



South Coast Air Quality Management District

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Draft Environmental Impact Report (DEIR)
for the Pepper 210 Commerce Center Project (Proposed Project)
(SCH No: 2023010089)

The South Coast Air Quality Management District (South Coast AQMD) appreciates the opportunity to comment on the above-referenced document. The County of San Bernardino is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD has provided a brief summary of the Proposed Project information and prepared the following comments which are organized by topic of concern.

Summary of Proposed Project Information in the DEIR

Based on the DEIR, the Proposed Project would redevelop a former aggregate mine spanning 101 acres that currently operates as an aggregate stockpiling, production, and sales facility.¹ As part of the Proposed Project, existing aggregate mining and processing operations at the project site would cease pursuant to Reclamation Plan 90M-11, and the associated equipment and truck fleet would be relocated approximately 2.5 miles north of the project site to resume operations closer to Cajon Creek Quarry.² The Proposed Project would involve construction of a high-cube fulfillment center warehouse (1,867,660 square feet), with an anticipated opening year of 2029.³ The proposed warehouse building would include 275 dock-high doors, 1,040 trailer parking stalls, and 622 passenger vehicle parking spaces (609 standard and 13 accessible spaces).⁴ An office (2,100 square feet) associated with the trailer yard is also proposed.⁵ Based on a review of aerial photographs, South Coast AQMD staff identified the nearest sensitive receptor (e.g., residential use) at approximately 140 feet to the west of the Proposed Project site. Construction of the Proposed Project is anticipated to commence in October 2027 and conclude in June 2029.⁶

¹ DEIR, p 1-2.

² Appendix-B of DEIR, p 39.

³ DEIR, p 1-2.

⁴ DEIR, p 3-3.

⁵ *Ibid.*

⁶ DEIR, p. 3-14.

South Coast AQMD Comments*Incorrect Baseline, Underestimated Project Emissions, and Mischaracterization of Emission Reductions*

According to the DEIR, the existing setting involves raw aggregate materials being hauled via truck from the Cajon Creek Quarry (Quarry) to the existing facility for processing. As part of the Proposed Project, the existing aggregate mining and processing equipment and associated truck fleet will be relocated approximately 2.5 miles north of the project site which is closer to the Quarry and resume operations at this new location.⁷ The DEIR explains that this relocation will result in a shorter truck trip hauling distance and 10 fewer hours of trucks operating per day when compared to existing conditions.⁸ Meanwhile, the remainder of the Proposed Project, including the operation of the high-cube fulfillment center and office with trailer parking will concurrently occur at the original location of the aggregate mining and processing.

The DEIR appears to incorrectly attribute assumed emission reductions from truck hauling activities associated with the aggregate processing activities that will occur at the new location to offset a portion of the emissions that will occur at the original location of the aggregate mining and processing facility which will be replaced with a new high-cube fulfillment center and office with trailer parking. In particular, Table 4.2-7, *Peak Operational Emissions Summary*, includes a line item titled, “Reduced Haul Truck Operations,” which subtracts a portion of the haul truck emissions from the Proposed Project’s overall operational totals.⁹ Appendix B - Air Quality Impact Analysis (AQIA) of the DEIR explains that these emission reductions are based on the assumption that the existing aggregate mining and processing activities will permanently cease operations pursuant to Reclamation Plan 90M-11 at the existing location.

However, this assumption is misleading and incorrect because it has the effect of underestimating the potentially significant air quality impacts from the Proposed Project since the aggregate mining and processing activities will be moved to another location 2.5 miles away and will resume operations there. Instead, the calculations in the DEIR need to compare the baseline emissions from the aggregate mining and processing activities at the original location to the Proposed Project (e.g., emissions from the aggregate mining and processing activities at the new location plus the emissions from the high-cube fulfillment center and office with trailer parking). The net difference between these emission values will be representative of the potential air quality impacts during operation of the Proposed Project.

Therefore, the Lead Agency is recommended to revise the analysis in the DEIR to:

- 1) evaluate the emissions, health risk, and traffic impacts of the aggregate mining and processing activities at the new location plus the emissions from the high-cube fulfillment center and office with trailer parking at the former site of the aggregate mining and processing activities;

⁷ DEIR, p 4.11-4.

