MENIFEE

CITY OF MENIFEE

MEMORANDUM

Date: September 20, 2022

Subject: Blum Collins & Ho, LLP, Attorneys at Law Draft EIR Comment Letter Attachment Memorandum for the Menifee Commerce Center Project

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The following letter was submitted as an attachment to a Draft EIR comment letter submitted by Blum Collins & Ho, LLP, Attorneys at Law on July 21, 2022 ("Comment Letter") for the Menifee Commerce Center Project.

Although the responses to the Comment Letter in the Final EIR adequately responded to these comments, the City of Menifee hereby provides additional responses to each individual comment raised in the attachment to the Comment Letter in the following Attachment Memorandum.

The additional information and clarifications described herein are not considered to substantively affect the conclusions within the EIR and therefore the City has determined that recirculation of the DEIR and/or Final EIR is not required as none of the criteria for recirculation under CEQA Guidelines Section 15088.5 have been met.

Comment Letter B1 – Blum Collins & Ho, LLP, Attorneys at Law
Gary Ho
Attachment Memorandum

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July 15, 2022

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Subject: Comments on the Menifee Commerce Center Project (SCH No. 2021060247)

Dear Mr. Ho,

We have reviewed the June 2022 Draft Environmental Impact Report ("DEIR") for the Menifee Commerce Center Project ("Project") located in the City of Menifee ("City"). The Project proposes to develop 1,640,130-square-feet ("SF") of e-commerce/fulfillment warehouse space as well as 1,434 parking spaces on the 72-acre site.

Our review concludes that the DEIR fails to adequately evaluate the Project's air quality, health risk, and greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project are underestimated and inadequately addressed. An updated EIR should be prepared to adequately assess and mitigate the potential air quality, health risk, and greenhouse gas impacts that the project may have on the environment.

Air Quality

Unsubstantiated Input Parameters Used to Estimate Project Emissions

The DEIR's air quality analysis relies on emissions calculated with the California Emissions Estimator Model ("CalEEMod") Version 2020.4.0 (p. 4.2-13).[1] CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act ("CEQA") requires that such changes be justified by substantial evidence.

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[1] "CalEEMod User's Guide Version 2020.4.0." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide.

Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the reader what parameters are utilized in calculating the Project's air pollutant emissions and make known which default values are changed as well as provide justification for the values selected.

When reviewing the Project's CalEEMod output files, provided in the Air Quality and Health Risk Assessments ("AQ & HRA Report") and Greenhouse Gas Emissions Report ("GHG Report") as Appendix 9.2 and 9.7 to the DEIR, respectively, we found that several model inputs were not consistent with information disclosed in the DEIR. As a result, the Project's construction and operational emissions are underestimated. An updated EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.

Failure to Model Proposed Parking Land Use

According to the DEIR:

- "Building 1 height would be 49' feet high and would include 679 automobile parking spaces and 369 truck trailer parking spaces.
- "Building 2 height would be 49' feet high and would include 232 automobile parking spaces and 154 truck trailer parking spaces" (p. 2-7).

As such, the models should have included 1,434 parking spaces. [2] However, review of the CalEEMod output files demonstrates that the "14616 Menifee Commerce Construction Unmitigated" and "14616 Menifee Commerce Construction Mitigated" models fail to include any amount of parking (see excerpt below) (Appendix 9.2, pp. 130, 179, 223, 267, 316, 360, 655, 699, 743, 787; Appendix 9.7, pp. 80, 129). B1-2

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Unmitigated Warehouse-No Rail	1,640.13	1000sqft	37.65	1,640,130.00	0
Other Asphalt Surfaces	34.43	Acre	34.43	1,499,770.80	0

As you can see in the excerpt above, the models fail to include any of the 1,434 proposed parking spaces. This omission presents an issue, as the square footage of parking land uses is used for certain calculations such as determining the area to be painted and stripped (i.e., VOC emissions from architectural coatings), area to include lighting, and volume to be ventilated (i.e., energy impacts). [3] Thus, by failing to include the proposed parking spaces, the models underestimate the Project's construction-related emissions and should not be relied upon to determine Project significance.

Unsubstantiated Changes to Individual Construction Phase Lengths

Review of the CalEEMod output files demonstrates that the "14616 Menifee Commerce Construction Unmitigated" and "14616 Menifee Commerce Construction Mitigated" models include several changes B1-3

[2] Calculated: (679 automobile parking spaces) + (369 truck trailer parking spaces) + (232 automobile parking spaces) + (154 truck trailer parking spaces) = 1,434 total parking spaces.
[3] "CalEEMod User's Guide Version 2020.4.0." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 2, 22.

to the default individual construction phase lengths (see excerpt below) (Appendix 9.2, pp. 133, 182, 226, 269, 319, 363, 658, 702, 746, 790; Appendix 9.7, pp. 83, 132).

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	75.00	65.00
tblConstructionPhase	NumDays	1,110.00	260.00
tblConstructionPhase	NumDays	70.00	22.00
tblConstructionPhase	NumDays	110.00	15.00
tblConstructionPhase	NumDays	110.00	57.00
tblConstructionPhase	NumDays	110.00	15.00
tblConstructionPhase	NumDays	110.00	20.00
tblConstructionPhase	NumDays	110.00	40.00
tblConstructionPhase	NumDays	75.00	55.00
tblConstructionPhase	NumDays	75.00	65.00
tblConstructionPhase	NumDays	40.00	7.00
tblConstructionPhase	NumDays	40.00	30.00

As a result of these changes, the model includes the following construction schedule (see excerpt below) (Appendix 9.2 pp. 140, 188, 232, 277, 325, 369, 664, 708, 752, 796; Appendix 9.7, pp. 90, 139).

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days
1	Demolition	Demolition	1/1/2023	1/31/2023	5	22
2	Clear Site	Site Preparation	2/1/2023	2/9/2023	5	7
3	Recompact	Grading	2/10/2023	3/2/2023	5	15
4	Recompact and Import	Grading	3/3/2023	5/22/2023	5	57
5	Fine Grade	Grading	5/23/2023	6/12/2023	5	15
6	Offsite Site Prep	Site Preparation	6/13/2023	7/24/2023	5	30
7	Building Construction	Building Construction	6/13/2023	6/10/2024	5	260
8	2nd Move In	Grading	11/1/2023	11/28/2023	5	20
9	3rd Move In	Grading	2/1/2024	3/27/2024	5	40
10	Offsite Paving	Paving	6/11/2024	8/26/2024	5	55
11	Paving	Paving	6/11/2024	9/9/2024	5	65
12	Architectural Coating	Architectural Coating	9/10/2024	12/9/2024	5	65

As demonstrated in the excerpt above, the demolition phase is decreased by 69%, from the default value of 70 to 22 days; the clear site phase is decreased by 83% from the default value of 40 to 7 days; the recompact and fine grade phases are decreased by 83%, from their default values of 110 to 15 days; the recompact and import phase is decreased by 48%, from the default value of 110 to 576 days; the offsite site prep phase is decreased by 25%, from the default value of 40 to 30 days; the building construction phase is decreased by 77%, from the default value of 1,110 to 260 days; the 2nd move in phase is decreased by 82% from the default value of 110 to 20 days; the 3rd move in phase is decreased by 64%, from the default value of 110 to 40 days; the offsite paving phase is decreased by 27% from the

B1-3

default value of 75 to 55 days; and the paving and architectural coating phases are decreased by 13%, from their default values of 75 to 65 days. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[4] According to the "User Entered Comments & Non-Default Data" table, the justification provided for these changes is:

> "Construction schedule based on Project-specific data" (Appendix 9.2, pp. 130, 179, 223, 267, 316, 360, 655, 699, 743, 787; Appendix 9.7, pp. 80, 129).

