

January 27, 2025

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*Sent via email*

Dear David Welch:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the San Diego Clean Fuels Facility LLC Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2024050468. The Project proposes the construction and operation of a new transload facility on the BNSF Railway railroad right of way. The proposed facility would add nine rail spurs and four fixed truck loading spots to transload clean renewable and biofuels (renewable diesel, ethanol, and sustainable aviation fuel) directly from rail cars into trucks. Project trucks would deliver renewable diesel to local retailers within a 35-mile radius, with an average trip distance of 12.3 miles per trip. The Project would result in 144 daily heavy-duty truck trips and 25 passenger automobile trips associated with the onsite workers. The Project's air quality analysis assumes the Project would result in 104 train trips per year. The Project site is located within the City of National City (City), California, which is the lead agency for California Environmental Quality Act purposes.

CARB submitted a comment letter, which is attached to this letter, on the Notice of Preparation (NOP) for the DEIR released in May 2024. CARB's comments dated June 7, 2024, highlighted the need to prepare a health risk assessment (HRA) for the Project and encouraged the City and the applicant to implement all existing and emerging zero-emission technologies to minimize exposure to diesel particulate matter (diesel PM) and oxides of nitrogen (NOx) emissions for all neighboring communities, and to minimize the greenhouse gases that contribute to climate change. Due to the Project's proximity to residences already disproportionately burdened by multiple sources of pollution, CARB's comments on the NOP expressed concerns with the potential health risks associated with the construction and operation of the Project.

CARB is concerned that the Project will expose nearby communities in the Portside Community, which has been designated as a disadvantage community under Assembly Bill 617 (AB 617) (C. Garcia, Chapter 136, Statutes of 2017), to elevated levels of

air pollution beyond the existing baseline emissions at the Project site.<sup>1</sup> As of November 2023, over \$16 million in incentives have been invested in the Portside Community to improve air quality. However, even with this incentive funding, the operation of the Project would expose residences in the Portside Community to air pollutant emissions that could pose a significant health impact. Residences are located north of the Project site, with the closest residence located approximately 380 feet north of the Project site. In addition to residences, Kimball Elementary School, John A. Otis Elementary School, Integrity Charter Elementary School, Central Elementary School, and National City Middle School, are all located within a mile from the Project site. The Portside community is surrounded by existing toxic diesel PM emission sources, which include many industrial uses, Port of San Diego (Port) equipment emissions, rail traffic along BNSF rail lines, and vehicular traffic along Interstate 5. The operation of the Project, in conjunction with the operation of the other industrial development within the City, will expose the nearby communities to elevated levels of air pollution, including diesel PM. Diesel PM is a carcinogen and is linked to cancer and respiratory health effects such as asthma and premature mortality due to heart attacks and cardiopulmonary illnesses.

To better address regional air pollution and global climate change, Governor Gavin Newsom signed Executive Order N-79-20 on September 23, 2020. The Executive Order states: "It shall be a goal of the State that 100% of in-state sales of new passenger cars and trucks will be zero-emission by 2035. It shall be a further goal of the State that 100% of medium and heavy-duty vehicles in the State be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks. It shall be further a goal of the State to transition to 100% zero-emission off-road vehicles and equipment by 2035 where feasible." The Executive Order further directs the development of regulations to help meet these goals. CARB also requires increasing the use of zero-emission trucks, through the Advanced Clean Trucks Regulation. To ensure that lead agencies, like the Project, stay in step with evolving scientific knowledge to protect public health from adverse air quality and greenhouse gas impacts from the transportation sector, which serves as the basis of the Governor's Executive Order N-79-20, CARB staff urges the City to plan for the use of zero-emission technologies within the Project area as recommended in this letter.

## **The DEIR Must Use Heavy-Duty Truck Trip Length Distances Supported by Substantial Evidence When Modeling the Project Air Quality Impacts**

The City may have underestimated the Project's mobile source air pollutant emissions in the DEIR by relying on vehicle trip lengths unsupported by substantial evidence. Section 2.3 (Air

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<sup>1</sup> 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.

