215) and the Perris Valley Storm Drain Channel.

The project proposes to tie into existing Perris Valley MDP Laterals Line F, F-2, and the detention basin (Project Number 4-492). The detention basin was constructed to mitigate storm flows to an undersized culvert located underneath the AT&SF Railroad between Perry Street and Commerce Center Drive. The development within the area

PLOT PLAN:TRANSMITTED Case #: PP25252

Parcel: 314-260-013

10. GENERAL CONDITIONS

10.FLOOD RI. 1

USE FLOOD HAZARD RPT 12/26/12 (cont.)

RECOMMND

tributary to this basin, between Markham St and Old Oleander, will not require increased runoff mitigation. However, water quality mitigation will still be required. The District currently maintains the basin and will not allow the basin to be altered to incorporate a water quality feature to mitigate the impacts of this development proposal.

Despite the construction of ultimate facilities onsite under CFD 88-8, undersized culverts under the railroad may be a limiting factor. Unless these crossings are upgraded, it may be necessary to elevate buildings proposed adjacent to the tracks to assure that they will not be flooded in major storm events.

Offsite grading is proposed north of the project and on Markham Street. A written permission shall be obtained from the affected property owner(s) allowing the proposed grading and/or facilities to be installed outside the project boundaries. A copy of the written authorization shall be submitted to the District for review and approval.

If the developer cannot obtain such authorization, the project shall be redesigned to eliminate for offsite grading.

The proposed development of this site would adversely impact water quality. To mitigate for these impacts, Low Impact Development (LID) principles, bioretention basin, and bioswales are proposed.

This site is located within the bounds of the Perris Valley Area Drainage Plan (ADP) for which drainage fees have been established by the Board of Supervisors. Applicable ADP fees will be due (in accordance with the Rules and Regulations for Administration of Area Drainage Plans) prior to permits for this project. Although the current fee for this ADP is \$8,875 per acre, the fee due will be based on the fee in effect at the time of payment. The underlying Community Facility District 88-8 constructed sufficient local drainage infrastructure to fulfill the local portion of the ADP obligation. The ADP fee due will be only that portion of the fee earmarked for construction of the mainstem "Perris Valley Channel" (currently, the mainstem portion is \$1,070 per acre). The fee is payable to the Flood Control District by cashier's check or money order only. The District will not accept personal or company checks.

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10. GENERAL CONDITIONS

10.FLOOD RI. 1 USE FLOOD HAZARD RPT 12/26/12 (cont.) (cont.)RECOMMND

[Proposed amendments for Board of Supervisors meeting on
2/5/13]

PLANNING DEPARTMENT

10.PLANNING. 6 USE - HOURS OF OPERATION RECOMMND

Use of the facilities and truck delivery operations
approved under this plot plan shall operate 24 hours, 7
days a week.

(proposed amenments for Board of Supervisors meeting on
2/5/13)

10.PLANNING. 38 USE - NOISE IMPACT MEASURES RECOMMND

To further reduce noise impacts, the project shall adhere
to the following:

a) To reduce construction-related noise, site preparation,
grading and construction activities within one-quarter mile
of occupied residences shall be limited to those hours as
set forth in the Riverside County Ordinance No. 457.

b) All construction equipment, fixed, or mobile shall be
equipped with properly operating and maintained mufflers.

c) No combustion powered equipment, such as pumps or
generators shall be allowed to operate within 500 feet of
any occupied residence unless the equipment is surrounded
by a noise protection barrier.

d) No nighttime loading/unloading shall occur within 100
feet of any residence. No combined trucking movements and
unloading/loading shall occur within 200 feet of any
residence from 10:00 p.m. to 7:00 a.m.

e) During nighttime operations between the hours of 10:00
p.m. to 7:00 a.m. trucks shall utilise the main entrance
that is furthest away from the nearest residence. During
this nighttime period, all loading and unloading of trucks
shall occur in truck bays furthest away from the
nearest residence.

(proposed status be changed to denied for item d) and e)

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10. GENERAL CONDITIONS

10.PLANNING. 38 USE - NOISE IMPACT MEASURES (cont.) RECOMMND

for Board of Supervisors meeting on 2/5/13)

10.PLANNING. 41 USE - GEO02311 RECOMMND

County Geologic Report (GEO) No. 2311, submitted for this project (PP25252) was prepared by Salem Engineering Group, Inc. and is entitled: "Geotechnical Engineering Investigation, Proposed America's Tire Warehouse, Seaton Avenue and Nance Street, Riverside, California", dated November 30, 2012. In addition, Salem prepared the following:

"Addendum I to Geotechnical Engineering Investigation, Proposed America's Tire Warehouse, Seaton Avenue and Nance Street, Riverside, California", dated January 24, 2013.

"Addendum No. 2 to Geotechnical Engineering Investigation, Proposed America's Tire Warehouse, Seaton Avenue and Nance Street, Riverside, California", dated January 29, 2013.

These documents are herein incorporated as a part of GEO02311.

GEO02311 concluded:

- 1.The seismic hazard most likely to impact the site is ground shaking due to a large earthquake on one of the major active regional faults.
- 2.Active faulting does not exist at the site.
- 3.The surface fault rupture potential is very low.
- 4.The liquefaction potential is considered to be very low.
- 5.The geologic hazards of slope stability, rock fall hazards, debris flow and landslide hazards are considered to be very low.
- 6.The geologic hazards of collapsible and expansive soil, hydroconsolidation and subsidence are considered to be very low.
- 7.The geologic hazards of wind and water erosion are considered to be very low.

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10. GENERAL CONDITIONS

10.PLANNING. 41 USE - GEO02311 (cont.)

RECOMMND

8.The geologic hazard of seiche is considered to be very low.

GEO02311 recommended:

1.General site clearing should include removal of vegetation, organic materials, and existing utilitites, structures, trees and associated root systems, rubbish, and any loose and/or saturated materials. These materials will not be suitable for reuse as Engineered Fill.

2.Any excavations that result from clearing operations should be backfilled with Engineered Fill.

3.Overexcavation should be performed to a minimum depth of 3 feet below exiting grade or two feet below proposed grade, whichever is deeper.

4.The cut portion within the building area should be overexcavated and replace with Engineered Fill to a minimum depth of 2 feet below bottom of the footing. The minimum amount of fill required beneath proposed footings is 2 feet.

GEO No. 2311 satisfies the requirement for a liquefaction study for Planning/CEQA purposes. GEO No. 2311 is hereby accepted for Planning purposes. Engineering and other Uniform Building Code parameters were not included as a part of this review or approval. This approval is not intended and should not be misconstrued as approval for grading permit. Engineering and other building code parameters will be reviewed and additional comments and/or conditions may be imposed by the Building and Safety Department upon application for grading and/or building permits.

(proposed amendments for Board of Supervisors meeting on 2/5/13)

60. PRIOR TO GRADING PRMT ISSUANCE

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60. PRIOR TO GRADING PRMT ISSUANCE

PLANNING DEPARTMENT

60. PLANNING. 17 USE - ARCHAEOLOGICAL MONITOR

RECOMMND

PRIOR TO ISSUANCE OF GRADING PERMITS: The applicant/developer shall retain and enter into a monitoring and mitigation service contract with a qualified Archaeologist for professional services relative to review of grading plans, preparation of a monitoring plan for all areas of disturbance that may impact previously undisturbed deposits (if any), and monitoring of site grading for areas of previously undisturbed deposits. The applicant/developer shall submit a fully executed copy of the contract for archaeological monitoring and mitigation services to the County Archaeologist to ensure compliance with this condition of approval. Upon verification, the Planning Department shall clear this condition.

Note: The project Archaeologist is responsible for implementing CEQA-based mitigation using standard professional practices for cultural resources archaeology. The Project Archaeologist shall coordinate with the County, applicant/developer and any required tribal or other special interest group monitor throughout the process as appropriate.

This condition shall not modify any approved condition of approval or mitigation measure.

(proposed status to be changed to denied for Board of Supervisors meeting on 2/5/13)

60. PLANNING. 18 USE - ARCHAEO M/M PROGRAM

RECOMMND

PRIOR TO THE ISSUANCE OF GRADING PERMITS, The project applicant shall enter into an agreement with a qualified archaeologist. This agreement shall include, but not be limited to, the preliminary mitigation and monitoring procedures to be implemented during the process of grading, as found in the EIR. A copy of said agreement shall be submitted to the Planning Department. No grading permits will be issued unless the preliminary mitigation and monitoring procedures required prior to grading permits as described in the EIR are substantially complied with.

(This condition was created to comply with the requirement of the approved Specific Plan Condition of Approval 30. Planning. 24)

(proposed status to be changed to denied for Board of

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60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 18 USE - ARCHAEO M/M PROGRAM (cont.)

RECOMMND

Supervisors meeting on 2/5/13)

70. PRIOR TO GRADING FINAL INSPECT

PLANNING DEPARTMENT

70.PLANNING. 4 USE - PHASE IV ARCHAEO REPORT

RECOMMND

PRIOR TO GRADING PERMIT FINAL: The developer/holder shall prompt the Project Cultural Resources Professional to submit two (2) wet-signed copies of a Phase IV Cultural Resources Monitoring Report that complies with the Riverside County Planning Department's requirements for such reports for all ground disturbing activities associated with this grading permit. The report shall also include evidence of the required cultural/historical sensitivity training for the construction staff held during the required pre-grade meeting. The County Archaeologist shall review the report to determine adequate mitigation compliance was met. Upon determining the report and mitigation is adequate, the County Archaeologist shall clear this condition.

(proposed status to be changed to denied for Board of Supervisors meeting on 2/5/13)

80. PRIOR TO BLDG PRMT ISSUANCE

PLANNING DEPARTMENT

80.PLANNING. 9 USE - FENCING PLAN REQUIRED

RECOMMND

A fencing plan shall be submitted showing all wall and fence locations and typical views of all types of fences or walls proposed. This plan shall require anti-graffiti coatings on fences and walls, where applicable. The type and location of walls and fences shall be consistent with Exhibit A, Exhibit W, and Exhibit W-1.

(proposed amendments for Board of Supervisors meeting on 2/5/13)

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90. PRIOR TO BLDG FINAL INSPECTION

PLANNING DEPARTMENT

90.PLANNING. 13 USE - WALL REQUIRED

RECOMMND

A decorative block screen wall or combination landscaped earthen berm and decorative block wall shall be constructed as indicated in Exhibit A, W and W-1. The exterior side of all masonry walls shall be surfaced with a protective coating that will facilitate the removal of graffiti. The required wall and/or berm shall be subject to the approval of the Director of the Department of Building and Safety and the Planning Director and the appropriate flood control agency, and shall be shown on all grading and landscaping plans.

(proposed amendments for Board of Supervisors meeting on 2/5/13)

90.PLANNING. 19 USE - WALL & FENCE LOCATIONS

RECOMMND

Wall and/or fence locations shall be in conformance with APPROVED EXHIBIT A, W, and W-1.

(proposed amendments for Board of Supervisors meeting on 2/5/13)

TRANS DEPARTMENT

90.TRANS. 1 USE - SIGNING & STRIPING

RECOMMND

A signing and striping plan is required for this project. The project proponent shall be responsible for any additional paving and/or striping removal caused by the striping plan or as approved by the Director of Transportation.

(proposed amendments for Board of Supervisor meeting on 2/5/13)

90.TRANS. 6 USE - EXISTING MAINTAINED SL1

RECOMMND

Harvill Avenue along project boundary is a paved County maintained road designated Major and shall be improved with 8" concrete curb and gutter located 38 feet from centerline to curb line, and match up asphalt concrete paving; reconstruction; or resurfacing of existing paving as determined by the Transportation Department within the 50 foot half-width dedicated right-of-way in accordance

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90. PRIOR TO BLDG FINAL INSPECTION

90.TRANS. 6 USE - EXISTING MAINTAINED SL1 (cont.)

RECOMMND

with County Standard No. 93. (38'/50') (Modified)

NOTE: A 6' sidewalk along project frontage shall be constructed adjacent to curb line within the 12' parkway.

Markham Street along project boundary is a paved County maintained road and shall be improved with 8" concrete curb and gutter (both sides of street) located 28 feet from centerline to curb line, and match up asphalt concrete paving; reconstruction; or resurfacing of existing paving as determined by the Transportation Department within the 39 foot half-width dedicated right-of-way in accordance with County Standard No. 111.

NOTE: 1. A 6' sidewalk along project frontage shall be constructed adjacent to curb line within the 11' parkway.

2. Cul-de-sac design shall meet requirements of Standard No. 800, Ordinance 461.

3. The driveway shall be constructed in accordance with County Standard No. 207A.

(proposed amendments for Board of Supervisor meeting no 2/5/13)

90.TRANS. 9 USE - EXISTING CURB & GUTTER

RECOMMND

On existing curb and gutter, new driveway, closure of existing driveways, sidewalks, and/or drainage devices within County right-of-way, including sewer and water laterals, on Harvill Avenue shall be constructed within the dedicated right-of-way in accordance with County standards, Ordinance 461. Such construction shall be shown on existing street improvement plans and approved and permitted by the Transportation Department. Process a plan revision through the Plan Check Section per Section I, Part E, page 10 of the "Policies and Guidelines" available on the Internet at:
www.tlma.co.riverside.ca.us/trans/land_dev_plan_check_guide

NOTE: 1. The driveway shall be constructed in accordance with County Standard No. 207A.

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90. PRIOR TO BLDG FINAL INSPECTION

90.TRANS. 9 USE - EXISTING CURB & GUTTER (cont.) RECOMMND

2. A 6' sidewalk along project frontage shall be constructed adjacent to the curb line.

(proposed amendments for Board of Supervisor meeting on 2/5/13)

90.TRANS. 12 USE - DEDICATION SL1 RECOMMND

Private Street (formerly Nance) shall be improved with 44 foot full-width AC pavement and 8" concrete curb and gutter (both sides of street).

NOTE:

1. A 6' sidewalk along the project frontage shall be constructed adjacent to curb line within the parkway.
2. Cul-de-sac design shall meet requirements of Standard No. 800, Ordinance 461.
3. The driveway shall be constructed in accordance with County Standard No. 207A.

or as approved by the Transportation Department.

(proposed amendments for Board of Supervisor meeting on 2/5/13)

Rull, Paul

From: George Hague [gbhague@gmail.com]
Sent: Monday, February 04, 2013 10:55 PM
To: Rull, Paul
Subject: PP25252 Discount Tire in Mead Valley
Attachments: SCAQMD comment letter 09-04-12.pdf; Clean Fuel001.pdf; March BC_RTC.pdf; March BC_city council_draft.doc

<http://www.pe.com/opinion/editorials-headlines/20130106-editorial-restrict-air-pollution-from-moreno-valley-warehouses.ece>

Press-Enterprise Editorial on the City of Moreno Valley not implementing AQMD's recommendations on warehouse diesel truck emissions. (1-6-2013)

Good morning Mr Rull,

The hearing today at I believe 11 am for Plot Plan No. 25252 for Discount Tires is one I find I can not make, but I am concerned that the County is making the same mistakes that the City of Moreno Valley is making.

You are not using strong enough Conditions of Approval and Incentives to reduce toxic diesel pollution. I am attaching four AQMD letters on three Moreno Valley warehouses which I want as part of the Administrative Record. AQMD's recommendations are based on the region they serve and there letters are good for both Moreno Valley and for Mead Valley. Their recommendations found in these letters to reduce diesel pollution need to be part of this project's approvals. Failing to do so would mean the environmental documents are inadequate and you are not protecting the Health, Safety and Welfare of not only the residents who live so very close to this warehouse project, but all of us in the region. Overriding considerations also can not be made unless all of the recommendation in the below letters to protect the air quality in the region are part of the approval process. I am including the Press-Enterprise Editorial (1-6-2013) which expresses concern about "warehouse space should take every possible step to curb diesel emissions -- for the good of the city residents and the region." This shows the below AQMD letters are to protect the region and their recommendations are good for all warehouse projects within their area of responsibility. Please include their recommendations on the Discount Tire warehouse project and do even more to protect both those who live near by and those who live in a region that is becoming dominated by warehousing.

Thank you for making sure all have this information prior to voting,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

September 4, 2012 AQMD letter on the ProLogis Eucalyptus Industrial Park warehouse project which has not released its FEIR.

November 28, 2012 AQMD letter on the Centerpointe West warehouse project

December 14, 2012 AQMD letter on the March Business Center warehouse project

January 22, 2013 AQMD letter read by Ian MacMillan during the Moreno Valley City Council meeting on the March Business Center

EDITORIAL: Restrict air pollution from Moreno Valley warehouses



Moreno Valley's dubious plans for warehouse development require effective steps to control air pollution from truck traffic.

6 0 0

A Text Size



THE PRESS-ENTERPRISE

January 06, 2013; 01:00 AM

[Comments \(0\)](#)

Moreno Valley needs to take a more stringent approach to air pollution from warehouse traffic than the city now proposes. A city contemplating a vast expansion of warehouse space should take every possible step to curb diesel emissions — for the good of city residents and the region.

The South Coast Air Quality Management District says that Moreno Valley is pushing ahead with warehouse projects without doing enough to protect air quality. The district last month urged the city to put stronger restrictions on the proposed 1.5 million-square-foot March Business Center, slated for land east of Heacock Street near March Air Reserve Base, which is still moving through the city's approval process. The district wrote the city after the project's environmental report in November rejected the agency's suggestions for cutting pollution from truck traffic as impractical.

Air quality should be a fundamental concern for any city proposing to become a warehouse center, as Moreno Valley is. Warehouses are at best a mixed proposition for a city already grappling with heavy traffic congestion in a region with some of the dirtiest air in the nation. Exhaust from diesel engines is a primary source of pollutants, particularly the tiny particle pollution linked to a variety of heart and lung ailments, including cancer and early death. Not surprisingly, fears of deteriorating air quality are one of the biggest reasons for public opposition to city warehouse projects.

So Moreno Valley should address that issue aggressively, especially given the city's plans for millions more square feet of warehouse space — including one proposal for a massive warehouse complex equal in size to more than 700 football fields. If the projects advance, strict air quality requirements from the start could help the city avoid becoming an object lesson in pollution-spewing planning.

Yet the city's response to the air quality regulators' concerns hardly builds public confidence that the city is carefully considering its rush to build warehouses. The air agency said the city could, for example, require trucks serving the warehouse to meet 2010 emissions standards, or create a plan to phase in newer, cleaner trucks as quickly as possible. The city could also require warehouse tenants to apply for government grants to retrofit or replace older trucks, among other steps. The city's reaction: Moreno Valley has no control over truck emissions, which fall under state and federal law. The city also called the air quality agency's proposed solutions infeasible.

Other local governments do not share that view, however. The air district points to projects in San Bernardino and Mira Loma, where planners imposed such conditions on warehouse proposals. Those examples suggest that the issue is not legality and feasibility, but political will.