⁸ DEIR, p. 4.2-28.

⁹ DEIR, Table 4.2-7, p. 4.2-33.

2) evaluate the exposure of nearby sensitive receptors of the aggregate mining and processing activities at the new location; and

3) evaluate the contribution of the combined emissions from both the aggregate mining and processing activities at the new location and the emissions from the high-cube fulfillment center and office with trailer parking to cumulative regional impacts.

South Coast AQMD Air Permits and Role as a Responsible Agency

Since the implementation of the Proposed Project would require the use of new stationary and portable sources such as installation of a new diesel-fired emergency standby engine, air permits from South Coast AQMD will be required. The Final EIR should include a discussion about the South Coast AQMD rules that may be applicable to the Proposed Project. Those rules may include, for example, Rule 201 – Permit to Construct,¹⁰ Rule 203 – Permit to Operate,¹¹ Rule 401 – Visible Emissions,¹² Rule 402 – Nuisance,¹³ Rule 403 – Fugitive Dust,¹⁴ Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines,¹⁵ Rule 1113 – Architectural Coatings,¹⁶ Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil,¹⁷ Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants,¹⁸ and Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines,¹⁹ etc.

It is important to note that if air permits from the South Coast AQMD are required, South Coast AQMD's role under CEQA will become the Responsible Agency of the Proposed Project. Per CEQA Guidelines Section 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. Also, as set forth in CEQA Guidelines Section 15096(h), the Responsible Agency is required to make Findings in accordance with CEQA Guidelines Section 15091 for each significant effect of the project and issue a Statement of Overriding Considerations in accordance with CEQA Guidelines Section 15093, if necessary. Lastly, as set forth in CEQA Guidelines Section 15096(i), the Responsible Agency may file a Notice of Determination.

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

¹⁰ South Coast AQMD, Rule 201 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>

¹¹ South Coast AQMD, Rule 203 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>

¹² South Coast AQMD, Rule 401 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-401.pdf>

¹³ South Coast AQMD, Rule 402 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>

¹⁴ South Coast AQMD, Rule 403 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf>

¹⁵ South Coast AQMD, Rule 1110.2 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1110_2.pdf

¹⁶ South Coast AQMD, Rule 1113 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf>

¹⁷ South Coast AQMD, Rule 1166 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>

¹⁸ South Coast AQMD, Rule 1466 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>

¹⁹ South Coast AQMD, Rule 1470 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>

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 order to issue any discretionary approvals that may be needed for air permits.

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>.

User-Defined Land Use Subtype in the California Emissions Estimator Model (CalEEMod) Analysis

In the operational CalEEMod output files, besides the “unrefrigerated warehouse-no rail” land use subtypes, “user-defined industrial” is added. According to the CalEEMod User Guide, the “user-defined” may be selected to characterize project land use subtypes that are not included in CalEEMod. If selected, all data on the Land Use screen will need to be input manually.²⁰ While the size metric with the amount of 1867.66 has been manually included in the claimed input for “user-defined industrial” land use type, the floor square area use are set to zero under the “user-defined industrial” land use subtype. This possibly leads to underestimating the heavy-duty truck emissions for warehouse activities since no data is filled under this “user-defined industrial” land use subtype. Therefore, it is recommended that the Lead Agency explain why the land use is separated in the CalEEMod analysis and revise the analysis as necessary in the Final EIR.

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

To determine emissions from trucks for the Proposed Project, the DEIR states that “The travel length for Project-related heavy-duty truck trips is based on figures published by SCAQMD: 14.2 miles for 2- and 3-axle heavy-duty trucks and 40.0 miles for 4+-axle heavy-duty trucks.”²¹ This resulted in a weighted average truck trip length of 34.52 miles for the high-cube fulfillment warehouse use.²² The referenced 14.2 miles and 40 miles of truck trip lengths were originally derived from the Southern California Association of Government’s (SCAG) estimation of average truck trip length in its 2016 Regional Transportation Plan.²³

The Proposed Project site, however, is located approximately 80 miles from the Ports of Long Beach and Los Angeles, which means that the air quality analysis underestimated the emissions from trucks traveling from the Ports to the Proposed Project site. For this reason, Staff recommends the Lead Agency revise the calculations in the Final EIR by taking a project-specific approach to the vehicle trip length and trip rates by applying more conservative trip lengths such as designating

²⁰ California Emissions Estimator Model (CalEEMod) Version 2022.1 User Guide. Access at: https://www.caleemod.com/documents/user-guide/CalEEMod_User_Guide_v2022.1.pdf

²¹ DEIR, p. 4.2-28.

