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April 3, 2018

VIA E-MAIL ONLY

Riverside County Planning Commission
4080 Lemon Street
Riverside, CA 92501
esarabia@rivco.org
rbrady@rivco.org

Re: Opposition to Knox Business Park Buildings D and E Project; Final Environmental Impact Report No. 546; Planning Commission Meeting April 4, 2018 -- Item 4.4

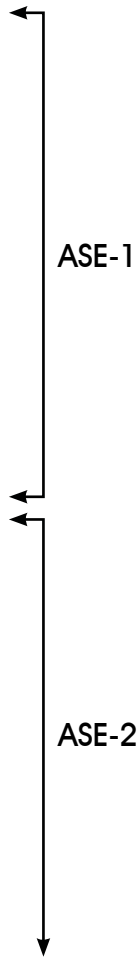
To the Riverside County Planning Commission:

On behalf of concerned area residents and RAMV.org, I submit these comments on the Final Environmental Impact Report (Final EIR or EIR) No. 546 for the Knox Business Park Project. This letter incorporates by reference RAMV.org's previous written and verbal comments on the Project.

The Final EIR has several major flaws. First, the responses to comments are inadequate. Second, the County continues to ignore feasible mitigation measures for significant project impacts. Third, there are feasible alternatives available that must be adopted in lieu of the Project. As detailed herein, the Final EIR fails in its informational role and its conclusions are not based on substantial evidence.

Project Description

Initially, we note there is a major discrepancy in the distance between the Project's Building D and the existing homes on Redwood Drive. The EIR describes that Building D is 191 feet from homes on Redwood, when, in fact, there is just a 35' buffer from the property boundary to the car parking area on the south side of Building D. This close distance has meaningful consequences that cannot be ignored. That is, the Project proposes the 24-hour, seven-day-a-week operation of an enormous warehouse building with thousands of vehicle trips including truck trips in very close proximity to homes and sensitive receptors. Exposing people to the harmful effects of the Project, including significant air emissions and relentless noise, must be avoided. The California Air Resources Board's "*Air Quality and Land Use Handbook: A Community Health Perspective (2005)*" recommends that distribution centers like the proposed



Project should not be within 1000 feet of residences¹ Therefore, at a minimum, **Building D should be moved farther away from the existing residences on Redwood Drive.**

Air Quality

The Project generates significant construction and operational air quality impacts, yet feasible air quality mitigation is ignored in violation of CEQA. *See*, State CEQA Guidelines § 15093 (a)(3), (b). First, construction mitigation measures must be strengthened: contractors should provide temporary electricity to the site to eliminate the need for diesel-powered electric generators, and, if truly infeasible as asserted in the Final EIR, the contractor must provide evidence to the County that electrical hook-ups at construction site are not feasible.

The Project generates significant NOx impacts and most of the emissions are due to heavy duty and medium duty diesel trucks. Therefore, the Project must adopt all feasible enforceable measures with respect to air quality. Feasible air quality mitigation includes:

- (1) A requirement that all trucks entering the site shall be 2010 model year or newer or be alternatively-fueled; trucks that do not meet this standard shall be prohibited from entering the site. This requirement must be specified in tenant leases and operator contracts, subject to cancellation of leases or contracts if the term is violated. To the extent that model year 2010 trucks are legally required by year 2023, this is feasible measure². (*See*, ARB website stating regulations)³ (*See also*, Exhibits 1 and 2 hereto.) Proposed air quality mitigation is entirely inadequate. MM 4.3-1 merely requires that all construction “heavy-heavy duty” haul trucks shall be 2010 model year engines “to the extent such HHD are commercially available.” This is inadequate. “Commercially available” is a malleable term, meaning the measure can be disregarded in application. Also, all trucks (not merely HHD) shall be 2010 model year or better as noted above.
- (2) Required phase-in of electric, hybrid electric, hydrogen electric, or battery operated (*i.e.*, non-diesel) trucks. Non-diesel trucks are reasonably foreseeable in the commercial market and therefore are feasible within the life of the Project. (*See*, article describing Tesla unveiling electric semi-truck⁴; *see also*, article entitled “Nikola and Bosch set to battle Tesla with hydrogen-electric truck”⁵, article describing Toyota working on hydrogen fuel cell semi-trucks⁶). A mitigation measure is feasible if it can be achieved in a reasonable period of time. (CEQA

¹ <https://www.arb.ca.gov/ch/handbook.pdf>

This hyperlink and all hyperlinks cited herein are fully incorporated herein by reference.

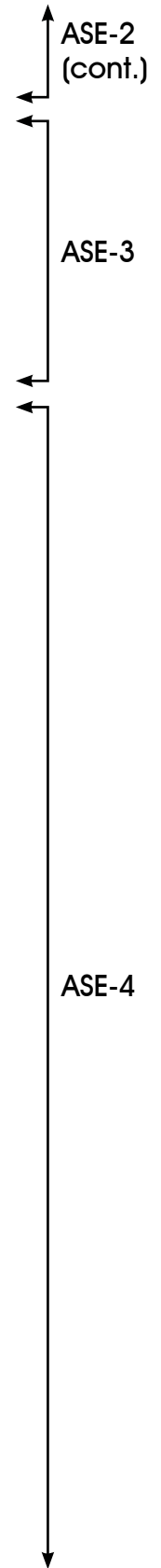
² <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>

³ <https://www.arb.ca.gov/msprog/onrdiesel/documents/multirule.pdf>

⁴ <http://mashable.com/2017/09/14/tesla-semi-truck-launch/#YIUeEqm9faqP>

⁵ <http://mashable.com/2017/09/19/nikola-bosch-hydrogen-electric-development/#X1uV0KLxZiq4>

⁶ <https://www.wired.com/2017/04/toyotas-still-serious-hydrogen-built-semi-prove/>



Guidelines § 15364) (*See*, AQMD’s opinion that zero emission long-haul trucks are expected to be deployed in the near future.⁷) The Project should at least be required to reevaluate, on a periodic basis, whether some portion of the fleet serving the Project must be zero emission or battery powered in the future. (*See*, article describing AQMD studying and working with manufacturers to develop zero emission Class 8 trucks,⁸ article describing CARB using cap and trade funds to work with manufacturers to “accelerate the market for next generation of clean, heavy-duty trucks and buses, both those that run on electricity and on hydrogen”⁹, article describing Transpower company testing “on road” zero emission trucks.¹⁰ In fact, zero emission vehicles (ZVE’s) are a priority in California.¹¹ The Governor’s 2016 ZEV Action Plan (October 2016) identifies as a priority “Making ZEV technologies commercially viable in targeted applications the medium-duty, heavy-duty, and freight sectors”. *Id.* The Ports of Los Angeles and Long Beach are drafting a new Climate Action Plan which proposes that “[s]tarting in 2018, phase in clean engine standards for new trucks entering port drayage registries followed by a truck rate structure that encourages the use of near-zero and zero emissions trucks, with the goal of transitioning to zero emissions drayage fleet by 2035.”¹² It is not infeasible or impracticable to require the use of alternatively fueled trucks presently or at some reasonable time in the future. CARB and AQMD both agree that zero emission trucks are the future and are necessary mitigation measures to go *beyond* the 2010 truck requirement, in order to meet Legislative targets for emission reductions. (*See*, Exhibits 3 and 4 hereto). CARB’s *Sustainable Freight Pathways to Zero and Near-Zero Emissions Discussion Document* (April 2015) is a helpful resource in this regard. (Exhibit 5 hereto) The FEIR’s Response C-32 on this point is not based on law or fact: it is entirely within the control of the applicant through lease conditions to ensure that cleaner trucks are phased into the Project, or requiring the periodic reevaluation of cleaner truck technologies. Notably, the trucks accessing the Project site are not even required to have 2010 model year engines, which is entirely feasible, as discussed above. Overall, the Project does very little to reduce significant NOx emissions. Response C-34 claims that “Riverside County” does not have the power to require that projects phase-in alternatively fueled trucks. Yet the Project applicant certainly has within its power and control the ability to impose conditions in manner to reduce significant NOx emissions, by taking steps to ensure the periodic review of cleaner trucks for feasibility and/or the phase-in of alternatively fueled trucks. Similarly, Response C-35 simply asserts that neither the County nor the applicant have the

ASE-4
(cont.)

⁷ <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2013/march/southern-california-international-gateway.pdf>

⁸ <http://www.aqmd.gov/home/library/public-information/2016-news-archives/drayage-trucks>

⁹ <https://www.arb.ca.gov/newsrel/newsrelease.php?id=915>

¹⁰ <http://www.transpowerusa.com/on-road-trucks/>

¹¹

http://www.energy.ca.gov/renewables/tracking_progress/documents/electric_vehicle.pdf

¹² <http://www.cleanairactionplan.org/2017-clean-air-action-plan-update/>

power to regulate or implement any measures to ensure that diesel emissions are reduced throughout the life of the Project, which is simply inadequate. Other “private” projects without tenants impose basic requirements such as requiring that only 2010 model year trucks access the project site; thus, not only is C-35 not based in fact or law, but also the Project has utterly failed to follow the lead of other warehouse/logistics projects which do take steps to mitigate their diesel impacts. For instance, the applicant has agreed to a 3-minute idling restriction which is more restrictive than CARB’s 5-minute idling restriction. The fact that the applicant has agreed to a measure above and beyond a regulatory requirement suggests that the County and the applicant have the ability to impose/implement similar requirements regarding other operational components of the Project. These measures are “fully enforceable” to the extent they are part of the CEQA mitigation program and/or conditions of approval.

- (3) If deemed infeasible to implement for all trucks or at Project opening, a Diesel Minimization Plan should be adopted whereby zero-emission trucks are phased in, *e.g.* 10% of the truck fleets for any industrial uses shall zero emission by 2023, and increase that percentage at least 10% per year until 100% of trucks operating onsite are zero emission vehicles. The County’s response to comments do not demonstrate that such a measure is infeasible.
- (4) A requirement that all forklifts (indoor and outdoor) shall be electric. This measure is routinely required of similar projects throughout southern California. *See*, Exhibit 6 hereto.
- (5) A requirement that all “yard trucks” be electric or battery powered, or requiring the phase-in of the same. (*See*, ARB article noting that battery-electric Class 8 yard trucks will operate at facilities in southern California representing “a step toward the commercialization of heavy-duty, advanced, zero-emission technologies” with the deployment “providing a model for truck electrification that could be scaled to any facility”¹³.)
- (6) Limit the number of transport diesel trucks to the assumptions of the EIR.
- (7) A requirement that all trucks using refrigerated TRUs plug-in while at the Project site as well as a requirement that the Project install electric hook-ups at all loading bays; or a restriction on cold storage in terms of the Project buildings. Because trucks operating TRUs must idle, the Project must ensure the ability of these trucks to utilize electricity rather than idle their engines on-site. There is no evidence that “the provision of electric hook-ups [is] unnecessary” where there is no evidence that refrigerated/cold storage is limited or restricted at the Project. This measure is also routinely imposed on warehouse projects in the Inland Empire. *See*, Exhibits 6 and 7 hereto.

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(cont.)

The Project utterly fails to take meaningful steps to reduce significant NOx emissions during Project operations. According to CARB, “[m]obile sources account for well over half of the emissions which contribute to ozone and particulate matter and nearly 40 percent of the greenhouse gas emissions in California. In order to meet California's health based air quality standards and greenhouse gas emission reduction goals, the cars we drive and the fuel we use must

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¹³ <https://www.arb.ca.gov/newsrel/newsrelease.php?id=900>

be transformed away from petroleum.”¹⁴ Accordingly, all feasible air quality mitigation must be adopted.

GHG Emissions

With respect to GHG impacts, the Project is new source of substantial GHG emissions mostly due to mobile emissions. Yet the EIR does not demonstrate based on substantial evidence how the Project reduces the impacts to less-than-significant. The Project is estimated to generate 24,617.57 metric tons of CO₂ equivalent emissions per year, far in excess of any screening thresholds.

The EIR relies on compliance with the County’s Climate Action Plan to determine that GHG impacts would be less than significant. But the County’s CAP only addresses impacts and compliance with reduction targets up to 2020. (EIR p. 4.7-26 to -27) There is no evidence that compliance with the CAP would meet longer term emissions targets including those established in Executive Order B-30-15, which seeks to reduce GHG emissions in the state to 40 percent below 1990 levels by 2030; and 80 percent below 1990 levels by 2050. As noted in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 223, “over time consistency with year 2020 goals will become a less definitive guide, especially for long-term projects that will not begin operations for several years. An EIR taking a goal-consistency approach to CEQA significance may in the near future need to consider the project's effects on meeting longer term emissions reduction targets.” Where Project operation is anticipated to commence in 2020, consistency with the CAP meeting 2020 goals is an utterly inadequate measure to demonstrate compliance with longer term emission reduction targets.

The GHG impact of this Project should be found significant, and the EIR must propose mitigation measures which would substantially reduce Project emissions. At a minimum, installation of a meaningful amount of PV at the site to offset electricity demand, and installation of EV charging station for passenger vehicles and trucks, and measures to reduce diesel emissions, should be adopted to mitigate for Project GHG impacts.

MM 4.3-8 proposes the roof be constructed to incorporate a 1 KW PV solar array to offset Project operational air quality impacts. It is feasible to design the roof to accommodate a maximally sized solar array and require incorporation of substantially more PV. Given the Project’s estimated electricity demand of 4,381,622 kWh/year, proposed development to accommodate a 1 KW system, which would generate around 1,674 kWh/year, is utterly insignificant. Even a 1 MW system (taking up about 100,000 – 200,000 square feet of rooftop area) would fall far short, generating approximately 1,674,349 kWh/year according to <<http://www.pvwatts.nrel.gov>> (utilizing March AFB weather data), but would at least somewhat off-set the energy demand of this Project. The County’s response to comment argues that increasing solar is not reasonably related to a significant Project impact; yet the EIR proposes MM 4.3-8 “to reduce the Project’s significant impacts to regional operation-source emissions associated with NO_x...”

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¹⁴ <https://www.arb.ca.gov/msprog/zevprog/zevprog.htm>

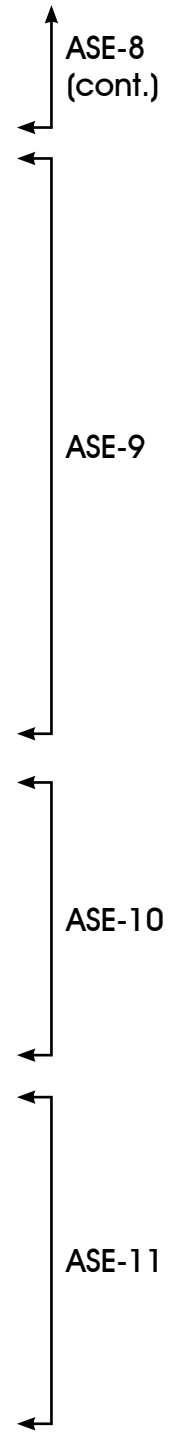
Solar is becoming industry standard for these types of warehouse logistics projects. (See, Exhibit 8 hereto; see also, e.g., articles re Amazon and Target installing solar on its fulfillment center buildings, and e.g., Prologis installing solar panels on distribution buildings^{15 16 17 18} .

Traffic/Transportation

The EIR continues to unreasonably assume that no passenger cars or trucks will use Decker/ Ellsworth to access the Project site. There is certainly nothing preventing such use. In fact, the EIR states it will be required to be improved to its full right of way adjacent to the Project site which would certainly enable trucks to use it. (EIR p. 3-25) DEIR Figures 4.15-1, 4.15-8 and 4.15-9, and the traffic study Exhibit 1-2, arbitrarily assume that no trucks or vehicles will travel south on Decker Road, which is not a realistic assumption. Moreover, MM 4.15-4 does not go far enough as “signs” of whatever nature or size are not enforceable: the County as the lead agency for the Project and the transportation authority must restrict truck traffic by weight restricting Decker Road south of the Project site and/or Markham Road. This is the only enforceable means to ensure that trucks do not use residential roadways. Response C-92 confirms that Ellsworth Street/Decker Road is maintained by the County and the County has the authority to restrict access to a public roadway. Because truck traffic may use Decker Road and Markham Road, the noise analysis is also inadequate and Response C-85 does not show that the EIR is based on substantial evidence. The traffic study assumes without real evidence that trucks will not use Decker Road.

Traffic impacts are artificially limited to evaluation of the immediate Project area, where the Project may impact a greater geographical area. Specifically, the EIR inadequately considers southbound traffic trips to use Cajalco Road (aka Cajalco Expressway) as an east/ west route. Cajalco Road is located just 1.2 miles south of the site and is regularly a faster route to/ from the Ports than northbound on I-215. C-94 admits that a Cajalco widening project is planned. With this information in mind, the Project must assume that Project traffic will use this road when improved and the County must assume that Project vehicles will travel southbound to reach I-215.

The traffic analysis concludes that the Project’s impact to the intersection of Decker Road and Oleander Avenue is significant and therefore the Project must make a “fair share” contribution for the necessary traffic improvements. First, the conclusion that the Project has only a minor or proportional impact to this intersection is dubious in view of the very low existing traffic counts and the increase in traffic counts at this intersection attributable only to the Project. Second, the traffic study repeatedly indicates that the intersection will operate at LOS D with a “future intersection” or a future “traffic signal”; but it is not clear from the EIR that the Project will be implementing necessary traffic improvements to maintain this “acceptable” LOS.



¹⁵ <https://www.cnbc.com/2017/03/02/amazon-looks-to-go-big-on-solar-clean-energy.html>

¹⁶ <https://arstechnica.com/information-technology/2017/03/amazon-to-cover-millions-in-warehouse-rooftop-square-footage-with-solar-panels/>

¹⁷ <https://corporate.target.com/article/2017/04/solar-power-update>

¹⁸ <http://fortune.com/2016/10/19/corporate-solar-target-walmart/>

With respect to this intersection, the EIR relies on the applicant's payment of "fair share" mitigation measure of which the EIR asserts the Project's share is 5.4%. Yet the improvements are not part of a TUMF or DIF program. Thus, there is no assurance in the record that this improvement will be implemented. This is not adequate and certain mitigation. We submit that the Project must be required to mitigate all traffic impacts at the time of need. The area is predominately rural; the Project must be responsible for its impact to the local environment, and traffic improvements should not be deferred to some later date based on a pretense of "fair share" mitigation. In short, mitigation measure MM 4.15-1 is entirely inadequate. Only with the improvements will the intersection operate at "acceptable" LOS D.

ASE-12

MM 4.15-3 is similarly inadequate. The Project must be conditioned to provide all necessary "fair share" funding for significant project impacts. The fact that Caltrans does not have an established funding program does not preclude the applicant from paying into a fund, established by Riverside, for future improvements.

ASE-13

Trails

Response C-90 states that "Riverside County is requiring the Project Applicant to allow for trails easements along Ellsworth Street and Oleandar Road to enable Riverside County to construct the County's trail system..." (emphasis added) This underlined language is inadequate. The mitigation program must state that the County is requiring the Project Applicant to dedicate trail easements to enable Riverside County to construct the County's trail system."

ASE-14

Energy

CEQA Guidelines, § 15126.4 (a)(1)(C) states that, "energy conservation measures ... shall be discussed when appropriate." Guidelines Appendix F provides that "The goal of conserving energy *implies the wise and efficient use of energy*. The means of achieving this goal include: (1) decreasing overall per capita energy consumption; (2) decreasing reliance on fossil fuels such as coal, natural gas and oil, and (3) increasing reliance on renewable energy sources." (emphasis added) (See also, *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256, 262- 265; *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 209-213.) The EIR's Energy Analysis Report purports to evaluate the Project's energy demand; it concludes that impacts are less-than-significant because the Project complies with Title 24 and because of the Project's "mitigation measures and design features." But the conclusion is not based on substantial evidence in view of the Project's consumption of fuel and energy demand, and the lack of meaningful offsets.

ASE-15

The analysis shows that 280,905 gallons of fuel will be consumed annually by from Project generated auto trips; 287,389 gallons of fuel annually from light-heavy duty trucks, 362,432 gallons of fuel from medium-heavy duty trucks and 1,765,389 gallons of fuel for heavy-heavy duty trucks, for a total of 2,696,114 gallons of fuel. The analysis finds this to be a less than significant impact, even though the Project takes no steps to incorporate or phase-in alternative fueled vehicles. Carpools and vanpools for employees may help with fuel

consumption related to light automobiles but does not nothing towards reducing fuel consumption for diesel trucks. The Project's buildings have a total electricity demand of 4,318,622 kWh/year. Yet the Project proposes to incorporate just 1 KW of solar, less than needed for the average home. Thus, the Project does not "increase reliance on renewables." The Project's energy consumption can be at least partially off-set by installation of solar paneling on the rooftop and/or parking areas at the Project site. A 1 MW solar installation should be required for the Project to reduce its energy consumption. Furthermore, the so-called CAP Energy Efficiency Measures are woefully insufficient. The Project takes credit for restricting idling to 5 minutes, but this is already a requirement of CARB. The Project also recycles "20%" of construction debris. This could easily be a higher percentage. These are not meaningful measures to reduce the consumption of fuel or increase the buildings' reliance on renewables.

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(cont.)

Alternatives

The EIR Should Consider A Business Park Alternative

The EIR does not evaluate a reasonable range of project alternatives. The No Project/ Existing General Plan Designation Alternative considered development at the site as near in use as the proposed Project despite a multitude of potential uses under existing designations. In fact, the site is predominantly designated CD-BP which, according to the General Plan, allows for "employee-intensive uses, including research and development, technology centers, corporate and support office uses, clean industry supporting retail uses." Even the portion of the site CD-LI allows "a wide variety of industrial and related uses, including assembly and light manufacturing, repair and other service facilities, warehousing, distribution centers, and supporting retail uses." The assumption development would occur as similar general warehouse and industrial park is not supported given the variety of permitted uses. Furthermore, the BP designation acts as a buffer between Very Low Density Residential uses to the south and west and LI to the east. At a minimum, the EIR should evaluate a No Project/ Existing General Plan Designation alternative that would develop a compatible BP land use within this area. Consideration of a BP use in lieu of high-cube warehousing is likely to reduce operational effects of the Project to land use/ planning, as well as air quality, traffic, and traffic noise due to reduced truck trips and associated NOx and diesel PM emissions.

ASE-16

Building D Only Alternative Is Not Shown to Be Infeasible

The Building D Only Alternative would reduce significant impacts and has been identified as the environmentally superior alternative; thus, absent findings of infeasibility supported by substantial evidence, this alternative must be adopted in lieu of the proposed Project. The EIR indicates that the Building D Only Alternative satisfies, in whole or in part, all of the Project objectives. Any future findings of infeasibility must be based on substantial evidence, and here the conclusions that the alternative only "partially" meets Objective B and Objective C are questionable. Furthermore, industrial logistics centers are not generators of jobs in the sense that these facilities are highly automated.

ASE-17

The Larger Building Alternative Is Only More Significant In Terms of Construction Air Quality Impacts – Not Operational Air Quality Impacts

The EIR states that it includes the Larger Building Alternative at the request of the lead agency. But, the EIR’s ultimate conclusions regarding the environmental effects of the larger building alternative are misleading to the extent that only construction air quality would be more severe under the alternative. Operational air quality, though significant, would be unchanged from the proposed project. Table 6-4 and the text of the EIR indicates that “air quality” will be “increased.” Indeed, perhaps with a single building, the development could be moved farther away from sensitive receptors to the south on Redwood and in this way the larger building is environmentally superior.

ASE-18

CONCLUSION

The EIR continues to contain significant errors and omissions. Additional mitigation should also be incorporated into any future proposal. Project alternatives must be fully evaluated and adopted where feasible.

ASE-19

We appreciate the opportunity to offer comments on this Project, and thank you for your consideration of these comments.

Sincerely,



ASE-20

Abigail Smith
Law Offices of Abigail Smith

Enclosures: Exhibits 1 -8

EXHIBIT “1”

EXHIBIT “1”

Table ES-1 (cont.): Executive Summary of Impacts and Mitigation Measures

Environmental Impact	Mitigation Measures	Level of Significance After Mitigation	Timing of Mitigation
	<p>b) Post signs in all dock and delivery areas containing the following: truck drivers shall turn off engines when not in use; trucks shall not idle for more than five minutes; telephone numbers of the building facilities manager and the California Air Resources Board to report violations.</p> <p>c) Tenants shall maintain records on its fleet equipment and vehicle engine maintenance to ensure that equipment and vehicles serving the warehouses within the project are in good condition, and in proper tune pursuant to manufacturer's specifications. Tenants shall maintain records on its fleet equipment and ensure that all Heavy-Duty Trucks (HHD) accessing the project site use year 2010 or newer engines. The records shall be maintained on-site and be made available for inspection by the County.</p> <p>d) The facility operator will ensure that site enforcement 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 California Air Resources Board-approved courses (such as the free, one-day Course #512).</p> <p>e) Require facility operator to become a SmartWay Partner.</p> <p>f) Require facility operator to incorporate incentives and requirements such that the maximum feasible number of truck trips will be carried by SmartWay 1.0 or greater carriers.</p> <p>g) Prior to issuance of occupancy permits, signs shall be installed at each exit driveway, providing directional information to the County's truck route. Text on the sign shall read "To Truck Route" with a directional arrow. Truck routes shall be clearly marked pursuant to the Municipal code.</p> <p>h) The site shall be designed such that any check-in point for trucks is well inside the facility to ensure that there are no trucks queuing outside the facility.</p>		

EXHIBIT “2”

EXHIBIT “2”

CITY COUNCIL
FINAL APPROVED CONDITIONS

CITY COUNCIL MEETING: FEBRUARY 14, 2017

PLANNING CASES: P14-1072 (Environmental Impact Report), P14-1081 (Design Review), P14-1082 (Minor Conditional Use Permit), P16-0101 (General Plan and SP Amendments), P16-0102 (Tentative Parcel Map) and P16-0103 (Variance and Grading Exceptions)

Case Specific

• **Planning**

1. All mitigation measures, as defined in the Mitigation, Monitoring and Reporting Plan in the FEIR, shall be completed in accordance with the designated schedule.
2. Approval of this project is contingent upon the Certification of the Environmental Impact Report associated with this project.
3. **Advisory:** Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any signs shall be subject to separate review and assessment, including any required variances. A separate sign application, including fees and additional sets of plans, if necessary prior to any sign permit issuance.
4. Covenants, Conditions and Restrictions (CC&R) for 2010 dated single standards shall be leave required. This condition shall be a requirement of all leases. CC&R

Prior to Map Recordation

5. General Plan Amendment and Specific Plan Amendment (P16-0101) shall be finalized and/or adopted.
6. The General Plan Amendment and Specific Plan Amendment shall be finalized and adopted concurrently with the development of this site.

Prior to Grading Permit Issuance:

7. General Plan Amendment and Specific Plan Amendment (P16-0101) shall be finalized and/or adopted.
8. The applicant shall offer to remove the existing fence north of the property at the discretion of the property owner.

Prior to Grading Permit Issuance:

9. A 40-scale precise grading plan shall be submitted to the Planning Division and include the following:

EXHIBIT “3”

EXHIBIT “3”



Matthew Rodriguez
Secretary for
Environmental Protection

Air Resources Board

Mary D. Nichols, Chairman
1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov



Edmund G. Brown Jr.
Governor

June 8, 2015

Mr. Mark Gross
City of Moreno Valley
Community Development Department
14177 Frederick Street
PO Box 88005
Moreno Valley, California 92552

Re: World Logistics Center Final Environmental Impact Report
SCH# 2012021045

Dear Mr. Gross:

The Air Resources Board (ARB) has received and reviewed the World Logistics Center (WLC or project) Final Environmental Impact Report (FEIR). This project provides an opportunity to create a state-of-the-art facility that promotes the use of the cleanest technologies available and maximizes efficiency improvements during both the construction and operational phases at full build out in 2030.

ARB reviewed the Draft Environmental Impact Report (DEIR) and provided comments to the City of Moreno Valley (City) in a letter dated April 16, 2013. ARB's comment letter expressed concern over the increase in health risk in the immediate area and the significant and unavoidable air quality and greenhouse gas related impacts caused by the proposed WLC. To address those concerns, ARB recommended actions to support the development, demonstration, and deployment of zero and near-zero emission technology at the WLC.

Unfortunately, ARB finds the FEIR to be legally inadequate and unresponsive to the comments ARB provided in its April 16, 2013 letter regarding the DEIR. ARB appreciates the opportunity to comment on the FEIR, as we have significant concerns with the analysis and mitigation currently outlined in the document. We urge the City to revise and recirculate the EIR, to reflect needed changes in mitigation and to bolster the analysis of potential health risks posed by the project, as required by California Environmental Quality Act (CEQA).

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

Printed on Recycled Paper

AR 057593

Mr. Mark Gross
June 8, 2015
Page 2

In addition, we are aware of the possibility that the City may opt to move the WLC decision to a ballot measure. Given the potential emissions impacts and increase in health risk associated with project construction and operation, we strongly urge CEQA compliance by the City, irrespective of whether or not this project becomes a ballot measure.

CEQA Background Regarding Responses to Comments and Need for EIR Recirculation

When a significant environmental issue is raised in comments that object to the draft EIR's analysis, the response must be detailed and must provide a reasoned, good faith analysis. (14 CCR § 15088(c).) The responses to comments on a draft EIR must state reasons for rejecting suggestions and objections concerning significant environmental issues. (*City of Maywood v. Los Angeles Unified Sch. Dist.* (2012) 208 Cal.App.4th 362, 391.) The need for a reasoned, factual response is particularly acute when critical comments have been made by other agencies or by experts. (See *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm'rs* (2001) 91 Cal.App.4th 1344, 1367,1371.)

If significant new information¹ is added to an Environmental Impact Report (EIR)² after notice of public review has occurred, but before final certification of the EIR, the lead agency must issue a new notice and recirculate the EIR for comments and consultation. (Pub. Res. Code § 21092.1; 14 CCR § 15088.5.) "Significant new information" triggering the need for EIR recirculation includes information showing that (1) a new or more severe environmental impact would result from the project, (2) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of a project but the project proponent declines to adopt it, or (3) the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (14 CCR § 15088.5(a)(1)-(4).)

A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record. (14 CCR § 15088.5(e).)

¹ "Information" triggering recirculation can include additional data or other information. (14 CCR § 15088.5(a).)

² Note that even if new information is not "added to an EIR," it can still trigger the need for recirculation. (See, e.g., *Save Our Peninsula Comm. v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 131 (information on important new mitigation measure, added to record after EIR was completed, should have been included in EIR and circulated for public review and comment given questions raised about its effectiveness and potential impacts).)

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The Response to Comments Fails to Adequately Address ARB's Comments And Does Not Adopt All Feasible Mitigation Measures

In its previous comment letter, ARB recommended "actions to support the development, demonstration, and deployment of zero and near-zero emission technology to reduce localized health risk and regional emissions. We believe that use of these technologies is feasible within the build-out years of the Center." However, the FEIR discussion (in particular, responses to comment B-5-7 and B-5-8 and Master Response 3) regarding zero emission and hybrid electric trucks, vehicles, and equipment does not evaluate the current feasibility of hybrid technologies, or consider the potential for other zero and near-zero emission technologies to be feasible and commercially available, both at the present date and by project build-out in 2030. These technologies are feasible measures that would lessen the WLC's impacts on criteria and greenhouse gas emissions, as well as air toxics and health risk.³

Because these mitigation measures have not been fully adopted for the proposed project, the EIR must be recirculated to incorporate the feasible mitigation measures, or to make a supportable finding that the measures are infeasible. (See 14 CCR § 15088.5(a)(3).)

The information contained in the FEIR regarding feasibility and availability of these technologies relies largely on information from the Port of Long Beach and Los Angeles, most of which is at least two years old, and is but one source of information regarding the feasibility of zero or near-zero emissions vehicles. Today, zero and near-zero emission technologies are commercially available in vehicle and equipment applications typically used at warehouse and distribution centers. Examples include battery electric and fuel cell electric forklifts, battery electric and hybrid electric medium-duty trucks, and plug-in hybrid electric transportation refrigeration units. For more information, please see ARB's Heavy-Duty Technology and Fuels Assessment: Overview, found at http://www.arb.ca.gov/msprog/tech/techreport/ta_overview_v_4_3_2015_final.pdf.pdf.

However, the FEIR discussion (in particular, responses to comment B-5-7 and B-5-8 and Master Response 3) regarding zero emission and hybrid electric trucks, vehicles, and equipment does not adequately evaluate the current feasibility of hybrid technologies, or consider the potential for other zero and near-zero emission technologies to be feasible and commercially available, both at the present date and by project build-out.

³ For the purposes of CEQA, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (California Code of Regulations, title 14, section 15364)

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The response to comment B-5-7 states that "the project will support a variety of future users which are unknown at this time so it is not possible to specify or require future users to have zero emission or alternative fuel fleets since most logistics companies use independent contractors and truck drivers rather than maintain their own fleets." This response is contradictory and insufficient to show that the proposed mitigation measures are infeasible. This is particularly true given the FEIR's inclusion of several requirements that are applicable to all future tenants; specifically, that all medium and heavy-duty diesel trucks entering logistics sites shall meet or exceed 2010 engine emission standards and all yard trucks shall be powered by electricity, natural gas, propane, or an equivalent non-diesel fuel. If the mitigation measures can restrict access to the facility by truck engine year, there is no reason the mitigation measures cannot similarly restrict access by allowable technologies.

Furthermore, the response to comments rejected the proposed measure of requiring that trucks travelling between the project and any ports or rail yards within 100 miles use zero or near zero emission technology. The reasons for rejecting this measure are also unclear. The response to comments notes that "the Port of Los Angeles is testing various types of zero-emission technology solutions for heavy-duty vehicles," which the response to comments explains have a "range of travel between 100 miles and 200 miles per charge." (WLC Response to Comments at 234.) Therefore, it remains unclear why a measure requiring zero or near zero emission trucks for trips within 100 miles of the project would not be feasible, particularly by project build out in 2030.

With regard to onsite service vehicles and equipment, the response to comment B-5-8 further notes that the only included mitigation measure incorporated into the FEIR is prohibiting the use of diesel-powered onsite vehicles and equipment. (WLC Response to Comments at 185.) Again, the reasons for not including mitigation measures for these onsite vehicles remain unclear, since the response to comments does not clearly address why these types of vehicles and equipment are not available in zero or near-zero emission configurations.