Furthermore, the Air Quality Impact Analysis ("AQIA"), provided as Appendix 9.2.1 to the DEIR, provides the following construction phase durations (see excerpt below) (p. 41, Table 3-3):

TABLE 3-3: CONSTRUCTION DURATION

Construction Activity	Start Date	End Date	Days
Demolition	01/01/2023	01/31/2023	22
Clear Site	02/01/2023	02/09/2023	7
Recompact	02/10/2023	03/02/2023	15
Recompact and Import	03/03/2023	05/22/2023	57
Fine Grading	05/23/2023	06/12/2023	15
Offsite Site Preparation	06/13/2023	07/24/2023	30
Building Construction	06/13/2023	06/10/2024	260
2nd Move In	11/01/2023	11/28/2023	20
3rd Move In	02/01/2024	03/27/2024	40
Offsite Paving	06/11/2024	08/26/2024	55
Paving	06/11/2024	09/09/2024	65
Architectural Coating	09/10/2024	12/09/2024	65

Additionally, regarding the Project's anticipated construction schedule, the DEIR states:

> "The Project is anticipated to be developed in one phase. Construction is anticipated to occur over a duration of approximately 22 months, beginning early 2023" (p. 2-8).

However, the changes remain unsupported for two reasons.

First, the above-mentioned construction schedule is only a reflection of the phase lengths included in the models. As the AQIA fails to provide a source for the table or any concrete justification for the purported construction schedule, we cannot verify the revised construction phase lengths are accurate.

Second, while the DEIR indicates the total construction duration, the DEIR fails to mention or justify the individual construction phase lengths. This is incorrect, as according to the CalEEMod User's Guide:

B1-3

[4] "CalEEMod User's Guide Version 2020.4.0." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 1, 14.

"CalEEMod was also designed to allow the user to change the defaults to reflect site- or project-specific information, when available, provided that the information is supported by substantial evidence as required by CEQA."[5]

Here, as the DEIR only justifies the total construction duration of 22 months, the DEIR fails to provide substantial evidence to support the revised individual construction phase lengths. As such, we cannot verify the changes.

These unsubstantiated changes present an issue, as the construction emissions are improperly spread out over a longer period of time for some phases, but not for others. According to the CalEEMod User's Guide, each construction phase is associated with different emissions activities (see excerpt below).[6]

> *Demolition* involves removing buildings or structures.
>
> *Site Preparation* involves clearing vegetation (grubbing and tree/stump removal) and removing stones and other unwanted material or debris prior to grading.
>
> *Grading* involves the cut and fill of land to ensure that the proper base and slope is created for the foundation.
>
> *Building Construction* involves the construction of the foundation, structures and buildings.
>
> *Architectural Coating* involves the application of coatings to both the interior and exterior of buildings or structures, the painting of parking lot or parking garage striping, associated signage and curbs, and the painting of the walls or other components such as stair railings inside parking structures.
>
> *Paving* involves the laying of concrete or asphalt such as in parking lots, roads, driveways, or sidewalks.

B1-3

Thus, by disproportionately altering and extending some of the individual construction phase lengths without proper justification, the models assume there are a greater number of days to complete the construction activities required by the prolonged phases. As such, there will be less construction activities required per day and, consequently, less pollutants emitted per day. As a result, the models may underestimate the peak daily emissions associated with some phases of construction and should not be relied upon to determine Project significance.

Unsubstantiated Changes to Construction Off-Road Equipment Input Parameters

Review of the CalEEMod output files demonstrates that the "14616 Menifee Commerce Construction Unmitigated" and "14616 Menifee Commerce Construction Mitigated" models include several changes to the default off-road construction equipment unit amounts, load factors, horsepower, and usage hours (see excerpt below) (Appendix 9.2, pp. 134, 183, 227, 271, 320, 364, 659, 703, 747, 791; Appendix 9.7, pp. 84, 133).

B1-4

[5] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 13-14.
[6] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 32.

Table Name	Column Name	Default Value	New Value
tblOffRoadEquipment	HorsePower	203.00	247.00
tblOffRoadEquipment	HorsePower	203.00	247.00
tblOffRoadEquipment	LoadFactor	0.40	0.38
tblOffRoadEquipment	LoadFactor	0.48	0.41
tblOffRoadEquipment	LoadFactor	0.43	0.37
tblOffRoadEquipment	LoadFactor	0.36	0.40
tblOffRoadEquipment	LoadFactor	0.36	0.40
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	6.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	4.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	4.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	4.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	10.00

Note: The above screenshot does not capture all of the applicable changes included in the model.

As a result of these changes, the models include the following off-road construction equipment list (see excerpt below) (Appendix 9.2, pp. 141, 189, 233, 278, 326, 370, 665, 709, 753, 797; Appendix 9.7, pp. 91, 140).

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Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Demolition	Excavators	3	8.00	158	0.38
Demolition	Rubber Tired Dozers	2	8.00	247	0.40
Clear Site	Rubber Tired Loaders	1	8.00	247	0.40
Recompact and Import	Rubber Tired Dozers	2	8.00	247	0.40
Recompact and Import	Scrapers	10	8.00	367	0.48
Recompact and Import	Sweepers/Scrubbers	1	8.00	64	0.46
Fine Grade	Graders	1	8.00	187	0.41
Fine Grade	Rubber Tired Dozers	1	8.00	247	0.40
Fine Grade	Scrapers	4	8.00	367	0.48
Offsite Site Prep	Crawler Tractors	4	8.00	97	0.37
Offsite Site Prep	Rubber Tired Dozers	3	8.00	247	0.40
Building Construction	Cranes	2	8.00	231	0.29
Building Construction	Forklifts	6	8.00	89	0.20
Building Construction	Generator Sets	2	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	6	8.00	97	0.37

Note: The above screenshot does not capture all of the applicable changes included in the model.