Quality) of the DEIR states that the “Project trucks would deliver renewable diesel to local retailers within a 35-mile radius, with an average trip distance of 12.3 miles per trip.”<sup>2</sup> Based on CARB’s review of Appendix B (Air Quality & Greenhouse Gas Emissions Assessment), the City assumed all heavy-duty trucks serving the Project would travel a distance of 12.3 miles per trip. Although the traffic study specifies that heavy-duty trucks would travel a maximum distance of 35 miles, it does not specify or analyze the average trip distance all trucks would make during Project’s operations. To provide decision-makers and the public a better understanding of the Project’s potential impacts on air quality and public health, the City must either provide substantial evidence supporting the average 12.3-mile trip distance for trucks serving the Project, or revise the Project’s air quality impact analysis to conservatively assume a trip length of 35 miles in the Final Environmental Impact Report (FEIR).

## **The Number of Heavy-Duty Truck Trips Presented in the Project’s Description is Inconsistent with the Project Health Risk Analysis**

CARB is concerned about the inconsistencies between the trip rates used to estimate the Project’s health risk impacts and the Project’s traffic study. According to Appendix I (Traffic Study) of the DEIR, the Project would result in 144 daily heavy-duty truck trips.<sup>3</sup> However, in the Project’s health risk analysis presented in Appendix B (Air Quality & Greenhouse Gas Emissions Assessment) of the DEIR, the City assumed that the Project would result in 138 daily heavy-duty truck trips.<sup>4</sup> The daily heavy-duty truck trips used in the Project’s health risk analysis are approximately six fewer than those presented in the Project’s traffic study. CARB is concerned that the City may have underestimated the Project’s operational health risk impacts by not using the trip rates provided in the Project’s traffic study. The City should re-evaluate the Project’s health risk impacts by using heavy-duty daily trip rates consistent with those used in the Project’s traffic study.

## **CARB Urges the City to Include a Mitigation Measure that Ensures the Project Uses the Cleanest Switcher and Line-Haul Locomotives Available**

To reduce the Project’s impact on air quality and public health, CARB urges the City to plan for the use of zero-emission switcher locomotives at the proposed transload facility and to work with BNSF to use zero-emission line-haul locomotives when transporting renewable diesel to the proposed transload facility. As presented in the DEIR, the operation of the Project would result in 104 annual train trips and the operation of switcher locomotives at

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<sup>2</sup> City of National City. San Diego Clean Fuels Facility LLC Project. Page 3.1-13. Accessible at <https://ceqanet.opr.ca.gov/2024050468/2/Attachment/xKQpvB>

<sup>3</sup> City of National City. San Diego Clean Fuels Facility LLC Project. Appendix I. Page 8. Table 4.1. Accessible at <https://ceqanet.opr.ca.gov/2024050468/2/Attachment/ZPN5Uw>

<sup>4</sup> City of National City. San Diego Clean Fuels Facility LLC Project. Appendix B. Table B-2. Accessible at <https://ceqanet.opr.ca.gov/2024050468/2/Attachment/SKmTiR>

the proposed transload facility.<sup>5</sup> The air quality analysis prepared for the Project shows the operation of switchers and line-haul locomotives constitutes a large percentage of the air pollutant emissions generated by the Project. Since the City concluded air pollutant emissions generated during the operation of switchers and line-haul locomotives would not exceed the San Diego County Air Pollution Control District's significance thresholds, the City did not include mitigation measures or project design features in the DEIR that would reduce locomotive emissions at the proposed transload facility. To reduce the Project's air quality and public health impacts, CARB urges the City to include either a project design feature or mitigation measure that requires all locomotives serving the Project to be Tier 4 or cleaner at the start of Project operations and to prepare for zero-emission locomotive technology by installing on-site charging/fueling infrastructure.