And council members' complaints that the air quality district is unfairly picking on Moreno Valley miss the point. The real issue is whether the city is acting responsibly in pursuing warehouse development. The city envisions a massive logistics hub, and yet wonders why anyone would complain when officials wave off concerns about pollution from truck traffic?

Moreno Valley should not have to sacrifice air quality for the city's future. Southern California has managed to greatly improve its air even as the region's economy expanded, but not by scrimping on pollution control measures. Moreno Valley can grow and still do everything possible to protect residents' health and the region's air — but not if the city takes a hands-off approach to diesel pollution.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-MAILED: September 4, 2012

September 4, 2012

Mr. Jeff Bradshaw, Associate Planner, jeffreyb@moval.org
Planning Department
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

**Draft Environmental Impact Report (Draft EIR) for the Proposed
ProLogis Eucalyptus Industrial Park Project (SCH. NO. 2008021002)**

The South Coast Air Quality Management District (AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final EIR.

In the project description, the lead agency proposes construction of six warehouse distribution facility buildings totaling 2,244,419 square feet with 326 total loading docks. Building sizes will range from 160,106 to 862,035 square feet on a total 122.8 acre site. Operations at the proposed industrial park will include approximately 1,989 trucks operating 24 hours per day and 7-days per week. Construction is planned to begin in the fall of 2012 and be completed as early as the last quarter of 2013, with a possible opening year by 2016.

In the Air Quality Section, the Draft EIR quantified the project's construction and operation air quality impacts and found that those impacts exceeded the AQMD's recommended significance thresholds. As stated in the Draft EIR, air quality in our basin exceeds federal and state standards and presents numerous health risks to those living and working here. The AQMD staff appreciates that the project therefore includes mitigation measures that have the potential to reduce emissions including building energy efficiency measures, carpooling programs, and encouragement of alternative fueled vehicles. However, the project's air quality impacts remain substantially above AQMD thresholds after mitigation. This is due, in part, to the lack of enforceability of some mitigation measures. The AQMD staff recommends that the lead agency strengthen the project's mitigation measures and additionally provide further clarity to portions of the air quality analysis. Details are provided in the attached comments.

Pursuant to Public Resources Code Section 21092.5, please provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final Environmental Impact Report. The AQMD staff is available to work with the Lead

Mr. Jeff Bradshaw,
Associate Planner

2

September 4, 2012

Agency to address these issues and any other air quality questions that may arise. Please contact Gordon Mize, Air Quality Specialist – CEQA Section, at (909) 396-3302, if you have any questions regarding these comments.

Sincerely,



Ian MacMillan

Program Supervisor, Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment
IM:GM

SBC120718-01
Control Number

Operational Mitigation Measures

1. AQMD staff commends the lead agency for encouraging the use of alternatively fueled technologies to reduce the significance CO, VOC, NOx, PM10, and PM2.5 impacts. However, these measures are not enforceable and thus it is unclear how likely they will be implemented because tenants are only “encouraged to promote” them. AQMD staff recognizes that requiring warehouse tenants to place engine technology restrictions on their vendors presents unique challenges. Further, requiring standards for one development and not another can yield competitive inequalities. The AQMD staff therefore encourages the lead agency to work with our agency to develop a common set of measures that are enforceable and that reduce emissions to the maximum extent feasible for the many warehouse projects under consideration in the city.

Some of these measures could include:

- Requiring all on-site vehicles (hostlers, forklifts, etc.) to utilize zero or near-zero emission technology
- Requiring the installation of sufficient alternative fueling infrastructure (e.g., electric charging, CNG/LNG, hydrogen, etc.) for trucks on-site or within close proximity to the site to facilitate the use of these technologies
- Providing a phase-in schedule and goals for the introduction of zero or near-zero technology trucks (e.g., 10% by 2020, 20% by 2025, etc.) that visit warehouses
- Prohibiting the placement of loading docks or major truck routes within 500 feet of sensitive receptors

Should any of these measures be found infeasible, other measures should be considered that will reduce air quality impacts. The measures listed below have been used by other lead agencies including the City of Banning¹, Riverside County², City of San Bernardino³, and the San Pedro Bay Ports⁴, among others.

- At project start, all heavy duty trucks entering the property must meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025.
 - If the above clean truck requirement is infeasible, a phase-in schedule should be put forth that will feasibly achieve emission reductions as soon as possible, and faster than existing regulations. Should an alternative schedule be found necessary, the AQMD staff should be consulted prior to approving the schedule.

¹ Banning Business Park <http://banning.ca.us/archives/30/July%2013.%202010%20City%20Council%20Agenda.pdf>

² Mira Loma Commerce Center http://www.rctlma.org/online/content/conditions_of_approval.aspx?PERMITNO=pp17788

³ Palm/Industrial Distribution Center <http://www.ci.san-bernardino.ca.us/civica/filebank/blobdload.asp?BlobID=11793>

⁴ Clean Trucks Program <http://www.cleanairactionplan.org/cleantrucks/>

- The facility operator will maintain a log of all trucks entering the facility to ensure that on average, the daily truck fleet meets the quantities and emission standards listed in the Draft EIR. This log should be available for inspection by city staff at any time.
- Prohibit all vehicles from idling in excess of five minutes, both on warehouse property and on streets in the General Plan Amendment area.
- The facility operator will ensure that onsite staff in charge of keeping the daily log and monitoring for excess idling will be trained/certified in diesel health effects and technologies [for example, by requiring attendance at CARB approved courses (such as the free, one-day Course #512)].
- Limit the daily number of trucks allowed at each facility to levels analyzed in the Final EIR. If higher daily truck volumes are anticipated to visit the site, the lead agency should commit to re-evaluating the additional impacts through CEQA prior to allowing this higher activity level.
- Limit project operations to non-refrigerated warehouse types of trucks and appurtenances (e.g., transportation refrigeration units, TRUs) included in the project description and analyzed in the Final EIR. If this equipment and associated higher emissions are anticipated to visit the site, the lead agency should commit to re-evaluating project impacts through CEQA prior to allowing this higher activity level.
- Require at least a portion of the fleet to utilize alternative fueled technologies.
- At a minimum, require tenants upon occupancy that do not already operate 2007 and newer trucks to apply in good faith for funding to replace/retrofit their trucks, such as Carl Moyer, VIP, Prop 1B, or other similar funds. Should funds be awarded, the tenant should also be required to accept and use them.
- Design the warehouse/distribution center such that any check-in point for trucks is well inside the facility property to ensure that there are no trucks queuing outside of the facility.
- Restrict overnight parking in residential areas. Establish overnight parking within the warehouse/distribution center where trucks can rest overnight.
- Due to the large roof area associated with this project, consider installing solar roof panels to reduce emissions from fossil fuel based electrical generating technologies providing electrical power to the project site. At a minimum, buildings should be designed to allow the installation of solar panels at a later date.
- Use street sweepers that comply with SCAQMD Rules 1186 and 1186.1.

Trucking Support Services

2. The project is projected to accommodate nearly 2,000 trucks on a daily basis. In addition to the project's 2.24 million square feet of warehousing, there are several other warehouse projects in the area, including a recently proposed 40+ million square foot project. The trucks from all of these warehouse operations do not currently have any facilities in this portion of the city to serve their specific needs. Trucking support services can include truck repair, fueling, and overnight parking, hotels, restaurants, banking, etc. If these services are not easily accessible to this

project or surrounding projects, then truckers may have no choice but to make extra trips into the surrounding neighborhoods to find these services. In other parts of the basin, these extra trips and idling in surrounding neighborhoods has led to increased emissions affecting local residents. The lead agency should address how these trucking services will be provided to truckers serving this project and the other nearby projects. Potential measures to consider include:

- Establish area(s) within the facility for repair needs.
- Post signs outside of the facility providing a phone number where neighbors can call if there is a specific issue.
- Develop, adopt and enforce truck routes both in and out of city, and in and out of facilities.
- Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas.
- Identify or develop secure locations outside of residential neighborhoods where truckers that live in the community can park their truck, such as a Park & Ride.
- Provide food options, fueling, truck repair and or convenience store on-site to minimize the need for trucks to traverse through residential neighborhoods.
- Improve traffic flow by signal synchronization.
- Design the warehouse/distribution centers to ensure that truck traffic within the facility is located away from the property line(s) closest to its residential or sensitive receptor neighbors.

Equipment Not Included in Air Quality Analysis

3. The Draft EIR includes a Health Risk Assessment (HRA) that evaluates the impact from two sources, trucks and employee cars. Although the lead agency has proposed encouraging the promotion of near-zero emission yard trucks, it isn't clear if all applicable on-site equipment are accounted for and included in the health risk assessment. Equipment that is commonly found at warehouses that is not included in the HRA or the air quality analysis includes hostlers (e.g., yard trucks), diesel generators, and transportation refrigeration units (TRU's). The Final EIR should estimate the emissions from these equipment types or specifically prohibit their use onsite.

Health Risk Assessment Calculations

4. Several parameters used to determine potential health risks for the proposed project require further explanation or recalculation in the Final EIR. In addition to the comments below, details that should be provided in the Final EIR include the EMFAC modeling output and the dispersion modeling output. Should you have any questions regarding these parameters, please call AQMD staff at (909) 396-3244. AQMD staff notes the following items that are unclear in the HRA:

- The HRA assumes that 2025 is a representative year from EMFAC2007 for the entire 70 year span of the project. Further justification is needed to

validate this assumption, especially considering the significantly higher emissions that are expected in the years preceding 2025, and the relatively unchanged emissions in the years following 2025.

- No emissions are calculated for onsite travel such as trucks traveling from Eucalyptus to building dock doors and back. Hostlers, diesel generators, and TRU's are also not included.
- The project description states that operations will occur 24 hours per day, 7 days per week while the HRA states that emissions will only occur 12 hours per day.
- The HRA assumes that half the trucks will travel east, while the other half travel west on Eucalyptus when exiting/entering the project site. The traffic study within the Draft EIR states that only 33% will travel west while the preponderance travel east.
- The HRA assumed that 12.5% of heavy duty trucks, 30% of medium duty trucks, and 80% of light duty trucks will use gasoline instead of diesel fuel. These values should be justified when considering the kinds of trucks that typically serve warehouses. AQMD staff recommends a default assumption of 100% diesel fueled trucks serving warehouses without further justification.
- The derivation of emission rates is unclear. For example, the HRA Emission Rate Worksheet shows a rate of 8.7E-05 g/s for heavy duty diesel trucks. AQMD staff was not able to reproduce this rate. For example, running EMFAC2007 at 70°, 50% humidity, year 2025, with a SCAQMD fleet yields an emission rate of 9.27E-05 g/s.
- It is not clear how the idling emission rate was derived.
- The effects of building downwash was included, however no mention was made that downwash does not work with volume sources in either the AERMOD or ISC dispersion model. In addition, if downwash is used in the final analysis, the building heights should match those found elsewhere in the Draft EIR. The HRA states that heights of 65 feet were used, however this is considerably taller than any building heights described in Appendix K.

On-Site Truck Idling Emissions

5. In the health risk effects analysis, the lead agency assumes that 1,246 heavy duty diesel trucks will operate daily at the project site. On page 4.3-17 in the Air Quality Section, the lead agency used only five minutes of idling in the emissions estimate for the health risk assessment. Although state regulations only allow five minutes of idling at any one time, trucks may idle for five minute periods several times on-site (e.g., queuing to enter the site, at the loading dock, exiting the site, etc.). AQMD staff therefore recommends an assumption of 15 minutes for on-site idling. If less than 15 minute of idling is used in the HRA, a mitigation measure should be added that requires the project proponent to limit *total* onsite idling time to the time used in the health risk assessment.

Truck Categorization

6. In the air quality analysis, the lead agency used the truck trip rate of 1.96 trips per 1,000 square feet of land use to estimate operational air quality impacts instead of the default CalEEMod land use model trip rate of 2.59. In addition, the lead agency assumed, as specified in the Transportation chapter of the Draft EIR, the vehicle fleet mix used to estimate truck emissions based on values recommended in the Fontana Truck Study. This study includes data for 2-axle, 3-axle, and 4+ axle trucks. Although EMFAC2007 also includes emission factors based on truck size, the splits are based however on vehicle weight, not axle. For the regional criteria pollutant calculations, the Draft EIR assumes that 2-axle and 3-axle trucks correspond to EMFAC2007 LDT1 and LDT2 vehicle classifications. LDT1 and LDT2 are for pickup trucks and are not typical of the higher emitting 2-axle and 3-axle trucks that would make deliveries at a warehouse. Based on guidance in Appendix E in the CalEEMod User Guide, 2-axle trucks should use the LHD1 classification, and 3-axle trucks should use MHD in the Final EIR. AQMD staff notes that these classifications were used for the Health Risk Assessment.

Construction Mitigation Measures

7. In the Draft EIR, the lead agency has determined that project regional construction impacts exceed the AQMD recommended significance thresholds. AQMD staff therefore recommends the following changes and additional mitigation measures during the projected 12 month construction period in addition to the measures proposed starting on page 4.3-23 to further reduce ROG and NOx impacts, if applicable and feasible.

Recommended change:

4.3.6.2D All clearing, grading, earthmoving, or excavation activities shall cease when winds (as instantaneous gusts) exceed 25 miles per hour per SCAQMD guidelines in order to limit fugitive dust emissions.

Recommended addition:

- Limit the amounts of daily soil disturbance to the amounts analyzed in the EIR.
- Prohibit truck idling in excess of five minutes, both on- and off-site.

Further, other lead agencies in the region including LA County Metro, the Port of Los Angeles, and the Port of Long Beach have also enacted the following mitigation measures. AQMD staff recommends the following measures to further reduce air quality impacts from construction equipment exhaust:

- Project start to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In

addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

- Post-January 1, 2015⁵: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- A copy of each unit's certified tier specification, BACT documentation, and CARB or AQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website:
www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html .

Average Vehicle Ridership

8. Mitigation measure 4.3.6.5B lists as one of the measures the development of trip reduction plans that will achieve 1.5 average vehicle ridership for businesses with fewer than 100 employees. Because AQMD's rule 2202 has been modified⁵ to only apply to businesses with at least 250 employees, the mitigation measure should be modified to include businesses with fewer than 250 employees, rather than 100 employees.

⁵ <http://www.aqmd.gov/rules/reg/reg22/r2202.pdf>



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-MAILED: NOVEMBER 28, 2012

November 28, 2012

Mr. John Terrel, Planning Director, john.t@moval.org
Community & Economic Development Department
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

**Response to Comments for the Final Environmental Impact Report (Final EIR) for
the Proposed RPT Centerpoint West Prologis Eucalyptus Industrial Park Project
(SCH #2012081034)**

On November 5, 2012, the AQMD staff commented on the Draft EIR for the proposed RPT Centerpoint West Prologis Eucalyptus Industrial Park Project. This letter addresses the lead agency's responses to our comments, which AQMD staff received on November 20, 2012.

Based on the lead agency's responses, the AQMD staff appreciates the lead agency's inclusion of operational mitigation measures in its building design that encourage bicycle and pedestrian usage to the site; includes the use of solar panel to reduce on-site energy consumption; and design and operational criteria under the Leadership in Energy and Environmental Design (LEED) designed to reduce energy consumption that would benefit the region by also reducing the associated operational emissions.

The AQMD staff is concerned, however, that all feasible mitigation recommended to reduce the estimated significant regional mobile source emissions from trucks operating at the site were not included in the Final CEQA document thus missing the opportunity to reduce the project's truck tail-pipe emissions. The lead agency stated that many of the lead agency's proposed measures are already incorporated in the City Municipal Code Section 9.05.050 based on the Western Association of Governments (WRCOG) Good Neighbor Guidelines (Guidelines). Upon review of that portion of the code, measures directed to implementing a clean fuel goal from the Guidelines were not included in the Final EIR. Specifically, Goal Number 5 establishes a diesel minimization plan for on- and off-site diesel mobile sources to be implemented with new projects. Some of the benefits of this WRCOG goal include: 1) establishing a long-term goal for the facility to eliminate diesel emissions at the facility, and 2) reduce associated facility on- and off-road diesel emissions. Finally, the AQMD proposed measures are also consistent with the WRCOG Good Neighbor Guidelines Goal Number 5 recommendations: 1) Require all warehouse/distribution centers to operate the cleanest vehicles possible; 2) Provide incentives for warehouse/distribution centers and corporations which partner with trucking companies that operate the cleanest vehicles available; and 3) Encourage the

installation of clean fuel fueling stations at facilities. The AQMD staff encourages the lead agency to reconsider implementation of known strategies now at the design stage in order to reduce the estimated long-term significant impacts to the region from trucks operating at the proposed site.

The AQMD staff further disagrees with the characterization that neither the lead agency nor the project applicant can require as part of the lease or as a condition of owner occupancy that heavy duty trucks meet engine emission standards, implement a phase-in schedule or other measures recommended in the AQMD letter. Although CARB regulates engine and fuel specifications, the recommended goals including Goal Number 5 in the WRCOG Guidelines are under the powers of the local jurisdiction through its lease and land use authority, which can mitigate the project truck impacts. Further, the recommended mitigation measures would not require development of new emission standards. Rather, it would require the lead agency to use its existing authority to mandate the kind of activity happening onsite.¹ If the proposed 2010 truck requirement is infeasible, then the lead agency and project applicant should evaluate a less stringent phase-in schedule for clean trucks to reduce significant air quality impacts.

The AQMD staff further disagrees that project mobile source emission impact are overestimated or double-counted for warehouse centers like the proposed project. Based on the lead agency's analysis based on a trip rate from warehouse truck studies, 996 daily truck trips are estimated to operate at the site based on the increased warehouse capacity. This is new activity to the project site and surrounding area. Since there isn't a fixed pool of heavy-duty trucks operating in the region that simply change their routes ending up at different locations, the increased capacity is based on increased demand from where the goods are manufactured, delivered to and/or transferred throughout the basin for delivery to local and/or out of basin markets. This increased goods-movement activity creates new heavy-duty truck trips and associated emissions from the increased trips and miles traveled created by the goods movement from these additional truck activities.

Pursuant to Public Resources Code Section 21092.5, please provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final Environmental Impact Report. The AQMD staff is available to work with the Lead Agency to address these issues and any other air quality questions that may arise. Please contact Gordon Mize, Air Quality Specialist – CEQA Section, at (909) 396-3302, if you have any questions regarding these comments.

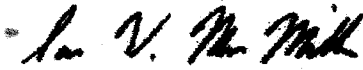
¹ Note that many other lead agencies in the region have included clean fleet requirements for some projects that go beyond existing regulations, including the Ports, Riverside County, the City of Banning, etc.

Mr. John Terrel,
Planning Director

3

November 28, 2012

Sincerely,



Ian MacMillan
Program Supervisor, Inter-Governmental Review
Planning, Rule Development & Area Sources

IM:GM
Attachment

SBC121120-07
Control Number

Copy: Mr. Jeff Bradshaw, Associate Planner, JeffreyB@moval.org



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

E-MAILED: DECEMBER 14, 2012

December 14, 2012

Mr. John Terrel, Planning Director, johnt@moval.org
Community & Economic Development Department
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

**Response to Comments for the Final Environmental Impact Report (Final EIR)
for the Proposed March Business Center**

On June 14, 2012, the AQMD staff commented on the Draft EIR for the proposed March Business Center, a warehouse/distribution and light industrial facility use project. This letter addresses the lead agency's responses to our comments.