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[7] According to the "User Entered Comments and Non-Default Data" table, the justification provided for these changes is:

> "Equipment based on data provided by Project team" (Appendix 9.2, pp. 131, 180, 224, 268, 317, 361, 656, 700, 744, 788; Appendix 9.7, pp. 81, 130).

Furthermore, the AQIA provides the following construction equipment assumptions (see excerpt below) (p. 41-42, Table 3-4):

TABLE 3-4: CONSTRUCTION EQUIPMENT ASSUMPTIONS

Construction Activity	Equipment	Amount	Hours Per Day
Demolition	Concrete/Industrial Saws	1	8
	Excavators	3	8
	Rubber Tired Dozers	2	8
Clear Site	Rubber Tired Loaders	1	8
Recompact	Rubber Tired Dozers	1	8
	Scrapers	10	8
Recompact and Import	Rubber Tired Dozers	2	8
	Scrapers	10	8
	Sweepers/Scrubbers	1	8
Fine Grading	Graders	1	8
	Rubber Tired Dozers	1	8

Note: The above screenshot does not capture the entire table.

However, the changes remain unsupported for two reasons.

First, the above-mentioned construction equipment list is only a reflection of the equipment included in the model. As the AQIA fails to provide a source for the table or any concrete justification for the purported construction equipment list, we cannot verify the revised unit amounts, load factors, horsepower, and usage hours are accurate.

Second, the DEIR fails to provide or mention the Project's anticipated construction equipment list whatsoever. As previously discussed, according to the CalEEMod User's Guide:

> "CalEEMod was also designed to allow the user to change the defaults to reflect site- or project-specific information, when available, provided that the information is supported by substantial evidence as required by CEQA."[8]

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[7] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 1, 14.
[8] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 13-14.

As such, until additional information becomes available that substantiates the revised input parameters, we are unable to verify the changes.

These unsubstantiated changes present an issue, as CalEEMod uses the off-road construction equipment input parameters to calculate the emissions associated with off-road construction equipment.[9] By including unsubstantiated changes to the default off-road construction equipment unit amounts, load factors, horsepower, and usage hours, the models may underestimate the Project's construction-related emissions and should not be relied upon to determine Project significance.

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Unsubstantiated Changes to Acres of Grading Values

Review of the CalEEMod output files demonstrates that the "14616 Menifee Commerce Construction Unmitigated" and "14616 Menifee Commerce Construction Mitigated" models include several changes to the default acres of grading values (see excerpt below) (Appendix 9.2, pp. 133, 182, 226, 269, 319, 363, 658, 702, 746, 790; Appendix 9.7, pp. 83, 132).

Table Name	Column Name	Default Value	New Value
tblGrading	AcresOfGrading	157.50	75.00
tblGrading	AcresOfGrading	627.00	285.00
tblGrading	AcresOfGrading	30.00	100.00
tblGrading	AcresOfGrading	60.00	200.00
tblGrading	AcresOfGrading	105.00	150.00

B1-5

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[10] According to the "User Entered Comments & Non-Default Data" table, the justification provided for these changes is:

> "Assumes 5 acres will be graded per day" (Appendix 9.2, pp. 131, 180, 224, 268, 317, 361, 656, 700, 744, 788; Appendix 9.7, pp. 81, 130).

However, these changes remain unsupported, as the models cannot simply assume that only 5 acres will be graded per day. Furthermore, the DEIR and associated documents fail to mention or justify the revised acres of grading values whatsoever. As previously discussed, according to the CalEEMod User's Guide:

> "CalEEMod was also designed to allow the user to change the defaults to reflect site- or project-specific information, when available, provided that the information is supported by substantial evidence as required by CEQA." [11]

[9] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 33-34.
[10] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 1, 14.
[11] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 13-14.

Here, as the Project documents fail to provide substantial evidence to support the revised acres of grading values, we cannot verify the changes.

These unsubstantiated changes present an issue, as CalEEMod uses the acres of grading values to estimate the dust emissions associated with grading.[12] Thus, by including unsubstantiated changes to the default acres of grading values, the models may underestimate the Project's construction-related emissions and should not be relied upon to determine Project significance.

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Updated Analysis Indicates a Potentially Significant Air Quality Impact

In an effort to more accurately estimate the Project's construction-related emissions, we prepared an updated CalEEMod model, using the Project-specific information provided by the DEIR. In our updated model, we included the proposed parking land use, proportionally altered the individual construction phase lengths to match the proposed 22-month construction duration, and omitted the unsubstantiated changes to the acres of grading values and construction off-road equipment input parameters.[13]

Our updated analysis estimates that the VOC emissions associated with Project construction exceed the applicable SCAQMD thresholds of 75-pounds per day ("lbs/day"), as referenced by the DEIR (p. 4.2-15, Table 4.2-2) (see table below).

SWAPE Criteria Air Pollutant Emissions

Construction	VOC (lbs/day)
DEIR	30.8
SWAPE	78.7
% Increase	156%
SCAQMD Threshold	**75**
Exceeds?	***Yes***

B1-6

As demonstrated above, construction-related VOC emissions, as estimated by SWAPE, increase by approximately 156% and exceed the applicable SCAQMD significance threshold. Thus, our updated modeling demonstrates that the Project would result in a potentially significant air quality impact that was not previously identified or addressed by the DEIR. As a result, an updated EIR should be prepared to adequately assess and mitigate the potential air quality impacts that the Project may have on the environment.

Disproportionate Health Risk Impacts of Warehouses on Surrounding Communities

Upon review of the DEIR, we have determined that the development of the proposed Project would result in disproportionate health risk impacts on community members living, working, and going to school within the immediate area of the Project site. According to the SCAQMD:

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[12] "Appendix A – Calculation Details for CalEEMod." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 9.
[13] See Attachment B for updated modeling.

> "Those living within a half mile of warehouses are more likely to include communities of color, have health impacts such as higher rates of asthma and heart attacks, and a greater environmental burden."[14]

In particular, the SCAQMD found that more than 2.4 million people live within a half mile radius of at least one warehouse, and that those areas not only experience increased rates of asthma and heart attacks, but are also disproportionately Black and Latino communities below the poverty line.[15] Another study similarly indicates that "neighborhoods with lower household income levels and higher percentages of minorities are expected to have higher probabilities of containing warehousing facilities."[16] Additionally, a report authored by the Inland Empire-based People's Collective for Environmental Justice and University of Redlands states:

> "As the warehouse and logistics industry continues to grow and net exponential profits at record rates, more warehouse projects are being approved and constructed in low-income communities of color and serving as a massive source of pollution by attracting thousands of polluting truck trips daily. Diesel trucks emit dangerous levels of nitrogen oxide and particulate matter that cause devastating health impacts including asthma, chronic obstructive pulmonary disease (COPD), cancer, and premature death. As a result, physicians consider these pollution-burdened areas 'diesel death zones."[17]

B1-7

It is evident that the continued development of industrial warehouses within these communities poses a significant environmental justice challenge. However, the acceleration of warehouse development is only increasing despite the consequences on public health. The Inland Empire alone is adding 10 to 25 million SF of new industrial space each year.[18]

Riverside County, the setting of the proposed Project, has long borne a disproportionately high pollution burden compared to the rest of California. This year the County has faced some of the worst ozone pollution in California, as it has seen the second highest recorded Air Quality Index ("AQI") values for ground-level ozone in the state.[19] The U.S. Environmental Protection Agency ("EPA") indicates that

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[14] "South Coast AQMD Governing Board Adopts Warehouse Indirect Source Rule." SCAQMD, May 2021, *available at:* http://www.aqmd.gov/docs/default-source/news-archive/2021/board-adopts-waisr-may7-2021.pdf?sfvrsn=9.

