



South Coast Air Quality Management District

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SENT VIA E-MAIL:

October 14, 2022

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Mitigated Negative Declaration (MND) for the Proposed 9th Street and Tippecanoe Avenue 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 include information on the Community Emissions Reduction Plan (CERP) for the Assembly Bill 617 (AB 617) designated San Bernardino, Muscoy (SBM) community and recommended revisions to the localized estimated emissions and regional air quality impacts analysis and information about South Coast AQMD Rules 2305 and 316 that the Lead Agency should incorporate 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 339,600 square feet (sf) unrefrigerated warehouse facility on 14.32 acres.^{1,2} Operation of the 334,600-sf warehouse portion with 35 loading docks is expected to involve approximately 97 truck trips per day.^{3,4} Based on a review of aerial photographs, South Coast AQMD staff found that the nearest sensitive receptor (e.g., residence) is within approximately 35 meters of the Proposed Project. The Proposed Project site is located near the southwest corner of Tippecanoe Avenue and 9th Street in the City of San Bernardino, California 92410. Construction of the Proposed Project is anticipated to begin in the 4th quarter of 2022, occur in one phase, and be completed in 10 months concluding in the 4th quarter of 2023.⁵

South Coast AQMD Staff's Comments

Information on the CERP for the Designated AB 617 SBM Community

The Proposed Project area is heavily impacted by air pollution generated from sources such as heavy-duty diesel trucks, warehouses, and railroad activities, and includes the AB 617-designated SBM community. An AB 617-designated community requires South Coast AQMD to work with a Community Steering Committee (CSC) to develop a CERP that identifies air quality priorities

¹ MND, Appendix A, Introduction, Page 1.

² *Ibid.*, 5 Environmental Analysis, Page 33.

³ *Ibid.*, Appendix A, Introduction, Page 1.

⁴ *Ibid.*, Appendix J, Project Trip Generation: Table 1, Page 3.

⁵ *Ibid.*, Appendix A, Introduction, Page 1.

and actions to reduce air pollution in the community. The South Coast AQMD's Governing Board adopted the AB 617 SBM community CERP on September 6, 2019.⁶ South Coast AQMD's latest Multiple Air Toxics Exposure Study (MATES), MATES V, which was published in September 2021,⁷ shows the air toxics cancer risk as 492 per million in the Proposed Project area zip code.⁸ According to MATES V this translates to the Proposed Project's cancer risks as being higher than 62% of the South Coast AQMD population.⁹ South Coast AQMD staff recommends that the Lead Agency review the actions included in Chapter 5 of the adopted CERP and continue working with South Coast AQMD's AB 617 staff to explore whether additional mitigation measures can be identified and implemented by the Proposed Project.

Off-Road Tier 4

The Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to South Coast AQMD's recommended regional air quality CEQA significance thresholds for construction and operation. Based on this analysis, the Lead Agency found that the Proposed Project's unmitigated regional construction and operational air quality impacts would be less than significant.¹⁰

The Lead Agency also performed a mobile source HRA to determine if construction and operation of the Proposed Project would result in a significant incremental increase in potential cancer risk to surrounding sensitive receptors (i.e., residential units within 35 meters of the Proposed Project). Operational activities were found to not exceed South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk. Construction activities, though, were found to result in a maximum cancer inhalation risk of 40.1 in one million and 29.3 in one million for off-site worker and residential receptors respectively,¹¹ which would exceed South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk. Mitigation Measure (MM) AQ-1 would require off-road construction equipment of 50 horsepower or greater to meet the California Air Resources Board (CARB) Tier 2 emissions standards with Level 3 diesel particulate filters or equivalent.¹² With implementation of MM AQ-1, the maximum cancer risk during construction would be reduced to 7.6 in one million and 5.6 in one million for off-site worker and residential receptors respectively,¹³ which would be below the significance threshold.