The Final EIR states that the proposed project will have long term operational air quality impacts that are significant. Specifically, regional NOx emissions from trucks accessing the site will be over ten times higher than significance thresholds. Notwithstanding this significant impact, the lead agency concludes in its response to AQMD staff comments that no mitigation measures are feasible to reduce these impacts. AQMD staff disagrees with this conclusion and is concerned that the lead agency has not provided sufficient rationale to justify the lack of mitigation. Further, the response to AQMD staff comments regarding cumulative impacts and trip rates do not appear to sufficiently address AQMD staff's concerns. AQMD staff recommends that the lead agency revisit some of their responses in light of the significant impacts found for this project prior to certifying the Final EIR. Details regarding these comments are attached to this letter.

The AQMD staff is available to work with the Lead Agency to address these issues and any other air quality questions that may arise. Please contact Gordon Mize, Air Quality Specialist – CEQA Section, at (909) 396-3302, if you have any questions regarding these comments.

Sincerely,

Ian MacMillan
Program Supervisor, Inter-Governmental Review
Planning, Rule Development & Area Sources

Mr. John Terrel,
Planning Director

2

December 14, 2012

IM:GM
Attachment

RVC121128-01
Control Number

Copy: Mr. Mark Gross, AICP, Senior Planner, MarkG@moval.org

1) Mitigation Feasibility for Significant Air Quality Impacts

AQMD staff is concerned about the lack of mitigation measures the city has proposed for warehouse projects within its jurisdiction, including the March Business Center. While these newer larger warehouses have the potential to be more efficient than older facilities, the millions of square feet of new warehousing proposed within Moreno Valley will still need to be served by thousands of heavy duty diesel trucks every day.

The residents in our region currently experience the worst air quality in the nation, and we have a very serious challenge to meet the federally required ozone standard by 2023. Heavy duty diesel trucks emit a variety of harmful pollutants including ultrafine particles, diesel particulate matter (a known carcinogen), and nitrogen oxides (NOx). NOx emissions are a primary contributor to ozone and fine particulate matter formation, and heavy duty diesel trucks are the largest source of NOx emissions in our region. Even after more stringent CARB tailpipe regulations are met, our region will still need to reduce total NOx emissions by an additional 65% by 2023. We note that the March Business Center NOx emissions are ten times higher than the significance thresholds.

What is concerning to AQMD staff is that while the city is actively expanding its role as a center of warehouse operations, it is not advancing any measures to reduce the air quality impacts from the trucks serving those warehouses. In responses to recent AQMD staff comment letters, the lead agency has stated that they have no ability to reduce emissions from trucks. We disagree. Several other lead agencies¹ and businesses² in the region have found ways to either require or incentivize lower emitting trucks, faster than required by regulation. These measures have included:

- Requiring cleaner burning trucks, such as those meeting 2010 standards
- If this isn't achievable, finding an alternative phase-in schedule to introduce newer trucks faster than regulatory standards
- Providing infrastructure for alternative fuels (for example, electric or natural gas)
- Implementing advanced technology demonstration and implementation programs
- Requiring tenants to apply for funding to retrofit and replace older, dirtier trucks

¹ -Banning Business Park

<http://banning.ca.us/archives/30/July%2013,%202010%20City%20Council%20Agenda.pdf> (pg.179-180)

-Mira Loma Commerce Center (condition #'s Planning 047 and Planning 052)

http://www.rctlma.org/online/content/conditions_of_approval.aspx?PERMITNO=pp17788

-Palm/Industrial Distribution Center

<http://www.ci.san-bernardino.ca.us/civica/filebank/blobdload.asp?BlobID=11793> (pg. 71-76)

-Clean Trucks Program

<http://www.cleanairactionplan.org/cleantrucks/>

² -Stater Brothers

<http://www.aqmd.gov/aqmp/CCP/Document/080812SBWGMtg.pdf> (pg. 10)

-UPS

<http://www.aqmd.gov/aqmp/CCP/Document/061312SBWGMtg.pdf> (pg. 4)

-99 Cent

<http://www.aqmd.gov/aqmp/CCP/Document/091912BHWGMtg6.pdf> (pg. 6)

There also appears to be mitigation opportunities onsite that have not been fully pursued, including:

- Requiring all hostlers that only operate onsite to be alternative fueled,
- Providing enough electrical hookups for 100% of any refrigerated trucks visiting the site to plug in their TRUs
- Providing solar power on roofs to reduce reliance on fossil fuel burning power plants

AQMD staff recommends that the lead agency re-evaluate the feasibility of the above measures to reduce NOx emissions from trucks. If none of the measures are found to be feasible, additional rationale should be provided prior to certifying the Final EIR.

2) Adequacy of Environmental Analysis

In response to AQMD staff comments regarding trip rates (K-26), the lead agency makes the following statement.

"CEQA does not require that development projects be limited to the level of daily operational activity assumed in the environmental analysis. Moreover, to impose a daily limitation on the number of truck trips, as the SCQAMD suggests, would limit the economic activity at the facility and could result in disruption of business operations . . ."

This statement appears to indicate that the lead agency believes there is a fair argument that the project will yield more trips than is analyzed in the Final EIR. Moreover, AQMD staff strongly believes that CEQA does require that an EIR evaluate all potential impacts from a project. If the lead agency believes that there is the potential for more truck traffic than was analyzed for this project because a tenant has not yet been identified, then we recommend that a high end trip rate be used, such as that recommended in the CalEEMod guidance. Higher trip rates could potentially lead to additional significant air quality impacts that may need additional mitigation. If a high end rate is not utilized to evaluate impacts, AQMD staff recommends that the lead agency limit the activity to what has been analyzed in the Final EIR. If this limit would have additional impacts, those should also be evaluated prior to certifying the Final EIR.

3) Cumulative Impacts

In response to AQMD staff comments regarding cumulative impacts (K-35), the lead makes the following statement.

"The air quality analysis relies on the Project's traffic study, for which a specific cumulative study area was established."

However page 4.2-22 of the Final EIR indicates that this is not true.

"Under long-term operating conditions, Project emissions would be well below SCAQMD's localized significance and carcinogenic exposure thresholds. Therefore, it is reasonable to conclude that even when combined with localized emissions from future developments within close proximity to the Project site, such emissions would not exceed SCAQMD thresholds. Accordingly, long-term operation of the Project would not expose

nearby sensitive receptors to substantial localized pollutant concentrations, and a cumulative considerable impact would not occur."

The first statement implies that the cumulative traffic study was used for the cumulative air quality impact assessment. However the second statement from the Final EIR does not support this conclusion. The Air Quality Appendix of the Final EIR includes a discussion of the basin-wide risks from AQMD's MATES III study, however there is no mention of the recently approved and proposed surrounding projects that will also bring truck traffic to the area. The proposed project carcinogenic risks are less than significant, at 37% of the significance threshold. It is not clear to AQMD staff that including the truck trips from the more than 7 other warehouse projects within the vicinity will not yield a cumulatively significant health risk to sensitive receptors (e.g., residents and school children) located along truck routes serving these projects. AQMD staff recommends that the lead agency quantitatively evaluate the cumulative impact of all of these warehouse projects prior to certifying the Final EIR.

4) Onsite Solar Power Generation

AQMD staff appreciates that the project includes a component of photovoltaic solar power generation. However, after reviewing the Final EIR, it is not clear how much solar power will be generated onsite. AQMD staff recommends that the lead agency and applicant take advantage of the large roof space provided and construct the maximum amount of solar power as possible. This power generation can help to offset the need to draw power from fossil fuel burning power stations located in our basin.

Good evening honorable council members. My name is Ian MacMillan and I am a Program Supervisor with the South Coast Air Quality Management District (AQMD) and I thank you for the opportunity to come speak before you today, and I assure you that my only concern here tonight is air quality. AQMD staff appreciates the importance of both development and goods movement to the local and regional economy. We note that the city of Moreno Valley is the lead agency proposing the most new warehouse development in our region by a wide margin.

We appreciate the measures the city has taken with this and other warehouse projects, and your interest in the details, including maintaining buffers between trucking activities and residences (with a few exceptions), requiring some solar power, and providing information to tenants about funding programs for cleaner trucks. However AQMD staff strongly encourages the lead agency to pursue additional measures that can address the significant regional emissions caused by trucks serving this industry. While these newer, larger warehouses have the potential to be more efficient than older facilities, the tens of millions of square feet of new warehousing proposed within Moreno Valley will still need to be served by thousands of heavy duty diesel trucks every day.

Let's be clear, the residents in our region currently experience the worst air quality in the nation, and suffer the health effects because of it. Heavy duty diesel trucks emit a variety of harmful pollutants including ultrafine particles, diesel particulate matter, a known carcinogen, and nitrogen oxides, also called NOx. NOx emissions are a primary contributor to ozone and fine particulate matter formation, and heavy duty diesel trucks are the largest source of NOx emissions in our region. Even after all the stringent state and federal tailpipe regulations are met, our region will still need to reduce total NOx emissions by an additional 65% by 2023. If we don't meet the required air quality standards on time, we face a potentially more difficult permitting environment and potential loss of federal transportation funding. We note that the March Business Center NOx emissions are ten times higher than the significance thresholds.

As the city is actively expanding its role as a center of warehouse operations, we encourage you to find and create opportunities to reduce the air quality impacts from the trucks serving those warehouses. As we have heard, the lead agency has stated that they currently have very limited ability to substantially reduce emissions from trucks. Although feasible measures that can be implemented today may be difficult to identify, we encourage you to continue to pursue measures that will be available in the near and medium term, certainly within the lifetime of typical warehouse projects. We have found in our work with several other lead agencies and businesses in the region that they have found ways to either require or incentivize lower emitting trucks, faster than required by regulation. Some of these projects are in the planning stages, while others have been implemented. These measures have included:

- requiring cleaner burning trucks, such as those meeting 2010 standards
- if this wasn't achievable, alternative phase-in schedules were found to introduce newer trucks faster than regulatory requirements
- providing onsite infrastructure for alternative fuels, such as ensuring electrical panels are sufficiently sized to enable future electric truck charging
- implementing advanced technology demonstration and implementation programs
- requiring tenants to apply for funding to retrofit and replace older, dirtier trucks
- requiring all onsite hostlers to be alternative fueled,
- providing enough solar power on roofs to offset the entire facility's needs thus reducing reliance on fossil fuel burning power plants

We understand the need for more warehousing to meet the growth of trade, and for the need of trucks to serve those warehouses. However, we must look to find ways to reduce the impact of this growth, especially given the already unacceptable air quality in the region today. As the lead agency approving projects that increase heavy

duty truck traffic in our region, we look to you to reduce impacts on public health and promote cleaner emission technologies to achieve our air quality mandates. It is important to do this right, for air quality, public health, and most importantly for the residents that live and work in this community. We look forward to continuing to work with your city and all stakeholders to successfully meet these challenges.

Barton, Karen

From: Laurel McKee <laurel.jslaw@gmail.com>
Sent: Monday, February 04, 2013 5:40 PM
To: COB
Cc: Ray Johnson
Subject: Comment Letter for Board of Supervisors' Meeting on 2/5/2013 - re Agenda Item 16-1
Attachments: Comment Letter 02.05.13 BOS Meeting.pdf; AQMD Comments on FEIR.pdf; In California, Warehouse Industry Is Expanding - NYTimes 2012-07-22.pdf; FairWarning » State Investigators, Workers Cite Labor Abuses in Warehouse Empire 2012-03-05.pdf; health_effects_on_children.pdf; Diesel_Health_in_America.pdf; 2010 Annual Meeting Brian & Lung Tumor and Air Pollution Foundation.pdf; TSDCPFApril_09.pdf; MATES III - Final Report Chapter 6 - 09-2008.pdf

Re: Plot Plan No. 25252 (FTA 2012-04) and the Addendum to EIR No. 466

Dear Clerk and Board of Supervisors:

Please find attached a comment letter and attachments for your consideration of Agenda Item 16-1. Nine attachments are included here. A second email will follow with additional attachments.

Thank you,

Laurel L. McKee for Raymond W. Johnson, Esq., AICP, LEED GA

- Comment Letter
- South Coast AQMD Letter dated 12/14/2012
- Attachment (3) - NY Times article from 7/22/2012
- Attachment (4) Fair Warning article from 3/5/2012
- Attachment (6) Health Effects of Air Pollution on Children
- Attachment (7) Diesel and Health in America
- Attachment (8) Annual Meeting of the Brain and Lung Tumor and Air Pollution Foundation
- Attachment (9) Technical Support Document for Cancer Potency Factors (TSDCPF)
- Attachment (2) MATES III Final Report Chapter 6

--

Laurel L. McKee
Administrative Assistant
Johnson & Sedlack
26785 Camino Seco
Temecula, CA 92590

Office: 951-506-9925
Facsimile: 951-506-9725

NOTICE: This communication is intended for the use of the individual or entity to which it is addressed and may contain

Barton, Karen

From: Laurel McKee <laurel.jslaw@gmail.com>
Sent: Monday, February 04, 2013 6:01 PM
To: COB
Cc: Ray Johnson
Subject: Re: Comment Letter for Board of Supervisors' Meeting on 2/5/2013 - re Agenda Item 16-1 - second email

Dear Clerk and Board of Supervisors:

Please note that Attachment (1) as found on page 14 has already been sent in the previous email as "South Coast AQMD Letter dated 12/14/2012." It was incorrectly cited in the list of **Attachments and Electronic Citations**. Please note that it is correctly cited here:

(1) Letter from Ian MacMillan, Program Supervisor, South Coast Air Quality Management District, to John Terrell, Planning Director, City of Moreno Valley, dated December 14, 2012, commenting on the Final EIR prepared for the proposed March Business Center in the City of Moreno Valley.

Also, Items (5) and (10) are found on the internet sites cited.

Thank you in advance for your consideration of these comments.

Laurel McKee for Raymond W. Johnson, Esq., AICP. LEED GA

On Mon, Feb 4, 2013 at 5:40 PM, Laurel McKee <laurel.jslaw@gmail.com> wrote:
Re: Plot Plan No. 25252 (FTA 2012-04) and the Addendum to EIR No. 466

Dear Clerk and Board of Supervisors:

Please find attached a comment letter and attachments for your consideration of Agenda Item 16-1. Nine attachments are included here. A second email will follow with additional attachments.

Thank you,

Laurel L. McKee for Raymond W. Johnson, Esq., AICP, LEED GA

- Comment Letter
- South Coast AQMD Letter dated 12/14/2012
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--

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--

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Johnson & Sedlack

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Facsimile: 951-506-9725

February 4, 2013

VIA EMAIL AND FACSIMILE

Riverside County Board of Supervisors
4080 Lemon Street
Riverside, CA 9201

RE: Plot Plan No. 25252 (FTA 2012-04) and the Addendum to Environmental Impact Report No. 466 (Item 16-1)

Greetings:

On behalf of local residents, Johnson & Sedlack hereby submits these comments in opposition to Plot Plan No. 25252 (FTA 2012-04) and the Addendum to Environmental Impact Report No. 466 (Item 16-1 on the February 5, 2013 Agenda) (collectively, the "Project").

I. General Comments

The California Environmental Quality Act (CEQA) was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision-makers and the public, the decision-makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the document as an informational document.

CEQA must be interpreted to afford the fullest protection to the environment within the scope of the statutory language. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 563-64.) Central to CEQA is the EIR, which informs the public and decision-makers of the environmental consequences of a project before it is undertaken. (*Laurel Heights Improvement Association v. Regents of University of California* (1988) 47 Cal.3d 276.)

Environmental Impact Report No. 466 (EIR 466) was prepared to evaluate the environmental impacts of Specific Plan No. 341 (SP 341) in 2005. The County prepared an Initial Study/Environmental Assessment (EA 42560) for the Project and has utilized this document as an Addendum to EIR 466.

Preparation of an addendum to an *eight year old* EIR does not comport with CEQA. First, EIR 466 was prepared for a Specific Plan, *not* for this Project. The fact that the Project is consistent with the Specific Plan does not negate the need for independent environmental review in the form of a project EIR. Because EIR 466 addresses a Specific Plan, it does not adequately inform the public and decision-makers of the Project's environmental impacts. EIR 466 cannot address the specifics of this Project – a warehouse/distribution facility for Discount Tire – because the Project had not been proposed at the time of the EIR's preparation. The inability of the EIR to account for Project-specific impacts also results in inadequate mitigation. A subsequent EIR must be prepared for this Project.

II. Project Summary

The proposed Project involves the construction of a warehouse/distribution center for Discount Tire totaling 399,150 square feet on 26 acres of land. The building would have 119 truck bay doors, 152 parking spaces, and 214 tractor/trailer parking spaces. In addition, the Project includes the construction of a private street cul-de-sac along the Project's northern boundary (Nance Street) and the realignment of Markham Street to provide a cul-de-sac along the Project's southern boundary.

The Project is located east of Harvill Avenue, north of Markham Street, and south of Oleander Avenue, including Assessor's Parcel Numbers 314-110-004, 314-110-064, 314-110-066, 314-260-014, and 314-260-013. The Project site is vacant, undeveloped land. There are a number of single-family residences located to the west of the Project. The Project is located within Planning Area No. 5 of SP 341.

III. Addendum to EIR 466 Is Deficient Because It Fails to Comport with the Mead Valley Community Plan.

The Mead Valley Community Plan was approved on May 6, 1996 by the Board of Supervisors. The proposed Project falls within the Mead Valley Community Plan.

The Mead Valley Community Plan provides for special policies and requirements with respect to noise impacts. Because the Project will be located across the street from a residential community, a noise study must be conducted. Moreover, the Plan provides for special *mitigation which this Project must include*, such as dense sound absorbing walls, berms, setbacks, wall/landscaping combinations, etc.

As is, the Addendum to EIR 466 must be rejected because it is inconsistent with the Mead Valley Community Plan.

IV. Plot Plan No. 25252 and the Addendum to EIR 466 Must Be Rejected Because CEQA Requires Preparation of a Subsequent EIR.

A. Public Resources Code Section 21166 Does Not Apply to Exempt Independent Environmental Analysis Because the Proposed Project Is Different than the Project Analyzed in EIR 466.

Public Resources Code section 21166 sets forth the general circumstances requiring the preparation of subsequent or supplemental EIRs. Public Resources Code section 21166 standards only apply where there is a question as to whether an agency must prepare more than one EIR "for what is essentially the same project." (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1320; *see* CEQA Guidelines § 15064(f)(7); *see also* *Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000) 82 Cal.App.4th 511, 529.)