[15] "Southern California warehouse boom a huge source of pollution. Regulators are fighting back." Los Angeles Times, May 2021, *available at:* https://www.latimes.com/california/story/2021-05-05/air-quality-officials-target-warehouses-bid-to-curb-health-damaging-truck-pollution.

[16] "Location of warehouses and environmental justice: Evidence from four metros in California." MetroFreight Center of Excellence, January 2018, *available at:* https://www.metrans.org/assets/research/MF%201.1g_Location%20of%20warehouses%20and%20environmental%20justice_Final%20Report_021618.pdf, p. 21.

[17] "Warehouses, Pollution, and Social Disparities: An analytical view of the logistics industry's impacts on environmental justice communities across Southern California." People's Collective for Environmental Justice, April 2021, *available at:* https://earthjustice.org/sites/default/files/files/warehouse_research_report_4.15.2021.pdf, p. 4.

[18] "2020 North America Industrial Big Box Review & Outlook." CBRE, 2020, *available at:* https://www.cbre.com/-/media/project/cbre/shared-site/insights/local-responses/industrial-big-box-report-inland-empire/local-response-2020-ibb-inland-empire-overview.pdf, p. 2.

[19] "High Ozone Days." American Lung Association, 2022, *available at:*

ozone, the main ingredient in "smog," can cause several health problems, which includes aggravating lung diseases and increasing the frequency of asthma attacks. The U.S. EPA states:

> "Children are at greatest risk from exposure to ozone because their lungs are still developing and they are more likely to be active outdoors when ozone levels are high, which increases their exposure. Children are also more likely than adults to have asthma."[20]

Furthermore, regarding the increased sensitivity of early-life exposures to inhaled pollutants, the California Air Resources Board ("CARB") states:

> "Children are often at greater risk from inhaled pollutants, due to the following reasons:
>
> - Children have unique activity patterns and behavior. For example, they crawl and play on the ground, amidst dirt and dust that may carry a wide variety of toxicants. They often put their hands, toys, and other items into their mouths, ingesting harmful substances. Compared to adults, children typically spend more time outdoors and are more physically active. Time outdoors coupled with faster breathing during exercise increases children's relative exposure to air pollution.
>
> - Children are physiologically unique. Relative to body size, children eat, breathe, and drink more than adults, and their natural biological defenses are less developed. The protective barrier surrounding the brain is not fully developed, and children's nasal passages aren't as effective at filtering out pollutants. Developing lungs, immune, and metabolic systems are also at risk.
>
> - Children are particularly susceptible during development. Environmental exposures during fetal development, the first few years of life, and puberty have the greatest potential to influence later growth and development."[21]

B1-7

A Stanford-led study also reveals that children exposed to high levels of air pollution are more susceptible to respiratory and cardiovascular diseases in adulthood.[22] Thus, given children's higher propensity to succumb to the negative health impacts of air pollutants, and as warehouses release more smog-forming pollution than any other sector, it is necessary to evaluate the specific health risk that warehouses pose to children in the nearby community.

According to the above-mentioned study by the People's Collective for Environmental Justice and University of Redlands, there are 640 schools in the South Coast Air Basin that are located within half a

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https://www.lung.org/research/sota/city-rankings/states/california.

[20] "Health Effects of Ozone Pollution." U.S. EPA, May 2021, *available at:* https://www.epa.gov/ground-level-ozone-pollution/health-effects-ozone-pollution.

[21] "Children and Air Pollution." California Air Resources Board (CARB), *available at:* https://ww2.arb.ca.gov/resources/documents/children-and-air-pollution.

[22] "Air pollution puts children at higher risk of disease in adulthood, according to Stanford researchers and others." Stanford, February 2021, *available at:* https://news.stanford.edu/2021/02/22/air-pollution-impacts-childrens-health/.

mile of a large warehouse, most of them in socio-economically disadvantaged areas.[23] Regarding the proposed Project itself, the DEIR states:

> "Sensitive land uses surrounding the Project consist mostly of residential uses. The nearest sensitive receptor is an existing residence at 26026 Sherman Road, approximately 26 feet north of the Project site" (p. 4.2-4).

Furthermore, the DEIR states:

> "The nearest school is Romoland Elementary School, which is located approximately 1,885 feet northeast of the Project site (p. 4.2-35).

As demonstrated above, an elementary school is located approximately 1,885 feet, or 0.36 miles, within the Project's vicinity. This poses a significant threat because, as outlined above, children are a vulnerable population that are more susceptible to the damaging side effects of air pollution. As such, the Project would have detrimental short-term and long-term health impacts on local children if approved. B1-7

An updated EIR should be prepared to evaluate the disproportionate impacts of the proposed warehouse on the community adjacent to the Project, including an analysis of the impact on children and people of color who live and attend school in the surrounding area. Finally, in order to evaluate the cumulative air quality impact from the several warehouse projects proposed or built in a one-mile radius of the Project site, the updated EIR should prepare a cumulative health risk assessment ("HRA") to quantify the adverse health outcome from the effects of exposure to multiple warehouses in the immediate area.

Diesel Particulate Matter Emissions Inadequately Evaluated

The DEIR concludes that the proposed Project would result in a less-than-significant health risk impact based on a quantified construction and mobile-source operational health risk assessment ("HRA"), which is detailed in Appendix 9.2.2. Specifically, the DEIR estimates that the maximum cancer risk posed to nearby, existing residential sensitive receptors associated with Project construction and operation would be 5.87- and 3.15-in one million, respectively, neither of which would exceed the SCAQMD significance threshold of 10 in one million (see excerpt below) (p. 4.2-34, Table 4.2-8; p. 4.2-35, Table 4.2-9). B1-8

[23] "Warehouses, Pollution, and Social Disparities: An analytical view of the logistics industry's impacts on environmental justice communities across Southern California." People's Collective for Environmental Justice, April 2021, *available at:* https://earthjustice.org/sites/default/files/files/warehouse_research_report_4.15.2021.pdf, p. 4.