²² DEIR, Appendix B. Air Quality Impact Analysis, p. 48.

²³ South Coast Air Quality Management District, Preliminary Draft Staff Report: Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce.

40 miles for local trips and 80 miles for Port-related trips. Tailoring these parameters and assumptions to be based on project-specific data will ensure a more accurate assessment of emissions, accounting for the unique circumstances and logistical realities of the Proposed Project.

Assessment of GHG Emissions and Operational Hours for Emergency Standby Engine

The Proposed Project involves the installation of a new diesel-fired emergency standby engine with a rating of 300 brake horsepower (bhp). This engine is expected to operate for up to one hour per day and 50 hours per year for maintenance and testing. However, in the event of a power outage, the emergency standby engine will be utilized to provide standby electrical power.

In Appendix B, Calero – Summary of Emissions indicates that the new emergency standby engine is estimated to emit 11.5 metric tons per year of carbon dioxide equivalents (CO2e). According to the technical files provided by the Lead Agency, the 11.5 metric tons per year of CO2e is based on an assumption that the emergency standby engine will be operating 50 hours per year. To provide a more accurate assessment of the potential CO2e emissions for the emergency standby engine, the calculations of CO2e should be updated to reflect 200 hours per year of operation, which represents the maximum potential emissions under a worse-case operational scenario. It is important to note that a South Coast AQMD permit for the emergency standby engine is required and may include a permit condition based on a potential to emit (PTE) that allows for operation of up to 200 hours per year, and which may also specify a maximum of 50 hours per year for conducting maintenance and testing. However, if the analysis in the DEIR is not updated to reflect 200 hours per year of operation, then a permit condition will be applied which limits the hours of operation of the emergency standby engine to align with the number of hours analyzed in the DEIR (e.g., 50 hours per year).

Air Quality Mitigation Measures for NOx and PM Emissions from Construction

Given the long-range plan of the Proposed Project from 2027 to 2029, Tier 4 technology may not be the cleanest technology when construction occurs later for individual projects. According to the CARB Strategies for Reducing Emissions from Off-Road Construction Equipment, the implementation of off-road Tier 5 starting in 2027 or 2028 and the Governor's Executive Order in September 2020 requires CARB to develop and propose a full transition to Zero Emissions (ZE) by 2035.¹⁴ Considering the scope of the project, it is crucial to ensure that the levels of construction emissions, specifically NOx and PM₁₀, remain below significant thresholds during the construction period for each proposed individual project. Moving towards achieving this goal, where feasible, involves opting for electric emission-free engines instead of diesel-fueled engines for the construction equipment. This proactive choice not only aligns with environmental concerns but also demonstrates a commitment to minimizing the project's environmental footprints. The abatement of NOx can also be pursued by enforcing greener constructions, such as, limiting the usage of older engines in favor of adopting the latest available technologies, or even incorporating exhaust retrofits such as cutting-edge exhaust aftertreatment techniques. Additionally, several other resources to assist the Lead Agency with identifying additional potential mitigation measures for the Proposed Project are included in the South Coast AQMD's CEQA Air Quality Handbook¹⁵ for both operational and construction emissions.

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 (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 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, 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 obligation²⁴. 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.²⁵

Information on the CERP for the Designated AB 617 San Bernardino & Muscoy (SBM) Community

The Proposed Project area is heavily impacted by air pollution generated from sources such as heavy-duty diesel trucks, warehouses, the Omnitrans bus yard, concrete batch plants and asphalt/aggregate plants, 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 Community Emissions Reduction Plan (CERP) that identifies air quality priorities 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, 2019.²⁶ The DEIR for the Proposed Project serves as the first-tier, programmatic

²⁴ 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>.

