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Sent via email

Dear Kathleen King:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Notice of Preparation (NOP) for the Five Points Union Specific Plan (Specific Plan) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2025080636. The Specific Plan proposes the redevelopment of a 444-acre site, the former Phillips 66 Los Angeles Refinery, into a Specific Plan with a large-scale industrial center and an adjacent commercial town center. The Industrial Center would be up to 6,568,600 square feet and include uses such as high-cube fulfillment centers, manufacturing, cold storage, and outdoor trailer and container storage. The Specific Plan is located within the City of Los Angeles (City), which is the lead agency for California Environmental Quality Act (CEQA) purposes.

The Specific Plan will expose nearby communities to elevated levels of air pollution. Industrial developments, particularly those including high-cube fulfillment centers, can result in high daily volumes of heavy-duty diesel truck traffic along local roadways and the operation of on-site equipment (e.g., forklifts and yard tractors) that emit diesel particulate matter (diesel PM) and contribute to regional air pollution. Diesel PM is a carcinogen and is linked to cancer and respiratory health effects such as asthma. The community surrounding the Specific Plan site would be expose to diesel PM during the construction and operation of the proposed industrial development.

There are residences located northwest, east and southwest of the Specific Plan site, with the closest residences located within 130 feet from the Specific Plan's eastern boundary. In addition to residences, the Specific Plan site is located within a mile of Rolling Hills Middle School, and Mary Star Sea High School. These residences and schools are located within the Wilmington, Carson, West Long Beach (WCWLB) community, which has been designated as a disadvantaged community under Assembly Bill (AB) 617 (Garcia, Chapter 136, Statues of 2017). To protect the residences and schools near the Specific Plan site from toxic diesel PM exposure, CARB staff urges the City to plan for the use of zero-emission technologies within the Specific Plan site as recommended in this letter.

The Specific Plan May Increase Exposure to Air Pollution for Residences Located Within the Wilmington Environmental Justice Neighborhoods Community

The Specific Plan is located within the boundaries of the WCWLB community. The WCWLB community was selected by CARB for the development of a community emissions reduction program under AB 617 due to its high cumulative exposure burden from mobile and stationary sources of air pollution. The census tracts within the area score as high as the 51st percentile in CalEnviroScreen 4.0. As previously discussed, there are numerous existing sensitive receptors located near the Specific Plan site, which includes residences and schools. The City must ensure the DEIR includes a robust analysis of all potential air quality and health risk impacts and implements the most stringent mitigation measures available to protect public health.

The following three pieces of legislation must be seriously considered when developing a Specific Plan like this near a disadvantaged community:

Senate Bill 535 (De León, 2012); Disadvantaged Communities

Senate Bill 535 (De León, Chapter 830, 2012)[1] recognizes the potential vulnerability of low-income and disadvantaged communities to poor air quality and requires funds to be spent to benefit disadvantaged communities. The California Environmental Protection Agency (CalEPA) must identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)).

CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25% of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 4.0 (CalEnviroScreen).[2] The Specific Plan is located with the boundary of the Wilmington Community. Many residences within the Wilmington Community are located in census tracts with a maximum CalEnviroScreen score in the top 5%, indicating that the area is home to some of the most vulnerable neighborhoods in the State. The air pollution levels in this community routinely exceed state and federal air quality standards.

The City must ensure the implementation of all feasible mitigations, including utilization of zero-emission technologies, to limit the Specific Plan's air quality and public health impact on neighboring disadvantaged communities.

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[1] Senate Bill 535, De León, K., Chapter 800, Statutes of 2012, modified the California Health and Safety Code, adding § 39711, § 39713, § 39715, § 39721and § 39723.

[2] "CalEnviroScreen 4.0." Oehha.ca.gov, California Office of Environmental Health Hazard Assessment, June 2018, *https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40*

Senate Bill 1000 (Leyva, 2016); Environmental Justice Element for Land Use Planning

Senate Bill (SB) 1000 (Leyva, Chapter 587, Statutes of 2016).[3] amended California's Planning and Zoning Law. SB 1000 requires local governments that have identified disadvantaged communities to incorporate the addition of an environmental justice element into their general plans upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018. SB 1000 requires environmental justice elements to identify objectives and policies to reduce unique or compounded health risks in disadvantaged communities. Generally, environmental justice elements will include policies to reduce the community's exposure to pollution through air quality improvement. SB 1000 affirms the need to integrate environmental justice principles into the planning process to prioritize improvements and programs that address the needs of disadvantaged communities, like Wilmington Community.