Table 4.2-8: Construction Risk Assessment Results

Scenario	Time Period	Location	Maximum Lifetime Cancer Risk (Risk per Million)	Significance Threshold (Risk per Million)	Exceeds Significance Threshold
1, 2	2 Year Exposure	Maximum Exposed Sensitive Receptor	5.87	10	NO
Scenario	**Time Period**	**Location**	**Maximum Hazard Index**	**Significance Threshold**	**Exceeds Significance Threshold**
1, 2	Annual Average	Maximum Exposed Sensitive Receptor	≤0.01	1.0	NO

Refer to **Appendix 9.2.2** for model data.

Table 4.2-9: Operational Risk Assessment Results

Scenario	Time Period	Location	Maximum Lifetime Cancer Risk (Risk per Million)	Significance Threshold (Risk per Million)	Exceeds Significance Threshold
1	30 Year Exposure	Maximum Exposed Sensitive Receptor	3.15	10	NO
	25 Year Exposure	Maximum Exposed Worker Receptor	0.28	10	NO
2	30 Year Exposure	Maximum Exposed Sensitive Receptor	3.60	10	NO
	25 Year Exposure	Maximum Exposed Worker Receptor	0.30	10	NO
Scenario	**Time Period**	**Location**	**Maximum Hazard Index**	**Significance Threshold**	**Exceeds Significance Threshold**
1	Annual Average	Maximum Exposed Sensitive Receptor	≤0.01	1.0	NO
	Annual Average	Maximum Exposed Worker Receptor	≤0.01	1.0	NO
2	Annual Average	Maximum Exposed Sensitive Receptor	≤0.01	1.0	NO
	Annual Average	Maximum Exposed Worker Receptor	≤0.01	1.0	NO

Source: **Appendix 9.2.2**

However, the DEIR's evaluation of the Project's potential health risk impacts, as well as the subsequent less-than-significant impact conclusion, is incorrect for two reasons.

First, the DEIR's construction and mobile-source operational HRAs underestimate the Fraction of Time At Home ("FAH") values. Specifically, the HRAs utilize a FAH value of 0.85 for the third trimester (-0.25 to 0) and infant (0 to 2) ages, and an FAH value of 0.72 for the child age (2 to 16) (see excerpts below) (Appendix 9.2.2, p. 22-23, Table 2-6, Table 2-7).

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TABLE 2-6: EXPOSURE ASSUMPTIONS FOR INDIVIDUAL CANCER RISK (CONSTRUCTION ACTIVITY)

Age	Daily Breathing Rate (L/kg-day)	Age Specific Factor	Exposure Duration (years)	Fraction of Time at Home	Exposure Frequency (days/year)	Exposure Time (hours/day)
0 to 2	1,090	10	2	0.85	345	8

TABLE 2-7: EXPOSURE ASSUMPTIONS FOR INDIVIDUAL CANCER RISK (30 YEAR RESIDENTIAL)

Age	Daily Breathing Rate (L/kg-day)	Age Specific Factor	Exposure Duration (years)	Fraction of Time at Home	Exposure Frequency (days/year)	Exposure Time (hours/day)
-0.25 to 0	361	10	0.25	0.85	350	24
0 to 2	1,090	10	2	0.85	350	24
2 to 16	572	3	14	0.72	350	24
16 to 30	261	1	14	0.73	350	24

However, the FAH values used for the third trimester, infant, and child ages are incorrect, as SCAQMD guidance states:

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> "For Tiers 1, 2, and 3 screening purposes, the FAH is assumed to be 1 for ages third trimester to 16. As a default, children are assumed to attend a daycare or school in close proximity to their home and no discount should be taken for time spent outside of the area affected by the facility's emissions. People older than age 16 are assumed to spend only 73 percent of their time at home."[24]

As such, per SCAQMD guidance, the HRA Report should have used an FAH of 1 for the third trimester, infant, and child receptors. Thus, by utilizing incorrect FAH values, the DEIR underestimates the cancer risk posed to nearby, existing sensitive receptors as a result of Project construction and operation.

Second, while the DEIR includes two HRAs evaluating the health risk impacts to nearby, existing receptors as a result of Project construction and operation, the DEIR fails to evaluate the combined lifetime cancer risk to nearby receptors as a result of Project construction and operation together. According to OEHHA guidance, "the excess cancer risk is calculated separately for each age grouping and then summed to yield cancer risk at the receptor location." [25] However, the DEIR fails to sum the total cancer risks in order to evaluate the combined cancer risk over the course of the Project's total construction and operation. This is incorrect and, as such, an updated analysis should quantify and sum

[24] "Risk Assessment Procedures." SCAQMD, August 2017, available at: http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1401/riskassessmentprocedures_2017_080717.pdf, p. 7.
[25] "Guidance Manual for preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf p. 8-4

the Project's construction and operational health risks to compare to the SCAQMD threshold of 10 in one million, as referenced by the DEIR (p. 4.2-33, p. 4.2-34).

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Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR estimates that Project Scenario 1 and 2 would result in net annual greenhouse gas ("GHG") emissions of 20,078.73- and 12,722.54-metric tons of carbon dioxide equivalents per year ("MT CO2e/year"), respectively, both of which exceed the City's significance threshold of 3,000 MT CO_2e/year (see excerpt below) (p. 4.7-28 – 4.7-29, Table 4.7-3).

Table 4.7-3: Project Scenario 1 and 2 GHG Emissions

Scenario	Emission Source	Emissions (MT/yr)			
		CO_2	CH_4	N_2O	Total CO_2e
1	Annual construction-related emissions amortized over 30 years	160.23	0.02	0.01	163.59
	Area Source	0.08	2.10E-04	0.00	0.09
	Energy Source	944.58	0.07	0.01	949.59
	Mobile Source	17,708.77	0.63	1.40	18,142.38
	Waste	312.96	18.50	0.00	775.33
	Water Usage	35.87	0.37	8.96E-03	47.75
	Total CO_2e (All Sources)	**20,078.73**			
	Threshold	**3,000**			
	Exceeds Threshold?	**Yes**			

Scenario	Emission Source	Emissions (MT/yr)			
		CO_2	CH_4	N_2O	Total CO_2e
2	Annual construction-related emissions amortized over 30 years	160.23	0.02	0.01	163.59
	Area Source	0.08	2.10E-04	0.00	0.09
	Energy Source	944.58	0.07	0.01	949.59
	Mobile Source	10,411.71	0.22	1.24	10,786.20
	Waste	312.96	18.50	0.00	775.33
	Water Usage	35.87	0.37	8.96E-03	47.75
	Total CO_2e (All Sources)	**12,722.54**			
	Threshold	**3,000**			
	Exceeds Threshold?	**Yes**			

Source: Appendix 9.7.1

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As such, the DEIR concludes that the Project would result in a significant-and-unavoidable GHG impact after the implementation of mitigation measure ("MM") AQ-1 through AQ-12 and Standard Conditions ("SC") SC-1 through SC-20 (p. 4.2-21 – 4.2-28). However, while we agree that the Project would result in a significant GHG impact, the DEIR's assertion that this impact is significant-and-unavoidable is insufficient for two reasons:

(1) The DEIR's GHG analysis relies upon an incorrect and unsubstantiated air model; and

(2) The DEIR fails to implement all feasible mitigation.