Typically, an addendum which is prepared for a specific project, such as a warehouse/distribution building, is only appropriate where the original EIR was a project-specific EIR and there have been some changes in the original project. As defined in EIR 466, the "project" is the Majestic Freeway Business Center Specific Plan, which includes 279.23 acres of light industrial development and 45.77 acres of existing roads. The scope of this project is clearly much greater and more general than the proposed Discount Tire warehouse/distribution center.

The rationale behind this rule is that the original EIR will not serve its purpose in informing the public and decision-makers of project-specific environmental impacts. Also, the original EIR may fail to take into account feasible mitigation measures which would reduce/eliminate these impacts. This is certainly the case here, as will be explained further below.

Where a prior EIR is prepared for a large-scale planning action, as here, the standards of section 21166 do not apply to excuse the agency from full and complete independent environmental review. In other words, the proposed Project is not merely an addition to SP 341, but is an entirely new project under CEQA.

B. Even If Specific Plan 341 and the Proposed Project Could Be Considered "Essentially the Same Project," a Subsequent EIR Is Required Because EIR 466 Does Not Adequately Analyze Project Impacts.

A lead agency must prepare an initial study or other analysis to determine whether a project may cause significant impacts which were not "adequately addressed" in a prior EIR. (CEQA Guidelines § 15152(f); Pub. Res. Code § 21094.) If the analysis finds such significant effects, a subsequent EIR is required for the project. (CEQA Guidelines § 15152(f).)

Significant environmental effects have been "adequately addressed" if: (1) the effects have been mitigated or avoided as a result of the prior EIR and findings adopted in connection with that prior EIR; or (2) the effects have been examined at a sufficient level of detail in the prior EIR to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project. (CEQA Guidelines § 15152(f)(3).)

The Initial Study for this Project, EA 42560, found that the Project may cause significant impacts to air quality, hydrology and water quality, noise, and traffic/transportation. Unfortunately, EIR 466 inadequately addresses and mitigates the environmental impacts of the Project. Thus, a subsequent EIR must be prepared.

Additionally, because EIR 466 was prepared for SP 341 as a whole, *the EIR fails to act as an informational document with respect to the Project*. The EIR does not, for instance, quantify emissions of VOC, NOx, CO, etc. for this Project. Without this information, the public and decision-makers are not made aware of all Project-related impacts and decision-makers cannot properly mitigate against these impacts.

Air Quality and Greenhouse Gases

The Project is located within the South Coast Air Basin (SCAB). Residents in this region experience the worst air quality in the nation.¹ Diesel trucks, which would necessarily be used in conjunction with the Project, emit many harmful pollutants including ultrafine particles, diesel particulate matter (a known carcinogen), and nitrogen oxides (NOx).

Despite finding air quality impacts (both direct and cumulative) significant and unavoidable, *only nine mitigation measures are required in EIR 466*. What's worse, these mitigation measures are highly deficient. For example, MM Air 2 only prohibits idling in excess of *thirty minutes*, far longer than current regulations allow. Similarly, MM Air 3 permits *idling of diesel trucks up to ten minutes*. The complete lack of mitigation measures adopted to address significant and unavoidable air quality impacts shows the utter inadequacy of EIR 466 to address the environmental impacts of the Project. The Addendum does not require any further mitigation, and defers completely to the analysis and mitigation required by EIR 466.

The AQMD MATES III study puts the Project in an existing carcinogenic risk area of 558 cancers per million and where "diesel particulate continues to be the dominant toxic air pollutant based on cancer risk."² Health risks from Diesel PM are wide ranging and well-documented. (See Electronic Citations Nos. 4-7.) The Project and *cumulative projects in the area* will add to these risks.

EIR 466 only accounts for projected health risks through 2012 and merely includes those projects approved in 2005. It fails to account for present conditions and for projects which have been approved or proposed since 2005. The public and decision-makers must be aware of this Project's true health risks in order to make an informed decision regarding this Project.

The EIR fails to adequately address the Project's chronic health effects on sensitive receptors. The Project is located near single-family residences. Indeed, the estimated health risks only quantify risks through the year 2012. It does not quantify what the *present* health risks of the Project are and will be in the future.

¹ The South Coast Air Quality Management District (SCAQMD) has become increasingly worried about this region and its ability to meet the federally required ozone standard by 2023. In particular, SCAQMD has expressed concern regarding the addition of warehousing facilities, like this Project. (See Letter from Planning Director John Terrel dated December 14, 2012, commenting on the Final EIR prepared for the proposed March Business Center in the City of Moreno Valley, included herein as Attachment "1".)

² See MATES III Final Report, September 2008, p. 6-2, <http://www.aqmd.gov/prdas/matesIII/Final/Document/f-MATESIIIChapte6Final92008.pdf>; interactive map, <http://www3.aqmd.gov/webappl/matesiii/>.

The County of Riverside has recently acknowledged that due to poor air quality in the County:

- In 2005, the greatest percentage of asthma-related hospitalizations were among those under age 18 (38%) followed by those over 65 (19%). Blacks experienced the greatest rate of hospitalizations in 2005 at 225.7 per 100,000 population, versus 99.5 and 81.2 for Hispanics and whites, respectively.
- Risk of Cancer from Diesel Soot and Other Toxic Air Pollutants: Whereas the regional risk of cancer from diesel soot and other toxic air pollutants dropped by 8 percent between 1998 and 2005, the cancer risk in Riverside County increased by 2 percent.
- Poor air quality costs Riverside and San Bernardino around **\$6.3 billion annually** in health care expenses.

The failure of the EIR to detail risks beyond 2012 shows the inadequacy of the document with respect to this Project. This failure is even more concerning considering the number of existing and proposed warehouse/distribution facilities in Riverside County.

The EIR defines short-term air quality impacts as those impacts related to construction and grading activities. EIR 466 then assumes seven years of construction-related activities. Seven years of construction is hardly "short-term." The EIR thus underestimates long-term air quality impacts.

EIR 466's air quality analysis seems to ignore travel from SR-60. This skews the air quality impact assessment, particularly with regards to health risks at nearby sensitive receptors and residences. The Project must either be conditioned to require that all trucks travel only to/from I-215 directly and set forth measures to ensure that the route is adhered to; or the EIR must evaluate air quality and health risk impacts from travel to/from these other highways. Travel from these highways will pass by residences as well as the March Life Campus and thus have a much greater impact on the health of these sensitive receptors than divulged in the EIR.

Site preparation will require soils work including removal, fill, and re-compaction. The EIR does not evaluate or disclose where the soils will be obtained from and/or removed to, nor does the EIR evaluate associated air quality impacts from this soils import/export.

The Project will result in greenhouse gas emissions totaling 7,884.31 MY CO₂e. Even so, no mitigation is required. Compliance with applicable policies does not constitute mitigation.

The following mitigation should be incorporated into the Project:

Construction Impacts

1. Gravel pads must be installed at all access points to prevent tracking of mud onto public roads.
2. Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect (e.g. install wheel shakers, wheel washers, and limit site access).
3. All roadways, driveways, sidewalks, etc., should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or

soil binders are used.

4. Pave all construction roads.
5. Pave all construction access roads at least 100 feet on to the site from the main road.
6. Limit fugitive dust sources to 20 percent opacity.
7. Require a dust control plan for earthmoving operations.
8. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
9. All streets shall be swept at least once a day using SCAQMD Rule 1186 certified street sweepers utilizing reclaimed water trucks if visible soil materials are carried to adjacent streets.
10. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite.
11. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.
12. Extend grading period sufficiently to reduce air quality impacts below a level of significance.
13. The simultaneous disturbance of the site shall be limited to five acres per day.
14. Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil.
15. Any on-site stockpiles of debris, dirt or other dusty material shall be covered or watered three times daily.
16. Any site access points within 30 minutes of any visible dirt deposition on any public roadway shall be swept or washed.
17. A high wind response plan shall be formulated for enhanced dust control if winds are forecast to exceed 25 mph in any upcoming 24-hour period.
18. Implement activity management techniques including a) development of a comprehensive construction management plan designed to minimize the number of large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) limitation of the length of construction work-day period; and d) phasing of construction activities.*
19. Develop a trip reduction plan to achieve a 1.5 AVR for construction employees
20. Require high pressure injectors on diesel construction equipment.*
21. Restrict truck operation to "clean" trucks, such as a 2007 or newer model year or 2010 compliant vehicles.*
22. Require the use of CARB certified particulate traps that meet level 3 requirements on all construction equipment.*
23. Utilize only CARB certified equipment for construction activities.*
24. The developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use and/or idling in excess of 3 minutes.*
25. Restrict engine size of construction equipment to the minimum practical size.*
26. Use electric construction equipment where technically feasible.*

27. Substitute gasoline-powered for diesel-powered construction equipment.*
28. Require use of alternatively fueled construction equipment, using, e.g., compressed natural gas, liquefied natural gas, propane, or biodiesel.*
29. Use methanol-fueled pile drivers.*
30. Install catalytic converters on gasoline-powered equipment.*
31. Require the use of Alternative Diesel Fuels on diesel equipment used. Alternative diesel fuels exist that achieve PM10 and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM10 compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.
32. Electrical powered equipment shall be utilized in-lieu of gasoline-powered engines where technically feasible.*
33. All forklifts shall be electric or natural gas powered.*
34. Suspend use of all construction equipment operations during second stage smog alerts.*
35. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.*
36. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.*
37. Reroute construction trucks away from congested streets and sensitive receptor areas.*
38. Configure construction parking to minimize traffic interference.*
39. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.*
40. Minimize construction worker trips by requiring carpooling and providing for lunch onsite. *
41. Provide shuttle service to food service establishments/commercial areas for the construction crew.*
42. Provide shuttle service to transit stations/multimodal centers for the construction crew.*
43. Require the use of Zero-VOC paints, coatings, and solvents.

(* would reduce impacts to GHGs as well)

Operational Emissions

1. The operator of the primary facilities shall become SmartWay Partner.*
2. The Project shall meet SmartWay 1.25 ratings.*
3. The project shall use only freight companies that meet SmartWay 1.25 ratings.*
4. (ALTERNATIVELY from 2,3 above) The operator of the primary facilities shall incorporate requirements or incentives sufficient to achieve at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.*

5. The operator of the primary facilities shall incorporate requirements or incentives sufficient to achieve a 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidator trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.*
6. All fleet vehicles shall conform to 2010 air quality standards or better. Results, including backup data shall be reported to the Planning Department semi-annually.*
7. All spaces utilizing refrigerated storage, including restaurants and food or beverage stores, shall provide an electrical hookup for refrigeration units on delivery trucks. Trucks incapable of utilizing the electrical hookup for powering refrigeration units shall be prohibited from accessing the site. All leasing documents shall include these requirements and provide that violation of those provisions will constitute a material breach of the lease that will result in the termination of the lease. Because of the fact that these terms of the lease are designed to benefit the public, the public shall be considered to be a third party beneficiary with standing to enforce the requirements of the lease.*
8. Install catalytic converters on gasoline-powered equipment.*
9. Where diesel powered vehicles are necessary, require the use of alternative diesel fuels. Alternative diesel fuels exist that achieve PM10 and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM10 compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.
10. Electrical powered equipment should be utilized in-lieu of gasoline-powered engines where technically feasible.*
11. Utilize electrical equipment for landscape maintenance.*
12. All forklifts shall be electric or natural gas powered.*
13. Utilize electric yard trucks.*
14. Prohibit idling of trucks for periods exceeding three minutes.*
15. Provide electrical vehicle ("EV") and compressed natural gas ("CNG") vehicles in vehicle fleets.*
16. Charge reduced or no parking fee for EVs and CNG vehicles.*
17. Install EV charging facilities for a minimum of 10% of all parking spaces.*
18. Install a CNG fueling facility.*
19. Provide preferential parking locations for EVs and CNG vehicles.*
20. Implement parking fee for single-occupancy vehicle commuters.*
21. Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.*
22. Plant at least 50 percent low-ozone forming potential (Low-OFP) trees and shrubs, preferably native, drought-resistant species, to meet city/county landscaping requirements.*
23. Plant Low-OFP, native, drought-resistant, tree and shrub species, 20% in excess of that already required by city or county ordinance. Consider roadside, sidewalk, and driveway

shading.*

24. Orient 75 percent or more of homes and buildings to face either north or south (within 30 degrees of N/S) and plant trees and shrubs that shed their leaves in winter nearer to these structures to maximize shade to the building during the summer and allow sunlight to strike the building during the winter months.*
25. Provide grass paving, tree shading, or reflective surface for unshaded parking lot areas, driveways, or fire lanes that reduce standard black asphalt paving by 10% or more.*
26. Electrical outlets shall be installed on the exterior walls of all residential and commercial buildings (and perhaps parking lots) to promote the use of electric landscape maintenance equipment.*
27. Prohibit gas powered landscape maintenance equipment within residential, commercial, and mixed-use developments. Require landscape maintenance companies to use battery powered or electric equipment or contract only with commercial landscapers who operate with equipment that complies with the most recent California Air Resources Board certification standards, or standards adopted no more than three years prior to date of use or any combination of these two themes.*
28. Implement parking cash-out program for non-driving employees.*
29. Require each user to establish a carpool/vanpool program.*
30. Create a car sharing program within the planned community.*
31. Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system.*
32. Provide preferential parking for carpool/vanpool vehicles.*
33. Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.*
34. Provide secure, weather-protected bicycle parking for employees.*
35. Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.*
36. Provide direct safe, direct bicycle access to adjacent bicycle routes.*
37. Provide showers and lockers for employees bicycling or walking to work.*
38. Short-term bicycle parking for retail customers and other non-commute trips.*
39. Connect bicycle lanes/paths to city-wide network.*
40. Design and locate buildings to facilitate transit access, e.g., locate building entrances near transit stops, eliminate building setbacks, etc.*
41. Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.*
42. Provide a display case or kiosk displaying transportation information in a prominent area accessible to employees or residents.
43. Provide shuttle service to food service establishments/commercial areas.*
44. Provide shuttle service to transit stations/multimodal centers.*
45. Provide on-site child care or contribute to off-site child care within walking distance.*
46. Implement a compressed workweek schedule.*
47. Implement home-based telecommunicating program, alternate work schedules, and satellite work centers.*
48. All buildings shall be constructed to LEED Platinum standards.*
49. Design buildings for passive heating and cooling and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.*
50. Construct photovoltaic solar or alternative renewable energy sources sufficient to provide 100% of all electrical usage for the entire Project.*

51. Install an ozone destruction catalyst on all air conditioning systems.*
52. Construct renewable energy sources sufficient to offset the equivalent of 100% of all greenhouse gas emissions from mobile sources (internal combustion engines) for the entire Project. *
53. Purchase only green/ renewable power from the electric company.*
54. Install solar water heating systems to generate all hot water requirements.*

Traffic

Three intersections are expected to operate at unacceptable levels of service with the Project. The Staff Report states that “[w]ith the recommended improvements presented in the Traffic Study, these levels of service at the impacted study area intersections *could* be improved to meet the *required* level of service” [emphasis added]. Thus, there is no certainty that the Project will even meet required levels of service.

Moreover, the traffic mitigation measures included in EIR 466 have not been complied with and are deficient.

The following mitigation should be incorporated into the Project:

1. Require preparation of a traffic control plan.
2. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
3. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
4. Reroute construction trucks away from congested streets and sensitive receptor areas.
5. Configure construction parking to minimize traffic interference.
6. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.
7. Implement a carpool program for construction workers.
8. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.
9. Provide shuttle service to food service establishments/commercial areas for the construction crew.
10. Provide shuttle service to transit stations/multimodal centers for the construction crew.

Noise

This Project will result in significant noise impacts. As is, EIR 466 fails to adequately mitigate this significant impact.

The following mitigation should be incorporated into the Project:

1. Temporary noise barriers must be installed during project construction.
2. Where technically feasible, utilize only electrical construction equipment.

3. During construction, the developer shall require that all contractors turn off all construction equipment and delivery vehicles when not in use and prohibit idling in excess of 3 minutes.
4. Provide a "windows closed" condition requiring a means of mechanical ventilation (e.g. air conditioning) for all buildings.
5. Provide upgraded windows with a minimum Sound Transmission Class (STC) rating of 34 for all buildings, and/or require the installation of double-paned windows.
6. Keep new transportation facilities away from vibration sensitive areas.
7. When dealing with existing transportation facilities, obvious vibration causes, such as pot holes, pavement cracks, differential settlement in bridge approaches or individual pavement slabs, etc., may be eliminated by resurfacing.
8. Require the use of rubberized asphalt for construction of all roadways and parking areas.
9. Maintain quality pavement conditions that are free of bumps, pot holes, pavement cracks, differential settlement in bridge approaches or individual pavement slabs, etc.
10. Require resurfacing of roads.
11. Ban heavy trucks near vibration sensitive uses.
12. Use alternate construction methods and tools to reduce construction vibrations. Examples are predrilling of pile holes, avoiding cracking and seating methods for resurfacing concrete pavements near vibration sensitive areas, using rubber tired as opposed to tracked vehicles, placing haul roads away from vibration sensitive areas.
13. Scheduling construction activities (particularly pile driving) for times when it does not interfere with vibration sensitive operations (e.g. night time).
14. To reduce train vibrations, require the use of continuous, welded rails, vibration damping pads between rails and ties, and extra ballast.

Findings

The findings required under CEQA cannot be made with respect to this Project. Not all significant effects of the Project have been eliminated or substantially lessened, additional mitigation is feasible, and alternatives which are environmentally superior are feasible.

Statement of Overriding Considerations

CEQA Guidelines § 15093 (b) provides that when the agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR, but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The decision to approve a project in spite of significant environment impacts requires the decision-making agency to balance the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks. (Guidelines § 15093(a).) However, the Statement of Overriding Considerations ("SOC") shall be supported by *substantial evidence* in the record. (*Id.*) In *Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4th 1212, 1222, the court said: "Whereas the [mitigation and feasibility] findings ... typically focus on the feasibility of specific proposed alternatives and mitigation measures, the statement of overriding considerations focuses on the larger, more general reasons for approving the project, such as the need to create new jobs, provide housing, generate taxes, and the like."

Substantial evidence in the record does not support the adoption of a statement of overriding considerations given the immense environmental harm expected with the Project balanced with minimal economic benefits.

The Staff Report states that the Project will create 75 new jobs. While the Project may add jobs, the number of jobs is overstated and not assured as there may be an oversupply of warehousing in the City based on current demand. Also, such jobs are notoriously underpaid. (See http://www.nytimes.com/2012/07/23/us/in-california-warehouse-industry-is-expanding.html?pagewanted=all&_moc.semityn.www [detailing low wages and no benefits in distribution jobs; classification as “temporary” jobs and “day-labor” systems; safety; air quality/health risks to Moreno Valley residents and children; etc.]; *see also* <http://www.fairwarning.org/2012/03/lawsuit-investigations-cite-abuse-of-workers-in-warehouse-empire/>.) Warehousing jobs would not produce a healthy and diversified economic base, as it would add more distribution warehousing in an area rife with such development/plans. Moreover, these workers would be subjected to additional and cumulative diesel PM emissions.

