



South Coast Air Quality Management District

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

SENT VIA E-MAIL:

July 15, 2022

Steven.Valdez@lus.sbcounty.gov

Steven Valdez, Senior Planner
909-387-3067

County of San Bernardino
Land Use Services Department - Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, California 92415-0187

Draft Environmental Impact Report (DEIR) for the Proposed Speedway Commerce Center II Specific Plan Project (Proposed Project) (SCH No.: 2021120259)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The County of San Bernardino is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. The following comments on the Draft EIR include recommended revisions to the Localized Significance Thresholds (LST) Analysis and Health Risk Assessment (HRA), existing air quality project design features, and mitigation measures.

Based on the Draft EIR, the Proposed Project consists of construction and operation of 433 acres that encompasses development of six different planning areas. The aforementioned consists largely of up to approximately 6,600,000 square feet of high-cube logistics and e-commerce, 261,360 square feet of ancillary commercial uses, and approximately 98 acres of parking fields.¹ The Proposed Project is located on the northwest corner of Entry Road and Cherry Avenue in the unincorporated portion of southwestern San Bernardino County within the City of Fontana sphere of influence.² Construction of the Proposed Project will occur over four phases, starting in the year 2023 with an anticipated completion year of 2027.³ Each construction phase is estimated to last about 12 months.⁴

The Proposed Project will include 23 project design features (PDFs) for air quality.⁵ These include features such as requiring tenant/facility operators ensure heavy-duty vehicles accessing the Proposed Project site are equipped with model year 2010 or newer engines and be zero-emission beginning in 2030, if such trucks are widely available and economical feasible, among other requirements.⁶ The Proposed Project will also include 10 mitigation measures (MMs) for air quality.⁷ These include mitigation measures such as requiring that all off-road diesel-powered construction equipment greater than 50 horsepower meets California Air Resource Board Tier 4

¹ Draft EIR. Section 3.6 Proposed Project. Page 3-16 through 3-26.

² *Ibid.* Section 1.2 Project Overview. Page 1-3.

³ *Ibid.* Section 2.0 Introduction. Page 2-1.

⁴ *Ibid.* Section 4.9.5 Impacts and Mitigation Measures. Page 4.9-14

⁵ *Ibid.* Section 4.3.4 Impact Thresholds and Significance Criteria. Page 4.3-21 through 4.3-23.

⁶ *Ibid.*

⁷ *Ibid.* Section 4.3.5 Impacts and Mitigation Measures. Page 4.3-38 through 4.3-42.

Final emission standards or incorporate CARB Level 3 Verified Diesel Emission Control Strategy (VDECS), and requiring that all construction on-road haul trucks be model year 2010 or newer if diesel-fueled, among other requirements.⁸ Once operational, the Proposed Project is anticipated to generate a maximum of 43,549 trips per day, 9,865 of which would be made by trucks.^{9,10}

The potential tenants and end users of the Proposed Project Site are unknown at the time of the release of the draft EIR.¹¹ Mitigation measure AQ-4, however, states that prior to the issuance of a building permit, the Planning Department shall confirm that the Proposed Project is designed so that the buildings' electrical room supports additional panels that may be needed to supply power to trailers with transport refrigeration units (TRUs) during the loading/unloading of refrigerated goods, if required by future tenants who utilize cold storage.¹² Based on the Draft EIR, the nearest existing sensitive receptor is within 410 feet of the Proposed Project site (single family residence), and the nearest school, Redwood Elementary School, is about 1,370 feet from the Proposed Project site.¹³

Based on a review of the Draft EIR, South Coast AQMD staff has three main comments. A summary of these comments is provided as follows with additional details provided in the attachment.

1. Recommended Revisions to the LST Analysis and HRA: The estimated on-site emissions from the Proposed Project were compared to the South Coast AQMD's LST to determine the significance for localized Air Quality Impacts for both project construction and operation. The on-site Diesel Particulate Matter (DPM) emissions from the mobile source exhaust were also estimated and used to perform the HRA. However, staff found the on-site emissions from the haul trucks and yard trucks¹⁴ in project construction and container/trailer trucks and TRUs in project operation were not included, underestimated, or improperly calculated in the analyses. It is recommended to revise the LST analysis and HRA to include those emissions correctly.
2. Recommended Revisions to Existing Mitigation Measure (MM) AQ-1: In the Draft EIR, construction of the Proposed Project is found to have significant and unavoidable regional air quality impacts for NOx and CO emissions, even after implementation of the stated mitigation measures.¹⁵ Haul truck exhaust is the primary source of NOx emissions during construction of the Proposed Project.¹⁶ The Lead Agency included MM AQ-1, which requires that construction on-road haul trucks shall be model year 2010 or newer if

⁸ *Ibid.* Section 4.3.5 Impacts and Mitigation Measures. Page 4.3-38.