To understand the environmental impacts associated with the operation of trains traveling near California communities, CARB staff conducted an analysis comparing the environmental impact of trucks and trains in the freight transportation sector.<sup>6</sup> Based on the analysis, CARB staff found that by 2030, one train could emit as much as four times the PM<sub>2.5</sub> emissions of trucks, due to CARB regulations such as the Advanced Clean Truck Regulation, which aims to accelerate the adoption of zero-emission trucks. Although trains have previously had lower GHG emissions when compared with trucks, CARB's Truck vs. Train Emissions Analysis found that trucks would emit less GHG as more trucks operate with zero emissions in California under CARB regulations.<sup>7</sup> Without the use of zero-emission locomotive technologies, locomotives will continue to be a dirtier mode of transportation than trucks.

Based on emerging technologies in batteries and hydrogen fuel cells, zero-emission locomotive operation could be used to meet the needs of the Project. Battery electric switch locomotives are currently commercially available. CARB estimates that zero-emission technology will be commercially available by 2035 for freight line haul locomotives.<sup>8</sup> CARB has sponsored and continues to sponsor demonstration projects to accelerate the adoption of clean freight technologies and to reduce air pollution caused by the movement of freight throughout the State. CARB's Zero and Near Zero-emission Freight Facilities Program

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<sup>5</sup> City of National City. San Diego Clean Fuels Facility LLC Project. Appendix B. Table A-1. Accessible at [SKmTiR\\_WtXrxIBbsRcK6i6rFPeMc5NNxjsh0keyUfmbH7526HultbnR5BdBR1nNiFG\\_e\\_KPFvDWTvIvpX0](https://www2.arb.ca.gov/resources/fact-sheets/truck-vs-train-emissions-analysis)

<sup>6</sup> CARB. Truck vs. Train Emissions Analysis. September 23, 2020. Accessible at: <https://ww2.arb.ca.gov/resources/fact-sheets/truck-vs-train-emissions-analysis>

<sup>7</sup> CARB. Truck vs. Train Emissions Analysis FAQ. November 12, 2021. Accessible at: <https://ww2.arb.ca.gov/resources/fact-sheets/truck-vs-train-emissions-analysis-faq>

<sup>8</sup> CARB. Public Hearing to consider the Proposed In-Use Locomotive Regulation Staff Report: Initial Statement of Reasons. Appendix F. Page 52, 57. Accessible at: <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2022/locomotive22/appf.pdf>

successfully demonstrated batteries in freight locomotives.<sup>9</sup> With advanced planning and rapid development of battery technology, the Project could be served with zero-emission locomotives. To facilitate zero-emission locomotive operation, CARB urges the City to work with BNSF to electrify key parts or even the entire rail line serving the proposed transload facility.

## The City Should Facilitate the Use of Zero-Emission Technology in Heavy-Duty Trucks Serving the Project

Heavy-duty trucks transporting renewable diesel fuel from the proposed transload facility to local retailers would create diesel PM and other air pollutants, further exposing residences and other sensitive uses (e.g., schools, daycares, and senior living facilities) already heavily impacted by air pollution. As presented in the DEIR, the Project would add 144 daily heavy-duty trucks along local roadways. To reduce the Project's potential air quality and public health impacts, CARB urges the City to include either project design features or a mitigation measure that facilitates the transition to all zero-emission heavy-duty trucks, including installing on-site infrastructure to support zero-emission trucks at the proposed transload facility.

While CARB has implemented or is developing regulations that will eventually require the use of zero-emission trucks, the Project must plan for this transition, and the FEIR should explain how the Project will achieve this transition. The Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP) is a part of California Climate Investments incentivizing the purchase of zero-emission trucks. A list of commercially-available zero-emission trucks can be obtained from the HVIP.<sup>10</sup> Based on CARB's review of the zero-emission trucks listed in the HVIP, there are commercially available electric trucks that can meet the cargo transportation needs proposed in the Project.