The EIR should therefore be revised and recirculated to do the following:

- Fully evaluate mitigation measures for zero and near-zero emission technologies that are commercially available over the course of project development and by full build-out in 2030.
- Require all feasible mitigation measures and support the development, demonstration, and deployment of zero and near-zero emission technologies including requiring zero emission (such as battery electric or fuel cell electric) forklifts and battery electric and hybrid electric medium-duty trucks. These technologies are commercially available today. Additional advancements,

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especially for on-road trucks, are expected in the next three to five years; well before project build-out in 2030.

Recirculation Is Required Due To Fundamental Inadequacies in the Project's Health Risk Assessment

Several elements of the health risk assessment section of the FEIR are flawed and inadequate, and require revision and recirculation. As noted above, one of the circumstances triggering the need for EIR recirculation is the addition of information showing that the EIR was fundamentally inadequate and conclusory in nature that meaningful public review and comment were precluded. (14 CCR § 15088.5(a).)

In this case, this recirculation "trigger" is present. The FEIR analysis has been revised since the draft EIR was released to include a new study regarding health impacts from diesel engines, specifically, the Advanced Collaborative Emissions Study (ACES). The FEIR repeatedly references that the ACES study concludes that the "application of new emissions control technology to diesel engines have virtually eliminated the health impacts of diesel exhaust." First, the use of only one study as the basis for this analysis is not sufficient for the purpose of providing a comprehensive analysis of health risk from project construction and operations. The ACES study is only one of many scientific studies related to health risk and emissions, and therefore, cannot serve as substantial evidence regarding the project impact to human health. In fact, there are many other studies that conclude that diesel particulate matter (PM) is a health hazard. For example, the International Agency for Research on Cancer evaluated the scientific literature as a whole and concluded in 2012 that diesel PM is carcinogenic to humans (class 1). Second, and more importantly, the ACES study's methodology and findings render it inadequate for inclusion in an environmental document, and cannot serve as substantial evidence supporting a finding that the project will not result in significant cancer risk impacts.⁴ Therefore, use of and reference to the ACES study should be removed throughout the FEIR.⁵

⁴ An EIR's CEQA significance findings must be supported by substantial evidence. "Substantial evidence" means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. (14 CCR § 15384(a).) Notably, argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, does not constitute substantial evidence. (*Id.*) In this case, the ACES study should not be used for the purposes of a CEQA analysis, as the exposure levels used in the ACES study were based on diluted NO₂ and not particulate matter and therefore actual exposure of particulate matter in this study is unknown. Additionally, during the lab exposure testing, two 2007 Detroit Diesel engines were used, one for a total of 10,090 hours and one for 4031 hours with oil changes at every 250 hours (250 hours = 5,000 miles). Therefore, the study results are based on the best-case scenario and did not account for potential real world wear and tear on diesel engines, poor maintenance, and failure rates of diesel particulate filters.

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Further, the air quality and health risk methodology and models used in the FEIR should be fully explained to ensure the information is accessible and understandable to the public. Specifically, the final document should include the presentation of all cancer and non-cancer health risks at the receptor locations of interest for all emissions from construction and operations at the WLC. The methodology should include the use of all the current Office of Environmental Health Hazard Assessment (OEHHA) approved risk assessment methodology contained in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines: Guidance Manual for the Preparation of Health Risk Assessments (February 2015).

Furthermore, we recommend the document include an evaluation of the potential health impacts at the major milestones identified for this project (e.g., beginning in 2015, 2022, and 2035) for each receptor of interest and appropriate exposure duration (i.e., resident would be 30 years). This analysis will allow the presentation of potential health impacts at key milestones and how the potential health risk estimates may change as the project is completed and the facility changes to full operation.

Other ARB Recommendations

Attainment of Federal Ambient Air Quality Standards

The FEIR determines that the proposed project would have significant long term air quality impacts. Specifically, the air quality analysis demonstrates that the project's operational nitrogen oxides (NOx) emissions far exceed the South Coast Air Quality Management District's significance threshold of 55 pounds per day. The projected rise in emissions of criteria pollutants may interfere with current strategy to bring the South Coast Air Basin into attainment with federal air quality standards. Given the level of impacts and the location in the South Coast Air Basin, the project needs to be revised to include substantial air quality mitigation by employing effective and feasible zero and near-zero emission technologies.

Use of Future Baseline in the Health Risk and Air Quality Analysis

Should the City re-circulate the EIR, ARB strongly recommends that the health risk and air quality analysis use both the existing conditions baseline (current conditions) and a future conditions baseline (full build out year, without the project.) This analysis will be useful to the public in understanding the full impacts of the project. *Neighbors for Smart Rail v Exposition Metro Line Construction Authority* (2013) 57 C4th 439 confirmed that the lead agency has discretion on how to best define a baseline under the

⁵ For more information regarding diesel engine exhaust health impacts, please see http://oehha.ca.gov/public_info/DEEposter.html.

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circumstances of rapidly changing environmental conditions. In this situation, the project site is located in a federal nonattainment area and is adjacent to residences; given the timeframe for full build out, those conditions may be significantly different from current conditions.

Specifically, it is important to analyze whether anticipated regional air quality improvements in future years as the result of State, federal, and local air quality programs, may be reduced or negated as the result of this project. For those reasons, it is important to ensure that the public has a complete understanding of the environmental impacts of the WLC, as compared to both existing conditions and future conditions.

Charging Infrastructure to Support Zero and Near-Zero Emission Technology

Should the City re-circulate the EIR, ARB recommends including mitigation measures that detail more robust plans for charging and fueling infrastructure, which will be necessary to support increased zero emission vehicles and equipment used on the project site. Mitigation measure 4.3.6.3C indicates that one alternative fueling station will be publicly available prior to the issuance of building permits for more than 25 million square feet. This mitigation measure should include a more comprehensive description of the fueling station, including how that fueling station will adequately meet the needs of the zero and near-zero emission equipment used on site.

Furthermore, mitigation measure 4.3.6.4A indicates two electric vehicle-charging stations for automobiles or light duty trucks shall be provided at each building. The project description does not include an estimation of how many buildings are expected to be developed on site. While the FEIR does provide an estimation of the number of daily trips by passenger vehicles and light duty trucks (54,714 and 2,385 daily trips, respectively), mitigation measure 4.3.6.4A and the associated analysis does not contain an estimation of how many of those trips will be made by electric vehicles and does not provide enough information to evaluate whether mitigation measure 4.3.6.4A satisfies potential charging demand. Given Governor's Executive Order B-16-2012 target of reaching 1.5 million zero emission vehicles on California roadways by 2025 and the Governor's goal of cutting petroleum use in half by 2030, mitigation measure 4.3.6.4A should be expanded to ensure that the charging infrastructure required on-site will meet the needs of the growing numbers of zero emission vehicles that will be accessing the project site.

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Statewide Air Quality, Climate and Health Drivers to Reduce Emissions from Freight Hubs


To achieve California's air quality, climate and sustainability goals, and to reduce the health risk from diesel PM in communities located near freight hubs, the State, including public and private partners, must take effective action to transition to a zero and near-zero emission freight system. This effort is laid out in ARB's Sustainable Freight Pathways to Zero and Near-Zero Emissions Discussion Draft, which can be found at http://www.arb.ca.gov/qmp/sftii/Sustainable_Freight_Draft_4-3-2015.pdf.

Closing

Given the scale of the project, the substantial increases in criteria pollutants and greenhouse gas emissions, as well as the potential impact to health risk, it is critical that the FEIR require the use of zero and near-zero emission technologies. Furthermore, the health risk analysis must be revised to ensure that the potential impacts are fully analyzed and disclosed. We would be pleased to provide assistance to help develop the analysis and mitigation measures to ensure that this state-of-the-art facility is able to serve the region's distribution needs, while protecting air quality and public health, as well as minimizing the project's contribution to greenhouse gas emissions. Please include ARB on any further notifications related to the WLC.

If you have questions, please contact me at (916) 322-8382 or freight@arb.ca.gov.

Sincerely,



Heather Arias, Chief
Freight Transport Branch
Transportation and Toxics Division

cc: See next page

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cc: Honorable Mayor and Council Members- City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044

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AR 057601

EXHIBIT “4”

EXHIBIT “4”



**South Coast
Air Quality Management District**

21865 Copley Drive, Diamond Bar, CA 91765-4182
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E-Mailed: June 24, 2015
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June 24, 2015

Mr. Mark Gross
Community and Economic Development Department
14177 Frederick Street
Moreno Valley, CA 92553

**Final Program Environmental Impact Report (Final PEIR)
for the Proposed World Logistics Center Project**

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to submit comments on the Final PEIR for the World Logistics Center Project. SCAQMD staff appreciates the time that city staff and the project applicant have taken to meet with us to discuss this project and the inclusion of some mitigation measures in the Final PEIR, such as the requirement for 100% Tier 4 construction equipment. However, we continue to have significant concerns about this project that were raised in previous comments, including those not adequately addressed in the Final PEIR.¹ Most importantly, given the magnitude of the air quality impacts, the project must provide more substantial mitigation for the significant emissions from the additional on-road truck trips generated by this project.

SCAQMD staff recognizes the critical role that warehousing and goods movement have in our regional and national economy. While there has been tremendous growth in warehousing in our region over the past several years to accommodate the needs of the logistics sector, the scale of the proposed World Logistics Center is unprecedented. The 40.6 million square feet of new warehousing in this single project make up almost ten percent of the total new warehousing space projected to be needed in the region by 2035², and also represents an area that is bigger than 32 individual cities in our jurisdiction. As a further indication of the scale of this project, the estimated ~14,000 trucks per day serving this project at project build out will be more than half the total number of trucks that currently visit the entire Port of Long Beach³. Below we present the major air quality issues that the lead agency must address before it considers approving this project.

¹ <http://www.aqmd.gov/docs/default-source/air-quality-management-district-2012-2013-air-quality-management-plan/peir-comments.pdf>
<http://www.aqmd.gov/docs/default-source/air-quality-management-district-2012-2013-air-quality-management-plan/peir-comments-2012.pdf>
<http://www.aqmd.gov/docs/default-source/air-quality-management-district-2012-2013-air-quality-management-plan/peir-comments-2013.pdf>
<http://www.aqmd.gov/docs/default-source/air-quality-management-district-2012-2013-air-quality-management-plan/peir-comments-2014.pdf>

² Industrial Space in Southern California: Future Supply and Demand for Warehousing and Intermodal Facilities, Southern California Association of Governments (2010)

<http://www.fishbase.org/Government/Species/Compendia/2010/industrial%20warehouse%20facilities%20and%20intermodal%20facilities%20in%20southern%20california%202010>

³ Based on the most recent emission inventory: <http://www.portoflongbeach.com/Port/About/About%20the%20Port>

Inadequate Mitigation of Trucking Emissions

While the proposed project includes a seemingly stringent requirement to only allow trucks that meet the 2010 emissions standard onsite, in reality this measure will do very little to reduce air quality impacts beyond current regulatory requirements. Due to the state Air Resources Board's existing Truck and Bus Regulation, by the time the first warehouse will become operational (likely no sooner than 2018), approximately 75 percent of all truck miles in our region will already be driven by trucks meeting the 2010 emissions standard. By 2023 (when half of this project is still unbuilt), the proposed mitigation will affect no more than about 1 percent of the project's trucking emissions from then onwards.

As currently proposed, the mitigated emissions from this project will reach between about one half and three quarters of a ton of nitrogen oxide (NOx) emissions each day for the majority of the project's life.⁴ To put this in perspective, this level of emissions is comparable to facilities in the top ten largest stationary sources of NOx in the air basin (e.g., power plants or refineries). Despite this substantial air quality impact, the proposed mitigation from this project does not include all feasible measures to reduce impacts, nor does it provide a fair-share reduction in NOx to meet air quality standards, as demonstrated below.

In order to meet federal requirements to achieve air quality standards, our air basin must reduce NOx emissions beyond existing regulations by up to 65% by 2023 and up to 75% by 2032⁵. If these ozone and particulate matter air quality standards are not achieved, the region faces two significant challenges. First, we will continue to experience poor air quality and the resulting health impacts, including lung damage and premature deaths. Second, federally mandated sanctions will be imposed, including higher operating costs for businesses with air permits and more importantly for this project, loss of federal transportation funding. It is for these reasons that we are disappointed that this project does not propose more measures to mitigate its air quality impacts. This project can and must do more.

The unprecedented scale of this project requires all feasible mitigation measures for the large amount of NOx emissions that will be generated by the project. Although the PEIR investigated the truck technologies currently utilized by the ports of Los Angeles and Long Beach to determine what is feasible to implement for this project today, it ignored the more important actions taken by both ports to encourage and implement newer technologies in the future. For example, because vehicle technology is evolving rapidly, both ports have programs in place to demonstrate and deploy newer truck tailpipe and infrastructure technologies as they become available.⁶ These actions are implemented both as mitigation measures within individual CEQA projects⁷, and as measures separate

⁴ NOx is a key ingredient to both ozone and particulate matter formation in the atmosphere, two pollutants for which the air basin and the Inland Empire in particular do not meet air quality standards.

⁵ Based on estimates from the 2012 Air Quality Management Plan.

⁶ <http://www.la-air.org/airquality/qa.html>

⁷ See the following Mitigation, Monitoring, and Reporting Programs for examples of how projects have incorporated future technology reviews and implementation into project approvals:

from development projects. This approach has proven to be generally successful to ensure continued growth at the ports by bringing stakeholders together to build consensus regarding feasible mitigation measures without excessive litigation and corresponding delays, subsequently resulting in sizable air quality improvements.

The Final PEIR's response to SCAQMD staff and ARB staff comments regarding the implementation of an alternative technology truck phase-in was not sufficient and did not consider the feasible measures that are, or soon will be, available to implement new technologies early and throughout the life of the project. It is inappropriate to simply dismiss as 'speculative' the comments of two public agencies who have considerable expertise in truck engine technologies and who have devoted considerable financial resources to ensure that these technologies will be commercially available in the time frames specified. Establishing a program of enforceable mitigation that actually will reduce emissions for most of the project's life is particularly important at this juncture because the PEIR is being used to approve a Development Agreement, which may not receive any further environmental review.

More specifically, the lead agency and project applicant should consider developing strategies that are consistent with ARB's Draft Sustainable Freight Strategy (SFS) document⁸. For example, the project could include a project-wide cap (e.g., SFS page 45) that declines through time as newer truck engine types become commercially available and/or are required to be manufactured per future regulations. Today there are already many trucks that are commercially available that have certification levels that are below ARB's current NOx standard (Attachment A). Further, trucks that meet ARB's lowest Optional NOx standard (90% lower than the current standard) are expected to be commercially available in the 2018 timeframe, very early in the life of the project (Attachment B). Lastly, engine technologies that may achieve even greater reductions in emissions are being demonstrated widely today for potential commercialization well before project buildout (Attachment C).

Requested Modification to PEIR⁹: SCAQMD staff strongly recommends that the PEIR implement a program that includes elements such as:

- Steps to implement new truck and infrastructure technologies as a part of the project based on periodic and frequent technology/feasibility reviews as individual buildings are leased or sold.
- Project-wide or building-specific emissions caps that decline through time. The lowering of emission caps could be tied to the advancement of engine technologies. For example, in a set period of time after the commercial introduction of trucks meeting ARB's lowest Optional NOx Standard the emission caps could be reduced by a certain percentage. These caps could be implemented as individual buildings are leased or sold.

⁷ <http://www.portoflosangeles.org/airquality/2014/06/02/060214-02/060214-02.pdf> (e.g., MMAQ-8 & 25)

⁸ <http://www.portoflosangeles.org/airquality/2014/06/02/060214-02/060214-02.pdf> (e.g., MMAQ-8 & LMAQ-1 & 2 & 4)

⁸ Draft document available here: <http://www.arb.ca.gov/2014/06/02/060214-02/060214-02.pdf>

⁹ SCAQMD staff is available to help craft detailed revisions to the project's mitigation on an expedited basis.

- Similar to the SCAQMD Surplus Off-road Option for NOx (SOON) program for owners of off-road vehicles¹⁰, tenants that occupy buildings in the project site should be required to apply in good faith for incentive funding assistance¹¹ to replace and retrofit older trucks. Should awards be granted, the applicant must also be required to use them.

Misleading Discussion of Potential Health Risks

The PEIR misinterprets and then relies heavily on a single study published by the Health Effects Institute (HEI) to determine that “*new technology diesel exhaust does not cause cancer.*” (PEIR pg. 4.3-1). The PEIR should not make such sweeping conclusions based on a single study. While the study identifies real reductions in the mass of particulate matter with newer truck technologies, the study size was too small to identify potential cancer effects for exposures similar to what people will experience from this project. This study did not, nor was it designed to, evaluate the question of whether the toxicity per unit mass of diesel exhaust particulate (e.g., the cancer potency factor) was different compared to older engines. At the concentrations studied, one would not expect to find any tumors given the number of animals used, even if the carcinogenic potency of the new technology particulate emissions were the same as that of the particulate from the older technology engines. From the study results, it is not possible to make any conclusions on the relative carcinogenic potency of diesel exhaust particulates.

Further, the state Office of Environmental Health Hazard Assessment (OEHHA) is charged with determining the cancer potency factors of all pollutants for use in Health Risk Assessment (HRAs) throughout the state. The cancer potency factors from OEHHA have been used in the HRA prepared for this EIR, and the emission factors from the state Air Resources Board’s EMFAC model already account for the reduced diesel exhaust coming from 2010 trucks. Therefore, the EIR’s conclusions regarding diesel exhaust from this single HEI study are wholly unsupported by the volume of studies that OEHHA and ARB rely on to determine the carcinogenicity of diesel particulate matter coming from 2010 trucks.

We note that in response to ARB staff’s comments expressing concern about the misuse of the HEI study, the PEIR consultant provided a response using a partial quote taken from the study’s Executive Summary.

RESPONSE TO ARB STAFF’S CONCERNS ABOUT THE HEI STUDY IN
JUNE 10, 2015 MEMO FROM LSA ASSOCIATES TO MORENO VALLEY
PLANNING DEPARTMENT.

“The primary conclusion of the HEI ACES is ‘that the [New Technology Diesel Exhaust] would not cause an increase in tumor formation or substantial toxic health effects.’ (HEI ACES Report p.3)”

SCAQMD staff is concerned that the lead agency is selecting this quote out of the full context of the report and ignoring an important aspect of the HEI publication process, the

¹⁰ http://www.scaqmd.gov/for_a_program/for_the_business_of_transportation/off-road/diesel-engine-exhaust/23446.html

¹¹ For example, Carl Moyer, Proposition 1B, VIP, or other similar funding programs.

¹² http://www.scaqmd.com/home/programs/for_the_business_of_transportation/off-road/diesel-engine-exhaust/

independent peer review. Importantly, in the Commentary prepared by HEI's own independent review panel, the peer reviewers felt it necessary to modify the quote from above to the statement below.

HEI PEER REVIEW PANEL CONCLUSION ON STUDY (PAGE 165 OF THE HEI STUDY) (**EMPHASIS ADDED**):

*"Using appropriate statistical approaches to analyze the data, the investigators in this core study confirmed the a priori hypothesis, namely, that lifetime exposure to [New Technology Diesel Exhaust] **at the concentrations studied** would not cause an increase in tumor formation or substantial toxic health effects in rats, although some biologic effects might occur."*

The HEI study as designed cannot determine whether diesel exhaust from the World Logistics Center project would pose a potential cancer risk in the surrounding community. The study does not contain sufficient information to determine whether 2010 diesel truck exhaust can cause cancer in humans. The number of animals in the study was too low to detect any cancer risk that would be expected at the concentrations evaluated. Therefore in SCAQMD staff's expert opinion, the whole of the scientific literature leads us to conclude that 2010 diesel truck exhaust be considered carcinogenic.

Requested Modification to PEIR: SCAQMD staff strongly recommends that the lead agency not rely on an approach that cherry picks and misuses a single study to conclude that diesel exhaust emitted from this project would not be carcinogenic. In particular, this study -- which contradicts the general consensus of air quality experts that diesel exhaust is a carcinogen -- should not be used as substantial evidence to support a Statement of Overriding Considerations. For significance determinations, the PEIR instead should only rely on the HRA that was already prepared following standard procedures to account for reduced emissions from 2010 trucks. If the lead agency chooses to keep references to the HEI study as part of the PEIR, then it should only be as supplementary information and characterized correctly.

Conclusion

As demonstrated in this letter, the project's mitigation is insufficient, but the city still has several options to improve this project and the PEIR prior to approval that would reduce the substantial and significant impacts on air quality. The choice is not about promoting jobs OR promoting clean air. It is about promoting a future that provides both. It has been done before and it should be done for this project.

ATTACHMENT A1
Trucks That Have Certification Levels That Are Lower Than the Current NOx Standard of 0.2 (g/bhp-hr)

ARB Executive Order	OEM/Engine MFR	Engine Family	Heavy-Duty Engine Model	Fuel Type	Liters	Max BHP	Low BHP	NOx Cert. Level (g/bhp-hr)
A-364-0051	BAF	FBAFE06.83NN	V-10	CNG	6.8	285	285	0.100
A-364-0052	BAF	FBAFE06.89NN	V-10	CNG	6.8	242	242	0.050
A-338-0012	Capstone Turbine	FCSTH0.31NGL	Turbine	CNG		30kW	30kW	0.050
A-338-0013	Capstone Turbine	FCSTH0.31NGB	Turbine	CNG		65kW	65kW	0.050
A-338-0014	Capstone Turbine	FCSTH0.51NGH	Turbine	CNG		65kW	65kW	0.050
A-290-0148	Detroit Diesel Corp.	FDDXH14.8EAD	DD15	Diesel/SCR	14.8	505	455	0.090
A-290-0149	Detroit Diesel Corp.	FDDXH14.8FED	DD15	Diesel/SCR	14.8	560	455	0.090
A-290-0154	Detroit Diesel Corp.	FDDXH15.6GED	DD16	Diesel/SCR	15.6	600	475	0.070
A-010-1814-2	Ford Motor Company	FFMXE06.8BW5	F450/550 Chassis Cab; F650 Chassis Cab; Step Van; Motor Home	Gasoline	6.8	362	362	0.030
A-398-0012-1	Greenkraft, Inc.	FGKTE06.8EM1	V10	CNG	6.8	362	362	0.010
A-328-0068	IMPACO Technologies	FZ9XE06.0DCA	6.0L CNG	CNG	6.0	265	265	0.080
A-328-0069	IMPACO Technologies	FZ9XE06.8DC3	F- Series	CNG	6.8	308	308	0.080
A-328-0070	IMPACO Technologies	FZ9XE06.8DC2	E- Series	CNG	6.8	251	251	0.060
A-328-0074	IMPACO Technologies	FZ9XE06.8DC4	E- Series	CNG	6.8	251	251	0.060
A-400-0014	Landi Renzo USA	FLDRE06.8C10	F450/550 Chassis Cab; Step Van; Motor Home; F650 Chassis Cab	CNG	6.8	362	362	0.100
A-600-0018	Landi Renzo USA	FLDRE06.8B10	E450	CNG	6.8	362	362	0.080
A-415-0003-1	Power Solutions International	FPSIE08.8CNG	PSI CNG; 235-180	CNG	8.8	235	180	0.100
A-415-0001-1	Power Solutions Intl	FPSIE08.8LPG	PSI LPG 270	LPG	8.8	270	270	0.100
A-344-0052-4	Roush Industries	FRHE06.8BW5	Bluebird Vision School Bus; F450, 550, 650, Motor Home, Step Van	LPG	6.8	362	362	0.080
A-344-0056	Roush Industries	FRHE06.8BW5	E450	LPG	6.8	305	305	0.090
A-242-0076	Volvo Powertrain Corp.	FVPTH10.8G01	MP7: 325E, 355E, 405E, 345A, 345C, 365C, 395C, 325M, 365M, 405M; D11H: 325, 355, 365, 385, 405	Diesel/SCR	10.8	405	325	0.060
A-242-0077	Volvo Powertrain Corp.	FVPTH12.8G01	D13H: 375, 405, 425, 435, 435P, 475, 500, 500P; MP8: 415 E, 415C, 425M, 445C, 445E, 455M, 505C, 505E	Diesel/SCR	12.8	505	375	0.060
A-242-0078	Volvo Powertrain Corp.	FVPTH16.1G01	D16H: 500, 550; MP10: 515M, 525C, 555M, 565C, 605C	Diesel/SCR	16.1	605	515	0.060

ATTACHMENT A2

**Heavy Duty Vehicles that Have Emissions Benefits Beyond NOx Standard of
0.2 g/bhp-hr That are Funded Through the State HVIP Program**

https://www.californiahvip.org/docs/HVIP_Year4_EligibleVehicles.pdf

Manufacturer: Altec**Type: Utility**

Aerial Boom Vehicle with JEMS: 16-20 kWh Lithium-Ion battery and 3000 PSI maximum hydraulic pressure

Chassis Model	TA50, AM55	TA50, TA60, AM55, AM55E
Gross Vehicle Weight	> 26,000	> 26,000
Vehicle Year/Engine Model Year	All	All
Exportable Power	N/A	> 3.0 kW
Year 4 ARB Preliminary Voucher Amount	\$20,000	\$22,000

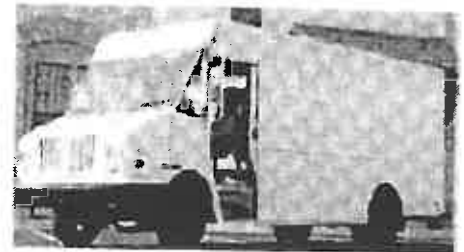


[PDF Spec Sheet](#)

Manufacturer: AMP Electric Vehicles**Type: Delivery**

E-100 Workhorse Zero-Emissions Walk-In Van

Gross Vehicle Weight	19,501-26,000
Vehicle Year/Engine Model Year	2013/2013
Year 4 ARB Preliminary Voucher Amount	\$90,000



[PDF Spec Sheet](#)

Manufacturer: Autocar**Type: Refuse**

Xpeditor E3 Refuse Vehicle with Cummins ISL9 Engine and Parker RunWise Advanced Series Hydraulic Hybrid Drive

Gross Vehicle Weight	38,001-66,000	38,001-66,000
Vehicle Year/Engine Model Year	2013/2012	2015/2012
Year 4 ARB Preliminary Voucher Amount	\$40,000	\$40,000



[PDF Spec Sheet](#)

Manufacturer: BYD Motors

40-Ft All Electric Zero-Emission Transit Bus

Gross Vehicle Weight	33,001-55,000	33,001-55,000
Li-Ion Battery Specification	324 kWh	324kWh
Vehicle Year/Engine Model Year	2014/2014	2015/2015
Year 4 ARB Preliminary Voucher Amount	\$95,000	\$95,000

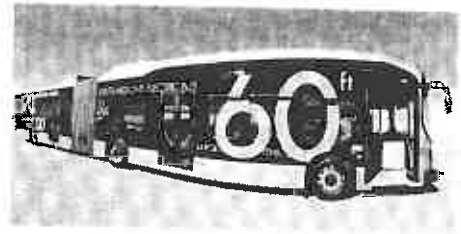


[PDF Spec Sheet](#)

AR 062985

60-Ft Articulated All Electric Zero-Emission Transit Bus

Gross Vehicle Weight	33,001-55,000
Li-Ion Battery Specification	547.5 kWh
Vehicle Year/Engine Model Year	2015/2015
Year 4 ARB Preliminary Voucher Amount	\$95,000



[PDF Spec Sheet](#)

30-Ft All Electric Zero-Emission Transit Bus

Gross Vehicle Weight	>26,000
Li-Ion Battery Specification	182.5 kWh
Vehicle Year/Engine Model Year	2015/2015
Year 4 ARB Preliminary Voucher Amount	\$95,000



[PDF Spec Sheet](#)

Manufacturer: EVI

Year Delivery:

EVI WI (Walk In)

Gross Vehicle Weight	14,001-19,500	19,501-26,000
Vehicle Year/Engine Model Year	2013/2013	2013/2013
Year 4 ARB Preliminary Voucher Amount	\$80,000	\$90,000

[PDF Spec Sheet](#)



EVI MD (Medium Duty)

Gross Vehicle Weight	14,001-19,500	19,501-26,000	19,501-26,000
Vehicle Year/Engine Model Year	2013/2013	2013/2013	2014/2014
Year 4 ARB Preliminary Voucher Amount	\$80,000	\$90,000	\$90,000

[PDF Spec Sheet](#)



Manufacturer: Hino Motors

Type: Delivery

195h Delivery Truck with Parallel Hybrid System

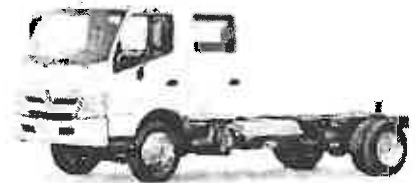
Delivery Type	Beverage Delivery	Package Delivery	Food Distribution	Liquid Propane Pick-Up & Delivery	Uniform & Linen Delivery	Other Delivery
Gross Vehicle Weight	14,001-19,500	14,001-19,500	14,001-19,500	14,001-19,500	14,001-19,500	14,001-19,500
Vehicle Year/Engine Model Year	2016/2015	2016/2015	2016/2015	2016/2015	2016/2015	2016/2015
	2015/2014	2015/2014	2015/2014	2015/2014	2015/2014	2015/2014
	2014/2013	2014/2013	2014/2013	2014/2013	2014/2013	2014/2013
Year 4 ARB Preliminary Voucher Amount	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000



[PDF Spec Sheet](#)

195h-DC Delivery Truck with Parallel Hybrid System

Delivery Type	Package Delivery	Other Delivery
Gross Vehicle Weight	14,001-19,500	14,001-19,500
Vehicle Year/Engine Model Year	2016/2015	2016/2015
Year 4 ARB Preliminary Voucher Amount	\$18,000	\$18,000



[PDF Spec Sheet](#)

Manufacturer: Motiv Power

Zero-Emission FE4 Vehicle with Ford Chassis

Chassis Model	School Bus, Shuttle Bus, Delivery, Utility	School Bus, Shuttle Bus, Delivery, Utility
Gross Vehicle Weight	14,500	22,000
Li-Ion Battery Specification	80 kWh, 100 kWh, 120 kWh	4, 5, and 6-Battery Variations
Vehicle Year/Engine Model Year	2015/2015	2015/2015
Year 4 ARB Preliminary Voucher Amount	\$80,000	\$90,000



[PDF Spec Sheet](#)

Manufacturer: Phoenix

Type: Bus

ZEUS 300 Bus with Lithium-Ion 102-120kWh Battery Pack

Chassis Model	Shuttle Bus
Gross Vehicle Weight	10,001-14,000
Vehicle Year/Engine Model Year	2015/2015
Year 4 ARB Preliminary Voucher Amount	\$50,000



[PDF Spec Sheet](#)

AR 062987

Type: Utility

Zero-Emission Flat Bed Truck with Lithium-Ion 102kWh Battery Pack

Chassis Model	Shuttle Bus
Gross Vehicle Weight	10,001-14,000
Vehicle Year/Engine Model Year	2015/2015
Year 4 ARB Preliminary Voucher Amount	\$50,000

No Photo Available.

[PDF Spec Sheet](#)

Manufacturer: New Flyer

Type: Bus

Xcelsior Bus with Lithium-Ion Battery Pack

Chassis Model	XE35	XE40
Gross Vehicle Weight	42,540-44,312	42,540-44,312
Li-Ion Battery Specification	100 kWh, 150 kWh, 200 kWh	100 kWh, 150 kWh, 200 kWh, 300 kWh
Vehicle Year/Engine Model Year	2015/2015	2015/2015
Year 4 ARB Preliminary Voucher Amount	\$117,000	\$117,000



[PDF Spec Sheet](#)

Manufacturer: Proterra

Type: Bus

Catalyst 40-foot Urban Transit Bus

Chassis Model	BE40	BE35-74T
Gross Vehicle Weight	>38,000	>26,000
Vehicle Year/Engine Model Year	2015/2015	2013/2013
Year 4 ARB Preliminary Voucher Amount	\$115,000	\$115,000



[PDF Spec Sheet](#)

Manufacturer: Smith Electric

Type: Delivery

Newton Box Truck

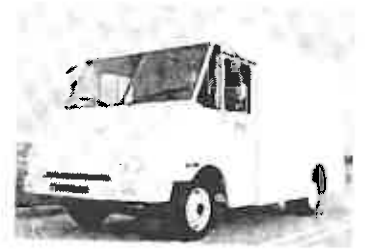
Gross Vehicle Weight	14,001-19,500	19,501-26,000	26,001-33,000
Chassis Length (ft.)	18.8, 21.3, 23.8	18.8, 21.3, 23.8	18.8, 21.3, 23.8
Vehicle Year/Engine Model Year	2013/2013	2013/2013	2013/2013
Year 4 ARB Preliminary Voucher Amount	\$80,000	\$90,000	\$95,000



[PDF Spec Sheet](#)

Newton Step Van

Gross Vehicle Weight	14,001-19,500	19,501-26,000	26,001-33,000
Chassis Length (ft.)	18.8, 21.3, 23.8	18.8, 21.3, 23.8	18.8, 21.3, 23.8
Vehicle Year/Engine Model Year	2013/2013	2013/2013	2013/2013
Year 4 ARB Preliminary Voucher Amount	\$80,000	\$90,000	\$95,000



[PDF Spec Sheet](#)

Manufacturer: Zenith Motors

Electric Shuttle Van

Gross Vehicle Weight	8,500-10,000	10,001-14,000
Li-Ion Battery Specification	51.84kWh	62.1kWh
Vehicle Year/Engine Model Year	2014/2014	2014/2014
Year 4 ARB Preliminary Voucher Amount	\$25,000	\$50,000



[PDF Spec Sheet](#)

Type: Delivery

Electric Cargo Van

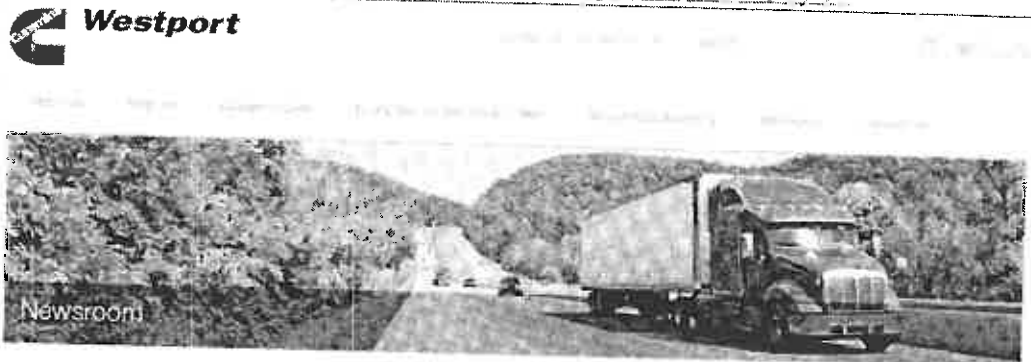
Gross Vehicle Weight	10,001-14,000	10,001-14,000
Wheelbase	159"	136"
Li-Ion Battery Specification	62.1kWh	51.8kWh
Vehicle Year/Engine Model Year	2014/2014	2014/2014
Year 4 ARB Preliminary Voucher Amount	\$50,000	\$50,000



ATTACHMENT B

Trucks Engines That Will Be Available Very Early in The Life of the Project That Will Meet ARB's Optional NOx Standard

<http://www.cumminswestport.com/press-releases/2015/near-zero-nox-emissions-isl-g-natural-gas-engine-proprietary-technology-capable-of-reducing-nox-emissions-by-90>



Newsroom

Newsroom

Near Zero NOx Emissions ISL G Natural Gas Engine -Proprietary technology capable of reducing NOx emissions by 90%~

May 8, 2015

Westport, Oregon (May 8, 2015) Cummins Westport, Cummins' leading natural gas engine manufacturer, has announced that its new ISL G engine is capable of reducing NOx emissions by 90%~. This is the first time a natural gas engine has achieved this level of NOx reduction.

