



South Coast Air Quality Management District

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SENT VIA E-MAIL:

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Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Barker Business Park Project (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciate the opportunity to review the above-mentioned document. The City of Perris is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff have provided a brief summary of the project information and prepared the following comments which are organized by topic of concern.

Summary of Proposed Project Information in the MND

Based on the MND, the Proposed Project involves developing a 5-acre vacant parcel into a 25,750 square-foot building, constructing a 14,139 square-foot building on a separate 10-acre vacant site, and using 9.6 acres of vacant land for sales and rental of commercial trailers – all within a 25.6 gross-acre project site consisting of two parcels bisected by E. Frontage Road.¹ Based on a review of aerial photographs, South Coast AQMD staff found that the nearest sensitive receptor (e.g., residential development) is located less than 25 meters east of the Proposed Project site.² Construction of the Proposed Project is anticipated to be completed in 2026.³ The Proposed Project site is located northeast of Interstate 215 and Placentia Avenue interchange, between Walnut Avenue to the north and Placentia Avenue to the south.⁴

South Coast AQMD Comments

Mobile Source Emissions: Inconsistencies in Truck Trip Lengths and Vehicle Miles Traveled (VMT)

Appendix A, Air Quality Impact analysis (AQIA), stated that "To determine emissions from trucks for the proposed industrial uses, the analysis incorporated the SCAQMD recommended truck trip length of 14.2 miles for 2-axle and 3-axle (LHDT1, LHDT2, and MHDT) trucks and 40 miles for 4+-axle (HHDT) trucks and weighting the average trip lengths using traffic trip percentages taken from the Barker Business Park (DPR23-00022, SPA23-05321, TTM23-05322)

¹ Appendix A, AQIA, Page 14.

² *Ibid.* Page 57.

³ *Ibid.* Page 15.

⁴ *Ibid.* Page 14.

Traffic Analysis Scoping Agreement."⁵ The Proposed Project site, however, is located approximately 80 miles from the Ports of Long Beach and Los Angeles, which suggests that the air quality analysis may have underestimated the emissions from trucks traveling between the Ports and the Proposed Project site.

Therefore, it is recommended the Lead Agency revise the emission calculations in the Final MND by applying a project-specific approach to the vehicle trip length and trip rates. This includes using more conservative estimates such as 40 miles for local trips and 80 miles for port-related trips. Tailoring these parameters and assumptions to reflect project-specific logistics will help ensure a more accurate assessment of mobile source emissions and their associated impacts from the Proposed Project.

Additional Requirement if the Warehouses will Involve Ethylene Oxide (EtO) Chemical Used for Sterilization

Some warehouses could potentially be receiving and storing materials sterilized with ethylene oxide (EtO), a known carcinogen identified by CARB as a Toxic Air Contaminant and by the U.S. EPA as a Hazardous Air Pollutant. EtO is a flammable, colorless gas used in many industries to make products including antifreeze, textiles, solvents, detergents, and adhesives. EtO is also used to sterilize medical devices, the primary use within South Coast AQMD. Due to concerns of EtO off-gassing from sterilized materials and the associated warehouses that receive, and store materials sterilized with EtO, there is a potential that some warehouses could emit EtO and pose a cancer risk to workers and nearby sensitive receptors. For these reasons, the Lead Agency is recommended to notify the project proponent, including the potential future tenants, if known, that if sterilization activities or related operations involving the storage or transport of materials sterilized with EtO are intended to occur at the Proposed Project site, such activities would be subject to the requirements of South Coast AQMD Rule 1405 – Control of Ethylene Oxide Emissions from Sterilization and Related Operations.⁶ Rule 1405 contains a variety of requirements applicable to both facilities and certain large warehouses that receive EtO-sterilized products. For the latter, warehouse operators are required to provide records and emissions data through fenceline monitoring or emissions studies to help assess EtO emissions from warehouses. Rule 1405 is intended to minimize EtO emissions from these sources to protect public health, particularly in nearby communities that may be vulnerable to toxic air contaminants.

Thus, if the Proposed Project includes a warehouse that will store materials that have been sterilized with EtO, the Lead Agency is recommended to conduct a health risk assessment that evaluates potential health risks from EtO emissions associated with the Proposed Project and include this information in the Final MND to facilitate full disclosure of potential health risk impacts.