⁹ *Ibid.* Section 4.3.4 Impact Thresholds and Significance Criteria. Page 4.3-19.

¹⁰ *Ibid.* Section 4.13.5 Impacts and Mitigation Measures. Page 4.13-22.

¹¹ *Ibid.* Section 4.3.4 Impact Thresholds and Significance Criteria. Page 4.3-20.

¹² *Ibid.* Section 4.3.5 Impacts and Mitigation Measures. Page 4.3-41

¹³ Appendix C-AQ_HRA. Section 2.3 Sensitive Receptors. Page 10.

¹⁴ *Ibid.* For example Section 5.1, Table 20. Page 49. Emissions from Haul Trucks and Yard Trucks are not included in this table.

¹⁵ Draft EIR. Section 4.3.5 Impacts and Mitigation Measures. Page 4.3-26 through Page 4.3-29.

¹⁶ Appendix C-AQ_HRA. Section 5 Potential Impacts and Mitigation. Page 32.

diesel-fueled.¹⁷ About 129,418 maximum haul truck trips are expected during construction for Phase 1A,¹⁸ about 86,803 maximum haul truck trips for construction phase 1B,¹⁹ about 104,578 maximum haul truck trips for construction Phase 2,²⁰ and about 1,879 maximum haul truck trips for the Commercial construction phase.²¹ This would result in a maximum of 367 lbs of NOx emissions per day in Phase 1A and 255 lbs, 263 lbs, and 10 lbs of maximum NOx emissions per day in the remaining phases, respectively.²² Given the close proximity of sensitive receptors, the Lead Agency should commit to not only 2010 or new diesel haul trucks, but also commit to near-zero and zero-emission haul trucks during construction.

3. Recommended Revisions to Existing Air Quality Project Design Features (PDFs) or Mitigation Measures: Once operational the Proposed Project is anticipated to generate a maximum of 43,549 trips per day, 9,865 of which would be made by trucks.^{23,24} In the Draft EIR, the Lead Agency incorporated two PDFs (PDF AQ-9, PDF AQ-10) which would require implementation of cleaner operational vehicles, including zero-emission light duty, medium-duty, and heavy-duty trucks. These PDFs, however, will only be implemented by the Lead Agency when such trucks are “widely available and economically feasible”.²⁵ South Coast AQMD staff recommends that the Lead Agency provide additional information on how “widely available and economically feasible” will be defined and determined in the Final EIR.

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 finding that the recommended revisions to the existing PDFs or 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 Evelyn Aguilar, Air Quality Specialist, at eaguilar@aqmd.gov, should you have any questions or wish to discuss the comments.

¹⁷ Draft DEIR. Section 4.3.5 Impacts and Mitigation Measures. Page 4.3-38.

¹⁸ Appendix C-AQ_HRA. Air Quality Modeling Data. Page 200.

¹⁹ *Ibid.* Page 836.

²⁰ *Ibid.* Page 1,474.

²¹ *Ibid.* Page 1,908.

²² *Ibid.* Page 201 through 1912.

²³ Draft EIR. Section 4.3.4 Impact Thresholds and Significance Criteria. Page 4.3-19.

²⁴ *Ibid.* Section 4.13.5 Impacts and Mitigation Measures. Page 4.13-22.

²⁵ Appendix C-AQ_HRA. Section 4.3 Project Design Features. Page 25.

Sincerely,

Sam Wang

Sam Wang

Program Supervisor, CEQA IGR

Planning, Rule Development & Implementation

SW:EA

SBC220602-01

Control Number

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

In the Air Quality Analysis Section of the Draft EIR, the Lead Agency quantified the Proposed Project's maximum daily construction emissions. The Lead Agency considered four different construction phases: Phase 1a, Phase 1b, Phase 2, and Commercial. The Lead Agency compared the Proposed Project's construction emissions to South Coast AQMD's recommended regional air quality CEQA significance thresholds. Based on the analysis, the Lead Agency found that emissions from Phase 1a would result in significant regional air quality impacts from NO_x and CO emissions, even with implementation of MM AQ-1, which requires off-road construction equipment greater than 50 brake horsepower meet CARB Tier Final Emissions Standards.²⁶ The Lead Agency also found that emissions from Phase 1b and Phase 2 would result in significant regional air quality impacts from NO_x, even with implementation of MM AQ-1.²⁷ Finally, the Lead Agency found that emissions from the Commercial construction phase would be less than significant.²⁸

