



South Coast Air Quality Management District

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Rebecca Deming, Director
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Review of the Addendum to the Heartland Specific Plan Certified EIR

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. SCAQMD staff is concerned that the proposed project is being considered for approval without adequate review pursuant to the California Environmental Quality Act (CEQA). Based on our concerns listed in the attachment, we strongly recommend that the city council conduct a more robust CEQA analysis for this project prior to considering its approval. Without this level of review the project appears to have potentially significant air quality impacts that have not been disclosed, and mitigation has not been adequately considered to reduce these impacts. We note that this project is one of the largest individual warehousing projects that our staff has ever seen.

In particular, the air quality analysis contains several fundamental flaws in its assumptions that yield unrealistic estimates of potential impacts. These include using many non-standard parameters such as: utilizing a trip length of less than 9 miles for these regional distribution centers and assuming only 4% of vehicles accessing the site would be heavy duty diesel trucks. In addition, several other non-standard methods contribute to an inadequate CEQA analysis, including using an inappropriate baseline, using non-approved software, and neglecting localized and health risk impacts. As an example, SCAQMD staff estimates that regional NOx emission from this project could exceed 2,500 pounds per day, yet the air quality analysis only estimates about 100 pounds per day. This discrepancy results in significant impacts for which no mitigation has been considered.

Lastly, by only preparing an EIR Addendum, the lead agency has not provided the public or our agency adequate time to review the proposed project. Indeed, our agency only was informed of this project yesterday by a member of the public. Given the significant impacts from this project, a more thorough CEQA analysis must be prepared that provides adequate time for review and comment.

SCAQMD staff looks forward to working with the lead agency to address air quality impacts from this and future projects. Should you have any questions, don't hesitate to contact me at (909) 396-3244.

Sincerely,

A handwritten signature in black ink that reads "Ian V. MacMillan". The signature is written in a cursive style with a large initial "I" and "M".

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

Attachment

RVC130604-01
Control Number

Project is Substantially Different than Previously Approved Specific Plan

The proposed 5 million square foot warehousing project is substantially different than the currently approved project composed of mostly single family housing. Further, the existing Specific Plan is relying on an EIR that is approximately 20 years old. CEQA Guidelines 15162 and 15164 describe the situations where EIR Addendums are an appropriate level of CEQA review. In particular, they are not appropriate when “substantial changes are proposed in the project which will require major revisions of the previous EIR . . . due to the involvement of significant new environmental effects, or a substantial increase in the severity of previously identified significant effects.” The conversion of a 20 year old project with residential land uses to industrial with heavy truck use must be considered a substantial change given the significant air quality impacts indicated below. Because of these substantial changes, a more thorough level of review is required under CEQA.

Methodology

The air quality analysis used several methodologies that substantially underestimate potential air quality impacts from this project. They include:

- Assuming trucks accessing this project site will only travel 9 miles per trip on average. These types of warehouses typically are regional or national distribution hubs that send and receive trucks from the ports (90 miles away), out of state (>40 miles to basin boundary), or other regional destinations significantly beyond 9 miles from the site.
- Assuming that only 4% of the vehicles using the warehouses will be heavy duty diesel trucks.
- Using a test “beta” version of CalEEMod software that has not been recommended for use by any air district.

A quick analysis using approved software, along with a more typical 40% truck fleet mix, and a 50 mile average trip length indicates that ***the project may have regional NOx emissions over 3,000 pounds per day***, substantially above the SCAQMD CEQA threshold and the ~100 pounds per day analyzed within the proposed project’s air quality analysis provided to SCAQMD staff.

Localized Impacts not Analyzed

The proposed project will bring in a substantial number of trucks to a dominantly rural or residential area. If any of these trucks need to access the I-10 freeway going west, they will likely need to travel adjacent to existing homes in Beaumont. The impacts of these localized emissions on nearby sensitive receptors was not analyzed in the EIR Addendum, nor was evidence presented that this impact was analyzed in the existing Heartland Specific Plan EIR.

Health Risk Impacts not Analyzed

Diesel particulate matter is a recognized carcinogen by the state, and a Health Risk Assessment (HRA) is the standard tool to determine if emissions might adversely impact public health. As the project will serve a large number of diesel trucks, a HRA should be conducted to determine if it will impose significant health risks on nearby residents.

Using an Inappropriate CEQA Baseline

The project assumes that the previously approved Heartland Specific Plan is the appropriate baseline to use to compare against the proposed project's impacts. However, both CEQA Guidelines 15125 and case law (CBE vs. SCAQMD, 2010, Case No. S161190) indicate that the existing environmental setting, not the permitted maximum capacity, be used to establish the baseline conditions. As this project does not involve a minor technical change to the existing project, the baseline conditions should be the existing undeveloped setting.

General Plan Land Use not Consistent with AQMP

The proposed change in land use is not consistent with the Air Quality Management Plan (AQMP) and substantial evidence has not been provided to indicate otherwise. The AQMP relies on the Regional Transportation Plan (RTP) to evaluate our ability to achieve federally required ambient air quality standards. The RTP uses existing general plan land uses to determine traffic flows, and hence emissions from transportation sources such as trucks and cars. Given the significantly different land use, and the significant air quality impacts indicated in earlier comments, it is not clear how the proposed project could be consistent with the AQMP. This is another potentially significant impact that has not been adequately disclosed or mitigated.

Potentially Feasible Mitigation not Considered

The proposed project does not appear to contain potentially feasible mitigation measures to reduce air quality impacts, such as cleaner trucks (e.g., trucks that meet 2010 EPA standards, natural gas trucks, etc.), cleaner onsite equipment (e.g., natural gas or electric hostlers and forklifts), onsite solar power generation, etc. These measures have been implemented at similar projects elsewhere in our region and may be feasible for this project.

Inadequate Time for Review

Given the significant issues raised above, neither SCAQMD staff nor the public was provided adequate time to review the analysis of potential impacts from this project. Although several major concerns are raised, SCAQMD staff has not had sufficient time to provide a comprehensive review of the project, nor to thoroughly evaluate potential mitigation measures that could reduce project impacts. With additional time to review a more complete analysis, the public and/or SCAQMD staff may be able to provide more meaningful input that could improve this project and reduce any potentially significant impacts.