Cummins Westport's ISL G engine is a 6.7-liter, 24-valve, 150-hp engine. It is designed to meet the 2015 California Air Resources Board (CARB) Tier 4 Interim (IT4) emissions standard. The engine is available in both 2015 and 2016 model years.

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ATTACHMENT C
Advanced Technology Demonstration Projects for Truck Engines That Will Meet or Surpass ARB's Optional NOx Standard
Before Full Project Buildout

Project	Truck Manufacturer	Number of Vehicles in Project	Truck Class	Technology Type	Project Completion Year	Total Project Cost
Zero Emission Cargo Transport (ZECT) I - 2012	TransPower	4	8	Battery Electric	2016	\$2.8M
ZECT I - 2012	US Hybrid	2	8	Battery Electric	2017	\$2.0M
ZECT I - 2012	TransPower	2	8	CNG plug in hybrid	2017	\$2.1M
ZECT I - 2012	US Hybrid	3	8	LNG plug in hybrid	2017	\$2.1M
ZECT II - 2014	BAE Systems	1	8	Battery Electric - Hydrogen Fuel Extender	2018	\$7.1M
ZECT II - 2014	TransPower	2	8	Battery Electric - Hydrogen Fuel Extender	2017	\$2.4M
ZECT II - 2014	US Hybrid	2	8	Battery Electric - Hydrogen Fuel Extender	2017	\$3.2M
ZECT II - 2014	BAE Systems & Kenworth	1	8	Battery Electric - Hydrogen Fuel Extender	2018	\$5.6M
ZECT II - 2014	International Rectifier	1	8	Plug in Hybrid	2017	\$1.7M
Volvo PHEV Project	Volvo	1	8	Plug in Hybrid	2014	\$2.4M
SCAQMD Project	Transpower	2	8	Catenary	2016	\$3.2M
Siemens Project	Siemens + Volvo	1	8	Infrastructure + 1 Volvo PHEV catenary truck	2016	\$13.5M
UPS	EVI	40	6	Electric	2013	\$7.45M

EXHIBIT “5”

EXHIBIT “5”

April 2019



California Air Resources Board

Sustainable Freight

*Pathways to Zero and
Near-Zero Emissions*

DISCUSSION DOCUMENT



AR 054765

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AR 054766

**Sustainable Freight: Pathways to Zero and Near-Zero Emissions
– A Discussion Document –**

AIR RESOURCES BOARD (ARB) DISCUSSION

The Board will hear an update and public testimony on development of the Sustainable Freight Strategy, and will discuss this document, at its regular April 23, 2015, meeting at 1001 "I" Street, Sacramento, California, 95814. The Board agenda will be available 10 days prior to the meeting at: <http://www.arb.ca.gov/board/ma/2015/ma042315.pdf>

Comments can be submitted electronically at:

<http://www.arb.ca.gov/lispub/comm/bclist.php>

PROGRAM WEBPAGE

For more information on this topic and upcoming meetings, please see the program website at:

<http://www.arb.ca.gov/gmp/sfti/sfti.htm>

DOCUMENT AVAILABILITY

Electronic copies of this document and related materials can be found at: <http://www.arb.ca.gov/gmp/sfti/sfti.htm>. Alternatively, paper copies may be obtained from ARB's Public Information Office, 1001 I Street, 1st Floor, Visitors and Environmental Services Center, Sacramento, California, 95814, (916) 322-2990.

For individuals with sensory disabilities, this document is available in Braille, large print, audiocassette or computer disk. Please contact the Air Resources Board's Disability Coordinator at (916) 323-4916 by voice or through the California Relay Services at 711, to place your request for disability services. If you are a person with limited English and would like to request interpreter services, please contact the Air Resources Board's Bilingual Manager at (916) 323-7053.

QUESTIONS

Ms. Heather Arias

Freight Transport Branch

Air Resources Board

(916) 322-8382 or via email at: freight@arb.ca.gov

DISCLAIMER

This report has been prepared by the staff of the Air Resources Board. Publication does not signify that the contents reflect the views and policies of the Air Resources Board, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.

Discussion Document

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AR 054768

Forward

In 2012, the California Air Resources Board (ARB or Board) directed staff to identify and implement actions to quickly reduce health risk from diesel particulate matter.

The Sustainable Freight Pathways to Zero and Near-Zero Discussion Document (Discussion Document) describes actions that respond to the Board's direction to identify, prioritize, and recommend specific measures and actions to meet the State's air quality attainment and climate needs. The Board heard an informational update on the Discussion Document, considered testimony, and adopted Resolution 15-22 in April 2015. Board Resolution 15-22, as adopted, is on the following page. The April 2015 Board meeting transcripts and written public comments can be found at the following links:

- *April 23 Board Meeting Transcript.*
<http://www.arb.ca.gov/board/mt/2015/mt042315.pdf>
- *Written public comments on the Discussion Draft.*
<http://www.arb.ca.gov/lispub/comm/bccommlog.php?listname=freight2015>

As part of Resolution 15-22, the Board directed staff to develop a comprehensive, integrated sustainable freight plan, in partnership with other State and local agencies – the California Sustainable Freight Strategy. The Board considers the development of the California Sustainable Freight Strategy a high priority to address localized health impacts, attainment of air quality standards, and achieving climate goals. The Discussion Document describes ARB's initial air quality policy contribution to this effort.

Moving forward, staff will work to incorporate direction received via Board Resolution 15-22 and anticipates coming back to the Board with an update in late 2015.

In addition, the following clarifications were made to the draft version of the Discussion Document:

- Table numbering (throughout the document)
- Updates to the following text:
 - Freight-dependent industries accounted for over ~~\$350~~ 700 billion or 32 percent of the California economy in 2013, and over 5 million or 33 percent of California jobs. (pg. 10)
 - However, freight-related sulfate formation is expected ~~and to be~~ relatively low because of the successful implementation of low-sulfur fuels throughout the California freight transport system. (pg. 15)
 - Additionally, such studies, along with baseline incidence rates ~~promote the ability to develop~~ allow the calculation of quantitative health risk estimates. (pg. 16)
 - The ~~costs economic valuation~~ associated with health impacts discussed here ~~are~~ is high. (pg. 16)
 - Develop an ocean-going vessel renewable biofuels market through proposal of an amendment ~~allowing that allows renewable biofuels suppliers to opt-in~~

the option of such fuels into the Low Carbon Fuel Standard if it is the amendment is adopted, or inclusion in Cap and Trade (pg. 37).

State of California
AIR RESOURCES BOARD

Update on Sustainable Freight Strategy

Resolution 15-22

April 23, 2015

Agenda Item No.: 15-3-4

WHEREAS, section 39003 of the Health and Safety Code charges the Air Resources Board (ARB or Board) with coordinating efforts to attain and maintain ambient air quality standards, to conduct research into the causes of and solution to air pollution, and to systematically attack the serious problem caused by motor vehicles;

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Board to adopt standards, rules, and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, sections 39666 and 39667 of the Health and Safety Code authorize the Board to regulate emissions of toxic air contaminants from non-vehicular and vehicular sources;

WHEREAS, sections 39666 and 39667 of the Health and Safety Code require an airborne toxic control measure for an existing source for which the Board has not specified a threshold exposure level, including a mobile source, be based on application or utilization of the best available control technologies or more effective control methods, unless the Board determines, based on an assessment of risk, that an alternative level of emission reduction is adequate or necessary to prevent an endangerment of public health;

WHEREAS, on August 27, 1998, the Board identified diesel particulate matter (PM) as a toxic air contaminant pursuant to article 1 (commencing with section 39650), chapter 3.5, part 2, division 26 of the Health and Safety Code;

WHEREAS, the trucks, ships, locomotives, aircraft, harbor craft, and equipment that move freight in California currently contribute about half of the total statewide diesel PM emissions;

WHEREAS, sections 43013 and 43018 of the Health and Safety Code authorize the Board to adopt and implement regulations, to control air pollution from motor vehicles and off-road or non-vehicle engine categories, which the Board has found to be necessary, cost-effective, and technologically feasible;

AR 054771

WHEREAS, the federal Clean Air Act requires the Board and local air districts to prepare State Implementation Plans (SIPs) demonstrating how each nonattainment region will attain the national 8-hour ozone and fine particulate matter (PM2.5) standards, with plans due in 2016;

WHEREAS, freight equipment currently accounts for 45 percent of the statewide oxides of nitrogen (NOx) emissions that react in the atmosphere to form ozone and PM2.5;

WHEREAS, the California Global Warming Solutions Act of 2006 (Assembly Bill 32; Chapter 488 Statutes of 2006; Health & Safety Code section 38500 et seq.) declares that global warming poses a serious threat to the economic well-being, public health, natural resources, and environment of California; it granted ARB the authority to monitor and regulate greenhouse gas emissions from all sources, and provided initial direction on creating a comprehensive multi-year program to reduce California's greenhouse gas emissions to 1990 levels by 2020, maintain and continue reductions beyond 2020, and initiate the transformations required to achieve the State's long range climate goals;

WHEREAS, Executive Order S-3-05 established a California greenhouse gas emission reduction target of 80 percent below 1990 levels by 2050; this target was reaffirmed in Executive Order B-16-2012, which established a California target for the reduction of greenhouse gas emissions from the transportation sector of 80 percent below 1990 levels by 2050;

WHEREAS, Assembly Bill 32 added section 38501 to the Health and Safety Code, which expresses the Legislature's intent that ARB coordinate with State agencies and consult with the environmental justice community, industry sectors, business groups, academic institutions, environmental organizations, and other stakeholders in implementing AB 32, and that ARB design emissions reduction measures in a manner that minimizes costs and maximizes benefits for California's economy, maximizes additional environmental and economic co-benefits for California, and complements the State's efforts to improve air quality;

WHEREAS, section 38500 of the Health and Safety Code directs the Board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions from sources or categories of sources;

WHEREAS, freight equipment is a substantial contributor to black carbon emissions, a potent short-lived climate pollutant, and currently accounts for 6 percent of the statewide greenhouse gas emissions with growth projected in future years;

WHEREAS, local air districts, ports, transportation and energy agencies, cargo owners, trucking firms, railroads, shipping lines, and terminal operators are initiating or continuing activities to reduce freight-related emissions; these actions are integral to the success of California's air quality and climate programs;

WHEREAS, Resolution 14-2 directs staff to work with stakeholders to identify and implement near-term actions to reduce localized risk in communities near freight facilities, identify and prioritize actions to move California towards a sustainable freight

transport system, and evaluate and implement opportunities to prioritize transformative zero and near-zero emission technologies;

WHEREAS, implementation of a sustainable freight transport system that relies on zero and near-zero emission equipment powered by renewable energy sources needs to meet multiple goals, including: enhancing the economic competitiveness and efficiency of California's ports and logistics industries, creating jobs, and increasing the safety and livability of freight corridors;

WHEREAS, State environmental, energy, and transportation agencies, together with the business development office, will be working with local partners and stakeholders to develop a proposed comprehensive, integrated sustainable freight plan— the California Sustainable Freight Strategy—that will include actions and milestones to transition California to a sustainable freight transport system;

WHEREAS, on April 3, 2015, ARB staff released a document entitled "Sustainable Freight: Pathways to Zero and Near-Zero Emissions, Discussion Draft" (Discussion Draft) to seek input from the public and the Board; and

WHEREAS, the Board finds that the Discussion Draft advances the objectives identified in Resolution 14-2 and:

1. The Discussion Draft sets out ARB's vision of a clean freight system and immediate and potential near-term ARB actions that staff will develop for future Board consideration or Executive Officer implementation, as appropriate under State law, to address localized health impacts, attainment of air quality standards, and climate goals.
2. The Discussion Draft outlines the immediate steps ARB intends to pursue, and potential near-term actions ARB will consider to advance California towards a zero and near-zero emission freight transportation system.
3. As described in the Discussion Draft, and consistent with the objectives outlined in Resolution 14-2, staff has initiated efforts to develop a proposed California Sustainable Freight Strategy for future consideration by the Board, in partnership with the California Transportation Agency, the California Environmental Protection Agency, the Office of Business and Economic Development, the California Department of Transportation, and the California Energy Commission.
4. The Discussion Draft provides ARB's initial proposed air quality policy contribution to the broader California Sustainable Freight Strategy effort.

NOW, THEREFORE, BE IT RESOLVED that the Board directs staff to:

1. Pursue development of the potential near-term actions described in the Discussion Draft for Board consideration or Executive Officer implementation, as appropriate under State law, as quickly as possible to meet public health and climate change needs.

2. Evaluate the potential ARB levers described in the "Vision for the Future" section of the Discussion Draft for inclusion in future planning documents that address federal and State air quality and climate change goals.
3. Evaluate and consider both the potential ARB levers and the broad-based approaches for freight facilities and systems described in the Discussion Draft, especially the range of system efficiency improvements that depend on industry participation and leadership, as part of the development of a proposed California Sustainable Freight Strategy.
4. Work closely with local air districts in the preparation of the 2016 State Implementation Plan, and give strong consideration to actions identified in the Sustainable Freight Strategy in the development of that State Implementation Plan.

BE IT FURTHER RESOLVED that the Board considers the development of a comprehensive California Sustainable Freight Strategy to be a high priority for the agency and directs staff to:

1. Continue engaging cargo owners; the logistics industry; labor; ports and airports; utilities; business leaders; environmental and community groups; environmental justice groups; academics; air districts; metropolitan planning organizations; federal government agencies; and other interested stakeholders on development of a proposed California Sustainable Freight Strategy.
2. Continue working with the identified State agencies, in addition to the California Department of Food and Agriculture, and other affected Boards and Commissions to develop a proposed California Sustainable Freight Strategy for consideration that addresses the State's air quality, climate, energy, transportation, and economic objectives.
3. Explore revenue opportunities to provide funding to the measures in a proposed California Sustainable Freight Strategy.

BE IT FURTHER RESOLVED that the Board directs staff to incorporate revisions identified by the Board into the Discussion Draft, return to the Board in late 2015 with an informational update on the immediate actions and potential near-term actions described in the Discussion Draft, and continue efforts to contribute to development of a proposed California Sustainable Freight Strategy.

I hereby certify that the above is a true and correct copy of Resolution 15-22 as adopted by the Air Resources Board.


Tracy Jensen, Clerk of the Board

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Executive Summary

To achieve its healthy air quality, climate, and sustainability goals, California must take effective, well-coordinated actions to transition to a zero emission transportation system for both passengers and freight.

The freight transport system is a major economic engine for our State, but also accounts for about half of toxic diesel particulate matter (diesel PM), 45 percent of the emissions of nitrogen oxides (NOx) that form ozone and fine particulate matter in the atmosphere, and six percent of the greenhouse gas (GHG) emissions in California. These statistics include emissions from trucks, ships, locomotives, aircraft, harborcraft, and all types of equipment used to move freight at seaports, airports, railyards, warehouses and distribution centers.

It is clear that in order to meet our public health mandates, climate goals, and economic needs, the transition to a less-polluting, more efficient, modern freight transport system is a preeminent policy objective for the State of California – and will continue to be so for several decades to come. It will require us to make steady and continual progress in moving both domestic and international cargo in California more efficiently, with zero emissions everywhere feasible, and near-zero emissions with renewable fuels everywhere else.

The transition to this modern freight system will rely on public and private funds invested in infrastructure projects, vehicle and equipment purchases, technology applications, and system management approaches. It will also require regulatory and other programs to spur zero emission and other clean technology development and deployment. Many of the needed steps have happened already. Others must happen over the coming years. In some cases, the move to zero emission technology can happen immediately. In other cases, the technology needs to be further developed, and intermediate steps to ever-cleaner technologies will take us toward the ultimate goal of zero emissions.

California's freight system is part of the vast interconnected national and global system. As the global system changes in response to economic forces, California's system will also evolve. This evolution presents a tremendous opportunity to make increased system efficiency and zero emission technology mutually reinforcing. Computerized logistics systems and technologies to physically move containers and trucks more efficiently will reduce emissions, but can also benefit from the performance characteristics and operation of modern zero emission drive systems. Approached this way, California can move more goods, with less energy, and less pollution.

A more efficient, zero and near-zero emission freight system will demand not only new equipment and fuels, but also new transportation infrastructure, communications, and industry operating practices. We will need workers trained to build, maintain, and operate this advanced equipment and communications systems. To help fund these efforts, California's logistics industry must remain profitable in the face of increasing competition from other North American seaports and supply chains. The ability to readily adapt to changing trends and expand operations is key to improving the

competitiveness of the system. Community acceptance of industry expansion often depends on the prospects for new local jobs, clean air, and safe operations.

The California Air Resources Board (ARB or Board) is working with the State's transportation and energy agencies, as well as its economic development office, local partners, and stakeholders to develop a comprehensive, integrated plan—the California Sustainable Freight Strategy. A sustainable freight system is one that meets California's environmental, energy, mobility, safety, and economic needs by: enhancing system efficiency; deploying zero and near-zero emission freight equipment powered by renewable energy sources; providing reliable velocity while increasing safety, mobility and capacity; and improving the competitiveness of our logistics system.

To inform that effort, this report sets out ARB's vision of a clean freight system, together with the immediate and near-term steps that ARB will take to support use of zero and near-zero emission technology.

Need to Accelerate Progress

Together with our local and federal government partners, we have motivated and required extensive changes across the State. Truck owners, ocean carriers, terminal operators, and railroads have made substantial investments to transition their diesel-fueled freight equipment to cleaner models, while refineries retooled to produce cleaner diesel fuels. We are seeing the real-world benefits of those investments—measurably cleaner air in communities near seaports, railyards, and freeways over the last decade. For example, these combined actions have cut toxic diesel PM at the State's largest ports by 80 percent over the last decade.

However, the need to accelerate air quality progress for public health is urgent and the scope of emission reductions required to meet our mandates is vast. California must pursue immediate actions to reduce the unacceptably high risk from freight sources, and re-orient our freight system to meet our State Implementation Plan, and ultimately reshape the freight system to meet our long-term climate goals. This presents California with some notable challenges:

- **Health risks:** Despite substantial progress over the last decade, the remaining localized risks of cancer and other adverse effects near major freight hubs is not acceptable and must be significantly reduced. New health science tells us that infants and children are 1.5 to three times more sensitive to the harmful effects of exposure to air toxics, like those emitted from freight equipment, than we previously understood, which heightens the need for further risk reduction.
- **More protective air quality standards:** Current control programs will reduce NOx and PM2.5 emissions over 50 percent by 2030, but the next State Implementation Plans required by federal law to demonstrate our path to attain ozone and diesel PM air quality standards will compel significant additional emission reductions in the South Coast and San Joaquin Valley.

- **Climate change goals:** New efforts in response to climate change are ramping up the pressure for further progress in the 2030 and 2050 timeframes to reduce GHG and short-lived climate pollutants, like black carbon from diesel equipment.

Actions to Further Reduce Emissions from Freight Operations

At two meetings in 2014, the Board directed ARB staff to identify and implement actions to quickly reduce the health risk from diesel PM in the most impacted communities around freight hubs. This report describes near-term actions that respond to the Board's direction, as well as the potential new measures and other approaches we are evaluating to meet all of our air quality and climate goals. These actions build on the conclusions of a companion document entitled *Draft Heavy-Duty Technology and Fuels Assessment Overview, April 2015*, developed by ARB staff with agency partners.

Immediate ARB Actions. ARB staff is initiating actions now to enhance enforcement and deploy incentives to deliver new emission reductions and further reduce health risks in impacted communities in 2015.

- We are expanding enforcement at or near freight hubs through several mechanisms:
 - First, ARB is reassigning existing personnel to assist with these focused enforcement efforts and continuing to seek additional air district and port partners that can enforce ARB regulations in their jurisdictions.
 - Second, staff will maximize compliance and enforcement efforts at freight hubs by: conducting over 50 percent of heavy-duty diesel truck inspections at seaports, intermodal railyards, and distribution centers in or near disadvantaged communities.
 - Third, to increase the efficiency of our enforcement of the Statewide Truck and Bus Rule, we are focusing on larger truck fleets and brokers first.
 - And fourth, staff is developing a pilot program to use remote imaging and sensing to identify non-compliant trucks and target them for compliance assistance.
- Through the State-funded incentive programs administered by ARB and the local air districts, we expect that 1,500-1,700 new trucks and other freight equipment will be put into service in 2015. These include zero emission and hybrid trucks, as well as diesel and natural gas trucks, locomotives, and marine vessels that are replacing older, higher-emitting models.

Near-Term ARB Measures. ARB staff has identified a range of measures that we intend to begin developing in 2015-2016 for Board consideration within the next few years (or near-term implementation for steps that do not require Board action). These focus on both cleaner combustion technologies and introduction of zero emission equipment.

Summary of Near-Term ARB Measures

Near-Term ARB Measures	ARB Action	ARB Implementation
<i>Cleaner Combustion</i>		
<i>Trucks</i>		
<p>Trucks Action 1: Develop and propose strategies to ensure durability and in-use performance. Such strategies may include:</p> <ul style="list-style-type: none"> • Reduced exhaust opacity limits for PM filter-equipped trucks. • New certification and warranty requirements for low in-use emissions. • Strengthen existing emission warranty information reporting and enable corrective action based on high warranty repair rates. • Clarification on the State's authority to inspect heavy-duty warranty repair facilities to ensure proper emission warranty repairs are being conducted. 	2015-2017	2017+
<p>Trucks Action 2: Develop and propose increasing flexibility for manufacturers to certify advanced innovative truck engine and vehicle systems in heavy-duty applications. Enables accelerated introduction of new technologies to market.</p>	2015	2016
<p>Trucks Action 3: Develop and propose new, stringent California Phase 2 GHG requirements to reduce emissions from trucks and trailers, and provide fuel savings.</p>	2016-2017	2018+
<p>Trucks Action 4: Petition U.S. EPA to develop lower NOx standards for new heavy-duty truck engines for rulemaking in 2018.</p>	2015	--
<p>Trucks Action 5: (if U.S. EPA does not complete Trucks Action 4): Develop and propose California specific standards for new heavy-duty truck engines to provide benefits above national standards.</p>	2018	2023+
<i>Ocean-Going Vessels</i>		
<p>Ocean-Going Vessels Action 1: Advocate with international partners for new International Maritime Organization Tier 4 NOx/PM standards, and efficiency targets for existing vessels in Ship Energy Efficiency Management Plans for International Maritime Organization action 2018-2020.</p>	2015	--
<p>Ocean-Going Vessels Action 2: Define criteria for "Super Low Emission Efficient Ship" and achieve early implementation of clean technologies (liquefied natural gas, Tier 3, or better) for newer vessels via existing and enhanced seaport incentive programs (e.g. Green Ship, Ship Index, etc.).</p>	2016	2018
<p>Ocean-Going Vessels Action 3: Develop and propose amendments to the At-Berth Regulation to include other vessel fleets and types to achieve additional emission reductions.</p>	2016	2020+

Summary of Near-Term ARB Measures, continued

Near-Term ARB Measures	ARB Action	ARB Implementation
<i>Locomotives</i>		
Locomotives Action 1: Petition U.S. EPA to develop a Tier 5 national locomotive emissions standard for criteria pollutants and GHG (based on aftertreatment, liquefied natural gas, and/or zero emission track miles) for rulemaking in 2018 and introduction in 2025 and beyond.	2015	--
Locomotives Action 2: Petition U.S. EPA to amend its regulations that define a preempted "new" locomotive engine for rulemaking in 2017. The desired outcome is to limit federal preemption to the initial useful life (typically seven to ten years) of the locomotive engine.	2015	--
Locomotives Action 3 (contingent on Locomotives Action 2): Develop and propose a regulation applicable to all non-new locomotives to maximize the use of Tier 4 engines, liquefied natural gas, or better line-haul, medium horsepower, and switch locomotives (provide credit for zero emission track miles and zero emission locomotives).	2018	2020-2030
<i>All sectors/freight hubs</i>		
All sectors/freight hubs: Collect data (such as facility location, equipment, activity, and proximity to sensitive receptors) from seaports, airports, railyards, warehouse and distribution centers, truck stops, etc. to identify and support proposal of facility-based approach and/or sector-specific actions to reduce emissions and health risk, as well as efficiency improvements.	2015	2015-2016
Zero Emissions		
Delivery Vans/Small Trucks: Develop proposal to accelerate penetration of zero emission trucks in last mile freight delivery applications, with potential incentive support.	2017	2020
Large Spark-Ignition Equipment (forklifts, etc): Develop proposal to establish purchase requirements to support broad scale deployment of zero emissions equipment.	2016-2018	2020
Transit Buses: Develop proposal to deploy commercially available zero emission buses in transit, and other applications, beginning with incentives for pilot programs and expanding purchase requirements, as appropriate, to further support market development of zero emission technologies in the heavy-duty sector with potential incentive support.	2016	2018
Airport Shuttles: Develop proposal to deploy zero emission airport shuttles to further support market development of zero emission technologies in the heavy-duty sector, with potential incentive support.	2017-2018	2020
Transport Refrigeration Units: Develop and propose a regulatory requirement to prohibit the use of fossil-fueled transport refrigeration units for cold storage in phases, with incentive support for infrastructure.	2016	2020+
Incentive programs: Develop modifications to existing incentive programs to increase the emphasis on and support for zero and near-zero equipment used in freight operations, including introduction of truck engines certified to optional low-NOx standards.	2015-2016	2016-2020

Vision for the Future

Although the time horizon to commercialize and introduce zero emission technology may be long-term for some equipment categories and applications, the potential levers that ARB could exercise to accelerate that introduction cover the time spectrum from 2015 through the next several decades. They also include actions to achieve interim progress through use of near-zero emission technologies powered by low-carbon energy sources.

The report includes summary tables that describe the prospects to accelerate progress toward zero emissions for trucks, ocean-going vessels, locomotives, transport refrigeration units, cargo/industrial/ground service equipment, commercial harbor craft, and aircraft. These tables reflect ARB staff's current vision for each equipment category, list key challenges to the development and widespread deployment of zero and near-zero emission technologies, and identify potential levers available to ARB.

After the April 2015 Board meeting, ARB staff will further evaluate and develop, as appropriate, a subset of the potential levers identified in this section in partnership with other agencies and in consultation with stakeholders. These may become additional near-term measures, or new mid-term measures, that support the State Implementation Plan, the Climate Change Scoping Plan, and other efforts.

Additional Approaches to Support System Transformation and Efficiency

In addition to the specific ARB levers and actions discussed above, the report discusses other approaches for the freight industry to reduce emissions, through a facility-based emissions cap, use of land use and transportation planning mechanisms, and systemwide efficiency improvements.

Next Steps

This report is an outline of the initial steps ARB intends to take to achieve a zero and near-zero emissions freight system. We will be working with our State, local, and federal agency partners on the Sustainable Freight Strategy, in consultation with all interested stakeholders over the next year. ARB staff expects to bring a proposal to the Board for consideration in the first half of 2016 that includes the strategies, as well as the required environmental and economic analyses.

Work is also underway on the development of State Implementation Plans and the Climate Change Scoping Plan that will draw from the immediate actions and near-term measures described in this report, as well as additional measures (regulatory or voluntary) and partnerships to be identified in the Sustainable Freight Strategy. This document and the Sustainable Freight Strategy are part of a comprehensive step-wise planning and implementation effort to meet the State's multiple environmental and public health goals.

Following public comment and Board direction at its April 23, 2015 meeting, staff will finalize this report and focus on the integrated Sustainable Freight Strategy. The full Strategy will include additional measures to reduce emissions to meet the State Implementation Plan and Climate Change Scoping Plan needs as well as other objectives. We expect to provide an update to the Board in late 2015 on both the near-term ARB actions and planning underway. Staff anticipates bringing a proposed Sustainable Freight Strategy to the Board for consideration in the first half of 2016.

I. Background

This section provides background on the framework of the freight system, air pollutant emissions and health impacts, and our air quality and climate goals.

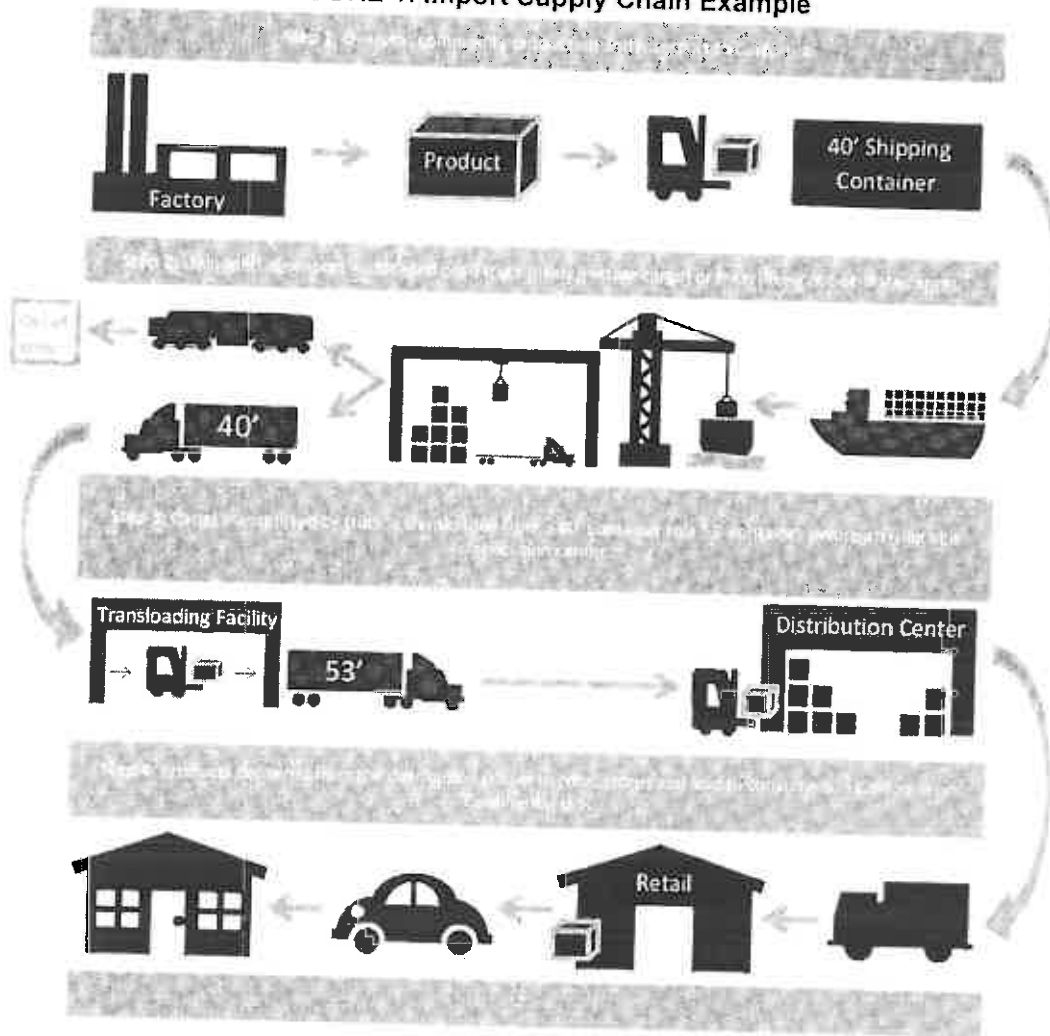
A. Freight Transport System

The smooth functioning of California's freight transport system depends on the interactions between equipment, infrastructure, and facilities. The vehicles and equipment that move freight range from aircraft and ocean-going vessels for international transport, to locomotives and trucks for interstate transport, and smaller trucks/vans and harborcraft for in-state operations. A wide variety of cargo handling, industrial, and ground service equipment is used at freight hubs like seaports, railyards, airports, distribution centers, warehouses, and truck stops. Also, moving perishable products requires transport refrigeration units to provide the necessary cooling.

We consider all of the freight hubs to be freight facilities, along with the network of roads, land ports of entry (border crossings), railways, and waterways that provide the transportation infrastructure.

For illustrative purposes, Figure 1 shows the key steps in one example of an import supply chain for an international product purchased at a retail location by a consumer. It is a simplistic depiction of the transport modes, equipment, and facilities often used to move imports from the manufacturer to the destination market, whether in California or elsewhere in the U.S.

FIGURE 1: Import Supply Chain Example



California's economy is supported by commerce and trade-related activities that rely on a complex freight transport system. In 2013, California's \$2.2 trillion economy was the world's eighth largest, as measured by gross domestic product, the value of all goods and services produced in the State. California also accounted for 13 percent of the nation's gross domestic product (\$16.8 trillion) in 2013, while accounting for 12 percent of the population.^{1,2,3} California's diverse economy and prosperity are tied to the export

¹ United States Department of Commerce, Bureau of Economic Analysis, "Current-Dollar and 'Real' Gross Domestic Product," January 2015, <<http://bea.gov/national/xls/gdplev.xls>>, accessed March 17, 2015.

