



South Coast Air Quality Management District

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SENT VIA E-MAIL:

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Mitigated Negative Declaration (MND) for the Proposed Drake Drive Warehouse Project (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of San Bernardino is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. The following comments included recommended revisions to the CEQA air quality analysis for regional construction impacts from construction activities, air quality mitigation measures, and information on South Coast AQMD Rules 2305 and 316 that the Lead Agency should include in the Final MND.

South Coast AQMD Staff's Summary of Project Information in the MND

Based on the MND, The Proposed Project consists of construction and operation of a 104,850-square-foot warehouse on 5.35 acres and is located at 473 Drake Drive near the southeast corner of East Drake Drive and South Foisy Street in the City of San Bernardino. The Proposed Project is also located within the designated AB 617 San Bernardino, Muscoy community.

Based on a review of aerial photographs, the Proposed Project is surrounded by residential and sensitive land uses. Residential uses are located immediately to the west and north of the Proposed Project; a K-8 public charter school is located to the south on East Central Avenue; and an existing warehouse is located to the east of the Proposed Project¹. Construction of the Proposed Project will occur in a 13-month period. At full buildout in 2023, the Proposed Project will generate 56 truck trips a day². The Proposed Project will include 11 loading docks on the north side of the building facing residential uses located on East Drake Drive³.

Based on the health risk assessment in the MND, 100 percent of the Proposed Project's truck traffic would enter and exit the site through South Foisy Street and East Drake Drive. Further, based on the Hazards and Hazardous Materials Section in the MND, removal and disposal of the stained soil are expected and will be conducted in accordance with Mitigation Measure HAZ-1 as part of project construction⁴.

¹ MND, Figure 2-2. Aerial Map. Page 11.

² *Ibid.* Page 115.

³ *Ibid.* Figure 2-4.

⁴ *Ibid.* Pages 86-87.

South Coast AQMD Staff's Comments*CEQA Air Quality Analysis for Regional Construction Impacts from Cleanup Activities*

Based on the Hazards and Hazardous Materials Section in the MND, soil remediation is reasonably foreseeable and would be conducted as part of project construction⁵. The Lead Agency did not quantify emissions from cleanup activities. Cleanup activities will likely involve the use of heavy-duty, diesel-fueled trucks for soil export and result in emissions from vehicle trips by workers that will be required to conduct cleanup activities. Additionally, cleanup activities will likely require the use of additional equipment that may be different from typical equipment for grading and site preparation for construction. Since cleanup activities are reasonably foreseeable at the time the MND was prepared, the Lead Agency should use good faith, best efforts to provide information on the scope, types, and duration of cleanup activities, quantify emissions from cleanup activities, and include those emissions in the Proposed Project's construction emissions profile to be compared to South Coast AQMD's air quality CEQA significance thresholds for construction to determine the level of significance in the Final MND. Alternatively, if emissions from cleanup activities are not included in the Final MND, the Lead Agency should provide reasons for not including them supported by substantial evidence in the record.

Based on the emission calculations from the CalEEMod output files, the Lead Agency used the default one-way truck trip length of 20 miles to quantify the Proposed Project's construction emissions from hauling construction materials and importing or exporting soil. Since the Proposed Project will require the removal of contaminated soil, and depending on the type of contamination, contaminated soil may not be accepted at the Mid-Valley Sanitary Landfill identified in the MND⁶ and may need to be disposed at a permitted hazardous disposal facility outside San Bernardino County with a one-way trip length that is likely longer than 20 miles. Using a one-way truck trip length of 20 miles likely underestimated the Proposed Project's construction emissions from hauling contaminated soil. Therefore, South Coast AQMD staff recommends that the Lead Agency identify the permitted hazardous disposal facility that the Proposed Project will use to dispose contaminated soil, disclose it in the Final MND, and recalculate the Proposed Project's construction emissions from haul truck trips for the disposal of contaminated soil based on the appropriate one-way trip length.

Recommended Air Quality Mitigation Measures

Design considerations for the Proposed Project that the Lead Agency should consider to further reduce air quality and health risk impacts include the following:

- Re-design the Proposed Project such that truck entry and exit points are not facing sensitive receptors and are not located along East Drake Drive.
- Prohibit trucks from traveling next to the K-8 public charter school and passing next to sensitive land uses to enter or leave the Proposed Project site.

⁵ *Ibid.*

⁶ *Ibid.* Page 130.

- Re-design the Proposed Project such that any check-in point for trucks is inside the Proposed Project site to ensure that there are no trucks queuing and/or idling outside on East Drake Drive and South Foisy Street next to sensitive land uses (e.g., residences).
- Clearly mark truck routes with trailblazer signs, so that trucks will not travel next to or near sensitive land uses (e.g., residences and the K-8 school).
- Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors.
- Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.

South Coast AQMD Rule 2305 and Rule 316

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rules 2305 and 316 are new rules that will reduce regional and local emissions of nitrogen oxides (NOx) and particulate matter (PM), including diesel PM. These emission reductions will reduce public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt in to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of one 104,850-square-foot warehouse, the Proposed Project's warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation. South Coast AQMD staff is available to answer questions concerning Rule 2305 implementation and compliance by phone or email at (909) 396-3140 or waire-program@aqmd.gov. For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage.⁷

Conclusion

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process. Please provide South Coast AQMD with written responses to all

⁷ South Coast AQMD. WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, responses should provide sufficient details 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 do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and the public who are interested in the Proposed Project. Further, when the Lead Agency makes the finding that the recommended air quality mitigation measures are not feasible, the Lead Agency should describe the specific reasons supported by substantial evidence for rejecting it in the Final MND (CEQA Guidelines Sections 15070 and 15074.1)

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 me at lsun@aqmd.gov, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun

Program Supervisor, CEQA IGR

Planning, Rule Development and Area Sources

LS:ST

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