A Statement of Overriding Considerations cannot be supported for this Project.

C. Even If Public Resources Code Section 21166 Applies, Changes in the Project and Circumstances Require Preparation of a Subsequent EIR.

CEQA Guidelines section 15164(a) provides: “The lead or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in section 15162 calling for preparation of a subsequent EIR have occurred.” Section 15162 of the CEQA Guidelines and Public Resources Code section 21166 call for the preparation of a subsequent EIR where there are substantial changes in the proposed project, substantial changes in circumstances, or where new information of substantial importance has arisen which was not known at the time of the previous EIR. The question under section 21166 is whether changed circumstances justify repeating a substantial portion of the CEQA process. (*Long Beach Savings & Loan Association v. Long Beach Redevelopment Agency* (1986) 188 Cal.App.3d 249.)

Here, the Project has changed significantly as have the circumstances under which the environmental analysis was originally conducted. **Consistency with projected land uses and square footage is *not* sufficient to find that no substantial changes in the Project or circumstances exist, justifying a mere addendum to an EIR prepared eight years ago.**³

The proposed distribution warehouse will store tires. This specific use, *which was not analyzed in EIR 466*, presents additional concerns. First, it poses a significant fire safety issue. Tires burn with a higher per-pound output than coal, making tire fires extremely difficult to extinguish.⁴

³ Please note that in cases where an addendum to an EIR is proper, a Negative Declaration or Mitigated Negative Declaration is at least prepared. Here, the only environmental analysis undertaken was an initial study.

⁴ See United States Fire Administration, Federal Emergency Management Agency, Report on Tire Fires, August 1998, p. 6, <http://www.usfa.fema.gov/downloads/pdf/publications/tirefirerep.pdf>.

These fires also yield large amounts of oil that are flammable and pose a threat to the environment.

Second, should a fire occur on the site, the burning of tires would cause significant toxic air emissions. According to the Federal Emergency Management Agency, tire fires can be extremely dangerous to the health and safety of the surrounding community, causing contamination of the air, waterways, and water table.⁵ These fires often require neighborhood evacuations and protracted fire operations. Undoubtedly, the residents near the Project would be severely affected in the case of a fire on the Project site.

This Project's potentially significant impacts with respect to hazards and air quality as a result of its use as a tire storage facility must be analyzed in accordance with CEQA. *These potentially significant impacts were not addressed in EIR 466.* As a result, decision-makers and the public have not been informed of all the environmental impacts of this Project and the Project's impacts have not been properly mitigated.

In addition, requirements for projects have changed since EIR 466's certification *eight years ago*. To illustrate, as discussed above, vehicle idling requirements have become more stringent. These changed circumstances require preparation of a subsequent EIR.

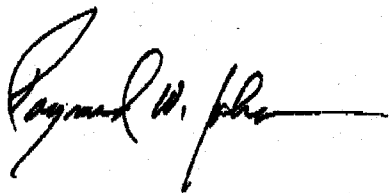
V. Conclusion

To comply with CEQA, a subsequent EIR must be prepared for the Project. EIR 466 is completely inadequate and fails to inform the public and decision-makers of the true environmental consequences of the Project.

For the reasons detailed herein, we ask that you deny Plot Plan No. 25252 (FTA 2012-04) and the Addendum to Environmental Impact Report No. 466 (Item 16-1) and recommend that the County prepare an EIR for the Project.

Thank you for your consideration of these comments and the attached and/or referenced material.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond W. Johnson", with a long horizontal flourish extending to the right.

Raymond W. Johnson
JOHNSON & SEDLACK

⁵ See United States Fire Administration, Federal Emergency Management Agency, Report on Tire Fires, August 1998, p. 6, <http://www.usfa.fema.gov/downloads/pdf/publications/tirefirerep.pdf>.

Attachments and Electronic Citations

- (1) Letter from Planning Director John Terrel dated December 14, 2012, commenting on the Final EIR prepared for the proposed March Business Center in the City of Moreno Valley.
- (2) MATES III Final Report (September 2008)
<<http://www.aqmd.gov/prdas/matesIII/Final/Document/f-MATESIIIChapte6Final92008.pdf>>; interactive map,
<<http://www3.aqmd.gov/webappl/matesiii/>>
- (3) The New York Times, Jennifer Medina (July 22, 2012) "*As California Warehouses Grow, Labor Issues Are a Concern*"
<http://www.nytimes.com/2012/07/23/us/in-california-warehouse-industry-is-expanding.html?pagewanted=all&_moc.semityn.www>
- (4) FairWarning, Lilly Fowler (March 5, 2012) "*State Investigators, Workers Cite Labor Abuses in Warehouse Empire*"
<<http://www.fairwarning.org/2012/03/lawsuit-investigations-cite-abuse-of-workers-in-warehouse-empire/>>
- (5) The Press Enterprise, Jack Katzanek (February 1, 2012) "*Moreno Valley: Sketchers' warehouse has caused net job loss*"
<<http://www.pe.com/business/business-headlines/20120201-moreno-valley-skechers-warehouse-has-caused-net-job-loss.ece>>
- (6) *The Health Effects of Air Pollution on Children*, Michael T. Kleinman, Ph.D (Fall 2000)
<http://aqmd.gov/forstudents/health_effects_on_children.html#WhyChildren>
- (7) *Diesel and Health in America: the Lingering Threat*, Clean Air Task Force (February 2005)
<http://www.catf.us/resources/publications/files/Diesel_Health_in_America.pdf>
- (8) Annual Meeting of the Brain & Lung Tumor and Air Pollution Foundation (April 2, 2010) <<http://www.aqmd.gov/hb/2010/April/100425a.htm>>
- (9) *Technical Support Document for Cancer Potency Factors: Methodologies for derivation, listing of available values, and adjustments to allow for early life stage exposures*, California EPA OEHHA Air Toxicology and Epidemiology Branch, p. 3 (April 2009)
<http://www.oehha.ca.gov/air/hot_spots/pdf/TSDCPFApril_09.pdf>
- (10) United States Fire Administration, Federal Emergency Management Agency, Report on Tire Fires, p. 6 (August 1998)
<<http://www.usfa.fema.gov/downloads/pdf/publications/tirefirerep.pdf>>

RAYMOND W. JOHNSON, Esq., AICP LEED GA
26785 Camino Seco
Temecula, CA 92590
(951) 506-9925
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Johnson & Sedlack, an Environmental Law firm representing plaintiff environmental groups in environmental law litigation, primarily CEQA.

City Planning:

Current Planning

- Two years principal planner, Lenexa, Kansas (consulting)
- Two and one half years principal planner, Lee's Summit, Missouri
- One year North Desert Regional Team, San Bernardino County
- Thirty years subdivision design: residential, commercial and industrial
- Thirty years as applicants representative in various jurisdictions in: Missouri, Texas, Florida, Georgia, Illinois, Wisconsin, Kansas and California
- Twelve years as applicants representative in the telecommunications field

General Plan

- Developed a policy oriented Comprehensive Plan for the City of Lenexa, Kansas.
- Updated Comprehensive Plan for the City of Lee's Summit, Missouri.
- Created innovative zoning ordinance for Lenexa, Kansas.
- Developed Draft Hillside Development Standards, San Bernardino County, CA.
- Developed Draft Grading Standards, San Bernardino County.
- Developed Draft Fiscal Impact Analysis, San Bernardino County

Environmental Analysis

- Two years, Environmental Team, San Bernardino County
 - Review and supervision of preparation of EIR's and joint EIR/EIS's
 - Preparation of Negative Declarations
 - Environmental review of proposed projects
- Eighteen years as an environmental consultant reviewing environmental documentation for plaintiffs in CEQA and NEPA litigation

Representation:

- Represented various clients in litigation primarily in the fields of Environmental and Election law. Clients include:
 - Sierra Club
 - San Bernardino Valley Audubon Society
 - Sea & Sage Audubon Society
 - San Bernardino County Audubon Society
 - Center for Community Action and Environmental Justice
 - Endangered Habitats League
 - Rural Canyons Conservation Fund
 - California Native Plant Society
 - California Oak Foundation
 - Citizens for Responsible Growth in San Marcos
 - Union for a River Greenbelt Environment
 - Citizens to Enforce CEQA
 - Friends of Riverside's Hills
 - De Luz 2000
 - Save Walker Basin
 - Elsinore Murrieta Anza Resource Conservation District

Education:

- B. A. Economics and Political Science, Kansas State University 1970
- Masters of Community and Regional Planning, Kansas State University, 1974
- Additional graduate studies in Economics at the University of Missouri at Kansas City
- J.D. University of La Verne. 1997 Member, Law Review, Deans List, Class Valedictorian, Member Law Review, Published, Journal of Juvenile Law

Professional Associations:

- Member, American Planning Association
- Member, American Institute of Certified Planners
- Member, Association of Environmental Professionals
- Member, U.S. Green Building Council, LEED GA

Johnson & Sedlack, Attorneys at Law

26785 Camino Seco
Temecula, CA 92590
(951) 506-9925

12/97- Present

Principal in the environmental law firm of Johnson & Sedlack. Primary areas of practice are environmental and election law. Have provided representation to the Sierra Club, Audubon Society, AT&T Wireless, Endangered Habitats League, Center for Community Action and Environmental Justice, California Native Plant Society and numerous local environmental groups. Primary practice is writ of mandate under the California Environmental Quality Act.

Planning-Environmental Solutions

26785 Camino Seco
Temecula, CA 92590
(909) 506-9825

8/94- Present

Served as applicant's representative for planning issues to the telecommunications industry. Secured government entitlements for cell sites. Provided applicant's representative services to private developers of residential projects. Provided design services for private residential development projects. Provided project management of all technical consultants on private developments including traffic, geotechnical, survey, engineering, environmental, hydrogeological, hydrologic, landscape architectural, golf course design and fire consultants.

San Bernardino County Planning Department

Environmental Team
385 N. Arrowhead
San Bernardino, CA 92415
(909) 387-4099

6/91-8/94

Responsible for coordination of production of EIR's and joint EIR/EIS's for numerous projects in the county. Prepared environmental documents for numerous projects within the county. Prepared environmental determinations and environmental review for projects within the county.

San Bernardino County Planning Department

General Plan Team
385 N. Arrowhead
San Bernardino, CA 92415
(909) 387-4099

6/91-6/92

Created draft grading ordinance, hillside development standards, water efficient landscaping ordinance, multi-family development standards, revised planned development section and fiscal impact analysis. Completed land use plans and general plan amendment for approximately 250 square miles. Prepared proposal for specific plan for the Oak Hills community.

San Bernardino County Planning Department

North Desert Regional Planning Team
15505 Civic
Victorville, CA
(619) 243-8245

6/90-6/91

Worked on regional team. Reviewed general plan amendments, tentative tracts, parcel maps and conditional use permits. Prepared CEQA documents for projects.

Broadmoor Associates/Johnson Consulting

229 NW Blue Parkway
Lee's Summit, MO 64063
(816) 525-6640

2/86-6/90

Sold and leased commercial and industrial properties. Designed and developed an executive office park and an industrial park in Lee's Summit, Mo. Designed two additional industrial parks and residential subdivisions. Prepared study to determine target industries for the industrial parks. Prepared applications for tax increment financing district and grants under Economic Development Action Grant program. Prepared input/output analysis of proposed race track. Provided conceptual design of 800 acre mixed use development.

Shepherd Realty Co.

Lee's Summit, MO

6/84-2-86

Sold and leased commercial and industrial properties. Performed investment analysis on properties. Provided planning consulting in subdivision design and rezoning.

Contemporary Concepts Inc.

Lee's Summit, MO
Owner

9/78-5/84

Designed and developed residential subdivision in Lee's Summit, Mo. Supervised all construction trades involved in the development process and the building of homes.

Environmental Design Association

Lee's Summit, Mo.
Project Coordinator

6/77-9/78

Was responsible for site design and preliminary building design for retirement villages in Missouri, Texas and Florida. Was responsible for preparing feasibility studies of possible conversion projects. Was in charge of working with local governments on zoning issues and any problems that might arise with projects. Coordinated work of local architects on projects. Worked with marketing staff regarding design changes needed or contemplated.

City of Lee's Summit, MO

220 SW Main

Lee's Summit, MO 64063

Community Development Director

4/75-6/77

Supervised Community Development Dept. staff. Responsible for preparation of departmental budget and C.D.B.G. budget. Administered Community Development Block Grant program. Developed initial Downtown redevelopment plan with funding from block grant funds. Served as a member of the Lee's Summit Economic Development Committee and provided staff support to them. Prepared study of available industrial sites within the City of Lee's Summit. In charge of all planning and zoning matters for the city including comprehensive plan.

Howard Needles Tammen & Bergendoff

9200 Ward Parkway

Kansas City, MO 64114

(816) 333-4800

Economist/Planner

5/73-4/75

Responsible for conducting economic and planning studies for Public and private sector clients. Consulting City Planner for Lenexa, KS.

Conducted environmental impact study on maintaining varying channel depth of the Columbia River including an input/output analysis. Environmental impact studies of dredging the Mississippi River. Worked on the Johnson County Industrial Airport industrial park master plan including a study on the demand for industrial land and the development of target industries based upon location analysis. Worked on various airport master plans. Developed policy oriented comprehensive plan for the City of Lenexa, KS. Developed innovative zoning ordinance heavily dependent upon performance standards for the City of Lenexa, KS.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178

(909) 396-2000 • www.aqmd.gov

E-MAILED: DECEMBER 14, 2012

December 14, 2012

Mr. John Terrel, Planning Director, johnt@moval.org
Community & Economic Development Department
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

Response to Comments for the Final Environmental Impact Report (Final EIR) for the Proposed March Business Center

On June 14, 2012, the AQMD staff commented on the Draft EIR for the proposed March Business Center, a warehouse/distribution and light industrial facility use project. This letter addresses the lead agency's responses to our comments.

The Final EIR states that the proposed project will have long term operational air quality impacts that are significant. Specifically, regional NO_x emissions from trucks accessing the site will be over ten times higher than significance thresholds. Notwithstanding this significant impact, the lead agency concludes in its response to AQMD staff comments that no mitigation measures are feasible to reduce these impacts. AQMD staff disagrees with this conclusion and is concerned that the lead agency has not provided sufficient rationale to justify the lack of mitigation. Further, the response to AQMD staff comments regarding cumulative impacts and trip rates do not appear to sufficiently address AQMD staff's concerns. AQMD staff recommends that the lead agency revisit some of their responses in light of the significant impacts found for this project prior to certifying the Final EIR. Details regarding these comments are attached to this letter.

The AQMD staff is available to work with the Lead Agency to address these issues and any other air quality questions that may arise. Please contact Gordon Mize, Air Quality Specialist – CEQA Section, at (909) 396-3302, if you have any questions regarding these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Ian V. MacMillan", is positioned above the typed name.

Ian MacMillan
Program Supervisor, Inter-Governmental Review
Planning, Rule Development & Area Sources

Mr. John Terrel,
Planning Director

2

December 14, 2012

IM:GM
Attachment

RVC121128-01
Control Number

Copy: Mr. Mark Gross, AICP, Senior Planner, MarkG@moval.org

1) Mitigation Feasibility for Significant Air Quality Impacts

AQMD staff is concerned about the lack of mitigation measures the city has proposed for warehouse projects within its jurisdiction, including the March Business Center. While these newer larger warehouses have the potential to be more efficient than older facilities, the millions of square feet of new warehousing proposed within Moreno Valley will still need to be served by thousands of heavy duty diesel trucks every day.

The residents in our region currently experience the worst air quality in the nation, and we have a very serious challenge to meet the federally required ozone standard by 2023. Heavy duty diesel trucks emit a variety of harmful pollutants including ultrafine particles, diesel particulate matter (a known carcinogen), and nitrogen oxides (NOx). NOx emissions are a primary contributor to ozone and fine particulate matter formation, and heavy duty diesel trucks are the largest source of NOx emissions in our region. Even after more stringent CARB tailpipe regulations are met, our region will still need to reduce total NOx emissions by an additional 65% by 2023. We note that the March Business Center NOx emissions are ten times higher than the significance thresholds.

What is concerning to AQMD staff is that while the city is actively expanding its role as a center of warehouse operations, it is not advancing any measures to reduce the air quality impacts from the trucks serving those warehouses. In responses to recent AQMD staff comment letters, the lead agency has stated that they have no ability to reduce emissions from trucks. We disagree. Several other lead agencies¹ and businesses² in the region have found ways to either require or incentivize lower emitting trucks, faster than required by regulation. These measures have included:

- Requiring cleaner burning trucks, such as those meeting 2010 standards
- If this isn't achievable, finding an alternative phase-in schedule to introduce newer trucks faster than regulatory standards
- Providing infrastructure for alternative fuels (for example, electric or natural gas)
- Implementing advanced technology demonstration and implementation programs
- Requiring tenants to apply for funding to retrofit and replace older, dirtier trucks

¹ -Banning Business Park

<http://banning.ca.us/archives/30/July%2013.%202010%20City%20Council%20Agenda.pdf> (pg. 179-180)

-Mira Loma Commerce Center (condition #'s Planning 047 and Planning 052)

http://www.rctlma.org/online/content/conditions_of_approval.aspx?PERMITNO=pp17788

-Palm/Industrial Distribution Center

<http://www.ci.san-bernardino.ca.us/civica/filebank/blobdload.asp?BlobID=11793> (pg. 71-76)

-Clean Trucks Program

<http://www.cleanairactionplan.org/cleantrucks/>

² -Stater Brothers

<http://www.aqmd.gov/aqmp/CCP/Document/080812SBWGMtg.pdf> (pg. 10)

-UPS

<http://www.aqmd.gov/aqmp/CCP/Document/061312SBWGMtg.pdf> (pg. 4)

-99 Cent

<http://www.aqmd.gov/aqmp/CCP/Document/091912BHWGMtg6.pdf> (pg. 6)

There also appears to be mitigation opportunities onsite that have not been fully pursued, including:

- Requiring all hostlers that only operate onsite to be alternative fueled,
- Providing enough electrical hookups for 100% of any refrigerated trucks visiting the site to plug in their TRUs
- Providing solar power on roofs to reduce reliance on fossil fuel burning power plants

AQMD staff recommends that the lead agency re-evaluate the feasibility of the above measures to reduce NOx emissions from trucks. If none of the measures are found to be feasible, additional rationale should be provided prior to certifying the Final EIR.

2) Adequacy of Environmental Analysis

In response to AQMD staff comments regarding trip rates (K-26), the lead agency makes the following statement.

"CEQA does not require that development projects be limited to the level of daily operational activity assumed in the environmental analysis. Moreover, to impose a daily limitation on the number of truck trips, as the SCQAMD suggests, would limit the economic activity at the facility and could result in disruption of business operations ..."