(1) Incorrect and Unsubstantiated Quantitative Analysis of Emissions

As previously stated, the DEIR estimates that the Project would generate net annual GHG emissions of 20,078.73- and 12,722.54-MT CO_2e/year (p. 4.7-28 – 4.7-29, Table 4.7-3). However, the DEIR's quantitative GHG analysis is unsubstantiated. As previously discussed, when we reviewed the Project's CalEEMod output files, provided in the GHG Report as Appendix 9.7 to the DEIR, we found that several of the values inputted into the models are not consistent with information disclosed in the DEIR. As a result, the models underestimate the Project's emissions, and the DEIR's quantitative GHG analysis should not be relied upon to determine Project significance. An updated EIR should be prepared that adequately assesses the potential GHG impacts that construction and operation of the proposed Project may have on the environment

(2) Failure to Implement All Feasible Mitigation to Reduce GHG Emissions

As discussed above, the DEIR's GHG analysis relies upon an incorrect and unsubstantiated air model to determine the significance of the Project's GHG emissions. However, despite the DEIR's flawed air models, the DEIR concludes that the proposed Project's GHG emissions would be significant-and-unavoidable (p. 4.7-28). However, while we agree that the Project would result in a significant GHG impact, the DEIR's conclusion that this impact is "significant and unavoidable" is incorrect. As previously stated, according to CEQA Guidelines § 15096(g)(2): B1-9

> "When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment."

As you can see, an impact can only be labeled as significant-and-unavoidable after all available, feasible mitigation is considered. Here, while the DEIR implements measure MM AQ-1 through AQ-12 and SC-1 through SC-20, the DEIR fails to implement all feasible mitigation. Therefore, the DEIR's conclusion that Project's GHG emissions would be significant-and-unavoidable is unsubstantiated. To reduce the Project's GHG impacts to the maximum extent possible, additional feasible mitigation measures should be incorporated, such as those suggested in the section of this letter titled "Feasible Mitigation Measures Available to Reduce Emissions." Thus, the Project should not be approved until an updated EIR is prepared, including updated, accurate air modeling, as well as incorporating all feasible mitigation to reduce emissions to less-than-significant levels.

Mitigation

Feasible Mitigation Measures Available to Reduce Emissions

The DEIR's analysis demonstrates that the Project would result in significant air quality and GHG impacts that should be mitigated further. In an effort to reduce the Project's emissions, we identified several mitigation measures that are applicable to the proposed Project. Feasible mitigation measures can be

found in the Department of Justice Warehouse Project Best Practices document.[25] Therefore, to reduce the Project's emissions, consideration of the following measures should be made:

- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.
- Requiring that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring all heavy-duty vehicles entering or operated on the project site to be zero-emission beginning in 2030.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the air district, and the building manager.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Constructing electric truck charging stations proportional to the number of dock doors at the project.
- Constructing electric plugs for electric transport refrigeration units at every dock door, if the warehouse use could include refrigeration.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity, such as equal to the building's projected energy needs.
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- Achieving certification of compliance with LEED green building standards.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.

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[25] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice.

Furthermore, to reduce the Project's criteria air pollutant and GHG emissions, we recommend consideration of SCAG's 2020 *RTP/SCS* PEIR's Air Quality Project Level Mitigation Measures ("PMM-AQ-1") and Greenhouse Gas Project Level Mitigation Measures ("PMM-GHG-1"), as described below:[27]

SCAG RTP/SCS 2020-2045
Air Quality Project Level Mitigation Measures – PMM-AQ-1: In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the *State CEQA Guidelines*, a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects related to violating air quality standards. Such measures may include the following or other comparable measures identified by the Lead Agency:
b) Suspend grading and earth moving when wind gusts exceed 25 miles per hour unless the soil is wet enough to prevent dust plumes.
l) Minimize idling time to 5 minutes—saves fuel and reduces emissions.
n) Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.
p) As appropriate require that portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, obtain CARB Portable Equipment Registration with the state or a local district permit. Arrange appropriate consultations with the CARB or the District to determine registration and permitting requirements prior to equipment operation at the site.
q) Require projects within 500 feet of residences, hospitals, or schools to use Tier 4 equipment for all engines above 50 horsepower (hp) unless the individual project can demonstrate that Tier 4 engines would not be required to mitigate emissions below significance thresholds.
r) Projects located within the South Coast Air Basin should consider applying for South Coast AQMD "SOON" funds which provides funds to applicable fleets for the purchase of commercially available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles.
s) Projects located within AB 617 communities should review the applicable Community Emissions Reduction Plan (CERP) for additional mitigation that can be applied to individual projects.
t) Where applicable, projects should provide information about air quality related programs to schools, including the Environmental Justice Community Partnerships (EJCP), Clean Air Ranger Education (CARE), and Why Air Quality Matters programs.
y) Projects that will introduce sensitive receptors within 500 feet of freeways and other sources should consider installing high efficiency of enhanced filtration units, such as Minimum Efficiency Reporting Value (MERV) 13 or better. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.
z) Develop an ongoing monitoring, inspection, and maintenance program for the MERV filters.
aa) Consult the SCAG Environmental Justice Toolbox for potential measures to address impacts to low-income and/or minority communities.
bb) The following criteria related to diesel emissions shall be implemented on by individual project sponsors as appropriate and feasible: - Diesel nonroad vehicles on site for more than 10 total days shall have either (1) engines that meet EPA

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[27] "4.0 Mitigation Measures." Connect SoCal Program Environmental Impact Report Addendum #1, September 2020, available at: https://scag.ca.gov/sites/main/files/file-attachments/fpeir_connectsocal_addendum_4_mitigationmeasures.pdf?1606004420, p. 4.0-2 – 4.0-10; 4.0-19 – 4.0-23; See also: "Certified Final Connect SoCal Program Environmental Impact Report." Southern California Association of Governments (SCAG), May 2020, *available at:* https://scag.ca.gov/peir.

on road emissions standards or (2) emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85%