The Lead Agency also considered five different operational phases: Phase 1a, Phase 1b, Phase 2, Commercial, and Project Buildout (Overlapping Construction and Operations). Based on the analysis, the Lead Agency found that emissions from Phase 1a would result in significant regional air quality impacts from VOC, NO_x, PM₁₀ and PM_{2.5} emissions even with implementation of MMs,²⁹ Phase 1b would result in significant regional air quality impacts from VOC, NO_x, and PM₁₀ emissions even with implementation of MMs,³⁰ and Phase 2b would result in significant regional air quality impacts from VOC and NO_x emissions even with implementation of MMs.³¹ The Lead Agency found that emissions from the Commercial operation phase would be less than significant.³² Project Buildout would also result in significant air quality impacts from VOC, NO_x, CO, PM₁₀ and PM_{2.5} emissions even with implementation of MMs.³³ MMs AQ-2 through MM AQ-9 require the following: contractual specifications to use zero emission/electric-powered outdoor cargo handling equipment during operations (e.g. forklifts and yard trucks), contractual language that requires all TRUs entering the Project site be plug-in capable, postage of idling restriction signage, prepare and submit a transportation demand management program, utilize low VOC architectural coatings with no more than 10g/L of VOC, among other requirements.³⁴

In the Draft EIR, the Lead Agency also quantified the Proposed Project's localized construction and operational emissions and compared them to the applicable South Coast AQMD's localized significance thresholds. The Lead Agency quantified this for construction phases 1a, 1b, 2, and Commercial, and operational phases 1a, 1b, 2, Commercial, and Project Buildout. Based on the

²⁶ Draft EIR. Section 4.3.5 Impacts and Mitigation Measures. Page 4.3-27.

²⁷ *Ibid.* Page 4.3-28 through 4.3-29.

²⁸ *Ibid.* Page 4.3-29.

²⁹ *Ibid.* Page 4.3-30.

³⁰ *Ibid.* Page 4.3-32.

³¹ *Ibid.* Page 4.3-34 through 4.3-35.

³² *Ibid.* Page 4.3-34.

³³ *Ibid.* Page 4.3-35.

³⁴ *Ibid.* Page 4.3-38 through 4.3-42.

analysis, the Lead Agency found that the Proposed Project's localized construction and operational air quality impacts would be less than significant.³⁵

Additionally, the Lead Agency calculated cancer risks from the Proposed Project's construction and operational activities and found that they would result in a maximum cancer risk of 88.53 in one million, which would exceed South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk. With Implementation of MM AQ-1 through MM AQ-9, the maximum cancer risk would be reduced to 8.18 in one million, which would be below the significance threshold.³⁶ Finally, the Lead Agency discussed South Coast AQMD Rules 2305, 2202, 1166, 1403, and 1466 in the Draft EIR.^{37,38,39}

South Coast AQMD staff's detailed comments on the Draft EIR are provided as follows.

1. **Recommended Revisions to the LST and HRA:**

In Appendix C - Air Quality Assessment of the DEIR, the estimated on-site emissions from the Proposed Project were compared to the South Coast AQMD's LST to determine the significance for localized Air Quality Impacts for both project construction and operation. The on-site DPM emissions from the mobile source exhaust were also estimated and used to perform the HRA. However, staff found the on-site emissions (including idling, exhaust, cold-starts, fugitive, and etc.) from the haul trucks and yard trucks⁴⁰ in project construction and container/trailer trucks and TRUs in project operation⁴¹ were not included, under-estimated, or improperly calculated in the analyses. The idling and running emissions from those on-road and off-road heavy-heavy-duty diesel engine trucks in the area of over 400 acres could be substantial and have the potential to change the findings of not significant in localized air quality impact and cancer risk impact to significant. It is recommended to revise the LST analysis and HRA to include those emissions correctly.

2. **Recommended Revisions to Existing Mitigation Measure (MM) AQ-1**

In the Draft EIR, the Lead Agency found that the Proposed Project would result in significant and unavoidable regional air quality impacts from NOx and CO emissions during construction. Haul truck exhaust is the primary source of NOx emissions during construction of the Proposed Project.⁴² About 129,418 maximum haul truck trips are expected during construction for Phase 1A,⁴³ about 86,803 haul truck trips for construction phase 1B,⁴⁴ about 104,578 haul truck trips for construction Phase 2,⁴⁵ and about 1,879 haul truck trips for the Commercial construction

³⁵ Draft EIR. Section 4.3.5 Impacts and Mitigation Measures. Page 4.3-43 through 4.3-46.

³⁶ *Ibid.* 4.3-52 through 4.3-53.

³⁷ *Ibid.* Section 4.3.4 Impact Thresholds and Significance Criteria. Page 4.3-23.

³⁸ *Ibid.* Section 4.3.6 Cumulative Impacts. Page 4.3-55.

³⁹ *Ibid.* Section 4.9.3 Regulatory Setting. Page 4.9-12.

⁴⁰ Appendix C-AQ_HRA. For example Section 5.1, Table 20. Page 49. Emissions from Haul Trucks and Yard Trucks are not included in this table.

⁴¹ *Ibid.* For example in Section 5, the assumptions in CalEEMod which use 3% total emissions for the on-site emissions, are not conservative – needs more robust scientific evidence to support this assumption.