Cumulative Impacts during Operation

⁵*Ibid.* Page 52.

⁶ South Coast AQMD Rule 1405:

<https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1405.pdf>

Based on the MND, the Proposed Project consists of developing a 5-acre vacant parcel into a 25,750 square-foot building, a 14,139 square-foot building on a 10-acre vacant site, and 9.6 acres of vacant land for sales and rental of commercial trailers – all on a project site totaling 25.6 gross acres and comprises two parcels bisected by E. Frontage Road. The project is within the Perris Valley Commerce Center Specific Plan (PVCCSP) planning area.⁷ The PVCCSP was adopted by the City of Perris pursuant to a certified Environmental Impact Report (EIR) on 1/10/2012.⁸ Prior to certification of the PVCCSP, a Draft EIR was released for public review and comment between 7/20/2011 – 9/6/2011.⁹ During this public review period, South Coast AQMD submitted a comment recommending that the Lead Agency include a more robust analysis of cumulative impacts in the Final MND. Specifically, South Coast AQMD asked that the Lead Agency revisit the estimated number of trucks projected to serve the site, provide additional analysis demonstrating that the project will not significantly impact sensitive receptors during operation and that it will not cause a significant air quality and air toxics impact, and to evaluate additional mitigation measures to further reduce any significant air quality and air toxics impacts. The PVCCSP has been revised and amended many times since 2012, and the most recent Perris Valley Commerce Center Specific Plan Amendment No. 12 was approved on January 11, 2022.¹⁰ However, the cumulative impacts from the revised projects in PVCCSP are not updated, and a robust analysis of cumulative air quality and air toxics impacts from all the projects in PVCCSP is not included in the PVCCSP or this MND.

According to the City of Perris webpage under Planning – Environmental Documents for Public Review,¹¹ other development projects are located near the Proposed Project site. Such as the Notice of Preparation (NOP) Duke Warehouse at Patterson Avenue and Nance Street Project¹² (prepared in 2022), Ethanac Logistics Center in 101 North D Street, IS/MND for Redlands Avenue East Industrial Project¹³ (prepared in September 2022) and IS/MND for Development Plan Review 22-00008 project. Per CEQA Guidelines Section 15065(a)(3), South Coast AQMD staff is primarily concerned with the cumulative air quality impacts from increased concentrations of air toxics in the PVCCSP region. Pursuant to CEQA, which requires an analysis of direct, indirect, and cumulative impacts, South Coast AQMD has initiated a public process to develop additional guidance for evaluating cumulative air quality impacts from increased concentrations of air toxics for projects. To date, there have been five working group meetings (WGMs) dedicated to proposed cumulative impact policy development. For more general information on the WGMs, please visit South Coast AQMD's webpage.¹⁴

⁷ Draft EIR. Page 243.

⁸ ORDINANCE NUMBER 1284.

Accessed at: <https://www.cityofperris.org/home/showpublisheddocument/2923/637250482796800000>

⁹ Perris Valley Commerce Center Specific Plan Final EIR. 9.0 Introduction, Public Review Summary. Page 9.0-1

Accessed at: <https://www.cityofperris.org/home/showpublisheddocument/2645/637455522835370000>

¹⁰ Perris Valley Commerce Center Specific Plan Amendment No. 12, approved January 11, 2022, available at <https://www.cityofperris.org/home/showpublisheddocument/2647/637799977032200000>

¹¹ City of Perris. Planning – Environmental Documents. Access at:

<https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review>.

¹² Duke Warehouse at Patterson Avenue and Nance Street Project:

<https://ceqanet.opr.ca.gov/2022010274>

¹³ Redlands Avenue East Industrial Project. Access at: <https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-328>

¹⁴ South Coast AQMD's Cumulative Impacts from Air Toxics for CEQA Projects:

[https://www.aqmd.gov/home/rules-compliance/ceqa/ceqa-policy-development-\(new\)](https://www.aqmd.gov/home/rules-compliance/ceqa/ceqa-policy-development-(new)).

