



# South Coast Air Quality Management District

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SENT VIA E-MAIL:

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## **Draft Environmental Impact Report (Draft EIR) for the Proposed Majestic Chino Heritage Project (SCH No.: 2019039133)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments include recommended air quality mitigation measures that the Lead Agency should include in the Final EIR.

### South Coast AQMD Staff's Summary of Project Description

The Lead Agency is proposing to construct two warehouse buildings totaling 2,082,750 square feet on 96.6 acres (Proposed Project). Although future building occupants are unknown, it is assumed that Building 1 will operate as a 1,168,710-square-foot High-Cube Fulfillment Center and Building 2 as a 914,040-square-foot High-Cube Fulfillment Center, 100,000 square feet of which will be dedicated towards cold storage uses<sup>1</sup>. The Proposed Project is located on the southwest corner of Mountain Avenue and Bickmore Avenue within the City of Chino. Construction of the Proposed Project is anticipated to occur over a two-year period, from June 2021 through December 2022<sup>2</sup>. During construction a maximum of 940,351 cubic yards of soil may be imported from five off-site locations<sup>3</sup>, resulting in a maximum of 673 one-way haul truck trips<sup>4</sup>. Once operational, the Proposed Project is expected to generate 824 daily truck trips, of which 35 are expected to be equipped with Transportation Refrigeration Units (TRUs)<sup>5</sup>. Upon review of Exhibit 3-B: *Sensitive Receptor Locations From Project and Excess Fill Dirt Sites* in the Draft EIR, South Coast AQMD staff found that the closest residential sensitive receptors are located within 3,594 feet of the Proposed Project<sup>6</sup>.

### South Coast AQMD Staff's Comments

In the Draft EIR, the Proposed Project's regional mitigated construction and operational air quality impacts, particularly from NO<sub>x</sub> emissions, would remain significant and unavoidable. The Lead Agency required the use of Tier 3 or better construction equipment. South Coast AQMD staff recommends that the Lead Agency strengthen the existing mitigation measure to require the use of Tier 4 Final construction equipment and include additional information on the implementation and monitoring for this mitigation measure in the Final EIR. To further reduce the Proposed Project's air quality impacts, South Coast AQMD staff recommends additional air quality mitigation measures for construction and operation be included in the Final EIR. Please see the attachment for more information.

<sup>1</sup> Draft EIR. Section 3. *Project Description*. Pages 3-6 through 32.

<sup>2</sup> *Ibid.* Section 4.2. *Air Quality*. Page 4-2-19.

<sup>3</sup> *Ibid.* Appendix B1: *Air Quality Impact Analysis*. Page 43.

<sup>4</sup> *Ibid.* Page 46.

<sup>5</sup> *Ibid.* Page 50.

<sup>6</sup> *Ibid.* Pages 55 through 58.

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project. Further, if the Lead Agency makes the findings that the recommended revisions to the existing air quality mitigation measure and additional recommended mitigation measures are not feasible, the Lead Agency should describe the specific reasons supported by substantial evidence for rejecting them in the Final EIR (CEQA Guidelines Section 15091).

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Alina Mullins, Assistant Air Quality Specialist, at [amullins@aqmd.gov](mailto:amullins@aqmd.gov) if you have questions or wish to discuss the comments.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS:AM