Assembly Bill 617 (Garcia, 2017); Community Air Protection

The State of California has emphasized protecting local communities from the harmful effects of air pollution through the passage of AB 617.[4] AB 617 required CARB to develop the process that creates new community-focused and community-driven action to reduce air pollution and improve public health in communities that experience disproportionate burdens from exposure to air pollutants. In response to AB 617, CARB established the Community Air Protection Program with the goal of reducing exposure in communities heavily impacted by air pollution. As part of its role in implementing AB 617, CARB must annually consider the selection of communities for development and implementation of community air monitoring plans and/or community emission reduction programs for those communities affected by a high cumulative exposure burden.

CARB approved the WCWLB Community Emissions Reductions Plan (CERP)[5] in 2019, which describes strategies to achieve emission and exposure reductions throughout this community, including significantly reducing or eliminating emissions from heavy-duty mobile sources and industrial stationary sources, with strategies aimed at reducing emissions from port, marine vessels, truck, and rail activities associated with the Ports. The CERP focuses on concerted efforts by a range of government bodies, local agencies, the

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[3] Senate Bill 1000, Leyva, S., Chapter 587, Statutes of 2016, amended the California Health and Safety Code, § 65302.

[4] Assembly Bill 617, Garcia, C., Chapter 136, Statutes of 2017, modified the California Health and Safety Code, amending § 40920.6, § 42400, and § 42402, and adding § 39607.1, § 40920.8, § 42411, § 42705.5, and § 44391.2.

[5] Community Emissions Reduction Plan (CER) for Wilmington, West Long Beach, Carson. Accessible at: *https://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/wilmington/cerp/final-cerp-wcwlb.pdf?sfvrsn=fe9dc261_8*

Port of Los Angeles, the Port of Long Beach and the community to reduce these threats, including goals to reduce truck, refinery and railyard emissions throughout the community, and at the Port of Los Angeles and Port of Long Beach terminals.

The DEIR Should Quantify and Discuss the Potential Cancer Risks from Specific Plan Operation

Since the Specific Plan would generate diesel powered heavy-duty truck traffic along roadways adjacent to residential communities, CARB urges the City to prepare a health risk assessment (HRA) for the Specific Plan. The HRA should account for all potential operational health risks from Specific Plan-related diesel PM emission sources, including, but not limited to, back-up generators, on-site diesel-powered equipment, and heavy-duty trucks. The HRA must also account for cancer risk impacts from the operation of trucks and trailers with transportation refrigeration units (TRU) operating within and outside of the Specific Plan area.[6] According to Section 3.3.2 (Permitted Land Uses and Floor Area) of the NOP, the Specific Plan would allow for cold storage uses.[7] The operation of the proposed cold storage uses will result in trucks and trailers with TRUs visiting the Specific Plan area. TRUs can emit large quantities of diesel PM, a toxic air contaminant, while operating. Residences and other sensitive reports located near where these TRUs could be idling and operating would be exposed to diesel PM emissions, potentially resulting in a significant health risk to the nearby community. Although the NOP states that the proposed cold storage facilities will include "electric plug-ins for refrigerated truck units," providing hookups alone does not prevent diesel-powered TRUs from accessing and operating at the site. To fully disclose the Specific Plan's potential air quality impacts, the City must thoroughly evaluate the Specific Plan's potential health risks from the operation of TRUs in the HRA.

To reduce diesel PM exposure and associated cancer risks during the operation of the Specific Plan, CARB urges the City to include all the air pollution reduction measures listed below.

- Require all service equipment used within the Specific Plan site to be zero-emission. This equipment is widely available and can be purchased using incentive funding from CARB's Clean Off-Road Equipment Voucher Incentive Specific Plan (CORE).[8]
- Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering or on the Specific Plan site to be zero-emission. A list of commercially available zero-emission trucks can be obtained from the Hybrid and Zero-emission

[6] TRUs are refrigeration systems powered by integral diesel engines that protect perishable goods during transport in an insulated truck and trailer vans, rail cars, and domestic shipping containers.
[7] City of Los Angeles. Notice of Preparation for the Five Points Union Project. August 2025. Accessible at: https://ceqanet.lci.ca.gov/2025080636/Attachment/ZXGK_V
[8] Clean Off-Road Equipment Voucher Incentive Specific Plan. Accessible at: *https://californiacore.org/how-to-participate/*

Truck and Bus Voucher Incentive Specific Plan (HVIP).[9] Additional incentive funds can be obtained from the Carl Moyer Program and Voucher Incentive Program.[10]

- Include contractual language in tenant lease agreements that restricts diesel-powered trucks and support equipment from idling longer than two minutes while on site.
- Requiring all TRUs accessing the Specific Plan site to be plugin capable.