- Diesel generators on site for more than 10 total days shall be equipped with emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85%.
- Nonroad diesel engines on site shall be Tier 2 or higher.
- Diesel nonroad construction equipment on site for more than 10 total days shall have either (1) engines meeting EPA Tier 4 nonroad emissions standards or (2) emission control technology verified by EPA or CARB for use with nonroad engines to reduce PM emissions by a minimum of 85% for engines for 50 hp and greater and by a minimum of 20% for engines less than 50 hp.
- Emission control technology shall be operated, maintained, and serviced as recommended by the emission control technology manufacturer.
- Diesel vehicles, construction equipment, and generators on site shall be fueled with ultra-low sulfur diesel fuel (ULSD) or a biodiesel blend approved by the original engine manufacturer with sulfur content of 15 ppm or less.
- The construction contractor shall maintain a list of all diesel vehicles, construction equipment, and generators to be used on site. The list shall include the following:
    i. Contractor and subcontractor name and address, plus contact person responsible for the vehicles or equipment.
    ii. Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation.
    iii. For the emission control technology installed: technology type, serial number, make, model, manufacturer, EPA/CARB verification number/level, and installation date and hour-meter reading on installation date.
- The contractor shall establish generator sites and truck-staging zones for vehicles waiting to load or unload material on site. Such zones shall be located where diesel emissions have the least impact on abutters, the general public, and especially sensitive receptors such as hospitals, schools, daycare facilities, elderly housing, and convalescent facilities.
- The contractor shall maintain a monthly report that, for each on road diesel vehicle, nonroad construction equipment, or generator onsite, includes:
    i. Hour-meter readings on arrival on-site, the first and last day of every month, and on off-site date.
    ii. Any problems with the equipment or emission controls.
    iii. Certified copies of fuel deliveries for the time period that identify:
        1. Source of supply
        2. Quantity of fuel
        3. Quantity of fuel, including sulfur content (percent by weight)

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cc) Project should exceed Title-24 Building Envelope Energy Efficiency Standards (California Building Standards Code). The following measures can be used to increase energy efficiency:

- Provide pedestrian network improvements, such as interconnected street network, narrower roadways and shorter block lengths, sidewalks, accessibility to transit and transit shelters, traffic calming measures, parks and public spaces, minimize pedestrian barriers.
- Provide traffic calming measures, such as:
    i. Marked crosswalks
    ii. Count-down signal timers
    iii. Curb extensions iv. Speed tables
    iv. Raised crosswalks
    v. Raised intersections
    vi. Median islands
    vii. Tight corner radii
    viii. Roundabouts or mini-circles
    ix. On-street parking
    x. Chicanes/chokers

- Create urban non-motorized zones
- Provide bike parking in non-residential and multi-unit residential projects
- Dedicate land for bike trails
- Limit parking supply through:
    i. Elimination (or reduction) of minimum parking requirements
    ii. Creation of maximum parking requirements
    iii. Provision of shared parking
- Require residential area parking permit.
- Provide ride-sharing programs
    i. Designate a certain percentage of parking spacing for ride sharing vehicles
    ii. Designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles
    iii. Providing a web site or messaging board for coordinating rides
    iv. Permanent transportation management association membership and finding requirement.

Greenhouse Gas Project Level Mitigation Measures – PMM-GHG-1

In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the *State CEQA Guidelines*, a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects related to violating air quality standards. Such measures may include the following or other comparable measures identified by the Lead Agency:

b) Reduce emissions resulting from projects through implementation of project features, project design, or other measures, such as those described in Appendix F of the State CEQA Guidelines.

c) Include off-site measures to mitigate a project's emissions.

d) Measures that consider incorporation of Best Available Control Technology (BACT) during design, construction and operation of projects to minimize GHG emissions, including but not limited to:

i. Use energy and fuel-efficient vehicles and equipment;
ii. Deployment of zero- and/or near zero emission technologies;
iii. Use lighting systems that are energy efficient, such as LED technology;
iv. Use the minimum feasible amount of GHG-emitting construction materials;
v. Use cement blended with the maximum feasible amount of flash or other materials that reduce GHG emissions from cement production;
vi. Incorporate design measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse;
vii. Incorporate design measures to reduce energy consumption and increase use of renewable energy;
viii. Incorporate design measures to reduce water consumption;
ix. Use lighter-colored pavement where feasible;
x. Recycle construction debris to maximum extent feasible;
xi. Plant shade trees in or near construction projects where feasible; and
xii. Solicit bids that include concepts listed above.

j) Land use siting and design measures that reduce GHG emissions, including:

i. Developing on infill and brownfields sites;
ii. Building compact and mixed-use developments near transit;
iii. Retaining on-site mature trees and vegetation, and planting new canopy trees;

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iv. Measures that increase vehicle efficiency, encourage use of zero and low emissions vehicles, or reduce the carbon content of fuels, including constructing or encouraging construction of electric vehicle charging stations or neighborhood electric vehicle networks, or charging for electric bicycles; and v. Measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse.
k) Consult the SCAG Environmental Justice Toolbox for potential measures to address impacts to low-income and/or minority communities. The measures provided above are also intended to be applied in low income and minority communities as applicable and feasible.
l) Require at least five percent of all vehicle parking spaces include electric vehicle charging stations, or at a minimum, require the appropriate infrastructure to facilitate sufficient electric charging for passenger vehicles and trucks to plug-in.
m) Encourage telecommuting and alternative work schedules, such as: i. Staggered starting times ii. Flexible schedules iii. Compressed work weeks
n) Implement commute trip reduction marketing, such as: i. New employee orientation of trip reduction and alternative mode options ii. Event promotions iii. Publications
o) Implement preferential parking permit program
p) Implement school pool and bus programs
q) Price workplace parking, such as: i. Explicitly charging for parking for its employees; ii. Implementing above market rate pricing; iii. Validating parking only for invited guests; iv. Not providing employee parking and transportation allowances; and v. Educating employees about available alternatives.

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These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduce emissions released during Project construction and operation. An updated EIR should be prepared to include all feasible mitigation measures, as well as include updated air quality and GHG analyses to ensure that the necessary mitigation measures are implemented to reduce emissions to below thresholds. The updated EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's significant emissions are reduced to the maximum extent possible.

Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing

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results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

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Sincerely,

Matt Hagemann, P.G., C.Hg.

Paul E. Rosenfeld, Ph.D.

Attachment A: Construction Schedule Calculations
Attachment B: CalEEMod Output Files
Attachment C: Matt Hagemann CV
Attachment D: Paul E. Rosenfeld CV

Construction Schedule Calculations

Phase	Default Phase Length	Construction Duration	%	Construction Duration	Revised Phase Length
Demolition	100	2917	0.0343	708	24
Site Preparation	60	2917	0.0206	708	15
Grading	155	2917	0.0531	708	38
Construction	1550	2917	0.5314	708	376
Paving	110	2917	0.0377	708	27
Architectural Coating	110	2917	0.0377	708	27

	Total Default Construction Duration	Revised Construction Duration
Start Date	1/1/2023	1/1/2023
End Date	12/27/2030	12/9/2024
Total Days	2917	708

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In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action N0. 14-C-30000
Rosenfeld Deposition, June 2015

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Document

In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant.*
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs,* vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court for the Middle District of Alabama, Northern Division
James K. Benefield, et al., *Plaintiffs*, vs. International Paper Company, *Defendant*.
Civil Action Number 2:09-cv-232-WHA-TFM
Rosenfeld Deposition: July 2010, June 2011