SBC200522-01

Control Number

**ATTACHMENT****South Coast AQMD Staff's Summary of the Air Quality Analysis and Health Risk Assessment**

In the Draft EIR, the Lead Agency quantified the Proposed Project's construction emissions and compared those emissions to South Coast AQMD's recommended localized and regional CEQA significance thresholds for construction. The Proposed Project's localized construction air quality impacts were found to be less than significant<sup>7</sup>. The Proposed Project's regional construction air quality impacts were found to be significant for nitrogen oxide (NOx) emissions at 262 pounds per day (lbs/day)<sup>8</sup>, which is above South Coast AQMD's regional air quality CEQA significance threshold for construction at 100 lbs/day. The exceedance of NOx emissions would be primarily due to haul trucks trips related to soil import activities<sup>9</sup>. To reduce the Proposed Project's air quality impacts from construction, the Lead Agency is committed to Mitigation Measures (MMs) 4.2-1 through 4.2-3. MMs 4.2-1 through 4.2-3 require compliance with South Coast AQMD's Rule 403 – Fugitive Dust, including Rule 403(e), which has special requirements for large operations containing 50 or more acres of disturbed area<sup>10</sup>; Rule 1186 – PM10 Emissions from Paved and Unpaved Roads and Livestock Operations<sup>11</sup>; and Rule 1186.1 – Less Polluting Street Sweepers<sup>12</sup>; that all construction equipment greater than 150 horsepower (hp) meet Tier 3 emission standards; and that anti-idling signage be placed in and around the Project area during construction<sup>13</sup>. With implementation of MMs 4.2-1 through 4.2-3, the Lead Agency found that the Proposed Project's regional NOx emissions would be reduced to 237.74 lbs/day<sup>14</sup>, but would remain a significant and unavoidable air quality impact.

The Lead Agency quantified the Proposed Project's localized and regional operational emissions. Based on this analysis, the Lead Agency found that the Proposed Project's localized operational air quality impacts would be less than significant<sup>15</sup> and unmitigated regional operational air quality impacts would be significant for NOx and volatile organic compounds (VOCs) emissions at 185 lbs/day and 63 lbs/day<sup>16</sup>, respectively, which would exceed South Coast AQMD's regional operational air quality CEQA significance thresholds for NOx and VOCs at 55 lbs/day. The exceedance of NOx emissions would be primarily due to mobile source activities, while VOCs emissions exceedance would be primarily from consumer products. The Lead Agency is committed to implementing operational MMs 4.2-4 through 4.2-7, which include, but are not limited to, on-site anti-idling and off-site truck route signage, preferential parking for clean air vehicles, non-diesel-powered cargo handling equipment, and documentation that Project tenants/operators were provided information on incentives for using cleaner-than-required engines and equipment<sup>17</sup>. The Lead Agency did not use those mitigation measures to reduce the Proposed Project's operational emissions to less than significant levels. Therefore, the Lead Agency did not quantify emissions reductions from implementation of MMs 4.2-4 through 4.2-7. The Proposed Project's operational air quality impacts from regional NOx and VOCs emissions would remain significant and unavoidable at 185 lbs/day and 63 lbs/day, respectively<sup>18</sup>.

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<sup>7</sup> *Ibid.* Pages 58 through 61.

<sup>8</sup> *Ibid.* Page 47.

<sup>9</sup> *Ibid.*

<sup>10</sup> South Coast AQMD. Rule 403 – Fugitive Dust. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf>.

<sup>11</sup> South Coast AQMD. Rule 1186 – Fugitive Dust. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1186.pdf>.

<sup>12</sup> South Coast AQMD. Rule 1186.1 – Fugitive Dust. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1186-1-less-polluting-sweepers.pdf>.

<sup>13</sup> Draft EIR. Section 4.2. *Air Quality*. Page 4-2-36 through 39.

<sup>14</sup> *Ibid.* Appendix B1: *Air Quality Impact Analysis*. Pages 52 through 53.

<sup>15</sup> *Ibid.* Page 62.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.* Section 4.2. *Air Quality*. Page 4-2-36 through 39.

<sup>18</sup> *Ibid.* Appendix B1: *Air Quality Impact Analysis*. Pages 52 through 53.

The Lead Agency conducted a construction health risk assessment (HRA). Based on the results of the construction HRA, the Lead Agency found that the Proposed Project's construction inhalation cancer risk would be 2.03 in one million, which would not exceed South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk.