² United States Department of Commerce, Bureau of Economic Analysis, "Widespread but Slower Growth in 2013: Advance 2013 and Revised 1997–2012 Statistics of GDP

and import of freight moving throughout the State, and are dependent on an integrated freight transport system.

Freight-dependent industries are defined in this report as those industries where freight transport is of high-level importance to their operations. These industries rely heavily on the transport of raw materials, intermediate goods, and finished products. They also typically include transportation, warehousing and utilities, wholesale and retail trade, manufacturing, agriculture, and mining. Freight-dependent industries accounted for over \$700 billion or 32 percent of the California economy in 2013, and over 5 million or 33 percent of California jobs.

Job metrics are frequently used to measure the economic impacts of transportation. Determining the number of freight-transportation related jobs requires identifying industries that are interlinked with the freight transport system; a narrow application would only include jobs that are directly affected by freight. However, considering the extensive supply-chain activities that the freight transport system connects, it is reasonable to include industries that are freight-dependent in job calculations. This approach is consistent with recent reports prepared for California agencies.

Throughout the freight transport system, jobs are created in the manufacturing, retailing, wholesaling, construction, transportation, and warehousing sectors. The freight transport system is also interlinked with regional and national economies. Understanding the relationships between the freight transport system, economic indicators (including employment, number of establishments, and gross state product), and funding needs is critical.

B. Emissions

The engines that move freight in California contribute to our primary air pollutants. In response, ARB and its partners have motivated and required extensive changes across the State focused on the use of cleaner technologies. Industry has made substantial investments to transition its mostly diesel-fueled freight equipment to cleaner models, while refineries retooled to produce cleaner fuels.

ARB has adopted and implemented over a dozen regulations, as well as agreements with industry and incentive programs, to reduce freight emissions. We are seeing the real-world benefits of those investments—measurably cleaner air in communities near seaports, railyards, and freeways. Since 2005, the Port of Los Angeles and Port of Long Beach have achieved an 80 percent reduction in diesel PM emissions based on

by State," June 11, 2014,

<http://bea.gov/newsreleases/regional/gdp_state/2014/pdf/gsp0614.pdf>, accessed March 18, 2015.

³ The World Bank, "GDP (current US\$)," 2015, http://data.worldbank.org/indicator/NY.GDP.MKTP.CD?order=wbapi_data_value_2012+wbapi_data_value&sort=desc, accessed March 18, 2015.

ARB rules and port initiatives. Figures 2-5 show how these regulations and investments have cut statewide freight emissions of NOx, sulfur oxides (SOx), particulate matter 2.5 microns or less in diameter (PM2.5), GHG, and the expected future reductions.

FIGURE 2: Statewide NOx Emissions from Freight Sources
(tons per day)

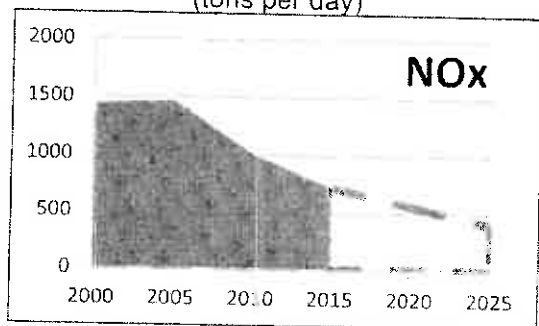


FIGURE 3: Statewide SOx Emissions from Freight Sources
(tons per day)

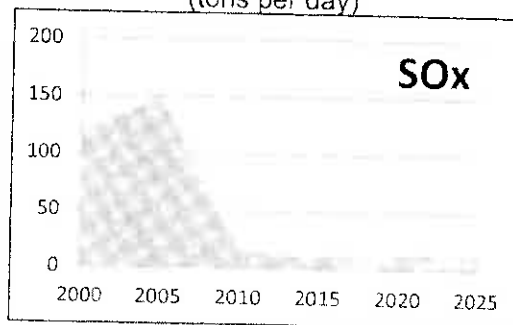


FIGURE 4: Statewide PM2.5 Emissions from Freight Sources
(tons per day)

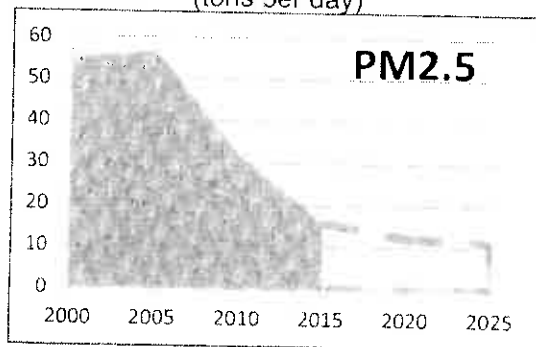
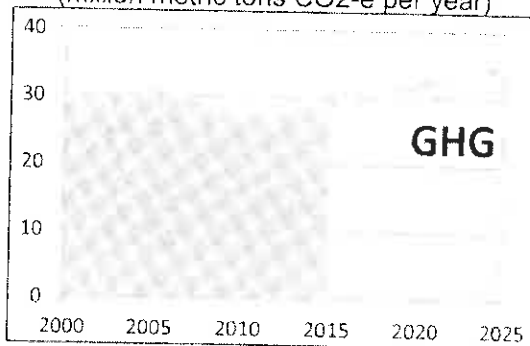


FIGURE 5: Statewide GHG Emissions from Freight Sources
(million metric tons CO2-e per year)

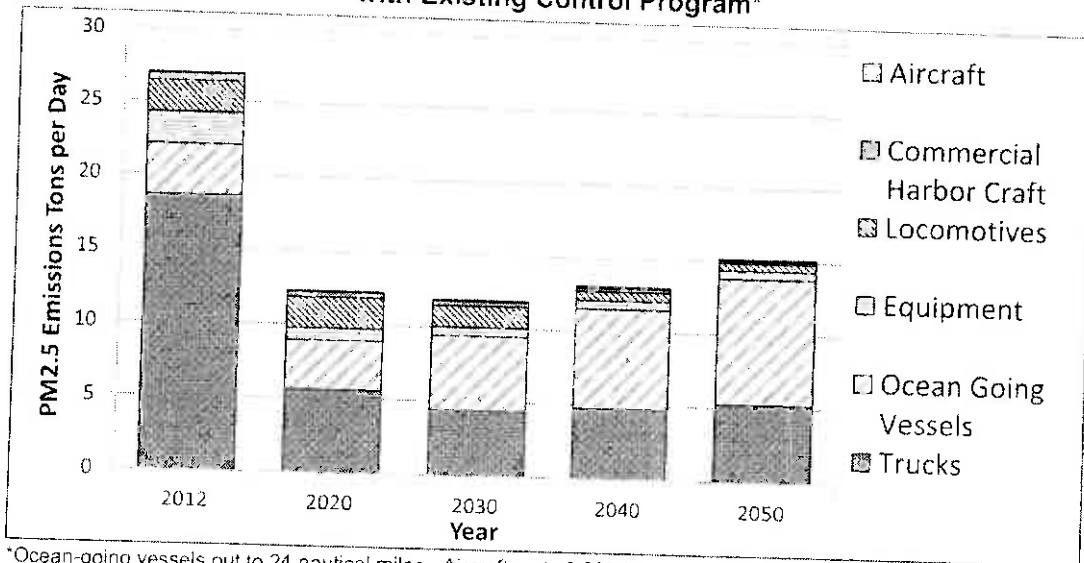


Despite the progress made, freight transport emissions remain a large contributor to air pollution. Freight equipment currently accounts for about half of the statewide diesel PM emissions, which are both a toxic air contaminant and a contributor to black carbon, a powerful short-lived climate pollutant. Freight operations also account for approximately 45 percent of the statewide NOx emissions and six percent of the statewide GHG emissions.

Looking ahead, emissions from some categories, like trucks, continue to decline over the next decade as adopted controls are fully implemented, then begin to increase as growth in activity overcomes the benefits of the existing controls. For other categories like ships and aircraft, that are subject to fewer controls, the emissions continue to steadily grow. Appendix A provides additional information regarding emissions and growth assumptions.

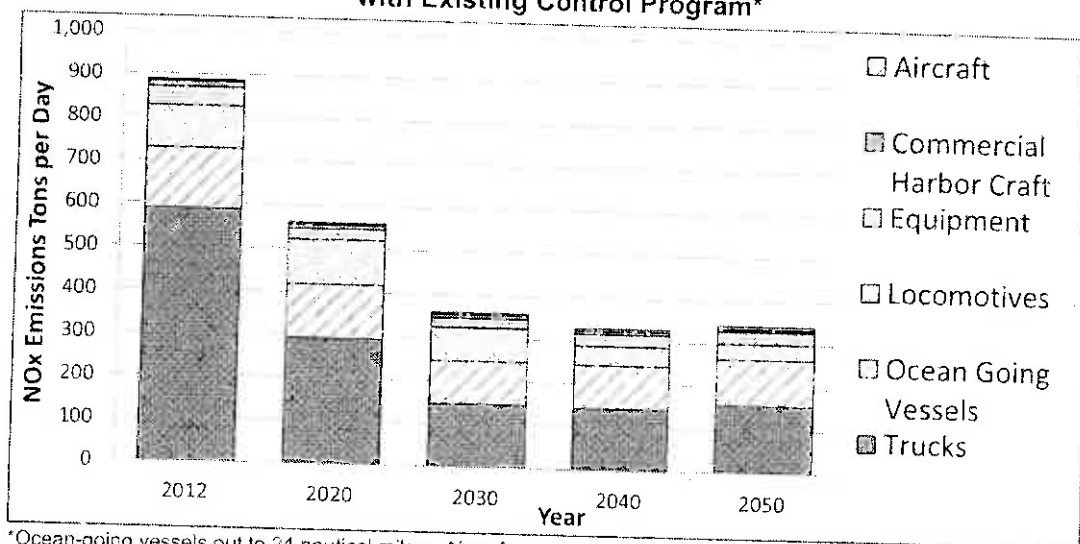
Figures 6 and 7 show projected statewide PM2.5 and NOx emissions by sector from 2012 through 2050. Projected emissions reflect anticipated increases in cargo activity, along with the benefits of existing control programs. Eventually, growth in freight activity overcomes the benefits of adopted controls. The single largest contributor in 2012 is the trucking sector. In later years after implementation of the existing truck regulations is complete, the ocean-going vessel sector replaces it as the largest contributor.

FIGURE 6: Statewide PM2.5 Emissions from Freight Sources with Existing Control Program*



*Ocean-going vessels out to 24 nautical miles. Aircraft up to 3,000 feet.

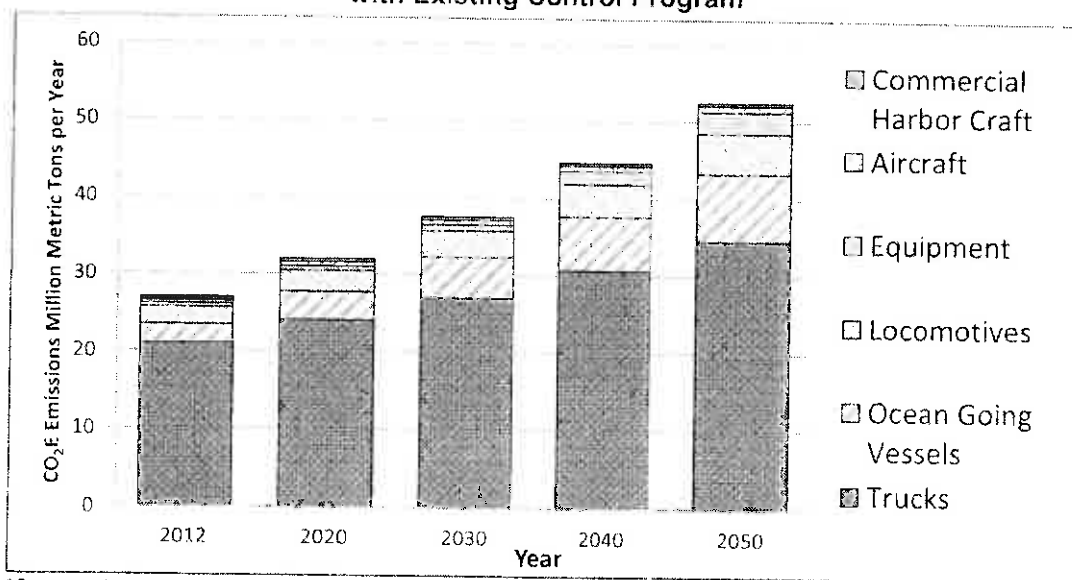
FIGURE 7: Statewide NOx Emissions from Freight Sources with Existing Control Program*



*Ocean-going vessels out to 24 nautical miles. Aircraft up to 3,000 feet.

Figure 8 reflects increasing GHG emissions by sector through 2050. Unlike other pollutants, total freight GHG emissions continually increase because existing control strategies for this industry have primarily focused on reducing toxic and criteria pollutants. The largest contributors are the trucks, ocean-going vessels, and locomotives sectors. Existing programs targeted at reducing GHG from the trucking sector include the federal Phase I rule for trucks and ARB's Tractor-Trailer GHG Reduction Regulation. Development of federal and California-specific Phase 2 GHG rules are underway; both aim to achieve further reductions after 2018. ARB's shorepower regulation for ships at berth is eliminating GHGs and other pollutants through the use of grid-based electrical power.

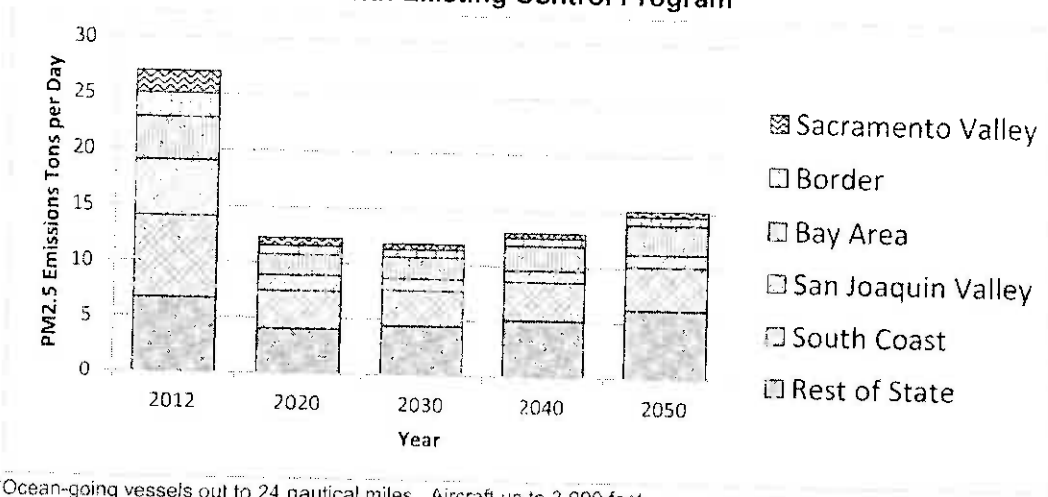
FIGURE 8: Statewide GHG Emissions from Freight Sources with Existing Control Program*



*Ocean-going vessels out to 24 nautical miles.

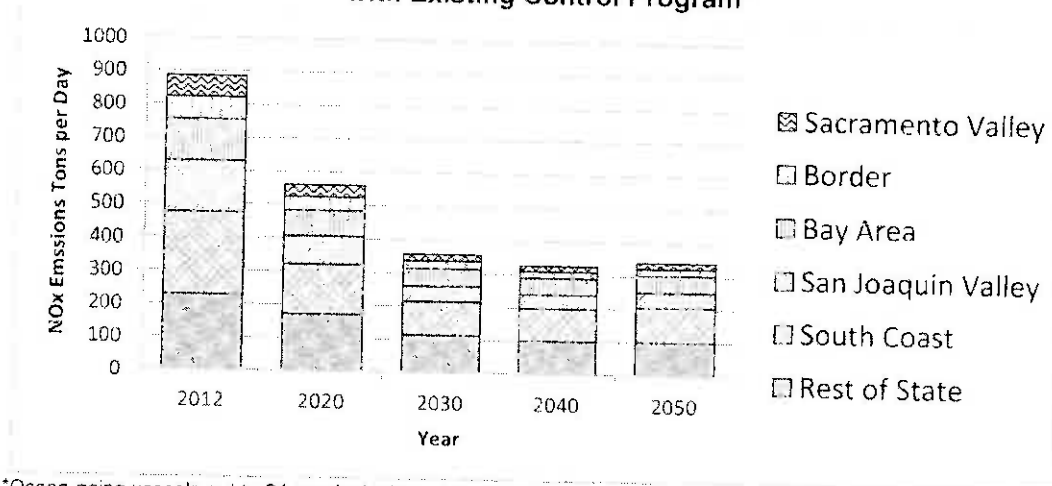
Figures 9 and 10 show PM2.5 and NOx emissions for major freight corridors. Both pollutants show dramatic near-term reductions with longer-term increases as growth in cargo activity overcomes the benefits of adopted controls. All areas of California experience benefits from reduced PM2.5 emissions and the associated health risk. Current control programs will reduce NOx and PM2.5 emissions by over 50 percent by 2030. However, meeting federal ozone and PM2.5 standards in the South Coast and San Joaquin Valley will require significant further reductions over the next fifteen years. This includes meeting the 80 parts per billion 8-hour ozone standard by 2023, and the 75 parts per billion 8-hour ozone standard by 2031, as well as the 12 micrograms per cubic meter annual PM2.5 standard by 2021 to 2025. Efforts to achieve further near-term emission reductions are essential in meeting these air quality standards.

FIGURE 9: Regional PM2.5 Emissions from Freight Sources with Existing Control Program*



*Ocean-going vessels out to 24 nautical miles. Aircraft up to 3,000 feet.

FIGURE 10: Regional NOx Emissions from Freight Sources with Existing Control Program*



*Ocean-going vessels out to 24 nautical miles. Aircraft up to 3,000 feet.

C. Health Impacts

The emissions from the heavy equipment that transports freight within and through California contributes to both elevated ambient levels of criteria pollutants such as PM2.5 and ozone, as well as localized impacts near freight hubs and facilities. This section summarizes our current understanding of the effect of freight emissions on both the statewide health effects and valuation due to ambient PM2.5 levels, as well as the excess cancer risk from near-source exposure to PM2.5.

1. Statewide Health Impacts

The estimation of premature deaths, hospitalizations, and emergency room visits related to PM_{2.5} exposure presented below is based on a peer-reviewed methodology developed by the U.S. Environmental Protection Agency (U.S. EPA), updated with observed relationships between emissions and exposure, and California-specific demographic and baseline health incidence rate data.⁴ Table 2 shows the premature deaths, hospitalizations, and emergency room visits associated with freight emissions of both primary PM_{2.5} and secondary PM_{2.5} (particle nitrates formed from photochemical reactions of the precursor NO_x).

ARB staff updated its estimates of the health impacts from ambient PM_{2.5} pollution attributable to direct PM and NO_x emissions from freight sources in each region of California. These estimates do not include the health impacts of ozone pollution from freight emissions, or the component of PM_{2.5} due to secondary sulfate from freight emissions.

Freight emissions also contribute to ozone formation in California. Because ozone formation is a complex, non-linear process, photochemical modeling of freight-related emissions is needed in order to estimate the health impacts associated with ozone exposure. This modeling is planned for the summer of 2015, and the health impacts of freight-related ozone exposure will be estimated at that time. Ozone-related premature deaths are likely to be relatively small compared to those associated with freight-related PM_{2.5} exposures because of the approximately order of magnitude lower concentration-response function for ozone, while hospitalizations are expected to be higher.

Emissions for SO_x from freight sources are another contributor to secondary PM_{2.5} (particle sulfates). However, freight-related sulfate formation is expected to be relatively low because of the successful implementation of low-sulfur fuels throughout the California freight transport system. It was not possible to establish a relationship between SO_x emissions and sulfate formation because of the relatively high contribution of poorly quantified non-local sources such as intercontinental transport and biogenic formation.

The health endpoints selected are the same as those used by the U.S. EPA Quantitative Risk Assessment for Particulate Matter as part of the National Ambient Air Quality Standard setting process.⁵ U.S. EPA chose premature deaths, hospitalizations, and asthma and respiratory emergency room visits as endpoints. These endpoints were chosen because the U.S. EPA has determined that a variety of studies have

⁴ ARB, "Initial Statement of Reasons, Appendix J, Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles," 2010.

⁵ U.S. EPA, "Quantitative Health Risk Assessment for Particulate Matter - Final Report Publication No. EPA-452/R-10-005," 2010.

shown evidence that there is a causal relationship between these end points and PM2.5. Additionally, such studies, along with baseline incidence rates allow the calculation of quantitative health risk estimates.

ARB staff used a methodology that relates the observed association between emissions and pollutant concentrations to quantify health benefits. This method is similar in concept to the methodology developed by the U.S. EPA for health benefit estimation with the addition of California-specific population and health incidence rates.⁶ Details of ARB's methodology can be found in *Appendix J of the Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles*.⁷

a. Economic Valuation of Health Impacts

The economic valuation associated with health impacts discussed here is high. Over 99 percent of the economic impact is from premature death. U.S. EPA established the value of mortality risk reduction as \$7.4 million in 2006 dollars. Adjusted for real income and inflation, the value of mortality risk reduction is equivalent to \$8.9 million in 2013 dollars. Table 3 lists the economic value of avoiding the adverse health impacts associated with freight emissions in 2013 dollars. The value of mortality risk reduction is based on contingent valuation and wage-risk studies, which examine the willingness to pay for a minor decrease in the risk of premature death. As real income increases, people are willing to pay more to reduce their risk of premature death.

The economic values of respiratory and cardiovascular hospitalizations were drawn from Chestnut, et al. (2006).⁸ The authors of this study estimated the value of reducing hospitalizations based on cost of illness and willingness to pay. The economic value of emergency room visits for asthma was drawn from the U.S. EPA's 2011 Regulatory Impact Assessment for Ozone and PM2.5.⁹ The values were adjusted for inflation to 2013 dollars using the U.S. Bureau of Labor Statistics Consumer Price Index for medical care.

⁶ Neal Fann, Charles M. Fulcher, and Bryan J. Hubbell. "The influence of location, source, and emission type in estimates of the human health benefits of reducing a ton of air pollution," *Air Quality, Atmosphere and Health*, Vol 2, 2009, pp. 169–176.

⁷ ARB, "Initial Statement of Reasons, Appendix J, Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles," 2010.

⁸ Lauraine G. Chestnut, Mark A. Thayer, Jeffery K. Lazo, and Stephen K. Van Den Eeden, "The Economic Value of Preventing Respiratory and Cardiovascular Hospitalizations," *Contemporary Economic Policy*, Vol. 24, 2006, pp. 127–143.

⁹ U.S. EPA, "Regulatory Impact Analysis for the Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone in 27 States; Correction of SIP Approvals for 22 States Publication No. EPA-HQ-OAR-2009-0491," 2011.

TABLE 1: Statewide Health Effects and Valuation (2013 \$) Associated with Freight Emissions Contributing to PM2.5—Midpoint Projections

	2012	2030	2050
Mortality	2,200	980	1,100
Hospitalizations*	330	150	160
ER Visits†	950	420	450
Valuation (billions)	\$20	\$9	\$10

* Include respiratory and cardiovascular hospitalizations

† Includes asthma and cardiovascular emergency room visits

TABLE 2: Statewide Health Effects and Valuation (2013 \$) Associated with Freight Emissions Contributing to PM2.5—Uncertainty Ranges**

PM2.5 and NOx	2012	2030	2050
Mortality	1,700-2,700	770-1,200	830-1,300
Hospitalizations*	43-770	19-340	20-370
ER Visits†	600-1,300	260-570	280-620
Valuation (billions)	\$16-\$24	\$7-\$11	\$7-\$12

* Include respiratory and cardiovascular hospitalizations

**Uncertainty ranges only reflect uncertainty in the concentration-response function, and do not reflect uncertainty in emission projections, spatial interpolation, and aggregation.

† Includes asthma and cardiovascular emergency room visits

2. Localized Cancer Risks near Freight Hubs

The diesel equipment operating in and around freight hubs, such as seaports, railyards, and warehouse and distribution centers, is a significant source of diesel PM, a toxic air contaminant that can cause cancer and other health problems, including respiratory illnesses, increased risk of heart disease, and premature death. Exposure to diesel PM is a health hazard, particularly to children whose lungs are still developing and the elderly, who may have other serious health problems.

The diesel PM emissions from freight operations impact communities located adjacent to those operations, as well as residents living miles away. Between 2004 and 2008, ARB staff conducted health risk assessments of 18 major railyards throughout the State,¹⁰ the Ports of Los Angeles and Long Beach,¹¹ and West Oakland.¹² The railyard health risk assessments examined the increased cancer risk zones due to diesel PM emissions from locomotives, cranes, and yard equipment within facility boundaries as

¹⁰ ARB, Railyard Health Risk Assessments and Mitigation Measures, 2004-2009, <<http://www.arb.ca.gov/railyard/hra/hra.htm>>.

¹¹ ARB, "Diesel Particulate Matter Exposure Assessment Study for the Ports of Los Angeles and Long Beach," 2006, <<http://www.arb.ca.gov/ports/marinevevss/documents/portstudy0406.pdf>>.

¹² ARB, "Diesel Particulate Matter Health Risk Assessment for the West Oakland Community," 2008, <<http://www.arb.ca.gov/ch/communities/ra/westoakland/documents/westoaklandreport.pdf>>.

well as on/off site emissions from heavy-duty diesel trucks. The port assessments analyzed at berth and in transit emissions from marine vessels and harbor craft, on-site equipment, and trucks and locomotives serving the ports. The ports and railroads provided extensive data on their activities, and the Bay Area Air Quality Management District partnered with ARB on the West Oakland assessment.

These risk assessments were based on emissions that existed as of 2000 (for the Roseville Railyard), 2002 (for the Ports of Los Angeles and Long Beach), or 2005 (for all other facilities) using the 2003 State guidance on health risk assessments developed by the Office of Environmental Health Hazard Assessment. The results summarized below do not represent the much lower emission levels present today after implementation of extensive regulatory and incentive programs, as well as port and railroad initiatives.

a. Port of Los Angeles and Port of Long Beach

In 2002, diesel PM emissions from activities associated with the Ports of Los Angeles and Long Beach resulted in elevated cancer risk levels over the entire 20-mile by 20-mile study area. In neighborhoods near the Ports' boundaries, potential cancer risk levels exceeded 500 in a million in 2002. Further away, the potential cancer risk levels decreased but continued to exceed 50 in a million for more than 15 miles. Ships and drayage trucks operating in communities near the Ports were the largest contributors to cancer risk.

Based on implementation of ARB and Port requirements for drayage trucks, ships, cargo equipment, harbor craft, and locomotives, we expect that the emission reductions achieved since the original ARB risk assessment for 2002 would result in a 50-75 percent reduction in cancer risk by 2020. The Ports publish updates of their emission inventories on an annual basis which show an 80 percent reduction in diesel PM from 2005 levels.^{13,14}

b. 18 Major Railyards

For the 18 major railyards, the potential maximum individual cancer risk a decade ago was estimated to range between 40-2,500 chances per million for residents living nearby. The greatest risks were associated with the BNSF San Bernardino Railyard because of its high levels of locomotive and truck activity and the many densely populated neighborhoods that surround the Railyard. The cluster of four railyards (Union Pacific Commerce, BNSF Hobart, BNSF Mechanical Sheila, and BNSF Commerce Eastern) operating in the densely populated Commerce area also resulted in high combined cancer risks.

¹³ Starcrest Consulting Group LLC., "Port of Los Angeles Inventory of Air Emissions – 2013," 2014, <http://www.portoflosangeles.org/pdf/2013_Air_Emissions_Inventory_Full_Report.pdf>.

¹⁴ Starcrest Consulting Group, LLC, "Port of Long Beach Air Emissions Inventory – 2013," 2014, <<http://www.polb.com/civica/filebank/blobdownload.asp?BlobID=12238>>.

In July 2011, ARB published updated cancer risk estimates for the four highest risk railyards in Southern California – BNSF San Bernardino, Union Pacific Intermodal Container Terminal Facility/Dolores, BNSF Hobart, and Union Pacific Commerce.¹⁵ In that report, we used updated emissions and activity data to estimate the change in cancer risk from 2005 to 2010. All four yards showed a substantial drop in risk, from 40 to over 70 percent due to the introduction of much cleaner trucks, locomotives, equipment, and fuel in this period. These changes resulted from the combination of ARB regulations, two enforceable agreements between the Class I railroads (BNSF and Union Pacific) and ARB, and incentives.

International cargo activity was lower in 2010 than in 2005 at the BNSF San Bernardino, BSNF Hobart, and Union Pacific Intermodal Container Terminal Facility/Dolores railyards due to the recession, enhancing the significant risk reductions of 60-70 percent. However, Union Pacific Commerce experienced a steady increase in domestic cargo activity from 2005 through 2010, but still achieved a net 40 percent reduction in cancer risk.

c. Community of West Oakland

The health risk assessment for West Oakland was the most complex and provides information about how a neighborhood experiences pollution from multiple freight facilities and operations. It included the broadest scope of facilities and sources—the Port of Oakland, two railyards and four surrounding freeways. Residents of West Oakland experienced elevated levels of cancer risk estimated at 10-1,200 per million in 2005. High diesel truck traffic from the freeways was the dominant source of risk, followed by the activities at the Port.

Based on changes in emissions attributable to compliance with ARB regulations for drayage trucks, ships, cargo equipment, and harbor craft, we would expect that the contribution from the Port of Oakland has decreased by roughly 70 percent.¹⁶ Diesel PM emissions from trucks on the surrounding freeways are dropping steadily as the statewide Truck and Bus Regulation results in use of diesel particulate filters throughout the fleet.

¹⁵ ARB, "Supplement to the June 2010 Staff Report on Proposed Actions to Further Reduce Diesel Particulate Matter at High-Priority California Railyards," 2011, <<http://www.arb.ca.gov/railyard/commitments/suppcomcega070511.pdf>>.

¹⁶ Environ International, "Port of Oakland 2012 Seaport Air Emissions Inventory," 2013, <http://www.portofoakland.com/pdf/environment/magis_emissions_inventory.pdf>.

3. Changes in Methodology to Estimate Localized Health Risks

In March 2015, the Office of Environmental Health Hazard Assessment released an update to its recommended methodology for conducting health risk assessments in California.¹⁷ In the last decade, advances in science have shown that early-life exposures to air toxics contribute to an increased lifetime risk of developing cancer, or other adverse health effects, compared to exposures that occur in adulthood. The new risk assessment methodology addresses this greater sensitivity and incorporates the most recent data on childhood and adult exposure to air toxics.

In addition, the new methodology relies on U.S. EPA's current air dispersion model (AERMOD) to estimate the concentration of the modeled pollutant at a specific location. In 2006, AERMOD replaced the Industrial Source Complex Model.

For many facilities, use of the new risk assessment methodology and air dispersion model will result in higher pollutant concentrations, higher exposures, and higher estimated potential cancer risks than would have been calculated with the prior (2003) methodology—for the same level of emissions. The potential inhalation cancer risk using the new methodology may be 1.5 to three times (or more) higher than was estimated using the 2003 methodology.

ARB has not yet conducted health risk assessments for freight facilities using the new methodology, but will use the new methodologies for future health risk assessments.

D. Air Quality and Climate Goals

California's efforts to reduce the air quality and climate impacts from freight transport must help address a number of challenges throughout the State:

Reducing exposure to air toxics:

- Minimizing near-source exposure and health risk from identified toxic air contaminants, including diesel PM and other toxics produced by fuel combustion in freight-related vehicles and equipment pursuant to the Toxic Air Contaminant Identification and Control Act (AB 1807, Tanner, Chapter 1047, Statutes of 1983).
- New information on the sensitivity of children to air toxics exposure early in life further heightens this need to further reduce the exposure and health risk from freight operations.

¹⁷ Office of Environmental Health Hazard Assessment, "Air Toxics Hot Spot Program: Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments," 2015, <http://www.oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf>.

Federal and California air quality standards:

- Attaining the National Ambient Air Quality Standards for ozone and particulate matter in all regions of California, as required by the Federal Clean Air Act:
 - Current control programs will reduce NO_x and PM_{2.5} emissions over 50 percent by 2030. However, meeting federal ozone and PM_{2.5} standards in the South Coast and San Joaquin Valley will require significant further reductions over the next fifteen years. This includes meeting the 80 parts per billion (ppb) 8-hour ozone standard by 2023, and the 75 ppb 8-hour ozone standard by 2031, and the 12 micrograms per cubic meter annual PM_{2.5} standard by 2021 to 2025. Further near-term emission reductions are essential in meeting these air quality standards.
 - Meeting the newly proposed federal ozone standard will be even more challenging to attain than the 2031 standard.
- California's own ambient air quality standards set by ARB are generally more stringent than the current federal standards; many areas of the State do not attain these standards.

Climate goals:

- Meeting the State's greenhouse gas reduction targets and related climate goals:
 - Assembly Bill 32 (Núñez, Chapter 488, Statutes of 2006), which requires California to cut GHG emissions back to 1990 levels by 2020, and continue and maintain reductions post-2020.
 - Governor Brown's Executive Order B-16-2012, which requires transportation GHG emissions to be reduced 80 percent below 1990 levels by 2050.
 - Governor Brown's energy goals outlined in his 2015 inaugural address, which include reducing petroleum use by cars and trucks by up to 50 percent.
 - State statute that requires ARB to develop and implement a plan to reduce emissions of short-lived climate pollutants, including black carbon (Senate Bill 605 (Lara, Chapter 523, Statutes of 2014)).

a. If visible dirt or accumulated dust is carried onto paved roads during construction, the contractor shall remove such dirt and dust at the end of each workday by street cleaning.

b. Street sweepers shall be certified by the South Coast Air Quality Management District as meeting the Rule 1186 sweeper certification procedures and requirements for PM10-efficient sweepers. All street sweepers having a gross vehicle weight of 14,000 pounds or more shall be powered with alternative (non-diesel) fuel or otherwise comply with South Coast Air Quality Management District Rule 1186.1.

c. The applicant shall post a publicly visible sign on the project site with the telephone number and 24-hour point of contact for dust complaints. The 24-hour point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust after hours, on weekends and on holidays.