Here are details regarding some of the CARB regulations that are reducing Diesel PM and NOx emissions from trucks within California:

- **Heavy-Duty Low-NOx Omnibus Rule:** The Heavy-Duty Low-NOx Omnibus Rule requires truck emission standards to be reduced from 0.20 to 0.05 grams per brake horsepower-hour (g/bhp-hr) from 2024 to 2026, and to 0.02 g/bhp-hr in 2027.
- **Advanced Clean Trucks Regulation:** The Advanced Clean Trucks Regulation, approved by CARB on June 25, 2020, requires manufacturers to start manufacturing zero-emission trucks and vans beginning in 2024. The rule is expected to result in

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<sup>9</sup> California Air Resources Board (CARB), 2020. CARB's Zero and Near Zero-emission Freight Facility Program. Accessible at <https://ww2.arb.ca.gov/news/carb-announces-more-200-million-new-funding-clean-freight-transportation#:~:text=The%20goal%20of%20CARB's%20Zero,commercialization%20of%20these%20technologies%20statewide>

<sup>10</sup> Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: <https://californiahvip.org/>

about 100,000 zero-emission trucks in California by the end of 2030 and about 300,000 by 2035. The Advanced Clean Trucks regulation is part of CARB's overall approach to accelerate use of zero-emission medium-and heavy-duty vehicles. CARB approved amendments to the Advanced Clean Trucks regulation in March 2021; the amendments help ensure that more zero-emission vehicles are brought to market. CARB directed staff to ensure that fleets, businesses, and public entities that own or direct the operation of medium- and heavy-duty vehicles in California purchase and operate ZEVs in anticipation of fully ZEV fleets by 2045 everywhere feasible, and specifically to reach:

- 100% zero-emission drayage trucks, last mile delivery, and government fleets by 2035
- 100% zero-emission refuse trucks and local buses by 2040
- 100% zero-emission capable utility fleets by 2040

With the implementation of the above regulations, the City would, over time, be required to phase out the use of diesel trucks. To protect the air quality of the communities located at the proposed transload facility and along truck routes, CARB urges the City to include all feasible project design features and/or mitigation measures in the FEIR that would facilitate the transition to exclusively zero-emission trucks.

## **Conclusion**

Although the Project would promote the use of renewable diesel fuels that would help support California's greenhouse gas reduction goals, CARB is concerned that emissions from diesel-powered heavy-duty trucks and locomotives serving the Project would negatively impact the air quality in the surrounding Portside community. As previously discussed in this letter, the Portside community is already heavily impacted by air pollution from the existing operations at the Port, nearby industrial facilities, and roadways. To reduce the harmful impacts of diesel pollution, the City should incorporate the cleanest available switchers, line-haul locomotives, and trucks within the proposed transload facility.

Given the breadth and scope of projects 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 project, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. Please note that CARB's deliberate decision to substantively comment on some 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 staff can provide assistance with zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your list of selected State agencies that will receive the FEIR. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist via email at [stanley.armstrong@arb.ca.gov](mailto:stanley.armstrong@arb.ca.gov).

Sincerely,



Matthew O'Donnell, Chief, Risk Reduction Branch

Attachment

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Morgan Capilla, NEPA Reviewer, U.S. Environmental Protection Agency, Air Division, Region 9  
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Stanley Armstrong, Air Pollution Specialist, Risk Reduction Branch

June 7, 2024

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Dear David Welch:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Notice of Preparation (NOP) for the San Diego Clean Fuels Facility, LLC Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2024050468. The Project proposes the construction and operation of a new transload facility on the BNSF Railway railroad right of way. The proposed facility would result in the reconfiguration of one existing rail spur and addition of truck loading spots to transload clean renewable and biofuels (renewable diesel, ethanol, and potentially sustainable aviation fuels at a later date) directly from rail cars into trucks to be distributed to local retailers. The Project site is located within the City of National City (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

The Project, once operational, has the potential to help achieve the goals established in the Governor Gavin Newsom signed Executive Order N-79-20 and the 2022 Scoping Plan for Achieving Carbon Neutrality, and help California attain federal national ambient air quality standards in the State's Implementation Plans.<sup>1,2,3</sup> Although the transport of sustainable fuels, as proposed under the Project, would help reduce air pollutant and greenhouse gas emissions in California, CARB is concerned about the potential for the Project to increase heavy-duty truck and locomotive trips in the nearby Portside Environmental Justice Neighborhoods Community (Portside Community) resulting in an increase in localized health impacts.