Therefore, it is recommended that, at minimum, the Lead Agency perform a qualitative analysis to provide the potential cumulative impacts from air toxics in consideration by listing all surrounding past, present, and probable future projects. The Lead Agency may also perform a more detailed and robust quantitative analysis of cumulative air toxic and potential health risk implications to be included in the Final MND.

Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program

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 (NO_x) 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 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 643,419 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, the Lead Agency is recommended to 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 obligation¹⁵. 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 of guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage.¹⁶

South Coast AQMD Air Permits and Role as a Responsible Agency

If implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, etc., air

¹⁵ South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf>.

¹⁶ South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

permits from South Coast AQMD will be required. The final CEQA document, whether a MND or EIR, should include a discussion about the potentially applicable rules that the Proposed Project needs to comply with. Those rules may include, for example, Rule 201 – Permit to Construct,¹⁷ Rule 203 – Permit to Operate,¹⁸ Rule 401 – Visible Emissions,¹⁹ Rule 402 – Nuisance,²⁰ Rule 403 – Fugitive Dust,²¹ Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines,²² Rule 1113 – Architectural Coating,²³ Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil,²⁴ Rule 1179 – Publicly Owned Treatment Works Operations,²⁵ Regulation XIII – New Source Review,²⁶ Rule 1401 – New Source Review of Toxic Air Contaminants,²⁷ Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants,²⁸ Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines,²⁹ etc. It is important to note that when air permits from South Coast AQMD are required, the role of South Coast AQMD changes from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections 15086, the Lead Agency is required to consult with South Coast AQMD.

CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of the process for conducting a review of the Proposed Project and issuing discretionary approvals. Moreover, it is important to note that if a Responsible Agency determines that a CEQA document is not adequate to rely upon for its discretionary approvals, the Responsible Agency must take further actions listed in CEQA Guideline Section 15096(e), which could have the effect of delaying the implementation of the Proposed Project. In its role as CEQA Responsible Agency, the South Coast AQMD is obligated to ensure that the CEQA document prepared for this Proposed Project contains a sufficient project description and analysis to be relied upon in

¹⁷ South Coast AQMD. Rule 201 available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>

¹⁸ South Coast AQMD. Rule 203 available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>

¹⁹ South Coast AQMD. Rule 401 available at: <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-401.pdf>

²⁰ South Coast AQMD. Rule 402 available at: <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>

²¹ South Coast AQMD. Rule 403 available at: <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403>

²² South Coast AQMD. Rule 1110.2 available at: https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1110_2.pdf

²³ South Coast AQMD. Rule 1113 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf>

²⁴ South Coast AQMD. Rule 1166 available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>

²⁵ South Coast AQMD. Rule 1179 available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1179.pdf>

²⁶ South Coast AQMD. Regulation XIII available at: <https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/regulation-xiii>

²⁷ South Coast AQMD. Rule 1401 available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf>

²⁸ South Coast AQMD. Rule 1466 available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>

²⁹ South Coast AQMD. Rule 1470 available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>

order to issue any discretionary approvals that may be needed for air permits. South Coast AQMD is concerned that the project description and analysis in its current form in the MND is inadequate to be relied upon for this purpose.

For these reasons, the final CEQA document should be revised to include a discussion about any and all new stationary and portable equipment requiring South Coast AQMD air permits, provide the evaluation of their air quality and greenhouse gas impacts, and identify South Coast AQMD as a Responsible Agency for the Proposed Project as this information will be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD's webpage at <https://www.aqmd.gov/home/permits>.

Conclusion

The Lead Agency is recommended to revise the CEQA analysis to address the aforementioned comments and provide the necessary evidence to sufficiently support the conclusions reached. If the requested information and analysis are not included in the final CEQA document, either the Final MND or other type of CEQA document, the Lead Agency should provide reasons for not doing so. Pursuant to California Public Resources Code Section 21092.5(b) and 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 and notify each public agency when any public hearings are scheduled. Please provide South Coast AQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, detailed reasons supported by substantial evidence in the record explaining why specific comments and suggestions are not accepted must be provided. In addition, if the Lead Agency decides to adopt the Final MND, please provide South Coast AQMD with a notice of any scheduled public hearing(s).

Thank you for the opportunity to provide comments. 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 Sahar Ghadimi, Air Quality Specialist, at sghadimi@aqmd.gov should you have any questions.

Sincerely,

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