4.3.5.2F

During project grading and construction, the following actions shall be implemented:

(a) Purchase/use low VOC emitting building materials.

(b) Grading operations shall be halted during first, second, and third stage smog alerts, and when wind speeds exceed 25 miles per hour as measured by on-site equipment.

(c) 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 5 minutes.

(d) Install catalytic converters on gasoline-powered equipment.

(e) Electrical powered equipment shall be utilized in lieu of gasoline-powered engines where technically feasible.

(f) Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.

(g) Reroute construction trucks away from congested streets and sensitive receptor areas to the greatest extent possible based on traffic conditions at that time.

(h) Configure construction parking to minimize traffic interference.

(i) Minimize construction worker trips by requiring carpooling and providing for lunch on site.

(j) Provide on-site food service options for the construction crew.

(k) Provide shuttle service to transit stations/multimodal centers for the construction crew.

(l) Project building roofs or passenger vehicle parking areas shall be designed to allow the future installation of passive or active solar systems.

(m) Temporary electricity shall be provided at the project site in-lieu of gasoline- or diesel-powered generators where feasible.

(n) The project will be constructed to exceed Title 24 energy efficiency requires by a minimum of ten (10) percent.

(o) The project will be constructed consistent with the Leadership in Energy and Environmental Design green building rating system sufficient to obtain certification from the U.S. Green Building Council.

4.3.5.2I

The following shall be implemented during all project operations, to the satisfaction of the City Planning Division:

(a) At no time shall more than 50% of the floor area of each warehouse building be allocated for refrigerated space.

(b) Encourage all fleet vehicles to conform to 2010 air quality standards or better. Users shall maintain compliance through normal course of business. Any 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 shall be prohibited from accessing the site.

(c) Install catalytic converters on gasoline-powered equipment.

(d) Electrical powered equipment ~~should~~ shall be utilized in-lieu of gasoline- or diesel- powered engines where technically feasible.

(e) Utilize electrical equipment for landscape maintenance.

(f) All forklifts shall be electric or natural gas powered.

(g) Prohibit idling of trucks for periods exceeding three minutes.

(h) ~~Charge reduced or no parking fee for EVs and CNG vehicles.~~ Two electric vehicle charging stations will be provided near the office area of each new warehouse building (max. 4 charging stations).

(i) Provide preferential parking locations for EVs and CNG vehicles.

(j) Provide preferential parking for carpool/vanpool vehicles.

(k) Provide information for workers on ride sharing and transit opportunities.

(l) Provide secure, weather protected bicycle parking for employees.

(m) Design buildings for passive heating and cooling and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.

(n) The project's electrical panels shall be sized to accommodate EV charging as required to serve future tenants.

(o) The project shall provide electrical hookups at loading docks as necessary based upon future tenant operations so truck engines and Auxiliary Power Units (APUs) or Transit Refrigeration Units (TRUs) can be turned off.

(p) The project applicant shall provide information regarding the availability of EV and alternatively-fueled trucks (including compressed natural gas or CNG) and yard trucks (yard goat/hostlers) to future tenants, at a minimum, upon leasing of space within the project. On an annual basis the applicant shall provide the City with copies of materials provided and a list of tenants to which the materials were provided.

Mitigation Measure	Implementation	Monitoring	Notes/Initials
from the U.S. Green Building Council.			
<p>4.3.5.2G The truck access gates and loading docks within the truck court on the project site shall be posted with signs that state:</p> <p>(a) Truck drivers shall turn off engines when not in use;</p> <p>(b) Diesel delivery trucks servicing the project shall not idle for more than five (5) minutes; and</p> <p>(c) Telephone numbers of the building facilities manager and the CARB to report violations.</p>	<p>Responsible Party(s) Project applicant or applicant's representative/contractor</p> <p>Implementation Phase Prior to Issuance of Grading Permit</p>	<p>Responsible Party(s) City of Fontana</p> <p>Monitoring Period Prior to Issuance of Grading Permit</p>	
<p>4.3.5.2H The site shall be designed and maintained so that trucks may check in within the facility area to prevent queuing of trucks outside the project property. In addition, signs shall be posted in loading dock areas that instruct truck drivers to shut down the engine after 300 seconds of continuous idling operation once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged.</p>	<p>Responsible Party(s) Project applicant or applicant's representative/contractor</p> <p>Implementation Phase Prior to Demolition</p>	<p>Responsible Party(s) City of Fontana</p> <p>Monitoring Period Prior to the Issuance of Demolition Permit</p>	
<p>4.3.5.2I The following shall be implemented during all project operations, to the satisfaction of the City Planning Division:</p> <p>(a) At no time shall more than 50% of the floor area of each warehouse building be allocated for refrigerated space.</p> <p>(b) Encourage all fleet vehicles to conform to 2010 air quality standards or better. Users shall maintain compliance through normal course of business. Any 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 shall be prohibited from accessing the site.</p> <p>(c) Install catalytic converters on gasoline-powered equipment.</p> <p>(d) Electrical powered equipment shall be utilized in-lieu of gasoline- or diesel-powered engines where technically feasible.</p> <p>(e) Utilize electrical equipment for landscape maintenance.</p> <p>(f) All forklifts shall be electric or natural gas powered.</p> <p>(g) Prohibit idling of trucks for periods exceeding three minutes.</p> <p>(h) Two electric vehicle charging stations will be provided near the office area of each new warehouse building (max. 4 charging stations).</p> <p>(i) Provide preferential parking locations for EVs and CNG vehicles.</p>	<p>Responsible Party(s) Project applicant or applicant's representative/contractor</p> <p>Implementation Phase Prior to Building Phase and During Construction</p>	<p>Responsible Party(s) City of Fontana</p> <p>Monitoring Period Prior to Issuance of Building Permit and During Construction</p>	

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Surrounding Areas

The unincorporated County property to the north of the project site is zoned Residential Agriculture, one acre minimum lot size (R-A-1). Areas to the east and south are also zoned R-A-1 and W-2. The General Plan Designation to the north of the project site is primarily RM. The area to the east and south of the project site is also designated VLDR. The area to the southeast of the project site, near the I-10 Freeway, is designated Commercial Retail (CR).

The areas directly west of the project site located within the City of Calimesa are zoned and designated by the Calimesa General Plan as Commercial Regional, Residential Low (2 to 4 dwellings per acre), and Residential Low Medium (4 to 7 dwellings per acre). The area within the City of Calimesa that lies to the north and northwest of the project site is zoned/designated as Rural Residential (RR) (0 to 2 dwellings per acre). Two exhibits illustrate the designations of the surrounding areas: Exhibit 2-4 shows the land use designations of the project site and surrounding areas; and Exhibit 2-5 shows the zoning classifications of the project site and surrounding areas. Refer to Section 3.10 of this RDEIR for more detailed descriptions of the surrounding land uses.

2.2.4 - Project Applicant and Landowner

The applicant/owner, TSG Cherry Valley, LP, is represented by Shopoff Realty Investments and has submitted the proposed San Gorgonio Crossing Project to the County of Riverside for review and approval.

2.3 - Project Characteristics

2.3.1 - Description of the Project

Environmental Impact Report No. 534 (the County EIR reference number) provides an environmental analysis of the potential impacts of the project, which includes the following components: General Plan No. 1079 (an entitlement/policy amendment), Change of Zone No. 7799, Tentative Parcel Map No. 36564, and Plot Plan No. 25337. The San Gorgonio Crossing Project site totals approximately 229 acres. The project includes an additional 16 acres located within the City of Calimesa that would be used for project infrastructure purposes. Approximately 140.23 acres would be included within the developed portion of the project, and 84.8 acres would remain as natural open space (approximately 36 percent of the project site). The project consists of two high-cube warehouse buildings¹ that would be designed to be eligible for Leadership in Energy and Environmental Design (LEED) Silver Certification. Building 1 would cover approximately 811,000 square feet and Building 2 would cover approximately 1,012,760 square feet, for a total of approximately 1,823,760 square feet of floor area. The two warehouses would include approximately 30,000 square feet of office space. A site plan for the project is shown in Exhibit 2-6.

The proposed site plan consists of two high-cube warehouse buildings planned north of Cherry Valley Boulevard, to the east and west of re-aligned Roberts Road. The buildings would be designed for Class IIIB construction, and Occupancy Class S-1, B. These facilities are planned to house a variety of high-

¹ According to the Institute of Transportation Engineers, a high-cube warehouse is a building that typically has at least 200,000 gross square feet of floor area, has a ceiling height of 24 feet or more, and is used primarily for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials) prior to their distribution to retail locations or other warehouses.

cube warehouse distribution/logistics uses. Both buildings would be approximately 47 feet in height. Building 1 would contain an office on the southwest and southeast corner of the proposed building. Building 2 would contain four office areas located at each corner of the proposed building. Both buildings would be of concrete tilt and glass construction. Additionally, the project includes the use of solar panels on its roofs, which would provide approximately 23 percent of the project's power needs.

The project would utilize neutral earth tones and architectural features to provide a rural design scheme that is in keeping with the existing character of the surrounding area. The elevations would generally include rural, western, and agricultural elements. For example, the project would utilize shades of brown with natural accent colors for the majority of the building elevations. The project buildings would also include decorative metal canopies, appropriate signage, and barn style façades.

In accordance with county landscaping standards, the project would provide extensive landscaping along the project frontage and within Cherry Valley Boulevard. Theme fencing would be located behind landscaped parkways between meandering sidewalk systems and the multi-purpose trail to prevent cross-over and degradation of landscape parkway plant material. Landscape medians would be designed with a decorative landscape maintenance strip along the edges of the curb and along median areas in width near turning lanes that match entry monumentation themes. All utilities would be located under street paving and not under landscape medians, to allow for street tree planting within landscape medians. Landscape parkways between the curb and the sidewalk will be a minimum width of 5 feet (including curb), and landscape parkways between the 5-foot meandering sidewalk and the 10-foot-wide, multi-purpose trail would be a minimum of 4 feet wide. Motorists and pedestrians traveling east along Cherry Valley Boulevard would see four separate layers of landscaping, and a berm separating the roadway from the project.

The project would provide 120 parking spaces for office use and would include warehouse parking and trailer parking to establish a total of 1,237 spaces, as well as additional bike spaces. A conceptual site plan for the project is shown in Exhibit 2-6.

Both buildings would be designed to accommodate cross-dock usage, with 136 dock doors for Building 1 and 170 dock doors for Building 2. Electric trailer movers would be used in place of traditional diesel-powered movers to move trailers throughout the project site, and would reduce the amount of emissions generated.

A public street—located between Building 1 and Building 2—would provide access to existing residences generally to the north of the project site that currently take access through the project site via a dirt road. The street would replace the existing dirt road, be approximately 1,600 feet in length, be designed to Riverside County standards, and provide residents access through the project site. Three access points would be provided off Cherry Valley Boulevard. A landscaped, raised median would be installed on Cherry Valley Boulevard to direct project traffic and improve the aesthetics of the streetscape. Refer to Exhibit 2-7 for an illustration of the proposed street section.

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April 4, 2018

County of Riverside Planning Commission
Attn: Russell Brady, Contract Planner
4080 Lemon Street, 12th Floor
Riverside, CA 92502-1409
Email rbrady@rivco.org

Via Email, U.S. Mail, and Hand Delivery

Re: *Knox Business Park Buildings D&E
County of Riverside EIR No. 546*

Dear Mr. Brady, and Honorable Members of the Planning Commission:

This is to comment briefly prior to your consideration of the Final Environmental Impact Report (“FEIR”) for the above-captioned project. We make these comments on behalf of the Golden State Environmental Justice Alliance, which hereby incorporates the comments of the Golden State Environmental and Social Justice Alliance on the Draft Environmental Impact Report (“DEIR”) for this proposed project (“the Project.”)

BC-1

Greenhouse Gas Impacts

It is completely out of keeping with binding precedent, both from the California Supreme Court and the Courts of Appeal, that the County only evaluated impacts of the Project through 2020, the year it was built. There is no substantial evidence in the DEIR, FEIR or the record that support a conclusion that the Project will incorporate a minimum 80% decline in GHG emissions by 2050, or a 40% decline by 2030, as required by SB 32 and two State Executive Orders which the Supreme Court recognizes reflect the scientific consensus. This is particularly clear given that the County has refused to require *any* EV charging stations, or infrastructure to permit the later installation of EV charging stations, for trucks in connection with this Project, and it has only required a 1 kW solar system, which would only be enough to power a small home, not two massive distribution centers. The Supreme Court has also made very clear that the referenced reduction levels would be a minimum goal for new construction. In “choosing” a threshold, the County does not get to choose not to assess compliance after 2020. Thus, the County’s GHG analysis does not comply with the law.¹

BC-2

¹ We also question whether the County’s Climate Action Plan analysis was adequate given that the last we heard, the Climate Action Plan was either in litigation or subject to a settlement agreement which would affect how compliance would be evaluated.

Energy Consumption

The DEIR's conclusion that energy consumption would not be wasteful or inefficient is not based on substantial evidence, particularly because it relies upon code compliance as a ground for that conclusion, contrary to established case law. Further, the energy consumption analysis should have been *in the DEIR*, not in an Appendix, so the public could fully assess the accuracy of its conclusions.

Air Quality

We disagree with your assessment of the trips that would be generated under the existing land use designation of CD-BP and your conclusion that emissions would be reduced by turning the site into distribution centers rather than offices, given the intense NO_x emissions of the heavy-duty trucks the Project would be designed to accommodate.

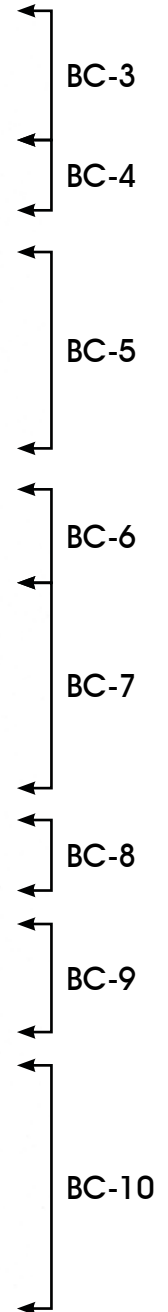
With respect to air quality impacts from rock crushing during construction, the County claims the applicant has a new plan for handling such crushing, but this plan still involves demolition of the rocks on the Project site and the impacts should therefore be evaluated. Further, we concur with the conclusion of RAMV's counsel that mitigation measures 4.3-1 and 4.3-2 cannot be relied upon as reducing construction impacts to less than significant when you have not even committed to implementing them: as written, these measures only require implementation "where feasible" or "where commercially available." There is simply no substantial evidence for any finding of less-than-significant impacts.

You haven't incorporated a number of entirely feasible mitigation measures recommended for construction or operation.

With respect to health risks, we disagree with your rejection of SWAPE's analysis and OEHHA's methodology, particularly given that this is a distribution center as to which SCAQMD mandates such analysis.

Sensitive Receptor Locations

The analysis of noise impacts and health risk impacts by placing receptors 191 feet away is not based on substantial evidence. Your comment in response to the Environmental and Social Justice Alliance's comments that the property to the *east* is vacant and slated for development is disingenuous, given the number of immediately adjacent residences to the *south* which were referred to.



Agricultural Uses

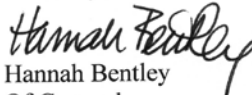
The County completely discounts agricultural uses associated with adjacent residential uses and concludes that they will not be impacted at all. In response to comments from RAMV's counsel, the County actually states that the impact it needs to evaluate is that to future *workers* on the Project site. This is completely wrong under CEQA; the impacts to existing residents and their agriculture from a future project is exactly what should be evaluated, and it has not been. We also disagree with your conclusions that the Project is not growth-inducing and that this won't have further impacts on existing agriculture.

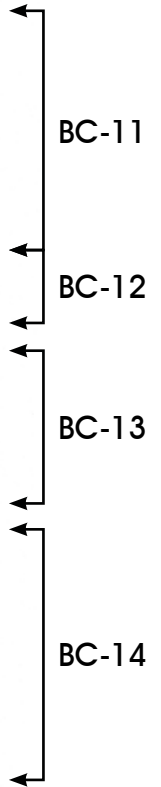
Biological Resources

We disagree with your claim that you do not need mitigation measures to incorporate the requirements of MSHCP Objective 5. If three or more pairs of burrowing owls are found on the site, construction is prohibited.

Thank you for your consideration of the above.

Sincerely,


Hannah Bentley
Of Counsel
BLUM COLLINS, LLP



RAMV.ORG
PO Box 2433
Perris, CA 92572
abilene149@gmail.com

April 3, 2018

Russell Brady - Project Planner
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501
rbrady@rivco.org

Riverside County Planning Commission:

Re: Item 4.4 - Opposition to GPA 1151 & 1152 - Final Environmental Impact Report No. 546 for proposed Knox Business Park Buildings D and E

The Rural Association of Mead Valley (RAMV.org) representing over 19,000 residents of the rural community of Mead Valley is adamantly opposed to General Plan Amendment 1151 & General Plan Amendment 1152 and zone changes 7873 & 7872 that proposes to build two logistics high-cube Industrial Warehouses on 58.6 acres of land directly adjacent to rural homes along Redwood Drive in Mead Valley. The project is located south of Oleander Avenue, north of Redwood Drive, east of Day Street, and west of Harvill Avenue. Ellsworth Street / Decker Road transects the Project site.

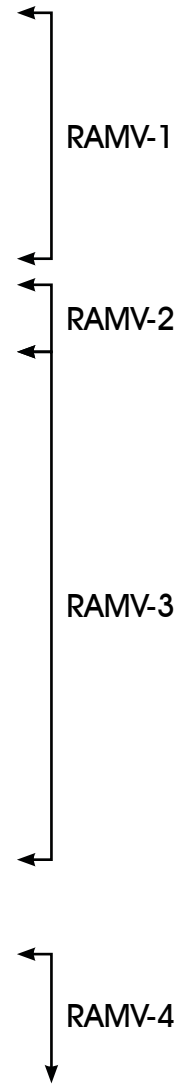
There is another choice. RAMV.org recommends the NO Project Alternative – to leave the area as open space and protect the wildlife corridor. The second choice would be to retain the existing land use of Business Park and Rural Residential. Business Park zoning would allow smaller businesses that create real jobs, sales taxes and operate from 8:00am to 6:00 pm not 24-7. This zoning follows the Riverside County General Plan – Mead Valley Area Plan and vision for the area. Any buildings should allow for a substantial buffer between rural homes and businesses. The Business Park alternative would reduce the operational effects of the project substantially reducing truck trips, air pollution, traffic, noise, truck idling times, diesel particulate PM and NOx emissions.

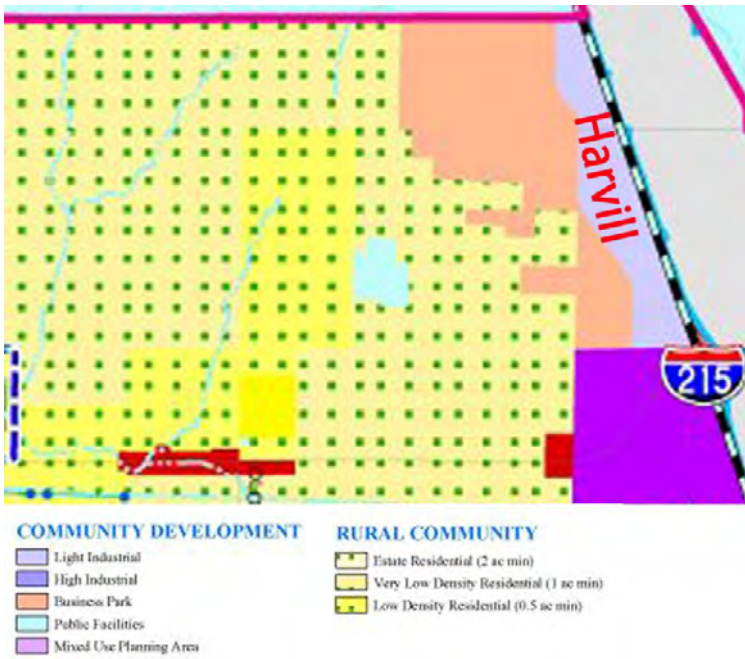
Business Park zoning acts as a buffer between Very Low Density Residential A-1-1 Zoning to the south and west of the project and Light Industrial along Harvill Ave.

"Business Park (BP) - The Business Park land use designation allows for employee-intensive uses, including research and development, technology centers, corporate and support office uses, clean industry and supporting retail uses. Building intensity ranges from 0.25 to 0.6 FAR" (Riverside County General Plan – Mead Valley Area Plan).

Policies:

The following policies apply to Industrial and Business Park designated properties within the Community Development General Plan Foundation Component, as further depicted on the area plan land use maps.





RAMV-4
(cont.)

Community Design

LU 30.2 Control heavy truck and vehicular access to minimize potential impacts on adjacent properties.

Most of the project is designated Business Park (BP) Land Use in the Riverside County General Plan. Massive Logistics warehouses bring in low paying temps jobs, while small business create "clean industry" with highly skilled labor.

Business Park (BP)	0.25 - 0.60 FAR	<ul style="list-style-type: none"> Employee intensive uses, including research & development, technology centers, corporate offices, "clean" industry and supporting retail uses.
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RAMV-5

Light Industrial (LI) Land Use.

Light Industrial (LI)	0.25 - 0.60 FAR	<ul style="list-style-type: none"> Industrial and related uses including warehousing/distribution, assembly and light manufacturing, repair facilities, and supporting retail uses.
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PROJECT

The Project proposes to build two high-cube logistics warehouses totaling 1,113,627 square feet. Building "D" is a 702,645 square foot located to the east of Ellsworth Street and south of Old Oleander on 37.1 acres; and Building "E" is a 410,982 square foot building to the west of Ellsworth and south of Oleander on 21.5 acres.

RAMV-6

- General Plan Amendment (GPA) No. 1151 proposes to change the General Plan designation from Community Development- Light Industrial (CD-LI) and Community Development Business Park (CD-BP) to entirely CD-LI.
- Change of Zone No. 7873- a Zone Change for Building E site from (RR) Rural Residential ½- acre lot sizes and (IP) Industrial Park to (IP) Industrial Park.
- GPA No. 1152- seeks to change the General Plan Land Use Designation from CD-BP Community Development Business Park to CD-LI Community Development Light Industrial.
- Change of zone No.7872 for building "D" from (MM) Medium Manufacturing and (RR) Rural Residential to (IP) Industrial Park.

RAMV-6
(cont.)

The project site Plot Plans for Buildings E and D contain parking spaces for 331 trucks and trailers—251 at Building Site D and 80 at Building Site E. The Project will also contain 160 loading docks-- 109 at Building D and 51 at Building E. The Plot Plans in EIR 546 indicate that Building E and D will be located directly adjacent to rural residential properties along the southern property boundary line. These types of high cube logistics warehouses operate 24 hours a day and 7 days per week.

After reviewing EIR 546 a large number of major flaws are readily apparent in this document that raise a number of health and safety concerns to the residents of our rural neighborhoods, Community of Mead Valley, surrounding Communities of Greater Lake Mathews, Greater Mead Valley, Woodcrest, Orangecrest and the City of Riverside

RAMV-7

There currently is a similar Knox Business Center high cube warehouse at 17789 Harvill that has multiple tenants, which is creating enormous delays in trucks staging (queuing) outside of the facility. More than 30 trucks have been observed lining up on Harvill Ave and along the Harley Knox overpass with their engines idling for hours as they wait their turn to enter this facility. This is causing a traffic nightmare, CARB violations, and safety hazard on Harvill Ave. as these trucks are idling for hours and blocking traffic as cars are turning left from Harley Knox onto Harvill Ave. Some near accidents have been observed. Harvill Ave. was never built to County width standards and therefore trucks cannot park along Harvill Ave. without being in the right lane of traffic. This problem continues during some peak hours of operation.

RAMV-8

First

Many of the EIR documents are using out of date information from 2014 and 2015 such as Biological Reports, Cultural Reports, Traffic Studies, etc. Conditions for this project have changed dramatically in a number of ways. Traffic studies fail to include additional mega high cube warehouses being built in the vicinity that were once zoned for residential and commercial land uses. Habitat for wildlife is diminishing rapidly forcing more animals to look for suitable habitat land nearby.

RAMV-9

The EIR is flawed at it fails to mention that Building D and E are built to accommodate more than one tenant. The Buildings have two entrance gates and truck access locations along Old Oleander Ave. There are two offices on the northeast and northwest side of each building. There

RAMV-10

RAMV-11

are two separate loading docks and parking spaces on each side of the buildings. Oleander is 78' in width with 2 lanes. See Figure 3-8, Plot Plan No. 25838. Oleander is the primary access for both Building E and D requiring arriving trucks to enter the facilities turning left into the truck entrances. Traffic studies Appendix J1 Traffic Impact Analysis. "Consistent with the 2015 Traffic Study, the ITE High-Cube Warehouse / Distribution Center land use (ITE Land Use Code 152) has been utilized for the purposes of this supplemental analysis" It is unclear as to what information has been updated and what information is still contained from the 2015 traffic study. Various maps show Building E with outdated Plot Plan information and inaccurate outdated traffic assumptions. The fact that Harvill Ave. is undersized cannot be over stated. Trucks cannot park along the street without blocking the right hand lane.

RAMV-11
(cont.)

Urban Crossroads noise analysis study for the "Project"

"The traffic noise levels provided in this analysis are based on the traffic forecasts found in the Knox Business Park Traffic Impact Analysis prepared by Urban Crossroads, Inc. in June 2015 (page 23). Outdated traffic report almost 3 years ago. Based on Urban Crossroads noise analysis outdated study as numerous warehouses are currently under construction along Harvill south and east of Markham as part of the Majestic Business Park. One very large warehouse was just completed north of Harley Knox.

EXHIBIT 1-A: LOCATION MAP



RAMV-12

Old Oleander is also undersized for these types of logistics warehouses. Entrances have short distances between them which will make it difficult for trucks to try to turn left into the four truck driveways. The center continuous left-turn lane will only support a few trucks at a time. It is quite possible that trucks will be forced to queue along the shoulder of Oleander Road and then try to turn left into one of the four driveways as other trucks are trying to turn left into a driveway just down the street. Trucks may even back up onto Decker and Harvill Ave.

RAMV-13

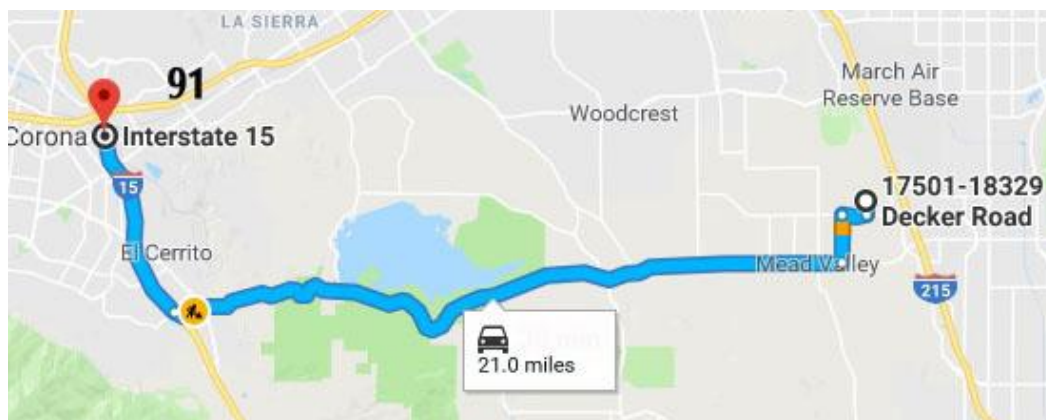
Old Oleander is an Industrial Collector and is designated to have 2 lanes with a minimum right-of-way of 78-feet. Industrial Collectors are circulatory streets with a continuous left-turn lane with at least one end connecting to a road of equal or greater classification.

RAMV-14

Decker Road – Decker Road is a north-south oriented roadway bisecting the Project. The Project proposes to construct Decker Road from Oleander Avenue to the southern Project boundary at its ultimate full section width as a secondary highway (100-foot right-of-way). The EIR does not adequately address the fact that Decker road south of the project boundaries is a non-dedicated unimproved dirt road. Trucks will be driving down a narrow street with 3 speed humps, pot holes, uneven surfaces, dust, mud and no painted markings on the road. No stop sign or street sign at Markham Street X Decker Road. Decker Road is not suitable for heavy truck traffic 24-7 and the noise pollution, air pollution, vibration and Jake Brake noise created from these trucks will destroy the quality of life for thousands of rural residents who live along the routes that these trucks will be traveling. The EIR does not analyze or address this in the traffic study or any other appendices or reports.

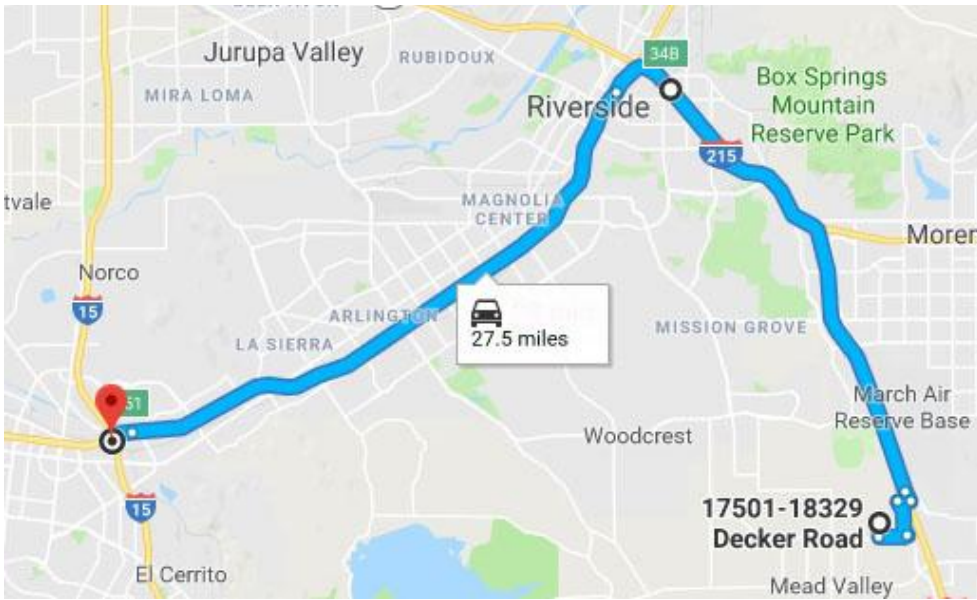
RAMV-15

The EIR comments state numerous times that trucks from this project will not use Decker Road south to Markham to access Day Street. This is not based on accurate information. Using Google maps one can easily see that the shortest distance from the Project site is to use Cajalco Road to the I-91 X I-15 Interchange with a distance of 21 miles.



RAMV-16

Using El Sobrante to La Sierra to the I-91 is also a much faster route than using Harvill to the I-60 to the I-91. **The EIR states that ALL vehicles will be using Old Oleander to Harvill to access the Harley Knox onramp onto the I-215 Freeway.** The distance for that route is 27.5 miles and has massive traffic congestion during peak hours. The EIR is flawed in its analysis.



RAMV-16
(cont.)

Traffic conditions have changed dramatically since this study was performed in 2015. The EIR is flawed and a new current traffic study must be performed.

RAMV-17



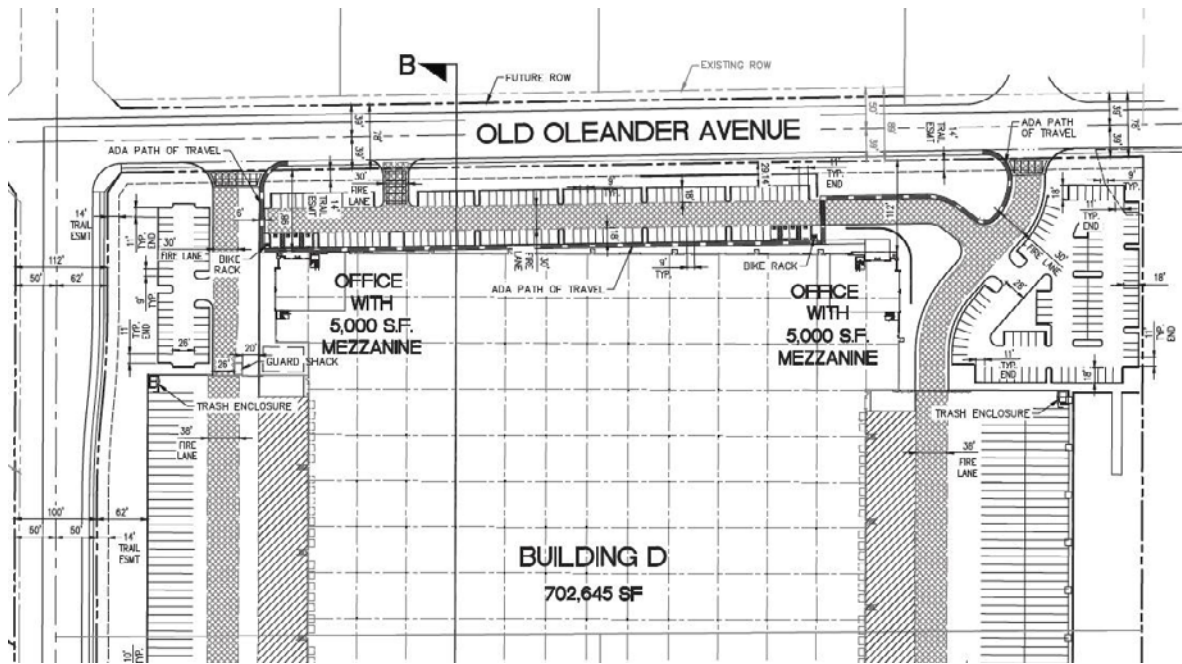
RAMV-18

Harvill Ave right hand lane blocked as trucks are trying to gain entry into the logistics warehouse at Harvill X Old Oleander Road. Trucks are blocking traffic as cars are turning left from Harley Knox onto Harvill Ave. There were a number of near accidents caused by these trucks stopped in the right lane of traffic.



Truck blocking Harvill as the driver turns left from the center median to get into the warehouse gate entrance at 17789 Harvill Ave. This is the same type of conditions that trucks will incur trying to turn left from Old Oleander into the driveways of Building E and D and are not addressed in the EIR. Trucks that are unloaded and trying to travel to Harvill will be idling in the road as they wait to get past trucks parked in the middle of the road.