The HRA prepared in support of the Specific Plan should be based on the latest Office of Environmental Health Hazard Assessment's (OEHHA) guidance (2015 Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments).[11] The Specific Plan's mobile diesel PM emissions used to estimate the Specific Plan's cancer risk impacts should be based on CARB's latest 2025 Emission Factors model (EMFAC2025. Mobile emission factors can be easily obtained by running the EMFAC2025 Web Database: *https://arb.ca.gov/emfac/*

The DEIR Should Quantify and Discuss the Potential Cancer Risks from Specific Plan Construction

In addition to the health risks associated with operational diesel PM emissions, health risks associated with construction diesel PM emissions should be included in the air quality section of the DEIR and the Specific Plan's HRA. Construction of the uses proposed under the Specific Plan would result in short-term diesel PM emissions from the use of both on-road and off-road diesel equipment. The OEHHA guidance recommends assessing cancer risks for construction Specific Plans lasting longer than two months. Since construction would very likely occur over a period lasting longer than two months, the HRA prepared for the Specific Plan should include health risks for existing residences near the Specific Plan site during construction. The HRA should account for all diesel PM emission sources related to Specific Plan construction, including, but not limited to, off-road mobile equipment, diesel generators, and on-road heavy-duty trucks. To reduce diesel PM exposure and associated cancer risks during the construction of the Specific Plan, CARB urges the City to include all the air pollution reduction measures listed below.

- Ensure the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment and providing the necessary infrastructure (e.g., electrical hookups) to support zero-emission and near zero-emission equipment and tools.

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[9] Zero-Emission Truck and Bus Voucher Incentive Specific Plan. Accessible at: *https://californiahvip.org/*
[10] Carl Moyer Program and Voucher Incentive Program. *https://ww2.arb.ca.gov/carl-moyer-program-apply*
[11] Office of Environmental Health Hazard Assessment (OEHHA). Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February 2015. Accessed at: *https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf*.

- Implement, and plan accordingly for, the necessary infrastructure to support the zero-emission and near zero-emission technology vehicles and equipment that will be operating on site. Necessary infrastructure may include the physical (e.g., needed footprint), energy, and fueling infrastructure for construction equipment, on-site vehicles and equipment, locomotives, and medium-heavy and heavy-heavy duty trucks.
- In construction contracts, include language that requires all off-road diesel-powered equipment used during construction, including locomotives serving the Specific Plan, to be equipped with Tier 4 or cleaner engines, except for specialized construction equipment in which Tier 4 engines are not available. In place of Tier 4 engines, off-road equipment can incorporate retrofits, to ensure that emission reductions achieved are equal to or exceed that of a Tier 4 engine.
- In construction contracts, include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) used during Specific Plan construction be battery powered.
- In construction contracts, include language that requires all heavy-duty trucks entering the construction site during the grading and building construction phases be model year 2014 or later. All heavy-duty haul trucks should also meet CARB's lowest optional low-oxides of nitrogen (NOx) standard.[12]
- In construction contracts, include language that requires all construction equipment to comply with all current air quality regulations. CARB is available to assist in implementing this recommendation.

Conclusion

Given the Specific Plan's location within the AB 617-designated WCWLB community, the City has a critical responsibility to ensure its development does not further burden residents with toxic air pollution. To this end, the Specific Plan should serve as a model for modern, zero-emission logistics and commercial development. CARB strongly urges the City and the applicant to incorporate the emission reduction measures provided in this letter.

Given the breadth and scope of Specific Plans subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a Specific Plan, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. CARB's deliberate decision to substantively comment on some

[12] In 2013, CARB adopted optional low-NOx emission standards for on-road heavy-duty engines. CARB encourages engine manufacturers to introduce new technologies to reduce NOx emissions below the current mandatory on-road heavy-duty diesel engine emission standards for model-year 2010 and later. CARB's optional low-NOx emission standard is available at: *https://ww2.arb.ca.gov/our-work/programs/optional-reduced-nox-standards*

issues does not constitute an admission or concession that it substantively agrees with the lead agency's findings and conclusions on any issues on which CARB does not substantively submit comments.

CARB appreciates the opportunity to comment on the NOP for the Specific Plan and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your State Clearinghouse list of selected State agencies that will receive the DEIR as part of the comment period. If you have questions, please contact Alejandro (Alex) Sanchez, Air Pollution Specialist via email at *alex.sanchez@arb.ca.gov*.

Sincerely,



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