⁴² Appendix C-AQ_HRA. Section 5 Potential Impacts and Mitigation. Page 37.

⁴³ Appendix C-AQ_HRA. Air Quality Modeling Data. Page 200.

⁴⁴ *Ibid.* Page 836.

⁴⁵ *Ibid.* Page 1,474.

phase.⁴⁶ This would result in a maximum of 367 lbs of NOx emissions per day in Phase 1A and 255 lbs, 263 lbs, and 10 lbs of maximum NOx emissions per day in the remaining phases, respectively.⁴⁷ CEQA requires that the Lead Agency consider 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 impacts. The Lead Agency included MM AQ-1, which, among other requirements, requires that construction on-road haul trucks shall be model year 2010 or newer if diesel-fueled.⁴⁸ Given the close proximity of sensitive receptors, South Coast AQMD staff recommends that the Lead Agency consider including the following construction air quality mitigation measures in the Final EIR to further reduce the Proposed Project's significant and unavoidable air quality impacts during construction.

Technology is transforming the goods transport and movement sector at a rapid pace. ZE or NZE construction equipment and trucks are already commercially available and in-use. Therefore, the Lead Agency should use good-faith efforts to identify the available types of ZE or NZE construction equipment and trucks in the Final EIR and require their uses by the construction start date for Phase 1a in 2023.⁴⁹

Clean construction equipment and trucks will become increasingly more feasible and commercially available as technology advances. If using ZE or NZE technologies is not feasible today, it could become feasible in a reasonable period of time during the Proposed Project's construction schedule which was conservatively analyzed to begin in 2023 and end in 2027 (CEQA Guidelines Section 15364).⁵⁰ Therefore, it is recommended that the Lead Agency include considerations of potential cleaner technologies that will become feasible and available during the construction period of the Proposed Project and develop a process with performance standards to require and/or accelerate the deployment of the lowest emission technologies and the utilization of ZE or NZE construction equipment and trucks (CEQA Guidelines Section 15126.4(a)). The Lead Agency can and should develop the following performance standards or any other comparable standards in the Final EIR.

- Develop a minimum amount of ZE or NZE construction equipment and trucks that the Proposed Project must use each year during construction to ensure adequate progress. Include this requirement in the Proposed Project's Construction Management Plan.
- Establish a contractor(s) selection policy that prefers contractor(s) who can supply and use ZE or NZE construction equipment and heavy-duty trucks during construction. Include this policy in the Request for Proposal, procurement documents, and purchase order(s) for selecting contractor(s).
- Establish a policy to select and use vendors that use ZE or NZE heavy-duty trucks. Include this policy in the vendor contracts.

⁴⁶ *Ibid.* Page 1,908.

⁴⁷ *Ibid.* Page 201 through 1912.

⁴⁸ Draft EIR. Section 4.3.5 Impacts and Mitigation Measures. Page 4.3-38.

⁴⁹ Draft EIR. Section 4.3.4 Impact Thresholds and Significance Criteria. Page 4.3-16.

⁵⁰ *Ibid.* Section 2.0 Introduction. Page 2-1.

- Establish a purchasing policy to purchase and receive materials from vendors that use ZE or NZE heavy-duty trucks to deliver materials. Include this policy in the procurement documents and purchase orders with vendors.

3. **Recommended Revisions to Existing Air Quality Project Design Features (PDFs)**

Once operational the Proposed Project is anticipated to generate a maximum of 43,549 trips per day, 9,865 of which would be made by trucks.^{51,52} In the Draft EIR, the Lead Agency incorporated 23 PDFs related to air quality. Two PDFs (PDF AQ-9, PDF AQ-10) would require implementation of cleaner operational vehicles, including zero-emission light-duty, medium-duty, and heavy-duty trucks. These PDFs, however, will only be implemented by the Lead Agency when such trucks are “widely available and economically feasible”.⁵³ South Coast AQMD staff recommends that the Lead Agency provide additional information on how “widely available and economically feasible” will be defined and determined in the Final EIR. The recommended information would establish a clear set of standards and criteria for assessing the technological, commercial, and economic availability and feasibility of using cleaner operational vehicles, provide public transparency in the Lead Agency’s decision-making regarding cleaner operational vehicles, demonstrate a commitment by the Lead Agency to using cleaner operational vehicles, ensure implementation when they are available, strengthen the Proposed Project’s air quality commitments, and facilitate the purpose and goal of CEQA on public disclosure.

⁵¹ *Ibid.* Section 4.3.4 Impact Thresholds and Significance Criteria. Page 4.3-19.

⁵² *Ibid.* Section 4.13.5 Impacts and Mitigation Measures. Page 4.13-22.

⁵³ Appendix C-AQ_HRA. Section 4.3 Project Design Features. Page 26.