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<sup>1</sup> Executive Department State of California. Executive Order N-79-20. September 23, 2020. Accessible at <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf>

<sup>2</sup> CARB. Final 2022 Scoping Plan for Achieving Carbon Neutrality. December 2022. Accessible at <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents#:~:text=The%202022%20Scoping%20Plan%20for,directed%20by%20Assembly%20Bill%201279>

<sup>3</sup> CARB. 2022 State Strategy for the State Implementation Plan. Adopted September 2022. Accessible at <https://ww2.arb.ca.gov/resources/documents/2022-state-strategy-state-implementation-plan-2022-state-sip-strategy>



## **The Project Will Increase Exposure to Air Pollution for Residences Located Within the Portside Environmental Justice Neighborhoods Community**

In 2018, the Portside Community was nominated by the San Diego County Air Pollution Control District (SDCAPCD) and selected by CARB as a monitoring community and in 2019, the Portside Community was selected for development of a community emissions reduction program. The Project will further expose residents of the Portside Community to elevated levels of air pollution. The Portside Community includes the neighborhoods of Barrio Logan, Logan Heights, and Sherman Heights in the City of San Diego, and West National City within National City. The Portside Community is about eight square miles with a population of approximately 53,000 who are already exposed to the highest levels of air pollution in California. The sources of air pollution within the Portside Community include the freight operations at the Port of San Diego, local industrial sources such as metal recyclers, welding shops, and auto body repair and paint shops, rail traffic along local rail lines, vehicle traffic along Interstate 5 (I-5) and State Route 15 (SR-15) and Port truck traffic through residential areas. Sensitive receptors in the community include 24 schools, 16 licensed daycare facilities, and 2 hospitals.<sup>4,5,6</sup> The community experiences some of the highest rates of asthma, poverty, and unemployment in the region.

To protect the residences living near the Project, it should be the City's goal to implement all feasible mitigation measures into the Project's final design to protect the air quality in the Portside Community. The following three pieces of legislation need to be seriously considered when developing a project like this near a disadvantaged community:

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

Senate Bill 535 (De León, Chapter 830, 2012)<sup>7</sup> 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) is charged with the duty to 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)).

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<sup>4</sup> California Department of Education. Accessible at: <https://www.cde.ca.gov/ds/>

<sup>5</sup> California Department of Public Health. GIS Open Data. Accessible at: [https://data-cdphdata.opendata.arcgis.com/](https://data.cdphdata.opendata.arcgis.com/)

<sup>6</sup> California Air Resources Board. Updated and Statewide Expansion of the Environmental Justice Screening Method. Accessible at: <https://ww2.arb.ca.gov/sites/default/files/classic/research/apr/past/11-336.pdf>

<sup>7</sup> Senate Bill 535, De León, K., Chapter 800, Statutes of 2012, modified the California Health and Safety Code, adding § 39711, § 39713, § 39715, § 39721 and § 39723.

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).<sup>8</sup> The Project is located with the boundary of the Portside Community. Many residences within the Portside 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 mitigation, including utilization of zero-emission technologies, to limit the Project's air quality and public health impact on neighboring disadvantaged communities.

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

Senate Bill (SB) 1000 (Leyva, Chapter 587, Statutes of 2016).<sup>9</sup> 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 Portside 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 Assembly Bill (AB) 617 (Garcia, Chapter 136, Statutes of 2017).<sup>10</sup> 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

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<sup>8</sup> "CalEnviroScreen 4.0." Oehha.ca.gov, California Office of Environmental Health Hazard Assessment, June 2018, <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

<sup>9</sup> Senate Bill 1000, Leyva, S., Chapter 587, Statutes of 2016, amended the California Health and Safety Code, § 65302.