The Lead Agency also conducted an operational HRA, which assumed that 824 daily truck trips would visit the Proposed Project, and 35 of those would be equipped with TRUs. On-site truck idling was assumed to be 15 minutes, while on-site TRU idling was assumed to be 30 minutes. The Lead Agency also assumed 40 percent of TRUs visiting the Proposed Project will have a power rating of 23 horsepower (hp) and 60 percent of TRUs will have a power rating of 34 hp<sup>19</sup>. Using EMFAC2017 and the breakdown in power ratings for TRUs, the Lead Agency developed a weighted average emission factor for TRUs for the Proposed Project. The Lead Agency included on-site and off-site trucks traveling, and on-site truck and TRUs idling in the air dispersion model to identify the maximum concentration at the sensitive receptors and used it to calculate the Proposed Project's inhalation cancer risk. The Lead Agency found that the Proposed Project's operational inhalation cancer risk would be 1.09 in one million<sup>20</sup>, which would not exceed South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk.

### **South Coast AQMD Staff's Detailed Comments on the Air Quality Mitigation Measures**

#### 1. Recommended Revisions to Existing Air Quality Mitigation Measure (MM) 4.2-3

In Draft EIR, the Lead Agency is committed to using Tier 3 construction equipment that are greater than 150 hp (MM 4.2-3). With implementation of MM 4.2-3, the Proposed Project's daily maximum regional NOx emissions from construction activities would be reduced from 262 lbs/day to 237.74 lbs/day, but would remain significant and unavoidable. To further reduce those emissions, South Coast AQMD staff recommends that the Lead Agency strengthen the existing MM 4.2-3 to require the use of Tier 4 Final construction equipment in the Final EIR. The recommended revisions to MM 4.2-3 are provided as follows in strikethrough and underline.

#### **MM 4.2-3**

Prior to grading permit issuance, the City of Chino Planning Division and City of Chino Engineering Division shall review and approve a construction management plan in accordance with City of Chino Municipal Code Section 20.23.210. The construction management plan also shall include the following notes. Project contractors shall be required to comply with these notes and permit periodic inspection of the construction site by City of Chino staff to confirm compliance.

- a) During grading activity, all construction equipment with more than ~~150~~ 50 horsepower shall be California Air Resources Board (CARB) Tier ~~3~~ 4 Final Compliant or better. Such equipment should be outfitted with Best Available Control Technology (BACT) devices including, but not limited to, a CARB certified Level 3 Diesel Particulate Filters (DPF). Level 3 DPFs are capable of achieving at least an 85 percent reduction in particulate matter emissions<sup>21</sup>. A list of CARB verified DPFs are available on the CARB website<sup>22</sup>.

<sup>19</sup> *Ibid.* Appendix B2: *Mobile Source Health Risk Assessment*. Page 21. The Lead Agency used CARB's Draft Update Inventory for Transportation Refrigeration Units to justify the assumption that 40 percent of TRUs will have a power rating of 23 hp and that 60 percent will have a power rating of 34 hp.

<sup>20</sup> *Ibid.* Appendix B4: *Supplemental AQ, GHG, HRA, & EA Based on EMFAC2017 Emissions Rates*. Pages 7 and 8.

<sup>21</sup> California Air Resources Board. November 16-17, 2004. *Diesel Off-Road Equipment Measure – Workshop*. Page 17. Accessed at: [https://www.arb.ca.gov/msprog/ordiesel/presentations/nov16-04\\_workshop.pdf](https://www.arb.ca.gov/msprog/ordiesel/presentations/nov16-04_workshop.pdf).

<sup>22</sup> *Ibid.* Page 18.

Additionally, the Lead Agency should include this requirement in applicable bid documents, and that successful contractor(s) must demonstrate the ability to supply compliant equipment prior to the commencement of the grading activity. A copy of each unit's certified tier specification and CARB or South Coast AQMD operating permit (if applicable) should be available upon request at the time of mobilization of each applicable unit of equipment. The Lead Agency should require periodic reporting and provision of written documentation by contractors to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance. In the event that the Lead Agency finds that Tier 4 Final construction equipment is not feasible pursuant to CEQA Guidelines Section 15364, the Project representatives or contractors must demonstrate through future study with written findings supported by substantial evidence that is reviewed and approved by the Lead Agency before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, Tier 4 Interim construction equipment and/or reduction in the number and/or horsepower rating of construction equipment, if appropriate. Any approved alternative technologies/strategies for use by the Lead Agency should be included and disclosed in the Air Quality Section of the Final EIR as a project requirement or mitigation measure as a condition of approval.