This statement appears to indicate that the lead agency believes there is a fair argument that the project will yield more trips than is analyzed in the Final EIR. Moreover, AQMD staff strongly believes that CEQA does require that an EIR evaluate all potential impacts from a project. If the lead agency believes that there is the potential for more truck traffic than was analyzed for this project because a tenant has not yet been identified, then we recommend that a high end trip rate be used, such as that recommended in the CalEEMod guidance. Higher trip rates could potentially lead to additional significant air quality impacts that may need additional mitigation. If a high end rate is not utilized to evaluate impacts, AQMD staff recommends that the lead agency limit the activity to what has been analyzed in the Final EIR. If this limit would have additional impacts, those should also be evaluated prior to certifying the Final EIR.

3) Cumulative Impacts

In response to AQMD staff comments regarding cumulative impacts (K-35), the lead makes the following statement.

"The air quality analysis relies on the Project's traffic study, for which a specific cumulative study area was established."

However page 4.2-22 of the Final EIR indicates that this is not true.

"Under long-term operating conditions, Project emissions would be well below SCAQMD's localized significance and carcinogenic exposure thresholds. Therefore, it is reasonable to conclude that even when combined with localized emissions from future developments within close proximity to the Project site, such emissions would not exceed SCAQMD thresholds. Accordingly, long-term operation of the Project would not expose

nearby sensitive receptors to substantial localized pollutant concentrations, and a cumulative considerable impact would not occur."

The first statement implies that the cumulative traffic study was used for the cumulative air quality impact assessment. However the second statement from the Final EIR does not support this conclusion. The Air Quality Appendix of the Final EIR includes a discussion of the basin-wide risks from AQMD's MATES III study, however there is no mention of the recently approved and proposed surrounding projects that will also bring truck traffic to the area. The proposed project carcinogenic risks are less than significant, at 37% of the significance threshold. It is not clear to AQMD staff that including the truck trips from the more than 7 other warehouse projects within the vicinity will not yield a cumulatively significant health risk to sensitive receptors (e.g., residents and school children) located along truck routes serving these projects. AQMD staff recommends that the lead agency quantitatively evaluate the cumulative impact of all of these warehouse projects prior to certifying the Final EIR.

4) Onsite Solar Power Generation

AQMD staff appreciates that the project includes a component of photovoltaic solar power generation. However, after reviewing the Final EIR, it is not clear how much solar power will be generated onsite. AQMD staff recommends that the lead agency and applicant take advantage of the large roof space provided and construct the maximum amount of solar power as possible. This power generation can help to offset the need to draw power from fossil fuel burning power stations located in our basin.

The New York Times

**WATCH THE
TRAILER**

July 22, 2012

As California Warehouses Grow, Labor Issues Are a Concern

By JENNIFER MEDINA

MORENO VALLEY, Calif. — As the freeway snakes toward this city an hour's drive east of Los Angeles, the strip malls gradually give way to the warehouses that supply their goods. There are dozens and dozens of them — in some places, the gray squat buildings are the only things visible from the road — a labyrinth of sprawling distribution centers for retailers that include Walgreens and Wal-Mart, Toyota and Home Depot.

In the last decade or so, Moreno Valley and the rest of the Inland Empire have become the nation's largest hub of distribution warehouses, where workers sort the imported goods that come through Los Angeles ports. In the industry, known as logistics, those goods are prepared for and delivered to stores across the country.

By most estimates, Inland Empire, with its \$300 billion piece of the industry, is the country's most bustling trade gateway. Lured by "cheap dirt," as many here put it, companies are only increasing their demands for large tracts of land in the region.

Still reeling from the economic downturn, many community leaders in the Inland Empire say they are desperate for jobs, particularly for low-skilled workers, many of whom lost their jobs in construction after the housing collapse. They see the region's warehouses and related delivery industries — which now employ an estimated 200,000 people, more than Salt Lake City's population — as the best way out of the doldrums, seeing salvation in the form of shipping containers.

"We know we face challenges, and these bring in jobs and pump up the economy right away," said Barry Foster, the director of economic development for Moreno Valley. Last year, the footwear company Skechers opened a worldwide distribution center here, and the city is also moving toward approving plans for a 40-million-square-foot warehouse complex.

"We need to get to the point where we have a job for every household," Mr. Foster said. "Right now we have half of that. These are good jobs that would keep people who are

living here working here and have a foothold into the middle class.”

But there are plenty of skeptics. Environmentalists say the parade of trucks has a dangerous impact on the air in the area, contributing to an already high rate of asthma in children. Labor advocates say a vast majority of the jobs provide just minimum wage, often without benefits.

In some warehouses, workers are paid based on how much work they complete, like the number of trucks they empty. In October, a state investigation found that two staffing agencies that supply workers to Wal-Mart distribution centers failed to provide workers with proper information about their wages, making it unclear how much they were earning on the job. The state fined the two staffing agencies more than \$1 million.

Julie A. Su, the California labor commissioner, has heard many complaints about the industry since taking office last year. But she said investigations were often stymied because so many warehouses use staffing agencies, which classify workers as temporary, even though they may work for years in the same building.

There are frequent complaints that workers are told to show up each morning — often with the reminder that the first to arrive will be the most likely to get work — only to be informed that there is no work for them that day. Under state law, in those cases, workers are to be paid for two hours, but many say they rarely are.

“There seems to be an unfortunate model of subcontracting used to cut costs and really depress the working conditions,” Ms. Su said. “It really reflects the economy moving to this kind of day-labor system in a way that really can destabilize the economy.”

After the state investigation, Warehouse Workers United, a union-backed advocacy group, filed a lawsuit in federal court against the agencies in October, saying workers were “forced to work long hours under oppressive conditions for legally inadequate pay” that was below the state minimum wage of \$8 an hour.

The criticism has done little to slow the growth so far. As of now, there are more than 400 million square feet of warehouses and distribution centers spread through the Inland Empire, roughly the amount of office space in Midtown Manhattan. Dozens more large buildings are being built on speculation, with investors confident that companies will eagerly come in.

For higher-skilled jobs, annual salaries do reach into the middle class, with workers bringing in an average of \$46,000. In this area, where unemployment reaches above 15 percent in several cities, such jobs are sorely needed.

“Construction is obviously in great trouble, and here is a place where we can just keep adding jobs — it is the only industry adding thousands of jobs,” said John Husing, a local economist who has enthusiastically endorsed the growth of the industry. “You can have people come here and find a robust blue-collar work force eager for employment.”

Workers in the warehouses frequently complain that it is difficult to know who is in charge at the distribution centers, where multiple subcontractors operate in the same building and workers receive different pay depending on which agency they work with, although the jobs are almost identical.

Limber Herrera, 28, has worked in the logistics industry in the area for more than five years. He now makes \$12 an hour emptying shipping containers at a distribution center that processes goods for Wal-Mart. These days, his concerns are less about pay than basic safety at work.

“There’s nobody who cares about our health — there’s just pressure to empty cases at a fast pace,” said Mr. Herrera, who is part of a complaint that Warehouse Workers United filed last week with the state. “All the dust we inhale, all the heavy things we have to lift with all our strength and no support, it’s very hard.”

Over all, the warehouse and logistics industry accounts for roughly 10 percent of all jobs in the Inland Empire, more than any other private industry. But some economists have pointed out that earnings vary widely, with the median annual salary around \$32,000. And even that figure does not take into account the thousands of workers who are employed by staffing agencies making minimum wage.

Iddo Benzeevi, the chief executive of Highland Fairview, which owns the 1.8-million-square-foot distribution center leased by Skechers, said that he planned to open several more facilities and that warehouses would increasingly rely on more skilled workers to operate computers.

“This is the center for all of the trade in the world,” he said. “You can get to much of the country with a drive of just a few hours.”

The Skechers warehouse is filled with machines that use sophisticated technologies to make basic processes move more quickly and often with little human assistance. Skechers executives said they employed 550 to 800 people in the warehouse depending on the season, but they declined to give any information about the kinds of jobs available and the salaries employees receive.

Some local critics have said the new center has done little to generate new jobs, since

many of them were simply moved from six smaller warehouses the company had operated for several years in Ontario, about 20 miles to the west.

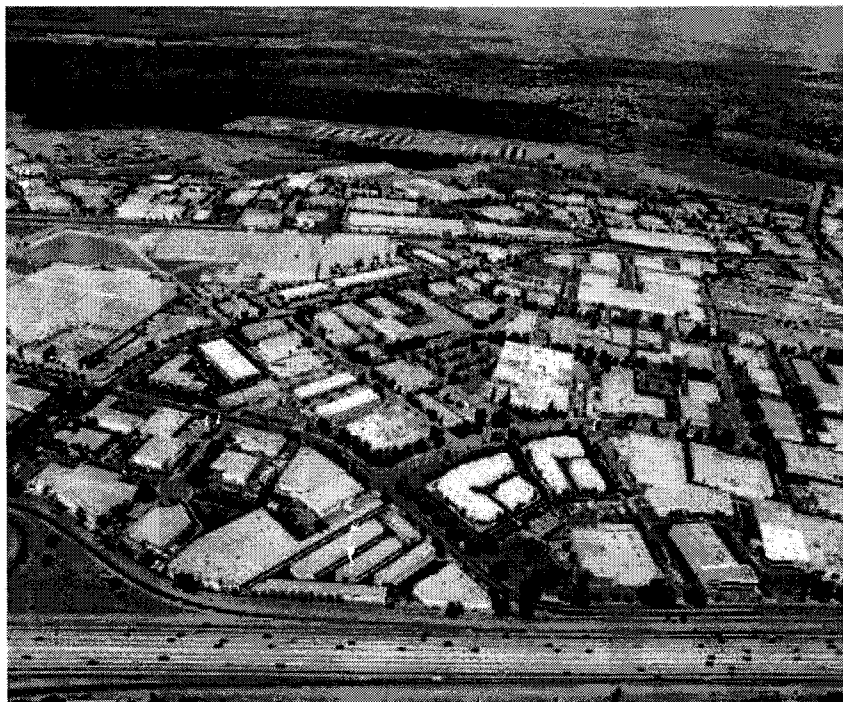
“It’s attractive because it’s something that governments can take advantage of now,” said Jordan Levine, the director of economic research at Beacon Economics, a research and consulting firm. “There’s no need to have to recruit an educated work-force base or have a lot of strategy around.”

He added: “All that stuff takes time and money and decades to bear fruit. This is far more expedient.”

- FairWarning - <http://www.fairwarning.org> -

State Investigators, Workers Cite Labor Abuses in Warehouse Empire

By [Lilly Fowler](#) on March 5, 2012 in FairWarning Investigates, Workplace Safety and Health | [6 Comments](#)



Warehouses in Riverside County, Calif. (TheMediaMaster.com)

This story also published by:

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Follow-up story:

[Southern California Warehouse Operator Faces New Charges of Workplace Retaliation](#)

flatlands east of Los Angeles that employs about 100,000 people, the warehouses are a staging point for Apple computers, Gerber baby clothes, Polo apparel and other brand-name imports. They handle goods from Asia that come through the ports of Los Angeles and Long Beach, to be distributed around the U.S.

According to court documents and interviews with workers:

As a warehouse worker in the Inland Empire region of Southern California, the nation's biggest distribution hub for consumer goods, Jorge Soto handles shipments for retail giant Walmart every day.

But Soto, who works for a subcontractor, claims that, along with routine jobs such as unloading trucks, he also has been ordered to perform an illegal task: falsifying employees' time sheets to cheat them out of getting the minimum wage.

Mexican-born Soto, 47, said in a sworn court statement that his supervisors forced him, when he served as the lead member of his crew, to severely understate workers' hours. He said the purpose was to cover up the widespread practice of paying well below the legal

minimum, which is \$8 an hour in California.

As Soto explained in an interview, "they wanted to wash their hands of it through me," adding that workers sometimes received as little as \$3 or \$4 an hour.

A suit filed in federal court in Los Angeles on behalf of Soto and dozens of other warehouse workers charges three companies that handle Walmart goods with fraudulent pay practices. The case, along with recent investigations by California labor officials that have led to proposed fines of close to \$1.4 million, depict what critics say is the underside of the vast Inland Empire warehouse business.

An economic juggernaut in the arid

—Crew leaders such as Soto were under orders at some warehouses to force workers to sign blank time sheets, a tactic that made it easier to cheat employees out of their rightful pay.

—Workers often were paid only for the time they spent loading and unloading trucks — not for the time they put in sweeping warehouses, labeling and restacking boxes or waiting to find out if they would be assigned work.

—High heat in the warehouses and constant pressure for speed created safety problems. These and other issues triggered an investigation that led the California Division of Occupational Safety and Health, or Cal/OSHA, in January to accuse four warehouses of more than 60 workplace safety violations and to seek \$256,445 in penalties.

—Many workers, classified as temporaries despite years of service, said they were threatened with being blackballed and never being hired again if they raised questions about their pay or took part in protest or unionizing efforts. Labor leaders, who announced plans in 2007 to recruit the warehouse employees, say that the intimidation and perpetual job insecurity are key reasons why their “Warehouse Workers United” campaign has failed to unionize any workers.

—Workers also were subjected to other indignities, such as being forced to pay \$1 per week to rent a shirt with a company logo, and being required to show up every day, only to be sent home some days for lack of work.

The

Audio of Soto talking about falsifying employees’ time sheets

Inland Empire warehouses help bring consumers low-cost goods, and they provide lots of sought-after jobs for unskilled workers, most of them Latino immigrants. Yet the relentless pressure to hold down costs that runs through the industry also means low wages and few or no benefits for warehouse employees.

Warehouse workers in the Inland Empire — as well as in the next two biggest distribution hubs, the Chicago area and central New Jersey — are cogs in a system that stocks the shelves of stores such as Walmart, Target and Foot Locker. Even so, the big retailers are separated from the workers, and shielded from legal exposure, by layers of intermediary companies.

In two federal suits in Chicago, for instance, scores of warehouse workers have charged three staffing companies with illegally failing to pay minimum wages. But the cases don’t include any retailers.

Likewise, the Inland Empire warehouse workers’ suit doesn’t name Walmart as a defendant, even though the case is based on practices at three warehouses run exclusively for the retailer in the Inland Empire city of Mira Loma. Walmart failed to respond to calls and e-mails seeking comment.

Instead, the litigation is against the operator of the three warehouses, Schneider National Inc., a company with annual revenue of more than \$3 billion. The suit also names two staffing companies that have employed many of the workers at the Schneider warehouses.

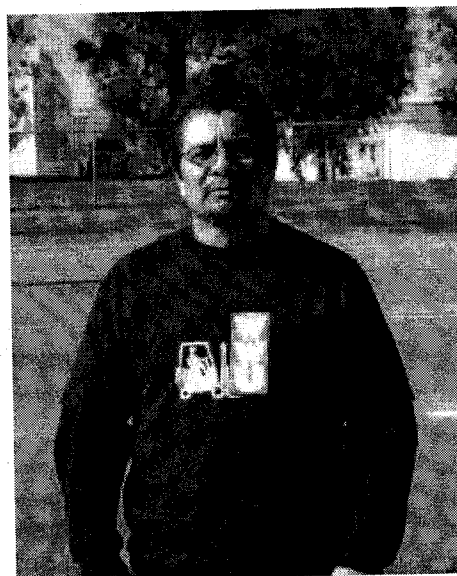
One of those staffing firms is Soto’s employer, Impact Logistics, a national company that loads and unloads merchandise bound for retailers. The other staffing firm named in the case is Premier Warehousing Services.

The suit, filed in October, claims that the companies used an opaque piece rate pay system that based compensation on the number and type of semi-truck containers emptied or loaded. The system, according to the suit, left workers in the dark about what they were owed, and often kept their pay below the legal minimum.

Still in its early stages, the suit already has won the workers a court order requiring the companies to provide properly itemized wage statements, and the employees have since been switched back to an hourly pay system.

However, the defendant companies, in court filings and in response to questions from FairWarning, continue to dispute the suit’s contentions. Schneider said it isn’t responsible for the wages of workers involved in the suit. The company, more specifically, denied a claim that it replaced employees earning hourly wages of \$12 to \$17 by bringing in contractors that often paid their workers less than the minimum wage.

Schneider also disputed sworn statements by workers that, after the suit was filed, the company called a mandatory meeting where a supervisor threatened to “destroy” and “throw away” any employee supporting the litigation “like a crumpled piece of paper.”



Warehouse worker Jorge Soto. (Lilly Fowler)



Outside Schneider warehouses in Mira Loma, Calif. (Lilly Fowler)

Premier said it properly compensated its employees but declined to answer questions. Following the court order, it stopped serving as a staffing company for the three warehouses, and Schneider now employs the former Premier workers directly.

Similarly, Impact Logistics said it "properly and adequately paid all employees identified" in the litigation but also indicated that it continues to investigate charges raised by employees. At the same time, Impact added that "erroneous payment of any wage was due to inadvertence, mistake or negligence" and was "not willful or intentional."

The company, in an emailed statement, further said that it recently switched from piece rate compensation back to hourly pay "to have no appearance of impropriety."

But during his seven years with Impact, both as an ordinary warehouse worker and, later on, as a lead on his crew, Armando Esquivel said he witnessed abuses first-hand.

In a sworn statement, Esquivel said that when he was underpaid by Impact and protested to his boss, "He always promised to look into it but my pay was never corrected, not even once. When I would repeat my complaints, he would tell me, 'I have a pile of job applications on my desk more than a foot high, if you don't like this job, you can go home.'"

As a result of being shortchanged, Esquivel said, he sometimes struggled to pay for basic necessities for his wife and two children.

As a lead, Esquivel said he "repeatedly" was directed "to record work time that was far less, sometimes less than half, of the time we actually spent working."

Daniel Lopez, a loader who had worked for Premier, said in a court declaration that his manager told him two years ago he would earn more when the company switched to a piece rate system. But he and other workers say that, instead, the pay got lower.

What's more, Lopez said, when it came time to fill out time sheets, "We were directed simply to sign our names on blank forms maintained by the supervisors. We did not write in the time we arrived at work or the time we finished."

Some support for the workers' complaints has come from an investigation by California labor authorities. October inspections at Schneider warehouses in Riverside County, which together with San Bernardino County forms the Inland Empire, "confirmed stories of abuses in the warehousing industry that must stop," Julie A. Su, the California labor commissioner, said in a news release.

Based on the inspections, state authorities proposed fines against Impact and Premier of more than \$1.1 million. They accused both companies of failing to provide properly itemized wage statements, leaving workers unaware of what they were being paid for their piece work.

"Employers cannot simply make up a piece rate and change it at their whim," Su warned.

A separate state investigation at four other warehouses, carried out by workplace safety regulators with Cal/OSHA, backed up charges by the Warehouse Workers United campaign of hazardous on-the-job conditions. The probe focused on four warehouses in Chino in San Bernardino County.

Among other problems, Cal/OSHA cited the operator of the warehouses and its staffing company for allegedly failing to provide fall protection for “pickers” working at elevated heights, running machinery without safety guards and leaving boxes “precariously stacked,” where they could tumble down on employees below.

