



# South Coast Air Quality Management District

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SENT VIA E-MAIL:

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Board Chambers, 1<sup>st</sup> floor  
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**Notice of Intent to Adopt a Mitigated Negative Declaration for the  
Plot Plan No. 220026 - Patterson and Harvill Business Center Project  
(Proposed Project)  
(SCH No.: 2024101276)**

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

South Coast AQMD Staff's Summary of Project Information in the MND

Based on the MND, the Proposed Project consists of constructing a 100,924 square feet warehouse logistics building comprised of 93,924 square feet of warehouse and 7,000 square feet of office space on 4.56 acres.<sup>1</sup> The project would include 11 dock doors along the south side of the building. Based on a review of aerial photographs, South Coast AQMD staff found that the nearest sensitive receptor (e.g., residential development) is located 265 feet west of the project site.<sup>2</sup> Construction of the Proposed Project is anticipated to occur in May 2023 and would last through April 2024. The Proposed Project is located north of Rider Street, east of Patterson Avenue, south of Cajalco Road, and west of Harvill Avenue.<sup>3</sup>

South Coast AQMD Staff's Comments

*Assessment of TRU Idling Durations and Potential Health Impacts at the Proposed Project Site*

Based on South Coast AQMD reviews of the provided Emissions and HRA calculations file, the duration for on-site TRU truck idling in the Proposed Project site is 15 minutes. According to the CARB's Proposed Amendments to the Airborne Toxic Control Measure for In-Use Diesel-Fueled TRUs, a TRU-equipped vehicle enters the facility fully loaded (inbound) and exits the facility fully loaded (outbound), with each loading and unloading process taking 2 hours—

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<sup>1</sup> MND. Page 2.

<sup>2</sup> *Ibid.* Page 32.

<sup>3</sup> *Ibid.* Page 2.

totaling 4 hours. Given this, the loading and unloading of the goods during a single visit can result in up to 4 hours of idling on-site. By assuming a 15-minute TRU idling duration, the Lead Agency may have underestimated the potential exposure of nearby residents to diesel exhaust emissions, which could pose a significant cancer risk to the community. Therefore, South Coast AQMD staff recommend that the lead agency either include a project design feature in the Final MND to limit TRU idling within the Project site to less than 15 minutes or revise the Project's HRA to reflect a TRU idling duration supported by substantial evidence.

*Rule 2305: Warehouse Indirect Source Rule - Warehouse Actions and Investments To Reduce Emissions (WAIRE) Program*

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rules 2305 and 316 are new rules that will reduce regional and local emissions of nitrogen oxides (NOx) and particulate matter (PM), including diesel PM. These emission reductions will reduce public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt in to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of a 643,419 square foot warehouse, the Proposed Project's warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation<sup>4</sup>. South Coast AQMD staff is available to answer questions concerning Rule 2305 implementation and compliance by phone or email at (909) 396-3140 or [waire-program@aqmd.gov](mailto:waire-program@aqmd.gov). For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage.<sup>5</sup>

*South Coast AQMD Air Permits and Role as a Responsible Agency*

If implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, etc., air permits from South Coast AQMD will be required. The final CEQA document, whether a MND

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<sup>4</sup> South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf>.

<sup>5</sup> South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

or EIR, should include a discussion about the potentially applicable rules that the Proposed Project needs to comply with. Those rules may include, for example, Rule 201 – Permit to Construct,<sup>6</sup> Rule 203 – Permit to Operate,<sup>7</sup> Rule 401 – Visible Emissions,<sup>8</sup> Rule 402 – Nuisance,<sup>9</sup> Rule 403 – Fugitive Dust,<sup>10</sup> Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines,<sup>11</sup> Rule 1113 – Architectural Coating,<sup>12</sup> Rule 1166 – VOC Contaminated Soil Excavation,<sup>13</sup> Rule 1179 – Publicly Owned Treatment Works Operation,<sup>14</sup> Regulation XIII – New Source Review,<sup>15</sup> Rule 1401 – Air Toxics,<sup>16</sup> Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants,<sup>17</sup> Rule 1470 – Requirements for Stationary Diesel Fueled Internal Combustion and Other Compression Ignition Engines,<sup>18</sup> etc. It is important to note that when air permits from South Coast AQMD are required, the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections 15086, the Lead Agency is required to consult with South Coast AQMD.

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

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<sup>6</sup> South Coast AQMD. Rule 201 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>

<sup>7</sup> South Coast AQMD. Rule 203 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>

<sup>8</sup> South Coast AQMD. Rule 401 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-401.pdf>

<sup>9</sup> South Coast AQMD. Rule 402 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>

<sup>10</sup> South Coast AQMD. Rule 403 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403>

<sup>11</sup> South Coast AQMD. Rule 1110.2 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1110.2.pdf>

<sup>12</sup> South Coast AQMD. Rule 1113 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf>

<sup>13</sup> South Coast AQMD. Rule 1166 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>

<sup>14</sup> South Coast AQMD. Rule 1179 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1179.pdf>

<sup>15</sup> South Coast AQMD. Regulation XIII available at <https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/regulation-xiii>

<sup>16</sup> South Coast AQMD. Rule 1401 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf>

<sup>17</sup> South Coast AQMD. Rule 1466 available <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>

<sup>18</sup> South Coast AQMD. Rule 1470 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>

AQMD is concerned that the project description and analysis in its current form in the MND is inadequate to be relied upon for this purpose.

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

### Conclusion

The Lead Agency is recommended to revise the CEQA analysis to address the aforementioned comments and provide the necessary evidence to sufficiently support the conclusions reached. If the requested information and analysis are not included in the final CEQA document, either the Final MND or other type of CEQA document, the Lead Agency should provide reasons for not doing so. Pursuant to California Public Resources Code Section 21092.5(b) and CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process and notify each public agency when any public hearings are scheduled. Please provide South Coast AQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided. In addition, if the Lead Agency decides to adopt the Final MND, please provide South Coast AQMD with a notice of any scheduled public hearing(s).

Thank you for the opportunity to provide comments. South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Sahar Ghadimi, Air Quality Specialist, at [sghadimi@aqmd.gov](mailto:sghadimi@aqmd.gov) should you have any questions.

Sincerely,

*Sam Wang*

Sam Wang

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Planning, Rule Development & Implementation

SW:SG

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