RAMV-19



The EIR 546 fails to analyze the impacts from multiple tenants and inadequately analyzes truck queuing and staging areas along Oleander Ave. These proposed warehouses will be operating 24 hours per day and 7 days per week directly adjacent to rural homes. EIR does not mention trucks idling on local roads.

RAMV-20

Second.

The project seeks to merge a number of parcels together with various zoning and land use designations to create 2 large parcels in order to build two distinct high cube logistics warehouses. These two high cube warehouses are being considered as one project totaling over 1.1 million sq ft. **This type of piecemealing or segmentation is not allowed under CEQA. Therefore EIR 546 must be revised and recirculated so that this error to piecemeal the project can be corrected.**

RAMV-21

The State CEQA Guidelines define a project under CEQA as “the whole of the action” that may result either directly or indirectly in physical changes to the environment. This broad definition is intended to provide the maximum protection of the environment.

In general, if an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis. The project description should include all project components, including those that will have to be approved by responsible agencies. When future phases of a project are possible, but too speculative to be evaluated, the EIR should still mention that future phases may occur, provide as much information as is available about these future phases, and indicate that they would be subject to future CEQA review.

RAMV-22

CEQA case law has established the following general principles on project segmentation for different project types:

“For a phased development project, even if details about future phases are not known, future phases must be included in the project description if they are a reasonably foreseeable consequence of the initial phase and will significantly change the initial project or its impacts” *Laurel Heights Improvement Association v Regents of University of California* (1988) 47 Cal. 3d 376.

EIR 546 does not mention future Trammel Crow phases for warehouses within the Knox Business Park or the impacts that these future high cube warehouses will have on the surrounding rural neighborhoods, Community of Mead Valley, surrounding Communities of Greater Lake Mathews, Greater Mead Valley, Woodcrest, Orangecrest or the City of Riverside. No mention of the impacts of the Mid-County Parkway that exits onto the I-215 near Placentia / Rider Streets bringing more crime and homeless camps to the area.

RAMV-23

For a linear project with multiple segments such as a highway, individual segments may be evaluated in separate CEQA documents if they have logical termini and independent utility. *Del Mar Terrace Conservancy, Inc. v. City Council* (1992) 10 Cal. App. 4th 712.

For a planning approval such as general plan amendment, the project description must include reasonably anticipated physical development that could occur in view of the approval. *City of Redlands v. County of San Bernardino* (2002) 96 Cal. App. 4th 398.
For a project requiring construction of offsite infrastructure (e.g., water and sewer lines), the offsite infrastructure must be included in the project description. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App. 4th 713.
For modification of a permit for an existing facility, the scope of the project description can be limited to the scope of the permit modification and does not cover the entire facility. *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App. 4th 549. (<https://ceqaportal.org/tp/ProjectDiscription03-23-161.pdf>).

RAMV-23
(cont.)

Building Industrial High Cube logistics warehouses at this location will set a precedent for future warehouses in the rural and business park zoned areas next to and nearby this proposed project.

RAMV-24

Third

The EIR assessment for Building "E" on the west side of Decker Road has been modified substantially in the number of parcels, combined lot size and building size. Modification to the EIR for Building "E" describe different scenarios in regards to traffic flow, differing elevation height measurement of the building and various other inconsistencies that affect every aspect of the Environmental Impact Report. This EIR must be rejected because the project description is inaccurate and is described differently in different parts of the document. The approval by the ALUC is also inconsistent and inaccurate with the EIR in the project size and description.

Building height is described in the ALUC public hearing as a request to go from 44' to 55'. EIR 546 and project description do not mention the new height of 55' in their reports and analysis. How will this impact noise, air pollution, traffic, number of trucks being processed each day, etc.

RAMV-25

County of Inyo v. City of Los Angeles (1977) 32 Cal. App. 3d 795:

"EIR was rejected because the project description was inaccurate and was described differently in different parts of the document" (AEP CEQA Portal, CEQA Portal Topic paper)

Project Description in the State CEQA Guidelines.

The project description is addressed in the following sections of the State CEQA Guidelines:
Section 15378 – Defines the term “project” as used within CEQA, and the types of actions that either do or don’t constitute a project for the purposes of CEQA.
Section 15124 – Discusses the types of information about a proposed project that should be included in the Project Description.

Fourth

MVAP 6.1 In conjunction with the first warehousing/distribution building proposed for the industrial area located along Interstate 215 (including land designated Light Industrial, Business Park, and Light Industrial with a Community Center Overlay) whereby the cumulative square footage of warehousing/distribution space in the area would exceed 200,000 square feet, an Environmental Impact Report (EIR) shall be prepared that assesses the potential impacts of the

RAMV-26

project. The EIR must address air quality, including a health risk assessment of diesel particulates and impacts to sensitive receptors, truck traffic and noise, and the cumulative impacts of reasonably foreseeable warehouse development in the area (Mead Valley Area Plan, pg. 32).

Final EIR 546 does not adequately address air quality, including the health risk assessment of diesel particulates and impacts to sensitive receptors, truck traffic and noise, and the cumulative impacts of reasonably foreseeable warehouse development in the area. Impacts such as noise pollution, truck traffic impacts to sensitive receptors (rural residential property) that abuts this project, impacts of using Decker Road which is a unimproved dirt road with speed bumps, pot holes, uneven surfaces, lack of painted road lines, no stop sign and no road sign. Decker is listed as the secondary access to Buildings D and E. No mention in the EIR that Decker Road will allow trucks from this Project to use a large number of local roads to get to the Ports.

Noise: According to the Riverside County General Plan N.1 Noise Element, " **Sound** refers to anything that is or may be perceived by the ear. **Noise** is defined as "unwanted sound" because of its potential to disrupt sleep, rest, work, communication, and recreation, to interfere with speech communication, to produce physiological or psychological damage, and to damage hearing."

The Noise Element is a mandatory component of the General Plan pursuant to the California Planning and Zoning Law, Section 65302(f).

Research pursuant to Section 46050.1 of the Health and Safety Code. It also can be utilized as a tool for compliance with the State of California's noise insulation standards.

Noise Sensitive Land Uses

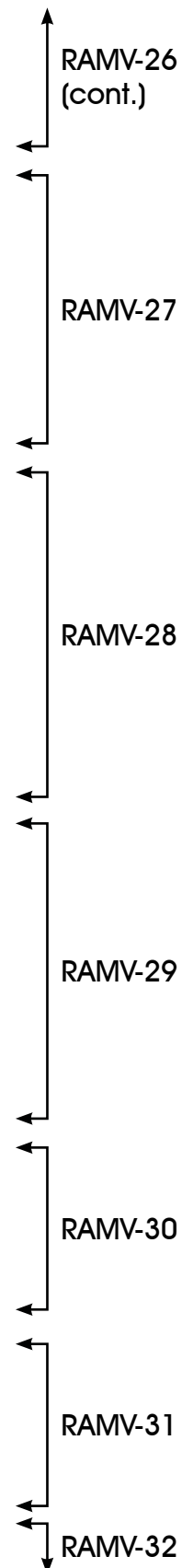
A series of land uses have been deemed sensitive by the State of California. These land uses require a serene environment as part of the overall facility or residential experience. Many of these facilities depend on low levels of sound to promote the well being of the occupants. These uses include, but are not necessarily limited to; schools, hospitals, rest homes, long term care facilities, mental care facilities, residential uses, places of worship, libraries, and passive recreation areas. Activities conducted in proximity to these facilities must consider the noise output, and ensure that they don't create unacceptable noise levels that may unduly affect the noise-sensitive uses. N-4

Require commercial or industrial truck delivery hours be limited when adjacent to noise-sensitive land uses unless there is no feasible alternative or there are overriding transportation benefits (AI 105, 107). The current project is not restricted in any way and will be operating 24-7. Construction operations are also not limited and will be allowed to pour concrete 24-7 (loud noise, light trespass, dust, air pollution, traffic).

Require a minimum setback of 1000ft. SCAQB, WRCOG highly recommend 1000 foot setbacks from industrial land uses. Mead Valley Area Plan requires setbacks from sensitive receptors.

<http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/chapter-2---air-quality-issues-regarding-land-use.pdf>

N 15.2 Require that commercial and residential mixed-use structures minimize the transfer or



transmission of noise and vibration from the commercial land use to the residential land use. (AI 105)

Policies:

N 16.1 Restrict the placement of sensitive land uses in proximity to vibration-producing land uses. (AI105)

<http://www.rivcocob.org/ords/800/847.pdf>

Noise: Rural Community VLDR

Maximum DB 7:00 am - 10:00 pm 55db / 10:00pm - 7:00am 45 db.

LI zone 7:00 am - 10:00 pm 75db / 10:00pm - 7:00am 55 db.

b. Power Tools and Equipment. No person shall operate any power tools or equipment between the hours of 10:00 p.m. and 8:00 a.m. such that the power tools or equipment are audible to the human ear inside an inhabited dwelling other than a dwelling in which the power tools or equipment may be located. No person shall operate any power tools or equipment at any other time such that the power tools or equipment are audible to the human ear at a distance greater than one hundred (100) feet from the power tools or equipment.

Warehouse construction is allowed to operate with loud noise at distances greater than 2 blocks from the site at night with bright lights, generators, and concrete pumping machines and concrete trucks. Neighbors at these distances cannot sleep because of the light trespass and noise generated from construction operations.

EIR claims that air pollution is getting better, while that is not the case as air pollution is getting worse.

<http://www.latimes.com/local/lanow/la-me-ln-bad-air-days-20171115-story.html>

<https://www.dailynews.com/2017/05/24/why-is-southern-californias-air-quality-so-bad-its-smog-season/>

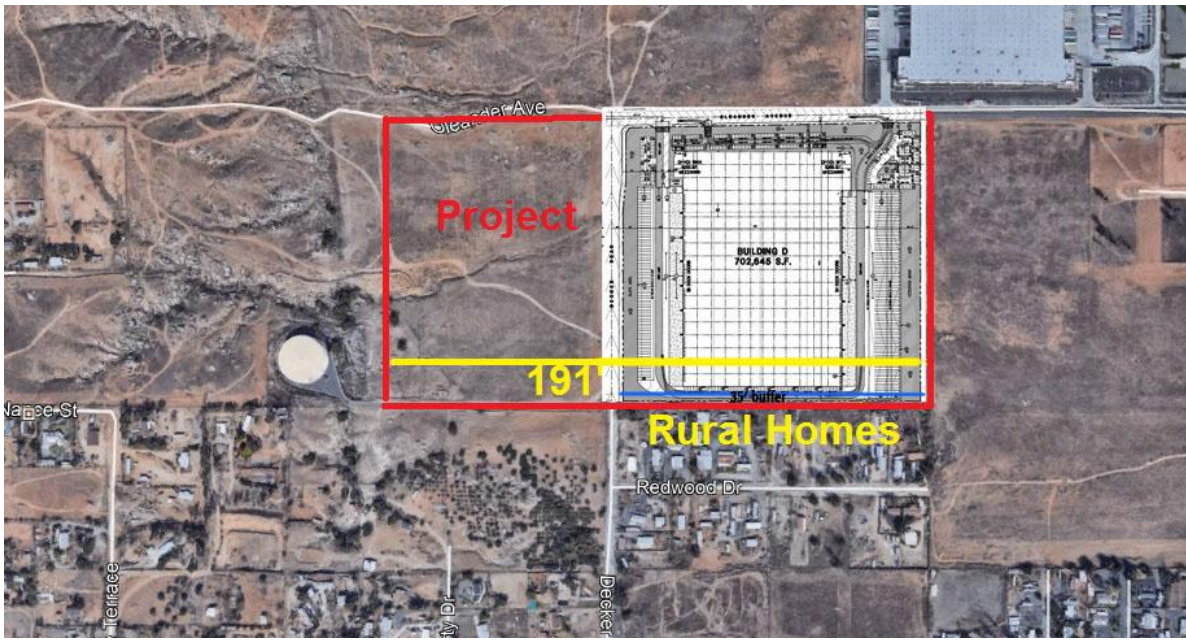
<https://www.pe.com/2017/04/18/southern-californias-smog-clean-up-future-is-far-from-clear/>

EIR 546 not only fails to meet CEQA guidelines, but also falls short of the Riverside County General Plan - Mead Valley Area Plan for land use with NO buffer between sensitive receptors and Building "D". The total square footage of Building "D" and "E" will be over 1.1 million square feet of high cube warehouses up to 55' tall removing all view of the valleys and mountains from residents living nearby and up the hill at Day Street. The buildings will have very tall slopes up to 17' tall next to homes, a secondary highway and community trail. The EIR does not address the ineffective noise / pollution barriers that will be put in place as an attempt to protect rural residents against harmful cumulative effects of noise pollution, air pollution, light trespass, truck traffic, vibration day and night 24-7. EIR states buffer of 191' between residents and warehouse. The actual buffer is just 67' from the property line between rural residents and the warehouse. Trucks utilizing the southern driveway will be much closer to residents homes. The warehouse similar to this on Harvill has numerous trucks parked in the auto parking areas which in the case of this project will be next to residents homes.

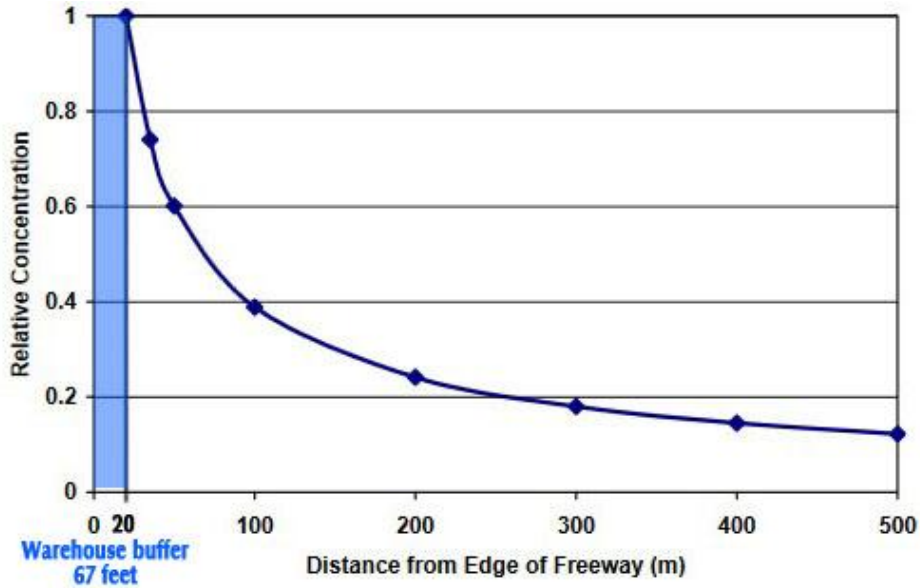
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(cont.)

RAMV-33

RAMV-34



RAMV-34
(cont.)



RAMV-35

Maximum buffer from property line to south warehouse wall 67'. EIR states 191' buffer.

RAMV-36

Figure 2-1

**Relative Concentration of Diesel Particulate Matter
in Relation to the Distance from The Edge of a Freeway**

Source: South Coast Air Quality Management District. Adapted from the California Air Resources Board's Diesel Risk Reduction Plan.

A comparison of total cancer risk and cancer risk from diesel particulate matter emissions in rural and urban areas shows that cancer risk associated with elevated levels of diesel particulate both decrease rapidly within the first 100 – 150 meters from the edge of a roadway (Table 2-2). Estimated cancer risk from diesel particulate matter along rural and urban roadways is decreased approximately 68 percent at a distance 150 m (492 ft) from the edge of the roadway. Clearly, these data demonstrate that a minimum distance that separates sources of diesel emissions from nearby receptors is effective in reducing potential cancer risk. The AQMD recognizes that physical separation of the receptors from the pollution sources is not always reasonable or feasible particularly in mature communities. For example, in southern Los Angeles county a sequence of land use decisions in urban areas allowed freeway construction through existing neighborhoods.

Table 2-2

**Cancer Risks from Diesel Particulate Matter at the
Edge of Roadways in Rural and Urban Areas**

Distance from Edge of Roadway (meters)	Diesel Particulate Matter Cancer Risk (in one million)		Total Cancer Risk (in one million)*	
	Rural	Urban	Rural*	Urban*
20 m	475	890	589	1104
150 m	151	277	187	343
500 m	86	159	107	197

Source: South Coast Air Quality Management District. Adapted from the California Air Resources Board's Diesel Risk Reduction Plan.

*To account for gasoline vehicle emissions, the diesel PM risk was multiplied by 1.24. This represents the relative risk contribution from benzene, 1, 3 butadiene, formaldehyde, and acetaldehyde on a basin-wide basis. It is assumed that the vast majority of benzene, 1, 3 butadiene, formaldehyde, and acetaldehyde emissions come from on-road gasoline vehicles.

The AQMD provides guidance for analyzing cancer risks from diesel particulate matter from mobile sources at facilities such as truck stops and warehouse distribution centers in the document titled Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis. This document may be downloaded at <http://www.aqmd.gov/ceqa/hdbk.html>. This guidance describes analysis of potential cancer risks associated with diesel particulates from truck idling and movement (such as truck stops, warehouse and distribution centers, or transit centers), ship hotelling at ports, and train idling. It is suggested that projects with diesel-powered mobile sources use this health risk guidance document to quantify potential cancer risks from the diesel particulate emissions.

RAMV-37

[http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/particulate-matter-\(pm\)-2.5-significance-thresholds-and-calculation-methodology/final_pm2_5methodology.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/particulate-matter-(pm)-2.5-significance-thresholds-and-calculation-methodology/final_pm2_5methodology.pdf?sfvrsn=2)

Riverside County General Plan - Chapter 10 - Healthy Communities Elements

Policies:

HC 14.1

When feasible, avoid siting homes and other sensitive receptors near known or anticipated sources of air pollution. (EIR is flawed in its analysis of the Health Communities Element).

HC 14.2

When feasible, avoid locating new sources of air pollution near homes and other sensitive receptors (Page 16).

http://planning.rctlma.org/Portals/0/genplan/general_Plan_2017/elements/OCT17/Ch10_HCE_120815.pdf?ver=2017-10-11-102105-050

<https://www.sciencedaily.com/releases/2013/10/131029220800.htm>

Potential Mitigation Measures

CEQA requires public agencies to take responsibility for protecting the environment. In regulating public or private projects, agencies are expected to avoid or minimize environmental damage. The purpose of an EIR is to identify the significant effects of a project on the environment, identify alternatives to the project, and indicate the manner in which significant impacts can be mitigated or avoided. To this end, below is a list of potentially applicable mitigation measures for truck idling facilities, shipping activities in local ports, and train idling.

<http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>

Mobile Source Toxics Analysis

In August 2002, the SCAQMD's Mobile Source Committee approved the "Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Emissions."

In August 2002, the SCAQMD's Mobile Source Committee approved the "Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Emissions." This document provided guidance for analyzing cancer risks from diesel particulate matter from mobile sources at facilities such as truck stops and warehouse distribution centers.

Subsequently, SCAQMD staff revised the aforementioned document to expand the analysis to provide technical guidance for analyzing cancer risks from potential diesel particulate emissions impacts from truck idling and movement (such as, but not limited to, truck stops, warehouse and distribution centers, or transit centers), ship hotelling at ports, and train idling. This revised guidance document titled, "Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis" was presented to and approved by the SCAQMD's Mobile Source Committee at its March 28, 2003 committee meeting. It is suggested that projects with diesel powered mobile sources use the following guidance document to quantify potential cancer risks from the diesel particulate emissions.

Mobile Source Toxics Analysis, Page 11

Truck Idling Facilities

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(cont.)

RAMV-38

RAMV-39

- Provide a minimum buffer zone of 300 meters between truck traffic and sensitive receptors;
- Re-route truck traffic by adding direct off-ramps for the truck traffic or by restricting truck traffic on certain sensitive routes;
- Improve traffic flow by signal synchronization;
- Enforce truck parking restrictions;
- Develop park and ride programs;
- Restrict truck idling;
- Restrict operation to “clean” trucks;
- Electrify service equipment at facility;
- Provide electrical hook-ups for trucks that need to cool their load;
- Electrify auxiliary power units;
- Use “clean” street sweepers;
- Pave roads and road shoulders;
- Provide onsite services to minimize truck traffic in or near residential areas, including, but not limited to, the following services: meal or cafeteria service, automated teller machines, etc;
- Require or provide incentives to use low-sulfur diesel fuel with particulate traps; and
- Conduct air quality monitoring at sensitive receptors.

RAMV-39
(cont.)

- (1) Provide a minimum buffer zone of 300 meters between truck traffic and sensitive receptors. NO BUFFER is being provided between residents and this project.

RAMV-40

- No real buffer is being provided between truck traffic and sensitive receptors. Trucks will be traveling around the south boundary of the property. Trucks bays and parking stalls are near the south end of the warehouse where residents live.

- (2) Re-route truck traffic by adding direct off-ramps for the truck traffic or by restricting truck traffic on certain sensitive routes.

RAMV-41

- Restricting trucks from traveling on residential streets is not included in the FEIR. Weight limit signs as well as blocking off Decker Road at the southern property line of Building "E" and "D" is critical to keeping trucks out of rural residential neighborhoods.

- (3) Improve traffic flow by signal synchronization. No signal lights will be installed as part of this project.

RAMV-42

- (4) Enforce truck parking restrictions. Truck parking in adjacent Knox warehouses are not being enforced. Trucks and trailers are allowed to park in areas not assigned to trucks. Car parking areas and other areas restricted from truck parking are occurring without any consequences.

RAMV-43

- (5) Develop park and ride programs.
No park and ride programs in the area.
- (6) Restrict truck idling.
Trucks allowed to idle for hours in Knox Business Park. Restrictions are ignored.
- (7) Restrict operation to “clean” trucks.
Many trucks coming into these facilities are older and not clean trucks. The paint is worn off and they appear to be unkept.
- (8) Electrify service equipment at facility.
Some equipment will use electricity.
- (9) Provide electrical hook-ups for trucks that need to cool their load.
No Refrigerated hook-ups will be installed for cool product shipping.

(10) Electrify auxiliary power units.

- (11) Provide onsite services to minimize truck traffic in or near residential areas, including, but not limited to, the following services: meal or cafeteria service, automated teller machines, etc.

No services are being provided.

- (12) Require or provide incentives to use low-sulfur diesel fuel with particulate traps;
- (13) Conduct air quality monitoring at sensitive receptors.
This must be mandatory. Location of these receptors is critical.

• **County of Riverside General Plan December 8, 2015 Page 11**

- AQ 1.11
- Involve environmental groups, the business community, special interests, and the general public in the formulation and implementation of programs that effectively reduce airborne pollutants.
Not happening. Current guidelines are being completely ignored.

Sensitive Receptors

- Sensitive receptors refer to those segments of the population most susceptible to poor air quality (i.e. children, elderly and the sick) and to certain at-risk sensitive land uses such as schools, hospitals, parks, or residential communities. The intent of the following policies is to reduce the negative impacts of poor air quality on Riverside County’s sensitive receptors.

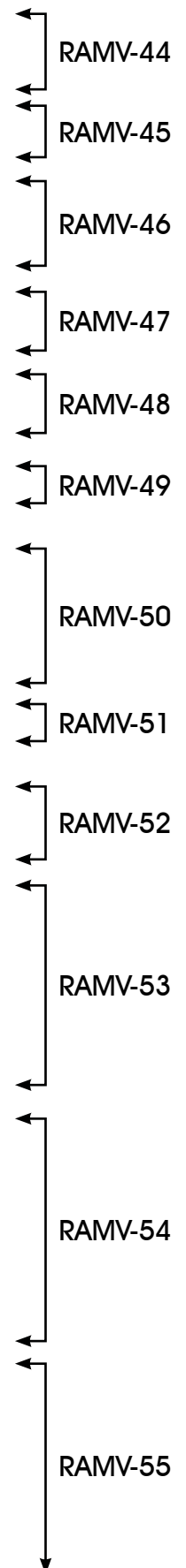
NO BUFFERS provided and will be at risk to the health effects of this project.

Policies:

AQ 2.1

- The County land use planning efforts shall assure that sensitive receptors are separated and protected from polluting point sources to the greatest extent possible. (AI 114)

AQ 2.2



- Require site plan designs to protect people and land uses sensitive to air pollution through the use of barriers and/or distance from emissions sources when possible. (AI 114)

AQ 2.3

- Encourage the use of pollution control measures such as landscaping, vegetation and other materials, which trap particulate matter or control pollution. (AI 114)

AQ 2.4

- Consider creating a program to plant urban trees on an Area Plan basis that removes pollutants from the air, provides shade and decreases the negative impacts of heat on the air. (AI 114)

- **Stationary Pollution Sources**

AQ 4.6

- Require stationary air pollution sources to comply with applicable air district rules and control measures.

AQ 4.7

- To the greatest extent possible, require every project to mitigate any of its anticipated emissions which exceed allowable emissions as established by the SCAQMD, MDAQMD, SCAB, the Environmental Protection Agency and the California Air Resources Board.

http://planning.rctlma.org/Portals/0/genplan/general_Plan_2017/elements/OCT17/Ch09_AQ%20%20Element_120815.pdf?ver=2017-10-11-102104-270

Particulate Matter

The Environmental Protection Agency (EPA) defines particulate matter (PM) as either airborne photochemical precipitates or windborne dust. Consisting of tiny solid or liquid particles of soot, dust, smoke, fumes, and aerosols, common sources of PM are manufacturing and power plants, agriculture, diesel trucks and other vehicles, construction sites, fire and windblown dust.

Generally PM settles from atmospheric suspension as either particulate or acid rain and fog that has the potential to damage health, crops, and property. Particulate of 2.5 microns or smaller (2.5 microns is approximately equal to .000098 inches) may stay suspended in the air for longer periods of time and when inhaled can penetrate deep into the lungs. Among the health effects related to PM2.5 are premature death, decreased lung function and exacerbation of asthma and other respiratory tract illnesses.

Airborne particulate matter sized between 2.5 and 10 microns (10 microns is approximately equal to 0.0004 inches), known as PM10 also pose a great risk to human health. PM10 can easily enter the air sacs in the lungs where they may be deposited, resulting in an increased risk of developing cancer, potentially changing lung function and structure, and possibly exacerbating preexisting respiratory and cardiovascular diseases. It can also irritate the eyes, damage sensitive tissues, sometimes carry disease, and may even cause premature death. PM2.5 and PM10 are especially hazardous to the old, young and infirm.

Control Measures

Riverside County can implement simple control measures to reduce the amount of particulates produced within its borders. Strict enforcement of these and current regulations can then lead to a

RAMV-55
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RAMV-56

RAMV-57

substantial decrease in particulate concentrations in the County of Riverside and neighboring areas.

AQ 17.8

Adopt regulations and programs necessary to meet state and federal guidelines for diesel emissions. (AI 121)

AQ 17.9

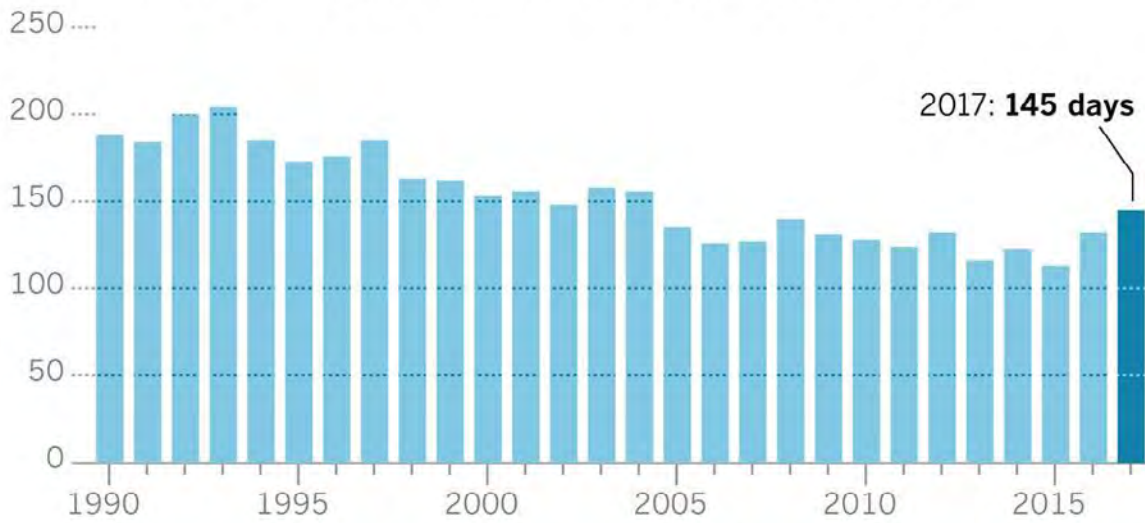
Encourage the installation and use of electric service units at truck stops and distribution centers for heating and cooling truck cabs, and particularly for powering refrigeration trucks in lieu of idling of engines for power. (AI 120)

AQ 17.10

Promote and encourage the use of natural gas and electric vehicles in distribution centers. (AI 146, 147).

RAMV-57
(cont.)

Southern California bad air days for ozone



Source: South Coast Air Quality Management District Tony Barboza / @latimesgraphics

RAMV-58

Approved Community Trails not part of Project plot plans as required in the Mead Valley Community Plan and Riverside County parks and Open Space Comprehensive Trails Plan.

No improved trails are shown in the plot plans along Oleander and Decker Road. Trails along Decker are located along the west side of the road.

Required under General Plan Mead Valley Area Plan approved Trails Plan (Circulation Element) approved in 1996 by BOS.

Riverside County Parks and Open Space Comprehensive Trails Plan

Chapter 3 - Page 46

Mead Valley Area Plan

The Mead Valley Area Plan represents an area in western central Riverside County.

The three major land uses are open space, rural communities, and some light industrial.

RAMV-59

The area plan includes a portion of the San Jacinto River. A number of institutional areas surround the planning area, potentially influencing the area's development. Policies related to trails contained within the Mead Valley Area Plan are:

The development shall provide trails in conformance with Riverside County's regional trails plan and the Circulation and Trails Maps of the Lake Mathews/Woodcrest and Mead Valley Area Plans.


[http://www.rivcoparks.org/wp-content/uploads/Riverside_County_Comprehensive_Trails_Plan_Draft_\(Combined\).pdf](http://www.rivcoparks.org/wp-content/uploads/Riverside_County_Comprehensive_Trails_Plan_Draft_(Combined).pdf)

http://planning.rctlma.org/Portals/0/genplan/content/ap1/meadvalley.html#List_1_7

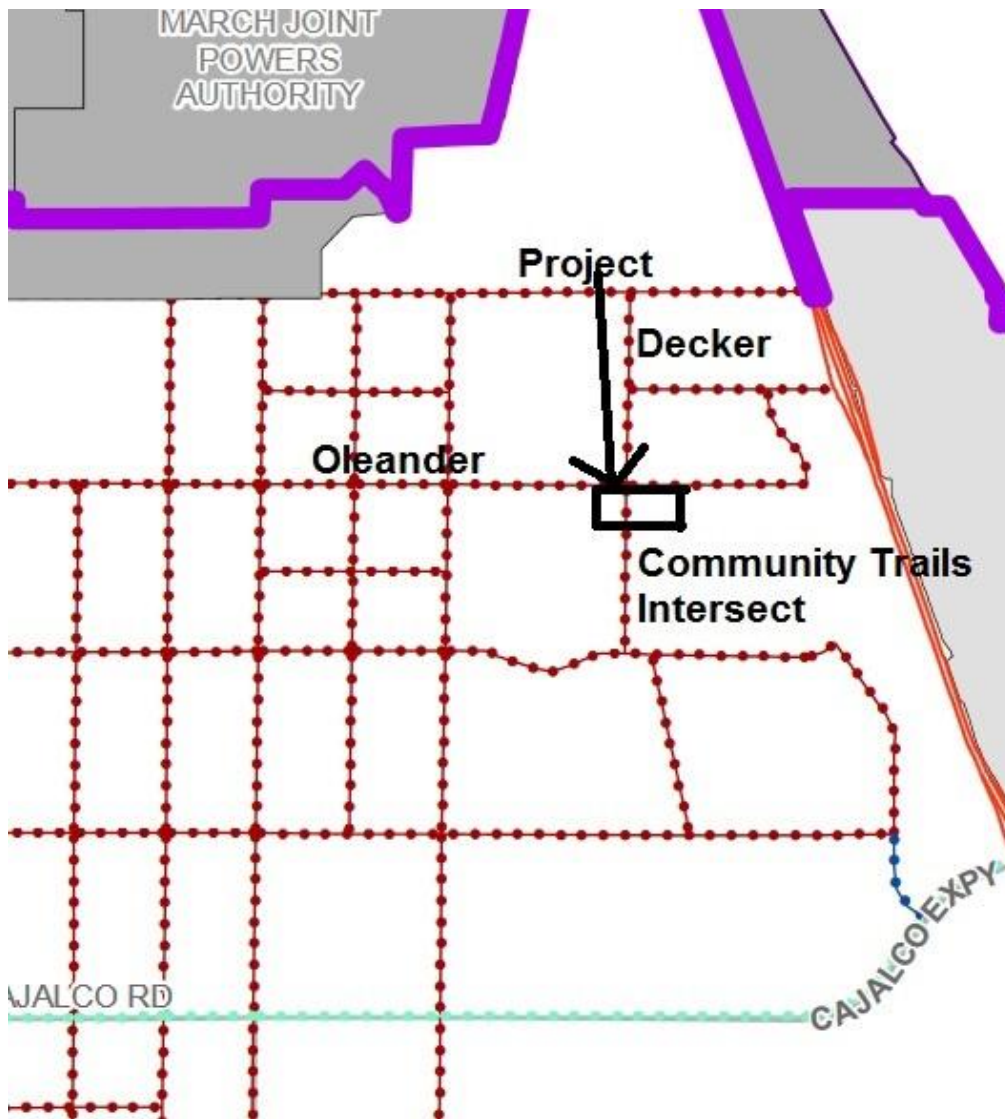
Community Trails - These trails are designed to link areas of a community to the regional trail system and to link areas of a community with each other. Such trails are typically maintained and operated by a local parks and recreation district. Community Trails will have an easement of 10 to 14 feet wide and a trail width of 8 feet. See Figure C-8 for cross sections and details.