²⁵ South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

²⁶ South Coast AQMD. September 2019. Assembly Bill 617 San Bernardino & Muscoy Community Emissions Reduction Plan. Accessed at: https://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/san-bernardino/cerp/carb-submittal/final-cerp.pdf?sfvrsn=3d4de61_9.

level environmental analysis that can provide guidance to subsequent, project-level environmental analyses. 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 future development projects at the Proposed Project.

Additional Recommended Air Quality and Greenhouse Gases Mitigation Measures and Project Design Considerations

The DEIR concludes that the Proposed Project's net operational emissions would be less than significant with implementation of Mitigation Measures MM AQ-2 through MM AQ-4, based on comparison of Project emissions to the existing baseline conditions associated with the Cat 777 facility. Once operational, the Proposed Project is anticipated to generate approximately 710 one-way truck trips per day, which would result in ongoing mobile-source emissions within proximity to nearby residential receptors and other sensitive land uses. Given the level of anticipated truck activity and the presence of sensitive receptors in the surrounding area, South Coast AQMD staff recommends that the Lead Agency consider incorporating additional feasible project-specific mitigation measures to further minimize mobile-source emissions and potential localized air quality impacts.

Consistent with CEQA's direction to implement feasible mitigation measures to reduce environmental impacts where practicable, South Coast AQMD staff recommends that the Lead Agency consider including the following additional mitigation measures and project design considerations in the Final EIR as a good-faith effort to further reduce operational air quality and greenhouse gas emissions.

Mitigation Measures for Operational Air Quality Impacts

Mobile Sources

1. Require zero-emission (ZE) or near-zero emission (NZE) on-road haul trucks, such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible.

Note: Given the state's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks, such as the Advanced Clean Trucks Rule and the Heavy-duty Low NOx Omnibus Regulation, ZE and NZE trucks will become increasingly more available to use.

2. Require a phase-in schedule to incentivize the use of cleaner operating trucks to reduce any significant adverse air quality impacts.

Note: South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency.

3. Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final EIR. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level.
4. Provide electric vehicle (EV) charging stations or, at a minimum, provide electrical infrastructure, and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

Other Area Sources

1. Maximize the use of solar energy by installing solar energy arrays.
2. Use light-colored paving and roofing materials.
3. Utilize only Energy Star heating, cooling, and lighting devices and appliances.

Design Considerations for Reducing Air Quality and Health Risk Impacts

1. Clearly mark truck routes with trailblazer signs so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, daycare centers, etc.).
2. Design the Proposed Project such that truck entrances and exits are not facing sensitive receptors and trucks will not travel past sensitive land uses to enter or leave the Proposed Project site.
3. Design the Proposed Project such that any truck check-in point is inside the Proposed Project site to ensure no trucks are queuing outside.
4. Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors.
5. Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.

Lastly, the South Coast AQMD also suggests that the Lead Agency conduct a review of the following references and incorporate additional mitigation measures as applicable to the Proposed Project in the Final EIR:

1. State of California – Department of Justice: Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act²⁷

²⁷ State of California – Department of Justice, Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act. Available at: <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf>

2. South Coast AQMD 2022 Air Quality Management Plan,²⁸ specifically:
 - a) Appendix IV-A – South Coast AQMD’s Stationary and Mobile Source Control Measures
 - b) Appendix IV-B – CARB’s Strategy for South Coast
 - c) Appendix IV-C – SCAG’s Regional Transportation Strategy and Control Measure
3. United States Environmental Protection Agency (U.S. EPA): Mobile Source Pollution - Environmental Justice and Transportation.²⁹

Conclusion

As set forth in Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(a-b), the Lead Agency shall evaluate comments from public agencies on the environmental issues and provide a written response at least 10 days prior to certifying the Final EIR. As such, please provide South Coast AQMD written responses to all comments contained herein, including the referenced comment letters attached, at least 10 days prior to the certification of the Final EIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency’s position is at variance with recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided.

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 Jivar Afshar, Air Quality Specialist, at jafshar@aqmd.gov should you have any questions.

Sincerely,

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²⁸ South Coast AQMD, 2022 Air Quality Management Plan (AQMP). Available at: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan>

²⁹ United States Environmental Protection Agency (U.S. EPA), Mobile Source Pollution - Environmental Justice and Transportation. Available at: <https://www.epa.gov/mobile-source-pollution>.