In addition, investigators cited a failure to deal with stifling 90-degree indoor temperatures, reflecting the heat problems that repeatedly have come up at warehouses around the country. Cal/OSHA investigators pointed to the case of a 49-year-old who became dizzy and nauseated while performing his work.

That worker, Domingo Blancas, said in an interview that there was “pressure to move fast” at his warehouse. One day last summer, when he became overwhelmed by the heat, he asked one of his bosses for a ride to a hospital, but she refused.

At that point, Blancas said, his son, a worker at a nearby warehouse, took him to Pomona Valley Hospital, where records show that he was admitted for dehydration and heat exposure.

He recovered, but still has bitter memories of the incident. “These are people who don’t care about the welfare of their workers,” Blancas said. “What they did is just wrong.”

Tri-State Staffing, Blancas’ employer and one of the two companies cited by Cal/OSHA, indicated it is appealing the charges but declined to respond to repeated requests for comment.

NFI, the New Jersey-based firm whose National Distribution Centers unit is the other company charged, said in a statement that it is committed “to providing a safe working environment that meets or exceeds all state and federal workplace safety standards.”

Yet workers at NFI-run operations such as Jonathan Lopez, 23, challenge that portrayal. Lopez, who is taking premed classes at a community college, is unusual among the workers in that he speaks fluent English.

He said Tri-State asked him to sign a paper indicating that he received safety training – even though, at that point, he hadn’t. (He said he received training only weeks later, after state workplace safety officials began investigating the warehouse.) Lopez complied, however, rather than risk losing his job. For the same reason, Lopez said, his co-workers also signed.

“No one else was able to read it, but I told them what it said,” he said.

Looking to tap into discontent among warehouse workers, Change to Win, a national coalition of unions with about five million members, in 2007 launched a recruiting effort in the Inland Empire. It founded Warehouse Workers United, an organization advocating for higher wages, ending the practice of temporary employment and securing affordable health care coverage.

Led by activist unions such as the Service Employees International Union, Change to Win broke away from the AFL-CIO labor federation seven years ago to more aggressively recruit members. After more than four years, however, its campaign among the Inland Empire warehouse workers has failed to create any new union locals, or even bring about a single union representation election.

Union officials say warehouse employers have shifted from permanent workers to temporary employees largely to make people so fearful of losing their jobs that they won’t risk being identified as union activists. The industry, however, counters that it uses temps simply because the flexibility helps employers deal with busy and slow periods without resorting to layoffs.

Meanwhile, workers such as Soto, the Impact employee who claimed he was ordered to falsify other workers’ timesheets, say they still support the labor-organizing effort because they need a union to be treated fairly.

“They need to raise the pay, improve the conditions,” Soto said. “I’m going to stay there as long as I need to until that happens.”



January rally outside warehouses in Mira Loma, Calif. (Lilly Fowler)

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

THE HEALTH EFFECTS OF AIR POLLUTION ON CHILDREN

Fall 2000

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Introduction

Air pollution has many effects on the health of both adults and children. The purpose of this article will be to examine what is known about how air pollution affects health, especially children's.

Over the past several years the incidence of a number of diseases has increased greatly. Asthma is perhaps the most important disease with an increasing incidence, but other diseases, such as allergic reactions, bronchitis and respiratory infections also have been increasing. The cause of these increases may be due at least in part to the effects of air pollution. This review will address the following questions:

1. Why are children more susceptible to the effects of air pollution than adults?
2. Which air pollutants have the greatest impact on the health of children and adults?
3. What can be done to reduce the effects of air pollution on children's health?

Why are Children More Susceptible to Air Pollution Than Adults?

In many health effects research studies, children are considered as if they were small adults. This is not really true. There are many differences between children and adults in the ways that they respond to air pollution. For example, children take in more air per unit body weight at a given level of exertion than do adults. When a child is exercising at maximum levels, such as during a soccer game or other sports event, they may take in 20 percent to 50 percent more air -- and more air pollution -- than would an adult in comparable activity.

Another important difference is that children do not necessarily respond to air pollution in the same way as adults. Adults exposed to low levels of the pollutant ozone will experience symptoms such as coughing, soreness in their chests, sore throats, and sometimes headaches. Children, on the other hand, may not feel the same symptoms, or at least they do not acknowledge them when asked by researchers. It is currently not known if children actually do not feel the symptoms or if they ignore them while preoccupied with play activities.

This probably does not mean that children are less sensitive to air pollution than adults. There are several good studies that show children to have losses in lung functions even when they don't cough or feel discomfort. This is important because symptoms are often warning signals and can be used to trigger protective behavior. Children may not perceive these warning signals and might not reduce their activities on smoggy days.

Children also spend more time outside than adults. The average adult, except for those who work mostly outdoors, spends most of their time indoors -- at home, work, or even at the gym. Children spend more time outside, and are often outdoors during periods when air pollution is at its highest.

The typical adult spends 85 percent to 95 percent of their time indoors, while children may spend less than 80 percent of their time indoors. Children may also exert themselves harder than adults when playing outside.

Perhaps the most important difference between adults and children is that children are growing and developing. Along with their increased body size, children's lungs are growing and changing, too.

The Lung's Important Role in Health

The lung is an extremely complex organ. While most organs in your body are made up of a few different types of cells, the lung contains more than 40 different kinds of cells. Each of these cells is important to health and maintaining the body's fitness.

Air pollution can change the cells in the lung by damaging those that are most susceptible. If the cells that are damaged are important in the development of new functional parts of the lung, then the lung may not achieve its full growth and function as a child matures to adulthood. Although very little research has been conducted to address this extremely important issue, this review will discuss the information that is available.

USC Children's Health Study

Recent results from the Children's Health Study, conducted by investigators at the University of Southern California, suggest that children with asthma are at much greater risk of increased asthma symptoms when they live in communities with higher levels of ozone and particles and participate in three or more competitive sports. Having said all this, the purpose of this review is not to discourage children or adults from normal daily activities and outdoor exercise. Exercise has very important, beneficial outcomes. Appropriate exercise and prudent exposures of children and adults should be encouraged even in an environment that may always contain some amount of air pollution.

Which Air Pollutants Have the Greatest Impact on the Health of Children and Adults?

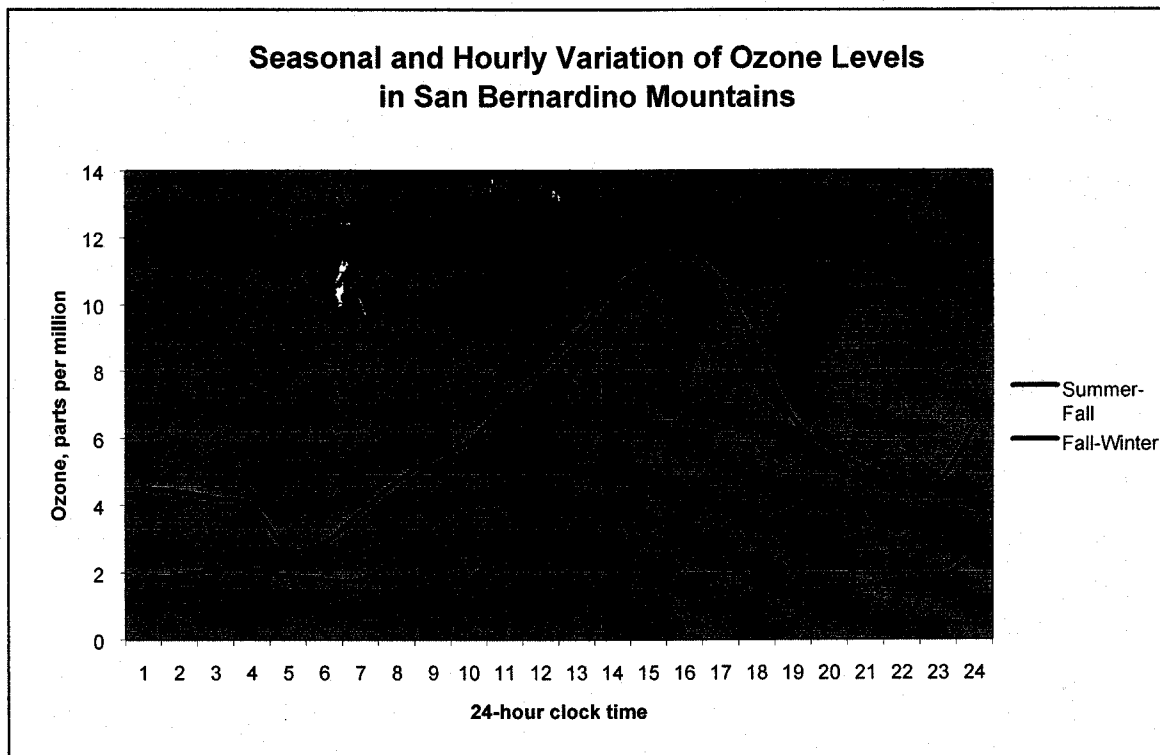
Ozone

Ozone is one of the most important air pollutants affecting human health in regions like Southern California.

Ozone (O₃) is a molecule built of three atoms of oxygen linked together in a very energetic combination. When ozone comes into contact with a surface it rapidly releases this extra force in the form of chemical energy. When this happens in biological systems, such as the respiratory tract, this energy can cause damage to sensitive tissues in the upper and lower airways.

Ozone formation

Because ozone forms as a product of solar energy and photochemical reactions of pollutants, it is not surprising that the highest concentrations of ozone in the atmosphere occur when sunlight is most intense. Thus, ozone generally reaches peak levels during the middle of the day in the summer months. These types of air pollution patterns are called diurnal and seasonal variations. The following graph shows that ozone levels in the San Bernardino Mountains are highest in the summer and fall, and peak in the late afternoon.

**Ozone Air Quality Standards**

Federal and state agencies have set air quality standards for ozone. An ozone level greater than 0.08 parts per million (ppm) averaged over eight hours is considered unhealthful. This level has been set because both laboratory and community studies have demonstrated measurable effects of ozone at or above that threshold.

The effects of ozone on people include:

- irritation of the nose and throat;
- increased mucus production and tendency to cough;
- eye irritation and headaches for some; and
- during severe episodes, chest pain and difficulty taking a deep breath without coughing.

How Ozone Damages Lungs

What happens when you breathe air that is contaminated with ozone? Like oxygen, ozone is soluble in the fluids that line the respiratory tract. Therefore some ozone can penetrate into the gas-exchange, or alveolar, region of the deep lung.

The following photos show how ozone affects the sensitive tissue in the deep lung. The pictures are from the lungs of rats exposed to ozone in a laboratory under carefully controlled conditions. The human lung is similar --although not identical -- to the rat's lung in terms of the types of cells and the overall structure of the alveolar region.

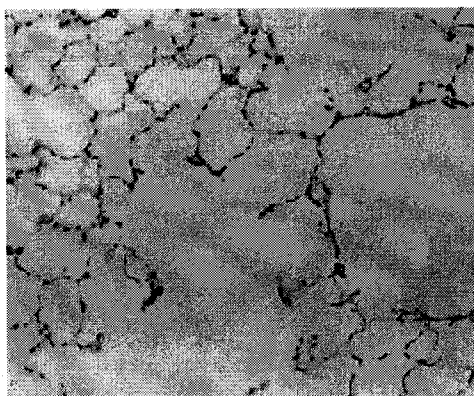


Figure 1

Figure 1 shows a magnified view of the structure of the normal gas-exchange region of the lung. It is called the gas-exchange region because oxygen inhaled from the air is transferred to the hemoglobin in blood in small blood vessels located inside the thin walls separating the alveolar air spaces.

At the same time, carbon dioxide, produced by normal metabolism and dissolved in the blood, is excreted into the air and expired when you breathe out.

The walls of a normal alveolus are very thin. There are only two layers of cells and a thin interstitial matrix separating the air in the alveolar space, or lumen, from the fluid inside the blood vessels. The cells that line the healthy alveoli are mostly very broad and very thin, and are called Type I lung cells or Type I pneumocytes. This provides a very large surface area across which gases can be efficiently transported.

Figure 2 shows the effects of breathing 0.2 ppm ozone for 4 hours. In Southern California air pollution levels can approach 0.2 ppm -- a Stage 1 ozone alert -- during the smoggiest summer days. The photo shows evidence of additional cells, called macrophages, and some material that may be fragments of ozone-injured alveolar wall cells inside the alveolar space.

Macrophages are immune system cells that respond to the injury of the delicate cells that line the alveolar lumen. These macrophages play important roles in protecting the lungs from inhaled bacteria,

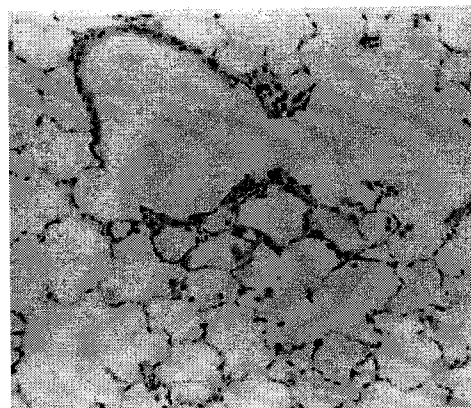


Figure 2

fungi and viruses, and are also important in helping to repair lung tissue injury caused by inhaled pollutants.

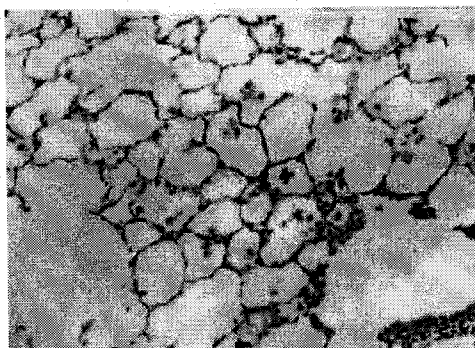


Figure 3

Figure 3 shows more extensive damage following exposure a higher concentration of ozone, 0.6 ppm. The alveolar walls are thicker and there is evidence of cells infiltrating within the walls. There are more macrophages in the alveolar spaces and the thin, Type I cells have been damaged and replaced with thicker Type II, almost cube-shaped cells that are more resistant to the toxic effects of ozone. All of these changes occurred within 48 hours after exposure. If exposure continues for more than three days, the evidence of cell injury seems to be reduced, except for the continuing presence of the Type II cells.

Is Ozone-Related Lung Damage Permanent?

People actually report that the symptoms they feel when first exposed to ozone seem to go away, even though their exposure continues.

Following ozone injury, if the lung is not exposed to ozone for approximately five to seven days, it can for the most part repair itself provided the injury is not too extensive. However, long-term studies with laboratory animals have shown that there may be residual and in some cases permanent damage. This damage might be thought of as accelerated aging of the lung. Thus, frequent exposures to ozone can cause transient damage. The lung's defenses can repair most but probably not all of that damage within a relatively short time in most healthy individuals.

Research and Air Quality Standards

Health scientists probably know more about the effects of ozone on human health than about any other pollutants. This is because ozone is pervasive in the environment. Also there are excellent methods of measuring ozone so the pollutant can be studied using epidemiological methods. The findings of these epidemiological studies can be verified using well-controlled laboratory studies with human volunteers and laboratory animals. Thousands of scientific papers on the health effects of ozone have been published and these have been critically reviewed in documents that provide the scientific basis for National and State Ambient Air Quality Standards. (Ambient refers to outdoor air.)

These so-called Criteria Documents are important because they are extensively reviewed by scientists, public agencies, industry representatives, environmental groups such as the American Lung Association and the Natural Resources Defense Council,

and the public. National and state ambient air quality standards set the goals for healthy air quality in Southern California and across the country.

Based upon the most recent studies, it is now apparent that ozone plays an important role in causing acute health effects, such as heightening asthma symptoms and developing bronchitis symptoms.

The role of ozone in producing long-term or chronic effects is less clear, at least from the available epidemiological studies. However, laboratory animal studies suggest that there can be long-term consequences.

How to Reduce Ozone Exposure

The U.S. Environmental Protection Agency (EPA) has recommended that ozone should not exceed 0.08 ppm averaged over an 8-hr period. When ozone exceeds this level, active children and adults, those with respiratory disease such as asthma, and other people with unusual susceptibility to ozone should limit prolonged outdoor exposure.

Incidentally, personal tobacco smoking during periods of high ozone exposure doubled the risk of asthmatic individuals needing to go to the emergency room for treatment of asthma symptoms.

Carbon Monoxide

Carbon monoxide (CO), a colorless, odorless gas, is a byproduct of combustion.

When inhaled, carbon monoxide reacts very rapidly with hemoglobin in the blood, preventing uptake and transport of oxygen. Because carbon monoxide readily and firmly attaches to hemoglobin, it stays in the blood for a relatively long time. Thus, during an exposure carbon monoxide concentrations in blood can rise in a matter of minutes, then stay high for hours.

Who is Most Sensitive to the Health Effects of Carbon Monoxide?

Most of the health effects directly associated with carbon monoxide are most likely due to decreases in oxygen delivery to vital organs such as the heart and the brain.

People with heart disease may be especially sensitive to the effects of carbon monoxide. In addition, people with lung diseases that limit efficient use of inhaled oxygen, such as asthma and emphysema, may also be susceptible. Even in people without heart or lung diseases, reduced delivery of oxygen to skeletal muscles, especially during exercise, can reduce the ability to perform strenuous work.

At high levels of carbon monoxide exposure, impaired delivery of oxygen to the central nervous system can reduce the ability to respond quickly to external stimuli. After exposures that convert 5 percent to 10 percent of the circulating hemoglobin to carboxyhemoglobin (COHb), people's ability to recognize and react to flashes of light in a test system are reduced. At 10 percent to 30 percent carboxyhemoglobin, nausea,

headaches, unconsciousness, and sometimes death can result. The severity of symptoms increases with the concentration of carboxyhemoglobin.

Air Quality Standards for Carbon Monoxide

Both the EPA and the State of California have set air quality standards for carbon monoxide based on the results of epidemiological and laboratory findings. Ambient levels of carbon monoxide should not exceed 9 ppm, when averaged over an 8-hour interval, and should not exceed 20 ppm in any one-hour period. (The USEPA has a slightly higher 1-hour standard of 35 ppm).

Sources of Carbon Monoxide

The major sources of carbon monoxide pollution are automotive exhaust and emissions from large industrial combustion sources such as electrical power plants. Because these sources produce many contaminants in addition to carbon monoxide -- such as fine particles and nitrogen oxides -- it is often difficult to isolate the health effects of ambient carbon monoxide from those of other pollutants.

In addition to carbon monoxide generated outside, there are also important indoor sources of the pollutant. The most important of these are combustion sources such as gas ovens, gas burners, water heaters, and heating systems. However, in most cases emissions from well-maintained and vented gas appliances are small.

Tobacco smoking is a more significant source of carbon monoxide. Tobacco smoke can contain very high concentrations of carbon monoxide (1,000 ppm to 50,000 ppm). Carbon monoxide levels in the homes of children whose relatives smoke tobacco products can be higher than the carbon monoxide levels outdoors.