<sup>10</sup> 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.

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 Portside Community CERP in July 2021, 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 Port of San Diego, and the community to reduce these threats, including goals to reduce truck emissions throughout the community and at the Port of San Diego terminals years ahead of CARB regulations. However, the proposed Project would result in an increase in diesel powered heavy-duty trucks and locomotive trips within the Portside Community, in a stark departure from the CERP.

## **The DEIR Should Quantify and Discuss the Potential Cancer Risks from Project Operation**

Since the Project would generate diesel powered heavy-duty truck and locomotive traffic along roadways and railways adjacent to residential communities, CARB urges the City to prepare a health risk assessment (HRA) for the Project. The HRA should account for all potential operational health risks from Project-related diesel particulate matter (diesel PM) emission sources, including, but not limited to, back-up generators, on-site diesel-powered equipment, heavy-duty trucks, and locomotives. The HRA should also determine if the operation of the Project in conjunction with past, present, and reasonably foreseeable future projects or activities would result in a cumulative cancer risk impact on nearby residences. To reduce diesel PM exposure and associated cancer risks during the operation of the Project, CARB urges the City to include all the air pollution reduction measures listed below.

- Require all service equipment used within the Project 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 Project (CORE).<sup>11</sup>
- Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering or on the Project site to be zero-emission. A list of commercially available zero-emission trucks can be obtained from the Hybrid and Zero-emission

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<sup>11</sup> Clean Off-Road Equipment Voucher Incentive Project. Accessible at: <https://californiacore.org/how-to-participate/>

Truck and Bus Voucher Incentive Project (HVIP).<sup>12</sup> Additional incentive funds can be obtained from the Carl Moyer Program and Voucher Incentive Program.<sup>13</sup>

- Restricting diesel-powered trucks and support equipment from idling longer than two minutes while on site.

The HRA prepared in support of the Project 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).<sup>14</sup> The Project's mobile PM emissions used to estimate the Project's cancer risk impacts should be based on CARB's latest 2021 Emission Factors model (EMFAC2021). Mobile emission factors can be easily obtained by running the EMFAC2021 Web Database: <https://arb.ca.gov/emfac/>.

## **The DEIR Should Quantify and Discuss the Potential Cancer Risks from Project 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 Project's HRA. Construction of the Project 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 projects lasting longer than two months. Since construction would very likely occur over a period lasting longer than two months, the HRA prepared for the Project should include health risks for existing residences near the Project-site during construction. The HRA should account for all diesel PM emission sources related to Project 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 Project, 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.
- 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

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<sup>12</sup> Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: <https://californiahvip.org/>

<sup>13</sup> Carl Moyer Program and Voucher Incentive Program. <https://ww2.arb.ca.gov/carl-moyer-program-apply>

<sup>14</sup> 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/cnr/2015guidancemanual.pdf>.

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 project, 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 project 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.<sup>15</sup>
- In construction contracts, include language that requires all construction equipment to be in compliance with all current air quality regulations. CARB is available to assist in implementing this recommendation.

## Conclusion

To reduce the exposure of toxic diesel PM emissions in disadvantaged communities already impacted by air pollution, the final design of the Project should include all existing and emerging zero-emission technologies to minimize diesel PM and NOx emissions, as well as the greenhouse gases that contribute to climate change. CARB encourages the City and applicant to implement the emission reduction measures provided in this letter.

Given the breadth and scope of projects 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 project, 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 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.

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<sup>15</sup> 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>

CARB appreciates the opportunity to comment on the NOP for the Project 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 Stanley Armstrong, Air Pollution Specialist via email at [stanley.armstrong@arb.ca.gov](mailto:stanley.armstrong@arb.ca.gov).

Sincerely,



Matthew O'Donnell, Branch Chief, Risk Reduction Branch

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