[...].

## 2. Additional Recommended Air Quality Mitigation Measures

CEQA requires that the Lead Agency considers mitigation measures to minimize significant adverse impacts (CEQA Guidelines Section 15126.4) and that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. As stated above, the Proposed Project's construction and operation will result in significant and unavoidable air quality impacts from NO<sub>x</sub> and VOC emissions. To further reduce those emissions, South Coast AQMD staff recommends that the Lead Agency incorporate additional construction and operational mitigation measures for implementation at the Proposed Project in the Final EIR. Requiring additional construction and operational air quality mitigation measures supports South Coast AQMD's efforts to attain state and federal air quality standards as outlined in the 2016 Air Quality Management Plan (AQMP), specifically an additional 45 percent reduction in NO<sub>x</sub> emissions in 2023 and an additional 55 percent NO<sub>x</sub> reduction beyond 2031 levels for ozone attainment<sup>23</sup>. It also fulfills the Lead Agency's legal obligation to mitigate the Proposed Project's significant air quality impacts and complies with CEQA's requirements for mitigation measures.

### *Construction-related Air Quality Mitigation Measures*

- a) Require construction equipment such as concrete/industrial saws, pumps, aerial lifts, material hoist, air compressors, forklifts, excavator, wheel loader, and soil compactors be electric or alternative-fueled (i.e., non-diesel). Information on companies and electric powered equipment that can and should be used during construction is available at: <https://www.forconstructionpros.com/construction-technology/article/21107531/electrified-construction-equipment-gaining-momentum>.
- b) During the "Dirt Import Process", it is estimated that the Proposed Project may require a maximum of 673 one-way haul trips for a total of 1,346 two-way trips, which will contribute over 68 percent of the Proposed Project's mitigated construction NO<sub>x</sub> emissions (123 lbs/day out of

<sup>23</sup> South Coast AQMD. March 3, 2017. *2016 Air Quality Management Plan*. Accessed at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

182 lbs/day)<sup>24</sup>. To further reduce NOx emissions from haul truck trips, the Lead Agency should require the use of zero-emissions (ZE) or near-zero emissions (NZE) trucks during construction (e.g., material delivery trucks and soil import/export), such as trucks with natural gas engines that meet the CARB's adopted optional NOx emission standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that truck operator(s)/construction contractor(s) commit to using 2010 model year or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. To monitor and ensure ZE, NZE, or 2010 model year or newer trucks are used at the Proposed Project, the Lead Agency should require that truck operator(s)/construction contractor(s) maintain records of all trucks associated with the Proposed Project's construction and make these records available to the Lead Agency upon request. Alternatively, the Lead Agency should require periodic reporting and provision of written records by truck operator(s)/construction contractor(s) and conduct regular inspections of the records to the maximum extent feasible and practicable.

- c) Maintain equipment maintenance records for the construction portion of the Proposed Project. All construction equipment must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. All maintenance records for each equipment and their construction contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction.
- d) Encourage construction contractors to apply for South Coast AQMD "SOON" funds<sup>25</sup>. The "SOON" program provides funds to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles.

*Operational-related Air Quality Mitigation Measures for Mobile Sources*

- e) Require the use of ZE or NZE trucks during operation, such as trucks with natural gas engines that meet the CARB's adopted optional NOx emission standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, the project operator(s) shall ensure, through sale or leasing agreements, that the truck fleet consist of trucks that meet the emissions standards of a 2010 vehicle model, and as trucks are replaced they are replaced with the newest available model. To monitor and ensure that ZE, NZE, or 2010 model year or newer trucks are used at the Proposed Project, the Lead Agency should require that operators maintain records of all trucks and equipment associated with the Proposed Project's operation and make these records available to the Lead Agency upon request. Alternatively, the Lead Agency should require periodic reporting and provision of written records by operators and conduct regular inspections of the records to the maximum extent feasible and practicable.