In addition to multipurpose recreational trails, the Riverside County Transportation Department also plans and/or implements a countywide system of bikeways. A system map may be found in Figure C-7. Policies in this section focus on the refinement of the current countywide trails plan and seek to expand implementation of the trail system.

The proposed warehouses GPA1151 & 1152 do not provide required community improved trails and linkage at the intersection of Decker and Oleander and thus will result in destruction of two main key trail sections leading to the City of Perris trails system and connectivity to regional trails and parks in Riverside County. All trails in the Community Trails System interconnect to other Community Trails and the Regional Trails System. The main trail north that connects the Regional Trail to Harley Knox Blvd and provides access across the I-215. This trail will be compromised if these warehouses are built.



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(cont.)

<http://www.cityofperris.org/city-hall/trails-masterplan/TrailsMP-FinalAdoptedPlan.pdf>

Highly suggest Decker Trail be set along west side of the road. A warehouse north of this project at Nandina does not have the community trail. Current project Building "E" has a steep slope (14'+) added to the noise and trucks could pose a danger to equestrians.

Multi-use trails are conceptually located throughout the planning area, providing the framework for future trail improvements and connections. Thus, there is a strong relationship in the Area Plan between land uses and associated transportation and mobility systems, no matter what the intensity of uses may be.

Policies:

MVAP 10.1 Maintain and improve the trails and bikeways system to reflect Figure 8, Trails and Bikeway System, and as discussed in the Multipurpose Recreational Trails Section of the

General Plan Circulation Element.

The EIR fails to address or analyze homes directly south of this project along the hills west of Decker Road. These homes will be directly impacted by the noise pollution, air pollution, rock blasting, vibration, light trespass and truck traffic. Although these homes will be greatly impacted the property owners were never notified of the General Plan Amendments and zone changes that will greatly impact their lives. This is another example of how sound will be amplified by the sound waves rising above the sound walls and air pollution rising against the hills.



"The Business Park uses on the west side of Harvill Avenue provide a buffer for residential uses to the west" (<http://planning.rctlma.org/Portals/0/genplan/content/ap1/meadvalley.html>).

This proposed project eliminates the Business Park buffer provided through the Riverside County General Plan – Mead Valley Area Plan.

“A General Plan is required by State law and is the County's over-arching policy document for land use matters. It determines what the housing needs will be, how roads will be placed, and where commercial and industrial uses will be situated throughout the County for the next 20 years and beyond. The General Plan Elements (see Item 1., below) generally discuss countywide policies and plans. The Area Plans (see items 2 and 3, below) within the General Plan address regional issues and policies, to address the special needs of each unique community within the County. Lastly, the Area Plans contain parcel-level maps that indicate the General Plan "land use designation" for each property subject to County jurisdiction. Per State laws, a parcel's zoning will have to be brought into compliance with the General Plan (for example, the

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RAMV-61

site's land use designations) before a project can be approved”
(<http://planning.rctlma.org/ZoningInformation/GeneralPlan.aspx>).

The simplest way to summarize our vision for Riverside County is to say that:
“*Riverside County is a family of special communities in a remarkable environmental setting.*”
Riverside County Vision Statement. Pg. V3)

Health

We value the health of our residents. Therefore, we seek to reverse significant negative national health trends so that: 1) children live healthier and longer lives than their parents; 2) air and water quality are improved, 3) respiratory illnesses are reduced so that people spend fewer days out of work and school because of health problems; 4) health care costs have decreased; 5) obesity has decreased; and 6) people are physically active.
(Riverside County Vision Statement, Pg. V3)

The EIR for this project for Industrial High Cube Warehouses does not give residents a buffer from this harmful high polluting industry. Children, the elderly, and people with respiratory illness and heart disease are most affected by living next to and near high pollution industries such as logistics warehouses that have large numbers of diesel trucks that create high amounts of particulate matter and other unhealthy toxic gases into the air. Rubber particles from truck tires was never addressed in the EIR. Tire particles are very small and can penetrate deeply into your lungs causing serious health problems. Hundreds of trucks will be traveling on our local rural roads to get to the ports of LA and Long Beach instead of using Harvill to access the I-215 Freeway. Trucks cause excessive wear and tear on our local streets increasing tire wear and rubber particles into the air that we breathe.

Mead Valley Area Plan Industrial Development

The Mead Valley Area Plan includes an extensive area westerly of Interstate 215 from Nandina Avenue on the north to Nuevo Road and the Perris city limits on the south that is designated Light Industrial, Business Park, or Light Industrial with a Community Center Overlay. It is the policy of Riverside County to stimulate economic development in this area of Mead Valley. This area has access to Interstate 215 via two interchanges and includes areas that have all of the infrastructure in place to support economic development. However, given the proximity of the rural community and residential uses, the impacts of industrial expansion on localized air quality, traffic, noise, light and glare need to be assessed in order to apply appropriate measures to mitigate impacts so that the environmental quality of the community and residents’ health and welfare are maintained (Mead Valley Area Plan, pg. 36).

Policies:

MVAP 6.1

In conjunction with the first warehousing/distribution building proposed for the industrial area located along Interstate 215 (including land designated Light Industrial, Business Park, and Light Industrial with a Community Center Overlay) whereby the cumulative square footage of warehousing/distribution space in the area would exceed 200,000 square feet, an Environmental Impact Report (EIR) shall be prepared that assesses the potential impacts of the project. The EIR would be required to address air quality, including a health risk assessment of diesel particulates and impacts to sensitive receptors, truck traffic and noise, and the cumulative impacts of

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reasonably foreseeable warehouse development in the area (Mead Valley Area Plan, pg. 36).

EIR 546 fails to measure "impacts of industrial expansion on localized air quality, traffic, noise, light and glare. This must be reassessed in order to apply appropriate measures to mitigate impacts so that the environmental quality of the community and residents' health and welfare are maintained. The EIR fails to give adequate setback between this proposed project and residential uses. WRCOG and SCAQMD requires a 1000 foot buffer between sensitive receptors and logistics warehouses (See, <http://www.aqmd.gov/docs/default-Source/planning/air-quality-guidance/chapter-2---air-quality-issues-regarding-land-use.pdf?sfvrsn=2>). The EIR fails to address air quality, including an adequate health risk assessment of diesel particulates and impacts to **sensitive receptors**, truck traffic and noise, and the cumulative impacts of reasonably foreseeable warehouse development in the area (Riverside County General Plan- Mead Valley Area Plan).

Fifth.

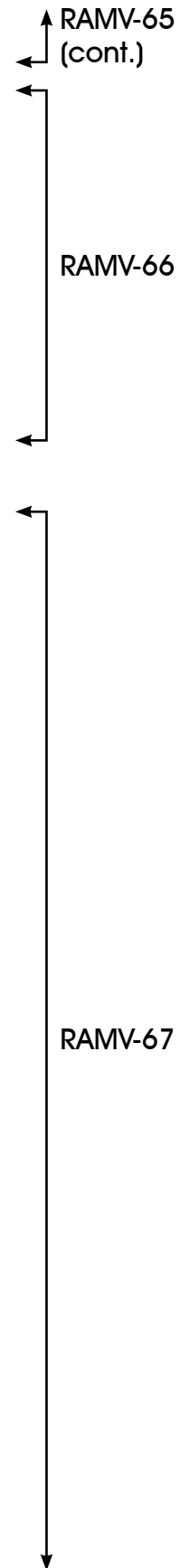
Rock blasting on the Project Site near residents along Redwood Street, Nance, Day, Decker and Oleander is not adequately analyzed or addressed in the EIR.

The following blasting noise and vibration monitoring and abatement plan shall be adopted and submitted to the County prior to commencement of blasting activities:

- Pre-blasting inspections shall be offered to property owners within 200 feet of the blast site.
- Existing damage of each structure shall be documented.
- Post-blasting inspections shall be offered to assess new or additional damage to each structure once blasting activities have ceased for those property owners who accepted pre-blast inspections.
- Property owners within at least 200 feet of the blast site shall be notified via postings on the construction site at least 24 hours before the occurrence of major construction related noise and vibration impacts (such as grading and rock blasting) which may affect them.
- The County may impose conditions and procedures on the blasting operations as necessary. The construction contractor shall comply with these measures for the duration of the blasting permit. The County may inspect the blast site and materials at any reasonable time (County of Riverside Ordinance No. 787) (Noise Impact Analysis, pg. 6).

The EIR fails to address the impacts to residents directly adjacent to the project site. "Property owners within at least 200 feet of the blast site shall be notified via postings on the construction site at least 24 hours before the occurrence of major construction related noise and vibration impacts (such as grading and rock blasting) which may affect them" (Noise Impact Analysis, pg. 6).

Certainly this is not adequate as residents will not have access to the Project site once construction is under way. Residents will not be aware of any signage or posting on the construction site and 24 hours is not enough notice to take measures to safeguard their property and livestock. Residents surrounding this project site must be notified in person, written notice or with a notice attached to the property gate as to the date and time that blasting will occur at least 72 hours prior to blasting. The EIR fails to take into account that this a rural neighborhood



where many residents have large livestock and other animals that may become frightened from the noise and vibrations of these blasts. Residents have the right to protect their property (including livestock) from injury and damage.

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The EIR does not mention the adverse health impacts of silica dust from extensive rock crushing, movement and usage near the southern portion of the project affecting residents along Redwood Street and residents to the southwest and west of the project as winds shift this dust onto their property.

C-69 Noise Impacts - Blasting rocks. Rock blasting next to homes, animals, wildlife, damage to structures.

DEIR SCH No. 2015081081. Page 3-32 - 3.6 CONSTRUCTION CHARACTERISTICS

As part of proposed grading activities, blasting would be necessary in hard rock areas on the southern portion of the Project site. Based on the excavation plans prepared on June 16, 2015, by the Henry- Ann Company, rock blasting within the Project site is expected to include the drilling of up to 5,253 holes in the largest area, in which small charges would be placed to fragment the rocks into smaller, crushable pieces. **Approximately 112,090 cubic yards (c.y.) of rock is expected to be produced during proposed blasting activities, which would be crushed and used on the Project site as construction base.** An electric rock crusher powered by a 300 horsepower diesel generator is proposed to further break down the fragmented rocks. The Project Applicant calculates that approximately 2,759 tons of rock would be processed on the Project site per day during the blasting and rock crushing phase of construction (approximately 65 working days). (Urban Crossroads, Inc, 2015a, pp. 28-29).

Area of rock crushing southern portion of site. This is where residents live. NO MENTION OF DUST RELATED HEALTH HAZARDS (SILICA DUST EXPOSURE) CREATED BY ROCK CRUSHING AND LONG TERM HAZARDS OF CONSTRUCTION BASE USING THIS SILICA DUST AS BASE.

RAMV-68

No mention of special water spraying equipment to keep this toxic dust down and safe.

Rock crushing will take place next to rural homes for months and perhaps years.

OSHA- CONTROL OF SILICA DUST IN CONSTRUCTION

Crushing Machines

Using crushing machines at construction sites to reduce the size of large rocks, concrete, or construction rubble can generate respirable crystalline silica dust.

When inhaled, the small particles of silica can irreversibly damage the lungs. This fact sheet describes dust controls that can be used to minimize the amount of airborne dust when using crushing machines as listed in Table 1 of the Respirable Crystalline Silica Standard for Construction. 29 CFR 1926.1153

What is Silicosis?

Silicosis is a disease caused by the prolonged breathing of crystalline silica dust. Fine particles deposited in the lungs cause thickening and scarring of the lung tissue. Crystalline silica exposure has also been linked to lung cancer.

A worker may develop any of the following three types of silicosis, depending on the concentrations of silica dust and the duration of exposure:

Chronic silicosis - develops after 10 or more years of exposure to crystalline silica at relatively low concentrations;

Accelerated silicosis - develops 5 to 10 years after initial exposure to crystalline silica at high concentrations.

Acute silicosis - symptoms develop anywhere from a few weeks to 4-5 years after exposure to very high concentrations of crystalline silica.

Initially, workers with silicosis may have no symptoms. However, as the disease progresses a worker may experience:

Shortness of breath;

Severe cough;

Weakness.

These symptoms can worsen over time and lead to death.

<https://www.cagc.ca/index.php?DP=download&DL=000264>

<https://www.silica-safe.org/pdf/OSHA-Controlling-Silica-Exposure-in-Construction.pdf>

https://www.fhwa.dot.gov/Environment/noise/construction_noise/handbook/handbook09.cfm

http://homenewshere.com/daily_times_chronicle/news/woburn/article_9d90876a-8afe-11e1-acb5-0019bb2963f4.html

<http://denw.info/noise-and-acoustics/>

http://deohs.washington.edu/sites/default/files/images/general/Quarry_Rpt.pdf

<http://osha.oregon.gov/OSHAPubs/3301.pdf>

<https://www.osha.gov/Publications/OSHA3935.pdf>

wet rock and dust.

<http://www.cdrecycler.com/article/july-aug-2011-more-than-a-nuisance/>

Sixth.

Truck and vehicle traffic is not adequately addressed in the EIR. Two main entrances along Oleander are indicated on Building "D" & "E" Site Plans. These plans also indicate two distinct offices with one at the northwest and one at the northeast corners of Building "D" & "E" This indicates that buildings "E" and "D" will have more than one tenant. Trammel Crow Knox Business Park Building at 17789 Harvill Ave. has several tenants, which is creating enormous traffic, health and safety concerns with 30 or more diesel trucks lined up outside of the entrance to the facility. These logistics trucks are lined up along Harvill Ave. idling for hours, blocking the right lane of the road and left turn lane onto Harvill from Harley Knox.

Building "D" has a truck entrance on the east side of the building and a truck entrance on the west side of the building. The EIR must clearly indicate if Building "D" and/or "E" will have multiple tenants as this is already creating massive tie ups during the staging of trucks into the warehouse at 17789 Harvill Ave. CARB does not allow trucks to idle for more than 5 minutes and yet trucks are allowed to idle for hours as they are waiting to enter the high cube warehouse at 17789 Harvill Ave. Trucks are idling along Oleander Ave as they sleep in their trucks. EIR 546 does not adequately address the direction that trucks will enter the building or what

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RAMV-69

streets they will use. All trucks must be directed to enter and exit onto Harvill Ave. from Oleander and travel to the Harley Knox Blvd overpass to access the I-215 Freeway. Logistics trucks from these warehouses must not be allowed to use our dangerous narrow rural roads. The EIR must include language that indicates all trucks use Harvill Ave. Decker Road must be closed to through traffic past the Project's southern boundary line. Closure of Decker Road must include barriers that prevent logistics trucks from accessing Decker Road past the southern boundary line of Building "D". This will allow EMWD to continue to access the road to the water tank.



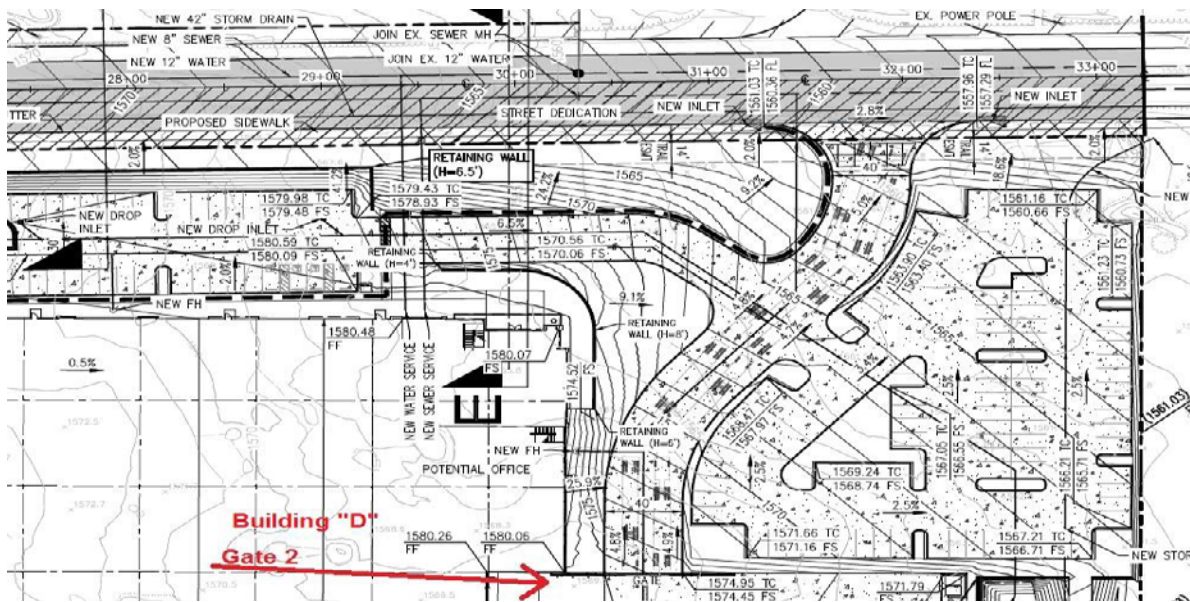
Harvill Ave. with trucks lined up to enter the warehouse at 17789 Harvill Ave.

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Harvill Ave. with trucks parked in the right lane and cars having to move over to the left lane. Harvill Ave was never built to County standards and is not wide enough for trucks to park along the side of the road and allow other vehicles to drive in the right lane. Harvill Ave. is the main thoroughfare for thousands of trucks that will be accessing Building “E” and “D”, current and future high cube logistics warehouses. Traffic studies for this project have not adequately addressed the number of trucks from these warehouses, impacts from these trucks, routes that these trucks will take to access the ports of LA and Long Beach, the health and safety of local residents who will be driving not only Harvill Ave, but numerous other roads that trucks from these warehouses will be using throughout the region.

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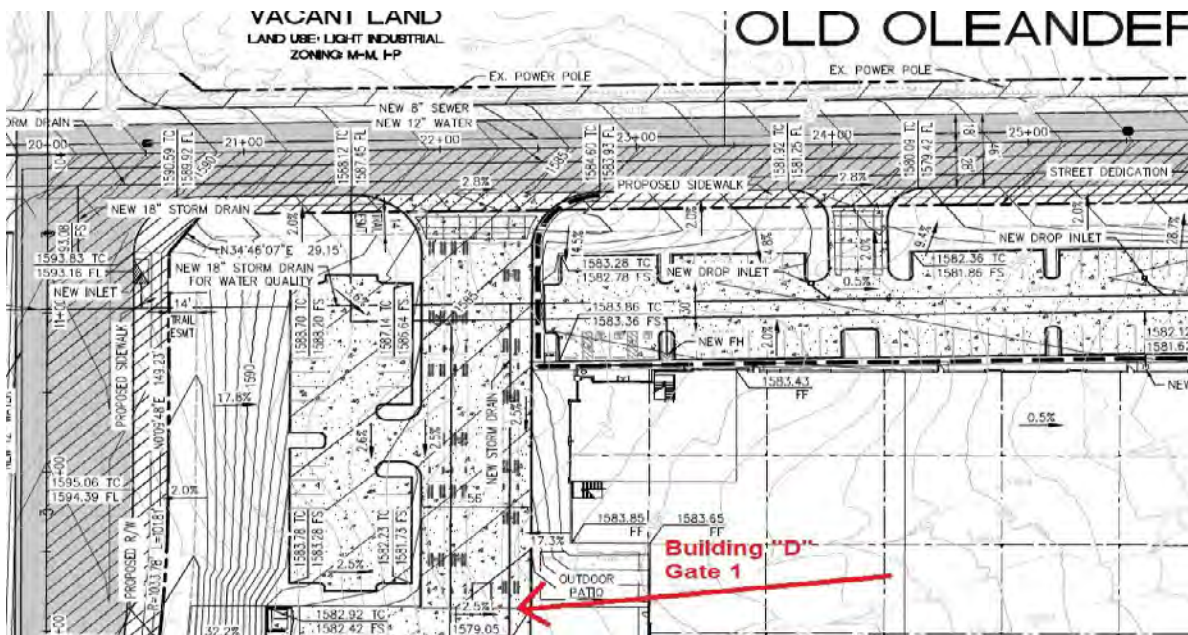


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Building "D" site map dated February 24, 2017 shows the east entrance along Oleander that allows just 4 trucks to queue on site behind the gate to access the building. Knox Logistics Warehouse at 17789 Harvill Ave. shows room for 7 trucks to queue on site. In addition there is a separate lane along Harvill for trucks to access this facility. Unfortunately, this is still not sufficient safe guards as over 30 trucks are attempting to enter the warehouse at 17789 Harvill Ave. at any given time during the day. This is happening everyday all day long as trucks are idling for hours and obstructing traffic creating very hazardous conditions. Idling trucks are producing far more air pollution particulates and noxious fumes.

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Having two gates and two separate offices one at the east side of the building and one on the west side of the building indicates that Building "D" and "E" are set up for two tenants per warehouse. This is not addressed in the EIR. Traffic studies, air quality studies, noise studies, health and safety concerns for the community are not adequately addressed in the EIR. Both Building "D" and "E" are adjacent to and very close to hundreds of rural residents.

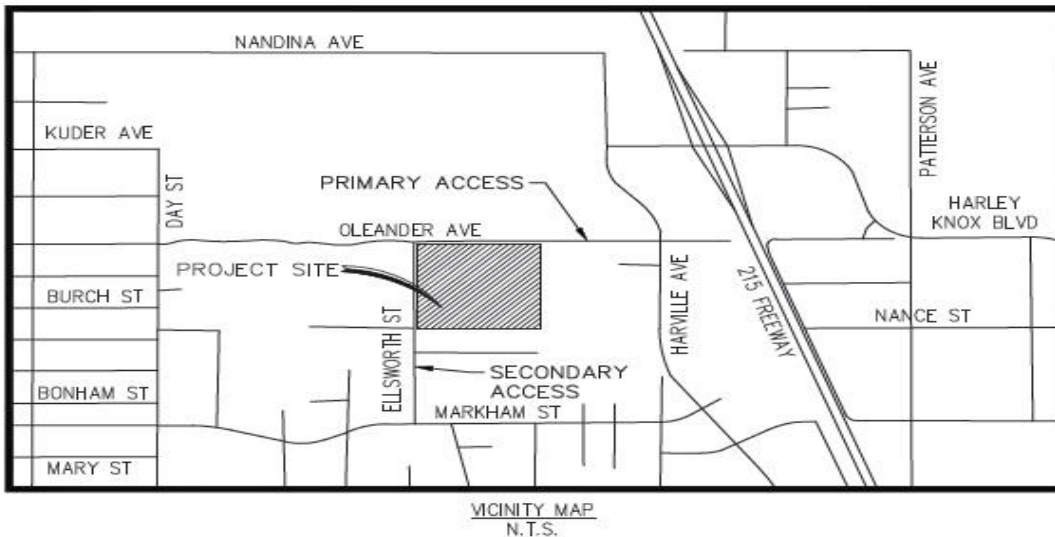


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Building D showing Gate 1 that allows 6 trucks to queue on site. Trucks will be lining up traveling west on Oleander requiring trucks to turn left into Building "D" or "E" from Oleander increasing idling time as trucks wait to enter the building and turn left.

Seventh.

Another issue of concern is that children are coming from Moreno Valley to Citrus Hill High School located at Markham and Wood Road. Hundreds of vehicles are traveling on Markham every day as parents take their children to and from school Monday through Friday. The cars are bumper to bumper from Harley Knox to Markham to Wood Road. This has not been addressed in the traffic study or any other portion of the EIR. Adding logistics trucks to Markham increases the pollution, noise and dangerous conditions to our residents and children.



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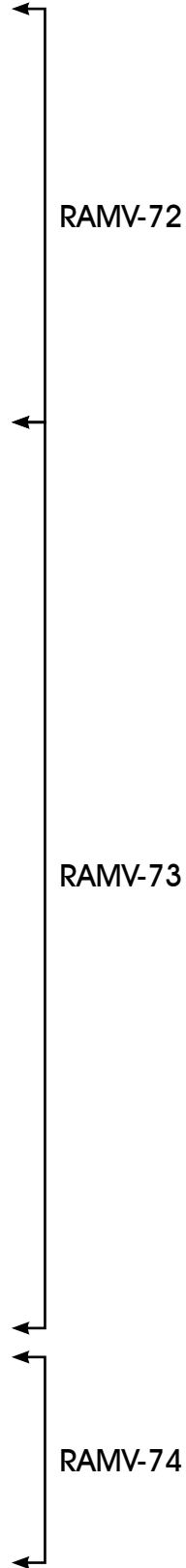
The site plan indicates that Old Oleander will be the Primary Access and Ellsworth / Decker will be the secondary access for trucks coming into and leaving Building D and E. This has not been evaluated in the EIR as there are a host of very serious concerns using Ellsworth / Decker Road south of the project for any logistic truck access or any type of vehicle traffic or activity.

Ellsworth Street/ Decker Road improvements as indicated in the project EIR will consist of the area from Oleander to the south property line. Decker Road from the project south property line to Markham is an unimproved dirt road that is not County maintained and therefore not adequate for heavy truck traffic. Decker Street has pot holes, speed bumps and certainly not up to any standards that would meet CEQA guidelines for this project. Issues of concern include: dust, noise, vibration, air pollution, health and safety as these trucks drive down our rural neighborhood streets. The intersection at Markham and Decker has severe line of sight obstruction as Markham goes up a hill and has an "S" curve obstructing the view of vehicles turning onto Markham from Decker Road. This road is so dangerous that K-rails were installed to keep cars from running off the road into homes. None of these adverse impacts were assessed in the EIR. There is no stop sign or signal light at Markham and Decker.



Ellsworth / Decker Street at Markham looking west. No stop sign or street sign. Just had an accident at this intersection on March 31, 2018.

Logistics Trucks for Buildings "D" and "E" will be coming down the hill on Markham using their Jake Brakes in this rural neighborhood. The noise will be intolerable and 24-7.





RAMV-75

Markham along the top of the hill showing K-rails used to protect homes. K-rails are not going to stop a logistics truck from exiting the road along this steep grade on Markham Street. The view of the entire Perris Valley can be seen from the hill along Markham.



RAMV-76

Day Street at Cajalco

Trucks will try to gain access onto Markham using Decker as a shortcut to Cajalco Road traveling to Day Street. Trucks will either access Harvill Ave. or Decker Road as they go to and from the ports. It is obvious that Harvill Ave is already having Level of Service issues that are

significant and should be rated LOS D. Markham is also at a level LOS E during school drop off and pick up times as cars are bumper to bumper from Harley Knox all the way to Wood Road.

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Eighth.

No signal lights are indicated on the EIR for intersections at Oleander and Decker Road or Decker at Markham or Markham at Day Street or Cajalco at Day Street. The EIR does not analyze the time frame for future building projects that will complete Oleander to full width. Oleander dead ends at the western boundary of Building "E".

RAMV-77

The traffic study does not address the additional truck traffic impacts to the rural communities of Mead Valley, Greater Lake Mathew and the City of Riverside. Once trucks access Markham Street they can find a number of routes that lead to Van Buren Blvd, Cajalco Road and El Sobrante instead of using the very congested I-215 and I-60 freeways to the I-91. The impacts of using other routes that transverse though rural communities has not been adequately analyzed in the EIR. There are a number of elementary schools and middle school near Cajalco and Clark Street, a library, a community center and senior center. The impacts to these sensitive receptors has not been addressed in the EIR as hundreds of trucks from the Project will be using Cajalco Road which passes a number of public facilities. Logistics trucks can be seen every day now using Clark to travel to Cajalco passing by a Middle School and Elementary School at Martin X Clark and Dawes X Clark. This was not included in the EIR traffic study.

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RAMV-79

Idling trucks have impacts on the entire region as the difference between idling for 5 minutes and 2 hours produces 24 times as much air pollution per truck. That would be 720 times as much for 30 trucks and then multiply by the hours of the day that new trucks are entering the line at 17789 Harvill Ave. Future impacts of additional warehouses and their idling trucks has not been analyzed in the EIR. This constant idling during the day with hundreds of trucks adds up to considerable health impacts that are not being addressed in the EIR. Multiple tenants are part of the problem as it takes longer to process each truck into the facility. The EIR has not addressed the impacts of multiple tenants for Building "E" and "D". The lack of lanes and turn lanes on Oleander Ave. as trucks are turning left into both Building "D" and "E". Both Building D and E need dedicated turn lanes along Old Oleander Ave and these lanes should allow for up to 30 trucks to safely access these facilities at one time. Currently building "D" allows for 10 trucks to enter and exit the facility behind the access gate.

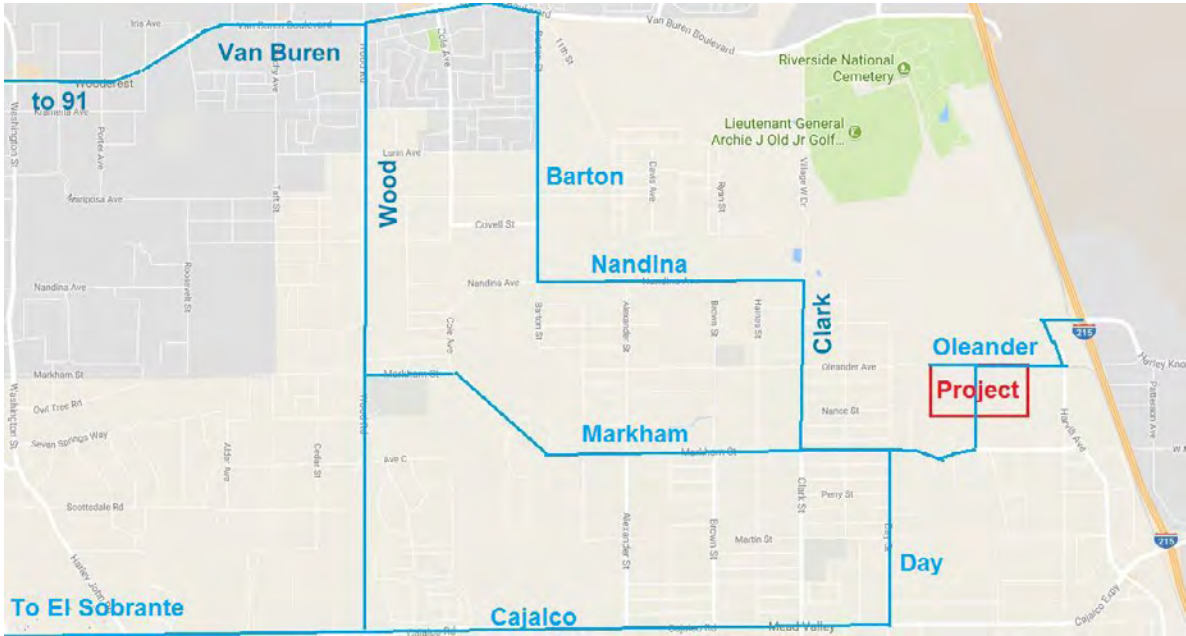
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RAMV-81

Ninth.

The EIR indicates that there is no funding and therefore no new improvements will be made along the I-215 to add lanes to the off and on ramps on Harley Knox Blvd or to the I-215 Freeway far into the future. The EIR does not address the accumulative traffic impacts due to additional future warehouses that are planned for the area along the I-215 and I-60 Freeways that will add substantial truck traffic to the freeway system. Additional high cube warehouses are planned for Sycamore Canyon Industrial Park, Meridian Business Park, Perris warehouses and Moreno Valley 40 million Sq. Ft. World Logistics Center. The City of Perris is also adding high cube warehouses to their area that will be using the I-215 Freeway.

RAMV-82



RAMV-82
(cont.)

Routes that logistics trucks from the warehouses in this project will be taking to get to the ports of LA and Long Beach. EIR 546 has not adequately evaluated the impacts of using these roads to get to the ports. Other streets would include Clark, Brown and Alexander and Wood Road.

Tenth.

Noise is not adequately evaluated in the EIR. Noise Barriers must be reevaluated to conform to Federal Transportation Guidelines to be effective in protecting residents especially those who live next door. The EIR must provide an adequate buffer between rural homes and Building D and E. WRCOG and SCAQMD guidelines require 1000 foot buffer to adequately protect residents from the negative impacts of high cube warehouses. **Buffers must measure between the end of the property line and the warehouse.**

RAMV-83

4.4 Barriers

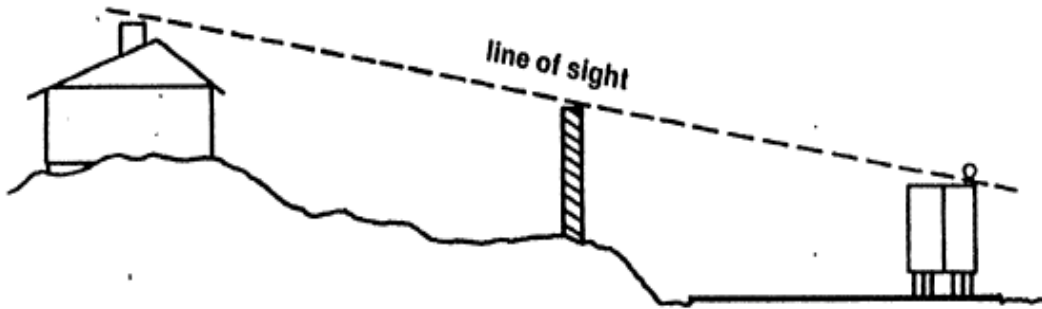
A noise barrier is an obstacle placed between a noise source and a receiver which interrupts the path of the noise. They can be made out of many different substances:

1. Sloping mounds of earth, called berms
2. Walls and fences made of various materials including concrete, wood, metal, plastic, and stucco.
3. Regions of dense plantings of shrubs and trees
4. Combinations of the above techniques

RAMV-84

The choice of a particular alternative depends upon considerations of space, cost, safety and aesthetics, as well as the desired level of sound reduction. The effectiveness of the barrier is dependent on the mass and height of the barrier, and its distance from the noise source and the receiver. To be effective a barrier must block the “line of sight” between the highest point of a

noise source, such as a truck's exhaust stack, and the highest part of the receiver. This is illustrated in Figure 4.16.



4.16 To be effective, a barrier must block the “line of sight” between the highest point of a noise source and the highest part of a receiver.

To be most effective, a barrier must be long and continuous to prevent sounds from passing around the ends. It must also be solid, with few, if any, holes, cracks or openings. It must also be strong and flexible enough to withstand wind pressure.

Safety is another important consideration in barrier construction. These may include such requirements as slope, the distance from the roadway, the use of a guard rail, and discontinuation of barriers at intersections.