In the Circuit Court of Jefferson County Alabama
Jaeanette Moss Anthony, et al., *Plaintiffs*, vs. Drummond Company Inc., et al., *Defendants*
Civil Action No. CV 2008-2076
Rosenfeld Deposition: September 2010

In the United States District Court, Western District Lafayette Division
Ackle et al., *Plaintiffs*, vs. Citgo Petroleum Corporation, et al., *Defendants*.
Case Number 2:07CV1052
Rosenfeld Deposition: July 2009

Responses to Comment Letter B1 – Blum Collins & Ho, LLP, Attorneys at Law
Gary Ho
Attachment Memorandum

B1-1 The commenter incorrectly claims that the Draft EIR's air quality, health risk, and greenhouse gas (GHG) impacts are underestimated and requests preparation of an updated EIR based on the subsequent comments. This is a summary of the detailed comments provided in the body of the comment letter, which are addressed and responded to in the following responses. No additional response is required.

B1-2 This comment provides no substantial evidence of a significant environmental impact. The commenter claims that the proposed parking modeled is not modeled and that this results in an understatement of construction-related and operational emissions. The "truck-trailer positions" were modeled separately, conservatively, in CalEEMod as "Other Asphalt Surfaces." In order to account for parking and other paved areas, "parking lot" and "other asphalt surface" land uses were modeled in CalEEMod. The total parking and asphalt surface area of 34.43 acres was estimated by subtracting the building area and landscape areas from the total site area, which conservatively accounts for the larger parking space sizes required for trailer parking.

B1-3 This comment provides no substantial evidence of a significant environmental impact. The commenter claims that changes have been made to the CalEEMod defaults and that these changes are not substantiated or identified in the Draft EIR. To the contrary, the Draft EIR and associated Appendix B1 – Air Quality Impact Analysis clearly states on Page 42, that "The duration of construction activity was based on information provided by the Project Applicant." In this case, site-specific information was provided by the Project Applicant relative to the Project's construction schedule. The commenter provides no substantial evidence as to why the duration of construction activity assumed is unreasonable or inaccurate.

B1-4 This comment provides no substantial evidence of a significant environmental impact. The commenter claims that equipment changes are unsupported is erroneous. The detailed air quality analysis is presented in Appendix 9.2.1 and includes robust detail and modeling outputs supporting the air quality emissions calculations. Pages 39 through 42 of the technical air quality report, presented in Appendix 9.2.1 included detailed information on the modeled assumption. Further, Appendix 3.1 of the technical report in Appendix 9.2.1 includes the CalEEMod model outputs which details the specific modeling parameters used in the emissions calculations. The commenter provides no substantial evidence as to why the equipment assumptions are unreasonable or inaccurate.

B1-5 This comment provides no substantial evidence of a significant environmental impact. Page 52 of Appendix 9.2.1 provides a robust discussion on the Total Acres Graded (TAG) calculation for each phase of construction activity that was quantified.

B1-6 The commenter attempts to provide updated modeling of the Project's construction-related emissions of VOC emissions based on CalEEMod defaults and not based on the information included in the Draft EIR. However, the commenter provides no substantial evidence to support the use of CalEEMod defaults when, as explained above, there are more accurate and appropriate Project specific inputs available. To the contrary, Response to the Comments in Letter B, which address the CalEEMod assumptions, refute the commenter's assertions and support the fact that the Draft EIR and supporting technical studies are correct, and no significant impact would occur from implementation of the Project, with adherence to regulatory requirements. As such, the analysis in the Draft EIR and supporting technical analysis is correct and no changes to the Draft EIR are needed.

B1-7 This comment provides no substantial evidence of a significant environmental impact. Please see Response to Comment B-7 of the FEIR. Additionally, the mobile source health risk assessment evaluated the potential risks associated with DPM emissions generated through the operation of the proposed Project, and the Supplemental Air Quality Analysis Memorandum evaluates the potential risk from DPM emissions generated during Project construction. The results of these analyses indicate the proposed Project would not result in any significant impacts for nearby school children, residents, or workers.

The comment notes that children are at greater risk from inhaled pollutants for a variety of reasons. However, the analysis accounts for this through the use of breathing rates and age sensitivity factors as recommended by OEHHA's Risk Assessment Guidelines to account for children being exposed to pollutants beginning in the third trimester.

Cumulative health risk for the proposed Project combined with other projects in the vicinity was not calculated, as there is no guidance available detailing the preparation of such an analysis and no significance thresholds have been developed to determine a level of significance. As such, any attempt to quantify the cumulative risk would be speculative.

As noted in the DEIR and underlying technical Appendix 9.2.2, a construction HRA has been prepared, including the total combined risk for Project construction and operation combined. This analysis demonstrates that the Project will not have any significant health risk impacts.

B1-8 This comment provides no substantial evidence of a significant environmental impact. The DEIR and underlying technical Appendix 9.2.2, includes a construction and operational HRA, including the total combined risk for Project construction and operation combined. Contrary to the commenter's assertion, this data was presented. Additionally, the commenter erroneously attempts to add the maximum risk estimates from construction to the operations without adjusting the combined exposure, which is correctly presented in the underlying technical Appendix 9.2.2 (see Pages 2-3) under the header Construction and Operational Impacts. The commenter provides no substantial evidence that it is appropriate to combine the Project's construction and operational impacts. Additionally, the Project correctly evaluates risk based on the fraction of time at home (FAH) based on SCAQMD and OEHHA guidance as discussed and disclosed in the technical Appendix 9.2.2.

B1-9 Please see responses above discussing the selection of model parameters and inputs selected in CalEEMod.

Several of the standard conditions and requirements and mitigation measures included in the DEIR would be implemented by the proposed Project, including the installation of EV charging stations and infrastructure (SC-6), infrastructure to support the use of vehicles (SC-16), a requirement to install a solar photovoltaic (PV) system (MM GHG-1), achieve LEED certified equivalent building standards (MM GHG-2) establishment of a Transportation Management Plan (MM AQ-5), and encouraging vendor trucks to incorporate energy efficiency improvements through the Carl Moyer Program (MM AQ-7).

However, many of the mitigation measures suggested in the comment would not be feasible for the Project to implement. At this time, CARB Tier 4 equipment is not available for all necessary equipment types in the Project area. Additionally, it is not known at this time whether heavy-duty zero-emission trucks would be commercially available by 2030. The commenter provides no substantial evidence that the commenter's suggested mitigation would be feasible or would mitigate the impact to a level of insignificance.

B1-10 This comment provides no substantial evidence of a significant environmental impact. This comment includes conclusionary statements. No further response is warranted.

B1-11 This comment includes construction schedule calculations, CalEEMod Output files, and background information of Commenter's consultants. No further response is warranted.