With implementation of MM AQ-1, the Proposed Project is expected to have a less than significant impact on air quality.¹⁴ The Proposed Project, however, is in an area that is disproportionately impacted by air pollution; the burden is so high that the area is an AB 617-

⁶ South Coast AQMD. September 2019. Assembly Bill 617 San Bernardino, Muscoy Community Emissions Reduction Plan. Accessed at: <http://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/san-bernardino/cerp/carb-submittal/final-cerp.pdf>

⁷ MATES V Multiple Air Toxics Exposure Study. August 2021. Accessed at: <http://www.aqmd.gov/docs/default-source/planning/mates-v/mates-v-final-report-9-24-21.pdf>

⁸ MATES V Multiple Air Toxics Exposure Study, MATES Data Visualization: <http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>

⁹ *Ibid.*

¹⁰ MND. Appendix A. Impact Analysis: Table L & M. Page 55 - 56.

¹¹ *Ibid.* 5 Environmental Analysis. Page 35.

¹² *Ibid.* Page 37.

¹³ *Ibid.* Page 35.

¹⁴ *Ibid.* Page 34-36.

designated community. To further reduce criteria pollutants and diesel particulate matter (DPM) during construction and minimize their impacts on nearby sensitive receptors, South Coast AQMD staff recommends that the Lead Agency use off-road diesel-powered construction equipment that meets or exceeds the CARB and United States Environmental Protection Agency Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during the Proposed Project construction phase.

Localized Estimated Emissions (Construction and Operation)

The Lead Agency did not analyze the Proposed Project's localized air quality impacts. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA localized significance thresholds (LSTs)¹⁵ to determine the Proposed Project's localized air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

Regional Air Quality Impacts Analysis for Cleanup Activities During Construction

The Hazards and Hazardous Materials Section in the MND states that a Phase I ESA investigation indicates that previous uses of the Proposed Project site show potential for contaminated soils.¹⁶ MM HAZ-1 would require soil sampling and development of a Soil Management Plan (SMP) prior to excavation and/or disposal of soils offsite.¹⁷ Anticipated soil testing includes total petroleum hydrocarbons, volatile organic compounds, and semi-volatile organic compounds. The SMP will also require that a certified hazardous waste hauler remove all potentially hazardous soils.¹⁸ It is unclear in the MND, however, if the Lead Agency adequately analyzed air quality impacts from such soil cleanup activities.

Hazardous soil removal and hauling activities will likely involve the use of heavy-duty, diesel-fueled trucks and generate mobile source emissions. If contaminated soil 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 any reasonably foreseeable contaminated soil removal and hauling activities. Therefore, South Coast AQMD staff recommends that the Lead Agency quantify emissions from removing and hauling contaminated soil and include those emissions in the Proposed Project's regional construction emissions profile to be compared to South Coast AQMD's regional air quality CEQA significance thresholds for construction to determine the level of significance in the Final MND. If the reason for not including them in the Final MND is because contaminated soil removal and disposal measures in the SMP have not been fully developed or approved prior to adoption of the Final MND, the Lead Agency should commit to evaluating the air quality impacts from those activities through a CEQA process when the measures become known and prior to allowing the commencement of any soil remedial or mitigation activities at the Proposed Project site.

¹⁵ <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>

¹⁶ MND. 5 Environmental Analysis. Page 63.

¹⁷ *Ibid.*

¹⁸ *Ibid.* Page 66.

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.¹⁹ Since hazardous soil cleanup activities could include the removal and disposal of contaminated soil, depending on the type of contamination, contaminated soil may not be accepted at a landfill within 20 miles of the Proposed Project site. Such soil may need to be disposed of at a permitted hazardous disposal facility with a one-way truck trip length that is longer than 20 miles. Therefore, South Coast AQMD staff recommends that the Lead Agency identify the permitted hazardous disposal facility that the Proposed Project could use to dispose contaminated soil, disclose the information in the Final MND, and re-calculate the Proposed Project's construction emissions from haul truck trips for the transport and disposal of contaminated soil based on the appropriate one-way truck trip length. If construction emissions from haul truck trips for transporting contaminated soil are not re-calculated in the Final MND, the Lead Agency should provide reasons for not re-calculating them supported by substantial evidence in the record.

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 a building with 334,600-sf of warehouse activities, 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

¹⁹ MND. Appendix A. Appendices A: CalEEMod Output. Page 120.

documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage.²⁰

Conclusion

According 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 comments contained herein prior to the adoption of the Final MND. When the Lead Agency's position is at variance with recommendations raised in the comments, the 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 and 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.

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.

Sincerely,

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SW:EA

SBC220927-03

Control Number

²⁰ South Coast AQMD. WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.