Technology is transforming the transportation sector at a rapid pace. Cleaner trucks such as ZE or NZE trucks are increasingly more feasible and commercially available as technology advances. If using ZE or NZE trucks as a mitigation measure to reduce the Proposed Project's operational air quality impacts is not feasible today, cleaner trucks could become feasible in a reasonable period of time within the lifetime of the Proposed Project (CEQA Guidelines Section 15364). Therefore, it is recommended that the Lead Agency develop a process with performance standards to deploy the lowest emission technologies and incentivize the use of ZE or NZE heavy-duty trucks during

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<sup>24</sup> Draft EIR. Appendix B2: *Mobile Source Health Risk Assessment*. CalEEMod Output files. PDF Pages 228 through 235.

<sup>25</sup> South Coast AQMD. Available at: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines>.

operation (CEQA Guidelines Section 15126.4(a)). The Lead Agency can and should develop the performance standards as follows or any other comparable standards in the Final EIR.

- Develop a minimum amount of ZE or NZE heavy-duty trucks that the Proposed Project must use during each year of the operation to ensure adequate progress. Include this requirement in the Proposed Project's tenant selection and operation management bid documents and business agreement.
  - Establish a tenant/truck operator(s) selection policy that prefers tenant/truck operator(s) who can supply the use of ZE or NZE heavy-duty trucks at the Proposed Project. Include this policy in the bid documents and business agreement.
  - Develop a target-focused and performance-based process and timeline to review the feasibility to implement the use of ZE or NZE heavy-duty trucks during operation. Include this process and timeline in the Proposed Project's tenant selection and operation management bid documents and business agreement.
  - Develop a project-specific process and criteria for periodically assessing progress in implementing the use of ZE or NZE heavy-duty trucks during operation. Include this process and criteria in the Proposed Project's tenant selection and operation management bid documents and business agreement.
- f) Limit the daily number of truck trips allowed at the Proposed Project to the level that was analyzed in the Final EIR (e.g., 824 daily truck trips during operation). If it is reasonably foreseeable before the Final EIR is certified that the Proposed Project would generate more than 824 daily truck trips, the Lead Agency should take into account additional daily truck trips and re-evaluate the Proposed Project's air quality impacts and cancer risk (CEQA Guidelines Section 15088.5). If information becomes available, after the Proposed Project is approved, suggesting that the Proposed Project will generate more than 824 daily truck trips during operation, the Lead Agency is required to determine if a Subsequent EIR is required under CEQA Guidelines Section 15162.
- g) Design the Proposed Project such that entrances and exits are such that trucks are not traversing past neighbors or other sensitive receptors.
- h) Design the Proposed Project such that any check-in point for trucks is well inside the Proposed Project site to ensure that there are no trucks queuing outside of the facility.
- i) Design the Proposed Project to ensure that truck traffic within the Proposed Project site is located away from the property line(s) closest to its residential or sensitive receptor neighbors.
- j) Restrict overnight parking in residential areas.
- k) Establish overnight parking within the Proposed Project where trucks can rest overnight.
- l) Establish area(s) within the Proposed Project site for repair needs.
- m) Develop, adopt and enforce truck routes both in and out of city, and in and out of facilities.

*Operational-related Air Quality Mitigation Measures for Area Sources*

Additional mitigation measures for operational air quality impacts from area sources that the Lead Agency should consider and incorporate in the Final EIR may include the following.

- n) Maximize use of solar energy including solar panels.
- o) Install the maximum possible number of solar energy arrays on the building roofs and/or on the project site to generate solar energy for the facility and/or electric vehicle charging stations.
- p) Maximize the planting of trees in landscaping and parking lots.
- q) Use light colored paving and roofing materials.
- r) Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- s) Require use of electric or alternatively fueled sweepers with HEPA filters.
- t) Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.