Health Effects of Carbon Monoxide

There are hundreds of cases per year of deaths or severe illness due to carbon monoxide poisoning from faulty appliances, indoor emissions of automobile exhaust and industrial exposures. These cases show that carbon monoxide poisoning causes symptoms very similar to those of the flu. In fact, the true number of cases is not really known because many people may have been poisoned slightly and thought that they were just fighting off a cold or the flu. Thus it is very important to make sure that home appliances are well-maintained and that all combustion sources are properly vented to the outdoors.

Epidemiological studies have shown significant association between several health effects and carbon monoxide, although as mentioned earlier it is difficult to completely isolate carbon monoxide's effects from those of other air pollutants.

For example, asthmatic children in Taiwan who were exposed to high levels of traffic-related air pollution -- using carbon monoxide and nitrogen dioxide as marker compounds-- reported more respiratory symptoms than children with lower exposures.

A study of physician office visits in London showed associations between air pollution and doctor visits for asthma and other lower respiratory disease. For children, levels of nitrogen dioxide, carbon monoxide, and sulfur dioxide were associated with increased numbers of medical consultations. However, in adults, the only consistent association was with levels of airborne particles. This suggests that children and adults might respond differently to pollution exposures.

Prenatal Effects of Carbon Monoxide

Carbon monoxide may also have prenatal effects. Pregnant women who were exposed to high levels of ambient carbon monoxide (5 ppm to 6 ppm) were at increased risk of having low birth-weight babies. It has long been known that women who smoke cigarettes during pregnancy have low birth-weight babies, but this is the first study of similar findings in women exposed to environmental carbon monoxide.

Babies exposed to carbon monoxide during the maturation of their organs may suffer permanent changes to those organs. Studies using newborn rats showed that carbon monoxide exposure could cause changes in the heart muscle tissue. This in turn could increase the severity of effects of artery constrictions when they became adults. Other animal studies have shown that long-term carbon monoxide exposure can contribute to a disease called ventricular hypertrophy, in which the cells of the heart's ventricle chambers are enlarged and possibly weakened.

Airborne Particles

Particles, including nitrates, sulfates, carbon¹ and acid aerosols² are a complex group of pollutants.

Unlike ozone, which has a specific chemical composition, airborne particles vary in size and composition depending on time and location. Although the components of particles may have common sources, the types and amounts of particles collected at any one time and location may be unique.

To add to the problem, gaseous pollutants including ozone, sulfur dioxide, nitrogen dioxide and carbon monoxide often are present in the atmosphere at the same time as are particles. It is not always possible to clearly differentiate between the health effects of the gases, the particles, and possibly the combination of particles and gases. This complexity presents a tremendous challenge to the scientific community and to public in trying to understand how inhaled particles affect human health.

The Challenge of Measuring Particle Pollution

Precisely measuring particulate pollution is more difficult and labor intensive than measuring gaseous pollutants such as ozone. For this reason, particle concentrations are not measured on a daily basis in most communities. Frequently, they are measured once every six days.

¹ Both elemental and organic. Elemental carbon is pure carbon from combustion sources, including diesel particulate. Organic carbon is a semi-volatile hydrocarbon from combustion and some evaporative sources.

² Aerosol is the scientific term used to describe particles suspended in a fluid, such as air.

Particle samples are collected on filters that are then weighed. Particle concentrations are reported in terms of micrograms of particles per cubic meter ($\mu\text{g}/\text{m}^3$) of collected air.

Originally, the particle samples were relatively indiscriminate with respect to particle size and often contained very large particles. These large particles contributed a great deal to the weighed particle mass, but might not have been very important with respect to lung health. This is because most of the particles were too large to penetrate through the nasal and head airways to reach the lung. A more health-related sample was needed.

After a great deal of scientific consideration it was decided that particulate matter with aerodynamic diameters³ less than or equal to 10 microns (μm) should be collected. Ambient air quality standards were developed for this material, which is called PM_{10} .

Sources of Particle Pollution

Researchers noted that the sources of relatively large-size particles (greater than 3 microns in aerodynamic diameter) were quite distinct from the sources of particles less than 1 micron in diameter.

The larger, so-called "coarse" particles are mostly produced by mechanical processes, such as automobile tire wear on the road, industrial cutting, grinding and pulverizing processes and re-suspension of particles from the ground or other surfaces by wind and human activities. The chemical composition of coarse particles may be somewhat similar to the chemical composition of soil in that area, along with industrial compounds from activities such as mining or smelting operations. The coarse fraction of urban aerosols also contains bits of plants, molds, spores and some bacteria. Thus the characteristics of the coarse particles may vary greatly in different communities.

In contrast, the smaller or so-called "fine" particles in the urban aerosol come from combustion sources, such as power plants, automobile, truck, bus and other vehicle exhaust or from the reactions that transform some of the pollutant gases into solid or liquid particles. These distinctions may be important because the current air pollution health effects literature suggests, although not with certainty, that for some key health effects the fine particles are more important than the coarse particles. These findings have led EPA to propose a new nationwide $\text{PM}_{2.5}$ standard that would reduce exposure to particles that are 2.5 microns or less in diameter.

Historic Air Pollution Disasters

Epidemiological studies have consistently associated adverse health effects with exposures to particulate air pollution. Early studies implicated particulate and sulfur dioxide pollution in the acute illnesses and premature deaths associated with extremely

³ Aerodynamic diameter is used to define particles' size. Particle deposition on a surface, or in the lung, depends on the particle's aerodynamic and diffusion characteristics. A particle's aerodynamic characteristics depend on its density, shape, actual size, and velocity while its diffusion characteristics are functions of its size and the density of the air in which it is suspended.

severe pollution episodes in Donora, Penn., London, and New York in the 1940s, 1950s, and 1960s. The particle levels in a four-week pollution disaster in London in 1955 were more than 50 times higher than the California standard.⁴ Twenty percent of that aerosol was composed of acid sulfates -- probably sulfuric acid. The number of people hospitalized for lung or heart-related diseases was extraordinarily high, but more importantly there were more than 4,000 premature, or "excess," deaths in the London population.

Fortunately, major efforts by government agencies, the public, and industries have made it very unlikely there will ever be a similar episode in modern urban communities. However, the lessons learned from these disasters are still relevant. Despite the fact that our levels of airborne particles are much lower than those that occurred during the disasters, EPA estimates that there are still more than 6,000 excess deaths in the United States that could be associated with inhaled particles.

Health Effects of Particulate Pollution

Current ambient levels of PM₁₀ -- 30 to 150 micrograms per cubic meter -- are associated with increases in the numbers of people that die daily from heart or lung failure. Most of these deaths are among the elderly. However there is a strong body of evidence that some children are also adversely affected by particulate matter.

The American Thoracic Society's Environmental and Occupational Health Assembly reviewed current health effects literature. They report that daily fluctuations in PM₁₀ levels have been related to:

- acute respiratory hospital admissions in children;
- school and kindergarten absences;
- decreases in peak lung air flow rates in normal children; and
- increased medication use in children and adults with asthma.

The USC Children's Health Study suggests that children with asthma living in a community with high particle concentrations may have suppressed lung growth. After children moved into cleaner cities their lung growth returned to the normal rate, but they did not recover the lost potential growth, according to John Peters, the study's principle investigator.

It is difficult to positively assign a quantitative risk associated with particulate matter because nearly all studies of its health effects find other pollutants present that may account for some of the effects.

Part of the problem is due to the nature of the data being collected. The levels of particulate matter vary during the course of the day and peak values can be quite high. Few studies have evaluated the effect of these short-term "spikes." However, at least one epidemiological study of children with asthma suggested that changes in symptoms

⁴ The California standard for particulate matter (PM₁₀) is 50 micrograms per cubic meter averaged over 24 hours

and lung function correlate more strongly with 1-hour peaks than with 24-hour average concentrations.

Other studies, primarily with laboratory animals, suggest that the chemical composition⁵ and surface areas of the particles may be more important than particle mass. Scientists are continuing to study the health effects of particles and are developing better methods for measuring the important constituents. It may be possible in the near future to more accurately assess the effects of inhaled particles on human health.

Nitrogen Oxides

Nitrogen oxides are produced during most combustion processes. Mobile sources and power plants are the major contributors in Southern California.

About 80 percent of the immediately released nitrogen oxide is in the form nitric oxide (NO). Small amounts of nitrous oxide (N₂O) are also produced. Nitrous oxide is a "greenhouse" gas that is suspected of playing an important role in global warming.

Nitric oxide reacts with oxygen in the air to produce nitrogen dioxide (NO₂). Further oxidation during the day causes the nitrogen dioxide to form nitric acid and nitrate particles. In the dark, nitrogen dioxide can react with ozone and form a very reactive free radical. The free radical then can react with organic compounds in the air to form nitrogenated organic compounds, some of which have been shown to be mutagenic and carcinogenic.

Health Effects of Nitrogen Dioxide

Nitrogen dioxide is the most important nitrogen oxide compound with respect to acute adverse health effects. Under most chemical conditions it is an oxidant, as is ozone. However, it takes about 10 times more nitrogen dioxide than ozone to cause significant lung irritation and inflammation.

Nitrogen dioxide differs from ozone in that it suppresses the immune system to a much greater degree. As discussed below, some epidemiological studies have shown that children exposed to high levels of ambient nitrogen dioxide may be at increased risk of respiratory infections. Studies with laboratory animals have indeed shown that if mice are exposed first to nitrogen dioxide and later to bacteria at a level that would not infect a healthy control animal, their normal lung defense mechanisms are suppressed and the bacteria are able to infect the host.

⁵ The idea that all particles are equally toxic is not scientifically justified. There are many good examples that can be taken from studies of particles in the workplace. For example, certain types of particles that contain quartz -- a natural mineral composed of silicon dioxide but with a specific crystal structure -- are very potent lung irritants. Repeated exposures to this material can lead to a serious, permanent lung disease called lung fibrosis. Other mineral particles that are fibrous, such as specific forms of asbestos, can cause lung cancer. Other particles such as titanium dioxide do not seem to cause occupational diseases.

Average levels of nitrogen dioxide in the United States range from 0.02 to 0.04 ppm. Levels in major urban areas in Southern California may be higher, but the region has not exceeded the federal standard⁶ for nitrogen dioxide since 1991.

During the 1970s, one of the first studies relating respiratory illnesses and changes in lung function to ambient nitrogen dioxide concentrations reported that children living in areas with high nitrogen dioxide concentrations had greater incidences of lung-related illness than children living in areas with lower concentrations. Since then, other epidemiological studies have suggested that children with asthma are more likely than children without asthma to have reduced lung function and symptoms of respiratory irritation, such as cough and sore throat, when outdoor average nitrogen dioxide concentrations exceed about 0.02 ppm.

Some studies also have suggested that children younger than five years old may be more severely affected by nitrogen dioxide than older children. Several epidemiological studies have suggested that for children, the most important effect of ambient exposure to nitrogen dioxide might be increased susceptibility to respiratory infections and increased severity of responses to inhaled allergens.

Although many epidemiological studies show significant associations between outdoor nitrogen dioxide concentrations and adverse health outcomes, some studies do not corroborate these effects. In part, this is because it is often difficult to fully account for the influences of indoor sources of nitrogen dioxide.

Improvements in Nitrogen Dioxide Measurements

More recent studies have used special devices, called passive dosimeters, that can be worn by children to collect nitrogen dioxide for later analysis. These measurements give epidemiologists the ability to better assess a child's total nitrogen dioxide exposure over the course of the day. These studies show that there can be a great deal of individual variation in exposures, even for children living in the same communities. Thus, it is not surprising that epidemiological studies that do not estimate a nitrogen dioxide dose may reach different conclusions.

However, laboratory studies involving controlled exposures of human volunteers and laboratory animals have demonstrated plausible effects of nitrogen dioxide on human health. For example, if one exposes rats or other animals to nitrogen dioxide, and then examines their respiratory tract tissues, it is very evident that the pollutant can cause short-term injury similar to that seen after ozone exposure.

Long-term exposures to high concentrations of nitrogen dioxide can produce chronic damage to respiratory tract tissue that resembles the lung disease emphysema.

The pollutant's suppression of immune system functions reduces the ability of the host to fight off bacterial and viral infections. Human volunteers who inhaled weakened

⁶ 0.053 ppm as an annual average

influenza virus after being exposed to nitrogen dioxide in laboratories were more susceptible to the infection than a control group that did not inhale nitrogen dioxide.

Other studies show that nitrogen dioxide decreases the body's ability to generate antibodies when challenged by pathogens, and may reduce the ability of the respiratory system to remove foreign particles such as bacteria and viruses from the lung.

Lead

People can be exposed to lead (Pb) through air, food and water. Lead is a toxic heavy metal that causes nerve damage and impairs the body's ability to make hemoglobin, leading to a form of anemia.

Sources of Lead Pollution

Large amounts of lead were emitted to the atmosphere when it was used as a gasoline additive.⁷ The emitted lead could be inhaled. In addition, lead fallout from the air caused widespread contamination of soil, plants, food products, and water.

Lead is often measured in children's blood as an index of environmental exposure. Even low levels⁸ of lead in the blood of children aged 6 to 7 are linked to measurable changes in intelligence quotient and certain perceptual-motor skills. Higher levels of lead exposure can also result in kidney damage and may be related to high blood pressure in adults.

Sulfur Oxides

Most manmade emissions of the gas sulfur dioxide (SO₂) come primarily from the combustion of fossil fuels such as coal, oil, and diesel fuel.

Most of the sulfur in fossil fuel is converted sulfur dioxide, but a small amount is also converted to sulfuric acid. In the atmosphere, gaseous sulfur dioxide can also be converted to sulfuric acid and sulfate-containing particles. Thus, atmospheric concentrations of sulfur dioxide are often highly associated with acidic particles, sulfuric acid particles and sulfate particle concentrations.

The current National Ambient Air Quality Standards for sulfur dioxide are 18 micrograms per cubic meter averaged annually, and 365 micrograms per cubic meter averaged over 24 hours. Southern California does not exceed the national air quality standard because its industries primarily burn low-sulfur fuels such as natural gas. Much of the sulfur oxide air pollution in Southern California is likely to be associated with diesel emissions.

⁷ Lead in the form of tetraethyl lead was added to gasoline in the United States in large amounts from the 1950s until it was banned in the mid-1970s.

⁸ 10 to 30 micrograms per 100 milliliters

Sulfur dioxide is a very water-soluble gas and therefore most of the sulfur dioxide that is inhaled is absorbed in the upper respiratory tract and does not reach the lung's airways. However, the small amount of sulfur dioxide that does penetrate into the airways can provoke important health effects, primarily in individuals with asthma.

For those with asthma, even relatively short-term, low-level exposures to sulfur dioxide can result in airway constriction leading to difficulty in breathing and possibly contribute to the severity of an asthmatic attack.

A number of epidemiological studies have shown associations between ambient sulfur dioxide and rates of mortality (death) and morbidity (illness). However, because sulfur dioxide is often strongly correlated with fine particles and especially sulfate-containing particles, it is difficult to separate the effects of sulfur dioxide from those of the particle compounds.

A study in France found an increase of 2.9 visits to the emergency room for every 20 micrograms per cubic meter increase in atmospheric sulfur dioxide. The results pertained to days when the average sulfur dioxide levels were above 68 micrograms per cubic meter but below the U.S. health standard.

In London, asthma and other lower respiratory diseases in children were most significantly associated with exposures to nitrogen dioxide, carbon monoxide, and sulfur dioxide. In adults the only consistent association was with particulate matter.

Hospital admissions for children with asthma may increase by 20 percent following acute exposure to ozone peaks and possibly with sulfur dioxide. Chronic exposure to increased levels of fine particles, sulfur dioxide, and nitrogen dioxide may be associated with up to threefold increase in nonspecific respiratory symptoms. Thus, recent literature suggests that sulfur dioxide affects adults and children differently and that chronic and acute effects may also be different.

Diesel Emissions

Diesel fuel is burned to power buses, trucks, road-building equipment, trains, boats and ships and electricity-generating equipment. When diesel fuel is burned, the exhaust includes both particles and gases. Diesel emissions are important constituents of ambient air pollution.

What's in Diesel?

Diesel particles consist mainly of elemental carbon and other carbon-containing compounds. Hundreds of compounds have been identified as constituents of diesel particles. These include polycyclic aromatic hydrocarbons (PAHs) and other compounds that have been associated with tumor formation and cancer. In 1998, the California Air Resources Board designated diesel particulate a cancer-causing toxic air contaminant.

Diesel particles are microscopic. More than 90 percent of them are less than 1 micron in diameter. Due to their minute size, diesel particles can penetrate deeply into the lung. There is evidence that once in the lung, diesel particles may stay there for a long time.

In addition to particles, diesel exhaust contains several gaseous compounds including carbon monoxide, nitrogen oxides, sulfur dioxide and organic vapors, for example formaldehyde and 1,3-butadiene. Formaldehyde and 1,3-butadiene have been classified as toxic and hazardous air pollutants. Both have been shown to cause tumors in animal studies and there is evidence that exposure to high levels of 1,3-butadiene can cause cancer in humans.

AQMD's recent landmark research project, the Multiple Air Toxics Exposure Study II, found that diesel particulate is responsible for about 70 percent of the total cancer risk from all toxic air pollution in the greater Los Angeles metropolitan area.

Diesel emissions may also be a problem for asthmatics. Some studies suggest that children with asthma who live near roadways with high amounts of diesel truck traffic have more asthma attacks and use more asthma medication.

Some human volunteers, exposed to diesel exhaust in carefully controlled laboratory studies, reported symptoms such as eye and throat irritation, coughing, phlegm production, difficulty breathing, headache, lightheadedness, nausea and perception of unpleasant odors. Another laboratory study, in which volunteers were exposed to relatively high levels of diesel particles for about an hour, showed that such exposures could cause lung inflammation.

Thus current epidemiological and laboratory evidence suggests that at typical urban concentrations, diesel exhaust may contribute significantly to the health effects of air pollution.

What Can Be Done to Reduce the Effects of Air Pollution on Children's Health?

After reviewing the literature on how children's exposures differ from those of adults, it is evident that:

- children are outdoors more hours per day than most adults;
- they exert themselves to a greater degree while they are outside than most adults; and
- they participate in more organized activities than adults.

There are definite health benefits to having children participate in outdoor activities. However, scientific evidence also suggests that air pollution exposures can injure children's lungs and other organs.

Air quality information in the form of health reports and air quality advisories are now a regular part of life in California. One logical step is to reduce strenuous activities during pollution episodes and try to take advantage of those hours when airborne pollutant levels are lower.

At the public level there is a long-standing commitment to improve air quality. When you look at the air pollution levels in California today you can see that a great deal of progress has been made. There has been a cost for this progress. For instance, some products are more expensive. In return, the lower levels of pollutant exposure compared to 20 years ago should decrease the adverse effect of air pollution on the long-term health of our developing children.

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