Aesthetic design is also important. A barrier constructed without regard for aesthetic considerations could easily be an eyesore. A well-designed berm or fence can aesthetically improve an area from viewpoints of both the motorist and the users of nearby land (FHA: Physical Techniques to Reduce Noise Impacts).

https://www.fhwa.dot.gov/ENVIRonment/noise/noise_compatible_planning/federal_approach/audible_landscape/al04.cfm

Role of Topography

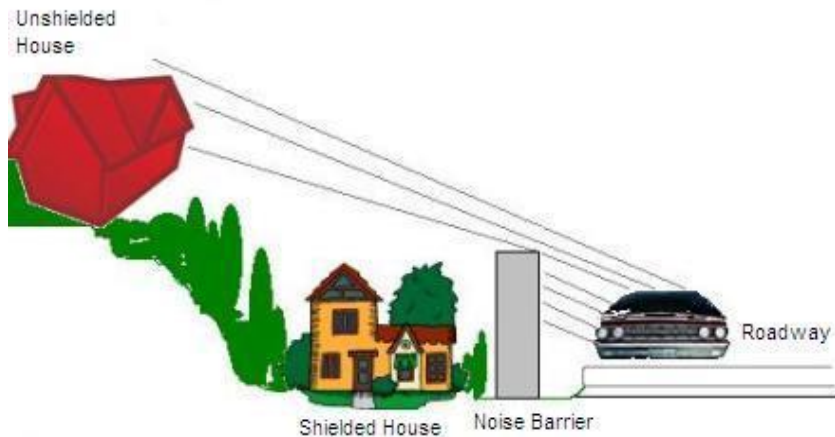
To work effectively, the barrier must be high enough and long enough to block the view of the road from the area that is to be protected. Sound barriers do very little for homes on a hillside overlooking a road.

RAMV-84
(cont.)

RAMV-85

RAMV-86

RAMV-87



Source: FHWA Website

As seen above, the house at the bottom of the hill is protected by the sound barrier, but the one on top of the hill (overlooking the roadway) is not.

In addition, buildings higher than barriers, homes scattered too far apart, and openings in noise barriers for driveway connections or intersecting streets are not good areas for sound barriers. In some cases, SHA can offer alternatives to help reduce noise levels. These alternatives are evaluated on a case-by-case basis consistent with Federal guidelines (Sound Barriers Guideline – Highway Traffic Noise, <http://www.roads.maryland.gov/Index.aspx?PageId=827>)

RAMV-87
(cont.)



Sound walls are up to 8' tall and smoke stacks for trucks are 11.5' tall. Buildings are being proposed lower than ground level. Because of line of sight angle from the proposed project to homes the sound walls offer little or no protection for rural residents living near this project and

Eleventh.

E3.0 PROJECT DESCRIPTION

1. Earthwork and Grading

Grading would occur over the entire Building E Site; no portion of the site would be left undisturbed. Proposed earthwork activities would result in approximately 80,000 cubic yards of cut and 80,000 cubic yard of fill. Based on the expected shrinkage and compaction of on-site soils, earthwork activities are expected to balance and no import or export of earthwork materials would be required.

When grading is complete, manufactured slopes ranging from approximately four to 15 feet in height would occur along the south, east, and west perimeters of the property, and the Building E property would have a slight west-to-east-slope, as depicted on Figure 3-14, *Conceptual Grading Plan – Building E Site*. After grading, the highest point of the property would be its southwest corner (approximately 1,630 AMSL) and the lowest point of the property would be at the bottom of the detention basin near its northeast corner (approximately 1,588 AMSL). To accommodate the proposed grading concept, retaining walls ranging in height from one to seven feet tall would occur on the property. Also, a mechanically stabilized earth wall up to 18 feet in height is proposed along the west and south sides of the proposed water quality basin (Knox Building Park Buildings D and E Environmental Impact Report No. 546, pg. 3-19).

RAMV-88

The EIR does not adequately assess noise and pollution impacts along the western, eastern and southern portion of Building "E". Retaining walls will not reduce noise pollution to safe levels due to line of sight view from Building "E" to Nance Street, the western portions of Oleander and south of Building E. The description of earth walls and retaining walls is not clear as to height and location so that an adequate assessment can be made. Both Buildings D and E will be up to 14' below grade. This was not evaluated in the EIR as the height of the buildings at ground level would affect the noise impacts, air pollution, light trespass, and possible hydrology impacts from water flowing from the nearby hills and arroyos.

RAMV-89

Twelfth.

There are numerous biological and cultural resources not adequately analyzed in the EIR.

A PHASE I AND II CULTURAL RESOURCES ASSESSMENT FOR THE DECKER PARCELS II PROJECT document is outdated and no longer reflects the current cultural assessments for Building Site "E" or "D". Additional information related to this project site cultural resources was submitted to the County after April 29, 2016.

RAMV-90

The EIR does not reflect this new information. The Soboba and Pechanga Tribes feels that the artifacts and area are very culturally sensitive. Preservation of these cultural sites (boulders) and artifacts is extremely important. Any cultural artifacts should be returned to the Saboba or Pechanga Tribes

Over 20 years ago before the water tank was built, I met with archeologist Daniel McCarthy from the UCR Eastern Research Center who went over the cultural significance of this site. The entire area proposed for Building E and D have significant cultural artifacts and are part of a historic Native American Village.

RAMV-91

The EIR does not adequately analyze rock blasting impacts to Cultural resources on and off this project site.

RAMV-92

Biological Resources include burrowing owls, black tailed rabbits, quail, hawks and roadrunners have not been adequately analyzed and addressed. This area is part of a wildlife corridor from the Motte Reserve to the Sycamore Canyon Wilderness Park. Burrowing Owls have thrived in this area for years and their numbers are twiddling rapidly. At the present rate of habitat destruction the owls will be extinct in Riverside County is just a few years. Borrowing Owls are a species of special concern and may soon be considered for the Federal or State endangered species list.



RAMV-93

Pictures that I took of Burrowing Owls at the Project Site on July 3, 2017. There are a number of nesting Burrowing Owls at the project site for GPA 1151 & 1152. The EIR for the Burrowing Owl study is outdated and does not reflect the current numbers, habitat and nesting pairs on the Project site. The EIR must be reevaluated for Burrowing Owls on and near the project site as months of grading and rock blasting will have negative impacts on Burrowing Owls nesting and living in the area.

As part of proposed grading activities, blasting would be necessary in hard rock areas in the southern portion of the Building D Site boundaries. Based on the excavation plans prepared on June 16, 2015, by the Henry-Ann Company, rock blasting within the Building D Site is expected to include the drilling of up to 5,253 holes in the largest area, in which small charges would be placed to fragment the rocks into smaller, crushable pieces. Approximately 112,090 cubic yards (c.y.) of rock is expected to be produced during proposed blasting activities, which would be crushed and used on the Project site as construction base. An electric rock crusher powered by a 300-horsepower diesel generator is proposed to further break down the fragmented rocks. The Project Applicant calculates that approximately 2,759 tons of rock would be processed on the Project site per day during the blasting and rock crushing phase of construction (approximately 65 working days) (Urban Crossroads, Inc, 2016a, pp. 31-32).

RAMV-94

Rock Blasting would also need to take place on the lot for Building "E".

The EIR greatly understates construction impacts at the site where construction is anticipated to occur for almost 2 years (23 months), eight hours a day, five days per week. Substantial blasting (drilling 5,253 holes in the largest area) and subsequent rock crushing operations would be necessary to crush approximately 2,759 tons of rock onsite per day for 65 days. Rock crushing and blasting was not adequately considered in the EIR terms of impacts to hazards, noise/ vibration, cultural resources, and biological resources.

Rock blasting impacts on Burrowing Owls within the area between Harvill, Day Street, Nandina and Markham have not been adequately considered especially during the nesting season.

RAMV-95

Burrowing Owls, a California Species of Special Concern, live in the ground in the vicinity of the blasting area and would be greatly impacted by the vibrations and noise from months of constant rock blasting. Owl reproduction may cease altogether. Fledglings may be greatly impacted by the noise and vibration. The Burrowing Owl habitat will be destroyed and the birds will die.

RAMV-95
(cont.)

The EIR does not address night time construction mitigation measures as warehouses are concrete tilt up buildings where the concrete is poured at night. Light trespass and noise are a big concern and have been a huge problem with a current high cube warehouse now under construction by this same company nearby. Many wildlife are nocturnal and would be adversely impacted by night time construction lighting and noise.

RAMV-96

Thirteenth.

3.5 OPERATIONAL CHARACTERISTICS

"At the time this EIR was prepared, the future user(s) of proposed Buildings D and E were unknown; however, the Project Applicant expects the buildings to be occupied by high-cube warehouse users. The proposed warehouse buildings are not designed to accommodate an occupant that requires cold storage (i.e., refrigeration); therefore, the analysis in this EIR assumes that the proposed buildings would not house a tenant that uses cold storage" (SCH No. 201508108, Page 3-31).

RAMV-97

There are indications that both Buildings "E" and "D" will be leased and will have multiple tenants and therefore should require refrigerated hook-ups. There is no way to predict who will be leasing these buildings over the years. With four tenants the chances that cold storage will be needed is fairly high. Both buildings have multiple office spaces and entrances with entrance gates. It would be very easy to divide these buildings in half with a wall so that you would in affect have two leased facilities. The EIR does not assess the impacts of (4) tenants leasing the buildings instead of two. The added impacts from creating 4 facilities instead of 2 needs to be thoroughly evaluated in the EIR. The current warehouse at 17789 Harvill Ave. has tenants that use cold storage. The EIR is flawed in its lack of analysis for cold storage uses and refrigerated hook-ups.

MM 4.3-3 (Applies to the Building D Site and the Building E Site) Within six months of building occupancy, signs shall be posted at the building informing truck drivers about the health effects of diesel particulates, the California Air Resources Board diesel-fueled vehicle idling regulations, and the importance of being a good neighbor by not parking in residential areas. Developer and all successors shall include this obligation in all leases of the Project so that all tenants shall fulfill the terms and conditions of this County condition of approval (Knox Business Park Bldgs D and E EIR-4, page S-18).

RAMV-98

Violations of MM 4.3-3 are taking place at Knox Business Park warehouse at Old Oleander and Harvill Ave. with a large number of trucks idling for hours, trucks parking along streets next to homes with their trucks idling as the truck drivers sleep, truck trailers and trucks parked outside of the truck parking stalls and along the north end of the warehouse at 17789 Harvill Ave. There is no enforcement of these rules. EIR 546 must include a detailed accounting of how

RAMV-99

enforcement of these mitigation measures will be addressed.

RAMV-99
(cont.)

Fourteenth.

Fire access appears to be lacking with all fire access through the entrance gates on the north side of Building "E" and "D". What will be stored in these facilities over time? There are a number of hazardous materials that could pose serious health and safety concerns if they were to catch fire, explode or spill. This problem is magnified considering the distance from a number of neighborhoods adjacent to Building "D" with no buffer between homes. There are just three entrances at the north end along Old Oleander Ave. There appears to be a lack of access along the east, west or south of buildings E and D. With the steep slopes up to 17', water basins blocking the east side and residents along the south side of these buildings it appears that fire access would be difficult if trucks are lined up along the entrances. The EIR does not evaluate fire access concerns due to limiting access to the north side of the buildings.

RAMV-100

Cal -Fire letter states: "The Riverside County Fire Department would also like to comment that, The Proposed project will have a cumulative adverse impact on the Fire Department's ability to provide an acceptable level of service. These impacts include an increase in the number of emergency and public service calls due to the increased presence of structures, traffic and population. The project proponents/developers will be expected to provide for a proportional mitigation to these impacts via capital improvements and/or impact fees." (Bill Lawe Fire Captain Cal Fire/ Riverside County Fire Department Strategic Planning Division).

RAMV-101

Fifteenth.

Jobs.

"Because users of the Project's buildings are not yet known, the number of jobs that the Project would generate cannot be precisely determined; therefore, for purposes of analysis, employment estimates have been calculated using data and average employment density factors utilized in the County of Riverside General Plan. The General Plan estimated that light industrial business would employ one (1) worker for every 1,030 s.f. of building area. Based on this employment generation rate, the Project is expected to create approximately 1,081 new, recurring jobs" (1,113,627 s.f. ÷ 1,030). (Riverside County, 2016 Appendix E, Table ES-5). SCH No. 201508108, Page 3-32.

The General Plan job estimates are completely outdated and obsolete as most logistics high cube warehouse facilities are moving toward complete automation and robotic technology that requires just a handful of employees to run a huge logistics warehouse facility. This technology will soon be fully functioning in the logistics industry. Building "E" and "D" for massive logistics warehouses attempts to replace the current Business Park land use zoning (Riverside County General Plan – Mead Valley Area plan) that actually creates a large number of real permanent jobs versus the massive logistic warehouses that will have a handful of tech employees that repair and maintain the equipment and software, a few managers and office staff.

RAMV-102

The EIR does not address the true estimates of jobs being created by this Project. A true estimate is difficult to predict, but it is a fact that within the next few years and very possibly by the time that these warehouses are built, the automation and robotic technology will have

eliminated a large portion of the 1,081 jobs estimated to occur. It is hard to know if trucks will be driverless, but certainly the workers within the facilities will be very limited in numbers. The EIR for this project is extremely flawed in the assumption that over 1,000 jobs will be created.

"Envision a self-guided forklift streaming down a narrow aisle, feeding inventory into a rack system towering 40 feet above the warehouse floor, while an auto-guided mini-robot transports outbound inventory to fulfillment stations lit up like holiday lights, enabling order processing of up to 2,400 picks per hour. As the perfect order is complete, a high-speed conveyor shuttles packages toward a stationary robot, which loads the contents into a driverless tractor-trailer. Could this be a look into the warehouse of the 22nd century? Nope, it's the modern distribution center of today" (Warehouse Automation: The Next Generation by Charlie Fiveash, January 27, 2016, Inbound Logistics).

RAMV-102
(cont.)

Sixteenth.

Blue Line Stream - Any stream shown as a solid or broken blue line on 7.5 Minute Series quadrangle maps prepared by the U.S. Department of the Interior Geological Survey (USGS). A blue line stream may be any creek, stream or other flowing water feature, perennial or ephemeral, indicated on USGS quadrangle maps, with the exception of man-made watercourses. The United States Army Corps of Engineers uses USGS blue line stream markings as a preliminary indicator of "Waters of the United States". Streams identified on USGS maps in such a manner are therefore generally subject to federal environmental regulations. (Riverside County Flood Control) <http://www.floodcontrol.co.riverside.ca.us/GlossaryTerms.aspx>

FEMA Flood Map Service Center : Search By Address

Locator Map



RAMV-103

Riverside County Flood Map clearly shows a blue line stream traversing across the entire Project site. The blue line stream is part of the wetlands to the west of the project site. All of this is subject to "waters of the United States" are therefore generally subject to federal environmental regulations. The EIR does not adequately analyze the impacts of the blue line stream, hillside arroyo, riparian habitat or the year round stream coming out of the granite cave.

EIR is clearly flawed in their assessment of a Blue line Stream as this stream runs through the entire Project site.

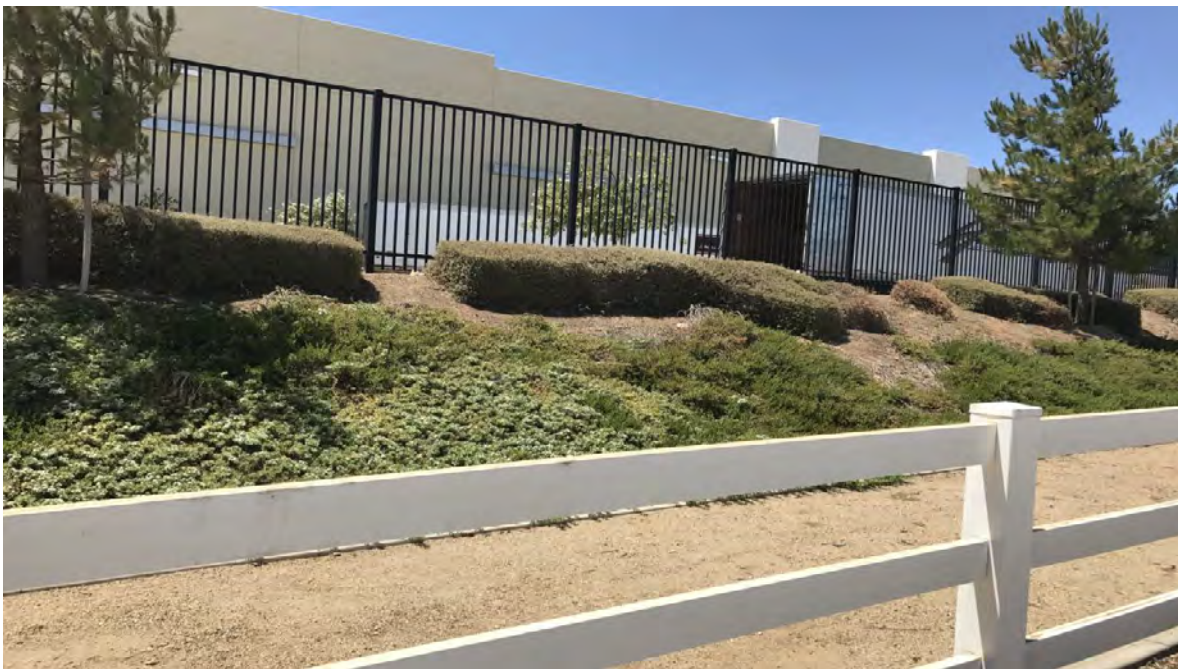
“Erosion Threshold (a) for the Building D Site and Building E Site: No Impact. The Project site does not contain any active streams or rivers, no streams or rivers are located in close proximity to the Project site, and the Project would not discharge water directly to an active stream or river. The Project would be required to prepare and comply with NPDES permits, SWPPPs, and WQMPs, which would treat and filter runoff to reduce erosion. Therefore, no impact to deposition, siltation, or erosion that may modify the channel of a river or stream or the bed of a lake would occur” (Knox Building Park Bldgs "D" and "E" EIR NO. 546, S.0 EXECUTIVE SUMMARY, pg. S-38).

RAMV-104

Seventeenth.

The EIR does not include the WRCOG and SCAQMD good neighbor policy that sets a 1000 foot buffer between sensitive receptors and distribution warehouses. The current proposal for Building "D" has the warehouse project directly next to homes. No setback or buffer as trucks will be traveling from the east side of the warehouse to the west side of the warehouse using a driveway just a few feet from rural property lines. Small walls along the parking spaces will not prevent air pollution or noise from back up beepers, the hazards and dangers of noise pollution, air pollution, vibration and light trespass 24-7. Trucks are able to park outside of the parking stalls along the southern driveway as is occurring right now at the logistics warehouse at Harvill Ave. and Oleander. (WRCOG Good Neighbor Policy Guidelines for Siting Warehouse/ Distribution Facilities). [Good Neighbor Guidelines for Siting Warehouse/Distribution Facilities.](#)

RAMV-105



RAMV-106

Warehouse at Oleander X Harvill has numerous trucks parked outside of the parking stalls along the north side of the building. Trucks are idling along this area, unloading, back up beepers going off day and night. GPA 1151 & 1152 proposed project has this same style of driveway along the south of Building "D" directly adjacent to rural homes. The EIR does not address parking issues

such as this, trucks backed up onto local roads idling for hours as they arrive to unload their goods. Trucks parked in the middle of the road as Harvill was not designed for trucks to park on the shoulder. These same conditions exist for Building "D" and "E" with trucks having to turn left to enter the buildings and limited truck queuing space at the warehouse entrance behind the guard shack. Multiple tenants add to flaws in project design and analysis.

RAMV-106
(cont.)

The SCAQMD recommends prohibiting placement of loading docks or major truck routes within 500 meters or 1640.42 feet from sensitive receptors. (See, <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/chapter-2---air-quality-issues-regarding-land-use.pdf?sfvrsn=2>).

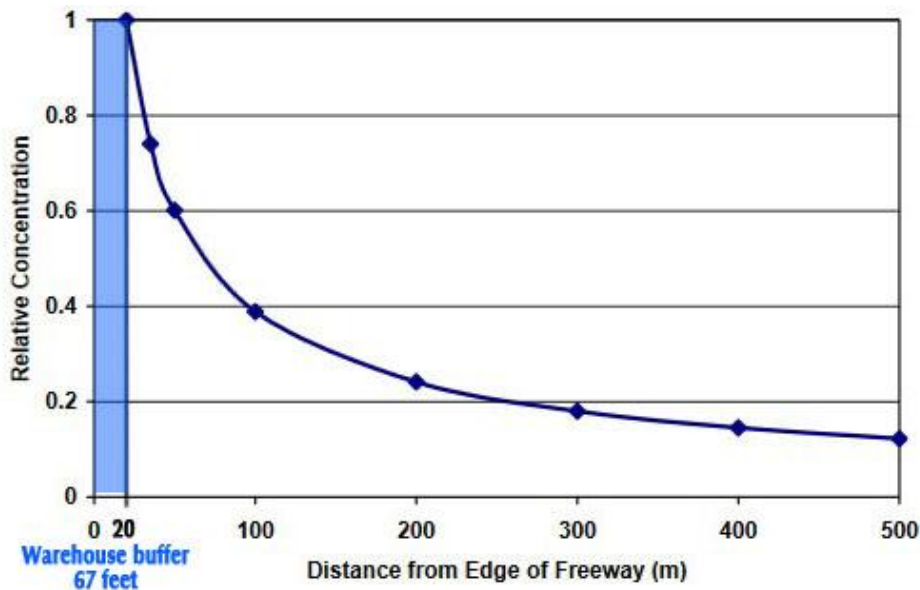
RAMV-107

Eighteenth.

Decker Road a rural dirt road and would be changed into a truck highway with the approval of this project. The EIR has not addressed or analyzed any of the impacts from trucks using Decker Road to access Markham that allows logistics trucks to drive throughout our quite rural neighborhoods to get to the I-91 Freeway instead of using Harvill to get to the I-215 Freeway. Harvill Ave. has always been promised to the community of Mead Valley as the only access route for warehouse trucks and these trucks would access the I-215 Freeway and not our rural roads.

RAMV-108

The EIR for this project changes everything as trucks are designated to use Decker Road as a secondary access for trucks travel. Decker Road currently only travels to Markham Street. The EIR does not analyze the impacts of Decker Road as a secondary route for logistics trucks for this Project.



RAMV-109

<http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/chapter-2---air-quality-issues-regarding-land-use.pdf?sfvrsn=2>

Residents and those using the church including children and seniors living nearby will be greatly impacted by the huge concentrations of ozone and particulate matter from the hundreds trucks using this facility every day. Particulate matter is very small and enters the lungs, brain and cells affecting the young weakening lung function. In Southern California, 5,000 premature deaths every year are attributed to air pollution and particulate matter from diesel trucks.

RAMV-109
(cont.)

Nineteenth

Article from SCAG.

What is Environmental Justice?

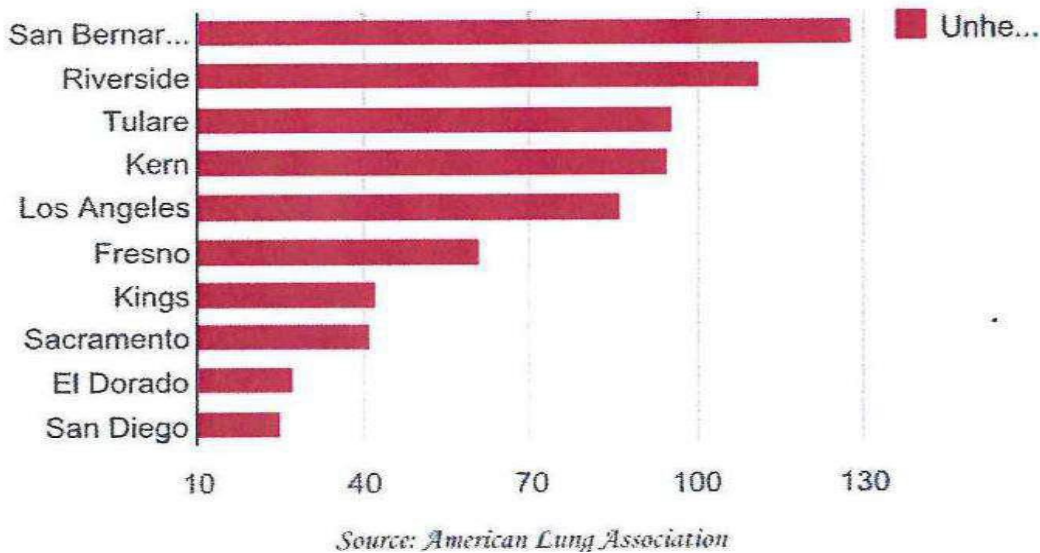
Environmental Justice is about equal and fair access to a healthy environment, with the goal of protecting underrepresented and poorer communities from incurring disproportionate environmental impacts. The SCAG region is demographically and economically diverse, and displays the extremes in household income. The region includes heavily urban and entirely rural areas, as well as terrain that in some instances make achieving air quality goals challenging.

Considerations of Environmental Justice are both good planning practices as well as to meet the federal and state requirements. The federal requirements originated from Title VI of the Civil Rights Act of 1964 (Title VI). Title VI establishes the need for transportation agencies to disclose to the public the benefits and burdens of proposed projects on minority populations. The understanding of civil rights has then been expanded to include low-income communities, in addition to minority populations. In addition to federal requirements, SCAG must comply with California requirements for Environmental Justice.
(www.scag.ca.gov/programs/Pages/EnvironmentJustice.aspx).

RAMV-110

Mead Valley qualifies as an underrepresented and poor community under Title VI of the Civil Rights Act of 1964 (Title VI) with 72% of the residents of Mead Valley being Hispanic or Latino and over 43% of Mead Valley residents living below the poverty level according to the 2010 Census. The EIR does not address Environmental Justice and the impacts on Mead Valley as a minority community.

Most ozone polluted counties in the U.S.



RAMV-110
(cont.)

Twentieth.

The EIR is not in line with the Riverside County Vision and Mead Valley Area Plan.

Riverside County Vision

The simplest way to summarize our vision for Riverside County is to say that:

“Riverside County is a family of special communities in a remarkable environmental setting.”

RCIP - General Plan - Mead Valley Area Plan Vision for the area: "The Mead Valley land use plan provides for a predominantly rural community character with an equestrian focus. This is reflected by the Very Low Density Residential and Low Density Residential land use designations within the Rural Community Foundation Component and Rural Residential designation within the Rural Foundation Component that dominate the planning area."

Certainly this current proposed project is not in line with the vision set forth by the residents of Mead Valley through the Riverside County General Plan and Mead Valley Area Plan.

The current General Plan land use for Mead Valley is overwhelmingly rural community designation: Estate Density Residential, Very Low Density Residential and Low Density Residential. The Mead Valley Area Plan shows most of the zoning for proposed Building "D" and "E" to be Business Park that allows for a buffer between residential and businesses.

Page 52. MVAP 21.1 Identify ridgelines that provide a significant visual resource for the Mead Valley planning area through adherence to the policies within the Hillside Development and Slope section of the General Plan Land Use Element.

RAMV-111

http://planning.rctlma.org/Portals/0/genplan/general_plan_2013/1%20General%20Plan/Chapter%20203-Land%20Use%20Element%20Adopted-Final%20Clean.pdf

Hillside Development & Slope

Natural slopes are one of Riverside County's primary aesthetic resources. Foothill and mountain areas, which are visible throughout the County, create a dramatic backdrop for local communities and help define the character of the County.

Hillside areas also provide an important location for habitat as well as for certain lifestyle choices. In addition, there are public safety issues, such as slope failures, landslides, and mudslides, that occur naturally or as a result of development, grading, and landscaping. The severity of these slopes, the ability to provide infrastructure and services (such as transportation, water, sewer, etc.), and safety considerations can drastically alter the use and development potential of individual properties.

Development on hillsides within the County, where land use designations permit, will require careful siting, grading, and design in order to minimize exposure to hazards and to maintain and enhance the scenic quality of the County (Page LU-34).

EIR does not adequately address the Hillside Development and Slope Land Use Element of the General Plan. Hillside areas are important locations for wildlife habitat and to preserve the scenic quality of the County.

- EIR is fatally flawed. Building "D" and "E" are two separate high cube warehouses being considered as one project. **This type of piecemealing or segmentation is not allowed under CEQA. Therefore EIR 546 must be revised and recirculated so that this error to piecemeal the project can be corrected.**
- The EIR assessment for Building "E" on the west side of Decker road has been modified substantially in the number of the parcels and size of the building. Modification to the EIR for Building "E" describe different scenarios in regards to traffic flow, differing elevation height measurement of the building and various other inconsistencies that effect every aspect of the Draft Environmental Impact Report.
- Future Trammel Crow project phases are not included in the EIR for this project as required by CEQA. The impacts of future high cube warehouses for the area such as truck traffic, noise, air pollution, light trespass, etc. have not been adequately evaluated.
- EIR 546 does not adequately address the impacts of air quality, noise, truck traffic impacts to sensitive receptors (rural residential property) that abuts this project. EIR 546 not only fails to meet CEQA guidelines, but also falls short of the Riverside County General Plan - Mead Valley Area Plan and General Plan Vision for land use with NO buffer between sensitive receptors and Building "D" as well as sensitive receptors a short distance away in the nearby hills to the west and south. The EIR must address air quality, including a health risk assessment of diesel particulates and impacts to sensitive receptors, truck traffic and noise, and the cumulative impacts of reasonably foreseeable warehouse development in the area (Mead Valley Area Plan, pg. 32).

RAMV-111
(cont.)

RAMV-112

RAMV-113

RAMV-114

RAMV-115

RAMV-116

- Truck and vehicle traffic is not adequately addressed in the EIR. Two main entrances along Oleander are indicated on Building "D" & "E" Site Plans. These plans also indicate two distinct offices with one at the northwest and one at the northeast corners of Building "D" & "E" This indicates that buildings "E" and "D" will have more than one tenant. Impacts from multiple tenants are not addressed in the EIR. Similar warehouse at 17789 Harvill owned by Trammel Crow has multiple tenants which is creating a number of serious violations of CEQA and CARB. Trucks idling for hours as they are queuing to enter the facility. Lining up in the roadway of Harvill Ave. blocking traffic. Idling within the facility for hours. Parking in unauthorized areas because truck trailer parking is full.

RAMV-117

- Ellsworth Street / Decker Road is set as the secondary access for Building "E" and "D". EIR fails to adequately evaluate and disclose project impacts from allowing truck access past the improved sections of Ellsworth / Decker Road. This is an unimproved dirt road with pot holes, speed bumps and uneven surfaces that is certainly not up to any standards that would meet CEQA or AQMD guidelines for noise, dust, vibration and air quality.

RAMV-118

Additional issues of concern include: dust, noise, vibration, air pollution, health, light trespass, and safety as these trucks drive down our rural neighborhood streets. The intersection at Markham and Decker has severe line of sight obstruction as Markham goes up a hill and has an "S" curve obstructing the view of vehicles turning onto Markham from Decker Road. Markham is so dangerous that K-rails were installed to keep cars from running off the road into homes. Trucks will be using Jake Brakes going up and down the hill on Markham 24-7. None of these adverse impacts were adequately evaluated in the EIR.

RAMV-119

- Portions of Ellsworth / Decker Road must be closed to Truck traffic going south from Building "E" and "D" due to adverse impacts from truck traffic in a rural residential neighborhood. Guard rails need to be installed to close the road to through truck traffic.

RAMV-120

- The EIR underestimates the impacts of having one access road if Decker / Ellsworth is closed off to truck traffic. Oleander is listed as the primary access road. Oleander intersects Harvill Ave. passing the warehouse at 17789 Harvill Ave. that is currently receiving a number of complaints due to serious CARB violations. Trucks idling on and off the premises for hours. Trucks parking in unauthorized areas instead of truck parking spaces. Trucks that are idling next to a residential home for hours. Trucks in the middle of the road blocking traffic as they try to line up to get into the facility. These impacts have not been addressed or evaluated in EIR 546.

RAMV-121

- EIR is inconsistent in the analysis of the buildings height, slopes, sound walls, noise pollution, and air pollution. The EIR underestimates the impacts of Truck traffic to the communities of Mead Valley, Orangecrest, Woodcrest and Greater Lake Mathews and city of Riverside. Allowing Decker / Ellsworth as the secondary access encourages heavy truck traffic to travel throughout our rural communities using local country roads and highways.

RAMV-122

- USGS Blue line stream traverses through the entire length of the project site. Wetlands are part of the streambed. The EIR does not adequately address this stream “Waters of the State”.
- The EIR does not adequately address rock blasting noise and vibration for months directly next to homes with inadequate notice.

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RAMV-123

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RAMV-124

This proposed change is an assault on our rural equestrian lifestyle. Proposed General Plan Amendments and zone changes propose to change land use from rural to industrial zoning instead of Business Park and inside of our rural equestrian community next to homes. Eliminating critical trails. These logistics distribution warehouses will destroy the quality of life for not only residents in Mead Valley, but for the entire region as the accumulation of massive logistics warehouses and their logistics trucks creates havoc on our local roads, increases noise pollution beyond the allowable state standards, adding to the worse air pollution in the nation, decreases the level of service LOS on our roads to "E" and "F" which is far below state standards. Noise levels from backup beepers, trucks idling and trucks moving along Oleander and Decker are above the threshold of allowable CEQA standards. Using rock blasting for months on end directly next to rural homes, cultural and biological resources have not been adequately evaluated in the EIR. The area along Day and Nance is known for its tremendous scenic view of the mountains and hills from Moreno Valley to Perris Valley and beyond will be destroyed. These scenic resources were not analyzed in the EIR.

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RAMV-125

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RAMV-126

Conclusion

EIR 546 is fatally flawed and must be substantially revised and recirculated to correct numerous and significant flaws, errors and omissions much of which are included in this letter. Additional mitigation measures will need to be included into any future Environmental Impact Reports regarding GPA 1151 & GPA 1152.

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RAMV-127

The Rural Association of Mead Valley is totally opposed to this proposed project of General Plan Amendments GPA 1151 & 1152 and request for zone changes from Business Park land use to Industrial Park so that two massive logistics warehouse can be built directly next to homes in the middle of our rural community.

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RAMV-128

Sincerely,

Debbie Walsh
President, Rural Association of Mead Valley